



DPS/Building Construction - Code Modification Procedure

If your building construction has been disapproved by an inspector, or your building design plans have been disapproved by a plan reviewer, or a construction code violation has otherwise been identified, and you cannot practically correct the deficiency, you may formally request a code modification. Please understand that the modification process is the solution of last resort and that approval of requests is not guaranteed. You should always first attempt to work with the code official(s) and/or other professional consultants, to find alternative conforming that would provide equivalent safety.

To request a code modification, you must fill in the attached **Code Modification Request form**  completely, citing the specific code/regulation/standard (Montgomery County Code, Executive Regulation, IBC, IMC, NEC, NFPA, IRC, IFGC, IECC, MBRC, etc.) for which you seek the modification and the relevant chapter/section/subsection number. Modification requests must be based on practical difficulty in achieving code conformance and should include proposed alternative methods and/or materials that would provide an equivalent level of safety and protection. A self-imposed hardship generally will not be accepted as a basis. Explain as clearly and completely as possible the nature of the code violation, the practical difficulty in complying with the requirements, the extent of modification requested, and what compensatory protection or equivalent safety you would provide to offset deficiencies. When submitting the request, you should document your case with plans, details, technical data, etc., to illustrate the nature and extent of the code deficiency; photographs of existing conditions may also be included as exhibits.

In accordance with Executive Regulations(ER) 15-03 AM and 18-03, you must pay a filing/hearing fee of **\$105.00** for residential (attached and detached one- and two- family dwellings) cases, **\$205.00** for commercial and other cases, and **\$300.00** for fire code or combination of building/fire code cases. This fee applies to each code section/subsection for which a modification is requested and is due when you submit the request.

An additional **10%** Automation Enhancement Fee is charged on the cost(s) listed above.

The Code Modification Advisory Committee conducts hearings each **Tuesday** (Thursday, if Tuesday is a holiday) for modification cases received by 3:00P.M. the preceding **Thursday** (Wednesday, if Thursday is a holiday). Although your appearance at the hearings is not compulsory, the committee strongly urges attendance by the applicant or representative(s) to ensure the clearest possible understanding of the case; (historically, unattended hearings have had a poor "track record" due to the absence of sufficient information). Where the code modification involves architectural or engineering design solutions, the committee also recommends attendance by the appropriate consultant. Modification cases are heard in the order received and are allotted 15 minutes each for presentation and discussion. At the conclusion of the hearings, the committee deliberates each case and prepares a written recommendation for review and approval by the building and fire code officials.

Depending on caseloads, a written **decision** signed by the division managers will be prepared

in about one week and mailed to the applicant; at your request, a facsimile copy of the decision can be transmitted.

If you have further questions about the modification process, please call (240)777-6370.

[AWARDS](#) | [Privacy Policy](#) | [User Rights](#) | [Accessibility](#) | [Disclaimer](#)
Copyright 2002 Montgomery County Government All Rights Reserved
Best viewed with IE 5.0 or Netscape 6.0 and higher



DEPARTMENT OF PERMITTING SERVICES (DPS)
DIVISION OF FIRE AND RESCUE SERVICES (DFRS)

CODE MODIFICATION REQUEST

For DPS Official Use Only

Date Received

Modification Number

Receipt Number

Hearing Date/Time

Applicant's Name () Phone () Fax

Applicant's Address City State Zip

Permit (A/P) Address City State Zip

Permit (A/P) Number

Occupancy Group Type Construction Fully Sprinklered & Monitored? [] Yes [] No Type

I request a modification of (code/edition):

Section/subsection:

Nature of code violation and practical difficulty in complying with the code:

Proposed alternative method of compliance or compensatory protection:

The name of the person(s) who identified the code violation or design deficiency is/are:

County Inspector(s)

County Plan reviewer(s)

Other(s)

Applicant's signature: Date: