

Read
first
main explanation
of evidence

- Page 24 Full-Transcript-FromAudio-10-14-2019-Meeting.pdf
 - Jerry Carver
 - Standing on our property line with a noise meter, on our property line, not a half-mile away on Charles Street, on our property line to the church, it does read 98. On Charles Street, it didn't even register. The planes going overhead were 68, the motorcycles going by were 70-something, the train was the loudest. I didn't hear the chickens, my apologies.
 - Then I will move to approve a conditional use pursuant to Section 1249.04(16) of the Pataskala Code for application CU-19-002 with the following conditions. Number one, the applicant shall obtain all necessary permits from the City of Pataskala and Licking County Building Department within one year of the date of approval. Number two, the use of the outdoor shooting range shall not be in earlier than 9:00 AM Mondays through Saturdays, and shall not extend later than one hour prior to sunset or 8:00 PM, whichever is earlier for the days of Monday through Saturday. The hours of operation of the outdoor shooting range on Sundays shall be 2:00 to 6:00 PM. Number three, the outdoor range shall be used for trap shooting only. And number four, the applicant shall comply with all applicable state and federal laws.
-
- Ohio Admin Code
 - Shooting ranges in Ohio should substantially comply with these standards to receive the civil and criminal immunities .
 - (B) The listed noise levels that are set to eliminate nuisance noise complaints. Noise or sound level guidelines are described or explained in great detail in "The NRA Range Source Book, 2012 edition ."
 - Unacceptable: If the sound level exceeds ninety decibels dB(A) for one hour out of twenty-four hours and the sound measuring receiver is located at the boundaries of the range property.
 - Decibel doc

- LOGS

- 10/20/2019, Sunday, 2:08 - 3:30. Then had a 20 minute break and shot another 25 minutes.
 - Shot over 1 hour broke the state law
 - This was six days after BZA Meeting
- 10/21/2019, Monday, shooting 11:46 - 12:09 not 24 hours
 - Has not been 24 hours since shot 1 hour the previous day – state law
- 12/28/2019, Saturday, shooting @ 4:34 - sunset at 5:15pm
 - No shooting one hour prior to Sunset
- 1/17/2020 – Friday - shooting 10:45- 12:10
 - Shot Over an hour state Law – decibel at line over 90
- 2/1/2020, Saturday, shot 1 hour on 1/31 ending at 2pm started shooting at 12:15
 - Broke state Law
- 3/22/2020 – Sunday - started shooting at 12:56 have video - Sunday can't shoot until 2pm
 - **See Video -shoting-3-22-20.mp4**
 - **See Print out of Video Time Stamp**
- 4/5/2020 Sunday - shooting at 11:30AM
 - No Shooting until 2pm
 - Photo of one silver BMW in lot
 - Only car in lot
 - Got to lot right when shooting. Brad and I heard it clearly, but was unable to get it on video.
 - Have letters, Brad will testify
 - Brad was over doing yard work, Lee was getting him a new tire. Blew out tire going through fence gate.
- 4/12/20
 - No Shooting until 2PM
 - Shooting at 11:11 AM
 - **Video Shooting-4-12-20.mp4**
 - Page 5 of transcript from BZA meeting
 - One car in the parking lot, same a week before
 - Silver BMW
 - Same parking spot

- He was shooting on elevated deck closest to church
 - When he saw me he stopped shooting immediately
 - This was EASTER SUNDAY and PASSOVER
 - Brad Letter
- FROM THE Full-Transcript-FromAudio-10-14-2019-Meeting.pdf
 - Jerry Carver Page 24
 - We already vowed not to open the five stand on Sundays until 2:00 PM, and it would be shut down by 6:00. And with enough prior notice, we would make sure it wasn't in operation, which guys, it gets dark at 5:00 in the evenings anyways during the winter, it's closed anyway.
 - They stated that they would not open on Sundays until 2:00 PM
 - They also stated that they are closed during the winter.
 - Dorothy Hicks: Page 9
 - Sorry. Yeah. So that's my concern. I love guns, too. But it's not about the guns. It is about the noise. The noise I hear on Sunday morning. The noise that I hear, of course, when we had the previous holidays. Noise, noise, noise. I cannot go outside and enjoy.
 - Natasha B Reading Kristy Hess Letter Page 12
 - They shoot outside for hours on any given day of the week, even Sundays and holidays. Times of the day vary from AM to PM, sometimes it's all day, non-stop. I can hear the shooting while I'm lying down in my bed, and in my living room while trying to spend some time with my family and friends. I can't even enjoy time outside when I listen to constant gunfire.
 - TJ Rhodeback: Page 26
 - o on holidays, it's about the same 1%?
 - Jerry Carver Response Page 26
 - Ma'am, we're closed on holidays. Everything they've stated about hearing us on holidays, I don't think they're

hearing us. I think they're hearing the roofing nailers next door from at the one end, the roofing nailers.

- They Shot on Easter Sunday and Passover before the zoned time of 2:00 PM

EMAILS FROM SCOTT

- 12/31/19
- Scott Fulton
- I will call the Bullet Ranch and Remind them of the conditions placed upon their approval; however, unless a violation is witnessed, typically by the Zoning inspector, it is not enforceable. Therefore, the Zoning inspector would need to be physically present at the time the shooting takes place.
 - The zoning inspector will never be present so how can this be enforced?

Rob Platte: [crosstalk 00:00:00] All right, we will go ahead and call to order the Board of Zoning and Appeals meeting for the City of Pataskala. Today is October 14th, 2019. The time now is 6:31. If everybody would stand and join me with the pledge of allegiance.

Group: I pledge allegiance to the flag of United States of America, and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

Rob Platte: Thank you, all. Ask Ms. Paxton to call the roll, please.

Lisa Paxton: Bruce Ashcraft.

Bruce Ashcraft: Here.

Lisa Paxton: Brandon Galik.

Brandon Galik: Here.

Lisa Paxton: Alan Howe.

Alan Howe: Here.

Lisa Paxton: Rob Platte.

Rob Platte: Here.

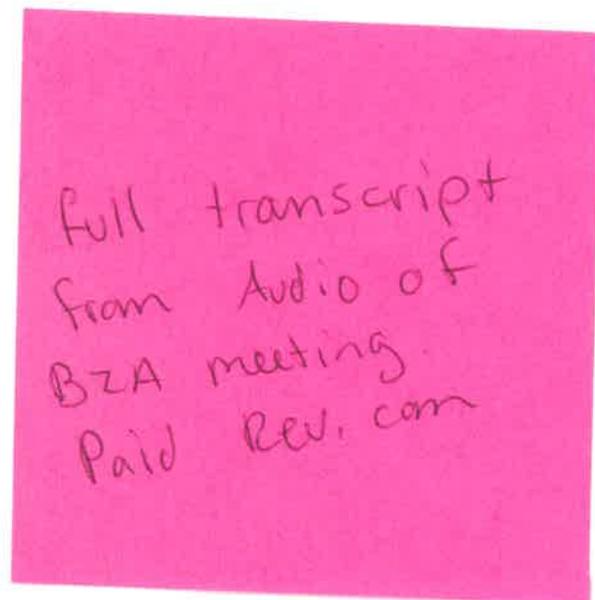
Lisa Paxton: TJ Rhodeback.

TJ Rhodeback: Here.

Rob Platte: We have five members here. We have quorum. We have a full board, so we will proceed. For the agenda item number 4A, variant application, VA-19-002. I have a note here that it is to remain tabled. My recollection is the request of the applicant was to keep it tabled until the end of the year. That is still the case, correct?

Scott Fulton: That's correct.

Rob Platte: Thank you, sir. We will move on to new business. Item number five. Before we get started, I do want to kind of go over some, I guess some information on how these meetings work for everybody. Some of you may or may not have been to a board of zoning and appeals meeting before. This is a quasi-judicial board. Anybody that comes forward must give their name and address for the record, must be sworn in. Anything that is spoken is to be evidence in testimony related to the application only, not opinion, not comments, not things like that.



Full transcript
from Audio of
BZA meeting.
Paid Rev.com

Rob Platte: I often say, this board simply cannot consider that you're mad at your neighbor because it's dog when to the bathroom in your yard. That has nothing to do with us. So just keep in mind that it's evidence and testimony based on the application at hand. This board will ask the questions of the applicant, of the staff. We will then call up speakers, give everybody a chance who wishes to speak and provide evidence and testimony to the application. And if there are questions raised by a speaker, by the applicant, by the staff, or by this board, this board will relay those and handle those conversations back and forth.

Rob Platte: There's not to be dialogue from the podium back to the audience and visa versa. We do run a civil meeting here, so if somebody gets out of hand or is out of line, you will be asked to leave. Other than that, I think that I've covered everything of how we run our meetings. There's a number of people here that are, to be honest, we don't normally have this many people here. If somebody speaks before you and says the same thing that you want to say, you certainly have the right to come up and speak, we don't want to limit anybody, but also in the interest in time, you do have the option to simply stand up and say, "My evidence and testimony is the same as person so-and-so," and we will move on.

Rob Platte: Other than that, we have a five minute time limit on speaking. If you have additional evidence testimony that needs to come before this board, you will be asked to come back up later, but we will try to get through everybody as timely as we can. That being said, I think we're ready to proceed. Agenda item number 5A. This is conditional use application CU-19-002. I've asked staff to give the report, please.

Scott Fulton: Thank you. The applicant is Steven Garavuso, the owner is Hossienda and Steven Garavuso. Property located at 12425 Broad Street. Zone general business, and the request is approval of a conditional use, pursuant to Section 1249.04(16) of the Pataskala Code, to allow for an outdoor trap shooting range. The property highlighted in yellow is the property under consideration here. Broad Street along the north, Etna Parkway along to the east, the AEP laydown yard is located north across the street.

Scott Fulton: Here's an enhanced view of the property. We see the building with the indoor range located here. The outdoor range is located to the rear. So the property on Broad Street has an approximately 11,000 square foot building that was constructed in 2013. The property is The Bullet Ranch, which has retail firearm sales, gunsmithing training, indoor shooting range, and a five stand outdoor trap shooting range.

Scott Fulton: So the outdoor trap shooting range was originally used as an archery range, but according to the applicant, the archery range was under utilized, so it was converted to an outdoor trap shooting range. Staff does not know the date that this conversion took place. According to the applicant, it's open 9:00 AM to sunset. Shotguns are used with 7.5 or 8.0 shot, with a range of approximately 400 feet.

Scott Fulton: There is a backdrop of the 12 foot tall dirt mound with approximately three acres of woods behind that. So to give you some familiarity with the range, I went out and took some pictures. So I'll just go through these. If we need to come back for reference at a later time, we'll have these available. And that is the 12 foot backdrop with the woods as I mentioned previously.

Scott Fulton: So previously, the applicant applied for a conditional use to allow for an indoor firing range. The conditional use was accessory to permitted use, the sporting goods store. This was approved in 2010, however the applicant didn't move forward with their approval in 2010, due to some adverse circumstances. Therefore, the applicant received approval after re-applying in 2012.

Scott Fulton: The applicant also had to get approval from the planning and zoning commission for transportation corridor overlay district application or TCOD. This is due to the property's location on Broad Street. And the TCOD typically will look at things at landscaping, signing, parking, lighting, things of that nature. So the portion of the application was approved on March 6th of 2013. And the remainder of the application was approved on March 20th, of 2013.

Scott Fulton: So the previous approvals, the applicant did state that the outdoor area would be used as an archery range. However, neither approval was predicated upon the outdoor area having to be used as an archery range. This is both through the conditional use and the transportation corridor overlay district. The conditional use as I mentioned was for the indoor firing range, and TCOD looks as the design elements I mentioned.

Scott Fulton: Had an approval or a condition placed upon the approval state that it had to be used as an outdoor archery range, then that would be a violation of the Code. However, since no approval was predicated upon that, it is not a violation for the conversion. The applicant's property is located within the discharge zone. So a discharge zone means that discharge from firearms are permitted. A non-discharge zone means discharge of firearms is not permitted.

Scott Fulton: The discharge of firearms must be done in accordance with Section 505.11. So if we look at, this is the section of the discharge map. Yellow is discharge allowed, green is non-discharge areas, and the property highlighted in blue here is the applicant's property. So Section 505.11 allows hunting and the discharge of firearms otherwise permitted. In that Section, otherwise permitted is not defined, and is therefore pretty ambiguous.

Scott Fulton: So it does raise the question, was the discharge zone, that section, written to allow hunting in appropriate locations? Or could it be said that the outdoor trap shooting is the discharge otherwise permitted. As I said, it's pretty ambiguous. So there's two conditional use standards that would be pretty relevant to this application. One would be, "Will not be hazardous to existing or future neighboring uses" and "will not involve uses, activities, processes, et cetera,

excessive production of traffic, noise, smoke, fumes, et cetera". So two potential noise concerns based upon these standards.

Scott Fulton: So looking at this at different decibel levels, just to give an idea what different decibel levels mean in an example we can all understand. So a normal conversation is 60 to 70 decibels. City traffic inside a car is 85. A train that's about 500 feet is 90. A lawn mower at three feet, 107. A gun blast is 140. And apparently the loudest sound possible is 194 decibels. So Section 509.08 discussions unreasonably loud noise.

Scott Fulton: So this, "No person shall make or allow to be made any unreasonably loud or raucous noise in such a manner, or at such a volume, so that to disturb the quiet, comfort, or repose of a person of ordinary sensibility". Strict liability is intended to be opposed for this Section. So 509 would be enforced by the police department. They do not cite a particular decibel level, therefore it would be up to the police officer to determine if the noise is unreasonable.

