

**Tax Map/Block/Parcel  
No. 46-13-652**

**Building Permit/Zoning  
Certificate No. 98-3230**

**Case 4366**

**OFFICIAL DECISION  
BOARD OF ZONING APPEALS  
CARROLL COUNTY, MARYLAND**

**APPLICANTS:** Carroll County Health Services Corporation  
Carroll County General Hospital, Inc  
200 Memorial Avenue  
Westminster, Maryland 21157

**ATTORNEY:** Charles O. Fisher  
179 East Main Street  
Westminster, Maryland 21157

**REQUEST:** A conditional use request for a building addition for an Oncology Center at the Carroll County General Hospital on property zoned "R-20,000" Residence District

**LOCATION:** 200 Memorial Avenue in Election District 7

**BASES:** Article 7, Section 7.2(c), Article 17, Section 17.2(b); Ordinance 1E (The Carroll County Zoning Ordinance)

**HEARING HELD:** December 29, 1998

**FINDINGS AND CONCLUSION**

On December 29, 1998, the Board of Zoning Appeals (the Board) convened to hear the application of Carroll County Health Services Corporation and Carroll County General Hospital, Inc. for a conditional use request for a building addition for an Oncology Center at the Carroll County General Hospital on property zoned "R-20,000" Residence District located at 200 Memorial Avenue in Election District 7. The conditional use request was made pursuant to Article 7, Section 7.2(c) and Article 17, Section 17.2(b) of Ordinance 1E (the Carroll County Zoning Ordinance). In part, Article 7.2(c) requires Board authorization for medical clinics subject to prior approval of the site development plan and exterior design of the structure by the Carroll County Planning and Zoning Commission. According to Ordinance 1E, the use is classified as a medical clinic requiring a 20,000 square foot minimum area.

The Applicants, Carroll County Health Services Corporation and Carroll County General Hospital, Inc., were represented by Charles O. Fisher, Esquire. Those testifying on behalf of the

Applicants included Mr. Steven Heiss, Civil Engineer with LDE, Inc.; Mr. David Horn, Vice President of Marketing and Business Development with Carroll County General Hospital, Inc.; and Mr. William Sliger, Facilities Project Manager with Physician Reliance LP. A summary of the evidence presented follows. Currently, there are no radiation technology services available in Carroll County. Based on Applicants' research, it has been found that 535 patients a year travel out of Carroll County to receive oncology services. To meet the needs of Carroll County citizens requiring such services, the Applicants plan to construct a 13,250 square foot building to be used for an Oncology Center on two parcels of land owned by Carroll County Health Services Corporation and Carroll County General Hospital, Inc. The combined acreage of the two parcels is 2.1469 acres. The deeds for both parcels are identified in the record as Applicants' Exhibits 3 and 4. The Carroll County General Hospital campus has 14 acres of land. The building will be one story with a flat roof and it will be constructed with brick. The site is designed to exceed requirements for the radius around the building for emergency equipment and ramps are to be installed in compliance with the American with Disabilities Act. Due to the topography at the site, a retaining wall is planned with the maximum height reaching 12 feet. There are 46 parking spaces planned at the site. In order to address stormwater management requirements at the site, the Applicants plan to seek the approval of the Carroll County Board of Commissioners to allow storm water to be routed to the Farm Museum pond. Landscaping at the site will meet the requirements of the Carroll County Landscape Ordinance and additional planting for screening purposes will be installed near the school and road. Minor road improvements are planned.

Testimony indicated that there will be 20 employees working at the Oncology Center. Employees will include physicians, a physicist, administrative and clerical staff, nurses, a radiologist, a pharmacist, and a lab technician. The hours of operation for the Center will be 8:30 a.m. to 5:00 p.m. with patients scheduled at regular intervals. Initially, 20 patients a day are expected at the Center and the number of patients in the future will not exceed 35 patients a day. The Center will be operated by Physicians Reliance Network, an entity that specializes in the field of oncology care with 35 centers located throughout the United States. Both the Carroll County Health Services Corporation and Carroll County General Hospital, Inc. have a partnership agreement with Physicians Reliance Network to ensure the quality of control over services. The Center will offer both medical and radiation technology including linear radiology. All relevant areas of the building where radiation treatment is offered will be safely constructed according to Radiation Society Guidelines. The on-site physicist will be responsible for ensuring compliance with Federal and State radiation guidelines.

The Board finds the use is appropriate for the location and will have minimal impact on the neighborhood. No traffic congestion would result from the proposed use, and property values of the neighboring homes will not be affected adversely. The Applicants have demonstrated a need for oncology services in Carroll County. The Carroll County Hospital campus is an ideal location for the Center in order to centralize specialized medical services. However, the 12 foot height of the retaining wall is a safety concern of the Board.

The Board hereby approves the request of Carroll County Health Services Corporation and Carroll County General Hospital, Inc. for a conditional use for a building addition for an Oncology

Center at the Carroll County General Hospital on property zoned "R-20,000" Residence District located at 200 Memorial Avenue in Election District 7 with the recommendation that the maximum height of the retaining wall be reduced from 12 feet to 8 feet, unless any State or County regulatory agency orders otherwise.

1-14-99

Date

Karl V. Reichlin

Karl V. Reichlin, Chairman

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January 13, 1999