

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, July 7, 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 (C101, First Floor) and Peninsula Room (C121, First Floor) at 421 Nebraska Street, Sturgeon Bay, Wisconsin. Applicants and members of the public may monitor and participate remotely only.

To join the hearing and meeting via computer, click on the following link, <https://doorcounty.webex.com/doorcounty/onstage/g.php?MTID=e3cde2022abb8902f68195e778f4635e9>, 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 (146 756 0750) and password (July7boa2020).

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. We will endeavor to facilitate reasonable access for people who cannot attend remotely. Likewise, if on the day of the hearing/meeting itself you have issues with meeting “entry” methods, please call (920) 746-2323 or e-mail lriemer@co.door.wi.us so we may assist you in entering the virtual meeting.

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 Camp Zion, Inc.; encroach into setback from private road; Liberty Grove.
- 3.0 Old Business.
 - 3.1 Read and act on Minutes of June 23, 2020 meeting.
 - 3.2 Final disposition of the following case considered by the Board of Adjustment at the June 23, 2020, meeting: Stephan B. Nordstrom, Graycliffe, LLC, Carl M. Curry, and Cynthia M. Curry appeal.
- 4.0 Other Matters.
 - 4.1 Announce next meeting.
- 5.0 Vouchers.
- 6.0 Adjournment.

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

06/19/20

* Application materials may be viewed on-line beginning approximately four business days before the hearing at: <https://www.co.door.wi.gov/AgendaCenter>

Notice in compliance with the Americans with Disabilities Act: 1) 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 this meeting. 2) Door County is committed to making its electronic and information technology (e.g., website and contents) accessible for all persons. If you encounter difficulty accessing the posted materials for this meeting, located on-line at <https://www.co.door.wi.gov/AgendaCenter> under the committee name, please call (920) 746-2323, or send a FAX to (920) 746-2387, or send an e-mail lriemer@co.door.wi.us so that we may determine how to best assist you.

**PUBLIC HEARING 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 hearing to be held by the Door County Board of Adjustment on Tuesday, July 7, 2020 will be virtual only.** The board will be assisted in conducting the hearing by staff who will be located in the Door County Government Center County Board Room (C101, 1st Floor) and Peninsula Room (C121, 1st Floor) at 421 Nebraska St., Sturgeon Bay, WI. "Virtual only" is exactly what the name implies: the hearing 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 hearing will also be conducted by teleconference or video conference only. Applicants and members of the public may monitor and participate in the hearing and meeting remotely only.

To join the hearing and meeting via computer, click on the following link, <https://doorcounty.webex.com/doorcounty/onstage/g.php?MTID=e3cde2022abb8902f68195e778f4635e9>, 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 (146 756 0750) and password (July7boa2020).

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

The hearing will begin at 2:00 p.m., to give consideration to the application listed below for a variance, as specified in the county comprehensive zoning ordinance:

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. This property is located east of 12701 Door Bluff Road and is known as Tax Parcel No. 018-02-02322821A1 in Section 2, Town 32 North, Range 28 East and Tax Parcel No. 018-04-35332814A2 in Section 35, Town 33 North, Range 28 East. Both are in the Heartland-3.5 (HL3.5) zoning district.

This matter was adjourned/postponed from June 9, 2020. No additional written testimony or other materials will be received or accepted.

All interested parties are urged to view the hearings 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. If you previously registered to testify on June 9, 2020, you are already considered registered for this hearing. 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> .

All application materials may be viewed by request, or may be viewed on-line at: <https://www.co.door.wi.gov/AgendaCenter> .

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

Those who cannot participate remotely should call (920) 746-2323 or e-mail lriemer@co.door.wi.us so we may endeavor to facilitate reasonable access for you. Likewise, if on the day of the hearing/meeting itself you have issues with meeting “entry” methods, please call (920) 746-2323 or e-mail lriemer@co.door.wi.us so we may assist you in entering the virtual meeting.

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: June 20, 2020 & June 27, 2020

06/16/20

RB/lr

Door County Resource Planning Committee and Board of Adjustment Guidelines for Hearings Conducted “Virtually”

To mitigate the impact of COVID-19, Resource Planning Committee and Board of Adjustment hearings and meetings will until further notice be conducted as teleconference or video conference. Members of the public may observe or participate remotely via the free software application Cisco WebEx. Information on how to participate via WebEx may be found on the hearing notice or business meeting agenda.

General Information Regarding Testimony

- ~~Written testimony must be mailed, e-mailed, or FAXed to the Door County Land Use Services Department, and must be received by 3:30 p.m. the day prior to the hearing.~~ **No new written materials or letters may be submitted for the July 7th BOA hearing.**

Mail: Door County Land Use Services, 421 Nebraska Street, Sturgeon Bay, WI, 54235

E-mail: Iriemer@co.door.wi.us

FAX: (920) 746-2387

Phone: (920) 746-2323

- **Anyone wishing to offer live oral testimony for a hearing must register in advance. Registration must be received by 12:00 p.m. (noon) the day before the hearing.** You may register via mail, phone, FAX, or e-mail (please see above for all contact information options). When registering to testify, please provide the following information:
 - Full name.
 - Full mailing address.
 - E-mail address.
 - Cell phone number at which you may be reached the day of the hearing.
 - Case/project about which you wish to provide testimony.
 - Whether you wish to speak in favor or in opposition.
- All live testimony will use the free software application Cisco WebEx. Information about how to access the meeting may be found on the hearing notice or business meeting agenda.
- ~~You will not have the ability to provide handouts to committee members. Any materials you wish the committee to review and have part of the record, including anything you plan on using as a visual aid during testimony, must be received by 3:30 p.m. the day prior to the hearing so we may post them on-line.~~ **No new written materials may be submitted for the July 7th BOA hearing.**

Hearing Format

At the start of the meeting, the Chair will explain the process that will be followed for the hearings.

Staff will provide an overview of each project at the start of that particular hearing. Testimony for each hearing will be taken as follows:

- Applicant, followed by others in favor of the project.
- Testimony from anyone in opposition.
- A rebuttal round will occur if testimony in opposition has been presented.
- All testimony will be taken in the order shown on the registration list.
- Only one person at a time may speak. Please mute yourself when it is not your turn to speak.

DOOR COUNTY LAND USE SERVICES
421 Nebraska Street
Door County Government Center
Sturgeon Bay, Wisconsin 54235
(920-746-2323)

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MAR 09 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: (X) (We)

Full Name Camp Zion, Inc. Telephone No. 920 - 854 - 2790

Mailing Address P.O. Box 32

City Ellison Bay State WI Zip 54210

hereby petition(s) the Door County Board of Adjustment for a variance from Section (s) 3.06 Additional setbacks from roads for larger buildings

3.09 Front, rear, and side yards

of the Door County Zoning Ordinance which requires Large Building Setback "to reduce detrimental effects upon roadside scenery within Door County" (205' total ÷ 2= 102.5')

(X) (We) propose to Build new 6137sf footprint dining hall on HL3.5 parcel. Requesting that Large Building setback be reduced from 102.5' to 62.5'. The topography of the proposed facility site creates significant hardships for building access and egress, and even more importantly, makes safe, efficient, and ADA-compliant access to the facility extremely difficult or impossible without a variance from the Large Building Setback. We understand the intent of the ordinance, and are only asking to have the additional setback reduced, not eliminated. Approx 3/4 of the building will still be beyond the Large Building setback.

The description of the property involved in this petition is located at:

Fire # 12701 Road Door Bluff Rd. Township Town of Liberty Grove

Govt Lot 2 or $\frac{1}{4}$ - $\frac{1}{4}$ Section 2 Town 32 North, Range 28 East

Tax Parcel No. 018 - 020 - 2322 821 A1

Zoning District Heartland 3.5 Lot Size 28.46 acres

Existing use of structure or land in question

-camp playfield and recreation, since 1962 on this parcel

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:

Along the entire eastern side of Door Bluff Road, on the HL3.5 parcel, the elevation drops off abruptly. The slope is approx. a 25-30% grade in the area of the Facility main entrance (and will be 38% grade after grading is complete), 15-22' below the grade of the road. There is no easy way down to that level of the property in any location.

In the site plan area, Camp Zion owns Door Bluff road and both sides of the road through approx. 394' (along the eastern edge of the SF30 property), as well as the road and everything east of the road for the northernmost 161' of our property (555'). The setback (from ourselves) and visibility of the building is not an issue for us.

Furthermore, no easement has ever existed through a 200' portion of Door Bluff Rd. along the northernmost portion on our SF30 property.

FOR OFFICE USE ONLY

Receipt No. 858 Fee 500.00 Date 3-9-20

Hearing Advertised Dates:

Hearing Date _____ Decision _____

TOWN OF: _____

OWNER: _____

SECTION T N,R E

PARCEL NO.: 0

MAR 09 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT(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:

- 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

Granting the variance will not harm the public interest. Variance will result in a building that is significantly LESS VISIBLE to interested parties, as only the upper level will be visible, due to topography. There will be no effect on water quality, wildlife habitat, damage to property. Drainage on the property flows naturally to the southwest, on our own property, and will not impact any neighbor's property.

Camp Zion has already been doing associated use activities and recreation on the HL3.5 parcel for the past 58 years, and some level of activity and noise has existed.

The building will be located at the bottom of a hollow, further away from most neighbors. Door Bluff Rd. (private) is a natural barrier to neighbors' houses, as it lies BETWEEN neighbors' houses and the building, and sits 15-22' higher than those houses.

Electric service is already in the vicinity. Septic system will be State of Wisconsin approved.

(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.

Of primary concern, we care deeply about the safety and security of our campers and guests, and believe that they all deserve reasonable and safe access and egress to buildings, as the federal Americans with Disabilities Act and Ordinance require. The topography of the proposed facility site creates significant hardships for building access and egress, and makes safe and efficient ADA-compliant access to the facility extremely difficult or impossible without a variance from the Large Building Setback. Making children, adults, and staff, traverse up and down steep paths would be challenging, unwise, and unsafe. Similarly, making both able-bodied and special needs campers walk or navigate wheelchairs approx. 520' along Door Bluff Road and Door Bluff Lane to get down to the lower level of the building would place them at risk from vehicle traffic, cause them needless extended exposure to the elements during inclement weather, and make access difficult or impossible for elderly and special needs guests. Tucking the building further west into the existing hill would result in a more reasonable distance for a handicapped person to access the building, a shorter and less obtrusive structure for the ADA-compliant access path, and less of an intrusion into green spaces.

The CZO includes an exemption for "(f) Structures such as ramps and landings, lifts, or elevator housing which are designed and intended to comply with the requirements of the Americans with Disabilities Act or fair housing laws to make existing buildings accessible to disabled people, and where no feasible alternative locations exist." That exemption references existing buildings, but its purpose is consistent with that of the ADA and Ordinance as a whole to ensure reasonable and safe access for all guests.

- 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

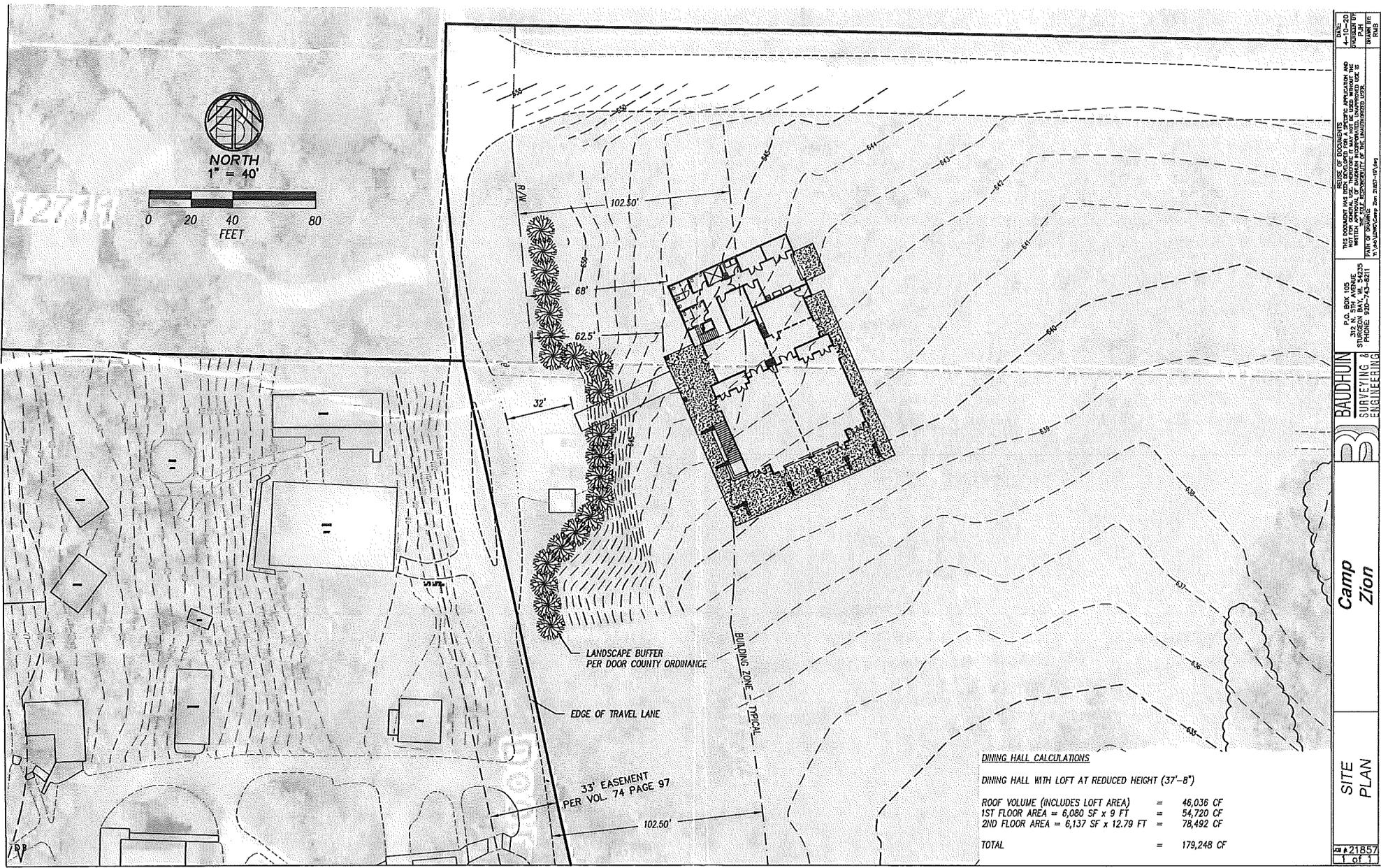
DATE:



3/9/2020

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.



BAUDHUIN
SURVEYING &
ENGINEERING

Camp
Zion

SITE
PLAN

21857
of 1

HOUSE OF CHURCHES
THIS DOCUMENT HAS BEEN PREPARED FOR A SPECIFIC APPLICATION AND
WITHOUT APPROVAL OF ANY AGENCIES. IT IS NOT TO BE USED FOR ANY
PART OF A BUILDING. RESPONSIBILITY IS THE UNDERSIGNED'S SOLE.
17445/Urban/Comp. Date: 2/15/17 BY: RMB

P.O. BOX 105
302 N. 5TH AVENUE
ST. JOSEPH, MO 64504
PHONE: 920-743-8211

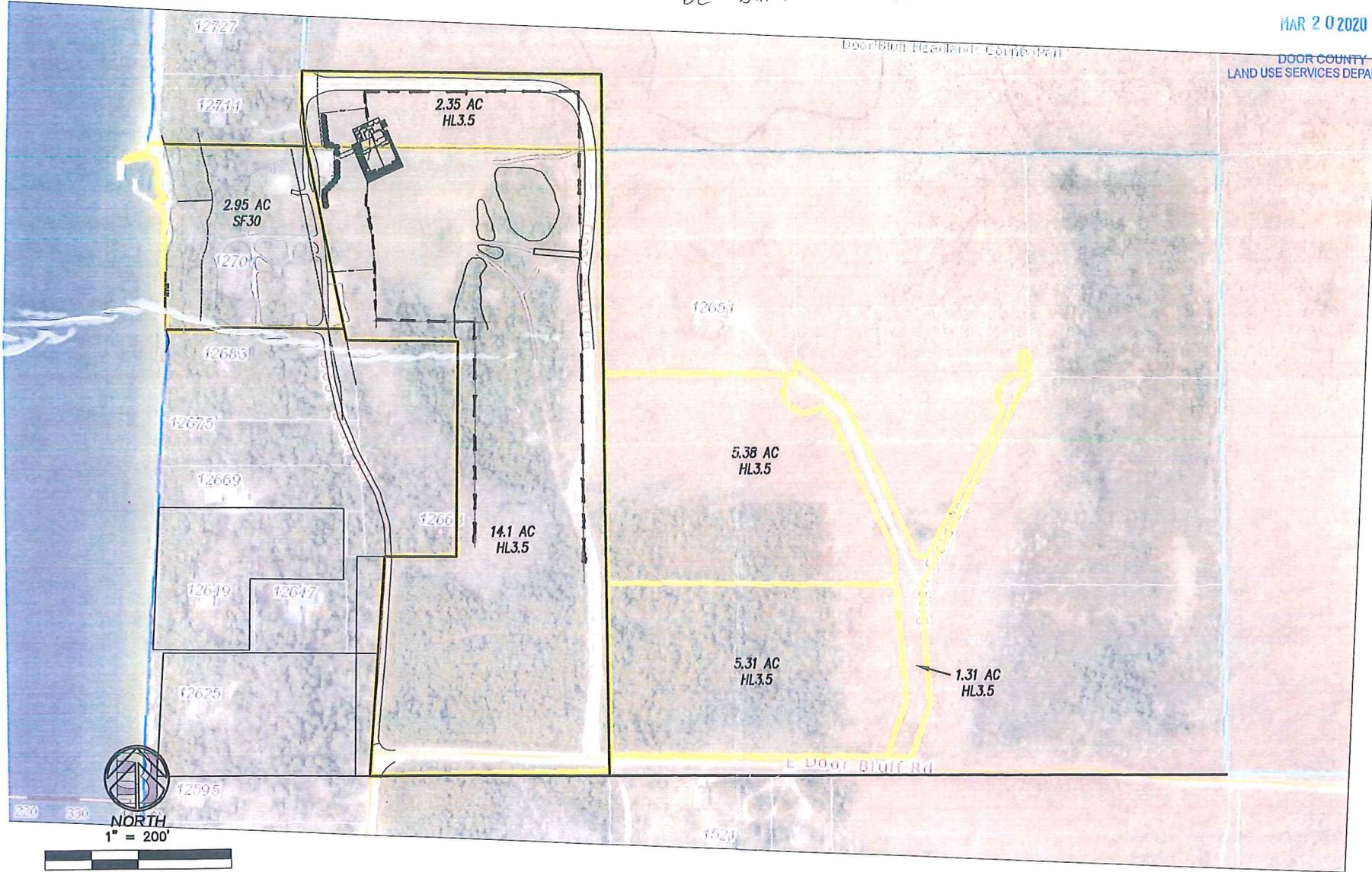
DATE:
4-10-20
PREPARED BY:
DRAWN BY:
RMB

--- = Setback lines on northern portion of Tax Parcel No. 018-02-02 322821A1
 and on Tax Parcel No. 018-04-35332814A2
 (Note: Area inside of dashed line could be built on without variance.)

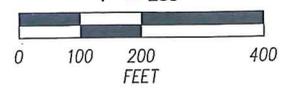
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MAR 20 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT



DATE 3-20-20	PREPARED BY BAUDHUIN SURVEYING & ENGINEERING	TITLE PROPERTY EXTENTS SITE PLAN
THIS DOCUMENT HAS BEEN DEVELOPED FOR A PARTICULAR PROJECT AND IS NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN APPROVAL OF BAUDHUIN SURVEYING & ENGINEERING.	P.O. BOX 105 STURZEN BEY, WI 54535 PHONE: 920-743-8211	SCALE 1" = 200'
BAUDHUIN SURVEYING & ENGINEERING	Camp Zion	21857

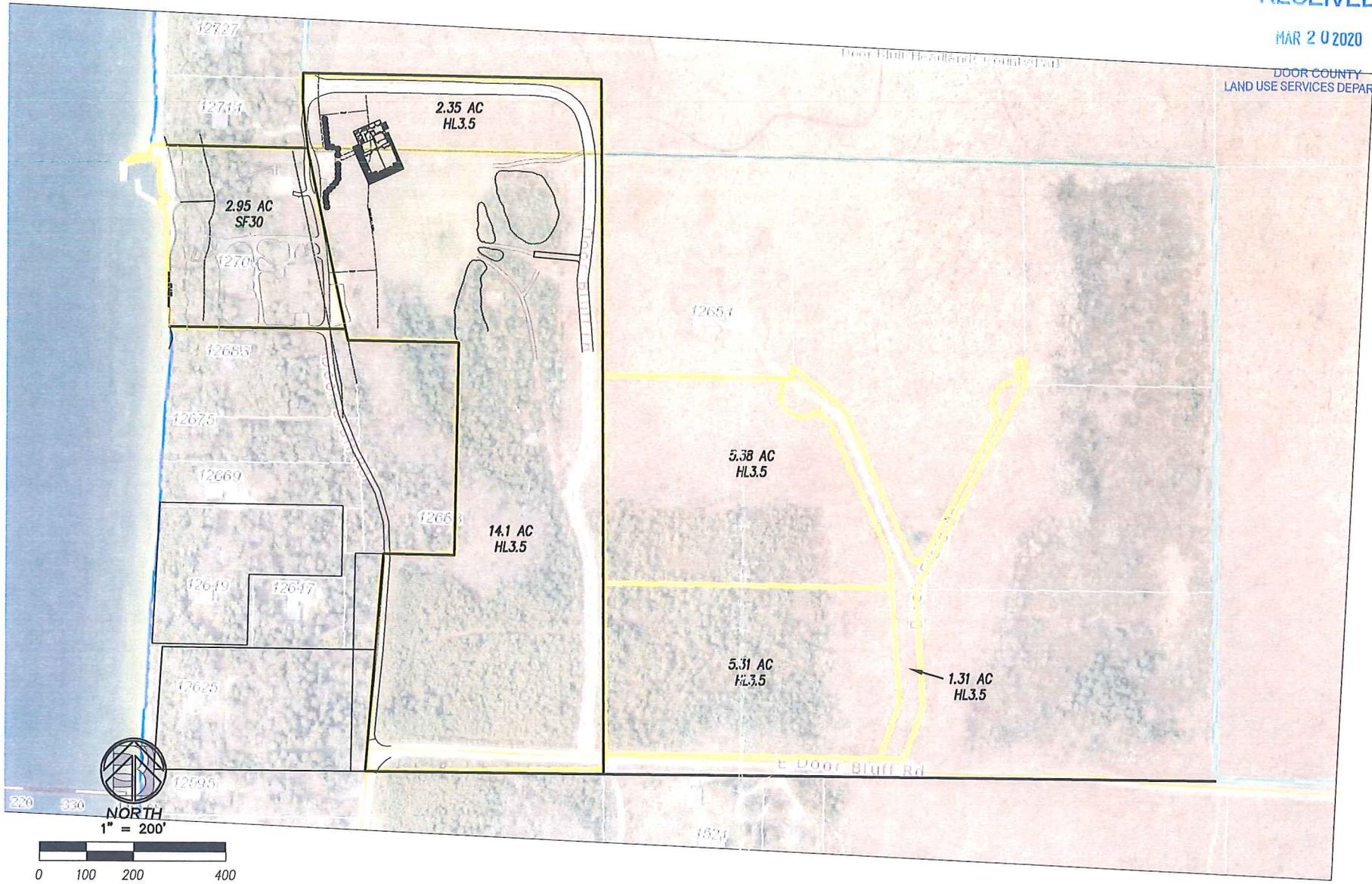


VP

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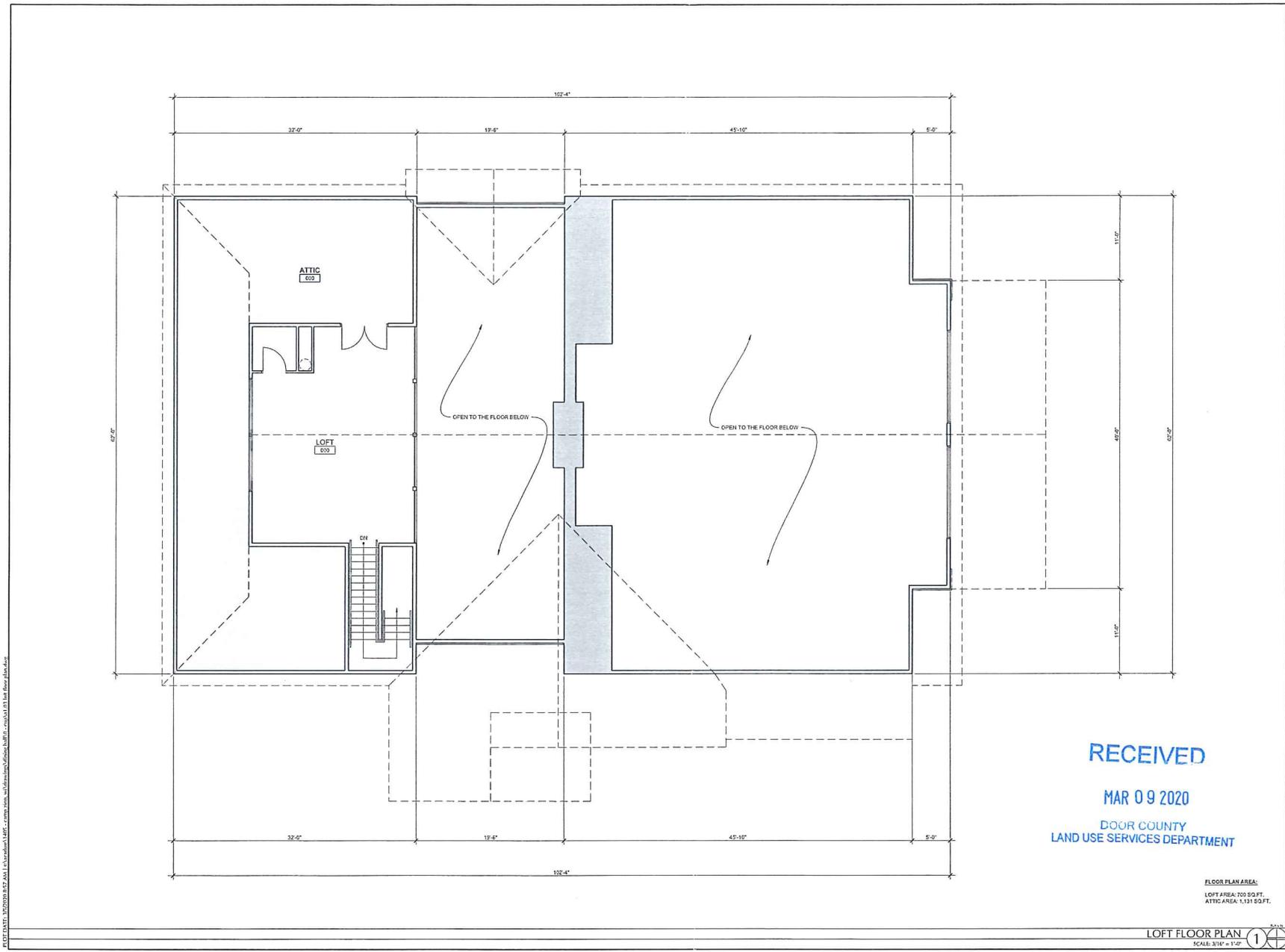
MAR 20 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT



