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City zoning board vote paves way for development of restaurant, microdistillery at empty creekside building

By Mallory Panuska | mpanuska@newspost.com | Dec 20, 2018

With Southern-style cooking and freshly distilled rum on the menus, a restaurant and microdistillery is slated to bring some life to a long-vacant creekside building in downtown Frederick.

Known in downtown circles as the Kline Property after the surname of its longtime owners, the empty structure at 46 S. Market St. initially caught the eye of Sandy Spring businessman Frank Sherman as a perfect spot for a new satellite office.

Now, Sherman, chief executive officer of Transportation Management Services Inc., has evolved his vision for the spot into an office on the second floor with a restaurant and microdistillery below. The property is a prominent spot on Market Street that has been vacant for years, with outdoor seating along Carroll Creek.

The microdistillery will feature rum, vodka and local brandies, and the restaurant will serve what the future owner called "Southern-infused" fare.

"It will be Southern comfort, somewhere everyone is comfortable and feels welcome," said Sherman's daughter, Ashley Sherman, who is opening the restaurant after recently moving to Frederick from Arlington, Virginia.

"We wanted to plant some roots before we started something here," she added.

The Shermans were part of a team of developers who attended a meeting of the city's Zoning Board of Appeals on Tuesday, where they crossed the first legislative hurdle in making the project a reality.

According to the staff report, plans for the property include construction of a 1,300-square-foot addition in the back. The rear of the building is what staff members and developers called a unique shape, representing an inverted letter L. The property



A restaurant and distillery is proposed in the vacant building known as the Kline property at 46 S. Market Street. Staff photo by Bill Green

shape presented challenges for the new construction because of a 10-foot setback required under the city's land management code, and the developers requested a variance from the zoning board to eliminate that requirement.

Bruce Dean, a local land use attorney representing Sherman, argued that the project is not feasible without the variance.

"This building, as you will hear not just from me but from my client and from public testimony, has been vacant for many, many years," Dean said. "And we have found it is an absolute necessity to have a variance granted, or else frankly, we wouldn't be here tonight. I know that variances are not granted lightly by this board, nor under Maryland are they supposed to be granted lightly. But this is a situation that has existed, I think, for decades on this site that people tried and not been able to find a way to make it work. We have found that if this variance is granted we will be able to make it work."

Sherman testified at the hearing as well. He said he first opened an office in Frederick about two years ago to accommodate employees who live in and around the city who were commuting to Sandy Spring.

Now, he wants to upgrade into a rehabbed building in the Frederick Town Historic District and saw the vacant creekside building as the perfect spot.

Chris Kline Jr., who was representing Sherman on the real estate deal through commercial real estate company Kline Scott Visco, pointed out the challenge in redeveloping historic properties with "nuances," like the lot line of this property.

"My feeling is that these are the projects that are smart growth," he said. "We are using old buildings and bringing new life into them. The thought is

that is if nuances can throw the balance off the entire project then a lot of these things will stay empty for a much longer time."

Dave Cook, who lives nearby on East All Saints Street, was the only person who spoke against the variance at Tuesday's meeting. He said he did not believe some of the All Saints Street neighbors were properly informed of the request.

Dean said in his rebuttal that the development team notified all of the property owners who live adjacent to the land, and even went above and beyond by notifying all of the residents in the condominiums who overlook the property even though their units are not technically next to it. He said he was not aware that residents on All Saints Street were concerned about the project, though, and vowed to extend notifications to them as well.

After the testimonies, the zoning board members unanimously approved the variance. Dean said the developers will now take the project to the city's Historic Preservation Commission to get approval for changes to the exterior and then to the Planning Commission for site plan approval. He said that process should take at least six months.