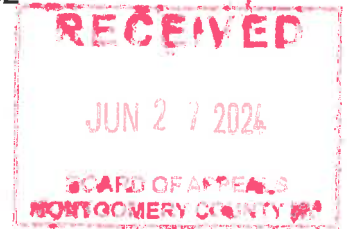


June 25, 2024

5-2385 ✓
7/17/24 WS
Olney Boys and Girls Club
4501 Olney - Laytonsville Road
Olney, MD 20832

Montgomery County Board of Appeals
Stella B. Werner Council Office Building, Room 217
100 Maryland Ave.
Rockville, MD 20850
ATTN: Mr. John Pentecost, Chair



SUBJ: Administrative Modification, Olney Boys and Girls Club, Case No. S-2385

Dear Mr. Pentecost and Board Members:

We would like to respectfully request an administrative modification to the Special Exception Case No. S-2385, Lot 5 of the Brooke Farm Subdivision located at 4501 Olney-Laytonsville Road, Olney MD 20832 in the AR Zone. This letter will be expanded upon by testimony at the work session.

The purpose of this administrative modification is to obtain Board approval for certain changes to existing structures, and to clarify the wording of the use approval. The request does not substantially change the nature, character, or intensity of the special exception, and does not substantially change the effect on traffic or on the immediate neighborhood. Therefore, Board approval is appropriate in this case.

In summary, we request the following changes to the existing Special Exception (SE) approval:

- 1) Confirm the placement of existing fundraising structures as part of the Special Exception. These structures were approved by M-NCPPC and have been in use for the past 22 years in support of the fundraising events.
- 2) Clarify the SE conditions of approval to include reference to "fundraising" as an approved part of the Applicant's use. Fundraising activities are an integral part of the success of the OBGC, as a non-profit organization, and provides a major source of funding. Fundraising activities have occurred consistently since the original SE grant in 1999 because those activities are both customarily associated and necessarily incidental to the principal functions and purposes of OBGC's existing use as a service organization. This request does not change the scope of the use, it only clarifies the wording.

OBGC, in close consultation with MNCPPC, recently completed an extensive revision to the Forest Conservation Easement (CE), in order to properly account for existing fundraising structures contained in and around this wooded area. The revision removed the structures from the CE, allowing the structures to remain in the wooded area for the fundraising events. Once the MNCPPC process was completed (which took over 3 years), the second phase of the project was to upgrade the temporary structures used for the fundraisers to Montgomery County Department of Permitting Services (DPS) approved

structures standards, in accordance with building codes and the new amusement building construction guidelines and requirements.

As one of the final conditions to DPS granting its permit approval, which we believe is otherwise going to be made available following this administrative modification, DPS has required that the structures be added to the SE to approve the zoning portion of the DPS permit approval. Consequently, we are submitting this SE administrative modification to add these existing structures to the approved plan set for the Property.

Second, we request to correct an apparent oversight in the wording of one section of the SE. We would like to specifically add "fundraising" to the wording of the use conditions as described in the SE. Fundraising activities are inherent to the operation of the OBGC's special exception as a service organization, and is something that is both customarily associated and necessarily incidental to the principal functions and purposes of OBGC's existing use of the Property. A service organization cannot function without holding fundraisers. These fundraisers are integral and have been conducted on the site for the past 22 years as part of the use. Likewise, we are requesting to clarify the language of the SE conditions to make clear that the 10:30 PM cut-off for events at the site is intended to be the cut-off time for hosting the event and for allowing attendees to stay at property. The original SE condition gives an exception for "security lighting", which should also include reasonable allowances for the safe clean-up of the property, shutting down the event (locking doors, etc.) and departure from the site by volunteers and staff. We are concerned that the wording in the SE is somewhat unclear, and therefore, we ask that it be clarified now to avoid the risk of confusion with County inspectors.

The proposed modifications will not change the nature, character or intensity of the use and will not have a substantial effect on traffic or on the immediate neighborhood. The structures have been in existence and used on the property, as part of fundraising events, for 22 years. Likewise, clarifying the scope of the use to specifically include "fundraisers" and to allow time for volunteers to clean-up after events does not change the nature of the events being held at the Property.

