



COMMONWEALTH of VIRGINIA

Department of Alcoholic Beverage Control

COMMISSIONERS

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CHIEF OPERATING OFFICER/SECRETARY TO THE BOARD
TRAVIS G. HILL

NOTICE OF INITIAL DECISION AND RIGHT OF APPEAL

IN THE MATTER OF VENTURE CAPITAL BREWING COMPANY, LLC
 VENTURE CAPITAL BREWING CO.
 8401 HOLLIS LANE
 VIENNA, VIRGINIA 22182-5162

APPLICATION FOR BREWERY (500 BARRELS OR LESS ANNUALLY)

INCIDENT NO. 201702280101

Enclosed is the decision on the above license application.

Interested parties are entitled to an appeal hearing before the Board at its central office in Richmond. If such a hearing is desired, the Board must be notified in writing within thirty days after the date of the mailing of this notice. All interested parties will be notified of the date and time of the appeal hearing.

The decision has been filed with the Board for its review. If the Board proposes to modify the decision, Special Notice of the proposal, with similar notice of right of appeal, will be sent to the interested parties by the appeal deadline.

In the absence of an appeal, your new license, if issued, will become effective when it (along with the Board Order) is delivered by the special agent.

Very truly yours,

A handwritten signature in cursive script that reads "Clara A. Williamson".

Clara A. Williamson
Administrative Hearing Officer

Venture Capital Brewing Company, LLC
Laura Gori, Esq.
Elizabeth Parker
Enforcement
File

Mailing Date: 07/14/2017
Appeal Deadline: 08/14/2017

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VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD

RICHMOND

IN THE MATTER OF VENTURE CAPITAL BREWING COMPANY, LLC
VENTURE CAPITAL BREWING CO.
8401 HOLLIS LANE
VIENNA, VIRGINIA 22182-5162

APPLICATION FOR BREWERY (500 BARRELS OR LESS ANNUALLY)

INCIDENT NO. 201702280101

HEARING HELD At Alexandria, Virginia
April 25, 2017

ADMINISTRATIVE HEARING OFFICER CLARA A. WILLIAMSON

APPEARANCES FOR THE BOARD:

Katie Kelly, Senior Special Agent

FOR THE OBJECTORS:

Laura Gori, Esq. Senior Assistant County
Attorney for Fairfax County
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064

Leslie Johnson, Zoning Administrator for
Fairfax County

Elizabeth Parker, President
Bailiwick Homeowners Association
2254 Teel Drive
Vienna, Virginia 22182

William Loggins, Secretary, Bailiwick
Homeowners Association

Carol Klingler, Resident

Sanjay Seth, Resident

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FOR THE APPLICANT:

Stephen Self, Sole and Managing Member

Cite As:

*IN RE: Venture Capital Brewing Company, LLC, APP #090888
(07/14/2017)*

Reported by Melissa H. Custis, RPR

O B J E C T I O N S

(Brewery - 500 Barrels or Less Annually)

Incident No. 201702280101

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1. There exists an ordinance or regulation of the County of Fairfax which warrants refusal by the Board to issue the license. REF: Section 4.1-222 A.4. of the Code of Virginia.

2. The place to be occupied by the applicant is so located with respect to a residential area that the operation of such place under the license will adversely affect real property values or substantially interfere with the usual quietude and tranquility of such residential area. REF: Section 4.1-222 A.2.d. of the Code of Virginia.

1 **I. BACKGROUND:**

2 **A. Preliminary Matters**

3 1. The hearing in this matter was convened in order to
4 consider the Objections set forth in the Notice of Informal
5 Conference/Hearing Before Hearing Officer, involving an
6 application filed by Venture Capital Brewing Company, LLC, t/a
7 Venture Capital Brewing Co. (the "Applicant"), for a Brewery
8 (500 Barrels or Less Annually) License and Keg Permit, Incident
9 No. 201702280101, located in Vienna, Virginia.

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11 2. An Informal Conference was held prior to the hearing,
12 during which all parties and objectors were present. It was
13 ascertained that the Bureau of Law Enforcement ("Enforcement")
14 was neutral regarding the granting of the license. Following
15 commencement of the hearing, the application file was made part
16 of the record.

