

IN THE MATTER OF:
NEVADA BREWER
1616 WENTWORTH AVE
BALTIMORE, MD 21234

RE: DENIAL OF RESERVED
HANDICAPPED PARKING SPACE

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No.: CBA-24-002

* * * * *

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 physical disabilities parking space at 1616 Wentworth Avenue Baltimore, Maryland 21234 (the “Property”), as set forth by letter dated June 27, 2023, by Kristoffer Nebre, Division Chief of the Baltimore County Bureau of Transportation to Nevada Brewer, the occupant of the Property. The letter states that the denial is based on Item 3B of Baltimore County’s Policy on Reserved Parking Spaces for Persons with Physical Disabilities, which states:

(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.)

Although no one was able to testify as to why this Section was applicable to Ms. Brewer’s application, the Board presumes based on Ms. Brewer’s testimony and her exhibit that it was because the rear of the Property has a parking pad facing the alley.

The Board held a virtual public hearing on October 31, 2023. Ms. Brewer appeared *pro se*. No representative from Baltimore County appeared at the hearing.

The Property is a row home that has on-street parking in the front. The home has a parking pad in the rear facing the alley. (Appellant Exhibit 1). Ms. Brewer testified that she requires a reserved physical disabilities parking space because she suffers from a number of disabilities that impair her mobility, such as osteoarthritis and asthma, and suffers from glaucoma which impairs her vision, especially at night. Ms. Brewer testified that because many of her neighbors have multiple vehicles per household it is very difficult for her to find street parking close to her home and that her disabilities make long walks very difficult.

Ms. Brewer stated that she cannot park in the parking pad at the rear of her home because she “doesn’t deal with the back of the house.” She elaborated that on one occasion several years ago she was accosted by someone while in her car parked in the rear of the house and that this, combined with a shooting that took place in the alley, the lack of any street lighting, and her frailty due to her disabilities, has instilled in her a fear of being outside in the rear of the property. She stated that because there is no lighting in the alley it is completely dark at night. Her fear of the back of her house is such that she has fully enclosed it with a tall white security fence.

DISCUSSION

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.

As reflected by the uncontested testimony of Ms. Brewer, and there being no testimony or arguments presented to the contrary, we find that she faces numerous difficulties with using the rear parking pad that constitutes sufficient grounds to deviate from the general rules established by the County when assessing such an application where a self-contained, rear parking area is available. Under Section 8(A), there must be evidence that Ms. Brewer has taken "all reasonable measures to make the off-street parking area usable and available."

The Board finds that Ms. Brewer has met that burden because there are no measures that could be taken that would make the parking pad useable and available to her. The record reveals that the rear-parking is not usable by Ms. Brewer because of her physical disabilities and that extreme hardship would exist if she was forced to use it. Because of the nature and severity of Ms. Brewer's physical disabilities, and that they effect, in particular, her ability to walk long distances, it is a matter of medical necessity, and not mere convenience that she parks in front of her home and that she not be required to find on-street parking that might be far from the Property. Moreover, any hardship placed on the neighbors is inconsequential when compared to the hardships placed on Ms. Brewer by denial of the reserved on-street parking spot.

Based on the evidentiary record, the Board finds that there is justification to reverse the County's denial of the issuance of a reserved on-street parking space for Ms. Brewer.

ORDER

THEREFORE, IT IS THIS 15th day of February 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 June 27, 2023, in Case No. CBA-24-002 be and the same is hereby **REVERSED**; and it is further

ORDERED that the application of Nevada Brewer for a reserved on-street parking space at 1616 Wentworth Avenue Baltimore, Maryland 21234, 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*.

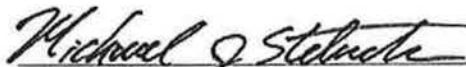
**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Bryan T. Pennington, Panel Chair



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Board of Appeals of Baltimore County

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February 15, 2024

Nevada Brewer
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Baltimore, Maryland 21234-6125

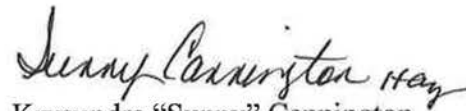
RE: *In the Matter of: Nevada Brewer*
Case No.: CBA-24-002

Dear Ms. Brewer:

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,


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