PUBLIC MEETING

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

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

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

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

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

Those who cannot attend remotely should call (920) 746-2323 or e-mail lriemer@co.door.wi.us . 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.

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

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.

  Mail: Door County Land Use Services, 421 Nebraska Street, Sturgeon Bay, WI, 54235
  E-mail: lriemer@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.

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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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 Virge Temme agent for owners Telephone No. 920 824 5746
Mailing Address 9098 Lime Kiln Rd
City Sturgeon Bay State WI Zip 54235
hereby petition(s) the Door County Board of Adjustment for a variance from Section (s) 4.3(1)a See Attachment B
of the Door County Zoning Ordinance which requires the fill shall be one foot or more above regional flood elevations extending to at least 15' beyond limits of structure. See Attachment B
(I) (We) propose to
See Attachment B

LOCATION:
The description of the property involved in this petition is located at:
Fire # 3264 Road Squaw Island Trail Township Gardner
Govt Lot ____ or ¼ - ¼ Section ____ Town ____ North, Range ____ East
Tax Parcel No. 01 - 20 - 210272441 H
Zoning District GARDNER Lot Size .25 acres.
Existing use of structure or land in question
single family residence

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 Submittal A

FOR OFFICE USE ONLY
Receipt No. 10835 Fee 500.00 Date 3-23-20
Hearing Date ____ Hearing Advertised Dates: ____ Decision ____
TOWN OF: ____ OWNER: ____ SECTION ____ T ____ N, R ____ E
PARCEL NO.: 0 __ - __ - ____

(b) No Harm to Public Interests

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

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

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

See Submittal A

(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 Submittal A

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:** 3/19/2020

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.

PETITION FOR GRANT OF VARIANCE

ROBERT HAMMACHER & STACI MEISTER

ATTACHMENT B

The applicants hereby petition the Door County Board of Adjustment for variances from Section 4.3(1)(a) of the Door County Floodplain Zoning Ordinance. Section 4.3(1)(a) of the Door County Floodplain Zoning Ordinance states that fill shall be placed one foot or more above the regional flood elevation and extend at least 15 feet beyond the limits of the residence.

The applicants propose to construct an irregularly-shaped, 38'6" x 51'8" residence with attached garage. The applicants will be placing the residence on fill at the required elevation and will be placing the 15' of fill at the required elevation around the residence except along both side lot lines where, in some locations, there will be only 8' of fill. This is being proposed to provide proper drainage between the adjacent lots on both sides which contain nonconforming residences.

BACKGROUND INFORMATION:
The exisintg residence is considered nonconforming to both the Door County Floodplain Zoning Ordinance and the Door County Shoreland Zoning Ordinance as the house does not meet the elevation or fill requirements and is located as close as 21' from the ordinary high water mark.

SUBMITTAL "A"

1. Unique physical property limitation: Property is too narrow to comply with the current 15' standard without compromising neighboring properties. Neighboring properties are at or below grade level of this property. Building up grade elevation to 1' above flood plain would certainly cause flooding on adjacent property to the south.

2. No harm to public interests: proposed side-yard design includes grade tapering from 585' down to existing grade, terminating in a shallow swale which will direct groundwater directly into the bay. Under the proposal, the new dwelling raises the floor above the flood protection level thereby lessening the risk to property and residents from flooding.

3. Unnecessary Hardship: Existing property was created prior to current flood plain elevation regulations requiring 15' of level grade extending from building, at a level of 1' higher than flood plain. Existing grade is 583.5'. Flood plain is 585'. Code requires raising grade to 586'. Neighboring properties are likewise built below flood plain level. Property is too narrow to comply with the 15' requirement around the entire perimeter of the building without causing probable flooding onto neighboring lots.

   We request a variance to raise the grade only to 585', to match flood plain level, and raise the first floor to an elevation of 586.5', to match and exceed what otherwise would have been the first floor elevation if grade was raised 2.5' (586') instead of 1.5' (585').

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Submitted by Virge Temme, Architect
Agent for owners: Rob Hammacher and Staci Meister
833 NORDIC VIEW. MOUNT HOREB, WI 53572

0120210272441H R 2020

N 3264 SQUAW ISLAND TR
HAMMACHER, ROBERT ET AL

Geo.Loc: 15 012 4 27 24 10 4 01 004

MAIL TO:
HAMMACHER
ROBERT ET AL

833 NORDIC VIEW
MOUNT HOREB WI 53572

1041

LEGAL DESCRIPTION
10 27 24 AC .25
TR G.L.4 SEC 10-27-24COM SE
COR SEC N15DW2040.59'N29DE
266.70'N19DE20.63'BG N19DE
73.15'S61DE141.13'S25DW ALG
SHR 72.20'N61DW133.13'BG
DOC# 741765 AFF
MORE LEGAL AVAILABLE

BILL NO:

COMMENTS

CURRENT TAX ASSESSMENT AS OF 2019

CODE	ACRES	LAND	IMPROVE	TOTAL
L1	.25	75700	76300	152000
TOTALS	.25	75700	76300	152000

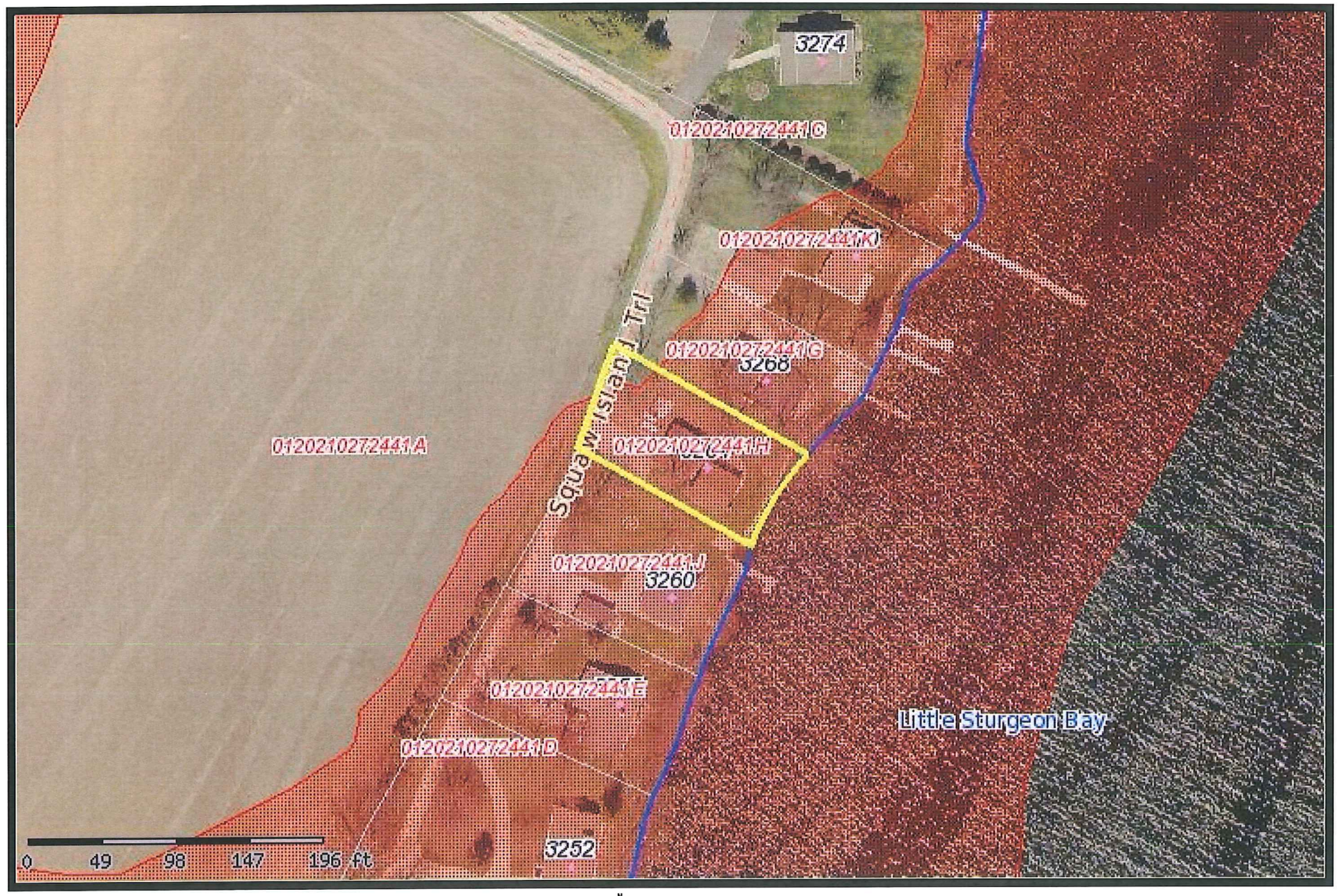
F3-Exit F5-Owners F7-Tax Detail F8-Legal F9-Directory F10-Survey Index
F11-Districts F12-Prev Scrn F17-Fire# F18-DOA Site
F21-Geo Location F6-Vol/Page Detail

HAMMACHER

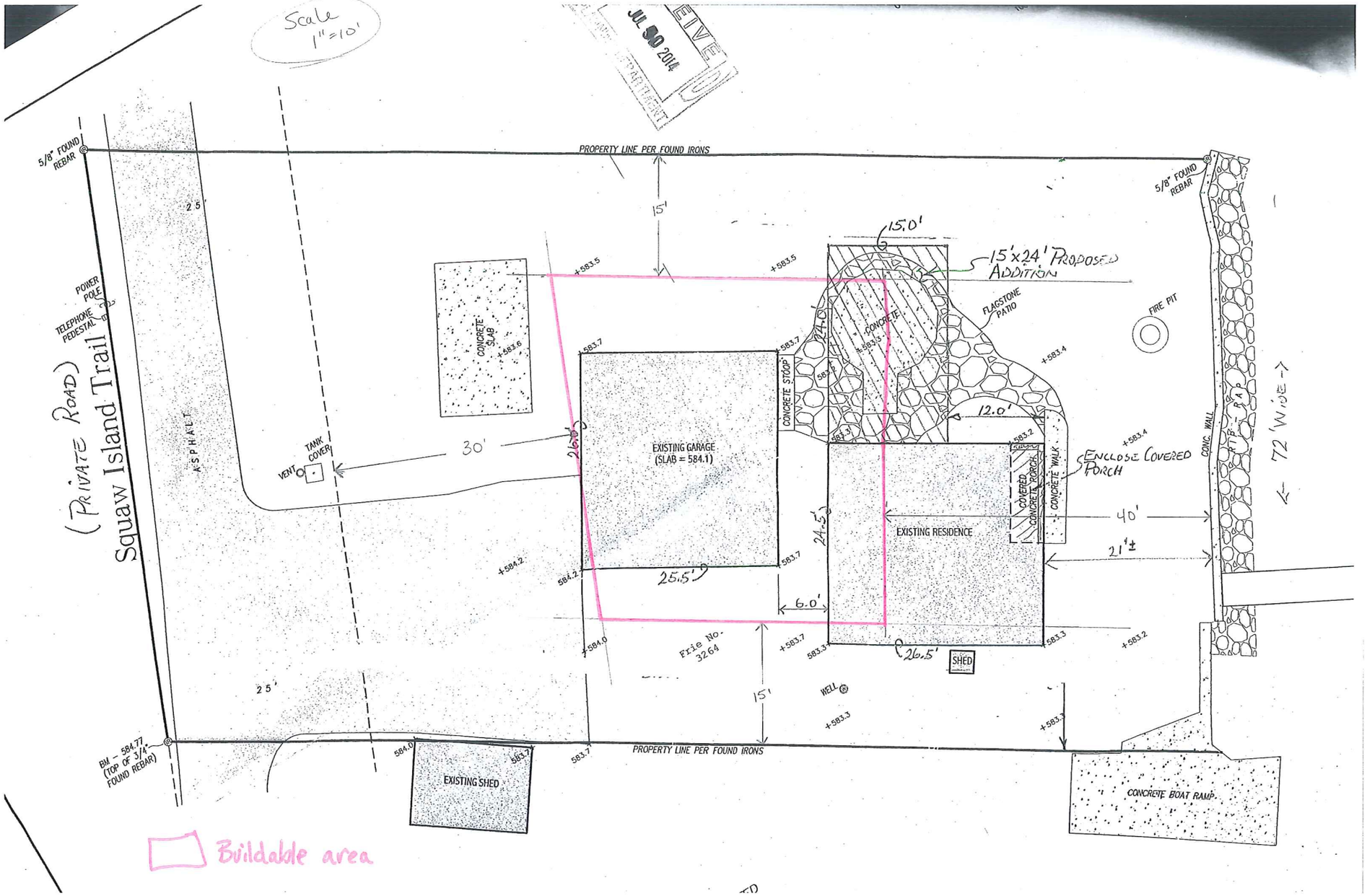
Printed 03/31/2020 courtesy of Door County Land Information Office

