



FREDERICK COUNTY BOARD OF APPEALS

JANUARY 22, 2026

TITLE: **C.E. Rensberger & Family Builder LLC**

CASE NUMBER: **B-25-36** **B278127**

REQUEST: Requesting a variance from the 10-acre minimum lot size in the RC zone in order to correct what has been determined to be an illegal subdivision in accordance with Section 1-19-3.220. Variances and Section 1-19-6.100 Design Standards.

PROJECT INFORMATION:

ADDRESS/LOCATION: 2765 Lynn Street, Frederick, MD 21704
TAX MAP/PARCEL: Tax Map 104, Parcel 0080
ZONE: Resource Conservation (RC)
REGION: Urbana
WATER/SEWER: NPS/NPS
COMP. PLAN/LAND USE: Natural Resources

APPLICANT/REPRESENTATIVES:

APPLICANT: C.E. Rensberger & Family Builder LLC¹
OWNER: Tatiane Amaral
ATTORNEY: N/A
ENGINEER: N/A

STAFF: Michael Paone, Zoning Planner

RECOMMENDATION: Based on the findings and conclusions as set forth in the staff report, Staff supports approval of the proposed variance, in accordance with Section 1-19-3.220, Variances and Section 1-19-6.100, Design Standards, from the 10-acre minimum lot size in the RC zone in order to correct what has been determined to be an illegal subdivision.

Attachments:

Attachment #1: 1967 Plat of Lots 1-5 Sugarloaf Estates
Attachment #2: Plat of Sugarloaf Estates
Attachment #3: 1970 Hewitt Conveyance of 5.379 Acres
Attachment #4: 1971 BG&E Deeded Properties
Attachment #5: 1972 Revised Property Description
Attachment #6: 1972 Conveyance of Lots 2, 8 & 9
Attachment #7: 1978 Thru 1993 Property Ownership

Attachment #8: Map Showing Lot 9
Attachment #9: Deed History
Attachment #10: Plat Showing 2 Lots
Attachment #11: Aerial Map
Attachment #12: Zoning Map
Attachment #13: Comprehensive Plan Map
Attachment #14: Environmental Features Map

¹ The term Applicant refers collectively to both the Applicant and the Property Owner.
Note: All code references herein are to the Frederick County Code, unless otherwise specified.

Background

On April 4, 2025 this office received the required fee and supporting documents in request for a Lot of Record Determination for the above referenced property (Parcel). Frederick County Zoning Ordinance (Ordinance) Section 1-19-11.100 Definitions defines Lot of Record as "Any lot legally recorded in the land records of the county as of January 24, 1977; a lot must satisfy all zoning and subdivision regulations in effect at the time the lot was recorded."

Based upon the information submitted by the Applicant, the subject Parcel was part of a consolidated lot as more particularly set forth on a Plat entitled Addition Plat Hewitt to Diamondstone, recorded in Plat Book 13, Folio 53. The subject 4.648 acre Parcel was then illegally subdivided from that consolidation of land by a Deed recorded at Liber 1046, Folio 128, on April 6, 1978, from Diamondstone to Allison. The subject Parcel is therefore an illegal subdivision.

To establish the subject 4.648-acre Parcel as a legal Lot of Record, the owners could pursue the following course of action:

First, apply to the Board of Appeals for a variance in lot size because the subject Parcel does not meet the minimum 10-acre lot size for the Resource Conservation zoning district.

Second, if the variance is granted, apply for a Combined Preliminary/Final plat. Once the Combined Preliminary/Final plat is approved and recorded, the subject Parcel will be a legal Lot of Record and may apply for development activities as regulated by Frederick County on this Parcel.

General Criteria – Variance

Under the provisions of Section 1-19-3.220(C) of the County Zoning Ordinance, the Board of Appeals shall not grant a variance unless and until a public hearing is held and all of the following criteria are met:

A. The Board of Appeals may authorize a variance in height, lot area and yard regulations.

The Applicant states that they are requesting a variance on the lot area that is less than 10 acres in the RC zone.

B. An application for a variance shall be filed with the Board of Appeals only after refusal of zoning approval or an adverse determination has been issued by the Zoning Administrator.

The Applicant states that Zoning staff could not approve their permit and directed the Applicant to seek variance relief from the Board of Appeals (BOA).

C. The Board of Appeals shall not grant a variance unless and until a public hearing is held and all of the following criteria are met:

The BOA Hearing is scheduled for Thursday, January 22, 2026

1. First, the Board of Appeals shall find that special conditions and circumstances exist which are unique to the land or structure involved and which are not applicable to other lands or structures in the same district.

