

IN THE MATTER OF:  
JEROME BIALECKI - APPELLANT  
3319 WALLFORD DRIVE  
BALTIMORE, MARYLAND 21222

RE: Appeal of Denial of Reserved Residential  
Handicapped Parking Space

\* BEFORE THE  
\* BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* Case No.: CBA-25-009

\* \* \* \* \*

**OPINION**

This case comes to the Board of Appeals of Baltimore County (the “Board”) as the result of the denial of an application for a reserved handicapped parking space at 3319 Wallford Drive in Baltimore, Maryland 21222 (the “Property”), as set forth by letter dated July, 12, 2024 by Kristoffer Nebre, Division Chief of the Baltimore County Division of Traffic Engineering to Appellant, Jerome Bialecki. The appeal was filed on July 31, 2024.

The Board held a virtual public hearing on January 23, 2025. Baltimore County (the “County”) was represented by Mr. Wesley Bohle, Traffic Inspection Supervisor of the Baltimore County Division of Traffic Engineering. Mr. Bialecki appeared *pro se*.

Mr. Bohle testified that his office received an MVA Application for Personal Residential Permit for Reserved Parking Space for Mr. Bialecki dated June 18, 2024. (County Exhibits 1A-1B). Mr. Bohle visited and inspected the Property and took photographs of the front and rear of the Property on his visit. (County Exhibits 2B-2C). The Property is a row house (aerial view – County Exhibit 2-A). County Exhibit 2B shows the front of the Property with four steps up to the front door of the Property, one from the curb and four onto the porch, (approximately 68 feet from curb to house). County Exhibit 2C shows that the parking area at the rear of the Property

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has a 3-sided chain link fence with 4 feet to front of steps from parking pad to steps, with 7 steps to back door entrance of the property.

The overall dimensions of parking pad were noted as being approximately 16 feet in length by 18 feet in width, but the amount of usable space is not noted. County Exhibit 2C shows the rear entrance to the Property with seven steps and a railing on one side leading to back door entrance of the property, 7 total steps from parking pad to house rear entrance.

Mr. Bohle stated that on the basis of the State's verification of physical disability (Exhibits 1A-1B), the County did not contest Mr. Bialecki disability. Mr. Bohle cited to §21-1005 of the Maryland Transportation Article<sup>1</sup> (County Exhibit 3), and the Baltimore County Policy on Reserved Parking Spaces for Persons with Physical Disabilities (the "BC Policy") (County Exhibit 4). The County concluded that Mr. Bialecki did not meet the requirements to be issued a personal reserved parking space for a person with physical disabilities. Mr. Bohle submitted into evidence the aforementioned letter from Mr. Nebre, on behalf of the County to Mr. Bialecki, denying his request for a personal reserved physical disabilities parking space. (County Exhibit 5). The County testified that the Property has available rear off-street parking which is accessed through an alley way.

Mr. Bialecki testified that due to his documented disabilities his pain in his legs and neck are so severe that climbing steps are unsafe, Mr. Bialecki stated that his wife also has a walking disability and ambulating to and from his home is impossible with steps. Mr. Bialecki, further testified that the back parking area stairs are difficult for him to climb, and for he and his wife is unsafe, but that from the front curb into the house is safer because it is just four steps up. He also

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<sup>1</sup> 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."

stated that he and his wife have handicap placards, but she does not drive much anymore because of her disability. He is the main caregiver. He stated that because of his age and chronic pain the factors contribute to difficulties climbing the back steps. Mr. Bialecki, stated he is concerned about his wife's safety and his. That being said he is requesting a front handicapped parking space.

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 here, Sections 3(B) and 3(C) of the BC Policy states 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.

(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.

When describing the Property, including reference to the photographs, Mr. Bohle testified that the rear of the property has an off-street parking area, and as such, testified that the application was denied pursuant to BC Policy Section 3(B), with 3(C) having applicability as well.

## CONCLUSION

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 is reversed and that the application for the personal residential reserved parking space is granted.

As reflected by Mr. Bialecki's testimony and as illustrated in County Exhibit 2C; the number of rear steps, creates extreme pain and difficulty and extreme safety issues for him and his wife when ambulating through the rear of the Property. The Board finds these unique conditions render the parking pad inaccessible and is therefore unavailable for his use. Under Section 8(A), there must be evidence that Mr. Bialecki has taken "all reasonable measures to make the off-street parking area usable and available." (County Exhibit 4). The Board finds that Mr. Bialecki has met that burden. The record reveals that the rear-parking is not safely accessible

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by Mr. Bialecki given his physical disability and that extreme hardship would exist if he was forced to use the rear entrance to access his main floor.

Based on the foregoing, the evidentiary record permits the Board to justify overturning the County's denial of the issuance of a reserved parking space for Mr. Bialecki.

**ORDER**

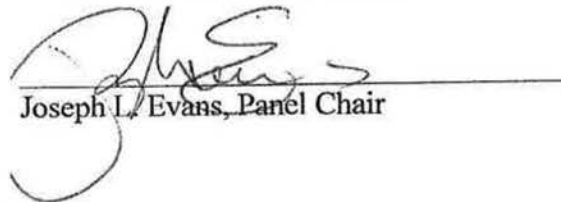
**THEREFORE, IT IS THIS** 20th day of February, 2025, by the Board of Appeals of Baltimore County,

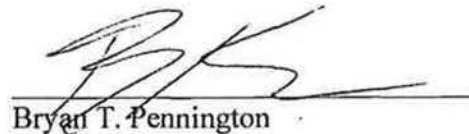
**ORDERED** that the decision of the Division of Traffic Engineering dated July, 12, 2024 in Case No. CBA-25-009 be and the same is hereby **REVERSED**; and it is further

**ORDERED** that the application of Jerome Bialecki for a personal reserved parking space at 3319 Wallford Drive, 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**

  
Joseph L. Evans, Panel Chair

  
Bryan T. Pennington

  
William H. Paulshock, Sr.



## Board of Appeals of Baltimore County

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February 20, 2025

Jerome Bialecki  
3319 Wallford Drive  
Baltimore, Maryland 21222-2748

RE: *In the Matter of: Jerome Bialecki*  
Case No.: CBA-25-009

Dear Mr. Bialecki:

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  
Executive 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  
Lauren Buckler, Director/Department of Public Works  
James R. Benjamin, Jr., County Attorney/Office of Law