

Virtual Hearing
APPROVED
MINUTES
February 8, 2021

Pursuant to the provisions of Section 27-231(e)(2) of the Zoning Ordinance, at 6:00 p.m. the Chairperson convened the meeting and the following members were present:

Bobbie Mack, Chair
Al Scott, Vice Chair
Anastasia Johnson, Member

Others Present:

Emerson Davis, Board Attorney
Ellis Watson, Staff Attorney
Barbara Stone, Board Administrator
Celeste Barlow, Administrative Aide
Olga Antelo-Vasquez, Administrative Aide

NEW VARIANCES
ADMINISTRATIVE APPEALS

AA-1732 Hillis-Carnes Engineering Associates
AA-1733 Hillis-Carnes Engineering Associates
AA-1734 Hillis-Carnes Engineering Associates

This appeal was filed with the Board of Appeals for Prince George's County, Maryland, sitting as the Board of Administrative Appeals, from the determination of the Department of Permitting, Inspections and Enforcement, Inspections Division, to issue Violation Notice No. CSD 42407-2019-0, dated December 23, 2019, citing Petitioner with violating:

1. County Subtitle Code Section 4-166 violation of the IBC/IRC related to "Violation Penalties" which describes the range of impact of any firm association partnership, or corporation or combination that have violated a provision of the IBC/IRC, or the specific purposes of this Subtitle or fall to comply with any of the requirement thereof, emphasize over violations of law of any person who shall erect, construct, alter, or repair a building or structure in violation of an approved plan or directive of the Building Official.
2. County Subtitle Code Section: 32-151 (b) (4) Site grading and Factor of Safety. All slopes shall have a factor of Safety of 1.5. The unstable slope condition is the result of expansive soil. Geotechnical engineers have the ability to determine unstable slope in accordance with Section 1808.6 of the International Building Code and make better-evaluated decisions on how to adjust any measures necessary to return the structure which shall be located within 25' of the safety factor line.

3. County Code Section 4-101: adopts, unless amended by the County Code, with full force and effect the provision of the IRC. The relevant provisions of this matter are:
 - a. R403.1.7, R403.1.7.y. thru R403.1.7.4: These sections of the IRC require proper expansive soils to be utilized to ensure stable slope conditions.
 - b. R403.1.8 and R403.1.8.1: The sections of the IC require proper expansive soils to be utilized to ensure adequacy of foundations per Geochemical report. Failure to utilize granular fill resulted in violation of these provisions.
4. Electrical Code: In addition, failures in electrical code must be applied appropriately to remediate potential unexpected incidents. It is imperative to obtain a report from Master Electricians and an Electrical Contractor, qualified professionals able to detect the lack of an adequate electrical proposal procedure.

The petitioner is required to fix the discrepancies in the job performed that emerge between the criteria used and the regulations of the code of the county on foundations on expansive soils. Section 1808.6 of the International Building Code R402.18.1. on expansive soils classification shall be handled by geotechnical engineers. The execution of The County Electrical Codes another integral part of the modifications and improvements must be done appropriately. Hillis-Carnes Engineering Associates, Inc. did not act immediately shall be subject to penalties because of misinterpretation of the code and failure to perform the retained slopes at the Tantallon on the Potomac (the "Project") compromising the safety of residents on R-80 (One-Family Detached Residential) zoned property located at Lot 12, Block L, Tantallon on the Potomac Subdivision, being 12909 Hallwood Place, Fort Washington, Prince George's County Maryland. **Post Hearing Briefs were requested.**

Summary

The Concept Plan, case #: 13637-2005-01, required a Geotech report at time of grading permit. Hillis-Carnes Engineering Associates, Inc. (HCEA) elaborated an essential report that omitted relevant points of section 5 on March 9, 2005. That generated several difficulties in the construction of a safety slope factor requirement of 1.5. Particularly, the use of granular fill, i.e. classification of SM or better which did not respond to the standard code regulations to obtain a functional and secure slope, a situation that was corroborated through geotechnical reports later in 2019: Proper fill and compaction was not utilized. HCEA denies its responsibility on allegations of violations focused on two major supports that did not build the unstable wall nor owner the dwellings. Despite all slopes shall have a factor of safety of 1.5, a few errors continued growing. The factor of safety seems to be uncared when the slope is erected under questionable conditions; as new geotechnical reports detected anomalies in a slope factor 1.10 more issues increased quickly as a result of poor combination of granular fill and an inefficient compaction behind the retaining wall. On the other hand, Hardscapes Construction, Inc. built the retaining wall in an inappropriate technique and Dr. Horton, Inc. is the actual designer and builder of the homes on Hallwood Place. In the meantime, Tantallon Estates Homeowners Association, Inc. (HOA) pursuant Section 10.2 of the Amended and Restated Declaration of Covenants, Conditions and Restriction (DOR) and filed in the Circuit Court for Prince George's County on or about July 19, 2012, declares that not only the maintenance of a clean and secure common area but also that of the repairment and replacement of the defective retaining walls are the duties of the HOA. Activities designed by the DOR which protect the security of residents and the lot. The recurrent disputes to solve problems on the unstable conditions of the retaining wall represent strong evidences of a weak performance. HOA may be subjected to penalties. There is a tendency of protection and lack of responsibilities from the three companies including the HOA as well when it comes to high regulations ignored the use of

recommendable materials—stipulated in the Concept Approval and the Mandatory County Codes—and the growth number of illegal actions met. Demonstrating how the beginning of this construction under an inappropriate supervision connected the parties. **Post Hearing Briefs were requested.**

