

## BOARD OF APPEALS

January 21, 2026

County Administration Building, 100 W. Washington St., Meeting Room 2000, Hagerstown, at 6:00 p.m.

### AGENDA

**AP2025-034:** An appeal was filed by BMLS LLC, for a special exception for banquet/reception facility use and variance from the pavement requirement for off-street parking on property owned by Donna Anderson and located at 20659 National Pike, Boonsboro, Zoned Rural Village and Agricultural Rural District. **GRANTED**

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Pursuant to the Maryland Open Meetings Law, notice is hereby given that the deliberations of the Board of Zoning Appeals are open to the public. Furthermore, the Board, at its discretion, may render a decision as to some or all of the cases at the hearing described above or at a subsequent hearing, the date and time of which will be announced prior to the conclusion of the public hearing. Individuals requiring special accommodations are requested to contact Katie Rathvon at 240-313-2464 Voice, 240-313-2130 Voice/TDD no later than January 12, 2026. Any person desiring a stenographic transcript shall be responsible for supplying a competent stenographer.

The Board of Appeals reserves the right to vary the order in which the cases are called. Please take note of the Amended Rules of Procedure (Adopted July 5, 2006), Public Hearing, Section 4(d) which states:

Applicants shall have ten (10) minutes in which to present their request and may, upon request to and permission of the Board, receive an additional twenty (20) minutes for their presentation. Following the Applicant's case in chief, other individuals may receive three (3) minutes to testify, except in the circumstance where an individual is representing a group, in which case said individual shall be given eight (8) minutes to testify.

Those Applicants requesting the additional twenty (20) minutes shall have their case automatically moved to the end of the docket.

For extraordinary cause, the Board may extend any time period set forth herein, or otherwise modify or suspend these Rules, to uphold the spirit of the Ordinance and to do substantial justice.

Tracie Felker, Chairman

Board of Zoning Appeals



## WASHINGTON COUNTY BOARD OF ZONING APPEALS

747 Northern Avenue | Hagerstown, MD 21742-2723 | P:240.313.2430 | F:240.313.2431 | Hearing Impaired: 7-1-1

## ZONING APPEAL

|  |   |                                |            |
|--|---|--------------------------------|------------|
| <b>Property Owner:</b>                               | Donna Anderson<br>20659 National Pike<br>Boonsboro MD 21713   | <b>Docket No:</b>              | AP2025-034 |
| <b>Appellant:</b>                                    | BMLS LLC<br>975 Mt. Aetna Road<br>Hagerstown MD 21740   | <b>Tax ID No:</b>              | 16013811   |
| <b>Property Location:</b>                            | 20659 National Pike<br>Boonsboro, MD 21713  | <b>Zoning:</b>                 | A(R); RV   |
| <b>Description Of Appeal:</b>                        | Special exception for banquet/reception facility use and variance from the pavement requirement for off-street parking. |                                |            |
| <b>Appellant's Legal Interest In Above Property:</b> | <b>Owner:</b> No<br><br><b>Lessee:</b> No<br><br><b>Other:</b>  | <b>Contract to Rent/Lease:</b> | No         |
|  |   | <b>Contract to Purchase:</b>   | Yes        |

**Previous Petition/Appeal Docket No(s):**

**Applicable Ordinance Sections:**

Washington County Zoning Ordinance: Article 3. Table No. 3.3 (1), B Article 22. Section 22.12 (f) (10) (iv)

**Reason For Hardship:** See justification statement

**If Appeal of Ruling, Date Of Ruling:**

**Ruling Official/Agency:**

**Existing Use:**

**Proposed Use:** Event Venue

**Previous Use Ceased For At Least 6 Months:**

**Date Ceased:**

**Area Devoted To Non-Conforming Use -**

**Existing:**  
**Proposed:**

I hereby affirm that all of the statements and information contained in or filed with this appeal are true and correct.