The Applicant states that the special circumstances are that this lot was sold to the Applicant with the understanding that it was a separate and buildable lot; a concession communicated to them that this was in exchange for the granting of the Baltimore Gas & Electric Company easement in use to this day.

2. Upon making this finding the Board of Appeals shall also find that the following criteria are met:

a. That the special conditions and circumstances do not result from the actions of the applicant; and

The Applicants state that they have not acted to create this situation.

b. The literal interpretation of the provisions of this chapter would result in unreasonable hardship and deprive the applicant of rights commonly enjoyed by other properties in the same district under terms of this chapter; and

The Applicants state that if literal interpretation were applied, requiring 10 acres/lot in the RC zone, the Applicant would be deprived of using this lot for a residence.

c. That granting the variance will not confer on the applicant any special privilege that is denied by this chapter to other lands or structures in the same district; and

The Applicants state that this is an existing subdivision with existing homes; while this lot is unique, the Applicants want to place a home on the property just as there are homes on the other subdivision lots.

d. That the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The Applicants state that granting this variance is in harmony with the existing neighborhood.

D. In granting the variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, is a violation of this chapter.

The Applicants state that they understand this requirement and will comply.

E. Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this chapter in the zone involved, or any use expressly or by implication prohibited by the terms of this chapter in said zone.

The Applicants state that they understand this requirement and will comply.

F. Under no circumstances shall the Board of Appeals grant a variance to a nonconforming

structure for the portion of structure determined by the Zoning Administrator to be nonconforming.

The Applicants state that they understand this requirement and will comply.

G. A decision of the Board of Appeals granting a variance will be void 2 years from date of approval by the Board of Appeals unless the use is established, a building permit is issued, construction has begun, or final site development plan approval has been received in accordance with the terms of the decision. Upon written request submitted to the Zoning Administrator no later than 1 month prior to the expiration date and for good cause shown by the applicant, a 1 time extension may be granted by the Zoning Administrator for a period not to exceed 6 months.

The Applicants state that they understand this requirement and will comply.

Recommendation

Based on the findings in the staff report, Staff has no objection to the proposed variance, from the 10-acre minimum lot size in the RC zone in order to correct what has been determined to be an illegal subdivision in accordance with Section 1-19-3.220. Variances and Section 1-19-6.100 Design Standards.

1-19-3.220: A decision of the Board of Appeals granting a variance will be void 2 years from date of approval by the Board of Appeals unless the use is established, a building permit is issued, construction has begun, or final site development plan approval has been received in accordance with the terms of the decision. Upon written request submitted to the Zoning Administrator no later than 1 month prior to the expiration date and for good cause shown by the applicant, a 1 time extension may be granted by the Zoning Administrator for a period not to exceed 6 months.

Attachment #1: 1967 Plat of Lots 1-5 Sugarloaf Estates

1967 – Hewitt records
subdivision plats for
Sugarloaf Estates
(Block K, Lots 1-5 on
PB 5, p 109; Block H,
Lots 109 and Block J,
Lots 1-4 on PB 5, p
111)



