

Frederick Smalls, Chairman
Michelle Keating, Vice-chair
David D. Johnston, Esquire
Maria Clifford
Stephen Wallace, Esquire
Vacant, Alternate



Stephanie Anderson
City Solicitor

CITY OF LAUREL BOARD OF APPEALS

8103 Sandy Spring Road • Laurel, MD 20707 • 301-725-5300 • Fax: 410-792-2108

The Board typically Meets the Fourth Thursday of each Month

THREE HUNDRED NINETY FIRST MEETING- REGULAR THURSDAY APRIL 23, 2026 6:00 P.M. AGENDA

**This meeting will be conducted IN PERSON in the Council Chambers. To sign up to speak, please use the sign in sheet to the left of the entrance or pre-register here: <https://cityoflaurel.org/register-to-speak>. There will be a three (3) minute limit for each speaker. If you cannot attend but wish to submit comments for the record, please email them to ecd@laurel.md.us*

1. Roll Call
2. Approval of Minutes **March 26, 2026**
3. **Special Exception Application No. 978, Resolution No. 26-02-BOA, for 21 C Street** filed by **James Preston**. The Applicant, Preston Cultural Art Gallery and Liberty Hall, is seeking approval for a special exception for Rental Hall use at an existing specialty retail sales establishment.
 - Public Hearing on Application
 - Final Action
4. **Special Exception & Variance Application No. 980, Resolution No. 26-03-BOA, for 921 Ninth Street** filed by **Baltimore Gas & Electric (c/o Network Building & Consulting Smallwood)**. The Applicant, Baltimore Gas and Electric (C/o Network Building + Consulting, Corinne Smallwood), is seeking approval for a Variance from height and setback limitations to allow construction of a communications tower, and approval for a Special Exception for Communications tower, monopole or antenna use within an existing substation.
 - Public Hearing on Application
 - Final Action
5. Adjourn

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

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

Convened: 6:06 P.M.

Members' Present (During Roll):

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

Staff Present:

Jay Meashey, Department of Economic & Community Development, Director
Raven Nee, ECD Deputy Director
Brooke Herring, ECD Community Development Coordinator
Connor Johnson, ECD Planner III
Danny Selby, Fire Marshal & Permit Services, Director
T'Amani Hamlett, FMPS Chief Building Official
Nathaniel Forman, City Solicitor

Citizens Present: Approximately: Three (3)

The minutes of the February 26, 2026, 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. This item was tabled at the meeting held on 3/26/2026.

Chairman Smalls opened the public hearing at approximately 6:09 p.m. and asked staff to present the staff report.

The applicant, Mr. McCubbin, 325 Gorman Avenue Laurel, Maryland 20707, raised a point of order regarding the presence of legal counsel, questioning if the City was being

represented by an attorney in accordance with the Board of Appeals Rules of Procedure. The applicant referenced Section 15, asserting that all parties, except individuals representing themselves, are required to have legal representation.

Ms. Hamlett, Chief Building Official of the Department of the Fire Marshal & Permit Services (FMPS), responded that it was her understanding that the attorney, Mr. Nathaniel Foreman, would be present, along with potentially another attorney. She offered to contact them to determine their status.

Chairman Smalls directed staff to confirm the expected arrival time of legal counsel to ensure proper procedure.

At approximately 6:11 p.m. there was a brief recess.

Ms. Hamlett, FMPS Chief Building Official, reported that Mr. Foreman was delayed in traffic but expected to arrive within approximately 15 to 20 minutes. She also indicated uncertainty regarding the status of the second attorney, as staff had been unable to reach them.

Mr. Meashey, Director of the Department of Economic and Community Development, provided clarification of the applicant's position. He stated that the applicant contends that all parties must be represented by counsel under Section 15 of the Rules of Procedure. The City, including the Fire Marshal and Permit Services, cannot proceed without its attorney present. The Board may require separate legal counsel independent from the City Solicitor due to potential conflicts of interest. Mr. Meashey further noted that he could not identify a requirement in the Rules mandating that the Board retain separate legal counsel. He further stated that while the applicant may be concerned about reliance on the City Solicitor for procedural matters, the Rules do not explicitly address this issue.