17 **B. Summary of Background Facts**

18 3. On August 31, 2016, a Brewery (500 barrels or less) and
19 Keg Permit application was received from Mr. Stephen Self, sole
20 and managing member of the Applicant LLC, located at 8401 Hollis
21 Lane, Vienna, Virginia, which is also the primary residence of
22 Mr. Self. During the investigation of the application, it was
23 learned that Mr. Self intends to set up his brewery in the
24 garage of his residence, which is shared with and owned by Ms.
25 Joana Gribko, a friend, and his daughter. This property is

1 located in the Bailiwick residential area and is zoned to the
2 PDH-4 District (Planned Development Housing District, four
3 dwelling unit/acre) and is developed with a single-family
4 dwelling with a lot area of 5,581 square feet. Mr. Self agreed,
5 during the investigation, that he would not brew beer at that
6 location but rather would contract brew with another licensed
7 brewery to raise capital for another location to later be
8 determined. In order for a brewery license to be issued, the
9 Applicant must have beer-making equipment on site and have the
10 ability to brew beer. The garage area was unavailable for Agent
11 Kelly's inspection when she visited the property during the
12 investigation.
13

14 4. On January 10, 2017, a meeting occurred between Ms.
15 Leslie Johnson, Zoning Administrator for Fairfax County; Mr.
16 Self and others to discuss his application for a brewery license
17 and desire to have a Home Occupation Permit issued for operation
18 of his brewery. Following the meeting, a follow-up letter dated
19 January 12, 2017, was forwarded by him to Ms. Johnson, in which
20 he outlined specific limitations he would be willing to place on
21 the operation of his brewery from his residence. These
22 limitations included, *inter alia*, that there would be no
23 customers or clients at this property; the property would not be
24 open to the public; no tractor-trailers or large trucks would be
25 used; no employees would enter the premises; use by Venture

1 Capital Brewing Company would be subordinate to the principal
2 use of the lot as a dwelling; no stock-in-trade would be stored,
3 displayed or sold on the premises; no exterior signage would be
4 present; and no industrial or electrical equipment would be in
5 use (see Exhibit 2). By letter dated February 3, 2017, Ms.
6 Johnson denied the Home Occupancy Permit, stating:

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8 While a brewery is not specifically listed as either a
9 permitted or prohibited home occupation, it is my
10 determination that a licensed brewery that can produce and
11 sell up to 500 barrels on an annual basis and hold up to 4
12 tasting events in association with that license is a
13 commercial enterprise that has characteristics most similar
14 to those uses that are specifically prohibited as a home
15 occupation, such as an eating establishment (see Exhibit
16 7).

17
18 **C. Position of Objectors**

19 5. With regard to Objection 1, Ms. Leslie Johnson
20 forwarded a letter to Agent Kelly dated February 2, 2017, and
21 addressed to the members of the ABC Board setting forth her
22 objection to the application for a brewery license and keg
23 permit submitted by Mr. Self. She stated that the subject
24 property is zoned to the PDH-4 District and is developed with a
25 single-family dwelling with a lot area of 5,581 square feet.
She asserted that under the Fairfax County Zoning Ordinance, a
brewery establishment is deemed to be a food and beverage
manufacturing production and processing establishment which is
permitted only in certain industrial zoning districts and not
within a single-family dwelling. Therefore, the ABC Board is

1 not authorized to issue this license because the operation of a
2 brewery on the subject property will potentially violate a
3 Fairfax County Zoning Ordinance, Sections 6-102, 6-103, and 2-
4 302(5) (see Exhibits 4 and 6). She cited the provisions of Code
5 Section 4.1-222 A.4., providing that the Board may refuse to
6 grant any license if "there exists any law, ordinance, or
7 regulation of ... the Commonwealth or any political subdivision
8 thereof, which warrants refusal by the Board to grant any
9 license."¹

10
11 6. Ms. Johnson further stated in her letter dated February
12 2, 2017, that the Zoning Ordinance did not regulate breweries as
13 a distinct use; instead, they are classified as a food and
14 beverage manufacturing production and processing establishment
15 which is only permitted in certain industrial zoning districts.
16 She noted that a pending Zoning Ordinance amendment proposed to
17 create a new Craft Beverage Production Establishment use. This
18 type of establishment is defined as "a facility licensed in
19 accordance with Title 4.1 of the Code of Virginia, as amended,
20 in which beverages are brewed, fermented, or distilled in
21 quantities not to exceed 20,000 barrels of beer, or 36,000
22 gallons of distilled spirits, wine, cider or mead on an annual
23 basis." She stated that this use would be allowed in certain
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¹ It is noted that subsequent to the ABC hearing the application for a
Keg Permit was withdrawn by Mr. Self.

