

**Decatur County Board of Zoning Appeals Minutes**  
**Decatur County Courthouse**  
**150 Courthouse Square**  
**Meeting Room**

The regular scheduled meeting of the Decatur County Board of Zoning Appeals was convened at 6:30 p.m. on Wednesday, January 4, 2017, at the Decatur County Courthouse. The meeting was called to order by Albert Armand. All 5 board members were present. Also attending the meeting was Krista Duvall – Decatur County Area Plan Director, Debbie Martin – Administrative Assistant, Kenny Buening – Decatur County Building Commissioner, Melissa Scholl, Attorney for the BZA and APC boards, Jerome Buening & Mark Koors, Decatur County Commissioners and Tim Ortman, Asst. Highway Superintendent.

A copy of the meeting agenda and registrar of attendance is attached to these minutes and incorporated by reference. With no additions or corrections the board unanimously approved the December 7, 2016 minutes as mailed. Melissa School, Attorney for the BZA & APC Boards swore in the audience.

**\* BZA Petition 2017-01 – Jason Barnhorst** request a “**Variance**” as provided in the Decatur County Zoning Ordinance Section Number **945 (5)** to the required rear setback from 30’ to 12.5’ to subdivide the property. (request new property line to be 12.5’ from structure #1 and 12.5’ from structure #2) The property is owned by the petitioners and is located at 5713 S CR 480 E Greensburg, IN, **Marion Township**.

Jason stated to the board that he would like to subdivide the property to sell the home to the young man who has been renting the home. I would like to keep as much property as possible and would need a rear setback variance due to the parcel line being closer that the required setback of 30’.

**Board;** livestock in the buildings. **Jason;** no. **Board:** building # 2 is going to be used for what purpose? **Jason;** It’s just a storage building. **Board;** that was the young man’s grandparent’s property and you are purchasing the farm? **Jason;** I’ve owned that farm for 9 years, he has lived in that house since I bought it. **Board;** You have a plan for the driveway to the buildings? **Jason;** I am going to maintain a right of way on the existing driveway, there are no fences so I can access the property anywhere, I wouldn’t have to use that driveway. **Board;** is there a well that feeds water to the property? **Jason;** no, it’s rural water. **Board;** do the doors for building one or building 2 open toward the property line? **Jason;** a small set of doors for building one opens to the west but they are small, the other building is a Morton building and the doors open to the south. **Board;** so you are not going to provide another access point other that through the existing driveway? **Jason:** inaudible. **Board;** is the buyer ok with you using the driveway?

**Jason**; yes. **Board**; there is plenty of opportunity if something was to change that you could access the rest of the property. **Jason**; absolutely, yes.

Joyce Brindley made a motion to vote on BZA Petition 2017-1, Jay Hatton seconded the motion. All 5 members present voted yes.

\* **BZA Petition 2017-2 – Bell Precision Rifles, Joseph Bell & Jerry Bell** request a **“Permanent Special Exception”** as provided in the Decatur County Zoning Ordinance Number **925 (10)** to operate a 600 yard firing range and a **“Variance”** as provided in the Decatur County Zoning Ordinance Number **925 (10)** to the setback from nearest residence from 1320’ to 950’.

Guy Relford, attorney for the Bell’s and stated that they are requesting the permanent special exception and a variance to the 1320’ to nearest residence.

Bell Precision Rifles are wanting to do just four things on this range but first we want to make clear what kind of shooting we are talking about. Joseph Bell and Bell Precision Rifles make long distance, very accurate, very precise shooting rifles. These are rifles that are guaranteed to shoot .25” minute of angle (MOA). He needs a place to test those rifles to be sure that they meet his guarantee on accuracy, again we are talking about 2.5” at 1000 yards and to be able to train his customers to where they are able to be as accurate as the rifle is capable of shooting. Also, to compare his rifles with other rifles so he can market his rifles. Joseph would also like to run low volume training courses, by low volume we are talking about no more than 3 students in a course that are coming in there to learn long distance, precision rifle shooting so that they walk out of there able to keep their shots within that .25” MOA. We are talking about keeping all of our shots in a very small area, the size of a playing card, which is actually going to make the shooting done at the range at the most absolute safest shooting being done in Decatur County. I say that because when you are shooting into an earthen berm the size of a playing card, compare that to ordinary hunting activities or individuals who shoot on their own property.

