

Summary of Final Hearing – Variances

Note: Items 5 and 8-12

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this **14th** day of **December, 2018**, that the Petition for Special Exception for a Class 8 Brewery including accessory retail and wholesale distribution of beer produced on the premises and temporary promotional events, such as beer tasting or public gatherings associated with the brewery, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance: (1) to permit a parking area to be surfaced with stone in lieu of the required durable and dustless surfaces; and (2) to permit a parking area not to be striped in lieu of the striping requirement, be and is hereby GRANTED. The relief granted herein shall be subject to and conditioned upon the following:

- I. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner must provide a vegetative buffer or fence (as determined in the sole discretion of the Baltimore County Landscape Architect) to screen views of the barn/parking area from homes on Kali Court.
3. Petitioner must comply with the ZAC comment submitted by DEPS, a copy of which is attached and incorporated herein.
4. The brewery shall be permitted to produce, sell or distribute no more than 5,000 barrels of beer per year.
- 5.** The hours of operation shall be restricted to Thursday-Sunday from 12 noon to 8:00 p.m., although certain special events (discussed below) may be held Thursday-Sunday from 12 noon to 10:00 p.m.
6. Petitioner may hold no more than eight (8) temporary promotional events or gatherings associated with the brewery per year.
7. After the proposed brewery has been in operation for one year, the restrictions contained hereinabove at paragraphs 4, 5 & 6 are subject to modification following a public hearing, upon a showing of good cause.
- 8.** The brewery shall not host any weddings or other catered receptions/parties other than a private event for a member of the family of the owners of Fulks Farm, LLC.
- 9.** No liquid remnants or byproducts of the brewing process may be discharged onto the subject property. These liquids must be stored in a holding tank and pumped for removal by an authorized hauling contractor.
- 10.** The brewery shall not have live or amplified music outside the 45'x96' existing barn shown on the site plan admitted as Petitioner's Ex. 4.
- 11.** Other than for special events as permitted herein, Petitioner shall not have portapotties on the subject property.
- 12.** Other than for special events as permitted herein (which may take place anywhere on the farm subject to any environmental restrictions imposed by DEPS), the approved special exception area shall include the existing stone driveway, parking area, and the 45'x96' barn along with an outdoor area adjacent thereto not to exceed one (1) acre in size. No part of the special exception area may extend to the north of the existing barn.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.