**Section 41.80 Variances**

a) General – *Any person* wishing to erect or increase the height of *any structure, or permit* any *growth, or use his property* not in accordance with these *zoning regulations, may apply to the Department for a variance from* these *zoning regulations. Such variances shall be allowed where* it is duly found that *a literal application or enforcement of* these *zoning regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of* these *zoning regulations*. (Section 24 of the Act)

b) Marking and Lighting – Any Variance granted by the Department may be so conditioned as to require the owner of such structure or tree to permit, at the expense of the owner, the installation, operation and maintenance thereon of such markers and lights as may be required to indicate to pilots the presence of such structure or tree.

c) In making the determination to allow variances the Department will consider, but is not limited to considering, the proximity of the hazard to the normal flight path or traffic patterns at the airport, the proximity of other non-conforming uses, structures or trees which would impair the use of the airport, the height of the object, the volume of air traffic at the airport, the type of aircraft using the airport, the type of navigational aids used at the airport, the length and width of existing runways, and plans for future expansion of the airport.