

CITY OF KNOX BOARD OF ZONING APPEALS
101 WEST WASHINGTON STREET
KNOX, INDIANA 46534
574-772-5445

Meeting Minutes: April 19, 2021, 7:00 pm

Meeting Location: Knox City Hall

Members Present: Mike Skinner, Jeff Houston, Darlene Dulin, Mark Simpkins

Members Not Present: None

Staff Present: Kenny Pfost, Todd Wallsmith

Staff Not Present: None

Members of public present: Michael E. Elam, Jr.; Taylor Elam; Dan Berg; Cassie Berg; Jeff Berg; Jim Collins

The April 19, 2021, Board of Zoning Appeals meeting, held at the Knox City Hall, with COVID-19 restrictions in place (masks and social distancing required), was called to order at 7:00 p.m. by Secretary Jeff Houston. The Pledge of Allegiance was conducted and Roll Call performed.

Vice President Houston asked for approval of the November 16, 2020, minutes. Member Dulin made a motion to approve the minutes without changes. Member Simpkins seconded the motion. Carried 4-0.

Board Reorganization: Vice President Houston announced that John Wilson has fulfilled his term and will not be returning as Board President; therefore, a new president would need to be selected.

Vice President Houston nominated Member Mike Skinner to serve as President. Member Dulin seconded the motion. Carried 4-0.

Member Mark Simpkins nominated Jeff Houston to remain as Vice President. Mike Skinner seconded the motion. Carried 4-0.

Vice President Houston nominated Darlene Dulin to serve as secretary. Member Simpkins seconded the motion. Carried 4-0

NEW BUSINESS

New president Mike Skinner opened the public hearing for the variance request at 7:08 p.m. Administrator Pfof read the following notice:

“Notice is hereby given that there will be a public hearing at Knox City Hall on Monday, April 19, 2021, at 7:00 p.m. (Central Time), located at 101 West Washington St., Knox, Starke County, Indiana. The purpose of the hearing is for a Special Use request to allow a property to be use for a firearms store and axe throwing center in an area zoned as General Commercial, located at Prettymans Part Lots 1 & 5, Block 4, commonly known as 253 East John Street, Knox, Starke County, Indiana. The property is owned by Michael Minix. Kenny Pfof/City of Knox Board of Zoning Appeals Administrator.”

Mike Elam made his presentation to the Board, explaining his business plan to open a gun store and ax-throwing center (two separate businesses in the same building). Mr. Elam states the building has been purchased from Michael “Hank” Minix and they are in the process of cleaning trash from inside and outside of the building. Mr. Elam further stressed that they want to turn an “eye sore into something of value and give back to the community.”

Plans are to do a lot of community service, i.e., sponsoring kids, sponsoring teams.

As far as security, there will be 2x6 walls installed, ADT is already installed, new security doors, guns will be stored in a safe when business is not open. Safes will be bolted to the floor and weigh 700 lbs. Gun store will be on the brick side of the building. Every window in the building will have bars made out of ½ inch carbon steel. Even if a window gets broken, the perpetrator will not get in. Security cameras will be installed as well.

Security for the ax-throwing business may also be a concern. There’s a possibility that someone can get hurt. There is an “ax league” (out of Canada) that will provide guidelines. Everything will be done by the book. Training videos will be used for ax-throwing participants to watch. The ax-throwing will be in cages with a backdrop of solid wood. Nothing will go out of the cages. Dan Berg states “We think it will provide entertainment and help people stay here or visit the community. Culver and Michigan City have ax-throwing. We are trying to provide something that will bring people here (Knox) instead of other places.” Plans also include possibly serving food such as pizza or partnering with a coffee shop such as Rabbit Coffee.

The outside of the building is not very nice. A fence will be put on the backside of the building so no one leaves the ax-throwing and wanders into the railroad tracks. The fence that is currently on the side of the building will be removed and that area will be made into a parking area. Lighting will also be re-done. Safety is #1.

Community member Jeff Berg asks Mike & Dan, "What is the process with ATF (Bureau of Alcohol, Tobacco, Firearms and Explosives)?" Mike Elam states he already has his license in the works. He has insurance coverage. Once the building is cleaned up, ATF will visit to make sure everything is up to their standards. If it's not, they will be given 30-60 days to make corrections. Dan Berg stressed that all firearms would be behind the counter and the ATF can shut them down if standards aren't met. The ATF will visit once a month and the FBI is involved as well.

Jeff Berg further asks if it is known how many people can be in the building at one time. Mike Elam explained this is currently unknown but people on the ax side will need to sign in and also sign waivers. Although this would not be required on the gun side, Mike doesn't feel it is a bad idea.