THIS DOCUMENT HAS BEEN DEVELOPED FOR A SPECIFIC APPLICATION AND INTENDED FOR THE USE OF THE CLIENT. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN APPROVAL OF BAUDHUIN SURVEYING & ENGINEERING.
P.O. BOX 105 3012 N. 8TH AVENUE SUITE 105 PHONE: 920-745-8211 FAX: 920-745-8212
BAUDHUIN SURVEYING & ENGINEERING
Camp Zion
PROPERTY EXTENTS SITE PLAN
21857 of 1

RP



101 Second Ave, Suite A
 Nivot, Colorado 80544-0036
 phone: 303.443.3750
 fax: 303.443.3903
 email: info@flaboulder.com
 www.flaboulder.com

Camp Zion
 PROPOSED NEW DINING HALL
 ELLISON BAY, WI
 A1.03 - LOFT FLOOR PLAN

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

Project Number:
 FLA1405
 Project Phase:
 csp

Drawn:
 SRM
 Checked:
 TDL

Set Date:
 01/31/2020 | project milestone
 Revisions:

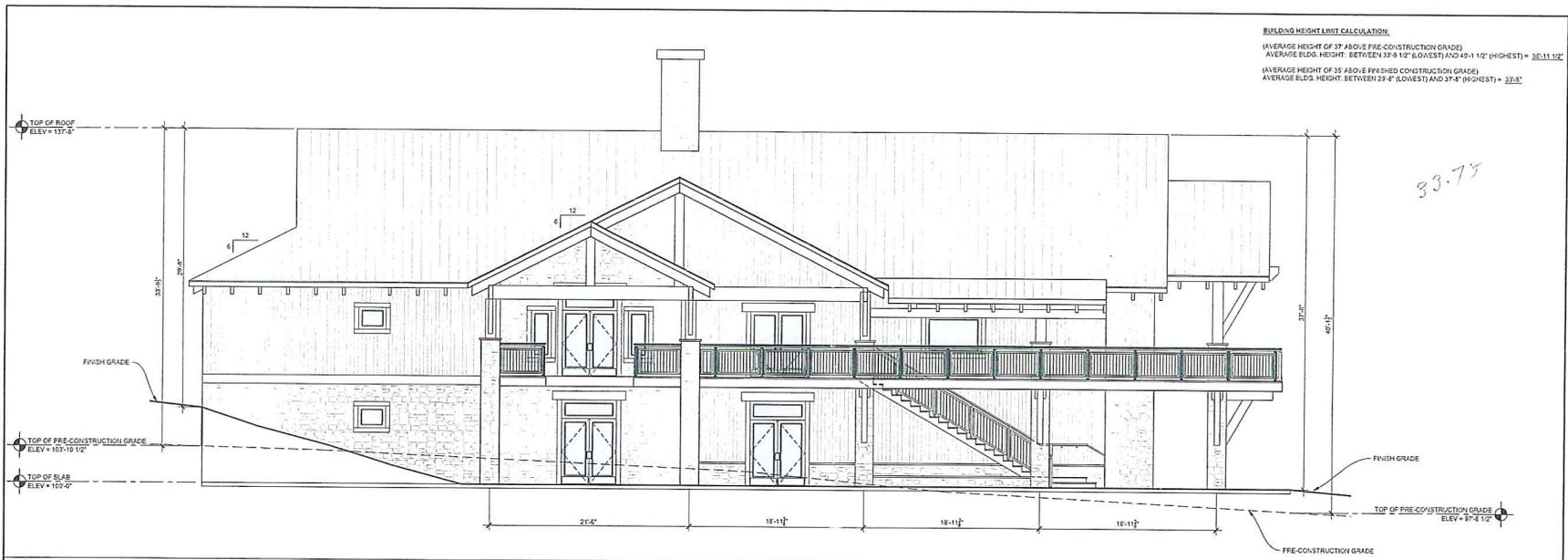
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 MAR 09 2020
 DOOR COUNTY
 LAND USE SERVICES DEPARTMENT

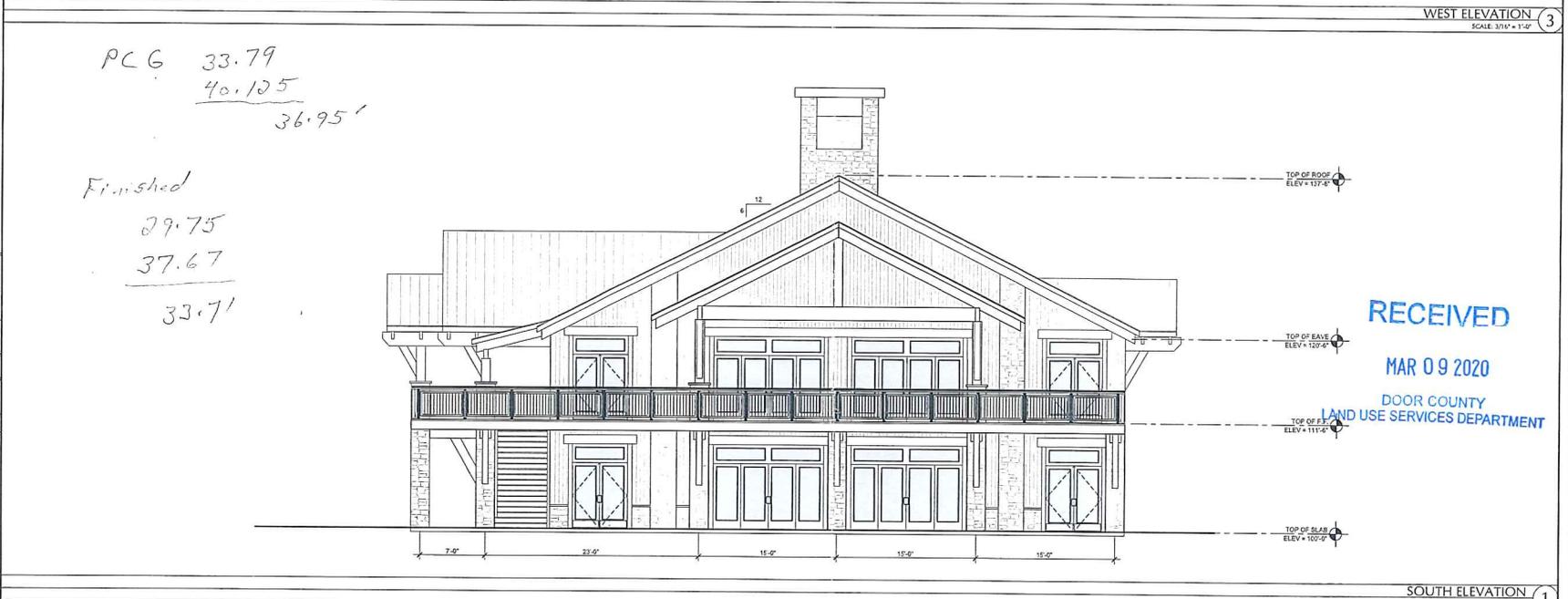
FLOOR PLAN AREA:
 LOFT AREA: 700 SQ. FT.
 ATTIC AREA: 1,131 SQ. FT.

LOFT FLOOR PLAN
 SCALE: 3/16" = 1'-0"

PROJECT: 12701 DOOR BLUFF ROAD, ELLISON BAY, WI - CAMP ZION, 12701 DOOR BLUFF ROAD, ELLISON BAY, WI
 DATE: 01/31/2020
 DRAWN BY: SRM
 CHECKED BY: TDL
 SCALE: 3/16" = 1'-0"



WEST ELEVATION 3
SCALE: 3/16" = 1'-0"



SOUTH ELEVATION 1
SCALE: 3/16" = 1'-0"



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

Camp Zion
PROPOSED NEW DINING HALL
ELLISON BAY, WI
A2.01 - ELEVATIONS

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

Project Number:
FLA1405
Project Phase:
cup

Drawn:
SRM
Checked:
TDL

Set Date:
01/05/2020 1project.milestone
Revisions:

A2.01

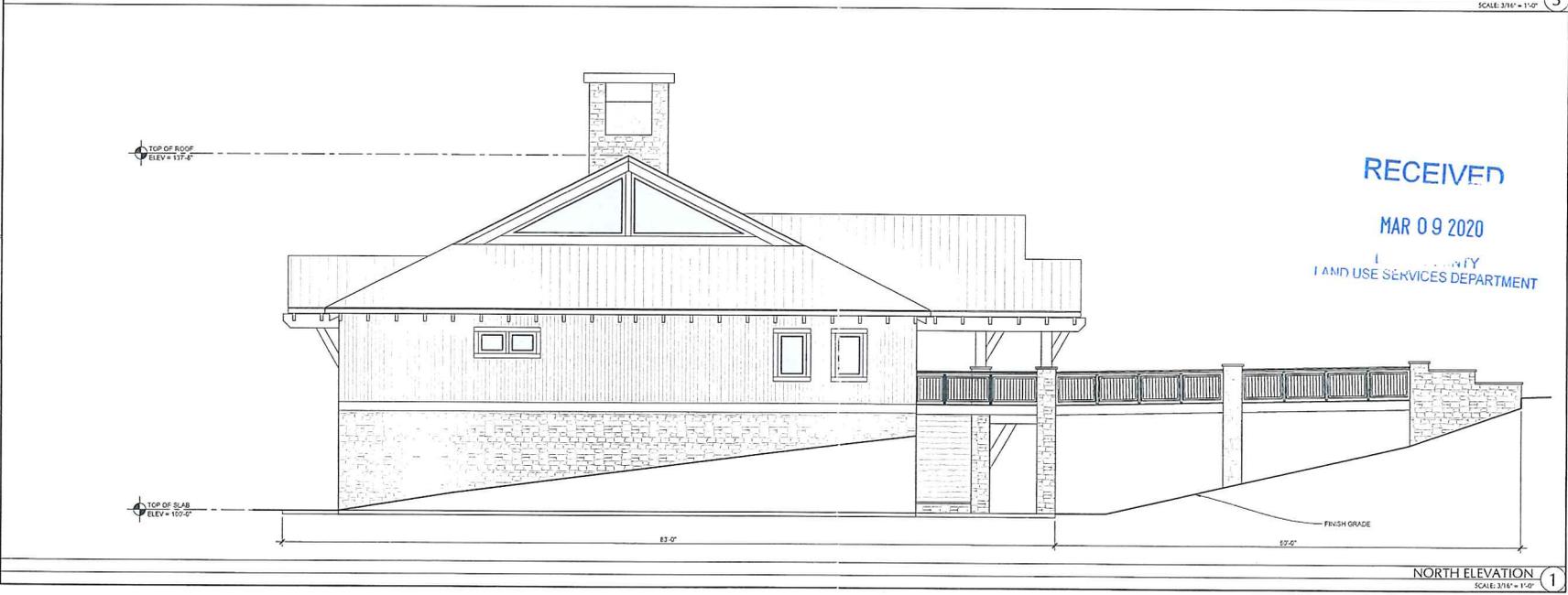
RECEIVED
MAR 09 2020
DOOR COUNTY
LAND USE SERVICES DEPARTMENT

PLOT DATE: 10/20/2019 8:57 AM I:\projects\14114\working\14114\working\14114.dwg



BUILDING HEIGHT LIMIT CALCULATION:
 (AVERAGE HEIGHT OF 37' ABOVE PRE-CONSTRUCTION GRADE)
 AVERAGE BLDG. HEIGHT: BETWEEN 29'-0" (LOWEST) AND 45'-1 1/2" (HIGHEST) = 37'-1 1/2"
 (AVERAGE HEIGHT OF 35' ABOVE FINISHED CONSTRUCTION GRADE)
 AVERAGE BLDG. HEIGHT: BETWEEN 27'-0" (LOWEST) AND 37'-0" (HIGHEST) = 32'-0"

EAST ELEVATION 3
 SCALE: 3/16" = 1'-0"



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 MAR 09 2020
 LAND USE SERVICES DEPARTMENT

NORTH ELEVATION 1
 SCALE: 3/16" = 1'-0"



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

Camp Zion
PROPOSED NEW DINING HALL
 ELLISON BAY, WI
 A2.02 - ELEVATIONS

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

Project Number:
 FLA1405
 Project Phase:
 cup

Drawn:
 SRM
 Checked:
 TDL

Set Date:
 01/02/2020 1 project milestone
 Revisions:

A2.02

PLOT DATE: 3/20/2020 8:50 AM J:\work\2020\1405 - Camp Zion - Niwot\1405 - Camp Zion - Niwot\1405 - Camp Zion - Niwot.dwg

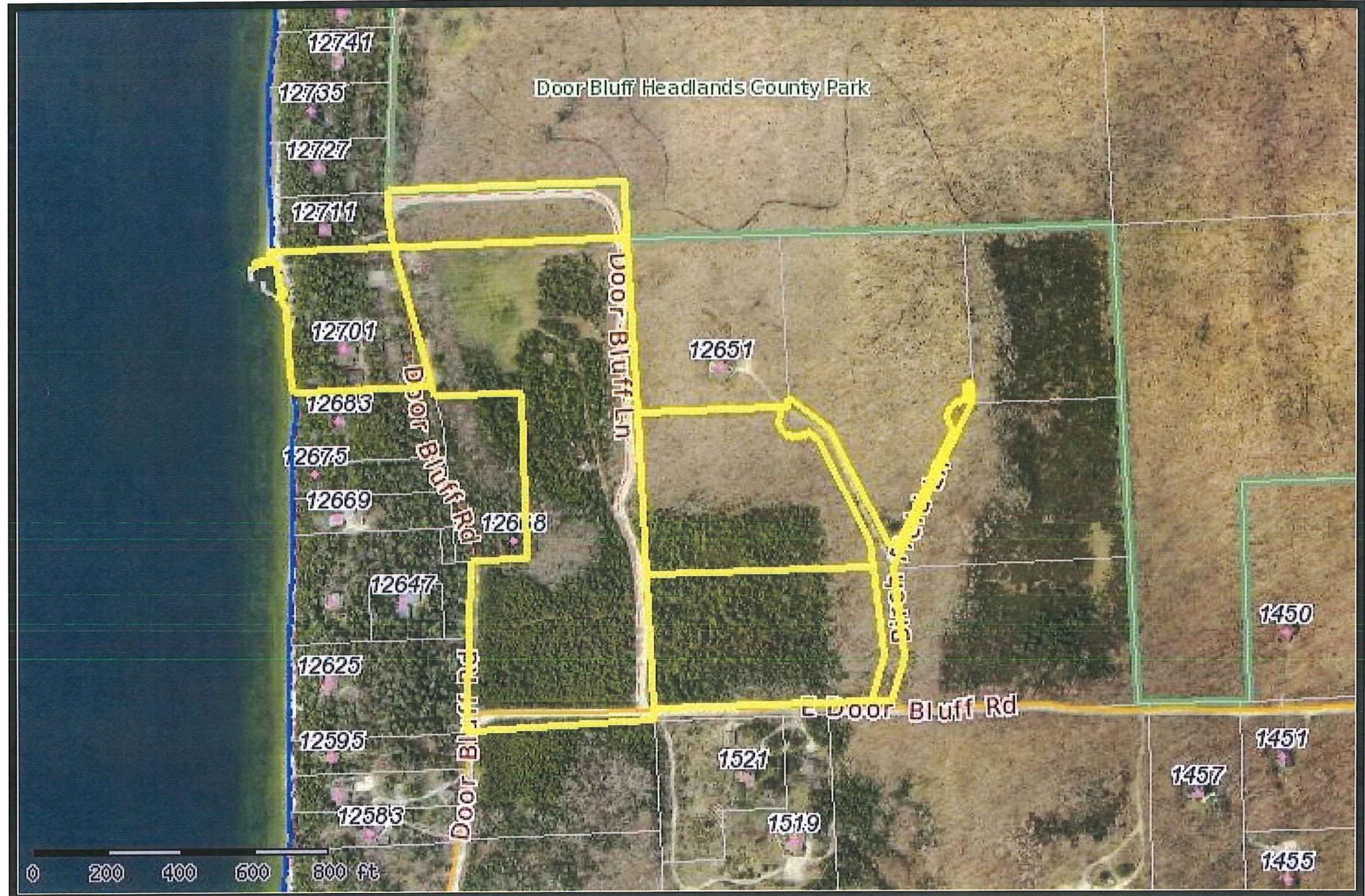
Map

Printed 04/10/2020 courtesy of Door County Land Information Office

... from the Web Map of ...
(//www.co.door.wi.gov)



Door County, Wisconsin
... for all seasons!



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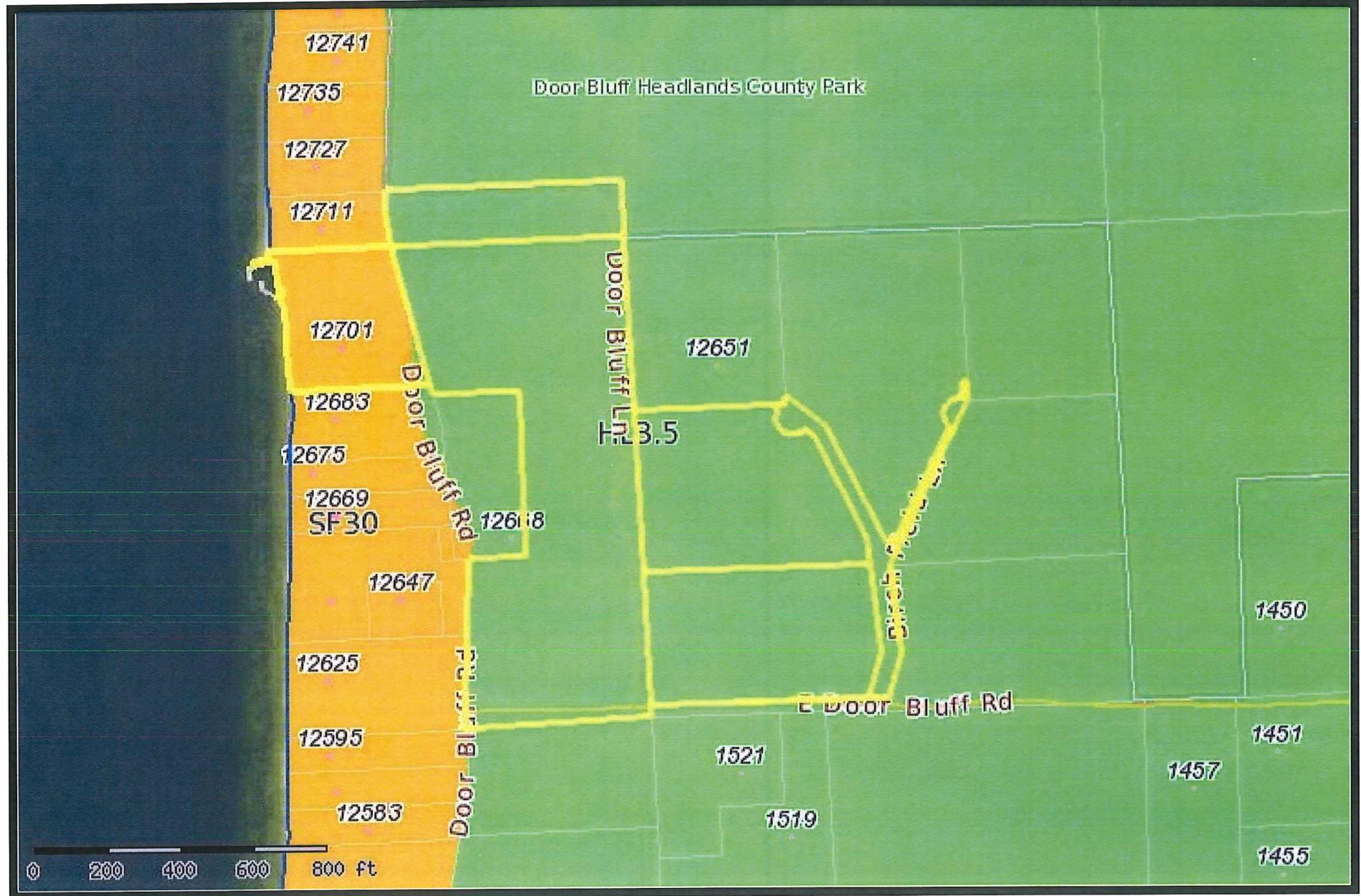
Map

Printed 04/10/2020 courtesy of Door County Land Information Office

... from the Web Map of ...
([//www.co.door.wi.gov](http://www.co.door.wi.gov))



Door County, Wisconsin
... for all seasons!



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.

**Camp Zion
Dining Hall & Meeting Room Conditional Use Permit
Project Narrative & Information*, 2020**



RECEIVED

MAR 09 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

March 9, 2020

Door County Land Use Services Staff and
Resource Planning Committee
421 Nebraska Street
Sturgeon Bay, WI 54235

Dear Staff and Committee:

INTRODUCTION & OBJECTIVE

On behalf of Camp Zion, Inc., we are submitting this narrative in conjunction with our request for a Conditional Use Permit to construct a facility on our Heartland 3.5 property for dining, meeting, recreation, education, and other activities customary for a religious Institutional Recreation Camp. The Facility will be located on our 28.46-acre site at 12701 Door Bluff Road, Ellison Bay, Parcel ID #018 0202322821A1, zoned HL 3.5 under the Door County Comprehensive Zoning Ordinance. We look forward to working with Ms. Goode, Mr. Brauer and the Land Use Services Department to ensure that this application meets the Ordinance requirements.

This narrative supports both the CUP and the Variance applications. In light of a few area residents who seem opposed to Camp Zion developing its property in any way, also enclosed for consideration by Door County Corporation Counsel is a legal memorandum addressing issues related to the federal Religious Land Use and Institutionalized Persons Act.



CAMP ZION'S MISSION

Camp Zion exists to supplement the ministries of churches and other organizations by providing camping and retreat experiences that help participating individuals find and grow a relationship with God.

CAMP ZION'S CORE VALUES

We value:

- Our heritage, the vision of founders, and the need to continue their progressive innovation;
- The call to challenge one another, and those we serve, to love the Lord our God with all our heart, mind, soul, and strength, and our neighbors as ourselves;
- The presentation of the Gospel to all campers and guests;
- God-honoring, outdoor oriented, creative and fun programming;
- Our core team of committed, trained and caring staff, who are believers in Jesus Christ;
- The natural environment;
- The use of volunteers in a variety of support roles;
- Our campers and guests as our priority during their stay;
- The provision of a safe, secure, and clean setting;
- Maintaining a positive relationship with the surrounding community.