Chairman Smalls expressed concern about proceeding without any attorney present, stating that doing so would not be in the best interest of either the Board or the City. He indicated that, in his view, the hearing should not proceed without legal counsel.

The applicant, Mr. McCubbin, 325 Gorman Avenue Laurel Maryland 20707, stated the Board could first hear his side.

Ms. Hamlett, FMPS Chief Building Official, stated that she did not feel comfortable proceeding without legal representation for the City, noting that doing so would be unfair and could set an undesirable precedent. She emphasized the importance of allowing both parties to present their cases with proper legal support.

Discussion followed regarding options to either delay briefly or postpone the hearing. It was noted by staff that a postponement would likely require re-advertising and compliance with notice requirements.

Mr. Johnston made a motion to postpone the hearing until proper legal representation could be present.

Before a second to the motion was made, Ms. Hamlett informed the Board that the City Solicitor, Mr. Foreman had arrived.

Mr. Johnston subsequently withdrew his motion to postpone the hearing.

There was a brief delay getting all staff back in order.

Upon confirmation that legal counsel had arrived, the Board reconvened the hearing at approximately 6:31 p.m.

The applicant, Mr. McCubbin, 325 Gorman Avenue Laurel Maryland 20707, reminded the Board of his two motions that were submitted into the record.

Mr. Nathaniel Foreman, City Solicitor, O'Malley, Miles, Nylan & Gilmore, P.A. 7850 Walker Drive, Suite 310 Greenbelt, Maryland 20770, indicated that two (2) preliminary motions had been submitted to the Board of Appeals. A motion for Recusal of Chairman Smalls and a motion to Suppress the Staff Report.

The applicant, Mr. McCubbin, 325 Gorman Avenue Laurel Maryland 20707, requested the recusal of Chairman Smalls based on his prior service on the City Council from 2002–2017, asserting that his past involvement in adopting ordinances relevant to the case created at least the appearance of a conflict of interest. He argued that the intent of the City Council is central to the matter and should be determined based on the legislative record, rather than the perspective of an individual former council member. Mr. McCubbin cited Maryland case law regarding the appearance of impartiality and standards for recusal in quasi-judicial proceedings.

Mr. Foreman, City Solicitor, O'Malley, Miles, Nylan & Gilmore, P.A. 7850 Walker Drive, Suite 310 Greenbelt, Maryland 20770, clarified that there is a presumption of impartiality for administrative decision-makers. Recusal is discretionary and evaluated under an objective standard. Prior knowledge or experience does not automatically disqualify a member from participation.

Mr. Meashey, ECD Director, noted that Board rules allow, but do not require, other parties to file responses to motions. He also noted that if Chairman Smalls was recused, the Board would no longer have a quorum since there is another member absent.

The Board discussed quorum implications should recusal occur, in which they would no longer have a quorum if Chairman Smalls was recused.

On motion by Ms. Keating, seconded by Mr. Johnston and carried on a unanimous vote by all members present, the Board voted to **deny** the applicant's request for recusal of Chairman Smalls.

The applicant, Mr. McCubbin, 325 Gorman Avenue Laurel, Maryland 20707, moved to suppress the staff report, citing alleged factual inaccuracies. Concerns regarding hearsay, as the staff report included information from individuals who did not write or sign the document. Mr. McCubbin argued that admission of such evidence would limit the ability to conduct proper cross-examination.

Mr. Foreman, City Solicitor, O'Malley, Miles, Nylen & Gilmore, P.A. 7850 Walker Drive, Suite 310 Greenbelt, Maryland 20770, advised that as a quasi-judicial body, the Board of Appeals operates under a more flexible evidentiary standard than courts. The primary standard for admissibility is relevance. The staff report constitutes evidence to be weighed by the Board, not automatically accepted as fact. Furthermore, testimony presented during the hearing would be subject to cross-examination.

