

Emmanuel & Kristen Korson
4106 Brookeville Road
Brookeville, MD 20833

August 12, 2024

Via electronic and first class mail

Board of Appeals for Montgomery County
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

Re: Case No. S-2385

To Whom It May Concern:

Please allow this correspondence to serve as a formal request for public hearing and reconsideration on the July 26 *Resolution to Modify Special Exception*, in the above-referenced case. We write as concerned neighbors to the Olney Boys and Girls Club at 4501 Olney-Laytonsville Road.

Allow us to preface with we are active County members, founding members of more than one Montgomery County non-profit, and even serve as a member of the Montgomery County Sports Council—our household is very committed to youth athletics and non-profit work in Montgomery County. As such, we are supporters of OBGC's mission to "provide children with safe after-school sports programs that emphasize physical and emotional development, build self-esteem and cultivate a lifelong interest in sports, health and teamwork" (See Exhibit A), excerpt from OBGC website). Our children participate in OBGC sports, and we enjoy them as a partner in the community.

Please note the reasons for our request and nature of the objections below:

1. We did not receive notice as a legally defined Confronting Property.
Issue: Our property, 4106 Brookeville Road, Brookeville, MD 20833 is a confronting property to the Petitioner, and is neither included on the *List of Abutting and Confronting Property Owners* on this special exception, nor did we receive direct notice of any recent Special Exceptions. We have never been provided the opportunity to provide input on this action. We have a clear sight line of the OBGC property from our home ("Exhibit B").
Ask: We ask that we be included on all future notices pertaining to this case.
2. OBGC was granted a Special Exception in June 1999, which created guidelines for the expansion of their use in alignment with the Olney Master Plan at that time, and permitted a far narrower scope of business operation than is in existence.
Issue: The special exception from July 1999 indicates Petitioner sought the special exception "to permit construction and operation of indoor and outdoor athletic facilities in a park setting." It should be noted in recent years that OBGC has taken on a number of for-profit partnerships on the property, which do not align with the original mission of the organization. While we appreciate that some of this has been visited in five other amendments to the Special Exception,

we ask the Board to truly evaluate the mission creep here. Events at issue include, but may not necessarily be limited to: Field of Screams, Winter Lights, 4th of July Fireworks, etc.

Ask: We ask that the Board evaluate the scope of business permitted under the Special Exception, and define if the special exception should be reconsidered conceptually to cease the ever expanding scope of the exception. We also ask the Board evaluate the propriety of these events which exceed 1,000 people on an unsecured, poorly lit property, in the dark, with open flame, with no ADA compatibility.

3. The Special Exception defines restrictions that are not in compliance.

Issue: Many of the provisions in the special exception are out of compliance. Pasted below in pertinent part:

- "5. The Board finds that the use will not cause any objectionable vibration, fumes, odors, glare, or physical activity. The Board concludes that the use will not be detrimental to the use, peaceful enjoyment, economic value and development of surrounding properties in the general neighborhood, or cause objectionable noise.

Issue: The Field of Screams and Winter Lights and July 4 fireworks are extremely loud (we can hear terror screams, happy screams, vehicular traffic, loud music, bass, and just general crowd roar inside our home until well after 10pm). We have lost our right to quiet enjoyment for roughly 4 months of every year during these ongoing amusement park-esq activities.

Ask: Please uphold the 10pm ending time for sports (and any other operations as defined in the original Special Exception), with operations of the business permitted to 10:30pm (this would include cleanup, breakdown, exiting patrons, etc). Please reference and enforce the Montgomery County Noise Law in the special exception to avoid dispute, capping sound at 55 dBA given the residential area. Please eliminate the fire and subsequent smoke that permeates our valley and landspace. (See "Exhibit C" which is just as the fires are lit, but difficult to photograph at night).

- "7. The Boards finds that this special exception use of the property will not adversely affect the health, safety, security, morals or general welfare of the residents, visitors or workers in the general area."

Issue: We have lost our right to quiet enjoyment for roughly 4 months of every year during these ongoing amusement park-esq activities. We do not feel secure with zero physical barrier between our backyard and thousands of people every night.

Ask: Please enforce the install of a 6' fence and evergreen tree barrier on OBGC property. We also understand the Department of Buildings has an open enforcement action with OBGC, specifically with an Abatement Order in place. Please defer to these authorities on operational rights, and consider how far off a safe path this has strewn.

- "Section 59-G-2.42 and 2.24 (1)the proposed use will not adversely affect surrounding residential and agricultural uses because of noise, number of people or type of physical activity because of the location of the property in relation to adjoining park and school sites and open spaces, existing and proposed forest conservation areas and because of the siting of activity areas away from future residential development."