Scott Fulton: In Section 1287.05, also relates to noise. So this states, "Noise standard, continuous, frequent or repetitive noise, which exceeds 60 decibels, may not be produced. Noise from external speakers shall not be audible by an occupant of an adjacent property at the property line nearest to the source of the speaker noise." This comes from the zoning Code, so this Section would be enforced by the planning and zoning department.

Scott Fulton: It could be argued that an outdoor range, the noise would be consistent and frequent, and would probably exceed that 60 decibels. Therefore, the planning and zoning department could issue a notice of Code violation. The Ohio Revised Code Section 1533.08 through 1533.85, outlines the definitions and laws for shooting ranges. It is the Chief of the division of wildlife's responsibility to create standards for public and private shooting ranges, as it relates to noise, hours of operation, and safety.

Scott Fulton: The Ohio Administrative Code does contain the Chief's standards. Public and private shooting ranges should substantially comply with listed noise or sound levels, that are set to prevent hearing damage and eliminate nuisance noise complaints. Here are the two standards that the Chief provides. If the noise level exceeds 90 decibels for one hour out of a 24-hour period as measured at the property line of the range, or if the noise level exceeds 85 decibels for eight hours of a 24-hour period as measured from the property line of the range.

Scott Fulton: So those are the two Chief standards as it relates to noise. The Ohio Revised Code Section 1533.85, it does grant immunity in civil action concerning shooting range noise. So shooting range can not be criminally prosecuted under any local noise ordinance, if they substantially comply with those noise rules, and no court shall grant injunctive relief if the range substantially complies with those noise rules.

- Scott Fulton: So the way the state law has been written as it relates to the shooting range, makes the enforcement of noise regulations incredibly difficult. So the City can proceed with the code violation process if the range substantially complies. We cannot seek an injunction if the range substantially complies. The burden of proof is on the City to prove the range did not substantially comply.
- Scott Fulton: No where in the state law does the term "substantially comply" isn't defined. So it becomes subjective. No other departments or agencies provided any comments. So surround properties, north is M-1, and that as I mentioned is the AEP laydown yard. East is general business, and that's Pataskala Meats. South is planned manufacturing, and that's the AEP Distribution center. And to the west, also zoned general business, and that's the Harley Davidson shop.
- Scott Fulton: There's the conditional use requirements, and then some potential supplementary conditions should the board choose to approve the application. The applicant shall obtain all the necessary permits from the City of Pataskala, and the Licking County Building Department within one year of the date of approval, two, use of the outdoor range shall be limited to the hours of 10:00 AM to 6:00 PM, Monday through Sunday, three the outdoor range shall be used for trap shooting only, and four the applicant shall comply with all applicable state and federal laws. And I would be happy to answer any questions.
- Rob Platte: The board have any questions for Mr. [Fulton 00:13:27]? Yep. [crosstalk 00:13:32] Okay. Thank you, Scott. Do we have the applicant here, Mr. Steven Garavuso?
- Steven Garavuso: Yes.
- Rob Platte: You wish to address the board?
- Steven Garavuso: Pretty simple.
- Rob Platte: You'll need to give your name and address and be sworn in, please?
- Steven Garavuso: Steven A. Garavuso. My business address is 12425 Broad Street Southwest.
- Rob Platte: Okay. Ms. [Lisa 00:13:56] will swear you in.
- Lisa Paxton: If I can have you raise your hand. Do you swear and affirm the testimony you're about to give us is the truth, the whole truth, and nothing but the truth, so help you God?
- Steven Garavuso: Yes, I do.
- Lisa Paxton: Thank you.

This transcript was exported on Oct 17, 2019 - view latest version [here](#).

Rob Platte: Okay. Go ahead.

Steven Garavuso: Pretty simple. We did file this application for the conditional use. This goes back to two years. They mentioned before they didn't have a date that we converted. The date of inversion was around October 1st of 2017. So right around two years ago. Had many discussions with the City zoning and went up through the City admin and so on through the City administrator.

Steven Garavuso: And at that time, it was determined because we were in a discharge zone, we needed no additional permit. And I want that to be understood upfront. We did file this because the City recommended that we do this, and this is the path that I think is probably the best route for us. But other than that, we comply by every rule, every regulation, and you're always welcome to come out and see the place as well. That's it.

Rob Platte: Does the board have any questions for that?

TJ Rhodeback: Not at this time.

Rob Platte: Staff?

Scott Fulton: No, sir.

Rob Platte: Okay. Thank you, sir. He stated he was instructed he was in the discharge zone back in 2017, it needed to be changed from ... Is that ...

Scott Fulton: And I'm trying to remember if he spoke with me or a previous city planner regarding the discharge zone. I don't recall.

TJ Rhodeback: And there's no minutes that can support any statements [crosstalk 00:15:26]-

Steven Garavuso: I don't believe it was at a public meeting.

TJ Rhodeback: Okay.

Rob Platte: Okay.

Steven Garavuso: It was on the office.

TJ Rhodeback: Okay.

Rob Platte: Okay. So what I saw you put up there and what Scott ... This is for Scott in the staff report, the discharge zone does not specify use of the property as far as residential or commercial.

Scott Fulton: That is correct.

- Rob Platte: That's where the ambiguity comes in? It allows for the discharge as otherwise permitted. But does not define that. Okay. I guess that's more of I'm thinking through it than a question, okay. Okay. I don't have any more questions. I'm sure I will. We have a number of speaker slips. We generally go through these in the order that they were received.
- Rob Platte: Apparently the first gentleman that came, Mr. Levacy, you asked to speak last. We are going to allow people to come back up, wherever you're at, with additional evidence and testimony should you have it, but I will give you your opportunity to go ahead and speak now if you wish to. Is Mr. Levacy here? Okay.
- Lisa Paxton: Do you swear and affirm the testimony you're about to give us is the truth, the whole truth, and nothing but the truth, so help you God?
- Richard Levacy: I do.
- Rob Platte: Okay. Will you give your name and address for the record, please?
- Richard Levacy: My name is Richard Levacy, 41 Charles Road, Pataskala, Ohio. I live just west of the Bullet Ranch. I love God, I love guns, I love my country, and I love church. And every day, somebody is taking away our freedom with the guns. Anything we do to enjoy the enjoyment that we as Americans have fought for, for hundreds of years. And I feel this is another way that somebody is taking our freedom, while using our guns for enjoyment. And this is not right.
- Richard Levacy: I live on Charles Road, and I hear more noises than the Bullet Ranch. I hear the neighbors, their chickens, their dogs, the motorcycles. It's a lot louder than what the Bullet Ranch produces by far. My wife's totally deaf in one ear, and she says, "I can hear the neighbors chicken crowing every morning." But over at the Bullet Ranch, they're guns. And this to say we as Americans need to stand up and fight for our rights, and I'm here to fight for my rights as an American. And I will fight until the day I die. All right. Thank you very much.
- Rob Platte: Okay. Do we have any questions from the board? Thank you, sir.
- Richard Levacy: Thank you.
- Rob Platte: One question, just to clarify, you don't need to come back up. You live Charles Drive, and that is west of Mink Road? So you're [crosstalk 00:19:06]-
- Richard Levacy: [crosstalk 00:19:06] I'm the second house in on the left. I'm probably the closest one to about anybody here.
- Lisa Paxton: [crosstalk 00:19:15].

Rob Platte: Okay. I just wanted to have an understanding, geographically-

Lisa Paxton: [crosstalk 00:19:19].

Rob Platte: ... to the applicant's location and the [crosstalk 00:19:22] Harley place, and then you go over to the Mink/Broad intersection, and then you get over to Charles Road?

Richard Levacy: Yeah.

Rob Platte: Okay.

Richard Levacy: It's right there.

Rob Platte: Okay.

Richard Levacy: Yes, sir.

Rob Platte: Thank you. [crosstalk 00:19:30] That's all. That's all I wanted. Okay. We have next up Dorothy Hicks. Yes? Okay. If you'd come to the podium, Ms. Lisa will swear you in.

Lisa Paxton: Do you swear and affirm the testimony you're about to give us is the truth, the whole truth, and nothing but the truth, so help you God?

Dorothy Hicks: [crosstalk 00:19:53] That is correct.

Lisa Paxton: Thank you.

Dorothy Hicks: Yes.

Rob Platte: Your name and address for the record, please?

Dorothy Hicks: Dorothy Hicks, 262 Charles Road. 262.

Rob Platte: 262. Okay.

Dorothy Hicks: Okay. My neighbor, Richard, we call him of course, our Dick. But I know Dick have always told me he have a hearing problem. He say, "Come close. I can't hear you. Come closer," that "I cannot hear you." So but anyway, he said of course that he cannot hear that, that the chicken noise is most louder of course than the noise of the gun.

Dorothy Hicks: Well, first of all, and foremost what I want to say, is this. I do not have no problem with guns. We are not trying to take no one's guns.

This transcript was exported on Oct 17, 2019 - view latest version [here](#).

Rob Platte: I was clear when we started, the evidence and testimony is to the board, there's not to be dialogue between somebody at the podium and the audience.

Dorothy Hicks: All right.

Rob Platte: Thank you.

Dorothy Hicks: Sorry. Yeah. So that's my concern. I love guns, too. But it's not about the guns. It is about the noise. The noise I hear on Sunday morning. The noise that I hear, of course, when we had the previous holidays. Noise, noise, noise. I cannot go outside and enjoy. I'd also like to say a couple other things, too. Concerned about the real estate, of course, our value of the homes.

Dorothy Hicks: Because we do realize, most people show homes on the weekend. And on the weekend when you come in and you hear that noise, nine time out of ten, that you're going to have a problem with the value of your home. With that being said, because I also understand that the real estate agency, they have to inform that there is a rifle range, of course, in the area. I have been told that by a realtor.

Dorothy Hicks: Also, noise sound level guideline are described in the National Rifle, of course, Association. And they do describe, of course, are some guidelines. And one guideline is the environment. It's during the planning phase, make every effort to minimize an adverse impact on surrounding environment. It is recommended that a registered, professional engineer be contracted and conduct an environmental assessment. Exercise care during the environmental assessment, to address possible concern.

Dorothy Hicks: If the environment assessment is performed incorrectly, or identified any environmental impact statement, may be required, which might be expensive. Distance do not eliminate noise complaint entirely, however, a study conducted by EPA indicate that noise complaints are likely when inhibit dwelling exist less than a half-a-mile from the facility. The shooting range produce high level sound. Escaping sound wave may be perceived as unwanted community noise by neighboring property owner. Shooting range should be highlighted as a noise park.

Dorothy Hicks: And this is from the National Rifle Association. Conflict, happen already of course, or exist. [inaudible 00:23:15] committee based upon the documentation from the Lima township merge that commercial business cannot sell their discharge zone privileges. The state law I discuss all negates the town laws, including discharge zone. The Bullet Ranch have broken current zoning. The town nuisance law, the state laws, and the use of discharge zone.

Dorothy Hicks: And I have one other thing I want to highlight right here. I've been living on Charles Road for over 40 years. I have enjoyed outside, but now it's difficult for me to go outside and enjoy my sanctuary that I call home. So please know, that I

respect, support, more than appreciate the right of our local community to bear arms, and practice the sport, shooting within the confine of an indoor range. It is a recent move of outside range that araised the noise level, of course, in my neighborhood.

Dorothy Hicks: I am simply requesting compassion and consideration for surrounding resident of our community to honor local noise and guidelines, promote and maintain environmental conducive to respecting the right of gun there while equally respecting the right of our neighbors. Thank you in advance for your time and thoughtfulness to only hear these concern, but take action to resolve the matter in a fashion where both sides can win. Thank you.

Rob Platte: Any questions? Okay. I have a question for you. You spoke to the real estate ... I guess I want to understand your testimony is that real estate value, or the ability to sell your house on the weekend?

Dorothy Hicks: No. The real estate values.

Rob Platte: Okay. And do you have some sort of evidence to support that, or you said you've talked to realtors?

Dorothy Hicks: Right. Right. I talk to a realtor, and they said, "Well, there is noise." And they're showing the property on the weekend [crosstalk 00:25:22]-

Rob Platte: No, I understand that. I'm asking do you have anything to submit to us that says that.

Dorothy Hicks: No I don't have anything dated in my hand, here tonight. No, I don't.

Rob Platte: Okay. Thank you.

TJ Rhodeback: Ma'am? Do you go to church in the local area?

Dorothy Hicks: Well, I go to church in Thomas. So I'm not local for church, yeah.

TJ Rhodeback: Okay.

Rob Platte: Okay. I have [crosstalk 00:25:49]. Yeah, thank you, I'm sorry. Yeah. Question for Scott. Scott, I just want to have a ... Can you throw the discharge map? Do you have the discharge map here?

Scott Fulton: Mm-mm (negative). I just have that section.

Rob Platte: I'm trying to understand I guess what the potential ... Okay. The yellow is the ... Okay. All right. Thank you. All right. Next up we have Natasha Benjamin. Is that correct?

Natasha B: Yes.

Rob Platte: Okay.

Lisa Paxton: Do you swear and affirm the testimony you're about to give us is the truth, the whole truth, and nothing but the truth, so help you God?

Natasha B: Yes, I do.

Lisa Paxton: Thank you.

Rob Platte: Okay. Your name and address for the record, please, and you also have five minutes.

Natasha B: My name is Natasha Benjamin. I'm actually speaking for Christy Hess as her proxy. She resides at 12240 Mill Street Avenue, Pataskala. She was unable to attend today due to business, and she asked me to speak for her on her behalf.

Rob Platte: Okay. So let me clarify. Your evidence and testimony is [crosstalk 00:27:06] your her representative? Is that what you're saying?