The applicant, Mr. McCubbin, 325 Gorman Avenue Laurel, Maryland 20707, maintained that hearsay concerns still apply and challenged the completeness of the legal analysis presented.

The Board discussed whether the appeal centered on the validity of the stop work order, whether a building permit was required, and procedural issues related to the posting and enforcement of the order.

The applicant, Mr. McCubbin, 325 Gorman Avenue Laurel, Maryland 20707, clarified that the appeal includes whether a building permit is required for the accessory structure and whether the stop work order was validly issued and posted.

Mr. Foreman, City Solicitor, O'Malley, Miles, Nylen & Gilmore, P.A. 7850 Walker Drive, Suite 310 Greenbelt, Maryland 20770, indicated that regardless of procedural issues, the substantive question remains whether a permit is required, as this directly impacts the validity and continuation of enforcement actions.

A motion was made by Ms. Clifford and seconded by Ms. Keating to deny the request to exclude the staff report.

Board members discussed whether the report must be accepted in full or could be weighed in parts. Legal guidance emphasized that the Board may evaluate the credibility and relevance of evidence as part of its fact-finding role.

Following disposition of preliminary motions, the Board proceeded with the hearing in accordance with standard procedures, including staff presentation and opportunity for the applicant to present arguments and evidence.

Mr. Foreman, City Solicitor, O'Malley, Miles, Nylen & Gilmore, P.A. 7850 Walker Drive, Suite 310 Greenbelt, Maryland 20770, advised the Board that it serves as the finder of fact and is responsible for evaluating the evidence presented by both the City and the applicant. He stated that the issues before the Board arise from the same set of facts and

are closely related. Mr. Foreman explained that the Board may determine whether the Stop Work Order was validly issued; however, if the Board resolves the matter on procedural grounds, it should not proceed to consider the merits of the case.

The applicant, Mr. McCubbin, 325 Gorman Avenue Laurel, Maryland 20707, responded that the matter before the Board involves both questions of fact and law and maintained that the Board is responsible for evaluating the merits of the case in addition to procedural considerations. He stated that he is not appealing just a stop work order, he is appealing the requirement that a building permit is necessary to construct his accessory structure and that if a permit is required, then the second question of whether or not the stop worker was lawfully posted, if he could continue work until one is lawfully posted.

Mr. Foreman, City Solicitor, O'Malley, Miles, Nylan & Gilmore, P.A. 7850 Walker Drive, Suite 310 Greenbelt, Maryland 20770, suggested proceeding with testimony so that the Board could make its determination based on the full record.

Mr. Johnston provided general comments relating to prior experience before an administrative appeals board. He noted concerns regarding the scope of the Board's authority and whether certain issues presented may extend beyond that scope. Mr. Johnston further commented on the complexity of the case, indicating that there may be procedural and evidentiary concerns involving both parties, and emphasized the importance of maintaining a narrow focus consistent with the Board's responsibilities.

Mr. Foreman, City Solicitor, O'Malley, Miles, Nylan & Gilmore, P.A. 7850 Walker Drive, Suite 310 Greenbelt, Maryland 20770, referenced the Board's Rules of Procedure, specifically Section 13 regarding rules of evidence. He explained that while the rules of evidence applicable in Maryland courts generally apply, the Board may relax those rules in accordance with customary practices for quasi-judicial administrative hearings when appropriate. He further noted that, in his experience, such hearings typically operate under a more flexible evidentiary standard.

Mr. Johnston commented that in his prior experience before an administrative board, evidentiary rules were not relaxed.

Chairman Smalls outlined the procedure for the hearing, stating that the Board would first hear the staff presentation, followed by the applicant's presentation, after which the Board would make its determination.

