

Tax Map/Block/Parcel
No. 78-10-610
Case 5676

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Baltimore Gas & Electric Co., c/o Jim Burkman
Spring Gardens Svc.
1699 Leadenhall Street
Baltimore, Maryland 21230

ATTORNEY: Jennifer Busse and John Gontrum

OPPOSITION: Raincliffe Property

ATTORNEY: Michael J. Jack

REQUEST: An application for a conditional use for the placement of an electrical substation.

LOCATION: The site is located at Raincliffe Road, Eldersburg, MD 21784, on property zoned "I-G" General Industrial District in Election District 5.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-72 (P) and 223-15 (B)

HEARING HELD: December 27, 2012, January 30, 2013, and January 31, 2013

FINDINGS AND CONCLUSION

On December 27, 2012, January 30, 2013, and January 31, 2013, the Board of Zoning Appeals (the Board) convened to hear the request for a conditional use for the placement of an electrical substation. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

Buttercup Road, LLC is the owner of the property referred to in the applicant's application. The applicant, has a contract for the 1.24 parcel of land covered in the application. The property in question is located in an industrial zone. Other neighboring properties include Northrup Gruman Corp, Maryland Department of Corrections, and Maryland State Police and Correctional Training Commission. The Bureau of Comprehensive Planning wrote that "the subject property has a land use designation of General Industrial in the 2001 Freedom Community Comprehensive Plan," in an October 23, 2012 memorandum. The subject property

is “consistent with this designation. The surrounding neighborhood is diverse, containing a large government contractor, institutional uses, single-family residential, multi-family residential, and a park.”

Regina Hillman has been an employee with BGE for approximately thirty-five years. She is a project manager for the company. As project manager she manages and coordinates a variety of project types. She stated that as a project manager one of her duties is to determine when electricity needs would be necessary and to plan on meeting these needs in a timely fashion. She has worked on substation issues with BGE for more than twenty years. The substation at the proposed site would be a distribution station to support residential and the business area. She noted that the demand in the area is increasing. The need for a substation is to improve the reliability of BGE. She mentioned that the Liberty Road substation is too far away and there would be a greater chance for reliability issues if a new substation was not created. The property in question is centrally located to where the need is. BGE started its search for a substation in about 2000. With regard to EMF transmissions she explored the National Institutes of Health website. She stated that since the proposed site would not have any power lines and it would not be a transmission station that there would not be EMF transmission concerns.

Before BGE considers a new substation it looks at its existing substations first. When BGE considers property for its substation it considers whether the location would meet the needs of its customers, whether there is easy access, whether there is a willing seller for the property in question, and whether there is an environmental impact. Although at least five other sites were considered by BGE for the substation, the company decided on the location in the application. BGE locked in on the property in question in 2009 and agreed on a contract in February 2012.

The layout of the site would be similar to the layout at the Mexico Road site in Westminster, Maryland. There would be few vehicular trips going to and coming from the property. The feed levels and load levels at the substation would be monitored off site. Someone would come to the site on occasion when the off site monitoring required it. The site would include six feet of fencing with a foot of barb wire above it. The reason for the fencing would be to dissuade people from coming onto the site. There would be a sign or two on the property that would mention danger and high voltage. Inside the fenced in area would be motion sensed lighting. There would be no power lines at the site. The use of a substation at the site would not be a problem to the health, safety or welfare to the people around it. Other BGE substations are within 120 feet of residential housing. The noise levels generated by the substation would meet state and county requirements. BGE needs a flat area in which to build the substation. She proposed to use permahedge as screening, a change to the original site plan. It is a green woven plastic-type material. BGE does not allow trees to be close enough to topple onto the substation when it plans for the construction.