Specifically what they want to do is use the existing shooting platform which is 19’ off the ground, you have a platform for safety reasons because you are shooting down at earthen berms. That is an additional factor to ensure where those bullets go and to ensure that the bullets don’t leave the property. There is a series of 6 berms, the first 5 are about 7’ wide and 5’ high. The berms are the safest thing you can shoot into. I can speak with some authority on these issues is that I am a certified NRA Chief Range Safety Officer, meaning that I am certified to construct, run and create protocols for safely operating a range. Also a certified instructor. The Bell’s brought me into this to partly create a protocol to operate the range safely. The vast majority of the shooting is done at the 600 yard berm which is the largest. Local law enforcement from the area and central Indiana can come here and site in their rifles because there is not a comparable place for them to do that.

If the permanent special exception is granted there will be a series of improvements done at the range that are all for safety purposes. We met with the Technical Advisory Committee several weeks ago. I commend Tim and the other members of that group, we talked about how we can make the range even safer than it already is today. I will tell you that it is the safest range in Decatur County as it exists today but we will be making it safer if we get the permanent special exception granted. We will add an additional 3' to the height of the berms, make them all U shaped for safety reasons. We will place signage stating that will say "shooting range in operation" and will lock the gate behind us so no one can wander into the range area. We will keep all vegetation off the berms. The high water bridge on the property will be inspected so that emergency personnel can access the area if needed. If you look at the topographical slide, this shows that there are 3 residences that are less than 1320' from the shooting range, I want to be sure that I don't misrepresent this, as Krista and I talked today, the one to the right that says 960', we actually took that to the barn instead of the home, so we are asking for an 845' variance to the nearest residence. If the permanent special exception was approved but not the variance then the Bells have agreed to move the range to meet the 1320' to nearest residence. They would move it further to the north. This area is suitable for the range because of the topography, it sits in sort of a bowl. The elevation from the shooting platform is 853', we are shooting at a direction where the ground rises slightly. We are shooting away from the closest residences. I was able to put together a specific set of rules and regulations that we are committing to as part of our petition. If granted, not only will we improve the range as we have committed to but we will operate specifically according to those rules and regulations which make it that much safer. At .25" MOA at 100 yards in almost unheard of in the accuracy of a rifle. That's what we are talking about. We are talking about shooting in a small area, not shooting all over the property.

So for all those reasons we are asking for the permanent special exception, to allow law enforcements officers to utilize the range and for a variance from the 1320' to 845'. If the commission is no inclined to grant the variance, we will be happy to move the range to meet the 1320' from nearest residence.

**Jay;** what guarantee would the public know that they are safe? How would they know that, from the inside if you are locked in there, how would they know where the bullets were going? In the past bullets didn't all go in one direction as we have been shown. It's on their website. **Guy;** unless they film all of their activities and post it on the internet or have live cameras going all the time, I don't know that we could provide a real time assurance of what they are doing on the range. What I can tell you though is that if they are doing anything other than exactly what I described they would be outside of their zoning and they would be shut down. There is no way to answer that question. **Jay;** would all shots take place from the shooting platforms? **Guy;** absolutely. There is no other shooting going on any other location than from the shooting platform at the earthen berms. **Roger;** in the past you have had a website represented by the Bell's, are you still representing that website as being what you are advertising? **Jerry;** inaudible. **Roger;** so it will technically be 673 yards. The caliber of the bullet that you will be

