



Home | NN.N_Sponsorships | Calendar | Archives | Community_Links | Donors | About_Us | Obituaries | Contact_Us | Volunteer



HOME / NORTHWOODS

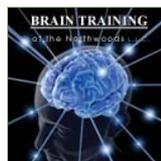
Email this to a friend | Print PDF | Print HTML

Google Search | Web | NewsOfTheNorth

In NN.N:

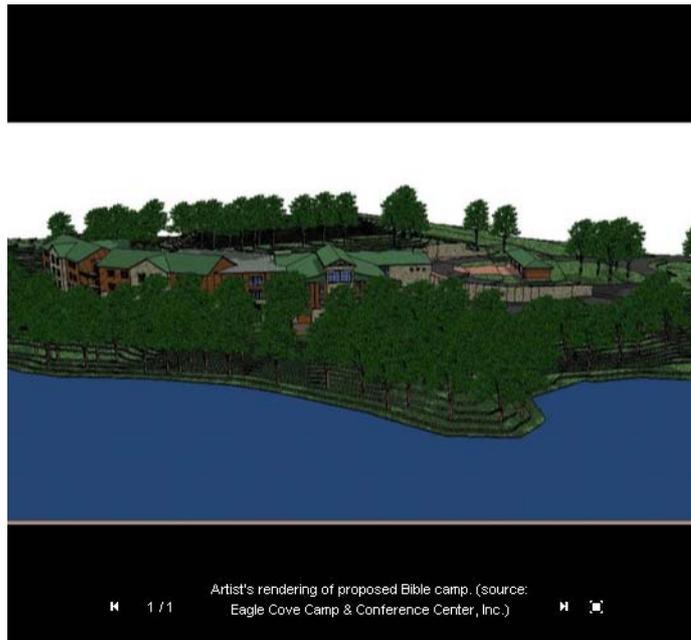
- [Top Stories](#)
- [News Briefs](#)
- [Northwoods Communities](#)
- [Government](#)
- [Environment](#)
- [Columnists](#)
- [Blogs](#)
- [Letters To The Editor](#)

RSS



Jaros to file federal lawsuit against county and town over Bible camp

Joe Costanza, NN.N Editor
Published 02/11/2010 - 8:29 p.m. CST



Artist's rendering of proposed Bible camp. (source: Eagle Cove Camp & Conference Center, Inc.)

The five-year battle over a proposed Bible camp in the Town of Woodboro is far from over despite a written decision by the Oneida County Board of Adjustment issued Thursday, Feb. 11, that upholds a July 2009 county planning and zoning department decision to deny a conditional use permit (CUP).

The BOA's six-page decision came a month after it voted unanimously against granting permission to Arthur, Randall and Wesley Jaros, three brothers and the main principals of Eagle Cove Camp & Conference Center, Inc., which has sought since 2005 to build the camp on property they own on the western tip of Squash Lake in Woodboro.

Reached for comment, Arthur Jaros, an attorney who represents the family in the matter, said in a telephone interview Thursday, Feb. 11, with NN.N from his office in Oak Brook, Ill., that the family would file a lawsuit within 30 days of the BOA's notice seeking to overturn the decision, as well as asking for unspecified money damages. He said the lawsuit would seek a declaration of rights and a mandatory injunction compelling the county to grant the permit.

"THIS IS NOT A CLOSED CASE"

Labeling the BOA action "a shocking outcome," Jaros reacted further by saying, "The federal court is going to decide this under federal law, free from local bias, properly analyzing the law and the arguments, which this board never did. This is not a closed case; it's a legal outrage."

Among several reasons outlined in a written appeal filed with the BOA last September and later discussed at a public hearing Dec. 1, the Jaroses argued that denial to operate the camp on their land would violate the family's right to religious freedom guaranteed by the First Amendment, as well as the federal Religious Land Use and Institutionalized Persons Act (RLUIPA) enacted in 2000. It was the third attempt to win approval for the project, having been denied a zoning change from single-family district as well as a CUP application, which was filed for in December 2006.

