

IN THE MATTER OF  
NADINE CZECH - APPLICANT.  
1015 FOXRIDGE LANE  
BALTIMORE, MD 21221

RE: DENIAL OF RESERVED HANDICAPPED  
PARKING SPACE

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* Case No. CBA-10-030

\* \* \* \* \*

**OPINION**

This case comes to the Board of Appeals as the result of the denial of a reserved handicapped parking space at 1015 Foxridge Lane, Baltimore, MD 21221, by the Baltimore County Division of Traffic Engineering in a letter dated March 1, 2010, to Mr. Andrew Srebroski, Acting Asst. Manager, Investigative and Security Division, Motor Vehicle Administration (MVA), from Darrell A. Wiles, Chief, Bureau of Traffic Engineering and Transportation Planning for Baltimore County (County Exhibit No. 5). A copy of that letter was sent to Ms. Nadine Czech, Appellant, along with a copy of the County Policy with respect to handicapped parking spaces. Applicant, Nadine Czech, filed a timely appeal of the denial of the handicapped parking space requested for 1015 Foxridge Lane, Baltimore, Maryland.

The Board held a public hearing on May 19, 2010, at 2:30 p.m. Baltimore County was represented by Mr. Jim Gullivan, Traffic Inspector and Mr. Stephen E. Weber, Chief of the Baltimore County Division of Traffic Engineering. Ms. Nadine Czech, Appellant, represented herself, *pro se* and testified on her own behalf.

Mr. Gullivan, an Inspector with the Traffic Division of Baltimore County testified on behalf of the County. He stated that on February 12, 2010, his office received an application and letter from Mr. Andrew Srebroski, Acting Asst. Manager, Investigative and Security Division, Maryland Motor Vehicle Administration (MVA), dated February 4, 2010, concerning a request for a residential reserved handicapped parking space for Ms. Czech (County Exhibit No. 1). The County indicated

that, on the basis of the State's finding that Ms. Czech met the provisions of the Maryland Vehicle law Section 21-1-005 and that the County would not contest her disability. Baltimore County was requested to process the application to determine if the applicant met the criteria for granting such a parking space in Baltimore County.

Mr. Gullivan testified that he visited the property at 1015 Foxridge Lane on February 4, 2010, and took a photographs of the front and rear of the property (County Exhibit #2 A and B). There was a parking pad located in the rear of the property with a vehicle parked on the parking pad. The photographs showed that the front of the home had four (4) steps up to the front porch plus an additional entrance step from the porch into the living area of the home. The rear of the house had six (6) steps up from the sidewalk to the rear porch and an additional step from the rear porch into the kitchen area of the home.

The County is not contesting the disability of the Applicant; however, Mr. Gullivan determined that under the Baltimore County Policy on Reserved Parking Spaces for Persons with Physical Disabilities, the request does not meet the County's requirements for a reserved handicapped parking space, specifically, §§ 3(B).

Section 3(B) of the Baltimore County Policy on Reserved Parking Spaces for Persons with Physical Disabilities states:

(B) A reserved on-street parking space will not be authorized for any applicant whose property has a self-contained off-street parking area or where off-street parking is provided to the applicant by private sources. This item shall apply to all properties regardless of the time they were built or subdivided. (The property shall be considered to have an available off-street parking area if the aforementioned area existed at the time that the applicant purchased or moved into the property or if it was made available at any subsequent time. If a parking pad, driveway, concrete ribbons, garage, soil stabilized area, etc., was removed or made inaccessible at any time after the applicant purchased or moved into the property, the parking area shall still be considered to exist for purposes of this policy.)

Ms. Nadine Czech, Appellant, testified for herself and stated that she had permanent disability of the cervical and lumbar spine causing limited mobility of the right leg. She stated that

because of her disability, the lower back and left leg does not lift properly to go up and down steps. She stated that her knees do not support her well. She did not feel that she needs to have a ramp built at this time, but estimated that in the future that could be a possibility.

