

## Article - Transportation

5-815.

(a) Subject to the provisions of this subtitle, the Board of Appeals may 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.

(d) When reviewing a request for a variance under the airport noise zone regulations, the Board shall consider any FACTS AND CIRCUMSTANCES RELEVANT TO THE REQUEST FOR VARIANCE, INCLUDING ANY testimony or evidence presented regarding POSSIBLE IMPACTS ON THE SURROUNDING COMMUNITY OF THE GRANT OR DENIAL OF THE PROPOSED VARIANCE [the impact of the proposed variance upon the surrounding community].

5-821.

(a) Unless a person has an appropriate permit issued by the Administration, the person may not, in a noise zone established under this part:

- (1) Establish or construct any new structure;
- (2) Make any new use of any existing structure or land; or
- (3) Substantially alter any existing structure or use of land.

(B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, THE ADMINISTRATION MAY NOT REQUIRE ANY PERSON TO OBTAIN A PERMIT TO CONSTRUCT AN ADDITION TO A RESIDENTIAL STRUCTURE IN A NOISE ZONE ESTABLISHED UNDER THIS PART, IF:

- (1) THE RESULTANT IMPROVED STRUCTURE RETAINS THE SAME NUMBER OF FAMILY DWELLING UNITS; AND