

Neighborly Neighbors

By Reg P. Wydeven
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When I was a kid, our house was a popular hangout for my friends and me. In the winter, we would watch movies and play Nintendo. But in the summer, we would play basketball all day in the driveway and then cool off in our above-ground pool.

We would routinely play games of hoops where the winner was the first one to score 100 points, but you had to win by two buckets. My buddy, Lee, and I had a game of one-on-one that was decided 195-193. To determine a victor, some of these games went into the wee hours of the night. Thankfully my folks installed a floodlight above the garage so we could see the basket.

Our neighbors would occasionally comment about our marathon hoop sessions, but not to complain – typically just to find out who won. Now that I look back, we were so lucky to have such understanding and tolerant neighbors.

That's why I'm so glad we still live in the same neighborhood. My kids' footballs and volleyballs are constantly rolling into the neighbors' yards and they smile, wave and toss the balls back. We also have very little traffic, so it's a great place to raise kids.

Not all people are quite so lucky.

Take the Hills of Bear Creek, for example. Even though this subdivision outside Fort Worth, Texas, is a gated community, residents have noticed a huge influx of traffic at odd hours on the weekends. According to Chase Patterson, a resident who lives in the subdivision with his wife and two young children, "We've never counted the cars but I've seen at least 85 of them come in and out in a day."

There were no obvious rummage sales or lemonade stands to blame, so the homeowner's association did a little investigating into the increased traffic. A brief internet search on NaughtyNeighbors.com revealed that one of the homes in the subdivision doubles as a swingers club.

Randy Carter is the owner of the 4,000 square foot home in question. According to the website, Carter advertises that he hosts "private parties" with "light shows" and a "Pro DJ." He even claims to have a "disco" complete with a "pole stage."

The neighbors were understandably upset. Instead of making moral arguments, however, the homeowner's association issued Carter a warning to put a stop to the parties claiming he is violating a subdivision restrictive covenant against using a home for a business.

After Carter ignored the warning, the association actually sued him. In support of their case that Carter is operating a business, the association cites his NaughtyNeighbors.com ad that claims the cost for a couple to attend a swinger party is \$75 and "the operating times as Friday and Saturday from 8PM to 3AM." He also lists the maximum occupancy as 600 people.

Again, the suit doesn't make any morality claims, but rather safety. The residents argue that they moved to a gated community to avoid traffic, but the swinger parties attract too many cars. The association is seeking an injunction as well as attorney's fees and unspecified damages.

So I guess that some high school boys playing hoops with some bright lights and Guns'n'Roses music playing on a boom box isn't quite so bad.

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