

(b) 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) On application for a variance, the Board shall act as a fact finding body and, among other things, shall consider ~~AND-FORMALLY-RESPOND-TO~~ ANY TESTIMONY OR EVIDENCE PRESENTED REGARDING:

(1) The rules, regulations, restrictions, guides, and standards set forth in this subtitle and in the airport zoning regulations that the Administration adopts;

(2) The existing or proposed height, width, and use of the structure or tree or other vegetation for which the variance is requested;

(3) Whether the structure or tree or other vegetation will create or become an airport hazard; [and]

(4) Whether issuance of the permit will result in endangering the public health, safety, security, or order; AND

(5) THE IMPACT OF THE PROPOSED VARIANCE UPON THE SURROUNDING COMMUNITY.

(d) The Board may condition any variance so as to require the owner of the land or structure to which the variance applies to install, operate, and maintain at his expense the markers and lights necessary to indicate to aircraft the presence of an airport hazard.

5-815.

(a) Subject to the provisions of this subtitle, the board of appeals ~~-{may-}~~ SHALL grant specific variances from noise zone regulations adopted under this part, if the design of a proposed structure or the repair, replacement, or change of a structure or use of land provides for sound insulation adequate to insure that interior noise levels resulting from airport operations will not exceed those levels that would occur if the structure or land use were outside of the noise zone.

(b) Any person who desires to use his property in a manner prohibited by a noise zone regulation adopted under this part may apply to the board for a variance from the regulation.

(c) The board may condition any variance so as to require the owner of any structure or land use to which the variance applies to construct the proposed structure or to repair, replace, or change the structure or use of land at his expense in a way that meets the requirements of subsection (a) of this section.