Natasha B: [crosstalk 00:27:08] Yeah. She wrote a letter, and she would like me to read it.

Rob Platte: Understood. I'm going to ask you to hold on. We've not had, Brian, somebody speak on somebody else's behalf. Are we allowed to consider evidence of testimony that's not presented by ...

Leatrice G: It's a letter directly to Scott that was just directly from an email, and Scott's response from the email. Sorry, I'm just telling you what it is.

Brian Zets: You could accept the letter as evidence, and you could then each individually read it, or I guess I don't really see a problem with her literally just reading it, though I don't think you'll be able to really ask her any questions or anything, so one of the two would be fine.

Rob Platte: That's perfectly fine.

Natasha B: Thank you.

Rob Platte: Thank you. Proceed.

Natasha B: Okay. This letter was sent to Scott Fulton about a nuisance complaint I had with the Bullet Ranch's noise. Dear Mr. Blake, I would like to file a formal complaint that the Bullet Ranch is breaking the nuisance zone law. I live at 12240 Mill Street Avenue in Pataskala. The Bullet Ranch's outdoor shooting has negatively

affected my family, and quality of life. They shoot outside for hours. Shooting has negatively impacted my family's quality of life.

Natasha B: They shoot outside for hours on any given day of the week, even Sundays and holidays. Times of the day vary from AM to PM, sometimes it's all day, non-stop. I can hear the shooting while I'm lying down in my bed, and in my living room while trying to spend some time with my family and friends. I can't even enjoy time outside when I listen to constant gunfire. But that isn't the worst of it. My dog is terrified of the gunfire.

Natasha B: When it starts, she runs and hides. She won't go outside to potty, which has become a health issue to her. She has developed swollen kidneys and a urinary tract infection because she was unable to urinate outside because of her fear. She would hold it for hours and hours. She just stays in the house cowering, panting, and shaking. Specifically, on the weekends, when the shooting is more constant, we have to be proactive, and make special arrangements that take time to make sure she gets plenty of outside time [crosstalk 00:30:40] real early in the morning before the shooting range opens up before business.

Natasha B: I like spending time outside on the weekends on my days off, relaxing and gardening. [crosstalk 00:30:58] I like to spend time outside with my dogs, and my friends, and my family. This has all been affected. I can't enjoy my outdoor time without the constant noise of gunfire. Thanks, Christy Hess. And she also put here Scott's response was this was written by Scott on May 6th, 2019 at 5:29 PM. Ms. Hess, I'm sorry to hear about the issue you are experiencing.

Natasha B: Unfortunately, Chapter 1287 offsite impacts the zoning. The code does not include penalties for violations of that chapter, therefore while a property may be in violation, there is no way to enforce it. While we work to correct this discrepancy, noise complaints should be directed to the Pataskala Police Department at this time. If you have any questions, please let me know. Thanks. Scott Fulton, Director of Planning. And then, that's it.

Rob Platte: Okay. Are there any questions? If you could give that to Ms. Paxton.

Natasha B: Thank you.

Rob Platte: She'll bring it down to the record, please.

Natasha B: Thank you.

Rob Platte: Okay. We have [crosstalk 00:32:58] ...

Leatrice G: Guttentag?

Rob Platte: Yes. Leatrice?

Leatrice G: Leatrice, yeah.

Rob Platte: Okay.

Leatrice G: I have handouts, do you guys want them?

Rob Platte: After you've been sworn in, and give your name and address for the record.

Lisa Paxton: Do you swear and affirm the testimony you're about to give us is the truth, the whole truth, and nothing but the truth, so help you God?

Leatrice G: Yes.

Lisa Paxton: Thank you.

Leatrice G: 280 Charles Road, Pataskala.

TJ Rhodeback: You need to say that into the mic for Lisa.

Brian Zets: Yeah, you've got to say in the microphone.

Leatrice G: [crosstalk 00:33:30] Oh, my address?

TJ Rhodeback: It records this, yeah.

Brian Zets: Yes, the whole thing.

Leatrice G: Oh, which part, all of it.

Brian Zets: Your name and address.

Rob Platte: Name and address.

Leatrice G: Leatrice Guttentag, 280 Charles Road, Pataskala, 43062. Sorry about that. [crosstalk 00:33:40].

Rob Platte: Okay. [crosstalk 00:33:40].

Leatrice G: I have been attending the agricultural meetings. They have recently gotten documentation from the Lima Township merge, that documentation showed that businesses cannot just sell their discharge rights. In your packet, you will also see letters and petitions from people all across Adams, Mill, Broad, and Charles who could not be here. Some are full letters, some are just the petitions. All different reasons of why they do not want this to go through.

Leatrice G: Little bit about myself. I was on the 80th floor of 9/11 when the plane hit. Started a business where I work from home the majority of the time. It has been ideal until the Bullet Ranch began shooting outdoor range. The shooting can be heard inside my house with the doors and windows closed. The PTSD from the even does get triggered by loud noises. I cannot live a healthy, peaceful existence on my own property due to the shooting. There is a doctors note in your packet explaining what it does to me.

Leatrice G: We also have, which you have heard from Natasha, a nuisance complaint that was filed with the town. They also rezoned to shoot, as Scott said, "Indoors, and for archery outside." But I also have a lawyer with an affidavit that they shot there using those raised platforms for the shotgun range. Those raised, permanent structures were permitted for archery. So the big question is at this juncture, who or when decides that they're even safe and even for that activity? They were permitted only for archery. They broke their current zoning, which Scott mentioned.

Leatrice G: It did say, which is in that document on October 16th, 2012, page two, there are no residential zones that will be impacted by the use. Well they are. They will not be disturbing to existing or future neighboring uses, well they are. Will not involve uses that will be detrimental, including excessive production of noise. The Ohio Administrative Code, Scott had a lot of it correct with the decibels and the 24-hours and the measuring device, but he missed one important thing.

Leatrice G: It also states that noise and sound level guidelines are described and explained in great detail in NRA 2012 handbook that needed to be followed as well to comply with that liability, or the owner operator and users are all liable as well. So I'm going to now quote the NRA handbook which some of Dorothy had quoted. They're very, very, very clear about where and when to put an outside range.

Leatrice G: It says do not attempt to force a facility onto a site. A parcel of land is purchased with visions of the ultimate range facilities, only to find that the parcel is inadequate. This is exactly what's happening here. Property value should be considered, especially in areas where urban growth is aggressive. Escalating property values often make it unwise to locate in a particular area. As we all know, the property values in Pataskala are growing very quickly.

Leatrice G: The EPA indicate noise complaints are likely when inhabited dwellings exist less than one-half-mile. Well, there are residents within one-half-mile of the Bullet Ranch. Residential areas should be plotted in the vicinity plan, where residents and the range are once again, less than one-half-mile. They're very clear about that. The handbook that the state mandates to follow is very specific with noise and proper placement of shooting ranges. Not to mention EPA and safety. That hasn't even been addressed in this discussion.

- Leatrice G: Zoning this would be a liability, because they can't pass these rules of the state, which trump all agricultural constructs in our town. There's no way to adhere to the one-half-mile in the NRA handbook, therefore they will have no protection at the state level. The NRA handbook specifically warns against a lack of planning, how it impacts the community around the shooting range.
- Leatrice G: Mr. Garavuso already broke his original zoning by creating excessive noise. He broke the city nuisance laws, he broke the state laws. He cannot use the discharge zone, because he is a commercial enterprise, and cannot sell his rights to the discharge zone, according to the Lima Township merge documentation. If Mr. Garavuso planned from the beginning and called the board of zoning he was going to put in an outdoor range, he could've been told a better place to build his business. His lack of planning should not impact the residents around the Bullet Ranch. Any questions?
- Rob Platte: There any questions?
- TJ Rhodeback: No.
- Rob Platte: Okay. Thank you, ma'am. Up next we have Charles Peyton.
- Lisa Paxton: Do you swear and affirm the testimony you're about to give us is the truth, the whole truth, and nothing but the truth, so help you God?
- Charles Peyton: Yes, ma'am.
- Lisa Paxton: Thank you.
- Rob Platte: Name and address for the record, please.
- Charles Peyton: Ladies and gentleman, Charles Peyton. 264 Charles Road, Pataskala, Ohio. I guess my biggest thing is, being an avid hunter, hunting when I was nine-years-old, I have to agree with Dick Levacy. And the point that was made that Dick couldn't hear very well, that's probably true. But I can hear excellent.
- Charles Peyton: I guess my biggest thing is the noise factor. I live on the west side, too. I live right across from Dorothy, and I'm Lee's next door neighbor. Yes, I can hear the shooting, but it's not excessive. It's no louder than a dog in a neighborhood. It's no louder than the chickens we have in the neighborhood. And I mean, we have planes flying over top of us that are louder.
- Charles Peyton: The decibel level, being an electrician, I'm fully aware of decibels and the zones which is rated to sound for fans and different motors, okay. Second of all, the noise, okay. If we're going to worry about noise and the shooting of the Bullet Ranch is going to interfere with dogs, what about the firecrackers on the 4th of July that the City of Pataskala sponsors? All the firecrackers. How many notices

do you see on telephone poles where dogs have been lost because they jump fences because of the fireworks?

Charles Peyton: Think about that. Now are we going to do something about that? The other thing, the Lions Club. They have a Sunday, we're talking about shooting on a Sunday where it's peaceful. Every Sunday they have a turkey shoot. You can hear those shotguns from the distance on a clear day if the wind's going the right way. And that decibel level isn't any louder than what the gun range shoots. Now with all due respect, I'm sure what's sad about this ladies and gentleman, is this is probably going to cause a lot of conflict in the neighbors on our neighborhood.

Charles Peyton: That's too bad. But I was told, being a hunter, and not a discharge area, that quote I can shoot all the deer in the area. Shoot them. I don't care. So we're right next door to a person that's telling me to go hey, shoot the deer. And yet, they're worried about gun noises. I guess I don't understand the double standard here and the conflict. And it's really sad. I really think it's sad that because of a little bit of a noise, and yes, it has got louder. I've only been there six years.

Charles Peyton: And like Dorothy, she's been here forever, and her backyard does backup closer than me. So maybe she does hear a little more. But if you're thinking the noise consists all day long, seven days a week, think about this. You're either not working, you're not cooking, you're not watching TV, how can anybody actually hear that noise 24/7 from 9:00 until whenever the Bullet Ranch closes? Ladies and gentleman, that's really all I have to say.

Rob Platte: Okay. Are there any questions? Thank you, sir.

Charles Peyton: Yes, sir. Thank you.

Rob Platte: [crosstalk 00:41:39] let's continue with the others. Thank you. Next we have Rebecca McCoy.

Lisa Paxton: Do you swear and affirm the testimony you're about to give us is the truth, the whole truth, and nothing but the truth, so help you God?

Rebecca McCoy: I do.

Lisa Paxton: Thank you.

Rebecca McCoy: I'm here, I live at 284-

Rob Platte: [crosstalk 00:42:00] Name an address for the record.

Rebecca McCoy: I'm sorry. [crosstalk 00:42:01] 284 Charles Road. I live between Leatrice and Dorothy. My yard backs up towards the Bullet Ranch. I'm not here about the noise, I'm here about the property values. Now I understand this is hearsay, but I've been here for 25 years. I planned on selling in the near future, and when it gets into my pocket, that's when I care. I don't care about the noise, I'm hard of hearing. But I do care about my property values as I think anybody who buys a home would be concerned about.

Rob Platte: Okay.

Rebecca McCoy: That's all I have.

TJ Rhodeback: Thank you.

Rob Platte: Any questions? And as I asked before, do you have anything from a realtor to-

Rebecca McCoy: I have none.

Rob Platte: Okay.

Rebecca McCoy: Again, mine is hearsay.

Rob Platte: Thank you, ma'am. [crosstalk 00:42:49] Next we have [Sadie Calmie 00:43:00]? Calmie? [Shaw 00:43:00] Calmie?

Calmie: We don't want to say anything anymore.

Rob Platte: You don't have anything to say?

Calmie: Yeah.

Rob Platte: Okay.

Calmie: The notice came to my house, so we want to know what is going on, and that's why we come here.

Rob Platte: I understand. Okay. Thank you. All right. He received a notice, and just simply wanted to know what was going on. So we're on two. Steve Benninger.

Lisa Paxton: Do you swear and affirm the testimony you're about to give us is the truth, the whole truth, and nothing but the truth, so help you God?

Steve Benninger: Yes.

Lisa Paxton: Thank you.

Steve Benninger: My name is Steve Benninger. I am resident of Gahanna, and pastor of New Life Church in Gahanna. Also a corporate officer of New Life Church that owns the adjacent property that is currently occupied and leased by Harley Davidson. So we have the most immediate adjacent property and probably could make a case for the highest impact.

Steve Benninger: Our position is that if this conditional use is granted, it would adversely affect our interests due to the loud and unsettling sound of nearby, outdoor gunfire. We are a church. Our intent in purchasing the property was that once the current tenant, Harley Davidson, relocates, that existing building would be converted into a worship facility for our church congregation to meet in and worship in on Sundays.

Steve Benninger: We also serve as a hub for ministry activity during the week. And so, the thought of parishioners arriving with their little children on Sunday mornings to the sound of loud gunfire, as you can imagine, is a disturbing prospect to us. Not to mention, to their parents. Youth activities, and other classes, and ministries, and outreaches that are going to be held, proposed to be held during weekdays and weeknight evenings, would also no doubt be negatively impacted. So given our proposed usage, we are not in favor of this conditional use being granted. Thank you for hearing me.