Andrew Stine was accepted as an expert in land planning and landscape architecture. He testified that a level pad would need to be created at the site. He indicated that the site was between downtown Sykesville and institutional uses. He mentioned these other uses near the site: a drug treatment center, a cultural center, Northrup Gruman, a correctional facility, state police training center, water treatment facility, and a public park. The park is about 800 feet to

the south. The site has remained unchanged since he started working on it in 2009. However, the lot line configuration changed in July 2012. He mentioned that this would be an unmanned substation and would not need water or sewer service. He stated that the project would be 122 feet from the closest residence to the enclosure's fence. He mentioned people around the site also included about 450 Northrup Gruman employees, 435 inmates, and 1,000 to 2,000 people working in the area. There would be 81.6 feet from the property line to the nearest piece of equipment. He explained that permahedge was a plastic that resembled artificial Christmas tree type material. He noted that the substation would be virtually invisible when the plantings of trees reached maturation. He also mentioned that there would be a berm at the substation. The purpose of the berm and the screening would be to lower the visibility of it and have an impact on sound waves. He did not believe that light, dust, noise, odors, fumes, glare, traffic or vibrations would be an adverse impact to others at the proposed substation. He mentioned that his company was involved in the Mexico Road substation too. The trees at that location were the minimum size, and maximum size trees were proposed for this location. At one point the site is separated by a stream. The parcel is located near a forest conservation easement, which has an impact on it.

He testified extensively about decibel levels. He provided Petitioner Exhibit 9A about noise sources, decibels and their effects. He stated that the decibel level at the fence would be 45. He added that the decibel levels at the Mexico Road substation were about 45 or 46. According to Petitioner Exhibit 9A the decibel reading for an electrical transformer at 100 feet would be 50. There was significant testimony about a library being at the 40 decibel reading. If the closest residence was 122 feet away from the fence around the substation, then the decibel reading at that house would be less than 45 or 46.

Joseph Cronyn was accepted as being an expert as a real estate market analyst. He has worked in the real estate industry approximately thirty-five to forty years. He analytically and factually looked at the impact that a substation would have on homeowners living near it. He looked at actual sales and actual data and compared it to a control group of homeowners that lived near another substation. He looked at the current Raincliffe subdivision. Forty-one townhomes had been sold at this time. The townhomes were three story homes and many had garages. The average purchasing price for the townhomes was \$300,000. He found that 41 people found it reasonable to pay \$300,000 for a townhome at the Raincliffe subdivision. Those people probably purchased their houses with the knowledge that the development was close to Maryland Route 32. Many people prize the close access to Maryland Route 32 as a way to quickly head south during rush hour. The homeowners would probably have known about nearby Northrup Gruman, a drug treatment center, a cultural center, a correctional facility, state police training center, and a water treatment facility. Indeed, the homeowners probably would have known that their homes were next to an industrial zone. Mr. Cronyn's evaluation of the control group of homes near a substation revealed that those homes appreciated in value. He further testified that the substation may have less of an impact than other aspects of living in the community. The location of the house has one of the most significant impacts on the price one is willing to pay for it. He believed that a substation would not make a difference to many purchasers if they could not hear it, smell it, or see it, and there was no nuisance behavior. He pointed out that some people purchased million dollar homes that were near a substation, and that these buyers had more options of where they could afford to live. It was his expert opinion

that a substation would not have a negative impact on property values at the Raincliffe subdivision.

The Board received nineteen letters and emails from people who were opposed to the proposed substation. The objections were that a substation would decrease the property value for the Raincliffe community, have a negative impact on the appearance of the neighborhood, disrupt wildlife habitat, and have possible health effects from living in close proximity to EMF Radiation. The neighbors were concerned about the impact of a fire or explosion at the substation. All of the neighbors wanted BGE to consider other parcels for the substation. Some people believed that all possible alternatives be considered before the substation would be allowed to be constructed at the proposed location. The Board noted the similarity in many of the letters.

There is a two page December 17, 2012 letter from the Mayor of Sykesville, Michael P. Miller. He noted that the property in question was not in the jurisdiction of the Town of Sykesville. He further pointed out that 56 homes were sold in the Raincliffe development with many homes closest to the substation yet to be built. The Mayor also indicated that the town had property that could be explored for the substation. If the Board decided to grant a conditional use to BGE other conditions were also provided in the letter.