Issue: See above.

Ask: See above.

4. The Special Exception references the Olney Master Plan, but is misaligned in concept with the guiding forces that drive the plan.

Issue: This Master Plan was created to best guide the goals and needs of the community. Both OBGC and our property fall under "Northern Olney" in the Master Plan. Pertinent goals of the Olney Master Plan:

- "No zoning changes are recommended for Northern Olney since the current zoning and land use framework is appropriate for this area"
- "Protect the low-density character of the Southeast Quadrant."
- "Protect forested areas and wetlands that contribute to the health of the drinking water supply"
- "Minimize the negative impacts of special exception uses such as non-residential character, visibility of parking lots, excessive size, height and scale of buildings, and intrusive lighting."

Ask: Implement a capacity restriction that is under 750 people to better align with the population goals and infrastructure of the surrounding areas. Implement all LED downward lights, including those installed for temporary purposes. Provide parking restrictions to OBGC to restrict parking to lots, and not to take over grass fields for parking due to over-capacity vehicular traffic.

5. Reticence in participation.

Issue: We have been made aware that in the past OBGC has publicly released objections from neighbors, via mass email and social media, effectively spotlighting and shaming them for their personal concerns.

Ask: While this is a matter of public record, let us not disparage the process. If the community can be notified via Facebook of such efforts, let us notify the legally required parties in advance so as to provide all the ample opportunity to weigh in. See Exhibit D.

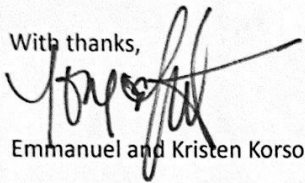
6. Definition of "Fundraising."

Issue: We understand that the Petitioner asked for approval on their "fundraising efforts" to be defined as fundraising. Without proper notice, or the opportunity to understand the ask further, we are confused as to what fundraisers OBGC conducts and ask for clarification on what has been approved. According to the public 990 tax return for OBGC, there is zero fundraising reflected, but do note substantial revenue. We maintain that Field of Screams and Winter Lights are not fundraisers as they fall under the IRS exception to fundraising which are "the conduct of a trade or business that is regularly carried on." Patrons of these events are receiving a good and service for their tickets, donations to OBGC are not occurring. This appears to be filed on taxes as "income" which does not align with the ask to this tribunal for assignment to income.

Ask: Please affirm the IRS' definition of fundraiser to apply to OBGC's business operations given they are a non-profit and there are already clear legal rules around this particular issue.

We appreciate this is a complex issue and remain committed to good neighborly relations, and appreciate the Board's attention to this matter.

With thanks,



Emmanuel and Kristen Korson



OBGC - Olney Boys & Girls Community Sports Association



Menu ☰



House Sports

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Travel Sports

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Summer Camps

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Congratulations to the 2024 Walk the Plank Champions!!

BU - Loudon South Eagles
9U - Stars Baseball - Handlin
10U Gold - Endless Cardinals
10U Silver - Mount Vernon Patriots
11U Gold - LBC Thunder
12U Silver - Arlington Storm Red
13U Silver - WHC Renegades Red
12U Gold - Building Baseball Club
12U Silver - Trium Baseball Club
13U Gold - 5 Star CMV - Burke
13U Silver - Warren Baseball - Blair
14U Gold - Frederick Bulls - American
14U Silver - Kent Island Bulls
15-18U Gold - Capital Prospects 2026
15-18U Silver - Mountain Valley Bulls
17-18U - Paddy Hill Panthers

2024 Walk The Plank Champions

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ABOUT

THE OLNEY BOYS AND GIRLS COMMUNITY SPORTS ASSOCIATION HAS HOUSE AND TRAVEL TEAMS IN 8 DIFFERENT SPORTS WITH TEAMS APPROPRIATE FOR ALL LEVELS OF PLAY FOR YOUR CHILD. THE MISSION OF OBGC IS TO PROVIDE CHILDREN WITH SAFE AFTER-SCHOOL SPORTS PROGRAMS THAT EMPHASIZE PHYSICAL

