

CHEVY CHASE VIEW

Building Permits and Procedures

Montgomery County Requirements:

All Chevy Chase View lots are zoned R-90 Residential. Main building height normally is limited to 2 1/2 stories or 30 feet. Accessory building height is limited to two stories or 25 feet. Accessory buildings are allowed only in rear yards. In some cases, Chevy Chase View requirements are more stringent than Montgomery County requirements.

Chevy Chase View Building/Demolition Permits are required for:

1. Construction of a new building or the exterior modification of a residence or accessory building that alters its three-dimensional boundaries. This includes, for example, adding (or enlarging) a porch or deck or erecting a storage shed, whether prefabricated or site-built. It does not include exterior repairs that do not affect the three-dimensional boundaries of a building, such as repairing an existing roof, or solely interior construction.
2. Construction of front yard driveway apron or curb cuts.
3. Construction of fences. Please see Sec. 11 and Sec. 13.C.2. of the Building Regulations for Chevy Chase View's limitations on fencing. Please note that fences near the street intersection on corner lots are limited to 3 feet in height by County regulation to allow for proper visibility.
4. Construction of in-ground pools, in-ground spas and pool decks. Please see Sec. 13.B.2.(c).
5. Demolition of 25% or more of any structure greater than 150 sq. ft.

Procedure to follow:

1. Application for a Montgomery County Permit must be made to the Department of Permitting Services (DPS), Rockville, MD, (240) 777-6200. Your architect or builder should be familiar with this procedure.
2. Application may be made for a Chevy Chase View Building Permit on the attached form. **Please note, the County mandates different minimum setbacks from Chevy Chase View. Please refer to Sec. 13.B. of the Chevy Chase View's Building Regulations for setback requirements. Corner lots present different interpretations and, prior to obtaining a permit, residents are advised to consult with the County regarding its rules.**
3. Please provide documentation of the established building line for new home construction and for any improvements located to the side or front of an existing home.

Note: If the proposed construction would encroach into the setbacks cited above, the application will be denied. In special cases and for good cause, residents may apply for a Waiver to be considered by the Chevy Chase View Council pursuant to Sec. 13.E of Chevy Chase View's Building Regulations. The County may also require a variance if the proposed project does not conform with its setback regulations.

For additional information, please contact Alan Beal, Building Permit Administrator, (202) 607-4153.

INSTRUCTIONS

A. Documents Required for a CCV Building Permit

Application for the Chevy Chase View Building Permit (**an original and seven copies**), which must be accompanied by:

1. A plat prepared by a licensed Maryland surveyor within the last five years, prepared to scale, showing the location of existing improvements. The proposed construction shall be overlaid on the plat clearly and accurately showing the distances to the front, rear and side lot lines. A plat or survey must be of sufficient accuracy for the Council to determine if any existing or proposed improvements encroach or may encroach into the CCV setback. If the proposed structure is to be located within 4 feet of a setback line, a boundary survey, with accompanying plat, showing the distances of all existing structures from all boundaries with a margin of error of +/- 0.1 feet, is required. The location of a proposed structure must be determined by measuring from the boundary line to the proposed structure.

Residents are encouraged to provide a boundary survey referencing two or more concrete monuments with reference numbers on sunken disks listed in the Town's control network. The location of the Town's concrete monuments with reference numbers on sunken disks are available on pages II-3 and II-4 of CCV Handbook.

A plat more than five years old may be used if it is the most recent surveyor's plat available, is otherwise prepared as above, and includes the property owner's representation that the plat accurately represents the current condition of the property with respect to the position of the residence and any accessory buildings and their distances from property lines;

2. One complete set of plans and specifications for the proposed construction that are identical to the Montgomery County stamped plans;
3. A copy of the signed Montgomery County Building Permit may be submitted after the application, but must be submitted before a CCV Building Permit will be issued.