  
Appellant Signature

State Of Maryland, Washington County to-wit:

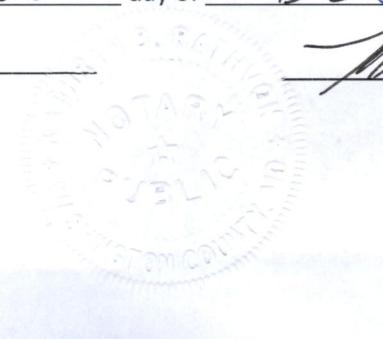
Sworn and subscribed before me this 23 day of Dec., 2025.

Nov. 7, 2029

My Commission Expires



Notary Public





WASHINGTON COUNTY BOARD OF ZONING APPEALS

747 Northern Avenue | Hagerstown, MD 21742-2723 | P:240.313.2430 | F:240.313.2431 | Hearing Impaired: 7-1-1

## AFFIDAVIT IN COMPLIANCE WITH SECTION 25.51(C)

Docket No: AP2025-034

**State of Maryland Washington County, To Wit:**

On 12/17/2025, before me the subscriber, a Notary of the public of the State and County aforesaid, personally appeared JD Law Co., Inc and made oath in due form of law as follows:

JD Law Co., Inc will post the zoning notice sign(s) given to me by the Zoning Administrator in accordance with Section 25.51(c) of the Washington County Zoning Ordinance for the above captioned Board of Appeals case, scheduled for public hearing on 01/21/2026, and that said sign(s) will be erected on the subject property in accordance with the required distances and positioning as set out in the attached posting instructions.

Sign(s) will be posted on 01/06/2026 and will remain until after the above hearing date.



JD Law Co., Inc

Sworn and subscribed before me the day and year first above written.

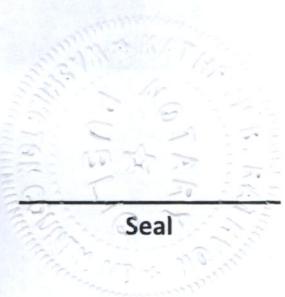


Notary Public



My Commission Expires

Seal





## WASHINGTON COUNTY BOARD OF ZONING APPEALS

747 Northern Avenue | Hagerstown, MD 21742-2723 | P:240.313.2430 | F:240.313.2431 | Hearing Impaired: 7-1-1

# BOARD OF ZONING APPEALS

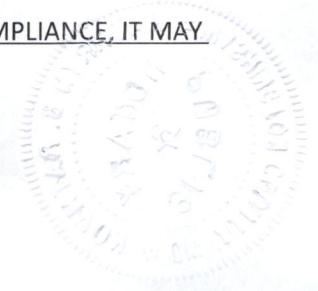
## **ATTENTION!**

### **Posting Instructions**

The premises MUST be posted in accordance with the following rules:

1. The sign must be posted a minimum of fourteen (14) days prior to the public hearing Section 25.51(c) Property upon which the application or appeal is concerned shall be posted conspicuously by a zoning notice no less in size than twenty-two (22) inches by twenty-eight (28) inches at least fourteen (14) days before the date of the hearing.
2. The sign must be placed on the property within ten (10) feet of the property line which abuts the most traveled public road.
3. The sign must be posted in a conspicuous manner not over six (6) feet above the ground level, and affixed to a sturdy frame where it will be clearly visible and legible to the public.
4. The sign shall be maintained at all times by the applicant until after the public hearing. If a new sign is needed or required, please contact the Plan Review Department at 240-313-2460.
5. An affidavit certifying the property will be posted for the minimum of fourteen (14) days prior to the public hearing date.

Proper posting of the sign will be spot checked by the Zoning Inspector. IF SIGN IS NOT IN COMPLIANCE, IT MAY RESULT IN RESCHEDULING OF THE HEARING.





## Department of Planning & Zoning Owner's Representative Affidavit

This is to certify that REBECCA PEARL KELLINGER of BMLS, LLC and Henson & Son, Inc. (the contract purchaser of our property) and its legal or civil engineering representative(s) is/are authorized to file with the Washington County Department of Planning and Zoning, an application for **Special Exception for Banquet / Reception Facility and related Variances** with regard to the property located at 20659 National Pike, Boonsboro, Maryland 21713 containing +/- 20 acres which is owned in fee simple by the undersigned.