Robert Scranton testified that he was the co-owner of Catonsville Homes. He has been involved in building homes in Carroll, Howard and Frederick Counties. He is a homebuilder and a land developer, and he and his companies have built between 500 and 1000 homes. In his role as a developer he evaluates the property and the surrounding properties. He considers the zoning at the locations of his developments. He and his company are owners of the Raincliffe community in Sykesville, Maryland. He has contracted to sell all of the Raincliffe lots to NVR, Inc. Ryan Homes is actually selling the townhomes, and he has sold fifty-six homes to that company at this point. The Raincliffe community is townhouse properties in an area of about thirty two acres. He worked with the town of Sykesville in creating the community. The town wanted a community that was upscale, unique and different. He believed that the land where the supposed substation would be built is a challenging piece of property. Although the land owned by Buttercup Road, LLC was in an industrial zone, he believed that the land in question would be unbuildable. The final sections of the Raincliffe community have yet to be built. These sections would constitute premium lots in the community, because they are tucked in the back and do not have as much traffic. He stated that the company was selling an average of three townhouses a month until November 2012. In November 2012, December 2012 and January 2013, three have been sold. He attributes the lack of sales to the proposed substation that became known to the public in October 2012. The lot prices in Protestant Exhibits 12A and 12B and 13A through 13E was \$110,000 per lot. Although the contract for the townhomes was expected to increase, Ryan Homes does not want to pay more for the premium lots with a substation so close. Although he was aware of some of the permitted uses for the property in the industrial zone, he believed that many of those uses would not be so close to the property line. He was concerned that substations had minimal setbacks. He believed that none of the actual uses around the Raincliffe community had a negative (Northrup Gruman, correctional facility, water treatment facility, laundry, and drug treatment facility) impact but that a substation would have a negative impact on the community. His position was that if the substation was placed

anywhere else on the property that it would not be objectionable. The fact that it was close to the property line was the problem.

Dawn Ashbacher testified as the current town manager of Sykesville. She has been the town manager since November 12, 2012. She stated that the town was supportive of electricity and the BGE substation. However, the town would like the substation placed somewhere else. She also testified to support the December 17, 2012 letter from the Mayor of Sykesville, Michael P. Miller. Since she had only been in office for less than three months, she was not familiar with when the town first offered sites to BGE or any communications between BGE and the town prior to her tenure as town manager.

Terrence W. McPherson was accepted as an expert in real estate appraisal. He has been a real estate appraiser for more than thirty years. He stated that the substation was a negative externality. Every negative externality has its own degree of impact on a homeowner, and all negative externalities are not considered equal. Homeowners may place a different degree of negative externality on a parking lot as opposed to a substation. Home owners could ignore external factors if they believe that the value of the property would only increase. However, home buyers would ask for a reduction in the purchase price due to uncertainties and negative externalities. He noted that there was a drop in townhouse sales from November to the present. Buyers were placed on notice of the substation since the article in the Carroll County Times and the sign going up about the substation in October/November 2012. The three sales since November were significant, although he would have preferred to have more data. This drop in sales was occurring when the housing market was improving. He stated that a substation would negatively affect Mr. Scranton and the Raincliffe community. He also attributed the substation as the sole cause of the recent drop in sales of the Raincliffe townhomes. Because of the fragility of the housing market any negative impact could have a negative impact on neighboring properties.

Jeffrey Aleshire testified as a vice president of Susquehanna Bank, where he has worked for fifteen years. He worked in commercial real estate lending for more than twenty years. He evaluated the drop off in sales of townhomes to the Raincliffe community. He believed that there would be a significant reduction in value if a substation was built. He noted that his bank had a direct correlation to the success or failure of the Raincliffe properties. He explained that Mr. Scranton told him of the three sales of townhomes from November 2012 to January 2013. He was not aware of any factors other than the substation for the drop off in sales over the last few months. Mr. Aleshire's signature appears to be on Petitioner Exhibit 11.

Peter Donnell testified as a resident at Raincliffe. He had lived there for just over one year. He did consider the access to Maryland Route 32 as a reason for the move. He stated that the construction of a substation changed the game for him, and he would not have moved had he known about the substation. His property is on lot 54 as shown on Petitioner's Exhibit 7. He lives 801 feet from the proposed substation. He admitted on cross examination that the impact to him would not be any different than on any other neighbors in the Raincliffe community. He personally went to the Mexico Road substation off of Maryland Route 27. While standing fairly close to this substation he heard minimal noise. He testified that the sound emitting from the substation was relatively unremarkable, and that he could hear the traffic from Route 27. He

mentioned that Ryan Homes representatives told him that it would be difficult to develop on the Buttercup Road property in question.