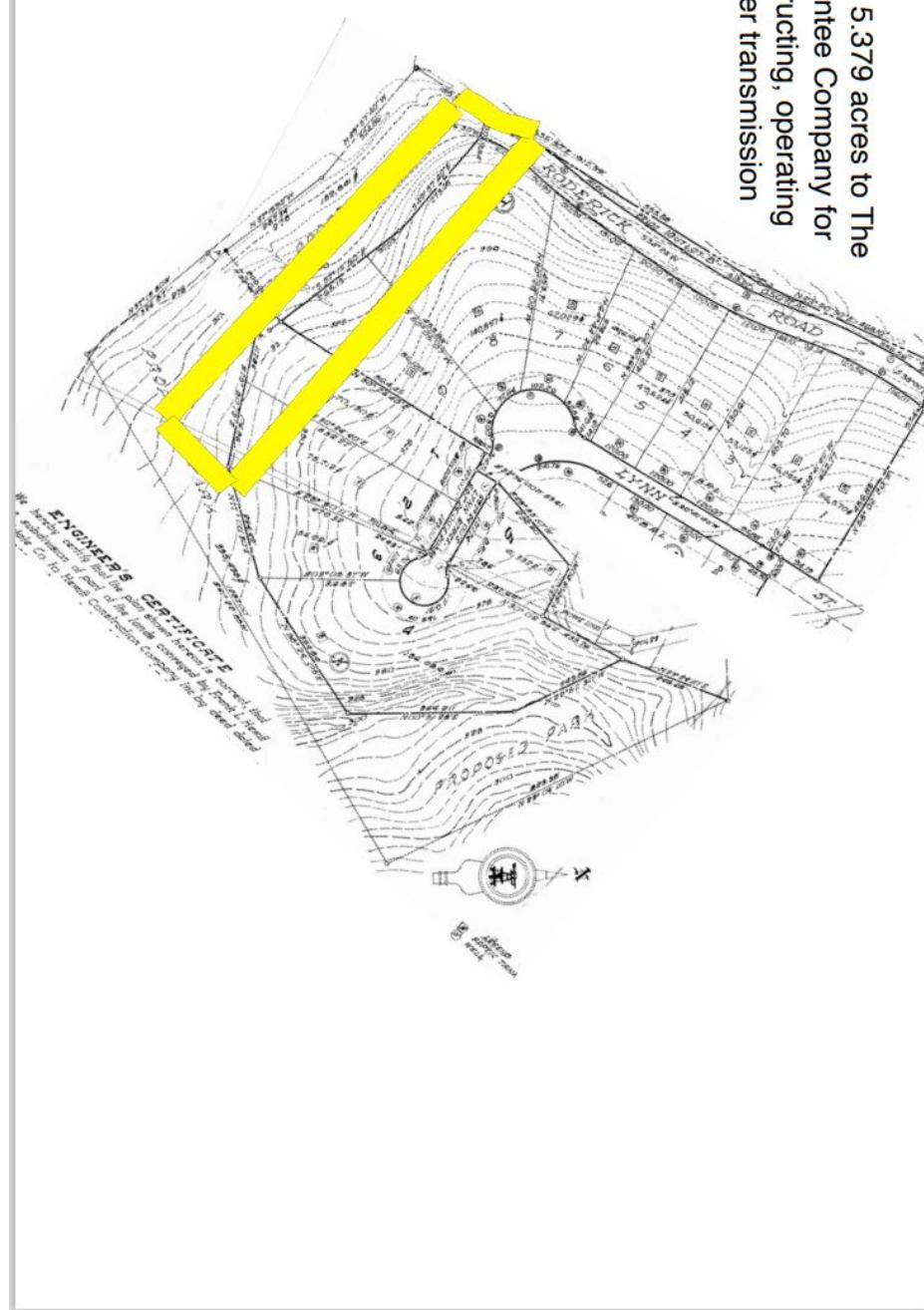
109

Attachment #2: Plat of Sugarloaf Estates



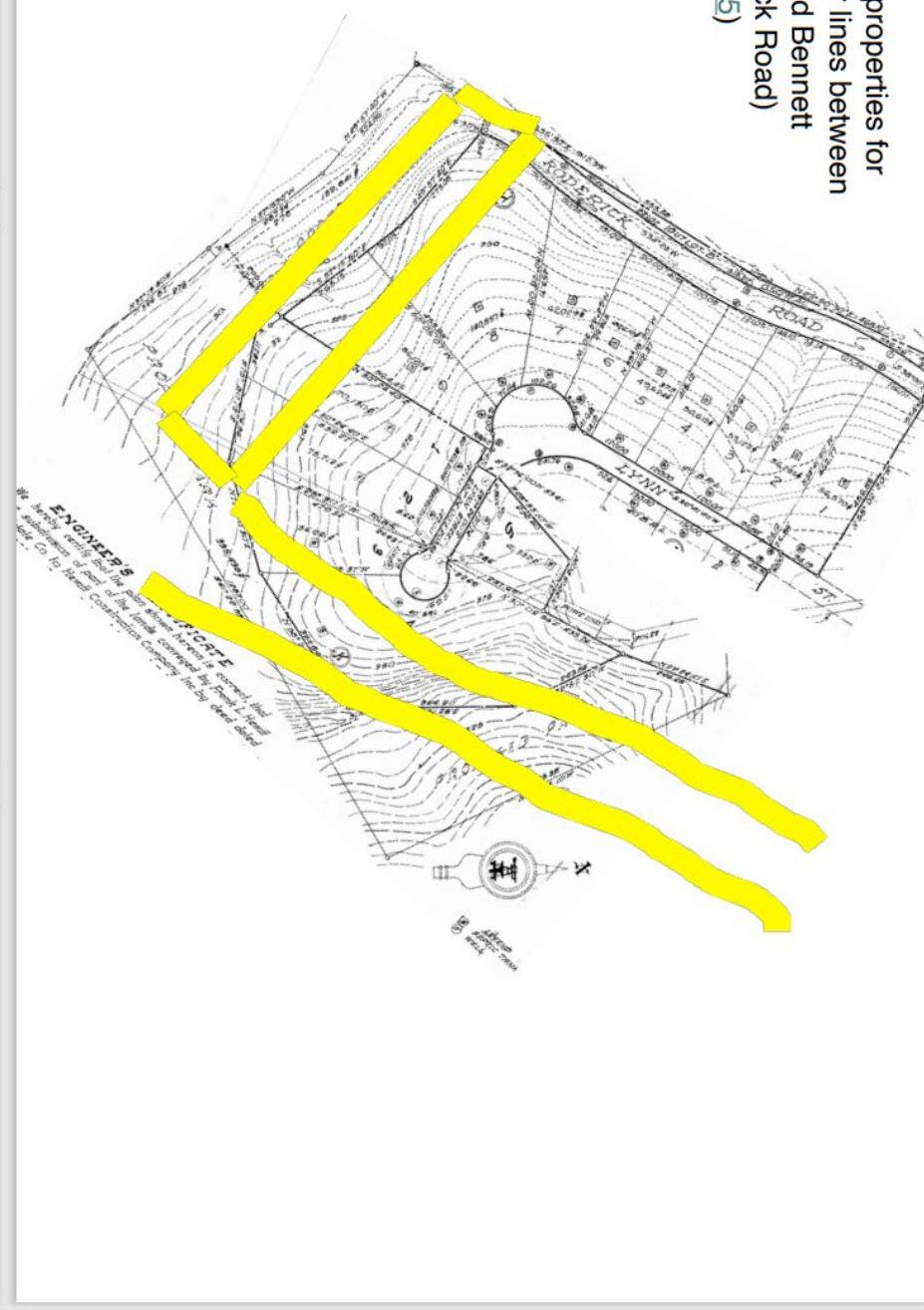
Attachment #3: 1970 Hewitt Conveyance of 5.379 Acres