B. Building Permit Application Fee Schedule

1. Applications for building permits for fences \$125.00
2. Applications for building permits for all structures other than fences and decks:
 - a. Where the total cost of the project is estimated to be less than \$10,000.00 \$250.00
 - b. Where the total cost of the project is estimated to be \$10,000.00 or more \$500.00
3. Applications for building permits for decks \$ 75.00

C. Modification of Plans After Issuance of CCV Building Permit

A new application must be submitted for any proposed modification that would change the exterior three-dimensional boundaries of the construction for which a permit has been issued

D. Documents Required for Cases Involving a Waiver from the Building Regulations

In cases where construction may require a Waiver from the Building Regulations, the application must include, in addition to the plat, plans, and specifications described above, statements signed by the property owner(s) which:

1. Identify the Section(s) of the Waiver Provisions being relied upon, i.e., whether the proposed construction would be an encroachment of
 - a. The front or rear setbacks [Sec. 13.E.3(a)(1)],
 - b. The side setbacks [Sec. 13.E.3(a)(2)] or,
 - c. Height limitation for fences [Sec. 13.E.3(b)];
2. Include all facts, under appropriate headings, upon which the applicant relies to show that the criteria of Sec. 13.E.3(a), (b), (c), and (d) of the Waiver Provisions would be met if the proposed construction were approved by the Council; and
3. Represent that, if the Council waives the Building Regulations, construction will proceed in accord with the terms of the written Waiver, and that no alteration of the plat or plans and specifications submitted for approval will be undertaken that may violate the Building Regulations without further Council approval.

E. Waiver Application Fee

An application fee of One Thousand Seven Hundred Dollars (\$1,700.00) must accompany all required documentation.

F. Filing Deadline for All Cases

1. When a Building Permit is requested, all statements and other documents upon which the applicant relies must be submitted to the Building Permit Administrator at least 14 days prior to the Council meeting, or the application will be considered at the next following Council meeting. Meetings are generally on the third Wednesday of each month.
2. In cases where there is no possibility that Building Regulations are implicated, the Council may delegate approval authority to the Council's Chairperson, jointly with another Council Member who are authorized, in their sound discretion to either:
 - a. signify approval of the application by their joint signatures on the application, or
 - b. decline approval, and refer the application to the next regular meeting of the Council.

G. Final "Wall Check"

A final "wall check", performed by a licensed surveyor or engineer, may be required.

**All homeowners and/or their agents are required to abide by the
Chevy Chase View Construction Site Protocol.**

Application for Building Permit

CHEVY CHASE VIEW

Property Owner(s) _____

Property Address _____ Lot _____ Block _____

Phone Numbers (daytime) _____ (evening) _____

E-mail _____ (will not be shared or distributed)

Address of Owner if Different from Property Address

Check all that apply

House Demolition Accessory Building Fence Porch, deck, etc. Pool, spa, etc.

Describe your project: _____

Will the total cost of the project exceed \$10,000? Yes No If yes, the applicant will be required to post a bond or other security. Please see pages V-15 to V-21 for guidelines and documents required.

Timetable:

Anticipated start date: _____

Length of demolition (if any): _____

Completion date: _____

Architect/Designer: _____ Telephone: _____

Contractor: _____ Telephone: _____

Surveyor: _____ Telephone: _____

Will the construction require obstructing or altering any part of a sidewalk, curb, gutter, driveway apron, street or any part of the CCV Right-of-Way? _____ If yes, describe on separate page.

Montgomery County Permit # (if available) _____

In the event your Montgomery County building permit is suspended, is revoked, or lapses, the Town permit is automatically revoked.

You must begin work under this permit within 6 months and complete work within 12 months of the date this permit is issued.

You must submit plans and specifications that show the existing structures and the proposed changes or additions. Be sure to clearly and accurately mark the distances from your property boundaries to the planned:

- Changes or additions to existing structures; and
- Any new structures.

You must also indicate:

- The exact distance of any projection into a setback (For a porch, bay window, eave and gutter, etc.)
- The height of any changed or new accessory building; and
- The exact location of any construction at- or below-grade, such as a driveway or basement areaway.

If you are constructing or altering any fence, please provide a diagram of the fence that shows its location with respect to your property lines and indicate the height of the fence (measured from the ground on the lower side) and the construction material and style, such as wooden picket or chain link.

