

**Tax Map/Block/Parcel**  
**No. 6-19-40**  
**Case 5993**

**OFFICIAL DECISION**  
**BOARD OF ZONING APPEALS**  
**CARROLL COUNTY, MARYLAND**

**APPLICANT:** David and Lisa Showvaker  
2020 Garrett Road  
Manchester, MD 21102

**ATTORNEY:** N/A

**REQUEST:** An appeal of the Zoning Administrator's notice of violation by requesting a variance to change the required setback for an existing structure from twenty feet to ten feet.

**LOCATION:** The site is located at 2020 Garrett Road, Manchester, Maryland on property zoned "A" Agricultural District, in Election District 6.

**BASIS:** Code of Public Local Laws and Ordinances, Section 158.070(H) .

**HEARING HELD:** February 28, 2017

**FINDINGS AND CONCLUSION**

On February 28, 2017, the Board of Zoning Appeals (the Board) convened to hear an appeal of the Zoning Administrator's notice of violation by requesting a variance to change the required setback for an existing structure from twenty feet to ten feet. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

Jay Voight, Zoning Administrator, testified about the reason for the notice of violation. A complaint was made to the Zoning Office about a side setback for a sliding board. The complainant was concerned about children being struck by vehicles near the road. The Permits Office noted that the setback was supposed to be twenty feet. Mr. Voight testified that the actual setback was about ten feet, which would be a ten foot violation of the setback requirement in the zoning code. The applicants were requesting a variance from the twenty foot side setback to a ten foot side setback.

Lisa Showvaker testified for the granting of the variance to ten feet. She agreed with Mr. Voight that the slide was ten feet from the property line and a ten foot variance was being requested. She stated that if the slide was relocated it would be an expensive endeavor. The slide was built around the slope and topography of the area, which were important elements in the creation of the sliding board. As to the concern about children, she stated that there was fencing back in place that was not in place during construction of the slide. People would have

to access the slide through the inside of the sliding structure. There are two slides in the sliding structure. The larger slide did not need a variance. The smaller slide was built for the purpose of compliance with the Americans with Disabilities Act (ADA), and this smaller slide is the one that needs the ten foot setback approval. The Permits Office wanted a slide to be ADA compliant. She owns a Christmas tree farm, and has businesses involving an arts and crafts shop and a corn maze.

Cindy Yoakum testified that she was not concerned about the variance for the sliding board. She was concerned about the traffic on Garrett Road near her house during events on the property.

David Showvaker testified for the granting of the variance to ten feet. He filed for the permit for the sliding board structure. He did not write the 20' on Zoning Exhibit 2. Zoning Exhibit 1 does not indicate anything about the required twenty foot side setback. When the Permits Office personnel indicated that a twenty foot side setback was required, he responded that he owned the property on both sides of the road. Therefore, he did not believe that a side setback was an issue.

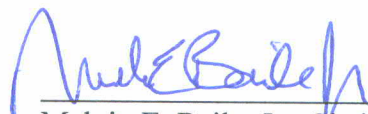
A January 13, 2017 memorandum by Lynda Eisenberg, Chief, and Clare Stewart, Planning Technician, stated that the matter had been reviewed for consistency with the policies and recommendations contained in the *Carroll County Master Plan*, the *Carroll County Water & Sewer Master Plan*, and other plans. The staff finding was that the applicant's request is consistent with the *2014 Carroll County Master Plan* and would not have an adverse effect on the current use of the property or its environs.

The Board did not believe it was appropriate to require the Showvakers to include both of their parcels in a plat in order to eliminate the need for a side setback. The Board considered the slopes used to construct the slides. It was also a factor that the smaller slide was constructed for the purpose of complying with the ADA. The Board approved the required side setback variance to ten feet regardless how the use was characterized in the bulk requirements of the code.

The Board was convinced that authorization of the request for the side setback variance was consistent with the purpose of the zoning ordinance. Based on the findings of fact made by the Board above, the Board approved the side setback variance of ten feet as requested by the applicant.

March 2, 2017

Date

  
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Melvin E. Baile, Jr., Chairman

Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court for Carroll County within 30 days of the date of the decision pursuant to Land Use Article, Section 4-401 of the Annotated Code of Maryland.

Pursuant to Section 158.133 (H)(3) of the County Code, this approval will become void unless all applicable requirements of this section are met. Contact the Office of Zoning Administration at 410-386-2980 for specific compliance instructions.

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