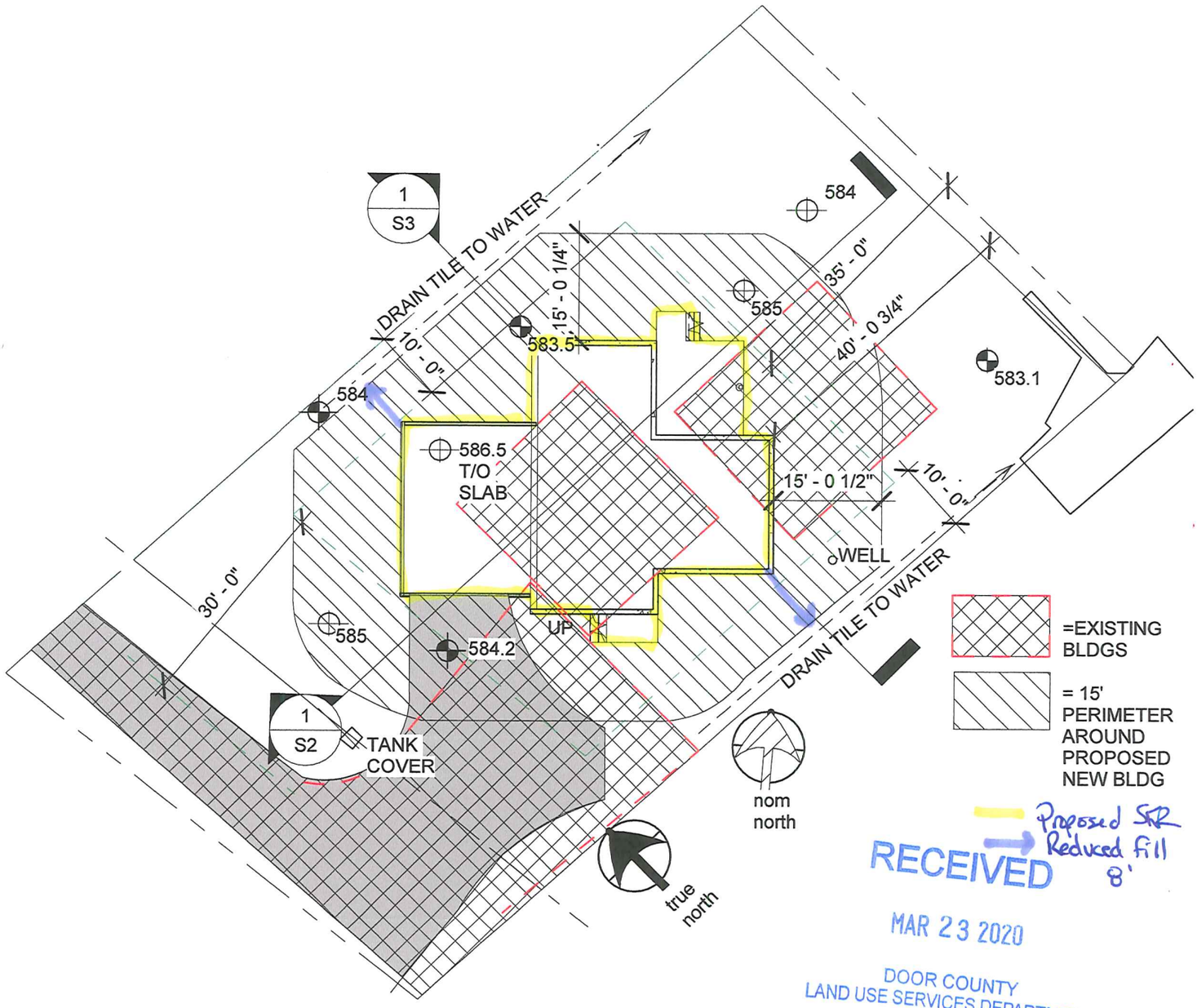
... from the Web Map of ...
(//www.co.door.wi.gov)

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.


Scale 1"=10'
JUL 30 2014
PROPERTY LINE PER FOUND IRONS
5/8" FOUND REBAR
POWER POLE
TELEPHONE PEDESTAL
(PRIVATE ROAD)
Squaw Island Trail
ASPHALT
VENT
TANK COVER
CONCRETE SLAB
EXISTING GARAGE (SLAB = 584.1)
CONCRETE STOOP
CONCRETE
15'x24' PROPOSED ADDITION
FLAGSTONE PATIO
FIRE PIT
EXISTING RESIDENCE
COVERED CONCRETE PORCH
CONCRETE WALK
ENCLOSE COVERED PORCH
CONC. WALL
72' WIDE
SHED
WELL
Frie No. 3264
BM - 584.77 (TOP OF 3/4" FOUND REBAR)
EXISTING SHED
CONCRETE BOAT RAMP
15'
30'
26.0'
25.5'
6.0'
24.5'
24.0'
15.0'
12.0'
40'
21'±
26.5'
Buildable area



1 Site
1" = 20'-0"

VIRGE TEMME ARCHITECTURE
Sturgeon Bay, WI
virge@virgetemme.com

HAMMACHER-MEISTER 3/19/20

SITE S1

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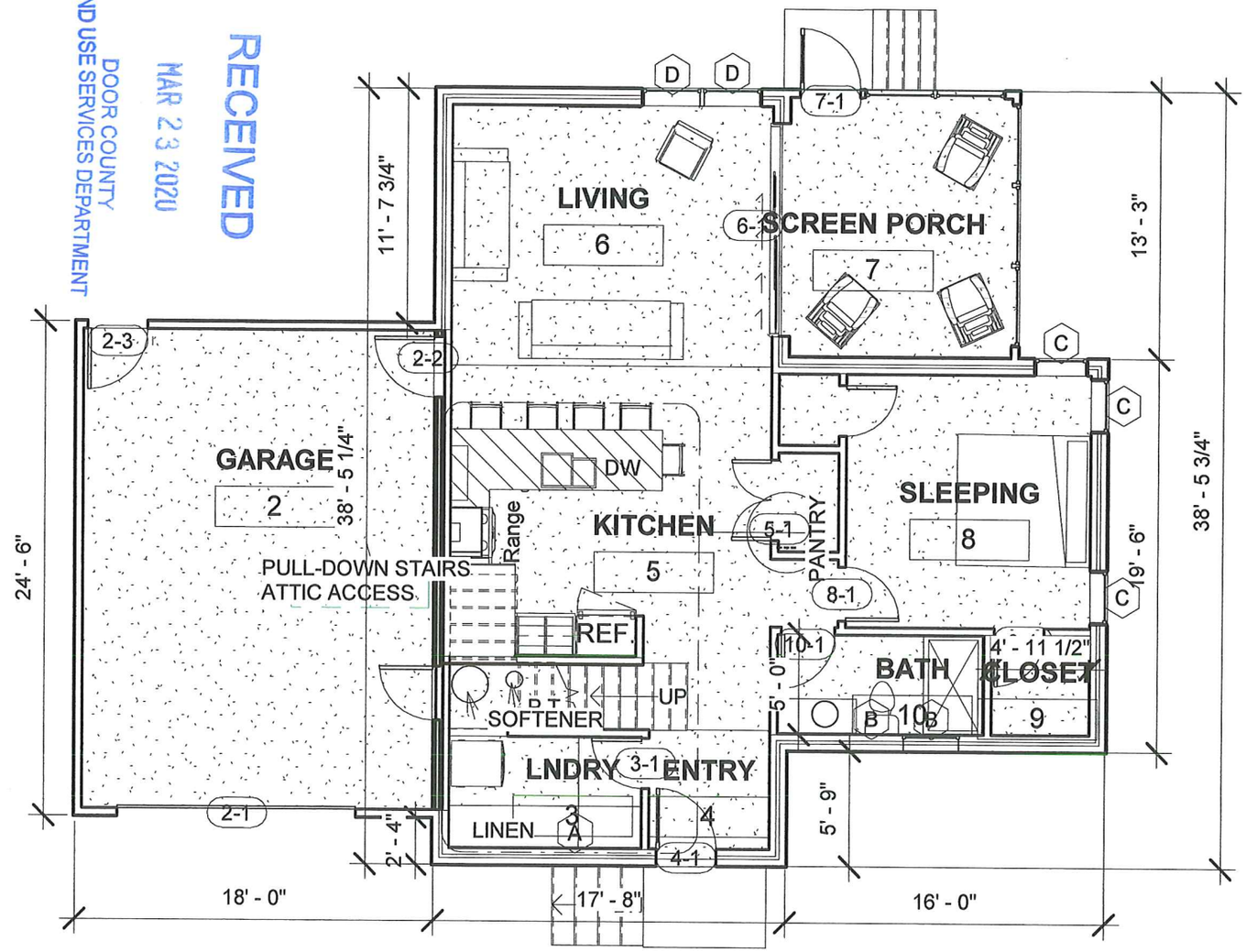


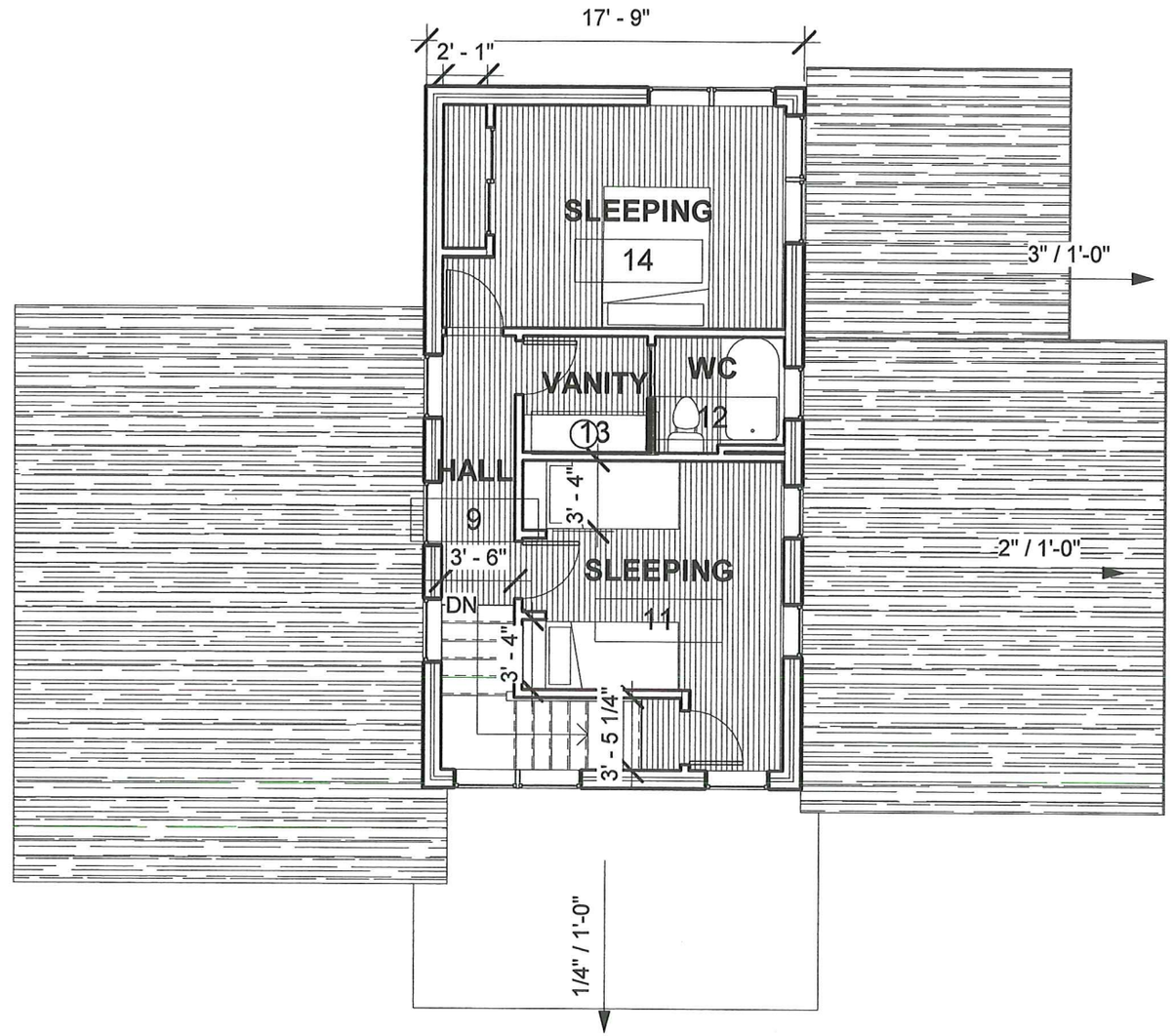
VIRGE TEMME ARCHITECTURE
Sturgeon Bay, WI
virge@virgetemme.com

HAMMACHER-MEISTER

3/19/20

FIRST FLOOR

S4



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VIRGE TEMME ARCHITECTURE
Sturgeon Bay, WI
virge@virgetemme.com

