

IN THE MATTER OF  
SOTIRIS STAKIAS - APPLICANT.  
1752 LANGPORT ROAD  
BALTIMORE, MD 21222

RE: APPLICATION FOR RESERVED  
HANDICAPPED PARKING SPACE

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* Case No. CBA-11-006

\* \* \* \* \*

**OPINION**

This case comes to the Board of Appeals from the denial of a reserved handicapped parking space for Sotiris Stakias, Appellant, at 1752 Langport Road, Baltimore, Maryland, 21222, by the Baltimore County Division of Traffic Engineering in a letter dated September 29, 2010 to Earl Beville, Assistant Manager of Investigative and Security Division, Motor Vehicle Administration. A copy of that letter was sent to Mr. Stakias with a copy of the County Policy with respect to handicapped parking spaces.

A public hearing was held on May 17, 2011. Baltimore County was represented by James Gullivan, Traffic Inspector of the Division of Traffic Engineering. Mr. Stakias represented himself. Mr. James Gullivan testified that his office received an application and letter from the Motor Vehicle Administration (MVA) dated September 20, 2010 concerning the request for a handicapped parking space for Mr. Stakias. The County indicated that, on the basis of the State's finding that Mr. Stakias was disabled, it was not contesting his disability.

Mr. Gullivan made a visit to the Stakias' home on November 17, 2010. He stated that the home is located in the Dundalk area of Baltimore County and is an end unit of a group of row homes on Langport Road. Mr. Gullivan took photographs of the front and rear of the home on his visit. Mr. Gullivan stated that the front of the property contains a total of nine (9) steps from the curb leading up to the front door. He testified that there is a hand rail located on the right hand side of the steps from the sidewalk to the first landing but there is no handrail leading up

from the steps to the front porch. A photograph of the front of the house presented by the County verifies his testimony. (County Ex. 2A).

With regard to the rear of the property, the County's photograph of the rear shows a concrete parking pad. (County Ex. 2b). Contained within the backyard is an above ground pool and a shed. There is a concrete walkway along the right side of the pool leading up to the back porch. At the head of the parking pad is a privacy fence with a gate which is connected to a chain link fence. The fence encompasses the backyard.

The photograph of the rear porch shows 3 steps leading up to the back door under the porch. Other than those 3 steps, the surface is flat from the concrete pad up to the back door. The Applicant explained that when he parks his 2008 Chevy Uplander Van on the parking pad, there is only 1 foot between his van and the pool. The Applicant admitted into evidence a photograph of a dent in the pool which he caused while parking the van on the parking pad. (Applicant's Exh. 1D).

The Applicant testified that street parking in the front of the house between 7:00 – 2:00 p.m. is difficult because the students from the high school across the street park there. The Applicant produced three (3) photographs taken from his front porch toward Langport Road which show cars parked as he described. (Applicant's Exh. 1A, 1B, and 1C).

The Applicant's wife, Sherry Stakias, testified that her husband is blind in his left eye which makes backing the van up difficult. She also explained that her husband may not be driving much longer due to his eye problems but did not know what date that would occur. The Applicant had a cornea transplant and was recently diagnosed with colon cancer. Her husband has many medical appointments which requires them to leave the house frequently during the day. In addition, Mrs. Stakias testified that her uncle, who is bipolar, lives with them and she needs to take him to his medical appointments.

Mr. Gullivan stated that, upon review of the facts, his agency denied the application for the parking space on the basis of Item 3B of the Baltimore County Parking Policy on Reserved Parking Spaces which 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.

In addition, Item 3(C) is applicable here and reads:

(C) The property shall be evaluated on whether the off-street parking area exists, NOT on whether the off-street parking area is available for use.

Mr. Gullivan also reviewed the Exceptions to the policy under (3)(G) but found that because no ramp had been constructed from the house to the street to provide for the Applicant's mobility, there was no exception that applied in this case.

### **Decision**

In order to reverse a decision of the Baltimore County Traffic Division with respect to handicapped parking spaces, the Board of Appeals must find that the Applicant meets all of the following conditions:

(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, the Board has determined that the application for handicapped parking space should be denied.

The Board finds that the evidence shows that there is a parking pad in the rear of the home under Baltimore County Policy Item (3)(B). Based on Item (3)(B) above, the County is not authorized to issue a permit where a parking pad exists on the property. The issue is not whether the pad is "useable" but whether or not it "exists." (Item (3)(C)). The fact that there is a large pool located near the pad which makes parking his large van difficult, is no basis for granting a handicapped parking space. The fact that students from the high school park on the street in front the house does not impact this handicap application.

As a practical matter, the Board notes that, given the Applicant's disabilities, entering the house from the rear entrance is a better option for him. There are 9 steps in the front but only 3 steps in the back. The surface in the back is flat when walking from the pad to the back door. In the front, there is no handrail leading up to front porch. Climbing nine (9) steps would be a steep climb for this Applicant particularly without a handrail. The Board also notes that if the Applicant is not able to safely back up the van onto the pad, he will have an equally difficult time parallel parking the van in the front if a permit was issued.

This Board is not permitted under the Baltimore County Policy to overturn the County's denial unless each of the four (4) factors listed in Section (8) above exist. Based on the evidence presented, the Board finds that the Applicant has not taken all reasonable measures to make the off-street parking area usable or available, and that the approval of a reserved parking space in the front of the home would be solely for the convenience of the Applicant's family and not for medical necessity of the Applicant.

**ORDER**

**THEREFORE, IT IS THIS** 10<sup>th</sup> day of June, 2011 by the  
County Board of Appeals of Baltimore County,

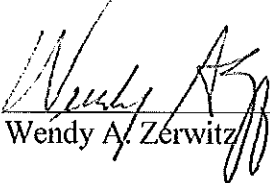
**ORDERED** that the decision of the Division of Traffic Engineering in Case No. CBA-11-006 be and the same is hereby **AFFIRMED**; and it is furthered

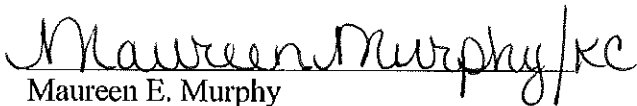
**ORDERED** that the application of **Sotiris Stakias** for a reserved handicapped parking space at 1752 Langport Road, Baltimore, MD. 21222 be and the same is hereby **DENIED**.

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*.

**BOARD OF APPEALS  
OF BALTIMORE COUNTY**

  
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Lawrence S. Wescott, Chairman

  
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Wendy A. Zerwitz

  
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Maureen E. Murphy