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Last Updated: Wednesday, December 2, 2009 10:18 AM CST

## No resolution in bible camp appeal

### Hearing to be continued in January

BY HEATHER SCHAEFER  
REGIONAL EDITOR

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It will be at least another month before the Oneida County Board of Adjustment will decide whether three brothers who want to build a Bible camp on Squash Lake near Rhinelander should be issued a Conditional Use Permit (CUP).

The board spent almost four hours Tuesday hearing from attorneys and interested parties on all sides of the complex case. Arguments were made regarding two pivotal questions:

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- Whether the board of adjustment (BOA) has the authority to consider/apply the federal Religious Land Use and Institutionalized Persons Act (RLUIPA) in its decision to grant or deny the CUP, and if the RLUIPA doesn't override the county's authority, whether the board can make a zoning ordinance exception for the project.

- Whether the proposed Bible camp and conference center is an allowable conditional use.

The county zoning ordinance allows churches and schools as conditional uses in single family residential zoning districts.

The county's planning and zoning committee in July denied a permit sought by Art, Randy and Wes Jaros on the basis that a recreational camp is not a permitted use in the single-family residential district where the property is located. The brothers have appealed the decision to the board of adjustment.

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. The camp would also offer "wholesome recreation" in the form of softball, soccer, volleyball, archery, paintball, Frisbee golf, a zipline, a ropes course, an air rifle range and water sports.

The Jaros brothers have argued the RLUIPA allows them to build the Bible camp.

The RLUIPA was passed by Congress in 2000 in response to complaints that houses of worship had been discriminated against by local land-use decisions.

A summary of the law's key provisions from the U.S. Department of Justice states the RLUIPA: Prevents infringement of religious exercise; requires treating religious institutions as well as comparable secular institutions; bars discrimination among religions; prevents zoning ordinances from totally excluding religious assemblies; and forbids laws that "unreasonably limit" houses of

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worship. The law defines a prohibited land-use regulation as one that "unreasonably limits religious assemblies, institutions, or structures within a jurisdiction."

The items under consideration Tuesday included whether the camp could be alternately defined as a church or a school and be allowed as a conditional use. The county has repeatedly argued that the Jaros project is a recreational camp while the Jaros brothers have argued that other definitions may apply because the purpose of the camp is evangelism not recreation.

Art Jaros stressed that the "dominant purpose" of the camp is religious. He said campers would spend most of their time receiving religious instruction. Recreational time would likely be in the afternoon from 1 p.m. to 4 p.m.

Jaros provided the group with a number of definitions for the terms school and church. He also argued that modern churches frequently include ancillary spaces such as classrooms and recreational facilities.

He argued not only does the board of adjustment have the authority to consider the RLUIPA it has a duty to consider the federal law's application to this set of circumstances. At one point, Jaros reminded the board that this isn't a situation in which a developer purchased property with the knowledge that a court battle may loom. The land in question has been in the Jaros family for six decades and the Jaros siblings now wish to convert a prime portion of it for religious use and "the government is saying 'get lost,'" he said.

Attorney Andrew Jones, representing the county zoning committee, agreed that the RLUIPA should be considered but argued the tenets of the controversial law do not require the brothers be granted a permit.

Jones argued a common sense review will show that a project of the size and scope of the Jaros proposal is clearly more than a church or a school. Jones said the project as a whole "can't properly be defined as a church or a school." It only fits those definitions "if you cut it up, look at different parts under a microscope and put blinders on (to other parts)," he said.

To illustrate his point he noted that the project includes a three-story lodge building that can hold 250 to 300 people, a visitor's center, a gift shop, a coffee bar and a self-propelled diesel railcar that would accommodate up to 70 individuals riding from the parking area to the main lodge.

Attorney Greg Harrold, representing the town of Woodboro, supported Jones' argument.

"Without a doubt what they are seeking is a recreational camp," he said.

He also accused the brothers of playing "word games" at the "11th hour" in an attempt to convince the board that the project fits the definition of a church or a school.

Also speaking Tuesday were two Squash Lake residents. Janet Appling, speaking on behalf of the Squash Lake Association, repeated lakefront property owners concerns that the project is too big for a relatively small lake and could lead to further infestation of aquatic invasive species.

Dale Smith submitted research he completed on the RLUIPA and added that while he enjoyed attending Bible camps as a child the experience was primarily recreational not religious.

He said he believes Bible camps are "very worthwhile" but "in this instance, on this lake, it just doesn't work."