HAMMACHER-MEISTER

3/19/20

SECOND FLOOR

S5

1 EAST ELEVATION
1/8" = 1'-0"

2 NORTH ELEVATION
1/8" = 1'-0"

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VIRGE TEMME ARCHITECTURE
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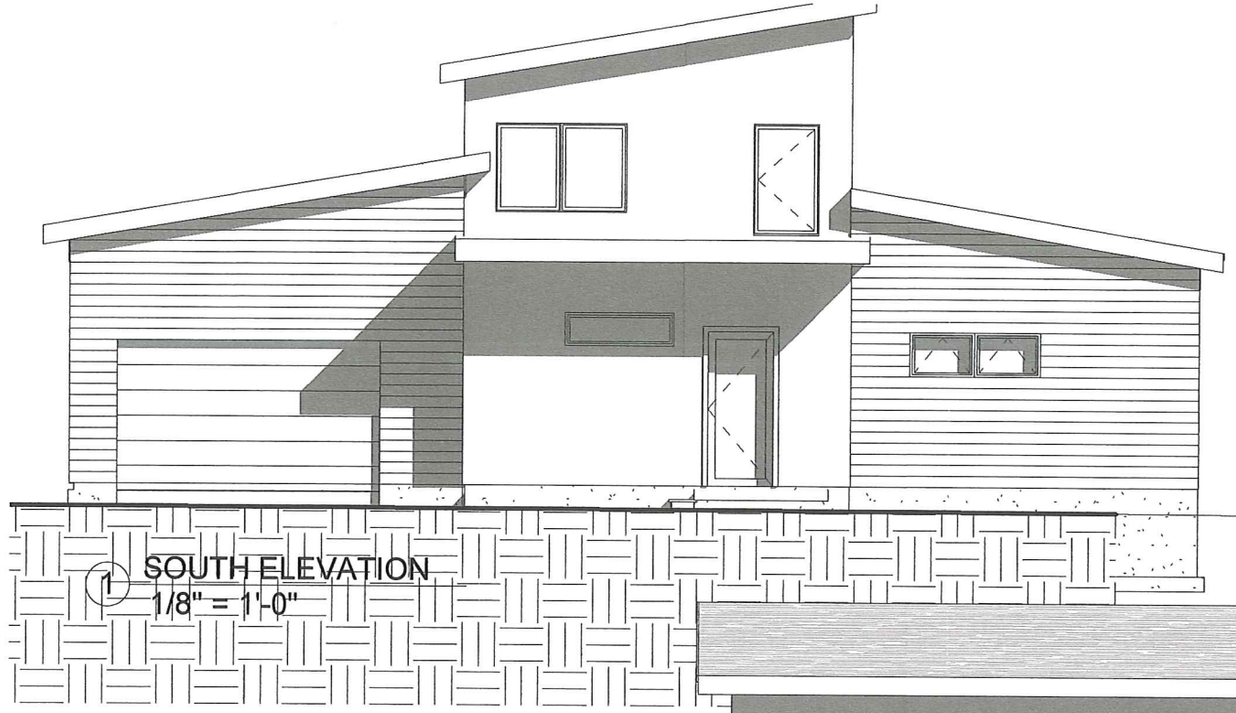
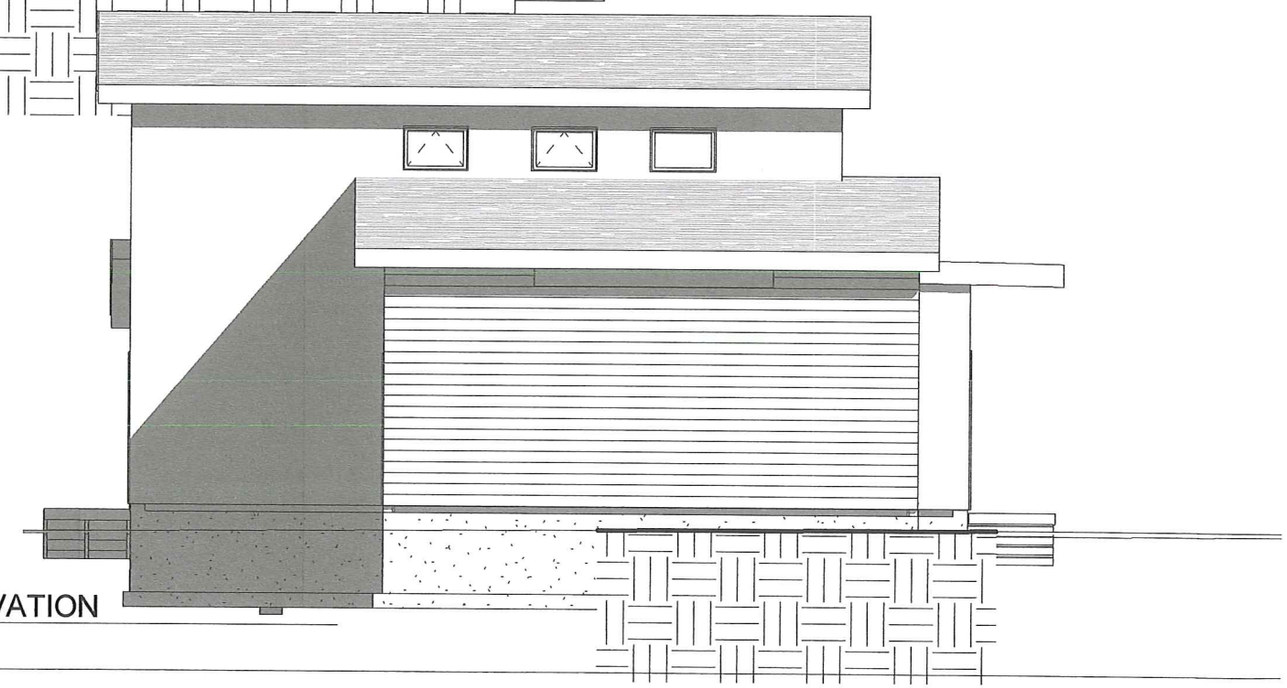
HAMMACHER-MEISTER

3/19/20

Elevations



1 SOUTH ELEVATION
1/8" = 1'-0"



2 WEST ELEVATION
1/8" = 1'-0"

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MAR 23 2020
DOOR COUNTY
LAND USE SERVICES DEPARTMENT

VIRGE TEMME ARCHITECTURE
Sturgeon Bay, WI
virge@virgetemme.com

HAMMACHER-MEISTER 3/19/20

Elevations

3264 SQUAW ISLAND TRAIL

18

Door County Land Use Services Department
Request for Town Recommendation

Robert Hammacher and Staci Meister are requesting a variance from Section 4.3(1)(a) of the Door County Floodplain Zoning Ordinance. Section 4.3(1)(a) of the Door County Floodplain Zoning Ordinance states that fill shall be placed one foot or more above the regional flood elevation and extend at least 15 feet beyond the limits of the residence.

The applicants propose to construct an irregularly-shaped, 38'6" x 51'8" residence with attached garage. The applicants will be placing the residence on fill at the required elevation and will be placing the 15' of fill at the required elevation around the residence except along both side lot lines where, in some locations, there will be only 8' of fill. This is being proposed to provide proper drainage between the adjacent lots on both sides which contain nonconforming residences.

The (circle one) Town Board / Planning Committee of the Town of GARDNER held a legally noticed and posted meeting on 5-13-2020, at which, by a vote of 3 (Yea) to 1 (Nay), the town recommended (check one) ____ **SUPPORT** X **DENIAL** for a variance.

Reason(s) for the town's decision:
TOWN DOES NOT AGREE WITH VARIANCE ADJUSTMENT TO FLOOD PLAIN ELEVATION (LESS THAN ONE FOOT ABOVE ELEV. 585). DRAINAGE GRADE OF FILL ALONG SIDE LOT LINES WILL RESULT IN ADDITIONAL DRAINAGE PROBLEMS TO ADJACENT PROPERTIES.

Is the proposal consistent with the Town Comprehensive Plan?
NO. TOWN COMP. PLAN FOLLOWS COUNTY FLOOD PLAIN & SHORELAND ZONING REQUIREMENTS. FLOOD PLAIN ELEVATIONS SHOULD NOT BE ADJUSTED OR LOWERED.

Concerns or objections the town may wish to see potentially addressed through conditions:
ADJUSTMENT OF FLOOD PLAIN ELEVATION (REDUCTION) AND 15 FT. FILL REQUIREMENTS MAY CREATE ADDITIONAL PROBLEMS WITH ADJACENT PROPERTIES, SHOULD FUTURE IMPROVEMENTS BE PROPOSED TO THOSE SITES.

[signature] 5-13-2020
Town Clerk Signature Date

***See reverse for variance criteria.**

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MAY 19 2020
DOOR COUNTY
LAND USE SERVICES DEPARTMENT

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

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 JOHN & ANNETTE PENN Telephone No. 920- 360- 1703
Mailing Address 3360 HAWK RIDGE TRAIL
City SUAMICO State WI Zip 54313
hereby petition(s) the Door County Board of Adjustment for a variance from Section (s) (SEE ATTACHMNET A)

of the Door County Zoning Ordinance which requires (SEE ATTACHMNET A)

(I) (We) propose to (SEE ATTACHMNET A)

LOCATION:
The description of the property involved in this petition is located at:
Fire # 3794 Road RILEYS POINT RD Township GARDNER
Govt Lot ____ or ¼ - ¼ Section 36 Town 28 North, Range 24 East
Tax Parcel No. 012 - 15 - 0056
Zoning District DOOR COUNTY SHORELAND Lot Size 10,100 SQ FT
Existing use of structure or land in question NEW HOME

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 ATTACHMENT B)

FOR OFFICE USE ONLY
Receipt No. ____ Fee ____ Date ____
Hearing Advertised Dates: ____
Hearing Date ____ Decision ____
TOWN OF: ____
OWNER: ____
SECTION ____ T ____ N, R ____ E
PARCEL NO.: 0 - - -

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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

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

(SEE ATTACHMENT C)

(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 ATTACHMENT D)

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: [signature]

DATE: 5-18-2020

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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PETITION FOR GRANT OF VARIANCE

JOHN & ANNETTE PENN

ATTACHMENT A

The applicants hereby petition the Door County Board of Adjustment for a variance from Section IV.B.1.a.2) of the Door County Shoreland Zoning Ordinance. Section IV.B.1.a.2) requires lots to be used as building sites to have a minimum average width of 100 feet (including at least 100 feet of frontage at the ordinary high water mark) and a minimum area of 20,000 square feet.

The applicants propose to replace the existing single-wide manufactured home with a new residence on the existing parcel which is 103' along the ordinary high water mark of the navigable lagoon and 82' along the ordinary high water mark of Rileys Bay and which contains approximately 10,100 square feet in area, be declared conforming and be considered a building site.

Background:

This area, which is known as Shu – Nel Point, was platted prior to 1968. Subsequently, most of the platted lots were rearranged (see attached tax map). A previous owner of this lot along with a previous owner of the adjacent lot to the north reconfigured the location of the mutual lot line in 2003 so that an existing shed would be located completely on this lot (see attached map with new lot line shown in orange). In that the lots do not meet the above cited minimum lot requirements and the lot lines have been reconfigured, this lot is not considered buildable unless a variance is secured. Therefore, the applicants are requesting a variance so that this lot will be deemed buildable.

The neighbor to the north obtained the same variance as well as a water setback variance in 2017 in order to construct a new residence on that lot.

The applicants are proposing to construct a new residence in compliance with all the Shoreland Zoning and Floodplain Zoning requirements.

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ATTACHMENT B

The applicants would like to describe the unique property limitations of this site. The parcel is surrounded by water on two sides, and has neighbor's driveway traveling through it which reduces area for construction. The proposed new home will be located in existing footprint and will meet all required setbacks. There is no possible way for the applicants to expand their property and purchase adjacent land in order to comply with the ordinances because there simply is no land to purchase. This property would be considered a grandfathered lot, but being the neighbors' swapped land it made this site without a variance.

ATTACHMENT C

The applicants would like to express how this project will not harm the public interest by the granting of this variance as they will abide by all applicable ordinances and regulations throughout the construction of the building in question. The proposed building will meet setbacks and impervious surface limitations and will be brought into compliance with floodplain regulations. During construction there will also be the proper soil erosion control such as silt fence placed and maintained with proper practice, as well as containment precautions in place to ensure the surrounding water quality is not altered and the safety of local fish and wildlife habitats are unaffected. In addition, we have met with both neighbors to make all three properties blend together.

ATTACHMENT D

The applicants already have an existing dwelling unit and property owners are trying to make improvements to meet shoreland and floodplain regulations but are unable to enlarge lot in any way. The current lot size requirements are unachievable and an unnecessary burdensome situation. The applicants are looking to build a modestly sized home being of the same footprint of the existing cottage and buildable area. They are simply trying to improve the overall expression of their lot and are looking to use the land very similarly to the way it is currently being used. Also with the parcel being surrounded by water on two sides and landlocked to the North and the South, it is impossible to try and buy more land to avoid infringements of the current ordinances.

012150056 R 2020

N 3794 RILEYS POINT RD
PENN, JOHN A & ANNETTE M

Geo.Loc: 15 012 4 28 24 36 3 01 002

MAIL TO:
PENN
JOHN A & ANNETTE M

3360 HAWK RIDGE TRL
GREEN BAY WI 54313

3631

LEGAL DESCRIPTION
36 28 24 AC .00
SHU-NEL POINT
COM SE COR LOT 55 S 39.13'
TO BEG S84D W120' S ALG
SLIP 87' N84D E120' NLY 87'
TO BEG SEC 36-28-24
EXC LAND LYING N OF LN DESC
MORE LEGAL AVAILABLE

BILL NO:

COMMENTS

CURRENT TAX ASSESSMENT AS OF 2019

CODE	ACRES	LAND	IMPROVE	TOTAL
L1		97300	16800	114100
TOTALS		97300	16800	114100

F3-Exit F5-Owners F7-Tax Detail F8-Legal F9-Directory F10-Survey Index
F11-Districts F12-Prev Scrn F17-Fire# F18-DOA Site
F21-Geo Location F6-Vol/Page Detail

Penn

Printed 05/19/2020 courtesy of Door County Land Information Office

... from the Web Map of ...
(//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.

Penn

Printed 05/19/2020 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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Existing

SITE PLAN

LOCATED IN;
GOVERNMENT LOT 2, SECTION 36, TOWNSHIP 28 NORTH,
RANGE 24 EAST, TOWN OF GARDNER, DOOR COUNTY

LOT LINES SHOWN ARE BASED ON PREVIOUS BREY, JR. SURVEY, D-98415-A

SETBACK LINES SHOWN AS PER *DOOR COUNTY PLANNING DEPARTMENT*

ALL ELEVATIONS ARE BASED ON NAVD DATUM

100 YEAR FLOOD ELEVATION = 584.9

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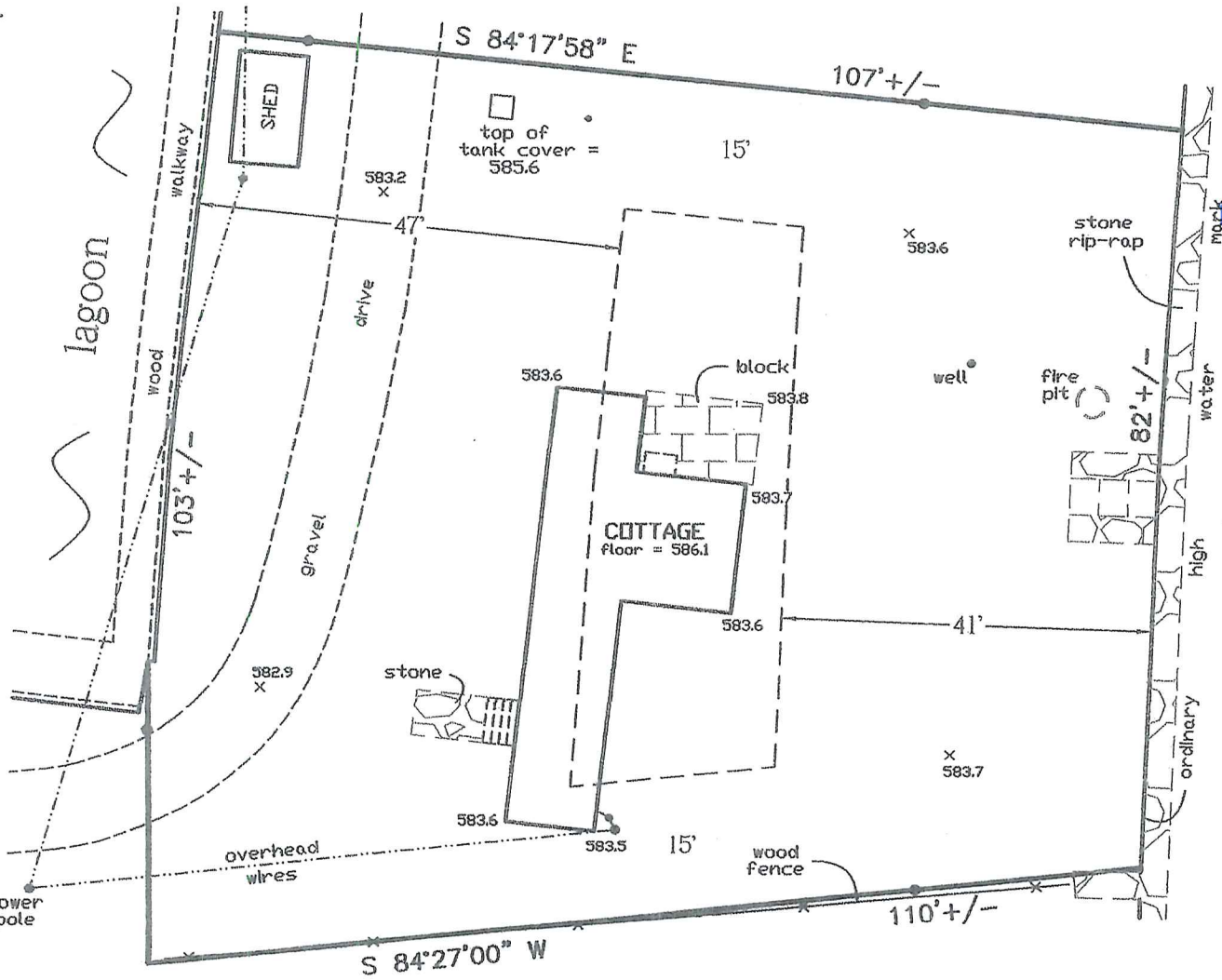
SCALE
1" = 20'



RILEYS BAY

ELEVATION = 581.1
07/05/2016

= BUILDING ZONE

Caveat:
Building zones depicted are based on zoning setbacks as provided by Village of Sister Bay personnel and should not be relied upon without first getting written verification thereof from the Door County Planning Department.