Rob Platte: Any questions for the Pastor? I have one question. When did you purchase the property?

Steve Benninger: December of '17.

Rob Platte: December of 2017. Okay. Thank you, sir. Are there any other questions? Thank you, sir.

Steve Benninger: Thank you.

Rob Platte: Okay. We have Joel Lively.

Lisa Paxton: Do you swear and affirm the testimony you're about to give us is the truth, the whole truth, and nothing but the truth, so help you God?

Joel Lively: I do.

Lisa Paxton: Thank you.

Joel Lively: Good evening, everybody. My name is Joel Lively. I reside at 12274 Mill Street Avenue Southwest. I am the closest house to them, first little houses right here. The only thing between me and them is that field.

Rob Platte: Oh, okay. Where the pointer is, there?

- Joel Lively: Yep.
- Rob Platte: Okay.
- Joel Lively: My front porch actually faces the Bullet Ranch.
- Rob Platte: Okay.
- Joel Lively: That being said, clearly the closest neighbor to them. Sometimes money was brought up by Christy, which is two doors down from me and talking about her dogs. I'm here to testify that her dog's around that yard all the time. Because my dogs bark to her dogs. So that is not correct. I can take pictures, if needed, to prove it. But what I do I get is a noise ordinance.
- Joel Lively: If anybody's going to complain, I have a six-year-old, a seven-year-old, and a three-year-old grandchild that we are raising at that residence, as well as three different dogs, all three different breeds. My dogs are not affected by it, my children don't even notice it. We get more noise from the airplanes going over the top of us and the railroad tracks. Firetrucks coming down Mink, traffic on Broad, we don't hear the Bullet Ranch.
- Joel Lively: I mean, you can hear them if you're wanting to, if you're focusing on it, but as far as the noise being overwhelming, there's nobody in here closer than I am to that place right now, as far as the residents go. And I think that this is a vagrant attack on our rights to be able to shoot, enjoy ourselves, and I'm opposed to it. And I think it's a major waste of your time. I'm sorry that we're all here.
- Joel Lively: But this is not right. We should be able to do what we want. They did it legally. They are in a discharge zone, which means that I can stand out there and deer hunt, shoot my weapon in that field, and nobody can say nothing. But yet, they want to come out here, the field right in front of my house. It's in that discharge zone, too, I believe.
- TJ Rhodeback: Do you own it? I'm sorry, do you own that property?
- Joel Lively: No. No.
- TJ Rhodeback: Do you have hunting rights on that property?
- Joel Lively: That's what I'm saying, I lease from [crosswalk 00:48:10].
- TJ Rhodeback: You do. Okay.
- Joel Lively: Yes.
- TJ Rhodeback: [crosstalk 00:48:12] Okay. So I understand where you're coming from there.

Joel Lively: I mean, I wouldn't because of traffic in that area and so on and so forth, but I have the right to do that. So telling them that they can't do it in a discharge zone is like telling me I don't have the right to do it. Just because they're a business, that's it. They followed all the rules. They came to you before they started it.

Joel Lively: They were in the gun discharge zone, so they didn't need a special permit. And now here we are. And if they can just go out there to any small business, which I'm a small business owner myself here in town, just because somebody doesn't like the sound of the noise or the smell, I think they're infringing on our rights. That's really all I have to say.

Rob Platte: Any questions for Mr. Lively?

Joel Lively: Thank you.

Rob Platte: Thank you, sir. Okay. That is all the speaker request forms I've received, right? Okay.

Steven Garavuso: Do we get to come back up-

Rob Platte: Is there anybody else. Hold on, sir. One second. Is there anybody else that did not fill out a form that wishes to speak and so needs to fill out a form? Do we have somebody back there? You have a form? Please. No, you can bring it right up to me, because that'll save Lisa a trip. Thank you, ma'am, if you could have her swear you in, please.

Lisa Paxton: Do you swear and affirm the testimony you're about to give us is the truth, the whole truth, and nothing but the truth, so help you God?

Rebecca S: Yes.

Lisa Paxton: Thank you.

Rob Platte: Name and address for the record, please?

Rebecca S: Rebecca Singleton, 13143 Broad Street. I'm at Broad and Charles, just right on the corner. My thing I did speak with my realtor. Her name is Judith Green. And she said, what it's called is eight disclosures as a realtor that they have to tell potential buyers of your real estate, of your home.

Rebecca S: And number two was it's called a nuisance, and under that would be possibility a shooting range. So to state what everybody's been saying about their real estate and worried about, that's what she described it as. So that's my only thing, is just to make sure that obviously that we have good real estate, and I wanted to keep it that way. So that's my only thing.

Rob Platte: Okay. Are there any questions?

Alan Howe: No.

Rob Platte: Do you happen to know, in addition to the disclosure, I'm assuming that's a legal requirement, is there a similar requirement to disclose that you're in a discharge zone? If the business wasn't there and that big yellow area we see around there and all those people could shoot, is that still required-

Rebecca S: What she explained to me of the eight that they have to disclose to potential buyers, she did not mention that, no. She just talked about nuisance law being whether it's an industrial park, if it's like they were big things like that, and shooting range she just mentioned was part of that. No, she did not mention the discharge part.

Rob Platte: And as I asked the other ones, you don't have anything from her to submit to us, right? This is just information that you're-

Rebecca S: [crosstalk 00:51:17] From Ms. Green, no. I do not.

Rob Platte: Okay. I just want to understand. Okay.

Rebecca S: No. I just called her. Thanks.

Rob Platte: All right. Thank you so much. Okay. Was there anybody else? Sir? Come on.

Reginald W: I didn't fill out my sheet, but I will.

Rob Platte: Okay.

Reginald W: Reginald Wheeler.

Lisa Paxton: Do you swear and affirm the testimony you're about to give us is the truth, the whole truth, and nothing but the truth, so help you God?

Reginald W: Yes, I do.

Lisa Paxton: Thank you.

Reginald W: Thank you. And I will fill out that sheet.

Rob Platte: Okay. Name and address, please?

Reginald W: My name is Reginald Wheeler, and I live at 2934 Creekwood Estates Drive, Blacklick, Ohio, 43004. And I'm speaking two-fold, because I've been listening to all the conversation. I am a realtor. I've been in the business over 20 years,

licensed through the state of Ohio. Been with Camelot Real Estate Group, and currently also the realtor for the Department and Rehabilitation and Correction, State of Ohio.

Reginald W: When they talk about noise levels, we do tell our people that. We disclose that. The shooting range, yes we do want our clients to know, because you go and purchase a piece of property, and I don't disclose that to you, I'm not doing due diligence to my clients, so I'm going to have to let you know. There is an issue with that.

Reginald W: Property value, that's a toss up. Is it going to bring property value down or not, I would say yes. I would be doing counts in the area, once I tell people we got a shooting range within a half-a-mile, to a quarter-of-a-mile, and you can hear the gunshots? Especially when I'm showing a piece of property on Saturday and Sundays and you hear a gun? What is up? We got to go. Especially if they have young kids.

Reginald W: So I just wanted to bring that up because it can pose a problem. As a realtor, I would hate to tell my client, "There is a gun range right there." But some people want it. Some people want a gun range. If that's what my clients want, that's even a positive for them. But as far as property value, it would hurt as far as bringing the property value up. Any questions?

Rob Platte: Any questions [crosstalk 00:53:28]? Would you also share with us on the business being set aside, and this is what I asked the last person, the whole area around there seems to be, according to the map, in a discharge zone. Would you also disclose that to your clients? Say, "Hey-

Reginald W: If we know about it. If we know about it. If we don't know about it, we don't have to disclose it.

Rob Platte: Okay. And when you said for the shooting range would be part of your due diligence, are you required to, or is this just out of-

Reginald W: [crosstalk 00:53:57] You're not required. But if we know about it, we must tell our clients.

Rob Platte: Okay.

Reginald W: Yes.

Rob Platte: Okay.

Reginald W: Okay.

Rob Platte: Thank you, sir.

- Reginald W: Thank you. And you want me to fill out that form?
- Rob Platte: Please do.
- Reginald W: Okay.
- Rob Platte: Okay. I see another. You don't have a form? Please fill one out before you leave. You'll need to be sworn in by Ms. Paxton.
- Lisa Paxton: Do you swear and affirm the testimony you're about to give us is the truth, the whole truth, and nothing but the truth, so help you God?
- Jerry Carver: I do. Thank you. Jerry Carver, business address, 12425 Broad Street Southwest, the Bullet Ranch. I'm one of Mr. Garavuso's partners at the Bullet Ranch and I'm the guy that gets to be out front actually running the show every single day. Steve has the hard job, he gets to sit in the back and he does the EPA, ATF, and all that fun paperwork. I get the fun part. I get to interact with the customers.
- Jerry Carver: Now, I had a very large file. I have it condensed on my phone. I'll get an email address so I can send it over. At our last meeting when I first met Leatrice, I asked her to please keep a log book of the noise ordinance that was bothering her, or the time. I wanted her to write down anytime she heard a gunshot coming from the Bullet Ranch, and we would meet back here tonight in order to put everything forward.
- Jerry Carver: I have my paperwork, I have my log book. Folks, it is 17 minutes a day on average for the last three months since that date. It is not seven days a week, it is four. So just a little bit further explanation about our five stand. What is it? Just so everybody understands exactly what is going on back there. Because it's not constant gunfire from 9:00 in the morning until 9:00 at night like what it sounds like.
- Jerry Carver: A round of five stand, the customer comes in, pays \$9. They get 25 of the clays, coming out of the houses. All those clays go to the big 12 mound. Everybody's shotgun, not rifle, we are a shotgun range, not a rifle range, the shotguns are pointed at the big mound where the dirt is, all the clays fly into that big mound. The target is to hit the clay pigeon before it hits the big mound with your shotgun. Your seven-and-a-half or eight shot, goes in about a 30 inch spread, about like this, they're little tiny BBs.
- Jerry Carver: They travel between 300 to 400 feet. Period. So from where they're standing, to where the beads basically just fall out of the sky is about 400 feet max. That's why we only use seven-and-a-half to eight shot, that way we are not impacting the environment. That way we are not impacting our neighbors, that way we are not basically impacting anything to do with the business, we want to be good neighbors.

Jerry Carver: To the point to where, when we met our new neighbors, the church, the very first time we promised them we would not ... I apologize Pastor, for I have not met you, yet. All the members that came in from the church, excited to be next to us. When they found out that they were moving in next to the Bullet Ranch they were so excited. Many came in and bought memberships. The very first thing we did was promise them we would not be shooting outside during their services.

Jerry Carver: We already vowed not to open the five stand on Sundays until 2:00 PM, and it would be shut down by 6:00. And with enough prior notice, we would make sure it wasn't in operation, which guys, it gets dark at 5:00 in the evenings anyways during the winter, it's closed anyway. We close the five stand an hour before dark. We don't want anybody out there shooting at clays that they can't see. I am an NRA instructor, Mr. Garavuso is an OPOTA, that is the Ohio Police Officers Training Association. I am a Buckeye Sheriff's Association instructor.

Jerry Carver: We have engineered drawings done and submitted to Licking County, and Pataskala, for the building, for the property, with the intent. They cost a lot of money. Everything is built the correct way, everything is built correctly for the five stand shotgun range. The NRA has known position from a rifle range. It's a shotgun range. There's a huge difference to the noise, there is a huge difference as to the impact on the environment. It's a huge impact. Any questions?

Rob Platte: Can you clarify what you just said just now about the NRA's [crosstalk 00:58:13]-

Jerry Carver: Yes. It is the National Rifle Association-

Rob Platte: No, I understand what [crosstalk 00:58:16]-

Jerry Carver: The facts that they were reading about were pointing to a building, a rifle range. Let's just take your average rifle caliber, a .30-06. It can travel a mile-and-a-half. This is a round that was used in WWI, a round that was used in WWII. It's loud, it's nasty, it has got one meaning, and that could be either to drop a 300 pound deer, or a human being. Now a lot of people do target shoot with .30-06, but it's highly expensive. The noise from a .30-06 would exceed that 194 max. It absolutely would.

Jerry Carver: Standing on our property line with a noise meter, on our property line, not a half-mile away on Charles Street, on our property line to the church, it does read 98. On Charles Street, it didn't even register. The planes going overhead were 68, the motorcycles going by were 70-something, the train was the loudest. I didn't hear the chickens, my apologies. So we documented everything. I'll find out where to send the register receipts. I have kept every single one, and documented every single five stand round that has been done in the back ever since I was introduced to Leatrice.

- Jerry Carver: And I look forward to seeing her documentation, so you guys can compare it. To where my times are digitally proven, in a register, by a national company so they can't be refuted. I mean, when a customer checks in, it's on their credit card. It says right there. I can't get into Discover Card, I can't get into American Express, I can't get into Visa card and change people's times. So all the times that I will submit will basically show from that point forward to 17 minutes is about the average that it takes.
- Jerry Carver: Some people get it done in eight. Some people took 17. So I took 17 minutes to be the max that it would take to run all 25 clays. So that's the number I'm using. I'm pretty good at it, I get it done and about nine minutes. So if I shot two rounds instead of one, I'm still out of there, 18 minutes. The ave that the five stand is used on any day, which is four days out of the week, not even seven, is twice a day. So it's only 34 minutes. Total, not sunup to sundown.
- Rob Platte: So back to my question. Your testimony is that, because we've received paperwork citing Ohio Administrative Code, you're saying that the NRA reference in the Code applies to rifle ranges not shot gun ranges, is that correct?
- Jerry Carver: Everything that was read tonight, correct.
- Rob Platte: Okay. Thank you, sir.
- Jerry Carver: There is a subsection four, that same book, for shotgun ranges. But it is 100% completely different than a rifle range. And as an NRA instructor and counselor, I have read that book and been tested on that book, and I can testify that they are two completely different ranges.
- Rob Platte: Okay.
- TJ Rhodeback: So as far as percentage of the time that you're open, what percentage would you say that you have reservations or you have someone coming on site to utilize this facility outside?
- Jerry Carver: Wonderful question. We do have two gentlemen that are members, that are regular users, that do use the shot gun range Friday mornings at 11:00 AM, every single Friday morning at 11:00 AM. He's out there from about 11:00 AM to about 11:35. He goes three rounds. And then on Sundays he is there from about 2:00 PM to about 2:45 PM. But he's not just shooting outside, he's shooting inside as well.
- TJ Rhodeback: So overall though, would you say outside-
- Jerry Carver: Outside? I would say about 30 minutes would be maximum.
- TJ Rhodeback: Per day or percentage of your business that's ...