Michelle Reyes testified as a resident in the Raincliffe community. She considered a house in Baltimore County but rejected it when she realized it was close to a substation. She wanted a guarantee that her home value would not change because of the substation. She wanted a guarantee that no catastrophic event would occur at the substation. She wanted the risk of a substation to be placed on a commercial property. She noted that BGE also could not guarantee that the substation would service the Raincliffe community. Since the substation project had been going on for years she did not believe that an alternate location for it would have a large effect. She admitted on cross examination that the impact to her would not be any different than on any other neighbors in the Raincliffe community.

Frank Potepan testified that he was a business partner of Mr. Scranton. He was also a partner with the Raincliffe properties. He stated that there was some sort of wellhead on the Buttercup property. He noted that the Wellhead Protection Act included certain setbacks.

David Straitman was accepted as an expert in residential real estate appraisal. He reviewed Mr. Cronyn's work file and visited the site. He also performed some of his own research. He also sat through testimony provided on January 30, 2013. His main concern was whether in his review he would support Mr. Cronyn's findings. He found that Mr. Cronyn's findings were consistent with his. He disagreed with Mr. McPherson's opinion that the substation would have a negative impact on the Raincliffe community. He noted that Mr. McPherson assumed a number of assumptions in his conclusions. The more assumptions there were, the less accurate the conclusions would be. He stated that the tax records for the properties on Joel Court supported Mr. Cronyn's findings that there was an increase in the value of those Joel Court properties.

Michael Fowler, a BGE employee, testified in the hearing. One of his roles is dealing with local governments. When BGE determined that it needed a substation near Sykesville he had discussions with individuals from the Town of Sykesville from 2005 to 2008. At one point the Town offered a site under its control. That site was unacceptable to BGE because it was near a water tower, there was a severe slope issue, there was a grading issue, and there was an access issue with regard to vehicles going to and from the site. Although BGE was not copied on the Town's letter to the Board, it became aware of it. BGE has not had any discussions with the Town about the alternative sites set forth in the letter. BGE would settle on the Buttercup Road property if the Board granted the request for a conditional use. BGE had been considering this property for the substation since 2009.

FINDINGS OF FACT

There is no question or dispute about the fact that BGE needs a new substation in or near the Sykesville area. The dispute came down to whether the site at Buttercup Road that BGE had been considering since 2009 was an appropriate place or whether other sites would have less of an impact on residential neighborhoods. BGE had an investment in the property which was the subject matter of the petition before October 2012, when the public first got notice of the

substation. The proposed BGE substation first became known to the public in October/November 2012. On December 17, 2012 the Board received a letter from the Mayor of Sykesville, Michael P. Miller. It was unknown what communications the Town of Sykesville had with BGE prior to the 2012 letter from the Mayor. However, both BGE employees discussed how the Town of Sykesville was involved and aware of the site selection process since the mid 2000s. BGE decided to move forward with the Buttercup Road site in 2009. The property in question is located in an industrial zone. The property and Raincliffe community are nearby Northrup Gruman, a drug treatment center, a cultural center, a correctional facility, a state police training center, and a water treatment facility. The Bureau of Comprehensive Planning wrote that “the subject property has a land use designation of General Industrial in the 2001 Freedom Community Comprehensive Plan,” in an October 23, 2012 memorandum. The subject property is “consistent with this designation. The surrounding neighborhood is diverse, containing a large government contractor, institutional uses, single-family residential, multi-family residential, and a park.” Pursuant to section 223-15B of the County Code a substation is permitted as a conditional use in all zoning districts.

The County Code provides the “limitations, guides and standards” that are to be used by the Board when considering an application for a conditional use:

Where in these regulations certain powers are conferred upon the Board or the approval of the Board is required before a conditional use may be issued, the Board shall study the specific property involved, as well as the neighborhood, and consider all testimony and data submitted. The application for a conditional use shall not be approved where the Board finds the proposed use would adversely affect the public health, safety, security, morals, or general welfare, would result in dangerous traffic conditions, or would jeopardize the lives or property of people living in the neighborhood. In deciding such matters, the Board shall give consideration, among other things, to the following:

- A. The number of people residing or working in the immediate area concerned.
- B. The orderly growth of a community.
- C. Traffic conditions and facilities.
- D. The effect of the proposed use upon the peaceful enjoyment of people in their homes.
- E. The conservation of property values.
- F. The effect of odors, dust, gas, smoke, fumes, vibrations, glare, and noise upon the use of surrounding property values.
- G. The most appropriate use of land and structures.
- H. The purpose of this chapter as set forth herein.
- I. Type and kind of structures in the vicinity where public gatherings may be held, such as schools, religious establishments, and the like.
- J. Compatibility.
- K. Public convenience and necessity.