● = FOUND 1" IRON PIPE

Lot contains 10,100+/- square feet
1,820 square feet impervious = 18.0%

prepared for
JOHN & ANNETTE PENN
3360 HAWK RIDGE TRAIL
SUAMICO, WI 54313

prepared by
PENINSULA LAND CONSULTANTS, L.L.C.
185 E. WALNUT STREET #115
STURGEON BAY, WI 54235

JOB NO. 16-036
JULY, 2016

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LAND USE SERVICES DEPARTMENT

Proposed

SITE PLAN

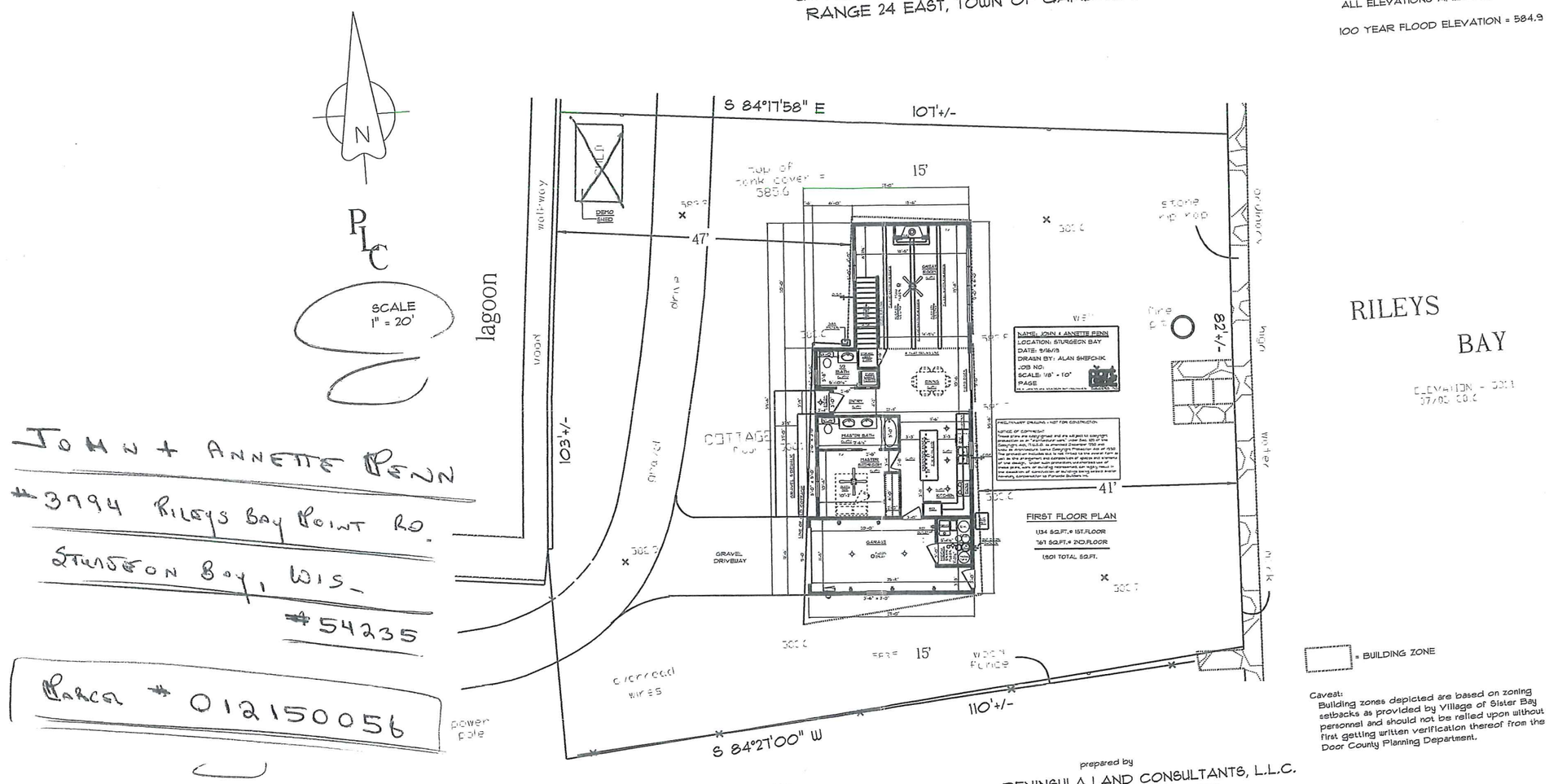
LOCATED IN:
GOVERNMENT LOT 2, SECTION 36, TOWNSHIP 28 NORTH,
RANGE 24 EAST, TOWN OF GARDNER, DOOR COUNTY

LOT LINES SHOWN ARE BASED ON PREVIOUS BREY, JR. SURVEY, D-98415-A

SETBACK LINES SHOWN AS PER DOOR COUNTY PLANNING DEPARTMENT

ALL ELEVATIONS ARE BASED ON NAVD DATUM

100 YEAR FLOOD ELEVATION = 584.9



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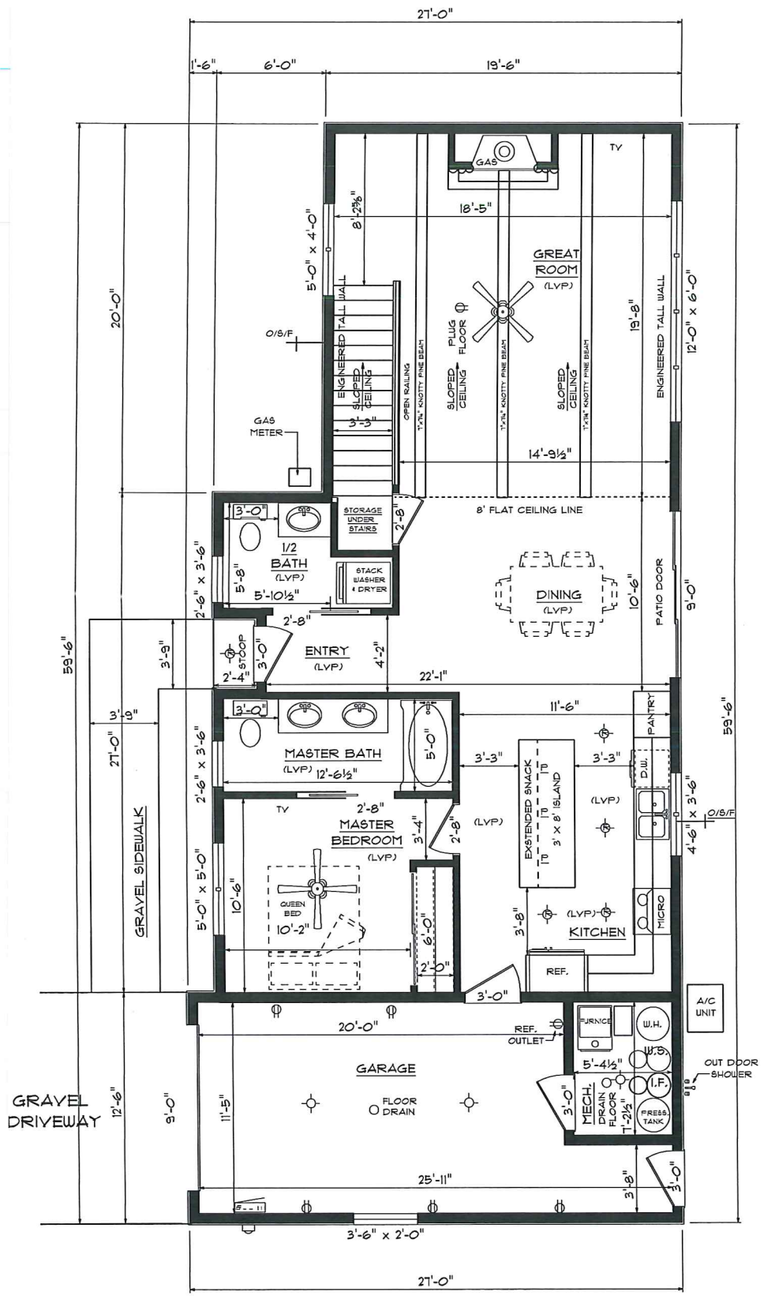
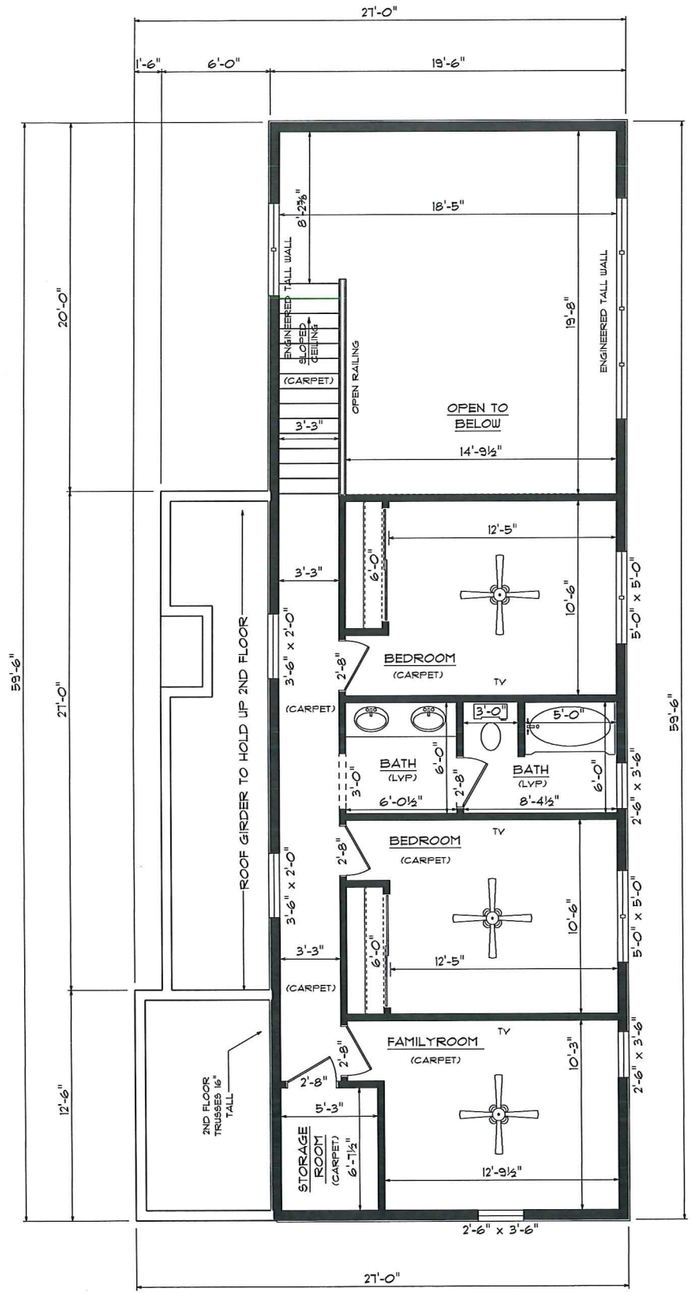


FIRST FLOOR PLAN

1,134 SQ.FT.@ 1ST.FLOOR
767 SQ.FT.@ 2ND.FLOOR
1,901 TOTAL SQ.FT.



SECOND FLOOR PLAN

767 SQ.FT.@ 2ND.FLOOR

NAME: JOHN & ANNETTE PENN
LOCATION: STURGEON BAY
DATE: 9/16/19
DRAWN BY: ALAN SHEFCHIK
JOB NO:
SCALE: 1/4" = 1'0"
PAGE: 1 of 2

Portside BUILDERS, INC.
810 S. LANSING AVE. STURGEON BAY

NOTICE OF COPYRIGHT
These plans are copyrighted and are subject to copyright protection as an "architectural work" under Sec. 102 of the Copyright Act, 17 U.S.C. as amended December 1990 and know as Architectural Works Copyright Protection Act of 1990. The protection includes but is not limited to the overall form as well as the arrangement and composition of spaces and elements of the design. Under such protection, unauthorized use of these plans, work or building represented, can legally result in the cessation of construction or buildings being seized and/or monetary compensation to Portside Builders Inc.

