

**THREE HUNDRED EIGHTY EIGHTH MEETING
CITY OF LAUREL BOARD OF APPEALS
THURSDAY, FEBRUARY 26, 2026 – REGULAR MEETING**

**This meeting was conducted IN-PERSON in the Council Chambers*

Convened: 6:02 P.M.

Members' Present (During Roll):

Frederick Smalls, Chair
Michele Keating, Vice Chair
David Johnston, Esq.
Maria Clifford
Stephen Wallace, Esq.

Staff Present:

Jay Meashey, Economic & Community Development Director
Brooke Herring, Community Development Coordinator, ECD
Cinnamen Fisher, Information & Technology Deputy Director
T'Amani Hamlett, Fire Marshal & Permit Services Chief Building Official
Nathaniel Forman, City Solicitor

Citizens Present: Approximately: Two (2)

The minutes of the December 18, 2025, meeting were approved as written on motion by Ms. Keating and seconded by Mr. Johnston, carried on a roll call vote of all other members present.

The next agenda item was Appeal Application No. 977 for 325 Gorman Avenue, Laurel, Maryland 20707, filed by Mr. Andrew McCubbin. The applicant is requesting various remedies from the Board of Appeals in connection with the unpermitted construction of a garage after a Stop Work Order was issued by the City of Laurel Department of the Fire Marshal and Permit Services based on the Director for the Department of Fire Marshal and Permit Services determination that a valid building permit was required prior to commencing construction.

Mr. Meashey, Director of the Department of Economic & Community Development (ECD), explained that the Board of Appeals typically hears variances and special exception cases under the City's Land Development Code, with ECD preparing staff reports. However, this case involves an appeal for an administrative decision by the Department of Fire Marshal and Permit Services. Since the Board of Appeals falls under ECD administratively, ECD's role is limited to processing filings as it did not prepare the City's documents and is not taking a position on the item. He then went on to emphasize the importance of maintaining a complete and credible record in case of appeal to the

Circuit Court. Under the Board of Appeals Rules of Procedure (adopted September 24, 2015), applicants must submit a pre-hearing statement and all supporting documents at least 15 days before the hearing. For this February 26, 2026, hearing, the deadline was February 11, 2026. On February 20, 2026, (9) nine days late, the applicant uploaded 50 documents (47 exhibits, one amended brief, and two motions). Staff included the motions in the Board's packet but excluded the remaining 48 documents because they were untimely and could not be properly reviewed or distributed. Lastly, Mr. Meashey asked the Board how to proceed, outlining (4) four options: 1) Exclude the 48 late documents and proceed 2) Postpone the hearing to allow review and rebuttal. 3) Accept the documents and proceed without prior review. 4) Accept the documents, proceed, and leave the record open for rebuttal.

Chairman Smalls invited the applicant to speak on the item.

Mr. McCubbin, 325 Gorman Avenue Laurel, Maryland 20707, objected to excluding his materials, arguing the City's staff report was also submitted late under the Maryland Land Use Code, limiting his ability to respond. He believes the staff report was submitted six (6) days before the hearing, not seven (7). He stated most of his additional exhibits are email correspondence with city staff, videos, and images rebutting the staff report and supporting his appeal of the December 23, 2025, decision.

Several Board members expressed concern about the volume of material and potential judicial review, asking whether the exhibits fall within the Board's authority.

Mr. McCubbin, 325 Gorman Avenue Laurel, Maryland 20707, stated he would exclude all the exhibits uploaded to the portal on February 20, 2026 if the staff report was also excluded from the record.

Mr. Nathaniel Forman, City Solicitor, O'Malley, Miles, Nysten & Gilmore, P.A., 7850 Walker Dr #310 Greenbelt, Maryland 20770, recommended continuing the hearing to allow proper review, if the applicant wishes to proceed with the hearing, however, the submissions are extensive and would not be easily handled unless the applicant has several copies of the extra documentation with him. He clarified that the Rules of Procedure require applicants' submissions 15 days prior and opposition materials seven (7) days prior; there is no requirement that a staff report must be submitted 15 days in advance.

Several Board members favored postponement to allow full review. Mr. Johnston also asked procedural questions about submitting legal inquiries to counsel during review.

Mr. Nathaniel Forman, City Solicitor, O'Malley, Miles, Nysten & Gilmore, P.A., 7850 Walker Dr #310 Greenbelt, Maryland 20770, advised that substantive legal questions should be compiled and addressed in open sessions.

Mr. Meashey, ECD Director, noted the Board could reconvene in March or earlier at the Chair's call. Staff could organize and cross-reference all the exhibits by Friday,

March 6, 2026. He added there is another application to be heard at the March hearing as well, therefore, it is already scheduled to take place.

Chairman Smalls entertained a public comment at 6:23 p.m.