By signing this Application, you agree to the following:

1. I/we have read the current Chevy Chase View Building Regulations (Sec. 13). To the best of my/our knowledge, this application and information submitted with it are complete and accurate.
2. I/we understand that this building permit is issued on the condition that actual construction conforms to the approved plans, and I affirm that the Montgomery County stamped plans are identical to the plans approved by Chevy Chase View.
3. I/we affirm that if I/we submit plans to Montgomery County which alter the three-dimensional boundaries of any construction authorized by this permit or for which an additional or amended permit is required, I/we will notify the Town Manager or the Building Permit Administrator immediately and will submit a copy of the revised plans to Chevy Chase View. I/we understand that I/we cannot proceed with construction until Chevy Chase View approves the revised plans.
4. I/we have read and agree to abide by the Chevy Chase View Construction Site Protocol.
5. I/we understand that the Town requires that any damage to the public right-of-way caused by me/us or my/our contractor(s) must be repaired by a Chevy Chase View designated contractor at my/our expense.

Signature of Owner/Contract Purchaser _____

If you have any questions about this application, please call Alan Beal, Building Permit Administrator, (202) 607-4153.

For Council Use

Date Application Received: _____ Application Approved: Approved with
Conditions: Disapproved:

_____ Council Chair _____ Date

CHEVY CHASE VIEW

SAMPLE

BUILDING PERMIT

CCV Permit Number _____ Montgomery County Permit Number _____

Date: _____

This is to certify that (name) _____ has permission
to _____

_____ at

(address) _____

(lot) _____ (block) _____ in accordance with the building permit application, plat, plans and specifications on file with the Council of Chevy Chase View. This permit is issued and is subject to the provisions of the Building Regulations and standards of Chevy Chase View as defined in the Chevy Chase View Charter and Regulations, a copy of which may be obtained from the Council of Chevy Chase View.

The right is reserved to examine the building or work as often as may be necessary while under construction or reconstruction and to order any change in the work that may be deemed requisite to ensure its compliance with Chevy Chase View Building Regulations.

It is further expressly understood that the permittee herein shall hold harmless Chevy Chase View from any and all loss or damage by reason of any act or thing done under and by virtue of this permit.

Note: This permit is not valid unless a Montgomery County Building Permit has been secured.

Approved: _____
Chairman, Council of Chevy Chase View

MUST BE POSTED

**CHEVY CHASE VIEW
WAIVER APPLICATION**

Date: _____

1. Property Address _____

Lot _____ Block _____

Property Owner _____

Phone Number (daytime) _____ (evening) _____

2. Description of Proposed Work _____

3. Reason for Requesting Waiver: On an attached sheet, please describe why you need a waiver and why you believe you meet the standards for granting a waiver. In particular:

1. Identify the Section(s) of the Waiver Provision being relied upon, i.e., whether the proposed construction would encroach upon a front, side, or rear setback or exceed the height limitation for fences;
2. Include all facts, under appropriate headings, upon which the applicant intends to show that the criteria of the Section of the Waiver Provision relied upon would be met if the proposed construction were approved by the Council; and
3. Represent that, if the Council waives the Building Regulations, construction will proceed according to the terms of the written waiver, and that no alteration of the plat or plans and specifications submitted for approval will be undertaken that may violate the Building Regulations without further Council approval.

Along with this application, please submit all documents required for Chevy Chase View Building Permits (see pages V-1 through V-5 of Building Procedures). An application fee of One Thousand Seven Hundred Dollars (\$1,700.00) must accompany all required documentation.

This application will be placed on the agenda for the first Council meeting at least 20 days after a complete application is filed with the Building Application Administrator. Generally the Council meets on the third Wednesday of every month. You are invited to present your case in person at the scheduled meeting.

Signature _____

Waiver action taken: Approved _____ Disapproved _____

Rev 5/05

V-7

P. O. Box 136 Kensington Maryland 20895 (301) 949-9274

Pages V-9 through V-14 are intentionally omitted.

Bond Requirement Guidelines For Chevy Chase View Construction

The Council requires that the property owner/owner's agent or contractor obtain a cash performance bond or letter of credit to guarantee restoration of the public right-of-way when facilities in the public right-of-way are damaged in connection with a construction project. **The public right-of-way includes, but is not limited to, curbs, driveway aprons, streets, trees and sidewalks.**

For construction projects costing less than \$10,000, there is no bond requirement.

For construction projects costing \$10,000 or more, a \$5,000 cash performance bond or letter of credit shall be provided by the property owner/owner's agent or contractor. Such bonds will be made to the Town of Chevy Chase View, and must be provided in order to receive a building permit.

