



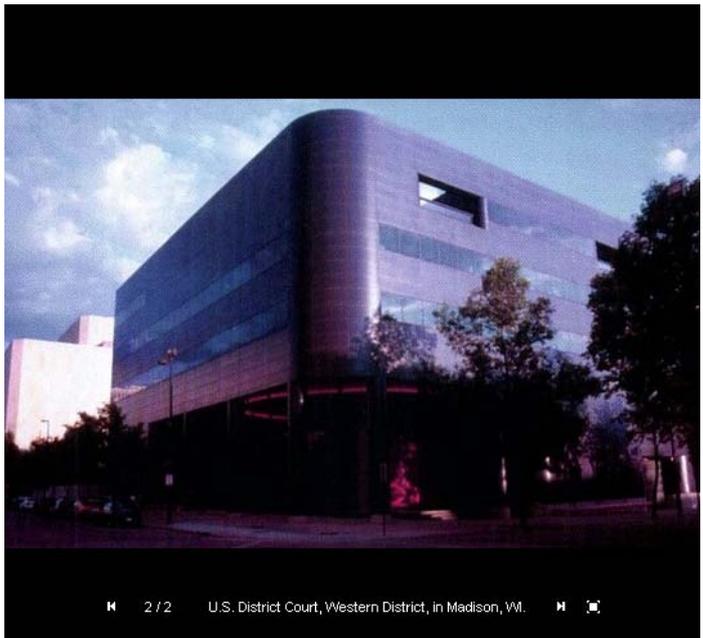
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## Bible camp group sues Oneida County, town over permit denial

Joe Costanza, NN.N Editor  
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2 / 2 U.S. District Court, Western District, in Madison, WI.

*This article will be continually updated as new information is obtained.*

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Three brothers who have been repeatedly denied permission by Oneida County and the Town of Woodboro to build a controversial year-round Bible camp on 34 acres of land began a lawsuit in federal court Wednesday, March 10, to challenge the decisions and are asking for injunctive relief, and unspecified compensatory and punitive damages. *(See full prayer for relief requested from court at bottom of this article).*

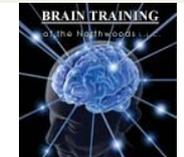
The 53-page complaint was filed in U.S. District Court for the Western District in Madison on Wednesday, March 10, 2010, by the plaintiffs, Arthur, Randall and Wesley Jaros, who are principals of Eagle Cove Camp & Conference Center, Inc. Other plaintiffs include Crescent Lake Bible Fellowship, which intends to operate the new Bible camp, and Kim Williamson, a Town of Woodboro resident and employee of Crescent Lake Bible camp.

The complaint names Oneida County, the Oneida County Board of Adjustment and the Town of Woodboro as the three defendants.

In 2005, the Jaros brothers began their bid for county and town approval to construct the Bible camp on their 34-acre property fronting Squash Lake in the Town of Woodboro. In 2006 and in 2007 they petitioned for rezoning which ultimately was denied after a series of events, and then sought to obtain a conditional use permit (CUP). They also own an addition 25 acres abutting this parcel.

Following a public hearing in April 2009 during which much public opposition against the proposed Bible camp was expressed, the Oneida County Planning & Zoning Committee denied the CUP in July 2009 because it considered the plan a "recreational" use, which is not allowed in a single-family zoning district. The Town of Woodboro earlier opposed the project, citing the county zoning ordinance. The town has about 700 residents spread over 37 square miles and is located west of Rhinelander.

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The committee's decision was upheld by the county Board of Adjustment (BOA) in a unanimous vote Feb. 11, 2010.

At that time, Art Jaros said he would appeal the decision in federal court arguing that the county's decisions violated the family's right to religious freedom guaranteed by the federal Religious Land Use and Institutionalized Persons Act (RLUIPA).

According to the complaint, Art Jaros, Jr., Wesley Jaros and Randall Jaros, "ages 59, 56 and 51, respectively, each a resident of the State of Illinois, have their life-long secondary residences at Squash Lake in the Town of Woodboro, almost immediately adjacent to the subject parcel."

Art and Randall Jaros "desire and intend to personally teach Christian education courses at the Bible Camp, both to youth and to adults, in order to exercise their sincere and long-held religious beliefs."

The complaint states that plaintiffs spent \$205,000 in efforts to obtain the CUP, mainly to pay for engineering and architectural costs and some legal fees. In addition to compensatory and punitive damages, the complaint seeks to recover full legal expenses incurred.

In addition to Art Jaros, co-counsel for the plaintiffs is the law firm of Storzer & Greene, which has offices in Washington, D.C., and New York City, and specializes in religious land-use cases.

