

IN THE MATTER OF THE
THE APPLICATION OF
HELIX HEALTH SYSTEM
(AS PARENT OF FRANKLIN SQUARE
HOSPITAL) FOR SPECIAL HEARING
ON PROPERTY LOCATED ON THE
NORTH SIDE FRANKLIN SQUARE
DRIVE, 950' EAST OF CENTER
LINE ROSSVILLE BOULEVARD
(9000 FRANKLIN SQUARE DRIVE)
14TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 92-186-SPH

* * * * *

OPINION

Helix Health System, as parent of Franklin Square Hospital, seeks by a Petition for Special Hearing an order permitting it to incinerate waste at an incinerator located at 9000 Franklin Square Drive on the property of Franklin Square Hospital from its subsidiary or sister hospital corporation, The Union Memorial Hospital, located in the City of Baltimore, as a permitted accessory use of Franklin Square's site under the Helix Health System Plan of shared use of hospital facilities.

The Board heard from David Mork, the Vice President of Administration in Charge of Support Services for Franklin Square Hospital, and Charles D. Mross, President and Chief Executive Officer of Franklin Square Hospital and Vice President of Helix Health System, Inc., in support of the Petition. In opposition to the Petition, William J. Burgess appeared individually and in his capacity as President of the Greater Rosedale Community Council. From the testimony and evidence received, we find the facts as follows.

Franklin Square operates an incinerator which is located on the 22-acre site which also houses 450,000 sq. ft. of hospital

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space, including room for 405 hospital beds, servicing approximately 20,000 inpatients and 55,000 emergency room visits per year. This incinerator occupies 820 sq. ft. and is operated by two full-time employees. The hospital employs approximately 2,100 other full-time employees. Since 1981 the incinerator met all applicable air quality conditions and regulations. Last year the Petitioner upgraded the incinerator by expanding the second retention chamber and adding a scrubber system which removes particulate matter from the gases. Its present design should produce a final emittant that exceeds present air quality control standards. Franklin Square Hospital generates approximately 1,500 tons of waste annually which this facility incinerates. The capacity of the system would allow incineration of 4,000 tons of waste per year.

Helix Health Corp. consists of an association of corporations whose various purposes include the delivery of health care services including the operation of Franklin Square Hospital at Franklin Square Drive in Baltimore County and also The Union Memorial Hospital located in the City of Baltimore, approximately 7 miles away.

The Petitioner proposes to incinerate waste generated at The Union Memorial Hospital in the City of Baltimore and, by carefully controlled deliveries in sealed, metal-lined trucks with a manifest system, to transport that waste to the Franklin Square Hospital location in Baltimore County for incineration. The cost savings to the System over a 10-year period of time would equal \$3 million.

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Baltimore County General and Saint Joseph Hospital also operate incinerators to dispose of medical waste, but apparently do not receive waste generated from a site located physically apart from the lot on which their incinerators sit.

An accessory use or structure is defined within Section 101 of the Baltimore County Zoning Regulations (BCZR). The definition therein states:

A use or structure which (1) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent, or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience, or necessity of occupant, business, or industry in the principal use or structure served....

Protestants contend, by and through People's Counsel, that the definition contained in Section 101(c) is not met by the proof in Petitioner's case inasmuch as the use or structure which is incident and subordinate to the principal use or structure (as it regards the waste generated from The Union Memorial Hospital) is not located on the same lot as the principal use or structure served. The Board is convinced that the evidence produced demonstrates that the subject proposed use meets the remaining subsections of Section 101. However, since the accessory use definition is phrased in the conjunctive, any such proposed use must comply with each and every part of the definition in order to fully meet same. The facts demonstrate that, although there exists through a series of corporations and ownership a contractual agreement to share these health facilities, such ownership or agreement cannot dispose of the requirement contained in Section

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101(c) that the accessory use must be located on the same lot as the principal use or structure served.

Although we recognize the advantages to be gained in terms of cost savings to these health care facilities over the long term and recognizes that Franklin Square Hospital operates the system in accordance with the applicable air quality control standards and regulations, and has recently invested significant sums of money in upgrading its incinerator, the Board cannot ignore the clear language of the definition contained in Section 101 of the BCZR, and, therefore, must deny the Petition for Special Hearing.

ORDER

IT IS THEREFORE this 20th day of July, 1992 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing to permit Helix Health Systems, Inc., to incinerate waste from its subsidiary hospital corporation, The Union Memorial Hospital, in the incinerator of its other hospital subsidiary corporation, Franklin Square Hospital Center, Inc., as a permitted accessory hospital use under the Helix Health System Plan of shared use of hospital facilities be and is hereby DENIED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett, Chairman
John G. Disney
C. William Clark

HELIX HEALTH SYSTEM
(as parent of Franklin
Square Hospital Center)
N/S Franklin Square Dr. 950'
E of C/L Rossville Blvd.
9000 Franklin Square Drive
14th Election District
6th Councilmanic District

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE # 92-186-SPH

* * * * *

MEMORANDUM IN SUPPORT OF PETITION FOR SPECIAL HEARING

Helix Health System, Inc. ("The Petitioner") filed the Request for a Special Hearing to establish the right to incinerate medical and other waste from its hospital subsidiary corporation, The Union Memorial Hospital, in the incinerator at its other hospital subsidiary corporation, Franklin Square Hospital Center, Inc., located at 9000 Franklin Square Drive, Baltimore County, Maryland. Franklin Square Hospital Center is located at that address and constitutes the principal use of the 22 acre site.

The Zoning Commissioner reviewed the testimony presented before him. He determined that the incinerator was an accessory use of the property in connection with the principal use for the operation of Franklin Square Hospital Center. He also noted that the operation of the incinerator "...is safe and poses no hazard to the surrounding locale..." and that "...the transport of waste is not a detriment to the surrounding locale...."

The Zoning Commissioner reviewed the four elements in the definition of accessory use in Section 1.01 of the Zoning Code. He

found the use to be consistent with subparagraphs (a), (b) and (d). The one area of concern for the Zoning Commissioner was compliance with subsection (c) which reads "...is located on the same lot as the principal use or structure served;...". It was on the basis of his concern about this section that the Zoning Commissioner denied the relief requested in the Special Hearing.

We respectfully submit that the Zoning Commissioner was wrong on the interpretation of that section for a number of reasons.