Camp Zion
Dining Hall & Meeting Room Conditional Use Permit
Project Narrative & Information*, 2020



COMMUNITY/HISTORICAL NEED

Brief background information on the Camp's existing SF30 grandfathered parcel will be helpful in explaining how the Facility on the adjoining HL3.5 site is essential to the education, dining, recreation, and other customary activities that are integral to the Camp's Christian mission and programming.

Camp Zion was founded in 1946 to provide Christ-centered outdoor experiences for children, youth and adults as a ministry of what was then known as the Christian Catholic Church (the name was changed to Christ Community Church of Zion, Illinois in 1997). Christ Community Church continues to be the parent organization and owner of Camp Zion, Inc., a properly qualified, 501(c)(3) tax-exempt, religious corporation.

Christ Community Church is a member of the National Association of Evangelicals. Camp Zion is licensed by the State of Wisconsin as a Recreational/Educational Camp, and is a charter member of the Christian Camp & Conference Association, which has around 900 member camps.

CAMP ZION'S PROPERTY

In 1947, access to the first Camp Zion property was via a crude, narrow, logging trail, on what is now the private portion of Door Bluff Road. (See section on setbacks below.) At that time, there were very few, if any, homes along the private section of Door Bluff Road, and none of the current Door Bluff Road property owners had yet purchased or inherited their property. Modern zoning ordinances had not been established.

Today, Camp Zion owns 28.46 acres on the HL3.5 parcel, and 2.95 acres in SF30, for a total of 31.41 contiguous acres of land in the Door Bluff area. None of our property has any deed restrictions or covenants from previous owners.

Shorefront Property

- Camp Zion was first held on the Beard Farm on Door Bluff Road, in 1946, in exchange for picking cherries on the farm.
- In 1947, the Church purchased 1.48 adjacent acres in Recreation zoning from Adolph & Julia Roeser.
- In 1953, an additional and adjacent 1.47 acres in Recreation zoning was purchased from Harvey & Clara Olson. (The signed deed for this parcel was misplaced, and not recorded until 2001.)
- Camp Zion has been operating uninterrupted at this location ever since.

HL3.5 Site/Area (East of Door Bluff Road)

- In 1961, the Church entered into a written rental agreement with Richard and Walter Hannenberg to use approximately 3 acres of adjacent land for outdoor recreational activities, team competitions, star-gazing, skills classes, etc. This agreement was in effect for 39 years, from 1962 to 2001.
- In September of 2001, the Camp purchased 14.5 adjacent HL3.5 acres from the Hannenbergs, including the property that had been previously rented. This purchase included all of the private portion of Door Bluff Road south of the Passow property to Door Bluff Road, as well as Door Bluff Road through the original Camp property up to the north property line.
- In 2004, the Camp gifted a portion of the 14.5 HL3.5 acres on the west side of Door Bluff Road to Dean & Polly Warner, and later, a similarly sized portion to Rick Emmert (approx. 0.4/acre total). The Camp retained full ownership of Door Bluff Road in this area.

Camp Zion
Dining Hall & Meeting Room Conditional Use Permit
Project Narrative & Information*, 2020



- In 2007, Jeanette Hidding donated 2.35 acres of adjacent HL3.5 land to the Camp.
- In 2016, the Camp purchased 12.01 acres of adjacent HL3.5 land from the Hannenbergs.

THE ESSENCE OF CAMP

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. The Camp program has always included summer youth camps and week-end or multi-day group retreats for children and adults throughout the year. All groups understand and agree to our rules and guidelines, know that we serve a spiritual purpose, and are ultimately under control of the Camp staff.

Camp life is focused on group activities: meals, games, competitions, crafts, skills classes, recreation, Bible Studies, meetings, cabin groups, etc. By way of example, campers attending our sessions may eat together as a group, and then 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.

Like most not-for-profit organizations, we depend on many volunteers who serve gladly throughout the year, and generous donors who believe in the mission of Camp Zion. 75% of the Camp Zion operating budget comes from camper and guest fees, 25% comes from donations. Capital improvements are 100% funded by donations.

SIMILARITIES WITH OTHER ORGANIZATIONS

Obviously, Camp Zion, an institutional recreation camp, has existed at 12701 Door Bluff Road on adjacent SF30 land for the past 73 years.

According to a 1/30/20 DATCP memo, there are 240 recreation camps in Wisconsin. 66 of those camps are Rec/Ed camps, licensed and inspected by the State of Wisconsin, of which Door County has 3 – St. Joseph Formation Center, Birch Creek Music Center, and Camp Zion. A camp is not a commercial enterprise competing with other local businesses. (Our campers sleep in bunkbeds with a group of other people, not in private rooms.) If a camp has any competition at all, it is friendly competition from other camps.

Birch Creek and St. Joseph's Formation Center have both grown their programs and expanded their facilities in recent years. Birch Creek added a new kitchen/dining hall and classroom addition in 1998, expanded sleeping quarters for counselors and interns in 1999, and added three new buildings in 2008.

The Clearing, just 3 miles down the road from Camp Zion, offers group classes and programs. Though not a camp, The Clearing shares many similarities with Rec/Ed camps ("*...where ordinary people could, as the name implies, "clear one's mind" by reconnecting with nature and with one another*"). The Clearing continues to update and add buildings to enhance their guests' experiences and grow their program. The addition of the Jens Jensen building, and more recently, the Forge building, are wonderful features of our community.

While each of these organizations is unique, they share many similarities in their programs and operations. All are not-for-profit organizations, collect fees for their programs, provide lodging, serve meals, and utilize the words "retreats" and "camps" interchangeably in their promotional publications. Like Camp Zion, The Clearing even rings a school bell to call their guests to meals, which are eaten together in a group setting.

The world is a better place because of not-for-profit organizations like St. Joseph's, Birch Creek, The Clearing, and Camp Zion! They need be encouraged to grow, thrive, and be sustainable.

Camp Zion
Dining Hall & Meeting Room Conditional Use Permit
Project Narrative & Information*, 2020



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, the free gift of salvation through Jesus Christ, truths of the Bible.
- Learn about respect for and cooperation with others.
- Spend time outside.
- Experience and gain appreciation for the natural environment, God's creation.
- Learn new skills, try new things.
- Learn appreciation and respect for our Country.
- Unplug, unwind.
- Interact with positive adult role models.
- Enjoy fellowship with others.
- Enjoy and learn skills, hobbies, activities.

CAMP ZION OFFERS

- Summer youth camps.
- Fall & winter youth group retreats.
- Fall & spring adult group retreats.
- Family and parent/child camps.
- Guest group retreats and camps for churches, schools, organizations. We work with group leaders, helping them develop their programs, and maintain ultimate control of all groups.
- Free community snow-tubing days
- Availability to local churches, schools, and groups for meetings, dinners at minimal or no charge.
- Fourth of July complimentary Community Breakfast and Open House, attended by approximately 300 neighbors and friends.
- Prior to Door County's purchase of the adjacent Hidding Managed Forest Land, Camp Zion staff cleared brush and fallen trees on hiking and ski trails with permission from the Hidding family. We stand ready and willing to offer our services to the Door County Parks Department to help maintain the trails for the benefit of all, at no expense to the County.

RECENT YEARS

In 1998, the decision was made to establish a full-time camp director position in order to better assess and care for facility and upkeep needs, keep up with increasing health and safety codes, train staff, steward the program, and operate the Camp more consistently throughout the year.

Executive Director Dale Stewart and family moved permanently to Ellison Bay in 2000, and built a home in Gills Rock in 2001. In 2017, we hired full-time Operations Manager Matthew Gillmore, who moved to Ellison Bay with his young family, and is currently renting a home that the Camp owns and pays taxes on.

Camp Zion summer camps attendance has increased during the past 20 years, while remaining under the SF30 capacity of 140. Camp Zion's success is really quite simple; people want to send their children to a well-run program, that meets their spiritual, recreational, and social needs, in a beautiful setting, apart

Camp Zion
Dining Hall & Meeting Room Conditional Use Permit
Project Narrative & Information*, 2020



from the daily routine. For the same reasons, adults have also been attending group retreats for over 70 years.

PAST CUPS & PERMITS

Camp Zion strives to be in compliance with all local, state and federal laws and ordinances, and CUPs.

Camp Zion has diligently applied for and received applicable 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 dock and dredging permits, Town of Liberty Grove driveway permit, Underground Storage Tank (gasoline tank) removal and above-ground gasoline tank replacement permits, and even swim area buoy and fireworks permits.

During our 1984 CUP process, the only objection to the granted CUP was from the next-door neighbors and friends Diane Nelson & Nancy Walser, and related to the issues of parking and traffic. They filed an appeal, but **before** the ZBOA ruled on the matter, a satisfactory “gentlemen’s agreement” was reached between the Nelson & Walser families and the church, and the families dropped their appeal. The Walser family has written numerous letters of support for us over the years (including one as recent as January, 2020), indicating that they were very happy with this agreement between friends, and that they had no problem whatsoever with the Camp’s operations, facilities, or parking. The 1984 CUP has been well and truly settled, and in effect without issue or controversy for 34 years.

During our **2001 CUP** application and hearing processes for the Fireside Lodge dormitory on the SF30 parcel, there were **zero objections** from **any** neighbor or regulatory agency over any issue.

The 2015 CUP was initially granted by the RPC, and later removed by the ZBOA, upon appeal.

A WORD ABOUT OUR SF30 CAPACITY

The 1984 CUP process did not set a limit on the overall capacity of the Camp. *“The Resource Planning Committee did not request information on potential camp capacity overall nor set a maximum occupancy number when issuing the permit.” – Rick Brauer, Oct. 3, 2017.*

Prior to the Camp applying for a CUP for a new dorm building in 2001, Door County Senior Zoning Administrator Dave Sautebin did an onsite inventory of beds to better define the maximum occupancy, determined that we had between 140-156 beds, and noted that in our file. He referenced the capacity number of 140 again in a December 26, 2012 letter. The current Land Use Services staff has affirmed the same capacity of 140 on the SF30 land.

Camp Zion abides by the stated capacity as determined by the County. In both the 1984 and 2001 CUPs, we did in fact replace “bed for bed” as we stated in the applications. **We have never exceeded the capacity of 140 persons on our SF30 parcel.**

WHAT ABOUT PROPERTY VALUES?

Though there are occasional fluctuations in assessed values for almost all Door County properties, the overall trend of property values on Door Bluff has been upward. The attached data (Addendum A) from the Door County government website is derived from the assessed value of the properties and improvements on the private portion of Door Bluff Road.

Door Bluff property values were not negatively affected after the 1984 CUP was granted, nor did property values decrease after the 2001 CUP was granted. The Assessor’s Office periodically reviews and issues assessment corrections on properties in certain areas. In 2015, the Assessor’s Office did a revaluation of the Town of Liberty Grove, and used sales three years prior to derive an assessed value.

Camp Zion
Dining Hall & Meeting Room Conditional Use Permit
Project Narrative & Information*, 2020



At that time, properties were selling below the assessed values throughout the Town, not just in the Door Bluff area. In a recent email, the assessor indicated that he anticipates that values should be higher at the next revaluation.

Interestingly, The Clearing and Birch Creek Music Center have grown their programs and added buildings, and their neighbors' property values have generally gone up. Camp Zion cares for its facilities and property, and offers a quality program. Camp Zion has not negatively affected property values or dissuaded current residents from purchasing their nearby homes in the past, and there is no reason to think this facility will do so in the future.

HISTORY & PURPOSE OF THE 2020 DINING HALL PROJECT

Discussions have been underway for more than thirteen years about the need for expanded space for meeting, dining, and other Camp Zion activities. Our lack of meeting space has been a hindrance to current and potential groups, limiting the amount and types of indoor activities we can offer and accommodate. The present aging dining hall, completed in 1986, does not adequately service our capacity, and the kitchen is out of date and inefficient. The present dining hall was designed for 94 people at a time when the building code required only 10 square feet per person, compared to today's code which requires 15 square feet per person. Due to setback requirements, density and impervious surface issues, adding on to the existing building is not practical or feasible.

As previously stated, this proposal is to construct a Facility on our Heartland 3.5 property for dining, meeting, recreation, education, and other activities customary for a religious Institutional Recreation Camp. The Door County Land Use Services Department recognizes that the proposed site is in a separate and distinct zoning district from our SF30 property, and that prior CUPs on the SF30 land are not applicable on the HL3.5 land. There are currently no buildings on this 28.46-acre parcel. The Facility footprint for this project will utilize approximately 0.253 acres, or **0.89% of the available 28.46 acres**, (including the building, patio, service drive, and 2 parking spots).

To this end, Camp Zion enlisted the professional assistance of Fletemeyer & Lee Associates (a national firm specializing in camp & conference center planning & design), and Baudhuin & Associates (a local civil engineering firm) to design a new Facility which includes a dining hall, kitchen, and spaces for meeting, worship, education, recreation, etc. The purpose of the planned improvement is to:

- Enhance the guest experience,
- Meet the increasing demand for nicer, more guest-friendly venues,
- Replace insufficient and outdated meeting and dining facilities,
- Better service the allowable capacity,
- Improve the overall Camp operations,
- Meet the needs of a broad base of user groups – youth, families, and adults – throughout the year, and,
- Be sustainable into the future. Camp Zion is small relative to most other Wisconsin camps. By encouraging attendance closer to our existing capacity, certain fixed costs (e.g. advertising, salaries, accounting) can be distributed over a larger number, helping Camp Zion better manage expenses.

Over the past several years, we have sought the wisdom and counsel of individuals from the Town of Liberty Grove Planning Commission & Town Board, Door County Land Use Services Department, engineering and architectural professionals, citizens, Camp Zion board and donors, and attorneys. Town and County officials have been helpful and instructional, and have treated us with courtesy and respect.

Camp Zion
Dining Hall & Meeting Room Conditional Use Permit
Project Narrative & Information*, 2020



The collective wisdom of these conversations has resulted in plans for an attractive and functional facility with a smaller footprint than the one proposed in 2015, and that meets our need for additional meeting and dining spaces; in keeping with the character of other Camp Zion buildings, the surrounding community, the Town of Liberty Grove, and Door County.

The Facility will be used to offer and enhance Camp activities and programs that provide our campers the finest camp experiences possible, comparable to and consistent with customary activities and programs offered by similar camps throughout Wisconsin and across America.

While it might be possible to maintain the existing dining hall on the SF30 parcel and construct a separate dining hall on the HL3.5 property, it is our intention to relocate kitchen and dining areas to the new facility on our HL3.5 parcel. The upper level of the new building will be for kitchen, dining and casual spaces, the lower level will give us better options for meeting, education, and indoor recreation spaces. We intend to re-purpose the lower level of the existing SF30 dining hall into spaces that will likely include an expanded canteen where campers can purchase treats and apparel, lounge areas, ping-pong, game room, Camp offices and, when needed, additional meeting room spaces. Regardless of any possible changes to the existing dining hall, the overall result will be a **less-intensive use facility** on the SF30 parcel. The upper level of the existing dining hall will continue to be used for summer staff quarters or guest rooms.

Vehicle traffic in and out of Camp Zion has been fairly consistent for at least the past 20 years. We plan to relocate some existing parking spots and add an appropriate number of unobtrusive parking spots in various locations on the HL 3.5 property.

Not-for-profit organizations are permitted to grow, take in income, defray expenses, and improve their programs to work toward long term-viability and sustainability. This is simply good stewardship. As our program has grown, we have been able to hire additional staff, who live and work in our community. Our ability to better serve the Camp's guests translates into more of them coming back to experience the beauty of Northern Door as vacationers and property owners in other locations, which in turn translates into greater contributions to the local and regional economy.

INSTITUTIONAL RECREATION CAMP ACTIVITIES

The new facility will enable the Camp to continue more effectively the same types of programs and activities it has offered throughout its history.

Both the State of Wisconsin and the Door County Zoning Ordinance definitions of a camp are non-restrictive, and do not prescribe who may attend a camp, how often they attend, how long they stay, what types of activities are allowable, etc.

The State of Wisconsin definition of a Recreational/Educational camp states (ATCP § 78.03 Definitions):

(5) "Camp" means a premises, including temporary and permanent structures, that is operated as an overnight living quarters where both food and lodging or facilities for food and lodging are provided for children or adults or both children and adults for a planned program of recreation or education, and that is offered free of charge or for payment of a fee by a person or by the state or a local unit of government.

The Door County Zoning Ordinance definition of an Institutional Recreation camp states (Ord. § 13.02):

Institutional Recreation Camp: An area containing one or more permanent buildings used periodically for the accommodation of members of associations or groups for recreational purposes.

**Camp Zion
Dining Hall & Meeting Room Conditional Use Permit
Project Narrative & Information*, 2020**



CORE VALUE: THE NATURAL ENVIRONMENT

Camp Zion values the natural environment, which we believe displays the beauty, love, and awe of God’s creative work. The trees, bluffs, Green Bay, and topography of Door Bluff all contribute to what makes Camp Zion special to our campers and staff. We have a good record of protecting our portion of the Niagara Escarpment, having cut precious few trees in that zone. We are committed to maintaining green spaces on our property. (Addendum B, letter from DNR forester Bill Ruff)

It should be noted that a two-dimensional rendering of the Camp property does not adequately describe the significant topographical and dense vegetation factors of the Door Bluff area. The various hills and ridges, thick arborvitae (cedar), and various hardwood trees help shield houses, buildings, and facilities from public view, and also help reduce noise for both residents and the Camp.

The State of Wisconsin must approve waste-water and sewage systems for a camp. Baudhuin, Inc. is designing a new septic system, which will be approved by the State of Wisconsin. Camp Zion will work with Land Use Services staff to ensure that natural resource protection ordinances are followed.

COMPARISONS WITH 2015 CUP

Since the 2015 CUP experience, we have been working hard to eliminate or minimize the issues that were given as reasons for denial. That CUP process was disappointing, but we have accepted the end-result as part of God’s plan for Camp Zion.

2015 Objections Given	2020 Progress Toward Solutions
Camp did not own enough land (12 acres short)	Acquired 12.01 additional acres in 2016
Expanding use of grandfathered SF30 parcel	New site is on HL3.5, which allows for camps (w/CUP)
Door Bluff Lane was too dusty	Chip-sealed Door Bluff Ln. AND a portion of Door Bluff Rd
Building would damage the escarpment	New site plan is approx. 378’ away from escarpment.
Building was too close (75’) to the nearest northern neighbor.	Proposed building is approx. 264’ away from the nearest northern neighbor, at a lower elevation.
Building was too large at 6400 ft ²	Building footprint reduced to 6137 ft ² . Town has recently approved 5300 ft ² and 5900 ft ² homes in the area. Town voted to eliminate the 5000 ft ² max restriction in December of 2018.

REQUEST FOR VARIANCE FROM LARGE BUILDING SETBACK

GUEST SAFETY, ADA AND ORDINANCE PURPOSES

Of primary concern, we care deeply about the safety and security of our campers and guests, and believe that they all deserve reasonable and safe access and egress to buildings, as the federal Americans with Disabilities Act and Ordinance require. The topography of the proposed facility site creates significant hardships for building access and egress, and makes safe, efficient, and ADA-compliant access to the facility extremely difficult or impossible without a variance from the Large Building Setback. The Camp is requesting this variance in conjunction with the CUP application.

Along the entire eastern side of Door Bluff Road, on the HL3.5 parcel, the elevation drops off abruptly. The slope is approx. a 25-30% grade in the area of the Facility main entrance (and will be 38% grade after grading is complete), 15-22’ below the grade of the road. There is no easy way down to that level of the property in any location.

Making children, adults, and staff, traverse up and down steep paths would be challenging, unwise, and unsafe. Similarly, making both able-bodied and special needs campers walk or navigate wheelchairs

**Camp Zion
Dining Hall & Meeting Room Conditional Use Permit
Project Narrative & Information*, 2020**



approx. 520' along Door Bluff Road and Door Bluff Lane to get down to the lower level of the building would place them at risk from vehicle traffic, cause them needless extended exposure to the elements during inclement weather, and make access difficult or impossible for elderly and special needs guests.

The Door County Comprehensive Zoning Ordinance includes an exemption for

(f) Structures such as ramps and landings, lifts, or elevator housing which are designed and intended to comply with the requirements of the Americans with Disabilities Act or fair housing laws to make existing buildings accessible to disabled people, and where no feasible alternative locations exist. (3.09(2)(f) Added: 20 Sept. 2016; Ord. 2016-14.)

That exemption references existing buildings, but its purpose is consistent with that of the ADA and Ordinance as a whole to ensure reasonable and safe access for all guests.

Ord. § 1.04 provides additional purposes, including:

- (1) to promote the public health, safety, convenience, and general welfare;
- (2) to encourage planned and orderly land use development;
- (3) to protect property values and the property tax base;
-
- (5) to ensure adequate highway, utility, health, educational, and recreational facilities;
- (6) to recognize the needs of agriculture, forestry, industry, and business in future growth;
- (7) to encourage uses of land and other natural resources which are in accordance with their character and adaptability;
-
- (11) to conserve soil, water, and forest resources;
- (12) to protect the beauty and amenities of landscape and man-made developments;
- (13) to provide healthy surroundings for family life

Further, the purpose for large building setbacks is “to reduce detrimental effects upon roadside scenery within Door County,” Ord. § 3.06.

LARGE BUILDING SETBACK VARIANCE REQUEST

Guest safety and those purposes and requirements of ADA and Ordinance are best served by granting a variance from Ord. § 3.06, which (mitigated with vegetative plantings) requires a setback of 102.5 ft from Door Bluff Road because the building’s volume is 179,151.23 ft³.

A crosswalk and pedestrian walking bridge from the elevation of Door Bluff Road to the facility offers the only feasible solution. As shown in the accompanying site plans and elevations, we are requesting a variance to construct the ADA compliant access bridge extending 62.5 ft from Door Bluff Road to the facility rather than the 102.5 ft. distance required under § 3.06.

This variance request is truly in the best interests of the safety and security of all – Camp guests and staff, neighbors, motorists, and the handicapped – and clearly accomplishes the purposes of the ADA and Ordinance and satisfies the variance criteria provided in Ord. § 11.06(3).

As already stated, Camp Zion values the natural environment, and the beauty of Door County that we all love. Our uniqueness as a camp is closely tied to the attractiveness of Door County, and we have no interest in diminishing that appeal for our guests or neighbors. Our current and proposed buildings blend in well with the natural environment.

Camp Zion
Dining Hall & Meeting Room Conditional Use Permit
Project Narrative & Information*, 2020



Because of the unique topography and characteristics of the land and facility site, compliance with § 3.06 setbacks would create unnecessary and dangerous hardships and diminish the aesthetic harmony of the facility with the surrounding area, defeating the purposes of the ADA and Ordinance. In contrast, the variance would substantially reduce or eliminate safety concerns and hardships and achieve ADA and Ordinance purposes – in particular, enhancing the harmony with the area and natural environment the building is designed to achieve. Please consider the following factors:

1. The current dining hall is approximately 100' away from the closest neighbor south of Camp and approximately 316' away from the closest neighbor north of Camp. The proposed new building will be approximately 390' away from the south neighbor and approximately 264' away from the north neighbor. (The building proposed in 2015 would have been within 75' of the north neighbor).
2. Door Bluff Road runs between the neighbor's houses and the proposed facility, and is 15-22' higher in elevation than their houses and the facility. With lines of sight blocked by the elevated road, dense natural vegetation, and additional screening plantings shown in the project landscape plans, the facility will be minimally visible from those houses, if at all.
3. In the site plan area, Camp Zion owns Door Bluff road and both sides of the road through approx. 394' (along the eastern edge of the SF30 property), as well as the road and everything east of the road for the northernmost 161' of our property (555' combined). The setback (from ourselves) and visibility of the building is not an issue for us.
4. ***No easement has ever existed** through a 200' portion of Door Bluff Road along the northernmost portion of our SF30 property. (Confirmed by Holly Hansen of the DC Land Use Services Dept.) (See Addendum C)
5. As stated above, we are seeking a variance to locate the building from the required 102.5' Large Building Setback to 62.5'. Tucking the building further west into the existing hill would result in a more reasonable distance for a handicapped person to access the building, a shorter and less obtrusive structure for the ADA-compliant access path, and less of an intrusion into green spaces. As a bonus, the lower level of the building would be essentially hidden from view. 62.5' is still a significant setback, and $\frac{3}{4}$ of the building will still meet the BBS requirements.
6. If the goal of the BBS is truly aesthetics, then a strict interpretation of BBS from Door Bluff Road will cause the building to be **more visible**, as it will be positioned further away from the road embankment in the middle of the playfield, and both levels of the building will be visible from the road. As state above, the variance would eliminate or reduce visibility to the upper story at most. And to the extent the upper story would be visible at all, it is a great looking, Northwoods style building, designed in harmony with the natural environment.
7. According to Rick Brauer and Holly Hansen of the Door County Land Use Services Department, Ord. § 3.06 does not apply to Door Bluff Lane, as it is fully on our property and is not an official easement.
8. To further mitigate building views, in addition to existing vegetation, landscape plans include additional vegetation plantings along Door Bluff Road.
9. Northern Door Bluff Road neighbors have an alternate means of access and egress to their property on Door Bluff Lane. Southern neighbors do not have easement rights on Door Bluff Road north of their property.