Applicants for a Building Permit will:

- Provide an estimate of the construction cost on the building application.
- Provide a cash performance bond or a letter of credit issued by a federally insured financial institution operating in the State of Maryland
- At the completion of the construction project, notify Town Manager in writing that work is completed and request release of cash performance bond or letter of credit. Any restoration work to the right-of-way must be completed by a CCV designated contractor.

The Town Manager will:

- Review the bond or letter of credit for completeness and correctness.
- Ensure that the monies or security are properly accounted for and held safely..
- Return the monies or securities as per Protocol Regarding CCV Cash Performance Bond/Letter of Credit.

The Council of Chevy Chase View will:

- Ensure that a designated individual inspects and photographs the right-of-way both before a building permit is issued and after notification by the property owner/owner's agent or contractor that construction is completed.
- Notify the Town Manager to release the monies or other security to the property owner/owner's agent or contractor if there is no damage to the right-of-way.
- Be responsible for any adjudication of restitution. The Council member responsible for street maintenance will communicate with the property owner/owner's agent or contractor and keep the Council fully informed. Bond or letter of credit will not be released until the issue is resolved.

Other Notes to the Applicant:

Although we are requiring a bond or letter of credit in the amount of \$5,000, if the property owner/owner's agent or contractor does damage to the right-of-way, the property owner will be responsible for the full cost of repairing the damage.

If landscaping, such as loads of topsoil, etc, is necessary after the final Montgomery County inspection is completed, and there is damage to the right-of-way, the property owner will also be responsible for the full cost of repairing the damage.

Effective 6-1-04

**CASH PERFORMANCE BOND
FOR
RESTORATION OF PUBLIC RIGHT OF WAY**

Re: Permit No. _____ for _____

_____ dated _____

KNOW ALL MEN BY THESE PRESENTS as a requirement for, and condition of the above-referenced permit (the "Permit"), PERMITTEE _____, hereby binds itself and its successors and assigns to the Town of Chevy Chase View (the "Town") in the amount of _____ (\$_____), by depositing said amount (the "Security") with the Town Manager, subject to the conditions stated below.

The condition of this Cash Bond is that if Permittee shall fully perform the following requirements in a manner satisfactory to the Town, then this Security shall be discharged, but otherwise it shall remain in full force and effect:

1. Faithfully complete the repair, re-construction and/or restoration of any facilities, including, but not limited to, curbs, gutters, streets, driveway aprons, sidewalks, trees, plantings and signs, in the public right of way that may be damaged or disrupted in connection with the work authorized by the above-referenced building permit, within 30 days of demand therefor or such other period of time specified by the Town Manager. All work performed pursuant to this paragraph must be performed by a Chevy Chase View designated contractor.
2. Comply with all applicable ordinances and requirements of the Town, Montgomery County and the State of Maryland with respect to the public right of way.
3. Save harmless the Town from any expense incurred through the failure of the Permittee, or the Permittee's agents and servants, to complete the required repairs, re-construction and/or restoration, or from any damages growing out of the negligence of the Permittee or the Permittee's agents or servants.

The Town shall retain the Security for up to the full amount thereof until Permittee promptly completes, and has accepted by the Town, all work required under the Permit and this Bond, or, when applicable, posts substitute security. If Permittee fails to satisfy any of the conditions of this Bond the Town has the option, but in no way is required to utilize the Security to complete the work covered by this Bond. Upon the satisfactory completion of the work as required, the Town shall return the Security or its proceeds less the amount of any claims, damages, or costs incurred by the Town in connection with this Bond.

WITNESS

PERMITTEE

By _____

Print Name _____

Title _____

STATE OF _____ :

SS:

COUNTY OF _____ :

I hereby certify that on this ____ day of _____, 200__, before me, the undersigned officer, personally appeared _____, who acknowledged himself/herself to be the _____ of _____, a _____, and that he/she, as _____, being authorized so to do, executed the foregoing instrument on behalf of _____ for the purposes therein contained, by signing the name of _____ by himself/herself as _____.

In witness whereof, I hereunto set my hand and official seal.

Notary Public

My Commission Expires: _____

The Letter of Credit must be issued by a federally insured financial institution operating within Maryland.