AA-1735 D.R. Horton
AA-1736 D.R. Horton
AA-1737 D.R. Horton

This appeal was filed with the Board of Appeals for Prince George's County, Maryland, sitting as the Board of Administrative Appeals, from the determination of the Department of Permitting, Inspections and Enforcement, Inspections Division, to issue Violation Notice No. CSD 42410-2019-0, dated December 23, 2019, citing Petitioner with violating:

1. County Subtitle Code Section 4-166 violation of the IBC/IRC related to “Violation Penalties” which describes the range of impact of any firm association partnership, or corporation or combination that have violated a provision of the IBC/IRC, or the specific purposes of this Subtitle or fall to comply with any of the requirement thereof, emphasize over violations of law of any person who shall erect, construct, alter, or repair a building or structure in violation of an approved plan or directive of the Building Official.
2. County Subtitle Code Section: 32-151 (b) (4) Site grading and Factor of Safety. All slopes shall have a factor of Safety of 1.5. The unstable slope condition is the result of expansive soil. Geotechnical engineers have the ability to determine unstable slope in accordance with Section 1808.6 of the International Building Code and make better-evaluated decisions on how to adjust any measures necessary to return the structure which shall be located within 25’ of the safety factor line.
3. County Code Section 4-101: adopts, unless amended by the County Code, with full force and effect the provision of the IRC. The relevant provisions of this matter are:
 - a. R403.1.7, R40317.y. thru R403.1.7.4: These sections of the IRC require proper expansive soils to be utilized to ensure stable slope conditions.
 - b. R403.1.8 and R403.1.8.1: The sections of the IC require proper expansive soils to utilized to ensure adequacy of foundations per Geochemical report. Failure to utilize granular fill resulted violation of these provision
4. Electrical Code: In addition, failures in electrical code must be applied appropriately to remediate potential unexpected incidents. It is imperative to obtain a report from Master Electricians an Electrical Contractor, qualified professionals able to detect the lack of an inadequate electrical proposal procedures.

The petitioner is inquired to fix the discrepancies in the job performed that emerge between the criteria used and the regulations of the code of the county on foundations on expansive soils. Section 1808.6 of the International Building Code R0402.18.1. on expansive soils classification shall be handled by geotechnical engineers. The execution of The County Electrical Codes another integral part of the modifications and improvements must be done appropriately. If D.R. Horton, Inc. (“DRH”) did not act immediately shall be subject to penalties because of misconstrue the code and fail performance of the retained slopes at the Tantallon on the Potomac (the “Project”) compromising the safety of residents on R-80 (One-Family Detached Residential) zoned property located at Lot 10, Block L, Tantallon on the Potomac Subdivision, being 12905 Hallwood Place, Fort Washington, Prince George’s County Maryland.

Summary

The Concept Plan, case #: 13637-2005-01, required a Geotech report at time of grading permit. Hillis- Carnes Engineering Associates, Inc. (HCEA) elaborated an essential report that omitted relevant points of section 5 on March 9, 2005. That generated several difficulties in the construction of a safety slope factor requirement of 1.5. Particularly, the use of granular fill, i.e. classification of SM or better which did not respond to the standard code regulations to obtain a functional and secure slope, a situation that was corroborated through geotechnical reports later in 2019: Proper fill and compaction was not utilized. HCEA denies its responsibility on allegations of violations focused on two major supports that did not build the unstable wall nor owner the dwellings. Despites all slopes shall have a factor of safety of 1.5. a few errors continued growing. The factor of safety seems to be uncared when the slope is erected under questionable conditions; as new geotechnical reports detected anomalies in a slope factor 1.10 more issues increased quickly as a result of poor combination of granular fill and an inefficient compaction behind the retaining wall. On the other hand, Hardscapes Construction, Inc. built the retaining wall in an inappropriate technique and Dr. Horton, Inc. is the actual designer and builder of the homes on Hallwood Place. In the meantime, Tantallon Estates Homeowners Association, Inc. (HOA) pursuant Section 10.2 of the Amended and Restated Declaration of Covenants, Conditions and Restriction (DOR) and filed in the Circuit Court for Prince George's County on or about July 19, 2012, declares that not only the maintenance of a clean and secure common area but also that of the repairment and replacement of the defective retaining walls are the duties of the HOA. Activities designed by the DOR which protect the security of residents and the lot. The recurrent disputes to solve problems on the unstable conditions of the retaining wall represent strong evidences of a weak performance. HOA may be conducted to penalties. There is a tendency of protection and lack of responsibilities from the three companies including the HOA as well when it comes to high regulations ignored the use of recommendable materials—stipulated in the Concept Approval and the Mandatory County Codes—and the growth number of illegal actions met. Demonstrating how the beginning of this construction under an inappropriate supervision connected the parties. **Post Hearing Briefs were requested.**