Camp Zion
Dining Hall & Meeting Room Conditional Use Permit
Project Narrative & Information*, 2020



10. Under Ord. § 1.04, Camp Zion is entitled to the same respect for its needs and interests as every other Door County property owner.

COMMUNITY AND ECONOMIC IMPACT

Camp Zion is good for the Town of Liberty Grove, and good for Door County. We are proud to be an historic member of this local community.

Camp Zion is a major feeder for Northern Door County tourism, serving around 1500 campers, staff, and guests each year. Roughly a third of our summer campers are dropped off or picked up by their parents, who stop at local shops and restaurants, and often stay in Door County while the kids are at camp. Many of our youth campers' families return again and again to Northern Door County for personal vacations. Adult staff and guests visit shops, farm markets, hotels, and eateries during their stays. Smart Northern Door businesses appreciate the big picture of Camp Zion's contributions to the local economy, and embrace the Camp as a valuable partner.

A survey of known permanent and seasonal **Door County residents whose first Door County experience was at Camp Zion** includes:

- 38 homeowners (32 are in Liberty Grove, which is up from 23 homeowners in 2015)
- 2 property-only owners (Liberty Grove)
- 9 mobile home owners (Liberty Grove)

Camp Zion's financial impact on the surrounding community extends well beyond our operating budget. A good percentage of the materials for major construction projects are purchased locally. Boats and motors have been purchased and maintained from a local boat dealer. We value the use of volunteers, but also hire locals, and employ a number of local vendors for many of our maintenance needs.

Over the past several years, we have seen a significant increase in the number of local Door County children coming to Camp Zion for summer youth camps, and fall and winter group retreats. Locals now make up about 10% of our summer camp base. Parents are glad for the opportunity to send their children to a quality camp so close to home.

Camp Zion has long enjoyed interaction with the local community. The Fourth of July Open House and Complimentary Pancake Breakfast is a come and go event, and is attended by a total of around 300 people – a summer highlight for many neighbors and locals. Local parents and kids appreciate free community winter snow-tubing and cross-country skiing days. Local churches and groups have used our facilities for their own programs or meetings at little or no charge. We recently hosted hiking groups from The Clearing, taking them on hikes through the nearby trails.

Camp Zion is a member of Door County North. Our staff are involved in community and church life. We value our relationships, friendships, and conversations with neighbors, and have broad-based support from the surrounding community.

Many of our Door Bluff neighbors are friends and supporters of camp, and tell us how they enjoy the people and activities at the Camp. One nearby neighbor and his wife, just a few lots north of us, intentionally purchased their property so they could be near the camp.

**Camp Zion
Dining Hall & Meeting Room Conditional Use Permit
Project Narrative & Information*, 2020**



PUBLIC INTEREST

THE DINING HALL PROJECT DOES NOT HARM THE PUBLIC INTEREST.

Camp Zion has been providing activities and recreation for youth and families on the HL3.5 parcel for the past 58 years, and on the shorefront parcel for the past 73 years.

The new facility transfers an existing use from the SF30 property to the HL3.5 property. Beyond that, no additional noise, dust, or odor is anticipated following construction other than normal existing operations. The project will not negatively impact the health, safety and welfare, or the character of the surrounding area.

Door Bluff Lane was constructed to improve camper safety and minimize the risk of motorists striking a camper. It is a beautiful, well-maintained drive. We are grateful that a majority of our northern neighbors use Door Bluff Lane on a regular basis, and we again invite and encourage all neighbors to do the same.

Concerns about dust on Door Bluff Lane were raised during our 2015 CUP application. We addressed those concerns by chip-sealing all of Door Bluff Lane AND 470' of Door Bluff Road, resulting in significantly less dust from passing cars. The garbage dumpster has already been relocated to a remote location on Door Bluff Lane, reducing odors, noise, and traffic issues related to garbage removal. Most food deliveries will unload off Door Bluff Lane, resulting in fewer trucks entering Door Bluff Road.

NOISE LEVELS ARE CONSISTENT WITH OTHER DOOR BLUFF AREA ACTIVITY

The new facility transfers existing uses to a new location. Kitchen and dining room related activity will move away from the SF30 property to the HL3.5 property. Preliminary plans are to install a kitchen exhaust fan that is vented through the roof, up and away, utilizing modern, quieter technology. Freezers and refrigerators, which are currently outside, will be inside. The building will be shielded by trees and the hill (pending the requested variance), on a lower elevation area of the property.

"I love the happy sounds of summer!" – quote from 80-year old nearby Camp neighbor. Games, programs, competitions, and activities have taken place on the HL3.5 parcel since 1962. While certain games and activities in the field may generate localized noise for relatively brief periods of time, the noise is not constant, sustained, or obnoxious. I sometimes intentionally walk the neighborhood during the busiest times of the day during a session to gauge noise levels. Depending on wind speed and direction, one might hear muted noise at times, and often will hear no noise at all.

Decibel levels are occasionally measured during night activities, games, and competitions from fixed measurement locations at the edges of our property – the intersections of DB Rd and EDB Rd, EDB Rd and DB Ln, and DB Ln. and DB Rd (north side of Camp). Baseline measurements are taken when there is no outside Camp activity taking place, and the wind speeds were generally calm.

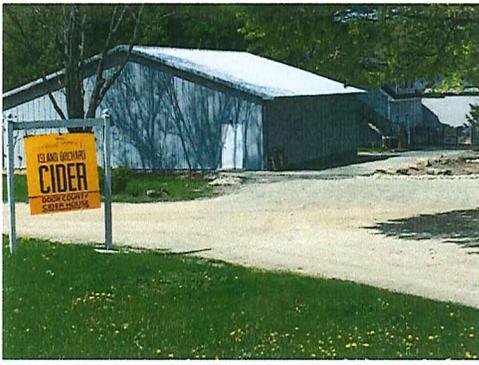
Our 53.4 dB test levels for occasional night camp activities are lower than noise levels other common activities in the Door Bluff area. Sample dB comparisons:

53.4 dB ave. - occasional summer CZ night activity, short duration *	74.4 dB – local tour boat going past CZ dock *
89 dB –service trucks (deliveries, holding tank pump)	89 dB – lawn mower
87 dB – snowblower	98 dB – snowmobile
105 dB – chainsaw	140 dB - hunting rifle
145 dB – firecrackers	

* CZ on site testing. All other levels from "Sound Level Database" study, Univ. of Michigan, Dept. of Environmental Health Science, Ann Arbor, MI (2016), cited by Center for Disease Control @ https://www.cdc.gov/nceh/hearing_loss/what_noises_cause_hearing_loss.html

As followers of Jesus, we want to be always mindful of our neighbors, and be a good neighbor. In the absence of a universally applied and enforced late night noise ordinance, Camp has practiced outside activity courtesy hours from 11:00PM-7:00AM, for at least the last 35 years.

My door as Camp director is always open to discuss any concerns.



Is. Cider 12040 Garrett Bay Rd



USPS 12055 Garrett Bay Rd



1601 Old School Rd



The Clearing-Garrett Bay Rd



12285 Garrett Bay Rd



12292 Garrett Bay Rd



12371 Garrett Bay Rd



12400 Garrett Bay Rd



12463 Garrett Bay Rd

Houses & Buildings in Door Bluff area and Town of Liberty Grove

Includes photos from public roads, and screen shots off DC Gov. website



12485 Garrett Bay Rd



12605 Garrett Bay Rd



12618 Garrett Bay Rd



12403 Maplewood Rd



1462 Maplewood Rd



12409 Door Bluff Rd



12529 Door Bluff Rd.



12533 Door Bluff Rd.



12543 Door Bluff Rd

Houses & Buildings in Door Bluff area and Town of Liberty Grove

Includes photos from public roads, and screen shots off DC Gov. website



12543 Door Bluff Rd



12557 Door Bluff Rd



12647 Door Bluff Rd



12701 Door Bluff Rd.



12701 Door Bluff Rd.



12651 Birch Field Ln



12457 E. Door Bluff Rd



Silver Poplar Studios
wedding parking



1450 E. Door Bluff Rd

Houses & Buildings in Door Bluff area and Town of Liberty Grove

Includes photos from public roads, and screen shots off DC Gov. website



1330 Door Bluff Park Rd



12720 Door Bluff Park Rd.



1292 Garrett Bay Rd (5300sf)



12163 Badger Rd



12200 Badger Rd



12512 Blackberry Rd



1148 Cottage Rd



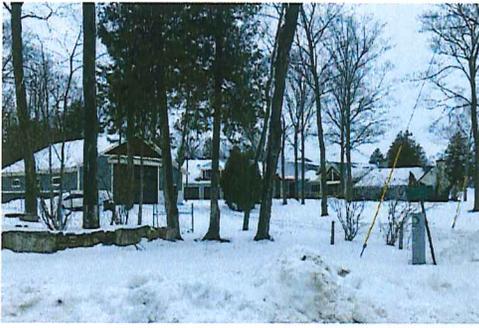
1008 Cottage Rd



12269 Blackberry Ln

Houses & Buildings in Door Bluff area and Town of Liberty Grove

Includes photos from public roads, and screen shots off DC Gov. website



998 Cottage Rd (5900sf)



12723 Wisconsin Bay Rd



900 Wisconsin Bay Rd



12800 Wisconsin Bay Rd



1149 S. Berry Ln



1157 S. Berry Ln



923 Gooseberry Ln



Seaquist Market & Production



JF Construction Cty ZZ

Houses & Buildings in Door Bluff area and Town of Liberty Grove

Includes photos from public roads, and screen shots off DC Gov. website

GOODE, MARIAH

From: Susan Thomas <sthomas@mauckbaker.com>
Sent: Monday, March 9, 2020 4:29 PM
To: GOODE, MARIAH; Michael Dean; dalestew@campzion.com
Cc: John Mauck; Terry Lu
Subject: Camp Zion CUP Application Supporting Memorandum
Attachments: 20200309_Ltr_CampZionMemo.pdf

Please see the attached from Mr. Lu.

Regards,
Susan

Susan Thomas

Senior Paralegal
Mauck & Baker, LLC
One N. LaSalle Street, Suite 600
Chicago, IL 60602
(312) 726-1243

More information visit: www.mauckbaker.com
Member, Christian Legal Society: www.clsnet.org

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MAR 10 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

RICHARD C. BAKER
 WHITMAN H. BRISKY
 SOO YEON LEE
 JOHN W. MAUCK

MAUCK & BAKER, LLC

ONE NORTH LASALLE STREET, SUITE 600
 CHICAGO, ILLINOIS 60602

WWW.MAUCKBAKER.COM
 TEL: 312.726.1243 FAX: 866.619.8661

SORIN A. LEAHU
 TERRY S. LU
 ANDREW S. WILLIS

March 9, 2020

Mr. Grant P. Thomas
 Corporation Counsel
 421 Nebraska St.
 Sturgeon Bay, Wisconsin 54235

RECEIVED

MAR 10 2020

DOOR COUNTY
 LAND USE SERVICES DEPARTMENT

**Re: Camp Zion CUP Application
 Supporting Memorandum**

Dear Mr. Thomas:

Camp Zion reached out to us for assistance in preparing a memorandum in support of its CUP application, which was filed today. The memorandum is "intended to bring attention to the various legal issues that should inform consideration of Camp Zion's application." As such, the memorandum was filed as an attachment to the application itself. However, as a courtesy, we are providing this copy directly to you for your review due to your role as corporation counsel. We have made an effort to write in a way that is informative, approachable, and, hopefully, enjoyable. We hope you will find the memorandum beneficial to the CUP application review process.

Please feel free to reach out to us directly if they have any questions or concerns. We look forward to working with you.

Very truly yours,

MAUCK & BAKER, LLC

Terry S. Lu

Terry S. Lu
 Associate
 (312) 726-1243
tlu@mauckbaker.com

Enclosure

cc: Mariah Goode (mgoode@co.door.wi.us)
 John W. Mauck (jmauck@mauckbaker.com)
 Michael D. Dean (miked@michaelddeanllc.com)
 Dale Stewart (dalestew@campzion.com)

MAR 09 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENTMemorandum in Support of Camp Zion CUP Application

Door County is a special place where memories are made and experiences turn into stories. Camp Zion is a Christian camp that has called Door County home since 1946. When people visit Camp Zion, they will naturally come into contact with everything else Door County has to offer. A trip to Camp Zion sooner or later leads to camp guests (and their families) patronizing local restaurants and business, and encountering Door County residents eager to extend hospitality and welcome. And Camp Zion benefits greatly from being located within Door County. The tranquil setting and promise of spiritual refuge and renewal will bring visitors to the camp. In reality, the health of Door County and the health of Camp Zion are connected. When one flourishes, the other can naturally benefit.

What will enable Door County to flourish? Door County is known for its natural beauty and its unique communities. One way of protecting both is through the Door



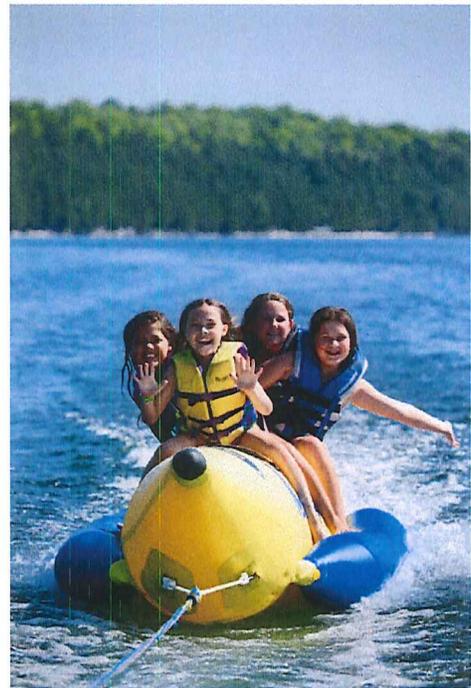
County Comprehensive Zoning Ordinance ("CZO"). Creating and enforcing a zoning code is important and difficult work. There are many factors to consider and balance. But, ultimately, the general

purpose of the CZO is to harmonize the natural beauty and physical development of Door County with the enjoyment and well-being of both visitors and residents. See CZO 1.04. Camp Zion is both an enthusiastic permanent member of the larger Door

County community and a teaching host privileged to help visitors experience and appreciate this wonderful peninsula which we believe God created as one way to reveal Himself.

As a member of the Door County community, Camp Zion reached out to us, the law firm of Mauck & Baker, LLC, for assistance and guidance. Camp Zion is aware of our firm's reputation and expertise representing churches and religious institutions as they navigate zoning issues. This memorandum in support of Camp Zion's Conditional Use Permit ("CUP") application is intended to bring attention to the various legal issues that should inform consideration of Camp Zion's application to construct and operate a new dining hall. By ensuring broad awareness of all relevant legal concepts, we hope to facilitate an understanding that Camp Zion's request for a new dining hall is exceedingly reasonable, necessary, and beneficial to Door County.

When discussing cases, statutes, ordinances, and legal concepts, it is easy to lose sight of a very simple fact: camps are fun. It is fun to go on a hike, to sit around a campfire, to stargaze into the night, and to sleep in a bunk bed. Forging a new friendship and making a new memory is fun. It is fun to spend time outdoors, to breathe fresh air, and to take in the natural beauty surrounding you. Some fun experiences are life-changing. They lead to stories that are shared with new acquaintances and retold amongst old friends. A story can bring



you back to a certain place time and time again, with each new visit giving rise to a new collection of stories and experiences. When a story catches the imagination of a neighbor, a co-worker, or a family member, they will want to visit Door County to see it with their own eyes.



What will enable Camp Zion to flourish? For starters, a new dining hall. The current dining hall, completed in 1986, cannot accommodate the camp's permitted capacity of 140 people and the kitchen is also outdated and inefficient. There is no space to add on to the existing building. Insufficient space and obsolete facilities pose a real challenge for any organization. But mealtime is particularly essential for a camp. Meals are a special time for any community or gathering of individuals. Meals play an especially important role within the Christian context. In the Bible, Jesus often eats with

others as a way of cultivating relationships, and heaven is regularly described as having a banquet hall. On a simpler level, many of us can relate to the importance of a Thanksgiving or Christmas meal as a time of bonding and friendship. Stories are shared at the table, connections are built and strengthened, and joy is found in the simple act of being together. Right now, Camp Zion guests cannot all gather as one to eat, to sing songs, and to engage in lively conversation. They are unable to fully experience the joy of being united together at the table.

By way of background, under the CZO, a 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. For a longtime community member like Camp Zion, a CUP is necessary as part of the camp's ongoing efforts to update and improve



facilities and programs in order to provide an excellent and memorable camp experience. The CZO does not contain an exhaustive list of the factors considered in approving or denying a CUP application, but

the overall approach considers how to address and minimize the adverse impact of any new development. CZO 11.04(5)(b), attached as Exhibit A. Camp Zion is sensitive to these types of concerns and is more than willing to put forth an effort to alleviate them.

Hence, since 2015, when Camp Zion's CUP application to build a new dining hall was denied on appeal, the camp has addressed each of the five main concerns raised in the denial. The first concern was that the new dining hall would be located too near the edge of the Niagara Escarpment. Camp Zion has addressed this concern by locating the new proposed dining hall on an eastern parcel, 378 feet away from the escarpment edge. The second concern was that the camp did not own enough land to support construction of the new dining hall.¹ Camp Zion has



addressed this concern by acquiring the necessary additional parcels. The third concern related to the size of the building. The camp has voluntarily reduced the footprint of the building from 6400 sq. ft. to 6137 sq. ft. The fourth concern was that traffic on Door Bluff Lane produced too much dust from the gravel roads. Camp Zion has addressed this concern by "chip-sealing" the roads leading to and from the new proposed dining hall, which should significantly reduce the amount of dust. The fifth concern was that the building was located too close to nearby neighbors. The building has been moved significantly farther away from nearby neighbors, down low in the hollow of the playfield, where it will be surrounded by trees. Accordingly, it should be readily apparent that Camp Zion has exhibited a track record of good-faith willingness to work

¹ Based on the County ordinance limiting a camp's capacity to 5 persons per acres, or 200 persons, whichever is less.

through the concerns of the larger community.

Unfortunately, the dividing line between reasonable objection and insincere provocation can be surprisingly thin.

A few neighbors oppose the construction of a new dining hall at Camp Zion. Their opposition will likely take the form of urging governmental officials to apply the

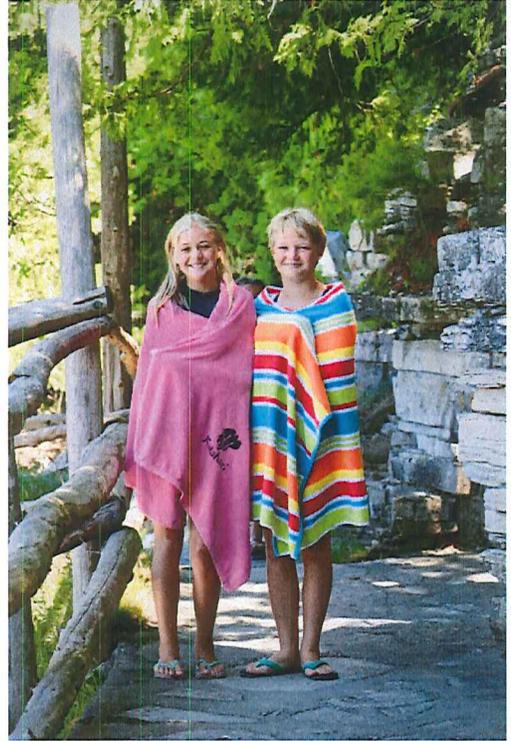


CZO to block construction of the new dining hall. The CZO is certainly an important part of the discussion moving forward, but it is not sufficient on its own. The CZO must be interpreted and applied in the context of applicable state and

federal laws, which might guide and limit its operation.

For example, 2017 Wisconsin Act 67 (“Act 67”) sets forth limitations relating to zoning, land use, and local government discretion with respect to property within Wisconsin. Act 67 operates to clarify the dynamic between a city, village, town, or county, and an applicant seeking a CUP. Under Act 67, a “county shall grant [a] conditional use permit” whenever an applicant “meets or agrees to meet all of the requirements and conditions specified in the county ordinance or those imposed by the county zoning board.” Wis. Stat. § 59.69(5e)(b)(1) (emphasis added). Notably, when a county zoning board imposes requirements and conditions as part of the CUP approval process, any such requirement or condition imposed “must be related to the purpose of

the ordinance and be based on substantial evidence.” Wis. Stat. § 59.69(5e)(b)(1). “Substantial evidence” is defined as “facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.” Wis. Stat. § 59.69(5e)(a)(2). Furthermore, any requirements or conditions imposed “must be reasonable and, to the extent practicable, measurable.” Wis. Stat. § 59.69(5e)(b)(2). On the other side, a CUP applicant “must demonstrate that the application and all requirements and conditions established by the county relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence.” Wis. Stat. § 59.69(5e)(b)(2).



Any decision by the county to either approve or deny a CUP application must also be supported by substantial evidence. Wis. Stat. § 59.69(5e)(b)(2).

The repeated emphasis on the important role of “substantial evidence” and the specification that any requirement or condition imposed upon a CUP applicant must be “reasonable” is clearly intended to ensure that the CUP process remains transparent, understandable, and fair. Absent these “substantial evidence” and “reasonableness” standards, there could easily arise a concern that the CUP process has become unpredictable or difficult to navigate. Act 67 is equitable in placing responsibilities on

both CUP applicants and the officials evaluating those applications. In raising Act 67, an applicant is not necessarily challenging a zoning board's authority or judgment; an applicant may simply be voicing an interest in preserving the desired transparency, understandability, and fairness of the CUP process as it is intended to exist for all Wisconsin residents.

When religious "exercise" is being regulated, a second source of legal authority that guides and limits the operation of the CZO is the Wisconsin Constitution itself. In Coulee Catholic Schools v. Labor & Industry Review Comm'n, the Wisconsin Supreme Court reaffirmed that Article I, Section 18 of the Wisconsin Constitution "serves the same dual purposes as the Establishment Clause and Free Exercise Clause of the U.S. Constitution." 768 N.W.2d 868, 886 (Wis. 2009) (citing State ex rel. Warren v. Nusbaum,



55 Wis.2d 316, 332, 198 N.W.2d 650 (1972)). However, the Supreme Court also noted that "[t]he protections and prohibitions in the Wisconsin Constitution are far more specific" and that the clause "contains

extremely strong language, providing expansive protections for religious liberty." Id. With this backdrop, the Wisconsin Supreme Court held that state laws that burden an individual's or organization's ability to exercise sincerely held religious beliefs, are subject to "strict scrutiny." Id. Exercise of religion as opposed to religious belief encompasses putting faith into practice, which includes serving pizza to a group of

teenagers at a Christian camp. Under a “strict scrutiny” analysis, the County would be required to prove that a law, including a zoning ordinance or zoning decision, serves a compelling state interest, which cannot be served by a less restrictive alternative. The strict scrutiny standard reflects the “extremely strong language” contained within the Wisconsin Constitution and the value and importance our nation has assigned to protecting religious liberty for all peoples.

Camp Zion is a Christian camp. Individuals and groups are drawn to Camp Zion as a place of retreat, spiritual edification, and reflection. In our present fast-paced, increasingly complex, and technologically-driven world, places of quiet and meditation

are becoming more and more important. And individuals and groups drawn to those places naturally need their basic needs met. A new dining hall, designed to appropriately accommodate visitors to the camp, is



not an ancillary structure; a new dining hall would serve a function that is integral and essential to Camp Zion’s exercise as a mission to its campers.

As recognized by the Wisconsin Supreme Court in Coulee, protections for religious liberty are found not only in the Wisconsin Constitution, but also in the U.S. Constitution as well. But religious liberty is such a fundamental and significant American value, that Congress deemed it necessary to enact the Religious Land Use and Institutionalized Persons Act of 2000 (“RLUIPA”). 42 U.S.C. §§ 2000cc, et seq. In

recognizing that religious institutions are sometimes subject to land use regulations that “substantially burden” religious exercise, and to preserve the free exercise of religion, RLUIPA recognizes and articulates heightened protections for religious institutions confronting such land use regulations. These heightened protections flow forth from the First Amendment to the U.S. Constitution. RLUIPA seeks to protect the land use rights of religious institutions in three relevant ways, including: (1) substantial burden; (2) equal treatment; and (3) unreasonable limitation.² Each will be discussed in turn.

With regard to substantial burdens, RLUIPA states:



No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution—

(A) is in furtherance of a compelling governmental interest; and

(B) is the least restrictive means of furthering that compelling governmental interest.

42 U.S.C. §§ 2000cc(a)(1). The Seventh Circuit, which oversees the application of federal law in Wisconsin,

Illinois and Indiana, has recognized that RLUIPA applies to government actions that seriously burden “any exercise of religion, whether or not compelled by, or central to, a system of religious belief.” Schlemm v. Wall, 784 F.3d 362, 364 (7th Cir. 2015)

² In the absence of court interpretation, there are some who interpret Act 67 as placing a greater burden on applicants. Because of this uncertainty, RLUIPA is arguably even more important due to its 20 years of court interpretation and hundreds of court decisions.

