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BOA puts Bible camp decision in writing

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 REGIONAL EDITOR

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The Oneida County Board of Adjustment has put in writing its reasons for denying a conditional use permit (CUP) sought by three brothers who want to build a Bible camp on Squash Lake near Rhinelander.

In July, the Oneida County Planning and Zoning Committee denied the brothers a permit to construct a Bible camp on their Squash Lake property on the grounds a recreational camp is not permitted in the single family residential zoning district in which the property lies. The Board of Adjustment (BOA) affirmed the decision Jan. 12 and finalized it Thursday, releasing a six-page written decision.

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The Jaros brothers, Art, Randy and Wes, have indicated they plan to appeal the decision in federal court.

The Jaros project includes plans for a lodge building that would house a chapel, classrooms, a dining hall, sleeping facilities and a multi-purpose room/gymnasium.

In their written decision, the BOA members indicate they consider the project to be a recreational camp, not a church or a school. If the project were determined to be a church or school, it would be allowed with a conditional use permit.

"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 campground for hundreds of persons in addition to conference facilities, a chapel and classrooms, commercial meal services and 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," the BOA wrote.

The board members also state their opinion of the project would be the same if it were secular in nature.

"The BOA concludes that Zoning District 2 does not contemplate a use of the nature or extent described in the CUP application as a conditional use, regardless of whether such a use is secular or religious," the decision states.

The Jaros brothers have argued the RLUIPA (the federal Religious Land Use and Institutionalized Persons Act of 2000) allows them to build the Bible camp, but the board members concluded otherwise, finding that denying the permit wasn't a "substantial burden" on the practice of religion. The RLUIPA was passed by Congress in response to complaints that houses of worship had been discriminated against by local land-use decisions.

"The fact that the ordinance does not allow for the operation of a religious 'camp

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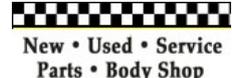
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and conference center' of the kind proposed by the appellants in a single family residential district does not in itself establish that it (the ordinance) imposes such a substantial burden, or that it violates RLUIPA in any other respect. RLUIPA does not require that appellants be allowed to engage in religious exercise of the kind proposed by the appellants on the specific property in question. There is no evidence that non-religious uses allowed by the ordinance as conditional uses are favored over religious uses," the decision states.

The Jaros appeal will most likely be filed in the U.S. District Court for the Western District of Wisconsin at Madison.

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