



## Marion County Board of County Commissioners

### Growth Services

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RE: Fish Hawk Distillery – Six Month Update

The Board of County Commissioners (BOCC) heard case 250502SU for Fish Hawk Distillery on August 19, 2025. The BOCC decided to grant the applicant a six (6) month continuance to explore one of two options: Either bring the current site into compliance by obtaining site plan approval from Development Review Committee (DRC) as well as all required Building permits, or find a different location for the distillery that would better suit the use and its future.

A search of the two parcels involved in the distillery does not show any site plan reviews or any building permits in process. A phone conference took place on January 27, 2026, between the case's planner, Joe Faino, and the distillery owner. During this conversation Mr. Faino and the owner confirmed that they had not applied or submitted for any permits due to the process being cost-prohibitive. They also indicated that while they did explore possible alternative locations, they did not identify a new site.

The initial special use permit (SUP) was granted in 2012 (case 120506SU) for a micro-distillery. It included a single parcel (PID 2091-008-003) and did not allow for commercial sales to take place on-site. In 2015 they applied to renew the SUP (case 151103SU) to continue the operation of the distillery with the same conditions as the 2012 approval. The 2015 renewal gave them an expiration date of 2025. However, in 2021, the applicant applied to modify the SUP to add the second lot (PID 2091-008-002), expand the distillery operation, and add the open-air gift shop and tasting room. The 2021 request was the first where staff recommended denial citing additional customer traffic to and from the location, lack of infrastructure (unpaved roads), unpermitted construction resulting in setback encroachments, and inadequate accommodations for the public regarding parking, accessibility, and public safety. Staff found that the increased intensity of the use as requested was inconsistent with Comprehensive Plan. Ultimately, the 2021 request was granted with an itemized list of conditions for the special use to be granted and the parcel to come into compliance. The SUP approved in 2021 expired on December 29, 2024.

Growth Services received the current SUP application on February 2, 2025. During the research phase of the report analysis, staff found that the conditions previously established by the Board had not been met. A site plan had not been submitted to the Development Review Committee (DRC) and building permits had not been pulled. Subsequently, satisfactory final inspections were not received, which was also a condition. Due to the reasons established in 2021 as well as the continued non-compliance, staff recommends denial of the current case 250502SU.