1970 Hewitt conveys 5.379 acres to The Maryland Title Guarantee Company for the purpose of constructing, operating and maintaining power transmission facilities (823/421)



Attachment #4: 1971 BG&E Deeded Properties

1971 BG&E deeded properties for
realignment of power lines between
Sugarloaf Estates and Bennett
Creek (along Roderick Road)
(865/342 and 865/345)



Attachment #5:1972 Revised Property Description

March 10, 1972
R. Humphrey Cissel prepared revised property descriptions for the lots in the Sugarloaf Estates subdivision to account for the BG&E transmission lines (reducing the original acreages and somewhat reconfiguring the lots)

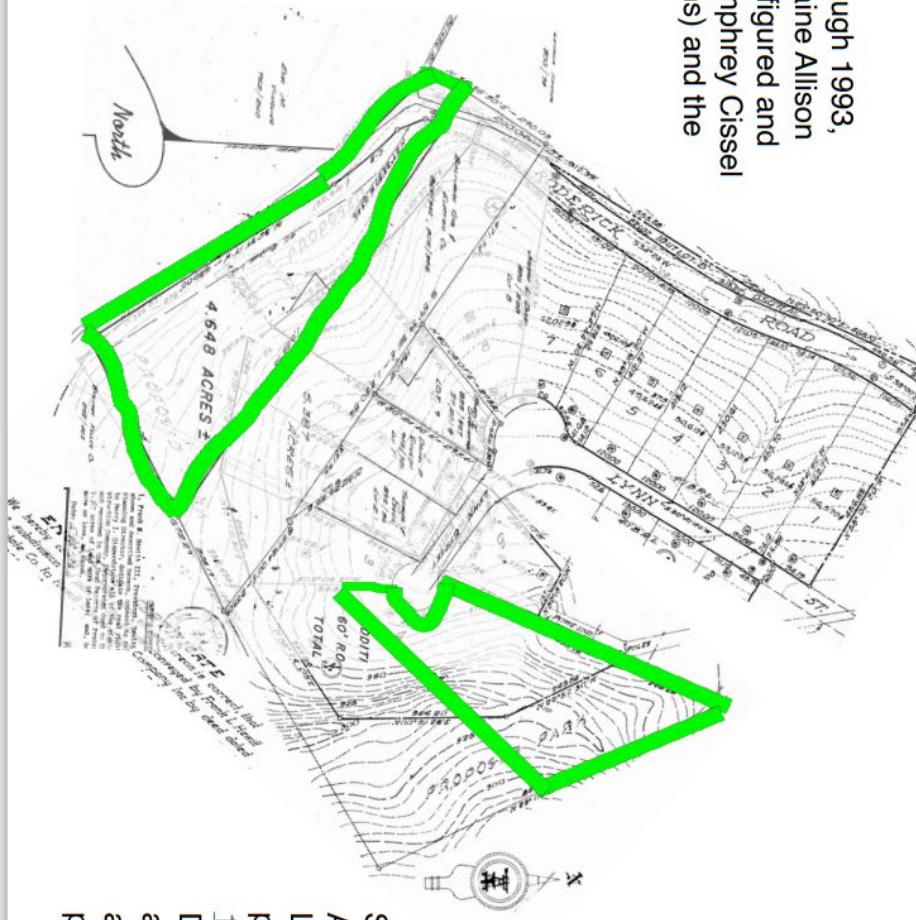
Attachment #6: 1972 Conveyance of Lots 2, 8 and 9

