

# RECORD OF PROCEEDINGS

Minutes of

## MADISON TOWNSHIP ZONING COMMISSION REGULAR MEETING & PUBLIC HEARING MINUTES

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held Monday, April 11, 2022 20 7:00pm

The Madison Township Zoning Commission Meeting was called to order at 7:01pm by Chairman Hyrne, with the following people present: Mr. R. Rothlisberger, Mr. J. Hyrne, Mr. J. Witt, and Mr. R. Diak. Ms. A. Wisniowski was absent. Mrs. M. Howell, Zoning Inspector, and Mr. M. Ungers, Assistant Zoning Inspector, were also present.

Chairman Hyrne requested a motion to approve the minutes from the March 14, 2022 Meeting.

A motion was presented by Mr. Witt to approve the minutes from the March 14, 2022 Meeting, seconded by Mr. Rothlisberger.

Roll Call: Mr. Rothlisberger: Yes Mr. Hyrne: Yes Mr. Witt: Yes

Mr. Diak abstained due to the fact that he was absent from the March 14, 2022 meeting.

Chairman Hyrne informed those in attendance that the meeting this evening is for the Continued Public Hearing for proposed text amendments for a Shooting Training Center.

Mrs. Howell stated for the record that the proposed text amendments to Sections 101, 105, and 142 of the Madison Township Zoning Resolution are for a Shooting Training Center as a permitted Conditional Use in the AR, Agricultural Residential Zoning District. She informed those in attendance that Mr. Neil Harrison submitted an application for the text amendment, and that he is proposing language for a Conditional Use Permit for a Shooting Training Center. She added that Mr. Harrison currently operates C-4 Shooting & Training Center (Urbandale Gun Club), located at 6347 E. Loveland Road.

Mrs. Howell stated for the record that the Lake County Planning Commission met on February 22, 2022 and provided their recommendations for the proposed text amendments, which were read at the March 14, 2022 Meeting. Mrs. Howell informed those in attendance that the Zoning Office received an email on March 22, 2022 from Mr. Dave Radachy, Lake County Planning Commission, clarifying that weapons meant revolvers, bolt action, muzzle loaders, or any other type of weapon that is not fully automatic and to please let the Zoning Commission know their position. She added that the Zoning Office received a letter on April 4, 2022 from Mr. & Mrs. Lyon, 6218 Ford Road, stating that they are against the proposed text amendment and one this evening from Mr. John Barber, stating there have not been any RSO's at C4 when he has gone and shot there, at least five times over the last three years.

Mr. Richard Kunsman 5337 W. Loveland Rd., Madison, OH

Mr. Kunsman stated that his property is about a half mile away from C4. He explained his concern is the type of weapons that will be allowed at the facility. He informed the Board that he has personally used the gun club facilities over the years, but the size of the weapons being proposed to be allowed in this language are too big and a serious safety concern.

Mr. Ken Moore 6335 Chestnut St., Concord, OH

Mr. Moore stated to the Board that he owns a large parcel of land that shares a property line with C4. He approached the Board and showed them maps of the property in discussion. Mr. Moore explained that all his problems started in 2007, when Hambden Sportsman Inc. took over ownership. He informed the Board that he has personally seen bullets coming onto his property while in his tree stand and has found many bullets on his property while walking. He explained that he has had many discussions with the owners of C4 over the years and he still hasn't been satisfied with any of their responses. Mr. Moore again approached the Board and showed them the bullets being used and being requested to use in the text changes that he has problems with. He closed by requesting that the Board not allow any new text to be added to the Resolution for the safety of our citizens. Mr. Moore thanked the Board.

Mr. Robert Shearer 5365 W. Loveland Rd., Madison, OH

Mr. Shearer stated his concerns are the language of the proposed text change. He informed the Board that Agricultural Residential (AR) Zoning does not seem like the right use for a business wanting to expand to a Shooting Training Center. He stated that according to the

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zoning book, kennels have a further setback than Shooting Centers within a residential district and that seemed wrong. Mr. Shearer cited a number of Sections that he disagreed with and felt the allowance of this language would not coincide with. In closing he stated that he is very concerned of the amount of lead that will be entered into the environment if the business is allowed to expand and use new weaponry. He explained that C4 is very close to residents with well water, derived from ground water, and the C4 property faces and drains into a major river system in our region. Mr. Shearer thanked the Board.

Mrs. Deedi Sisson 6579 Ford Rd., Madison, OH

Mrs. Sisson displayed a large map to the Board showing where residents live in relation to C4 and how far C4 bullets can travel. She provided photos taken from a C4 website video that shows a gunman accidentally aiming his gun at another man. She explained that that was a clear example of how accidents can happen and people can be hurt or killed. She stated that when you mix unavoidable accidents, with the ammunition C4 wishes to use, with the location of the citizens in the AR zone, serious incidents can occur.