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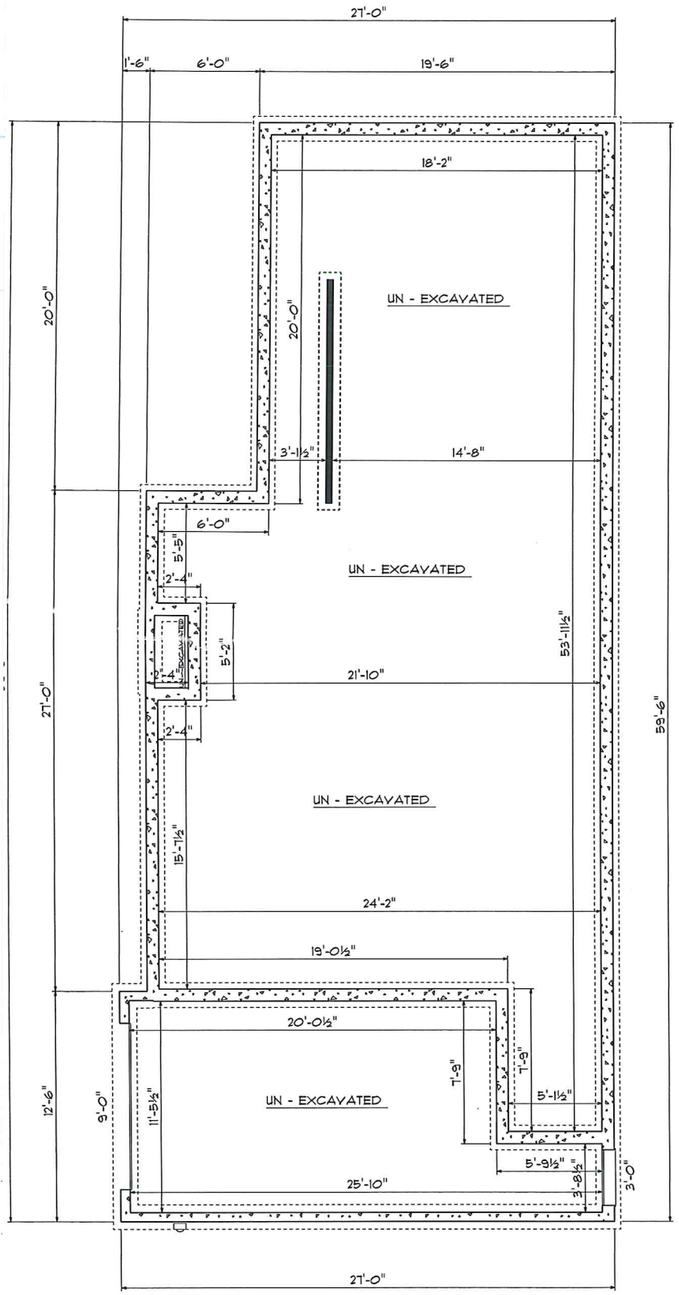
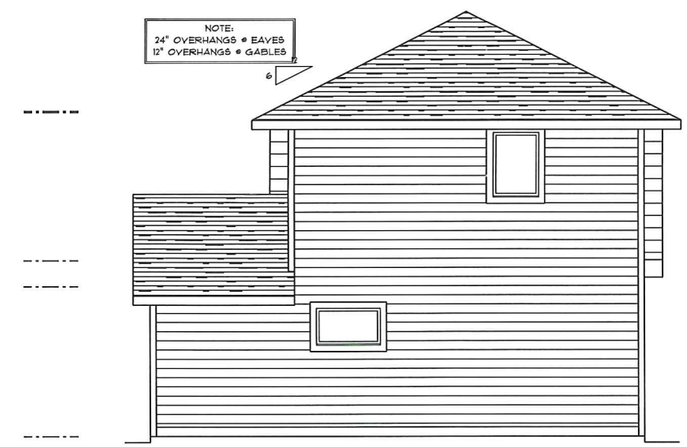
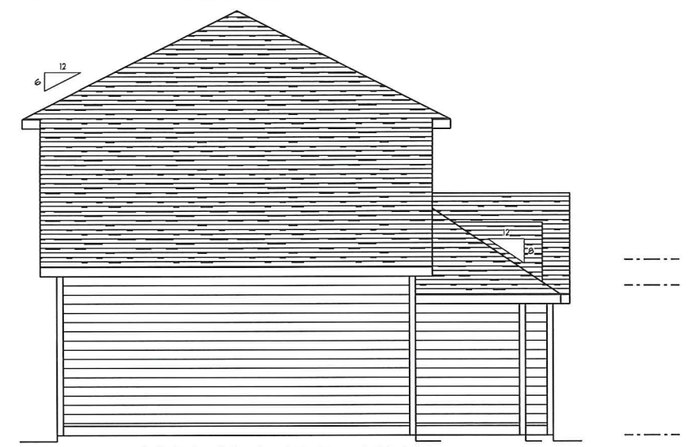


FOUNDATION PLAN

FRONT ELEVATION



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION

BACK ELEVATION

NAME: JOHN & ANNETTE PENN
LOCATION: STURGEON BAY
DATE: 9/16/19

NOTICE OF COPYRIGHT
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VandenLangenberg, Sue

From: Winkler, Miles A - DNR <Miles.Winkler@wisconsin.gov>
Sent: Tuesday, April 28, 2020 12:41 PM
To: VandenLangenberg, Sue
Subject: RE: No Raise to RFE: 3794 Rileys Point Road

Hi Sue

We concur, that this development as proposed, will not increase the Regional flood elevation of Green Bay/Lake Michigan.

Please keep this correspondence as part of your permitting files.

Thanks and have a GREAT day!

Miles

We are committed to service excellence.
Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.

Miles A. Winkler, PE
Cell: (920) 621-1518
Miles.winkler@wisconsin.gov

From: VandenLangenberg, Sue <svandenlangenberg@co.door.wi.us>
Sent: Tuesday, April 28, 2020 12:14 PM
To: Winkler, Miles A - DNR <Miles.Winkler@wisconsin.gov>
Subject: No Raise to RFE: 3794 Rileys Point Road

Hi Miles,

We are processing a zoning permit for a new home located 3794 Rileys Point Road in the Town of Gardner (see map below) which is located in the flood fringe (Zone AE: 585.1' NAVD) of Green Bay. I believe that this development will not increase the flood elevation of Green Bay. Can you please provide concurrence with that determination so that a floodplain permit may be issued?

Thank you!

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LAND USE SERVICES DEPARTMENT

County of Door
LAND USE SERVICES
County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

Phone: (920) 746-2323
FAX: (920) 746-2387
Website: map.co.door.wi.us/planning

PROJECT SCOPE DECLARATION

[2017 Wisconsin Act 68; Effective November 29, 2017]

Please provide a description of your project.

DEMO HOME + SHED | NEW HOME

§ 66.10015(2)(b), Wisconsin Statutes, provides as follows:

> "If a project requires more than one approval or approvals from one or more political subdivisions and the applicant identifies the full scope of the project at the time of filing the application for the first approval required for the project, the existing requirements applicable in each political subdivision at the time of filing the application for the first approval required for the project shall be applicable to all subsequent approvals required for the project, unless the applicant and the political subdivision agree otherwise."

Please check which of the following two statements applies to this project.

☒ This is the first application filed for the project in which the full scope of the project has been identified. I acknowledge and understand that, for purposes of § 66.10015(2)(b), Wis. Stats., the full scope of the project is identified in this application.

☐ This is not the first application filed for this project where the full scope of the project was identified. The first application was filed with the Town/Village/City/County/State of _____ on the____day of _____, 20 ___. I acknowledge and understand that, for purposes of § 66.10015(2)(b), Wis. Stats., the full scope of the project was identified in the first application.

This Declaration is incorporated into and made part of the associated Door County application.

Property Owner(s) Name(s):

JOHN + ANNETTE PENN

Signature John A Penn Date: 4/16/2020

Signature: Annette M. Penn Date: 04/16/2020

Parcel Number (of Project): 012150056

Fire Number & Street Address (of Project): 3794 RILEYS BAY POINT RD.
STURGEON BAY, WIS. 54235

32

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

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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 - - -

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 ¼ - ¼ 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.

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(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.

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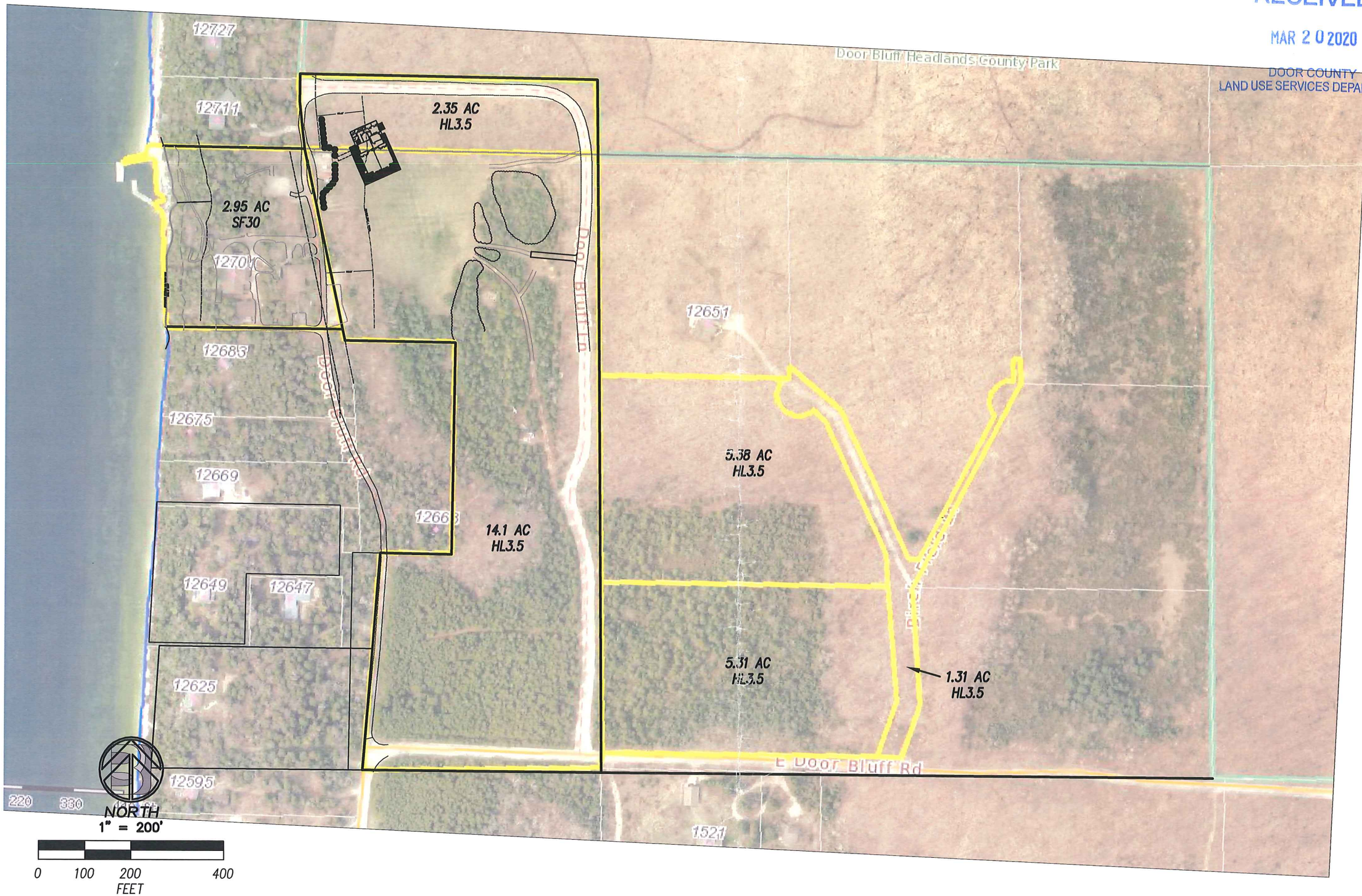
DOOR COUNTY
LAND USE SERVICES DEPARTMENT



DATE: 3-20-20
DRAWN BY: RMB
DESIGNED BY: PJH

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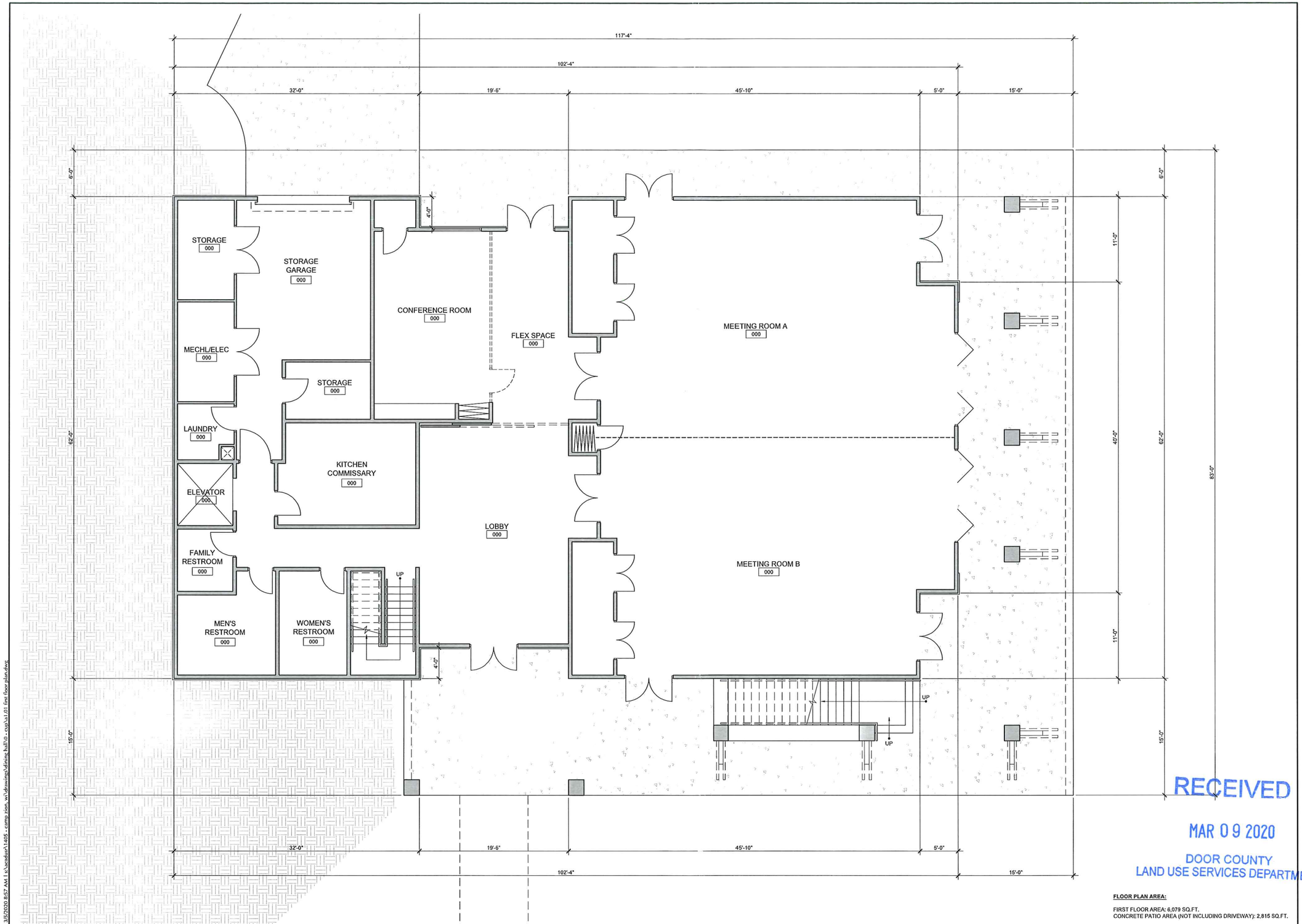
SURVEYING & ENGINEERING
P.O. BOX 105
312 N. 5TH AVENUE
STURGEON BAY, WI. 54235
PHONE: 920-743-8211