(abrogating Eagle Cove Camp & Conference Center, Inc. v. Woodboro, 734 F.3d 673, 680 (7th Cir. 2013), in light of Holt v. Hobbs, 574 U.S. 352 (2015) and Burwell v. Hobby Lobby Stores, Inc., 573 U.S. 682 (2014)). Once Camp Zion has demonstrated that its outdated dining hall has seriously burdened the ability of its visitors to engage in their religious exercise, the burden would then shift to the local zoning authority to show that the denial was in furtherance of a compelling governmental interest, which cannot be served by a less restrictive alternative. The standard applicable to RLUIPA is aligned with the same strict scrutiny standard applied under the Wisconsin Constitution, as discussed earlier. A substantial burden analysis can be very fact intensive. However, Camp Zion should face little challenge in



establishing eating as an essential aspect of camp operations. As a longtime member of the Door County community, the camp does not have the option of relocating due to outdated facilities. Moreover, the new proposed dining hall carries many notable benefits over the current dining hall, including:

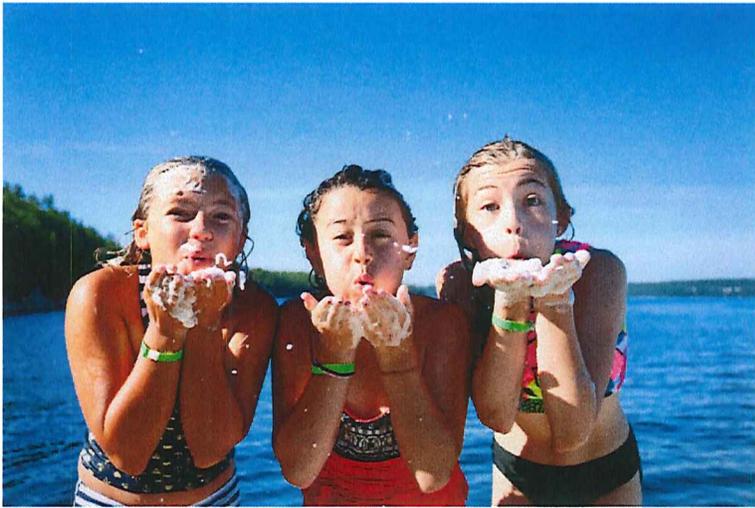
- Enhancing the guest experience
- Replacing insufficient and outdated meeting and dining facilities
- Improving overall camp operations
- Increasing future sustainability by enabling greater distribution of fixed costs
- Enabling additional and better programming for camp guests

The new dining hall will serve the allowable capacity by significantly improving utilization. In addition, if variance requests based upon the topography of the land, ensuring the road and traffic safety of children, and providing ADA accessibility are denied, those variance denials could readily become part of a larger substantial burden discussion.

With regard to equal treatment, RLUIPA states:

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

42 U.S.C. § 2000cc(b)(1). An equal treatment analysis simply asks whether the treatment of a religious assembly or institution is less favorable than the treatment received by a comparable nonreligious assembly or institution. The fundamental fairness of this



provision should be readily apparent. Religious assemblies and institutions should not be subjected to worse treatment due simply to their religious nature. Stated differently, if similar requests are approved

for nonreligious assemblies or institutions, then they should also be approved for religious ones. Over the years, have other institutions—e.g., schools, camps, or colleges—within Door County received accommodations under the CZO for similar building projects? If so, then Camp Zion should not be treated any differently.

With regard to unreasonable limitation, RLUIPA states:

No government shall impose or implement a land use regulation that—

(A) totally excludes religious assemblies from a jurisdiction; or (B) unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.

42 U.S.C. § 2000cc(b)(3). Given Camp Zion’s presence—and continuing operation—

within Door County, the issue of unreasonable limitation merits consideration. RLUIPA clearly applies to both the CZO as a whole and to the CUP application process, specifically. 42 U.S.C. § 2000cc-5(5). RLUIPA also establishes as a basic rule that “[t]he use, building, or conversion of [land and structures] for the purpose of religious exercise shall be considered to be religious exercise of the person or entity that uses or intends to use the property for that



purpose.” 42 U.S.C. § 2000cc-5(7)(B). In other words, under RLUIPA, the use and construction of a dining hall as part of a Christian camp is part of the camp’s religious exercise. Zoning undoubtedly serves an important function, but it must also accommodate the reasonable modernization of community organizations. A denial of Camp Zion’s request to replace a 34-year old obsolete dining hall and to build and operate a new dining hall could certainly be construed as an unreasonable limitation of “religious assemblies, institutions, or structures within a jurisdiction” under RLUIPA.

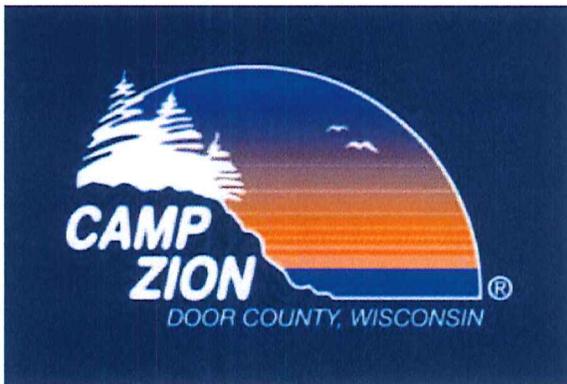
Finally, the CZO must be interpreted and applied in the context of the U.S. Constitution. Generally speaking, the protections found within the U.S. Constitution echo those found within RLUIPA. It is evident that RLUIPA is intended to reinforce and build upon the freedom of religion ensured by the U.S. Constitution. In addition, the



U.S. Constitution protects **freedom of association**. Freedom of association ensures the right of individuals to organize and to form and participate in groups, either formally or informally. See NAACP v. Alabama, 357 U.S. 449, 460–61 (1958). Government restrictions on the ability of Camp Zion visitors to gather together to eat and engage in spiritual fellowship are quintessential freedom of association concerns. It is also worth noting that freedom of association applies equally to both religious and nonreligious groups, due to its significance as a fundamental American value. Limitations on the

freedom of association are not solely a religious issue; they raise issues that touch upon the rights of all Americans.

Camp Zion's request for a new dining hall is not an excessive one. A new, modestly larger, and updated dining facility is minimally necessary to meet the current needs of the camp. Camp Zion is well-aware of its responsibilities to be a good neighbor and productive member of the larger Door County community. Certainly, all Christians are advised that "[i]f it is possible, as far as it depends on you, live at peace with everyone." Romans 12:18 (NIV). Camp Zion has zero interest in engaging in fruitless



conflict, which only serves to distract from mission and divert valuable resources. Instead, Camp Zion is eager to work together with the County to craft reasonable and responsible solutions to rational concerns.

There is ample opportunity for meaningful collaboration moving forward. However, Camp Zion also recognizes its responsibilities to its visitors: to provide a welcoming and hospitable environment for those seeking spiritual refuge and renewal.

Camp Zion understands and believes that compiling and submitting a sound and thoughtful CUP application is the best way it can simultaneously fulfill its responsibilities to its future visitors and also honor the expertise and enable the work of county officials tasked with upholding and acting in accordance with the law. Camp Zion has every intention of submitting an excellent application. But, for the sake of transparency, it seems fair to mention that there were several discouraging moments

(3) Public hearing. A public hearing shall be held by the Resource Planning Committee after a public notice has been given as provided in s. 11.09(1), notice for public hearings. At the public hearing, any party may appear in person or by agent or attorney. The applicant has the burden of proof and must demonstrate that the application and all requirements and conditions established by the county relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence.

(4) Determination. Following review and public hearing, the Resource Planning Committee shall render a decision in writing.

(a) If the application is approved, such decision shall include an accurate and complete description of the use as permitted, including all the conditions and requirements attached thereto.

(b) If the application is denied, the reasons for denial shall be stated in the decision.

(5) Basis of approval or denial.

(a) The Resource Planning Committee shall review each conditional use permit application for compliance with all requirements applicable to that specific use and to all other relevant provisions of this Ordinance. The Committee's decision to approve or deny the conditional use permit must be supported by substantial evidence.

(b) To aid in the review of and decision-making regarding the proposed conditional use project, the Resource Planning Committee shall evaluate the following specific criteria as applicable, but shall not be limited thereto: (Amended: 30 September 1997; Ord. 29-97)

1. Whether the proposed project will adversely affect property values in the area.
2. Whether the proposed use is similar to other uses in the area.
3. Whether the proposed project is consistent with the Door County Comprehensive and Farmland Preservation Plan or any officially adopted town plan. (Amended: 17 April 2012; Ord. No. 2012-14) (Amended: 20 Sept. 2016; Ord. 2016-14)
4. Provision of an approved sanitary waste disposal system.
5. Provision for a potable water supply.

6. Provisions for solid waste disposal.
7. Whether the proposed use creates noise, odor, or dust.
8. Provision of safe vehicular and pedestrian access.
9. Whether the proposed project adversely impacts neighborhood traffic flow and congestion.
10. Adequacy of emergency services and their ability to service the site.
11. Provision for proper surface water drainage.
12. Whether proposed buildings contribute to visual harmony with existing buildings in the neighborhood, particularly as related to scale and design.
13. Whether the proposed project creates excessive exterior lighting glare or spillover onto neighboring properties.
14. Whether the proposed project leads to a major change in the natural character of the area through the removal of natural vegetation or altering of the topography.
15. Whether, and in what amount and form, financial assurance is necessary to meet the objectives of this ordinance.
16. Whether, and to what extent, site-specific conditions should be imposed to mitigate potentially problematic impacts of the use.
17. The impact of the proposed project on public health, public safety, or the general welfare of the County.

The foregoing criteria are deemed reasonable and, to the extent practicable, measurable.

(c) An applicant's failure to demonstrate, by substantial evidence, that the application and all applicable requirements in this Ordinance and conditions established by the county relating to the conditional use are or will be satisfied shall be grounds to deny the conditional use permit. At all times the burden of proof to demonstrate satisfaction of these criteria remains with the applicant.

(d) In the Exclusive Agricultural district, no conditional use permit shall be granted unless the proposed use is consistent with agricultural use and is found to be necessary in light of the alternative locations available for such use. (Added: 28 March 2000; Ord. No. 05-00)

Riemer, Linda

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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Rierner, Linda

From: Dale Stewart <dalestew@campzion.com>
Sent: Sunday, June 7, 2020 8:58 PM
To: Rierner, 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@fibaoutlet.com
www.fibaoutlet.com

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

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

Project Number:
FIA1405
Project Phase:
CLIP

Drawn:
SKM
Checked:
TDL

Set Date:
06_08_2020
Revisions:

11

PERSPECTIVE (1)



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

Drawn:
 SKM
 Checked:
 TDL

Set Date:
 06/25/2016
 Revisions:

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FIA
 FLETCHER & LEE
 ARCHITECTS, INC.

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



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

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

Project Number:
 FLA1465

Project Phase:
 CLIP

Drawn:
 SBM

Checked:
 TDI

Set Date:
 06/08/2020

Revisions:

13

PERSPECTIVE (1)

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DOOR COUNTY
LAND USE SERVICES DEPARTMENT



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fax: 303.443.3963
email: info@fletcher.com
www.fletcher.com

Camp Zion
PROPOSED NEW DINING HALL
ELLISON BAY, WI

14 - PERSPECTIVE

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

Project Number:
FA1405
Project Phase:
CLP

Drawn:
SKM
Checked:
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Set Date:
06/08/2020
Revisions:

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fax: 303.443.3983
email: info@flaboulder.com
www.flaboulder.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:
SBA
Checked:
TDL

Set Date:
Revisions:

15

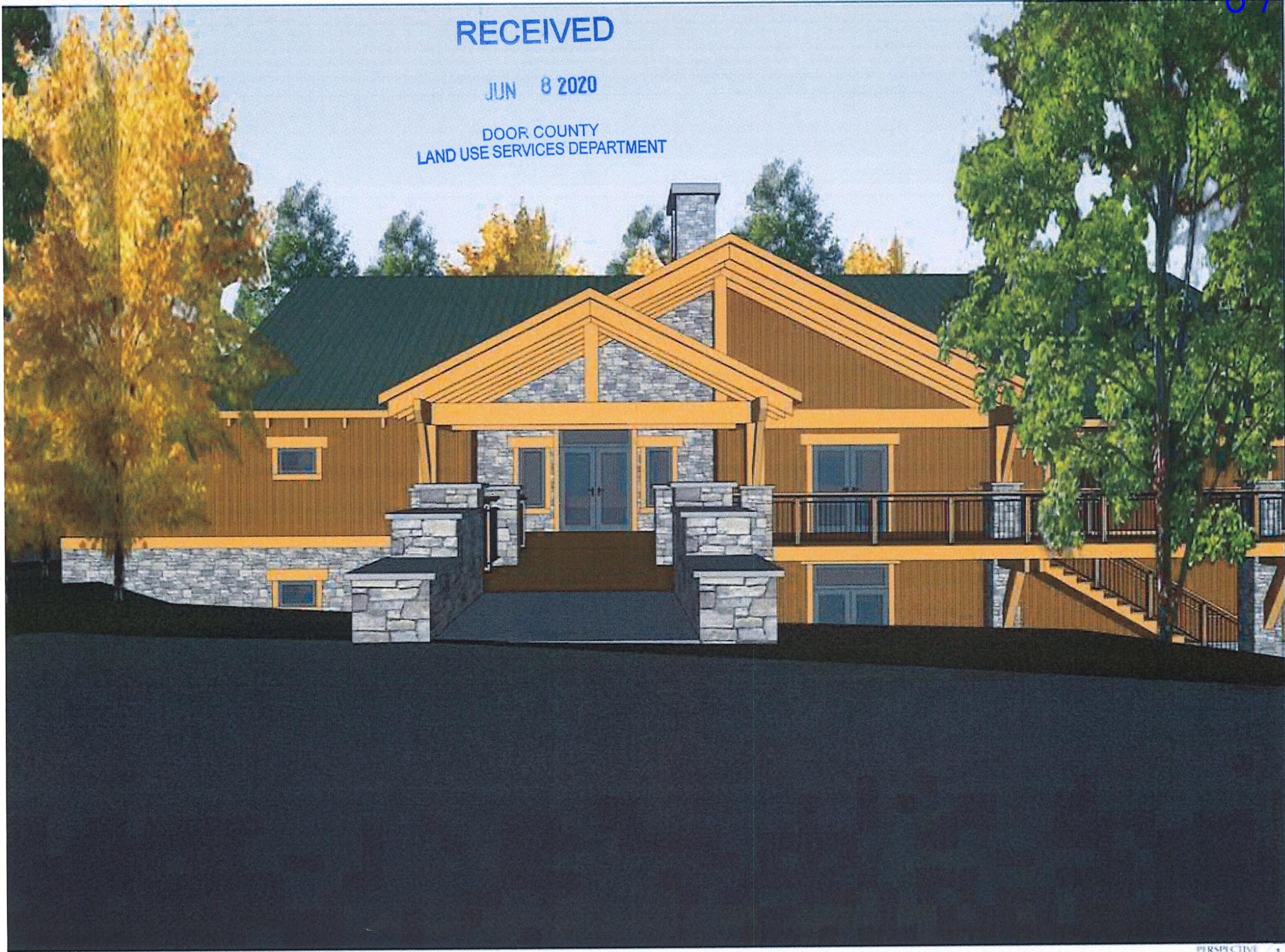


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Camm Zion

STATE OF WISCONSIN

::

CIRCUIT COURT
BRANCH 1

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DOOR COUNTY

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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

JUN 8 2020

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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

JUN 8 2020

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AND 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 30th Reply Brief are necessary for a proper disposition in this

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

matter. My review should be limited to what the BOA reviewed and considered at their April 23rd 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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LAND USE SERVICES DEPARTMENT

The BOA's public hearing in this matter on April 23rd 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 23rd 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 23rd 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.

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

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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DOOR COUNTY LAND USE SERVICES
421 Nebraska Street
Door County Government Center
Sturgeon Bay, Wisconsin 54235
(920-746-2323)

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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 $\frac{1}{4}$ 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 Advised Dates: _____
Hearing Date _____
Decision _____

TOWN OF: _____
OWNER: _____
SECTION 7 N R _____
E _____

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PARCEL NO. _____

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:

- 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

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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:

Justin C. Wall

DATE:

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

FEB 18 2020

DOOR COUNTY LAND USE SERVICES DEPARTMENT

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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DOOR COUNTY LAND USE SERVICES DEPARTMENT

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 2nd-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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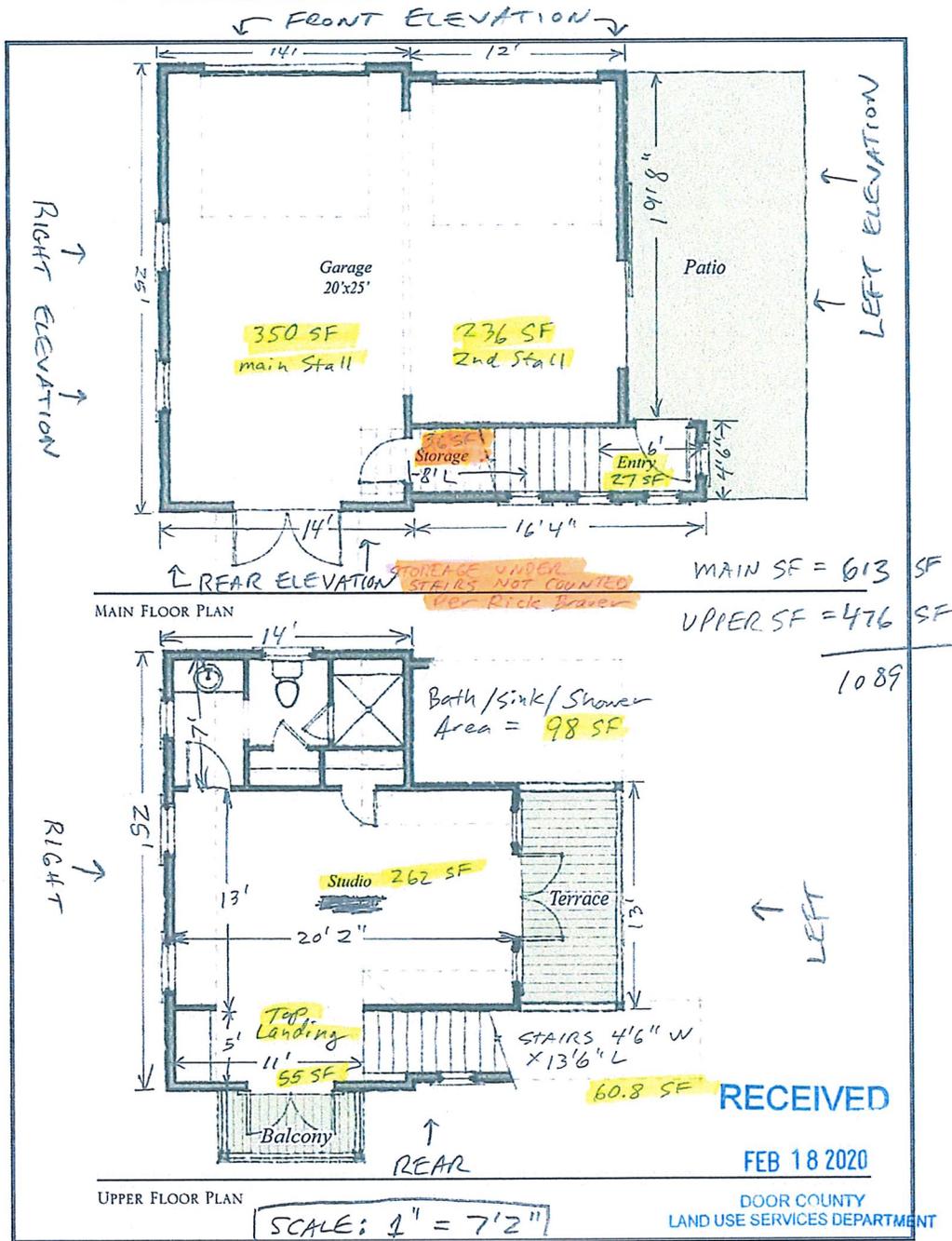
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WALL GARAGE FLOOR PLAN

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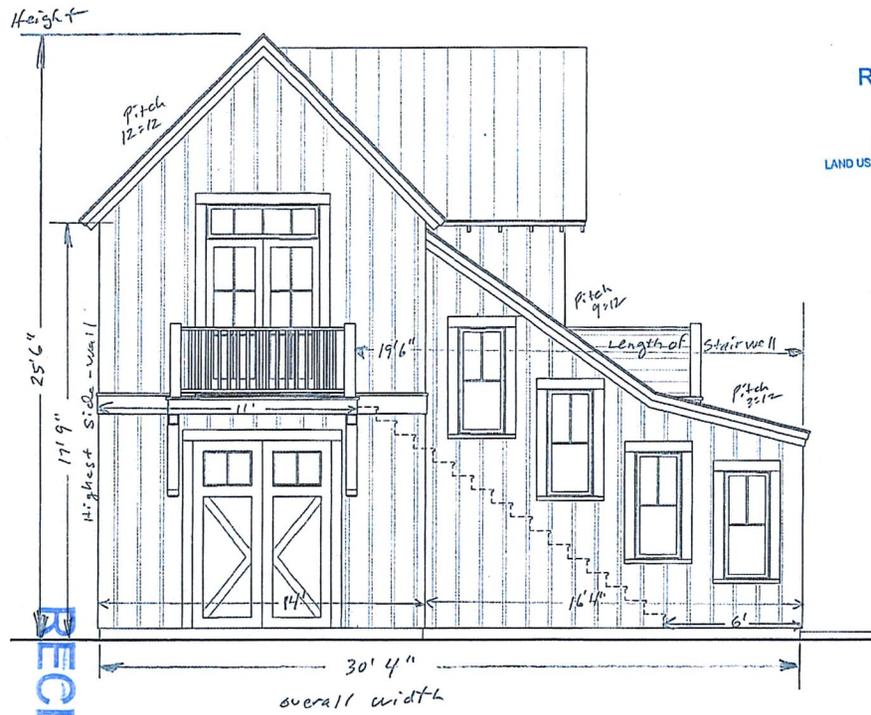


NOTE: ALL DIMENSIONS TO EXTERIOR WALLS

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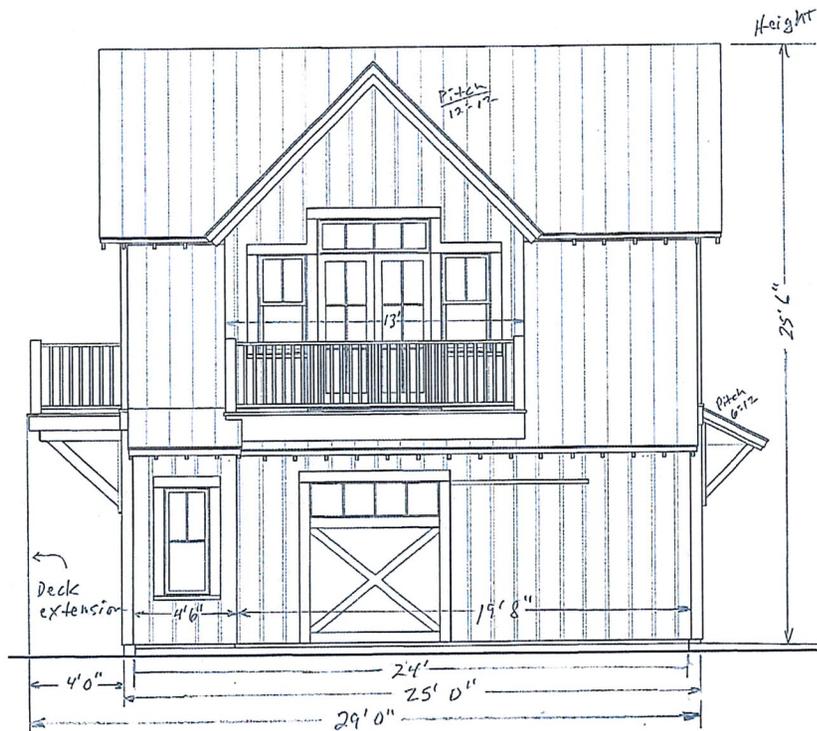
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REAR ELEVATION

1/4" = 1'-0"



