

IN THE MATTER OF	*	BEFORE THE
<u>MARY F. HUGHES – APPLICANT/APPELLANT</u>	*	BOARD OF APPEALS
936 FOXCROFT LANE	*	
BALTIMORE, MD 21221	*	OF
AND	*	BALTIMORE COUNTY
<u>RICHARD R. HUGHES, SR. – APPLICANT</u>	*	Case No. CBA-12-039 AND
<u>/APPELLANT</u>	*	CBA-12-040
936 FOXCROFT LANE	*	
BALTIMORE, MD 21221	*	
RE: DENIAL OF RESERVED HANDICAPPED	*	
PARKING SPACE	*	

* * * * *

OPINION

This handicapped parking case is for both Richard R. Hughes, Sr. and Mary F. Hughes, whom both reside at the subject property of 936 Foxcroft Lane, Baltimore, MD 21221. They appeared at the hearing pro se. They testified that they have medical conditions that make it hard for them to park any distance from their home. They each have their own vehicle, one a Scion XB and the other a Chevrolet Silverado. They testified they do have a parking pad in the rear of the house but feel it is not wide enough to accommodate both vehicles.

Mr. Jim Gullivan and Stephen Weber with the Division of Traffic Engineering were in attendance representing the County. Mr. Gullivan testified that they do not dispute the disabilities set forth by the Appellants. Mr. Gullivan further testified about what he found on his field inspection at the subject property as seen in CBA exhibits. Mr. Gullivan stated that the front of the home has nine (9) steps to gain entry in the house. The rear of the home has five (5) steps. The rear of the home has a parking pad that is all concrete. He calculates that the driveway is wide enough for both vehicles to park side by side at one time. The problem is there

is a shed with a row of trash cans that currently sit on one side of the driveway. If the shed was moved off the driveway both cars could park there.

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 feels that the request of a handicapped parking space under the Baltimore County Policy on Reserved Parking Spaces for Persons with Physical Disabilities fails on #8A the first leg of the appeal, therefore the request is denied for both Mary and Richard Hughes.

ORDER

THEREFORE, IT IS THIS 7th 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-12-039 be and the same is hereby **AFFIRMED**; and it is further

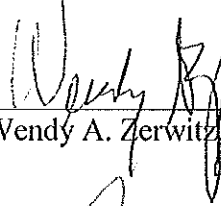
ORDERED that the application of Mary F. Hughes for a reserved handicapped parking space at 936 Foxcroft Lane, Baltimore, Maryland, 21221 be and the same is hereby **DENIED**; and it is further

ORDERED, that the decision of the Division of Traffic Engineering in Case No. CBA-12-040 by and the same is hereby **AFFIRMED**; and it is further

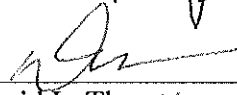
ORDERED that the application of Richard R. Hughes, Sr., for a reserved handicapped parking space at 936 Foxcroft Lane, Baltimore, Maryland 21221 be and the same is hereby **DENIED**.

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*.

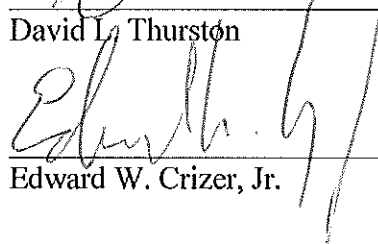
**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Wendy A. Zerwitz, Panel Chairman



David L. Thurston



Edward W. Crizer, Jr.