1 commercial, industrial and planned development districts,
2 subject to specific use limitations but would not be permitted
3 within any residential dwelling. Accordingly, the proposed
4 brewery use is not permitted on the subject property under the
5 current Zoning Ordinance provisions or under the pending
6 amendment (see Exhibit 6).²

7
8 7. With regard to Objection 2, residential objectors
9 testified concerning their belief that the operation of this
10 brewery under the license would adversely affect real property
11 values or substantially interfere with the usual quietude and
12 tranquility of the residential area.

13 **D. Testimony of Witnesses**

14 8. Agent Kelly stated that the application in this case
15 was received on August 31, 2016. Because she was not familiar
16 with this area, she performed research and determined that the
17 proposed brewery location was the Applicant's garage in his
18 personal residence in a residential neighborhood. She then
19 contacted representatives of Fairfax County and Mr. Self
20 regarding the application and on December 30, 2016, met with Mr.
21 Self at his home. On this occasion, Agent Kelly discussed the
22 application process and explained the residential neighbors'
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25 ² It is noted that on February 28, 2017, this amendment to the Zoning Ordinance was adopted by the Fairfax County Board of Supervisors by adding a new Craft Beverage Production Establishment definition (see Exhibit 5).

1 concerns and the concerns of Fairfax County. She discussed the
2 zoning issues with him and referred him to the ABC website where
3 he could obtain further information. She then informed Mr. Self
4 that she would perform an investigation and requested to view
5 the garage area; however, she was informed that the garage was
6 unavailable for inspection as there had been a death in the
7 family. He agreed to contact her when the area was ready for
8 the site visit; however, as of February 28, 2017, the site
9 inspection had not been conducted. Agent Kelly observed the
10 close proximity of the houses in this residential neighborhood
11 and the small amount of yardage.

12
13 9. After receiving the objections from Fairfax County,
14 which she forwarded to the ABC Board, she again contacted Mr.
15 Self, who informed her that he still wished to pursue his
16 brewery application. She then generated the Request for
17 Hearing. According to Agent Kelly, in order to qualify for a
18 brewery license, an applicant must have working equipment on
19 site and the ability to brew beer so that four events per year
20 could be held. She had reviewed Mr. Self's proposed
21 restrictions on his operation of the business and was asked
22 whether she would personally monitor his compliance with these
23 restrictions. Agent Kelly responded that she would not
24 personally monitor them, but that if any violations were
25 reported, she would take steps to enforce them. She further

1 stated that no other ABC licensees were operating businesses in
2 their homes in this neighborhood.

3 10. Ms. Leslie Johnson, who has served as the Fairfax
4 County Zoning Administrator for five years, stated that she is
5 familiar with the subject property and has visited the
6 neighborhood and surrounding area. She submitted an aerial view
7 illustrating that the property is comprised of family dwellings
8 in an area zoned residential (see Exhibit 3). According to her,
9 this is a PDH District, which means a planned development
10 housing district comprised of single-family, detached townhouses
11 and where the Board of Supervisors approves only dwellings as
12 principal uses. She stated that there are five such areas in
13 Fairfax County.
14

15 11. Ms. Johnson further stated that due to the increasing
16 demand for commercial breweries, on February 28, 2017, the Board
17 of Supervisors created a new use for a Craft Beverage Production
18 Establishment. The Board adopted an amendment to Chapter 112
19 (Zoning) of the 1976 Code of the County of Fairfax, including a
20 definition of this type of establishment (see Exhibit 5). She
21 explained that this amendment gave breweries more of an
22 opportunity to become established and broadened the places where
23 they could be established. However, she stressed that these
24 breweries could not be located in PDH Districts and that no
25 breweries had ever been authorized to operate in PDH Districts.

1 12. With regard to the denial of a Home Occupation Permit
2 to Mr. Self, Ms. Johnson referred to her letter of objection
3 dated February 2, 2017, in which she stated that Home
4 Occupations are an accessory use and permitted in any dwelling
5 unit subject to approval of the Zoning Administrator. She
6 further stated:

7 While a brewery is not specifically listed as either a
8 permitted or prohibited home occupation, it is my
9 determination that a licensed brewery that can produce and
10 sell up to 500 barrels on an annual basis and hold up to 4
11 tasting events in association with that license is a
12 commercial enterprise that has characteristics most similar
to those uses that are specifically prohibited as a home
occupation, such as an eating establishment (see Exhibits 6
and 7).