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

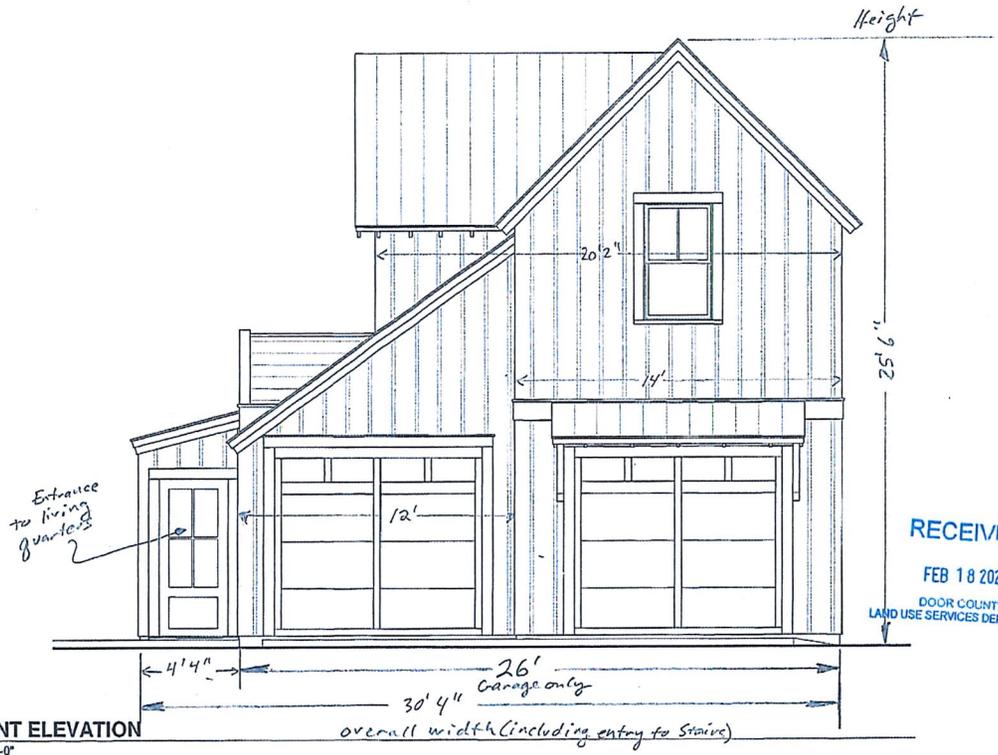
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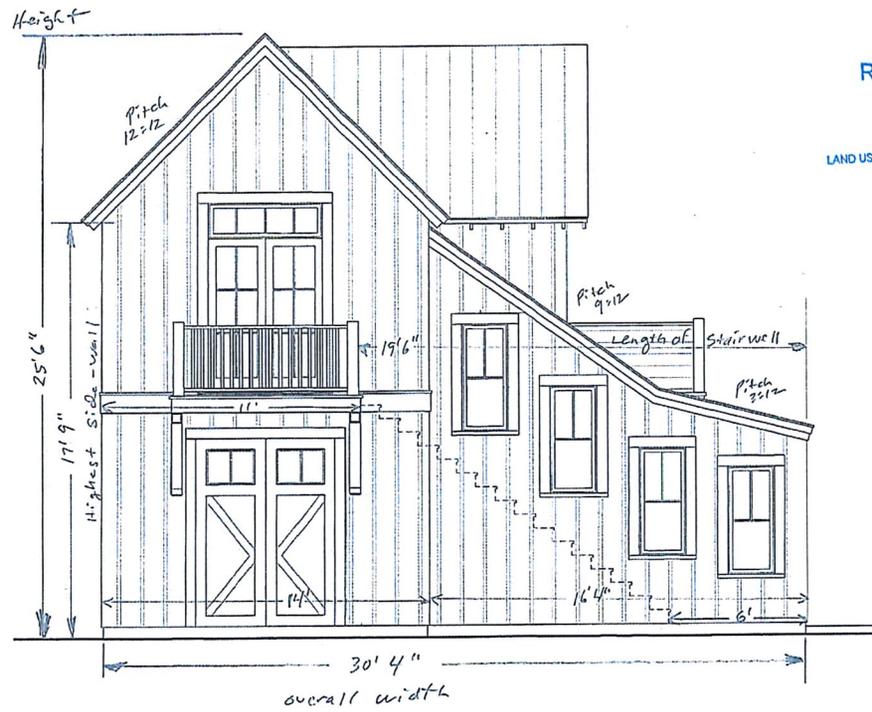


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REAR ELEVATION
 1/4" = 1'-0"

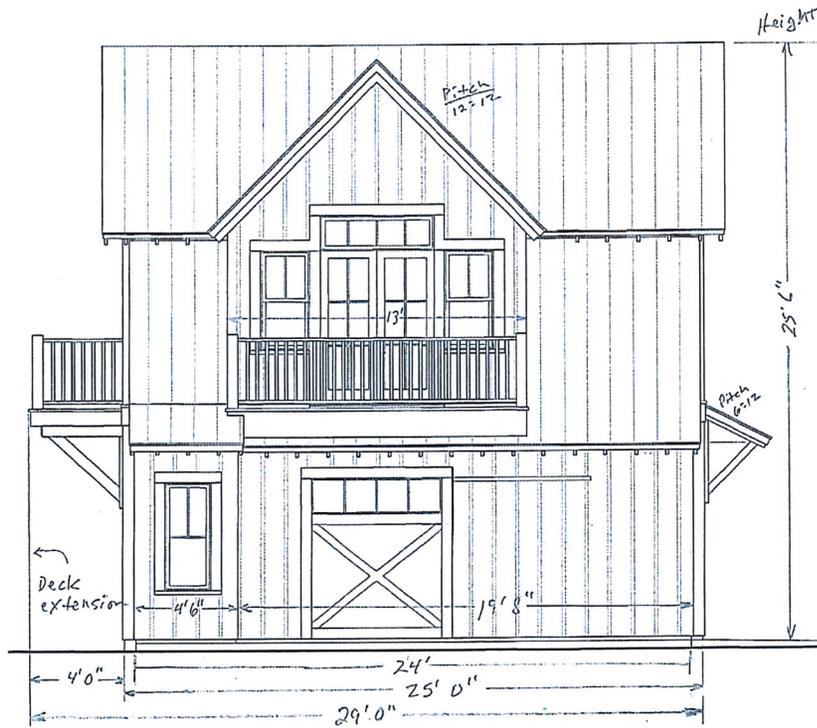
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JUN 8 2020

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

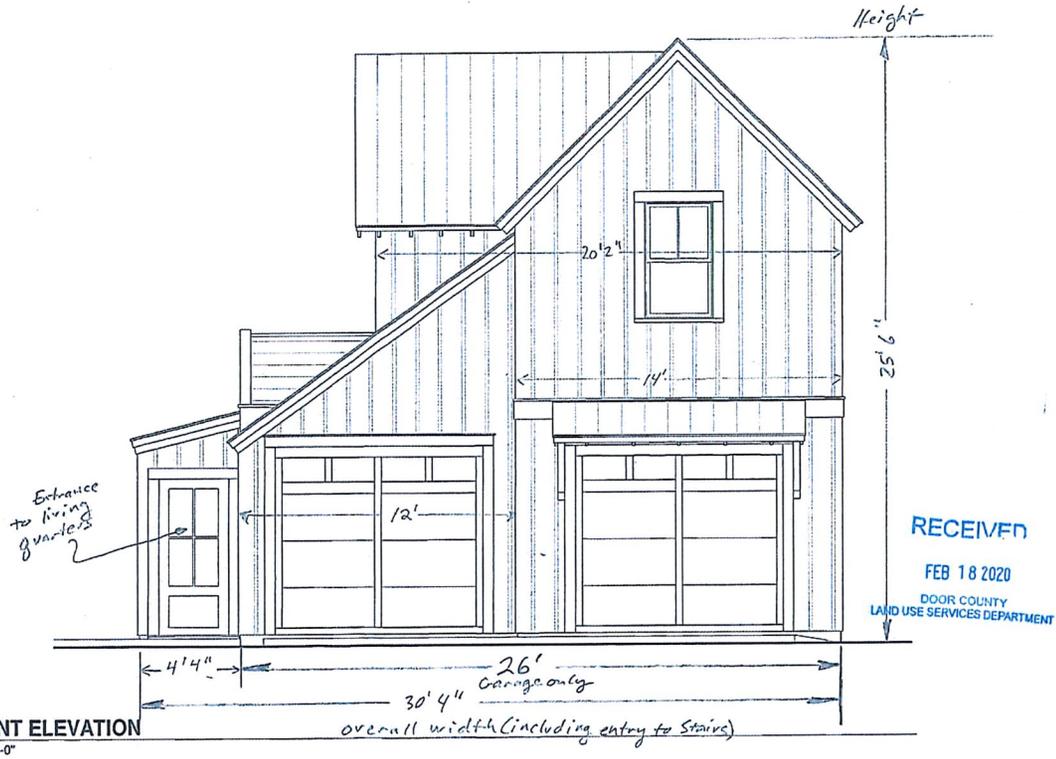
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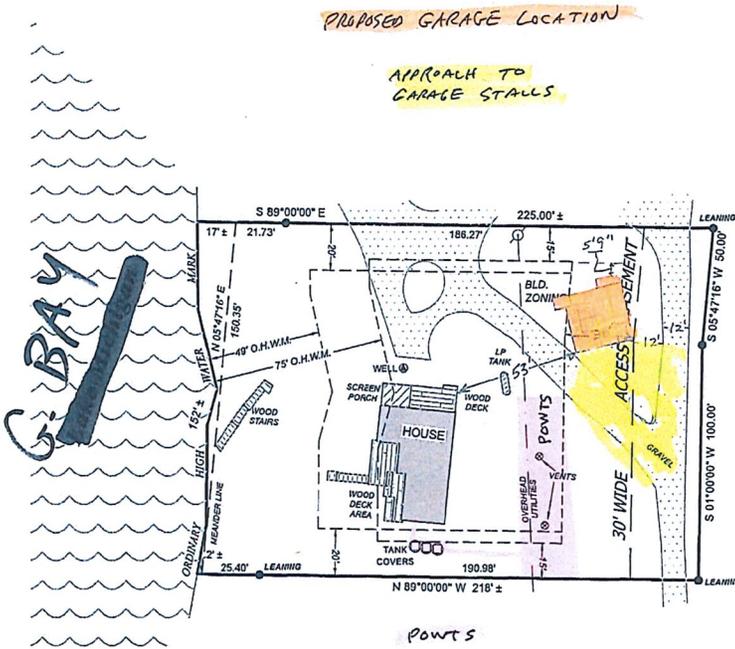
RIGHT ELEVATION
 1/4" = 1'-0"

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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. BAUDHUIJ
 PROFESSIONAL LAND SURVEYOR
 3121 MATHEY 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

Caveat:

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.



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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

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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
 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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***See reverse for variance criteria.**

JUN 8 2020

**DOOR COUNTY
LAND USE SERVICES DEPARTMENT**

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
LAND USE SERVICES DEPARTMENT



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 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 HARSHNESS & 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)746-2367.

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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

RECEIVED

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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DOOR COUNTY
LAND USE SERVICES DEPARTMENT

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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 26th, 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 . 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; Nasewaupée.
- 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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DOOR COUNTY
LAND USE SERVICES DEPARTMENT

MINUTES OF MEETING
DOOR COUNTY BOARD OF ADJUSTMENT

May 12, 2020

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DOOR COUNTY
LAND USE SERVICES DEPARTMENT

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.

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.

JUN 8 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

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; Nasewaupée.

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
SHERIFFS 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.

JUN 8 2020

BOON COUNTY
LAND USE SERVICES DEPARTMENT

- 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
LAND USE SERVICES DEPARTMENT

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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JUN 8 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

Camp Zion
Variance Request Hearing
Correspondence in Favor

From: Jean Hill jeanhill@yahoo.com
Subject: Fwd: Camp Zion variance request
Date: May 6, 2020 at 8:27 AM
To: Iriemer@co.door.wi.us

JH

Begin forwarded message:

From: Jean Hill <jeanhill@yahoo.com>
Subject: Camp Zion variance request
Date: May 4, 2020 at 8:11:59 PM CDT
To: tlibertygrove@gmail.com

Dear County of Door Land Use

I am writing to let you know I am in favor of granting the variance Camp Zion is requesting. The proposed location of the building will make it less visible to the neighbors. To be in compliance with the American Disability Act they plan to construct an access bridge from the parking lot; minimizing the distance for handicapped guests. This will also provide easier access for older campers.

My family and I have many happy memories of our times at Camp Zion experiencing the beauty of nature, attending retreats, learning, laughing, singing and enjoying the warm hospitality always offered there. I do not have to drive hours to participate in all these enriching and rewarding activities. I can enjoy them close to home. Each winter my family and I look forward to tubing at Camp Zion and seeing so many of the community enjoying their time there too. Warming up with hot cocoa in the dining area gives us more time to connect with each other.

A highlight for my granddaughter each summer has been attending Camp Zion. She has enthusiastically encouraged many others to attend also.

Northern Door County is privileged to have a camp of such high quality as Camp Zion. Thank you for your consideration of granting this request.

Sincerely,

Jean Hill
2047 Scandia Rd.
Sister Bay,
Wi. 54234

RECEIVED

MAY 15 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

Riemer, Linda

From: Kalexan328 <kalexan328@aol.com>
Sent: Tuesday, May 12, 2020 12:04 PM
To: Riemer, Linda
Subject: Attention: Linda Riemer, Re: Camp Zion

May 12, 2020

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

RECEIVED

MAY 13 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

Dear Ms. Reimer,

My wife and I own a property on the water just across the Bay from Camp Zion and we would like to register our voice in support of the requested variance on the set backs for the camp to be able to effectively construct a new Dining Commons that is long overdue.

We have been blessed to be a part of the Door County family, and more particularly the Camp Zion family for almost 35 years as each of our four children went to camp there and we love the Stewart's and the ministry that helps builds the lives of many children each year, with only a positive impact to our community.

As we own a home that is on the bluff ourselves, we know how important it is to both maintain the scenic views but to also be responsive to requests that will not adversely impact the area, or the escarpment. The Dining Commons will provide a well designed approach to allowing more families to enjoy our beautiful area. The plan proposal shows that the building will be more than 370 feet from the escarpment and 260 feet from the closest neighbor.

Lori and I appreciate you your work, and do believe that this worthy cause should be permitted as the nature of the variance will have little or no adverse impact on the area or area homes. Camp Zion has been a valuable part of our area before most of us even arrived and has consistently earned our support.

Thank you for your kind consideration and hard work on our behalf,

Ken & Lori

Ken & Lori Alexander
12857 Tip of the Door Lane
Ellison Bay, Wisconsin 54251
(760) 603-9251

Riemer, Linda

From: Kyle Hartnell <khartnell@yfcwi.com>
Sent: Friday, May 8, 2020 9:03 PM
To: Riemer, Linda
Subject: County of Door Land Use Services Department

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MAY 11 2020

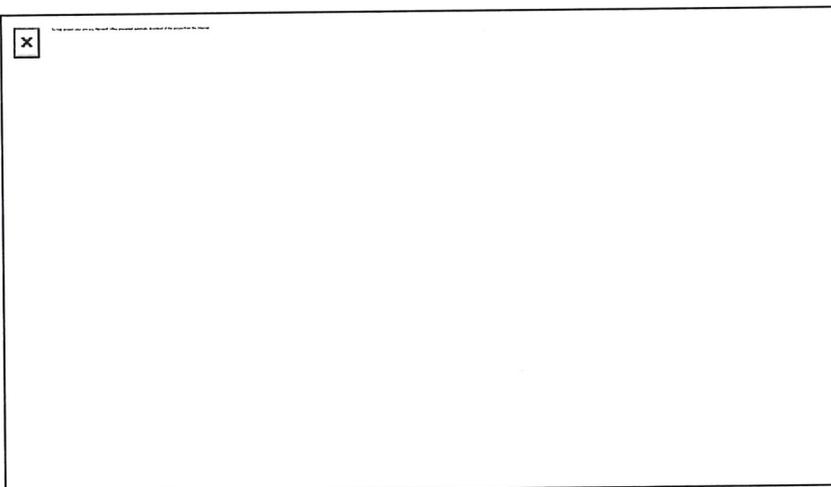
DOOR COUNTY
LAND USE SERVICES DEPARTMENT

Linda Reimer
County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

My name is Kyle Hartnell and I am the director of marketing at Southeastern Wisconsin Youth for Christ. I would also like to mention that I am a quadriplegic. Because of my condition, I have to make sure the places I go have wheelchair accessibility. My organization holds a work retreat at Camp Zion every year. Although it was difficult to get around, the Camp Zion staff made accommodations and I was able to have an awesome experience. If you have never been to Camp Zion, it is a beautiful place, located on a bluff just off the lake in a quiet and secluded woodland area. The steep slopes and rough terrain made it very difficult for my wheelchair to get around the camp. The buildings have paved areas, but traveling from building to building was very difficult and I required much assistance. At the current dining hall, there was a small parking spot next to a ramp that made access easy for me. Unfortunately, I was recently told by staff that the small parking spot had to be removed because it was not a permitted spot.

I was excited to hear that Camp Zion is requesting to build a new dining hall, especially because the plans include ADA compliance. ADA compliance is extremely important to not only the handicapped community, but also the elderly community. The ADA access bridge is an important feature that avoids the difficulties of the slopes and terrain, allowing easy access to the new dining hall for handicapped guests, older guests, and older camp staff. Bringing the building in about 40 feet closer to the road will shorten the distance handicapped and elderly guests have to travel to enter the building. From the pictures I have seen, the building will fit in nicely with the landscape and the surrounding environment. As you consider Camp Zion's request for a new dining hall, I would like to ask you to please keep the handicapped and elderly communities in mind. If you have any questions, please feel free to email me or call me at 262-455-5834. I'd be more than happy to answer any questions that you have.

Thank you



Riemer, Linda

From: Michael Ball <mqball1352@gmail.com>
Sent: Monday, May 4, 2020 9:33 AM
To: Riemer, Linda
Subject: Camp Zion Conditional Use Permit & Variance Request

County of Door Land Use Services Department

My wife & I wish to express our support for the Conditional Use Permit & Variance for Camp Zion's dining facility structure. Camp Zion is one of the many diverse attractions & features that make our lovely area so unique. Camp Zion has been a wonderful community asset to Northern Door County since 1946. Throughout the camps 70+ years, they have demonstrated a very high level of community responsibility. This is demonstrated by their request – making the building less visible, complying with the American's With Disabilities Act and providing easier access for older campers and guests.

It would be a shame to inhibit it's plans to maintain a viable camping experience.

Thank you for your consideration,

Michael & Donna Ball
923 Gooseberry Ln.
Ellison Bay, WI 54234
Cell: (920) 421-1231

RECEIVED

MAY - 4 2020

**DOOR COUNTY
LAND USE SERVICES DEPARTMENT**

To whom it may concern:

My name is Terry Richards and I am sending this email in support of Camp Zion. They have filed a Conditional Use Permit and are requesting a variance.

I have grown up coming up to Camp Zion as both a camper and for many many years as a staff member. While growing up and living with my parents we would often come to Door County to vacation and eventually my parents purchased a home at 820 Aisle View Road in Liberty Grove. I am not sure what year the home was purchased but it has been at least 15 years. My father has passed away, but my mother still has the residence and we come up numerous times through out the year. We have the ability to stay in the winter so it is not just a summer home.

With all that said, it is important that you know that Camp Zion and Door County have been a very positive part of both my youth and now my adult life. My kids are now adults and they attended as campers and staff for the past several years. In fact many times we are there between camp periods so we have the staff that are at camp come over and visit with us and eat with us. We support Liberty Grove and the entire Door County area with visiting shops, grocery stores, restaurants, lakes, etc. We love Camp Zion and Door County.

As far as the variance is concerned, Camp Zion has always been and will continue to be a friendly neighbor. They take care of their property, they keep the area clean and looking nice. They would like to continue their legacy as a camp in the future. One of the ways to do this is to build this new building they are requesting. They will work at meeting any and all ADA requirements while also trying to keep the building and the camp in the original simplistic forms. By building into the hill side and possibly building a walkway bridge they are ensuring everyone has the ability to come to camp, where they will not only fall in love with Camp Zion, they will fall in love with Door County.

Please consider allowing Camp Zion this variance. It would be beneficial to Camp Zion Yes, but it will also benefit Door County. I know of numerous others that have bought or rented properties in Door County and they continue to love it.

Please feel free to contact me if you want to. I live at 3132 Bethel Blvd. in Zion, IL 60099. My phone number is 847-980-7250 (cell).

RECEIVED

MAY - 4 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

Riemer, Linda

From: Jan Suttie <bsuttie1043@gmail.com>
Sent: Friday, May 1, 2020 5:08 PM
To: Riemer, Linda
Subject: Camp Zion variance

May 1, 2020

County of Door Land Use Services Department
Attn: Linda Reimer
County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

Greetings,

As property owners in the process of building a home, in close proximity to Camp Zion on Birchfield Lane in Ellison Bay, we recently received a notice regarding a petition for variance from the Door County Comprehensive Zoning ordinance.

In regard to this variance, I don't necessarily think it is important that I have been participating in Camp Zion's programs, construction projects and development over the last 65 years, however, what I do feel is important, is that all along the way, I have known this organization to be very keen on, and attentive to, safety issues regarding the health and welfare of their staff, campers and visitors.

The importance of this variance request speaks directly to the topic of **safety**, as well as, **aesthetic contribution** to the property. Camp Zion is a wonderful, Christian, educational organization that is a tremendous asset to the Town of Liberty Grove specifically and Door County in general. Camp Zion's contributions to these local entities, are both **cultural** and **economic** attracting a large number of visitors to the area.

This variance would tuck the building in closer to the ridge on which the road currently runs and would clearly allow easier and much safer access for foot traffic, particularly in the case of older guests (which often includes people with various handicaps).

Moving the structure closer to the ridge also allows the building to blend in with the surrounding trees and vegetation, in a more natural manner.

We appreciate this opportunity to share our neighborly input and respectfully request your allowing the passage of this variance.

Sincerely,

John and Janis Suttie

Birchfield Lane, P.O. Box 236, Ellison Bay, WI

RECEIVED
MAY - 4 2020
DOOR COUNTY
LAND USE SERVICES DEPARTMENT

Riemer, Linda

From: tnb.chatel@sbcglobal.net
Sent: Friday, May 1, 2020 1:31 PM
To: Riemer, Linda
Subject: Camp Zion Variance Request

Dear Linda,

We own a home in Liberty Grove at 10808 North Appleport Lane where we live seasonally. We are writing you to lend our support to Camp Zion's request for a variance from a portion of the setback requirements for their new building.

Reducing the setback will allow the new building to be positioned further into the steep hill to the west and give handicapped guests easier access to the building. Locating the building further east would require the disabled and elderly campers to travel further to reach it. For those people, locating the building into the hill is a thoughtful accommodation that they will surely appreciate.

The other benefit to positioning the building into the hill is that it will reduce its visibility, an attractive advantage for neighbors and campers.

We believe Camp Zion is a valuable asset to our community, and that the camp's request would provide significant benefits. We hope that you will thoughtfully consider these benefits and grant their variance request.

Sincerely,

Robert & Teresa Chatel

RECEIVED
MAY - 4 2020
DOOR COUNTY
LAND USE SERVICES DEPARTMENT

Riemer, Linda

From: agentwww <agentwww@yahoo.com>
Sent: Wednesday, April 29, 2020 1:04 PM
To: Riemer, Linda
Subject: Camp Zion

I am in favor of a variance for Camp Zion. My girls have been camping there for years and now work there. It is truly an asset to our community. Thank you.

Candace Wassel
11624 Carrington Ln
Ellison Bay Wi

Sent from my Samsung Galaxy smartphone.

RECEIVED
APR 30 2020
DOOR COUNTY
LAND USE SERVICES DEPARTMENT

Riemer, Linda

From: Douglas J Cunliffe Owen <d.cunliffe-owen@sbcglobal.net>
Sent: Wednesday, April 29, 2020 8:39 PM
To: Riemer, Linda
Subject: ATTN: Linda Riemer re: Camp Zion Variance request

Dear County of Door Land Use Services Department,

It has come to our attention that Camp Zion in Ellison Bay, WI is seeking a variance from setbacks for the construction of a new dining facility. As home owners and tax payers of property located at 744 Isle View Road in Ellison Bay, we are writing to express our full support and request that the Zoning Board of Adjustment grant the variance to allow the subsequent construction of this new facility.

We are very familiar with Camp Zion's history, its service to youth, adults and senior adults since 1946, and its impact on the local economy. The appeal of Camp Zion is largely due to its location on the shores of Green Bay. This appeal has meant that groups from across the Upper Midwest and beyond, return to Camp Zion year after year. This pattern of repeat groups has directly translated into real dollars spent in local shops, restaurants, hotels, and cafes.

One problem facing Camp Zion is its limitation to serve the disabled and elderly. That's right. It might come as a surprise that Camp Zion, ostensibly a youth-orientated camp, serves groups of retirees and seniors. Therefore, having a building that satisfies the Americans with Disabilities Act (ADA) ingress and egress points enables Camp Zion to continue to serve this important demographic.

This variance request is wholly necessary for the long-term viability of Camp Zion. The camp is simply asking to construct an ADA compliant dining facility on their own land. Moreover, the architecture of the proposed dining facility calls for the building to be tastefully built into the natural topography. This design feature minimizes the elevation of the structure when viewed from Door Bluff road.

Thank you for your consideration.