March 24, 1972
Hewitt Construction
Company conveys Lots 2, 8
and 9 to Paul R. and Jean
O. Leahy via Deed 873/200
(using the R. Humphrey
Cissel revised property
descriptions)



Attachment #7: 1978 Thru 1993 Property Ownership

As of 1978 and through 1993, James F. and A. Elaine Allison owned Lot 4 (reconfigured and described in R. Humphrey Cissel property descriptions) and the 4.648 acre parcel



Since 1993, when the Allisons conveyed both Lot 4 and the 4.648 acre parcel via Deed 1859606, all subsequent Deeds have included and conveyed both Lot 4 and the 4.648 acre parcel

Attachment #8: Map Showing Lot 9

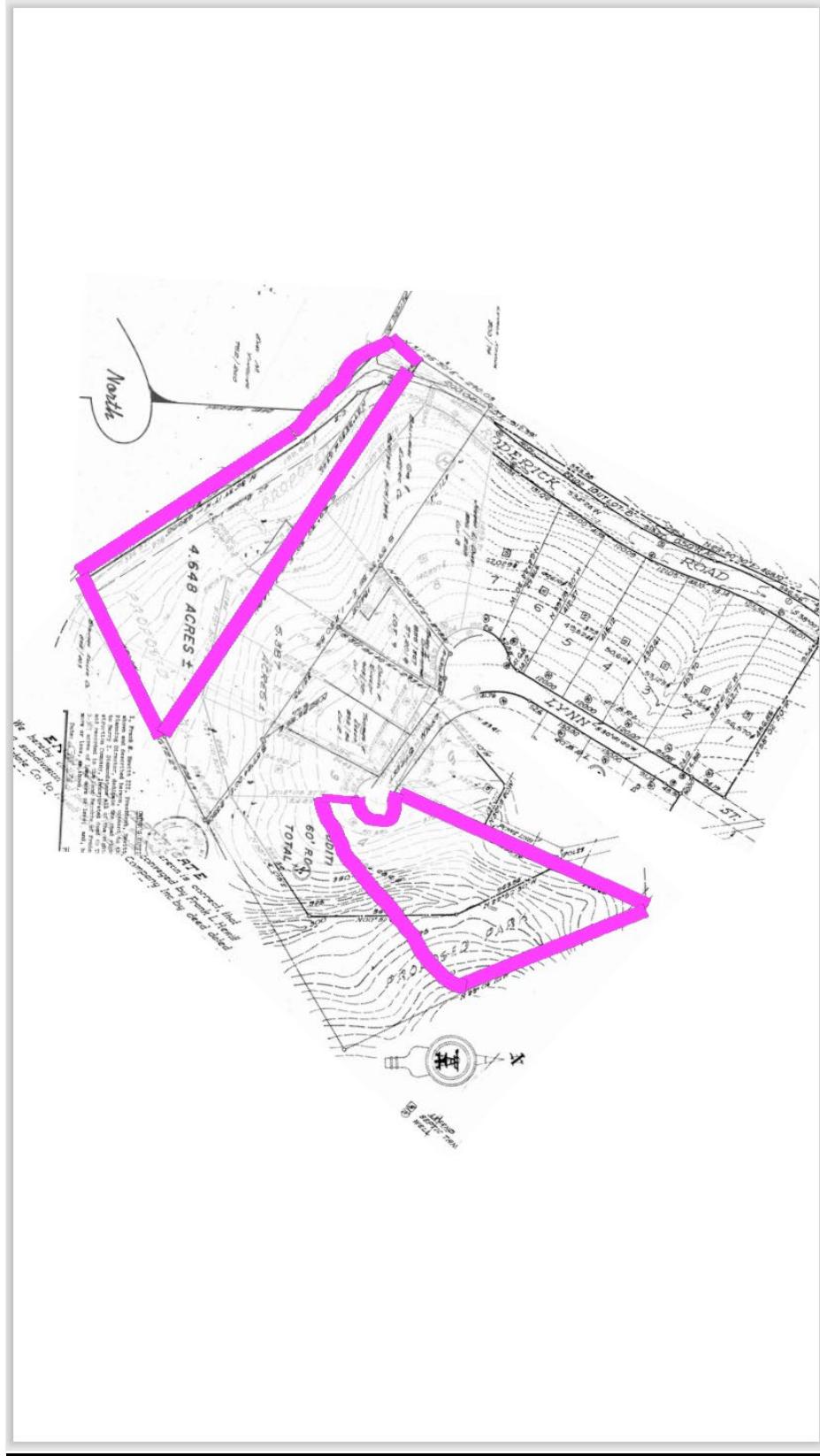
Since 1978, when the Diamondstones conveyed Lot 9 to the Simpsons, all subsequent deeds have only included and conveyed Lot 9 (per the R. Humphrey Cissel property descriptions); Current title deed is 16536/68