### PROPERTY OWNER:

DocuSigned by:  
A handwritten signature of "Donna Anderson" enclosed in a blue rectangular box.  
56C958CCC11D40E  
Donna Anderson  
20659 National Pike  
Boonsboro, MD 21713

Date: 11/14/2025 | 06:47 PST

### AUTHORIZED REPRESENTATIVE:

A handwritten signature of "Rebecca Kellinger" enclosed in a blue rectangular box.  
11/14/2025  
Rebecca Pearl Kellinger  
BMLS LLC / Henson & Son Inc.  
975 Mt. Aetna Road  
Hagerstown, MD 2170

December 15, 2025

Board of Zoning Appeals  
747 Northern Avenue  
Hagerstown, MD 21740

**Re: Special Exception & Parking Surface Variance  
+/- 20 ac. Property Located at 20659 National Pike, Boonsboro, Maryland  
(TM 63; Parcel 237) (the "Property")**

Dear Board Members:

The Applicant, Rebecca Pearl Kellinger of BMS, LLC, a Maryland limited liability company is the contract purchaser of the above referenced Property located on the southside of U.S. Rte. 40 (National Pike) approximately 1,000 ft. to the west of its intersection with Md. Rte. 66. See attached aerial photograph.

The Property is split zoned a combination of RV (Rural Village) along the U.S. Rte. 40 frontage and A(R) (Agricultural, Rural) to the rear of the Property. See attached zoning map.

The surrounding area is primarily rural in character with several "Rural Business" overlay districts in the immediate vicinity of the Property (Flea Market & Sheetz) and to the northeast around the U.S. Rte. 40 / Md. Rte. 66 intersection.

The Property is currently improved with a large, stone farmhouse and numerous accessory agricultural / commercial buildings previously used to support the business of David M. Merchant excavating contractor who owned the property before his passing in 2021. See attached aerial photo.

### Proposed Use

The Applicant is not currently in the business of organizing or providing banquets, receptions or other special events and intends to reside on the Property as a primary residence.

However, essentially as an accessory use to this primary purpose, the Applicant would like to put the existing buildings, paved/gravel areas and large open grassy areas on the Property to good use as a "Banquet/Reception Facility" as defined by and permitted by Special Exception in both the RV and A(R) zoning districts. See attached.

At this time, as shown and identified on the notated Aerial Photograph attached, Applicant's intent is to utilize a large semi-rigid tent structure measuring approximately 40 Ft X 60 Ft; self-contained, temporary bathroom trailer; and food trucks or other means of providing and serving prepared food and refreshments at hosted events. However, they would like to have the flexibility to construct and install a commercial grade kitchen / food prep area and/or a permanent enclosed or semi-enclosed structure should the need arise.

There will be no full-time employees and no "regular" operating hours for the Property; the days and hours of operation will vary depending upon the needs of the particular event but will not extend beyond 10 p.m. and not be more frequent than 4 events per month.

Maximum attendance for banquets, receptions or other special events is anticipated to be 150 or fewer.

As per Section 22.1 of the Zoning Ordinance, the Off-Street Parking Requirement for "Banquet Halls, Dance Halls, Exhibition Halls, and Assembly Halls", which presumably is how the proposed Special Exception use will be viewed, is 1 space per 50 square feet of Gross Floor Area.

However, since no permanent building is proposed as part of the Special Exception, the number of parking spaces that will be required to support the proposed use is uncertain and may need to be determined by the Zoning Administrator as per § 22.12(b) of the Zoning Ordinance which provides that: "If a specific use is not listed, the Zoning Administrator shall have the right to determine the required off-street parking requirements, based on the most similar use(s) listed."

No matter the requirement, Applicant is confident that sufficient parking can be provided in the grassy area shown and identified on the additional, notated Aerial Photograph attached.

There will be no permanent exterior lighting or signage installed, only temporary lighting as needed and directional signs on the days there are events to be held.

