

Camp Zion  
Variance Request Hearing  
Correspondence in Favor

**Rierner, Linda**

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**From:** George Turnbull <44falcon@att.net>  
**Sent:** Friday, May 29, 2020 10:03 PM  
**To:** Rierner, Linda  
**Subject:** Letter of support Petition of Variance Camp Zion

George and Judi Turnbull

Email: 44falcon@att.net

Contact number: 10630-379-2298

Subject: Petition for grant of Variance

We would like to fully support the variance asked by Camp Zion so they can build a new dining hall and activity center. We live at 12727 Door Bluff Road and have been there for over 14 years. We support the camp activities, Dale Stewart and the Zion Church. There couldn't be a finer organization to be part of the Door Bluff family. They support the neighbors, work to benefit the collective whole and help in time of need. There are only sounds from **Camp Zion**. My wife's aunt cooked for Camp Zion in 1946, my wife worked at Camp Zion for many years and Dale and I have been friends for years as well. I know some neighbors feel differently but if one looks at the the benefits received from the building then Door County benefits, Liberty Grove Benefits and all the residents on Door Bluff Road benefit and most of all the children benefit. This makes much more sense then having some people drive recklessly through the camp when children are present. Maybe we should all be more concerned about the children's welfare and not about personal pet peeves and the right to drive on an old and dangerous road when a new road and safer road is provided by the camp.

An interested home owner,

George Turnbull  
12727 Door Bluff Road  
Ellison Bay, WI. 54210

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MAY 29 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

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JUN 3 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

County of Door

## LAND USE SERVICES DEPARTMENT -ZONING

As a neighbor adjacent to Camp Zion near Ellison Bay Wi I would like to give my recommendation for a variance for the construction of a new building . I have lived year round , 365 days of every year since the year of 2002 and have owned this property since 1993. There are 16 other homes on this Door Bluff rd and over the years we are the only home North of Camp Zion that have lived here continuously year round, in the past couple years I believe 2 new neighbors have moved in North of the camp. The original Door Bluff rd was an old logging road , being a very narrow rd , in the Winter it is impassable during the Winter months it is not serviced for snow plowing from Liberty Grove . Most of my Summer neighbors have not experienced the difficult Winters getting into and out of their property , Camp Zion on there own at their own expense of 10's of thousands of dollars have put in a new wide safe road and is enjoyed by all the neighbors

North of the camp, without this new road no one would be able to live on this road unless they would pay for their own snow plowing . I don't believe my Northern neighbors realize the contributions the Camp has provided to improve our way of life on this road . As a child from Illinois I had the experience during the 3 Summers away from Chicago to go to a Camp similar to Camp Zion. It' a year round Camp unseen from the regular Door Bluff rd sitting back in the woods away from the outside world where city children of all ages can for a week experience a once in a life time to a play ground with other children for a week or weekend . A special time in their lives to remember Camp Zion , they are only child once and they will never forget being here as a child at Camp Zion . No where else that I'm aware of in Door Co has this kind of Camp . Camp Zion is a great asset to all of Door Co and I'm happy to give my support for this new building , this building will help some children that have physical limits of getting around and they should not be left out

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JUN 3 2020

because of their disability's .

I would appreciate your consideration on this matter .

Dale & Nancy Thorson

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JUN 3 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

**Rierner, Linda**

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**From:** Walter Hannenberg <waltnsheilah@aol.com>  
**Sent:** Thursday, June 4, 2020 3:19 PM  
**To:** Rierner, Linda  
**Subject:** Camp Zion Conditional Use Permit

Linda Rierner  
County of Door Land Use Services Department  
Zoning Board of Adjustment  
Attention: Linda Rierner  
County Government Center  
421 Nebraska Street  
Sturgeon Bay, WI 54235

We, the undersigned Door County property owners, hereby wish to go on record to voice our support for Camp Zion's request for a Conditional Use Permit to permit the construction of a new camp facility.

We have personally known of Camp Zion's calling in the community for for sixty years now, and can say what a pleasure it has been to see what wonderful neighbors they have been. We know that they are on a path to continue their great tradition of service to our local community, and want to do everything to enhance that service. They are ready, as can be seen in their building documents, to create a facility and surrounding grounds that will meet every County building criteria, and therefore we do not see any legitimate reason to deny them a permit!

Sincerely,

Walter & Sheila Hannenberg  
12525 Door Bluff Road  
Ellison Bay WI 54210

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**JUN 4 2020**

**DOOR COUNTY  
LAND USE SERVICES DEPARTMENT**

**Riemer, Linda**

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**From:** Valerie Pierce <vpierceinchicago@yahoo.com>  
**Sent:** Friday, June 5, 2020 8:49 AM  
**To:** Riemer, Linda  
**Subject:** Camp Zion Variance Meeting/Request

Good Morning Linda!

My Name is Valerie Chaggaris. My address is 12651 Birch Field Lane in Ellison Bay. I live just across the street from Camp Zion. I have been following the plans for the new building to be constructed on the Camp Zion property and the variance that Dale Stewart is requesting. It is my hope that the board will APPROVE the variance. The plans to have it tucked away near the hill will be great to blend in with the natural scenery. Also, the access for older folks and people with special needs will be terrific.

We do love to hear the campers in the summer. Hearing the kids swim and play games and enjoy life is a wonderful sound in the summertime. My heart breaks for the Camp and campers that they will lose this summer due to Covid. Hopefully they will be back next summer.

Thanks for your consideration!

Sincerely,

Valerie and Jim Chaggaris

**RECEIVED**  
JUN 5 2020  
DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

**Riemer, Linda**

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**From:** Donna Lee <donnalealee@aol.com>  
**Sent:** Sunday, June 7, 2020 1:23 PM  
**To:** Riemer, Linda  
**Subject:** Camp Zion

lriemer@co.door.wi.us  
County of Door Land Use Services Department  
Zoning Board of Adjustment  
Attention: Linda Riemer  
County Government Center  
421 Nebraska Street Sturgeon Bay, WI 54235

Dear. Ms. Riemer:

I am writing to **strongly support** the zoning variance request of Camp Zion being considered by the Door County Zoning Board.

I have been a neighbor of Camp Zion for over 19 years and live just down the road at 1457 East Door Bluff Road. Camp Zion, and more importantly, the people who run and attend the camp, have been outstanding neighbors. They are friendly, helpful, neighborly and involved in supporting the community in many ways. I have never heard any noise from the camp. They are a real benefit to the neighborhood and the community.

As I understand it, the issue being considered is for a variance to zoning ordinances regarding distance setbacks. The variance is being requested make the proposed building compliant with the American With Disabilities Act because of the grade and topography, to make access to the building easier for older campers and guests, and to actually make the building **less visible to the public**. These are reasonable grounds for a variance.

The requested variance is necessary to allow Camp Zion to make reasonable and permitted use of their property as a camp and it does not harm the public interest. Camp Zion has been a long standing member of our community and should have an opportunity to make reasonable use of their property and make improvements to continue their valuable work. Granting the variance will also improve the camp for attendees and the success of the camp will make them a stronger neighbor. Their continued success is a benefit to the entire community.

I respectfully request that the requested zoning variance be approved.

Donna Lee and Family  
1457 East Door Bluff Road  
Ellison Bay WI

RECEIVED  
JUN 8 2020  
DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

**Riemer, Linda**

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**From:** slcfairbanks <slcfairbanks@gmail.com>  
**Sent:** Sunday, June 7, 2020 11:09 PM  
**To:** Riemer, Linda  
**Subject:** Supporting Camp Zion's Variance Request on June 9

Dear Chairman Frey and committee members,

I am writing today to ask you to support Camp Zion's request for a zoning variance to encroach into the setback from a private road that will be heard on June 9. The slope off Door Bluff Road (private portion of road) is going to make it very difficult for disabled and older individuals to access the building from the parking lot and other parts of the camp where the other buildings used by guests are located. Allowing the Variance will give direct access from the road level into the building without having guests negotiate a steep grade down the slope to access the building,

The Variance will also reduce the visual impact of a building for Camp and neighbors by allowing it to be tucked back into the hill using the natural topography of the land to hide the building.

My family has been coming to Door County to vacation, attend Camp Zion and ultimately own a home in Liberty Grove since the camp became a part of the Northern Door Community in 1946. Several other members of my family, other relatives and friends also own homes and are a part of the community here in Liberty Grove because of our time spent at the Camp.

The Camp is an important part of the community and economy here in Liberty Grove. I respectfully request you support this variance request.

Stephen L Capp  
PO Box 233  
1614 Carlson Ct  
Ellison Bay, WI 54210

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JUN 8 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

**Riemer, Linda**

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**From:** S. Keith Capp <skcapp@gmail.com>  
**Sent:** Sunday, June 7, 2020 9:37 PM  
**To:** Riemer, Linda  
**Subject:** Supporting Camp Zion's Variance Request on June 9

JUN 8 2020

DOOR COUNTY  
 LAND USE SERVICES DEPARTMENT

Linda - Please include the message below in support of Camp Zion's variance request before the Zoning Board of Adjustment on June 9.

Thanks!

Keith

Dear Chairman Frey and committee members,

I am writing today to ask you to support Camp Zion's request for a zoning variance to encroach into the setback from a private road that will be heard on June 9. Due to the unique topography of the site and ADA requirements a variance makes sense to increase accessibility to those with disabilities to the building and the field next to it. In addition, if the ultimate goal of section 3.06 of the zoning code is to reduce the visual impact of large buildings, then variances should be granted to allow property owners to use the topography of the land to reduce the visual impact of a building.

Granting the variance will allow the building to be more accessible to those with disabilities as the access bridge will eliminate the need for those with mobility challenges from having to navigate down a steep hill to access the building. This bridge and ramp will also increase accessibility to the field area of the property for those with disabilities as they can use the building to avoid the steep hill. Camp Zion's ministry serves people of all ages and varying stages of mobility. Allowing the camp to build the bridge and the building closer to the hill will reduce the challenges those with disabilities face moving around Camp Zion's land.

The ultimate goal of section 3.06 of the zoning code is to reduce the visual impact of large buildings on an area. From the west, moving the building closer to Door Bluff Road, will visually reduce the height and size of the building from the road as the lower level will be hidden by the hill and the landscape screening the camp has proposed. Viewing the building from the east, the large hill behind it will reduce the visual impact because the building's size will be smaller in scale than the hill line behind it. Requiring the camp to build the building outside of the setback will actually increase the visual impact of the building from all sides by placing it in the middle of an open field.

My family has been attending Camp Zion since it was founded. Many of my immediate and extended family members are now property owners in Liberty Grove and if they aren't property owners, almost all of us vacation annually in Door County because of Camp Zion. Collectively we leave tens of thousands of dollars in Door County each year via eating at local restaurants and bars, staying at motels and campgrounds, shopping in local stores, and paying taxes. Camp Zion is a benefit to Door County and the local community. Supporting this variance will help the camp continue to advance its mission and bring people together in Door County.

Sincerely,

Keith Capp  
 1614 Carlson Ct.  
 Ellison Bay, WI 54210

Riemer, Linda

**From:** Dale Stewart <dalestew@campzion.com>  
**Sent:** Monday, June 8, 2020 3:19 PM  
**To:** Riemer, Linda  
**Subject:** Re: Add'l CZ materials #1

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JUN 8 2020  
DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

Hi Linda-

Rather than enter the entire Door County Environmental Council Winter 2015-2016 newsletter into the record, I would like to enter a quote from that newsletter into the record:

*"American Folklore Theater (now Northern Sky Theater) recently purchased new property for expansion and Camp Zion should do the same if they wish to expand."*

*Article by Mike Bahrke*

*Door County Environmental Council News, Winter 2015-2016*

Door County Environmental Council, Inc.

PO Box 114, Fish Creek, WI 54212

Thank you.

Dale

Dale Stewart, Executive Director  
Camp Zion, P.O. Box 32, Ellison Bay, WI 54210  
920.854.2790, Cell: 920.421.1296  
<dalestew@campzion.com>, <<http://www.campzion.com>>

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On Mon, Jun 8, 2020 at 11:08 AM Riemer, Linda <[liiemer@co.door.wi.us](mailto:liiemer@co.door.wi.us)> wrote:

Received. Thank you.

**Linda Riemer**  
**Door County Land Use Services Department**  
**Door County Government Center**  
**421 Nebraska Street | Sturgeon Bay, WI 54235**  
**(P) 920-746-2323 | (Fax) 746-2387**  
**Email: [liiemer@co.door.wi.us](mailto:liiemer@co.door.wi.us) | Website: <https://www.co.door.wi.gov/164/Land-Use-Services>**

Camp Zion  
Variance Request Hearing  
Correspondence in Opposition

**GOODE, MARIAH**

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**From:** Jim Smith <JSmith@pinkertlawfirm.com>  
**Sent:** Thursday, May 28, 2020 12:43 PM  
**To:** GOODE, MARIAH  
**Cc:** Tyler Pluff; Mike Bahrke  
**Subject:** Re: Camp Zion: Virtual Meetings and Open Meetings Law

Not acceptable. We are proceeding with a complaint to the district attorney.

Sent from my iPhone

On May 28, 2020, at 11:50 AM, GOODE, MARIAH <mgoode@co.door.wi.us> wrote:

Hi, Jim –

Again, we believe we are in compliance with state law, so we will be proceeding with the hearing as planned. You may make whatever arguments you wish before the Board of Adjustment, but staff will not debate this further.

The June 9<sup>th</sup> BOA packet will be posted by tomorrow. If there are any pages within that people have trouble deciphering, please let us know. If there are people who want to participate in the hearing who cannot use one of the three virtual methods explained in the notice and agenda, please let us know. If there are materials you or others want the BOA to be able to look at, please get those to us by 3:30 p.m. the day prior to the hearing. We will create a final packet late that afternoon so it is available for BOA and the public to review ahead of time, and so that you can tell us during your testimony which page you'd like to have up on the screen at any given moment.

Thank you!

Mariah Goode, Director  
 Door County Land Use Services Department  
 Door County Government Center  
 421 Nebraska Street  
 Sturgeon Bay, WI 54235  
 Direct line: (920) 746-2224  
 Main office line: (920) 746-2323  
 FAX: (920) 746-2387  
 E-mail: [mgoode@co.door.wi.us](mailto:mgoode@co.door.wi.us)  
 Website: <https://www.co.door.wi.gov/164/Land-Use-Services>

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**From:** Jim Smith <JSmith@pinkertlawfirm.com>  
**Sent:** Thursday, May 28, 2020 9:31 AM  
**To:** GOODE, MARIAH <mgoode@co.door.wi.us>  
**Cc:** Mike Bahrke (msb11649@gmail.com) <msb11649@gmail.com>; Tyler Pluff <TPLuff@pinkertlawfirm.com>  
**Subject:** RE: Camp Zion: Virtual Meetings and Open Meetings Law

Good morning. After doing some additional research, I feel that a virtual meeting of this matter would constitute an Open Meeting Law Violation under Wisconsin Law. I am going to write to our client and see if he and the other opponents want me to file a complaint in that regard. This is not a simple matter as I am certain there will be large maps, charts, surveys, and the like. Not the same as the usual road or lot line setback variance. Very difficult to observe online and respond to the applicant's presentation. I will get back to you shortly.

<image001.jpg>

*Attorney James R. Smith*

Pinkert Law Firm LLP

454 Kentucky Street, P.O. Box 89

Sturgeon Bay, WI 54235

Phone: 920.743.6505

Fax: 920.743.2041

[www.pinkertlawfirm.com](http://www.pinkertlawfirm.com)

<image002.jpg>

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**From:** GOODE, MARIAH <[mgoode@co.door.wi.us](mailto:mgoode@co.door.wi.us)>  
**Sent:** Wednesday, May 27, 2020 1:28 PM  
**To:** Jim Smith <[JSmith@pinkertlawfirm.com](mailto:JSmith@pinkertlawfirm.com)>  
**Cc:** Tyler Pluff <[TPluff@pinkertlawfirm.com](mailto:TPluff@pinkertlawfirm.com)>  
**Subject:** RE: Camp Zion: Virtual Meetings and Open Meetings Law

Hi, Jim –

We are proceeding with the June 9<sup>th</sup> variance hearings as scheduled. (There are two other cases besides Camp Zion.)

We have so far successfully held 14 virtual hearings before BOA and RPC. Applicants and others have participated from all over the place geographically, and via multiple meeting access methods.

I've attached the BOA notice, agenda, and conduct of virtual hearings guide for you, your clients, and any others you think may be interested in participating in the hearing. If anyone thinks they will be unable to use one of the remote participation options, they should give us a call and we will figure something out.

Please let me know if you have any other questions.

Thank you!

Mariah Goode, Director  
 Door County Land Use Services Department  
 Door County Government Center  
 421 Nebraska Street  
 Sturgeon Bay, WI 54235  
 Direct line: (920) 746-2224  
 Main office line: (920) 746-2323  
 FAX: (920) 746-2387  
 E-mail: [mgoode@co.door.wi.us](mailto:mgoode@co.door.wi.us)  
 Website: <https://www.co.door.wi.gov/164/Land-Use-Services>

**From:** Jim Smith <[JSmith@pinkertlawfirm.com](mailto:JSmith@pinkertlawfirm.com)>  
**Sent:** Tuesday, May 26, 2020 10:37 AM  
**To:** GOODE, MARIAH <[mgoode@co.door.wi.us](mailto:mgoode@co.door.wi.us)>  
**Cc:** Tyler Pluff <[TPluff@pinkertlawfirm.com](mailto:TPluff@pinkertlawfirm.com)>  
**Subject:** FW: Camp Zion: Virtual Meetings and Open Meetings Law  
**Importance:** High

Good morning. I just learned this a.m. that the CZ variance hearing will be a virtual presentation as opposed to a live meeting. I think that the Wis. Open Meeting Law requires a live meeting. There are many older people who would want to come and testify and they do not have the means nor the technical knowledge to take part in a virtual meeting. Many live in the Chicago area and are unable to take part in any meeting at this point in time. I hereby object to having a virtual presentation and hearing for this matter. Attached is a memo regarding this matter. Please get back to me regarding it. Thanks.

<image001.jpg>

**Attorney James R. Smith**  
 Pinkert Law Firm LLP  
 454 Kentucky Street, P.O. Box 89  
 Sturgeon Bay, WI 54235  
 Phone: 920.743.6505  
 Fax: 920.743.2041  
[www.pinkertlawfirm.com](http://www.pinkertlawfirm.com)

<image002.jpg>

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**From:** Tyler Pluff <[TPluff@pinkertlawfirm.com](mailto:TPluff@pinkertlawfirm.com)>  
**Sent:** Tuesday, May 26, 2020 10:31 AM  
**To:** Jim Smith <[JSmith@pinkertlawfirm.com](mailto:JSmith@pinkertlawfirm.com)>  
**Subject:** Camp Zion: Virtual Meetings and Open Meetings Law

Jim:

Attached please find the DOJ guidance regarding open meetings During COVID-19.

“Where a complex plan, drawing, or chart is needed for display or the demeanor of a witness is significant, a meeting held by telephone conference likely would not be “reasonably accessible” to the public because important aspects of the discussion or deliberation would not be communicated to the public. See 69 Op. Att’y Gen. at 145.”

Holding a virtual meeting would not suffice for this variance matter because: (1) dialing in will not be sufficient to understand the complex and detailed plans and drawings a variance entails. (2) Access to Zoom is difficult for the elderly, disabled, hard of hearing, and those that live in the county with spotty internet access to even view the meeting, and (3) we would not be able to sufficiently present our charts and drawings.

Therefore, any hearing on this matter should be postponed until such a time as the public is allowed to attend the meeting in person.

*Attorney Tyler D. Pluff*

Pinkert Law Firm LLP

454 Kentucky Street, P.O. Box 89

Sturgeon Bay, WI 54235

Phone: 920.743.6505

Fax: 920.743.4760

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Josh Kaul  
Wisconsin Attorney General



P.O. Box 7857  
Madison, WI 53707-7857

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**FOR IMMEDIATE RELEASE**

March 16, 2020

**Office of Open Government Advisory:  
Coronavirus Disease 2019 (COVID-19) and Open Meetings**

MADISON, Wis. – The Wisconsin Department of Justice’s (DOJ) Office of Open Government (OOG) has prepared the following advisory in response to inquiries as to the applicability of the Wisconsin’s open meetings law, Wis. Stat. §§ 19.81 to 19.98, in light of current public health concerns regarding COVID-19. This advisory is provided pursuant to Wis. Stat. § 19.98.

As explained below, governmental bodies typically can meet their open meetings obligations, while practicing social distancing to help protect public health, by conducting meetings via telephone conference calls if the public is provided with an effective way to monitor such calls (such as public distribution, at least 24 hours in advance, of dial-in information for a conference call).

The open meetings law states: “[I]t is declared to be the policy of this state that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business.” Wis. Stat. § 19.81(1). To that end, the law requires that “all meetings of all state and local governmental bodies shall be publicly held in places reasonably accessible to members of the public and shall be open to all citizens at all times unless otherwise expressly provided by law.” Wis. Stat. § 19.81(2). A meeting must be preceded by notice providing the time, date, place, and subject matter of the meeting, generally, at least 24 hours before it begins. Wis. Stat. § 19.84.

The open meetings law “does not require that all meetings be held in publicly owned places but rather in places ‘reasonably accessible to members of the public.’” 69 Op. Att’y Gen. 143, 144 (1980) (quoting 47 Op. Att’y Gen. 126 (1978)). As such, DOJ’s longstanding advice is that a telephone conference call can be an acceptable method of convening a meeting of a governmental body. *Id.* at 146. More recently, DOJ guidance deemed video conference calls acceptable as well. Wis. Dep’t of Justice,

*Wisconsin Open Meetings Law Compliance Guide* 11 (May 2019), <https://www.doj.state.wi.us/sites/default/files/office-open-government/Resources/OML-GUIDE.pdf>.

When an open meeting is held by teleconference or video conference, the public must have a means of monitoring the meeting. DOJ concludes that, under the present circumstances, a governmental body will typically be able to meet this obligation by providing the public with information (in accordance with notice requirements) for joining the meeting remotely, even if there is no central location at which the public can convene for the meeting. A governmental body conducting a meeting remotely should be mindful of the possibility that it may be particularly burdensome or even infeasible for one or more individuals who would like to observe a meeting to do so remotely—for example, for people without telephone or internet access or who are deaf or hard of hearing—and appropriate accommodations should be made to facilitate reasonable access to the meeting for such individuals.

To be clear, providing only remote access to an open meeting is not always permissible, as past DOJ guidance shows. Where a complex plan, drawing, or chart is needed for display or the demeanor of a witness is significant, a meeting held by telephone conference likely would not be “reasonably accessible” to the public because important aspects of the discussion or deliberation would not be communicated to the public. *See* 69 Op. Att’y Gen. at 145. Further, the type of access that constitutes reasonable access in the present circumstances, in which health officials are encouraging social distancing (including avoiding large public gatherings) in order to mitigate the impact of COVID-19, may be different from the type of access required in other circumstances. Ultimately, whether a meeting is “reasonably accessible” is a factual question that must be determined on a case-by-case basis. *Id.*

If you have questions or concerns regarding the application of the open meetings law, please contact the Office of Open Government at (608) 267-2220.

**GOODE, MARIAH**

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**From:** Jim Smith <JSmith@pinkertlawfirm.com>  
**Sent:** Wednesday, June 3, 2020 2:43 PM  
**To:** GOODE, MARIAH  
**Cc:** Tyler Pluff; Mike Bahrke (msb11649@gmail.com)  
**Subject:** Virtual hearing BOA

Mariah. I just received information from our contact about the make-up of the persons who live in the area of Camp Zion who are opposed to the variance sought by CZ. Most of the property owners in the area who oppose the granting of this variance range in age from their late 50s to their early 90s. Their computer skills vary greatly. Add to that the fact that internet service in that area is nearly non-existent. It would be a travesty of justice to have the CZ variance hearing held via virtual meeting system and thus deny these people the right to be heard and seen. We are preparing an open meeting law violation complaint as a last resort. I suspect that although the District Attorney will not take action on the matter the Wisconsin Attorney General. I see no reason why this matter could not be postponed until a live meeting is possible. I again request that the Board of Adjustment do just that. Thank you.



*Attorney James R. Smith*  
Pinkert Law Firm LLP  
454 Kentucky Street, P.O. Box 89  
Sturgeon Bay, WI 54235  
Phone: 920.743.6505  
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**County of Door  
CORPORATION COUNSEL**

County Government Center  
421 Nebraska Street  
Sturgeon Bay, WI 54235

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**Grant P. Thomas**  
Corporation Counsel  
(920) 746-2228  
Fax No. (920) 746-2339  
gthomas1@co.door.wi.us

June 4, 2020

James R. Smith, Esq  
Pinkert Law Firm LLP  
454 Kentucky Street, P.O. Box 89  
Sturgeon Bay, WI 54235

RE: Door County Board of Adjustment, June 9, 2020 Public Meeting & Hearings  
Camp Zion, Inc. - Area Variance Request [Our File # 2020-126]

Dear Jim,

Land Use Services Director Mariah Goode has referred your June 3, 2020 email to this office for consideration and response.

The Wisconsin Department of Justice Office of Open Government issued two advisories addressing Open Meetings Law Requirements, COVID-19, and remote meetings or hearings. The first, issued March 16, 2020, reinforced prior advice on meeting by teleconference and video conference. The second, issued March 20, 2020, gave specific guidance on the Open Meetings Law and videoconferencing or internet conferencing. These may be found at: <https://www.doj.state.wi.us/news-releases/office-open-government-advisory-coronavirus-disease-2019-covid-19-and-open-meetings> and <https://www.doj.state.wi.us/news-releases/office-open-government-advisory-additional-information-regarding-covid-19-and-open>.

The Open Meetings Law does not mandate that all meetings or hearings be held 'in-person' at a 'public place'. There is no legal prohibition on conducting remote meetings or hearings. It is clear that boards, committees, and commissions can meet remotely (e.g., teleconference or video conference) and satisfy Wisconsin Open Meetings Law requirements. I would even go so far as to say that *properly conducted* remote meetings or hearings have the potential to make meetings and hearings more accessible to the public than in-person meetings or hearings held at a single location.

This is not a new concept. We've worked through the technological and practical issues posed by conducting public meetings and hearings remotely. To date, between the Board of Adjustment and Resource Planning Committee, more than a

dozen public hearings (including variances and conditional use permits) have been conducted remotely. It's fair to state that the BOA and RPC have established a 'track record' of successfully conducting meetings or hearings remotely.

In the instant case:

- ❖ The §19.84, Wis. Stats. and §11.09, DCCZO notice requirements were followed. This notice:
  - Informs the public that the meeting and hearing will be held remotely;
  - Provides information necessary for the public to monitor, and participate in, the meeting and hearing;
  - Furnishes any necessary meeting number, code and password;
  - Gives instructions for:
    - viewing of application materials;
    - how the public can access the meeting and hearing, including links (for joining via computer or smartphone);
    - an alternative telephone dial-in option (so that lack of internet access is not a barrier);
    - submission of written testimony; and
    - offering real-time oral testimony.
  - For those who monitoring or participating remotely would be particularly burdensome or infeasible (e.g., individuals without telephone or internet access or who are deaf or hard of hearing or ???) there is opportunity to contact the Land Use Services Department in advance so that appropriate accommodations can be made to facilitate reasonable access to the meeting and hearing for such individuals.

[See Attached: the published notice for public hearing and posted agenda]

Other relevant considerations, in no particular order, include:

- ❖ The instant case is a relatively straightforward area variance. Applicant is seeking an increment of relief from a physical dimension restriction. The three variance standards are well established and known and do not bear repeating here.
- ❖ Mention was made of "... situations where a complex plan, drawing, or chart is needed for display or the demeanor of a witness is significant, a meeting held by telephone conference likely would not be "reasonably accessible" to the public because important aspects of the discussion or deliberation would not be communicated to the public..." with citation to a June 17, 1980 OAG. I think it is fair to state that the AG could not have envisioned the advances in technology of the last 40-years...and that technology has improved to the point that the concerns raised in the cited OAG's opinion may not be particularly relevant in the here and now.

- ❖ While it is true that there is no requirement to act within a specific time-frame (with a variance request or conditional use permit), the question is: Whether it is reasonable or necessary to postpone the meeting or hearing?
  - Covid-19 and its impacts are factors in determining what is reasonable or necessary.
  - There is currently no firm timeline or plan to return to in-person meetings or hearings. Remote meetings and hearings are, for the foreseeable future, the 'new normal'.
  - If, for the sake of argument, a decision was made to postpone a scheduled hearing (e.g., appeal, variance, conditional use permit before the RPC or BOA) ... we can't say with any certainty when such hearing might be rescheduled.

In view of the facts and circumstances, an open-ended postponement, until in-person hearings resume, seems rather unreasonable.

What is 'reasonable' (in terms of the level of accessibility) is a factual question that needs to be determined on a case-by-case basis. In Door County's judgment, based on the facts of the particular situation, the remote hearing is reasonably accessible to members of the public and should proceed.

Respectfully,

CORPORATION COUNSEL OFFICE

*Grant P. Thomas*

---

Grant P. Thomas, Corporation Counsel

**PUBLIC HEARINGS BEFORE  
THE DOOR COUNTY BOARD OF ADJUSTMENT**

**Door County, Wisconsin**

In response to the public health emergency in connection with the COVID-19 pandemic, **the public hearings to be held by the Door County Board of Adjustment on Tuesday, June 9, 2020 will be virtual only.** The board will be assisted in conducting the hearings by staff who will be located in the Door County Government Center County Board Room (C101, 1<sup>st</sup> Floor) and Peninsula Room (C121, 1<sup>st</sup> Floor) at 421 Nebraska St., Sturgeon Bay, WI. "Virtual only" is exactly what the name implies: the hearings will be conducted by means of remote communication (i.e., teleconference or video conference).