13 Ms. Johnson stated that she did consider and research the issue
14 prior to making this decision and determined that the operation
15 of a brewery is most similar to an eating establishment listed
16 among the prohibited uses for "Home Occupations" set forth in
17 Part 3, Section 10-303 of the Zoning Ordinance. She also noted
18 that Mr. Self had not formally applied for this type of permit
19 and did not do so after his receipt of her letter of denial
20 dated February 3, 2017.

21 13. Ms. Elizabeth Parker, a resident of the Bailiwick
22 neighborhood where the subject property is located and President
23 of the Bailiwick Homeowners Association (HOA), stated that she
24 learned of the application on March 20, 2017, and the matter was
25 placed on the agenda for the HOA Board Meeting on April 4, 2017.

1 Both Mr. Self and Ms. Gribko stated their positions to the Board
2 via teleconference. After considering all information gathered
3 by the Board, a majority of the Board members voted to support
4 Fairfax County's objection to the brewery license being issued.
5 She took photographs of the neighborhood illustrating the close
6 proximity of the homes in the area, with approximately 10 feet
7 between many of them with no garages, and the narrow streets
8 with no street parking (see Exhibit 8).
9

10 14. Ms. Parker submitted a letter dated April 24, 2017, in
11 which she described the neighborhood as a "nice, quiet area with
12 close and supportive neighbors." She quoted Article VIII,
13 Section 1 of the Declaration of Covenants applicable to this
14 property, providing that dwellings located in this area "shall
15 be used for single family private residential purposes
16 exclusively" (see Exhibits 9 and 10). She also submitted
17 letters from other residents in which they expressed concern
18 regarding traffic, parking and byproducts of the brewing
19 process, e.g., waste, smells, and fumes if the license is
20 granted (see Exhibit 11).
21

22 15. Ms. Carol Klingler, a resident of the Bailiwick area,
23 had submitted a letter dated April 18, 2017, concerning her
24 opposition to the granting of the brewery license in this case,
25 received as Exhibit 12. She stated that Bailiwick is a small
community of 35 homes, each of which are located on

1 approximately a tenth of an acre. The homes are "extremely
2 close together," with only 18.5 feet between her home and her
3 next-door neighbor's home. According to her, there are not many
4 sidewalks in the area and residents walk their children and dogs
5 at the edge of the streets, which are very narrow, with limited
6 parking spaces. Many young children reside in the area, and
7 school buses stop within 200 feet of the proposed brewery site.
8 She asserted that the granting of the license would cause much
9 more traffic on the narrow streets and affect the safety of
10 pedestrians and children playing in the neighborhood. The
11 proposed brewery location is at the entrance to the development
12 and traffic for tastings and events would affect the ability of
13 the residents to enter the neighborhood and find parking (see
14 Exhibit 12).

16 16. Mr. Sanjay Seth, a resident of Bailiwick since 2004,
17 stated that he had submitted a letter dated April 17, 2017, in
18 which he set forth his objections to the granting of the brewery
19 license in this case. According to him, there are 20 to 30
20 elementary school children in the immediate vicinity of the
21 proposed brewery, and four to six school busses come into the
22 area twice per day. He opined that "such an establishment could
23 be spewing fermentation fumes, among other things, on their walk
24 to the bus stop or while playing in the neighborhood ... a closely
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1 packed residential area as ours with young families is not a
2 place for such establishment" (see Exhibit 13).

3 17. Mr. William Loggins, a resident of Bailiwick since
4 2004, stated that he had submitted a letter dated April 18,
5 2017, setting forth his objections to the granting of the
6 brewery license. He described the neighborhood as "very quiet
7 and peaceful, with playground and picnic areas where children
8 play and families socialize." He confirmed that sidewalks are
9 limited and properties average about a tenth of an acre each in
10 size and are very close to each other. Parking spaces are
11 limited and "the streets are too narrow to support business
12 use." He submitted a map illustrating his close proximity to
13 the proposed brewery, approximately 100 yards (see Exhibits 14
14 and 15). He asserted that if the license is granted, the HOA
15 would file a lawsuit for violation of the covenants set forth in
16 the Declaration of Covenants stating that the area is
17 exclusively for residential use.³

18
19 18. Mr. Stephen Self stated that he had originally had an
20 interest in brewing five to fifty gallons of beer per year. On
21 August 31, 2016, he filed an application with the ABC Board for
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24 ³ A petition that had been signed by a number of residents in
25 opposition to granting the license was submitted, marked for
identification as Exhibit 16, and taken under advisement. In the
Hearing Officer's view, this petition should not be received, as the
relevant evidence is the detailed testimony offered by the
neighborhood residents at the hearing. It is, hereby, rejected.

