



FREDERICK

PLANNING

August 13, 2021

Phil Bowers
Fountain Rock Management Corp.
124 N Market Street
Frederick, MD 21701

Re: Zoning Determination 21-887ZD: 124 N. Market Street (Parcel 0706B)

Dear Mr. Bowers,

I am responding to your request, dated July 15, 2021, for a Zoning Determination for the building located at 124 N. Market Street (the "Property") in the City of Frederick.

The Property is Lot 1 shown on a plat entitled, "*Resubdivision and Dedication Plat for Market Space – Lot 1*" (Case #95-46) (PB.57, Pg.124) and is improved with one building. The Property is zoned Downtown Commercial/Residential (DB); Per Section 401, Table 401-1 of the Land Management Code (LMC) the DB zoning district is intended to "*Encourage the development of the Center City's commercial areas. It allows most office and retail activities as well as high density residential uses. To encourage the implementation of this objective, certain parking requirements are relaxed for development or redevelopment in this district.*"

The Property is also within the boundaries of the Frederick Town Historic District Historic Preservation Overlay (HPO) district. The HPO designates boundaries for sites, structures, or districts which are deemed to be of historic, archeological, or architectural significance. The regulations governing exterior alterations and new development are established in Section 423 of the LMC and through the application of the Historic District Design Guidelines incorporated therein.

The Property is bordered on the north, south, and west by DB zoned properties, to the east by the Institutional floating zone (IST), and to the northwest by Downtown Office Commercial (DBO). The 2010 Comprehensive Plan designated the Property's land use as "Mixed Use," however, the 2020 Comprehensive Plan will take effect on October 1, 2021. The proposed future land use map of the 2020 indicates that the Property will be designated as "Downtown Mixed Use."

Per the most recently approved final site plan approved by the City on February 10, 2016, (Case #STF13-710FSI) the use on Property was classified as a Restaurant/Brewery allowing for the operation of the currently established operations of the alcoholic beverage business.

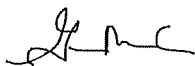
A complete site inspection of the Property was not conducted as part of this evaluation and therefore, Staff cannot confirm compliance with all applicable standards of the LMC or guarantee that there are no nonconformities impacting the Property. Per Section 900, nonconforming features may be continued provided that no action shall be taken that increases the degree or extent of the nonconforming feature of the Property. Any enlargement, extension or structural alteration shall conform to all current requirements of the LMC. Further, any structure that is nonconforming is subject to Section 902, which may also be continued as long as it remains otherwise lawful and that no modifications are made that increase its nonconformity or make it less suitable for a permitted use in the district.

Lastly, there are no variances, special permits, or conditions that apply to the Property. There are no zoning, building, or fire code violations on record that affect the Property.

The purpose of the service provided by the Zoning Administrator regarding determinations and/or interpretations is to identify the zoning of a particular property, to verify that a use is permitted or permissible in a specific Zoning District and to clarify and interpret the Land Management Code. Any questions regarding specific regulations and requirements for a site or sites' compliance with the Land Management Code not addressed in this letter shall not be the responsibility of the Zoning Administrator. It is the responsibility of the applicant, property owner and/or property purchaser to review the project site plans and the Land Management Code for compliance.

This determination applies solely to the reference property and is not binding upon the City, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property. Please be advised that any person aggrieved, or any officer, department or agency of The City of Frederick affected by an order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of the provisions of the Land Management Code may appeal said decision with thirty days to the Zoning Board of Appeals.

Sincerely,



Gabrielle Collard
Div. Manager of Current Planning

In Concurrence,



Joseph A. Adkins, AICP
Zoning Administrator/
Deputy Director for Planning

Fountain Rock Management Corp

124 N Market St.

Frederick, MD 21701

Date: July 15, 2021

To: City of Frederick

Re: Zoning Certificate

Brewer's Alley is requesting a copy of the zoning certificate for the physical location, 124 N Market St., Frederick, MD ,for Fountain Rock Management Corp DBA Brewer's Alley. The certificate must indicate the location is properly zoned to operate as a manufacture and/or wholesale business. The certificate is required for Brewer's Alley renewal for our manufacture and wholesale license with the State of Maryland.

Thank You

Phil Bowers

Fountain Rock Management Corp