

IN THE MATTER OF:
ROSEMARY SMITH-JACKSON
1406 LANGFORD ROAD
GWYNN OAK, MARYLAND 21207

RE: DENIAL OF PERSONAL
RESERVED RESIDENTIAL
PARKING SPACE

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No.: CBA-25-012

* * * * *

OPINION

This case comes to the Board of Appeals of Baltimore County (the “Board”) on appeal filed by Rosemary Smith-Jackson, Applicant/Appellant, as the result of the denial of an application for personal reserved residential parking space at 1406 Langford Road, Gwynn Oak, Maryland 21207 (the “Property”), as set forth by letter dated October 9, 2024 by Kristoffer Nebre, Division Chief of the Baltimore County Division of Traffic Engineering, to Ms. Rosemary Smith-Jackson (County Exhibit 5).

The Board held a virtual public hearing on January 28, 2025, at 10:00 a.m. Baltimore County (the “County”) was represented by Mr. Wesley Bohle, a Traffic Inspection Supervisor for the Baltimore County Division of Traffic Engineering. Ms. Smith-Jackson appeared *pro se*.

Mr. Bohle testified that his office received a Handicapped Parking Field Form from the Maryland Department of Transportation (“Field Form”) for Ms. Smith-Jackson (County Exhibits 1A-1B). Following receipt of the Field Form, Mr. Bohle visited and inspected the Property and took photographs of the front and side of the Property on his visit. (County Exhibits 2B-2C). The Property is a row house. County Exhibit 2B shows the front of the Property with twelve steps up to the front door of the Property (approximately 40 feet - curb to

house). County Exhibits 2C shows the rear of the Property, with a parking area at the rear entrance, approximately 20 feet to the rear of the house and 6 steps. County Exhibit 2A was an aerial view of the Property. Mr. Bohle testified that the number of steps were reversed on the exhibits, but verified that the correct numbers were 12 steps in front and 6 steps in the rear.

Mr. Bohle stated that on the basis of the State's verification of physical disability (Exhibits 1A-1B), that the County did not contest Ms. Smith-Jackson's disability. 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(l) of the Maryland Transportation Article¹ (County Exhibit 4), 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. Smith-Jackson did not meet the requirements to be issued a personal reserved residential 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. Smith-Jackson, denying her request for a personal reserved physical disabilities parking space. (County Exhibit 5). Mr. Bohle testified that the Property has available off-street parking in the rear of the property which is accessed through a gated area.

The Baltimore County Policy identifies the factors for determining the approval or denial of an application for reserved on-street parking spaces for persons with physical

¹ 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."

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 had a self-contained 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.

Ms. Smith-Jackson testified she has difficulty accessing the rear of the property when it snows. She further stated that the neighbors often take the parking spaces in front of her house.

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.

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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 affirmed and that the application for the personal residential reserved parking space should be denied.

As reflected by Ms. Smith- Jackson's testimony and as illustrated in County Exhibits 2B-C, the rear of the Property has an off-street parking space which is closer to the front entrance than where a reserved on-street parking space would be located. The rear off-street parking space appears to be accessible and available for Ms. Smith-Jackson to park her vehicle.

Based on the foregoing, the evidentiary record permits the Board to justify the County's denial of the issuance of a reserved parking space for Ms. Smith-Jackson.

ORDER

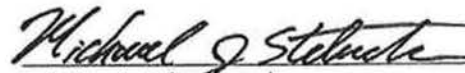
THEREFORE, IT IS THIS 20th day of February, 2025, by the Board of Appeals of Baltimore County hereby,

ORDERED that the decision of the Division of Traffic Engineering dated October 9, 2024 in Case No. CBA-25-012 be and the same is hereby **AFFIRMED**; and it is further

ORDERED that the application of Ms. Rosemary Smith-Jackson for a personal residential reserved parking space at 1406 Langford Road, Baltimore, Maryland 21207, be and the same is hereby **DENIED**.

**BOARD OF APPEALS OF
BALTIMORE COUNTY**


Fred M. Lauer, Panel Chair


Michael J. Stelmack


William H. Paulshock, Sr.



Board of Appeals of Baltimore County

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February 20, 2025

Rosemary Smith-Jackson
1406 Langford Road
Gwynn Oak, Maryland 21207-4877

RE: *In the Matter of: Rosemary Smith-Jackson*
Case No.: CBA-25-012

Dear Ms. Smith-Jackson:

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
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