After hearing from all sides, the board decided to vote on the two questions Jan. 12 at 9:30 a.m. The results of the votes will determine whether the panel will need to visit the site and/or hold another evidentiary hearing on the RLUIPA issues.

### **Tell us what you think...**

**COMMENTS »**

Rob Fredericks again wrote on Dec 12, 2009 7:54 PM:

" For a similiar case, you can copy and paste this address in your browser and see that RLUIPA does not place the Jaros above local zoning laws.  
[http://www.aopc.org/OpPosting/CWealth/out/657CD05\\_1-17-06.pdf](http://www.aopc.org/OpPosting/CWealth/out/657CD05_1-17-06.pdf)

From RLUIPA

SEC. 2. PROTECTION OF LAND USE AS RELIGIOUS EXERCISE.

(b) DISCRIMINATION AND EXCLUSION-

1) EQUAL TERMS- No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.

No camp is acceptable under the zoning, religious or nonreligious, that is fairness. "

Rob Fredericks wrote on Dec 12, 2009 2:53 PM:

" I am a US Army veteran and strongly believe in the US Constitution, I thank God everyday for my family, friends, and country.

Free exercise of religion is a Constitutional protection and a church would suffice, the Jaros want a recreational camp with some religion involved. What if someone wanted to build a Satanic temple next to theirs would they be all for the same protections? I would guess not because it doesn't comply with their Christian beliefs or with most peoples' beliefs, but supposedly protected.

We all should have the same rights regardless of race, religion, gender, etc.

Special interests from all sides threaten America. Our Constitution is supposed to protect us from them, it states equality throughout.

Americans need to take back our country and vote out ALL incumbents in state and federal government, then we can regain political clout and be heard. "

Rob Fredericks wrote on Dec 12, 2009 2:37 PM:

" Mr. Jaros, I first thought your camp would be a great thing in our area, regardless of it's "purpose or intent". When I learned more of the zoning (not a zoning fan either) I felt that the residents had valid points and that there should have been more compromise from both sides. Attempt to be good neighbors or partners in the community. Then you pulled out the special interests issue, typical Chicagoan move. That is when your support started declining. You made it the "us against them game", you pulled the minority card, you claimed the victim role against our local governmental officials elected to uphold OUR local laws and ordinances.

You have spent alot of money and now we will have to spend more as well, in the end I hope the game was worth it to you, because you have lost most credibilty here. "

Rob Fredericks wrote on Dec 12, 2009 2:32 PM:

" Religion can bring people together and it can just as easily divide. Mr. Jaros appears to be using it for the later in our community. He has chosen to use a special interest law and seemingly distort it for his own purposes. This is done by all types of people, especially in Chicago and D.C. Most blue collar, lifelong Northwoods residents (like myself) can see this clearly. Lawyers (people who generally speaking, make their money off others misfortune) see an opportunity to insert themselves or their agenda. They are like a labor unions, or community organizations(ie.ACORN), they look for, or create an opening to gain advantages for themselves. In my opinion that is not a very moral stand, so what is the function of Christianity then? How can anyone like this question anyone's moral compass? "

Rob Fredericks wrote on Dec 12, 2009 1:01 PM:

" I believe that religion was the reason for America being born, for a freedom of religion. Guessing from Mr. Jaros's statements, it was not. He portrays the only religion or way to practice one's religion is the way that he sees it. I do not align with Christianity, Judism, Islam or any other religion. I do however, believe in God in my own way. Mr. Jaros says that makes me an athiest or thinking as one. I don't need a religion to know right from wrong, people had morals long before the bible even became a thought. Mr. Jaros apparently is as indifferent to my religious views as he claims I am of his. "Pot calling the kettle black". Is that the "Christain way" Mr. Jaros?

His ideology is just as dangerous for America as Obama's socialist ideology. "

Rob Fredericks wrote on Dec 12, 2009 11:31 AM:

" Mr. Jaros is incorrect again in his thought process. I am a lifelong Republican, for far too many reasons. I believe strongly in religious freedoms and even support school prayer being offered to those who wish to in a seperate room or space. I believe in school voucher system, which would help your religious system.

I am not hostile to your purpose but to your using special interest rights.

When cash for clunkers came about, it was special interests, when the \$8000 home buyers credit was in effect, it was special interests.

Special interest legislation has corrupted American government, it a giant Ponzi scheme. I would expect a moral person to realize this and not partake in it for their own personal gain, but I should expect nothing less from a lawyer.