ABOUT THE AUTHOR



Joe Costanza

Email

More Northwoods

- [- USA Pond Hockey Championships set for this weekend in Eagle River](#)
- [- LdF Tribe announces plans for new safety center, appoints two judges](#)
- [- Got a spare tire? Vilas offers deal](#)
- [- Northwoods-based Curling champ sweeps way toward National Finals](#)
- [- Big John named president of Lac du Flambeau Tribe, vows unity](#)
- [- Oneida County, YMCA forging land swap deal to allow new senior center](#)
- [- Northwoods Children's Museum in Eagle River names executive director](#)
- [- 3 killed in separate snowmobile crashes; 17 total fatalities this season](#)
- [- Looking for a tax break? Here's a big one you may have overlooked](#)
- [- Oneida Dept. of Aging panel to meet to sharpen site selection](#)





Jaros said the December hearing was to center on two issues – whether the Bible camp could be considered an allowed conditional use under the current zoning, such as a church, school or other uses in a single family district, and whether the BOA had authority to consider the federal law, namely RLUIPA.

In its written conclusions issued Feb. 11, 2010, the BOA stated in part, “The BOA is obligated to apply RLUIPA in rendering its decision in this appeal . . . Given the nature and extent of the proposed use taken as a whole, and especially the fact that it is to provide overnight lodging and a campgrounds for hundreds of persons in addition to conference facilities, a chapel and classrooms, commercial meal services and a cafeteria, and extensive facilities for various forms of indoor and outdoor recreational activity, the proposed use cannot reasonably be deemed either a ‘church’ or a ‘school,’ even on a broad interpretation of those words. To interpret such words to include the proposed use in its entirety would be inconsistent with the clearly stated intent of Zoning District 2 in which the great majority of the proposed use is to be located, i.e., a single family residential district.”

BOA CLAIMS RECREATIONAL USE

The BOA decision went on to state, “The proposed use is more accurately considered a ‘recreational camp’ as defined by the ordinance and licensed by the State as a ‘recreational/educational camp.’ That is not a use allowed as a permitted or conditional use in either Zoning Districts 2 or 4.”

Among other arguments it made, the BOA said the county ordinance does not violate RLUIPA and no exemption from terms of the ordinance is justified. The BOA found that denial of the permit did not impose a “substantial burden” on the free exercise of the three brothers who sought to build the recreational camp, asserting that other sites in the county are available where the camp could be built.

In their appeal, the Jaroses noted that at other public lakes within Oneida County outside the Town of Woodboro – some smaller and some larger than Squash lake – year round Bible camps are allowed. “Camp Luther’s equally rural land at much smaller Range Line Lake co-exists with single family and business zoning,” the 24-page appeal stated in part. “Based upon the presence of such zoning and the allowance of year round Bible camps by other religious denominations elsewhere in the county, it cannot be rationally asserted that there is a public health, safety or general welfare interest served by the zoning map which classifies the Appellants’ rural property at Squash Lake in a more restrictive manner.”

In his interview Thursday, Feb. 11, Jaros said, “These people are biased against us, and we are going to take it to federal court where we’re optimistic that the court will properly uphold the law and the Constitution of the United States.”

FIRST AMENDMENT RIGHTS CITED

He said that even though the Constitution’s First Amendment guarantees the right to practice a religion, RLUIPA was enacted to “put teeth into the law” as an enforcement device. “In reinforces the First Amendment’s free exercise clause, which the Supreme Court has held applies both to states and their subordinate units of governments, as well as Congress.”

Jaros said the written complaint is in the “final stages” of being drafted and will be submitted within 30 days and likely sooner to the U.S. Western District Court in Madison, Wis.