Ms. Hamlett, FMPS Chief Building Official, presented the staff report regarding the property located at 325 Gorman Avenue. Staff stated that the applicant is requesting multiple remedies, some of which are beyond the authority of the Board of Appeals under Section 20-5.2 of the City Code. The matter properly before the Board is the applicant's appeal of a Stop Work Order issued on December 5, 2025, by the Department of Fire Marshal and Permit Services (FMPS) for failure to obtain a building permit prior to constructing an accessory structure (garage). Ms. Hamlett provided background

information indicating that on November 14, 2025, the applicant was notified to cease construction until a valid building permit was obtained. The applicant was subsequently allowed to continue limited construction through the sheathing stage to secure materials. A Stop Work Order was presented to the applicant's authorized agent at that time.

The applicant, Mr. McCubbin, 325 Gorman Avenue Laurel, Maryland 20707, objected during the reading of the staff report asking how the authorized agent was determined, however Chairman Smalls asked the applicant to wait until after the presentation was completed.

Ms. Hamlett, FMPS Chief Building Official, continued, stating that, following ongoing communication between the applicant and the City, a Correction Order and Stop Work Order were issued on December 5, 2025, and transmitted electronically. Staff noted that a prior attempt to post the Stop Work Order on-site was unsuccessful. The applicant filed an appeal on December 8, 2025. Upon review, staff determined that the Correction Order was deficient and dismissed it; however, the Stop Work Order remained valid. The applicant was notified of this determination on December 23, 2025. She explained that the City Code allows appeals of the Department of the Fire Marshal & Permit Services decisions under Section 18-20. She stated that the applicant has not demonstrated a misinterpretation of the code but rather disagrees with its application, furthermore, she explained that construction of accessory structures for one- and two-family dwellings is governed by the International Residential Code (IRC), as adopted and amended by the City of Laurel. Staff stated that amendments to Section 18-82.2 removed prior exemptions for accessory structures under 200 square feet, thereby requiring permits for all such structures. Based on the foregoing, staff concluded that a building permit is required for the subject structure and recommended that the Board of Appeals deny the application and uphold the Stop Work Order.

Chairman Smalls opened the floor for questions from the Board.

Mr. Johnston inquired about the applicability of permit exemptions under Section 18-82.2, specifically whether increasing the height of the structure would affect exemption status.

Ms. Hamlett, FMPS Chief Building Official, responded that height alone would not remove the exemption; however, staff indicated that the applicant had extended the footprint of the structure. She noted that the total square footage was not provided in the submitted drawings, and therefore it could not be determined whether the structure exceeds 200 square feet, which is identified as a key issue.

The applicant, Mr. McCubbin, 325 Gorman Avenue Laurel, Maryland 20707, objected, stating that questions regarding structure size and footprint are zoning-related and not relevant to whether a building permit is required.

Mr. Foreman, City Solicitor, O'Malley, Miles, Nylén & Gilmore, P.A. 7850 Walker Drive, Suite 310 Greenbelt, Maryland 20770, advised that the applicant may note

objections but that the City should complete its presentation.

Ms. Keating sought clarification regarding whether a permit is required if the structure exceeds 200 square feet.

Ms. Hamlett, FMPS Chief Building Official, confirmed that a permit would be required and reiterated that, due to the absence of square footage in the submitted plans, staff could not confirm whether the structure qualifies for any exemption. No further questions were raised.

Ms. Clifford inquired whether multiple inspectors, including Fire Marshal and building inspectors, were involved in the case.

Ms. Hamlett, FMPS Chief Building Official, confirmed that multiple inspectors were involved, explaining that City code enforcement staff routinely identify violations, including work performed without required permits, and are responsible for issuing Stop Work Orders in accordance with City policy.

Ms. Clifford asked whether there could be differing interpretations among City officials.

Ms. Hamlett, FMPS Chief Building Official, stated that the City's position has remained consistent, emphasizing that the work was performed without a required building permit. She further explained that staff consult with the Chief Building Official when questions arise to ensure consistent interpretation and enforcement of the code.

No further questions or comments were raised by the Board. Chairman Smalls then invited the applicant to state his name and address for the record and proceed.

The applicant, Mr. McCubbin, 325 Gorman Avenue Laurel, Maryland 20707, raised a procedural objection, asserting that the Stop Work Order dated December 5, 2025, referenced in the staff report, had not been admitted into evidence and was not received by him. He stated that he only received a Correction Order on that date and argued that, in the absence of a properly issued or admitted Stop Work Order, the matter should not proceed.