using, what is the lethal potential; what is the distance that one of those bullets can travel and still be lethal? **Guy**; there is no question that some of these bullets, if you don't shoot them safely can get off the property. **Roger**; so you agree that it can get off the property? **Guy**; If you don't operate safely then it could get off the property. **Roger**; so then in regards to the service that you will be providing, what do you say that the skill level of the clientele is going to be? If I walk in there and say I want to be able to shoot tomorrow, would you accept me? I'm an avid shooter. **Joseph**; if you were alongside me, yes. **Guy**; that's an important point as well is that no shooter will ever be allowed if they were not under the direct physical control of Bell Precision Rifles. There is an employee who is in direct physical contact with you. **Roger**; have you ever applied for a long range any place else? **Joseph**; no, I shoot all over the country, I teach all over the country. **Roger**; have you ever operated a range before? **Joseph**; no. **Roger**; so then the experience is going to be in your accuracy and what you say your guns can do, correct? **Joseph**; and my reputation for safety and the classes that I have taught. **Roger**; so if for instance a bullet was to breach the barrier, can you tell me that it is not going to leave your property or cannot potentially cause damage or property damage? **Joseph**; no sir I cannot. **Jay**; your website Joseph shows tactical training and law enforcement type training, is that going to happen on this property as well? **Joseph**; I would be open to the law enforcement coming in and training at our facility under our guidelines and the same safety protocol, standards and regulations as anyone else. **Roger**; but you are applying for a long range rifle range, not for tactical maneuvers? **Joseph**; well we are shooting from the platform, but that is correct. **Guy**; Joseph is not going to do anything else with just anyone roaming the property and shooting in all different directions. **Roger**; obviously you understand what we are up here for, public safety is what we are here for. And also there is some aesthetics and the life of being able to live in that area without having to live with the guns involved periodically or constantly. **Roger**; based on your website, and I have watched it a few times, there were maneuvers that you were doing that were after dark, and from moving vehicles. Are those still things that you are going to continue to do? **Joseph**; where were those maneuvers taken place at? **Roger**; I know it and you know where they were but we don't have to go there, but there were maneuvers advertised on your website that indicated these types of things. **Joseph**; I have never offered after dark training, I have never offered machine gun training, never offered pistol or rifle courses. **Roger**; I'm just going by what you said that you were going to stand by what your website advertised, that's the only information I have and the only information that you have given me and now you are coming for a firing range here but are stating that there are some tactical maneuvers that you might be doing. So we just want to make sure. **Guy**; the only thing they are asking for the permanent special exception on the long distance shooting platform in one direction. **Joseph**; the dynamics of my company has changed drastically over the years than when I first started, primarily shooting pistols and hand guns and I have 90% of my business is high end bolt guns, precision rifles. That is what we are known for. **Roger**; I was on the board when we first brought you on and from what has been gone on in that area there are other changes that deviate, so apparently your practices have changed and that is why you are adopting this. We are here to try to figure out exactly what it is that you are going to do. **Albert**; your shooting platforms are

19' in the air? Are there any engineering certificates, design certificates, building permits obtained? You have none of that? **Joseph**; no sir. **Albert**; so that is just put up to your personal specks? **Joseph**; yes sir. **Albert**; we've had a lot of complaints in the past about noise and shooting and I know that you can have gunshots any place in the county at any time. Is there any plan or way to suppress or muffle the noise to make it more palatable for those that live in the area? Are you planning anything in that manner? **Guy**; the vast majority of the shooting here is all with suppressors. So these are what a lot of people call silencers, they don't silence anything but it does suppress the noise. You are taking a normal shot at 160 decibel range down to the 30 decibel range so it is going to be quieter by far than anything like a snow blower, tractor or jack hammer running. **Roger**; you said vast majority, so if he fires 1000 rounds, the vast majority would be what, 30% of the time. So that means that 300 out of 1000 is going to be unsuppressed. **Joseph**; yes, that would be accurate. **Jay**; could you tell us the hours of operation? **Guy**; yes, it's in the petition. We are committing to only sunrise to sunset according to the same tables that DNR used for hunting. **Steven**; what are the hours of your operation of your business, where you are building these rifles? **Joseph**; 10-6 M-F, Saturday by appointments. **Steven**; you would be after business hours if it was in the summer, shooting for business purposes? **Joseph**; anything that we would do that would pertain to the business would be by appointment. We don't have walk-ins, 90% of what we do is mail orders. **Roger**; do you still do the construction of the guns on site here? **Joseph**; no sir, I haven't for some time. Well before 4 weeks previous to my zoning running out. **Steven**; and do the hours of operation support the hunting guidelines? **Joseph**; yes sir. **Guy**; we have committed in the petition to actual sunrise/sunset. **Joseph**; my father has livestock. We have coyotes in our preserve that are mauling and killing our deer. We have gone out and shot these coyotes. We have tried to limit the hours that we have done this, it is for dispatching game, and it wouldn't be on and on. **Jay**; I have a question about the bridge and the bridge safety. You said you were going to have it inspected, what if it comes back and it's not capable of supporting emergency personnel 24/7? **Guy**; Jerry can speak to this, before he bought the property he invested \$50,000 and had an inspection done at that time so we are highly confident that the bridge will pass inspection. If it doesn't then Jerry will do what is necessary to have it pass inspection. Within the past 3 years there has been a substantial amount of work done on the bridge. **Jerry**; before I bought the property I had the Adams Township fire department come out to be sure that they could get fire protection to the house. They stated that they could get a firetruck across that bridge, I would not have bought the property if they did not state that they could get across the bridge. Since then I have put girded metal, added additional I-beams and spent money to have it upgraded. **Roger**; is the concrete slab still in place too? **Jerry**; yes it is. **Roger**; how wide is that slab? **Jerry**; wide enough for the large farm equipment to cross. **Albert**; now you realize that these fire trucks are weighing 30,000 plus and so you are going to have to have a bridge capable of passing an inspection for 8-10 ton minimum. **Jerry**; they have smaller trucks too but the main thing that they were concerned about is they wanted to know that they could get emergency medical assistance across in case someone had a situation where they needed an ambulance. And the bridge is 10' wide and the ambulance is 8' wide. **Jay**; so to run a business on that side of the