The plaintiffs argue in their complaint that Oneida County and the town's laws permit many other assembly and institutional uses in the town, such as schools, libraries, museums, community living arrangements, but prohibit the Bible Camp entirely from the jurisdiction.

"Christian Bible camp ministries are a vital form or religious exercise, separate and distinct from organized churches," the complaint stated. "Religious land uses are protected from undue burdens, discrimination and arbitrary treatment under the federal and state constitutions, as well as the federal Religious Land Use and Institutionalized Persons Act of 2000."

The complaint also asserts that because some youth to be served suffer disabilities, they would be denied rights under federal laws covering the disabled.

According to the complaint, the county denied the camp's petition for rezoning based on its position in 2006 that the Jaroses could achieve "most of their stated objectives" under current zoning -- which led them to spend "hundreds of thousands of dollars and several years" in the bid for the CUP for a use that the county decided in February 2010 was not permissible.

Co-counsel for the plaintiffs, Roman P. Storzer said, "Congress specifically passed RLUIPA to protect 'any exercise of religion,' whether it happens in a church, school, home or a Bible Camp. It is not the government's job to tell believers how and where they may worship."

According to court procedures, the defendants have 21 days to respond from the time they are served papers.

To read the complaint, click [HERE](#)

According to its CUP application, the project envisioned a single main structure ("lodge"), and the camp would include a chapel, classrooms and conference center, kitchen, cafeteria and dining hall, gymnasium, soccer field, baseball field, archery range, and swimming, boating and water skiing facilities. A self-propelled rail car now in storage just outside of Tomahawk, Wis., according to Jaros, would transport people to the lodge from a visitors' center parking lot just off U.S. Highway 8.

In the newly filed complaint, the plaintiffs outlined the proposed Bible camp in detail.

According to court documents, the case has been assigned to Chief Judge Barbara B. Crabb and Magistrate Judge Stephen L. Crocker.

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*(Editor's note: Attorneys during the pre-judicial phase for the defendants -- Greg Harrold for the Town of Woodboro, Brian Desmond, Oneida County Corporation Counsel, John Bruce and Andrew Jones for the county -- were called Monday, March 10, 2010, for comment, and any remarks received will be incorporated in updated versions of this article.*

***Harrold and Desmond said they do not ordinarily comment publicly on matters that are in litigation.)***

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**Following relief sought is excerpted from complaint:**

Plaintiffs respectfully request that this Court grant the following relief:

<!--[if !supportLists]-->(a) A declaration that the Defendants' laws and regulations preventing the Plaintiffs' Bible Camp use on the Subject Property are illegal and unconstitutional as violating the United States and Wisconsin Constitutions, the Religious Land Use and Institutionalized Persons Act of 2000, the Americans With Disabilities Act, and the Rehabilitation Act;<!--[endif]-->

<!--[if !supportLists]-->(b) A declaration that the Defendants' actions preventing the Bible Camp use on the Subject Property, including the denial of the Plaintiffs' CUP and rezoning requests, are illegal and unconstitutional as violating the United States and Wisconsin Constitutions, the Religious Land Use and Institutionalized Persons Act of 2000, the Americans With Disabilities Act, and the Rehabilitation Act;<!--[endif]-->

(c) Preliminary and permanent injunctive relief preventing Defendants from illegally and unconstitutionally applying the laws and regulations of the Defendants to Plaintiffs' use of the Subject Property in Woodboro, Wisconsin, including, but not limited to, enjoining Defendants from applying their laws in a manner that substantially burdens Plaintiffs' religious exercise, enjoining Defendants from applying their ordinances and adopted land use plans in a discriminatory manner, and otherwise enjoining Defendants from preventing Plaintiffs' exercise of constitutional and statutory rights;

(d) An award to Plaintiffs against each of the Defendants for compensatory and punitive damages in an amount to be determined at trial;

<!--[if !supportLists]-->(e) An order reversing both the Planning & Zoning Committee decision of August 19, 2009, and the Board of Adjustment's Decision, Order and Determination of February 11, 2010 and instead granting or commanding the granting of the Conditional Use Permit as applied for;<!--[endif]-->

<!--[if !supportLists]-->(f) An award to Plaintiffs of full costs, disbursements and attorneys' fees, to the extent permitted by law, arising out of Defendants' laws, actions and land use decisions and out of this litigation; and <!--[endif]-->

(g) Such other and further relief as this Court may deem just and appropriate.

**DEMAND FOR JURY**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiffs hereby demand a trial by jury in this action of all issues so triable.

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