

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2022-19
APPLICATION OF BRASSBREW LLC :

DECISION

I. FINDINGS OF FACT

1. Applicant is Brassbrew LLC, 1679 Lincoln Highway East, Lancaster, Pennsylvania 17603 ("Applicant").
2. The property which is the subject of the instant application is 1679 Lincoln Highway East, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").
3. The Property is located within the Mixed Use District as shown on the Official Zoning Map of East Lampeter Township.
4. Applicant is the lessee of the Property.
5. The owner of the Property is Lincoln1679, LLC.
6. Notice of the hearing on the within application was duly advertised and posted in accordance with the provisions of the

Pennsylvania Municipalities Planning Code ("MPC") and The East Lampeter Zoning Ordinance of 2016 (the "Zoning Ordinance").

7. A public hearing was held before the Zoning Hearing Board of East Lampeter Township ("Board") on this application on December 8, 2022.

8. Testimony at the hearing was stenographically recorded.

9. Applicant was represented at the hearing by Aaron K. Zeamer, Esquire.

10. Pete Keares appeared at the hearing and testified on behalf of Applicant.

11. Applicant has requested a variance from the terms of Section 15020 of the Zoning Ordinance which sets forth those uses permitted in the Mixed Use District.

12. The Property is currently improved with a building used as and for a restaurant and bar.

13. Applicant desires to install and operate a micro-distillery as an accessory use to the restaurant and bar.

14. Applicant will install the micro-distillery equipment in an unused former outdoor kitchen structure on the Property (the structure is located to the rear of the restaurant building).

15. The building to be used for the distillery is approximately 10 feet by 18 feet.

16. The still will be a 50 gallon still and Applicant will focus on producing gin.

17. Sales of Applicant's gin will be limited to the restaurant. There will be no distribution.

18. No persons appeared in opposition to the Application.

II. CONCLUSIONS OF LAW

1. Section 15020 of the Zoning Ordinance sets forth those uses permitted within the Mixed Use District.

2. Applicant requires a variance from the terms of Section 15020 of the Zoning Ordinance in order to operate the micro-distillery.

3. An applicant for a variance bears the burden of proving that unnecessary hardship will result if the variance is not granted and that the grant of the proposed variance will not be contrary to the public interest. Valley View Civic Association v. Zoning Board of Adjustment, 501 Pa. 550, 462 A.2d 637 (1983); Zaruta v. Zoning Hearing Board of the City of Wilkes-Barre, 117 Pa. Commonwealth Ct. 526, 543 A.2d 1282 (1988); Pennsylvania Municipalities Planning Code ("MPC") §910.2.

4. Applicant has presented evidence sufficient to establish that unnecessary hardship will result if the variance is not granted, that the grant of the proposed variance will not be contrary to the public interest, and that the variance requested is the minimum that will afford relief and will represent the least modification of the ordinance.

5. Conditions must be attached to protect and preserve the surrounding neighborhood.

III. DECISION

Based upon the foregoing findings of fact and conclusions of law, the Zoning Hearing Board of the Township of East Lampeter hereby grants the application of Brassbrew LLC for a variance from the terms of Section 15020 of the Zoning Ordinance in order that operate a micro-distillery in conjunction with its restaurant business being operated on the Property. The approval granted herein shall be subject to the following conditions and safeguards which the Board deems necessary to implement the purposes of the Zoning Ordinance and the MPC:

1. Applicant shall obtain all approvals and permits required by applicable federal, state and Township laws and regulations.

2. Applicant shall at all times comply with and adhere to the information and representations submitted with and contained in its

application and the evidence presented to the Board at the hearing held on December 8, 2022.

3. Any violation of the conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Pennsylvania Municipalities Planning Code.

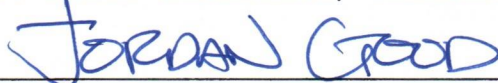
4. The approval granted by this Decision shall expire in accordance with the terms of Section 25060 of the Zoning Ordinance.

5. The foregoing Decision shall be binding upon the Applicant and its successors and assigns.

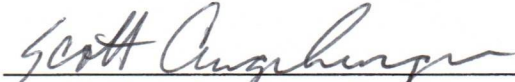
ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER



J. Scott Enterline, Chairman



Jordan Good, Vice-Chairman



Scott Augsburg, Secretary

Dated and filed December 21, 2022, after hearing held on December 8, 2022.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to December 27, 2022.