The intensity and traffic also remain unchanged, since these modifications are not changing the scope of events or the structures, and since attendance is controlled by the existing parking at the sports facility, which is also not changing. Once the parking is at capacity the event is closed to any additional fundraiser attendees. The existing structures are not visible from the main road (Route 108, Olney-Laytonsville Road), and they are bordered by wooded areas on all sides. So there is no substantial impact on any of the neighborhoods in the area.

We have included a copy of the Site Plan, used in the MNCPPC conservation easement modification, showing the locations of all the existing structures. All of the items contained on the MNCPPC plan are completely located in the wooded area.

We respectfully request that you approve each of the following changes.

- a) Existing Structures in Conservation Easement – Approve the submitted plan, attached, to confirm that all existing structures are made a part of the SE approvals. There are a total of 28 existing structures. The structures are already constructed

and need no further approval to be permitted in the CE, per the MNCPPC modification approval.

- b) Modify Condition 3 of the original SE Approval Resolution (SE S-2385, dated July 26, 1999) to clarify that Fundraising activities are customarily associated and necessarily incidental to the principal functions and purposes of the special exception use, and shall be permitted at the site subject to the Hours of Operation and to clarify that for safety and security, reasonable allocation for lighting is allowed beyond 10:30 PM if needed for event staff and volunteers to cleanup the property, shut-down the event, and to allow everyone to safely depart from the site.

For the reasons stated above, and at the work session for this matter, OBGC requests Board of Appeals approval for its proposed administrative modifications to the existing Special Exception No. 2385. Thank you for your consideration and attention.


Sincerely,



Brad Scott
OBGC Director

CC: OBGC Board of Directors
Kevin McLaren, OBGC Project Volunteer

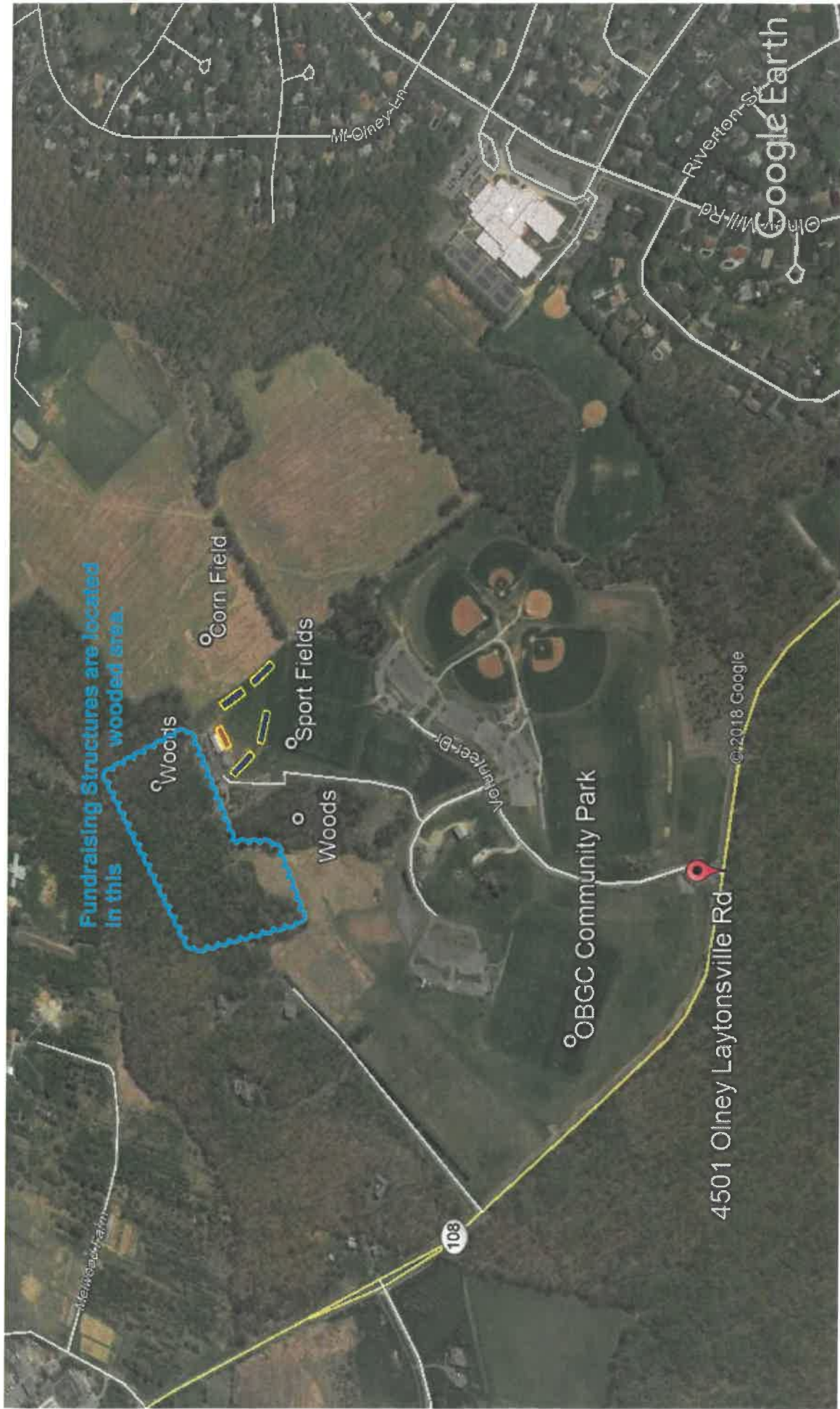
The drawing below is from the new Forest Conservation Plan (FCP) for the Conservation Easement (CE) per the MNCPPC requirements.