Douglas & Gretchen Cunliffe-Owen

RECEIVED

APR 30 2020

**DOOR COUNTY
LAND USE SERVICES DEPARTMENT**

RECEIVED

APR 28 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

April 28, 2020

tlibertygrove@gmail.com

Town of Liberty Grove Planning Commission
Board of Town of Liberty Grove
Attn: Stacy Bell, Town Clerk/Treasurer
11161 Old Stage Road
Sister Bay, WI 54234

lriemer@co.door.wi.us

County of Door Land Use Services Department
Attn: Linda Riemer
County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

I want to thank you for the opportunity to communicate with you. I am writing a letter of support for Dale Stewart and the team of Camp Zion, located in Northern Door County.

My wife and I moved to Ellison Bay in Door County after we each retired from senior positions in public education administration (Sheboygan Area School District) and latter in health care administration (CEO, Pine Haven Christian Communities). My wife and I are full-time, year-round property Owners and love the four seasons of life in this beautiful area. In my careers spanning more than 40 years, I understood very well the importance of working to build and strengthen the communities where we live. To do this it would take energy and commitment to respecting others and build character in those we work with and care for.

Moving here from Sheboygan was an exciting time as we researched opportunities not only to volunteer but also to find people and organizations where love for the local environment was a driving motivation for impacting the lives of other in our new community. Coming from public education systems, I also wanted to work and support an organization, which also wanted to positively impact young lives and impact their character development.

To find this was not difficult. A visit to the new dentist office had me listening to the hygienist tell of the camp near Ellison Bay where her kids went in the summer and where they learned so many of the life skills needed to be a positive member of our schools and communities. Sometime latter I met an architect who talked about a camp in Northern Door where his kids learned skills of working and living with new friends and how to reach out to help others. Again that important word "character" was used to describe the importance of Camp Zion.

At Piggly Wiggly I met numbers of people who loved the tradition of sending their kids and now grandkids to Camp Zion. I could continue these types of comments, but just taking time to research and listen would make finding a setting to invest a bit of our time, for the good of others, a real joy.

I have come to know many students and graduates of Gibraltar schools who love talking about the life-lessons that they experienced at Camp Zion. Today as tourists return to visit DC, we have come to meet many who return for their vacations and we are not surprised to hear many guests talk about how they first came here as students and how they learned to love those weeks spent at Camp Zion. These are lifelong relationships being developed even today and I would suggest it is important to understand this importance for our community and families that help to support us all.

What drives all of this comes with leadership that is true to its mission and where respect for others is not just wanted, but is expected. Dale and Carole Steward are people of Faith and are a respected family, living year-round within our community. Their two sons are important team members within Sister Bay, working year round at the "Pig" and at Pheasant Park.

Their lives are consistently shared with others who have needs. Meals are brought to the sick, cookies to the elderly, encouragement to young lives and direction to many young couples. This is an attitude, which impacts our community, but also shapes the purpose and lives of those who are welcomed by Camp Zion. Dale and Carole set the bar high for their guests and staff. A broad cross section of our community understands that for decades Camp Zion and their leaders and staff have welcomed us into our community and this cannot be taken for granted. Dale speaks to many groups and often that talk includes appreciative and supportive comments about the "neighborhood". He wants to respect all the lives he works and lives with, especially those living around the camp. This is the Faith dynamic which shapes the lives of both Dale and Carole. The teaching of "Loving your neighbors" are not just words, but are teachings set deep within their souls.

This is what I have learned from just four short years of living full time in Door County. I hope we all will learn and benefit from many more years of support and encouragement of Camp Zion. We appreciate the needs for small variances to assist both neighbors and the ADA needs of camp visitors. ADA compliance will allow access for those needing access accommodations. Dale would be the first to stand in support of anyone needing this type of assistance.

The respect for environment and the neighbors has been high on the design goals and we support the manner in which the project construction can be accomplished while minimizing the visibility questions of certain neighbors. This accomplishment flows right along with Camp Zion's respect for their neighbors.

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APR 28 2020
DOOR COUNTY
LAND USE SERVICES DEPARTMENT

And while today I would not want to think about inability to serve or attend Camp Zion, I realize not only with my age, but the demographics of Camp Zion guests may change a bit. It needs to be comfortable and safe for all of the community. I appreciate the thought being put into the design and look forward to its completion.

I thank you for your service to our community. I respect and honor you all for your commitment.

Sincerely,

Roger ad Julie Leys
11723 Lakeview Road
P.O. Box 21
Ellison Bay, Wisconsin 54210

RECEIVED

APR 28 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

Riemer, Linda

From: Fly65 <fly65@aol.com>
Sent: Monday, April 27, 2020 5:22 PM
To: Riemer, Linda
Subject: Attn: Linda Riemer
Attachments: 2623EE42-B7AB-4C85-A0DA-F0A52F868C8A_1_201_a.jpeg

Hello Linda, my name is Lisa Pratt and I am a home, land and storage building owner in Liberty Grove. I am writing to ask your support in granting the variance to Camp Zion to building their new Dining Hall on the field side of their property. I know for a fact this is something they have been in need of for many years and we are seeking the Commission and Board's approval at this time. Camp Zion has meant so much to my family since the 1940's. I have attached a photo of my Mom and aunt standing next to the transportation the Church use to use to get the campers to Ellison Bay. My Mom is standing next to the ramp. I can't imagine riding all the way to Ellison Bay on a hay bale or park bench. I could name at least a dozen family members who have bought or built homes in Liberty Grove because of the love they came to have for the area because of Camp. It has been a place that has been so instrumental in the growth and development of thousands of young people through the years. Please help them to continue this Good Work with addressing the desperate need they have for a new Dining Hall and gathering area. I appreciate your help in this cause. Sincerely, Barry and Lisa Pratt

12747 WI-42 #206
Ellison Bay

RECEIVED

APR 28 2020

**DOOR COUNTY
LAND USE SERVICES DEPARTMENT**

Riemer, Linda

From: Joel Gunnlaugsson <joelgunnlaugsson@gmail.com>
Sent: Monday, April 27, 2020 12:41 PM
To: Riemer, Linda
Cc: dalestew@campzion.com
Subject: Camp Zion Variance request

RECEIVED

To: DC Land Use Services Department

APR 28 2020

Dear members of the Board -

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

The purpose of this correspondence is to provide support and endorsement for the Camp Zion Variance request so they can build a new structure to better enhance their operations, better their standards and offerings to their guests and actually create a more cohesive / user friendly camp facility.

I have personally walked around the property with Mr. Stewart and feel that what they are trying to accomplish is truly a more positive approach and better way to utilize their campus.

By "tucking" the proposed new building below the hill and into the field area, it just simply makes more sense and creates an atmosphere way more enjoyable and safer for the operations of the camp.

This Camp plays a tremendous roll in our community, in so many ways, on an annual basis and I think we would be remised to not support their efforts in bettering what they offer to Door County.

As the County Board Supervisor representing this portion of my District (21), I fully support what Mr. Stewart and Camp Zion are trying to do and hope that this Variance request will be approved.

In closing, please use this email as my support and documentation in favor of granting a Variance to Camp Zion.

--

Regards,

Joel Gunnlaugsson
Door County Board Supervisor, District 21

Riemer, Linda

From: CCarlson628@gmail.com
Sent: Saturday, April 25, 2020 8:53 AM
To: Riemer, Linda
Subject: Camp Zion permit

RECEIVED

APR 27 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

County of Door Land Use Services Department
Attention: Linda Riemer

I am sending this email in support of Camp Zion in Liberty Grove. It is my understanding that they have requested a permit for a new dining hall. Because of the location they would like to make it more accessible to handicapped people. The plan is to build a bridge from the parking lot which would make access considerably better. I request that you consider waiving the setback requirements in order to make access more readily available for not only handicapped persons, but also for more elderly attendees as well.

This solution would actually serve two purposes, in that the building could be set back into the hill and thereby making it less visible to the surrounding community as well.

Camp Zion is a very positive environment for all attendees and has been a very positive influence in our community. I would love to see the camp improve their services in order to serve more people.

Connie Carlson
Sent from my iPad

Riemer, Linda

From: Ted Carlson <ted.carlson@ymail.com>
Sent: Saturday, April 25, 2020 9:04 AM
To: Riemer, Linda
Subject: Camp Zion permit

RECEIVED

APR 27 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

County of Door Land Use Services Department
Attention: Linda Riemer

I am sending this email in support of Camp Zion in Liberty Grove. It is my understanding that they have requested a permit for a new dining hall. Because of the location they would like to make it more accessible to handicapped people. The plan is to build a bridge from the parking lot which would make access considerably better. I request that you consider waiving the setback requirements in order to make access more readily available for not only handicapped persons, but also for more elderly attendees as well.

This solution would actually serve two purposes, in that the building could be set back into the hill and thereby making it less visible to the surrounding community as well.

Camp Zion is a very positive environment for all attendees and has been a very positive influence in our community. I would love to see the camp improve their services in order to serve more people.

Sent from my iPad. Ted Carlson

Riemer, Linda

From: Joseph Treleven <captndaisy@yahoo.com>
Sent: Tuesday, April 21, 2020 2:52 PM
To: Riemer, Linda
Cc: Dale Stewart
Subject: Zion Camp

We strongly support Camp Zion's variance request. The Camp has been our good neighbor for over 40 years. Their new building will improve the camp and benefit the entire Door Bluff Road community.

Joseph and Terryl Treleven
12735 Door Bluff Road
Ellison Bay

Riemer, Linda

From: George Turnbull <44falcon@att.net>
Sent: Friday, May 29, 2020 10:03 PM
To: Riemer, 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

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MAY 29 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

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

RECEIVED

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

RECEIVED

JUN 3 2020

because of their disability's .

I would appreciate your consideration on this matter .

Dale & Nancy Thorson

RECEIVED

JUN 3 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

Riemer, Linda

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

Linda Riemer
County of Door Land Use Services Department
Zoning Board of Adjustment
Attention: Linda Riemer
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

RECEIVED

JUN 4 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

Riemer, Linda

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

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

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

RECEIVED

JUN 8 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

Riemer, Linda

RECEIVED

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

RECEIVED

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>>

The information contained in this message may be confidential. If you are not the intended recipient, do not review, copy or distribute this message. Please immediately inform the sender that you received this message in error, then delete the message, including any copies of it.

On Mon, Jun 8, 2020 at 11:08 AM Riemer, Linda <Lriemer@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: Lriemer@co.door.wi.us | Website: <https://www.co.door.wi.gov/164/Land-Use-Services>**

OTHER CORRESPONDENCE



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

April 17, 2020

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

Re: Petition for Grant of Variance
Tax Parcel # 018-02-02322821A1
Parcel east of 12701 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. Given the current situation with COVID-19, we cannot say definitively when the scheduling process for the hearing will begin, but the soonest the hearing could be held will be late May.

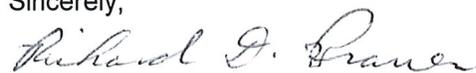
Camp Zion, Inc. petitions for a variance from section 3.06 of the Door County Comprehensive Zoning Ordinance which requires a building that is screened from the road with a vegetative screening as described in section 3.10(4), landscape buffer requirements, and has a total volume between 120,001 and 180,000 cubic feet to be setback at least 102.5 feet from the described edge of a private road easement or 102.5 feet from the travelled edge of the private road where the easement is not described. The petitioners propose to construct a building with 179,151.23 cubic feet of volume that would be used for dining, meeting, recreation, education, and other activities customary for an Institutional Recreation Camp. This building would be located as close as 68 feet from the edge of the private road, a covered deck would be located as close as 62.5 feet from the edge of the road, and a walking bridge would be located as close as 32 feet from the edge of the road. (Note: Appropriate vegetative screening shall be provided.) This property is located east of 12701 Door Bluff Road in Section 2, Town 32 North, Range 28 East, in the Town of Liberty Grove.

	Required road setback due to building volume	Required road setback with vegetative screening	Applicant's requested road setback
Walking bridge	30 + 175 = 205 feet	205/2 = 102.5 feet	32.0 feet
Covered deck	30 + 175 = 205 feet	205/2 = 102.5 feet	62.5 feet
Building	30 + 175 = 205 feet	205/2 = 102.5 feet	68 feet

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 town will be sent a hearing notice once the matter has been scheduled.

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
Zoning Administrator

Enc.: Variance application packet & town recommendation worksheet

CC: Camp Zion, Inc.

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

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

Camp Zion, Inc. petitions for a variance from section 3.06 of the Door County Comprehensive Zoning Ordinance which requires a building that is screened from the road with a vegetative screening as described in section 3.10(4), landscape buffer requirements, and has a total volume between 120,001 and 180,000 cubic feet to be setback at least 62.5 feet from the described edge of a private road easement or 62.5 feet from the travelled edge of the private road where the easement is not described. The petitioners propose to construct a building with 179,151.23 cubic feet of volume that would be used for dining, meeting, recreation, education, and other activities customary for a religious Institutional Recreation Camp. This building would be located as close as 68 feet from the edge of the private road, a covered deck would be located as close as 63 feet from the edge of the road, and a walking bridge would be located as close as 32 feet from the edge of the road. (Note: Appropriate vegetative screening will be provided.) This property is located east of 12701 Door Bluff Road in Section 2, Town 32 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

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.)

GOODE, MARIAH

From: Town Clerk <tlibertygrove@gmail.com>
Sent: Tuesday, May 19, 2020 10:14 AM
To: GOODE, MARIAH
Subject: Re: Agenday FYI

yes, mr. smith had asked about that

On Mon, May 18, 2020 at 6:24 PM GOODE, MARIAH <mgoode@co.door.wi.us> wrote:

Hi, Bud –

I assume you are referring to the Camp Zion variance request?

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

Website: <https://www.co.door.wi.gov/164/Land-Use-Services>

From: Town Clerk <tlibertygrove@gmail.com>
Sent: Monday, May 18, 2020 3:40 PM
To: GOODE, MARIAH <mgoode@co.door.wi.us>
Subject: Re: Agenday FYI

The recommendation is apparently that there is no recommendation. The Plan Commission chairman is not comfortable holding a virtual meeting at this level so will not hold one and leave it up to the BOA. Bud

On Mon, May 18, 2020 at 1:41 PM GOODE, MARIAH <mgoode@co.door.wi.us> wrote:

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

Website: <https://www.co.door.wi.gov/164/Land-Use-Services>

From: Town Clerk <tlibertygrove@gmail.com>

Sent: Monday, May 18, 2020 1:18 PM

To: Advocate meeting notices <advocate@doorcountyadvocate.com>

Subject: Agenday FYI

Please note this meeting will be held electronically via Zoom and connection information is included on the agenda.

GOODE, MARIAH

From: GOODE, MARIAH
Sent: Wednesday, May 27, 2020 1:28 PM
To: 'Jim Smith'
Cc: Tyler Pluff
Subject: RE: Camp Zion: Virtual Meetings and Open Meetings Law
Attachments: 2020-06-9 BOA NOTICE.docx; 2020-6-09 BOA AGENDA.docx; Conduct of virtual hearings 2020-06.docx

Hi, Jim –

We are proceeding with the June 9th 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.

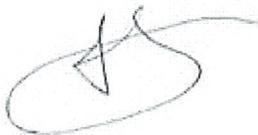
Thank you!

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
Website: <https://www.co.door.wi.gov/164/Land-Use-Services>

From: Jim Smith <JSmith@pinkertlawfirm.com>
Sent: Tuesday, May 26, 2020 10:37 AM
To: GOODE, MARIAH <mgoode@co.door.wi.us>
Cc: Tyler Pluff <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.



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



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From: Tyler Pluff <TPluff@pinkertlawfirm.com>
Sent: Tuesday, May 26, 2020 10:31 AM
To: Jim Smith <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
www.pinkertlawfirm.com



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Josh Kaul
Wisconsin Attorney General



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

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

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 9th 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
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Website: <https://www.co.door.wi.gov/164/Land-Use-Services>

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

<image002.jpg>

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<image001.jpg>

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<image002.jpg>

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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
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<image003.jpg>

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Josh Kaul
Wisconsin Attorney General



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

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

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
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**County of Door
CORPORATION COUNSEL**

County Government Center
421 Nebraska Street
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Grant P. Thomas
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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, 1st Floor) and Peninsula Room (C121, 1st 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 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."

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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 lrimer@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.



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P.O. BOX 89
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WRITER'S E-MAIL 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

JAMES R. SMITH
RICHARD A. HAUSER
JON R. PINKERT *
JENNIFER C. HOBART
AMY M. SULLIVAN
TYLER D. PLUFF
MICHAEL J. DeCHECK

* 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

RECEIVED

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)
Linda Riemer (via email only: lriemer@co.door.wi.us)
Attorney Grant Thomas (via email only: gthomas1@co.door.wi.us)

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JUN 5 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

Camp Zion
Variance Request Hearing
Correspondence in Opposition



454 KENTUCKY STREET
 P.O. BOX 89
 STURGEON BAY, WISCONSIN 54235-0089
 TELEPHONE (920)743-6505
 FACSIMILE (920)743-2041
 WRITER'S E-MAIL asullivan@pinkertlawfirm.com

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RETIRED:

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 MARK A. JINKINS

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JAMES R. SMITH
 RICHARD A. HAUSER
 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

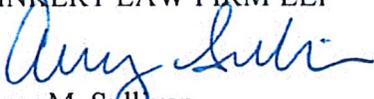
Re: *Camp Zion Variance*

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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JUN 8 2020

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 LAND USE SERVICES DEPARTMENT

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LAND USE SERVICES DEPARTMENT

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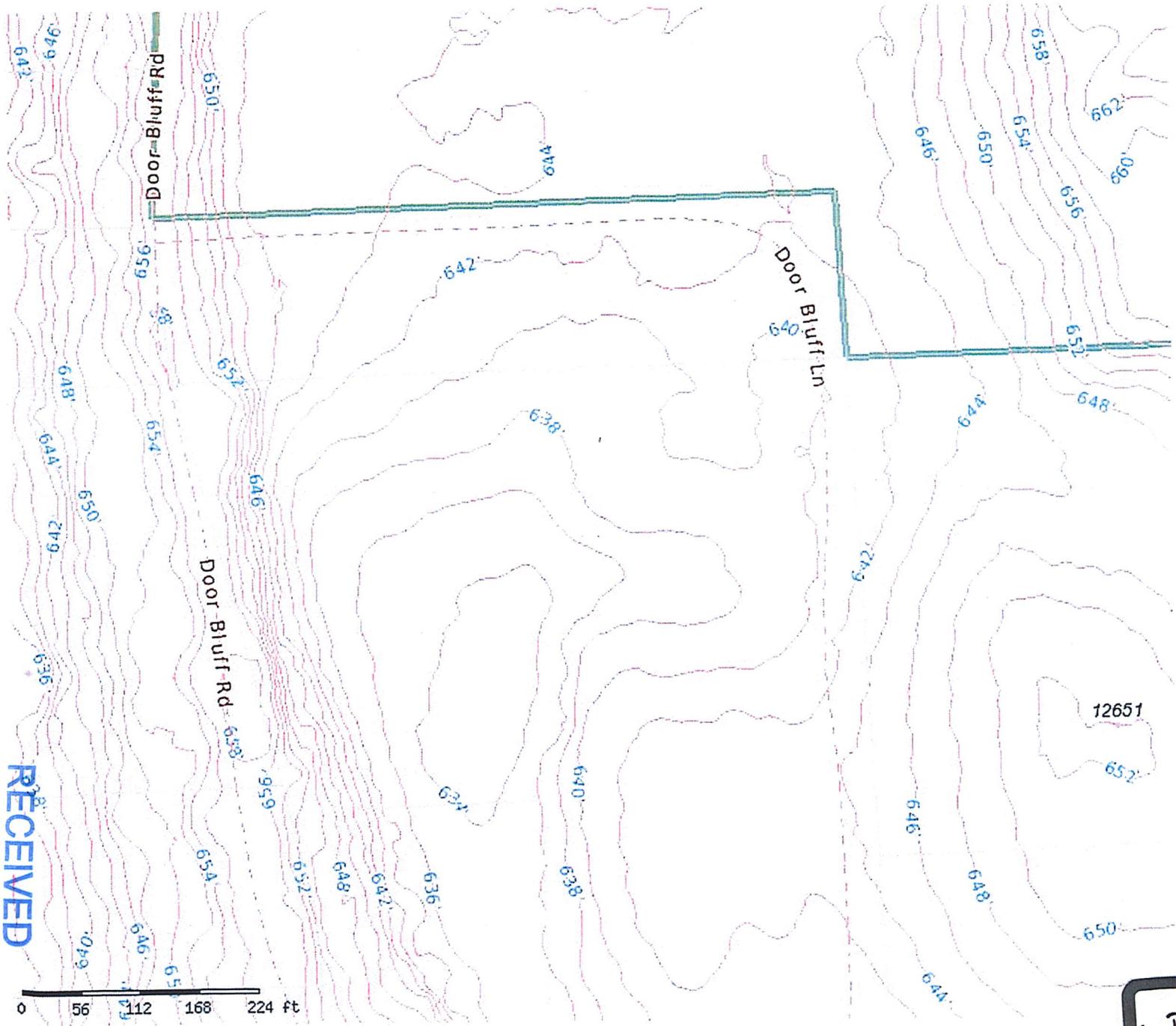
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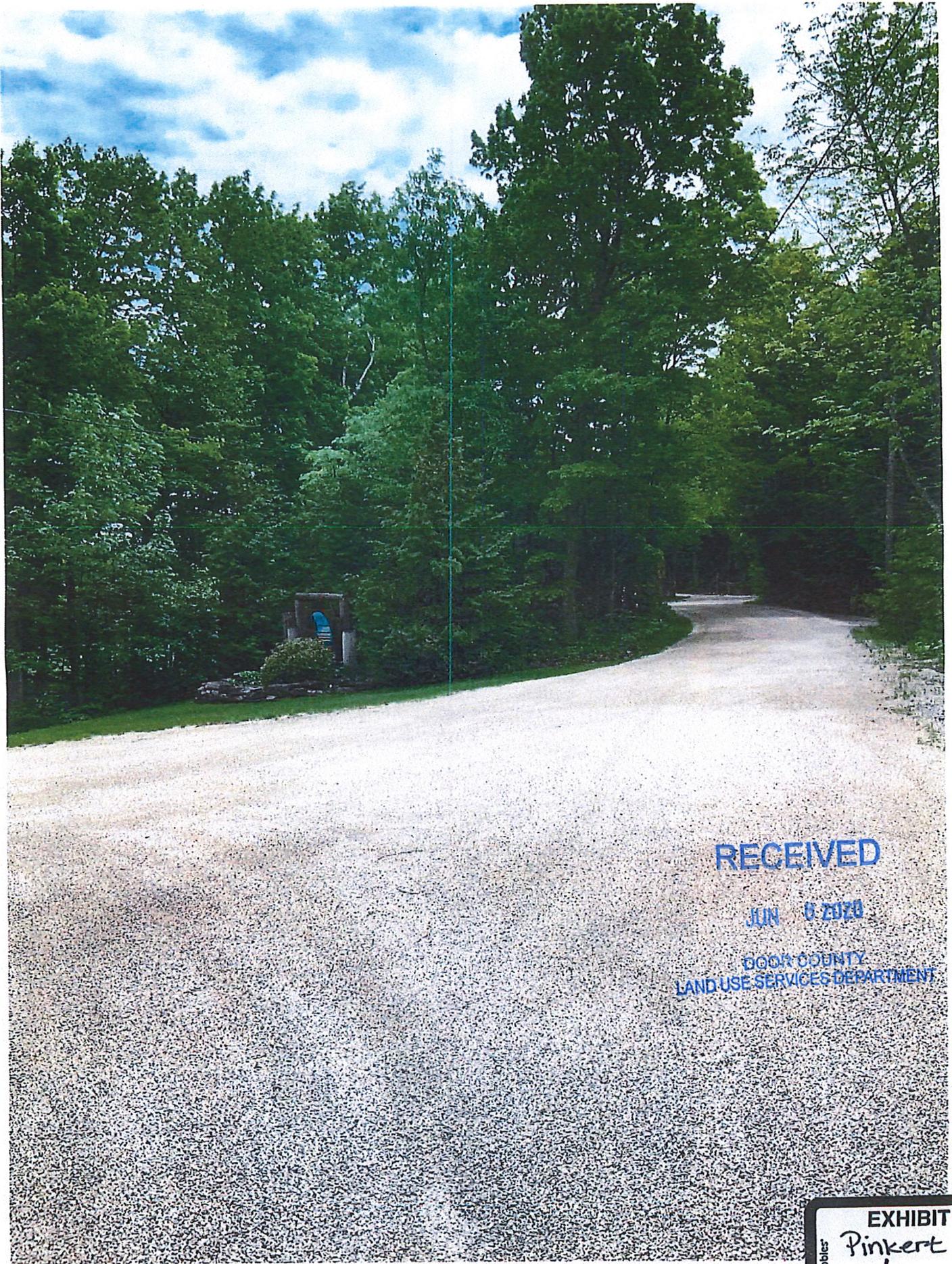
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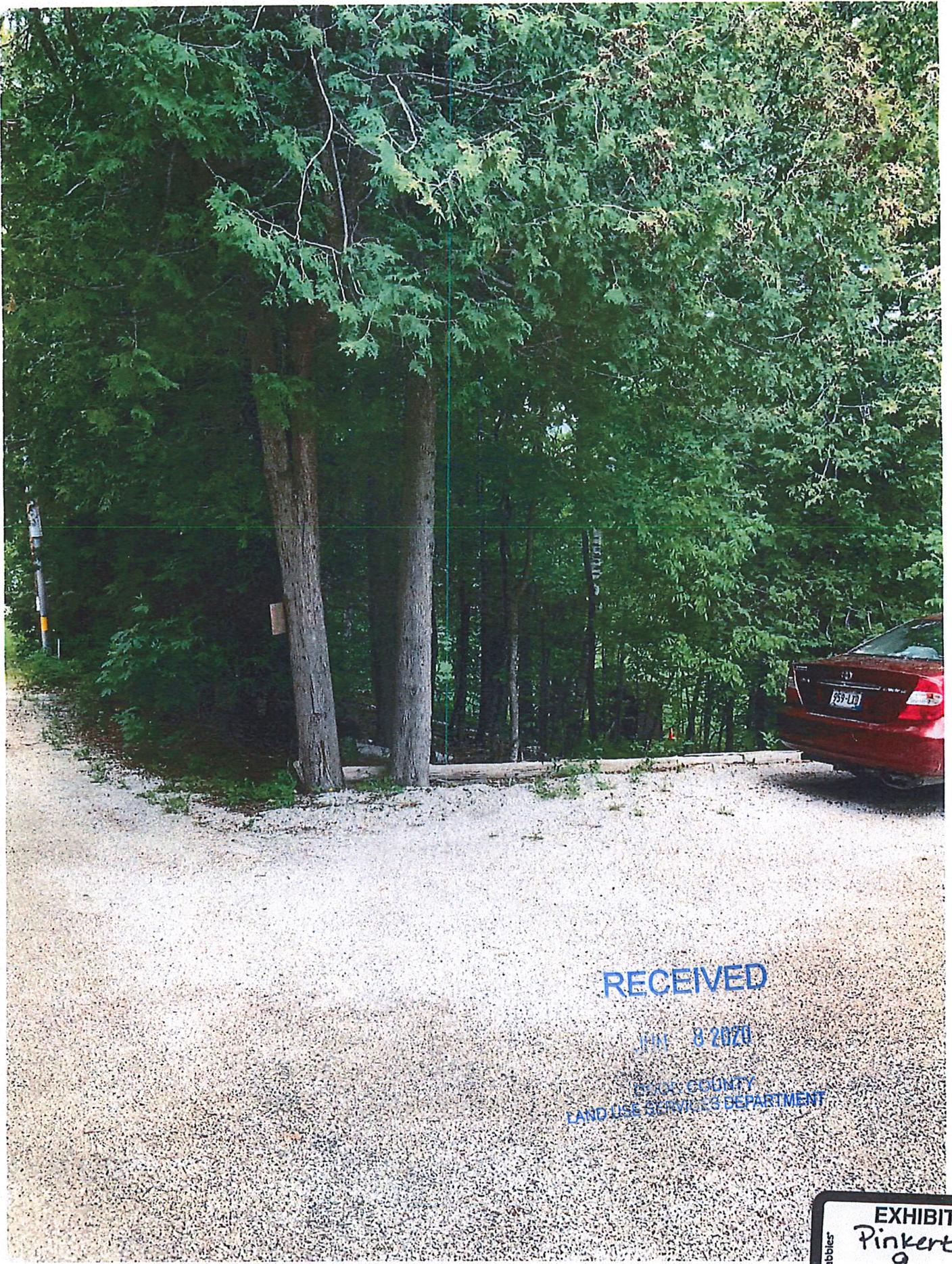


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JUN 8 2020

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.