The seminal case of *Schultz v. Pritts*, 291 Md. 1 (1981) controls this issue. In *Schultz*, the Court of Appeals explained that when the beneficial purposes of a use outweigh possible adverse effects, such uses are permitted. *Id.* at 35-36. Conversely, when the beneficial purposes

do not outweigh the adverse effects, such uses are conditional. As such, the Court of Appeals stated that “a permitted use may be developed even though it has an adverse effect upon traffic in the particular location proposed.” The Court of Appeals held that the proper standard to apply when analyzing a conditional use is “whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use.” *Id.* at 37.

The local legislature, when it determines to adopt or amend the text of a zoning ordinance with regard to designating various uses as allowed only by special exception in various zones, considers in a generic sense that certain adverse effects, at least in type, potentially associated with (inherent to, if you will) these uses are likely to occur wherever in the particular zone they may be located. *People's Counsel for Balt. County v. Loyola College in Md.*, 406 Md. 54, 94-95 (2008). In that sense, the local legislature puts on its "Sorting Hat" and separates permitted uses, special exceptions, and all other uses. That is why the uses are designated special exception uses, not permitted uses. The inherent effects notwithstanding, the legislative determination necessarily is that the uses conceptually are compatible in the particular zone with otherwise permitted uses and with surrounding zones and uses already in place, provided that, at a given location, adduced evidence does not convince the body to whom the power to grant or deny individual applications is given that actual incompatibility would occur.

The Board considered each of the factors set forth above in §223-191 of the Zoning Code and the *Schultz v. Pritts* test in granting the conditional use.

A. The number of people residing or working in the immediate area concerned.

The property in question is located in the industrial zone. The Board considered the permitted uses in the industrial zone and the relatively minimal uses of a substation. The property and Raincliffe community are nearby Northrup Gruman, a drug treatment center, a cultural center, a correctional facility, a state police training center, and a water treatment facility. People around the site also included about 450 Northrup Gruman employees, 435 inmates, and 1,000 to 2,000 other people working in the area. At present there are fifty-six homes in the Raincliffe townhouse community. The project would be 122 feet from the closest residence to the enclosure's fence. If the closest residence was 122 feet away from the fence around the substation, then the decibel reading at that house would be less than 45 or 46.

B. The orderly growth of a community.

The orderly growth of the community would require a new substation. There was no dispute about the need for a new substation. That substation could be placed in any zone in the county. The issue in the case is whether the substation at this location is appropriate or would the community be better served by compelling BGE to find an alternative location. It stands to reason that a substation in an industrial zone would not have much more of an impact than a substation in a residential zone. The property and Raincliffe community are nearby Northrup Gruman, a drug treatment center, a cultural center, a correctional facility, state police training center, and a water treatment facility.

C. Traffic conditions and facilities.

The testimony was that once construction was completed that there would be no more than two trips to the substation a month. Someone would also come to the site on occasion when the off site monitoring required it. The traffic issue was believed to be a nonissue, especially when considering some of the permitted uses.

- D. The effect of the proposed use upon the peaceful enjoyment of people in their homes.

There was testimony that the amount of noise coming from the substation would be minimal. Peter Donnell, a neighbor in opposition to the substation, testified to this fact. He stated that while standing fairly close to a similar substation he heard minimal noise. He testified that the sound emitting from the substation was relatively unremarkable, and that he could hear the traffic from Route 27. Andrew Stine stated that the decibel level at the fence at the proposed substation would be 45. He added that the decibel levels at the Mexico Road substation were about 45 or 46. Mr. Donnell and Mr. Stine's testimony was similar as to the noise levels at the substation. The noise levels in the decibel reading chart in Petitioner Exhibit 9A was between the sound in a library or bird calls at a decibel level of 40 to quiet suburb, conversation at home, or large electrical transformer at 100 feet at a decibel level of 50.

