

IN THE MATTER OF  
RAY M. SINGER - APPLICANT  
7956 BANK STREET  
BALTIMORE, MD 21224

RE: DENIAL OF RESERVED  
HANDICAPPED PARKING SPACE

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* Case No. CBA-10-041

\* \* \* \* \*

**OPINION**

This case comes to the Board of Appeals as the result of the denial of a reserved handicapped parking space at 7956 Bank Street, Baltimore, MD 21224, by the Baltimore County Division of Traffic Engineering in a letter dated May 3, 2010, to Mr. Earl Beville, Assistant Manager, Investigative and Security Division, Motor Vehicle Administration (MVA), from Stephen E. Weber, P.E., Chief, Division of Traffic Engineering for Baltimore County (County Exhibit No. 5). A copy of that letter was sent to Ray M. Singer, Appellant, along with a copy of the County Policy with respect to handicapped parking spaces.

**Background**

On March 22, 2010, Appellant/Applicant, Ray M. Singer, 7956 Bank Street, Baltimore, MD 21224, submitted an application for a personal residential permit for reserved parking space to the Motor Vehicle Administration (MVA). The application was forwarded by letter dated April 26, 2010 to Stephen E. Weber, Chief of Baltimore County Division of Traffic Operations from Earl Beville, Assistant Manager, Investigative and Security Division, Motor Vehicle Administration (MVA). Mr. Beville, in his letter verified Mr. Singer's disability, in that the Applicant met the provision of the Maryland Vehicle Law § 21-1005. He requested that the Division of Traffic Engineering process the application to determine, from a traffic-engineering standpoint, if the request met the criteria of the operations.

As stated above, by letter dated May 3, 2010, Stephen E. Weber, replied to Mr. Beville's request to review the application for a reserved handicapped space for Mr. Singer. Mr. Weber informed Mr. Beville that the request for reserved handicapped parking space was denied, since the request did not conform with Item 3B of the Baltimore County Policy on Reserved Parking Spaces for Persons with Physical Disabilities.

Item 3B 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.)”

On May 28, 2010, the Applicant submitted a request to appeal the denial of his request for a reserved parking space.

### **Evidence and Testimony**

The Board held a public hearing on July 20, 2010, commencing at 11:00 a.m. Baltimore County was represented by Mr. Stephen E. Weber and Mr. James Gullivan, Division of Traffic Engineering. Mr. Singer was not represented and appeared *pro se* and was accompanied by his wife, Mildred Singer.

Mr. Singer testified that he lived at 7956 Bank Street, in Baltimore County. This is a corner row home on the corner of 54<sup>th</sup> Street and Bank Street. Mr. Singer submitted letters from Christine Hann, MD, PhD, Medical Oncology, Johns Hopkins and Cynthia M. Boyd, M.D.,

Johns Hopkins Geriatrics Center. The letters indicate that Mr. Singer suffers from Metastatic Lung Cancer, Emphysema and Chronic Obstructive Pulmonary Disease and that he is currently undergoing chemotherapy and radiation. Mr. Singer stated that he can not walk too far if the surface is level; however, if he has to use steps, he has to stop. If he is going up an incline he has to stop. He stated that he uses no walking aids, no wheelchairs and/or no canes. His wife stated that he could not carry anything up the rear steps and that he could carry a small bag up the front steps. He testified that parking in the neighborhood was very limited.

In addition, there is a 'No Parking' sign in the front of their home which appears to reduce the parking from the front of their home by at least approximately seven (7) or eight (8) feet. Mr. and Mrs. Singer stated that a reserved parking space at the side of their home on 54<sup>th</sup> Street, would not be of any advantage to them.

Mr. Gullivan testified on behalf of the County that he had conducted a personal inspection of the Appellant's property on June 1, 2010 and took photographs of both the front and the rear of the property, which were presented into evidence. He stated that there was a concrete parking pad in the rear of the premises. He also noted in the photographs the several steps going to the rear of the home from the parking pad.

The picture of the front of the house shows that there is a 'no parking' sign in front of the home and does not allow parking from the sign to the corner, in order to allow visibility of driver's coming up the street and making a turn from 54th Street, which is the next intersection along which the Applicant's property fronts.