Ms. Hamlett, FMPS Chief Building Official, responded that the Stop Work Order was issued and provided electronically to the applicant and was associated with the Correction Order. She provided a printed copy to the Board of Appeals.

Staff maintained that the Stop Work Order remained relevant to the proceedings. During this exchange, discussion arose regarding whether the applicant's comments constituted testimony or cross-examination.

The applicant, Mr. McCubbin, 325 Gorman Avenue Laurel, Maryland 20707, clarified that he was raising objections as previously directed by the Chair following the

staff presentation. He asserted that no Stop Work Order dated December 5, 2025, had been admitted into evidence and characterized related testimony as unsupported. He indicated his intent to challenge the validity of the Stop Work Order on that basis.

Discussion then followed regarding the proper procedure for objections versus cross-examination. Mr. Meashey clarified that the applicant's statements were being interpreted as questions rather than formal objections and advised that objections should be clearly stated to the Board.

The applicant, Mr. McCubbin, 325 Gorman Avenue Laurel, Maryland 20707, stated Mr. Meashey has no right to give advice on procedural processes in the hearing.

Mr. Foreman, City Solicitor, O'Malley, Miles, Nylen & Gilmore, P.A. 7850 Walker Drive, Suite 310 Greenbelt, Maryland 20770, provided further clarification that the applicant's argument regarding the absence of a Stop Work Order in the record would be more appropriately addressed during his presentation or argument, and that cross-examination should be limited to questioning the City's testimony.

Mr. David Dixon, Box Elder, South Dakota, suggested that Mr. McCubbin should be allowed to give his presentation first, followed by the opportunity for cross-examination of City staff.

Chairman Smalls agreed and clarified that after staff had presented, the Board would hear Mr. McCubbin's full presentation. The Chair acknowledged any prior confusion regarding the order of presentations and confirmed that Mr. McCubbin would now proceed with his presentation.

Mr. Foreman, City Solicitor, O'Malley, Miles, Nylen & Gilmore, P.A. 7850 Walker Drive, Suite 310 Greenbelt, Maryland 20770, confirmed that the City had additional comments to present beyond the staff report and stated that once the City concluded its position, the Board would allow the applicant to address objections and present testimony.

Chairman Smalls instructed staff to continue with their presentation.

Ms. Hamlett, FMPS Chief Building Official, introduced herself again to the Board and stated it is her responsibility to follow Chapter 18- Building and Building Regulations city code. She added that the staff report was drafted by the Fire Marshal & Permit Services Director, Mr. Danny Selby. Ms. Hamlett continued, explaining that she wished to adopt and incorporate into the record that the applicant submitted several documents in the record however the issue before the Board is whether the applicant is required to obtain a building permit for the construction of an accessory structure (garage) on the subject property. She explained that no building permit had been issued and, as a result, a Stop Work Order was issued on December 5, 2025, which remains in effect until a valid permit is obtained. Ms. Hamlett noted that the City has been in communication with the applicant since November 2025 and has consistently advised that a building permit is

required. She referenced multiple exhibits submitted by the applicant documenting these communications. The City indicated it would proceed on the merits of the case and waived any procedural argument regarding the validity of the appeal and whether it was filed in a timely manner. She stated that, based on photographic evidence and submitted materials, the accessory structure has increased in size from its prior condition; however, the exact square footage could not be confirmed due to incomplete plans.

Ms. Hamlet, FMPS Chief Building Official, further noted that although the applicant provided drawings, a formal building permit application was never submitted for review and approval. She explained that the City's building code, as adopted under Chapter 18, incorporates both the International Building Code (IBC) and the International Residential Code (IRC), with the IRC governing one- and two-family dwellings and associated accessory structures. She stated that the City's code clearly applies the IRC to the subject structure and that, under the IRC as amended by the City, the structure is not exempt from permit requirements. The applicant's reliance on provisions of the IBC was characterized as a misinterpretation, as those provisions do not apply to the type of structure under consideration. Ms. Hamlet emphasized that the City must apply the building code consistently to ensure public health, safety, and welfare. Based on these findings, staff maintained that a building permit is required and that the Stop Work Order was validly issued and should remain in effect until compliance is achieved.