The board business meeting to be held immediately subsequent to the hearings will also be conducted by teleconference or video conference only. Applicants and members of the public may monitor and participate in the hearings and meeting remotely only.

To join the hearings and meeting via computer, click on the following link, <https://doorcounty.webex.com/doorcounty/onstage/g.php?MTID=ed903174755391ae582056317f22ac636>, enter your name and e-mail address when prompted (the password is entered for you), and then click "join."

Alternatively, using the free smartphone app "Cisco WebEx Meetings," click "join" a meeting and then enter the meeting number/access code (962 674 403) and password (June92020boa).

You may also simply call (408) 418-9388 and enter the meeting number/access code.

The hearings will begin at 9:00 a.m., to give consideration to the applications listed below for variances, as specified in the county shoreland and comprehensive zoning ordinances:

**TOWN OF GARDNER**

Robert Hammacher & Staci Meister petition for a variance from Section 4.3(1)(a), Door County Floodplain Zoning Ordinance, which states fill shall be placed one foot or more above the flood elevation and extend at least 15 ft. beyond the residence. The applicants propose to construct a residence and attached garage on fill at the required elevation, but with as little as 8 ft. of fill extending out from the building toward both side lot lines. The property is located at 3264 Squaw Island Trail in Section 10, Town 27 North, Range 24 East, in the Town of Gardner.

**TOWN OF GARDNER**

John A. Penn petitions for a variance from Section IV.B.a.2.), Door County Shoreland Zoning Ordinance, which requires lots to be used as building sites to have a minimum average width of 100 ft. (including at the ordinary high water mark) and a minimum area of 20,000 sq. ft. The existing parcel is 103 ft. wide along the ordinary high water mark of the lagoon, 82 ft. wide along the ordinary high water mark of Green Bay, and 10,100 sq. ft. in area. The petitioner proposes to have the property declared a conforming building site and replace an existing manufactured home with a new residence. The property is located at 3794 Rileys Point Rd. in Section 36, Town 28 North, Range 24 East, in the Town of Gardner.

**TOWN OF LIBERTY GROVE**

Camp Zion, Inc. petitions for a variance from Section 3.06, Door County Comprehensive Zoning Ordinance, which requires a building screened from the road with vegetation and a total volume between 120,001 and 180,000 cubic ft. be set back at least 102.5 ft. from the described edge of a private road easement or travelled edge of the road where the easement is not described. The petitioners propose to construct a building with 179,151.23 cubic ft. of volume to be used for dining, meeting, recreation, education, and other activities customary for an

Institutional Recreation Camp. The building would be as close as 68 ft. to the private road edge, a covered deck as close as 62.5 ft., and a walking bridge as close as 32 ft. The property is located east of 12701 Door Bluff Rd. in Section 2, Town 32 North, Range 28 East, and in a Heartland-3.5 zoning district.

All interested parties are urged to view the hearings and/or give oral testimony remotely via the free software application WebEx. In-person attendance and testimony will not be permitted. Anyone wishing to offer oral testimony needs to register in advance with the Door County Land Use Services Dept.

**Persons who intend to participate in a hearing are advised to be familiar with the Board of Adjustment Guidelines for Virtual Hearings.** The Guidelines, which include information on how to register to testify, may be found at: <https://www.co.door.wi.gov/AgendaCenter> .

Written testimony will be accepted on 8 1/2" x 11" paper only and must be received by 3:30 p.m. the day before the hearing. Anonymous correspondence will not be accepted. Letters may be made available for public inspection upon request filed with the Land Use Services Dept. Letters will be entered into the hearing record, but individual letters will not be read aloud. **Please note: any correspondence or testimony submitted for town-level proceedings regarding these matters does NOT get forwarded to the county.**

All application materials may be viewed by request. Application materials may also be viewed on-line approximately four business days before the hearing at: <https://www.co.door.wi.gov/AgendaCenter> . Additional materials may be posted up until 4:30 p.m. the day before the hearing.

A regular business meeting of the Board of Adjustment shall follow the public hearings.

Those who cannot attend remotely should call (920) 746-2323 or e-mail [lriemer@co.door.wi.us](mailto:lriemer@co.door.wi.us) so we may endeavor to facilitate reasonable access for you.

The list of names to whom this notice was sent via regular mail is available upon request filed with the Land Use Services Dept.

Fred Frey, Chair  
Door County Board of Adjustment  
Door County Government Center  
421 Nebraska St.  
Sturgeon Bay, WI 54235

**Publication Dates: May 23, 2020 & May 30, 2020**

05/19/20

RB/LR

**PUBLIC MEETING**

**DOOR COUNTY BOARD OF ADJUSTMENT  
421 NEBRASKA STREET – DOOR COUNTY GOVERNMENT CENTER  
STURGEON BAY, WI 54235**

The Door County Board of Adjustment will conduct a meeting on Tuesday, June 9, 2020 beginning at 9:00 a.m. In response to the public health emergency in connection with the COVID-19 pandemic, the meeting will be virtual only. The board will be assisted in conducting the meeting by staff who will be located in the Door County Government Center County Board Room (C-101, First Floor) and Peninsula Room (C-121, First Floor) at 421 Nebraska Street, Sturgeon Bay, Wisconsin. Applicants and members of the public may monitor and participate remotely only.

To join the hearings and meeting via computer, click on the following link, <https://doorcounty.webex.com/doorcounty/onstage/g.php?MTID=ed903174755391ae582056317f22ac636>, enter your name and e-mail address when prompted (the password is entered for you), and then click "join."

Alternatively, using the free smartphone app "Cisco WebEx Meetings," click "join" a meeting and then enter the meeting number/access code (962 674 403) and password (June92020boa).

You may also simply call (408) 418-9388 and enter the meeting number/access code.

Those who cannot attend remotely should call (920) 746-2323 or e-mail [lriemer@co.door.wi.us](mailto:lriemer@co.door.wi.us). We will endeavor to facilitate reasonable access for people who cannot attend remotely.

**AGENDA**

- 1.0 Call to order and declaration of quorum.
- 2.0 Discuss and arrive at decisions on Petitions for Grant of Variance.
  - 2.1 Robert Hammacher and Staci Meister; floodplain fill requirements; 3264 Squaw Island Trail; Gardner.
  - 2.2 John Penn; minimum lot width and area requirement per Door County Shoreland Zoning Ordinance; 3794 Rileys Point Road; Gardner.
  - 2.3 Camp Zion, Inc.; encroach into setback from private road; located east of 12701 Door Bluff Road; Liberty Grove.
- 3.0 Old Business.
  - 3.1 Read and act on Minutes of May 26, 2020 meeting.
  - 3.2 Final disposition of the following case considered by the Board of Adjustment at the May 26, 2020, meeting: Chad Fawcett.
- 4.0 Other Matters.
  - 4.1 Announce next meeting.
- 5.0 Vouchers.

6.0 Adjournment.

\*\* Deviation from the order shown may occur. \*\*

Fred Frey, Chair  
Board of Adjustment

05/26/20

\* Application materials may be viewed on-line beginning approximately four business days before the hearing at:  
<http://map.co.door.wi.us/Agendas-Minutes/Zoning%20Board%20of%20Adjustment/>

*In compliance with the Americans with Disabilities Act: Any person needing assistance to participate in this meeting should contact the Office of the County Clerk at (920) 746-2200. Notification 48 hours prior to a meeting will enable the County to make reasonable arrangements to ensure accessibility to that meeting.*

## CZ's intensification to Adjacent Properties

The purpose of CZ's expansion to an adjacent property is to intensify the camp's use by outside groups and organizations on a year-round basis for monetary gain. They have over 35 acres on which to construct their massive addition. According to under oath testimony the use of the camp when the zoning changed in Feb. 1996, was as a children's camp for their church only with an occupancy of 81 for the summer two months and an occasional fall and winter retreat. Since then, the camps use has changed from a church camp for 81 people to a camp open to outside groups for monetary gain. The purpose of the new building is to intensify the use of the facility and to be available to other churches and organizations for guest group retreats. Remember, the camp is now open all year long. As Dale Stewart states; three years after the zoning change: "In 1999, a decision was made to operate more consistently on a year-round basis, and to be available other churches and organizations for guest group retreats". "The camp is currently missing out on opportunities to serve some groups due to limited meeting and dining facilities." "Larger guest groups that need bigger meeting spaces are finding other locations for their retreats." "We need the capability to accommodate more than one group at a time, as well as larger groups." "We are currently turning away several groups a year due to this limitation."

For the people in the SF-30 zoned area we find that the intensification of use from 81 people two months of the year, to 140 people all year long, to be far in excess of what 9.02(2b) allows. The camp has already exceeded its allowable 10% increase from the time its use became nonconforming. Also the count of 140 was never authorized by the R.P.C.. In fact the camp violated the conditions of its first C.U.P. by increasing its occupancy and activity. Also Dale Stewart was very explicit in stating in his application for the camp's second C.U.P. that he was not increasing occupancy. What was allowed in the second C.U.P. was a building to replace two cabins and a washroom building. I ~~enclosed~~<sup>have</sup> documentation for all of the above statements. The camp is already in violation of Door County Ordinance 9.02(2b) and multiple conditions necessary for a variance for a bridge. Also, the road easement for the section of road in question can be found in , Vol. 74, Page 37, and Vol. 74, Pages 115-118.

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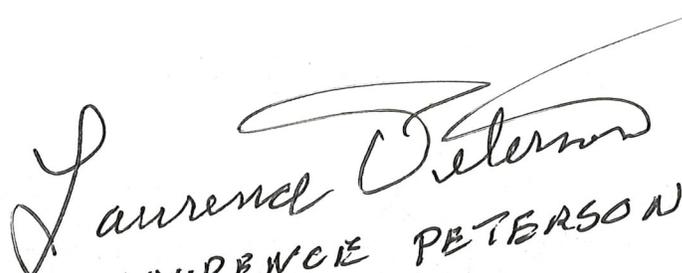
DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

REGISTRATION TO OFFER LIVE TESTIMONY  
FOR THE CAMP ZION VARIANCE REQUEST  
OPPOSITION JUNE 9, 2020 - 9AM

LAURENCE PETERSON  
12751 DOOR BLUFF RD  
ELLISON BAY, WISCONSIN, 54210  
E-MAIL laurenceapeterson@gmail.com  
CELL PHONE 608-515-0460

CAMP ZION VIARIANCE CASE  
SPEAKING IN OPPOSITION

I WILL BE AVAILABLE TO ANSWER ANY  
QUESTIONS ABOUT MY LETTER OF OPPOSITION  
ON HOW THE BRIDGE WILL INCREASE THE  
INTENSITY OF USE IN THE SF-30 ZONED  
AREA.

  
LAURENCE PETERSON

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JUN 12 2020  
DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

HANDOUT 1

HISTORIC USE AND CAPACITY OF C2

AGS: AGS

Town of Liberty Grove. [Camp Zion Christian Catholic Church requests a Conditional Use Permit to construct a youth hostel building. The dining room area would seat up to 94 persons and there would be associated kitchen and restroom facilities. The second floor of the proposed structure would contain four sleeping rooms and bath/shower rooms.] This property is located at 12741 Door Bluff Road (north) in Section 2, Town 32 North, Range 28 East, and in a Single Family Residential (R-1) Zoning District.

①  
← ①  
INTRO

Sautebin:

The property is in the northwest corner of the Town of Liberty Grove in the Door Bluff Area. It fronts on Green Bay. The property is zoned Single Family Residential and there exists Camp Zion which is a church camp that I understand is run by a single congregation as opposed to being run by a denomination. I may not be completely accurate on that, but, ah, essentially, essentially run by a single congregation in Illinois. They have a number of cabins and an existing mess hall and a few other facilities as are shown on the site plan, ah, that you have before you. Our file also contains detailed building plans but I see that the architect, and engineer is here and I'm sure he'll go through those plans with you. The proposal is to construct a building which on the first floor would have a kitchen/dining facility and on the second floor would have four sleeping rooms, ah, I understand that that would house about 60 persons. It's located off of a private road, ah, gravel road north, goes north from a town road. North off Door Bluff Road.

\* ② ①

O.K. Any questions? Would you like to come forward or there they are...

nc:

Mike Till...

My name is Mike Till. I'm representing the Camp Zion group which is officially called the, the, ah, Christian Catholic Church, rather Zion, Illinois, and they have as the site plan indicates various buildings for their congregation camp during the summer two months out of the year. None of these buildings are equipped really for any type of winter or late fall use. They'd like to make some retreats with their group, ah, in the winter, a few weekends, I guess. As it stands now the sanitation system here is very poor. There's no denying that. We have designed a new holding tank system, ah, with the services of William Baudhuin. Ah, that is being processed through the state now and through the county, etc., etc.. The building itself will house both adults and, and children or youths on the second floor for sleeping. Because, presently there's sixteen areas, or, or, in some of the buildings they have housed sixteen people part staff and part, ah, kids, and they want to consolidate that and get rid some of these sheds.

\* ③

NOVEMBER 29, 1984

(date) 5/22/85 with the following conditions: DOU

(date) \_\_\_\_\_ for the following reasons:

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DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

2

M. Till:

This entire mess hall and here which is very poor and very unsightly and quite frankly not very good is going to be eliminated when this building is hopefully built. Ah, it's a two story affair and when we say 94 people (I can sit down) 94 people that really represents the maximum the State of Wisconsin will allow us in that space. They never, according to their figures, have more than 56 people that they can supervise with a staff of between 20 and 25 adults.

1.

Youth hotel, by definition, of course, is an camp supervised by adults, really. And, what we're asking here is, ah, our Conditional Use Permit and in an obviously residential zone we've acquiesced entirely to the setback requirements of this road, which, I guess, they maintain and other people can use. It's an easement, you know. And, accessibility for the handicapped which is not available now would be down on this end and straight up into this ramp into the building. So, we would be eliminating this mess hall and there's one other small building here, I don't think, Mr. Telfer, the surveyor picked up, but it's quite, you know, it's, this is it, right here. Existing, this existing toilet building will be eliminated and this will be built in its place hopefully in the future to facilitate these other building. Which, again, will be part of a requirement of the state to take care of the number of people using this, this site. So, the 94 if that's a question here, represents our maximum use in this building for dining, obviously. This is not open to the public. This is for their own congregation it's that kind of sh. ah. ah. setup. And, I don't know if you have floor plans here.

4

4 east

2

D. Sautebin:

No, I think maybe you should go through the floor plan because I distributed only the site plan to you, I believe.

M. Till:

O.K. The floor plan (let me turn this around for you). The floor plan basically on the first floor there is a fireplace, access from above, a kitchen area to prepare the food obviously, sort of a canteen where these kids want ice cream cones, etc., etc., they have that stored, receiving for the goods. This is the eating area of the dining proper and a mens and womens facility. So, the plan is basically like thus. The second floor where we want to sleep boys and girls in a dormitory effect, center court, toilets, and we have the sleeping quarters with access here and here, which the state requirements (sic) for such purposes. The building these all that nonsensical structural thing. --inaudible-- important, but we, ah, these are some of the sections through the building showing it's construction. The building is going to be built in a class way. A number 1 construction. They're not trying.... They have a lot of shedy (sic) type buildings there. Shedy (sic) meaning sheds.

Sally Sharkey:

Yes.

NOVEMBER 29, 1984

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JUN - 7 2020

DOOR COUNTY LAND USE SERVICES DEPARTMENT

Permit Issued (date) 5/22/85 with the following conditions DOU

Permit Denied (date) \_\_\_\_\_ for the following reasons \_\_\_\_\_

Till:

You understand? Ah, then, and ah, they're trying to upgrade their facility you see. And, this is basically the elevations with the screen porch for summer use. It's a summer camp basically. And, ah, I think that you can see that the building is an, architecturally I would say I would acceptable from an aesthetic standpoint certainly fitting the area. This is sympathy with everything around that area and I guess that's we try to do. And, ah, --inaudible-- foundation, electrical, and mechanical and heating and ventilating. So, the intention, --inaudible-- has been a camp facility many years. I really don't know how far back, but it, it goes back a very long time. Ah, for this particular church, and they use this for their congregation. Ah, and the children that belong to that church. So, this is what we do, that is to say, we do.

④

D. Sautebin:

You were saying that the maximum turn occupancy was 56, ah, now did that include the, plus the staff?

⑤

M. Till:

No, plus the staff.

⑥

D. Sautebin:

O.K. So, somewhere in a 79 to 80.

⑦

M. Till:

Yep. He told me they had 90 and they couldn't control them. And, that was cut out and they went to a policy of like, 56 maximum, kids at a time, and 20 to 22 whatever it takes to watch them and cook for them. And, and that's where it stands.

⑧

J. Austad:

Have any questions?

Myrtle Hill:

How much traffic do they have as far as cars coming and parking and so forth? It seems to me it was a very limited amount of space for it. I know they come up with a bus and so on. Ah, is that a problem and should there be some more provisions for parking.

Till:

Of course I've added ten parking places down here. Which a new two-way drive and a means, of course, for the handicap, to acquiesced to that, which is a state requirement. So, we did provide more parking and, ah, like you mentioned, they have their own bus and they come up with that and they park it off into this area. And, there's parking there. So, I would say this more than takes care of it. None of the users really drive --inaudible--

Hill:

No, they stay there.

Till:

Minor children.

Hill:

Well, yah, then the staff, who doesn't drive around much either.

Till:

No, they're right there. That's their vocation and their place.

NOVEMBER 29, 1984

Permit issued (date) 5/22/83 with the following conditions DOLE  
Permit Denied (date) \_\_\_\_\_ for the following reasons \_\_\_\_\_

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JUN - 7 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT



## DOOR COUNTY PLANNING DEPARTMENT

128 S. FOURTH AVENUE  
STURGEON BAY, WISCONSIN 54235-0067

COURTHOUSE

PHONE 414/743-3511

December 7, 1984

Christian Catholic Church - Camp Zion  
Dowie Memorial Drive  
Zion, IL 60099

Attention: Roger Ottersen

Dear Mr. Ottersen:

At a public hearing on November 29, 1984, the Door County Resource Planning Committee took testimony on your application to construct a youth hostel facility at Camp Zion in Section 2, Town 32 North, Range 28 East, Town of Liberty Grove. At a subsequent meeting that evening, the Resource Planning Committee granted the Conditional Use Permit as requested with the condition that said facility not increase the level of occupancy and activity on the property.

By way of explanation, there was concern expressed at the public hearing by the owners of nearby property that although the camp has not been a detriment to the neighborhood in the past, a significant increase in activity and a significant increase in the number of campers could lead to situations which would be detrimental to surrounding property owners.

The Conditional Use Permit is enclosed. Prior to actual construction of the building, an Application for Regular Zoning Permit must be submitted with evidence of state sanitary and building plan approvals.

Be advised that any party aggrieved by the decision of the Resource Planning Committee may appeal to the Door County Board of Adjustment. Such appeal must be made within thirty (30) days of the date of this letter.

Sincerely,

David W. Sautebin  
Zoning Administrator

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DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

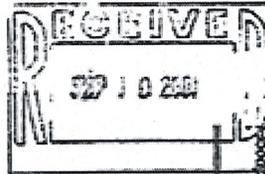
DWS/sk

Enclosure

cc: Mrs. Leonard Robb  
Ms. Nancy Weiser  
Mr. C.V. Berger

Mr. Michael Till w/enclosure  
Ms. Jean Dinsford  
Mr. Robert Carlson

DOOR COUNTY PLANNING DEPARTMENT  
421 Nebraska Street - Courthouse  
P.O. Box 670  
Sturgeon Bay, Wisconsin 54235-0670  
(920) 748-2323 - FAX (920) 748-2387



APPLICATION FOR CONDITIONAL USE PERMIT

TO THE ZONING ADMINISTRATOR. The undersigned hereby makes application for a CONDITIONAL USE PERMIT for the work described and located as shown herein. The undersigned agrees that all work shall be done in accordance with the requirements of the Door County Zoning Ordinance.

1. OWNER NAME AND MAILING ADDRESS

Name Christ Community Church / Camp Zion  
No. \_\_\_\_\_ Street 2500 Davis Mem. Dr.  
City Zionsville State IL Zip 60099  
Home Phone # \_\_\_\_\_  
Daytime Phone # 847-741-1411

2. BUILDING SITE LOCATION

File # 12761 Road Dave Bluff Rd.  
Town of Liberty Grove  
Local Phone # 920-854-2790

3. DEVELOPER NAME AND MAILING ADDRESS

Name Dale Stewart  
No. 32 Street \_\_\_\_\_  
City Ellison Bay State WI Zip 54210  
Phone # 920-854-2790

4. PROPERTY IDENTIFICATION

Parcel No. 015-02-01322821 B  
or

\_\_\_\_\_ Copy of Deed (attached) or  
\_\_\_\_\_ Legal Description (attached) or  
\_\_\_\_\_ Other (specify) \_\_\_\_\_

5. USE

Proposed use of land or structure:  
Replacing existing septic  
basins

6. SECTION OF ZONING ORDINANCE REQUIRING PERMIT 9.82(2)(b)

7. SANITARY PERMIT

Type of System Holding Tank  
Sanitary Permit No. \_\_\_\_\_  
Date of Issuance \_\_\_\_\_  
Approximate date of installation 6/86

8. BUILDING PLANS

(For requirements see form attached)

9. SITE PLAN

(For requirements see form attached)

10. ROCKHOLES

A rockhole is any depression or opening in the ground surface through which gathered surface water enters bedrock and eventually joins groundwater.

To the best of your knowledge, do any rockholes exist on the lot?  
 No  Yes  
If yes, show location on Site Plan.

11. FEE

Make check payable to the Door County Treasurer in the amount of \$ 150.00

12. AUTHORIZATION FOR INSPECTION

I hereby authorize the Zoning Administrator(s) and/or members of the Resource Planning Committee to enter and remain in or on the premises for which this application is made at any reasonable time for all purposes of inspection relative to this petition.

13. SIGNATURE OF APPLICANT OR AGENT

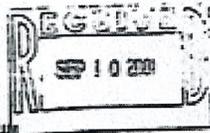
Dale Stewart  
Date 9/10/01

Receipt No. 788 Fee 150.00 Date 9/10/01  
Date Permit Issued: \_\_\_\_\_  
Certificate of Compliance: Date \_\_\_\_\_  
Rockhole Zoning Permit: Date \_\_\_\_\_

OWNER: \_\_\_\_\_  
SECTION: N T S M R

RECEIVED  
JUN - 1 2020  
DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

DOOR COUNTY PLANNING DEPARTMENT  
421 Nebraska Street - Courthouse  
P.O. Box 670  
Sturgeon Bay, Wisconsin 54223-0670  
(920) 748-2222



APPLICATION FOR CONDITIONAL USE PERMIT ADDENDUM

In evaluating Conditional Use Permit applications, the Door County Resource Planning Committee considers the following criteria, as applicable. Please provide brief but complete responses to the questions below to aid the Resource Planning Committee in its review of this project. If you feel that a particular issue is not relevant to your project, please explain why. Attach additional pages as necessary.

1) What effect will the proposed project will have on property values in the area?

Ruin the same, possibly increase; our existing cabins have a negative effect on property values

2) Is the proposed use similar to other uses in the area? Which ones?

Camp Zion has been on Door Bluff since 1942 we are replacing bed for bed, not increasing occupancy we will demolish existing summer cabins, replacing them with new winterized cabins. Workshop building will also be demolished

3) Please explain whether or not the proposed project is consistent with Door County Development Plan guidelines or any officially adopted town plan guidelines.

Will meet all guidelines we are subject to.

4) How will you dispose of sanitary waste?

Holding tank (existing)

5) How will a potable water supply be provided?

Existing well

6) How will solid waste disposal be provided?

Going Garbage handles all our solid waste. Garbage is carried to a different location for pick-up.

7) Please explain whether the proposed use will create noise, odor, or dust; and, if yes, how the effects on the surrounding area will be minimized.

This is no change from our current program.

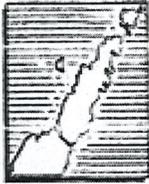
8) Describe how safe vehicular and pedestrian accesses will be provided.

Using existing paths and roads.

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DOOR COUNTY  
LAND USE SERVICES DEPARTMENT



**DOOR COUNTY  
Planning Department**

**RECEIVED**  
NOV 9 2001  
TOWN OF LIBERTY GROVE

November 8, 2001

Dale Stewart  
P.O. Box 32  
Ellison Bay, WI 54210

Dear Mr. Stewart:

At a public hearing on November 1, 2001 the Door County Resource Planning Committee took testimony on your application for a conditional use permit to construct a dormitory building at the Camp Zion property. At a subsequent meeting that evening, there was a motion by Sitte, seconded by Austad, that, in finding that the use of a new dormitory building to replace two existing cottages and an old toilet building to be located on the Camp Zion property at 12701 (private road off of) Door Bluff Road in Section 2, Town 32 North, Range 28 East, will not be contrary to the public interest and convenience nor be detrimental or injurious to the public health, safety, or character of the surrounding area, a conditional use permit be issued subject to the following conditions:

1. The sanitary waste disposal system (holding tank) shall be evaluated by the Door County Sanitarian to ensure compliance with the current code including the installation of water meters if necessary. (The Door County Sanitarian reports that the code does not require the installation of a water meter on holding tanks which were installed before March 1, 1994.)
2. In light of some confusion over the address of the property, the permit is to be issued to the property known as Tax Parcel No. 019-02-023229219.
3. The plans of the building shall be approved by the Department of Commerce if required.
4. The project shall be completed on or before December 31, 2002.

Motion carried unanimously.

By copy of this letter, I am requesting the Door County Sanitarian to review their records to determine if the existing holding tank is adequate to service the building authorized herein. In addition, we will not issue the regular zoning permit to authorize construction until we receive evidence of state building plan approval.

*NAS  
NOT  
UNTIL  
2004*

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DOOR COUNTY  
LAND USE SERVICES DEPARTMENT



County of Door  
**PLANNING DEPARTMENT**

County Government Center  
421 Nebraska Street  
Sturgeon Bay, WI 54235

David W. Sauteblin  
Senior Zoning Administrator  
Phone: (920) 746-2323  
FAX: (920) 746-2387  
Website: [map.co.door.wi.us/planning](http://map.co.door.wi.us/planning)

December 26, 2012

Dale Stewart, Director  
Camp Zion  
12701 Door Bluff Road  
Ellison Bay, WI 54210

Dear Mr. Stewart:

Thank you for inviting me to a meeting on December 13, 2012, at Camp Zion to discuss the camp's development plans. You will recall that designer Randy Stephenson presented a plan for a new building to be constructed east of the private road through the property. The two-story building would include meeting rooms, restrooms, and dining for in excess of 200 persons.

Subsequent to the meeting, I discussed this matter with Planning Department's staff as we thought through the applicable zoning regulations for this type of project. The camp is classified as an Institutional Recreation Camp and is subject to the provisions of Sections 2.05(3)(a) and 4.07(6) of the Door County Zoning Ordinance.

It is important to review the zoning status of the existing camp facilities. Since the late 1940's, a summer camp has operated on the shores of Green Bay on what is now known as Tax Parcel #018-02-02322821B. That area and the adjoining shoreline areas are zoned Single Family Residential-30,000 (SF30) under the terms of the Door County Zoning Ordinance. An Institutional Recreation Camp is a nonconforming use in that zoning district. The camp may continue to operate at the current capacity which in recent times has been determined to be approximately 140 persons based on an inventory of sleeping spaces. I see from your website that you list 156 sleeping spaces within existing facilities, some of which are rustic and used only seasonally.

The proposed new development would lie on a parcel known as #018-02-02322821A1 which is a 13.45-acre parcel to which adjoins a 2.35-acre parcel known as Tax Parcel #018-04-35332814A2. Taken together, these total 15.80 acres and are zoned Heartland 3.5 (HL3.5). In the Heartland-3.5 zoning district, an Institutional Recreation Camp is a conditional use, subject to the provisions of Section 4.07(6). The maximum density allowance is 5 persons per acre or 200 persons whichever is less. Therefore, facilities on parcels 21A1 and 14A2 may be designed for a capacity of no more than 79 persons. This is obviously well below the 200+ persons in the dining room of the proposed structure. Therefore, on the face of the regulations, your proposed structure could not be allowed.

It is difficult to provide guidance as to how you could proceed with your expansion plans. If the waterfront parcel, 21B, was rezoned to Heartland-3.5 and then combined with your other acreage,

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DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

HANDOUT 2

Gathering Place Conditional Use Permit  
Project Description & Information



2001. In 2004, we deeded a small portion of that land on the west side of Door Bluff Rd. to Dean & Polly Warner and Mike & Sally Baheke, and later, a slightly smaller portion to Rick Emmert (approximately .4 of an acre, total). In 2007, we acquired 2.35 acres from Jeanette Hidding.

Camp Zion has applied for and received a number of governmental permits over the years: Conditional Use & Zoning Permits for our present dining hall in 1984 and Fireside Lodge dormitory in 2001, State of Wisconsin building permits, DNR and Army Corps of Engineers Cook and dredging permits, Town of Liberty Grove driveway permit, Underground Storage Tank (gasoline tank) removal and above-ground gasoline tank replacement permits, and even Town swim area buoys and fireworks permits. During our CUP application and hearing processes for the Fireside Lodge dormitory in 2001, there were no objections from any neighbor or regulatory agency.

The camp program has always included summer youth camps and occasional seasonal retreats. In 1999, a decision was made to operate more consistently on a year-round basis, and to be available to other churches and organizations for guest group retreats. Executive Director Dale Stewart and family moved permanently to Ellison Bay in 2000, and built a home in Gills Rock in 2001.