Mr. George Ditchcreek 6300 Ford Rd., Madison, OH

Mr. Ditchcreek stated that he recently researched the effects of lead poisoning to the environment as well as the purpose of a zoning committee or commission. He stated that he found that the purpose of zoning was to ensure the proper land use and provide value to the citizens that own property. He continued that they are to help protect local environments and residential property from commercial development. He informed the Board that in his opinion past zoning boards, trustees, county and state members have failed the residents tremendously. He stated that back when he built his house the property only had trap and skeet and now shooting goes on all day. He stated that he also researched standards for granting a Variance. He found that unnecessary hardship and conditions unique to the property were the primary factors. He informed the Board that nothing was unique to the property and there was no hardship. He asked the Board if this business was necessary and suggested it was a nuisance. Mr. Ditchcreek explained that Mr. Harrison has been very vague with his descriptions on Military Weapons, Product Testing and Military Training. He stated that there is not enough regulation and inspections and it is up to the Board to consider all of these things and protect the residents' rights and properties. He thanked the Board for their time.

Mrs. Lori Boban 6067 Ford Rd., Madison, OH

Mrs. Boban stated to the Board that she hardly noticed the gun club for the first 16 years she lived on Ford Road, but the significant increase in gunfire and the kind of gunfire taking place at the C4 facility in the last few years has disturbed her. She continued that her concern is for the safety of her family and as a local tax paying citizen she does not want to live with constant worry. She stated that they have gathered at least 122 signatures in support of their disapproval of C4. In closing, Mrs. Boban explained that the local residents, users of Fassionation Park and the school buses that drop off children along Ford Rd are all at risk, and she is speaking out now for their safety because C4 accidents should not come at the expense of an innocent person's life.

Mr. Terry Lampert 6206 Ford Rd., Madison, OH

Mr. Lampert addressed the Board and asked when the allowance of anything other than shotguns and skeet shooting was implemented at the gun club. He stated that to his knowledge it was not.

Mrs. Irena Kenneley 6266 Ford Rd., Madison, OH

Mrs. Kenneley stated to the Board that the expansion of C4 should not come at the expense of everyone else's property values. She provided figures to the Board that C4 currently has outstanding liens for unpaid sales taxes of more than \$23,000, unpaid workers compensation claims for over \$5,000 and unpaid property taxes for \$26,000. She informed the Board that fiscal responsibility is a sign of any ethical business and she doesn't see that here. She questioned what C4's plan was to address the environmental issues that come with that kind of business such as sanitary, septic and lead. In closing, Mrs. Kenneley stated that due to these fiscal, environmental, and safety concerns this business should not be allowed.

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Mr. Mike Kenneley 6266 Ford Rd., Madison, OH

Mr. Kenneley questioned why we would allow this business to expand when they haven't paid their taxes and they do not have the approval of any of the citizens that surround them.

Burke Bray 6480 Ford Rd., Madison, OH

Mr. Bray stated to the Board that Urbandale was always a good neighbor but C4 wasn't a good neighbor. He informed the Board that he was once told to leave their property while walking his dog and that once a bullet came through his house and nearly struck him. He stated that the noise factor has become too much to take and that most of the noise is coming from what sounds like automatic weapons. Mr. Bray questioned if that was even allowed or should be within a residential district.

Francis Haden 5680 Ford Rd., Madison, OH

Mr. Haden informed the Board that C4 claims to be the only Training Center within one-hundred and fifty (150) miles and that is incorrect. He stated a quick google search will show 36 similar establishments in or around Lake County. He informed the Board of some dimensions and specifications of the ammunition and firearms being proposed in the text amendments. Mr. Haden stated that the noise created from a 50 caliber is louder than a jackhammer. He questioned what kind of identification is required at C4, why they do not plan to have cameras and if anyone on the Board has any idea of what an indoor shooting center will look like. Mr. Haden gave the Board hypothetical scenarios of what may happen without security and safety measures present.

Kim Mason, on behalf of her mother, Marjorie Danato, 6280 Ford Rd., Madison, OH

Ms. Mason stated that her mother has been a resident of Ford Rd. since 1998. Ms. Mason stated that she has always been aware of the Gun Club, and as a second amendment supporter has never had a problem with the property until a few years ago when the club became private and began to expand its operations. She informed the Board that her mother wanted the Board to question Mr. Harrison specifically about what kind of product testing will take place on the property if the language is to be accepted.