It was clear from the testimony before the Zoning Commissioner and before this Board that the principal use of the property is for the operation of Franklin Square Hospital Center, Inc. This 405 bed general hospital utilizes nearly the entire property for its facilities and parking lots. Only a small portion of the property is used for the incinerator. The operation of the incinerator is an accessory use for hospital purposes because it is the principal way for the hospital to dispose of medical waste and other waste which cannot be recycled.

Once the permitted accessory use of the property for the incinerator has been established, the question is whether that permitted use may be intensified to permit incineration of medical and other waste from an affiliated hospital within the Helix Health System, namely The Union Memorial Hospital.

There is little case law to give guidance on this issue. The one case which we have identified, County Commissioner of Carroll County v. Zent, 86 Md. App. 745, 587 A.2d 1205 (1991) indicates that a more frequent use of property for a permitted use is not an

extension of the use. In comparable cases involving nonconforming uses, the Court noted that intensification of a permitted nonconforming use is permissible. The intensification is permissible so long as the change does not achieve the status of a co-equal use but remains subordinate to the previously existing principal use in scale, volume, and intensity.

Clearly in the case before the Board at this time, the burning of additional waste from The Union Memorial Hospital does not change the character and nature of the principal use of the property for hospital purposes by Franklin Square Hospital Center. It is an intensification of the use of it for appropriate health resource management in that it assists in the appropriate disposal of medical and other waste. As was indicated in the testimony, the disposal of medical waste is strictly controlled by statute and an appropriate waste disposal use is one which is, and should be, encouraged.

The medical and other waste from The Union Memorial Hospital will not constitute more than one-half of the medical waste incinerated in the incinerator. Consequently, the principal use of the incinerator will always be for the disposal of the waste from Franklin Square Hospital Center, which is the principal use of the property.

Had the Legislature chosen to restrict all use of an accessory use to that use which is solely related to the principal user, it could have done so. For instance, in its description of accessory uses permitted in RAE zones in Section 200.2 A 5 2, the County

Council limited the accessory uses to "...occupants of the buildings and their guests." In Section 204.3 B, the Legislature limited commercial accessory uses to "...primarily serve the principal use of the lot...". And in Section 230.11 relating to accessory uses in business local zones, the Legislature permitted garages and parking spaces "...for the use of owners, employees, tenants and invitees."

The Legislature recognizes in the Zoning Code the territorial implications of accessory uses. The fact that it chose not to include a site specific use limitation in the definition of accessory use or structure indicates that it was satisfied to rely on the "principal use" test in regard to establishing the accessory use and on the continuing use of the property for that accessory use. In this instance, the principal use of the property is as a hospital; the incinerator is an accessory use; the proposed incineration of medical and other waste from The Union Memorial Hospital in the incinerator will not change the nature of the principal use, nor will it make the accessory use equal to the principal use. The incinerator use will continue to be subordinate to the use of the site for hospital use.

The proposed use of the property is not only consistent with the Zoning Code, but it is in the interest of the health care consumers of Maryland because it will save Helix Health System a substantial amount of money in the operation of the facility at

Franklin Square Hospital Center, Inc. over the anticipated ten year life of the incinerator.

Respectfully submitted,

Robert J. Ryan
2330 W. Joppa Road, Suite 301
Lutherville, Maryland 21093

Vice President and General
Counsel for Helix Health
System, Inc.

I HEREBY CERTIFY that on this 16th day of June, 1992, a copy of the aforesaid Memorandum in Support of Petition for Special Hearing was hand-delivered to William J. Burgess, Esquire, President, Greater Rosedale Community Assn., Inc., 8215 Edwill Avenue, Baltimore, MD 21237, Protestant, and Phyllis Cole Friedman, Esquire and Peter Max Zimmerman, Esquire, Room 47, Courthouse, 400 Washington Avenue, Towson, MD 21204, Deputy People's Counsel.

Robert J. Ryan

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
N/S Franklin Square Dr. 950' * ZONING COMMISSIONER
E of c/L Rossville Blvd. * OF BALTIMORE COUNTY
9000 Franklin Square Drive *
14th Election District * CASE # 92-186-SPH
6th Councilmanic District *
Helix Health System, as parent *
of Franklin Square Hospital *
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing, filed by Helix Health System, Inc. (hereinafter "The Petitioner").

The Petitioner seeks an Order from the Zoning Commissioner "permitting Helix Health System, Inc. to incinerate waste from its subsidiary hospital corporation, The Union Memorial Hospital, in the incinerator of its other hospital subsidiary corporation, Franklin Square Hospital Center, Inc., as a permitted accessory hospital use of the latter's site under the Helix Health System Plan of shared use of hospital facilities." (emphasis added). For reasons which will become apparent hereafter, the Petitioner's request for approval of an accessory hospital use is significant.

Numerous witnesses appeared on behalf of the Petition. These included Charles D. Mross (Chief Executive Officer of Franklin Square Hospital), David Mork (Vice President of Administration of Franklin Square Hospital), David E. Cage (Director of Engineering of Franklin Square Hospital), and Michael G. Cuniff (Vice President of Helix Health Care System, Inc.); all of whom testified in favor of the Petition. The sole Protestant present was William J. Burgess, who appeared on his own behalf, as well as President of the Greater Rosedale Community Association, Inc.

ORDER RECEIVED FOR FILING
Date 12/3/92
By [Signature]

The testimony presented can be summarized as follows:

Mr. Mross testified that the Helix Health System Inc. was established in 1987 when Franklin Square Hospital and Union Memorial Hospital merged. These two health care facilities are two of four subsidiaries of the Helix Health System Corporation, a nonprofit entity. The hospitals were merged for several laudable purposes. It was believed that a merger would encourage the sharing of facilities by the hospitals and that as a single entity, the hospitals could save overhead and operating costs. Further, they could coordinate their services to the public. All of this was done with the intent of promoting the hospitals' goal of combining facilities to lower health care costs to the public.

In accordance with this stated goal, it was determined that both facilities would use the incinerator located at Franklin Square Hospital to process the waste generated not only at Franklin Square Hospital's facility but also at Union Memorial Hospital. Mr. Mross described in detail the hospital's efforts at recycling and provided an overview of the operation of the incinerator. It processes not only infectious waste but other trash generated by the hospitals which cannot be recycled. The system then converts the by-product of this incineration to steam to be used as a source of power at the Franklin Square. Mr. Mross testified that although the incinerator was, at one time, used to process waste from other non-affiliated sources, the use has been restricted so that only members of Helix can dispose their waste in the subject incinerator.