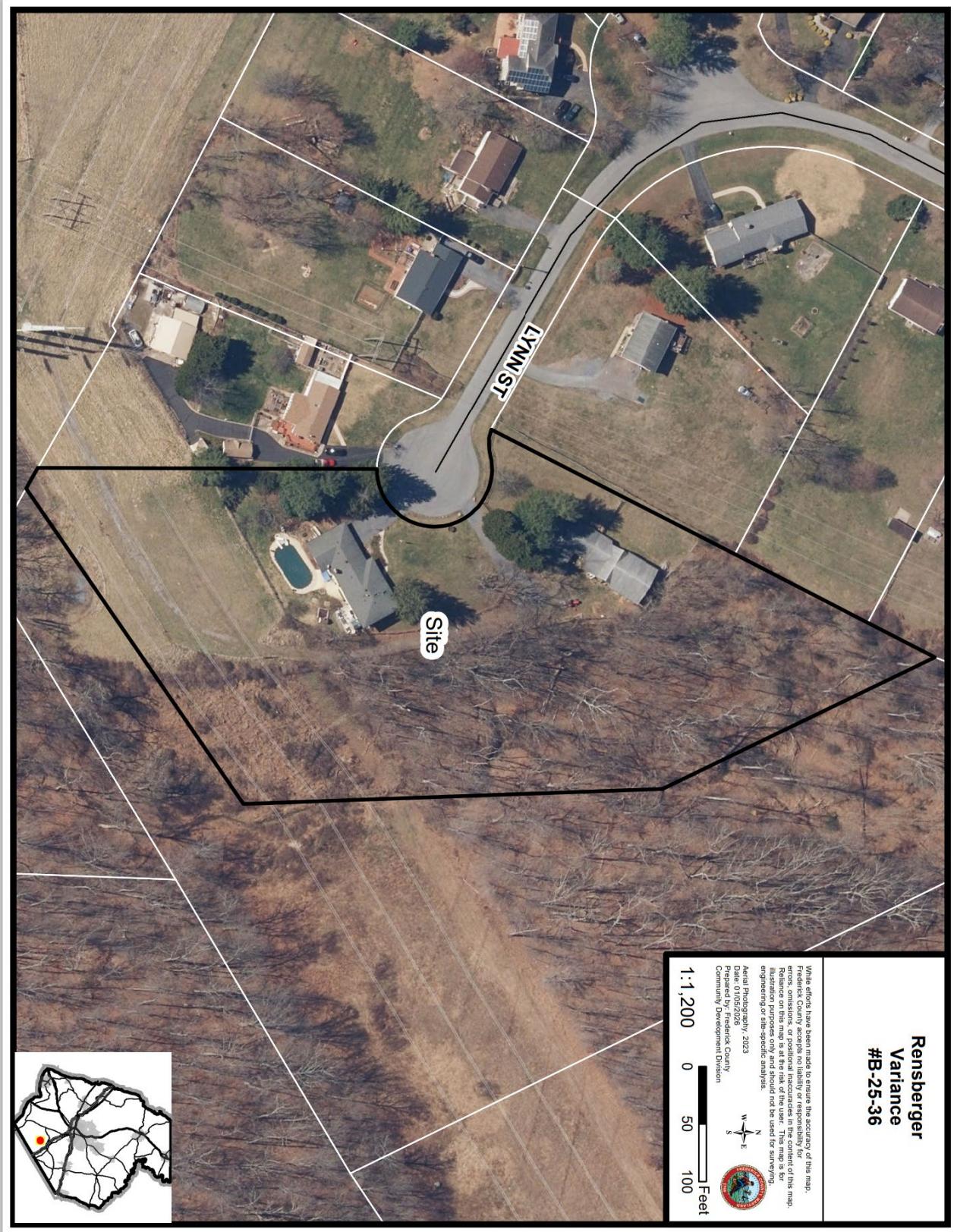
Woodroffe/Aparal Properties (Lot 4 and 4.648 acre parcel)