Chris Kochevar 12076 Hambden Rd., Concord, OH

Mr. Kochevar informed the Board that he was an instructor with Lake County Young Guns 4H Shooting Sports Program. He stated that he was there on behalf of Nancy Kochevar to read a letter she wrote. Mr. Kochevar read the letter aloud which stated that their program is all about youth development and safety. During their visits to C4 Shooting and Training Center they have not seen any unsafe activities. Their program is one (1) of two (2) 4H organizations in Ohio selected by Brown University to participate in a national study researching the positive impacts 4H Shooting Sports have on reducing violence in adolescence and that they are able to do this because of their home at C4 Shooting and Training Center. The Program strongly supports C4 and the language that they propose.

Chance Christie 1981 Benjamin Rd., Madison, OH

Mr. Christie stated that he has been into shooting sports since he was a young child and has shot at different ranges all around the country. He explained that he visited C4 the day prior to the meeting and found it to be unsafe for shooters as well as for the residents around C4's property. Mr. Christie stated there were no misfire containers present on the range and not a single RSO came out to check on him. He informed the Board that every range he has been to with the kind of testing the language is proposing has been performed on much larger properties. He continued that the terrain does not lend itself to Title II weapons. Mr. Christie stated that shooters should be facing North and South and not East and West for safety reasons regarding sunlight in a shooter's eyes. He stated that C4's lack of concern for public safety concerns him.

Danny Smith 4705 Brooksdale Rd., Mentor, OH

Mr. Smith stated that he was formerly an employee of C4. He explained that while working there in the past he personally heard guns being fired on many properties surrounding C4. He

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informed the Board that he has only seen safe and trustworthy activities going on at C4 in his time there.

Mr. Adam Litke 5686 West Maple Rd., Geneva, OH  
Mr. Litke stated that he shoots at multiple ranges around the country throughout the year. He encouraged the Board to look into some of the information and statements brought forth in the meeting, as he found them to be incorrect. Mr. Litke agreed that misfire boxes should be added to C4. He stated that he has frequented the property since it was known as Urbandale Gun Club and significant safety upgrades have been made since C4 took ownership.

Mr. Neil Harrison 29948 Regent Rd., Wickliffe, OH  
Mr. Harrison addressed the Board and responded to many of the questions and statements mentioned during the meeting. He stated that C4 actively abates their lead. He stated that he provided a packet to the Board that lists the noise factor regulations according to the Ohio Revised Code (ORC). Mr. Harrison said they do take drivers licenses at C4, they do know who is on their ranges at all times, they have used fully automatic weapons during specific fundraisers as mentioned in the past, they do have insurance and they did not shoot the cat. He stated that they have not been a private club since at least 2008. He informed the Board that the Military Testing they are proposing would be a North facing custom built facility with a covered semi-indoor structure that would house the permanently mounted Testing Products. The language states that they prohibit explosives and no activity would be done at night. Mr. Harrison said they will make everything as safe as possible but he cannot guarantee the complete safety of everyone who chooses to participate in activities involving firearms. He stated that 96 signatures have been collected in support of the proposed language and have been submitted to the Board, along with various letters of recommendation. Mr. Harrison stated that unlike a jackhammer, fire arms do not give off a constant, consistent noise and the noise of a fifty (50) caliber firearm is about the same as a shotgun. He stated that by previous speakers' own acknowledgments, the North facing shooting of shotguns in the past were barely audible, which only supports why a fifty (50) caliber firearm of the same noise level in the same direction would also be barely audible. Mr. Diak stated that he would be interested in seeing the facility and viewing the staffing levels and safety requirements. Mr. Harrison welcomed that and again invited all Board members to join. Mr. Witt asked what the relationship was between Hambden Sportsman Inc and C4 Shooting and Training Center. Mr. Harrison stated that Hambden Sportsman Club purchased the range and C4 Shooting and Training Center are buying it from them through an arraignment and that he is an authorized member of both companies. Mr. Harrison thanked the Board for their time.

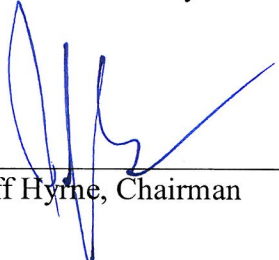
Chairman Hyrne asked if there were any additional comments. With no further comments a motion was presented by Mr. Witt to continue the Public Hearing until May 9, 2022, at 7:00pm, seconded by Mr. Diak.


Roll Call: Mr. Rothlisberger: Yes Mr. Hyrne: Yes  
Mr. Witt: Yes Mr. Diak: Yes

Chairman Hyrne asked if there was any old or new business. Mrs. Howell informed the Board that the text amendment for Medical Marijuana became effective on April 7, 2022 and that each Board member has been provided a copy of the updated sections of the Zoning Resolution.

There being no further business before the Board, a motion to adjourn the Meeting at 9:00pm was presented by Mr. Rothlisberger, seconded by Mr. Diak.

Roll call: All "Ayes."

  
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Jeff Hyrne, Chairman

  
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John Witt, Secretary