

From: [Taylor Smith](#)
To: [Board of Appeals](#)
Subject: Case No. S-2385
Date: Monday, August 12, 2024 2:15:13 PM

[EXTERNAL EMAIL]

To the Board of Appeals for Montgomery County,

We are writing to request a reconsideration of Case No. S-2385. As neighbors living on property abutting OBGC, we support youth sports, but we have concerns that the proposed modifications regarding fundraisers and hours do substantially change the nature, character and intensity of the use and do change the effect on the immediate neighborhood. We also have concerns that inaccurate information was submitted by OBGC.

1. The modification does not specify or limit the use of the buildings. The buildings can be seen from our property and were originally supposed to be temporary in nature. They, as well as scary decor (such as a large wooden skull-shaped structure) are left up year-round and make the back of our property frightening for our young children. This affects our use of our property and our well-being. Adding conditions to make these structures permanent, with no restraints on future size or conditions for environmental impact concerns us. For example, bringing the buildings up to code as required by the Commercial Building Department, could mean the structures need to be much larger.
2. The modification seeks to allow security lighting past 10:30 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.” Seeking to extend the hours past 10:30 is very concerning to us for several reasons:
 - A. At the time of the first SE, alcohol being served on the property was not a factor. Alcoholic beverages, including hard liquor, are served at these “fundraising” events and this impacts road safety in our community when guests leave.
 - B. “Reasonably necessary” is far too unclear. This change would allow guests to be accessing the activities up until 10:30, with no regard for how long it would take to clear out after. Volunteers and staff (often mainly teenagers) are not quiet in their shutting down of the property. Cars leaving the parking lots often honk loudly and frequently.
 - C. During Field of Screams (one of the “fundraising activities”) guests can access the activities up until 10:30. “Guests departing” often extends well past midnight, because the last entry to events is at 10:30. This means that there is intentionally scary screaming, shooting sounds, chainsaws, banging, loudspeakers, music, cars honking and every other sound associated with a large, party-atmosphere event often occurring until past midnight, even on school and work nights. It is impossible for our children to enjoy family bonfires, have friends over for dinner outside, or allow our Scout kids to camp out in the backyard during some of the best weeks of weather of the year. The sounds often impact sleep because they are scary. Even WinterCity, which seems in nature to be a quieter event, has a sledding ride that accounts for hours of screaming every night the event is open. Even on page 3 of the letter, it states that a Board question was asked about a finite time, and there is no clear answer given. Allowing any and all “fundraising activities” could permit use like this every day of the year, seriously impacting our family’s welfare.
 - D. OBGC is well aware that the late hours of their “fundraising events” have caused frustration and contention within the community. After years of unanswered concerns about sound extending past midnight, we submitted a two-party noise complaint. One of the suggestions from the county after finding that the OBGC was violating the noise ordinances, it was suggested to add a dirt berm to help with noise. OBGC decided to move forward with this berm, without a soil permit and in the process dumped a large amount of poor quality fill dirt on our property without our approval or consent. They were asked to remove the dirt that is on our property and have refused, even after being shown how the dirt was affecting our crop field. We were told we would have to hire an attorney to “make” them remove the dirt. The berm has not changed the nature of the sound, but has affected drainage for our crop field. No dirt has been removed from our property. Even with a berm, there is no reason for a facility focused on youth, existing in a community with neighbors, to engage in party-like activity of any kind past 10:30 PM on a regular basis. It is a reasonable metric to have quiet hours that treat neighbors with respect and honor the health and wellbeing of all in the community.
 - E. The nature of the “security lights” is undefined. The security lights in the parking lot are massive, generator-run spotlights that shine a very far distance, including into our bedroom windows.
 - F. The changes to the hours do not account at all for the rules of the Agricultural Zone. The SE for a park for youth sports was reasonable and thoughtful for the children of our community. We remain fully in support of youth sporting games occurring within reasonable and safe hours for children. When the SE was created in 1999, the Board found “that this special exception use of the 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.” Recent changes to the scope of the fundraising events is changing the use of the property from a youth sports facility into an amusement park; even Google Maps identifies the property as an amusement park. These incremental changes over the years have morphed the use of the property into something much different than the original SE intended.

As parents and coaches in other sports organizations ourselves, *we remain absolutely and fully supportive of OBGC as a youth sports organization*. However, we have concerns that the nature of these newest modification to the SE are intentionally vague and will allow for hours and uses the Board is not realizing. These late hours with late noise and lights are not upholding either the original intention of the 1999 SE or neighborly respect- a good sportsmanship lesson OBGC should be first to value. We ask that the hours of operation not be past 10:30 PM (already uncomfortably late) for any reason, and that OBGC be quiet and dark by 10 Sunday-Thursday and 10:30 PM Friday and Saturday. We ask that “fundraising activities” be clearly defined and specified. We ask that the structures not be confirmed as part of the SE without investigating the safety with the Commercial Building Department, the environmental impact, limits to the future size and scope, and proof of the buildings’ existence for 22 years.

We ask the Board to reconsider these modifications. We are not requesting a public hearing as we are unable to finance representation alongside an organization that has representation donated for free.

Thank you,

W. Taylor Smith and Leonard J. Smith