The items noted with a blue star, , are the structures to be added to the Special Exception.

All of the other notes and items are reference locations for the CE modification and new FCP that do not apply to the SE.

These other areas are MNCPPC approved locations within the CE for temporary decorations for the fundraisers.

All of the items on this plan are located within the wooded CE area located in the back left corner of the OBGC property, they have been in this location for the past 22 years to support the fundraisers.



Aerial view showing Olney-Laytonsville Rd (Route 108) and the woods, sport fields, and corn field that border the fundraiser area. Yellow outlined rectangles show the approved structures.

The fundraising structures are located within the top Woods area and are not visible from the road.

Special Exception S-2385-1999, Proposed Clarification Wording

Condition 3, Current Wording:

3. The annual Hours of operation are:

Monday through Friday 5:00 p.m. to 10:30 p.m. with all games ending at 10:00 p.m.

Saturdays and Sundays 8:30 a.m. to 10:30 p.m. with all games ending at 10:00 p.m.

Summer Camp will operate Monday through Friday 9:00 a.m. to 4:00 p.m. during the summer season.

Condition 3, Proposed Wording:

3. The annual Hours of operation are:

Monday through Friday 5:00 p.m. to 10:30 p.m. with all games ending at 10:00 p.m.

Saturdays and Sundays 8:30 a.m. to 10:30 p.m. with all games ending at 10:00 p.m.

Summer Camp will operate Monday through Friday 9:00 a.m. to 4:00 p.m. during the summer season.

Fundraising activities are customarily associated and necessarily incidental to the principal functions and purposes of the special exception use and shall be permitted at the site subject to the Hours of Operation. Security lighting past 10:30 PM includes lighting that is reasonably necessary for volunteers and staff to safely clean-up the property, shut down events, and for guests to depart from the site.

NOTICE LIST

Abutting and Confronting Property Owners:

Montgomery County

EOB 101 Monroe St.

Rockville, Maryland 20850

(Re: Olney Laytonsville Rd; PT PAR 4 UN 5N; BR of Upper Rock Creek; Parcel N543; Tax ID 08-00701863)

(Re: Olney Laytonsville Rd; PART PAR 4 UN5 PART; 1 NO BR UPP RK CREEK; Parcel N605;
Tax ID 08-01687061)

(Re: 4435 Olney Laytonsville Rd, Olney 20832-0000; UN 2 PAR C REDDY BRA; NCH STR VAL PK; Parcel
N520; Tax ID 08-01819336)

(Re: Olney Laytonsville Rd; UN 2 PAR B REDDY BR; STR VAL PK; Parcel N246; Tax ID 08-01819325)