- The Deed to Tatiane Amaral from David and Suzanne Sella, dated May 1, 2020, and recorded at [Liber 13732, folio 139](#), describes the properties being conveyed as (i) Part of Lot 4 (with a metes and bounds description of the boundaries) and (ii) “Parcel II” being the 4.648 acre parcel as set forth on Plat 13/53
- Exhibit “A” of the [Fidelity National Title Insurance Company Policy No. 2745120-220454800](#) describes the property as (i) Part of Lot 4 (with a metes and bounds description of the boundaries) and (ii) “Parcel II” being the 4.648 acre parcel as set forth on Plat 13/53 (same as the Deed)

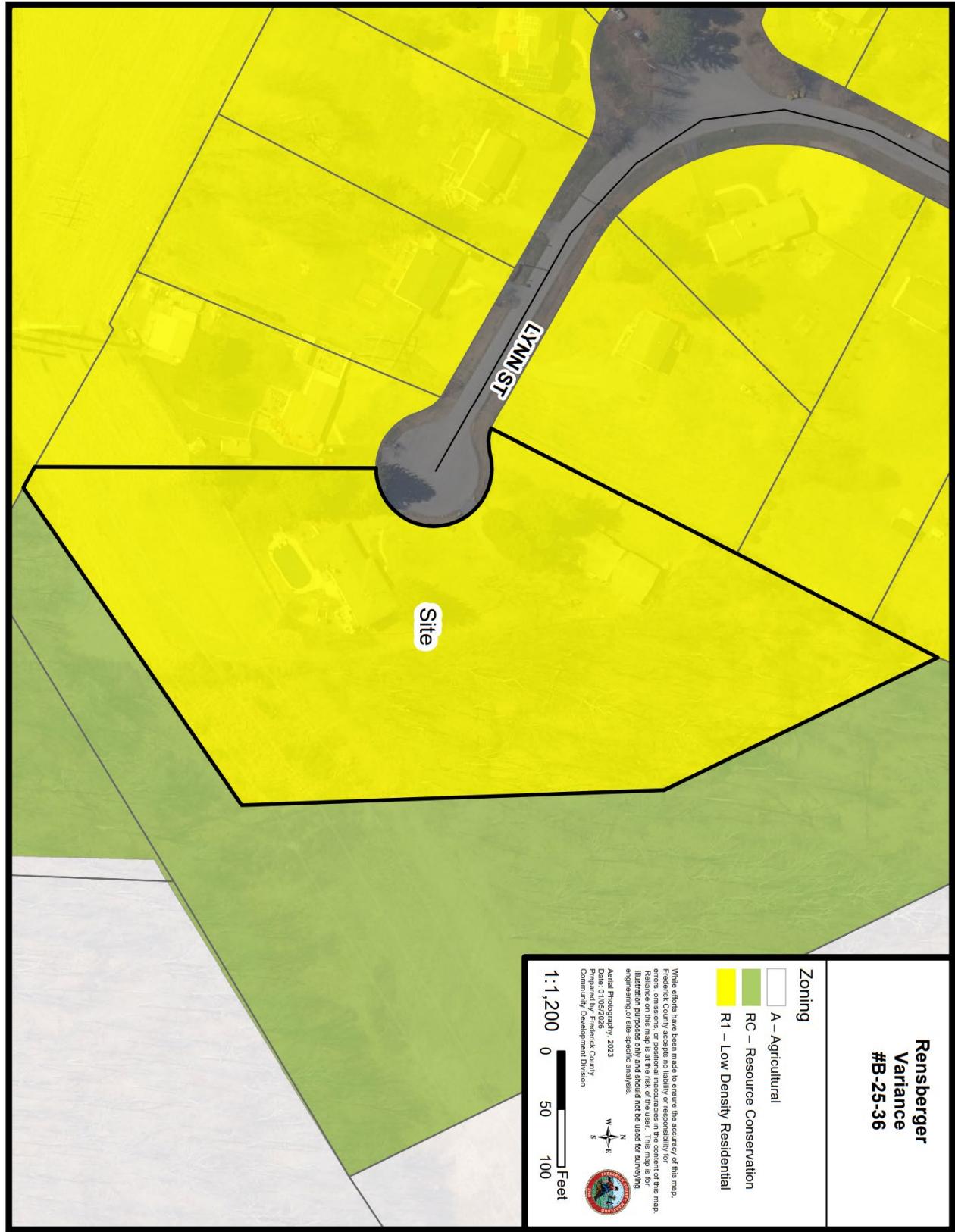
Attachment #10: Plat Showing 2 Lots



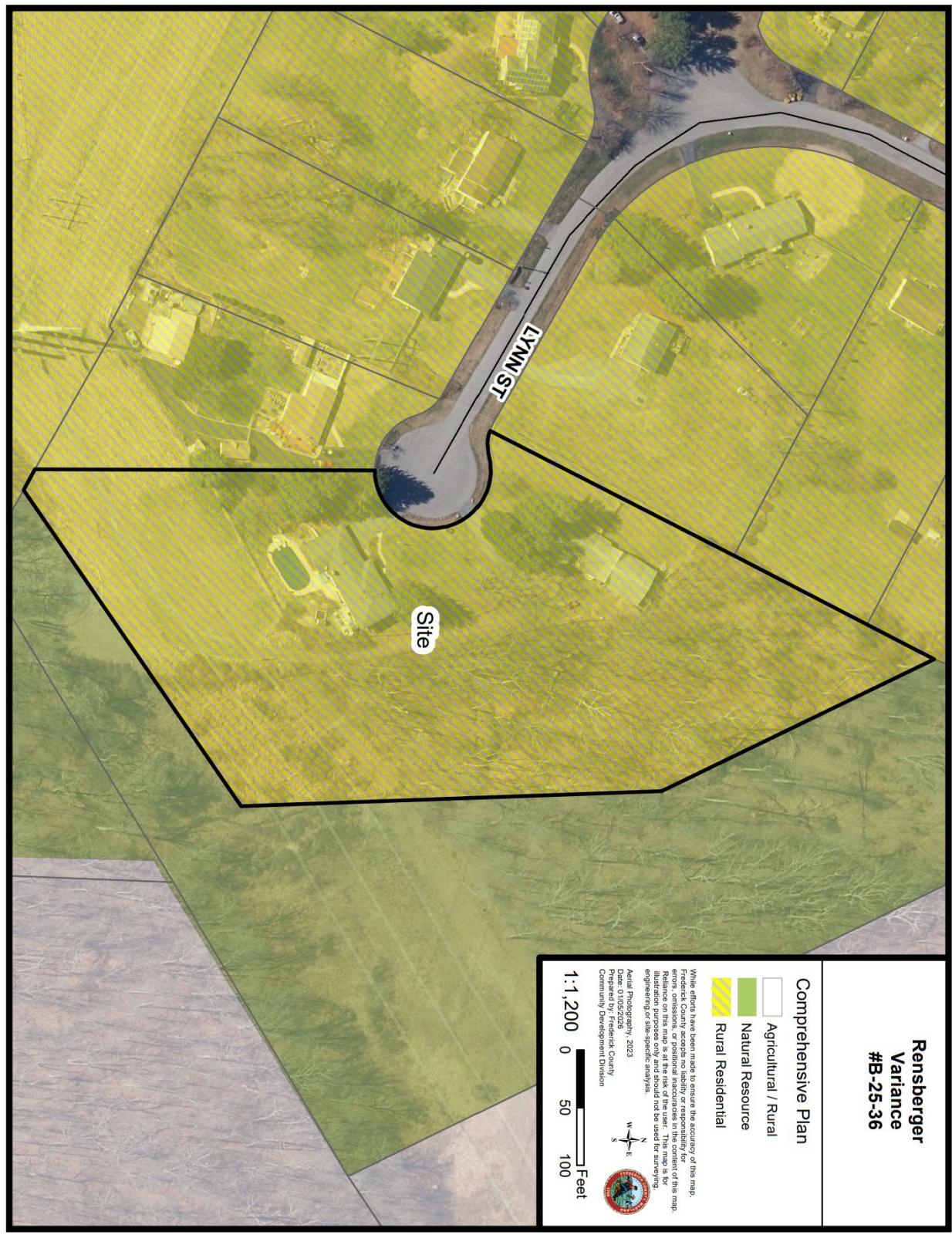
Attachment #11: Aerial Map



Attachment #12: Zoning Map



Attachment #13: Comprehensive Plan Map



Attachment #14: Environmental Features Map

