

THE BOARD SHALL SIT IN PANELS AS FOLLOWS:

(1) IF AN APPLICATION FOR A VARIANCE OR AN APPEAL TO THE BOARD CONCERNS PROPERTY LOCATED IN ANNE ARUNDEL COUNTY, THE BOARD PANEL SHALL CONSIST OF ALL MEMBERS EXCEPT THOSE WHO ARE FROM BALTIMORE COUNTY; AND

(2) IF AN APPLICATION FOR A VARIANCE OR AN APPEAL TO THE BOARD CONCERNS PROPERTY LOCATED IN BALTIMORE COUNTY, THE BOARD PANEL SHALL CONSIST OF ALL MEMBERS EXCEPT THOSE WHO ARE FROM ANNE ARUNDEL COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from Art. 1A, §8-802(e).

In subsection (g) of this section, reference is added to an "application for a variance" to cover procedures under §5-507 of this subtitle as well as appeals.

The Commission urges that the broad and, hence, ambiguous reference in subsection (f) of this section to "Subtitle 6" be revised to indicate just which of the many provisions of that subtitle are "applicable" and intended to be incorporated in this section. The present reference is so broad that the Commission is unsure that it could do so properly in this revision without effecting an unintended substantive change.

5-507. SAME--GRANT OF VARIANCES.

(A) POWER TO GRANT.

IN A CASE OF PRACTICAL DIFFICULTY OR UNNECESSARY HARDSHIP, THE BOARD, AFTER PUBLIC NOTICE AND HEARING, MAY GRANT A SPECIFIC VARIANCE FROM THE AIRPORT ZONING REGULATIONS ADOPTED UNDER THIS SUBTITLE.

(B) APPLICATION.

ANY PERSON WHO DESIRES TO USE HIS PROPERTY IN A MANNER PROHIBITED BY AN AIRPORT ZONING REGULATION ADOPTED UNDER THIS SUBTITLE MAY APPLY TO THE BOARD FOR A VARIANCE FROM THE REGULATION.

(C) BOARD TO ACT AS A FACT FINDING BODY; CONSIDERATIONS.

ON APPLICATION FOR A VARIANCE, THE BOARD SHALL ACT AS A FACT FINDING BODY AND, AMONG OTHER THINGS, SHALL CONSIDER:

(1) THE RULES, REGULATIONS, RESTRICTIONS, GUIDES, AND STANDARDS SET FORTH IN THIS SUBTITLE AND IN THE AIRPORT ZONING REGULATIONS THAT THE ADMINISTRATION