Camp Zion

PROPERTY EXTENTS
SITE PLAN

JOB # 21857
1 of 1



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FLOOR PLAN AREA:

FIRST FLOOR AREA: 6,079 SQ.FT.
CONCRETE PATIO AREA (NOT INCLUDING DRIVEWAY): 2,815 SQ.FT.

FIRST FLOOR PLAN (1)
SCALE: 3/16" = 1'-0"

FLETEMEYER & LEE ASSOCIATES, INC
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

A1.01 - FIRST FLOOR PLAN

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

Project Number:
FLA1405

Project Phase:
cup

Drawn:
SRM

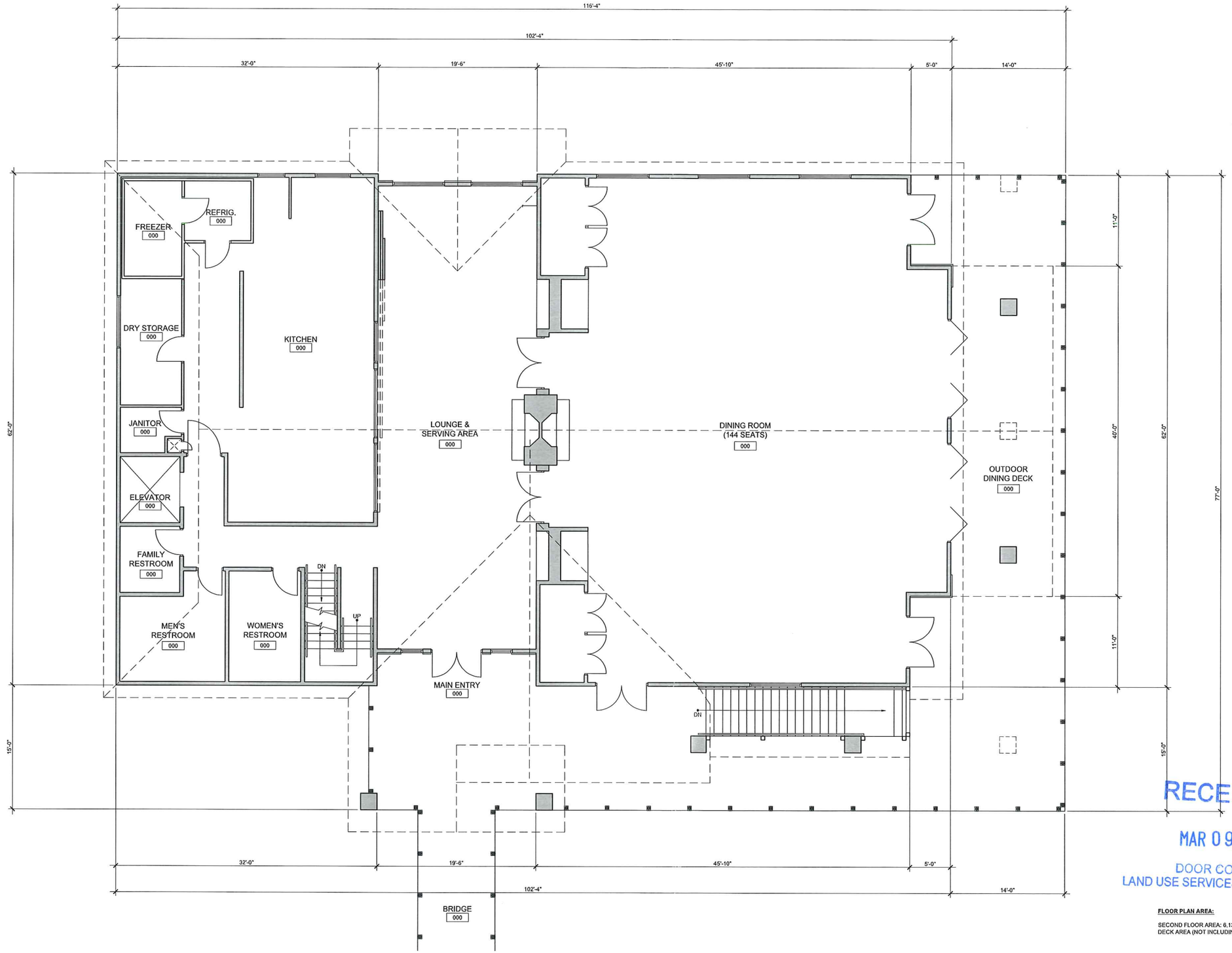
Checked:
TDL

Set Date:
03/05/2020 | project milestone

Revisions:

A1.01

PLOT DATE: 3/5/2020 8:57 AM | c:\acadsav\1405 - camp zion, wi\drawings\dining hall\0 - cup\a1.01 first floor plan.dwg



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DOOR COUNTY
LAND USE SERVICES DEPARTMENT

FLOOR PLAN AREA:

SECOND FLOOR AREA: 6,137 SQ.FT.
DECK AREA (NOT INCLUDING BRIDGE): 2,189 SQ.FT.

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

PLOT DATE: 3/5/2020 8:57 AM | s:\acadusr\1405 - camp zion, wi\drawings\dining hall\0 - cup\a1.02 second floor plan.dwg

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Niwot, Colorado 80544-0036

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fax: 303.443.3903
email: info@flaboulder.com
www.flaboulder.com

Camp Zion
PROPOSED NEW DINING HALL

ELLISON BAY, WI

A1.02 - SECOND FLOOR PLAN

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

Project Number:
FLA1405

Project Phase:
cup

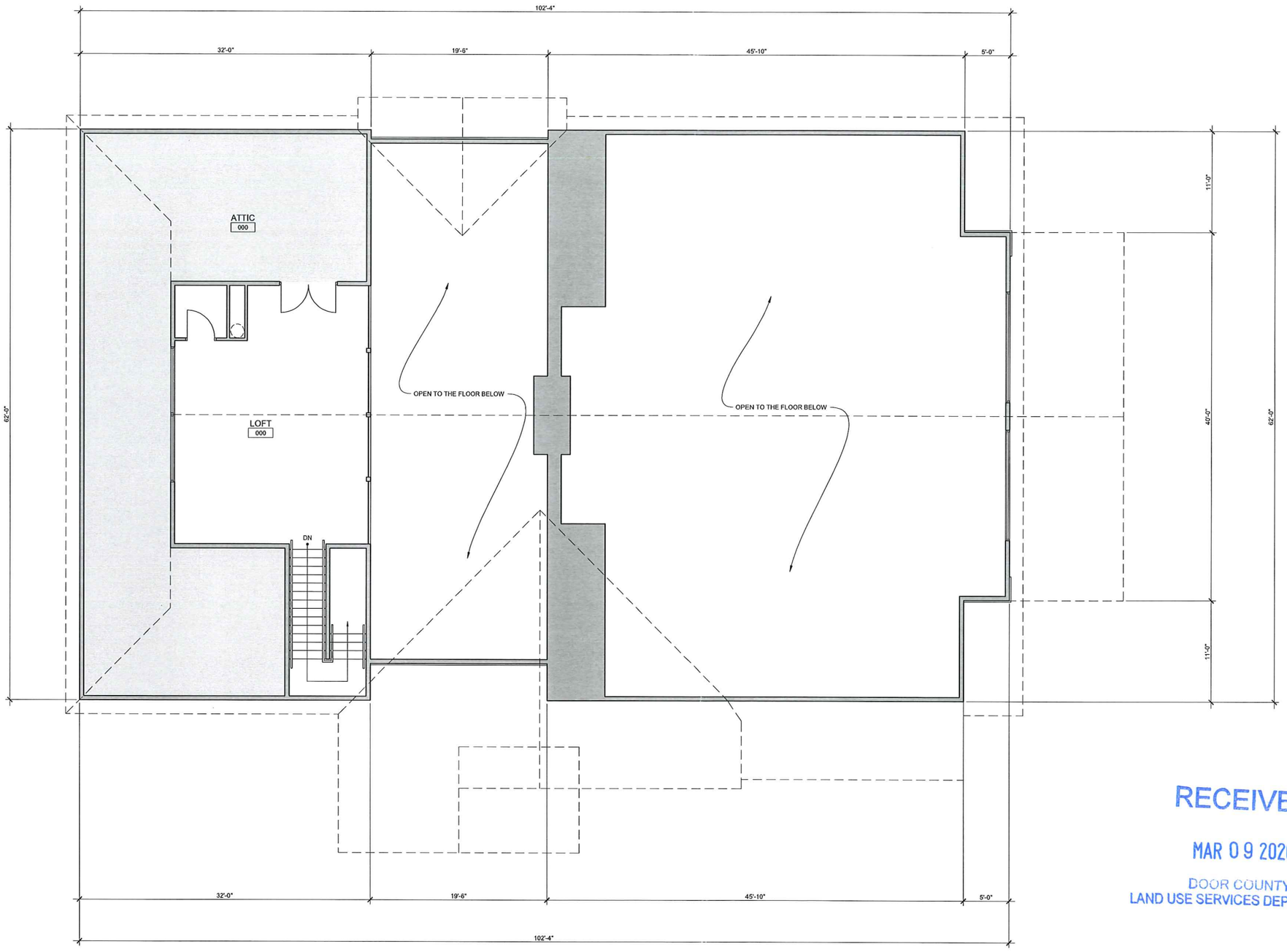
Drawn:
SRM

Checked:
TDL

Set Date:
03/05/2020 | project milestone

Revisions:

A1.02



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FLOOR PLAN AREA:

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

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

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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:
cup

Drawn:
SRM

Checked:
TDL

Set Date:
03/05/2020 | project milestone

Revisions:

A1.03

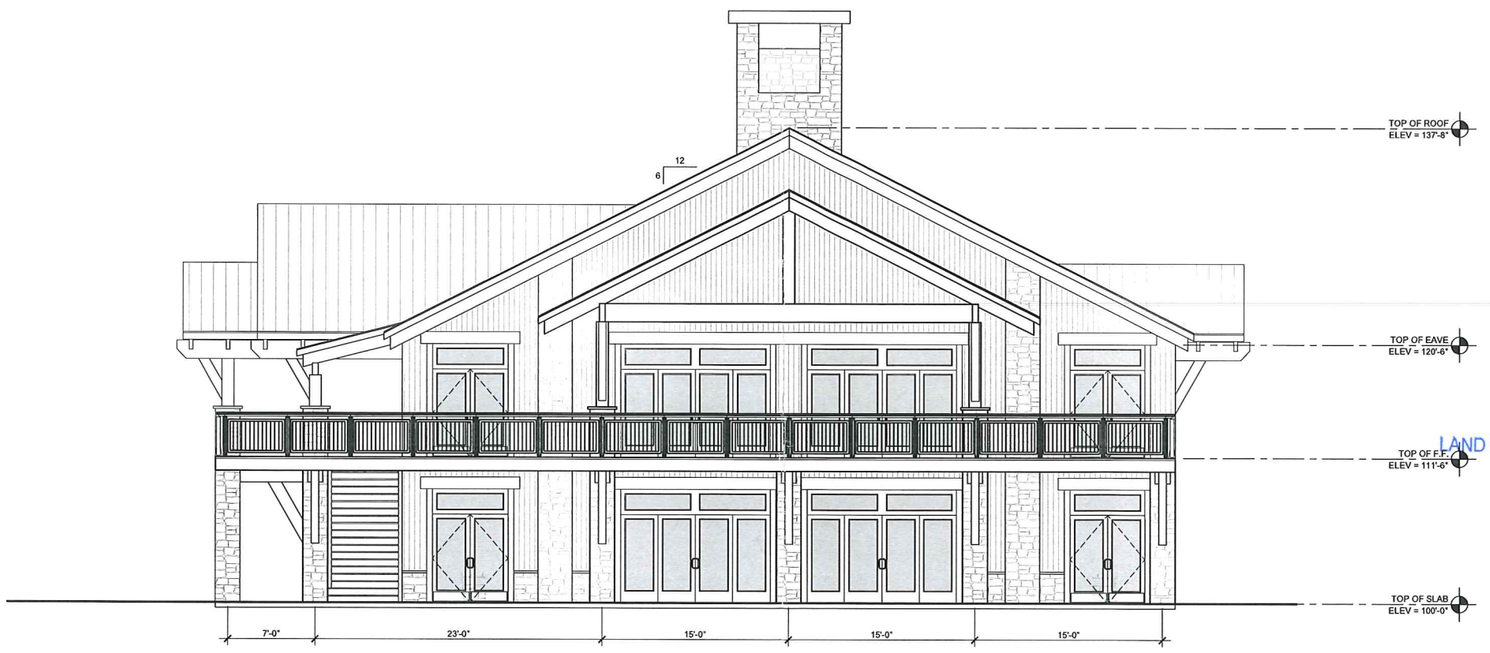
PLOT DATE: 3/5/2020 8:57 AM | e:\acadur\1405 - camp zion, wi\drawings\dining hall\0 - cup\a1.03 loft floor plan.dwg