- Jerry Carver: Less than 1%.
- TJ Rhodeback: Okay.
- Jerry Carver: Yeah. Less than 1%. Now I'm talking about the time that it's utilized. On the profit center side, that's a completely different story [crosstalk 01:02:11]-
- TJ Rhodeback: [crosstalk 01:02:11] And most sessions last how long?
- Jerry Carver: 17 minutes.
- TJ Rhodeback: 17 minutes.
- Jerry Carver: Yeah. That's how long it takes to run. What you do is the five stands, there's one elevated stand on the left, there's three stands in the middle, and then there's another elevated stand there. You stand on top of the left one, you get five clays, boom, boom, boom, boom, boom. You secure and make your firearm safe, you move to stand number two. You get your second set of five clays, boom, boom, boom, boom, boom.
- Jerry Carver: You go to stand three, you get another five clays, until you're done at stand five. So 17 minutes is a long time to be out there, but when you've invested in something, you kind of want to drag it out a little bit and make it last as long as you possibly can. Some people that have done it before and they do it a lot, it's a hobby to them, like I said, eight minutes, in and out, they get their scores in, they go. Then a lot of times they'll move indoors to shoot on the indoor range.
- Jerry Carver: And it's all weather. Nobody's out there in the rain, nobody's out there in the snow. This is only on nice days, which I understand can affect neighbors if they're actually outside. But once again, noise readings have shown, doesn't even show up on the noise meter.
- TJ Rhodeback: So on holidays, it's about the same 1%?
- Jerry Carver: Ma'am, we're closed on holidays. Everything they've stated about hearing us on holidays, I don't think they're hearing us. I think they're hearing the roofing nailers next door from at the one end, the roofing nailers. Boom, boom, boom. I personally stood on Charles Street trying to get a reading. I'm on the phone, "Hey, shoot the gun. Shoot it again, it didn't show up." I can't get a reading on the shot gun.
- Jerry Carver: I turn around, the nailers from the roofing people that are roofing from 6:00 AM until 10:00 PM, these guys work hard, they're throwing these houses up fast. They're using these auto-nailers, sounds just like a gunshot. And it's showing up about 68 to 72 on the noise meter, but it's not coming from us. It's coming from that new housing development just on the other side of the street. It does

sound like a gunshot though. It really does. I thought it was a gunshot and I was like, "Oh."

TJ Rhodeback: Yeah. I've used them before.

Rob Platte: Any other questions?

Alan Howe: No.

Rob Platte: Thank you, sir.

Jerry Carver: Thank you.

Rob Platte: Anybody? Hold on, you've already spoken. Is there anybody else that has not yet spoken that did not fill out a form that would like to? Okay. Are there any questions from the board of anybody who has spoken? Staff?

Scott Fulton: No, sir.

Rob Platte: We will go back to Mr. Garavuso, who first asked to speak again. Would you like to come back up?

Steven Garavuso: I think Jerry did a good job up there. He covered my points.

Rob Platte: Okay. There was another hand behind the podium there. Yes, ma'am. Go ahead and come on up.

Leatrice G: Do I need to state my name and everything again?

Rob Platte: Name would be good, yes [crosstalk 01:04:56].

Leatrice G: Leatrice Guttentag, 280 Charles Road.

Rob Platte: Okay. You have additional evidence and testimony.

Leatrice G: Yes.

Rob Platte: Okay.

Leatrice G: We did meet at the first time at a council meeting. He did meet me in the parking lot and did ask us, "Why don't we compare a log?" And then he kept asking me over and over, "Why do we think it's them?" [crosstalk 01:05:14] Because they wouldn't actually say it was them. And I laughed and I said, "Because on multiple occasions, every time I hear it, intentionally I drive to your parking lot to confirm it."

Leatrice G: His response was, "Well, are you sure it's us? I mean you hear a lot of traffic on Broad," and every other excuse. So I started laughing, because there's only so much I want to listen to. So he said, "Let's make a log." And then I said, "Logs can be lied." I have an engineering background. I said, "Why don't we get a third party in and confirm it?" I said, "Either side, it's not very scientific."

Leatrice G: And then he said to me again, "No, I want to make a log and compare." And I said, "That's not scientific. I will deal with a third party only." And he kept dodging me. He wouldn't actually have us do that. And when we say holiday, it's true, they were closed on Labor Day, but boy do they shoot the whole weekend up to that holiday. In fact, I know this because I was trying to have a memorial service for my dad on my property. Couldn't do it. Too much noise. So I question that. Just saying.

TJ Rhodeback: I have a question.

Rob Platte: Okay. Question, go ahead.

TJ Rhodeback: As far as compromise, what kind of compromise are you looking for, or what resolve?

Leatrice G: [crosstalk 01:06:25] No, no, no. When our log discussion, of trying to prove that it's them because they still won't say it's them shooting, I told them that I will not have a you write a log and I write a log, because that can be forged.

TJ Rhodeback: But I meant overall, like do you have any kind of-

Leatrice G: [crosstalk 01:06:41] I want quiet. Well, first of all, he also stated at his property line that they registered at over 98 I believe he stated? And according to the state laws which it said it cannot be at your property law over 90.

Jerry Carver: [crosstalk 01:06:57] For an hour.

Rob Platte: [crosstalk 01:06:58] Wait.

Steven Garavuso: Length of time.

Rob Platte: Wait.

Leatrice G: So he already said they exceed the noise-

TJ Rhodeback: I think you're missing my point. Is there any compromise that you might-

Leatrice G: [crosstalk 01:07:06] No. My compromise is I want quiet. It's affecting too much of our lives and our housing values.

This transcript was exported on Oct 17, 2019 - view latest version [here](#).

Rob Platte: Okay. Anybody else? Yes? Yes, sir? Do you have additional evidence and testimony?

Richard Levacy: Dick Levacy, there. 41 Charles Road. If this is affecting our property values, my taxes keep clinging every year, the value keeps climbing there. I don't know where people see that improvements that are around our neighborhood where our property value is going down. There is no way in tarnation that our property values are doing down in the City of Pataskala. So if somebody tells you that they're going down, they're on the wrong side of the street or the track there, so. That's all I have to say. God bless America. Any questions?

Rob Platte: Any questions about anything? Okay.

Richard Levacy: Did any of your taxes go down, gentlemen, ladies? Nothing? Has the value of your property gone down? I'm just filling this out.

Rob Platte: I understand, sir. Thank you.

Richard Levacy: Thank you.

Rob Platte: Anybody else? Evidence and testimony, related to the application.

Charles Peyton: Can I ask you a question?

Rob Platte: You may come to the podium and speak.

Charles Peyton: It's Charles Peyton, 264 Charles Road. Okay. They have a discharge area there, is that correct?

Rob Platte: [crosstalk 01:08:47] According to [crosstalk 01:08:50] report, that is [crosstalk 01:08:51]-

Charles Peyton: [crosstalk 01:08:51] So they can actually shoot their guns outside, correct?

Scott Fulton: It's arguably debatable. Depending on how it's worded.

Rob Platte: And I'm going to clarify your questions need to come to us. Nobody else.

Charles Peyton: Yes, sir.

Scott Fulton: Because as I stated, let's see where we got that. So we look at the discharge zone. So it could be, the way it's written is ambiguous. So was it intended to allow hunting in appropriate locations, or would outdoor trap shooting be one of the discharge of firearms otherwise permitted? As otherwise permitted is not defined, it's somewhat of a gray area.

- Rob Platte: Thank you, staff.
- Charles Peyton: Okay. All right. And going back to the property thing, I hate to keep going to this, but the real estate agent back here. My wife is a real estate agent for Key Realty. She has her license, she's just no longer doing it. But I think also, if you have a house and you want to buy it, whether it's a two story, whether it's a single, it has a basement or not, that is not distinguished whether it's property value or whether you're going to sell or not.
- Charles Peyton: I don't think shooting a gun, it could be the planes flying over because we're right in direct line with the airport. That could detour your property value. I mean, it could be anything. So it's like the real estate agent said, yes, they have to let the buyer know that, that's normal. But you also have to let the buyer know if there's a business in your neighborhood, if there's a church they may not like, I don't care what religion it is.
- Charles Peyton: There's going to be a lot of things that's going to detour a person from buying a house, not so much their real estate value of the property. So I mean, that's from my own wife, that's what I've gone through with her. So any questions, ladies and gentleman?
- Rob Platte: Any question? Thank you, sir.
- Charles Peyton: God bless you guys.
- Rob Platte: All right. Is there any other evidence and testimony directly related to the application at hand?
- Joel Lively: I'd like to add one more thing, if I could.
- Rob Platte: If it's evidence and testimony this board can consider it.
- Joel Lively: Joel Lively, 12274 Mill Street. The church that testified, I just would like to bring a point to you guys that the Bullet Ranch was already there when that was purchased, and that they did bend over backwards to try to avoid interfering with their services. And that just goes to show that they are willing to do what they can to work with the members.
- Rob Platte: Okay. Any questions for Mr. Lively? All right. Once again, anyone else, evidence, testimony, that you wish to provide? Hearing none. Mr. Garavuso, if you would come up I have some questions for you, sir.
- Steven Garavuso: Sir.

This transcript was exported on Oct 17, 2019 - view latest version [here](#).

Rob Platte: For the record, this is already in there. I'm going to make sure I have a clear understanding. You converted the use, you said October 1st of 2017, is that correct?

Steven Garavuso: Yes.

Rob Platte: From the archery range to the-

Steven Garavuso: From archery to five stand.

Rob Platte: Five stand. Thank you, sir.

Steven Garavuso: And that was after numerous discussions with the City.

Rob Platte: And your testimony is that you had a discussion with someone from the City that said you did not need a conditional use permit, but your discussions with the City if I'm understanding is, you have agreed out of an abundance of caution to go ahead and submit the application and go through this process. Is that correct?

Steven Garavuso: Correct. [crosstalk 01:12:21] And to be honest with you, initially I objected to doing that because I was previously told you don't need this. We're in a discharge zone. I spoke with Mr. Fulton numerous times. He, from his conversations to me, concurred with the law director as well as the city administrator. And it was all agreed that no, we don't need it, we're in a discharge zone.

Steven Garavuso: I think the otherwise permitted was brought up at the time, and there's no definition for it. It's not defined in the Code anyways. So yes, we did everything by the book, without question. We did not need any permit to start for the archery, some people back here believe that we had a permit for the archery.

Steven Garavuso: There was nothing needed for anything we did out back. When we did build the structure, have an engineer, it was also approved by and permitted by the county. Had to come out for the outdoor structure, City did I believe, the indoor structure, the building itself, but anything outdoors is the county.

Rob Platte: Okay. Now-

Steven Garavuso: [crosstalk 01:13:21] We did everything. We jumped through all the hoops.

Rob Platte: While I have you up here, I want to have an understanding, a clear understanding of two things. Your current hours of operation for this use, and your desired hours of operation for this use? [crosstalk 01:13:43] And I'll say why for everybody in attendance. One of the things that this board can consider

is hours of operation of a conditional use if it is to be granted. So I want to have an understanding of what you're doing now, and what would you like to do.

Steven Garavuso: Sir.

Rob Platte: In the application we would ask, but I'd like to know from you.

Steven Garavuso: Here's our current hours of service. Monday through Thursday, we're open from 10:00 AM to 9:00 PM. The out back, as soon as dusk gets in, typically an hour like Jerry said, an hour beforehand, we shut it down. We have to close up our trap boxes about 15 to 20 minutes worth of an employee's time closing up and securing everything. We don't want them out there in the dark, either.

Steven Garavuso: Weekends, as in Friday, Saturday and Sunday, we're open at 9:00 AM, and we close at 7:00 PM. Again, depending on the time of year, we're closed at dusk. In the summer when it's open until 9:30, we might have shooters out there at 6:00 on a Saturday. But again, as Jerry defined, we're looking at less than 5% of our day on a maximum, maybe four days a week that it's being used.

Steven Garavuso: And we do have, everything is run through the register. We weren't ever taking a hand written log. We discussed with Leatrice sitting down and talking about this, and her response was, "I'm going to shut you down. That's what I'm going to do. I'm going to shut you down." And that was when the discussion pretty much ended. We tried to be the best neighbor we can, we support the city, we support everything involved in the city. All the youth groups and beyond that. And we've done everything the city has asked us from day one.

Rob Platte: Okay. So did you hear your employee, Jerry-

Steven Garavuso: He's my partner.

Rob Platte: I'm sorry. Your partner. Referenced what I understood to be different hours on Sunday in deference to the church. You said Friday through Sunday, you operate from 9:00 to 7:00, I thought I understood from him Sundays was 2:00 to 6:00 to [crosstalk 01:15:48]-

Steven Garavuso: He [crosstalk 01:15:48] anybody on the outdoor trap.