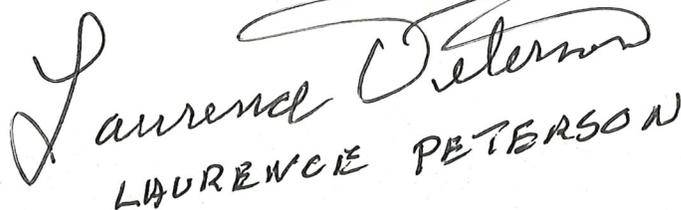


REGISTRATION TO OFFER LIVE TESTIMONY
FOR THE CAMP ZION VARIANCE REQUEST
OPPOSITION JUNE 9, 2020 - 9AM

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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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 camp's 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. ^{HAVE} ~~enclosed~~ 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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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...

n:

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) 5/20/85 with the following conditions DOCS

(date) _____ for the following reasons

(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 represent 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.

(4)

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. sh. sh. setup. And, I don't know if you have floor plans here.

4 cont

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 sheddy (sic) type buildings there. Shedly (sic) meaning sheds.

Sally Sharkey:

Yes.

NOVEMBER 29, 1984

Permit Issued (date) 5/22/85 with the following conditions None

Permit Denied (date) _____ for the following reasons _____

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DOOR COUNTY LAND USE SERVICES DEPARTMENT

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. It's in sympathy with everything around that area and I guess that's what 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 long, long time. Ah, for this particular church, and they use this for their congregation. Ah, and the children that belong to that church. Oh, this is what we call that as a church.

④

D. Sautebin:

You were saying that the maximum turn occupancy was 55, 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?

yle 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.

Hill:

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

NOVEMBER 29, 1984

Permit issued (date) 5/22/85 with the following conditions None
Permit Denied (date) _____ for the following reasons _____

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LAND USE SERVICES DEPARTMENT



DOOR COUNTY PLANNING DEPARTMENT

133 S. FOURTH AVENUE
STURGEON BAY, WISCONSIN 54235-0097

COURTHOUSE

PHONE (414)742-5511

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

DWS/sk
Enclosure

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

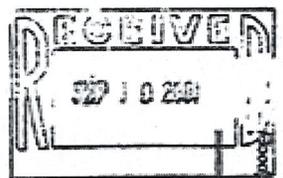
Mr. Michael Till w/enclosure
Ms. Jean Binsfeld
Mr. Robert Carlson

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DOOR COUNTY
LAND USE SERVICES DEPARTMENT

DOOR COUNTY PLANNING DEPARTMENT
421 Nebraska Street - Courthouse
P.O. Box 670
Saugenee 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. 2500 Davis Mem. Dr. Street
City Zion State IL Zip 60099
Home Phone # _____
Daytime Phone # 847-741-1411

2. BUILDING SITE LOCATION

File # 12761 Road Dove 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. 013-02-01322521 B
or
_____ Copy of Deed (attached) or
_____ Legal Description (attached) or
_____ Other (specify) _____

5. USE

Proposed use of land or structure:
Replacing existing single housing

6. SECTION OF ZONING ORDINANCE REQUIRING PERMIT 9.22(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

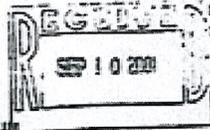
Dale Stewart
Date 9/10/01

Sanitary Zoning Permit Date _____
Certificate of Compliance Date _____
Receipt No. 288 Fee 150.00 Date 9/10/01
Date Permit Issued _____

OWNER: _____
SECTION: _____

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DOOR COUNTY
LAND USE SERVICES DEPARTMENT

DOOR COUNTY PLANNING DEPARTMENT
421 Nebraska Street - Courthouse
P.O. Box 670
Sturgeon Bay, Wisconsin 54235-0670
(920) 748-2523



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?

Remain 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. Washroom 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.

We'll 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.

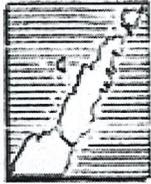
8) Describe how safe vehicular and pedestrian accesses will be provided.

Using existing paths and roads.

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**DOOR COUNTY
Planning Department**

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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
LATEL
2004*

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LAND USE SERVICES DEPARTMENT



County of Door
PLANNING DEPARTMENT

County Government Center
 421 Nebraska Street
 Sturgeon Bay, WI 54235

David W. Sauterlin
 Senior Zoning Administrator
 Phone: (920) 746-2323
 FAX: (920) 746-2387
 Website: 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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 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 dock 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 Gulls 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 4th 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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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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DOOR COUNTY
LAND USE SERVICES DEPARTMENT

TRANSFER TO VESUN AHLQUIST ATTACHED

STATE OF WISCONSIN
FORM No. 1
289631
VOL 74 PAGE 115

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

and Harvey H. Olson and Clara Olson, his wife

Witnesseth, That the said part 1st. 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 1st. 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 1st. 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 1946 feet to the point of beginning, thence North 464 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 464 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 Earita P. 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. 51 of Deeds, page 593, and excepting an easement to a private roadway given to Erik Ahlquist and Mr. Bacon, 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 Catholic 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 1st. 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.

Do have and to hold the said premises as above described with the hereditaments and appurtenances, unto the said part 1st. of the second part, and to their heirs and assigns FOREVER.

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JUN 4 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

NOT CLAIMED

STATE OF WISCONSIN
FORM No. 11

74 Aug 27

This indenture, Made this 26th day of August, A. D. 1919
between Adolph Roesser and Julia Roesser, his wife

and Erik Ahlquist and Mattie I. Ahlquist

Witnesseth, That the said part 1st 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 1st of the second part, the receipt whereof is hereby confessed and acknowledged, he, we given, granted, bargained, sold, remised, released and quit-claimed, and by these presents do give, grant, bargain, sell, remise, release and quit-claim unto the said part 1st 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 26 east, thence West 1599 feet to a point, thence North 666 feet to a point, thence northerly 304 feet more or less to a point which is 33 feet west of the Northeast corner of the Glen Tremartha 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 666 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 Northwest 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 1st 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 1st of the second part, their heirs and assigns FOREVER.

In Witness Whereof, the said part 1st of the first part has hereunto set their hands and seals this 26th day of August, A. D. 1919.

SIGNED AND SEALED IN PRESENCE OF

John Pahl
(John Pahl)
Quintan E. Lundquist

Adolph Roesser (SEAL)
Adolph Roesser

Julia Roesser (SEAL)
Julia Roesser

(SEAL)

(SEAL)

State of Wisconsin, }
Door County, } ss.

Personally came before me, this 26th day of August, A. D. 1919, the above named Adolph Roesser and Julia Roesser, his wife

to go known to the person, who executed the foregoing instrument and acknowledged the same.



John Pahl
John Pahl
Notary Public, Door County, Wis.

My commission expires 26th Feb., 1921
By Commission Expires Oct. 6, 1919

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DOOR COUNTY
LAND USE SERVICES DEPARTMENT

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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

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DOOR COUNTY
LAND USE SERVICES DEPARTMENT

June 3, 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 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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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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DOOR COUNTY
LAND USE SERVICES DEPARTMENT

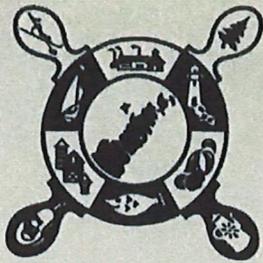
----- Forwarded message -----

From: Michael S Bahrke <msb11649@gmail.com>
Date: Mon, Jun 8, 2020 at 8:32 AM
Subject: Bahrke documents for Camp Zion hearing
To: lrreimer@co.door.wi.us <lrreimer@co.door.wi.us>
Cc: [jsmith](mailto:jsmith@pinkertlawfirm.com) <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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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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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 58th 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

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

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

Christ 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

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

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JUN 04 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

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 go on record that I vehemently oppose the variance request submitted by the Christ Community Church of Zion, Illinois (aka Camp Zion) to encroach upon the legally required setback from the Door Bluff private road. My family owns three parcels of property on Door Bluff Road. My parents built our cabin at 12537 Door Bluff Road in 1972, and have owned that property since the mid-1960s.

This variance is clearly contrary to public interest, and would cause substantial detriment to neighboring property, other property along the road, and the neighborhood in general. Having a bridge that is only 32 feet from the private road, and a giant three-story building only 62.5 feet from the road, is untenable. Such structures so close to the road would be impossible to screen, and most importantly, are **in direct conflict with the standards the residential property owners in the neighborhood have been strictly held to over the years when building or improving.** If granted, such a variance would appear as a special privilege to the Camp. It goes without saying that allowing the building (a 12,200 sq. ft., 179,200 cu. ft. maximum occupancy 200 people, multipurpose conference/retreat/chapel/dinning/kitchen facility) will completely invade the quality of peace and purpose for the homeowners on this street. The entire project will create a large increase in road traffic, lake traffic, noise and light pollution, and fire danger; as well as create a danger to children and others crossing the road--the list goes on.

The Camp is already a nonconforming use that initially was very low impact. When the Camp was grandfathered in years ago, it was the residential owner's understanding that the camp would remain 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. It will also irreparably damage the visual harmony and quality of life for the neighborhood's residents, and greatly reduce the neighborhood's property values.

I respectfully request that this variance is denied.

Sincerely,

Jennifer Everett Shea
12537 Door Bluff Road
Ellison Bay, WI 54210

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

RECEIVED

JUN 4 2020

**DOOR COUNTY
LAND USE SERVICES DEPARTMENT**

June 4, 2020

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

RECEIVED
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

RECEIVED
 JUN 5 2020
 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

RECEIVED
JUN 5 2020
DOOR COUNTY
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

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

June 6, 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 8 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

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

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

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

Riemer, Linda

From: Ryan Bahrke <ryan.bahrke@auslandercreative.com>
Sent: Monday, June 8, 2020 9:09 AM
To: GOODE, MARIAH; Riemer, 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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JUN 8 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

JUN 8 2020

217

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, it would be an inconvenience to their proposed 179,151 cu. 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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JUN 8 2020

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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JUN 8 2020

DOOR COUNTY
LAND USE SERVICES DEPARTMENT

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220

Rierner, Linda

JUN 8 2020

From: ingerkay36@gmail.com
Sent: Monday, June 8, 2020 12:35 PM
To: Rierner, 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: Iriemer@co.door.wi.us (That's "I" 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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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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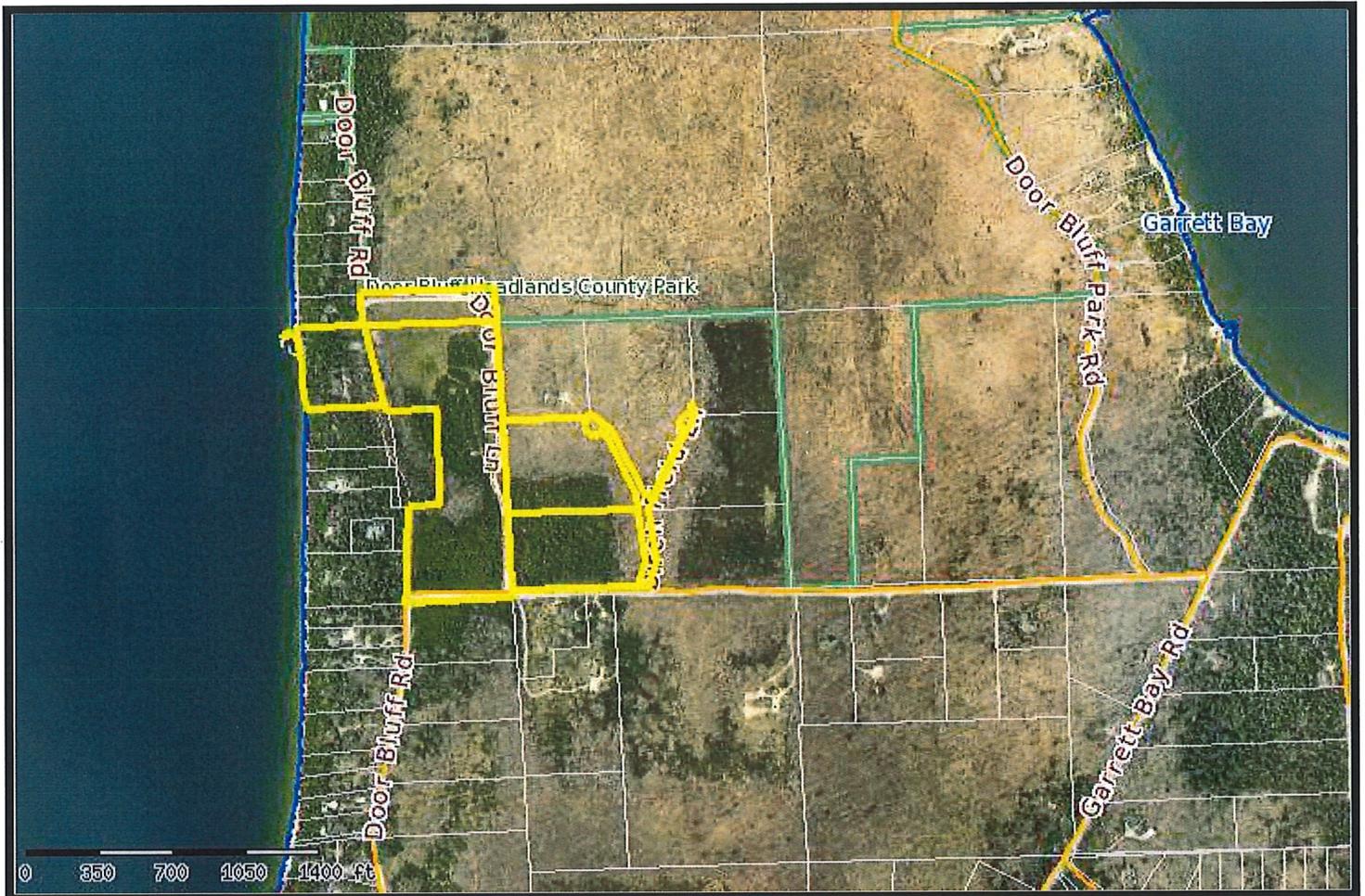
Map CHRISTIAN CATHOLIC CHURCH

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

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



Door County, Wisconsin
... for all seasons!



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Riemer, Linda

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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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.

JUN 8 2020

DOOR COUNTY
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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JUN 8 2020

DOOR COUNTY
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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DOOR COUNTY
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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**DOOR COUNTY
LAND USE SERVICES DEPARTMENT**

**MINUTES OF MEETING
DOOR COUNTY BOARD OF ADJUSTMENT**

June 23, 2020

1.0 Call to order and declaration of quorum.

The meeting was called to order by Chairperson Frey at 2:20 p.m. on Tuesday, June 23, 2020 in the County Board Room (C101) of the Door County Government Center, Sturgeon Bay, Wisconsin.

Board of Adjustment Members

Fred Frey, Chairperson
Monica Nelson
Arps Horvath, First Alternate
Chris Anderson, Second Alternate
Bob Ryan

Staff Present:

Richard D. Brauer, Zoning Administrator
Michelle Schuster, Zoning Administrator
Mariah Goode, Land Use Services Dept. Director
Grant P. Thomas, Door County Corporation Counsel

Excused:

Aric Weber, Vice-Chairperson

2.0 Discuss and arrive at a decision on an Appeal.

2.1 Stephan B. Nordstrom, Graycliffe, LLC, Carl M. Curry, and Cynthia M. Curry; appeal decision of Door County Zoning Administrator; Gibraltar.

This is an appeal of a zoning administrator’s decision pursuant to Sections 11.07(1)(a) & 10.02(4)(a), Door County Comprehensive Zoning Ordinance (“DCCZO”), and Section E. (1)-(4), Door County Board of Adjustment Rules of Procedure. The issues presented by this appeal arose from: the 03-04-2020 approval of a minor site condominium (Cottage Row Condominium II Plat) under Section 4.02(1) – (3), Door County Land Division Ordinance (“DCLDO”); issuance of a Door County Regular Zoning Permit to Cottage Row Properties, LLC on 04-03-2020; *and* issuance of a Door County Shoreland Zoning Permit to Cottage Row Properties, LLC on 04-03-2020.

After the public hearing was closed, the Board of Adjustment (“BOA”) members engaged in deliberations.

Arguments raised by the appellant centered on the condominium status of the subject property, specifically, the validity of the 02-28-2020 Cottage Row Condominium II Declaration (“condominium declaration”).

The BOA was not comfortable addressing the validity of the condominium declaration. This is because the zoning administrator is not required (by the DCCZO or DCLDO) to determine, and here had no reason to question, the condominium declaration’s validity.

It was noted that if the property was not subject to the condominium form of ownership when the minor site condominium was approved, then the Regular Zoning Permit and Shoreland Zoning Permit would be subject to revocation. This is due to the fact that the use of the previously existing lot of record (“lot”) was nonconforming (three single-family residences, versus one that would be allowed under current regulations), so a land division (minor site condominium) was required in order to create a separate lot (unit) for the proposed new single-family residence.

Ryan made a motion to postpone decision-making to 07-07-2020 to allow time for the Door County Corporation Counsel to research the condominium status of the property and filing of briefs by Pinkert Law Firm, LLP and Michael Best & Friedrich, LLP. This motion failed due to the lack of a second.

Deliberations continued. The BOA focused on the standards in the DCLDO concerning minor site condominiums, and the criteria in the DCCZO concerning regular zoning permits and shoreland zoning permits, in context of the bases for decisions set out in Section E. (4) (a) – (d), Door County BOA Rules of Procedure.

Ryan made a motion, seconded by Nelson, to deny the appeal. This motion carried unanimously (5-0). Aye: Frey, Nelson, Horvath, Anderson, Ryan.

The BOA determined that the appeal should be denied because, in approving the minor site condominium and issuing the regular zoning permit and shoreland zoning permit: 1) the zoning administrator kept within his jurisdiction; 2) the zoning administrator acted according to applicable laws and common law concepts of due process and fair play; 3) the zoning administrator's actions were not arbitrary, oppressive, or unreasonable and represented his judgement and not his will; and 4) the evidence was such that the Zoning Administrator might reasonably have made the determinations in question.

3.0 Old Business.

3.1 Read and act on Minutes of June 9, 2020, meeting.

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

3.2 Final disposition of the following cases considered by the Board of Adjustment at the June 9, 2020, meeting: Robert Hammacher and Staci Meister, John Penn.

Motion by Nelson, seconded by Horvath, to approve the final disposition of the cases. Motion carried unanimously.

4.0 Other Matters.

4.1 Announce next meeting.

Brauer announced that the next meeting will be held on July 7, 2020. The Camp Zion, Inc. variance case will be the only public hearing on that day. There is also a meeting that will be scheduled for July 14, 2020. Two variance cases have will be scheduled for that date. Arps Horvath informed staff that he would not be available for the July 14, 2020, meeting. Chris Anderson said she would be available for both of those dates.

5.0 Vouchers.

All of the board members present submitted vouchers. Bob Ryan, who participated remotely, will mail his voucher to the Door County Land Use Services Department.

6.0 Adjournment.

Motion by Horvath, seconded by Nelson, to adjourn. Motion carried unanimously. Chairperson Frey declared the meeting adjourned at 3:54 p.m.

Respectfully submitted,

Richard D. Brauer
Zoning Administrator

**DOOR COUNTY BOARD OF ADJUSTMENT
DECISION**

Tax Parcel No. 014-68-0003

PETITION: Stephan B. Nordstrom, Graycliffe, LLC, Carl M. Curry, and Cynthia M. Curry appeal the decision of the Door County Zoning Administrator whereby the Zoning Administrator issued a Door County Regular Zoning Permit and a Door County Shoreland Zoning Permit authorizing the construction of a single-family residence. The specific reasons for the appeal may be reviewed by request. This property is located south of and adjacent to 9091 Cottage Row Road in Section 6, Town 30 North, Range 27 East, and in a Single Family Residential-20,000 (SF20) zoning district.

HEARING: After due notice a public hearing was held by the Door County Board of Adjustment on June 23, 2020, at 2:20 p.m. in the Door County Government Center County Board Room (C101, 1st Floor) Sturgeon Bay, WI, to consider this appeal. At a subsequent meeting, the Board of Adjustment discussed this matter amongst themselves and with Door County Corporation Counsel Grant Thomas. Testimony by all involved has been carefully considered.

DECISION: The Door County Board of Adjustment (“BOA”) denied the appeal submitted by Stephan B. Nordstrom, Graycliffe, LLC, Carl M. Curry, and Cynthia M. Curry by the following vote:

Monica Nelson:	Deny
Arps Horvath:	Deny
Bob Ryan:	Deny
Chris Anderson:	Deny
Fred Frey:	Deny

REASONS: The BOA members determined, in approving the minor site condominium and issuing the regular zoning permit and shoreland zoning permit, that:

- 1) the zoning administrator kept within his jurisdiction;
- 2) the zoning administrator acted according to applicable laws, including Section 4.02(1) – (3), Door County Land Division Ordinance and the criteria in the Door County Comprehensive Zoning Ordinance, and common law concepts of due process and fair play;
- 3) the zoning administrator’s actions were not arbitrary, oppressive, or unreasonable and represented his judgement and not his will; and
- 4) the evidence was such that the Zoning Administrator might reasonably have made the determinations in question.

The grounds the BOA relied upon to make its decisions are located in the minutes or recorded in the transcript of the BOA’s proceedings.

DOOR COUNTY BOARD OF ADJUSTMENT

Signed: _____
Chairperson

Attest: _____
Recording Secretary

Dated: July 7, 2020
Filed: July 8, 2020

A party aggrieved by the decision of the Board of Adjustment may appeal to the Circuit Court under Wisconsin Statutes 801.02(5) and 59.694(10) within thirty (30) days after filing of the decision.