river have you done anything to your restrooms for employees and the public that would be attending there? **Joseph**; I would be more than happy to provide porta lets. **Roger**; how tall is the berm going to be, the actual shooting berm that you will be shooting into? **Guy**; it is 14' now and we are adding 3' to make it 17'. **Jay**; what is the poundage for trigger pulls? **Joseph**; it depends on what the customer would specify, if they were a competitive shooter and you are skilled then they would be shooting in the 10 oz. to 1 lb. range, if they were hunting they would be shooting in the 2-4.5 lb. range. **Jay**; then you instruct them that on a gun set at less than 1 lb. set on its butt in that platform will go off? Possible? **Joseph**; no, my rifles don't go bang unless you pull the trigger, that's part of the liability of this for me. **Guy**; the protocol that they use out there, the cartridge doesn't go into the rifle until (inaudible), they are not walking around with rifles pointed at the sky with a loaded chamber, that's not how they operate. **Jay**; my thinking is if he is giving instructions and he has a cartridge put in and he lays it down abruptly and something were to happen that a light trigger pull, and I know an experienced rifle man would be ok, but he is willing to train out there and I just think there could be a danger with that and I just wanted the information on what the trigger pull was. **Guy**; loaded chamber guns are pointed down the range. If you put a rifle in any other direction, it has to be a cleared rifle. That means pulled back, magazine out, chamber empty. Those are standard protocols. That's how you run a range. **Roger**; I haven't seen the elevated stand that you are on but how you access it? **Guy**; there is a picture in the petition. There is a stair case and with railing to access the platform and there are rails all around the platform. **Jay**; with the platform being open to the public, wouldn't it be open to inspections? **Krista**; yes. **Roger**; are you open 7 days a week? **Joseph**; we are closed on Sunday. Saturday by appointment, it's pretty rare though. **Jay**; how about the answer to the question about the pistols, are all the pistols shot from the elevated range? **Joseph**; we discontinued pistols. **Guy**; all we are talking about is the precision rifles being shot there. **Roger**; you have said that but he hasn't said that there was not going to be any of that, you stated that. **Joseph**; well I will commit to that, guy is my representation, I do own a machine. **Roger**; I'm not saying you cannot shoot your own gun but there is no one out there 24/7 to say that you shot it or one of your clientele shot it. **Joseph**; it's in my best interest to be safe because I am liable. **Albert**; if you look at the map where it says 903, is that the property line between you and the adjoining farm? Do you have an idea of what the elevation is in line with the firing range at the property line? Its 880 apparently up in the woods there. **Joseph**; I do not sir. **Roger**; when we approve things on the board here – we are approving them to keep the public safe, first and foremost. We don't want to approve something that could throw a match sometime some place down the road. Who are going to be the trainers, just yourself? If others, will they be qualified trainers, trained by you, and how do we know the validity of the training protocol. **Guy**; NRA has a standard range safety officer training program. Anyone out there who is going to be an NRA certified range safety officer will be operating under the NRA standards and protocols. **Roger**; so currently right now are you the only ones employed and then depending on the size of the business I assume you will have to hire other people to be certified trainers. **Joseph**; I would have myself and one other instructor. Our class ratio is a 1:1 instruction, my students get the most of my time and attention for safety purposes or their best