In Maryland, a use permitted by Special Exception carries with it a presumption of compatibility with the surrounding area.

As the Courts have guided, to overcome this presumption there must be facts or circumstances demonstrating that the proposed use will have greater adverse effects at THIS location than on any other property with the same RV / A(R) zoning.

In this case, there are no such facts or circumstances. To the contrary; this Property seems particularly suited for the proposed Special Exception use given its size, proximity to other Rural Business / Commercial uses, availability of existing buildings and improvements, the location of those buildings and improvements within the interior of the Property, and accessibility from an adequate, primary roadway (U.S. Rte. 40).

## Parking Surface Variance

In addition to the request for Special Exception, Applicant also requests a variance from the Off-Street Parking design requirement in §22.12(f)(10)(iv) of the Zoning Ordinance that parking and access lanes / aisles with a total area greater than 3,400 sf. be paved.

As explained above, the minimum number of parking spaces that will be required for the proposed Banquet / Reception Facility is uncertain, but it will more than likely require a parking area in excess of 3,400 sf. and thus be required to be paved.

As shown on the notated aerial photo attached, the handicap accessible spaces will be located adjacent to the venue space and will be paved. However, for all additional spaces required to be provided, the proposal is to use the large grass area to the north of the venue space and internal access drive which the Applicant should not be required to pave.

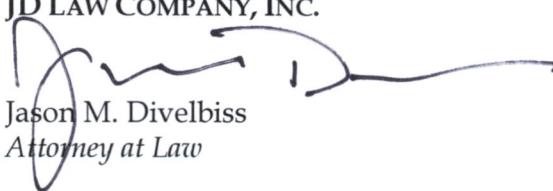
In support of this request, the Applicant respectfully contends that conformance with § 22.12(f)(10)(iv) would be unnecessarily burdensome and create a substantial injustice due to (i) the periodic nature of the requested "Banquet / Reception Facility" which will not utilize or create a demand for the required level of parking on a regular basis, and (ii) the importance of reducing or eliminating the visual and environmental impact from impervious surfaces whenever possible.

As referenced above, this Property is located in a predominantly rural area; adding additional paved, impervious surface that will only be used on a limited, temporary basis would negatively impact not only the nature and character of this Property, but potentially the surrounding area as well.