A public commenter, Mr. David D. Dixon, a resident of Box Elder, South Dakota, argued that the applicant filed his appeal on January 2, 2026, which was one (1) day before the deadline after Mr. Seby's decision. He added the applicant faced tight statutory deadlines and holiday timing, while the city had more time to prepare its report. The applicant did not receive the staff report until six (6) days before the hearing.

Public comment ended at 6:25 p.m.

Chairman Smalls concluded that strict adherence to deadlines is important but expressed a preference to review all materials thoroughly before voting. Many Board members generally supported postponing the hearing to ensure a complete and fair review of the full record.

Mr. Johnston asked if making the structure taller changes anything with the building code violation that requires a permit. He added that the applicant found some hyperlink errors in the code and that should be addressed to clean up the code in the future.

Mr. Nathaniel Forman, City Solicitor, O'Malley, Miles, Nylen & Gilmore, P.A., 7850 Walker Dr #310 Greenbelt, Maryland 20770, responded with the suggestion the Chief Building Official answers that question and that type of substance question should be asked during the official hearing when this item moves forward.

Mr. Wallace noted that Mr. McCubbin has been working on this project for quite some time and the Board is not passing judgment on the merits of the project itself, however, he believes this to be a worthwhile project and he's sure the applicant wants to move forward. Mr. Wallace went on to state the Board has a substantial amount of evidence before them. If the applicant understands the implications, he would be inclined to accept the late-filed exhibits into the record and proceed with the hearing. Sometimes justice delayed is justice denied and he would lean towards moving forward at this hearing.

Chairman Smalls asked if there are there any other comments or questions for staff or counsel. There were none.

Mr. Wallace moved to accept the exhibits that were filed after the 15-day deadline and proceed with a hearing on the item. There was no second; **the motion failed.**

On motion by Mr. Johnston, seconded by Ms. Keating and carried on a unanimous vote by all members present, Appeal Application No. 977 was moved to a **continuance** on this item till the next scheduled meeting; clarification was added that any recently

submitted information from the applicant that did not make it into the current packet will be accepted for the record and reviewed next month so that the Board has more time to review the information in greater detail and allow the City Solicitor time to respond to additional legal questions.

Chairman Smalls clarified the understanding is that all exhibits will be accepted into the record for review prior to the continued hearing. He then asked the applicant to clarify that staff has his full submission, and the issue was that only part of it was distributed to us.

The applicant, Mr. McCubbin, 325 Gorman Avenue Laurel, Maryland 20707, stated "Yes", however, the only outstanding issue is transferring the videos, as they are quite large and he will coordinate with the Department of Economic and Community Development staff to provide them.

Mr. Meshey, ECD Director, confirmed the best method for receiving those files with the Deputy Director of Information Technology, Ms. Cinnamon Fisher, who can advise us to ensure compatibility and full access for the Board. It was agreed that a USB Drive would be suffice. He then asked the applicant to provide those videos by March 6, 2026.

Chairman Smalls stated he wanted to ensure that by March 6, 2026, all materials including the videos are in a format accessible to the Board. He informed the applicant that he will receive written notice of the continued hearing date. Further, he asked between now and then for the applicant to provide the administrative staff (ECD) with the remaining materials so the Board can review everything thoroughly. Given the evident effort he's put into the submission, it deserves to be fully considered. Lastly, he stated if the applicant has further questions to coordinate with the administrative staff (ECD). Lastly, he thanked the applicant for his time.

Mr. Meashey, ECD Director, stated there was one additional item of business. The long-time City Solicitor, Mr. Larry Taub, stepped into the Land Use and Board of Appeals Counsel role. He has now retired from that position and his colleague, Mr. Nate Forman, has agreed to assume the role of Land Use for the City of Laurel Planning Commission, and Board of Appeals. He then asked Mr. Forman to introduce himself to the Board.

Mr. Nathaniel Forman, City Solicitor, O'Malley, Miles, Nylan & Gilmore, P.A., 7850 Walker Dr #310 Greenbelt, Maryland 20770, stated it is an honor to serve as legal counsel to the City of Laurel Board of Appeals. I'm stepping into significant shoes, and while Larry may never fully retire, I am grateful for the opportunity to serve in this capacity. Furthermore, he stated he has extensive experience in land use and zoning matters in Prince George's County, Maryland. His firm also represents the City of College Park, Maryland and he currently serves as zoning counsel in Howard County, Maryland, handling piecemeal change and mistake cases. He looks forward to working with the City of Laurel and the Board. Lastly, he stated he's available by email or phone to address questions and will coordinate with staff to distribute my contact information and ensure any substantive guidance is communicated appropriately.

Adjourn: 6:41 P.M.

APPROVED: **Brooke Herring**

DATE: 3/26/2026