interest. **Roger**; buy you just said you might have as many as a group of 3 which means 3 instructors if it's one on one. **Guy**; only one person shooting at a time. You would never have more than one student shooting at a time. **Roger**; if you have another stand and have more shooting, when we are approving that you can do that so it means if you put up one stand then you decide I can put up another one, now is that against the rules? **Joseph**; but I'm also committing to a class size of 3. **Roger**; well that means 3 instructors, could that potentially be 3 stands? **Joseph**; there would be no need. **Roger**; there might or might not be. I'm asking you **Joseph**, it's not my rules, it is your rules that you are stating. **Guy**; Joseph confirmed that we are committing to one shooting platform. **Roger**; the variance in here doesn't say that you are committing to one shooting platform does it? It says a type. **Guy**; I'm saying on the record now based on your inquiry that we are going to commit to one shooting platform. **Roger**; but prior to this you didn't say that, it did not say one platform, correct? **Guy**; I think it did. **Roger**; I don't know, you wrote it, it doesn't say that you are going to have just one shooting platform, it just says that it will be shot from an elevated platform. **Guy**; I'm going to put it on the record that we will only have one platform. **Jay**; if you don't get your variance for the 1320', what does the range look like? How long is it and where does it go, or is it staying in the same location? **Guy**; the shooting platform would be simply moved down range toward the opposite property line. There would have to be some additional trees cleared to make room. **Jay**; so if the variance isn't met you are saying that you would go toward the 100 yard marker and move the berm of trees between yourself and the property north of you, closer to the Maxine Hayes property, is that right? **Guy**; we would move it in that direction but realize that we have to stay 1320' from all residences. **Jay**; what does that do for the safety of the people to the north? **Guy**; we are still talking about shooting from an elevated platform, keeping all rounds within a very limited area and shooting into the berms that will now be taller. While there is no such thing as zero risk, it's pretty close. **Joseph**; the farmer to the north is the same farmer who farms our ground so we are in close contact with him. **Jay**; and he is ok with this? **Joseph**; yes. **Jay**; and who is that farmer? **Joseph**; Ted Holland. **Jay**; and they are perfectly ok with you moving your range closer to that field? **Jerry**; the only thing is, shooting down range – the only difference that is going to make would be in a little bit of the sound, as far as the safety, those homes are behind that and it's not making it any safer for the people that are within that distance. I suggested that he go ahead and soundproof the platform. **Jay**; we haven't gotten a lot of comments on the sound yet but my thoughts on you moving on down to making the 1320' viable, Maxine Hayes house is in the exact trajectory of this shooting range so anything that would be lofted over those trees would land at her back door. **Jerry**; we would have to move it farther to the right and be shooting more to the left. **Jay**; whose property is that? **Jerry**; it is still Maxine Hayes and Ted Holland farms that there. It runs right next to my property. **Guy**; Mr. Krzyzanowski in regards to the safety protocols where we commit to shooting from the platform, I just want to say that all the shooting will be performed from AN existing elevated shooting platform, so we did limit ourselves in the petition. **Roger**; it still does not quantify how many, AN existing doesn't mean one. **Guy**; it means what exists today. **Jay**; how many shooting platforms are there today? **Guy**; one. There is one existing range and we are committed to shooting from that existing

range, that's one. I don't think there is any question. **Joyce**; my question is about the sound thing you did say that you would be willing to close the platform? **Joseph**; yes ma'am. **Albert**; tell me how that works if you enclose or sound proof your platform. **Joseph**; In the event that this were granted I would have you come out and inspect my shooting tower, make sure it is up to code and regulation. I would have maybe a 4-5 inch aluminum foil backed pole barn insulation around the sides and the front. We will be shooting from within the contents of the tower. **Albert**; as the tower sits now, there is nothing to limit which direction the gun is pointed on the platform other than you being there and having a reasonable student. **Joseph**; no, there are slots that are between the front facing of the tower that is facing down range and the rifle barrel goes through the slot. Those are probably 16' on center. **Albert**; how tall is the railing or are you guys laying on the platform shooting out? **Joseph**; we would be laying down, prone position primarily. That is 90% of what we shoot for accuracy. **Guy**; so the barrel is going between the railings before the cartridge is going into the chamber. **Joseph**; we only go down range to check targets, to paint targets, to collect data. We have an open bolt policy so magazine comes out and bolts open, it's in the best interest of my students and for safety. **Guy**; and that's in the safety protocols that we have committed to as well. **Steven**; would you be willing to change your sunrise to sunset figure on the DNR and changing the shooting range hours between like Monday-Friday, leaving out Saturday on the weekends and changing your hours to your business hours? **Joseph**; that would really limit my business substantially. **Roger**; when you met with the committee, and I don't know what committee that entailed or who was on it...**Albert**; Tim would you care to speak to that? **Tim Ortman**; the Technical Review Committee. **Roger**; do you know or have a copy of the safety protocols that he is referring to? **Tim**; yes. **Roger**; you have a copy of it? **Tim**; some of our notes went into the petition. A lot of things in the petition has come out of the Technical Review Committee. Part of the reason for sunrise to sunset addressed specifically was because a lot of them are --- lower light time frame, but we wanted to stay with that time frame because we wanted enough light to be safe. We also wanted something that was very documentable, so we went with a published rate and anyone can look it up. **Roger**; so these safety protocols that you have in this petition, this is verbatim the national safety protocols, or is the safety protocol reference of D the ones you keep referring to? **Guy**; yes, the ones we committed to with to both with the Technical Review Committee...inaudible. **Roger**; so these aren't the national safety protocols that you keep referring to? **Guy**; there really aren't standard national safety protocols, there is a series of guidelines that you can incorporate but all ranges are different. What you need to do is take a series on considerations and then design protocols specifically to your range. **Roger**; I was just wondering why you kept referring to the national safety protocol, sounds a little better than just saying safety protocol, so I just didn't know if there was a form that says that. **Guy**; if I'm saying national I have not meant to, I apologize. What I meant was the rules and regulations of the safety protocols that were submitted to the Technical Review Committee and our petition request. **Jay**; Tim – would the county be the inspector on this bridge? Who would be the actual inspector to verify that this bridge is capable? It sure in the world isn't going to be the Adams Fire Department. **Tim**; the only thing the county requested would be a National Bridge