God made man free- free of religious control as well. "

Arthur G. Jaros Jr. wrote on Dec 10, 2009 9:55 PM:

" "Of all the dispositions and habits, which lead to political prosperity, Religion and Morality are indispensable supports. In vain would that man claim the tribute of Patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of Men and Citizens. \*\*\* Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in Courts of Justice? And let us with caution indulge the supposition, that morality can be maintained without religion. ... [R]eason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle. It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends ... to every species of free government." Geo. Washington, Farewell Address, 1796. "

Arthur G. Jaros Jr. wrote on Dec 10, 2009 9:52 PM:

" Mr. Fredericks' last post is illuminating and sufficient to demonstrate to an objective observer the quality of his "free-thinking." Suffice it to say that his opposition to our Bible camp is now even more clearly shown to be based on both his irreligion and his intent to disregard the specially protected position of religion in America. RLUIPA was enacted, in part, precisely because of such hostility.

He alleges that his thinking is "free from religious tainting" yet the content of his writing confirms just the opposite, for his atheism is loaded with religious content. I believe the author of the quotation provided in my next post had it right and is to be greatly preferred over Mr. Fredericks' rant. "

Rob Fredericks wrote on Dec 10, 2009 9:11 AM:

" I could spend days or even weeks pointing out the many, many contradictions of the bible.

I am ingorant because I have not been brainwashed by the bible? Because I have not been forced since childhood to believe in the drivel in the bible? How can it be what God told his disciples/prophets (whatever they are)but yet they say differing things? I have heard enough of the out of context explanation. Bill Clinton used that, Alec Baldwin used that, etc. Common sense without any religious predilection would tell you that religions are only meant to control man. They are as believable as astrology or horoscopes. My thinking is free of religious tainting, for I am free, where you are controlled, which shows your ignorance. You cannot even see that you are not free to think without bias. True ignorance. "

Arthur G. Jaros Jr. wrote on Dec 9, 2009 9:48 PM:

" P.S.

As to Mr. Fredericks' unexplained comment about ends justifying the means: both our end--developing our Bible camp in a Town which is hostile to organized religious exercise of any nature-- and our means--using the legal process to accomplish that end--are perfectly proper in this land of ordered liberty which includes constitutionally protected rights of the minority as against even the masses. "

Arthur G Jaros Jr. wrote on Dec 9, 2009 9:46 PM:

" Mr. Fredericks' moral compass apparently doesn't allow him to differentiate virtue from vice and the law's role in encouraging the former and discouraging or even prohibiting the latter.

He asks: "Why do you feel that you should have EXTRA rights?" Had he taken the time to read and understand my previous post (point #2), he might have seen that this question of his was already answered. To make it easier, he's encouraged to locate a copy of the U.S. Constitution and read the First Amendment with emphasis on the free exercise of religion clause. Perhaps he would then see that religious exercise is specially protected against government restriction, whereas for-profit commercial activities like alcohol sales--to which he makes express reference--are obviously NOT. "

Arthur G. Jaros Jr. wrote on Dec 9, 2009 9:45 PM:

" Part 2 of 3:

Mr. Fredericks' orders us to "build a church" (presumably applying the institutional sense of "church") instead of a Bible camp which highlights a church structure, namely a Christian chapel. Since when does one citizen--Mr. Fredericks--get to command another citizen how to practice his own religion?

No thanks, Mr. Fredericks, we reject your dictatorial presumptuousness. Moreover, virtually identical arguments against an institutional church on our same property would be trotted out: even a bare-bones church structure cannot be built anywhere within Woodboro without special governmental permission.

He asks: "how would you feel if a similar law were passed but instead of religious institution, it stated pornography establishment?" Answer: the same way any decent person would feel if the law, instead of requiring the police to prevent the rape of women, allowed or even directed the rape of women. "

Arthur G. Jaros Jr. wrote on Dec 9, 2009 9:40 PM:  
" Part 1 of 3:

Mr. Fredericks' statement that the Bible "is a myth" belies his ignorance. To provide just a couple of examples—one from the OT and one from the NT: he's apparently never heard of the Merneptah Stele or the Roman historian Suetonius's confirmation of Acts 18:2 ([http://www.suite101.com/blog/briantubbs/suetonius\\_on\\_christians\\_in\\_rome](http://www.suite101.com/blog/briantubbs/suetonius_on_christians_in_rome)). And, from whence does he believe the Wailing Wall in present day Jerusalem came? Who is it that is unable to think critically and objectively and clouded by bias?