Mr. David Mork also testified in detail about the incinerator itself. He described the current upgrading and renovation which is taking place of the incinerator unit. He indicated that the current renovations were not increasing the size and capacity of the unit but was making same

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Date 12/3/92
By [Signature]

more efficient. He testified that, at present, the incinerator is only operating at 60% of its capacity. The source of waste being processed at the incinerator at present is approximately evenly divided between Franklin Square and Union Memorial Hospitals. He noted that the waste from both facilities can be easily accommodated and that the incinerator could safely accept and manage the waste from Union Memorial Hospital.

Mr. David E. Cage described the specific technical and engineering features of the incinerator. He noted that the first stage maintains a temperature in excess of 1,000 degrees and that the second stage burn unit maintains a temperature in excess of 1,800 degrees. He noted that the renovations presently being made to the unit will improve its efficiency above and beyond new standards adopted by the State of Maryland. On cross examination, he noted that the unit had never failed any governmental or private tests.

Lastly, Mr. Michael Cuniff testified that Union Memorial does not have an incinerator on site and certain of its waste cannot be disposed at the available landfill. He also described in detail the Union Memorial Hospital's system of packaging and transporting its waste to the Franklin Square incinerator. I am impressed that the operation is efficiently handled and that the transport of the waste is not a detriment to the surrounding locale.

In opposition to the proposal, Mr. William J. Burgess noted his concerns that the incinerator may pose a health hazard to the Rosedale community. Although his concerns over pollution are well taken, I am firmly convinced that the operation is safe and poses no hazard to the surrounding locale. Although any incinerator obviously features inherent dangers in the

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Date 12/3/92
By [Signature]

event of malfunction, I am persuaded that the present operation is safe and poses no real detriment to the surrounding locale.

However, notwithstanding my conclusion in this regard, I cannot grant the Petition for Special Hearing as presented. As Mr. Burgess pointed out, and was admitted by the Petitioner within their request for relief, the proposed incinerator is an accessory use to the hospital site. An accessory use or structure is defined within Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.). The definition therein states:

"A use or structure which (1) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent, or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience, or necessity of occupant, business, or industry in the principal use or structure served . . ."

The definition then goes on to describe special requirements for accessory off street parking, accessory buildings/trailers and ancillary uses.

In breaking down the definition, it is clear that the subject incinerator meets the definition and requirements of subsection (a); in that it no doubt is customarily incident and subordinate to and serves a principal use or structure; e.g., the hospitals. Likewise, subsection (b) is met; in that the incinerator in area, extent or purpose is subordinate to the hospital's structure.

However, subsection (c) is troublesome. Although, it is clear that the incinerator is located on the same lot of the Franklin Square Hospital campus, it is geographically distant from the Union Memorial Hospital facility. As to subsection (d), again, although the incinerator clearly contributes to the comfort, convenience and necessity of the Franklin Square and Union Memorial uses, the Union Memorial site is on a different tract; in

ORDER RECEIVED FOR FILING
Date 12/3/92
By [Signature]

fact, in a different political subdivision than the location of the incinerator.

Further, since accessory use is defined in the conjunctive; that is, any such use must comply with each and every part of the definition, I cannot conclude that the incinerator in this case is an accessory structure to Union Memorial Hospital. Clearly, the geographical differences preclude such a determination. For an accessory use to exist it must, by definition, be located within the same property as the principal use. Thus, the Petition for Special Hearing must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Special Hearing should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 23rd day of December 1991 that, pursuant to the Petition for Special Hearing, permitting Helix Health System, Inc. to incinerate waste from its subsidiary hospital corporation, The Union Memorial Hospital, in the incinerator of its other hospital subsidiary corporation, Franklin Square Hospital Center, Inc., as a permitted accessory hospital use of the latter's site under the Helix Health System Plan of shared use of hospital facilities be and is hereby DENIED.

LES:mmn

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

ORDER RECEIVED FOR FILING
Date 12/3/92
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

114 West Chesapeake Avenue
Towson, MD 21204

887-4454

December 20, 1991

Robert J. Ryan, Esquire
2330 W. Joppa Road
Lutherville, Maryland 21093

RE: Petition for Special Hearing
Case No. 92-186-SPH
Helix Health System, Inc., Petitioner

Dear Mr. Ryan:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

[Signature]
Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County

JRH:mmn
att.
cc: Mr. Charles D. Mross
Mr. Michael G. Cuniff
Mr. David Mork
Mr. David E. Cage
cc: Mr. William J. Burgess

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County 92-186-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should, BY ORDER, grant an order permitting Helix Health System, Inc. to incinerate waste from its subsidiary hospital corporation, The Union Memorial Hospital, in the incinerator of its other hospital subsidiary corporation, Franklin Square Hospital Center, Inc., as a permitted accessory hospital use of the latter's site under the Helix Health System Plan of shared use of hospital facilities.

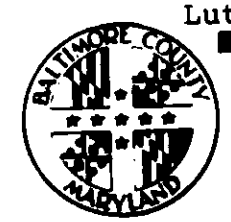
Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
Robert J. Ryan
(Type or Print Name)
Signature
2330 W. Joppa Rd.
Address
Lutherville, MD 21093
City and State
Attorney's Telephone No.: 296-6050

Legal Owner(s): HELIX HEALTH SYSTEM, INC.
as parent of Franklin Square
Hospital Center, Inc.
(Type or Print Name)
Signature
(Type or Print Name)
Signature
2330 W. Joppa Rd. 296-6050
Address Phone No.
Lutherville, MD 21093
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Robert J. Ryan
Name
2330 W. Joppa Rd. 296-6050
Address Phone No.
Lutherville, MD 21093
City and State



ESTIMATED LENGTH OF HEARING - 1/2 HR. + 1 HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER DATE
REVIEWED BY: DATE

MEMORANDUM IN SUPPORT OF THE PETITION OF HELIX HEALTH SYSTEM FOR A SPECIAL HEARING REGARDING THE INCINERATOR AT FRANKLIN SQUARE HOSPITAL 9000 FRANKLIN SQUARE DRIVE, BALTIMORE, MD 21137

Franklin Square Hospital and Union Memorial Hospital are part of the Helix Health System. Helix was formed in 1987 when the two hospitals affiliated under one control and ownership corporation.

