

IN THE MATTER OF:  
DAVID M. DRANBAUER  
1671 LANGFORD ROAD  
BALTIMORE, MD 21207

RE: DENIAL OF RESERVED  
HANDICAPPED PARKING SPACE

\* BEFORE THE  
\* BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* Case No. CBA-16-008

\* \* \* \* \*

**OPINION**

This case comes to the Board of Appeals (the “Board”) as the result of the denial of a reserved handicapped parking space at 1671 Langford Road, Baltimore, Maryland 21207 (the “Property”), by the Baltimore County Division of Traffic Engineering in a letter dated August 20, 2015, to Mr. Earl Beville, Assistant Manager, Investigative and Security Division, Motor Vehicle Administration (MVA), from Michael F. Filsinger, Chief of the Baltimore County Division of Traffic Engineering. A copy of that letter was sent to Applicant/Appellant David M. Dranbauer (“Mr. Dranbauer”) along with a copy of the County Policy with respect to handicapped parking spaces.

The Board held a public hearing on November 3, 2015, at 10:30 a.m. Baltimore County (the “County”) was represented by Edward Reed, a Traffic Inspector for the Baltimore County Division of Traffic Engineering. Mr. Dranbauer represented himself, *pro se*.

Mr. Reed testified that his office received a MVA Application for Personal Residential Permit for Reserved Parking Space for Mr. Dranbauer (dated August 4, 2015) and a transmittal letter (dated August 7, 2015) from Earl Beville, Assistant Manager –

Investigation and Internal Affairs for the MVA. (The MVA Application and the Letter from Mr. Beville together are County Exhibit #1).

On August 11, 2015, Mr. Reed 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 rowhome located in Catonsville. County Exhibit 2A shows the front of the Property with two sets of steps amounting to nine steps in total, with a handrail on one side of the set closest to the street and two handrails on the set closest to the house. County Exhibit 2B shows the rear of the Property and reveals a gated back yard, a concrete pad, two sets of steps amounting to twenty steps in total: one set consisting of six steps and a handrail on one side and the other set with fourteen steps with handrails on both sides.

Mr. Reed, on the basis of the State's verification of physical disability, did not contest Mr. Dranbauer's disability. However, based upon Section 21-1005 of the Maryland Transportation Article<sup>1</sup> (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 Mr. Dranbauer did not meet the requirements to be issued a reserved parking spaces for person with physical disabilities. Mr. Reed submitted into evidence a letter dated August 20, 2015 from Michael F. Filsinger, Chief of the Baltimore County Division of Traffic Engineering, to Mr. Beville, copying Mr. Dranbauer, denying the request for a reserved handicap parking space. (See County Exhibit #5).

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<sup>1</sup> Section 21-1005(I) 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."

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, Sections 3(B), 3(C) and 3(G) 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 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.

When describing the Property, including reference to the photographs, Mr. Reed testified that the rear of the property had a "self-contained off-street parking area." Mr. Reed testified that the application was denied under BC Policy Section 3(B) for this reason.

Mr. Reed provided testimony, supported by the photographs, that, as of the date of his visit and time of the photographs, the Property did not have a ramp from the house to the street to provide for Mr. Dranbauer mobility and access to the house. Mr. Reed testified that the exception found in Section 3(G) to the BC Policy was inapplicable because Section 3(G) requires the use of a mobility aid and the construction of a ramp at the Property.

Mr. Dranbauer testified that he has had two knee replacements. He stated that, when it snows, he has difficulty shoveling the snow on the concrete pad and steps in the rear. He also testified that he has trouble navigating the steps in the rear. Mr. Dranbauer added that neighbors park in front of his house and that he and his wife both still work. Appellant presented one exhibit, a letter dated October 8, 2015 from his wife's cardiologist, Dr. Carlos S. Ince, Jr., which disclosed that Mr. Dranbauer's wife has a history of coronary artery disease and angina pectoris, and that she experiences chest pain with exertion of less than one block's duration. (See Appellant's Exhibit 1). He opined it would be best that Mrs. Dranbauer have a fixed handicapped spot readily adjacent to her home.

### **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. Reed's testimony and as illustrated in County Exhibits 2A and 2B, the rear of the Dranbauer's Property contains a parking pad. As referenced above, a reserved on-street parking space will not be authorized for any applicant whose property has a self-contained off-street parking area. (Section 3(B)). Mr. Dranbauer does not contest that the rear of their Property contains a self-contained off-street parking area and testified that his grandchildren use it to work on their cars. It is undisputed that at the time of the inspections, as well as at the time of the hearing, there was no ramp at the Property.

As the applicant, Section 8(B) requires that Mr. Dranbauer's disability be one such "severe degree" that would cause "an extreme hardship." Similarly, Section 8(C)'s requires that the reserved on-street space be a "medical necessity." It does not appear that there is any dispute about whether Mr. Dranbauer has physical issues that complicate his ability to navigate the steps in the rear or to shovel snow in the rear when snows, as he testified. However, the evidence of Mr. Dranbauer's medical condition meets the heightened requirements of "extreme hardship" under Section 8(B) or that a reserved space is a medical necessity under Section 8(C). Even factoring in Mrs. Dranbauer's medical condition, though she was not the applicant, the record is silent as to any measures undertaken to make the parking pad usable and available to Mr. Dranbauer or Mrs. Dranbauer as required

under Section 8(A). As a result, the evidence as presented 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 Mr. Dranbauer.

**ORDER**

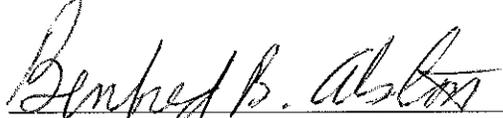
**THEREFORE, IT IS THIS** 9<sup>th</sup> day of December, 2015, by the Board of Appeals of Baltimore County,

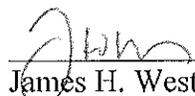
**ORDERED** that the decision of the Division of Traffic Engineering in Case No. CBA-16-007 be and the same is hereby **AFFIRMED**; and it is further,

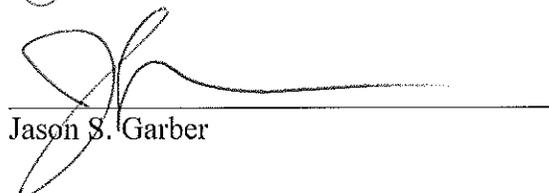
**ORDERED** that the application of David M. Dranbauer for a reserved handicapped parking space at 1671 Langford Road, Baltimore, MD 21207, be and the same is hereby **DENIED**.

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**

  
Benfred B. Alston, Panel Chair

  
James H. West

  
Jason S. Garber



## Board of Appeals of Baltimore County

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December 9, 2015

Mr. David Dranbauer  
1671 Langford Road  
Baltimore, Maryland 21207

RE: *In the Matter of: David Dranbauer, Applicant/Appellant*  
Case No.: CBA-16-008

Dear Mr. Dranbauer:

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

Enclosure

c: Earl Beville, Assistant Manager/Investigative & Security Division/Motor Vehicle Administration  
Michael F. Filsinger, Chief/Division of Traffic Engineering  
Edward Adams, Jr., Director/DPW  
Nancy C. West, Assistant County Attorney  
Michael E. Field, County Attorney