## Conclusion

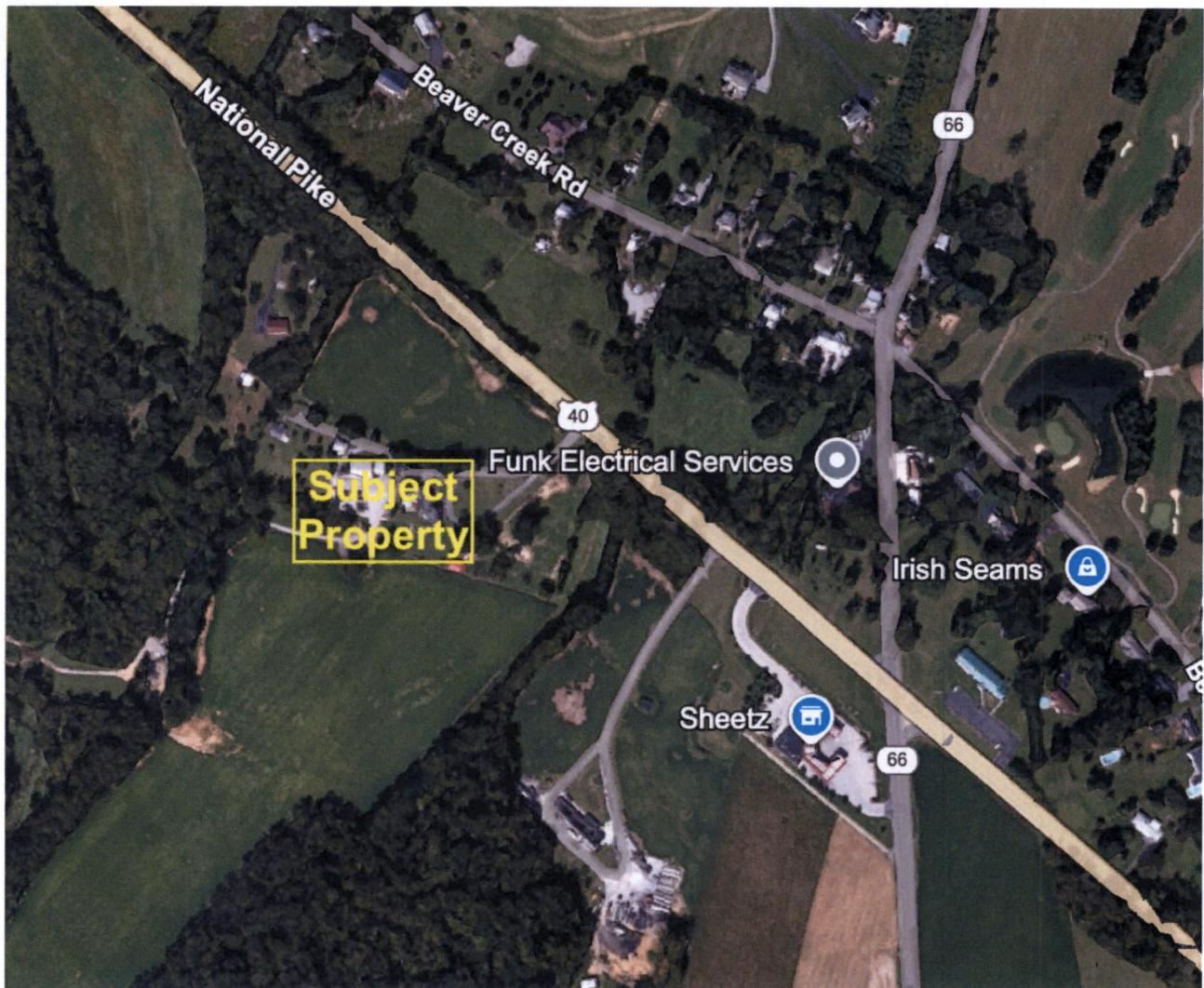
I look forward to discussing the particular facts and circumstances of the proposed use and this request for Special Exception and variances with you at the Board's next regularly scheduled hearing.

Very truly yours,  
JD LAW COMPANY, INC.