Helix has fostered the development of resources at the hospitals to service system needs. For instance, the food served at Franklin Square is prepared in the kitchen at Union Memorial Hospital. Common information systems are being developed. Common strategic planning and management oversight is being provided through Helix.

One of the resources which has been shared within the system is the incinerator which is located at Franklin Square Hospital. Infectious waste from Union Memorial Hospital has been burned in the incinerator at Franklin Square for several years. Work is currently under way to upgrade the incinerator to meet current and proposed air quality standards. Plans have also been approved for a new waste-management building to be built around the incinerator. This work may be financed, in part, through a bond issue based on the joint indebtedness of Union Memorial and Franklin Square.

The incinerator at Franklin Square has sufficient capacity to incinerate the waste from Union Memorial. There will be no increase in the size of the incinerator. The work which is being performed at the present time upgrades the incinerator to add the newest technology to insure that it can and will comply with the present and proposed air quality standards. The operation of the incinerator will be monitored by appropriate regulatory agencies on a continuing basis. The packaging, transportation, and storage of waste will all be performed in accordance with regulatory requirements and good management practices.

In addition to the request for this special hearing, Franklin Square Hospital Center and Helix will also apply for a solid waste processing facility/site permit through the Department of Permits and Licenses of Baltimore County. Since that application will also require a public hearing, we will request that the hearing on this special exception and the hearing on the permit be combined in one hearing in accordance with Section 13-49 of the Baltimore County Code.

CERTIFICATE OF PUBLICATION Office of THE AVENUE NEWS

442 Eastern Bv.
Balt., MD. 2122

November 7, 1991

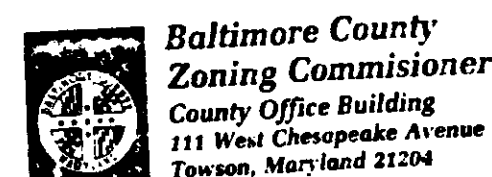
THIS IS TO CERTIFY, that the annexed advertisement of
Helix Health System in the matter of 9000
Franklin Square Dr. Case #92-186-SPH, P.O. #0116180
Req #849797, 70 lines @.60 or \$42.00

was inserted in **The Avenue News** a weekly newspaper published in
Baltimore County, Maryland once a week for 1 successive week(s)
before the 8 day of November 19 91; that is to say, the
same was inserted in the issues of November 7 1991.

The Avenue Inc.

per publisher

By Quincy Caldwell



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date

Account: R-001-6150
Number

Please Make Checks Payable To: Baltimore County \$175.00
BA 0002135PH10-16-91

DAFT-MCCUNE-WALKER, INC.
200 East Pennsylvania Avenue Towson, Maryland 21204 AOL 286-1111 FAX AOL 286-4705



Land Planning
Environmental Services
Landscape Architecture
Computer Technology
Engineering
Surveying GIS

Description To Accompany Zoning Petition 22.22 Acre Parcel

Portion of Franklin Square Hospital Center, Inc. Property
North Side of Franklin Square Drive
East of Rossville Boulevard
Fourteenth Election District, Baltimore County, Maryland

Beginning for the same at the end of the second of the two following courses and distances measured from the intersection of the centerline of Rossville Boulevard with the centerline of Franklin Square Drive, variable width (1) Easterly 950 feet, more or less, measured along the centerline of Franklin Square Drive, and thence running (2) Northeasterly at right angles to said centerline 30 feet, more or less, thence leaving said point of beginning and the north side of Franklin Square Drive and running, referring all courses of this description to the Meridian established in a Deed dated April 13, 1989, and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 8146, Folio 787, the four following courses and distances, viz: (1) North 07 degrees 47 minutes 25 seconds West 507.04, thence (2) North 82 degrees 12 minutes 35 seconds East 855.09 feet, thence (3) North 59 degrees 15 minutes 15 seconds East 659.34 feet and thence (4) South 36 degrees 12 minutes 00 seconds East 580.08 feet to intersect said north side of Franklin Square Drive, thence running thereon (5) South 50 degrees 03 minutes 25 seconds West 203.43 feet, thence leaving said north side of Franklin Square Drive and running the six following

Page 1 of 2

A Team of Land Planning, Environmental & Engineering Professionals Providing Complete Site Services & Development Solutions

courses and distances, viz: (6) North 39 degrees 56 minutes 35 seconds West 132.93 feet, thence (7) South 82 degrees 12 minutes 35 seconds West 250.00 feet, thence (8) South 07 degrees 47 minutes 25 seconds East 112.70 feet, thence (9) South 35 degrees 25 minutes 42 seconds West 58.04 feet, thence (10) South 82 degrees 12 minutes 35 seconds West 262.76 feet, and thence (11) South 07 degrees 47 minutes 25 seconds East 282.29 feet to intersect said north side of Franklin Square Drive, thence running thereon (12) South 67 degrees 35 minutes 40 seconds West 139.80 feet, thence (13) Westerly by a line curving to the right with a radius of 665.00 feet for a distance of 527.00 feet (the arc of said curve being subtended by a long chord bearing North 89 degrees 42 minutes 10 seconds West 513.31 feet), thence (14) North 67 degrees 00 minutes 00 seconds West 100.54 feet and thence (15) Northwesterly by a line curving to the left with a radius of 860.00 feet for a distance of 232.07 feet (the arc of said curve being subtended by a long chord bearing North 74 degrees 43 minutes 51 seconds West 231.36 feet to the point of beginning; containing 22.22 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

October 14, 1991

Project No. 82067-D (L82067D)



Page 2 of 2

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 14th Date of Posting: 11/7/91
Posted for: Helix Health System
Petitioner: Helix Health System
Location of property: 9000 Franklin Square Drive, 14th Election District, Baltimore County, Maryland
Location of Signs: At the intersection of Franklin Square Drive and Rossville Boulevard
Remarks:
Posted by: Lawrence E. Schmidt Date of return: 11/14/91
Number of Signs: 2

CERTIFICATE OF PUBLICATION

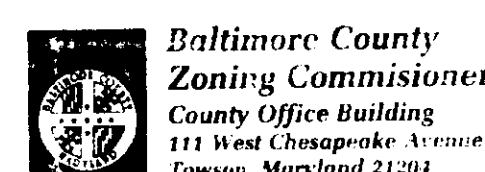
TOWSON, MD. Nov. 7, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 7, 1991.