Mr. Gullivan stated that there were nine (9) steps going from the parking pad to the walkway and then two (2) steps up to the porch. There was a wooden rail on either side of the steps going up from the parking pad to the walkway in the rear of the home. He states that he recommended denial of the reserved parking space on the basis of Section B of the Baltimore

County Parking Policy for Reserved Parking Spaces for persons with physical disabilities because Mr. Singer had available parking space (a parking pad) in the rear of the property.

In addition, Mr. Gullivan also testified that based upon Section D of the Baltimore County Parking Policy for Reserved Parking Spaces for persons with physical disabilities a reserve parking space would not be authorized in front of the home because there would not be sufficient space for a reserved parking space in front of the 'no parking' sign. Section 3D does not allow reserved parking space to be authorized where parking is prohibited in the roadway adjacent to the Applicant's property. He stated that if a reserved parking space was granted, it would have to be on the side of the home on 54<sup>th</sup> Street.

Mr. Weber testified that if the Applicant received permission from his next door neighbor, a reserved parking space could be allowed that would encroach upon the parking area in front of the neighbor's home.

### **Decision**

There is no question that Mr. Singer is suffering severe disability. However, he does not utilize any wheelchair, scooter, walker, crutches, or any other device to assist him with walking.

There were no neighbors testifying, therefore there was no testimony with regards to degree of hardship that would be placed on the neighbors or the Applicant if the space were approved.

The Board has reviewed the testimony and evidence presented by both parties in this matter. These are not easy cases and the granting of a parking space is not one that is easily obtained.

Any applicant who is aggrieved by a decision of Baltimore County DTE under Item (3)(B) only may appeal that decision to the County Board of Appeals as provided for under Article VI of the Baltimore County Charter and Sections 3-5-104 and 3-5-105

of the Baltimore County Code. The Board of Appeals may overturn the County's denial if **ALL** the following conditions are found to exist:

- (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 recognizes the severe handicap/difficulty with respect to walking, however, Mr. Singer can walk and can pause when climbing the steps in the rear of the home. The steps do have a railing on each side and he can utilize them with pausing if necessary. The Board could not grant a reserved parking space in front of the Singer residence, and it has been made clear to this Board by Mr. Singer and his wife that a parking space on the side of property on 54<sup>th</sup> Street would be of no use to them.

The testimony of Mr. and Mrs. Singer indicate that Mr. Singer seldom drives anymore and Mrs. Singer is the one who transports him when needed. It appears that she could temporarily pull the vehicle up to the no parking area in front of the home and allow him to walk to the vehicle and also exit the vehicle and go into the house; if he felt he could not go up the stairs in the rear of the home at some point.

Therefore, the Board finds that the granting of the parking space at the front of Mr. Singer's home would be more for the convenience of the Applicant/Appellant, than true medical necessity and would be of no use to them in any event. The Board finds that there is not sufficient substantiation to indicate that Mr. Singer has met the requirements under the Baltimore

County Policy on Reserved Parking Spaces for Persons with Physical Disabilities. The Board has determined that the decision of the Baltimore County Division of Traffic Engineering should be upheld and that the application for the reserved handicapped parking space should be denied.

**ORDER**


THEREFORE, IT IS THIS 6<sup>th</sup> day of August, 2010, by the Board of Appeals of Baltimore County,

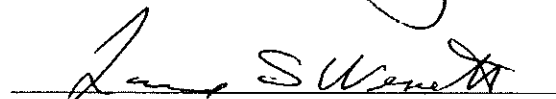
**ORDERED** that the decision of the Division of Traffic Engineering in Case No. CBA-10-041 be and the same is hereby **AFFIRMED**; and it is furthered

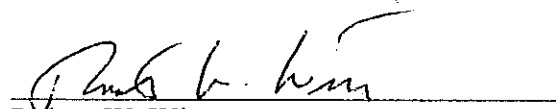
**ORDERED** that the application of Ray M. Singer for a reserved handicapped parking space at 7956 Bank Street, Baltimore, Maryland, 21224 be and the same is hereby **DENIED**.

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**

  
Maureen E. Murphy, Panel Chair

  
Lawrence S. Wescott

  
Robert W. Witt