

(II) ALLOW ANY TO GROW TO SUCH A HEIGHT AS TO BE AN AIRPORT HAZARD; OR

(III) EVEN IF IT IS NONCONFORMING, ALLOW ANY THAT IS AN EXISTING AIRPORT HAZARD TO GROW ANY HIGHER.

(B) NONCONFORMING STRUCTURES.

(1) WHETHER OR NOT A PERMIT SYSTEM IS ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION, BEFORE ANY WORK IS STARTED TO SUBSTANTIALLY ALTER ANY NONCONFORMING STRUCTURE AND BEFORE ANY GROWTH DESCRIBED IN SUBSECTION (A) OF THIS SECTION IS ALLOWED OF A TREE OR OTHER VEGETATION, A PERMIT SHALL BE OBTAINED FROM THE ADMINISTRATIVE AGENCY AUTHORIZED TO ADMINISTER AND ENFORCE THE ZONING REGULATIONS.

(2) THE ADMINISTRATIVE AGENCY SHALL ISSUE A PERMIT AS A MATTER OF RIGHT FOR THE REPLACEMENT OR ALTERATION OF A NONCONFORMING USE OR STRUCTURE, EXCEPT THAT THE AGENCY MAY NOT ISSUE ANY PERMIT THAT WILL ALLOW A STRUCTURE OR TREE OR OTHER VEGETATION TO BE HIGHER THAN OR TO BE A GREATER HAZARD TO AIR NAVIGATION THAN IT WAS WHEN THE APPLICABLE AIRPORT ZONING REGULATION WAS ADOPTED.

(C) CONDITIONS ON PERMIT.

IF THE ADMINISTRATIVE AGENCY GRANTS A PERMIT UNDER THIS SECTION THAT DOES NOT HAVE TO BE ISSUED AS A MATTER OF RIGHT, IT MAY CONDITION THE PERMIT SO AS TO REQUIRE THE OWNER OF THE LAND OR STRUCTURE TO WHICH THE PERMIT APPLIES TO INSTALL, OPERATE, AND MAINTAIN AT HIS EXPENSE THE MARKERS AND LIGHTS NECESSARY TO INDICATE TO AIRCRAFT THE PRESENCE OF AN AIRPORT HAZARD.

REVISOR'S NOTE: This section is new language derived from Art. 1A, §8-801(c) (1) and (c) (3) and revised to conform, to the extent possible, to the like provisions appearing in §§ 5-504 and 5-505 of this title; see revisor's notes to these sections.

5-612. BOARD OF APPEALS - ESTABLISHMENT AND OPERATION.

(A) PROVISION SHALL BE MADE FOR BOARD.

AIRPORT ZONING REGULATIONS ADOPTED UNDER THIS SUBTITLE SHALL PROVIDE FOR A BOARD OF APPEALS WITH THE POWER:

(1) TO HEAR AND DECIDE APPEALS IN ALL CASES IN WHICH IT IS ALLEGED THAT THERE IS ERROR IN ANY DECISION OF THE ADMINISTRATIVE AGENCY IN THE ENFORCEMENT OF THIS SUBTITLE OR OF ANY ORDINANCE OR OTHER LEGISLATION ADOPTED UNDER THIS SUBTITLE;