She also stated that it is very difficult for her to get in and out of a regular automobile; therefore, she has purchased a truck in order to be able to get in and out of the driver's seat with ease. She stated that the area in the rear of the yard was not wide enough for her to get in and out of the truck without hitting the fence. Ms. Czech submitted various photographic exhibits which she took and had no questions for Mr. Gullivan: Exhibit 2A is a picture of the front of her house; Exhibit 2B is a picture of the rear of the house showing the steps; and Exhibit 3A is a picture of the opening of the truck door when the truck is parked on the parking pad. The difficulty in opening the doors is due to the fact that Ms. Czech has two (2) sheds in the rear of her property which are on the parking pad. One of the sheds houses her son's four-wheel drive all terrain vehicle and the other shed houses lawnmowers, snow blowers and other equipment. Exhibit 3A is a picture of the right door of the truck being opened and indicating a space of 22 inches between the truck and the edge of one of the shed's; Exhibit 3B shows 13 inches between the rear of the truck and the shed; Exhibit 3C reflects 21 inches of the truck and the fence; and Exhibit 3D shows 25 inches between the truck and the fence when the driver's side door was opened.

Ms. Czech also submitted a letter to Mr. Weber, dated March 22, 2010 (Appellants Exhibit 1) in which she stated her position with respect to her request to have reserved parking space and, in addition, recited that at least five houses on Foxridge Lane that had reserved parking spaces in front of their homes, despite the fact that they had parking pads in the rear.

**Decision**

Section 8 of the Baltimore County Policy on Reserved Parking Spaces for person with physical disabilities provides for the appeal of the denial of such a reserved space by virtue of Section 3B only.

In order to reverse the decision of the Baltimore County Division of Traffic Engineering with respect to handicapped parking spaces, the Board must find that the Applicant meets all of the conditions set forth in Item 8 of the Baltimore County Parking Policy for Reserved Parking Spaces.

Item 8 states:

- (A) The applicant and/or their household has taken all reasonable measures to make the off-street parking area usable and available to the disabled applicant.
- (B) The disability of the applicant is of such a severe degree that an extreme hardship would exist if the applicant were to use the available off-street parking.
- (C) The approval of a reserved on-street space is determined to be one of medical necessity and not one of mere convenience for the applicant.
- (D) The hardships placed on the applicant's neighbors by reserving an exclusive on-street space for the applicant is outweighed by the hardship that would be placed on the applicant if the space were not approved.

After reviewing the testimony and evidence presented and deliberation by the Board, the Board has determined that the Applicant/Appellant has not met her burden and fulfilled the above conditions. Ms. Czech has a self-contained off-street parking area in the rear of her residence as set forth in Item 3(B) of the Baltimore County Policy. It is possible for the Appellant to move or remove one or both of the sheds to allow the doors of her truck to open wide enough for her to get in and out of the driver's side of the truck. It is parked on the parking pad in the rear of the home. Also, there are four (4) steps up to the porch, plus an additional step up into the living room in the front of the home and six (6) steps up from the sidewalk in the rear to the landing and an additional, what appears to be, one or maybe two steps into the kitchen at the rear of the home.

The Board feels that the Applicant has not taken all reasonable measures to make the off street parking area usable and available for her use; and it appears that that the granting of a reserved space would be for a matter of convenience rather than necessity. The fact that other homes on the street have reserved parking spaces, cannot be a basis for this Board to grant a reserved parking space. The issues and reasons that those spaces were granted are not before this Board and cannot be considered in our decision. The decision of the Baltimore County Division of Traffic Engineering should be upheld and that the application for the reserved handicapped parking space at 1015 Foxridge Lane should be denied

**ORDER**

THEREFORE, IT IS THIS 8<sup>th</sup> day of June, 2010, by the Board of Appeals of Baltimore County,


**ORDERED** that the decision of the Division of Traffic Engineering in Case No. CBA-10-030 be and the same is hereby **AFFIRMED**; and it is furthered

**ORDERED** that the application of Nadine Czech for a reserved handicapped parking space at 1015 Foxridge Lane, Baltimore, Maryland, 21221 be and the same is hereby **DENIED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY**

  
Wendell H. Grief, Panel Chairman

  
Edward W. Crizer, Jr.

  
Lawrence S. Wescott