Inspection, certified engineer. They can use the firm the county uses or could hire another firm. The county's commitments is that we have done it before in situations we set up a certified scales, coordinate with fire departments to provide us with the actual loads/weights and the way that they are going to be responding to get the information, after that it is up to the engineering firm to do their inspections. **Jay**; I just wanted to hear that the Adams Fire Department wasn't capable. **Roger**; so of these guns that you will be shooting, will it be one shot, check the site, then shoot again – there will not be any automatic weapons there right? No semi-automatic shooting? **Joseph**; with all due respect sir; someone who is very skilled with a bolt gun can shoot faster than someone that can shoot a semi-automatic rifle. **Roger**; so you are saying that its 600 yards is where you are going to put your target, they can shoot repeatedly and not take into consideration the wind or such? **Joseph**; maybe some of my customers can attest to how it works. **Roger**; I'm simply asking if you shoot and then check your shot, but now you are saying that there could be several shots before checking, 5-6-7-8-9 shots in a row. **Joseph**; sure, our magazines are 5 rounds. **Roger**; with accuracy? **Joseph**; yes sir, absolutely. **Roger**; and repetitiveness? **Joseph**; yes sir. **Roger**; we are not privy to all this information about accuracy that you are talking about, when you shoot a gun there is always some recoil and there is always a gust of wind and you will have to adjust for that. **Joseph**; one thing we teach in our class is shooting with a bi-pod which is set in a stationary position. My rifles are heavy, they are rigid, and they are stiff and have muzzle breaks that reduce 60-65% of the recoil. **Roger**; you said these were your rifles and you said that you want to be able to compare competitive rifles to see if your accuracy was to theirs - so are you going to be saying that their rifles are going to be the same accuracy? **Joseph**; I hope not. **Roger**; I hope so. Because again those competitive rifles will be on that range. **Joseph**; if I am comparing them they are within margin, but there is no comparison. **Roger**; we're all talking about margins and small amounts of accuracy, that's what we are trying to get down to and that is what you are preaching, to be the safety of this whole point. **Guy**; there is an important factual issue, when you talk about repetitive fire, we are out there dealing with custom loaded, very high valued ammunition so no one is going to go out there.. **Roger**; but you can and if the guy is capable of doing it and he is paying for the shells he is going to go out and shoot them, correct? **Joseph**; sure. **Guy**; but that's not how it's operated. **Roger**; you are saying that but he's saying yes it is potentially how it could be done. **Joseph**; well I guess I need to clarify, we are not shooting machine guns. **Roger**; I know you are not shooting machine guns, they are not legal in this state but there still is somewhat of a semi-automatic weapon, you just said a person shooting your guns could potentially shoot as fast.

**Audience Comments**; several members of the audience stood up and some spoke on behalf of the Bell's and others spoke in opposition. They included John Shelhorn, Matt Pierce, John Flint, David Adams, Jeff Whitaker, Tom True, Matthew Whitaker, Brett Stevens, Mr. Shafer, Jim Shafer, Andy Niles, Eric Whitaker and Keith ? Inaudible.