1 a Brewery (500 Barrels or Less Annually) license and Keg Permit,
2 but subsequently withdrew the Keg Permit from consideration. He
3 stated that at a later point during the investigation, he sought
4 a Home Occupation Permit for his brewery business, as he had
5 observed other businesses operating in residents' homes in this
6 area, e.g., interior design, accounting, etc. Mr. Self stressed
7 that during the investigation, he had stipulated that he would
8 not brew beer on the subject property, although he was willing
9 to have equipment on site so that he would be in a position to
10 brew. He also agreed to additional restrictions submitted by
11 him in connection with his request for a Home Occupation Permit,
12 which were set forth in a letter to Ms. Johnson dated January
13 12, 2017, discussed herein and received as Exhibit 2.

15 19. Mr. Self further stated that he is seeking only to do
16 contract brewing and has a number of potential investors if he
17 can obtain his brewery license. He submitted a letter dated
18 March 28, 2017, from Beltway Brewing Company confirming that
19 this company had been in discussion with Venture Capital Brewing
20 Company regarding the desire to contract brew their product at
21 Beltway's facility in Sterling, Virginia, once they receive
22 their ABC license. It was further stated in this letter,
23 "Without VCBC obtaining their license from Virginia ABC, we are
24 unable to coordinate those potential contracts" (see Exhibit
25 17).

1 **II. ANALYSIS AND CONCLUSIONS:**

2 The following objection is SUBSTANTIATED:

3 1. There exists an ordinance or regulation of the
4 County of Fairfax which warrants refusal by the Board
5 to issue the license. REF: Section 4.1-222 A.4. of the
Code of Virginia.

6 It is provided in Code Section 4.1-222 A.4. that the Board
7 may refuse to grant any license if there is reasonable cause to
8 believe that:

9 There exists any law, ordinance, or regulation of the
10 United States, the Commonwealth or any political
11 subdivision thereof, which warrants refusal by the
Board to grant any license.

12 It was demonstrated by preponderant evidence in this case
13 that a Fairfax County Ordinance exists which warrants refusal by
14 the Board to grant the license. The Applicant herein has
15 designated the location for the brewery as the garage in his
16 personal residence located in a residential neighborhood. It
17 was undisputed that this property is zoned to the PDH District
18 and is developed with a single-family dwelling with a lot area
19 of 5,581 square feet. Ms. Johnson testified credibly that she
20 is familiar with the subject property and has visited the
21 neighborhood and surrounding area. According to her, this is a
22 PDH District, which means a planned development housing district
23 comprised of single-family, detached townhouses and where the
24 Board of Supervisors approves only dwellings as principal uses.
25 She stated that there are five such areas in Fairfax County.

1 As discussed herein, Ms. Johnson further testified that due
2 to the increasing demand for commercial breweries, on February
3 28, 2017, the Board of Supervisors created a new use for a Craft
4 Beverage Production Establishment. The Board adopted an
5 amendment to Chapter 112 (Zoning) of the 1976 Code of the County
6 of Fairfax, including a definition of this type of establishment
7 (see Exhibit 5). She explained that this amendment gave
8 breweries more of an opportunity to become established and
9 broadened the places where they could be established. However,
10 she stressed that even under this amendment, breweries cannot be
11 located in PDH Districts and that no breweries have ever been
12 authorized to operate in such Districts.

14 The Fairfax County Zoning Ordinance addressing the
15 treatment of a "PDH District" is set forth in Article 6, Part 1,
16 Sections 6-100, 101, 102 and 103, entitled "PDH Planned
17 Development Housing District." The "Purpose and Intent" is set
18 forth in Section 6-101, and provides that:

19 The PDH District is established to encourage
20 innovative and creative design and to facilitate use
21 of the most advantageous construction techniques in
22 the development of land *for residential* and other
23 *selected secondary uses*. The District regulations are
24 designed to ... promote high standards in the layout,
25 design and construction *of residential development*, to
promote balanced developments of mixed housing types;
to encourage the provision of dwellings within the
means of families of low and moderate income ...
(emphasis added) (see Exhibit 4).

