

**Virtual Hearing**  
**MINUTES**  
**APPROVED**

October 7, 2020

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

**CASES FOR HEARING - 6:00 P.M.**

**ADMINISTRATIVE APPEALS**

AA-1732 Hills-Carnes Engineering Associates – **Continued**  
AA-1733 Hills-Carnes Engineering Associates – **Continued**  
AA-1734 Hills-Carnes Engineering Associates – **Continued**

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 fail 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.

## 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.

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. Hilles-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 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.

AA-1742 Hardscapes – **Continued**

AA-1743 Hardscapes – **Continued**

AA-1744 Hardscapes – **Continued**

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.
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:

4.

- a. R403.1.7, R403.1.7.1 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.
5. 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 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 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. If Hardscapes Construction, Inc. did not act immediately shall be subject to penalties because of misinterpretation of the code and poor 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. Hilles-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 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.

## DISCUSSION/DECISION

### V-150-19 Mynor David Rodriguez **Spanish Language Interpreter Services provided**

Request for a waiver of the fence location and height requirements for a fence over 4 feet in height in the front yard/side yard (abutting Spring Acres Road) to obtain a building permit for the proposed construction of a 6-foot wooden fence at 7510 Milligan Lane, Clinton. **The Board resolved, unanimously, that a waiver of the fence location and height requirements for a fence over 4 feet in height in the front yard/side yard (abutting Spring Acres Road) be APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 19 and elevation plan, Exhibit 3.**

### V-151-19 Jairo Mayorga and Ilcia Borja **Spanish Language Interpreter Services provided**

Request for a variance of 1-foot front yard depth, 8.9% lot coverage and 2 feet rear lot line setback for an accessory building (carport) to validate existing conditions (front yard depth, lot coverage and accessory building) and obtain a building permit for the unauthorized construction of a porch at 7921 Fiske Avenue, Glenarden. **The Board resolved, unanimously, that a variance of 1-foot front yard depth, 8.9% lot coverage and 2 feet rear lot line setback for an accessory building (carport) be DENIED.**

### V-166-19 Lillian Aloupis

Request for variances of 545 square feet net lot area, 10 feet front building line width, 14 feet side street yard depth, 3 feet side yard width and 6% net lot coverage to obtain a building permit for a proposed construction of a two-story house with basement and driveway at 5900 Ravenswood Road, Riverdale. **The Board resolved, unanimously, that variances of 545 square feet net lot area, 10 feet front building line width, 14 feet side street yard depth, 3 feet side yard width and 6% net lot coverage be DENIED.**

### V-5-20 Lamar and Olivia Cameron

Request for variances of 10 feet front building line width, 5 feet front yard depth and 2 feet side yard width to validate existing conditions (lot frontage, front yard depth and side yard width) and obtain a building permit to construct a proposed second floor and covered porch w/steps at 4503 39th Street, Brentwood. **The Board resolved, unanimously, that variances of 10 feet front building line width, 5 feet front yard depth and 2 feet side yard width be APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2 and elevation plan, Exhibit 3.**

### V-10-20 Melvin Parker

Request for variances of 18 feet front building line width and 4 feet front yard depth to validate existing conditions (Lot width at front building line and front yard depth) to obtain a building permit for the unauthorized construction of a deck at 7305 Georgian Drive, Upper Marlboro. **The Board resolved, unanimously, that a waiver of the fence location and height requirements for a fence over 4 feet in height in the front yard/side yard (abutting Spring Acres Road) be APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2 and elevation plans, Exhibit 3.**

### V-17-20 Raymond and Cynthia Tolson

Request for a waiver of the parking area location requirement (abutting Conwood Court) to obtain a building permit for the construction of a proposed 6-foot wooden fence at 4111 Tutor Road, Upper Marlboro. **The Board resolved, unanimously, that a waiver of the parking area location requirement (abutting Conwood Court) be APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2 and elevation plans, Exhibit 3.**

MINUTES FOR APPROVAL FROM September 23, 2020. **The Board resolved, unanimously, that the minutes be APPROVED.**

THE MEETING ADJOURNED AT 6:23 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