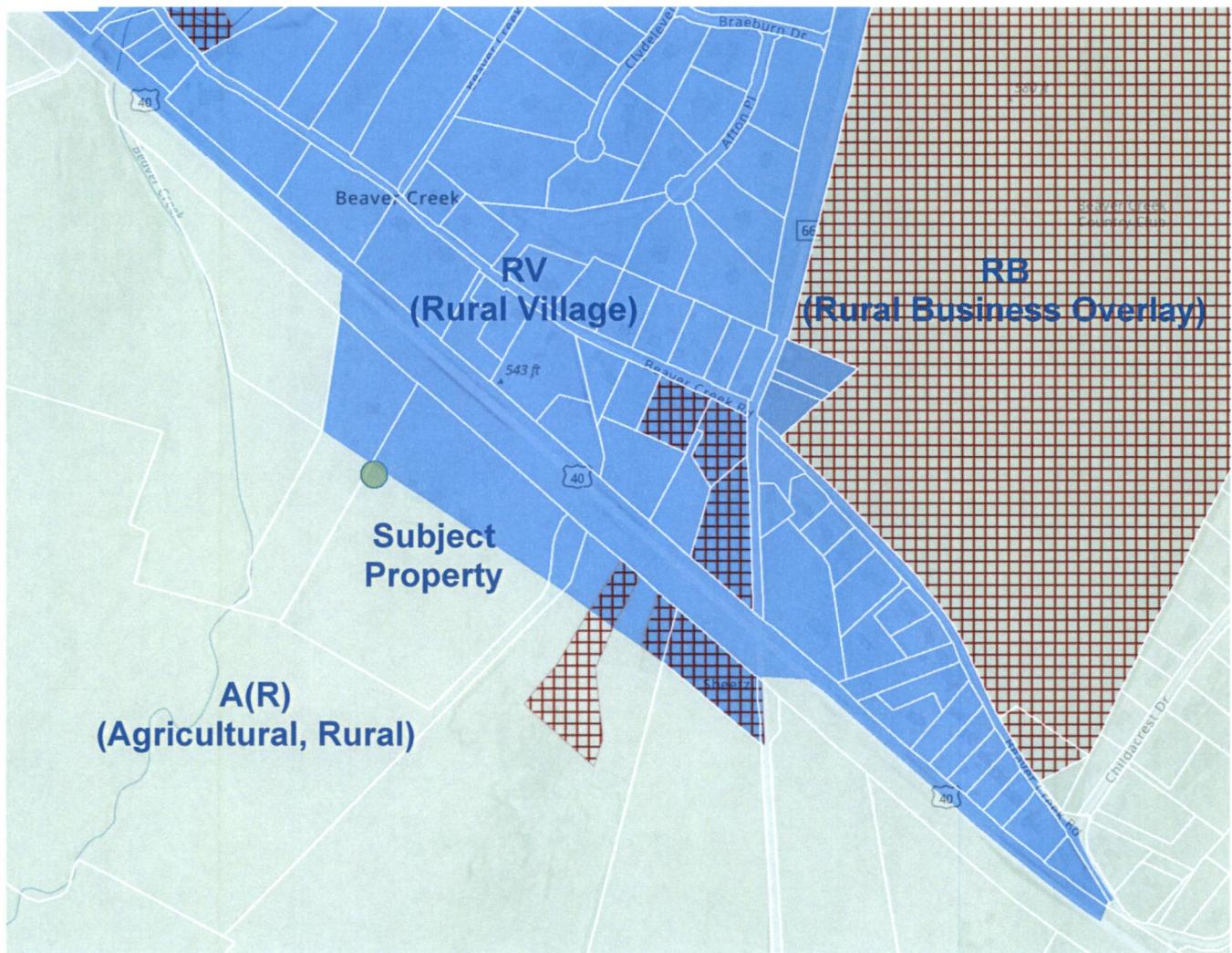
  
Jason M. Divelbiss  
Attorney at Law

Email: [jdivelbiss@divelbisslaw.com](mailto:jdivelbiss@divelbisslaw.com)