In 2001, Door County Senior Zoning Administrator Dave Sautebin came out to the camp to better define the existing shorefront property occupancy. (The shorefront property was all we owned at that time). Counting every bed in camp, he determined that our occupancy number was 140, noted that in our file, and later referenced that in several letters (attached).

Camp Zion is licensed and inspected by the State of Wisconsin as Recreational/Educational Camp, and is a charter member of the Christian Camp & Conference Association. Christ Community Church is a member of the National Association of Evangelicals.

75% of our operating budget comes from camper and guest fees, 25% comes from donations. Capital improvements are 100% funded by donations.

Wisconsin is home to many camps, but there are very few, if any, resident camps in Door County besides Camp Zion. Camp Zion uses the temporary community of the unique camp environment to serve the needs of groups, in order to accomplish shared goals, in a setting separate from normal daily routines. Camp life is focused on group activities; meals, games, Bible Studies, meetings, cabin groups, etc. (By way of example, campers attending any of our sessions eat together as a group, and then possibly transition to a different area in camp for a group study time or meeting, do team games or activities together in yet another designated area, participate in cabin activities in their cabin, etc. All areas of the camp are not in use at the same time.)

**Camp Zion Offers**

- Summer youth camps
- Fall & winter youth retreats
- Fall & spring adult retreats
- Family and parent/child camps
- Guest group retreats and camps for churches, schools, organizations
- Free community snow-tubing days
- Volunteer clearing of brush and fallen trees on hiking and ski trails on the adjacent Hidding Managed Forest Land, and assistance to other neighbors in doing the same on the County park trails
- Availability to local churches, schools, and groups for meetings, dinners at minimal or no charge
- July 4<sup>th</sup> free Community Breakfast and Open House, attended by approx. 300 neighbors, vendors and friends

**Camp Zion Campers**

- Enjoy a fun, safe, and Christ-centered experience away from the distractions of everyday life.
- Learn about God's love for all.

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DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

**Riemer, Linda**

---

**From:** Laurence Peterson <laurenceapeterson@gmail.com>  
**Sent:** Thursday, June 4, 2020 9:06 AM  
**To:** Riemer, Linda  
**Subject:** Copy of Easement for Northern 191 ft. C.Z Property  
**Attachments:** IMG\_9395.jpg; ATT00001.txt; IMG\_9393.jpg; ATT00002.txt

This is a copy of the easement C.Z. says does not exist. This is for my file on Camp Zion opposition. Laurence Peterson, Camp Zion opposition meeting on June 9, 2020.  
Much appreciated.

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JUN 4 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

MICROFILM TO VISION AHLQUIST ATTORNEY

STATE OF WISCONSIN  
FORM No. 26863-1  
VOL 74 PAGE 115

This indenture, Made this 29 day of AUGUST, A.D. 1949  
between Adolph Reuser and Julia Reuser, his wife

part 103 of the first part,  
and Harvey H. Olson and Clara Olson, his wife

part 103 of the second part.  
Witnesseth, That the said part 103 of the first part, for and in consideration of the sum of  
One Dollar and other good and valuable considerations-----

to them in hand paid by the said part 103 of the second part, the receipt whereof is hereby confessed  
and acknowledged, have given, granted, bargained, sold, remised, released, aliened, conveyed and confirmed,  
and by these presents do give, grant, bargain, sell, remise, release, alien, convey and confirm unto the said  
part 103 of the second part, their heirs and assigns forever, the following described real estate, situated  
in the County of Door and State of Wisconsin, to-wit:

A tract of land in Government Lot 2, Section 2, Township 32, North of Range 28  
East, beginning at the Southeast corner of said Gov. Lot 2, Section 2, Township  
32, North of Range 28 East, thence West 1866 feet to the point of beginning,  
thence North 164 feet, thence East 9 feet, thence North 3 deg. 30 min. West  
362 feet thence North 13 deg. 0 min. East 516 feet to the North line of said  
Gov. Lot 2, thence West 377 feet more or less to the waters of Green Bay,  
thence southerly along said shore 863 feet more or less, thence East 464  
feet, thence South 164 feet to the south line of said Lot 2, thence East 33  
feet to the point of beginning, including riparian rights incidental thereto,  
excepting therefrom a tract sold to Glen F. Trowartha, and Sarita F. Trowartha,  
his wife, recorded in Vol. 70 of Deeds, page 205, and further excepting tract  
sold to Michael J. Mintern as General Overseer of the Christian Catholic  
Church, recorded in Vol. 61 of Deeds, page 593, and excepting an easement  
to a private roadway given to Erik Ahlquist and Dr. Brown, dated August 26,  
1949. It being the further intention to except an easement of like nature  
in favor of said Michael J. Mintern, as General Overseer of the Christian  
Catholic Church, so as to afford said Michael J. Mintern, as General Overseer  
of the Christian Church, a roadway affording ingress and egress to his property  
on the Easterly side of the realty above conveyed.

Said instruments referred to above are of instruments recorded in the office  
of the Register of Deeds for Door County, Wisconsin.

Grantees agree to pay the taxes for the year 1949.

*See following page for easement.*



Together with all and singular the hereditaments and appurtenances thereto belonging or in any wise  
appertaining; and all the estate, right, title, interest, claim or demand whatsoever, of the said part 103 of the  
first part, either in law or equity, either in possession or expectancy of, in and to the above bargained premises,  
and their hereditaments and appurtenances.

To have and to hold the said premises as above described with the hereditaments and appurtenances, unto  
the said part 103 of the second part, and to their heirs and assigns FOREVER.

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JUN 4 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

NOTARY CLAIM DEED STATE OF WISCONSIN  
Book 268558 Page 74 Aug 31 1912

This indenture, Made this 26<sup>th</sup> day of August A. D. 1912  
between Adolph Roesser and Julia Roesser, his wife

and Erik Ahlquist and Hjeltta E. Ahlquist

part 102 of the first part

part 102 of the second part

Witnesseth, That the said part 102 of the first part for and in consideration of the sum of One Dollar and other good and valuable considerations Dollars to them in hand paid by the said part 102 of the second part, the receipt whereof is hereby confessed and acknowledged, he has given, granted, conveyed, sold, remised, released and quit-claimed and by these presents do give, grant, bargain, sell, remise, release and quit-claim unto the said part 102 of the second part, and to their heirs and assigns forever, the following described real estate, situated in the County of Door State of Wisconsin, to-wit:

An easement to a private roadway which is described as follows: Beginning at the Southeast corner of said Gov. Lot 2, Section 2, Township 32, North of Range 28 East, thence West 1579 feet to a point, thence North 64 1/2 feet to a point, thence northerly 105 feet more or less to a point which is 33 feet west of the Northeast corner of the Glen Marantha tract, thence East 33 feet, thence South 13 deg. 0 min. East 22 feet, thence South 3 deg. 30 min. East 363 feet to a point; thence West 9 feet, thence South 64 1/2 feet, thence West 33 feet to the point of beginning.

This easement is to be further continued from the Northwest corner of the easement above described, thence North 13 deg. 0 min. East to the North line of Gov. Lot 2, being the South line of Erik Ahlquist property, thence East 33 feet, thence South 13 deg. 0 min. East to the Northeast corner of the roadway described above, thence Westerly to the point of beginning.

It being the intention of the grantors herein to convey an easement to a private roadway 33 feet in width to the grantees herein.

To have and to hold the same, together with all and singular the appurtenances and privileges thereto belonging or in any wise thereto appertaining, and all the estate, right, title, interest and claim whatsoever of the said part 102 of the first part, either in law or equity, either in possession or expectancy of, to the only proper use, benefit and behoof of the said part 102 of the second part, their heirs and assigns FOREVER.

In Witness Whereof, the said part 102 of the first part has hereunto set their hands and seal this 26<sup>th</sup> day of August A. D. 1912

Adolph Roesser (SEAL)  
Julia Roesser (SEAL)

SIGNED AND SEALED IN PRESENCE OF  
John Pahl (SEAL)  
Quintan Lundquist (SEAL)

State of Wisconsin, Door County, ss.  
Personally came before me, this 26<sup>th</sup> day of August A. D. 1912, the above named Adolph Roesser and Julia Roesser, his wife

to go before me for the person or persons who executed the foregoing instrument and acknowledged the same.



John Pahl (SEAL)  
Notary Public, Door County, Wis.

My commission expires Every Public, Door County, Wis. By Commission Expires Oct. 2, 1913

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JUN 4 2020

DOOR COUNTY LAND USE SERVICES DEPARTMENT

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JUN 3 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

The Door County Board of Adjustment

Concerning the Zion Camp, Inc. petition to be considered on Tuesday, June 9.

WE ARE OPPOSED TO THIS PETITION.

We have had a summer cabin at 12741 Door Bluff Road just north of the Camp for 43 years and use Door Bluff Road regularly. In all those years, there has never been a problem with the safety of campers on Door Bluff Road. Nevertheless, the Camp used the argument that Door Bluff Road was hazardous for camper foot traffic as the reason for the construction of Door Bluff Lane.

Door Bluff Lane did not eliminate Camp related vehicle traffic on Door Bluff Road because Door Bluff Road is still used for access to the Camp and the Camp parking lot. In addition to the Camp traffic, Door Bluff Road is an essential access road for all property owners along its length who have legal easement rights to it.

This variance now seeks to INCREASE camper foot traffic on Door Bluff Road. We think it is in the best interests of the campers and the community to keep Camp activity within the defined legal boundaries of the Camp.

WE URGE THE BOARD TO REJECT THIS PETITION

Sincerely,  
Peter Orlik and CJ Bishop

If you have any questions, please contact us at:  
608-338-5974 or  
peterorlik63@gmail.com



Peter Orlik  
5/27/2020

June 3, 2020

Ms. Mariah Goode  
Director  
Door County Land Use Services  
Door County Government Center  
421 Nebraska Street  
Sturgeon Bay, Wisconsin 54235

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JUN 3 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

Dear Ms. Goode,

We are writing you to express our opposition to the variance request submitted by the Christ Community Church of Zion, Illinois (dba Camp Zion and located at 12701 Door Bluff Road, Ellison Bay) to encroach into the setback from our Door Bluff private road.

We have been property owners at 12647 Door Bluff Road since 2001. Our property is located opposite the 14.5-acre parcel for which the church is requesting a variance from the setback to construct a 12,200 sq. ft., 179,200 cu. ft., maximum occupancy 200 people, multipurpose conference/retreat/chapel /dining/kitchen facility.

When the Christ Community Church of Zion, Illinois, formerly the Christian Catholic Church or Christian Catholic Apostolic Church (dba Camp Zion), purchased the 14.5-acre parcel from Walter and Sheila Hannenberg in 2001, the Church knew full well that the purchased parcel included a 20-foot drop off from the level of our Door Bluff private road, that bisects the camp, to the camp's sports/activity field below. Also, when Jeanette Hidding deeded a 2.35-acre parcel to the Church in 2008 – so the Church could construct their private driveway connecting East Door Bluff Road to our Door Bluff private road, the Church was again made aware of the steep ridge extending along nearly the entire length of the east side of our Door Bluff private road.

To now claim an “unnecessary hardship” exists is a falsehood. There is no “unnecessary hardship” here, the Church has known for decades of the physical limitations of the property they now wish to build on. The Church is requesting a variance to the required setback for a self-perceived, self-created “hardship”. The proposed facility can be built in many other locations on the 14.5-acre parcel. The Church only wants to build on the specific proposed site out of convenience to the Church in moving pedestrians and supplies from the westside/waterfront section of the camp to the eastside section of the camp (and vice-versa), to avoid building on the camp's sledding hill / sports / activity field and, to reduce the building costs of the facility. (Financial hardship is not grounds for a variance!)

The 20-foot high drop off the Church now claims as a hardship requiring a variance to the setback is a glacially deposited ridge on the Niagara Escarpment that is not a unique, exceptional, extraordinary, or unusual circumstance that applies only to the Church property under consideration. On the contrary, this “condition” extends nearly the entire length of our Door Bluff private road and has existed for eons. Again, the Church knew this when they purchased the 14.5-acre parcel in 2001.

What we have here is, in fact, a condition that has been self-created by the Church itself due to the Church's desire to build on the specific proposed site fully knowing that the condition creating the “hardship or difficulty” (i.e., 20-foot drop off), and with the required setbacks of the specific site, existed at the time the property was purchased and, that the proposed facility can be sited elsewhere on the parcel.

If this variance is granted, resulting in the construction of this multipurpose facility, it will be of substantial detriment to our neighboring properties (and not only financially). Granting of this variance request is contrary to the purpose of the setback / siting ordinance, and to the public interest.

- Size. This proposed huge facility (3 levels, nearly 40 ft. high, 179,151 cu. ft., over 12,200 sq. ft., and maximum occupancy 200 people) is far out of proportion to any of the surrounding residential homes in the neighborhood.
- Users of the proposed facility (primarily children) will be channeled via the bridge from the new building on the camp's eastside property parcel across our Door Bluff private road that bisects the camp, to the westside property for participation in the camp's waterfront activities. In addition, supplies and materials will also be moving back and forth across our private road. This movement of children crossing our private road is a dangerous traffic hazard that is especially acute during the summer when camp is in session and property owners, their guests and visitors, as well as service and delivery vehicles drive up and down the private road (with no maximum speed limit) directly through the camp. This is an accident waiting to happen. Further, with the recent addition of 75 acres to Door Bluff Headlands Park there are already more park users in the area and the concern is that there will be even more park users/traffic as the popularity of the expanded park continues to increase. Moreover, granting a variance to site this proposed facility even closer within the required setback adds even more visual obstruction and congestion to an already busy "T" intersection of our Door Bluff private road and the camp's private driveway.
- Increased traffic, noise, and light pollution. More buildings and bigger buildings will bring more people to our residential neighborhood, increase vehicular and pedestrian traffic, and result in more noise and light pollution.
- While it may seem that granting the variance serves an overriding public interest for those residing outside Ellison Bay, the Town of Liberty Grove, and Door County (such as in Illinois and other areas of Wisconsin), granting the variance will absolutely and permanently negatively affect the public interest – visual harmony, quality of life, and character of our residential neighborhood, especially for the property owners closest to the camp. These are the same nearby property owners who pay taxes that support local law enforcement, fire protection, road maintenance, libraries, and parks – necessities and amenities tax exempt organizations do not support with property tax money.

In summary, we are vehemently opposed to the granting of this variance request and the proposed facility!

Sincerely,

Michael S. Bahrke and Sally W. Bahrke  
12647 Door Bluff Road  
Ellison Bay, WI 54210

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JUN 3 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

**Riemer, Linda**

---

**From:** Michael S Bahrke <msb11649@gmail.com>  
**Sent:** Monday, June 8, 2020 8:40 AM  
**To:** Riemer, Linda  
**Cc:** jsmith  
**Subject:** Fwd: Bahrke documents for Camp Zion hearing

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JUN 8 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

----- Forwarded message -----

**From:** Michael S Bahrke <msb11649@gmail.com>  
**Date:** Mon, Jun 8, 2020 at 8:32 AM  
**Subject:** Bahrke documents for Camp Zion hearing  
**To:** [lreimer@co.door.wi.us](mailto:lreimer@co.door.wi.us) <[lreimer@co.door.wi.us](mailto:lreimer@co.door.wi.us)>  
**Cc:** [jsmith](mailto:jsmith@pinkertlawfirm.com) <[jsmith@pinkertlawfirm.com](mailto:jsmith@pinkertlawfirm.com)>

Ms. Reimer,

I am submitting the two attached documents to accompany my oral testimony during tomorrow's Camp Zion variance request hearing. Thank you.

Mike Bahrke  
920-495-5443



**County of Door**  
**FACILITIES AND PARKS DEPARTMENT**

County Government Center  
 421 Nebraska Street  
 Sturgeon Bay, WI 54235

**Wayne Spritka**  
 Facilities & Parks Director  
 (920) 746-2211  
 Mobil 920-495-2131  
 wspritka@co.door.wi.us

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JUN 8 2020

DOOR COUNTY  
 LAND USE SERVICES DEPARTMENT

April 15, 2020

Mike Bahrke  
 12547 Door Bluff Road  
 Ellison, Bay, WI 54210  
 Re: letter dated April 12, 2020

Mr. Bahrke,

Thank you for your letter of interest and concern about the Bluff Headlands County Park expansion. Headlands County Park does not have designated trails. Any paths that exist within the Park are "foot-paths" or paths that existed before County ownership. Park staff does visit the area on a regular basis to perform essential functions and to clear major debris as needed. The Department is not actively maintaining trails within the Park. Headlands County Park is considered undeveloped.

Signage that delineates the Park boundary will be installed this spring. There are two signs for each side of our post. One Side reads "**End of Park, Private Property beyond this point, Please respect our neighbors**" opposite side indicates the Park boundary start. The county Highway department is still building some of the signs. I welcome any input and discussion you might have that would involve the best placement of the signs too for the largest impact. I am planning to install up to 12 signs within the Southern boundary area of the new acquisition.

The Bluff Headlands has one designated parking area. The procurement of new property does not have a separate designated parking lot. I have been thinking about establishing a second parking lot in 2020-21. That project will take time and planning if it is required. Again, any thoughts you may have on the lot placement is appreciated.

Unfortunately, the Department cannot control the parking of vehicles in private driveways or if individuals choose to trespass. The best thing to do is report it to law enforcement authorities. I leave the opportunity to sign driveway and engage law enforcement to individual homeowners and residents as they see fit.

Wayne J. Spritka

## Easement Rights on Door Bluff Rd.

1. Every property owner on Door Bluff Rd. has full ingress and egress easement rights through Government Lots 2 and 4.
2. On Oct. 16, 1941, John Nelson sold Adolph Roeser 863 feet of shore property that was approximately 464 feet wide. The lot contained a logging road from the 1870's on its eastern side and was bounded on the north by Government Lot 4. (Document 235205A, Vol. 53, Page 276)
3. Between Oct 16, 1941 and June 5, 1947 Adolph Roeser divided his shore property into eight 96 foot shore lots and one 95 foot lot on the north end of Government Lot 2.
4. On June 5, 1947, Adolph Roeser sells the two northern lots (191 ft.) to Michael Mintern. No easement is indicated on the deed. Now both Erik Ahlquist who owns the property in Government Lot 4 and Michael Mintern are landlocked. (Document 255096, Vol. 61, Page 593)
5. On Oct. 30, 1948, Adolph Roeser sells the sixth lot from the north line of Government Lot 2 to Glen Trewartha. This sale included an easement statement on the deed. (Document 261049, Vol. 70, Page 205)
6. On Aug. 26, 1949, Adolph Roeser gave an easement to Erik Ahlquist through Government Lot 2. (Document 263558, Vol. 74, Page 37)
7. On Aug. 29, 1949, Adolph Roeser sold his remaining property to Harvy Olson with the statement that: "It being the further intension to except an easement of like nature in favor of Michael J. Mintern, as the General Overseer of the Christian Catholic Church, a roadway affording ingress and egress to his property on the easterly side of the realty conveyed." Both Erik Ahlquist and Michael Mintern now have full easement rights to all of the road in Government Lot 2 and neither one is landlocked. (Document 263631, Vol. 74, Pages 115, 116, 117, 118) (Both Ahlquist and Mintern received copies)
8. Michael Mintern makes his second land purchase Jan. 7, 1953 from Harvy Olson. (Document 620478, Vol. 784, Pages 993 and 994)

Summary: Every property owner on Door Bluff Rd. in Government Lots 2 and 4 has full easement rights to the entire length of the road. No section of the road is devoid of easement rights. The key document for both Ahlquist and Mintern is Document 262631.

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JUN 8 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT



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JUN 8 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

**GOODE, MARIAH**

---

**From:** Amy Swanson <amylswanson18@gmail.com>  
**Sent:** Thursday, June 4, 2020 9:22 AM  
**To:** GOODE, MARIAH  
**Subject:** Oppose Camp Zion Variance Request

June 4, 2020

Ms. Mariah Goode  
Director  
Door County Land Use Services  
Door County Government Center  
421 Nebraska Street  
Sturgeon Bay, Wisconsin 54235

Dear Ms. Goode,

I am writing to you to express my strong opposition to the variance request to encroach into the setback from the Door Bluff private road that was submitted by the Christ Community Church of Zion, Illinois regarding Camp Zion, located at 12701 Door Bluff Road, Ellison Bay.

I am opposed to this variance request for several reasons. This is not in the best interest of the public. It would have a negative effect on the surrounding property. If the variance request was allowed the building would be too close to the road easement to allow for the building to be properly screened with trees and plants. The variance request includes a proposal to build a large building that can accommodate 200 people. This variance with resulting expansion of Camp Zion would have a large negative impact on the surrounding land and homes. The increased traffic that would result from this building would also increase risk to children on the road. Additionally there would be an increase in water, noise and land pollution.

I am strongly opposed to the granting of this variance request and to the proposed building site.

Sincerely,

Amy Everett Swanson  
12537 Door Bluff Road  
Ellison Bay, Wisconsin 54210

June – 2020

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JUN 4 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

Michael Passow  
1365 North 58<sup>th</sup> Street  
Milwaukee, WI 53208  
The Passow Family Trust  
12668 Door Bluff Road  
Ellison Bay, WI 54210

Fred Frey, Chair  
Door County Board of Adjustment  
Door County Government Center  
421 Nebraska Street  
Sturgeon Bay, WI 54235

RE: Camp Zion Inc. Area Variance

### Description:

Camp Zion, Inc. (CZ) has petitioned for a variance from Section 3.06, Door County Comprehensive Zoning Ordinance, which requires a building screened from the road with vegetation and a total volume between 120,001 and 180,000 cubic feet. Be set back at least 102.5 ft from the described edge of the private road easement or traveled edge of the road where the easement is not described. The petitioners propose to construct a building with 179,151.23 cubic ft. of volume to be used for dining, meeting, recreation, education, and other activities customary for an Institutional Recreation Camp. The building would be as close as 68 ft. to the private road edge, a covered deck as close as 62.5 ft, and a walking bridge as close as 32 ft. The property is located east of 12701 Door Bluff Road in Section 2, Town 32 North, Range 28 East, and in a Heartland-3.5 Residential Zoning district. Across the road from a zoned Single Family, SF-30, area owned and operated as Non-Conforming, Non-Profit, business (as CZ Inc.) also adjacent to a County Park.

Our family has owned land directly to the south (12668 Door Bluff Road) of the proposed area of build for CZ since 1946 and the building that our Grandfather has built shortly after purchase of this parcel of land that remains to this day. This is the oldest continuously used residential building in the Door Bluff Road community. We have lived on our parcel of land in all seasons. We live in Wisconsin, we are from Wisconsin, and we pay taxes on our property just like the majority of our neighbors. We object to any further would assert that if this Area Variance be allowed it would represent the beginning of a classic case of Spot Zoning and could be challenged again as such based-on Change of Use. Besides, the camp director has explicitly stated in the Area variance application that CZ could build without an area variance. CZ is requesting an Area variance to the required setback for a self-perceived, self-created "hardship".

As some may know there are two broad categories of variances generally are used in the practice of local land use planning: area (or bulk) variances and use variances. An Area variance is the most common type. It can be requested by a builder or landowner when an odd configuration of the land, or sometimes the physical improvements (structures) on the land, requires a relaxation of the applicable regulations to avoid denying the landowner the same rights and use of the property enjoyed by owners of neighboring properties.

JUN 4 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENTChrist Community Church in Zion, Illinois, USA  
formerly the Christian Catholic Church  
or Christian Catholic Apostolic Church (dba Camp Zion Inc.)  
Camp Zion Inc. Area Variance

A Use variance is a variance that authorizes a land use not normally permitted by the zoning ordinance. Such a variance has much in common with a special-use permit (sometimes known as a conditional use permit). Grant of a use variance also can be similar, in effect, to a zone change. This may, in certain cases, be considered spot zoning, which is prohibited in many jurisdictions.

In either case, the variance request is justified only if special conditions exist on the lot that create a hardship making it too difficult to comply with the code's normal requirements. Likewise, a request for a variance on a normal lot with no special conditions could judiciously be denied. The special conditions or hardship typically must arise from some physical configuration of the lot or its structures. The financial or personal situation of the applicant normally cannot be taken into consideration. Under most codes governing variances, approval of the variance must not result in a public health or safety hazard and must not grant special privilege to the property owner. In other words, when a variance is granted, any other property owner with similar site conditions should be able to obtain a similar variance; this criterion is often addressed by citing precedent.

### **Objective:**

It is nearly impossible to ask for just an "Area" variance without discussing a "Use" variance, but this is the path CZ has chosen. We have lived on our land for generations (almost 75 years) and have watched CZ turn from a thoughtful neighbor and bible camp (Non-Conforming) in residential neighborhood into a business entity asking for ANOTHER variance. We are obligated to respond. Our family asks for protection both in Area and Use. I would remind the members of the Board of Adjustment that this NON-SECULAR forum, and there is a separation of Church and State for a reason. I would also invite the members of the Board to contemplate Zion, Illinois, USA and picture a 7 square block-plus campus on which the Zion Church (Zion, Illinois, USA) resides and operates. This is a multi-million-dollar business, and not a "Mom and Pop" business. I do not wish to disparage any of the CZ religious activities, but it seems that CZ is clearly not happy with the land they own by asking for this variance – they have almost 30 acres. CZ is requesting an Area variance to the required setback for a self-perceived, self-created "hardship". We fully expect ANOTHER request for variance for Use at which time we will ask for protection again for our 75-year-old property. Our family in generations asks for protection from CZ business activities. We wish to live in peace.

### **Background:**

One cannot logically separate an Area variance from a Use variance because they go hand in hand. In the petition for this Area variance it clearly states that the Board of Adjustment must consider the impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the entire community and the general public.

This is the second time in a five-year period CZ has applied for the "same" structure and use. One difference is the location, now in a different location. As precedent, the application for this "same" structure was denied based on several factors, including public interest that could be detrimental or injurious to the public health, safety, or character of the surrounding area:

1. The size of the building will be out of character with the surrounding area.
2. The size of the existing parcel is not adequate when taking into consideration of the size of existing and proposed buildings.
3. The proposed use is not similar to other uses in the area.
4. It has not been shown that adequate provisions have been made to control noise and dust on the property.
5. The proposed project is not consistent with the Liberty Grove Town Plan

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Camp Zion Inc. Area Variance

6. The soil depth to the bedrock has not been determined and it has not been shown how the project will affect the escarpment area.

### Discussion:

Again, in the petition for variance it clearly states that the Board of Adjustment must consider the impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the entire community and the general public.

Addressing precedent: Board members should strongly consider minutes from the November 29, 1984 meeting of the Resource Planning Committee and the December 7, 1984 letter from DC zoning administrator David Sautebin instructing the camp that, in approving the current kitchen/dining room/meeting room, conditions were being set that the camp was not to increase activity and occupancy on the property. Board members expressed concern that, despite explicit conditions not to expand, the camp had continued to expand with the Fireside Lodge opening in 2004, the new camp road in 2007, and now the new, proposed building. In other words, the camp kept expanding with additional land purchase and building. Another application in 2015 and now again in 2020.

If this "area" variance were to be approved, by definition, the intent and uses would change as well for CZ without question, which can't be done. Zoning Ordinances stipulate that under Change of use, a nonconforming use may continue in **STRICT ACCORD** with the historical use, i.e., the precise active and actual use that predated the ordinance which rendered the use nonconforming.

Addressing public interest: Our family's primary objection, in that granting this variance will be of substantial detriment to our neighboring properties (and not just financial), granting the variance is contrary to the purpose of the setback/siting ordinance, and to the public interest to live peacefully.

Addressing noise: The propose build area is in a Heartland 3.5 zone district, it could not be a worse area for noise. The proposed location acts as natural "bowl" and the valley makes the acoustics much more heightened and sounds are louder like walking into an amphitheater and enjoying a show. The fact that they declare hardship to build would support this but imagine 2 years of construction and then noise for breakfast, lunch, and dinner after that if this proposal were to be completed. We realize the good work that CZ is trying to do, but what they ask is too much. We already tolerate this nuisance. The camp director has explicitly stated in the area variance request that CZ could build without a variance.

Addressing size/proportion: This proposed huge building (3 levels, nearly 40 ft. high, 179,151 cu. ft., and over 12,000 sq. ft.) is far out of proportion to the surrounding residential homes in the neighborhood. How can you hide this? The camp director has explicitly stated in the Area variance application that CZ could build without an Area variance.

Addressing safety: Users of the proposed building (primarily children) will be channeled via the bridge from the new building on the camp's eastside property parcel across the Door Bluff private road that bisects the camp, to the westside/waterfront property. In addition, supplies and materials will also be moving back and forth across the private road. This movement of children crossing the private road is a dangerous traffic hazard that is especially acute during the summer when camp is in session and property owners, their guests and visitors, as well as service and delivery vehicles drive up and down the private road (with no speed limit) through the camp. This is an accident waiting to happen. With the recent addition of 75 more acres to Door Bluff Headlands Park there are already more park users in the area and the concern is that there will be even more park users/traffic as the popularity of the expanded park continues to increase. Also, granting a variance to site this proposed building even closer within the required setback adds even more visual obstruction and congestion to an already busy "T" intersection of the Door

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 Camp Zion Inc. Area Variance

Bluff private road and the camp's driveway. The camp director has explicitly stated in the Area variance application that CZ could build without an Area variance.

Increased traffic, noise, and light pollution. More buildings and bigger buildings bring more people to the neighborhood, increased vehicular and pedestrian traffic, and more noise and light pollution. People in the neighborhood live on the parcels they have for a reason – to get away from the conventions of man.