ON FINANCIAL INSTITUTION'S LETTERHEAD

DATE:

Irrevocable Letter of Credit No.:

Town of Chevy Chase View:

We hereby issue in your favor this irrevocable letter of credit upon which you may draw up to an aggregate amount of _____ (\$_____), available upon the production of a written demand for payment and a written statement by the Town Manager of Chevy Chase View or the Town Manager's designee that _____ failed to repair, reconstruct or restore the public right of way as required by Permit No. _____ or otherwise failed to comply with all the terms and conditions of the Permit issued by the Town of Chevy Chase View, Maryland to _____ and dated _____ (Permit No. _____), including but not limited to the requirement that the Permittee shall repair and/or replace any facilities in the public right of way if such facilities are damaged in connection with the project for which the permit is issued and the requirement that the Permittee save harmless the Town of Chevy Chase View, from any expense incurred through the failure of the Permittee, or the Permittee's agents and servants, to complete the required repairs, re-construction and/or restoration, or from any damages growing out of the negligence of the Permittee or the Permittee's agents or servants.

This letter of credit shall be valid, and our obligations hereunder shall continue uninterrupted for a period of three years following the date of issuance indicated above, provided that on that date this letter of credit shall automatically be extended for an additional one year period and shall further be automatically extended annually for additional one year periods unless _____ (name of financial institution) notifies the Town Manager by certified mail at least thirty days prior to such initial or subsequent expiration date that this letter of credit will not be extended for such additional period. We further agree that no change, extension of time, alteration or addition to the work to be performed or to the plans or specifications relating to the same, shall in any way affect our obligation under this letter of credit, and we specifically waive notice of any such change, extension of time, alteration or addition.

We further agree that all demands for payment made under and in compliance with the terms and conditions of this letter of credit will be duly honored by us and that no defenses that may be available to the Permittee will be asserted against your demand for payment made hereunder.

NAME OF FINANCIAL INSTITUTION

By: _____
(Signature)

(Type name and title)

Protocol Regarding CCV Cash Performance Bond/Letter of Credit

1. Before a building permit is issued, Chevy Chase View (“CCV”) will schedule an on-site visit and meet with property owner/owner’s agent or contractor to review the scope of work and to assess the condition of the right-of-way. CCV and/or its agents will take appropriate pictures of the right-of-way.
2. Upon completion of the project, the property owner/owner’s agent or contractor shall submit in writing a request for release of the bond/letter of credit.
3. Within ten (10) days of receipt of a request for release of the bond/letter of credit, CCV will schedule an on-site visit. The CCV Town Manager or agent and a CCV designated-contractor will assess the condition of the right-of-way, take appropriate pictures of the right-of-way, and determine if repairs are needed as a result of damage resulting from construction.
4. If no repairs are needed, the bond/letter of credit will be released. If repairs are needed, the CCV designated-contractor will submit to the CCV Town Manager a written proposal for repair work.
5. Within ten (10) days of receipt of the proposal, the CCV Town Manager or agent will contact the property owner/owner’s agent or contractor to schedule an on-site meeting to review the CCV designated-contractor’s proposal for repair work.
6. Following ten (10) days after the on-site meeting, CCV may accept the CCV designated-contractor’s proposal and schedule repair work.
7. Upon acceptance of a proposal, the CCV designated-contractor will schedule work to commence within thirty (30) days of acceptance. No sooner than ten (10) days before scheduled repairs, the CCV designated-contractor will visit the job site, mark the area to be repaired, and post barricades at the work site area.
8. The property owner shall be financially responsible for all repair work by CCV and performed by the CCV designated-contractor. If repair costs exceed the amount of the bond/letter of credit, CCV will send an invoice to the property owner/owner’s agent or contractor for the difference.

**Chevy Chase View
Construction Site Protocol to be Followed by**

The Property Owner/Owner's Agent and Contractors

The following standards are required either by Montgomery County or by Chevy Chase View ("CCV"). They are meant to be reminders about the importance of being considerate to adjoining residents during construction.