**Additional Board Comments: Jay;** I will make this to their attorney and to them, your record in the past has not been good, you have started out with a 30 yard range and now you have this 600 yard range that people have shot at and it's not been permitted in our county. Now that you have been called on it, and it has been really tough to get you in here to address this, you have this video that floats around that shows shooting wildly out of your truck, across property lines, and you knew they were going across the property lines. Your history doesn't paint a good picture for me at this time. I've heard a lot of protocol about safety, and sir I believe you are qualified, and there is no doubt, I have no way to say that you are not. Joseph, I think he is excellent and highly qualified to do his business, the question comes to the board and a vote yes to this petition would send a message to the county that we say Joseph and this location is ideal for this and this is the best that we can do in our county for this location and this is the first one in what we're going to put up on the board. So I think it's going to be hard in my situation, and you are welcome to help me with this, is to support something and say yes and stand up in front of our county and say with all that has gone on in the past, you're past 4 years have not been an exceptional record. The bullets have went everywhere, people can't hunt, and people are scared and.... **Jerry;** prove to me that a bullet went anywhere... **Jay;** ok, prove to me that it didn't. **Jerry;** that is hearsay sir. **Jay;** ok, prove to me that they didn't. **Jerry;** they didn't. **Jay;** ok so we're even. **Jerry;** you are going by hearsay which is exactly what happened in our presidential election, there was a lot of hearsay and false innuendo. **Roger;** ok back to that again also. I was on the board when you first were voted in, do you remember the year that you brought it to the board? **Joseph;** yes sir. **Roger;** and do you remember what we stated and what you stated? **Joseph;** yes sir. **Roger;** and it was actually you that brought it to the board. **Joseph;** I would like to state that this 600 yard range has not been used for commerce or commercial purposes. **Roger;** I understand what you are saying that it has not been used but that doesn't mean that you have not used it. To me when I looked at your website it did not have anything that I had depicted that you has stated that you were going to run your business at. It was a little shocking, I think I was slapped in the face just a little bit, you can look at me and I will look straight in your face, when we voted it in none of that was included in that. It may not have been on your property but you still partook in both of those, both of you had something to do with that, so I don't know where again – he stated that the history has not been great, I was led to believe that you were going to do something and you went this way with it, and I believe that was all for sheer profit but really didn't take into consideration the public at that time, you may have thought you were. So when I vote I really have to think the same way he's thinking – can I believe that what you are saying you are going to do – I called you on a few of the items here – have you ever run a firing range and you stated no – have you ever done any training ... (inaudible) and you state no. **Joseph;** oh yes, very much so. **Roger;** so, you've done it and you have done in more than likely in this county, I'm not going to say you have or have not. It makes it tough because I want to keep the public safe and from the year after it started we've received nothing but complaints. So – I wish you the best on this vote, I hope that we can proceed with it and I would have liked for you to come in front of us the first time and presented this, the outcome might have been great or better, might have been more perception to it, but

we're sitting here with a tough decision here to make and it's all we're hearing. **Joyce**; I also think that I'm very impressed that what you do, there is a place for that, we all know that there is a place for that, in law enforcement, in military, whatever, I'm just not so sure that this is the place for it. I've seen these folks are having rough time with it and I put myself in their place and I'd have a rough time with that. Even though I really appreciate what you do – I just wish that it was someplace where you didn't have all this backlash on you. And for that.... (inaudible).

**Albert**; I want to open it up to the audience one last time, any questions, comments? **Jerry**; I would just like to say that I appreciate the opportunity and whatever happens I want to be a good neighbor to Jeff Whitaker, to Mr. Shafer. If they rule against my son, I still want to be your friends and a good neighbor because I want to go to heaven. I've tried to be honest, forthright and I think my son's business has progressed over time and some of these things that have happened is a part of the progression – and probably he should've come to you all and seen about the progression. Maybe because of inexperience, he didn't realize that. But I do know that he takes your safety and I as his father take your father as foremost – and I'm sorry Jim that you feel like – you said I was a liar – I'm gonna stand before God and before God I've done my best to be an honest man. If you had that perception, I apologize. Whatever decision you make – God bless each and every one and I wish the best for the community and I wish the best for everyone here that has participated and wish God's blessing on each and every one of you.

