



Board of Appeals of Baltimore County

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August 15, 2016

Ms. Suzette Crenshaw
1413 Barrett Road
Baltimore, Maryland 21207

RE: *In the Matter of: Suzette Crenshaw*
Case No.: CBA-16-040

Dear Ms. Crenshaw:

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

KC/tam
Enclosure

c: Earl Beville, Assistant Manager/Investigative & Security Division/Motor Vehicle Administration
Michael F. Filsinger, Chief/Division of Traffic Engineering
Steven A. Walsh, P.E., Director/DPW
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

IN THE MATTER OF:
SUZETTE CRENSHAW
1413 BARRETT ROAD
BALTIMORE, MD 21207

RE: DENIAL OF RESERVED
HANDICAPPED PARKING SPACE

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. CBA-16-040

* * * * *

OPINION

This case comes to the Board of Appeals (the “Board”) as the result of the denial of an application for reserved handicapped parking space at 1413 Barrett Road, Baltimore, Maryland 21207 (the “Property”), as set forth by letter dated March 7, 2016 by Michael F. Filsinger, Chief of the Baltimore County Division of Traffic Engineering to Mr. Earl Beville, Assistant Manager, Investigative and Internal Affairs, Motor Vehicle Administration (MVA). A copy of that letter was sent to Applicant/Appellant, Suzette Crenshaw (“Mrs. Crenshaw”), along with a copy of the County Policy with respect to handicapped parking spaces.

The Board held a public hearing on July 12, 2016, at 10:00 a.m. Baltimore County (the “County”) was represented by Wesley Bohle, a Traffic Inspector for the Baltimore County Division of Traffic Engineering. Mrs. Crenshaw represented herself *pro se*.

Mr. Bohle testified that his office received a MVA Application for Personal Residential Permit for Reserved Parking Space for Mrs. Crenshaw (dated December 30, 2015). (The MVA Application is County Exhibit #1). Following receipt of the Application, Mr. Bohle visited and inspected the Property and took photographs of the front and rear of the Property (See County’s Exhibits #2A-2B). The Property is an end-of-group townhouse located in the Catonsville area. County Exhibit 2A shows the front of the Property with approximately four or five steps to the

front door, with handrails on both sides of the steps. County Exhibit 2B shows the rear of the Property and reveals a concrete pad, as well as approximately eleven or twelve steps to the back door, with handrails on both sides of the staircase.

Mr. Bohle, on the basis of the State's verification of physical disability (attached as County Exhibit # 6), did not contest Mrs. Crenshaw's disability. However, based upon Section 21-1005 of the Maryland Transportation Article¹ (Reservation of Parking Space for Person Confined to Wheelchair) (See County Exhibit #3) and Baltimore County Policy on Reserved Parking Spaces for Persons with Physical Disabilities (the "BC Policy") (See County Exhibit #4), the County concluded that Mrs. Crenshaw did not meet the requirements to be issued a reserved parking space for person with physical disabilities. Mr. Bohle submitted into evidence the aforementioned March 7, 2016 letter from Mr. Filsinger, on behalf of the County, to Mr. Beville, denying Mrs. Crenshaw's request for a reserved handicap parking space. (See County Exhibit #5). Mrs. Crenshaw was copied on that letter and also was provided a copy of the BC Policy.

The BC Policy (County Exhibit #4) identifies the factors for determining the approval or denial of an application for reserved on-street parking spaces for persons with physical disabilities. Section 3, entitled "Parking Space", and more particularly, as is relevant in this case, Section 3(B) of the BC Policy state the following:

(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

¹ Section 21-1005(l) of the Maryland Transportation Article states that "In Baltimore County, the establishment of a personal residential parking space shall be subject to approval of the Baltimore County Department of Traffic Engineering, in accordance with the charter and public laws of Baltimore County."

time after the applicant purchased or moved into the property, the parking area shall still be considered to exist for purposes of this policy.

When describing the Property, including reference to the photographs, Mr. Bohle testified that the rear of the property had a self-contained off-street parking area, and as such, Mr. Bohle testified that the application was denied pursuant to BC Policy Section 3(B).

Mrs. Crenshaw testified that she has arthritis in her knees and that she finds it difficult climbing up and down steps. Mrs. Crenshaw further testified that she has difficulty parking her vehicle in the rear of her house. She testified that her vehicle is a tight fit within the parking pad and that a lot of the residents that share that alley do not park in the rear of their houses. She also indicated that she had a particularly difficult time with the major snowstorm at the beginning of this year. Finally, she testified that another thing she has to account for is that her husband is legally blind.

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 BC Policy, entitled "Appeal of Denial of Reserved Parking Space," 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.

Based on the evidentiary record in front of the Board, the decision of the Baltimore County Division of Traffic Engineering shall be upheld and that the application for the reserved handicapped parking space should be denied.

As reflected by Mr. Bohle's testimony and as illustrated in County Exhibits 2A and 2B, the rear of Mrs. Crenshaw's Property contains a parking pad. As referenced above, pursuant to County Policy 3(B), a reserved on-street parking space will not be authorized for any applicant whose property has a self-contained off-street parking area. (See County Exhibit # 4). Mrs. Crenshaw does not contest that the rear of their Property contains a self-contained off-street parking area. The evidence suggests that the parking pad has been there since they moved there in December 2015. Further, the testimony revealed that the alley itself has no obstacles making parking in rear of the Property more of an issue.

Under Section 8(A), there must be evidence that Mrs. Crenshaw or her household has taken "all reasonable measures to make the off-street parking area usable and available" to Mrs. Crenshaw. The record, however, is silent as to what measures, if any, have been undertaken. The record reveals that the rear parking pad is usable and available, though any issue may arise on the occasions when there is some accumulation of snow and the alley is not cleared.

Similarly, though it is undisputed Mrs. Crenshaw has a disability and she has difficulty climbing up and down stairs, there must be evidence that the disability is one of a severe degree that using the existing parking pad will constitute an extreme hardship. To be clear, the Board does not challenge the difficulties experienced by Mrs. Crenshaw that are attributed to her arthritis, only that the evidence does not meet the heightened degree of severity and does not meet the heightened level of hardship required by Section 8(B), in part, to reverse the original denial. As a result, the

evidence cannot satisfy the requirements under Section 8 to permit this Board to reverse the original denial.

Based on the foregoing, the evidentiary record does not permit the Board to justify overturning the County's denial of the issuance of a reserved parking space for Mrs. Crenshaw.

ORDER

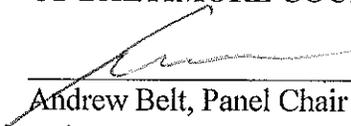
THEREFORE, IT IS THIS 15th day of August, 2016, by the Board of Appeals of Baltimore County,

ORDERED that the decision of the Division of Traffic Engineering dated March 7, 2016, in Case No. CBA-16-040 be and the same is hereby **AFFIRMED**; and it is further,

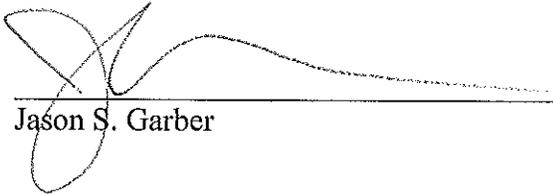
ORDERED that the application of Suzette Crenshaw for a reserved handicapped parking space at 1413 Barrett Road, Baltimore, MD 21207, be and the same is hereby **DENIED**.

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**


Andrew Belt, Panel Chair


Benfred Alston


Jason S. Garber