THE JEFFERSONIAN,

S. Zeke Orlean
Publisher

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case Number: 92-186-SPH
9000 Franklin Square Drive, 14th Election District - 6th Councilmanic
Franklin Square Hospital - Helix Health System, Inc. as a permitted accessory hospital use of the latter's site under the Helix Health System plan of shared use of hospital facilities.
Petitioner(s): Helix Health System, Inc. as parent of Franklin Square Hospital
Hearing Date: Tuesday, November 26, 1991 at 9:00 a.m.
Special Hearing: To approve an order permitting Helix Health System, Inc. to incinerate waste from its subsidiary hospital corporation, The Union Memorial Hospital, in the incinerator of its other hospital subsidiary corporation, Franklin Square Hospital Center, Inc., as a permitted accessory hospital use of the latter's site under the Helix Health System plan of shared use of hospital facilities.
LAWRENCE E. SCHMIDT
Zoning Commissioner of Baltimore County
11045 November 7



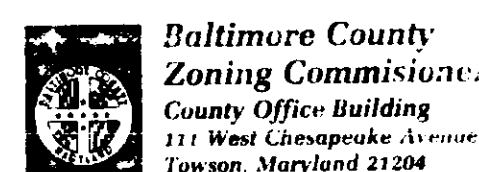
Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date

Account: R-001-6150
Number

Please Make Checks Payable To: Baltimore County

Cashier Validation



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date

Account: R-001-6150
Number

Please Make Checks Payable To: Baltimore County \$175.00
BA 0002135PH10-16-91

111 West Chesapeake Avenue
Towson, MD 21204

887 3353

DWTS: 11/7/91

Helix Health System, Inc.
2230 W. Joppa Road
Lutherville, MD 21093

RE:
CASE NUMBER: 92-186-SPH
9000 Franklin Square Drive, 14th Election District - 6th Councilmanic
Franklin Square Hospital - Helix Health System, Inc. as a permitted accessory hospital use of the latter's site under the Helix Health System plan of shared use of hospital facilities.
HEARINGS: TUESDAY, NOVEMBER 26, 1991 at 9:00 a.m.

Dear Petitioner(s):

Please be advised that \$ 111.96 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Lawrence E. Schmidt
Lawrence E. Schmidt
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Robert J. Ryan, Esq.

111 West Chesapeake Avenue
Towson, MD 21204

887 3353

OCTOBER 28, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-186-SPH
9000 Franklin Square Drive, 14th Election District - 6th Councilmanic
Franklin Square Hospital - Helix Health System, Inc. as a permitted accessory hospital use of the latter's site under the Helix Health System plan of shared use of hospital facilities.
HEARINGS: TUESDAY, NOVEMBER 26, 1991 at 9:00 a.m.

Special Hearing to approve an order permitting Helix Health System, Inc. to incinerate waste from its subsidiary hospital corporation, The Union Memorial Hospital, in the incinerator of its other hospital subsidiary corporation, Franklin Square Hospital Center, Inc., as a permitted accessory hospital use of the latter's site under the Helix Health System plan of shared use of hospital facilities.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner of Baltimore County

cc: Helix Health System, Inc.
Robert J. Ryan, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
West Chesapeake Avenue
Towson, MD 21204
887-3353
November 18, 1991

Robert J. Ryan, Esquire
2330 W. Joppa Road
Lutherville, MD 21093

RE: Item No. 195, Case No. 92-186-SPH
Petitioner: Helix Health System
Petition for Special Hearing

Dear Mr. Ryan:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date: November 18, 1991
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

Your petition has been received and accepted for filing this
16th day of October, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Helix Health System

Petitioner's Attorney: Robert J. Ryan

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(911) 887-4500

OCTOBER 29, 1991

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: HELIX HEALTH SYSTEM, INC.

Location: #9000 FRANKLIN SQUARE DRIVE

Item No.: 195 Zoning Agenda: OCTOBER 29, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Arnold Jablon* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

November 1, 1991

TO: Julie Winiarski, Office of Zoning Administration
and Development Management
FROM: Eugene G. Siewierski, Department of Environmental
Protection and Resource Management
SUBJECT: Petition for Special Hearing for Helix Health System, Inc.,
a parent of Franklin Square Hospital Center, Inc.

The memorandum in support of the petition requests that the hearing for the special exception be combined with the hearing on the Baltimore County Solid Waste Processing Facility Permit. Since the zoning hearing is held during the day and the hearing for the solid waste processing permit is held at night in the surrounding community, it is doubtful that this request can be granted.

The petitioner has received an approved Permit to Construct for the modifications to the incinerator from the Maryland Air Management Administration. Personnel from this office will conduct routine inspections on the incinerator to ensure that all conditions placed on the permit have been satisfied and that the unit is complying with Maryland air quality regulations.

If the Solid Waste Processing Facility Permit is approved, this office will place conditions on the permit to ensure that the medical waste is properly packaged, handled, and stored prior to incineration. Personnel from this office will enforce these conditions and the requirement of Title 32, Articles I-III of the Baltimore County Code.

It is important to note that the County Solid Waste Processing Facility Permit and the State "Permit to Operate" must be administered through this office.

If you have any questions or need additional information, contact Mr. Michael Kendall of this office at 887-3745.

EGS:bac

RECEIVED
NOV 5 1991
ZONING OFFICE

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: November 19, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management
FROM: Rahee J. Famili
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: October 29, 1991

This office has no comments for item numbers 172, 192, 194, 195, 196, 197, 198, 199, 200 and 202.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for October 29, 1991

The Development Engineering Division has reviewed the subject zoning items and we have no comments for items 172, 190, 192, 193, 194, 195, 196, 197, 198, 199, 200 and 202.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Development Engineering Division

RWB:e

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Helix Health System, Item No. 195

In reference to the applicant's request, staff offers the following comments:

Based upon a review of the information this office defers to the comments provided and due to the fact that the incinerator already exists, offered by the Department of Environmental Protection and Resource Management regarding the appropriateness of expansion.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn
ITEM195/TXTROZ



January 7, 1992

Mr. Lawrence E. Schmidt
Zoning Commission for Balto. County
Office of Planning and Zoning
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No. 92-186-SPH
Helix Health System, Inc., Petitioner

Dear Mr. Schmidt:

Please note an appeal to the Board of Appeals from your decision dated December 20, 1991 in the matter of the Petition for Special Hearing filed by Helix Health System.

I am enclosing our check in the amount of \$150.00 to cover the cost of filing the appeal.

