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## Bible Camp appeal before Board of Adjustment; ruling due Jan. 12

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Forces, pro and con, lined up again on December 1, this time before the Oneida County Board of Adjustment (BOA), for another round of debate regarding the legality of the proposed Eagle Cove Camp and Conference Center on Squash Lake in the Town of Woodboro.

The Jaros family, represented by attorney Arthur Jaros has been seeking since 2006 to turn the family property into a religious camp which would have the capacity to serve up to 300 persons.

Jaros said in a legal brief to the BOA last Tuesday that denying his family the right to operate the camp on the site would violate his right to religious freedom guaranteed by the federal Religious Land Use and Institutionalized Persons Act (RLUIPA). His appeal to the BOA is his third attempt to get approval for the project, having been denied a zoning change as well as a conditional use permit (CUP) for the project.

The property is currently in a single family zoning district which permits the construction of churches and schools, but not recreational camps.

Jaros argued, however, that the county's interpretation of the definition of a camp was flawed in the case of his project. "A Bible camp's predominant use is religious in nature and includes a house of worship (i.e. chapel) which is allowable as a "church" and classrooms and meeting rooms for formal religious and religious-related education which are allowable as a "school."

The law firm Storzer and Greene of Washington, D.C., and New York City also submitted a brief on behalf of the Jaros family which said that the BOA "has the authority and responsibility to consider RLUIPA" and in doing so has the authority to create an "exemption" from the county zoning code.

Referring to the town's resistance to the project, based upon their land use plan, Storzer and Greene warned, "the Town's position here will subject the Board and its members to potential liability since religious freedom rights protected by RLUIPA are at issue. The Board and its members do so at its own risk. Such action would expose the Board and its members to years of litigation, potentially millions of dollars in damages and attorneys' fees, together with a substantial likelihood of eventually allowing the use regardless. Furthermore, the federal Department of Justice, which has been active in investigating violations of RLUIPA throughout the nation, may be contacted."

A brief submitted by the town's attorney Greg Harrold, however, stated that the BOA did not have the authority to determine if the county ordinance violates RLUIPA, nor could it grant an exemption, nor was the proposed project an "allowed conditional use" in the zoning district.

Andrew A. Jones of Wyte, Hirschboeck, Dudek of Milwaukee and Madison submitted a brief for the county planning and zoning committee which stated, based on examples of legal precedence, that the proposed camp "is not an allowable conditional use under the current zoning for the property."

The Squash Lake Association (SLA), represented by president Patrick Dugan submitted a statement which 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.

"We see this as a test case for OneidaCounty and Northern Wisconsin as a whole. To what extent can wealthy individuals with shrewd lawyers engage in legal maneuverings to financially wear down local government and undermine local zoning standards? We contend that RLUIPA is just another manipulative strategy to win at any cost," read the SLA statement.

The BOA will reconvene January 12, making a decision on the case at that time.



An architect's rendering of the proposed Eagle Cove Camp and Conference Center.

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