### Conclusions:

Separating an “Area” variance from a “Use” variance is extremely difficult and while it may seem that granting the variance serves an overriding public interest for those residing outside Ellison Bay, the Town of Liberty Grove, and Door County (such as in Illinois and other areas of Wisconsin), granting the variance will absolutely and permanently negatively affect the public interest – visual harmony, quality of life, and character of the neighborhood – of nearby property owners. These are the same nearby property owners who pay taxes that support local law enforcement, fire protection, road maintenance, libraries, and parks – necessities and amenities tax exempt organizations do not support with tax money.

Door County has been a part of our family for generations. In the past when dealing with the CZ elders, our family and the CZ elders would eat together, talk together. I would play basketball with other kids at the camp. Our family could watch sunsets from the pier at CZ. This has changed. There is a clear pattern of “variances/easements” as anyone can see through reading the current application or past applications. CZ has demonstrated by this variance request it is much more than a civil matter. CZ is not happy and thankful for what they already have, CZ wants more. The current planners of CZ are not as reasonable as their predecessors and seem more willing to use force by way of institution (based in Zion, Illinois, USA) upon any who does not agree with institutional/business philosophies based on CONTINUED variance applications. CZ wishes to direct the conversation away from their institutional/business intent and away from the spirit of use by only asking for an “Area” variance when we all know there is a Conditional Use request coming next. We live on the oldest continued residential parcel in the neighborhood in the middle of all CZ recently purchased parcels. We have asked for nothing compared to what CZ asks, but protection in both area and use. We wish CZ well.

If this “Area” variance were to be approved who would regulate CZ continued uses? If it doesn't pass...when will these continued variance requests stop? How much money and land does one need to do whatever they want? The generations of our family ask for protection in both area and use. We are obligated to respond. This is CZ second attempt at the “same” structure in five years. One can only hope for clear minds, fair and objective. As precedent, the current Chair of the Board of Adjustments is on record in favor CZ business activities based on the previous CZ denial in 2015. I would like to add this process orchestrated by the local municipalities has been difficult to follow based on the municipality's choice of forums and lack of open access. If we can see through this simply, so should anyone else. Our family asks for the Board's full consideration and thoughtfulness – we wish to live in peace. Precedent favors curtailing CZ business activities based on all cumulative factors when considering this “Area” variance application. CZ is requesting an Area variance to the required setback for a self-perceived, self-created “hardship”. The camp director has explicitly stated in the Area variance application that CZ could build without an Area variance.

Many Thanks for Your Time, Kind Regards, BE WELL.

The Passow Family

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JUN 4 2020

DOOR COUNTY  
 LAND USE SERVICES DEPARTMENT

**Riemer, Linda**

---

**From:** Cynthia Schaulis <clanceyboy1@gmail.com>  
**Sent:** Thursday, June 4, 2020 7:24 PM  
**To:** Riemer, Linda  
**Subject:** RE: Zion Easement

**From:** Cynthia Schaulis <clanceyboy1@gmail.com>  
**Date:** June 4, 2020 at 17:18:47 PDT  
**To:** Lreimer@co.door.wi.us  
**Subject:** RE: Zion Easement

6-4-20  
TO: Door County Land Use Department

As I understand it, set-backs and land use regulations are determined by law to preserve the integrity not only of the parcel itself but also that of the neighborhood. In establishing these laws the county protects not only the land but the people who own it and use it but also those who reside in the community.

The beautifully isolated and often fragile glacial ridge areas of the Door Peninsula are best suited both environmentally and aesthetically to low use and limited coverage. Allowing the easement proposed by the Zion Camp threatens those safeguards not only to the specific property and its owners but also to the neighborhood.

Cynthia Schaulis  
1120 Garrett Bay Road  
Ellison Bay, WI 54210  
Sent from my iPad

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DOOR COUNTY  
LAND USE SERVICES DEPARTMENT



JAMES R. SMITH  
 RICHARD A. HAUSER  
 JON R. PINKERT \*  
 JENNIFER C. HOBART  
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 STURGEON BAY, WISCONSIN 54235-0089  
 TELEPHONE (920)743-6505  
 FACSIMILE (920)743-2041  
 WRITER'S E-MAIL [asullivan@pinkertlawfirm.com](mailto:asullivan@pinkertlawfirm.com)

HERMAN J. LEASUM (1910-2006)

RETIRED:

JEFFERY M. WEIR  
 ROGER PINKERT  
 MARK A. JINKINS

NORTHERN DOOR OFFICE:  
 2294 SUNSET DRIVE  
 SISTER BAY, WISCONSIN 54234  
 TELEPHONE (920) 854-2616

\* Court Commissioner

June 5, 2020

Mariah Goode, Director  
 Door County Land Use Services Department  
 Door County Government Center  
 421 Nebraska Street  
 Sturgeon Bay, WI 54235

Via Email Only

[mgoode@co.door.wi.us](mailto:mgoode@co.door.wi.us)

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JUN 5 2020

DOOR COUNTY  
 LAND USE SERVICES DEPARTMENT

**Re: *Camp Zion, Inc.'s Petition for Grant of Variance***

Dear Ms. Goode:

Our firm represents a property owner who objects to a Petition for Grant of Variance filed by Camp Zion, Inc. (the "Petition") which is scheduled for a hearing on Tuesday, June 9, 2020. We will address the merits of the Petition at the hearing.

However, upon review of the Petition, it has become apparent that it failed to accurately describe the location of the property involved in the Petition as required by Section 11.06(1)(c) of the Door County Zoning Ordinance.

The description of the property involved in the Petition is described as being located at 12701 Door Bluff Road, in the Town of Liberty Grove and as Tax Parcel No. is 018-02-02322821A1 ("21A1"). However, upon review of the renderings provided with the Petition, it is clear that two of the three area variances requested are actually located on Tax Parcel No. 018-02-02322821A2 ("21A2"), which is a 2.35-acre parcel located north of 21A1. To add to the confusion, 12701 Door Bluff Road is the address of a parcel located across the street from 21A1.

As a result of the incomplete Petition, the Notice and Agenda inaccurately describe the property requesting a variance as being located "east of 12701 Door Bluff Road." While that description accurately describes 21A1, nothing in the Notice or Agenda would alert the public that 21A2 is actually the location of two of the three variances, which is located entirely to the north and east of 12701 Door Bluff Road. A reading of the written Petition also does not alert the public to the inclusion of 21A2 due to its failure to list it as a parcel number.

Therefore, I respectfully request that the Zoning Board of Adjustment consider tabling or postponing the hearing for this Petition until proper notice identifying the correct specific location of the parcels involved can be provided and published.

**WISCONSIN LAWYERS**  
 EXPERT ADVISERS. SERVING YOU.

June 5, 2020  
Page 2

Thank you for your consideration in this matter.

Sincerely,

PINKERT LAW FIRM LLP



Amy M. Sullivan



Tyler D. Pluff

AMS:mjh

cc: Michael Bahrke (via email only: [msb11649@gmail.com](mailto:msb11649@gmail.com))

Linda Riemer (via email only: [lriemer@co.door.wi.us](mailto:lriemer@co.door.wi.us))

Attorney Grant Thomas (via email only: [gthomas1@co.door.wi.us](mailto:gthomas1@co.door.wi.us))

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LAND USE SERVICES DEPARTMENT



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HERMAN J. LEASUM (1910-2006)

**RETIRED:**

JEFFERY M. WEIR  
 ROGER PINKERT  
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JAMES R. SMITH  
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 JON R. PINKERT \*  
 JENNIFER C. HOBART  
 AMY M. SULLIVAN  
 TYLER D. PLUFF  
 MICHAEL J. DeCHECK

\* Court Commissioner

June 8, 2020

Ms. Linda Riemer  
 Door County Zoning Dept.  
 421 Nebraska Street  
 Sturgeon Bay, WI 54235

**Via Email Only**

[lriemer@co.door.wi.us](mailto:lriemer@co.door.wi.us)

**Re: *Camp Zion Variance***

Dear Ms. Riemer:

Enclosed please find numbered documents that we may wish to refer to while speaking in opposition of the Camp Zion, Inc. variance petition.

Sincerely,

PINKERT LAW FIRM LLP

  
 Amy M. Sullivan

and

  
 Tyler D. Pluff

AMS:mjh  
 attachments

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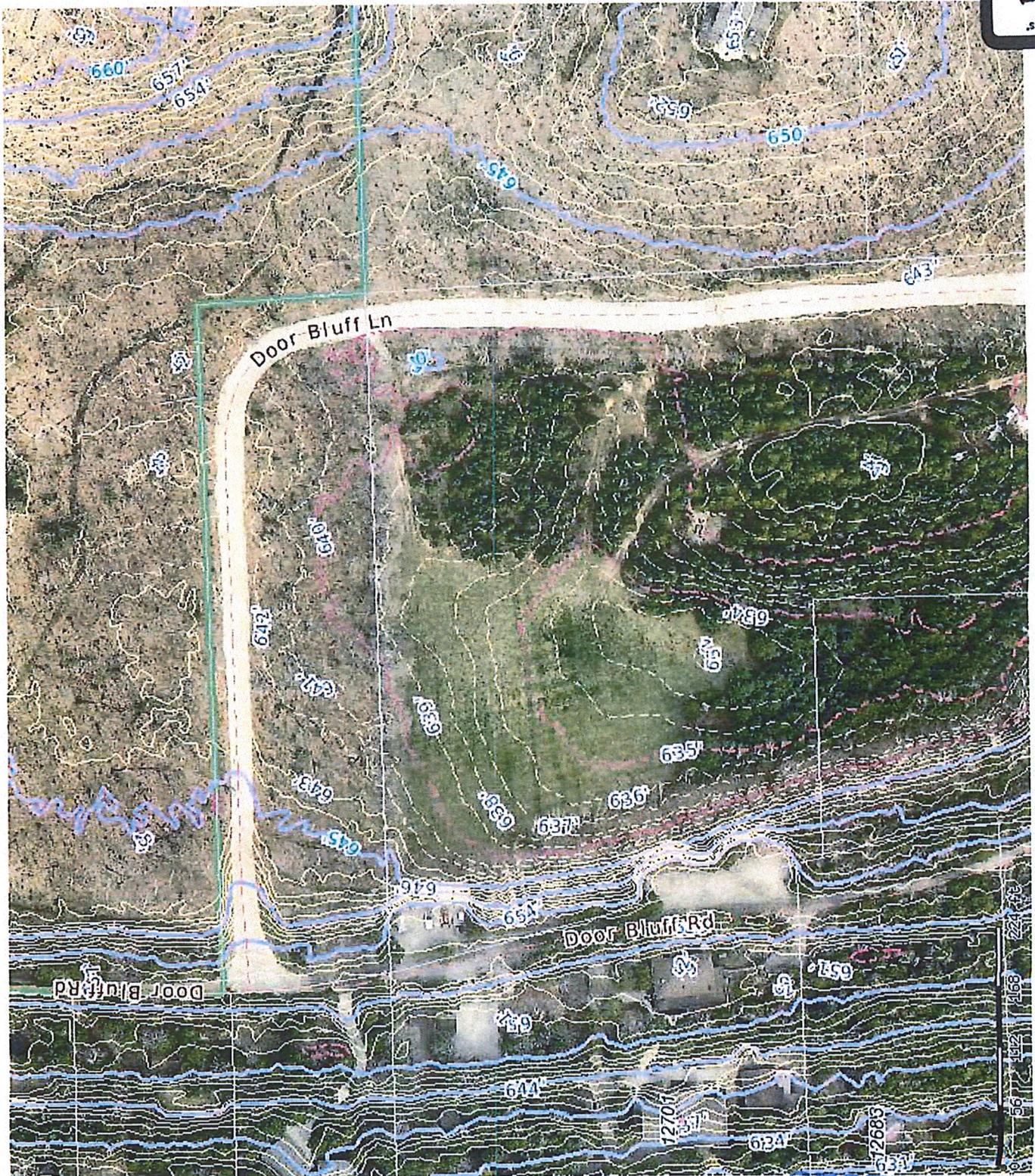
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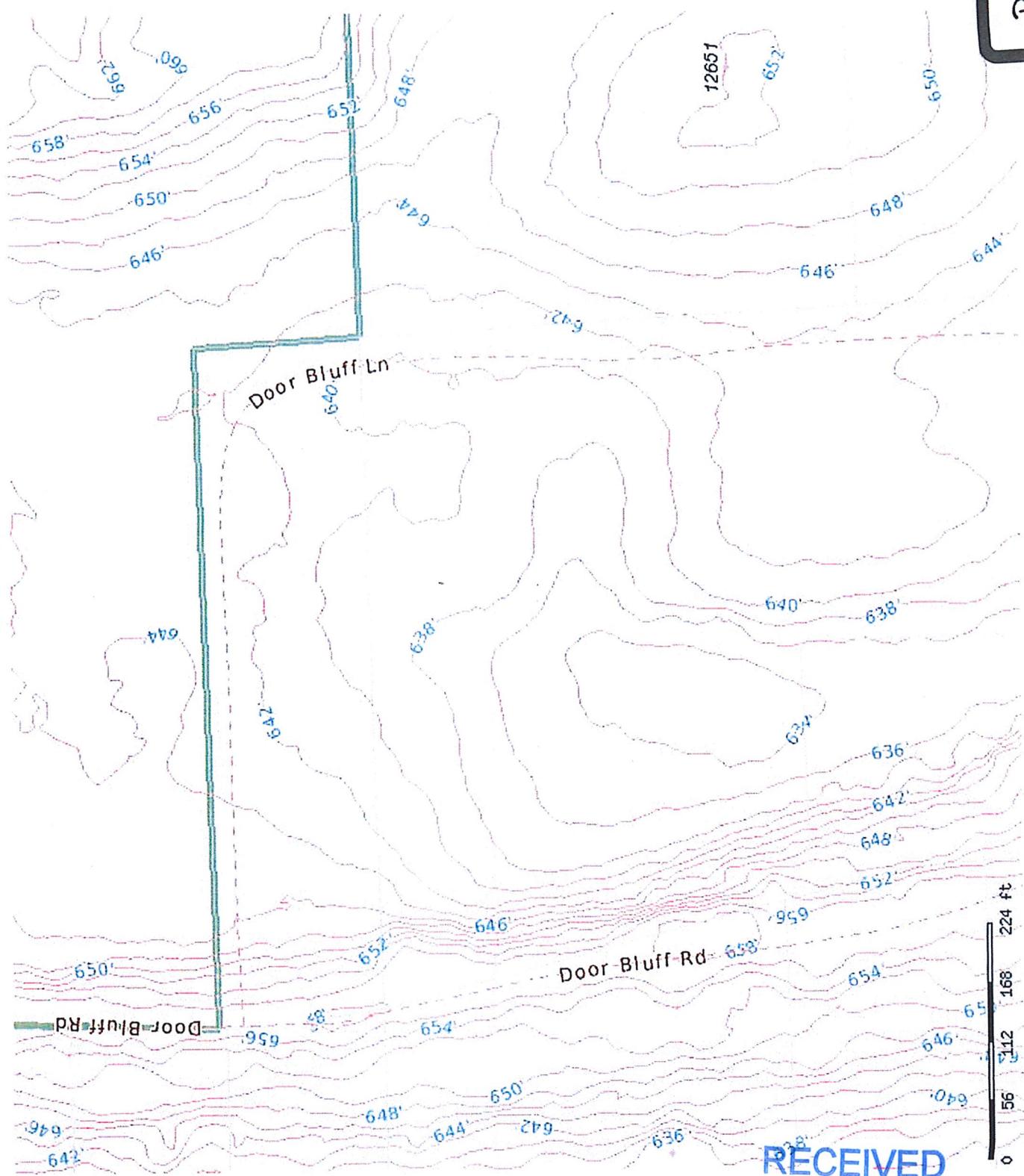
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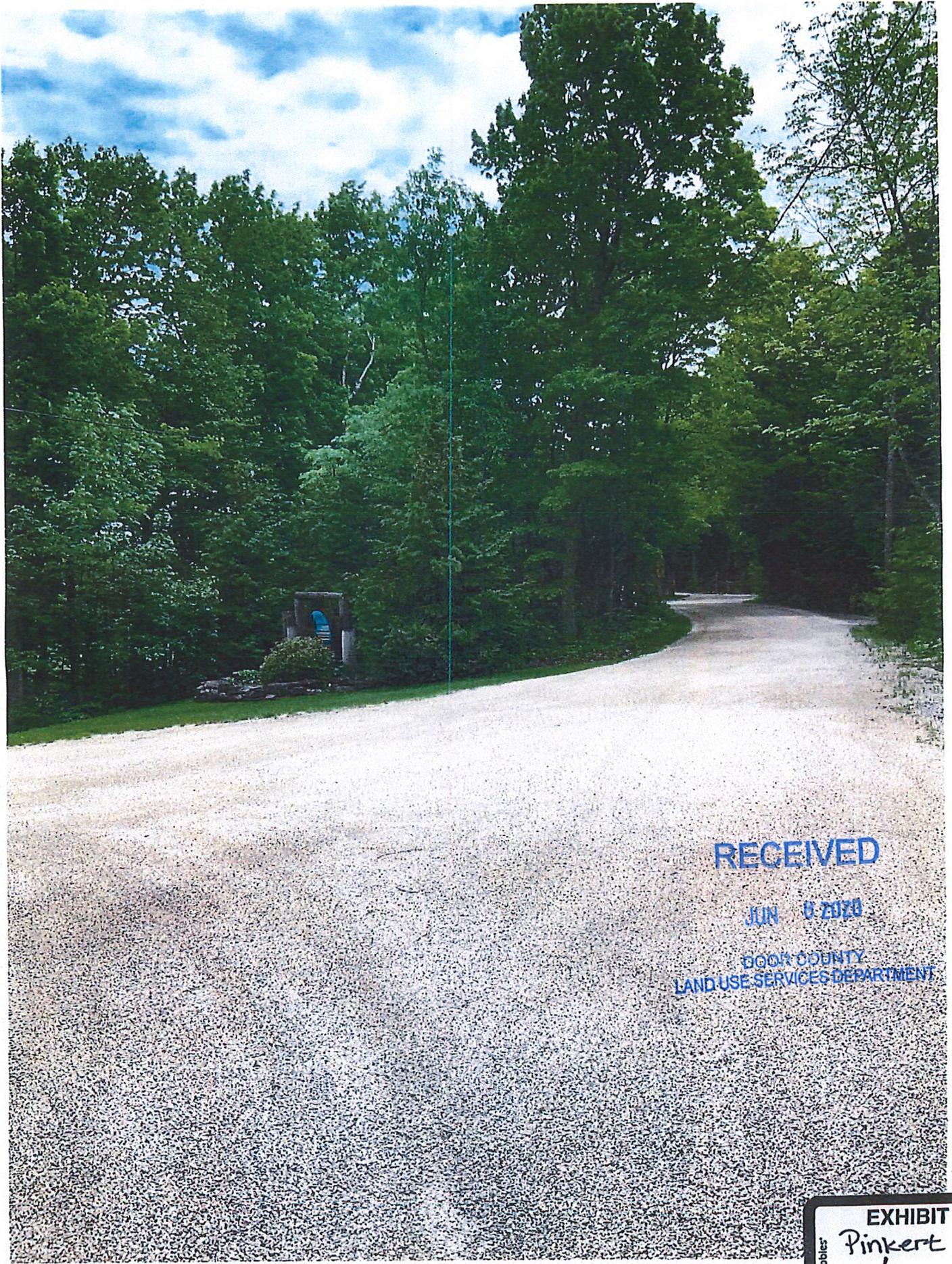
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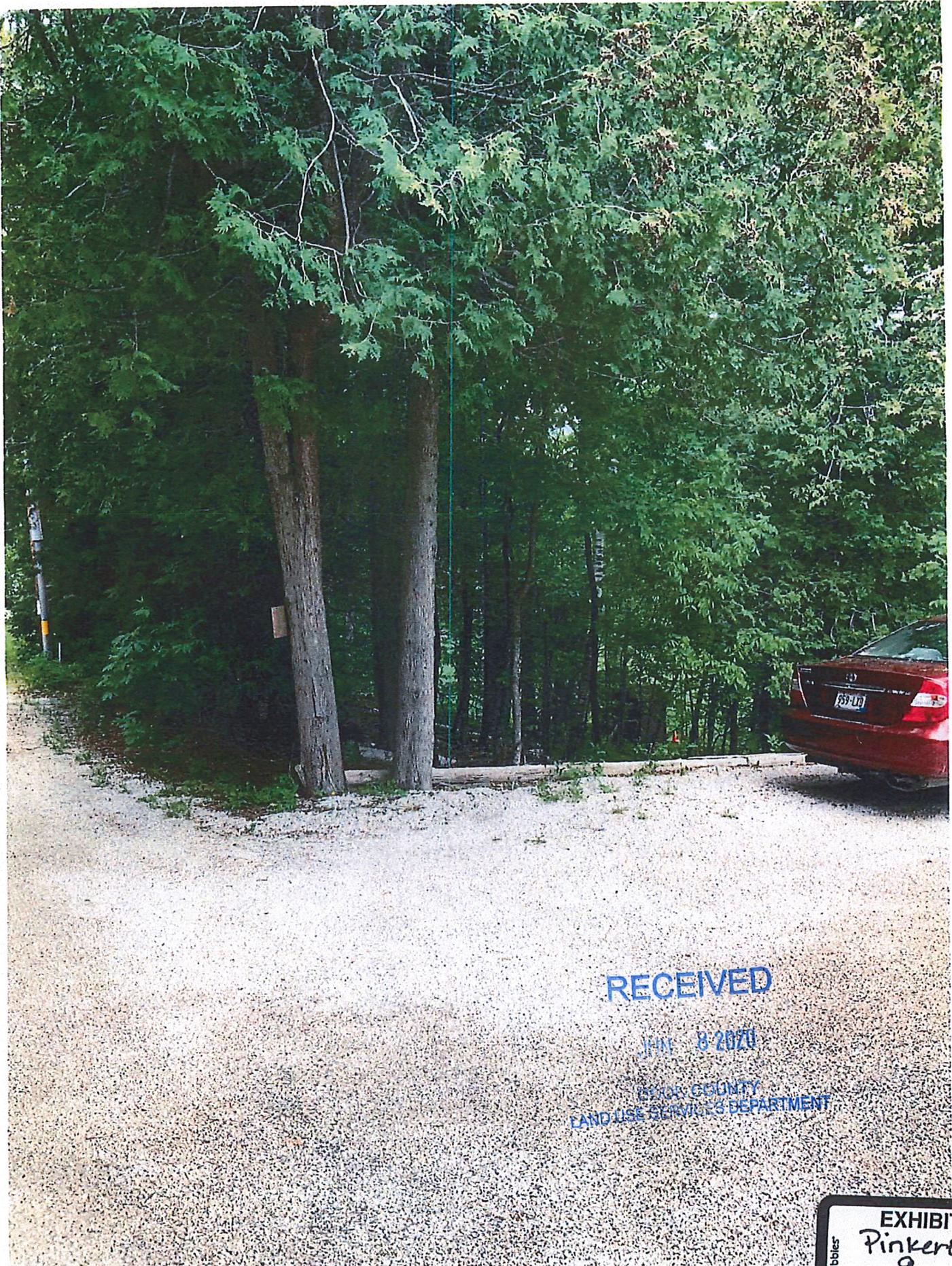


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DOOR COUNTY LAND USE SERVICES DEPARTMENT

MauckBaker Mar 16 2 min read

# Door County Camp Applies for Conditional Use Permit

**NEWS** from  
**Mauck & Baker, LLC**  
1 N. LaSalle St. #600  
Chicago, IL 60602  
MauckBaker.com

**FOR IMMEDIATE RELEASE**  
Media/Press Inquiries Contact  
**Mauck & Baker Communications:**  
Brittany Booth  
bbooth@mauckbaker.com  
312-977-0480

DOOR COUNTY, WI – Monday, March 9, 2020 – Camp Zion, a year-round Christian camp that provides enrichment for children, their families, and adults, has applied for a conditional use permit to construct and operate a new dining hall on property they currently own.

Camp Zion has called Door County home since 1946 and has become a beloved and integral part of the surrounding area. Youth campers and their parents, as well as adult campers, return again and again to Door County and frequent local restaurants, shops, and other businesses, contributing to the livelihood and development of the local economy.

The present aging dining hall, completed in 1986, no longer adequately services the camp's growing capacity, and the kitchen needs renovations to make it more efficient. Because mealtimes are an essential opportunity for campers to bond, fitting everyone together is important to the camp's mission.

Over the past several years, the camp has sought the wisdom and counsel of individuals from various local government agencies, engineering and architectural professionals, and citizens. The collective wisdom of these conversations has resulted in plans for an attractive and functional facility that meets the Camp's need for additional dining and meeting spaces in keeping with the character of other Camp Zion buildings, the surrounding community, the Town of Liberty Grove, and Door County. Overall, Camp Zion is eager to work together with the County to craft reasonable and responsible solutions to rational concerns that might be raised.

Under the current Door County Comprehensive Zoning Ordinance (CZO), a Conditional Use Permit (CUP) is necessary whenever a Door County community member seeks to utilize his or her land in a way that is not expressly recognized under the CZO. Camp Zion is a religious institution, and is classified as an Institutional Recreation Camp in the CZO.

For a longtime religious Institutional Recreation Camp and community member like Camp Zion, this CUP is necessary as part of the camp's ongoing efforts to update and improve facilities and to be able to offer and enhance activities and programs that provide campers the finest camp experiences possible, comparable to and consistent with customary activities and programs offered by similar camps throughout Wisconsin and across America.

EXHIBIT  
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June 4, 2020

Ms. Mariah Goode, Director  
Door County Land Use Services  
Door County Government Center  
421 Nebraska Street  
Sturgeon Bay, Wisconsin 54235

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JUN 4 2020  
DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

Dear Ms. Goode,

I am writing to you to express my strong opposition to the variance request to encroach into the legally required setback from the Door Bluff private road that was submitted by the Christ Community Church of Zion, Illinois regarding Camp Zion, located at 12701 Door Bluff Road, Ellison Bay.

I am opposed to this variance request for several reasons. This is not in the best interest of the public. It would have a negative effect on the surrounding property, property in the vicinity and the neighborhood. If the variance request was allowed the bridge and the building would be too close to the road easement to allow for the building to be properly screened with trees and plants. This variance conflicts with the standards that property owners in the neighborhood have been held to when building or improving. If the variance were granted it would appear as a special privilege to the camp. The variance request includes a proposal to build a large building that can accommodate 200 people. This variance with resulting expansion of Camp Zion would have a large negative impact on the surrounding land and homes. The increased traffic that would result from this building would also increase risk to children on the road. Additionally there would be an increase in water, noise and land pollution.

I am strongly opposed to the granting of this variance request and to the proposed building site and request that the variance be denied.

Sincerely,

Scott Swanson  
12537 Door Bluff Road  
Ellison Bay, Wisconsin 54210

June 4, 2020

Ms. Mariah Goode  
 Director  
 Door County Land Use Services  
 Door County Government Center  
 421 Nebraska Street  
 Sturgeon Bay, Wisconsin 54235

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DOOR COUNTY  
 LAND USE SERVICES DEPARTMENT

Dear Ms. Goode,

We are writing you to express our strong opposition to the variance request submitted by the Christ Community Church of Zion, Illinois (dba Camp Zion and located at 12701 Door Bluff Road, Ellison Bay) to encroach into the setback from our Door Bluff private road.

Our family owns three parcels of property on Door Bluff Road. We have had a home at 12537 Door Bluff Road since 1972 and have owned that property since the mid-1960s. We are writing to go on record that we strongly oppose the Church's request for a variance from the setback rules to construct a 12,200 sq. ft., 179,200 cu. ft., maximum occupancy 200 people, multipurpose conference/retreat/chapel /dinning/kitchen facility on the 14.5 acre parcel across from the camp.

The Variance. To succeed, the Church's request for a variance must establish that (a) it is to remedy an unnecessary hardship, (b) it is to address a unique condition, (c) the condition was not self created, (d) the variance is in the public interest, and (e) the variance will not have the effect of allowing in any district a use not permitted in that district. The request fails on all five criteria.

(a) No Unnecessary Hardship. When the Christ Community Church of Zion, Illinois (dba Camp Zion), purchased the 14.5-acre parcel on the west side of the private road, the Church knew full well that the purchased parcel included a 20-foot drop off from the level of the Door Bluff private road to the camp's sports/activity field below. The Camp is not precluded from using the field as a sports/activity field. To now claim an "unnecessary hardship" exists is a falsehood. There is no "unnecessary hardship" here, the Church has known for decades of the physical limitations of the property they now wish to build on.

(b) No Unique Condition. The 20-foot high drop off the Church now claims as a hardship requiring a variance to the setback is a glacially deposited ridge on the Niagara Escarpment that is not a unique, exceptional, extraordinary, or unusual circumstance that applies only to the Church property under consideration. On the contrary, this "condition" extends nearly the entire length of the Door Bluff private road and has existed for eons. Again, the Church knew this when they purchased the 14.5-acre parcel in 2001.

(c) Condition is Self-Created. The condition is in effect self-created. The set-back and drop off would not be a hardship if the Church had chosen a different location on the parcel. The Church purchased the property fully knowing the required set-backs and that the 20 foot drop off existed. The mere fact that it is more convenient for the Church to locate the structure where it wishes, without regard for its neighbors, does not support a conclusion that the Church is subject to a hardship totally outside of its control.

(d) Not in Public Interest. If this variance is granted, resulting in the construction of this multipurpose facility, it will be of substantial detriment to the neighboring properties (and not only financially). Granting of this variance request is contrary to the purpose of the setback / siting ordinance, and to the public interest.