BUILDING HEIGHT LIMIT CALCULATION:

(AVERAGE HEIGHT OF 37' ABOVE PRE-CONSTRUCTION GRADE)
AVERAGE BLDG. HEIGHT: BETWEEN 33'-9 1/2" (LOWEST) AND 40'-1 1/2" (HIGHEST) = 36'-11 1/2"

(AVERAGE HEIGHT OF 35' ABOVE FINISHED CONSTRUCTION GRADE)
AVERAGE BLDG. HEIGHT: BETWEEN 29'-8" (LOWEST) AND 37'-8" (HIGHEST) = 33'-8"

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



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

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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:
03/05/2020 | project milestone

Revisions:

A2.01

PLOT DATE: 3/5/2020 8:59 AM | s:\acadus\1405 - camp zion, wi\drawings\dining hall\0 - cup\a2.01 elevations.dwg

BUILDING HEIGHT LIMIT CALCULATION:

(AVERAGE HEIGHT OF 37' ABOVE PRE-CONSTRUCTION GRADE)
AVERAGE BLDG. HEIGHT: BETWEEN 33'-9 1/2" (LOWEST) AND 40'-1 1/2" (HIGHEST) = 36'-11 1/2"

(AVERAGE HEIGHT OF 35' ABOVE FINISHED CONSTRUCTION GRADE)
AVERAGE BLDG. HEIGHT: BETWEEN 29'-8" (LOWEST) AND 37'-8" (HIGHEST) = 33'-8"

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

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LAND USE SERVICES DEPARTMENT

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

PLOT DATE: 3/5/2020 8:59 AM I e:\acadpw\1405 - camp zion, wi\drawings\dining hall\a - cup\a2.01 -elevations.dwg

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www.flaboulder.com

Camp Zion
PROPOSED NEW DINING HALL

ELLISON BAY, WI

A2.02 - ELEVATIONS

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

Project Number:
FLA1405

Project Phase:
cup

Drawn:
SRM

Checked:
TDL

Set Date:
03/05/2020 I project milestone

Revisions:

A2.02

- - - = 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.)

40

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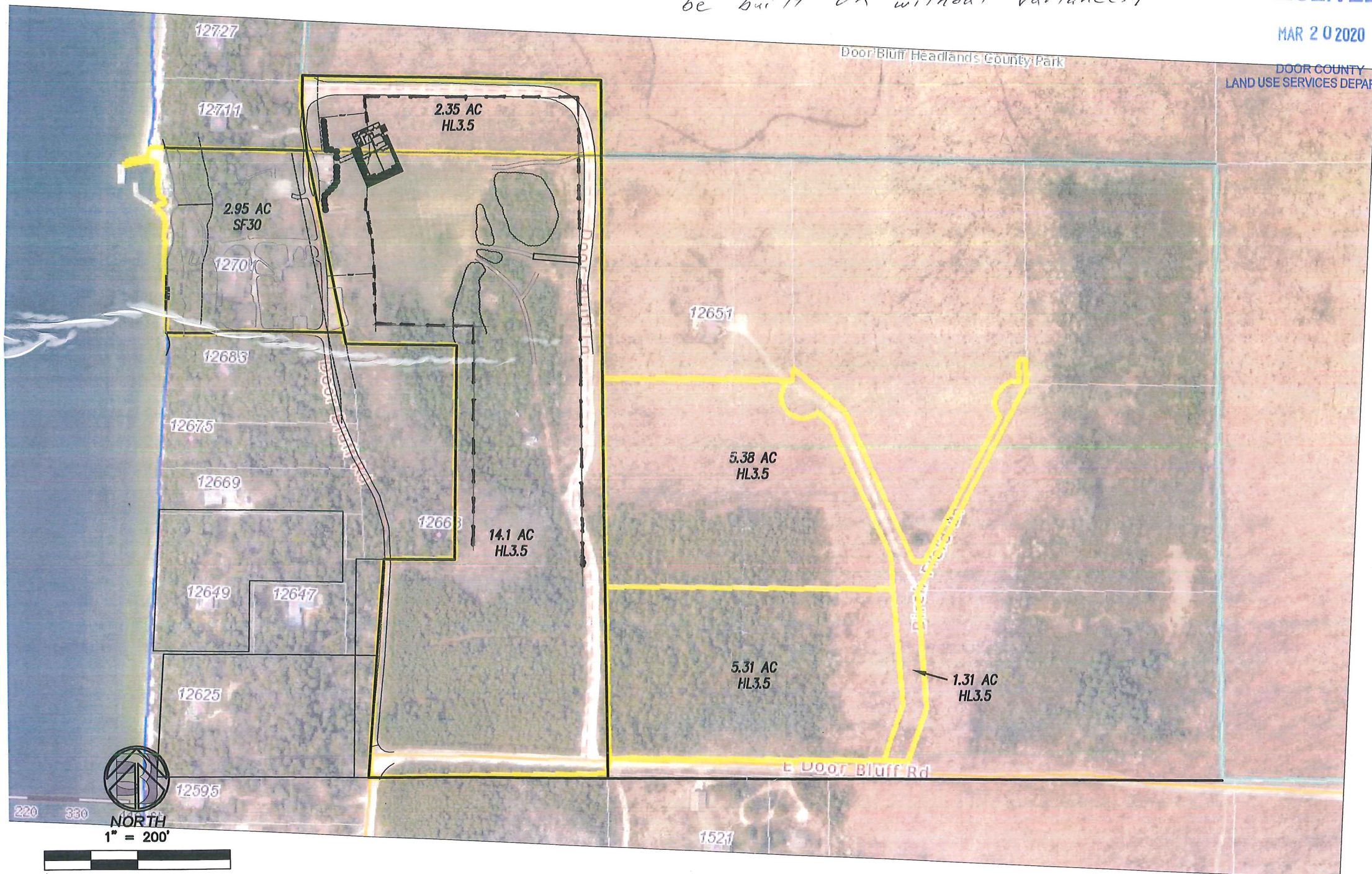
DOOR COUNTY
LAND USE SERVICES DEPARTMENT



DATE: 3-20-20
OVERSEEN BY: PJH
DRAWN BY: RMB

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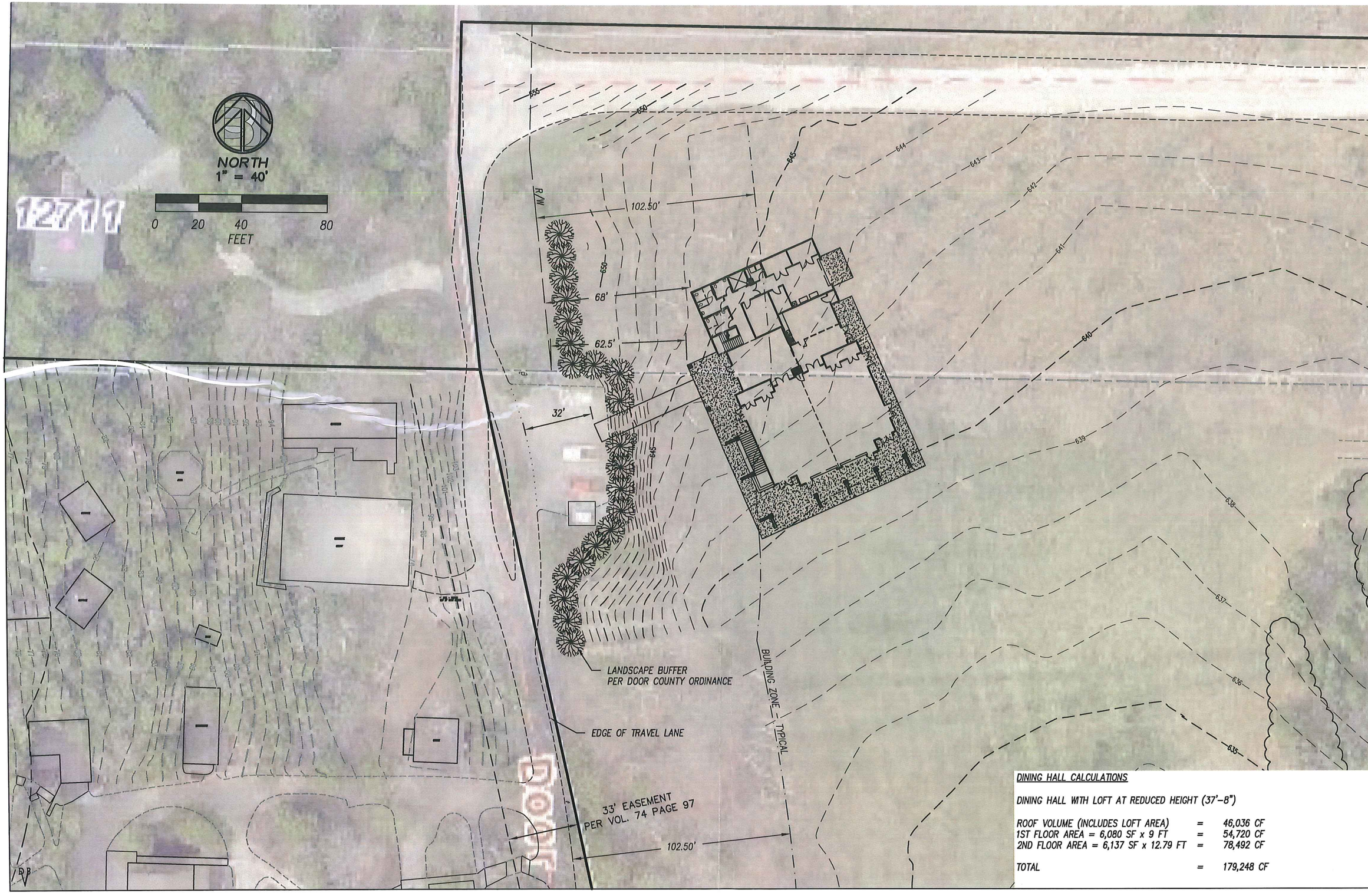
P.O. BOX 105
312 N. 5TH AVENUE
STURGEON BAY, WI. 54235
PHONE: 920-743-8211

Camp Zion

PROPERTY EXTENTS
SITE PLAN

JOB # 21857
1 of 1



DINING HALL CALCULATIONS

DINING HALL WITH LOFT AT REDUCED HEIGHT (37'-8")

ROOF VOLUME (INCLUDES LOFT AREA)	=	46,036 CF
1ST FLOOR AREA = 6,080 SF x 9 FT	=	54,720 CF
2ND FLOOR AREA = 6,137 SF x 12.79 FT	=	78,492 CF
TOTAL	=	179,248 CF

DATE: 4-10-20
OVERSEEN BY: PJH
DRAWN BY: RMB

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PATH OF DRAWING:
Y:\dwb\LDWG\Camp Zion 21857-19\dwg

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P.O. BOX 105
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STURGEON BAY, WI. 54235
PHONE: 920-743-8211

Camp Zion

SITE PLAN

JOB # 21857
1 of 1

Map

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

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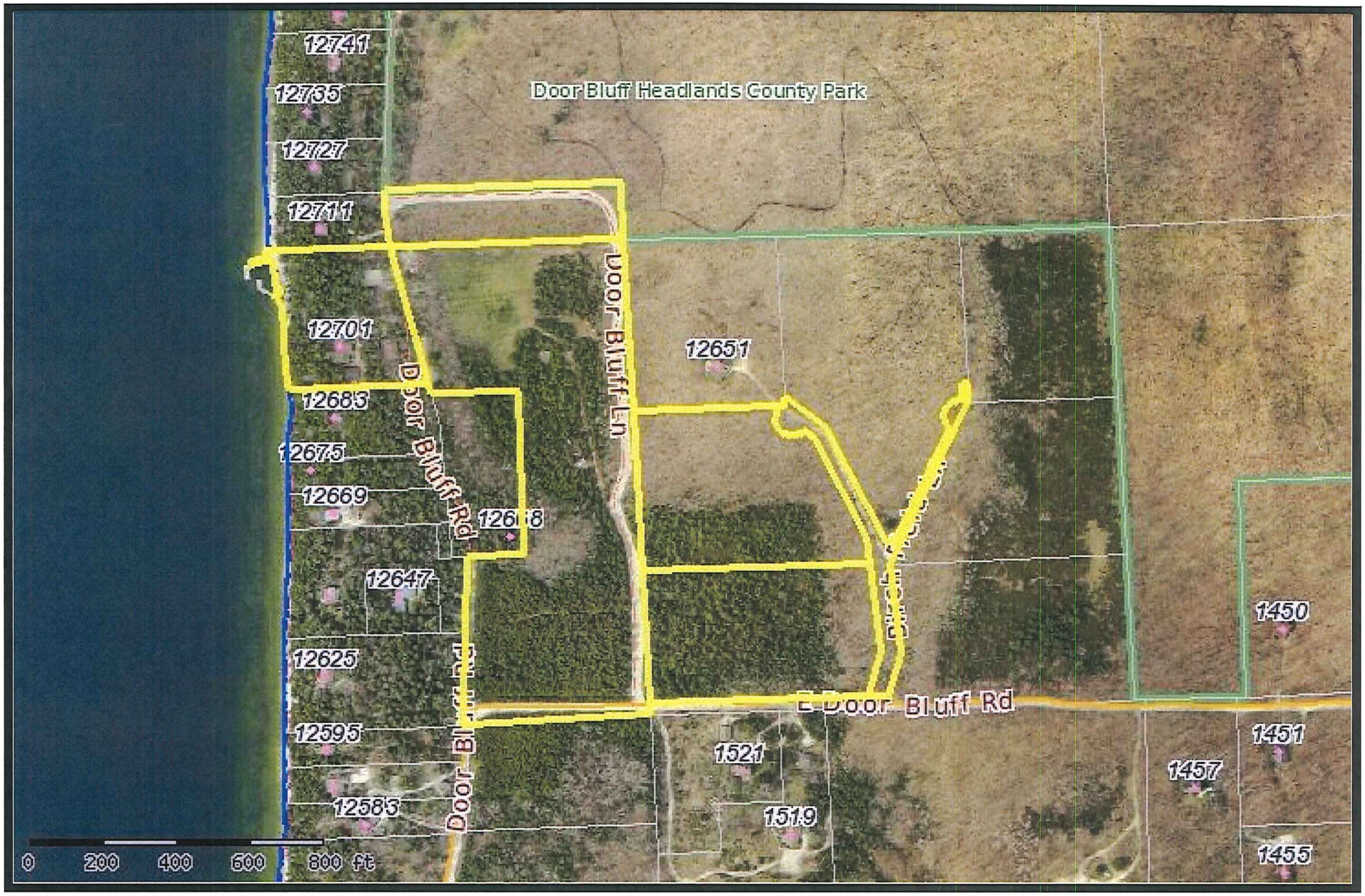
Door County, Wisconsin
... for all seasons!