- 1) **Noise Control Abatement** - Montgomery County ordinances govern construction noise. Generally, most construction may not start until 7am on week days, and until 9am on weekends and holidays, and must stop by 9pm. Construction is also subject to the "noise disturbance" provisions of the Montgomery County Code. A noise disturbance is generally any sound that is unpleasant, annoying, or loud; abnormal for the time or location and detrimental to health, comfort, property or the conduct of business. With regard to construction noise, some examples are: hammering, the use of power equipment, loud language and digging. To report noise disturbances outside regular business hours, call the Montgomery County police non-emergency line at 301-279-8000.
- 2) **Street Safety** - Montgomery County ordinances govern street safety. At no time should the homeowners or construction vehicles be parked
 - within 15 feet of a fire hydrant
 - within 20 feet of a crosswalk marked by painted lines
 - within 30 feet in front of any flashing signal or stop sign located at the side of a roadway
 - in front of a private driveway except with the consent of the owner or occupant of the premises.
- 3) **Portable Construction Toilets** - Montgomery County ordinances govern the placement of "Porta-Johns". These should be placed on the owner's property and not on the right-of-way. This is normally no closer than twelve feet from the curb.
- 4) **Construction Site Etiquette** – CCV and its residents expect the construction site to be generally free of construction waste. This means that the owner will either have a Dumpster for the waste, or will have the waste regularly removed from the site. No construction vehicle can remain on a CCV street overnight. No Dumpster will be allowed in the street or public right-of-way.

Contractors using heavy equipment and Dumpsters within CCV must pay strict attention not to damage the roadways, curbs and aprons within the neighborhood. Any damage to the streets, including oil and paint spills, is the responsibility of the property owner. Any repairs to CCV streets can only be made by a CCV-designated contractor.

Therefore, roadways must be properly protected before Dumpsters can be set or heavy equipment parked. This will help prevent gouging of the pavement as well as dimpling of the asphalt where rollers on the Dumpsters sit on the asphalt for extended periods and the bucket end of backhoes, Bobcats, and the like touch the streets. Thick plywood, or the equivalent, must be set on the roadways before Dumpsters are set. Plywood must also be set under the scoop or bucket end of heavy machinery before that piece of equipment can be parked on CCV streets.

The CCV Building Permit Administrator will examine and photograph the block or blocks of CCV roadway surrounding a construction area at the time a CCV building permit is granted. Once a job is complete, the CCV-designated contractor will visit the street areas to determine whether repairs are needed or the homeowner's bond can be released, according to the Protocol Regarding CCV Cash Performance Bond/Letter of Credit.

- 5) **Garbage on the Site** - Montgomery County ordinances govern. All personal garbage must be bagged in a covered trash can. It may not be thrown on the ground, as it will attract pests and create a general health hazard in a residential community. This garbage can be picked up by Waste Management if placed in trash bags. Some examples are coffee cups, plastic bottles, bags, food remains and so on.
- 6) **Use of Waste Management to Remove Construction Materials** - CCV contracts with Waste Management for waste removal. Construction materials are forbidden to be part of the Tuesday/Friday weekly pickup. The bulk pickup, on the first Saturday of each month, allows for "up to five tied bundles per household of boards or similar items (approximately 40 pounds each)". This provision is for the convenience of home repair and not for the removal of construction waste. A homeowner may make arrangements with Waste Management for a special collection. The homeowner is responsible for the cost of that special collection.
- 7) **Protection of Right-of-Way Trees** - Prior to construction commencing, a building permit holder or his/her agent must install a fence or other barrier around all right-of-way trees that may be affected by the construction. A tree "may be affected" if any work will be done or construction traffic (including, but not limited to, vehicles, machinery, and construction workers) may come within 3 feet of the drip line of the tree. The fence or barrier must surround the tree at a distance of at least 3 feet from the trunk of the tree. If the tree is located within 3 feet of a sidewalk, a curb or the paved surface of a road, the fence or barrier is to be truncated so that it runs along the edge of the sidewalk, curb or road.

In recent years there has been an increased amount of construction activity in CCV. Many of the sites comply with the above construction site protocols. The Council believes that attaching these standards to the CCV Building Permit will help resolve questions and lead to quick compliance in the few instances where the standard is not being met.

CCV residents who want to file a complaint, or have further questions about Montgomery County ordinances, should call the Montgomery County Environmental Protection Office at 240-777-7770.

- Adopted by the CCV Council – September 2004
- Revised – September 2005, April 2006, May 2006, January 2008

New 04/04

V-21

Effective 6-1-04

P. O. Box 136

Kensington

Maryland 20895

(301) 949-9274