Very truly yours,
Robert J. Ryan

RJR/dln
Enclosure

RECEIVED
JAN 8 1992

ZONING OFFICE

REPORTED
IN THE COURT OF SPECIAL APPEAL
OF MARYLAND

No. 950
SEPTEMBER TERM, 1990

COUNTY COMMISSIONERS OF CARROL
COUNTY, MARYLAND

v.

MAURICE R. ZENT

86 MS App 745
587 Ad 1205
(1991)

Moylan,
Bloom,
Cathell,

JJ.

Opinion by Cathell, J.

Filed: April 4, 1991

ZONING COMMENTS
SOLID WASTE PROCESSING FACILITY

Date: 4/10/91

Permits & Licenses Application #10-90
Facility Name: Franklin Square Hospital Center
Address: 9000 Franklin Square Drive

This application cannot be approved by the Zoning Office due to the following:

Medical Waste Incinerators are not permitted uses under the Baltimore County Zoning Regulations (B.C.Z.R.). This office will allow such an incinerator only as an accessory use to an existing hospital. This application proposes that such waste will be transported from an off-site location, which conflicts with the nature of an accessory use as defined under Section 101, B.C.Z.R. (copy attached) and, therefore, this application is disapproved by this office. If in disagreement, the applicant has the right to request a Special Hearing to determine any rights as described under Section 500.7 of the Zoning Regulations.

JOHN L. LEWIS
PLANNER II

JLL:scj

cc: Zoning Waste File
D.E.P.R.M.

SEE DEFINITION OF INFECTIOUS WASTE AND INFECTIOUS WASTE INCINERATOR (ATTACHED)

GREATER ROSEDALE COMMUNITY COUNCIL, INC.
8215 Edwill Avenue Rosedale, Maryland 21237
Representing 20,400 People

- Council Members
- Berkfield Improvement Association
 - Goldenwood Gardens Civic Association
 - Greater Chesaco Community Association
 - Hamiltowne Improvement Association
 - Hazewood - Park East Improvement Association
 - Hillbrook - Camelot Improvement Association
 - Holland Hills Improvement Association
 - Maryland Manor Improvement Association
 - Rosedale Community Association
 - St. Clements Catholic Church

RESOLVED:

That at the April 1992 meeting of the Greater Rosedale Community Council, held on April 20, 1992 at the Rosedale Library Meeting Room, the membership of the council met as a Zoning Committee Of The Whole, to take up the Franklin Square Hospital Appeal (from the decision of the Baltimore County Commissioner) to the Baltimore County Board of Appeals.

Said committee consisted of the following duly appointed representatives:

- William Burgess
- Joseph Woika
- Wayne Bender
- John Nichols
- Bob Evans
- Thomas Bocek
- William Spiegel
- Christine Wilson
- Carolyn Lowe
- Edward Schafer
- Father Raymond Zorbach
- Jean Baker

AS WITNESS OUR HANDS AND SEAL THIS 15th day of June 1992.

ATTEST: GREATER ROSEDALE COMMUNITY COUNCIL, INC.

Wayne Bender
Secretary

William J. Burgess
President

Progress Through Cooperation
Community Hygiene - Education - Legislation
Safety - Transportation - Zoning

Dist 12
4/16/92

GREATER ROSEDALE COMMUNITY COUNCIL, INC.
8215 Edwill Avenue Rosedale, Maryland 21237
Representing 20,400 People

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 - Hazewood - Park East Improvement Association
 - Hillbrook - Camelot Improvement Association
 - Holland Hills Improvement Association
 - Maryland Manor Improvement Association
 - Rosedale Community Association
 - St. Clements Catholic Church

RESOLVED:

That the position of the Greater Rosedale Community Council, Inc. as adopted by the Zoning Committee Of The Whole, on this zoning matter known as HELIX HEALTH SYSTEM (re: Franklin Square Hospital) Case number 92-186-SPH.

is that:

"Record, with the Baltimore County Board of Appeals the Greater Rosedale Community Council's opposition to the importing of infectious waste from the Union Memorial Hospital to Franklin Square Hospital's Incinerator, and support for the Zoning Commissioners order in this case in which he ruled that the Franklin Square Hospital's Incinerator was allowed as an accessory to the Franklin Square Hospital property, for their use only. President William J. Burgess to represent the Greater Rosedale Community Council's views before the Board of Appeals in this matter."

AS WITNESS OUR HANDS AND SEAL THIS 15th day of June 1992.

ATTEST: GREATER ROSEDALE COMMUNITY COUNCIL, INC.

Wayne Bender
Secretary

William J. Burgess
President

Progress Through Cooperation
Community Hygiene - Education - Legislation
Safety - Transportation - Zoning

Dist 12
4/16/92

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 - St. Clements Catholic Church

AFFIDAVIT

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a duly elected member of the Board of Directors and President of the Greater Rosedale Community Council, Inc.

ATTEST: William J. Burgess
William J. Burgess

AS WITNESS OUR HANDS AND SEAL THIS 15th day of June 1992.

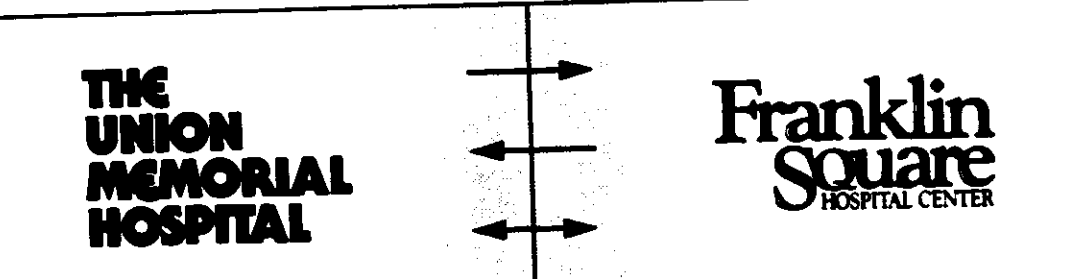
GREATER ROSEDALE COMMUNITY COUNCIL, INC.

Wayne Bender
Secretary

William J. Burgess
President

Progress Through Cooperation
Community Hygiene - Education - Legislation
Safety - Transportation - Zoning

Dist 12
4/16/92



SHARED RESOURCES

Physical	Kitchen Computer Data Center Incinerator Ask-A-Nurse Center
Financial	Insurance Pension Plan Jointly Obligated Bonds Purchasing of Supplies
Staff	Human Resources Training Legal Construction Manager Physician Services/Education Manager Biomedical Engineering Planning & Marketing .