- Size. This proposed huge facility (3 levels, nearly 40 ft. high, 179,151 cu. ft., over 12,200 sq. ft., and maximum occupancy 200 people) is far out of proportion to any of the surrounding residential homes in the neighborhood.
- This movement of children crossing the private road is a dangerous traffic hazard that is especially acute during the summer when camp is in session and property owners, their guests and visitors, as well as service and delivery vehicles drive up and down the private road (with no maximum speed limit) directly through the camp. This is an accident waiting to happen.
- Increased traffic, noise, and light pollution. More buildings and bigger buildings will bring more people to our residential neighborhood, increase vehicular and pedestrian traffic, and result in more noise and light pollution.
- While it may seem that granting the variance serves an overriding public interest for those residing outside Ellison Bay, the Town of Liberty Grove, and Door County (such as in Illinois and other areas of Wisconsin), granting the variance will absolutely and permanently negatively affect the public interest – visual harmony, quality of life, and character of our residential neighborhood, especially for the property owners closest to the camp. These are the same nearby property owners who pay taxes that support local law enforcement, fire protection, road maintenance, libraries, and parks – necessities and amenities tax exempt organizations like the Church do not support with property tax money.

(e) Effect on uses. No variance shall have the effect of allowing in any district a use not permitted in that district. This proposed variance comes in connection with a proposal to build a huge structure that can accommodate 200 people. The Camp is already a nonconforming use that initially was very low impact. The Camp has continuously expanded since 1999 and can no longer be regarded as low impact. Any further expansion will have a substantial and deleterious effect on the residential and rural character of the neighborhood.

In summary, we are vehemently opposed to the granting of this variance request and the proposed facility!

Sincerely,

Jeff and Shevawn Everett  
12537 Door Bluff Road  
Ellison Bay, WI 54210

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LAND USE SERVICES DEPARTMENT

June 5, 2020

Ms. Mariah Goode

Director

Door County Land Use Services  
Door County Government Center  
421 Nebraska Street  
Sturgeon Bay, Wisconsin 54235

RECEIVED

JUN 5 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

Dear Ms. Goode,

Please deny the variance request submitted by the Christ Community Church of Zion, Illinois, regarding Camp Zion, a request to encroach upon the legally required setback from the Door Bluff private road. This variance request is not in the public interest and is of great concern to neighboring residents. The setback is required for privacy, safety, and aesthetic reasons, and property owners have a right to expect that these requirements be followed. The proposed building will result in increased noise, congestion and traffic, with danger to children and others on the road. This large facility is out of proportion with the rest of the neighborhood, and its continued expansion directly impacts the peaceful, wooded, surrounding community. My family owns property and a home on Door Buff Road, and I belong to this community.

I oppose the Camp Zion variance request.

Sincerely,

Ellen Everett Bryan  
P.O. Box 335  
Ellison Bay, WI 54210

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JUN 5 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

June 5, 2020  
Ms. Mariah Goode  
Director  
Door County Land Use Services  
421 Nebraska Street  
Sturgeon Bay, Wisconsin 54235

Dear Ms. Goode,

I am a fulltime voting resident of Liberty Grove. I am writing you today to express my opposition to the variance request submitted by the Christ Community Church of Zion, Illinois, dba Camp Zion, located at 12701 Door bluff Road, Ellison Bay. The variance request is to encroach upon the setback from Door Bluff Road, which is a private Road, in order to construct a new 12,200 square foot multipurpose building.

As you know, this is a very similar proposed project to one that was ultimately rejected by the Board of Adjustment in 2015. The difference now, however, is that the Door County Zoning ordinance section on nonconforming use restrictions has been changed. The applicable section is 9:02 (2) (a). It reads as follows concerning nonconforming building expansions:

(b) Permissible expansion or intensification of a nonconforming use via new buildings or structures, or via additions to an existing building or structure which houses a nonconforming use, or via structural alterations or structural repairs to an existing building which houses a nonconforming use for the purpose of expansion or intensification of the use may be authorized only by a conditional use permit. Such new structures or additions shall only be placed within the boundaries of the lot as it existed at the time the use became nonconforming and shall comply with all applicable setbacks and other dimensional requirements of this Ordinance, NONCONFORMING 9.04(2) Door County Comprehensive Zoning Ordinance 9-2 unless variances are granted as provided in s. 11.06, variance from the requirements of this Ordinance. Permissible expansion or intensification means a total increase, during the life of the use, of up to ten percent (10%), based on the level of activity (e.g., frequency, duration, volume) and/or the square footage of the structure(s) housing the nonconforming use, as applicable, at the time the use became nonconforming. (Amended: 25 June 1996; Ord. 16-96) (Amended: 22 May 2018; Ord. 2018-10)

What the ordinance says is that nonconforming buildings can only expand by obtaining a Conditional Use Permit. After that statement the ordinance further states that variances may be granted as provided in s.11:06 from requirements of the ordinance. But it then goes on to state that permissible expansions or intensifications means a total increase, during the life of the use. up to (10%) from the time the property became nonconforming. It is indeed clear, and significant, that the 10% restriction rule is an additional restriction that comes after the variance discussion in the ordinance and is meant to be a further restriction from the variance and C.U.P. possibilities. If it was intended that this rule also be subject to the benefits of variance treatment then it should have preceded that discussion. It obviously did not on purpose. Clearly the 10% expansion rule applies to nonconforming building projects in spite of variance or C. U. P. applications. If that interpretation was not intended, why was the additional restriction even passed, as it then has no effect? Therefore. I cannot understand why this project is even being considered? It is in direct violation of the ordinance!

If you, somehow, totally disagree with that obviously correct interpretation of the new 10% nonconforming building restriction rule, then consider this. When Camp Zion purchased the subject property from the Hannenberg family in 2001, they knew full well that the topography of the property included a 20 foot drop off from the level of the Door Bluff private road. It is indeed a falsehood that Camp Zion now claims an "unnecessary hardship". There exists no "unnecessary hardship" here, as the Camp new for decades the topography and physical limitations of the subject property. The camp is requesting a variance from a required setback for a self serving, self created hardship. The camp needs to build where they can comply with all the applicable zoning requirements, including the nonconforming building requirements. The camp continues to demand special treatment so they can build a large, out of scale, 12,200 square foot building in a huge expansion by a nonconforming entity. The expansion of this nonconforming use will bring many detrimental impacts to its's neighbors, including lower property values, increased traffic, noise, and light pollution. It's interesting that this nonconforming entity wants special treatment yet it pays no taxes, but demands services from both the Town of Liberty Grove and the County of Door. I contend that the overriding public interest and the existing zoning ordinance are both being violated if this variance request is approved. I stand opposed to granting the variance for the above reasons,

Thank You,

Steven D. Eatough

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JUN 5 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

**Riemer, Linda**

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**From:** Silver Poplar Studios LLC <maronek@aol.com>  
**Sent:** Saturday, June 6, 2020 1:32 PM  
**To:** Riemer, Linda  
**Subject:** Letter in opposition to Camp Zion Inc. (Liberty Grove) petition for variance

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JUN 8 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

June 6, 2020

Ms. Mariah Goode, Director  
Door County Land Use Services  
Door County Government Center  
421 Nebraska Street  
Sturgeon Bay, Wisconsin 54235

Dear Ms. Goode,

Letter in opposition to Camp Zion Inc. (Liberty Grove) petition for variance:

1. Camp Zion's original property exists on the west side of a private road which serves residential, single-family homes.
2. The Camp acquired land on the east side of the road, which is located 20-feet lower than the road, with an abrupt drop-off.
3. The Camp now wishes to build a substantial, multi-use building on the lower-level, easterly land.
4. In order to conveniently connect this desired building to the original property across the road, the Camp proposes (a) that the building be three stories high to accommodate (b) a connecting bridge to the upper, road level, and (c) that it be closer to the drop-off than allowed without a variance (for the sake of a shorter bridge).

This is backwards. The remedy was and is:

1. Do not acquire and retain land with a 20-foot, abrupt drop-off if it is impractical for the Camp's activities.
2. Having acquired such impractical land, do not build a substantial, three-story, multi-use structure on it; instead use it as it has been used, as a sports field.
3. Failing that, do not propose a third-story bridge from a building which encroaches on set-backs; instead build a staircase on the drop-off for access to the westerly camp buildings.

We oppose a variance in this matter.

James and Carole Maronek  
1519 E Door Bluff Rd  
Ellison Bay WI 54210

**Riemer, Linda**

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**From:** annamarie meganck <ameganck77@gmail.com>  
**Sent:** Sunday, June 7, 2020 11:04 AM  
**To:** Riemer, Linda  
**Subject:** Opposition to the proposed area variance of Camp Zion: Hearing on June 9, 2020

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

It is truly regrettable that this meeting is limited to virtual access only.

I am writing in opposition to the proposed variance of Camp Zion.

Camp Zion has over 31 acres in their possession. There are choices here. There is no hardship here, only one of their own making. There is no need for an area variance. They knew what they were purchasing over the past years. They started with the original purchase in 1946, just as my family did, on this peaceful bluff.

The topography has not changed. There is no hardship or unique circumstance that applies when the condition exists nearly the entire length of Door Bluff private road. The condition has existed before they purchased the property. Their difficulty has been created by the owners, not the 31 acres they own.

In granting this area variance, I would consider it an extreme detriment to all the neighboring properties. Camp Zion has stated that there would be no increase of people staying at the camp. Why would there be a need for any variance? Isn't having 31 acres enough to have choices? One would have to question what are they planning on doing or building & why they need the area variance. What's next?

I am concerned about all the people, young & old, that live in this community & are affected by the area variance. Yes, even Camp Zion. It would be totally out of line with the peaceful, safe haven that everyone started out with. How can a 3 story building be hidden & blend in the wilderness? How can the detrimental traffic be beneficial to the area? What about the detrimental effects of the noise & light pollution? What will happen to this peaceful, safe haven we have created for our families? What about the continued destruction of the wonderful wilderness & land of where we live?

As a taxpayer & resident of Wisconsin, I would implore the board, to put yourself in our "shoes".

As I stated previously, our family purchased our lot the same year Camp Zion purchased their original lot. Both with the same intentions, a safe, peaceful haven, a place to focus on family, and the wonders of the wilderness, and of the beauty God/ universe has created.

Let us continue to live in this natural environment safely & peacefully.

Respectfully yours,

Annamarie Passow Meganck  
 Resident of 12668 Door Bluff Road  
 Ellison Bay, Wisconsin1

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JUN 8 2020

DOOR COUNTY  
 LAND USE SERVICES DEPARTMENT

**Riemer, Linda**

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**From:** Kerry McGrath <kjmac53545@gmail.com>  
**Sent:** Monday, June 8, 2020 1:53 PM  
**To:** Riemer, Linda  
**Subject:** Re:

Ms. Mariah Goode  
 Director  
 Door County Land Use Services  
 Door County Government Center  
 421 Nebraska Street  
 Sturgeon Bay, WI 54235

Dear Ms. Goode,

As owners of the 2nd property south of Camp Zion we are in a position to be negatively affected by the variance request/expansion plans of the Christ Community Church of Zion, II. We are strongly opposed to the request to encroach into the setback from our private Door Bluff Road. We are writing this letter in opposition since due to the pandemic, we are not allowed to attend the meeting and "on-line" attendance isn't available to us.

We have owned our property at 12675 Door Bluff Road since 1995. We purchased the property with the understanding that this was primarily a residential area where we could enjoy our walks on Door Bluff road to Headlands County Park and to visit our many neighbors North of the camp. We were assured at the time of purchase, that in order to protect the rights of the residents and the fragile environment of the area there were limits placed on any future camp expansion. Camp Zion would provide a place for small groups of children to enjoy the beauty of the area primarily during the summer months. By creating a pathway across the private road, both the children and the neighborhood resident's safety would be at risk all day long as activities are expanded at the camp on both sides of the road. Further expansion would also mean more autos, buses and trucks delivering supplies. Although Camp Zion built a road in to the camp, there has continued to be traffic going to and from the camp past our property. Many of these vehicles are traveling too quickly on our road that is narrow and has hidden driveways.

For Camp Zion to claim an "unnecessary hardship" in order to get the variance is totally absurd. We are paying property taxes to support the community with fire protection, police, roads, etc. Through the church the Camp is exempt from these taxes. The residents of our private Door Bluff Road are paying to keep the majority of the road in good repair, not the Church. We will be the ones to suffer the hardship of additional noise, traffic ( both cars and foot traffic) and bright light pollution (required for safety with the expansion) The very thing that attracted all of the property owners to this area will be greatly diminished as well as our property values. We will pay for this in our quality of life here, not the church. (Which, remember, is located hundreds of miles away in Zion, II)

I implore the committee to uphold the existing restrictions to preserve the safety, beauty and tranquility of our residential neighborhood.

Once again, we want to be on record as strongly opposed to this variance request and the proposed multipurpose facility.

Sincerely,

James E. McGrath and Karen (Kerry) McGrath  
 12675 Door Bluff Road  
 Ellison Bay, WI 54210

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**JUN 8 2020**

**DOOR COUNTY  
 LAND USE SERVICES DEPARTMENT**

June 7, 2020

Ms. Mariah Goode  
Director  
Door County Land Use Services  
Door County Government Center  
421 Nebraska Street  
Sturgeon Bay, Wisconsin 54235

Dear Ms. Goode,

We are writing you to express our opposition to the variance request submitted by the Christ Community Church of Zion, Illinois (dba Camp Zion and located at 12701 Door Bluff Road, Ellison Bay) to encroach into the setback from our Door Bluff private road.

We have been property owners at 12649 Door Bluff Road since 2019. We purchased the property from my Mother's Estate. We have enjoyed spending considerable time there since it was purchased in the early 1970s. Camp Zion was present at that time, and the Camp co-existed with the community for many years.

Over this time, Door County has changed dramatically, particularly in towns like Sister Bay. We acknowledge that there is a need for commercial infrastructure to support growing tourism, and that this needs to be done sustainably. We also believe that infrastructure needs to be built in specific zones intended for higher density, while less dense, residential spaces need to be maintained.

We believe that Camp Zion's growth aspirations are not in keeping with the intended use of Door Bluff Road, one of the last truly under-developed residential areas in the County. We believe Camp Zion is evolving from its original scope to something much more like a commercial enterprise. If this is their aspiration they should do this on land that is fit for this purpose. Door Bluff Road is not the right place for a building of this scale. There is also the safety considerations of adults and children crossing a road that is in use year round by residents.

We believe that Camp Zion can co-exist with its community in a sustainable way, but this needs to be done with their current build footprint.

Sincerely,

Barton J. Warner and Elizabeth H. Warner  
12649 Door Bluff Road  
Ellison Bay, WI 54210

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JUN 8 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

**Rierner, Linda**

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**From:** Ryan Bahrke <ryan.bahrke@auslandercreative.com>  
**Sent:** Monday, June 8, 2020 9:09 AM  
**To:** GOODE, MARIAH; Rierner, Linda  
**Cc:** jsmith@pinkertlawfirm.com; Mike Bahrke; Molly Lyons  
**Subject:** Regarding the variance request submitted by Zion Illinois' Christ Community Church's Camp Zion in Ellison Bay

June 8, 2020

Mariah Goode  
Director  
Door County Land Use Services  
Door County Government Center  
421 Nebraska St.  
Sturgeon Bay, WI 54235

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JUN 8 2020  
DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

We vehemently oppose the variance request submitted by Zion, Illinois' Christ Community Church's Camp Zion in Ellison Bay, regarding the existing legally-required setback from our Door Bluff private road. This request is unneighborly, unnecessary, and unacceptable.

Simply stated, **the neighborhood has an expectation that the law will be followed here** and we trust that the correct decision, denying this variance request, will be made.

Thank you,

Ryan Bahrke, Molly Lyons, and Ilse Bahrke

Ryan Bahrke, Molly Lyons, and Ilse Bahrke  
6261 E. Iowa Ave., Denver CO 80224  
12647 Door Bluff Rd., Ellison Bay, WI 54210

**Riemer, Linda**

---

**From:** tom h <xt711@yahoo.com>  
**Sent:** Monday, June 8, 2020 10:03 AM  
**To:** Riemer, Linda  
**Subject:** Opposition to Camp Zion variance from nearby property owner Thomas Hardy

Good morning- I wish to be on record as to being opposed to the variance request by Camp Zion. My property is located at the beginning of the private stretch of Door Bluff Road about 400 yards from the site of the variance request. I think it would create an unsafe situation for anyone using the road.

I also noticed when I looked at the Door County Web Map that the County now owns a good stretch of the private section of Door Bluff Road from the purchase of the Hidding property. This purchase is now part of Door Bluff Headlands County Park. Will the public have the right to use the private stretch of Door Bluff Road or the Camp Zion driveway to access the Park past where this variance is proposed? That could be a lot more traffic.

Sincerely, Tom Hardy  
12625 Door Bluff Road  
Ellison Bay

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DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

JUN 8 2020

to whom it may concern,

I am writing this letter in response to the variance request by Camp Zion. It is my understanding of the criteria to be met, the first is unnecessary hardship. It is also my understanding that the hardship claimed is due to the nature of the land, meaning the 20 foot drop off from a glacially deposited ridge that runs almost the entire length of the Door Bluff Private Road that is certainly not "new" and that Camp Zion, as well as anyone who has owned property along that road, was well aware of at the time they purchased and/or were deeded land in that area. To attempt to state at this date this creates a "hardship" appears disingenuous, at best. On Camp Zion's 14.5 acre parcel, I'm certain there are other locations they have the option of using, although they may not be as convenient. Convenience does not equal "Hardship", especially when you're talking about creating a brand new structure.

The second criteria is unique conditions pertaining only or primarily to the property under consideration and are not of such a general or recurrent nature elsewhere in the same zoning district. Again, my understanding is that the glacially deposited ridge, ~~that~~ is not unique to the Camp Zion property alone, would be an inconvenience to their proposed 179,151 sq. ft building site and was a known quantity when Camp Zion purchased 14.5 acre property.

Thirdly, "The conditions not self created" criteria.

I strongly believe that in this instance, that because of Camp Zion's wish to build on this particular site and not elsewhere on their 14.5 acre property that this condition is self created. The proposed site and plans were made knowing full well of the 20 foot drop off and with the ~~requested~~ required set backs of this specific site existed at the time the property was purchased.

The fourth, and to my mind, most important criteria is Public Interest. The size of the proposed building being 3 levels, 40 ft high and 179,151 cu. ft. and over 12,200 sq. ft. is huge! It's completely out of proportion to the rest of the homes in that area. And with that building being as close as 68 feet from the road, the proposed deck even close at 62.5 ft and the proposed bridge from the building to the hillside + private road as close as 32 ft - That's a whole lotta close! - over 70% of the original set back!

It's very concerning that the proposed building is on the camp's east side property parcel across Door Bluff's private road that runs through the camp. That means that supplies, materials, and more importantly, people including children will be moving constantly back and forth across that area. This road has no speed limit and during the summer, especially will be busy with vehicle traffic, creating potential public hazards. I also understand that the Door Bluff Headlands Park was recently expanded - creating even more traffic + people likely to be in the area, as well.

With the size and proposed site of this building the increase in traffic, light and noise pollution is going to be proportional - no way around that one.

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DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

There is a reason that our family has held onto our Door Bluff property for 4 generations. The Peace, the quiet and the absolute Beauty of the environment while the current Camp Zion has been in the neighborhood during that time what they are now Desiring to bring to this neighborhood is well Beyond what I would consider the Public Interest. At least the Public Interest of this area, where nearby property owners pay taxes that support our local law enforcement, Fire protection, road maintenance, libraries and Parks, which my understanding is that these necessities and amenities are things that Tax exempt organizations Do NOT support with Tax money.

I do not believe that the proposed variance by Camp Zion meets the standards as set by the Door County Comprehensive Zoning Ordinance, at this time. And, as a property owner of many generations on Door Bluff Road, I am respectfully submitting my objections. Thank you for your careful consideration

Sincerely,

Heather J. Passaw, et al.

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DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

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Riemer, Linda

JUN 8 2020

**From:** ingerkay36@gmail.com  
**Sent:** Monday, June 8, 2020 12:35 PM  
**To:** Riemer, Linda  
**Subject:** Opposition of Inger Kay to request by Camp Zion for land use variance, on agenda of meeting of Door County Land Use Services Dept., June 9, 2020, 9:00 a.m.

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

Dear Door County Land Use Services Department:

Please incorporate this letter of opposition to the Camp Zion land use variance request into the record of the Department's meeting on June 9, 2020.

I live at 12557 Door Bluff Road, Ellison Bay WI, 54210, and have been living here for 49 years. I would like to state my opposition to the request by Camp Zion (CZ) for a land use variance request.

Some reasons for my opposition are as follows:

- 1) The size of the structure which CZ proposes to build, and for which CZ is requesting a land use variance, is significantly larger than, and out of proportion to, the presently existing CZ structures. Construction of such a large building is inconsistent with the traditional use by CZ of the land that CZ possesses, and will negatively affect the neighborhood environment.
- 2) The location proposed by CZ for such a large building, given the large population of CZ residents that would be using the building, will create a hazard to CZ pedestrians and other neighborhood homeowner pedestrians, especially children. The increase in the resident population of CZ produced by any expansion of CZ structures, such as this proposed structure, will produce more automobile and commercial truck traffic and more pedestrians on the section of Door Bluff Road that passes by the proposed new structure. Along with the presently existing auto traffic of homeowner residents of Door Bluff Road, the total traffic will create a danger for the pedestrians, especially CZ resident children, passing along and across the road to and from the proposed new structure on the east side of the road to the presently existing CZ structures and activity areas on the west side of the road.
- 3) I would like to hereby incorporate by reference additional reasons I am opposed to the CZ land use variance request, reasons which are stated in the letter by fellow Door Bluff Road residents Michael Bahrke and Sally Bahrke supporting their opposition to the land use variance request by CZ.

I thank the Land Use Department for considering my opposition to the Camp Zion land use variance request.

Sincerely,

Inger V. Kay

June 8, 2020

DC Land Use Services  
421 Nebraska Street  
Sturgeon Bay, WI 54235  
E-mail: lriemer@co.door.wi.us (That's "l" as in Linda Riemer)

Reference: Camp Zion (DBA Christian Catholic Church) Variance Request Jne 9, 2020, DOOR COUNTY BOARD OF ADJUSTMENT Agenda Item 2.3.

2.0 Discuss and arrive at decisions on Petitions for Grant of Variance.

2.3 Camp Zion, Inc.; encroach into setback from private road; located east of 12701 Door Bluff Road; Liberty Grove.

Dear Ms. Riemer:

**We are OPPOSED to ANY granting of variances to Camp Zion (DBA Christian Catholic Church) at this time.**

Until the Door County government can provide a rational basis for supporting a tax exempt organization benefitting from all of the services provided by the county while operating as nothing more than a nonconforming resort hotel and restaurant, we will remain opposed.

Unlike the 983 licensed lodging facilities in Door County, Camp Zion (DBA Christian Catholic Church) is EXEMPT from the Door County Tourism Zone Room Tax.

Unlike those same 983 licensed lodging facilities in Door County, Camp Zion (DBA Christian Catholic Church) is EXEMPT from the Door County Tourism Zone monthly reporting requirements.

But, because Camp Zion (DBA Christian Catholic Church) cannot apparently attract sufficient Christian Catholics to their "church camp", they have expanded to include any paying customers, snowmobilers, quilters, fishermen, and left handed auto mechanics. Exactly like those 983 licensed, tax paying, report submitting lodging facilities in Door County, but given an unfair advantage by their tax exempt and "wink and nod" nonconforming status.

The DATCP classification for Camp Zion is ATCP Chs. ATCP 55-89; Food, Lodging, and Recreation Safety» Chapter ATCP 78 RECREATIONAL AND EDUCATIONAL CAMPS (Register January 2020 No. 769)

Seventy some years ago, Camp Zion was built in conflict with then existing zoning regulations. Since then the camp has expanded exponentially in area, scope, and impact on the neighborhood.

We have attached a Door County GIS Map of the Christian Catholic Church holdings in .pdf format. The parcels are outlined in yellow. The original Camp Zion is the small trapezoid in the upper left hand corner of the yellow outlined area. This is a list of those parcels from the Door County GIS. We didn't climb the paywall to determine when these parcels became part of Camp Zion, but we're sure Land Use Services has this information.

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JUN 8 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

1. Parcel ID 0180202322821A1  
Last Name CHRISTIAN CATHOLIC CHURCH  
PO BOX 32  
ELLISON BAY, WI 54210

2. Parcel ID 0180202322821B  
Last Name CHRISTIAN CATHOLIC CHURCH  
PO BOX 32  
ELLISON BAY, WI 54210  
Property Address 12701 DOOR BLUFF RD

3. Parcel ID 0180435332814A2  
Last Name CHRISTIAN CATHOLIC CHURCH  
PO BOX 32  
ELLISON BAY, WI 54210

4. Parcel ID 018860002  
Last Name CHRISTIAN CATHOLIC CHURCH  
PO BOX 32  
ELLISON BAY, WI 54210

5. Parcel ID 018860003  
Last Name CHRISTIAN CATHOLIC CHURCH  
PO BOX 32  
ELLISON BAY, WI 54210

6. Parcel ID 018860004  
Last Name CHRISTIAN CATHOLIC CHURCH  
PO BOX 32  
ELLISON BAY, WI 54210

We adamantly demand that Camp Zion (DBA The Christian Catholic Church) be treated fairly in matters of zoning. Not with special treatment and consideration, just like every other lodging and restaurant business in Door County.

Sincerely,

Carl J and Stephany A Madsen  
2165 Hill Road,  
Sister Bay, WI 54234

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JUN 8 2020

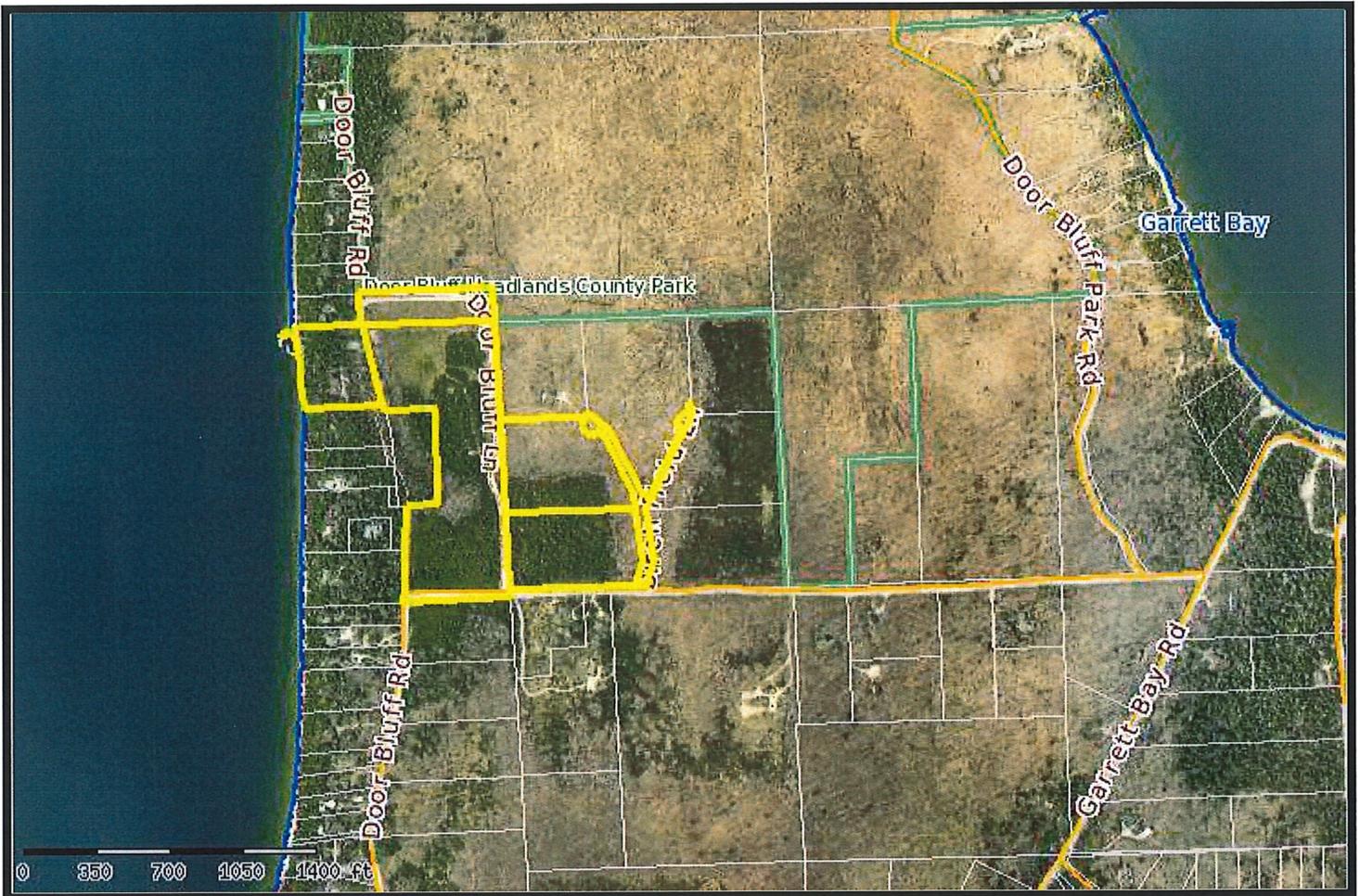
# Map CHRISTIAN CATHOLIC CHURCH

DOOR COUNTY LAND INFORMATION DEPARTMENT  
from the Web Map of  
(//www.co.door.wi.gov)



Door County, Wisconsin  
... for all seasons!

