

IN THE MATTER OF:	*	BEFORE THE
ROCHELLE COOK	*	BOARD OF APPEALS
1677 KIRKWOOD ROAD	*	
BALTIMORE, MARYLAND 21207	*	OF
RE: DENIAL OF RESERVED	*	BALTIMORE COUNTY
HANDICAPPED PARKING SPACE	*	Case No.: CBA-24-020

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**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 1677 Kirkwood Road in Baltimore, Maryland 21207 (the “Property”), as set forth by letter dated November 14, 2023 by Kristoffer Nebre, Division Chief of the Baltimore County Division of Traffic Engineering to Appellant, Ms. Rochelle Cook. Appellant appealed the denial of application on December 12, 2023.

The Board held a virtual public hearing on April 4, 2024. Baltimore County (the “County”) was represented by Mr. Wes Bohle, Traffic Inspection Supervisor of the Baltimore County Division of Traffic Engineering. Ms. Cook appeared *pro se*.

Mr. Bohle testified that his office received an MVA Application for Personal Residential Permit for Reserved Parking Space for Ms. Cook dated November 9, 2023. (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 35 feet

from curb to house). County Exhibit 2C shows that the parking area at the rear of the Property has a 3-sided chain link fence with a gate entrance to the backyard.

The overall dimensions of parking pad were noted as being approximately 19 feet in length by 20 feet in width, but the amount of usable space is not noted. County Exhibit 2C shows the rear entrance to the Property with eight steps and a railing on one side leading to the first pad then and additional four steps with no railing to another pad then entrance of the back door basement entrance of the property, 12 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 Ms. Cook's 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 Ms. Cook 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 Ms. Cook, denying her 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.

Ms. Cook testified that due to her documented disabilities she does not like using a cane, but she sometimes uses a cane to assist with ambulating to and from her home. Ms. Cook further testified that the back parking area stairs are difficult for her to climb with her cane, but that from the front curb into the house is easier because it is just two steps. She also stated that she had

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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."

foot surgery and back pain in addition to having vertigo. Ms. Cook submitted photos of her feet into exhibit (Appellants Exhibit 1). She stated that because of her age and chronic pain from scarring tissue the factors contribute to difficulties climbing the back steps especially at night. She also stated that once she is inside her house from the rear parking area, she then has another 12 steps to her first floor living area. Ms. Cook states that she works swing night shifts and is concerned about her safety due to the crime in her neighborhood. That being said she 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.

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

As reflected by Ms. Cook's testimony and as illustrated in County Exhibits 2C and 2D; the fencing in the rear parking area, and the number of rear steps, creates extreme pain and difficulty when ambulating and would deny her accessibility through the rear of the Property. The Board finds these unique conditions render the parking pad inaccessible and is therefore unavailable for her use. Under Section 8(A), there must be evidence that Ms. Cook has taken "all reasonable measures to make the off-street parking area usable and available." (County Exhibit 4). The Board finds that Ms. Cook has met that burden. The record reveals that the rear-parking is not safely accessible by Ms. Cook given her physical disability and that extreme hardship would exist if she was forced to use the rear entrance to access her 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 Ms. Cook.

**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 dated November 14, 2023 in Case No. CBA-24-020 be and the same is hereby **REVERSED**; and it is further

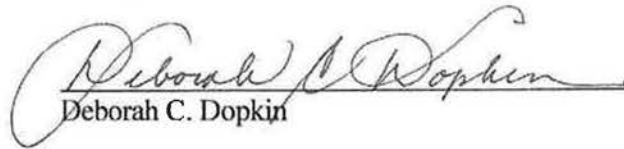
**ORDERED** that the application of Ms. Rochelle Cook for a personal reserved parking space at 1677 Kirkwood Road, Baltimore, Maryland 21207, be and the same is hereby **GRANTED**.

**In the Matter of Rochelle Cook**  
**Case No.: CBA-24-020**

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**

  
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Joseph L. Evans, Chair

  
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Deborah C. Dopkin

  
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William H. Paulshock, Sr.



## Board of Appeals of Baltimore County

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410-887-3180  
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April 24, 2024

Rochelle Cook  
1677 Kirkwood Road  
Baltimore, Maryland 21207-4939

RE: *In the Matter of: Rochelle Cook*  
Case No.: CBA-24-020

Dear Ms. Cook:

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, appearing to read "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