The evidence demonstrates that our project is a religious camp with a recreational feature, not a recreational camp with a religious feature as he incorrectly asserts. But then again, to folks like Mr. Fredericks, the facts don't matter. "

Rob Fredericks wrote on Dec 7, 2009 7:38 PM:  
" To whichever Jaros:  
Why would anyone want to force this on a community? Nobody has any issues with existing bible camps. The main problem is that you want special treatment in zoning. Zoning is great when it prevents alcohol sales or adult entertainment but when it pertains to religious zealots, then it should be overridden. Why, is this? Why do you feel that you should have EXTRA rights? You must be better than everyone else to have extra priveledges, nobody likes the person that gets their own special rules. That is the point.  
Build a church, but it appears that you want to apply RLUIPA just to get a camp. We are not Chicagoans, we see through the smoke screen. "

Rob Fredericks wrote on Dec 7, 2009 3:04 PM:  
" Don't even try to make a point by referencing the bible, it is a myth. You cannot think without a religious bias obviously. Plain and simply, your camp is a RECREATIONAL camp with religion, you are hiding under religion and crying discrimination. It is not a single family residence. This smacks of what minority groups do constantly.  
It is a special interest law, how would you feel if a similiar law were passed but instead of religious instution it stated pornography establishment? All forms of pornography would be protected from zoning, adult novelties and toys to movies to sex clubs. Just replace the protective entity with any other, does it apply to all? No, that is why it is special interest.  
One can pervert the definition all that they want but will the end ever justify the means in such a "moral" interest as yours? "

Arthur G. Jaros Jr. wrote on Dec 5, 2009 1:54 PM:  
" 6) My brother Wes' reference to the "ancients" was plainly meant to refer to the long tradition among humans of having degenerated from monotheism into various idolatries including the practice of pantheism, in one form or another, by which created things (including Planet Earth itself), rather than the one true Creator, are wrongly made the object of worship (see, Romans 1:25).

7) It's not correct to state that Christians "worship an ancient belief" We worship the Triune God (consistent with, and arguably implied by, the plural form of the Hebrew word for the one true God, namely "Elohim") and "profess" a belief. We don't "worship" a "belief." Just to be clear. "

Arthur G. Jaros Jr. wrote on Dec 5, 2009 1:52 PM:  
" 5) Rob's statement that "there are no facts to back it [Christian faith] up" shows that our camp's classroom apologetics education ministry for people of all ages is much needed. Consider F.F. Bruce's "The New Testament Documents: Are They Reliable?" and "Jesus and Christian Origins Outside the New Testament." As the Apostle Peter is reported to have written: "We have not followed cunningly devised fables, when we made unto you the power and coming of our Lord Jesus Christ, but were EYEWITNESSES of his majesty, for

he received from God the Father honor and glory, when there came such a voice to him from the excellent glory: "This is my beloved Son, in whom I am well pleased" and this voice which came from heaven we heard, when we were with him on the holy mount [of transfiguration]." "

Arthur G. Jaros Jr. wrote on Dec 5, 2009 1:51 PM:

" 3) Rob says that our camp doesn't "meet the zoning requirements, plain and simple." He's apparently not been following the debate. (a) The P&Z Committee in June, 2006 said that we did so comply, only to inexplicably renege--in the face of public pressure--in July, 2009; and (b) even if we didn't meet them, federal law invalidates, and/or excuses our compliance with, those particular requirements which the P&Z Committee erroneously said (in July, 2009) that we didn't meet.

4) The reported decline in the percentage of Americans identifying with Christianity confirms for Christian people like ourselves the need for more evangelistic outreach ministries like our Bible camp and motivates and energizes us all the more. "

Arthur G. Jaros Jr. wrote on Dec 5, 2009 1:50 PM:

" A seven-point response to Rob Fredericks,

1) He calls it "Bush's law"--Not so. RLUIPA was signed into law during 2000 by President Clinton after being co-sponsored by Senators Kennedy and Hatch and approved by the House and Senate without a single dissenting vote among 535 members. Yet Rob, in seemingly derogatory fashion, calls this "special interests."

2) In fact, RLUIPA is legislation--adopted, in part, because of widespread local governmental hostility to using private property for religious purposes--which does enforce the "specially" protected status of religious freedom in America under the free exercise clause of the First Amendment. We gladly plead guilty to availing ourselves of the protection of federal law and of the First Amendment in the face of a hostile, self-seeking and/or otherwise irreligious neighbors and a Planning & Zoning Department and Committee which have aligned themselves with them. "

Rob Fredericks wrote on Dec 4, 2009 7:07 PM:

" Wes, like the ancients did? You worship an ancient belief yourself. You ask for facts, yet you are dealing in faith, there are no facts to back it up (the bible is not proven fact). In the last two decades Christianity dropped 10% in America. I support our Constitutional religious rights, religion can be an asset for many people.