Printed 06/08/2020 courtesy of Door County Land Information Office



Door County can not and does not make any representation regarding the accuracy or completeness, nor the error-free nature, of information depicted on this map. This information is provided to users "as is". The user of this information assumes any and all risks associated with this information. Door County makes no warranty or representation, either express or implied, as to the accuracy, completeness, or fitness for a particular purpose of this information. The Web Map is only a compilation of information and is NOT to be considered a legally recorded map or a legal land survey to be relied upon.

**Riemer, Linda**

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**From:** Reception <Reception@milwaukeeep.com>  
**Sent:** Monday, June 8, 2020 1:00 PM  
**To:** Riemer, Linda  
**Subject:** FW: Door County land use services Dept. VARIANCE HEARING re: Camp Zion

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DOOR COUNTY  
 LAND USE SERVICES DEPARTMENT

**From:** Reception  
**Sent:** Monday, June 8, 2020 12:37 PM  
**To:** iriemer@co.door.wi.us  
**Cc:** marykmuehleien@gmail.com  
**Subject:** Door County land use services Dept. VARIANCE HEARING re: Camp Zion

I am writing in response to the notice regarding the proposed conditional use permit under advisement for the Christian Catholic Church (dba Christ Community Church/Camp Zion).

I have several concerns regarding the variance from Section 3.06 of the Door County Comprehensive Zoning Ordinance which requires this building to be screened from the road with trees and to be set back **at LEAST** 102.5 ft from the edge of the Door Bluff private road easement (our Door Bluff private road section). The camp's proposed bldg. would be 68 ft. from the private road, the deck of bldg. even closer 62.5 ft. and the bridge from bldg. to the hillside and private road only 32ft. The camp is exceeding the limit required setback by 70 ft. That is 70% of the original setback which is ridiculous. The new proposed building is closer to the private road and to the "T" intersection of the private road and the camp's driveway. There are ordinances, rules and regulations for a reason and hopefully they will not be waived.

If this variance request is approved, I am told that the camp will then ask the County for a Conditional Use Permit (CUP) application for to make this monstrous proposed 3 story building which is almost 40 feet high and over 12,200 sq. ft. If the CUP application is approved, the camp will then build their enormous building as described on their application. If the variance request is **denied**, the camp will need to relocate their proposed bldg. elsewhere on their eastside property parcel. The camp would then return for their CUP hearing to construct their new bldg..

The camp has combined their variance request and documentation to construct their building (CUP) into a single document which makes it impossible to address the variance without discussing the building itself. This variance request hearing is **only** to grant or deny the variance request, it is **not** to grant or deny construction of their building at this time. That will happen later in the CUP application, which was successfully opposed in 2015.

So currently the objection is regarding the camp's variance request and **not** the building or the continued expansion of the camp since 1999. Opposing the building and another expansion will come later.

I would also like to let you know that I am a practicing Catholic and have no bias to any other denominations and I have grown up around children all my life coming from a family of 12 children and two grandchildren of my own.

Thank you for your attention to this matter.

Respectfully yours,

Mary Muehleisen (formerly Mary Passow)

June 8th, 2020

Mariah Goode, Director  
Door County Land Use Services Department  
Door County Government Center  
421 Nebraska Street  
Sturgeon Bay, WI 54235

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JUN 8 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

Dear Ms. Goode,

We love kids and summer camps and have lived a block away from an elementary school for 20 years. We fell in love with Door County on family vacations. Last year our retirement dreams came true when the 12683 Door Bluff parcel came back on the market. The beauty of the Niagara Escarpment was clear in those 23 tiny zillow pictures, and we made an offer without seeing it ("But, what does it smell like?", my husband asked). One magical Saturday in February 2019 we drove along the winter wonderland that is Door Bluff Road between snowstorms. If you have grown up on the western edge of Minnesota or ever driven the open plains to the Badlands, you might understand how full our hearts were as we snowshoed into the property with our three kids and our intrepid realtor.

We are in the process of restoring the two small cabins on our property with plans to live there year round. We appreciated the welcome we received that snowy day from Dale Stewart, and from the rest of the staff and volunteers of Camp Zion and other neighbors we have since met.

As Robert Frost has said, "Good fences make good neighbors". We see required minimum setbacks as a zoning function similar to that of a good fence.

It is that spirit of good neighbors that we, as owners of the parcel immediately adjacent to the south of Camp Zion, strongly oppose this variance request. The Camp's plan has stated that the environment is a core value. A major point of setbacks in Door County is to buffer the impact neighbors have on each other, and preserve the enjoyment of our shared natural environment. This variance request to reduce the setbacks will have a material negative impact on how we and other neighbors experience the Door Bluff Road environs and the adjacent Door Bluff Headlands County Park.

Our opposition to this variance request has four main points.

- A. It is not an unnecessary hardship
- B. It is not addressing a unique condition
- C. It is self-created
- D. It causes harm to the public interest

We detail these four points below.

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LAND USE SERVICES DEPARTMENT

A) The variance is not addressing an unnecessary hardship

It is not an unnecessary hardship to require owners of large parcels, as individuals or non-profits, to adhere to minimum setbacks, especially in settings where:

- The proposed structure would be so different in size, character, and usage from the adjacent residential parcels and Door Bluff Headlands County Park; and,
- The owners have sufficient space on their 28.46 acre parcel to select a building site that would not require such a variance.

B) The variance is not addressing a unique condition

The ridge line is not a feature unique to Camp Zion's property. All properties along Door Bluff Road share this glacial ridge feature.

C) Conditions described in the variance are self-created

The topography of the parcel was apparent when the Camp purchased the property and designed the structure.

The site selected is no better and no worse in terms of access than any other area in the Heartland HL3.5 parcel as stated by the Camp in its petition for this variance: "There is no easy way down to that level of the property in any location." The proposed building site is not uniquely accessible; encroachment is not required to make use of a unique accessibility.

Based on our review of the topography maps for the site, we disagree with the statement that the 3 story, 6137 sq foot building with a 2000 sq foot deck will appear smaller with the encroachment. The 102.5 ft setback would allow a deeper vegetative screen that would preserve current mature trees and allow other plantings for screening/runoff control. Also, the building could sit up to 10 feet lower with small adjustments in site selection.

The ADA argument does not appear salient to this proposal given current usage: Any camper staying overnight on the property already navigates the steeply graded paths on the Escarpment leading from the waterfront, to the camp buildings, to the parking lot along Door Bluff road and beyond the proposed building site to the playing fields. Any camper who can navigate the grade of the Escarpment over 400-500 feet will not be challenged by walking the full 102.5 feet required by the setbacks.

Also, as far as we understand, ADA requirements address the width and slope of a walkway, its surface, handholds, lighting and such, but we are unaware of requirements that are specific to length/distance and necessitate encroachment. Extended elevated walkways offer increased access to nature for those who cannot navigate grassy or gravel terrains by creating a tree house-like experience that becomes a design feature.

Use of the ADA argument, along with the proposed building's design, indicate to us that the Camp intends to extend the use of the structure to include day camps, multiple meetings or simultaneous gatherings, potentially reunions or events like weddings. Visitors who arrive and leave in cars on a daily basis use a property in a vastly different way than a group of school kids who arrive by bus, settle into a week of camp, and are well supervised by counselors.

- A transition to day programming would create traffic and safety issues for us and our three children along Door Bluff Road and the northern driveway/15 foot easement we share with the Camp.
- We have already experienced the impact of how different patterns of use can be. Adults and children who visit the camp for family or work weekends will frequently play a loud outdoor game that sounds like cracking pool balls starting as early as 7 am and continuing for up to 3 hours straight. If this were a regular summer camp, each kid would get a turn at that game and then they'd be off to another activity. This is one example of how outside group retreats for families and adults can be less structured and create sound and other experiences that are more impactful on neighbors than regular summer camp activities. The Camp's website indicates a 2:1 staff to camper ratio during summer youth camps. Alternatively, outside group retreats must provide 1 adult per 10 school aged children.

D) The proposed encroachment would harm the public interest

There will be substantial detriment to our property, nearby residential parcels and parkland in allowing this variance. The size of the proposed structure, usage patterns, and associated sound and light pollution from its mechanicals and increased occupancy will be felt in several ways:

First, we will address light and sound issues.

- Sound and light degrade exponentially with distance. Reducing the setback from 102.5 to about 65 feet would result in a 2½ fold increase in the noise and light on Door Bluff Rd that is unnecessarily impactful in a rural residential neighborhood abutting a county park.
- Lighting on the building and its extensive dining porch, walkway, parking lot, and along Door Bluff Road for pedestrians will diminish the night sky. Our parcel is about 6-7 miles west of Wisconsin's only International Dark Sky Park at Newport State. This is one of only 48 such parks in the world. The night sky is very special on our side of the peninsula and should be protected given its close proximity to other parklands. The night sky is important for the wildlife living in the park and adjacent woods, and for the tax-paying homeowners in the neighborhood.
- If maintained, the current mature trees along the eastern border of the parking lot would be inadequate to block the light and sound from the building. It appears likely from the design that the current tree stand would be cut during construction. New plantings would require 15-30+ years to achieve the height and density needed to shield a building of this size.

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- An institutional 6137 square foot building that includes indoor and outdoor dining for 144 occupants requires substantial HVAC and kitchen ventilation systems. The vaulted ceiling design of the indoor dining room and the adjacent outdoor dining deck that runs along 2 sides of the building are going to create a lot of people noise when in use at full capacity.

Additional harm to wildlife and the scenic beauty

- There will be substantial detriment to the neighborhood and wildlife as a visible 6137 square foot, 3 story institutional building is not in keeping with the natural scenic beauty of the Escarpment and its wooded surroundings. Door Bluff Road is a narrow private road that is thickly wooded. Residences are tucked in and either minimally visible or not visible from the road. We have seen no large residential home of the kind pictured in the Camp Zion attachment, but if they are there, they appear to be well hidden behind trees.
- The encroachment would visually widen the already widened portion of Door Bluff Road running north through the Camp and abutting its long rectangular-ish parking lots to the east. The experience of walking through this widened portion of the road, navigating its increased people and car traffic, the parking, and seeing/hearing the activity of 144 occupants in a 6137 sq ft, 3 story building with a 2000+ sq ft deck would not be out of place in a commercially zoned area of Sister Bay proper. It is completely incongruent with the nature and wildlife of the Headlands parks.
- Unlike the tightly curving and heavily landscaped parking and organic architecture of "The Clearing", the encroachment widens the corridor and further disrupts wildlife movement in and out of the adjacent park.

While we understand that the June 9 hearing will address Camp Zions request to encroach into the setback from a private road, we wish to address the supplemental materials included in the Camps proposal, specifically in regards to the design, size, and usage of the proposed structure.

We support the Camp in continuing its operations at the current level. We do not support an expansion of operations. Materials included with the proposal state that the last onsite inventory of beds was completed by Door County Senior Zoning Administrator Dave Sautebin 19 years ago. This bed inventory of 140-156 beds directly contrasts with advertised occupancy information on the Camp Zion website (<https://www.campzion.com/guest-groups>) for guest group bookings:

We can accommodate winter groups of up to 75 people in modern, winterized, carpeted, dormitory-style rooms with tiled, semi-private baths. We have two meeting rooms, one overlooking the bay, one in the new Fireside Lodge. Summer guest group capacity is around 90-100.

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LAND USE SERVICES DEPARTMENT

Increasing winter groups from current occupancy levels of 75 to 144 would be a 47% increase in participants. Increasing summer group capacity from 90-100 to 144 would increase occupancy by 30 to 37%.

And finally, factors in deciding variances do *not* include the following:

- The circumstances of the applicant (in this case the desire of the Camp Zion to expand its services); and,
- The lack of a persistent objection by previous owners of the 12683 parcel (Nancy Walser and Diane Nelson) to a past improvement by the Camp.

We would note that traffic and safety concerns related to the Camp have been raised by previous owners.

Thank you for your consideration.

David A. Huttleston Jr. And Louise F. Latterell, owners  
12683 Door Bluff Rd  
Ellison Bay, WI. 54210  
Parcel #018-02-02322821C

June 8, 2020

Contact information:

David Huttleston Jr <dhjr@bsdbrains.org> 608-347-2636

Dr. Louise Latterell <louise\_latterell@mac.com> 608-630-4741

Mailing address:

1451 Rutledge St.  
Madison, WI 53703

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LAND USE SERVICES DEPARTMENT

Rierner, Linda

---

**From:** Lizzie Graham <graham.lizzie@gmail.com>  
**Sent:** Monday, June 8, 2020 1:35 PM  
**To:** Rierner, Linda  
**Subject:** Camp Zion Variance Opposition

**I am writing to oppose the grant of a variance to Camp Zion** in connection with their current plans to construct an additional, large-scale building on their property on Door Bluff Rd. and thus expand the scope of their activities. We own home nearby at 12533 Door Bluff Road, Ellison Bay, and feel certain that the additional building will invite increased usage which will adversely impact the residential nature of our community.

We are closely following the current effort of Camp Zion to obtain this variance and trust that this variance, which would result in a vastly altered neighborhood, will not be granted.

Thank you for taking my comments into consideration,

Elizabeth Graham  
12533 Door Bluff Rd.  
Ellison Bay, WI 54210

--  
Lizzie Graham  
847.867.7027 (Cell)

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LAND USE SERVICES DEPARTMENT

Board of Adjustment  
June 9, 2020 Hearings  
Additional Materials

Riemer, Linda

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**From:** Dale Stewart <dalestew@campzion.com>  
**Sent:** Sunday, June 7, 2020 8:55 PM  
**To:** Riemer, Linda  
**Subject:** Add'l CZ materials #1  
**Attachments:** 1. Current view NE.jpeg; 2. Proposed view NE.jpeg; 4. Proposed view East.jpeg; 3. Current View East.jpeg; 5. Current view SE.jpeg; 6. Proposed View SE.jpeg; 2020\_05\_13 - percentage of building over setback to Dale.pdf

Hi Linda-

I have just a couple of items I would like to add to our presentation materials. Considering the format, it would be better to have them on file, whether or not we need to use them. I will send them in several batches.

Thank you,  
Dale

Cc: Mike Dean

Dale Stewart, Executive Director  
Camp Zion, P.O. Box 32, Ellison Bay, WI 54210  
920.854.2790, Cell: 920.421.1296  
<dalestew@campzion.com>, <<http://www.campzion.com>>

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**Riemer, Linda**

---

**From:** Dale Stewart <dalestew@campzion.com>  
**Sent:** Sunday, June 7, 2020 8:58 PM  
**To:** Riemer, Linda  
**Subject:** Add'l CZ materials #2  
**Attachments:** 2020\_06\_05.2\_looking SW - DH.jpg; 2020\_06\_05.1\_looking N - DH.jpg; 2020\_06\_05.3\_looking S - DH.jpg; 2020\_06\_05.4\_looking SE - DH.jpg; 2020\_06\_05.5\_looking NE - DH.jpg

Second batch.

Dale

Dale Stewart, Executive Director  
Camp Zion, P.O. Box 32, Ellison Bay, WI 54210  
920.854.2790, Cell: 920.421.1296  
<dalestew@campzion.com>, <<http://www.campzion.com>>

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101 Second St, Suite A  
Niwot, Colorado 80544-0036  
phone: 303.443.3750  
fax: 303.443.3903  
email: info@fiasouther.com  
www.fiasouther.com

**Camp Zion**  
PROPOSED NEW DINING HALL  
ELLISON BAY, WI  
11 - PERSPECTIVE

Owner:  
Camp Zion  
12701 Deer Bluff Road  
Ellison Bay, WI

Project Number:  
11A1-015  
Project Phase:  
CLP

Drawn:  
SKM  
Checked:  
TDR

Set Date:  
06/29/2020  
Revisions:

PERSPECTIVE 1

11



101 Second St, Suite A  
Niwot, Colorado 80544-0036  
phone: 303.443.3750  
fax: 303.443.3903  
email: info@fletcher.com  
www.fletcher.com

**Camp Zion**  
PROPOSED NEW DINING HALL  
ELLISON BAY, WI  
12 - PERSPECTIVE

Owner:  
Camp Zion  
12701 Door Bluff Road  
Ellison Bay, WI

Project Number:  
FLA1405  
Project Phase:  
CUP

Drawn:  
SRM  
Checked:  
TDI

Set Date:  
08.29.2011  
Revisions:

12



PERSPECTIVE (1)

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**FIA**  
 FLUTEMAYER & LEE  
 ARCHITECTS, INC.

101 Second St, Suite A  
 Niwot, Colorado 80544-0036  
 phone: 303.443.3750  
 fax: 303.443.3903  
 email: info@fiaboulder.com  
 www.fiaboulder.com

**Camp Zion**  
 PROPOSED NEW DINING HALL  
 ELLISON BAY, WI  
 13 - PERSPECTIVE

Owner:  
 Camp Zion  
 12701 Door Bluff Road  
 Ellison Bay, WI

Project Number:  
 FLA1405  
 Project Phase:  
 CLP

Drawn:  
 SKM  
 Checked:  
 TDL

Set Date:  
 06.08.2020  
 Revisions:

13

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DOOR COUNTY  
LAND USE SERVICES DEPARTMENT



101 Second St, Suite A  
Niwot, Colorado 80544-0036  
phone: 303.443.3750  
fax: 303.443.3903  
email: info@fialaboulder.com  
www.fialaboulder.com



**Camp Zion**  
**PROPOSED NEW DINING HALL**  
ELLISON BAY, WI  
14 - PERSPECTIVE

Owner:  
Camp Zion  
12701 Door Bluff Road  
Ellison Bay, WI

Project Number:  
FLA1405  
Project Phase:  
CLP

Drawn:  
SRM  
Checked:  
TDL

Set Date:  
06/08/2020  
Revisions:

14

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101 Second St, Suite A  
Niwot, Colorado 80544-0036  
phone: 303.443.3750  
fax: 303.443.3903  
email: info@fialaboulder.com  
www.fialaboulder.com



Camp Zion  
PROPOSED NEW DINING HALL  
ELLISON BAY, WI  
15 - PERSPECTIVE

Owner:  
Camp Zion  
12701 Door Bluff Road  
Ellison Bay, WI

Project Number:  
FLA1405  
Project Phase:  
CUP

Drawn:  
SKM  
Checked:  
TDL

Set Date:  
06/29/2020  
Revisions:

15

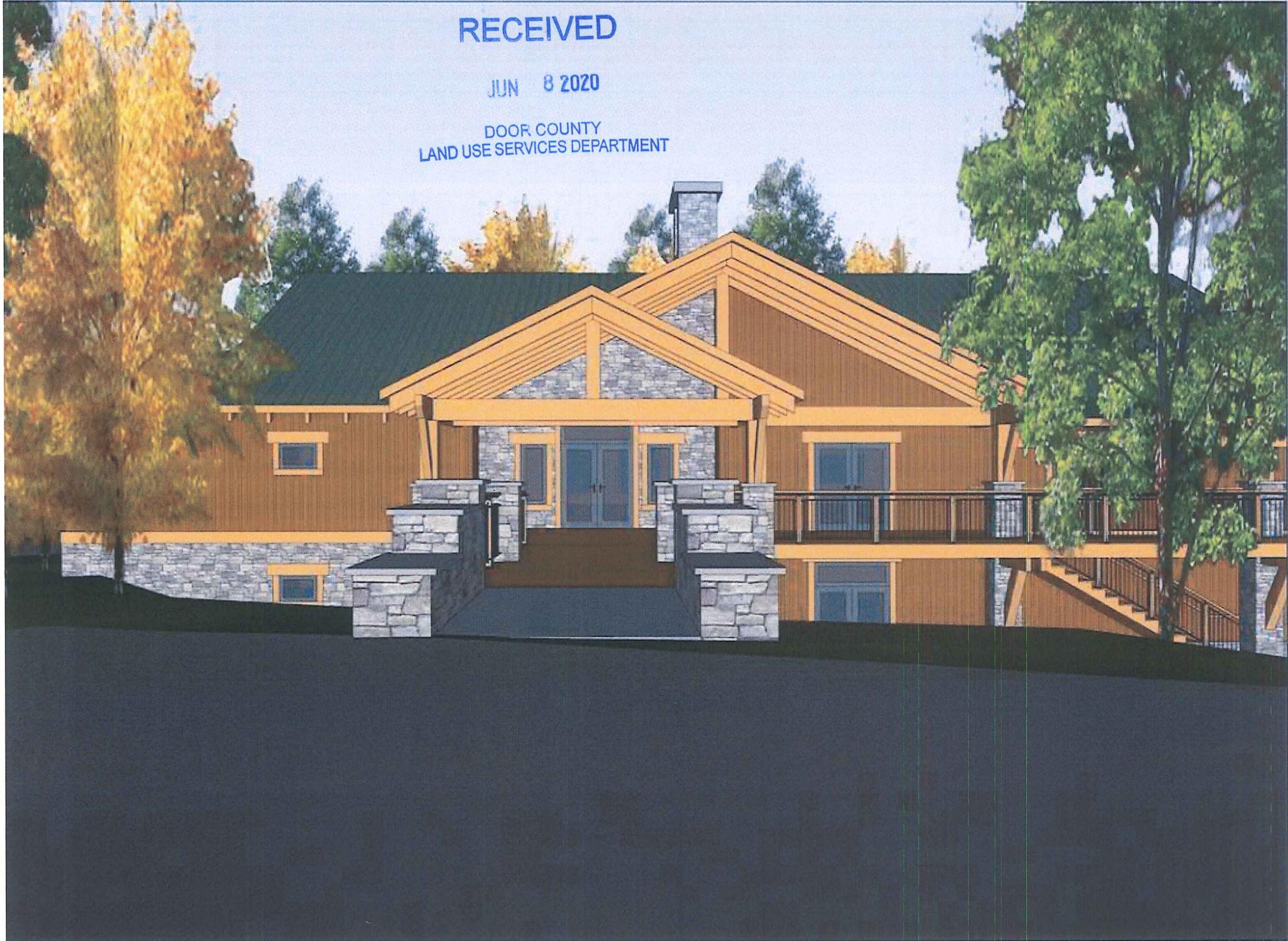


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Camp Zion

STATE OF WISCONSIN

::

CIRCUIT COURT  
BRANCH 1

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LIBERTY GROVE TOWN BOARD,

Plaintiff,

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

DECISION

vs.

Case No.: 13-CV-99

DOOR COUNTY BOARD OF ADJUSTMENT,  
WAGON TRAIL, INC.  
WAGON TRAIL LAND COMPANY, LLC,

Defendants.

FILED  
JAN 09 2014  
Nancy Robillard, Clerk of Circuit Court  
Door County, WI

The Defendants-Wagon Trail, Inc. and Wagon Trail Land Company, LLC (hereinafter referred to as Wagon Trail) on March 15, 2013, filed a Petition for Grant of Variance with the Defendant-Door County Board of Adjustment (hereinafter referred to as the BOA). The BOA held a public hearing on this Petition on April 23, 2013. After said hearing, the BOA voted in favor of granting Wagon Trail's variance request by a vote of 3 to 2.

The BOA filed on May 8, 2013, its written Decision regarding this Petition. Attached to that one page Decision was the BOA's four page Decision-Making Worksheet.

The Plaintiff commenced this action on May 14, 2013, pursuant to Wisconsin Statutes Section 59.694(10). Under that statutory section, the Plaintiff as a person aggrieved by a decision of the BOA seeks this Court's review on a certiorari standard of the BOA's actions and decisions in April and May of last year. Pursuant to that statutory section, I have the authority to reverse or affirm, wholly or partly, or may modify the decision of the BOA presented for review in this matter.

The BOA through the Door County Corporation Counsel on June 28, 2013, filed with the Court its record in this matter. In a Scheduling Order filed on July 22, 2013, I established a

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DOOR COUNTY  
LABORERS' UNIONS DEPARTMENT

briefing schedule regarding the Plaintiff's pending Complaint. Pursuant to that Order, the Plaintiff on August 30, 2013, filed Plaintiff's Brief on Certiorari Review along with a Motion to Supplement the Record. On that same date, the Plaintiff filed a Brief in Support of Motion to Supplement the record along with an Affidavit of Walter Kalms.

Wagon Trail on September 27, 2013, filed its Response Brief of Wagon Trail, Inc. and Wagon Trail Land Company, LLC. On September 30, 2013, the BOA filed its Reply Brief-Door County Board of Adjustment. Finally pursuant to the Scheduling Order in this matter, on October 15, 2013, the Plaintiff filed Plaintiff's Reply Brief on Certiorari Review.

I have now had an opportunity to review the above referenced pleadings along with the BOA's record in this matter and the entire file. I am now prepared to issue this written Decision in this matter.

The parties through their counsel in their respective briefs have exhaustively summarized my standard of review in this certiorari action under Wisconsin Statutes Section 59.694(10). There is no dispute between the parties that the Plaintiff is an aggrieved party under this action which has sufficient standing to seek this certiorari review. There is further no dispute that this certiorari action was timely commenced.

There is no dispute that my certiorari review in this matter is limited to the following:

1. Whether the board of adjustment kept within its jurisdiction;
2. Whether the board of adjustment proceeded on a correct theory of law;
3. Whether the board of adjustment's action was arbitrary, oppressive, or unreasonable and represented its will, not its judgment; and
4. Whether the evidence was such that the board of adjustment might reasonably make the determination in question.

Generally a trial court's scope of review is limited to the facts in the record. The board of adjustment, not the reviewing court under certiorari, determines the weight and credibility of the evidence. The reviewing court does not re-weigh witness credibility or conflicts in the

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LAND USE SERVICES DEPARTMENT

sufficiency of the evidence. If the board of adjustment's findings and conclusions are supported by any reasonable view of the evidence, their decision must be affirmed. That is true even if there is evidence to support a conclusion opposite of the board.

A certiorari reviewing court does not substitute its discretion or judgment to that of the board of adjustment. The review in court must accord a presumption of correctness and validity to the board of adjustment's decision. The reviewing court is to defer to the decision of the board of adjustment unless it is unreasonable or without a rational basis. The party challenging the board of adjustment's decision carries the burden of overcoming the board's presumption of correctness.

As I have already summarized in this Decision, the Plaintiff along with its August 30, 2013, Brief on Certiorari Review filed a Motion to Supplement the record. That Motion seeks to add two items to the evidentiary record in this matter. The first is a complete copy of Chapter 11 of the Door County Zoning Ordinance. The second is copies of maps depicting areas of wetland which the Plaintiff contends is relevant to Wagon Trail's variance petition.

Wisconsin Statutes Section 59.694(10) provides that the reviewing trial court may take additional evidence or supplement the record "if necessary for the proper disposition of the matter". Neither Wagon Trail nor the BOA object to my taking judicial notice of Door County's Zoning Ordinance. As such, the Plaintiff's request that the record be supplemented in that regard is granted.

I specifically decline the Plaintiff's Motion to Supplement the record with copies of maps depicting other areas of wetland including and surrounding Wagon Trail's property. I do not find that considering the Plaintiff's submitted maps or the wetland maps attached as Exhibits A and B to the BOA's September 30<sup>th</sup> Reply Brief are necessary for a proper disposition in this

DOOR COUNTY  
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matter. My review should be limited to what the BOA reviewed and considered at their April 23<sup>rd</sup> public hearing. As such, I deny the Plaintiff's request that I supplement the record in this matter to include surrounding wetland maps.

Wagon Trail's Petition for Grant of Variance seeks to authorize location of zip lines and a climbing wall on two parcels of its property in the Town of Liberty Grove which total 14.52 acres in size. It is undisputed between the parties that such facilities are permitted uses within the zoning district of Wagon Trail's properties. The Door County Zoning Ordinance though requires a minimum lot size requirement of 20 acres for such facilities.

The Zoning Ordinance further provides that the front, side and rear lot lines and road setbacks for such facilities be a minimum of 100 feet. Wagon Trail's proposed zip line course and climbing wall on the two lots would be as close as 75 feet and 85 feet of adjoining properties of Wagon Trail and would cross a shared boundary line of the two lots. Consequently, Wagon Trail's Petition seeks a variance from the minimum lot line setbacks and minimum lot size requirement.

Under the Door County Zoning Ordinance, the general criteria that must be satisfied for a variance to be granted are as follows:

1. Unnecessary hardship;
2. Unique property limitations;
3. Not contrary to the public interest; and
4. Spirit of the ordinance is observed and substantial justice done.

The Wisconsin Supreme Court has indicated that area variances like the one being sought here by Wagon Trail are not to be automatic or easy to obtain and that the power to grant the same is an exceptional one and should be sparingly exercised. The party seeking the variance carries the burden of proof to establish that the criteria for it have been met.

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The BOA's public hearing in this matter on April 23<sup>rd</sup> lasted about an hour and 15 minutes. The written transcript of that hearing is included in the record as Exhibit E. Three witnesses appeared and offered testimony in support of the variance. Two witnesses appeared and offered testimony in opposition to it. A letter of opposition as to the variance was also read into the record at the public hearing. Exhibits were also made a part of the record at the public hearing.

The BOA at the April 23<sup>rd</sup> hearing as evidenced on a transcript and in their Decision-Making Worksheet, addressed the criteria that in order for a variance to be granted, Wagon Trail established the existence of an unnecessary hardship. The Wisconsin Supreme Court has explained unnecessary hardship as involving whether compliance with the strict letter of the zoning ordinance concerning area and setbacks would unreasonably prevent a property owner from using the property for a permitted purpose or render conformity with such restrictions unnecessarily burdensome.

At page 2 of the BOA's Decision Making Worksheet they specifically provide as follows regarding whether conformity with the regulations involved in Wagon Trail's Petition for Variance would be unnecessarily burdensome:

Combining lots to create a 20 acre parcel in order to comply with the ordinance standards would be unnecessarily burdensome for this large resort that has existed for many years. In that a zip line had already been approved on this property in 2009, conformance with the new ordinance standards would be unnecessarily burdensome.