Rob Platte: Your business hours of operation.

Steven Garavuso: [crosstalk 01:15:54] normal business hours. Store and the indoor range would be open normal business hours. We just would, on Sundays because of their services, and we respect that, and Jerry had a conversation with them at least a year-and-a-half ago probably, a couple of times. Like we said, we've had several of their members come in and join our business.

Rob Platte: Otherwise, from the Sundays, your outdoor range matches your business hours of operation.

Steven Garavuso: [crosstalk 01:16:22] Right. That's the way it is right now.

Rob Platte: [crosstalk 01:16:24] Okay.

Steven Garavuso: But we were willing to hold back until afternoon until they finished with any of their services.

Rob Platte: Okay.

Steven Garavuso: And certainly, if they have functions out back and things like that, we work with our neighbors. If there's going to be something going on out behind the meat shop, Kirk lets us know, and we take care to make sure everybody's safe and everybody's in compliance and everything, so.

Rob Platte: Okay. Is there any other questions for Mr. Garavuso?

Alan Howe: No.

Rob Platte: Staff, anything you need to clarify?

Scott Fulton: No, sir.

Rob Platte: Thank you, sir. We have heard a significant amount of at the very least, Administrative Code, possibly Revised Code, I don't know on that, quoted and submitted tonight. NRA text that may or may not apply. We are fortunate tonight to have legal counsel here. It is my understanding, and I guess I want to clarify here real quick, no other evidence or testimony that anybody has, is that correct? Okay. This board has the authority slash opportunity to confer with legal counsel if it so deems necessary, is that correct Mr. Zets?

Brian Zets: Yes.

Rob Platte: It is my recommendation as chair that this board do so. I don't believe it would take long, we've done it before. I think that I want to have a clear understanding of the law. There's been things shared that support it and refute it. So I would recommend this board recess this hearing, to meet with legal counsel, and then come back. I don't want to recess for time specific, although I don't believe we will be gone for a long time, but I would ask to meet with Mr. Zets if Mr. Fulton can make a conference room or something available?

Scott Fulton: Mm-hmm (affirmative).

Rob Platte: Okay. A motion and a second a vote to do so.

Bruce Ashcraft: I vote that we do that.

TJ Rhodeback: I'll second.

Rob Platte: A motion and a second. Is there discussion on the motion to recess to meet with legal counsel?

Alan Howe: No.

Rob Platte: Having no discussion, roll call please, Ms. Paxton.

Lisa Paxton: Mr. Galik.

Brandon Galik: Yes.

Lisa Paxton: Mr. Ashcraft.

Bruce Ashcraft: Yes.

Lisa Paxton: Mr. Howe.

Alan Howe: Yes.

Lisa Paxton: Mr. Platte.

Rob Platte: Yes.

Lisa Paxton: Ms. Rhodeback.

TJ Rhodeback: Yes.

Rob Platte: Time now is 7:50. We will reconvene here as soon as we're done. So we will come back to the hearing. I'll need a motion to return from the recess.

Bruce Ashcraft: So move.

Rob Platte: I have a motion, is there a second?

Brandon Galik: Second.

Rob Platte: Second. Discussion on the motion? Hearing on. Roll call, please.

Lisa Paxton: Ms. Rhodeback.

TJ Rhodeback: Yes.

- Lisa Paxton: Mr. Platte.
- Rob Platte: Yes.
- Lisa Paxton: Mr. Ashcraft?
- Bruce Ashcraft: Yes.
- Lisa Paxton: Mr. Galik.
- Brandon Galik: Yes.
- Rob Platte: Time now is 8:26, according to that clock back there. Mr. Fulton and I have a couple of follow up questions. I'd like to first thank Mr. Zets for his time and meeting with us. Scott, the number two on the criteria that this board can consider is how a request relates to the comp plan, and if it was in your report, I apologize. I missed it.
- Rob Platte: Can you speak to a few things, A, is it erroneous with the comp plan, the request? I know it's zone GB, and then also like just a very quick ... I guess one concern I have is we have an existing comp plan that's in essence outdated, and you're in the process of updating it so we're kind of in limbo. So I don't even know if we have a good comp plan to refer to. But we obviously have one that is legally in place. So could you shed a little light on that, please?
- Scott Fulton: Unfortunately, offhand, I don't know what the existing comprehensive plan recommends for the property, but considering the new one has yet to be adopted, that should not be considered until that's formerly adopted by council.
- Rob Platte: Okay. I understand. We shouldn't be able to consider the new one, just because it's not yet been adopted. Okay. Mr. Garavuso, I have a couple questions for you if you wouldn't mind coming up.
- Steven Garavuso: Not at all.
- Rob Platte: Clarify for us, I heard you say 15 minutes tear down for the stands. Did I hear you say that the range shuts down an hour prior to-
- Steven Garavuso: Sunset.
- Rob Platte: Sunset.
- Steven Garavuso: Correct.
- Rob Platte: So it kind of varies, doesn't matter throughout the year, one hour prior to-

- Steven Garavuso: Yeah. Absolutely latest we're open, which is 9:00 in the evening.
- Rob Platte: The earliest it opens is?
- Steven Garavuso: But even when ... Sorry for interrupting, but even if we're an hour to close at 9:00, even if it's still light at 9:00, we're closing the traps at 8:00, just because we have employees out there. Get that done before we start doing our close down procedures.
- Rob Platte: An hour before dark, but no later than 8:00 is your tear down time, is that what I'm hearing you say?
- Steven Garavuso: Yes.
- Rob Platte: And then the start time of the outdoor range, it follows your current business hours, Monday through Thursday, 10:00 to 9:00-
- Steven Garavuso: Correct.
- Rob Platte: ... Friday to Sunday, 9:00 to 7:00.
- Steven Garavuso: Mm-hmm (affirmative).
- Rob Platte: You indicated, and so did your partner, on Sundays you have, or you are willing to entertain, hours of 2:00 to 6:00 on Sundays to try to minimize the impact on what could potentially be a church use-
- Steven Garavuso: Absolutely.
- Rob Platte: ... adjacent to you.
- Steven Garavuso: And the Pastor did stop by, and we spoke a little bit, and he said he had not heard that through his elders yet, but they're in the church quite a bit, they're in the shop quite a bit, so he couldn't verify that. And he was okay with that as well. He appreciated it.
- Rob Platte: As I stated when we started the hearing this evening, everything that comes before this board is evidence and testimony, and entered into an official record. So I want to make sure that I understand, on the Sundays, would you be opposed to, if this board were to grant the conditional use Sunday operations for the outdoor range to be limited to 2:00 to 6:00 in the matter?
- Steven Garavuso: I wouldn't be opposed to that, no. My personal opinion is, I mean, if it's okay on time, why isn't it okay? I mean, if we're meeting the requirements and everything that they are when it comes to the City Ordinances and so on, but

no, I wouldn't be opposed to that. Like I said, we're going to postpone it until 2:00 anyways, just in regards to the church and their services.

Rob Platte: And I do appreciate you sharing the intent. The problem with the intent versus what gets into the record, right, is if the business changes hands down the road or something, we need to make sure we have in the record exactly what is said, and that's the only reason I'm asking if you're-

Steven Garavuso: No, that's fine.

Rob Platte: ... [crosstalk 01:24:18] trying to get some structure here. Okay. You tear down an hour before sunset, no later than 8:00. You tear down an hour before the business closes?

Steven Garavuso: We try to.

Rob Platte: Friday and Saturday, you've got 9:00 to 7:00, so you're tearing down at 6:00? Is that why the Sunday says 2:00 to 6:00?

Steven Garavuso: Like I said, our employees have closing procedures, so that gets done before they even start their closing procedures.

Rob Platte: Okay. I just want to make sure I have an understanding of the hours. I believe, unless there's any other questions from the board for Mr. Garavuso?

Steven Garavuso: Thank you, sir.

Rob Platte: Okay. I did not close the evidence and testimony earlier. I'm going to ask one more time and extend the offer. Is there anybody else that has, and I will be clear again, evidence and testimony related to the application at hand, that they wish to provide? Going once, going twice. Hearing none. We will close the evidence and testimony portion of this hearing.

Rob Platte: To give a little context, this board when it comes to conditional uses has a number of items that it can consider. Specific 1215.04 of the City Code that is listed in our applications. We all know them as the findings of fact. Or I'm sorry, yeah. Findings of fact. There are a number of things that this board can consider in approving or denying a conditional use application. Things like access, lighting, hours of operations, things like that.

Rob Platte: And that's why I've been wanting to get a clear understanding of the hours and what's actually going on, and what the intent is. We've heard a lot tonight, some as been submitted written as evidence, some if not most refutes something else, so it's kind of difficult to weed through it all and try to figure out what is all accurate, and applicable, and within the purview of what this board can consider.

- Rob Platte: That being said, I don't know that there is any evidence that we have not received tonight that I desire to have, therefore I don't necessarily see a need to table this to a further date, because I don't think that I'm going to receive any. I can't think of anything that's missing. Does anybody else have any other thought?
- TJ Rhodeback: I don't have any concerns.
- Rob Platte: Okay. That being said I think it's okay for us to go ahead and proceed then with the findings of fact. I'm trying to find it on my ... Here we go. In your staff report, you'll find on page five, this is our normal one through nine. And so, unless there's an objection, I'm going to go ahead and run through that. Hearing none.
- Rob Platte: This will be the findings of fact for conditional use application 19-002, otherwise known as the Bullet Ranch application. Number one, is in fact a conditional use is established under the provisions of Title III of the planning and zoning code for the specific zoning district of the parcel listed on the application.
- Rob Platte: This is an interesting one because we heard from Mr. Fulton, the previous conditional use if I had an understanding, when the business first went in for the indoor range, it was an accessory use. Therefore the conditional use permit was required. This is in essence a very similar type scenario, therefore a conditional use application and permit would be required. So I'm inclined to say the answer to number one is yes. Is there anybody that has a different opinion on that?
- Alan Howe: No.
- TJ Rhodeback: No. I agree.
- Rob Platte: [crosstalk 01:29:17] Okay.
- Bruce Ashcraft: Yes.
- Brandon Galik: Yes.
- Rob Platte: Hearing all yeses. Number one. Number two, will it be harmonious and in accordance with the general objectives, or with any specific objective of the City, comprehensive plan and/or this Code?
- Bruce Ashcraft: I haven't heard anything that wasn't a comprehensive plan.
- Alan Howe: I want to say yes, based on the fact that the zoning inspector had no comments, the city engineer had no comments, police department has no problem with it, fire district has no problem with it, I'm sure the schools have no problem with it.
- TJ Rhodeback: And it's within a discharge zone.

- Rob Platte: The discharge zone is a part of the City's Code, so I would be inclined to agree. And it is within a general business district, so I'm inclined to say yes on number two, as well.
- Bruce Ashcraft: Yes.
- Alan Howe: Yes.
- TJ Rhodeback: Yes.
- Brandon Galik: Yes.
- Rob Platte: Okay. Number three, will be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same. I mean, we have an existing shooting range there, or I'm sorry, a firearm business. I don't see where [crosstalk 01:31:09] where it's not in line with the-
- TJ Rhodeback: I feel it's harmonious within the business district.
- Rob Platte: Anybody else?
- TJ Rhodeback: [crosstalk 01:31:25] It complements the other business.
- Rob Platte: [crosstalk 01:31:27] I'm sorry?
- TJ Rhodeback: And it complements the other businesses.
- Rob Platte: Okay. Anybody else? Any other thoughts. I'm inclined to say then that the board's through on number three is yes.
- Bruce Ashcraft: Yes.
- TJ Rhodeback: Yes.
- Brandon Galik: Yes.
- Alan Howe: Yes.
- Rob Platte: Okay. Number four, will not be hazardous or disturbing to existing or future neighboring uses. This is an interesting one for me to be honest. We've heard, and this is where we go back to we've heard differing opinions. I've not seen any ... we have the testimony of residents. I don't know that I've seen evidence to suggest that it's hazardous and disturbing. A lot of the testimony points back to

the noise generated by air traffic, roads nearby. I have to think that the south of there is a planned industrial park.

Group: Bless you.

Lisa Paxton: Thank you.

Rob Platte: So I guess I'm failing to see that it's outside of what those things currently are anticipating [crosstalk 01:32:41]-

Bruce Ashcraft: Plus we have [crosstalk 01:32:41] consideration that it's in the discharge zone.

TJ Rhodeback: Right. I agree. It is in a discharge.

Lisa Paxton: Thank you.

Rob Platte: So I'm inclined to say for number four that it would be yes as well. Is that the-

Bruce Ashcraft: That's correct.

Rob Platte: ... word of the board?

TJ Rhodeback: Yes.

Alan Howe: Yes.

Rob Platte: Okay. Number five, will be served adequately by essentially public facilities and services such as highway streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services. I'm inclined to say the answer is yes, [crosstalk 01:33:26] seeing as how it's already certified.

TJ Rhodeback: Yes, it is.

Bruce Ashcraft: Yes.

Alan Howe: Yes.

Rob Platte: Number six, will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community. I have not heard any evidence or testimony saying that it would, so I have to say yes.

Bruce Ashcraft: I say yes.

