

IN THE MATTER OF:  
DEBORAH DELORIER  
1930 FRAMES ROAD  
DUNDALK, MARYLAND 21222

RE: DENIAL OF RESERVED  
HANDICAPPED PARKING SPACE

\* BEFORE THE  
\* BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* Case No.: CBA-23-031

\* \* \* \* \*

**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 1930 Frames Road in Dundalk, Maryland 21222 (the “Property”), as set forth by letter dated May 23, 2023, by Kristoffer Nebre, Division Chief of the Baltimore County Bureau of Transportation to Deborah Deloriers, the occupant of the Property.

The Board held a virtual public hearing on October 17, 2023. Baltimore County (the “County”) was represented by Wesley Bohle, of the Baltimore County Division of Traffic Engineering. Mrs. Deloriers appeared *pro se*.

Mr. Bohle testified that his office received an MVA Application for Personal Residential Permit for Reserved Parking Space (“Application”), dated May 17, 2023, for Mrs. Deloriers. (County Exhibit 1A). On May 18, 2023, one of Mr. Bohle’s inspectors visited and inspected the Property and took photographs of the front and rear of the Property. (County Exhibits 2B-2C). The Property is a row house and is the second of six houses. (County Exhibit 2A). County Exhibit 2B shows the front of the Property with one small step from the sidewalk onto a flat walkway which ends with four steps to the front porch. There are rails on each side of the four-step staircase. County Exhibit 2C is of the rear of the Property. It shows a parking pad which is

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accessed from a rear alley. From the front of where the automobile would be parked, it is a short walk to a staircase of five steps up to a rear deck and a rear entrance to the house. There are rails on each side of the stairs. Mr. Bohle testified that based on the photographs, the Property has available rear off-street parking. Mr. Bohle also testified that this block has sixty-four vehicle street spots for 66 houses.<sup>1</sup>

Mr. Bohle, on the basis of the State's verification of physical disability, did not contest Mrs. Deloriers' disability. However, Mr. Bohle cited Code of Maryland Regulations, Title 11, Subtitle 16, Chapter 11, which states that a "reserved parking space may not be authorized to the applicant whose property has adequate and accessible off-street parking available." (County Exhibit 3). Mr. Bohle also referred to Section 21-1005 of the Maryland Transportation Article<sup>2</sup> (Reservation of Parking Space for Person Confined to Wheelchair) (County Exhibit 4). This provision cedes to Baltimore County the authority to regulate reserved on-street parking in the County. As a result, the County has adopted the Baltimore County Policy on Reserved Parking Spaces for Persons with Physical Disabilities (the "BC Policy") (County Exhibit 5).

The BC Policy (County Exhibit 5) identifies the factors for 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 state the following:

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<sup>1</sup> This data was quite useful. The County was offering it to show that reserving a street spot for Mrs. Deloriers would eliminate an available spot for her neighbors. In this rowhome community, like many in Baltimore County, most residents have multiple vehicles so there is no question that street parking is at a premium. Ironically, though, this data also shows how difficult it is for Mrs. Deloriers to find a street spot anywhere close to her own house. Thus, if her rear parking pad is not "adequate and accessible", she suffers great hardship.

<sup>2</sup> Section 21-1005(1) 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."

(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.

As indicated above, when describing the Property, including reference to the photographs, Mr. Bohle testified that the rear of the property had a self-contained off-street parking area, and as such, Mr. Bohle testified that the application was denied pursuant to BC Policy Section 3(B) and 3(C). Mr. Bohle submitted into evidence the aforementioned letter dated May 23, 2023, from Kristoffer Nebre, on behalf of the County, to Mrs. Deloriers, denying Mrs. Deloriers' request for a reserved physical disabilities parking space. (County Exhibit 6).

Mrs. Deloriers' disabilities are very serious. She has lung cancer, rheumatoid arthritis, and blockage of the bowel. She has a pick line. She has great difficulty walking; she uses a walker; and her husband testified that they will shortly be putting in a ramp in the front. Significantly, her husband also testified that she is receiving palliative care. As to parking in the rear of the property, both Mrs. Deloriers and her husband testified that that is problematic. Once the car is in the rear spot, there is very little room to get out of the car and navigate with a walker to the rear stairs. Those stairs themselves are uneven, steeper than the front stairs, and in disrepair. The rear door that is at the top of those steps goes into a different room that then

requires further walking to get to the actual first floor living space that is immediately accessible through the front door. Even more, it is close to impossible to get through that back room with a walker. Presently, Mrs. Deloriers' husband drops her in front of the house, goes to the rear to park the car, and then walks around to help her enter the house through the front. This is clear evidence that the rear entrance is not accessible to Mrs. Deloriers.

### 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.

As reflected by the testimony of Mrs. Deloriers and her husband, the cumulative difficulties with using the rear parking pad are a unique condition 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

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be evidence that Mrs. Deloriers has taken “all reasonable measures to make the off-street parking area usable and available.” (County Exhibit 4). The Board finds that Mrs. Deloriers has met that burden. The record reveals that the rear-parking is not usable by Mrs. Deloriers and that extreme hardship would exist if he was forced to use it for all of the reasons stated above. Moreover, any hardship placed on the neighbors is inconsequential when compared to the hardships placed on Mrs. Deloriers by denial of the reserved on-street parking spot.

As an alternative basis for our ruling, we find that the rear parking is not “adequate and accessible” within the meaning of COMAR (County Exhibit 3). As such, one does not have to consider the Baltimore County policy because that policy is only triggered if there is “adequate and accessible” off street parking.

Based on the evidentiary record, the Board finds that there is more than adequate justification to reverse the County’s denial of the issuance of a reserved on-street parking space for Mrs. Deloriers.

**ORDER**

**THEREFORE, IT IS THIS** 6th day of December, 2023, by the Board of Appeals of Baltimore County,

**ORDERED** that the decision of the Division of Traffic Engineering and the Bureau of Transportation dated May 23, 2023, in Case No. CBA-23-031 be and the same is hereby **REVERSED**; and it is further

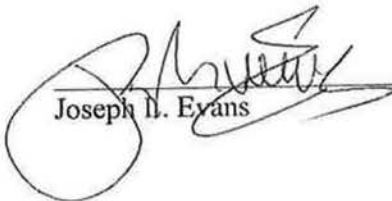
**ORDERED** that the application of Deborah Deloriers for a reserved on-street parking space at 1930 Frames Road, Dundalk, Maryland 21222, be and the same is hereby **GRANTED**.

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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

  
\_\_\_\_\_  
Joseph D. Eyans

  
\_\_\_\_\_  
Michael J. Stelmack



## Board of Appeals of Baltimore County

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410-887-3180  
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December 6, 2023

Mrs. Deborah Deloriers  
1930 Frames Road  
Dundalk, Maryland 21222

RE: *In the Matter of: Deborah Deloriers*  
Case No.: CBA-23-031

Dear Mrs. Deloriers:

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**

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