**Krista**; before Missy left she said that we could not vote on the variance of less than 950' because that is what was advertised. So the range would have to be moved to the north to the minimum of 950' in the vote or we would have to table it and re-advertise the variance at the 845'. **Albert**; so we could vote on everything except the variance? **Krista**; right. **Jay**; so you want to split it up in two? **Krista**; we would have to table the variance. **Albert**; then re-advertise for the distance. **Tom True**; I'm kinda new to this community and such but there sounds like there is a little bit of mistrust here. I haven't heard about – and again I really appreciate the protocol, I think it's awesome – I haven't heard anything about any kind monitoring, any kind of oversight, any kind of checking to make sure that it is followed through except for the fact that the last time it wasn't. So I would hope that if the vote is yes that it comes also with some form of monitoring and follow-up to build a new sense of trust and reassurance in the community. **Jerry**; I'm open to that. **Albert**; I will just say that this permanent special exception is to operate either a private or public shooting range/firearms range. Both require a variance, that doesn't mean that Joe can't stand out behind his house and shoot a tin can occasionally, but both require a variance – just so you realize that. **Jay**; Albert I think you need to clarify that a little bit because I'm confused on what message you just sent as a board member. **Albert**; what I'm saying is to them is that he had a misunderstanding on this range, apparently that he could shoot at it himself which would be a private shooting range and our ordinances states that a private shooting range also requires a variance. **Jay**; that is correct. So are you stating that if this passes or fails and he chooses to test his own weapons on his own

property that that is not allowed, you are going to call that private shooting? **Albert**; I would say that would probably be correct. **Jay**; ok I just want to be sure of what you are saying. **Albert**; but you can still go hunting on your farm. **Roger**; if I remember the verbiage on the last one - which it's not even stated in here was friends and family could shoot, that was a little bit vague because it opened up a lot of friends and families. **Albert**; even a private range requires a variance in our county, according to this. **Guy**; when you read section 925 it refers to private ranges so I understand what you are saying. One legal issue, just to advise the board, and that is that the Indiana Firearms Preemption Act says that local governments cannot regulate firearms, there are certain exceptions and in one of the exceptions is that local governments can regulate shooting ranges including the location and operation of shooting ranges as they're defined by statute to the extent that the ordinance section 925 deals with private shooting ranges and that doesn't fall within the definition of shooting range, it's an exception to the Preemption Act – the board would be violating Indiana State Law by saying that you can't use that range on his own property. I'm just throwing that out there, I'm not making an argument, I'm just telling you that the Indiana Firearms Preemption Act says local government can't regulate firearms with certain exception to one of which is a statutory definition of a shooting range. **Albert**; I understand that and I won't argue legally but it appears that if he brought his guns from work out there and shot on his own property that that would make that a firing range. **Roger**; or if he sold the weapon and brought his gun that maybe was or was not or was going to be sold, and he let someone else fire – is that private? **Joseph**; sure, but I'm a competitor and I travel the country and I shoot as recreation, not just to represent my company but it is my passion... (inaudible) like someone would go golf. **Drew Young**; Indiana has a statute that says very clearly that county government can regulate licensed, in regard to safety, location and appropriateness, all private and public ranges. You might disagree on what the law is on that, we could handle that in the case that is pending in the Superior Court if we need to but, definitely you have the authority. **Guy**; to throw out, we are talking about a bit of an absurd result which is anyone in the county can go out on their own property and shoot their rifle, but a person who constructs a berm and a shooting platform to be safe shooting his rifle can be precluded from doing that on his own property. I'm not arguing the authority issue but I'm throwing out that that is an absolutely absurd result that someone can be unsafe without a berm, without a platform and that's totally legal but one who is more responsible and safe is not. I think that's a little silly when you get to the bottom line.

With no other public comments or board comments Albert accepted a motion.

Jay Hatton made a motion to vote on BZA Petition 2017-2 regarding the Permanent Special Exception and striking the variance from the vote; Steven Dudley seconded the motion. All 5 members present voted no. Jay; so are we tabling the variance or is it necessary to discuss? Krista; it is not necessary.

With no other business to be brought before the board the meeting was adjourned at 8:40 p.m.

Respectfully submitted by Debbie Martin.

Decatur County Board of Zoning Appeal

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Secretary, Roger Krzyzanowski

Decatur County Area Plan Commission

ATTEST:

President, Albert Armand

Decatur County Board of Zoning Appeals