My review of the transcript of the April 23<sup>rd</sup> public hearing and the record in this matter establishes that there was evidence before the BOA to support their finding that the lot size and setback requirements of the ordinance in this circumstance were unnecessarily burdensome to Wagon Trail.

The record is clear that the BOA considered the fact that Wagon Trail in total owns 93 acres on nine different lots including the two upon which their zip line course and climbing wall would be located. The record clearly establishes that they considered the fact that these outdoor active recreation facilities would be setback more than 100 feet from all exterior property lines of Wagon Trail and would be more than 250 feet from the closest residence. The record further establishes that they considered that fact that the zip line course had already been approved for Wagon Trail's property in 2009.

Clearly there was evidence in the record before the BOA to support these findings and a conclusion by it that the regulations would be unnecessarily burdensome to Wagon Trail. That evidence was enough to convince those three members that supported the grant of variance to Wagon Trail to answer that question affirmatively on the record and on the Decision-Making Worksheet. Was there enough evidence to convince me personally that conformity with the zoning regulations was unnecessarily burdensome to Wagon Trail? That is not the issue in this certiorari action. I am not to substitute my judgment for that of the BOA. My review is limited to whether there was evidence to support the BOA's decision regarding this issue and there was.

It is a well established principle that a finding of unnecessary hardship cannot be as a result of a self-created hardship by the variance applicant. The Plaintiff in this case faults the BOA for having failed to indicate in writing that the unnecessary hardship in this case was not self-created by Wagon Trail.

The record in this matter is clear that Wagon Trail's unnecessary hardship was not self-created. The record in this matter is replete with evidence regarding the unique nature of Wagon Trail's property because of its location, the amount of wetlands in and surrounding it and the number and configuration of Wagon Trail's individual parcels that make up the 93 acres it owns.

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In order for Wagon Trail's Petition for Variance to be granted it further needed to satisfy the BOA that a grant of variance would not be contrary to the public interest and the spirit of the Door County Zoning Ordinance. The record in this matter further contains evidence to support the BOA's determination that Wagon Trail had also presented sufficient evidence of those criteria.

The BOA's Decision-Making Worksheet at page 3 provides as follows regarding their determination that a grant of Wagon Trail's variance in this circumstance would not result in harm to the public interest. The BOA as to that issue on page 3 provides as follows:

The proposed use would not be out of character with existing uses in the surrounding area. The location proposed for the zip line would help to preserve the wetlands, protect the beauty of the landscape, and conserve flora and fauna habits. The proposed use will be consistent with the county development plan, will promote orderly land use development, and will not be detrimental to property values and the property tax base. The location proposed for the zip line will not detrimental to the ground water and surface water.

Clearly there is evidence in this record to support those findings by three of the BOA members. To reiterate, my role is not to substitute my judgment for that of the BOA members or to judge the weight of the evidence supporting their findings and conclusions versus the evidence to the contrary. I am to examine the record and if any reasonable view of the evidence before the BOA supports its findings and conclusions, it must be affirmed by me.

I conclude that the BOA kept within its jurisdiction as it considered and deliberated regarding the evidence and facts supporting and opposed to Wagon Trail's Petition for a Grant of Variance. The BOA proceeded on the correct theory of law. It considered the evidence and arguments both for and against that variance and its ultimate decision was not arbitrary, unreasonable or irrational. It represented the will of the majority of the BOA members and there was evidence before it to reasonably make the determination it reached. I consequently conclude

that the BOA's April 23, 2013, Decision granting the variances to Wagon Trail should be affirmed and the Plaintiff's Complaint in this matter seeking to reverse that Decision should be dismissed.

Dated this 9 day of January, 2014.

BY THE COURT:



Honorable D. Todd Ehlers  
Door County Circuit Court, Branch 1

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FEB 18 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

PETITION FOR GRANT OF VARIANCE

A variance is a relaxation of a standard in a land use ordinance. Variances are decided by the zoning board of adjustment. The zoning board is a quasi-judicial body because it functions almost like a court. The board's job is not to compromise ordinance provisions for a property owner's convenience but to apply legal criteria provided in state laws, court decisions and the local ordinance to a specific fact situation. Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden.

PETITION: (I) (We)

Full Name Jonathan + Carol Wall Telephone No. 414-916-9972  
Mailing Address 101 W. Lexington Blvd.  
City Whitefish Bay State WI Zip 53217  
hereby petition(s) the Door County Board of Adjustment for a variance from  
Section (s) 3.05 (4) Set-back from private roads.

of the Door County Zoning Ordinance which requires 30-foot setback  
from structures fronting on private roads or private  
road easements.

(I) (We) propose to locate an accessory building  
within set-back. See Addendum attached  
for details.

LOCATION:

The description of the property involved in this petition is located at:  
Fire # 12765 Road Door Bluff Road Township Liberty Grove  
Govt Lot 4 or  $\frac{1}{4}$  -  $\frac{1}{4}$  Section 35 Town 33 North, Range 28 East  
Tax Parcel No. 018-04-35332814B2  
Zoning District SF-30 Lot Size .73 acres  
Existing use of structure or land in question unimproved land.  
No accessory structures currently on lot.

ATTACHMENTS:

- 1) A site plan, drawn to-scale, indicating lot size, size of buildings and decks, distances between buildings and the centerlines of all abutting roads, ordinary high water mark, lot lines (identify lot markers), the sanitary waste disposal system and well. If a survey is available, please submit the survey. IF PLANS EXCEED AN 11" X 17" FORMAT, SUBMIT ONE COPY OF EACH SHEET REDUCED TO NO LARGER THAN 11" X 17".
- 2) Building plans, drawn to scale, of the proposed project, including floor plans and elevation views. The application will not be processed without scaled drawings. (Plans submitted with this petition will be the only plans reviewed by the Board of Adjustment. A change in plans will warrant a new petition, fee, and public hearing.) IF PLANS EXCEED AN 11" X 17" FORMAT, SUBMIT ONE COPY OF EACH SHEET REDUCED TO NO LARGER THAN 11" X 17".
- 3) Please provide complete responses regarding a), b), and c) below. Attach additional pages if necessary. To qualify for a variance, the applicant must demonstrate that their request/situation meets the following three requirements:

(a) Unique property limitations

Unique physical limitations of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with ordinance requirements. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not factors in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance.

Unique features of this property prevent compliance with the terms of the ordinance, including:

See attached addendum.

FOR OFFICE USE ONLY  
Receipt No. 674 Fee 500.00 Date 2-18-20  
Hearing Advertised Dates: \_\_\_\_\_  
Hearing Date \_\_\_\_\_ Decision \_\_\_\_\_

TOWN OF: \_\_\_\_\_  
OWNER: \_\_\_\_\_  
SECTION T \_\_\_\_\_ N R \_\_\_\_\_  
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PARCEL NO. 018-04-35332814B2  
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PETITION FOR GRANT OF VARIANCE - PAGE 2

(b) No Harm to Public Interests

A variance may not be granted which results in harm to public interests. In applying this test, the Board of Adjustment must consider the impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the entire community and the general public. These interests are listed as objectives in the purpose statement of an ordinance and may include:

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- Public health, safety and welfare
- Water quality
- Fish and wildlife habitat
- Natural scenic beauty
- Minimization of property damages
- Provision of efficient public facilities and utilities
- Achievement of eventual compliance for nonconforming uses, structures and lots
- Any other public interest issues

A variance will not be contrary to the public interest because:

*See attached addendum.*

(c) Unnecessary hardship

An applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home). Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel. The property owner bears the burden of proving unnecessary hardship.

For an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The board of adjustment must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term and cumulative effects of a variance on the neighborhood, the community and on the public interests.

Unnecessary hardship is present because:

*See attached addendum.*

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- 4) A non-refundable \$500.00 fee payment to defray the cost of publishing the legal notice and mailing to all interested parties.

AUTHORIZATION FOR INSPECTION:

I hereby authorize the Zoning Administrator to enter upon the premises for which this petition is made at any reasonable time for all purposes of inspection related to this petition.

CERTIFICATION:

I hereby certify that all the above statements and attachments submitted hereto are true and correct to the best of my knowledge and belief.

SIGNATURE OF PETITIONER/AGENT:

DATE:

*Justin C. Wall*

*2-18-2020*

SCHEDULING:

This petition will be scheduled for the next available Door County Board of Adjustment meeting. Approximately two weeks prior to that meeting, a legal notice will be mailed to you providing further information regarding the time and location of the meeting. It is recommended that the petitioner attend the Board of Adjustment meeting to present the case and to answer any questions the Board of Adjustment may ask. If you are unable to attend the meeting, you may want to have your attorney or contractor present on your behalf.

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Addendum - Addendum - Petition for Grant of Variance

Wall Garage - 12765 Door Bluff Road

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We hereby petition the Door County Board of Adjustment for a variance from Section 3.05(4) of the Door County Zoning Ordinance which requires that: "The required setback for all structures fronting on private roads or private road easements, except those serving 4 lots or less, shall be 30 feet. No setback shall be required from private roads or private road easements which serve 4 lots or less."

We propose to locate a garage up to the described access easement, which is 12-feet from the edge of the existing access road. The subject access road and easement over our property ends at our northerly lot line and provides access for a single lot to the north as well as our property.

Existing use of structure or land in question: The proposed garage footprint is an unimproved, sloped area of land dropping in elevation from the easement road on the eastern boundary westerly towards the Bay of Green Bay.

To qualify for a variance, we will demonstrate that our situation meets the following requirements:

- a) Unique property limitations preventing compliance with the ordinance: There are two features of the property preventing compliance: (1) The downward-sloping of the land and, (2) the overhead electrical utility power lines.

The elevation drops 5-feet after the required set-back, requiring fill and difficult access and departure in snow and icy conditions. Moving the garage 30-feet uphill inside of the set-back line avoids excess land disturbance and places the front of the garage in a reasonably flat area for safe ingress and egress all year.

Additionally, locating the garage at the required set-back line will cause non-compliance with the 10-foot clearance from power lines as required by Wisconsin Public Service. The lower of the two high-power lines is 30-feet above grade at the pole. Our proposed garage is 25'6" high and would not meet the 10-ft. clearance standards. The proposed footprint moves the garage to the east, away and uphill from the power line but within the private road 30-foot set-back.

- b) No harm to public interests: Granting this variance will not be contrary to the public interest due to the minimal use of this private road, which ends at our northerly property line. Besides us, the easement road serves as access for just one parcel to the north. The ordinance itself acknowledges that: "No setback shall be required from private roads or private road easements which serve 4 lots or less." When reading this ordinance back when we bought the property in 2003, we felt we were within the rules to place a garage here without needing a variance.

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Addendum - Petition for Grant of Variance

Wall Garage – 12765 Door Bluff Road

Also, our proposed location eliminates the need to move the power lines as well as requiring the least fill and land disturbance at a shorefront parcel, very much in the public interest.

c) Unnecessary hardship: Ingress and egress to the property is the current hardship in winter months due to the 16-foot drop in elevation from the access road to the residence level. We don't currently have any other accessory building on the property. Complying with this set-back ordinance is not impossible but would require the following hardships:

- Locating the front of the garage directly on a 5-foot slope, requiring more fill than necessary for a foundation and further land disturbance to create a level area to approach and enter the garage. The 30-foot set-back blocks us from utilizing the most level ground adjacent to the access road, allowing the safest ingress and egress via car.
- Moving the current power lines, causing additional land disturbance and hardship for our parcel and the parcels to the south and north.
- We could eliminate the 2<sup>nd</sup>-story living space allowed in the accessory building so the power lines would have the required clearance, but that would require another building to meet the need for the allowed living space, which is another unnecessary hardship and more land disturbance at the shore.

Also see the aerial image of the subject property, with elevation lines and easement road location, on page 3 for reference.

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Addendum - Addendum - Petition for Grant of Variance  
Wall Garage - 12765 Door Bluff Road



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# Site Sketch

LOCATED IN:

GOVT LOT 4, SECTION 35, T. 33 N., R. 28 E.,  
TOWN OF LIBERTY GROVE, DOOR COUNTY, WISCONSIN

PREPARED FOR:

**CURRENT OWNER:**  
JONATHAN C. & CAROL A. WALL  
101 W. LEXINGTON BLVD  
WHITEFISH BAY, WI 53217

**PROPERTY ADDRESS:**  
12765 DOOR BLUFF ROAD

PREPARED BY:

**BRIAN FRISQUE SURVEYS INC.**  
JOHN S. BAUDHUIN  
PROFESSIONAL LAND SURVEYOR  
3121 MATHIEY ROAD  
STURGEON BAY, WI 54235  
(920) 743-7183

**BUILDING ZONE = SF 30**

**PRINCIPAL SETBACKS**

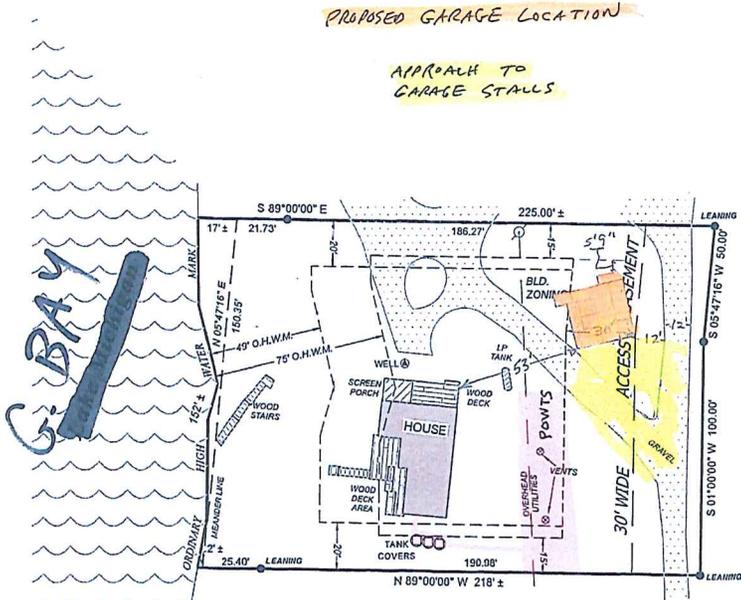
- 49' ORDINARY HIGH WATER MARK SETBACK
- 25' FRONT-YARD SETBACK
- 50' REAR-YARD SETBACK
- 20' SIDE-YARD SETBACK
- 30' EASEMENT SETBACK

**ACCESSORY SETBACKS**

- 75' ORDINARY HIGH WATER MARK SETBACK
- 25' FRONT-YARD SETBACK
- 20' REAR-YARD SETBACK
- 15' SIDE YARD SETBACK
- 30' EASEMENT SETBACK

**Notes:**

Building zones depicted are based on zoning setbacks in effect at the time this map was produced and should not be relied upon without first obtaining written verification thereof from the Door County Land Use Services Department; Zoning and/or any other local zoning authorities.



**GO BAY**

PROPOSED GARAGE LOCATION

APPROACH TO GARAGE STALLS

POINT 5

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**LEGEND**

- = EXISTING 1" IRON PIPE
- ⊙ = UTILITY POLE

**SURVEYOR'S NOTE:**

BEARINGS REFERENCED TO A LEE E. TELFER SURVEY  
MAP #002592 DATED, APRIL 17, 2003.

THE ORDINARY HIGH WATER MARK WAS DETERMINED BY  
THE DOOR COUNTY LAND USE SERVICES DEPARTMENT;  
ZONING.

**BUILDING ZONE ON ADJACENT MAP DEPICTS  
ACCESSORY SETBACKS.**

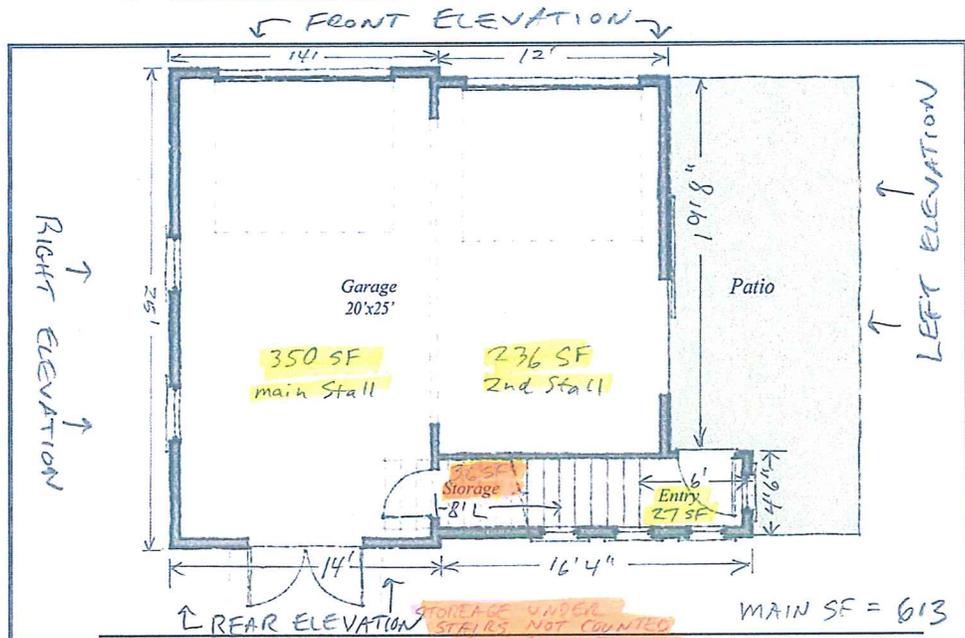
10-11-19

D-092419L2-SS.dwg

Drawn By: C.E.C

JOB#: D-092419L2

# WALL GARAGE FLOOR PLAN

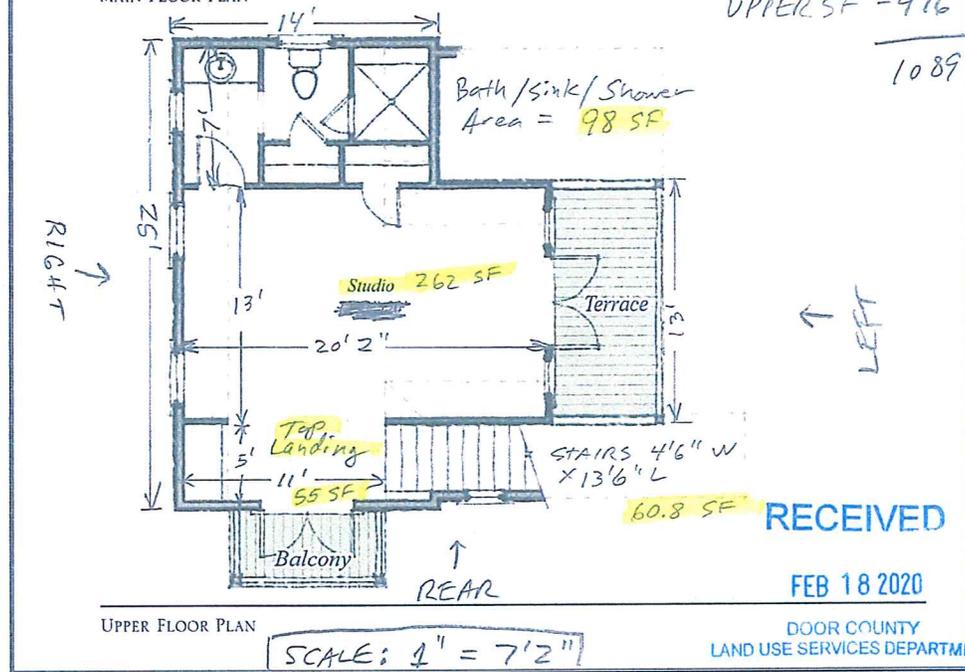


MAIN FLOOR PLAN

MAIN SF = 613 SF

UPPER SF = 476 SF

1089



UPPER FLOOR PLAN

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SCALE: 1" = 7'2"

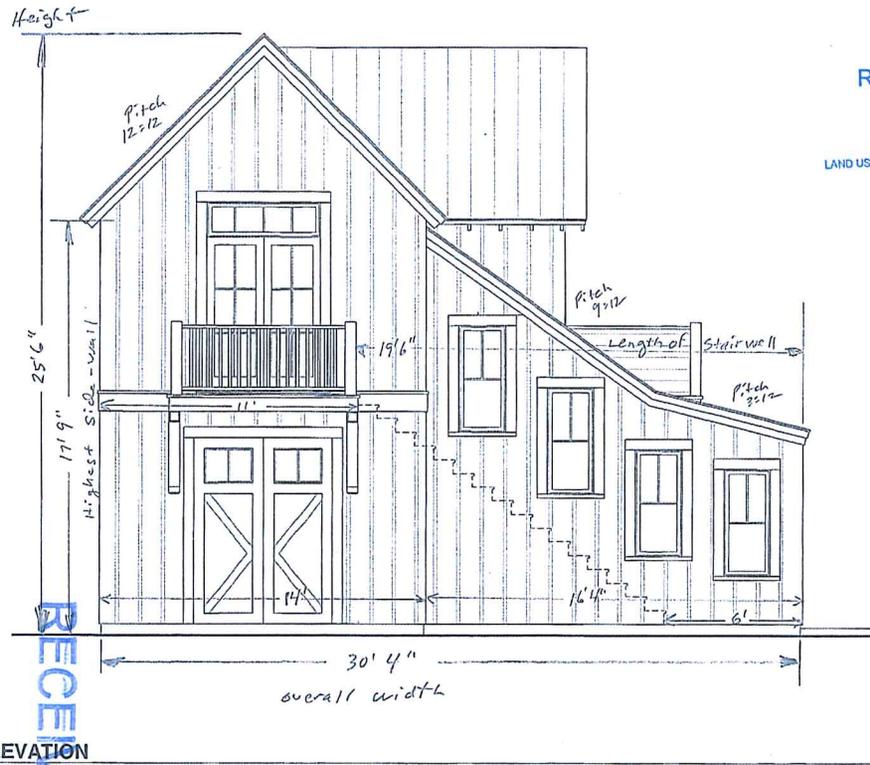
2013 Coastal Living Showhouse Garage

NOTE: ALL DIMENSIONS TO EXTERIOR WALLS

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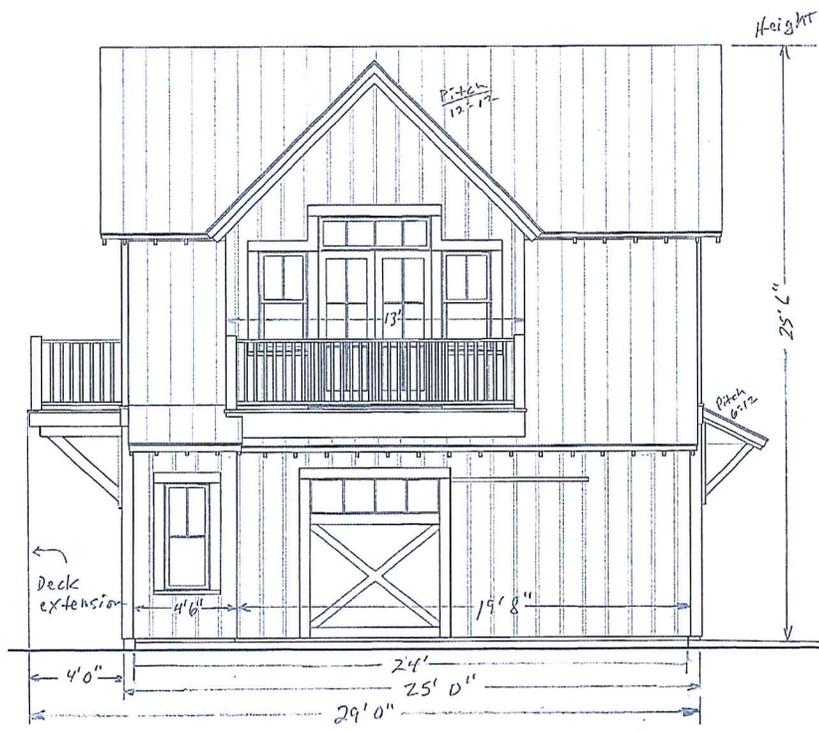
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REAR ELEVATION

1/4" = 1'-0"



**LEFT ELEVATION**  
 1/4" = 1'-0"

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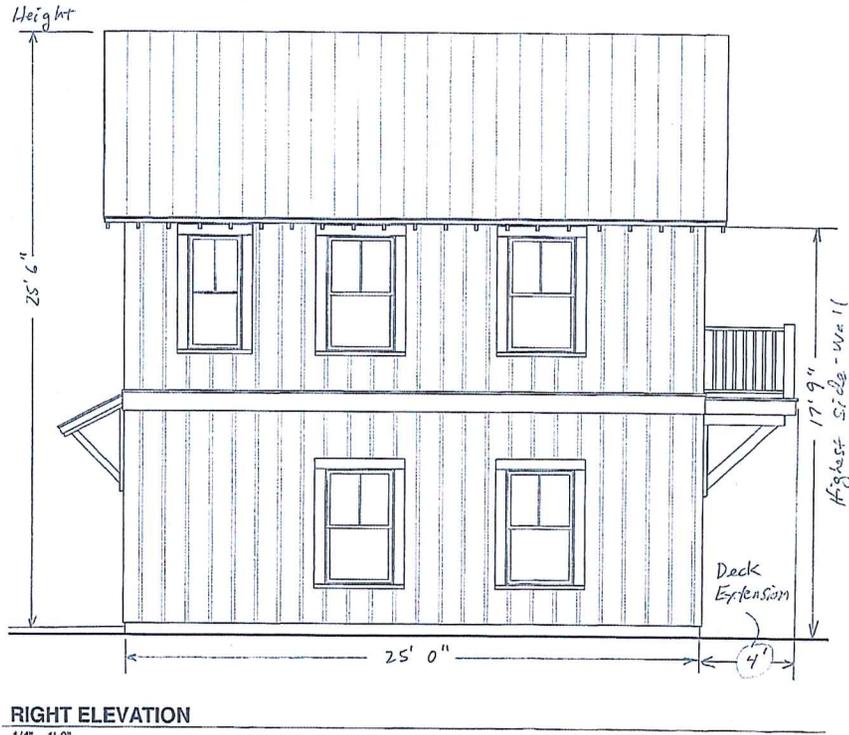
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**RIGHT ELEVATION**  
 1/4" = 1'-0"

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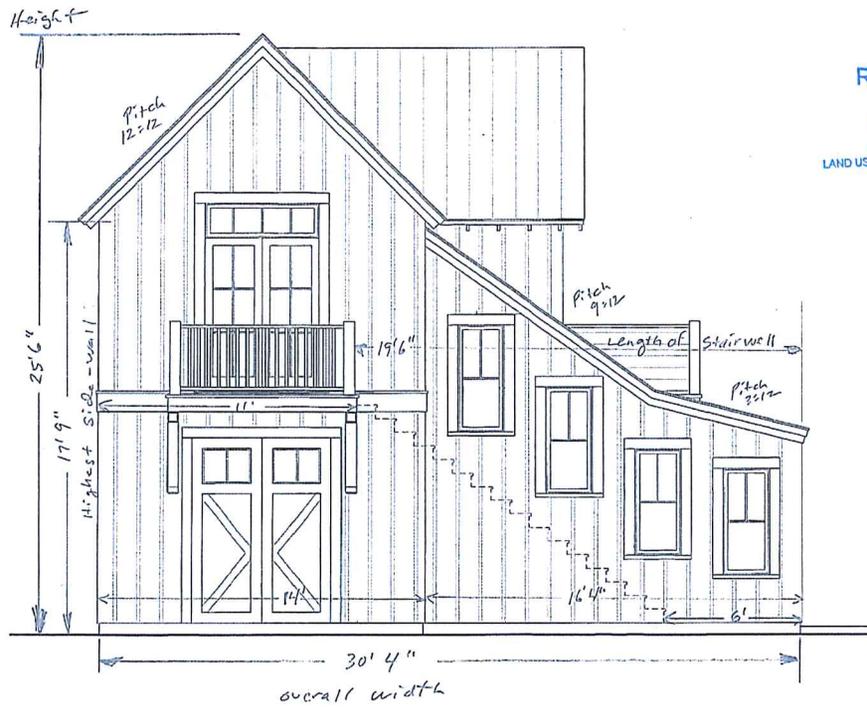
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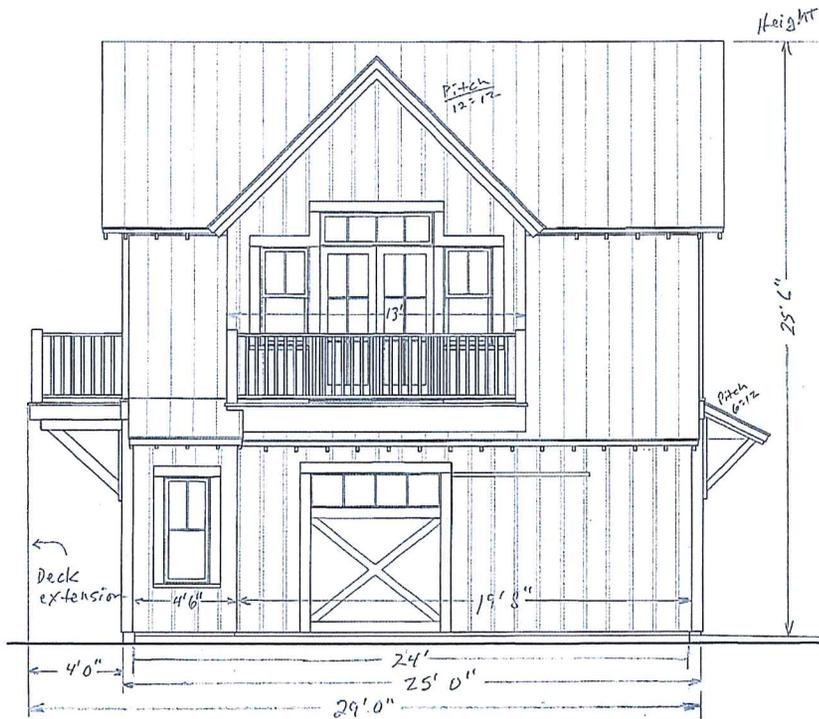
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REAR ELEVATION  
1/4" = 1'-0"



