

IN THE MATTER OF
WILLIAM C. CORRIGAN – APPLICANT
7305 BERKSHIRE ROAD
BALTIMORE, MD 21224

RE: DENIAL OF RESERVED HANDICAPPED
PARKING SPACE

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. CBA-13-010

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OPINION

This case comes to the Board of Appeals as the result of the denial of a reserved handicapped parking space at 7305 Berkshire Road, Baltimore, Maryland, 21224, by the Baltimore County Division of Traffic Engineering in a letter dated August 13, 2012, to Mr. Earl Beville, Assistant Manager, Investigative and Security Division, Motor Vehicle Administration (MVA), from Stephen E. Weber, P.E. Chief, of the Baltimore County Division of Traffic Engineering (County Exhibit No. 5). A copy of that letter was sent to William C. Corrigan, Appellant, along with a copy of the County policy with respect to handicapped parking spaces.

The Board held a public hearing on November 14, 2012, at 10:00 a.m. Baltimore County was represented by James Cockrell, Jr., Traffic Inspector in the Baltimore County Division of Traffic Engineering and Stephen E. Weber, P.E. Chief, of the Baltimore County Division of Traffic Engineering. William C. Corrigan, Appellant, represented himself, *pro se*. Also appearing at the hearing was Mr. Corrigan's wife, Vivian Corrigan.

Mr. Cockrell testified that his office received an application and letter from the MVA dated November 21, 2011, concerning a request for a reserved handicapped parking space for Mr. Corrigan, Appellant (County Exhibit No. 1). The County indicated that, on the basis of

the State's finding that Mr. Corrigan was disabled, the County would not contest his disability.

Mr. Cockrell visited the property on August 12, 2012, and took photographs of the front and rear of the property (County Exhibits Nos. 2a-2b). He also produced an aerial view of the property obtained through Google Earth (County Exhibit 2c). Mr. Corrigan's home is in the center of a unit of row homes. Exhibit 2a shows the rear of the house which has nine steps into the house. There are handrails on both sides the steps. Exhibit 2b shows the front of the house which has seven steps. There are handrails on both sides of the steps. There is a non-gated, off street parking area behind the house. Exhibit 2c, the aerial view of the property, shows a car parked in the parking area. Mr. Cockrell took photographs 2a and 2b when he visited the property. There is no date as to when the Google Earth's photograph was taken.

The County did not dispute Mr. Corrigan's disability as same had been certified by the State. Maryland law states that, in Baltimore County, once a person has been determined to be disabled, establishment of a reserved handicapped parking space is subject to the approval of the Baltimore County Department of Traffic Engineering, in accordance with the charter and public local laws of the County (County Exhibit 3). Mr. Cockrell testified that Mr. Corrigan did not meet the requirements of the Baltimore County policy on reserved parking spaces for person with physical disabilities (County Exhibit 4) as this property has a concrete parking pad in the back. Accordingly, he testified that the request does not meet the requirements of Section 3(B) or 3(C) or the exceptions set forth in Section 3(G). Sections 3(B) and (C) of the Baltimore County Policy on Reserved Parking Spaces for Persons with Physical Disabilities state:

(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.

Section 3(C) states:

(C) The property shall be evaluated on whether the off-street parking area exists, NOT on whether an off-street parking area is available for use. In addition, the placement of any non-permanent objects on top of a parking area (e.g., boats, campers, trailers, above-ground pools, sheds, etc.) will not in any way alter the recognition that the parking area does in fact exist.

Section 3(G) sets forth the exceptions and states:

(G)The DTE may grant an exception to the condition in Paragraph (B) above if the Appellant has a physical disability that limits mobility and/or requires the use of a wheelchair, scooter, walker, crutches, etc., AND that same applicant has constructed a ramp from the house to the street to provide for their mobility. The on-street parking must be more accessible than any off-street space that exists on applicant's property. The DTE may consider the granting of an exception to the condition in paragraph (B) above where extremely unique circumstances and hardships exist due to physical characteristics of the property and the applicant's disability. Additional medical certification may be required to provide sufficient documentation of physical limitations caused by the disability.

William Corrigan testified on his own behalf. He testified that there used to be plenty of room in back to park his car. In June of 2012, his next door neighbor erected a fence which now makes it difficult to park behind his house (Appellant Exhibit 2). He also introduced the Google Earth map (Appellant Exhibit 1) which shows his car parked in the driveway behind his house.

This was taken before the fence was erected. He needs to angle his car to back into the driveway and he can no longer do that because of the fence. The alley behind his house is narrow and cars driving through have hit both his fence and the fence across the street. He introduced photographs showing the back of his house and the fences (Appellant Exhibit 3). On the one side of the driveway is his neighbor's fence and on the other side of the driveway is his wife's fenced in garden. He testified that his house was built around 1953 which the board notes is prior to the State or County laws going into effect regarding handicapped parking spaces.

Mr. Corrigan's wife, Vivian Corrigan, also testified. Mrs. Corrigan had a stroke approximately two (2) years ago. She has no peripheral vision on the right side. It is difficult for her to get out of the car and walk a distance because she cannot see. They have trouble finding a parking space on the street because their neighbors do not use their parking pads.

Decision

In order to reverse the decision of the Baltimore County Division of Traffic Engineering with respect to handicapped parking spaces, Section 8 of the County Policy requires that the Board find that the Applicant meets all of the conditions set forth therein.

The conditions are as follows:

- (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 decision of the Baltimore County Division of Traffic Engineering should be reversed and that the application for the reserved handicapped parking space should be granted. Mr. Corrigan has a parking pad in the rear of his home. He has made all reasonable efforts to use same. It was the actions of his neighbor in erecting a fence that caused him to be unable to use his parking pad. He has testified that as a result of the fence he can no longer back into his driveway and the alley is too narrow for him to pull in forwards. He cannot walk the distance which may be necessary to his home and his wife cannot see to walk safely towards the home when he parks on the street. His neighbors do not use their parking pad making space on the street limited. The situation in which he finds himself is not of his own creation as he was able to use his parking pad until his neighbor erected the fence. He does not have the ability to correct the problem himself. To require him to remove the garden in order to widen his parking pad would place an unreasonable hardship upon him.

In conclusion, the Board will overturn the denial of the Baltimore County Division of Traffic Engineering and will GRANT the Appellant's request for a reserved handicapped parking space at 7305 Berkshire Road, Baltimore, MD 21224.

ORDER

THEREFORE, IT IS THIS 6th day of December, 2012, by the

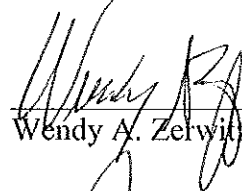
Board of Appeals of Baltimore County,

ORDERED that the decision of the Division of Traffic Engineering in Case No. CBA-13-010, be and the same is hereby **REVERSED**; and it is furthered

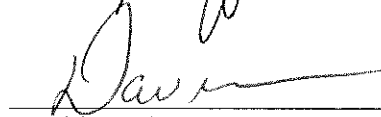
ORDERED that the application of William C. Corrigan for a reserved handicapped parking space at 7305 Berkshire Road, Baltimore, Maryland, 21224 be and the same is hereby **GRANTED**.

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*.

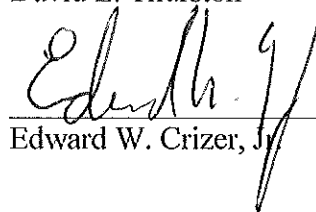
**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Wendy A. Zerwitz, Chairperson



David L. Thurston



Edward W. Crizer, Jr.