

IN THE MATTER OF
ANGEL THERESA MIZELL - APPLICANT.

164 WILTSHIRE ROAD
BALTIMORE, MD 21221

RE: DENIAL OF RESERVED HANDICAPPED
PARKING SPACE

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. CBA-14-038

* * * * *

OPINION

This case comes to the Board of Appeals as the result of the denial of a reserved handicapped parking space at 164 Wiltshire Road, Baltimore, MD 21221, by the Baltimore County Division of Traffic Engineering in a letter dated May 7, 2014, to Mr. Earl Beville, Asst. Manager, Division of Investigation and Internal Affairs, Motor Vehicle Administration (MVA), from Mr. Stephen Weber, P.E., Chief, Division of Traffic Engineering for Baltimore County. A copy of that letter was sent to Ms. Angel Theresa Mizell, Appellant, along with a copy of the County Policy with respect to handicapped parking spaces.

The Board held a public hearing on August 7, 2014, 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. Ms. Angel Theresa Mizell, Appellant, represented herself, *pro se*.

The Division of Traffic Operations received an application and letter from the MVA dated April 23, 2014, concerning a request for a reserved handicapped parking space for Ms. Mizell (County Exhibit 1). The County indicated that, on the basis of the State's finding that Ms. Mizell was disabled, the County would not contest her disability.

Photographs of the property, taken on May 1, 2014 and August 6, 2014, respectively, show the rear of the house (County Exhibit 2A) and the front steps of the house (County Exhibit 2B). The photograph of the rear of the house shows an empty parking pad. There are seven steps off the sidewalk and four steps up to the front porch to the threshold of the front door. There are no steps to the threshold of the rear door. Because there is a parking pad in the rear of the property and no handicapped ramp on the property, the request does not meet the County's requirements for a reserved handicapped parking space, specifically, §§ Section 3(C) of the Baltimore County Policy on Reserved Parking Spaces for Persons with Physical Disabilities states:

(C) The property shall be evaluated on whether the off-street parking 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, trailer, above-ground pools, sheds, etc.) will not in any way alter the recognition that the parking area does in fact exist.

Ms. Angel Theresa Mizell, Appellant, testified for herself. Ms. Mizell submitted six exhibits: (1) a picture of her van; (2) a picture of the front of her house; (3) a picture of the rear of her house showing the empty parking pad; (4) a picture of the van height; (5&6) pictures of the clothes pole in alley.

Ms. Mizell testified that the pole in the alley is too low to enter the rear pad. She also testified that her fiancé (the owner of the property) is developmentally challenged and will not let her (as she is not an owner), change the lock or cut the poles to remedy the situation. Additionally, she is unable to navigate the turn from the alley into the rear parking pad, and even if these other situations were remedied, she cannot enter the home via the back door because the door has a skeleton key lock and she does not have a key. Ms. Mizell has had permanent nerve damage to both feet since 1986 and as a result, has difficulty walking and balancing.

The County had no questions for Ms. Mizell.

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.

After reviewing the testimony and evidence presented, 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. Ms. Mizell has a self-contained off-street parking area in the rear of her residence as set forth in Item 3(B) of the Baltimore County Policy. According to the photographs presented Baltimore County and Ms. Mizell, there is a parking space available on the pad.

Also, because of the non-existence of steps to access the house from the rear, we do not find that Ms. Mizell's disability is of such a degree that an extreme hardship would exist for her were she to use the available off-street parking in the rear of the house. As such, she does not meet all of the conditions set forth in Item 8, particularly Item 8(A).

ORDER

THEREFORE, IT IS THIS 17th day of October, 2014, by the Board of Appeals of Baltimore County,

ORDERED that the decision of the Division of Traffic Engineering in Case No. CBA-14-038 be and the same is hereby **AFFIRMED**; and it is furthered

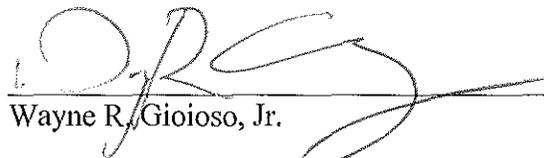
ORDERED that the application of Angel Thesesa Mizell for a reserved handicapped parking space at 164 Wiltshire Road, Baltimore, MD 21221 be and the same is hereby **DENIED**.

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**


Maureen E. Murphy, Panel Chairman


Andrew M. Belt


Wayne R. Gioioso, Jr.



Board of Appeals of Baltimore County

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October 17, 2014

Ms. Angel Theresa Mizell
164 Wiltshire Road
Baltimore, Maryland 21221

RE: *In the Matter of: Angel Theresa Mizell – Applicant/Appellant*
Case No.: CBA-14-038

Dear Ms. Mizell:

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
Administrator

KLC/tam
Enclosure

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