

IN THE MATTER OF
EDWARD J. PARR, JR
1022 FOXRIDGE LANE
BALTIMORE, MARYLAND 21221

RE: DENIAL OF RESERVED
HANDICAPPED PARKING SPACE

* BEFORE THE
* COUNTY BOARD
* OF APPEALS OF
* BALTIMORE COUNTY
* Case No. CBA-10-025

* * * * *

OPINION

This case comes to the Board of Appeals as the result of the denial of a reserved handicapped parking space at 1022 Foxridge Lane, Baltimore, MD 21221, by the Baltimore County Division of Traffic Engineering in a letter dated December 18, 2009, to Mr. Andrew Srebroski, Acting Asst. Manager, Investigative and Security Division, Motor Vehicle Administration (MVA), from Stephen E. Weber, Chief, Division of Traffic Engineering and Transportation Planning for Baltimore County . A copy of that letter was sent to Mr. Edward J. Parr, Jr., Appellant, along with a copy of the County Policy with respect to handicapped parking spaces. Applicant, Edward Parr, filed a timely appeal of the denial of the handicapped parking space requested for 1022 Foxridge Lane, Baltimore, Maryland.

The Board held a public hearing on May 19, 2010, at 10:00 a.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. Mr. Edward J. Parr, Jr., Appellant, represented himself, *pro se* and testified on his own behalf.

The Traffic Division of Baltimore County received an application and letter from Mr. Andrew Srebroski, Acting Asst. Manager, Investigative and Security Division, Maryland Motor Vehicle Administration (MVA), dated December 10, 2009, concerning a request for a residential

reserved handicapped parking space for Mr. Parr, Jr. (County Exhibit No. 1). The County indicated that, on the basis of the State's finding that Mr. Parr, Jr. met the provisions of the Maryland Vehicle law Section 21-1-005 and that the County would not contest his 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.

The subject property is a townhouse located in the Essex area of Baltimore County. The property is improved by a detached one-car garage with adjacent rear parking pad.

The Applicant testified that he suffers from physical limitations by reason of degenerative diseases of his back and neck. He further testified that he could not use the rear parking pad because to do so would require him to unlock the rear gate which for him is a physical problem brought on by the bilateral carpal tunnel syndrome in his hands. The Applicant produced letters from his treating physicians, Kevin E. McGovern, MD, and Marcel A. Reischer, MD, as evidence of the aforementioned disorders.

The Board questioned Mr. Parr as to why he could not simply leave his rear gate unlocked and use the parking pad. It turn Mr. Parr responded that he has a canine in his rear yard. He additionally pointed out that the steps to the deck located at the rear of his house are at a steep (45 degree) angle which make climbing them difficult for him because of the disability to his back.

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.

The Board reviewed the testimony of the Applicant as to the extreme difficulty he suffers from his back and neck and particularly his carpal tunnel syndrome when attempting to unlock his gate and use the steep steps to utilize the rear entrance into his house. After reviewing the testimony and evidence presented and deliberation by the Board, the Board has determined that the Applicant/Appellant has met his burden under sub-sections (B) and (C) above. The Board concluded that all subtests from above have also been met.

There was no opposition from the Appellant's neighbors, noted either at the hearing nor in the case file. The Board likewise concludes from the testimony of the Applicant that there are apparently no reasonable measures that can be undertaken to make the off street parking area usable and available in this situation.

ORDER

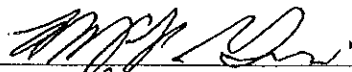
THEREFORE it is this 23rd day of June, 2010, by the Board of Appeals of Baltimore County,

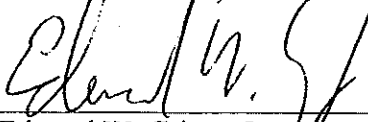
ORDERED, that the decision of the Division of Traffic Engineering in Case No.: CBA-10-025, be and the same is hereby **REVERSED**; and it is further

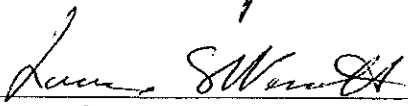
ORDERED, that the application of Edward J. Parr for a reserved handicapped parking space at 1022 Foxridge Lane, Baltimore, MD 21221, be and the same is hereby **GRANTED**.

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. Grier, Panel Chairman


Edward W. Crizer, Jr.


Lawrence S. Wescott