

IN THE MATTER OF  
THOMAS R. DAVIDSON –  
APPLICANT/APPELLANT  
8033 KIMBERLY ROAD  
BALTIMORE, MD 21222

RE: DENIAL OF RESERVED HANDICAPPED  
PARKING SPACE

\* BEFORE THE  
\* BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* Case No. CBA-12-038

\* \* \* \* \*

**OPINION**

This matter comes to the Board of Appeals as the result of the denial of a reserved handicapped parking space at 8033 Kimberly Road, Baltimore, MD 21222, by the Baltimore County Division of Traffic Engineering in a letter dated January 18, 2012, 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. 6). A copy of that letter was sent to Mr. Thomas R. Davidson, Appellant, along with a copy of the County Policy with respect to handicapped parking spaces.

Mr. Thomas Davidson appeared pro se. The County was represented by Jim Gullivan and Mr. Stephen Weber, P.E., Chief, Division of Traffic Engineering.

Mr. Gullivan took the stand and stated that the County did not dispute the disability. He testified after his visit to the subject property of 8033 Kimberly Road, Baltimore, Maryland 21222, that Mr. Davidson had off street parking in his rear yard. The off-street parking had been blocked by a stockade fence with a small gate the whole width of the property. The rear parking pad also has a carport that spans the entire yard. Under the carport an area has also been covered by a small patio deck half the area of the carport. There are four (4) steps to enter the rear of the

home. The front of the home also has four (4) steps with the same length of yard as the rear of the home.

Mr. Davidson testified that he has health issues that make it difficult to navigate the walk from his car to the house when he parks far away. Mr. Davidson admitted he erected the stockade fence and the deck which currently block the use of the existing off-street parking in the rear of his home.

### **Decision**

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.

This Board finds that the evidence introduced supports the Board's ruling not to grant a reserved handicapped parking space. The Board feels Mr. Davidson's case does not meet the test of #8A of the Baltimore County Policy on Reserved Parking Spaces for Persons with Physical Disabilities.

**ORDER**

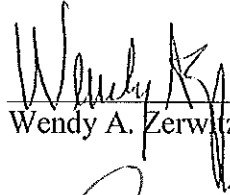
THEREFORE, IT IS THIS 7<sup>th</sup> day of June, 2012, by the  
County Board of Appeals of Baltimore County,

**ORDERED** that the decision of the Division of Traffic Engineering in Case No. CBA-12-038 be and the same is hereby **AFFIRMED**; and it is furthered

**ORDERED** that the application of Thomas R. Davidson, Jr. for a reserved handicapped parking space at 8033 Kimberly Road, Baltimore, Maryland, 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*.

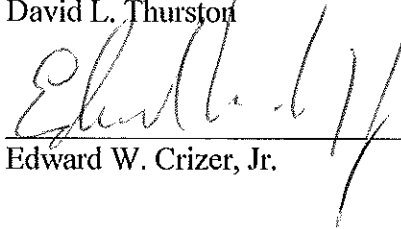
**BOARD OF APPEALS  
OF BALTIMORE COUNTY**



Wendy A. Zerwitz, Panel Chairman



David L. Thurston



Edward W. Crizer, Jr.