

IN THE MATTER OF:	*	BEFORE THE
TANISHA BERNARD	*	BOARD OF APPEALS
1015 MIDDLESEX ROAD	*	
ESSEX, MARYLAND 21221	*	OF
RE: DENIAL OF RESERVED	*	BALTIMORE COUNTY
HANDICAPPED PARKING SPACE	*	Case No.: CBA-24-022

* * * * *

OPINION

This case comes to the Board of Appeals of Baltimore County (the “Board”) as the result of the denial of an application for reserved handicapped parking space at 1015 Middlesex Road, Essex, Maryland 21221 (the “Property”), as set forth by letter dated January 10, 2023 [sic], from Kristoffer Nebre, Chief of the Baltimore County Division of Traffic Engineering (“DTE”) to Applicant/Appellant, Tanisha Bernard (“Ms. Bernard”). (Baltimore County Exhibit 5). A copy of the County Policy with respect to handicapped parking spaces (Exhibit 4) was included with the denial letter. Ms. Bernard noted a timely appeal to this Board.

The Board held a virtual public hearing on April 4, 2024. Baltimore County (the “County”) was represented by Traffic Inspection Supervisor Wesley Bohle. Ms. Bernard was *pro se*.

Mr. Bohle testified that his office received an MVA Application for Personal Residential Permit for Reserved Parking Space for Ms. Bernard dated October 4, 2023. (Baltimore County Exhibit 1). He inspected the Property on or about October 5, 2023. He took a photograph of the front (Exhibit 2B) and the rear (Exhibit 2C) of the Property. Exhibit 2A was an aerial view of the entire block which showed that 1015 Middlesex Road was an end of group house in a group of attached rowhomes. Ms. Bernard rents the home. She has lived there for eight years.

In the matter of Tanisha Bernard
Case No.: CBA-24-022

The County stipulated to Ms. Bernard's disability, which is undisputed. The MVA application does not reveal the nature or extent of Ms. Bernard's physical ailments, but she has submitted her medical records to the Board in connection with this appeal. (Bernard Exhibit 1). Ms. Bernard has numerous, serious and debilitating medical conditions, including multiple back surgeries and cancer treatment. To the extent Ms. Bernard can modify the Property, which she does not own and is controlled by lease, she has done so. However, extensive modifications could jeopardize her tenancy under her lease. She has great difficulty walking and has particular trouble dealing with steps.

Ms. Bernard testified that she lives in a row house with a rear parking pad accessed from a shared alleyway. There are gates to the parking pad and a set of 10 rather steep steps to the rear entrance. Baltimore County Exhibits 2C and 2D show the rear cement pad, chain link fence and stairs. Ms. Bernard testified to her difficulty in accessing the rear parking, her difficulty in mounting the outside stairs or navigating the uneven terrain to walk around the house to the front entrance. In contrast, there is a flat direct walkway and only two steps in front.

The County denied the application for reserved on-street parking based on the County policy reflected in County Exhibit 4 because the County policy calls for denial of a reserved parking space on the street if there is off-street parking on the subject property.

In this case, the County Department of Traffic Engineering did not have access to much of the relevant information provided to the Board at its hearing. Based on the unique circumstances in this instance, the Board believes it is appropriate to grant a reserved on-street parking space to Ms. Bernard.

Reversal of a decision of the Baltimore County DTE with respect to handicapped parking spaces requires that the Board find that the Applicant meets all of the conditions set

In the matter of Tanisha Bernard
Case No.: CBA-24-022

forth in Section 8 of the County Policy referred to above as reflected in Exhibit 5. 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.

The Board finds that Ms. Bernard has satisfied each of the required conditions. The rear steps make access through the rear door to her home unreasonably difficult. The number of steps and the steepness of the climb is greatly reduced with a reserved on-street parking spot. As indicated above, the Baltimore County policy reflected in Exhibit 4 speaks only of "available" off street parking area. Here, the conditions make utilization of the rear parking pad far more difficult, if not impossible, for a person with Ms. Bernard's disabilities. Under this view, as stated in Section 3(G), there exists ". . . extremely unique circumstances and hardships due to the physical characteristics of the property and the applicant's disability" which justify an exception to the policy stated in Section 3(B).

We are deciding the case based on a set of unique facts and circumstances relating to Ms. Bernard' disability and occupancy of the Property. Accordingly, the decision of the Baltimore County Division of Traffic Engineering shall be reversed and the application for the reserved handicapped parking space shall be granted.

ORDER

THEREFORE, IT IS THIS 24th day of April, 2024, by the Board of Appeals of Baltimore County,

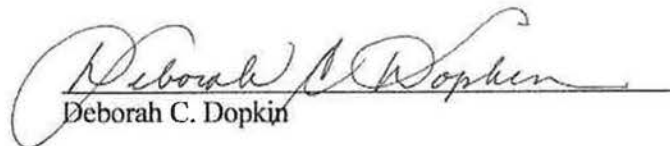
ORDERED that the decision of the Division of Traffic Engineering and the Bureau of Transportation dated January 10, 2023, in Case No. CBA-24-022 be and the same is hereby **REVERSED**; and it is further

ORDERED that the application of Tanisha Bernard for a reserved handicapped parking space at 1015 Middlesex Road, Essex, Maryland 21221 be, and the same hereby is, **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**


Joseph L. Evans, Chair


Deborah C. Dopkin


William H. Paulshock, Sr.



Board of Appeals of Baltimore County

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April 24, 2024

Tanisha Bernard
1015 Middlesex Road
Essex, Maryland 21221-1339

RE: *In the Matter of: Tanisha Bernard*
Case No.: CBA-24-022

Dear Ms. Bernard:

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
Legal Administrative Secretary

KLC/taz
Enclosure

- c. Michael Soriano, Manager/Investigative & Security Division/Motor Vehicle Administration
Joseph A. "Jay" Doyle, Project Manager/Housing and Community Development
Wesley Bohle, Traffic Inspection Supervisor/ Department of Public Works and Transportation
Kristoffer L. Nebre, Chief/Division of Traffic Engineering
Angelica Daniel, Chief/Traffic Engineering and Transportation Planning
D'Andrea L. Walker, Director/Department of Public Works
James R. Benjamin, Jr., County Attorney/Office of Law