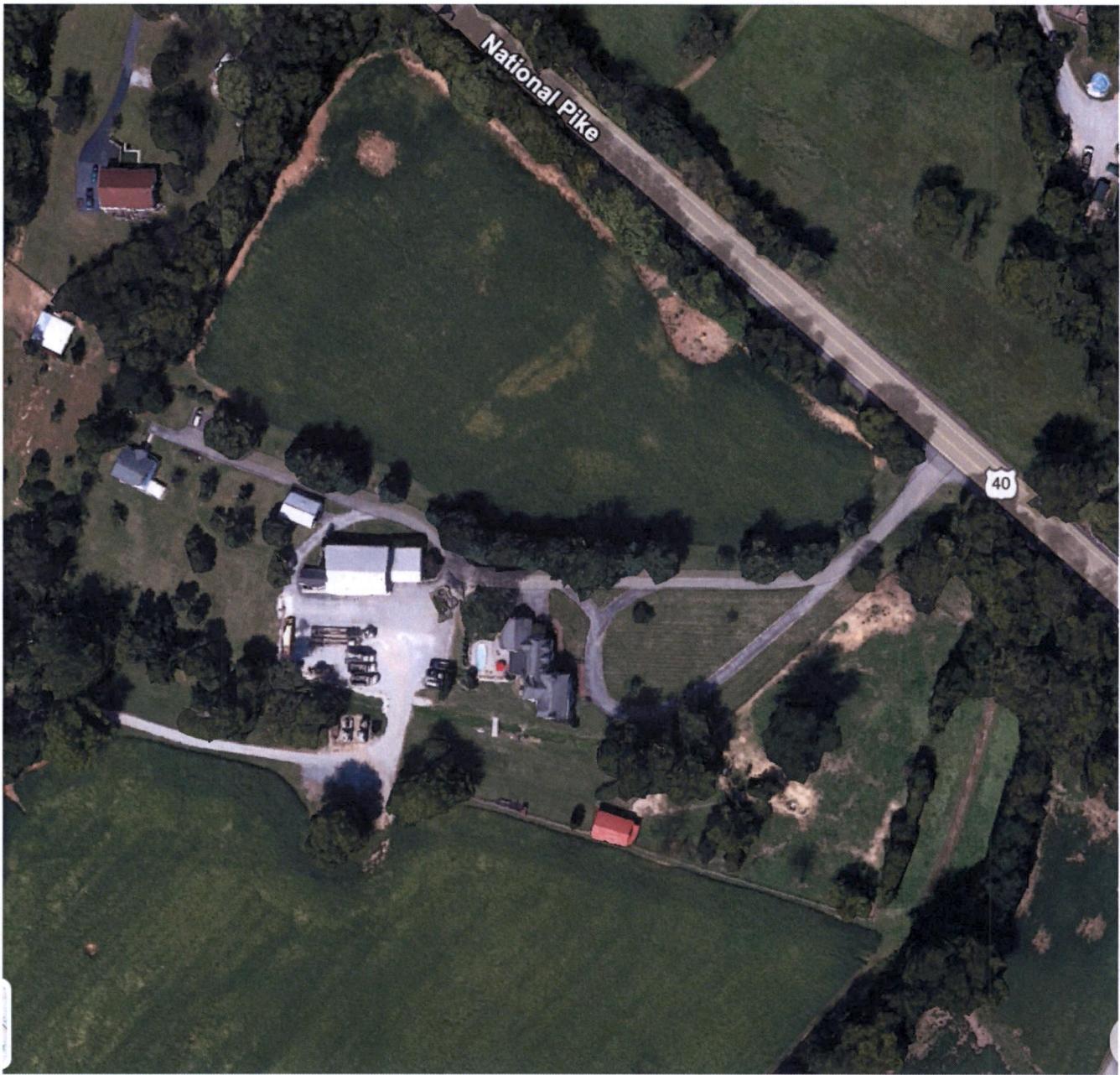
Aerial Photo  
(Surrounding Area)



### Zoning Map



Aerial Photo  
(Property Improvements)



## **Definition of “Banquet/Reception Facility”**

servicing and minor repairs are provided. Uses at a service station do not include major mechanical and body work, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in such stations. A service station is not a repair and service garage or a body shop.

### **Banquet/Reception Facilities:<sup>214 215</sup>**

Commercial establishment engaged in the provision of meeting or congregation facilities for special events such as weddings, parties, public meetings, and social gatherings. Such facilities may include on-site catering services. Restaurants are not included as part of this definition.

### **Bed & Breakfast:<sup>216 217</sup>**

An owner-occupied residential structure providing rooms for temporary, overnight lodging, with or without meals, for paying guests. Such uses shall be limited to no more than five (5) guest rooms.

### **Board:**

The Board of Appeals.

### **Boarding House:<sup>218</sup>**

A private dwelling unit in which, for compensation, lodging and possibly meals are provided to no more than four (4) roomers/boarders by a resident family. Rooms are offered on a single-room occupancy basis and sanitary facilities may be shared. A common cooking area may be provided. Lodging is provided on no less than a month-to-month basis.

### **Brewery, Commercial:<sup>219</sup>**

An establishment with facilities for manufacturing and bottling malt beverages for sale on-site or through wholesale or retail outlets in accordance with a valid Class 5 manufacturing license from the State of Maryland. A commercial brewery is a brewery that does not meet the definition of a Farm Brewery. Accessory uses may include beer tasting rooms at which beer tasting occurs, accessory food sales related to the beer tasting, and the sale of beer produced on site. The area for beer tasting, accessory food sales related to the beer tasting, and sales of beer produced on-site shall not exceed 25 percent of the area of the structures located on-site and being used for manufacturing and bottling.