**LEFT ELEVATION**  
 1/4" = 1'-0"

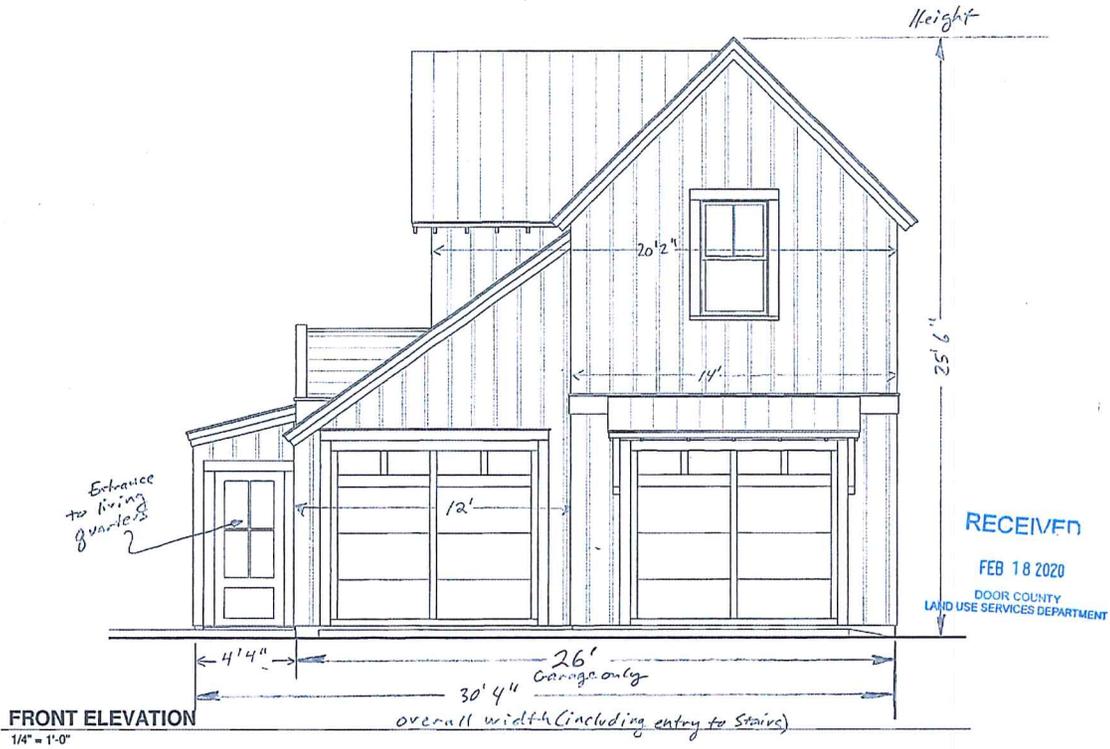
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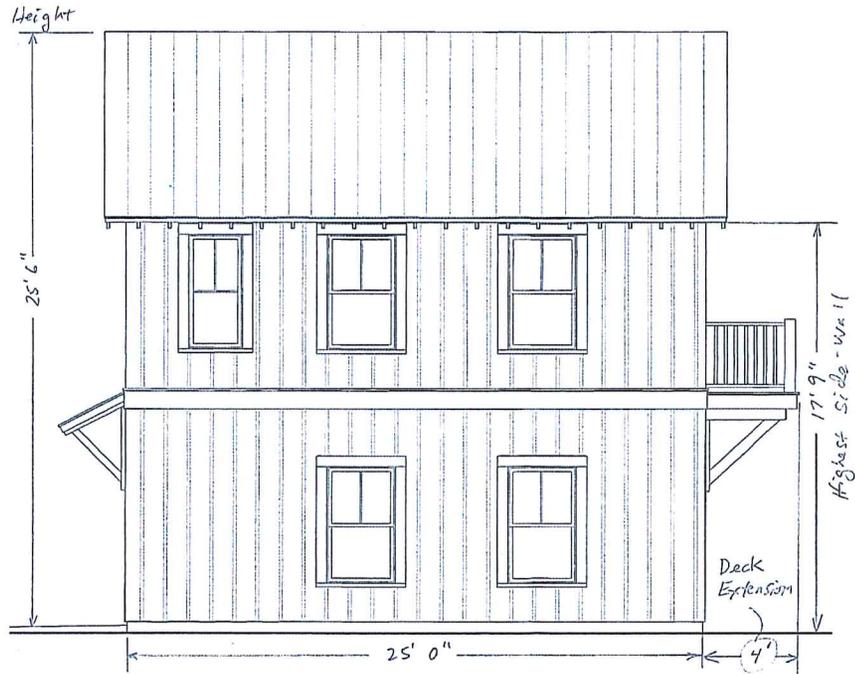


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**RIGHT ELEVATION**  
1/4" = 1'-0"

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**County of Door  
LAND USE SERVICES DEPARTMENT - ZONING**

County Government Center  
421 Nebraska Street  
Sturgeon Bay, WI 54235

**Richard D. Brauer - Zoning Administrator**  
Phone: (920) 746-2323  
FAX: (920) 746-2387

RECEIVED February 21, 2020

JUN 8 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

Town of Liberty Grove  
C/O Anastasia Bell  
11161 Old Stage Road  
Sister Bay, WI 54234

Re: Petition for Grant of Variance  
Tax Parcel # 018-04-35332814B2  
12765 Door Bluff Road

Greetings:

We are sending you this letter to notify the town that there will be a hearing regarding a request for a variance on a property in the Town of Liberty Grove at an upcoming Door County Board of Adjustment meeting. The scheduling process for the hearing will begin on March 20, 2020, unless we hear from the town before that date. The hearing will be held no sooner than three weeks after the scheduling process is begun.

Jonathon & Carol Wall petition for a grant of variance from section 3.05(4) of the Door County Comprehensive Zoning Ordinance which requires buildings be setback at least 30 feet from the edge of a described private road easement. The petitioners propose to construct a two story detached up to the edge of a described private road easement (0 foot setback). This property is located at 12765 Door Bluff Road in Section 35, Town 33 North, Range 28 East, in the Town of Liberty Grove.

Enclosed is a "Town Recommendation Worksheet" which we ask you to complete and send back to the Door County Planning Department. As a reminder, comments may be submitted to the Planning Department up to 3:30 p.m. the day before the public hearing, and/or the town may offer verbal testimony at the hearing.

**The applicant has the responsibility to contact the Town of Liberty Grove (Anastasia Bell, Clerk: 920-854-2934) to determine if/when the town may be meeting to discuss this matter.**

Sincerely,  
*Richard D. Brauer*  
Richard D. Brauer  
Zoning Administrator

Enc.: Variance application packet & town recommendation worksheet

CC: Jonathan & Carol Wall

CC: w/o Encl: Property owners within 300 feet of subject property

**Door County Planning Department  
Request for Town Recommendation**

Jonathon & Carol Wall petition for a grant of variance from section 3.05(4) of the Door County Comprehensive Zoning Ordinance which requires buildings be setback at least 30 feet from the edge of a described private road easement. The petitioners propose to construct a two story detached up to the edge of a described private road easement (0 foot setback). This property is located at 12765 Door Bluff Road in Section 35, Town 33 North, Range 28 East, in the Town of Liberty Grove.

The (circle one) Town Board / Planning Committee of the Town of \_\_\_\_\_ held a legally noticed and posted meeting on \_\_\_\_\_, at which, by a vote of \_\_\_\_ (Yea) to \_\_\_\_ (Nay), the town recommended (check one) \_\_\_\_ **SUPPORT** \_\_\_\_ **DENIAL** for a variance.

**Reason(s) for the town's decision:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Is the proposal consistent with the Town Comprehensive Plan?**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Concerns or objections the town may wish to see potentially addressed through conditions:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Town Clerk Signature

\_\_\_\_\_  
Date

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**JUN 8 2020**

**DOOR COUNTY  
LAND USE SERVICES DEPARTMENT**

**\*See reverse for variance criteria.**

## GENERAL CRITERIA REGARDING ZONING HEARING CASES IN DOOR COUNTY

*This document is intended to provide a general guide to the issues and criteria to consider when making decisions regarding this type of zoning hearing. It should not be considered a complete guide to applicable statutes or ordinances.*

### PETITION FOR VARIANCE

*(See Door County Zoning Ordinance section 11.06 and Wisconsin Statutes section 59.694.)*

A petition for variance is a request to relax one or more of the dimensional requirements or restrictions of the ordinance (road, water, or property line setbacks; building size or height, etc.). The Door County Zoning Ordinance only allows so-called "area" variance petitions – it does not permit application for a variance where a use not allowed in that zoning district would be established (a "use" variance). Note that variances "run with the land" and not with the applicant; an approved variance is permanently attached to the parcel in question.

By state statute, petitions for variance from the county zoning ordinance are heard and decided upon at a public hearing before the board of adjustment or appeals (called the Board of Adjustment in Door County), members of which are appointed by the County Board of Supervisors. Appeals of Board of Adjustment decisions are heard in the court system.

#### Criteria for evaluating "area" variance petitions

(Note: Responses to the three bolded questions below should be "yes" in order to justify granting the variance in accordance with legal/case law criteria.)

- **Do physical limitations of the property prevent compliance with ordinance standards?**  
*Examples of physical limitations include wetland presence, parcel shape, steep slopes, etc.*
- **Will granting the variance have no affect on the public interest?**
  - *Public interest includes additional runoff, affects on the quality of fish or wildlife habitat, impacts on scenic beauty, etc. Cumulative effects must be considered.*
  - *Public interest includes the interest of the public at large, not just that of nearby property owners.*
  - *Lack of local opposition does not in itself mean that a variance will not harm the public interest.*
  - *A variance should include only the minimal relief necessary to allow reasonable use of the property.*
  - *The board's actions should be consistent with stated ordinance objectives.*
- **Is an "unnecessary hardship" present?**
  - *Does compliance with the ordinance unreasonably prevent the owner from using the property for a permitted purpose, or is conformity with restrictions unnecessarily burdensome for the property owner?*
  - *Is there a unique physical property limitation? (See above.)*
  - *The variance is not warranted if the physical character of the property allows a landowner to develop or build in compliance with the zoning ordinance.*
  - *Financial hardship is not grounds for a variance.*
  - *Self-imposed hardship or personal preference are not grounds for a variance. (Note that "self-imposed hardship" has been determined by courts to mean either current or former owners.)*
  - *The hardship cannot be one that would have existed in the absence of zoning.*

One final consideration: Will granting the variance serve an overriding public interest? (If yes, granting the variance may possibly be justifiable even if other criteria point toward denial.)

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**Door County Planning Department  
Request for Town Recommendation**

Jonathon & Carol Wall petition for a grant of variance from section 3.05(4) of the Door County Comprehensive Zoning Ordinance which requires buildings be setback at least 30 feet from the edge of a described private road easement. The petitioners propose to construct a two story detached up to the edge of a described private road easement (0 foot setback). This property is located at 12785 Door Bluff Road in Section 35, Town 33 North, Range 28 East, in the Town of Liberty Grove.

The (circle one) Town Board Planning Committee of the Town of Liberty Grove held a legally noticed and posted meeting on 4-1-2020, at which, by a vote of \_\_\_\_ (Yea) to \_\_\_\_ (Nay), the town recommended (check one) 5 SUPPORT 0 DENIAL for a variance.

Reason(s) for the town's decision:

NO HARM TO PUBLIC INTEREST  
CITING IN ANOTHER LOCATION WOULD CAUSE  
UNNECESSARY HARDSHIP & SIGNIFICANT LAND  
DISTURBANCE OF THE NIAGARA ESCARPMENT.

Is the proposal consistent with the Town Comprehensive Plan?

Yes

Concerns or objections the town may wish to see potentially addressed through conditions:

N/A

Anastasia J. Bell  
Town Clerk Signature

4-9-20  
Date

\*See reverse for variance criteria.

Return to Door County Planning Department, 421 Nebraska St., Sturgeon Bay, WI, 54235. FAX: (920)746-2387.

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APR 10 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

Matthew Gillmore  
1577 Ranch Ln  
Ellison Bay, WI 54210

March 19, 2020

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MAR 19 2020

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

Resource Planning Committee  
Door County Planning and Zoning  
421 Nebraska St  
Sturgeon Bay, WI 54235

Dear Members of the Resource Planning Committee,

I am writing you today in support of Jonathan and Carol Wall, 12765 Door Bluff Road in regards to their setback from the edge of the road easement. I believe it is wise and necessary to have a set code and ordinances, but believe that very few things in the world are a once size fits all, thus the use of variances in Door County. Since Jonathan and Carol Wall have shown they have unique property limitations, no harm to public interest and an unnecessary hardship I support their project.

Sincerely,  
Matthew Gillmore

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JUN 8 2020

PUBLIC MEETING  
**DOOR COUNTY BOARD OF ADJUSTMENT**  
421 NEBRASKA STREET – DOOR COUNTY GOVERNMENT CENTER  
STURGEON BAY, WI 54235

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

The Door County Board of Adjustment will conduct a meeting on Tuesday, May 26<sup>th</sup>, 2020 beginning at 2:00 p.m. In response to the public health emergency in connection with the COVID-19 pandemic, the meeting will be virtual only. The board will be assisted in conducting the meeting by staff who will be located in the Door County Government Center County Board Room (C-101, First Floor) and Peninsula Room (C-121, First Floor) at 421 Nebraska Street, Sturgeon Bay, Wisconsin. Applicants and members of the public may monitor and participate remotely only.

To attend via computer, go to <https://globalpage-prod.webex.com/join> ; enter the meeting number, 625 857 126; and then password, Boa52620 (26252620 from phones and video systems). To connect via telephone, call (408) 418-9388, and when prompted enter the access/meeting code, 625 857 126.

Those who cannot attend remotely should call (920) 746-2323 or e-mail [lriemer@co.door.wi.us](mailto:lriemer@co.door.wi.us) . We will endeavor to facilitate reasonable access for people who cannot attend remotely.

AGENDA

- 1.0 Call to order and declaration of quorum.
- 2.0 Discuss and arrive at a decision on a Petition for Grant of Variance.
  - 2.1 Chad Fawcett; accessory building encroach into setback from ordinary high water mark; 4012 Sand Bay Point Road; Nasewaupsee.
- 3.0 Old Business.
  - 3.1 Read and act on Minutes of May 12, 2020 meeting.
  - 3.2 Final disposition of the following cases considered by the Board of Adjustment at the May 12, 2020 meeting: Michael Lorenz, Jonathan and Carol Wall, Mary J. Schramm, Lois Gies and Joseph Dalsing, Gaetano and Amanda Auricchio, Maxine Louise Keller Kottage Trust.
- 4.0 Other Matters.
  - 4.1 Announce next meeting.
- 5.0 Vouchers.
- 6.0 Adjournment.

\*\* Deviation from the order shown may occur. \*\*

Fred Frey, Chair  
Board of Adjustment

\* Application materials may be viewed on-line beginning approximately four business days before the hearing at:  
<http://map.co.door.wi.us/Agendas-Minutes/Zoning%20Board%20of%20Adjustment/>

*In compliance with the Americans with Disabilities Act: Any person needing assistance to participate in this meeting should contact the Office of the County Clerk at (920) 746-2200. Notification 48 hours prior to a meeting will enable the County to make reasonable arrangements to ensure accessibility to that meeting.*

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LAND USE SERVICES DEPARTMENT

MINUTES OF MEETING  
DOOR COUNTY BOARD OF ADJUSTMENT

May 12, 2020

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JUN 8 2020

1.0 Call to order and declaration of quorum.

The meeting was called to order by Chairperson Frey at 9:00 a.m. on Tuesday, May 12, 2020, in the County Board Room (C-101) of the Door County Government Center, Sturgeon Bay, Wisconsin.

DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

Board of Adjustment Members

Staff

Present:

Fred Frey, Chairperson  
Aric Weber, Vice-Chairperson  
Monica Nelson  
John Young  
Bob Ryan

Richard D. Brauer, Zoning Administrator  
Sue Vandenlangenberg, Zoning Administrator  
Mariah Goode, Land Use Services Department  
Director

2.0 Discuss and arrive at decisions on Petitions for Grant of Variance.

2.1 Michael Lorenz; build a detached garage that will not comply with Door County Comprehensive Zoning Ordinance standards for accessory structures constructed on vacant lots; Sturgeon Bay.

Motion by Ryan, seconded by Young, to grant the petition for grant of variance. Motion carried. (3-2).

Aye: Frey, Young, Ryan.  
Naye: Weber, Nelson.

The basis for the decision is set forth on the attached Board of Adjustment decision making worksheets.

2.2 Jonathan and Carol Wall; encroach into setback from private road; Liberty Grove.

Motion by Ryan, seconded by Nelson, to grant the petition for grant of variance. Motion carried. (4-1).

Aye: Frey, Weber, Nelson, Ryan.  
Naye: Young.

The basis for the decision is set forth on the attached Board of Adjustment decision making worksheets.

2.3 Mary J. Schramm; encroach into setback from ordinary high water mark; Sevastopol.

Motion by Weber, seconded by Nelson, to grant the petition for grant of variance. Motion carried. (4-1).

Aye: Frey, Weber, Young, Nelson  
Naye: Ryan.

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The basis for the decision is set forth on the attached Board of Adjustment decision making worksheets.

**2.4 Lois Giese & Joseph Dalsing (on behalf of Scott Giese & Barbara Johnson-Giese); encroach the setback from the ordinary high water mark setback of a navigable stream; Union.**

Motion by Young, seconded by Nelson, to grant the petition for grant of variance. Motion carried unanimously (5-0).

Aye: Frey, Weber, Young, Nelson, Ryan.

The basis for the decision is set forth on the attached Board of Adjustment decision making worksheets.

**2.5 Gaetano and Amanda Auricchio; encroach into setback from ordinary high water mark of Green Bay; Gibraltar.**

Motion by Weber, seconded by Ryan, to deny the petition for grant of variance. Motion carried. (4-1).

Aye: Frey, Weber, Young, Ryan.

Naye: Nelson.

The basis for the decision is set forth on the attached Board of Adjustment decision making worksheets.

**2.6 Maxine Louise Keller Smith Kottage Trust; encroach into setback from ordinary high Water mark of a navigable stream; Nasewaupee.**

Motion by Weber, seconded by Ryan, to grant the petition for grant of variance. Motion carried. (4-1).

Aye: Frey, Weber, Young, Ryan.

Naye: Nelson.

The basis for the decision is set forth on the attached Board of Adjustment decision making worksheets.

**3.0 Old Business.**

**3.1 Read and act on Minutes of March 10, 2020, meeting.**

Motion by Nelson, seconded by Young, to approve the minutes as presented. Motion carried unanimously (5-0).

**3.2 Final disposition of the following case considered by the Board of Adjustment at the March 10, 2020, meeting: The Raymond P. & Barbara J. Hansen Trust.**

Motion by Ryan, seconded by Weber, to approve the final disposition of the case. Motion Carried unanimously.

**4.0 Other Matters.**

**4.1 Announce next meeting.**

Brauer announced that the next meeting will be held on May 26, 2020. One variance case has been scheduled for public hearing that evening. This will also be a virtual meeting.

**5.0 Vouchers.**

All of the board members present submitted vouchers. Board members Monica Nelson and John Young, who participated virtually, will either mail in their vouchers or drop them off at the Door County Government Center drop box.

**6.0 Adjournment.**

Motion by Weber, seconded by Nelson, to adjourn. Motion carried unanimously (5-0). Chairperson Frey declared the meeting adjourned at 1:40 p.m.

Respectfully submitted,

Richard D. Brauer  
Zoning Administrator



RDB  
05/13/20

**DOOR COUNTY BOARD OF ADJUSTMENT  
Decision – Area Variance**

**Hearing Date: May 12, 2020**                      **Decision Date: May 12, 2020**

**Applicants: Jonathan and Carol Wall**

**Property: PIN 018-04-35332814B2 / 12765 Door Bluff Road**

**Description of variance requested:**

Jonathan & Carol Wall petition for a grant of variance from section 3.05(4) of the Door County Comprehensive Zoning Ordinance which requires buildings be set back at least 30 feet from the edge of a described private road easement. The petitioners propose to construct a two-story detached garage up to the edge of a described private road easement (0 foot setback). This property is located at 12765 Door Bluff Road in Section 35, Town 33 North, Range 28 East, and in a Single Family Residential – 30,000 SF30) zoning district.

**DECISION:**

On the basis of the Decision Making Worksheet (attached hereto and incorporated herein by reference as if set forth in full) and the record in this matter the Board of Adjustment finds and determines that:

- A. The requested variance does meet the criteria set forth in Section 59.694(7) Wisconsin Statutes.

The Board of Adjustment voted to grant the petition for grant of variance by the following vote:

Fred Frey:	Aye
Bob Ryan:	Aye
John Young:	Naye
Monica Nelson:	Aye
Aric Weber:	Aye

Signed \_\_\_\_\_

Chairperson

Signed \_\_\_\_\_

Recording Clerk

Dated: May 26, 2020

Filed: May 27, 2020

Appeals. This decision may be appealed by a person aggrieved by this decision by filing an action in certiorari in the circuit court for this county within 30 days after the date of filing of this decision. The County of Door assumes no liability for and makes no warranty as to reliance on this decision if construction is commenced prior to expiration of this 30 day period.

**The privileges granted by this decision shall become void after one year unless the zoning permits for the authorized project have been obtained within such time**

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DOOR COUNTY  
LAND USE SERVICES DEPARTMENT

DOOR COUNTY BOARD OF ADJUSTMENT  
DECISION-MAKING WORKSHEET

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APPLICANTS NAMES: Jonathan and Carol Wall

PROPERTY ADDRESSES / P.I.N.s: 12765 Door Bluff Road / 018-04-35332814B2

DOOR COUNTY  
PLANNING & ZONING DEPARTMENT

HEARING DATE: May 12, 2020

To grant an area variance, all three of the standards enumerated below must be met. In addressing each standard, express the reasons for the decision, i.e., why the facts did or did not satisfy the standards, the weight and credibility of the evidence presented (or lack thereof), and any other relevant considerations.

**1. UNIQUE PHYSICAL PROPERTY LIMITATIONS.**

Are there unique physical property limitations such as steep slopes, wetlands, or parcel shape that prevent compliance with the ordinance? The circumstances of an applicant (growing family, need for a larger garage, etc.) are not factors in deciding variances. Property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by amending the ordinance. The variance is not warranted if the physical character of the property allows a landowner to develop or build in compliance with the zoning ordinance.

*In order for a variance to satisfy the unique physical property limitation test, the question below must be answered affirmatively.*

Does this property contain unique physical property limitations (e.g., wetland presence, parcel shape, steep slope, etc.) that would prevent compliance with the ordinance?

YES  X  NO \_\_\_\_\_

EXPLAIN: The slope of the lot and location of the power lines limit the area available for construction. The lightly travelled private road only serves one lot beyond the subject property.

**2. UNNECESSARY HARDSHIP.**

Unnecessary hardship exists when a literal enforcement of the ordinance would unreasonably prevent the owner from using the property for a permitted purpose or when conformity with ordinance standards would be unnecessarily burdensome.

Considerations:

- Unnecessary hardship should be determined in light of the purpose and intent of the zoning ordinance in question, as well as any statute or administrative rule upon which the ordinance is based. (See page 4.) The facts of the case should be analyzed in light of these purposes. Only after considering the purpose(s) of the statute and/or ordinance, and the nature of the specific restriction(s) at issue, may a decision be made as to whether or not failure to grant a variance will cause an unnecessary hardship.
- Unnecessary hardship may arise due to a unique property limitation of a parcel (see #1, above). A variance is not warranted if the physical character of the property allows a landowner to develop or build in compliance with the zoning ordinance.

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- Unnecessary hardship does not include considerations personal to the property owner (e.g., personal preference, desire to maximizing the economic value of the property, or financial hardship caused by ordinance compliance).
- Any self-created hardship, and/or any hardship that existed irrespective of the zoning ordinance in question are not proper grounds upon which to grant a variance.
- Alternatives to a variance (e.g., conditional use permit or restrictive covenant) may, as neither runs with the land, be preferable to accommodate a disability of the owner or owner's dependent.

***In order for a variance to satisfy the unnecessary hardship test, one of the questions below (A or B) must be answered affirmatively.***

**A. Does denial of the variance -- i.e., requiring compliance with the strict letter of the ordinance provision(s) in question (e.g., setbacks, height limitations, etc.) -- unreasonably prevent the owner from using the property for a permitted purpose?**

YES \_\_\_\_\_ NO \_\_\_\_\_

EXPLAIN: The

OR

**B. Is conformity with the regulation(s) unnecessarily burdensome?**

YES X NO \_\_\_\_\_

EXPLAIN: The denial of a variance would be unnecessarily burdensome in that it would prevent the owners from building on the only portion of the lot that is relatively flat. Building on the slope would create a significant land disturbance and would also involve the relocation of the existing power lines. The private road only serves on residence beyond the proposed building site.

**3. PUBLIC INTEREST/SPIRIT AND INTENT OF THE ORDINANCE.**

A variance may not be granted which results in harm to public interests, nor thwarts the spirit and intent of the ordinance. In applying this test, the board should review the purpose statements of the ordinance (and any statute or administrative rule upon which the ordinance is based) in order to identify public interests. (See page 4.) The short-term and long-term impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the community, and even the state, should be considered. Review should focus on the general public interest, rather than just the narrow interests or impacts on neighbors, patrons, or residents in the vicinity of the project.

Cumulative effects are a proper consideration. For instance, in the context of shoreland zoning, the general availability of variances permitting the horizontal expansion of structures so close to the water's edge may have the cumulative effect of enclosing our lakes within a wall of impermeable surfaces to the exclusion of vegetation and impairing the ecological functions of the shoreland buffer.

A variance is not a popularity contest. The mere fact of public support or opposition is not, in and of itself, determinative of whether or not a variance is contrary to the public interest.

The board may grant only the minimum variance needed, i.e., the minimum variance necessary to relieve the unnecessary hardship. For instance, if the request is for a variance of 30 feet from the minimum setback, and a finding is made that a 10-foot setback reduction would allow the

petitioner to use the property for a permitted purpose, then only a 10-foot setback reduction may be authorized.

Distinguish between hardships that are unnecessary in light of the unique conditions of the property and the purpose of the zoning ordinance from hardships that are inconsequential or not unique or because a variance would unduly undermine the purpose of the ordinance or the public interest.

***In order for a variance to satisfy the public interest test, the question below must be answered negatively.***

**Does the granting of the variance result in harm to the public interest?**

YES \_\_\_\_\_ NO X \_\_\_\_\_

EXPLAIN: The request is supported by the Town Board. The proposed building is not out of character with other buildings in the area. This is the logical place to construct a garage of reasonable dimensions. The proposed setback is from a road that is very lightly travelled.

**Has the applicant seeking a variance demonstrated that each of the three standards has been satisfied in this case? YES X \_\_\_\_\_ NO \_\_\_\_\_.** If yes, then substantial justice will be done by granting the variance.

**The privileges granted by this decision shall become void after one year unless the property owners obtain the appropriate zoning permits within such time.**

Dated this May 13, 2020

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**Door County Zoning Ordinance Purpose Statements**

**"1.04 Purpose.** The purpose of this Ordinance is to promote and protect public health, safety, aesthetics, and other aspects of the general welfare. Further purposes of this Ordinance are to:

- (1) Aid in implementing the county development plan.
- (2) Promote planned and orderly land use development.
- (3) Protect property values and the property tax base.
- (4) Fix reasonable dimensional requirements to which buildings, structures, and lots shall conform.

- (5) Prevent overcrowding of the land.
- (6) Advance uses of land in accordance with its character and suitability.
- (7) Provide property with access to adequate sunlight and clean air.
- (8) Aid in protection of groundwater and surface water.
- (9) Preserve wetlands.
- (10) Protect the beauty of landscapes.
- (11) Conserve flora and fauna habitats.
- (12) Preserve and enhance the county's rural characteristics.
- (13) Protect vegetative shore cover.
- (14) Promote safety and efficiency in the county's road transportation system.
- (15) Define the duties and powers of administrative bodies in administering this Ordinance.
- (16) Prescribe penalties for violation of this Ordinance."

**Wisconsin Statutes Purpose Statement**

**281.31. Navigable waters protection law**

"(1) To aid in the fulfillment of the state's role as trustee of its navigable waters and to promote public health, safety, convenience and general welfare, it is declared to be in the public interest to make studies, establish policies, make plans and authorize municipal shoreland zoning regulations for the efficient use, conservation, development and protection of this state's water resources. The regulations shall relate to lands under, abutting or lying close to navigable waters. The purposes of the regulations shall be to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structure and land uses and reserve shore cover and natural beauty." *(Emphasis added.)*

***Examples as to how to use the above in conjunction with analysis of a variance request***

When considering a variance request to relax the required ordinary high water mark setback, county zoning ordinance purposes (8), (10), (11), and (13) are likely relevant to consider. Purposes (2), (3), (4), and (5) may also be relevant. Depending upon the nature of the variance request, any of the components of the statutory purposes behind shoreland zoning (above) may be relevant to consider.

When considering a variance request to relax a required yard (setback), county zoning ordinance purposes (2), (3), (4), and (5) are likely relevant to consider.

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