- TJ Rhodeback: I say yes. I feel it benefits the economic welfare of the community.
- Rob Platte: Okay. It would meet number six then. Number seven, will not involve uses, activities, processes, materials, equipment, and conditions of operations that will be detrimental to any persons, property, or the generation welfare, including but not limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosion, and air or water pollution.
- Rob Platte: Again, this is probably the other one that I struggle with. I guess I keep going back to the testimony of the gentleman from Mill Street, what the actual, I guess what you're actually hearing when this is going on, and Mr. Garavuso's partner spoke about the difference between shotgun being fired versus a rifle, and noise related there, too. I think this is probably geared more towards mining type operations when we're talking about explosion.
- Rob Platte: Traffic, noise, fumes, again, this is probably things that are going to come up, that unfortunately Mr. Fulton with probably have to deal with when the industrial park develops out. Although that would be great for the City, those are probably things that are coming. So I don't know that any of those apply to be honest with you. So I'm going to have to say yes [crosstalk 01:35:27] for number seven as well.
- Alan Howe: Yes.
- Bruce Ashcraft: Yes.
- Brandon Galik: Yes.
- TJ Rhodeback: Yes.
- Rob Platte: Number eight, will have vehicular approaches to the property, which shall be so designed as to not create an interference with traffic or the surrounding public thoroughfares. Again, we have an existing business, with an existing ingress/egress. So I'd have to say yes.
- Bruce Ashcraft: Yes.
- Alan Howe: Yes.
- TJ Rhodeback: And they've also followed ... didn't they have to do a study before they opened?
- Alan Howe: [crosstalk 01:35:55] Back in 2013, I think it was. I think I saw it.
- TJ Rhodeback: [crosstalk 01:35:55] Yeah, 2013 they did a traffic study. So I've noted this one has two.

- Rob Platte: Okay.
- TJ Rhodeback: Theirs should be enough.
- Rob Platte: And finally, number nine, will not result in the destruction, loss, or damage, of a natural, scenic, or historic feature of major importance. Again, I go back to this was an existing business, not something that's clearing a business or land. So I'd have to say yes.
- Bruce Ashcraft: That is a yes.
- TJ Rhodeback: Yes.
- Rob Platte: So Ms. Paxton, for the record. We have yes for one, two, three, four, five, six, seven, eight, and number nine. Those are findings of fact for this application by this board. Additionally, I was trying to see how it meets the Code and based on the evidence, testimony, and the application. As I stated before there's a number of things, I guess, for the people in the room that this board can consider. There's certainly a lot of things that this board cannot consider.
- Rob Platte: The challenge is to read through all that and find what evidence and what testimony actually applies, and what facts are actually there. Well, I believe I have an understanding of that. My main concern, even though the church purchased their land afterwards, I think they have a legitimate complaint on hours of operation, and that is one thing that ... I shouldn't say complaint. Concern. Hours of operation, that is one thing that this board can consider.
- Rob Platte: Mr. Garavuso has shared that he is willing to limit his Sunday hours of operation for the outdoor trap shooting range as it is on the application from the hours of 2:00 to 6:00 PM on Sundays. He's indicated that his normal business hours are Monday through Thursday, 10:00 to 9:00. Friday through Sunday, 9:00 to 7:00. Sunset varies throughout the year.
- Rob Platte: I would be interested in an hours of operation limitation that includes a Sundays from 2:00 to 6:00, a other days, other six days of the week, as listed closing the outdoor trap shooting range one hour prior to sunset, not to be less than 8:00 PM or one hour before the retail business inside closes, whichever is earlier.
- Rob Platte: And additionally, the limiting the outdoor trap shooting range hours beginning to not to be earlier than the inside hours of operation of the retail establishment. That's a lot of orders. So did everybody follow that, and do they agree?
- Bruce Ashcraft: Yes.
- Brandon Galik: [crosstalk 01:39:26].

- Rob Platte: Thoughts on the board? From the board?
- Alan Howe: So one hour before sunset and can be later than 8:00?
- Rob Platte: Not to be later than 8:00.
- TJ Rhodeback: Got you.
- Alan Howe: That's what I thought. Yeah.
- Rob Platte: How you wrap that into a motion? That's going to be fine. I guess beyond that, again, this process the board approving something as a adjudicatory hearing then, anybody agree by then obviously has the right to go on to administrative appeal, but I think that trying to look at the criteria of what we can consider and what we have before us this evening, that is the only limitation or limitations that I would think would be appropriate, and that I would otherwise [crosstalk 01:40:24] support the application.
- Brian Zets: I just wanted to make sure I know that Scott had put up four criteria, so there's three other ones there you may or may not want to consider, but if you're going to consider them, I wouldn't say the hours of operation are your only condition.
- Rob Platte: That is correct. My thought on the hours of operation would be in addition to supplementary conditions suggested by staff that will likely be included in any kind of motion. I'll take a second kind of look through this. [crosstalk 01:41:16] I will formalize a motion here a second, but number two in staff's report would be modified to some form that-
- TJ Rhodeback: Do you want to hear [crosstalk 01:41:30]-
- Rob Platte: ... reads with what I ... Yes. And then we'll see if we like that.
- TJ Rhodeback: The use of the outdoor shooting range shall be limited to one hour prior to sunset, Monday through Friday, no later than 8:00 PM. Sunday, 2:00 to 6:00 PM.
- Bruce Ashcraft: That doesn't-
- TJ Rhodeback: It doesn't [crosstalk 01:41:54]-
- Bruce Ashcraft: No. Because you're not including a starting time on those days. I was going to say it should mimic the hours of operation except close.
- TJ Rhodeback: You want-
- Bruce Ashcraft: Because you're just saying that's all they can do, is one hour prior to Sunset [crosstalk 01:42:07]-

TJ Rhodeback: Oh, yep. I agree. I agree. So you have to have the hours.

Rob Platte: My suggestion would be use of yard to have a shooting range shall mimic the hours of operation, with the exceptions of Sunday 2:00 to 6:00, and daily will close one hour prior to sunset, and no later than 8:00 PM.

TJ Rhodeback: That sounds better.

Rob Platte: Is mimic a good word for?

Bruce Ashcraft: An acceptable word?

Rob Platte: Match? Meet? Does it matter?

Brian Zets: I think match is probably better, but-

Rob Platte: I'm just [crosstalk 01:42:46] want to make sure we get it. Shall.

TJ Rhodeback: Shall be limited to, or shall match?

Bruce Ashcraft: Shall match.

Rob Platte: The hours of the retail establishment. Of the indoor uses.

Bruce Ashcraft: Just put normal operation hours, or it said business.

Rob Platte: Should be indoor use. Shall not extend.

Bruce Ashcraft: Business or normal operating hours, with the exception of Sundays, and it'll be 2:00 to 6:00. And daily would close one hour before Sunset, and no later than 8:00 PM.

Rob Platte: 2:00 to 6:00.

Alan Howe: It's hot in here. I second that motion.

Bruce Ashcraft: Yeah. Phew.

Alan Howe: I wore the wrong shirt.

Rob Platte: All right. So I want to make sure I have it correctly. The use of the outdoor shooting range shall match the hours of the indoor uses, but shall not extend later than one hour prior to sunset or 8:00 PM, which ever is earlier for Mondays through Saturdays with the hours of Sunday operations for the outdoor shooting range to be 2:00 to 6:00. Is that what we're saying?

This transcript was exported on Oct 17, 2019 - view latest version [here](#).

TJ Rhodeback: Yep.

Rob Platte: Okay. Good lord. One more minute here. [crosstalk 01:45:32] I don't like the first part because if the hours of operation of indoor uses get moved back to whatever, 6:00 in the morning.

Bruce Ashcraft: I see what you're saying.

TJ Rhodeback: Right.

Rob Platte: I don't like the match the hours of [crosstalk 01:46:17]-

TJ Rhodeback: And it could be not this owner but the next owner that-

Bruce Ashcraft: That's true.

TJ Rhodeback: ... if we have something that we can fall back on and understand I think-

Rob Platte: His hours are on Friday through Sundays, he starts at 9:00. I would support a 9:00 start time permitted across the board.

Alan Howe: Except Sunday.

Rob Platte: Except for Sunday.

Bruce Ashcraft: The use of the outdoor shooting range shall ... There we go.

TJ Rhodeback: Begin no earlier than?

Rob Platte: Yes. Shall not begin earlier than 9:00 AM, Mondays through Saturday, and shall not extend later than one hour prior to sunset or 8:00 PM, which ever is earlier, from Monday through Saturday. Your operating hours for the range for Sunday shall be 2:00 to 6:00 PM. I'm going to make that motion, if somebody wants to amend the motion because we don't have it right, feel free. But I think we got it. Bruce, you good?

TJ Rhodeback: Can you read it one more time?

Bruce Ashcraft: Good. I agree.

Rob Platte: Okay. You would like to hear the whole line? Use of the outdoor shooting range shall not be any earlier than 9:00 AM Monday through Saturday, and shall not extend later than one hour prior to sunset or 8:00 PM, which ever is earlier, from Mondays through Saturdays. The hours of operation of the outdoor shooting range for Sunday shall be 2:00 to 6:00 PM.

Bruce Ashcraft: Agreed.

Rob Platte: Any other discussion? Okay. Then I will move to approve a conditional use pursuant to Section 1249.04(16) of the Pataskala Code for application CU-19-002 with the following conditions. Number one, the applicant shall obtain all necessary permits from the City of Pataskala and Licking County Building Department within one year of the date of approval. Number two, the use of the outdoor shooting range shall not be in earlier than 9:00 AM Mondays through Saturdays, and shall not extend later than one hour prior to sunset or 8:00 PM, whichever is earlier for the days of Monday through Saturday. The hours of operation of the outdoor shooting range on Sundays shall be 2:00 to 6:00 PM. Number three, the outdoor range shall be used for trap shooting only. And number four, the applicant shall comply with all applicable state and federal laws. That is my motion. Is there a second?

Bruce Ashcraft: Yes. Second.

Rob Platte: Motion's been seconded. Is there a discussion on the emotion? [crosstalk 01:50:02].

TJ Rhodeback: No.

Alan Howe: No.

Rob Platte: Okay. None. Roll call please, Ms. Paxton.

Lisa Paxton: Mr. Howe.

Alan Howe: Yes.

Lisa Paxton: Mr. Ashcraft.

Bruce Ashcraft: Yes.

Lisa Paxton: Ms. Rhodeback.

TJ Rhodeback: Yes.

Lisa Paxton: Mr. Platte.

Rob Platte: Yes.

Lisa Paxton: Mr. Galik.

Brandon Galik: Yes.

This transcript was exported on Oct 17, 2019 - view latest version [here](#).

Rob Platte: Mr. Garavuso, your application has been approved. Staff will follow up with you in the next couple days with everything that was read through and criteria tonight.

Steven Garavuso: Thank you.

Rob Platte: Everybody have a good evening, you're free to stay for the rest of the meeting, but it is or likely is not to be eventful and fun. We will move on to the findings of fact, number six on the agenda. I need a motion to approve the findings of fact as discussed in the hearing.

TJ Rhodeback: [crosstalk 01:50:46] So moved.

Rob Platte: I have a motion, is there ... From Ms. Rhodeback. Is there a second?

Bruce Ashcraft: Second.

Rob Platte: Mr. Ashcraft, second. [crosstalk 01:50:52] Discussions. Roll call, please.

Lisa Paxton: Mr. Galik.

Brandon Galik: Yes.

Lisa Paxton: Mr. Platte.

Rob Platte: Yes.

Lisa Paxton: Ms. Rhodeback.

TJ Rhodeback: Yes.

Lisa Paxton: Mr. Ashcraft.

Bruce Ashcraft: Yes.

Lisa Paxton: Mr. Howe.

Alan Howe: Yes.

Rob Platte: [crosstalk 01:51:02] Looking for a motion to approve the minutes of the September 9, 2019, the regular meeting. [crosstalk 01:51:09] Is there a motion?

Bruce Ashcraft: So moved.

Rob Platte: So moved by Mr. Ashcraft. Is there a second?

This transcript was exported on Oct 17, 2019 - view latest version [here](#).

Brandon Galik: Second.

Rob Platte: Second by Mr. Galik. Discussion. Roll call, please.

Lisa Paxton: Ms. Rhodeback.

TJ Rhodeback: Yes.

Lisa Paxton: Mr. Platte.

Rob Platte: Yes.

Lisa Paxton: Mr. Howe.

Alan Howe: Yes.

Lisa Paxton: Mr. Ashcraft.

Bruce Ashcraft: Yes.

Lisa Paxton: Mr. Galik.

Brandon Galik: Yes.

Rob Platte: Minutes are approved. The excuse of absence from Mr. Platte from the September 9, 2019 hearing. Is there a motion?

TJ Rhodeback: So moved.

Rob Platte: Moving Ms. Rhodeback, second by Mr. Howe. Is there discussion? Roll call, please.

Lisa Paxton: Mr. Ashcraft.

Bruce Ashcraft: Yes.

Lisa Paxton: Mr. Howe.

Alan Howe: Yes.

Lisa Paxton: Mr. Platte.

Rob Platte: Abstained.

Lisa Paxton: Mr. Galik.

This transcript was exported on Oct 17, 2019 - view latest version [here](#).

Brandon Galik: Yes.

Lisa Paxton: Ms. Rhodeback.

TJ Rhodeback: Yes.

Rob Platte: Any other business to come before the board?

Alan Howe: No, sir.

Rob Platte: I'll entertain a motion to adjourn to the November 12, 2019 meeting.

Alan Howe: So moved.

Rob Platte: Moved by Mr. Howe. Is there a second?

Brandon Galik: Second.

Rob Platte: Second by Mr. Galik. Discussion? Roll call, please.

Lisa Paxton: Mr. Platte.

Rob Platte: Yes.

Lisa Paxton: Mr. Galik.

Brandon Galik: Yes.

Lisa Paxton: Ms. Rhodeback.