Over the five years since the development plans were unveiled, the project has drawn fire from many area residents who see it as more a commercial endeavor than one based on religious motives. Some opponents, including the Squash Lake Association said that 87% of association members, in an advisory referendum in 2007, were opposed to the project and in 2009 another 150 individuals signed a petition against the camp.

The statement went on to say that residents were concerned about the environmental effects of 300 campers, which they said would “effectively triple the population of the lake, construction of a massive 42,225 square foot complex, complete with 4.7 acres of impervious surface, a high-capacity (125/gal/min) well and a full-sized, twin-diesel railroad car to ferry campers to the main lodge” would degrade the environment of the pristine water body.

Jaros said the family is highly mindful of the environmental impact and that the building would not “tower over the lake,” but rather be set well back, aesthetically pleasing and non-intrusive. When asked to respond to critics who say that the family is using the “Bible camp and conference center” description in its CUP application as cover for other purposes, Jaros said, “That’s absolutely ridiculous because on a CUP it’s only good for the specific use, which is a Bible camp and if our Bible camp failed the only thing it could become is a single-family residence.”

CONSPIRACY BETWEEN COUNTY AND TOWN?

Jaros said, “As they construe the ordinance, you can’t build a year-round Bible camp anywhere in the Town of Woodboro. The county and the town have conspired to adopt a zoning map that prohibits year-round Bible camps from the entire Town of Woodboro, which is an out and out violation of the federal statute. Nobody has ever addressed that argument.



We have been making that argument for years. None of them have touched it. They can't."

Eagle Cove Camp & Conference Center, Inc. owns and proposes to build on 29 acres of land along the western shore of 396-acre Squash Lake including about 550 feet of lake frontage, and is a Wisconsin non-stock corporation, also incorporated as Squash Lake Christian Camp. Its website <http://www.eaglecovecamp.org/> describes its mission as "A Christian outreach to youth, adults and families with special needs."

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

Jaros likened the proposed Bible camp somewhat to the private Conserve School in Land O' Lakes, Wis., located in Vilas County, which offers college preparatory courses on a semester basis in a secluded recreational setting. However, he added, "our camp, unlike Conserve School, has a dominantly religious orientation with the chapel as the focal point of the multi-function lodge.

"We do not want tear up our land with a lot of infrastructure, so everything essentially would be under one roof."

LAWYERS GATHER ON BOTH SIDES

BOA attorney Jack Bruce, serving as independent legal counsel for the Oneida County Board of Adjustment, could not be immediately reached for comment for this story. Greg Harrold represented the town, and Oneida County Corporation Counsel Brian Desmond and Milwaukee attorney Andrew Jones represented the county.

One observation cited in a brief is that the proposed use must be licensed as a "recreational/educational camp" by the State of Wisconsin. BOA noted the county ordinance fails to define the words "church" or "school," but does define "recreation camps" as "areas of land improved with buildings or tents, and sanitary facilities used for the accommodation of groups for educational or recreational purposes." Recreational camps have not previously been allowed by the county in the zoning districts in which the Jaros property is located, the BOA stated in its written decision

Heading up the fight for the plaintiffs will be the New York City and Washington, D.C.-based law firm, Storz & Greene, P.L.L.C, which has a vaunted reputation for taking up religious land use cases. Bruce is with the law firm Schober Schober & Mitchell, S.C., which has three offices in southern Wisconsin.

It's not uncommon for cases such as this to be adjudicated fairly quickly, especially if "summary judgment" is exercised by a judge where the facts are not in dispute, according to Jaros.

Related Articles

- [Down to the Final Four - who will it be?](#)
- [Proposed Squash Lake bible camp, conference center denied permit by county zoning](#)
- [Bible Camp appeal before Board of Adjustment; ruling due Jan. 12](#)
- [Bible camp permit voted down by Oneida County Board of Adjustment](#)

 [Post A Comment](#)

* Indicates required information

Comment Title:

* Comments:

Nickname:

* Validation: