

IN THE MATTER OF
ALEXANDRA F. IVANOV-SCHINDLER – APPLICANT
c/o Ida T Schindler
6849 DUNBAR ROAD
BALTIMORE, MD 21222

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. CBA-14-004

RE: DENIAL OF RESERVED HANDICAPPED
PARKING SPACE

* * * * *

OPINION

This case comes to the Board of Appeals as the result of the denial of a reserved handicapped parking space at 6849 Dunbar Road, Baltimore, Maryland, 21222, by the Baltimore County Division of Traffic Engineering in a letter dated May 16, 2013, 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 Alexandra Ivanov-Schindler, Appellant, c/o Ida Schindler- mother, along with a copy of the County policy with respect to handicapped parking spaces.

The Board held a public hearing on August 20, 2013, 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. Alexandra Ivanov-Schindler (minor), Appellant, was represented by her mother Ida Schindler, *pro se*.

Mr. Cockrell testified that his office received an application and letter from the MVA dated May 1, 2013, concerning a request for a reserved handicapped parking space for Ms. Ivanov-Schindler, Appellant (County Exhibit No. 1). The County indicated that, on the basis

of the State's finding that Ms. Ivanov-Schindler was disabled, the County would not contest her disability.

Mr. Cockrell visited the property on May 6, 2013 and took photographs of the front and rear of the property (County Exhibits Nos. 2a-2b-2c). Ms. Ivanov-Schindler's home is not an end of group unit of row homes in the Dundalk Community. County Exhibits 2b & 2c shows the rear of the house which has a garage built on the end of the property. The garage appears to be small in size and constructed when the house was built. Exhibit 2-c illustrates the parking pad in use by the home owner's vehicle. The vehicle appears to extend outside the property line. Exhibit 2a shows the front of the house; which has six steps and a handrail on one side.

The County did not dispute Ms. Ivanov-Schindler'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 Ms. Ivanov-Schindler's home 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 garage and a parking pad in the back of her home. 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.

Ida Schindler testified on behalf of her daughter Alexandra. She stated that her daughter was terminally ill with multiple physical handicaps; including the need to remain attached to several mechanical devices to maintain Alexandra's life support. Ms Schindler and daughter are required to attend doctor and hospital visits approximately 15 times each month. Traveling with Alexandra requires a special carriage and as many as 9 assorted carry-all bags. Alexandra's

brother is nine years old with autism and blindness. He usually needs to accompany mother and Alexandra when traveling.

The garage is too small to accommodate her vehicle and open the doors to load the children. When parked on the parking pad, the vehicle extends into the alley and over the property line. The doors, on the garage-side of the vehicle, cannot be opened to load and unload the children, and necessary life-support equipment- when parked on the rear parking pad.

The small rear yard is predominately occupied by the garage, narrow sidewalk and metal steps. Because of the confined rear yard, it is impossible to maneuver the carriage (or wheelchair) alone, especially with the necessary supporting equipment attached.

The front entrance has six steps with handrail, and open space to accommodate carriage and equipment. Ms. Schindler is investigating the installation of a ramp in the front. Dunbar Street is narrow and difficult for passing, when vehicles are double-parked. Ms. Schindler must double-park to load and unload the children. This process requires some excess time to accomplish the logistics of this task.

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 have 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. Ms. Ivanov-Schindler has a garage in the rear of her home. She has made all reasonable efforts to use same. Due to no fault of hers the garage has become antiquated. The cars of today do not fit in the garage. She should not be burdened with refitting the garage to make it useful. The parking pad also appears inadequate to accommodate her vehicle (Chev. Suburban), the carriage, equipment and children. The inferior size of the rear parking pad creates public safety and traffic concerns; when the larger family vehicle is forced to be parked in that spot. The Board witnessed the carriage, equipment, numerous carry-all bags; and we meet the children. This Board believes that because of Alexandra Ivanov-Schindler's physical conditions, special carriage, equipment, bags, and disabled sibling; requiring parking in the rear would create an extreme hardship to the Schindler family.

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 6849 Dunbar Road, Baltimore, MD 21222.

ORDER

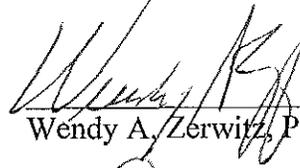
THEREFORE, IT IS THIS 5th day of September, 2013, by the Board of Appeals of Baltimore County,

ORDERED that the decision of the Division of Traffic Engineering in Case No. CBA-14-004, be and the same is hereby **REVERSED**; and it is furthered

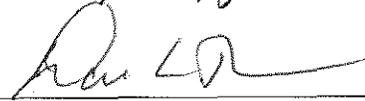
ORDERED that the application of Alexandra F. Ivanov-Schindler for a reserved handicapped parking space at 6849 Dunbar Road, Baltimore, Maryland, 21222 be and the same is hereby **GRANTED**.

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, Panel Chairman



David L. Thurston



Richard A. Wisner



Board of Appeals of Baltimore County

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September 5, 2013

Alexandra F. Ivanov-Schindler
c/o Ida T. Schindler
6849 Dunbar Road
Baltimore, MD 21222

Stephen E. Weber, Chief
Division of Traffic Engineering
Department of Public Works
The County Office Building
111 W. Chesapeake Avenue, Room 307
Towson, MD 21204

RE: *In the Matter of: Alexandra F. Ivanov-Schindler – Applicant/Appellant*
Case No.: CBA-14-004

Dear Ms. Ivanov-Schindler and Mr. Weber:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

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*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all **Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington".

Krysundra "Sunny" Cannington
Acting Administrator

Enclosure
Duplicate Original Cover Letter

c: Earl Beville, Assistant Manager, Investigative & Security Division/Motor Vehicle Administration
W. William Korpman, III, Chief/Bureau of Traffic Engineering
Edward Adams, Jr., Director/DPW
Nancy West, Assistant County Attorney
Michael Field, County Attorney