Bush's law that you wish to fall under protection of, is special interests' rights (I voted for Bush both times). Like gays getting employment benefits for partners, it is hypocrisy. The ends don't justify the means. You feel it would be a good Christian thing to do, but at the expense of not be fully honest or maybe in a competitive frame of thought.

I feel you are not honest in your argument and you do not meet the zoning requirements, plain and simple. "

Wes Jaros wrote on Dec 3, 2009 2:59 PM:

" Please enlighten me Winter Visitor, how big does a lake have to be in your opinion to accommodate a camp? Give me your documentation and/or facts that support your conclusion.

The DNR lists 188 lakes in Oneida County with 43 bodies of water larger than Squash (including man-made reservoirs). Therefore Squash is in the top 25% of the largest lakes in the county but is remarkably quiet (in terms of boat traffic) almost the entire year. The busiest day - July 4th - "boasts" of possibly 10-12 boats at any one time. The lake is underutilized and can accommodate a few extra boats supplying enjoyment to the next generation.

And by the way, the camp is not only designed to help this community, but also the state as well as the nation as a whole. Look around - there are problems everywhere in our society! "

Wes Jaros wrote on Dec 3, 2009 2:12 PM:

" And to Ms. Smith, I find it astounding that there is still ignorance as to why we would like to build a camp. Either she has not followed this matter at all for the last 5 years or she just wants to be confrontational. Since there is not enough allowable space to answer her completely, I will simply suggest to her that in light of the almost daily tragedies that our youth in this country are subject to or are the cause of, we feel that there is still tremendous need for Christian instruction and direction in their lives.

Please read Proverbs 22:6 for some insight as to why my brothers and I think this endeavor to be of the highest value to those future attendees. Oh, and by the way Ms. Smith, Proverbs is in the (ahem) Old Testament in case you didn't know. "

Wes Jaros wrote on Dec 3, 2009 1:54 PM:

" The Chilicki's are banging the same old, worn out drum by simply giving another opinionated objection to the camp. Why not break some new ground and give us some facts to support your view? We have met every governmental agency requirement over the last 5 years and their professional findings will affirm that your claim that the project will damage the environment is totally untrue and without any facts.

My brothers and I find it interesting that most if not all of the objectors to our camp seem to truly worship the creation, but have had little or nothing to say about the CREATOR of our world and specifically the beautiful northwoods. Is that observation a revelation about where your hearts all lie? Do you worship inanimate objects like the ancients did, or do you look towards the One who created it all and give Him the credit? "

c carlson wrote on Dec 3, 2009 9:13 AM:

" I would think that our community would support anything having to do with another avenue of 'wholesome recreation' for our children and families, religion based or not.

I think the residents should get input from residents of Cresent lake..as a former cresent lake resident, I dont remember the biblecamp there ever being a hinderance, bother, or a threat to our invironment. I do however remember the joyful sounds of happy children that quite often traveled across the lake. "

Noel Hubler wrote on Dec 3, 2009 7:45 AM:

" I may not live there, but as a kid I enjoyed going to Bible camp it was a place where one made new friends and came together with old friends. In todays society we need places like this so we can send our kids to something like this and at least have a sense of comfort that they will be safe and there will not be the presence of drugs and other things they need not be exposed to. Also there is nothing wrong with some good wholesome Bible teaching. This smells of another case of people being selfish and the government interfering into our freemdom of religion. Has anyone even looked at the fact this would also create jobs for the area? "

Winter Visitor wrote on Dec 3, 2009 7:16 AM:

" I wholeheartedly support religious freedom however, in this instance, the lake is too small, the people have spoken. Jaros, please use the WWJD principle and find another way to help this community. If, that is truly your goal. "

Bev and Connie Chilicki wrote on Dec 2, 2009 6:40 PM:

" I do not live on Squash Lake or anywhere near it, but I wholeheartedly support the Squash lake residents that this camp, whether it is religious or recreational should not be allowed. As one resident said the area is too small for such a project and could not do anything but harm the environment. "

Maggie Smith wrote on Dec 2, 2009 3:38 PM:

" What religion are the Jaros family that they have no religious facilities available in this community? There doesn't seem to be a shortage of (ahem) Bible Camps in the northwoods. "

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