1 The "Principal Uses Permitted" under Section 6-102 are
2 listed as: 1) Affordable dwelling unit developments, 2)
3 Dwellings, single-family detached, 3) Dwellings, single-family
4 attached, 4) Dwellings, multiple family, 5) Dwellings, mixture
5 of those types set forth above, and 6) Public uses. The
6 "Secondary Uses Permitted" are listed in Section 6-103, which
7 provides that secondary uses shall be permitted only in a PDH
8 District which contains one or more principal uses; only when
9 such uses are presented on an approved final development plan
10 prepared in accordance with the provisions of Article 16; and
11 subject to the use limitations set forth in Section 6-106. It
12 is provided in Section 6-106 that:

14 Secondary uses of a commercial nature, except Group 6
15 outdoor recreation uses ... *shall be designed to serve*
16 *primarily the needs of the residents* of the planned
17 development in which they are located, and such uses,
18 including offices, shall be designed so as to *maintain*
19 *and protect the residential character of the planned*
20 *development and adjacent residential neighborhoods as*
21 *well* (emphasis added) (see Exhibit 4).

22 A brewery is not listed among the secondary uses permitted
23 in a PDH District. Indeed, it is clearly indicated that a
24 proposed brewery use is not permitted on the subject property
25 under the Zoning Ordinance provisions or the amendment adopted
by the Board of Supervisors on February 28, 2017 (see Exhibit
5). Additionally, photographs of the neighborhood received as
Exhibit 8 are illustrative of the fact that this property is

1 exclusively residential, with homes located extremely close
2 together with narrow streets and little parking.

3 For these reasons, Objection 1 must be substantiated.

4 The following objection is SUBSTANTIATED:

5 2. The place to be occupied by the applicant is so
6 located with respect to a residential area that the
7 operation of such place under the license will
8 adversely affect real property values or substantially
9 interfere with the usual quietude and tranquility of
such residential area. REF: Section 4.1-222 A.2.d. of
the Code of Virginia.

10 It is provided in Code Section 4.1-222 A.2.d. that the
11 Board may refuse to grant any license if it has reasonable cause
12 to believe that the place to be occupied by the applicant:

13 Is so located with respect to any residence or
14 residential area that the operation of such place
15 under such license will adversely affect real property
16 values *or substantially interfere with the usual
quietude and tranquility of such residence or
residential area.*

17 It has been demonstrated by preponderant evidence that the
18 operation of this brewery in the garage of a private residence
19 located in a residential area would substantially interfere with
20 the usual quietude and tranquility of the residential area. The
21 area was described by residents who testified at the hearing as
22 a "nice, quiet area with close and supportive neighbors." Ms.
23 Carol Klingler and Mr. William Loggins both stated that
24 Bailiwick is a small community of 35 homes, each of which are
25 located on approximately a tenth of an acre. The homes are

1 "extremely close together," and there are few sidewalks in the
2 area so that residents walk their children and dogs at the edge
3 of the streets, which are very narrow, with limited parking
4 spaces.

5 Mr. Sanjay Seth stated that there are 20 to 30 elementary
6 school children in the immediate vicinity of the proposed
7 brewery, and four to six school buses come into the area twice
8 per day. He opined that "a closely packed residential area as
9 ours with young families is not a place for such establishment."
10

11 Although Mr. Self has represented that he will not brew
12 beer on the subject property, the granting of a brewery license
13 to him would afford him the right to do so. Based upon the
14 testimony of the residential objectors concerning the character
15 and design of the neighborhood, it must be concluded that the
16 operation of a brewery on the subject property would
17 substantially interfere with the usual quietude and tranquility
18 of the residential area. Consequently, Objection 2 is
19 substantiated.

20 In summary, both Objections 1 and 2 have been
21 substantiated.

22 It is noted that the Home Occupation Permit was denied by
23 Ms. Johnson, which was properly within her authority and
24 discretion as Zoning Administrator. The Hearing Officer's
25

1 authority involves deciding whether and under what circumstances
2 the license applied for should be issued.

3 Accordingly, the following DECISION is entered.
4

5 **DECISION:**

6 **(Brewery - 500 Barrels or less annually)**

7 That the license be, and it hereby is, denied.
8

9 Entered this 14th day of July 2017.
10

11 *Clara A. Williamson*

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Clara A. Williamson
13 Administrative Hearing Officer
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