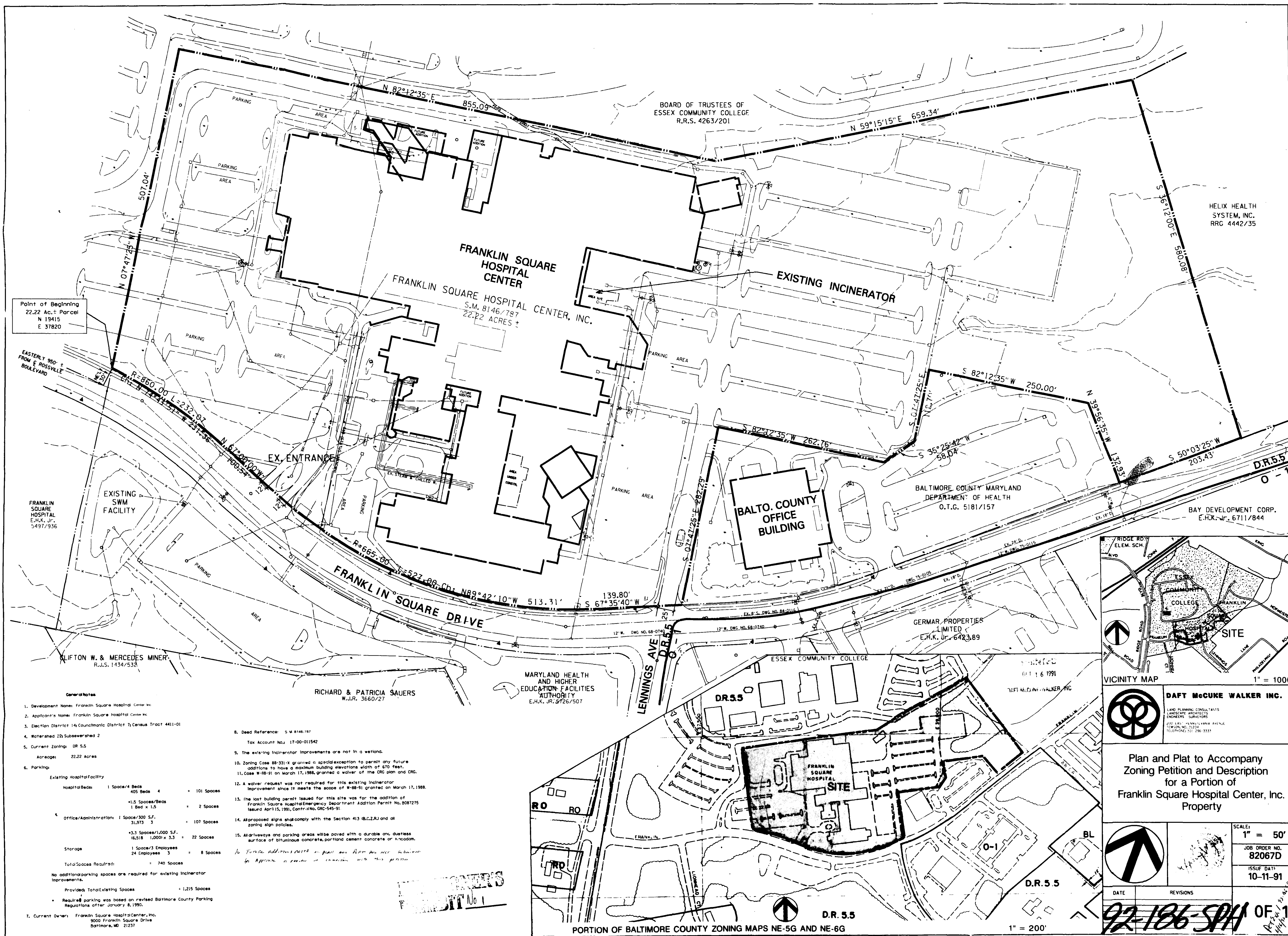
Dist 12
4/16/92



HELIX HEALTH SYSTEM
POLICY STATEMENT
MAY 10, 1989

WHEREAS, environmental concerns are increasingly a corporate responsibility, the executive staff of Helix Health System, including both Hospital CEO's, wish to have the Helix Board of Directors authorize the System to pursue the advancement of environmental issues where feasible and cost effective.

PETITIONER'S
EXHIBIT No 2



Point of Beginning
22.22 Ac. Parcel
N 19415
E 37820

FRANKLIN SQUARE HOSPITAL CENTER, INC.
S.M. 8146/787
22.22 ACRES ±

CLIFTON W. & MERCEDES MINER
R.J.S. 1434/532

RICHARD & PATRICIA SAUERS
W.J.R. 3660/27

MARYLAND HEALTH AND HIGHER EDUCATION FACILITIES AUTHORITY
E.H.K. JR. 5726/507

BOARD OF TRUSTEES OF
ESSEX COMMUNITY COLLEGE
R.R.S. 4263/201

HELIIX HEALTH SYSTEM, INC.
RRG 4442/35

BALTIMORE COUNTY MARYLAND
DEPARTMENT OF HEALTH
O.T.G. 5181/157

BAY DEVELOPMENT CORP.
E.H.K. JR. 6711/844

GERMAR PROPERTIES LIMITED
E.H.K. JR. 6423/89

DAFT McCUNE WALKER, INC.

- General Notes**
1. Development Name: Franklin Square Hospital Center, Inc.
 2. Applicant's Name: Franklin Square Hospital Center, Inc.
 3. Election District 14; Councilman's District 3; Census Tract 4411-01
 4. Watershed 22 Subwatershed 2
 5. Current Zoning: DR 5.5
 6. Parking:

Existing Hospital Facility		
Hospital Beds	1 Space/4 Beds	405 Spaces
	1 Bed x 1.5	2 Spaces
Office/Administration	1 Space/300 S.F.	107 Spaces
	33.3 Spaces/1,000 S.F.	
Storage	1 Space/3 Employees	8 Spaces
	24 Employees	
Total Spaces Required:		740 Spaces