Ms. Keating requested clarification regarding staff's statement that the applicant had refused to comply.

Ms. Hamlett, FMPS Chief Building Official, explained that multiple communications had occurred between staff, the applicant, and the applicant's partner, Mr. Dixon (authorized agent) during which the City consistently advised that a building permit was required. She indicated that no permit application had been submitted, which constituted the lack of compliance.

Chairman Smalls asked if there were additional questions.

Mr. Johnston inquired about the applicability of permit requirements related to electrical work under the International Residential Code (IRC), specifically whether performing electrical work would require a permit regardless of other exemptions.

Ms. Hamlett, FMPS Chief Building Official, responded that permit exemptions are outlined in IRC Section 105.2, which includes provisions for various types of work, including electrical. She began to explain that accessory structures may be exempt only if certain conditions are met, including size limitations.

During the response, Chairman Smalls directed that the speaker be allowed to finish without interruption and maintained order in the proceedings.

Ms. Hamlett, FMPS Chief Building Official, clarified that permit exemptions for accessory structures under the International Residential Code (IRC) apply only when the

structure does not exceed 200 square feet.

Mr. Johnston further inquired whether performing electrical work would require a permit regardless of any exemption.

Ms. Hamlett, FMPS Chief Building Official, responded that, under the adopted code, electrical work would require a separate permit regardless of the structure's exemption status.

Mr. Johnston asked whether the applicant had been cited for electrical work. She stated that no such citation had been issued.

Mr. Foreman, City Solicitor, O'Malley, Miles, Nylen & Gilmore, P.A. 7850 Walker Drive, Suite 310 Greenbelt, Maryland 20770, added that, while the question was valid, there was no evidence in the record indicating that electrical work had been performed. He noted that the plans submitted did not clearly show electrical work and, therefore, staff would not have required an electrical permit without such evidence

Chairman Smalls emphasized the need to maintain order during the proceedings and directed participants to avoid interruptions so that all parties would have the opportunity to speak fully.

Mr. Foreman, City Solicitor, O'Malley, Miles, Nylen & Gilmore, P.A. 7850 Walker Drive, Suite 310 Greenbelt, Maryland 20770, clarified that, pursuant to the rules of evidence, the next step in the proceedings was cross-examination of the City by the applicant, rather than the applicant's presentation. He advised that the applicant should limit remarks to questions based on the City's testimony.

Mr. Meashey, ECD Director, requested that all participants speak directly into the microphone to ensure a clear and complete record for potential review by the Circuit Court.

Upon inquiry, Chairman Smalls confirmed that the applicant should proceed with cross-examination of City staff.

The applicant, Mr. McCubbin, 325 Gorman Avenue Laurel, Maryland 20707, began cross-examination by questioning whether the Stop Work Order referenced in the staff report and testimony was issued and provided to him on December 5, 2025. He requested that the document be produced and identified for the Board.

Ms. Hamlett, FMPS Chief Building Official, responded that the Stop Work Order was issued and conveyed electronically and was incorporated within the Correction Order sent to the applicant.

Mr. McCubbin questioned whether the issuance of the Stop Work Order complied with procedural requirements under applicable codes, including provisions of the

International Residential Code (IRC), International Building Code (IBC), and related ordinances.

During the exchange, the City Solicitor noted that certain statements by the applicant were argumentative rather than questions. Mr. McCubbin raised concerns regarding the Solicitor's role, asserting that objections should be determined by the Board.

Mr. Foreman, City Solicitor, O'Malley, Miles, Nylen & Gilmore, P.A. 7850 Walker Drive, Suite 310 Greenbelt, Maryland 20770, clarified that his role was to advise the Board and maintain the integrity of the record and proceedings.