- E. The conservation of property values.

The Board heard both expert and lay testimony on the valuation of properties if a substation was nearby. However, the Board was not swayed by either side that a substation would either increase or decrease the value of neighboring properties. Moreover, the Board believed that with proper screening the substation would have little if any impact on the community.

- F. The effect of odors, dust, gas, smoke, fumes, vibrations, glare, and noise upon the use of surrounding property values.

There was testimony that the amount of noise coming from the substation would be minimal. Peter Donnell, a neighbor in opposition to the substation, testified to this fact. He stated that while standing fairly close to a similar substation he heard minimal noise. He testified that the sound emitting from the substation was relatively unremarkable, and that he could hear the traffic from Route 27. Andrew Stine stated that the decibel level at the fence at the proposed substation would be 45. He added that the decibel levels at the Mexico Road substation were about 45 or 46. Mr. Donnell and Mr. Stine's testimony was similar as to the noise levels at the substation. Mr. Stine did not believe that light, dust, noise, odors, fumes, glare, traffic or vibrations would be an adverse impact to others at the proposed substation. There was little if any evidence of any impact by the other factors.

G. The most appropriate use of land and structures.

The Board considered the permitted uses in the industrial zone. The proposed use was minimal compared to some of the uses that would not require Board approval.

H. The purpose of this chapter as set forth herein.

The purpose of this chapter is to allow property owners to use their property as they saw fit as long as it also fit in the legislative scheme of things. (See 223-1 of Zoning Code.)

I. Type and kind of structures in the vicinity where public gatherings may be held, such as schools, religious establishments, and the like.

The property and Raincliffe community are nearby Northrup Gruman, a drug treatment center, a cultural center, a correctional facility, a state police training center, and a water treatment facility.

J. Compatibility.

A substation could be placed in any zone in the county. Therefore, the county has established that a substation was compatible with all zones. It stands to reason that a substation in an industrial zone would not have much more of an impact than a substation in a residential zone.

K. Public convenience and necessity.

A substation could be placed in any zone in the county. There was no dispute that there was a need for the substation. BGE testified that the community would need a substation in the future. No one disputed that fact. BGE took steps to meet that need for the community since approximately 2000. The request for a conditional use is one step in a long process. BGE still needs final site plan approval.

Many homeowners in the Raincliffe community were opposed to the substation at its present location. This opposition was joined by Mr. Scranton, the Town of Sykesville and others. All of the opposition wanted either BGE and the Board to consider alternative sites. The Board is deciding the instant matter based on a specific petition for a conditional use made to the Board by BGE. The application includes a specific site and specific construction to that site. The Board does not have the authority to change the site chosen by the applicant, especially if the chosen site is located at a legally permitted location. All of the requests for an alternative site

must be made to BGE, which is the company that has invested resources in procuring a substation site since 2000.

The Board was convinced that authorization of the request with regard to a conditional use was consistent with the purpose of the zoning ordinance, appropriate in light of the factors to be considered regarding conditional uses of the zoning ordinance, and would not unduly affect the residents of adjacent properties, the values of those properties, or public interests. Based on the findings of fact made by the Board above, the Board found that the proposed project would not generate adverse effects (i.e. noise, traffic, dust, water issues, lighting issues, property depreciation, etc.) greater here than elsewhere in the zone.

In order to promote the intent and purpose of the zoning ordinance, the Board hereby imposes the following conditions on the granting of the conditional use. BGE will provide screening and fencing on its property and if acceptable to the county and/or the Home Owners Association or the Raincliffe Community Association, BGE will be required to provide additional screening on those properties. BGE is required to maintain the screening placed on neighboring properties in perpetuity.

2/6/2013
Date


Richard J. Simmons, Chairman

Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court for Carroll County within 30 days of the date of the decision pursuant to Article 66B, Section 4.08 of the Annotated Code of Maryland Rules of Procedure.

Pursuant to Section 223-192C of the County Code, this approval will become void unless all applicable requirements of this section are met. Contact the Office of Zoning Administration at 410-386-2980 for specific compliance instructions.

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