AA-1742 Hardscapes

AA-1743 Hardscapes

AA-1744 Hardscapes

This appeal was filed with the Board of Appeals for Prince George's County, Maryland, sitting as the Board of Administrative Appeals, from the determination of the Department of Permitting, Inspections and Enforcement, Inspections Division, to issue Violation Notice No. CSD 42407-2019-0, dated January 29, 2020, citing Petitioner with violating:

1. County Subtitle Code Section 4-166 violation of the IBC/IRC related to “Violation Penalties” which describes the range of impact of any firm association partnership, or corporation or combination that have violated a provision of the IBC/IRC, or the specific purposes of this Subtitle or fall to comply with any of the requirement thereof, emphasize over violations of law of any person who shall erect, construct, alter, or repair a building or structure in violation of an approved plan or directive of the Building Official.
2. County Subtitle Code Section: 32-151 (b) (4) Site grading and Factor of Safety. All slopes shall have a factor of Safety of 1.5. The unstable slope condition is the result of expansive soil. Geotechnical engineers have the ability to determine unstable slope in accordance with Section 1808.6 of the International Building Code and make better-evaluated decisions on how to adjust any measures necessary to return the structure which shall be located within 25’ of the safety factor line.

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 - b. R403.1.8 and R403.1.8.1: The sections of the IC require proper expansive soils to be utilized to ensure adequacy of foundations per Geochemical report. Failure to utilize granular fill resulted in violation of these provisions.
4. Electrical Code: In addition, failures in electrical code must be applied appropriately to remediate potential unexpected incidents. It is imperative to obtain a report from Master Electricians and an Electrical Contractor, qualified professionals able to detect the lack of an adequate electrical proposal procedure.

The petitioner is required to fix the discrepancies in the job performed that emerge between the criteria used and the regulations of the code of the county on foundations on expansive soils. Section 1808.6 of the International Building Code R0402.18.1. on expansive soils classification shall be handled by geotechnical engineers. The execution of The County Electrical Codes another integral part of the modifications and improvements must be done appropriately. If Hardscapes Construction, Inc did not act immediately shall be subject to penalties because of misinterpreting the code and fail performance of the retained slopes at the Tantallon on the Potomac (the "Project") compromising the safety of residents on R-80 (One-Family Detached Residential) zoned property located at Lot 12, Block L, Tantallon on the Potomac Subdivision, being 12909 Hallwood Place, Fort Washington, Prince George's County Maryland.

Summary

The Concept Plan, case #: 13637-2005-01, required a Geotech report at time of grading permit. Hills-Carnes Engineering Associates, Inc. (HCEA) elaborated an essential report that omitted relevant points of section 5 on March 9, 2005. That generated several difficulties in the construction of a safety slope factor requirement of 1.5. Particularly, the use of granular fill, i.e. classification of SM or better which did not respond to the standard code regulations to obtain a functional and secure slope, a situation that was corroborated through geotechnical reports later in 2019: Proper fill and compaction was not utilized. HCEA denies its responsibility on allegations of violations focused on two major supports that did not build the unstable wall nor owner the dwellings. Despite all slopes shall have a factor of safety of 1.5, a few errors continued growing. The factor of safety seems to be uncared when the slope is erected under questionable conditions; as new geotechnical reports detected anomalies in a slope factor 1.10 more issues increased quickly as a result of poor combination of granular fill and an inefficient compaction behind the retaining wall. On the other hand, Hardscapes Construction, Inc. built the retaining wall in an inappropriate technique and Dr. Horton, Inc. is the actual designer and builder of the homes on Hallwood Place. In the meantime, Tantallon Estates Homeowners Association, Inc. (HOA) pursuant Section 10.2 of the Amended and Restated Declaration of Covenants, Conditions and Restriction (DOR) and filed in the Circuit Court for Prince George's County on or about July 19, 2012, declares that not only the maintenance of a clean and secure common area but also that of the repairment and replacement of the defective retaining walls are the duties of the HOA. Activities designed by the DOR which protect the security of residents and the lot. The recurrent disputes to solve problems on the unstable conditions of the retaining wall represent strong evidences of a weak performance. HOA may be conducted to penalties. There is a tendency of protection and lack of responsibilities from the three companies including the HOA as well when it comes to high regulations ignored the use of

commendable materials—stipulated in the Concept Approval and the Mandatory County Codes—and the growth number of illegal actions met. Demonstrating how the beginning of this construction under an inappropriate supervision connected the parties. **Post Hearing Briefs were requested.**

THE MEETING ADJOURNED AT 10:59 p.m.

Prepared and submitted by:

A handwritten signature in black ink, reading "Barbara J. Stone". The signature is written in a cursive style with a large initial 'B' and 'S'.

Barbara J. Stone
Administrator