

IN THE MATTER OF:
WENDY WALLACE
368 OLD TRAIL ROAD
BALTIMORE, MARYLAND 21212

RE: DENIAL OF PERSONAL
RESIDENTIAL RESERVED
PARKING SPACE

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No.: CBA-24-026

* * * * *

OPINION

This case comes to the Board of Appeals for Baltimore County (the “Board”) as the result of the denial of an application for a personal reserved parking space at 368 Old Trail Road in Baltimore, Maryland 21212 (the “Property”), as set forth by letter dated February 20, 2024 by Kristoffer Nebre, Division Chief of the Baltimore County Division of Traffic Engineering to Appellant, Wendy Wallace. Appellant appealed the denial of application on March 21, 2024. The Board held a virtual public hearing on May 15, 2024. Baltimore County (the “County”) was represented by Traffic Inspection Supervisor Wesley Bohle. Ms. Wallace was *pro se*.

The County testified that its office received a Handicapped Parking Field Form from the Maryland Department of Transportation (“Field Form”) for Ms. Wallace (dated February 8, 2024, County Exhibits 1A-1B). Following receipt of the Field Form, 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 2A). County Exhibit 2B shows the front of the Property with two steps up to the front door of the Property, one from the curb and one onto the porch, (approximately 42 feet - curb to house). County Exhibit 2D shows that the parking area at the rear of the Property is enclosed by a large wooden fence that has a wooden gate. The gate opens outward and must be opened and closed

by hand. County Exhibit 2D shows the rear of the Property, with parking area. The overall dimensions of parking pad were noted as being approximately 18 feet in length by 18 feet in width, but the amount of usable space is not noted. County Exhibit 2D shows the rear entrance to the Property with fifteen steps and a railing on both sides leading to the first-floor entrance of the property.

Mr. Bohle stated that on the basis of the State's verification of physical disability (Exhibits 1A-1B), the County did not contest Ms. Wallace 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 4). He also referred to §21-1005 of the Maryland Transportation Article¹ (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. Wallace 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. Wallace, 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. Wallace testified that due to her documented disabilities she uses a walker to assist with ambulating to and from her home. Ms. Wallace further testified that the back 15 stairs are difficult for her to climb with her walker, but that from the front curb into the house is safer

¹ Section 21-1005(I) 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."

because it is just two steps. She also stated the steep slope in the back parking area makes it difficult and dangerous when using her walker. Due to her advanced degenerative arthritis, it is noted by her primary care physician that her arthritis requires her to use a walker to ambulate.

The BC Policy (County Exhibit 5) 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 the application for the personal residential reserved parking space is granted.

As reflected by Ms. Wallace’s testimony and as illustrated in County Exhibits 2C and 2D; the steep slope in the rear parking area plus the 15 steps with the walker that is a must for her to use to get around, and the extreme number of rear steps, creates an extreme hardship and safety issue 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. Wallace has taken “all reasonable measures to make the off-street parking area usable and available.” (County Exhibit 4). Because of her difficulty climbing the rear stairs with her walker and the safety of her health, the Board finds that Ms. Wallace has met that burden. The record reveals that the rear-parking is not usable nor accessible by Ms. Wallace 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. Wallace.

ORDER

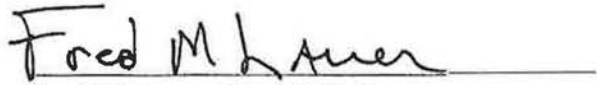
THEREFORE, IT IS THIS 6th day of June, 2024, by the Board of Appeals of Baltimore County,

ORDERED that the decision of the Division of Traffic Engineering dated February 20, 2024 in Case No. CBA-24-026 be and the same is hereby **REVERSED**; and it is further

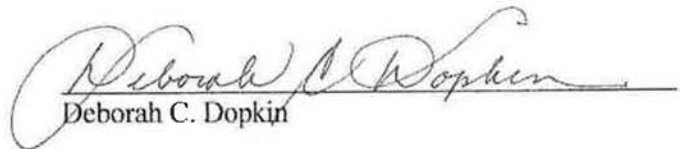
ORDERED that the application of Ms. Wendy Wallace for a personal reserved parking space at 368 Old Trail Road, Baltimore, Maryland 21212, be and the same is hereby **GRANTED**.

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**



Fred M. Lauer, Panel Chair



Deborah C. Dopkin



William H. Paulshock, Sr.



Board of Appeals of Baltimore County

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June 6, 2024

Wendy Wallace
368 Old Trail Road
Baltimore, Maryland 21212

RE: *In the Matter of: Wendy Wallace*
Case No.: CBA-24-026

Dear Ms. Wallace:

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