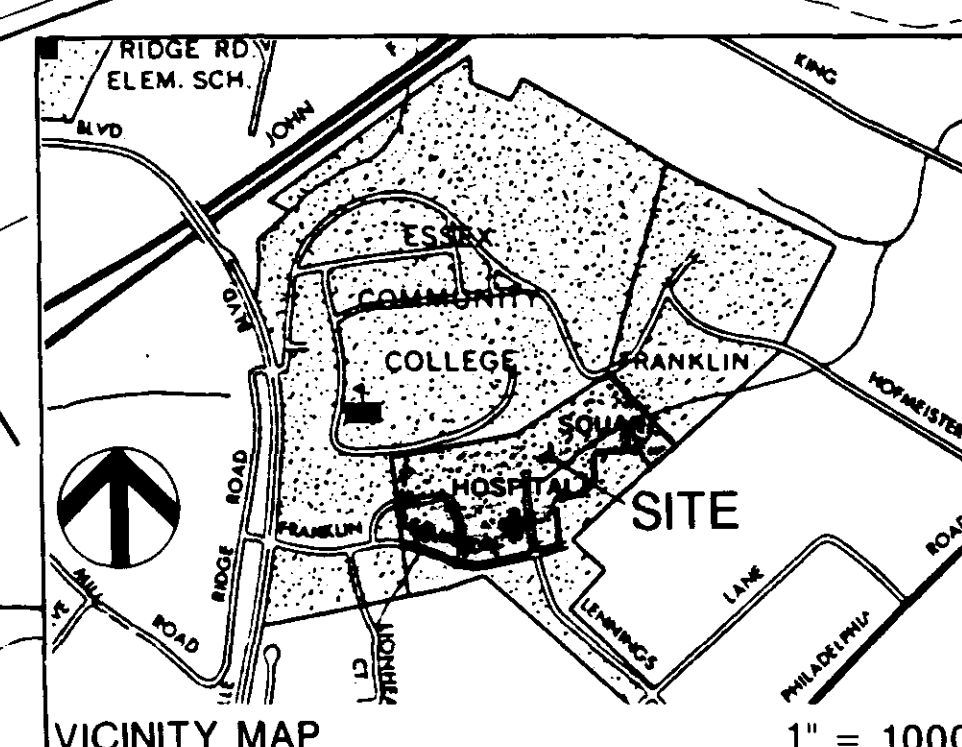
No additional parking spaces are required for existing incinerator improvements.

Provided Total Existing Spaces = 1,215 Spaces

* Required parking was based on revised Baltimore County Parking Regulations after January 8, 1990.
 7. Current Owners: Franklin Square Hospital Center, Inc.
9000 Franklin Square Drive
Baltimore, MD 21237

8. Deed Reference: S.M. 8146/787
Tax Account No: 17-00-011542
9. The existing incinerator improvements are not in a wetland.
10. Zoning Case 88-331-X granted a special exception to permit any future additions to have a maximum building elevation within of 570 feet.
11. Case 88-31 on March 17, 1988 granted a waiver of the CR plan and CR.
12. A waiver request was not required for this existing incinerator improvement since it meets the scope of 88-88-91 granted on March 17, 1988.
13. The last building permit issued for this site was for the addition of Franklin Square Hospital Emergency Department Addition Permit No. 808725 issued April 15, 1991, Contra No. GRC-545-91.
14. All proposed signs shall comply with the Section 413 (B.C.2.R) and all zoning sign policies.
15. All driveways and parking areas shall be paved with a durable and dustless surface of bituminous concrete, portland cement concrete or masonry.

No future additions shall be made to this site without the approval of the Board of Health and the Board of Zoning Appeals.



DAFT McCUNE WALKER, INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS SURVEYORS
1000 LANE, WILMINGTON, DELAWARE
TELEPHONE 302-636-3333

Plan and Plat to Accompany
Zoning Petition and Description
for a Portion of
Franklin Square Hospital Center, Inc.
Property

SCALE: 1" = 50'
JOB ORDER NO. 82067D
ISSUE DATE: 10-11-91

DATE: 10-11-91
REVISIONS:
92-186-SPH OF 1

PORTION OF BALTIMORE COUNTY ZONING MAPS NE-5G AND NE-6G

1" = 200'

IN THE MATTER OF THE
THE APPLICATION OF
HELIX HEALTH SYSTEM
(AS PARENT OF FRANKLIN SQUARE
HOSPITAL) FOR SPECIAL HEARING
ON PROPERTY LOCATED ON THE
NORTH SIDE FRANKLIN SQUARE
DRIVE, 950' EAST OF CENTER-
LINE ROSSVILLE BOULEVARD
(9000 FRANKLIN SQUARE DRIVE)
14TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 92-186-SPH
*
*

* * * * *

O P I N I O N

Helix Health System, as parent of Franklin Square Hospital, seeks by a Petition for Special Hearing an order permitting it to incinerate waste at an incinerator located at 9000 Franklin Square Drive on the property of Franklin Square Hospital from its subsidiary or sister hospital corporation, The Union Memorial Hospital, located in the City of Baltimore, as a permitted accessory use of Franklin Square's site under the Helix Health System Plan of shared use of hospital facilities.

The Board heard from David Mork, the Vice President of Administration in Charge of Support Services for Franklin Square Hospital, and Charles D. Mross, President and Chief Executive Officer of Franklin Square Hospital and Vice President of Helix Health System, Inc., in support of the Petition. In opposition to the Petition, William J. Burgess appeared individually and in his capacity as President of the Greater Rosedale Community Council. From the testimony and evidence received, we find the facts as follows.

Franklin Square operates an incinerator which is located on the 22-acre site which also houses 450,000 sq. ft. of hospital

We have reviewed the site plan for the accessory storage building/garage on the open lot across from Cecile & James Myrick's home, and am in support of their request. The lot is known as 1327 Gooseneck Road and the Myrick residence is at 1326 Gooseneck Rd.

Name	Address	Zip
Greg Hanson	1324 Gooseneck	21220
Chris G. Stame	1322 GOOSENECK PL.	21220
Tom J. J.	1328 GOOSENECK RD.	21220
Cecile Moran	1330 Gooseneck Rd	21220
Wayne Holm	1334 Gooseneck Rd	21220
Denise J. Holm	1334 Gooseneck Rd.	21220
Lee Jackson	1355 GOOSENECK RD.	21220

IN THE MATTER OF THE
THE APPLICATION OF
HELIX HEALTH SYSTEM
(AS PARENT OF FRANKLIN SQUARE
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ON PROPERTY LOCATED ON THE
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DRIVE, 950' EAST OF CENTER-
LINE ROSSVILLE BOULEVARD
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14TH ELECTION DISTRICT
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* BEFORE THE
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