(Re: Olney Laytonsville Rd; PT PAR A REDDY BR ST; R VALLEY PK UN 2; Parcel N075; Tax ID 08-
01819267)

T. J. Atkinson & Wendy Lloyd

Whitney T. & Leonard J. Smith

4412 Brookeville Rd.

Brookville, Maryland 20833

(Re: Mount Zion Manor; Lot P9; Parcel 0000; Tax ID 08-03096798)

T. J. & Wendy Atkinson

4310 Brookeville Rd.

Brookeville, Maryland 20833-1610

(Re: Brookeville Rd.; Mount Zion Manor; Lot P9; Parcel 0000; Tax ID 08-03380114)

Brian J. & P. R. Lane

4400 Brookeville Rd.

Brookville, Maryland 20833

(Re: Brookeville Rd.; Mount Zion Manor; Lot P9; Parcel 0000; Tax ID 08-03115574)

Our House Inc.

19715 Zion Rd.

Brookville, Maryland 20833-1505

(Re: 33 Zion Rd, Brookeville 20833-1505; Mt Zion-Our House; Lot 1; Parcel N725;
Tax ID 08-03497407)

Thomas S. Dickerson, *et al.*

4705 Olney Laytonsville Rd.

Olney, Maryland 20832-1888

(Re: Brooke Farm; Lot 2; Parcel N002; Tax ID 08-03087544)

Susan & Brad Siegel

4709 Olney Laytonsville Road

Olney, MD 20832

(Re: Brooke Farm – Lot 3; Parcel N029; Tax ID 08-03087555)

Gerald & Teresa Halle

4713 Olney Laytonsville Road

Olney, MD 20832

(Re: Brooke Farm - Lot 4; Parcel N023; Tax ID 08-03087566)

NOTICE LIST

Homeowners Associations/Civic Associations:

East County Citizens Advisory Board

Attn: Rachel Evans

3300 Briggs Chaney Road

Silver Spring, Maryland 20904

Greater Olney Civic Association

Attn: President

P. O. Box 212

Olney, Maryland 20830

Greater Olney Civic Association

Attn: Helene Rosenhein

3012 Shamrock Terrace

Olney, Maryland 20832

Northern Montgomery County Alliance

Attn: Julius Cinque

22300 Slidell Road

Boyd's, Maryland 20841

Olney Mill Community Association

Attn: Matt Dillon

18404 Burtfield Drive

Olney, Maryland 20832

Olney Mill Community Association, Inc.

Attn: Dominique D'Anna

3605 Falling Green

Olney, Maryland 20830

Olney Mill Community Association, Inc.

Attn: Administrative Agent

P.O. Box 217

Olney, Maryland 20830

Olney Transportation Coalition

Attn: Louis Laquinta

3416 Olandwood Court, suite 210

Olney, Maryland 20832

Patuxent Watershed Protective Assn.

Attn: Chamberlain Donald

4624 Dustin Rd.

Burtonsville, Maryland 20866

Patuxent Watershed Protective Assn.

Attn: James Putman

4617 Dustin Rd.

Burtonsville, Maryland 20866

NOTICE LIST

Patuxent Watershed Protective Assn.
Attn: Luigi Faustini
4505 Dustin Rd.
Burtonsville, Maryland 20866

Reserve at Fair Hill HOA
Attn: Jason Lee
4813 Chichester House Road
Olney, Maryland 20832

Reserve at Fair Hill HOA
Attn: Maria Grove and Patty Vasco
3416 Olandwood Court, Suite 210
Olney, Maryland 20832

Reserve at Fair Hill HOA
Attn: Matt Leebel, Property Manager
P.O. Box 767
Bel Air, MD 21050

Sierra Club - Montgomery County Group
Attn: Jennifer Rossmere
P. O. Box 4024
Rockville, Maryland 20849

Olney Chamber of Commerce
Attn: Jon Hulsizier, Exec. Dir.
P.O. Box 550
Olney, MD 20830

Oatland Farms Homeowners Assn.
Attn: Todd Hassett, The Mgmt Group Assn.
20440 Century Boulevard
Suite 100
Germantown, MD 20874

Briars Acres Community Assoc.
Attn: Peter Tsai
18405 Tranquil Lane
Olney, MD 20832-1831