TJ Rhodeback: Yes.

Lisa Paxton: Mr. Howe.

Alan Howe: Yes.

Lisa Paxton: Mr. Ashcraft.

Bruce Ashcraft: Yes.

Rob Platte: We are adjourned.

Lisa Paxton: Good job.

< Details

Edit



March 22, 2020 12:53 PM



20200322_125232.mp4

/Internal storage/DCIM/Camera

54.38 MB 1920x1080 0:26

Video
Screen shot
from 3/22/20

< Details

Edit



April 5, 2020 11:45 AM



20200405_122235.jpg

/Internal storage/DCIM/Camera

119.81 KB 384x458



Samsung SM-G960U

F2.4 1/438 s 4.30mm ISO 50

White balance Auto No flash

photos
&
video
shooting 4/5/20

April 5, 2020

My name is Brad Baker. I was at Leatrice Guttentag's house doing work on April 5. The Bullet Ranch began shooting at 11:30 A.M. I drove with Leatrice to the parking lot of the Bullet Ranch. We heard shooting from the facility, but was unable to get a video on time. There was one BMW in the Bullet Ranch parking lot at the time. Leatrice took a photo of it.

Thanks,

Brad Baker

Brad Baker
2263 A WEBSTER CANYON CT.
Columbus, Ohio 43229

614-903-4286

April 5, 2020

My name is Lee Laney I was at Ms. Guttentag's house at 11:30 Am on April 5th dropping off a new tire for Mr. Baker's truck. I could clearly hear the Bullet Ranch shooting.

Thanks,

Lee Laney

Lee Laney

614-881-8151

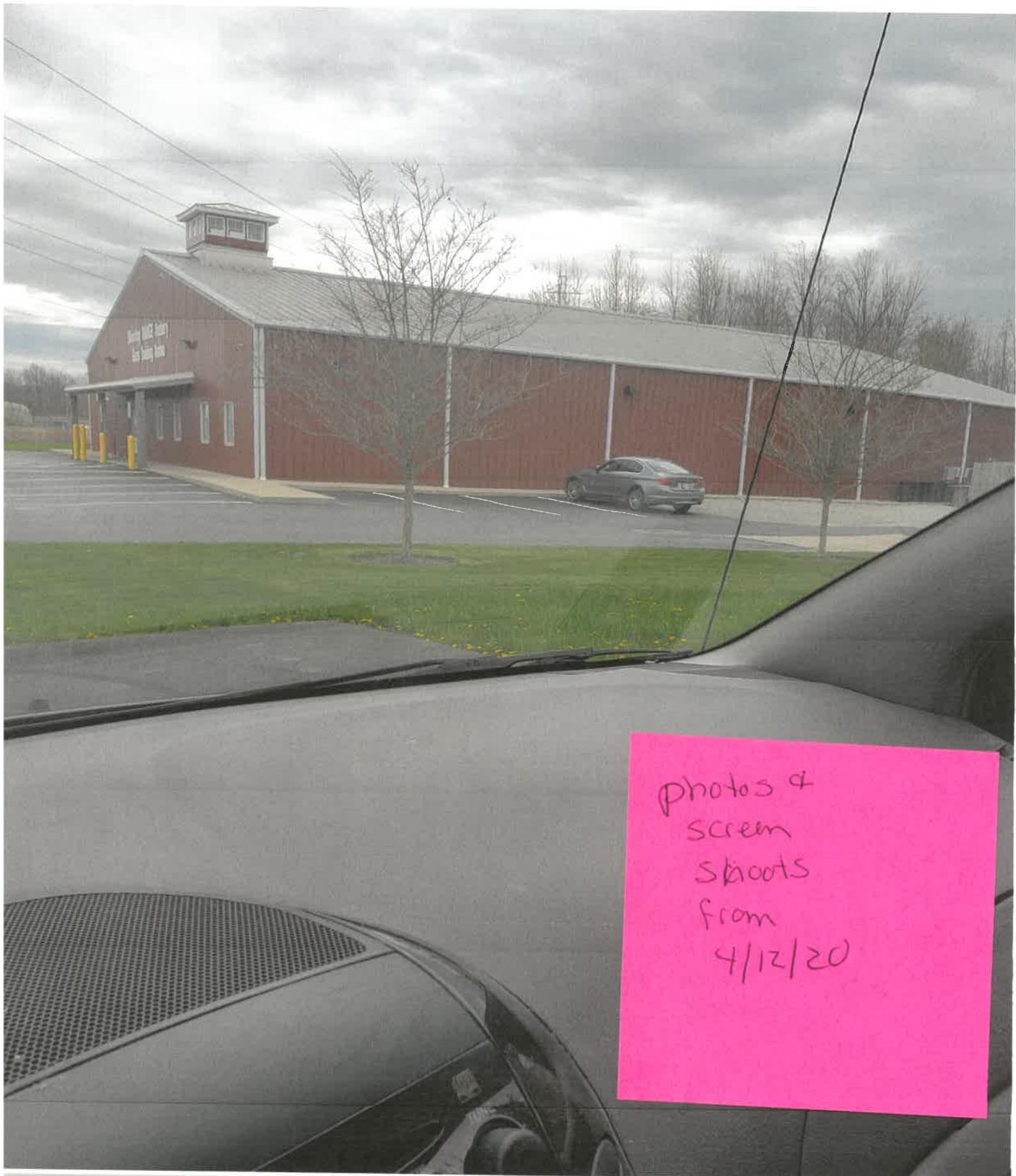




To Whom It may Concern:

I was outside my home on 18 Charles Dr and did hear gunshots on Sunday, April 5, 2020. It was 11:00 in the morning.

Rebecca S



photos &
screen
shoots
from
4/12/20



< Details

Edit



April 12, 2020 11:11 AM



20200412_111010.mp4

/Internal storage/DCIM/Camera

116.38 MB 1920x1080 0:56

 Details

Edit



April 12, 2020 11:12 AM



20200412_113418.jpg

/Internal storage/DCIM/Camera

109.63 KB 566x328



Samsung SM-G960U

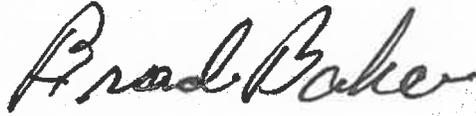
F2.4 1/578 s 4.30mm ISO 50

White balance Auto No flash

On April 12, 2020 which was Easter Sunday Lee called me because of an emergency at her house. I told her I could help her because I wasn't eating with my family until later that day. When I got there, I heard the Bullet Ranch shooting. Lee Drove over while I started working. She came back she showed me the video and told me the same silver BMW was there from the week before. The only car in the lot in the same spot.

Thanks,

Brad Baker

A handwritten signature in cursive script that reads "Brad Baker". The signature is written in black ink and is positioned below the typed name.

This is the letter I sent to Scott Fulton about a nuisance complaint I had with the bullet Ranch's Noise:

Dear Mr. Blake,

I would like to file a formal complaint that the Bullet Ranch is breaking the nuisance sound law. I live at 12240 Mill St. Ave, in Pataskala. The Bullet Ranch's outdoor shooting has negatively affected my family's quality of life. They shoot outside for hours on any given day of the week. Even Sundays and Holidays. Times of the day vary from A.M. To P.M. sometimes it's all day non stop.

I can hear the shooting while I am lying in my bed and In my living room while trying to spend time with my family. I can't even enjoy spending time outside when I have to listen to constant gun fire. But that isn't the worst of it. My dog is TERRIFIED of the gun fire. When it starts she runs and hides. She WON'T go outside to potty. Which has become a health issue for her. She has developed swollen kidneys and urinary tract infection because she is unable to urinate outside because of her fear. She would hold it for hours an hours. She just stays in the house cowering. Panting and shaking. Specifically on the weekends, when shooting is more constant, we had to be proactive and make special arrangements at times to make sure she gets plenty of outside time real early in the morning before the shooting range opens for business.

I like spending time outside on the weekends on my days off relaxing and gardening. I Like to spend time outside with my dogs my friends my family. This has all been affected. I can't enjoy any outdoor time without the constant noise of gun fire.

Thanks,

Kristy Hess

614-464-7719

This is Scott's Response:

Mon 5/6/2019 5:29 PM

Ms. Hess,

I'm sorry to hear about the issues you are experiencing. Unfortunately Chapter 1287 – Offsite Impacts of the Zoning Code does not include penalties for violations of that Chapter. Therefore, while a property may be in violation, there is no way to enforce it. While we work to correct this discrepancy, noise complaints should be directed to the Pataskala Police Department at this time.

If you have any questions, please let me know.

Thanks,

SCOTT FULTON, Director of Planning

City of Pataskala

The town has done nothing to help with the situation! I have called the police many times and they say they can't do anything.

It came out in the city counsel meeting that Scott told the Bullet Ranch they could shoot outside. He did not have the authority to do so. All the while telling us he can't do anything.

RE: Bullet Ranch

Scott Fulton <sfulton@ci.pataskala.oh.us>

Mon 10/21/2019 12:41 PM

To: Leatrice Guttentag <guttenta@hotmail.com>

Lee,

Thanks for letting us know. We will look into it.

Thanks,

SCOTT FULTON

Director of Planning

City of Pataskala

621 West Broad Street, Suite 2-A

Pataskala, Ohio 43062

Phone: 740-927-2168

Cell: 614-440-5222

From: Leatrice Guttentag <guttenta@hotmail.com>

Sent: Monday, October 21, 2019 11:55 AM

To: Scott Fulton <sfulton@ci.pataskala.oh.us>

Subject: Re: Bullet Ranch

Scott,

They just started shooting at 11:48 AM on Monday. They were shooting past 3PM yesterday Sunday. It has not been 24 hours. They broke the rules yesterday see previous email. Now they are breaking the state law today.

Thanks,

Lee

From: Leatrice Guttentag <guttenta@hotmail.com>

Sent: Monday, October 21, 2019 6:32 AM

To: Scott Fulton <sfulton@ci.pataskala.oh.us>

Subject: Bullet Ranch

Good Morning Scott,

Yesterday Sunday October 20, 2019 the Bullet Ranch shot from 2:08 - 3:30. Then had a 20 minute break and shot another 25 minutes.

That is over the one hour mandated by the state.

Please advise,

Lee Guttentag

740-877-0967

RE: Bullet Ranch

Scott Fulton <sfulton@ci.pataskala.oh.us>

Tue 12/31/2019 10:33 AM

To: Leatrice Guttentag <guttenta@hotmail.com>

Hi Lee,

I will call the Bullet Ranch and remind them of the conditions placed upon their approval; however, unless a violation is witnessed, typically by the Zoning Inspector, it is not enforceable. Therefore, the Zoning Inspector would need to be physically present at the time the shooting takes place.

Thanks,

SCOTT FULTON

Director of Planning

City of Pataskala

621 West Broad Street, Suite 2-A

Pataskala, Ohio 43062

Phone: 740-927-2168

Cell: 614-440-5222

From: Leatrice Guttentag <guttenta@hotmail.com>

Sent: Saturday, December 28, 2019 4:45 PM

To: Scott Fulton <sfulton@ci.pataskala.oh.us>

Subject: Re: Bullet Ranch

Hi Scott,

It is Saturday December 28th. The bullet ranch was shooting at 4:45. Sunset today is at 5:13 pm. They are not to shoot i hour prior to sunset.

Will you enforce this? This is there second infraction since zoning.

Thanks,

Lee

From: Scott Fulton <sfulton@ci.pataskala.oh.us>

Sent: Thursday, October 17, 2019 12:55 PM

To: Leatrice Guttentag <guttenta@hotmail.com>

Subject: RE: Bullet Ranch

Lee,

If the Planning and Zoning Department were to receive a complaint, we would go and investigate to determine if a violation exists. I would assume that the Bullet Ranch is aware of the state law as it was in my staff report, which they received, and was presented at the BZA hearing.

Thanks,

Lisa Paxton

From: Scott Fulton
Sent: Friday, April 17, 2020 10:41 AM
To: Lisa Paxton
Subject: Fw: Bullet Ranch

Lisa,

Please add the email below to Ms. Guttentag's request.

Thanks,

Scott

From: Leatrice Guttentag <guttenta@hotmail.com>
Sent: Thursday, April 16, 2020 8:59 AM
To: Scott Fulton <sfulton@ci.pataskala.oh.us>
Subject: Re: Bullet Ranch

Hi Scott,

I forgot one letter that I want to put into evidence which is below:

Leah, I have attached a Google Maps view of the facility and a smaller photo. North is at the top and south to bottom. Starting at the bottom you will see small little "boxes" that are the clay pigeon throwers. Bird thrower 1 is the bottom left and 2 and 3 are north of it. 4 is next to the building and 5 is to the right and then 6 through 8 are complete the "circle" Clays are thrown out of these throwers and the shooters are right in front of the building circled in red. On the larger picture you can see the building roof and at each end are the steps and the elevated shooting stations, 1 and 5. The open sided building has two permanent heaters and I was told that people shoot all through the year. Shooters step out from under the roof and here are small stepping stones marking the stations.

The building and elevated platforms are clearly permanent structures. The buildings are not attached to the main building, but wooden walkways lead from the main building to the 5 station building. The Auditors office of Licking County shows the ownership of the property is The Hossienda LLC a limited liability company. The plat in the Auditors office does not seem to have the 5 station building on it. The building was built in 2014.

I hope this information is some help to you. If you have questions, contact me.

dwight hurd

Dwight I Hurd Co., LPA

4235 Westleton Ct.

Columbus OH 43221

(614) 370-2220

Fax (614) 317-4093



Virus-free. www.avg.com