Exhibit A



OBGC - Olney Boys & Girls Community Sports Association

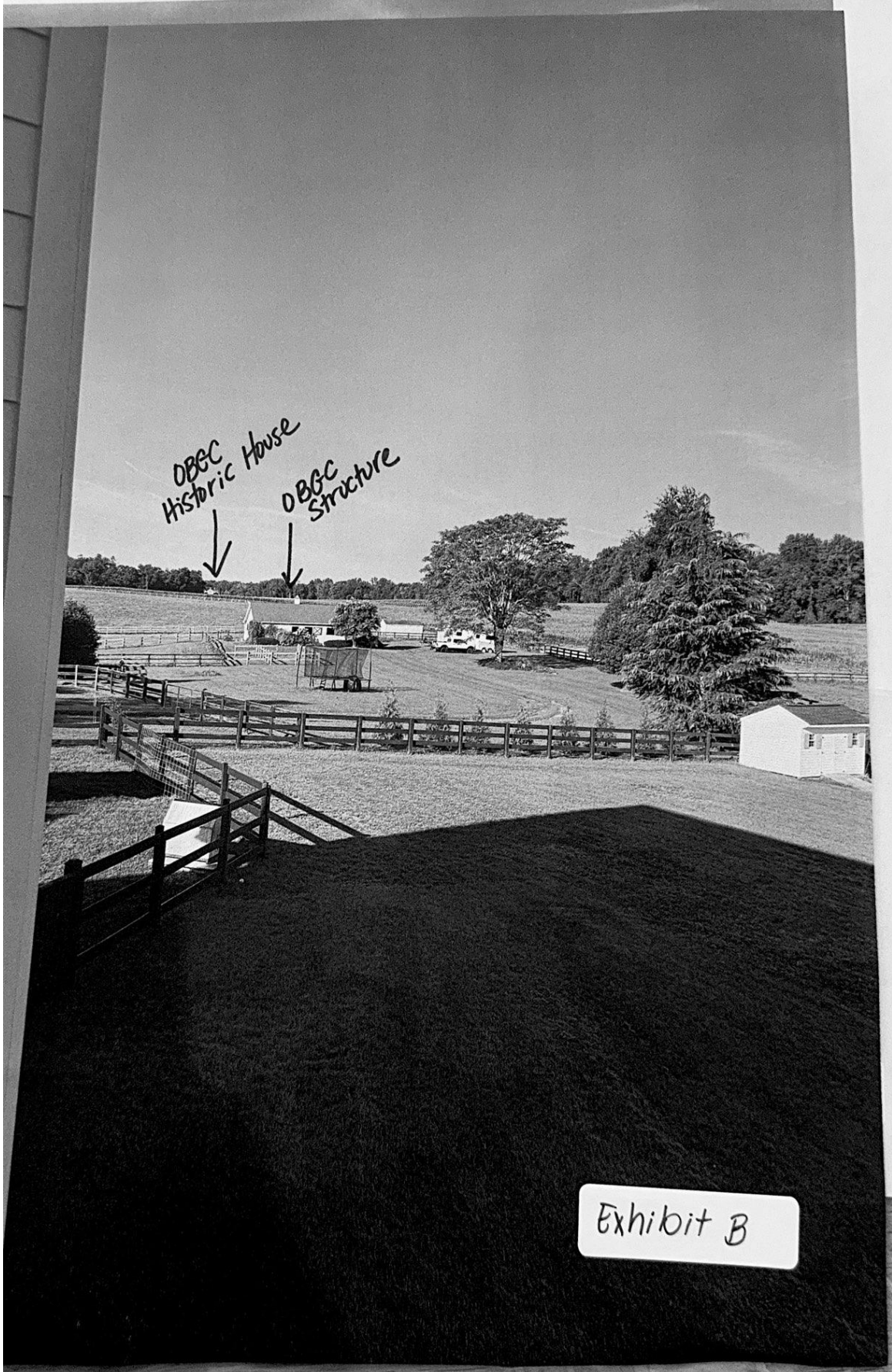


Exhibit B



OBGC - Olney Boys & Girls Community Sports Association



Exhibit C



OBGC - Olney Boys & Girls Community Sports Association



Aug 10, 2023 ·

On the 14th day with about 5 minutes until the deadline two of our neighbors sent a letter to the board of appeals voicing concerns with the special events we run for the community at the park. Once we received notice of the objection our attorney and myself attended the next working session for the board. Neither family attended the hearing. However, if someone asks for a hearing to discuss a modification they are almost always granted that opportunity. As a result, we are unable to move forward with the light install as planned until we attend another hearing with the neighbors and work through the issue. We asked that the meeting be expedited so we can move forward with ensuring our players and teams have lights for the fall season and the soonest we were able to reconvene for a public meeting is September 27th at 9:30am. The board also instructed us to reach out to the two neighbors who objected and ask to discuss the issues they have with our special events. At this point we have reached out multiple times to meet and have received no substantive replies.

Exhibit D.