The applicant, Mr. McCubbin, 325 Gorman Avenue Laurel, Maryland 20707, continued questioning whether the City's position was that the Stop Work Order had been properly issued via electronic communication and incorporated into the Correction Order.

Ms. Hamlett, FMPS Chief Building Official, cited Section 18-82 of the City Code regarding the issuance of Stop Work Orders, stating that such orders must be in writing, provided to the property owner or authorized agent, and posted in a visible location on the structure.

The applicant, Mr. McCubbin, 325 Gorman Avenue Laurel, Maryland 20707, asked whether a Stop Work Order was posted on the property on December 5, 2025. The Chief Building Official responded that the Stop Work Order was not posted at that time but stated that it had been previously provided to the applicant's authorized agent and delivered in writing.

During the exchange, Mr. Foreman, City Solicitor, O'Malley, Miles, Nylen & Gilmore, P.A. 7850 Walker Drive, Suite 310 Greenbelt, Maryland 20770, City Solicitor noted that the applicant's questioning should remain limited to cross-examination.

The Chief Building Official confirmed that the Stop Work Order was not posted on the property on December 5, 2025, but stated that it was provided to the applicant in writing and that staff believed the notice requirements had been satisfied.

The applicant, Mr. McCubbin, 325 Gorman Avenue Laurel, Maryland 20707, questioned whether the City had fully complied with the notice requirements under the code. He also referenced prior communications and raised concerns regarding the timing and handling of the Stop Work Order.

Ms. Hamlett, FMPS Chief Building Official, reiterated that the Stop Work Order had been delivered in writing and maintained that the City had met its obligations.

Mr. Foreman, City Solicitor, O'Malley, Miles, Nylen & Gilmore, P.A. 7850 Walker Drive, Suite 310 Greenbelt, Maryland 20770, suggested that any additional statements by staff could be addressed during rebuttal.

Chairman Smalls confirmed that an opportunity for rebuttal would be provided following the applicant's presentation, if necessary.

The applicant, Mr. McCubbin, 325 Gorman Avenue Laurel, Maryland 20707, indicated that he would proceed with his presentation and respond further as needed.

Mr. Foreman, City Solicitor, O'Malley, Miles, Nylen & Gilmore, P.A. 7850 Walker Drive, Suite 310 Greenbelt, Maryland 20770, clarified that, under the rules of evidence, opposing parties may cross-examine each witness at the conclusion of their testimony, limited to information presented by the witness. He added that the board chairman may limit the number of questions for each party.

Chairman Smalls confirmed that the applicant would be allowed to make his presentation next. Following the presentation, the Board would provide an opportunity for cross-examination with appropriate limitations.

The applicant, Mr. McCubbin, 325 Gorman Avenue Laurel, Maryland 20707, noted that the Chief Building Official would be subject to recall for further cross-examination, if necessary. He then provided hard copies of his presentation to the Board.

Prior to beginning, Chairman Smalls announced it was noted that a Board member would need to leave by 8:00 PM, limiting the time available to complete the presentation and deliberations.

The applicant, Mr. McCubbin, 325 Gorman Avenue Laurel, Maryland 20707, indicated that he would be unable to complete his full presentation within the available time and inquired whether the Board preferred to proceed or postpone.

After discussion, the Board determined that it would be preferable to continue the matter on another date to allow for a complete presentation without interruption.

Staff advised that scheduling a continued hearing would require proper notice; however, if a date was set on the record today, the process could proceed accordingly and no further advertising would be necessary.

Availability of the Board, staff, and meeting space was discussed, including the option of a virtual meeting.

Chairman Smalls expressed a preference for an in-person meeting but indicated flexibility to get this application resolved. After confirming availability, the Board agreed to continue the hearing in-person on Monday, April 6, 2026 at 6:00 PM.

Chairman Smalls made a motion to table the Appeal Application until April 6, 2026 at 6:00 PM. All members present voted "Aye." The motion carried.

There was no further business to discuss.

Adjourn: 7:50 P.M.

APPROVED:

DATE:

DRAFT