It was also asked if "dry firing" would be allowed. Both Mike and Dan thought it wouldn't be a bad idea to allow this. Out of state sales was also discussed. Mike Elam stated if a customer were from Illinois and purchased a firearm, it would have to initially be sent to an Illinois firearm store to be in compliance with federal laws.

Both Dan Berg and Mike Elam feel the more people know about firearms, the better for all. They know an instructor who teaches Chicago SWAT teams that is willing to come and teach for them. The current plan is to have the instructor come once a month. Mike is hoping to offer his instruction as a service, and not charge. People will not be handling "live" weapons during demonstration.

Community member Jim Collins asked about the backgrounds of Mike Elam and Dan Berg. Both have a family history of hunting, they love police work, have experience with firearms and have a desire to teach others. Dan also spent six years with the National Guard. Jim stressed that the insurance company will be doing an inspection before issuing the policy. As of right now, everything is in line. Jim Collins also reminded the board that Ed's Auto previously had a gun store.

President Mike Skinner read email from community member James Buchanan voicing concerns against allowing the gun shop and ax-throwing establishments due to children living in the apartment complex nearby. No other concerns expressed.

Board Attorney Todd Wallsmith provided clarification for the Board regarding the firearms store stating, "There is no basis for requiring a special use permit for the firearms store." He further stressed to community members that the Board had not yet made a decision,

President Skinner closed the public hearing at 7:38 p.m. and asked for comments from the Board. Vice President Board Member states concern was expressed to him regarding gun repair. He's concerned about accidental shots going off during repair. Mike Elam stressed they do not repair guns as they will be sent out for repair. The gun

store also cannot be accessed from the ax-throwing business and vice-versa. Dan Berg further stressed that they were not authorized as gunsmiths. They will not reload or sell re-loaded shells. Vice President also expressed concern regarding insurance. Jim Collins stated they will have premises liability (if someone gets hurt) along with general liability. The amount of insurance was not discussed.

President Skinner states Board permission not needed for opening a gun shop; however, the ax-throwing may fall under regulation A7 (Commercial recreational uses (conducted only within buildings so constructed that no noise of any kind, produced therein, shall be audible beyond the confines of the building)). Asked about the number of parking spaces and was told approximately 20 (specifically keeping customers away from apartments). Further asked if leagues formed for ax-throwing, and it keeps growing, what then? Mike Elam states a mass overflow is not expected but they would like to have a "league night." Hours for the ax side 9-10 p.m. on Friday & Saturday, and 7 p.m. on Sunday.

President Skinner further questioned "sound" on the ax-throwing side. Mike Elam stated they are checking on this (sound insulation) and loud noises aren't really expected. Doors and windows will be shut. Member Simpkins asked if there was going to be a time limit on the ax-throwing? Mike Elam states he expects 10 p.m. to be the max as stated above. Member Simpkins further asked for elaboration on what would be sold in the gun store. Mike Elam stated they will be selling ammunition and firearms but not black gun powder and plans to have a key made for the police and fire departments (if they will accept it because ammunition and guns will be kept secure in a safe).

Board Attorney Wallsmith stated the ax-throwing has to be a special use under Section 2-B-2 of the Downtown Commercial Business District Regulations, since it is not specifically listed under A7 a, b, c, or d. The criteria of regulation A7 must be met to grant the special use exception (Commercial recreational uses (conducted only within buildings so constructed that no noise of any kind, produced therein, shall be audible beyond the confines of the building)). You can put those criteria on it, and it could be subject to a fine later if violated, or table it until sound from the ax-throwing can be examined. Member Simpkins feels good about the time of 10pm which would help keep noise complaints down. Mike Elam asked if people complain about cars starting and customers leaving, if that would be a noise violation. Assured by President Skinner that the regulations are regarding the noise within the building.

Member Simpkins moved for the BZA to grant special use exception for the operation of an Ax-throwing business at 253 East John St., Knox, Starke County, Indiana, subject to the rules set out in the City Ordinance regarding noise in a recreation facility inside the Downtown Commercial Business District. Secretary Dulin seconded the motion. Carried 4-0.

Kenny Pfof notified the Board that the Planning Commission voted to change the time of their meetings from 7 p.m. to 6 p.m. and suggested the BZA Board consider the same. Vice President Houston moved to change the time of the BZA meetings to 6 p.m. as well. Secretary Dulin seconded the motion. Carried 4-0.

Vice President Houston made a motion to adjourn at 8:13 p.m. Secretary Dulin seconded. Carried 4-0.

Darlene Dulin

Secretary