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214 Revision 17, definition added 4/23/13 (RZ-12-002/ORD-2013-13)

215 Revision 18, definition amended 1/16/18 (RZ-17-007/ORD-2018-03)

216 Revision 18, definition amended 10/11/16 (RZ-13-003/ORD-2016-18)

217 Revision 18, definition amended 1/16/18 (RZ-17-007/ORD-2018-03)

218 Revision 18, definition amended 1/16/18 (RZ-17-007/ORD-2018-03)

219 Revision 17, definition added 4/23/13 (RZ-12-002/ORD-2013-13)

## Zoning Ordinance – Land-Use Chart

A(R)-Agriculture (Rural)  
 EC-Environmental Conservation  
 P-Preservation  
 RV-Rural Village  
 RB-Rural Business  
 IM-Industrial Mineral

**Table No. 3.3(1)<sup>6 7</sup>  
TABLE OF LAND USE REGULATIONS  
(RURAL AREA USES)**

| LAND USES  | A(R) | EC | P  | RV | RB | IM | Intensity of Use |
|--|------|----|----|----|----|----|------------------|
| <b>A. Accessory</b>  |      |    |    |    |    |    |                  |
| Guest house in an accessory building   | SE   | SE | SE | SE | N  | N  | N/A              |
| Private stables as defined in Article 28A shall be subject to the requirements set forth in Article 4 Section 4.13   | A    | A  | A  | A  | A  | N  | N/A              |
| Swimming pools, tennis and other similar courts and other recreational facilities, when accessory to a residence   | A    | A  | A  | A  | A  | N  | N/A              |
| Uses and structures customarily accessory and incidental to any principal permitted use or special exception, including business signs pertaining to "use on the premises" (provided, that such signs are located as regulated in Section 22.2), and a single-family dwelling unit in the same building with a principal use | A    | A  | A  | A  | A  | A  | N/A              |
| <b>B. Accommodation and Food Services<sup>8 9</sup></b>  |      |    |    |    |    |    |                  |
| Banquet/Reception Facilities   | SE   | SE | SE | SE | P  | N  | HIGH             |
| Bed and Breakfast; up to five (5) guest rooms  | A    | A  | A  | SE | P  | N  | MODERATE         |
| Boarding or rooming houses   | SE   | SE | SE | P  | P  | N  | MODERATE         |
| Conference Centers   | SE   | SE | SE | SE | P  | N  | HIGH             |
| Country Inn  | SE   | SE | SE | SE | P  | N  |                  |
| Hotels and apartment hotels, including motels  | N    | N  | N  | N  | P  | N  | MODERATE         |
| Restaurants with drive-in, drive thru service  | N    | N  | N  | N  | P  | N  | MODERATE         |
| Restaurants without drive-in, drive-thru service   | N    | N  | N  | N  | P  | N  | MODERATE         |
| Resorts  | N    | N  | N  | N  | P  | N  | HIGH             |
| Taverns  | N    | N  | N  | N  | P  | N  | HIGH             |
| <b>C. Administrative and Support and Waste Management and Remediation Services</b>   |      |    |    |    |    |    |                  |
| Building and dwelling services as defined in Article 28A   | N    | N  | N  | N  | P  | N  | MODERATE         |
| Landscape Contractor   | P    | P  | P  | P  | P  | N  | MODERATE         |

6 Table No. 3.3(1) amended 9/19/06 (RZ-06-007/ORD-06-09)

7 Table No. 3.3(1) amended 8/4/09 (RZ-09-001/ORD-09-08)

8 Revision 17, Table No. 3.3(1)B. amended 4/23/13 (RZ-12-002/ORD-2013-13)

9 Revision 18, Table No. 3.3(1)B. amended 1/16/18 (RZ-17-007/ORD-2018-03)

P-Permitted  
 SE-Special Exception  
 A-Accessory  
 N-Not Permitted

Aerial Photo (notated with structure and parking locations)