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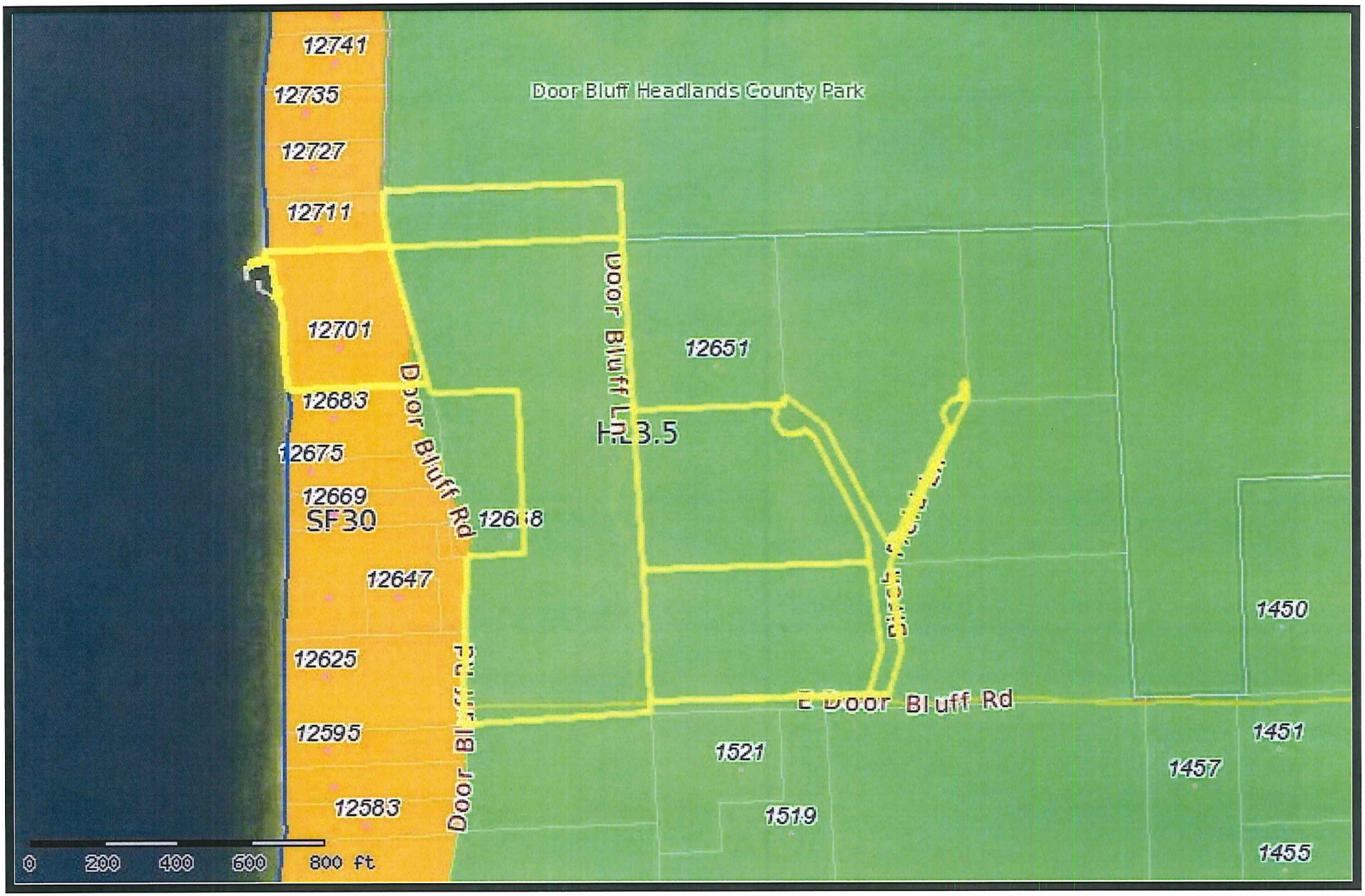
Map

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

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

Door County, Wisconsin
... for all seasons!



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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.

- 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

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.

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 currents 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.

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.*

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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^2max 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

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 ft^3.

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.

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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 ¾ 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.

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.

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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.

THE DINING HALL WILL NOT DETRACT FROM THE VISUAL HARMONY OF THE NEIGHBORHOOD.

Criteria for determining the definition of *"visual harmony with existing buildings in the neighborhood"* is nebulous, at best. Within a few miles of Camp, there are both large and small stick-built homes, manufactured homes, original homestead homes, traditional ranch homes, industrial metal buildings, two-story homes, square metal homes, homes with unique architecture, various shapes, sizes, volume, construction and finish materials, landscaping, some that are hidden by vegetation, others that are completely exposed, etc. Less than two miles from Camp, a 5900 ft^2 home and a 5300 ft^2 home were granted permits in recent years. (See Addendum D, photos)

Our architect designed the proposed facility to be similar in size, character, and visual harmony with other Camp Zion buildings, and as much as possible, to be consistent with the wide variety of buildings already existing in the Door Bluff area and Liberty Grove.

CAMP ZION IS NOT THE ONLY SOURCE OF TRAFFIC ON DOOR BLUFF.

Organizations like the Door County Visitor's Bureau, Door County North, and numerous tourism promotional social media sites are doing all they can to grow tourism, which naturally results in increased traffic on scenic back roads. Door Bluff tourist traffic in general is increasing due to increased usage of Door Bluff Headlands County Park, art crawls, kayak tours, nearby art studio/guest cottage/wedding business, and UPS and FED EX deliveries to neighbors, etc.

Through the 1970s and early 80s, traffic was minimal, especially on the private portion of Door Bluff Road. It seemed that a majority of Door Bluff property owners were present at their properties only for limited periods of time during the warm weather months. As property owners began to use their properties more often, and built their homes, garages, guest houses, and barns, vehicle traffic increased exponentially.

CAMP ZION TRAFFIC AND INTENSITY OF USE

In contrast to growth of residential traffic, vehicle traffic in and out of Camp Zion has been consistent for at least the past 20 years, and is in alignment with our allowable capacity and year-round operation. We have used Door Bluff Road for the past 73 years, and own large portions of it.

Since 2015, as a courtesy to our neighbors, we have directed our guests, staff, and vendors to use Door Bluff Lane when entering and exiting the Camp property whenever possible. The vast majority of Camp Zion traffic does just that (resulting in LESS traffic for most of our neighbors.) As a further courtesy, relocating some of the existing parking spots accessed from Door Bluff Road and adding parking spots on the HL 3.5 property will reduce both traffic on the Road and parking accessed from it.

The Camp actually reduces net traffic and intensity of use in the area. Had the Camp never existed, there could be as many as 12 additional single-family homes on the properties, with the associated cars, traffic, families, etc. And no doubt it would be financially rewarding to develop our 28.46-acre HL3.5 site for uses already permitted there such as single-family homes, bed and breakfast establishments, boarding houses, agricultural worker housing, police and fire stations, community centers, daycare facilities, commercial nurseries and greenhouses, and campgrounds. Such permitted uses would *increase* year-round traffic and usage far greater than the conditional use we propose.

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POSSIBLE TIMELINE

Pending CUP and zoning permit approval, we will finalize architectural drawings and file for a State of Wisconsin building permit. Reserve and donated funds are already available for construction to begin in the Fall of 2020 or sooner.

DINING HALL VALUES IDENTIFIED

- Environmental stewardship
- Preserve an abundance of natural space
- Aesthetically pleasing facility
- A site that will encourage personal and spiritual renewal
- Flexibility in facility use
- Safety & security of guests & property
- Energy efficient
- Preservation and sustainability for future generations

CONCLUSION

- Immediate goal is receiving a variance and a new CUP out of which subsequent building permit applications will follow at later dates.
- Overall goal: Develop a site the next generation will be grateful to steward.
- Maintain a long-term perspective of the Camp program, facilities, and environment.
- Maintain open and flexible planning for present and future Camp needs.
- Develop a magnificent site that is a beacon of hope and restoration for generations to come!

All efforts have been made to be thorough and factual in these submittal documents, and we will be pleased to provide the Planning Staff with any additional information that may be necessary to assure that the application conforms to requirements of the Ordinance and state and federal law. If you have any questions or concerns, or need additional information, please feel free to contact me at any time. We invite and encourage you to tour the site. Our door is always open for anyone who wishes to visit or talk with us.

Thank you for your service to our community, and thank you for your consideration.

Respectfully submitted,

Dale L. Stewart
Executive Director, Camp Zion

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(Private) Door Bluff Rd. Property Values

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
(Private) Door Bluff Rd.																			
12775 Door Bluff Rd														302000	302000	302000	302000	302000	302000
12765 Door Bluff Rd														231000	231000	231000	231000	231000	469600
Hidding (MFL)/County Park	126800	126800	126800	126800	126800	126800	126800	126800	126800	126800	126800	305800	305800	305800	950100	950100	950100	956700	520700
12764 Door Bluff Rd																			402600
12763 Door Bluff Rd	121100	121100	121100	121100	202700	202700	202700	202700	202700	202700	202700	401200	401200	401200	401200	401200	401200	401200	401200
12751 Door Bluff Rd	41800	41800	41800	41800	107300	107300	107300	107300	167100	223500	223500	394700	412400	418300	418300	418300	418300	418300	418300
12741 Door Bluff Rd	86500	86500	94300	124900	253800	260500	260500	260500	262700	262700	262700	477500	477500	477500	477500	477500	477500	477500	477500
12735 Door Bluff Rd	223800	223800	223800	223800	376500	376500	382700	382700	382700	382700	382700	627800	627800	627800	627800	627800	627800	627800	627800
12727 Door Bluff Rd	109000	127400	137100	137100	294200	294200	294200	294200	294200	294200	294200	537500	537500	537500	537500	537500	537500	537500	537500
12711 Door Bluff Rd	61300	61300	61300	61300	143700	143700	143700	143700	143700	143700	188800	403300	403300	460400	618200	618200	618200	618200	629700
12701 Door Bluff Rd																			
12683 Door Bluff Rd	106400	106400	106400	106400	219800	219800	219800	219800	219800	219800	219800	461900	461900	461900	461900	461900	461900	461900	461900
12675 Door Bluff Rd	57500	57500	57500	57500	120900	120900	120900	120900	120900	120900	120900	263700	263700	263700	263700	263700	263700	263700	263700
12669 Door Bluff Rd	6700	6700	6700	6700	19200	19200	19200	19200	19800	19800	19800	34300	34300	34300	34300	34300	34300	34300	66400
12668 Door Bluff Rd	22400	22400	22400	22400	22400	22400	22400	22400	33400	40600	40600	80500	80500	80500	80500	80500	80500	80500	80500
12649 Door Bluff Rd												847900	847900	847900	847900	847900	847900	847900	847900
12647 Door Bluff Rd												30000	222200	250600	250600	250600	250600	250600	250600
12625 Door Bluff Rd	250600	250600	250600	250600	374600	374600	374600	374600	374600	374600	374600	737700	737700	737700	737700	737700	737700	737700	737700
Waterfront South of Clearing																			
12167 Rustic Ln	74400	74400	75000	75000	158000	158000	158000	158000	158000	158000	158000	339400	339400	339400	339400	339400	339400	339400	339400
12165 Rustic Ln	78100	78100	78100	78100	161100	161100	161100	161100	161100	161100	161100	326800	326800	326800	326800	326800	326800	326800	326800
12153 Rustic Ln	55200	77000	77000	77000	160000	160000	160000	160000	160000	160000	160000	324700	324700	324700	324700	324700	324700	324700	324700
12141 Rustic Ln	83300	83300	83300	83300	166300	166300	166300	166300	166300	166300	166300	351300	351300	351300	351300	351300	359100	359100	359100
Near Birch Creek Center																			
3729 County Hwy E	45550	59400	59400	61400	77600	78800	78800	78800	131700	131700	131700	131700	131700	164400	164400	164400	164400	164400	187900
3730 County Hwy E																110000	110000	110000	147100
3736 County Hwy E	72550	86900	86900	86900	86900	86900	86900	86900	123900	123900	123900	123900	123900	161500	161500	169300	169300	169300	184900
3820 County Hwy E						109800	109800	109100	156200	154600	154600	150300	148700	204200	182200	182300	182400	182500	197700
3947 County Hwy E										30,200	162000	162000	177300	258700	258700	258700	258700	258700	296500

Green = Increase in Assessment
Orange = Decrease in Assessment

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	% increase since 1991	% increase since 2005
(Private) Door Bluff Rd.												
12775 Door Bluff Rd	302000	405900	405900	405900	405900	364600	624700	624700	624700	624700		2.068543046
12765 Door Bluff Rd	497000	613700	613700	613700	616600	577600	577600	577600	577600	577600		2.5004329
Hidding (MFL)/County Park	520700	45000	45000	45000	45000	45000	45000	45000	45000	45000		
12764 Door Bluff Rd	402600	549000	549000	549000	549000	420,900	420,900	420,900	420,900	420,900		
12763 Door Bluff Rd	401200	539000	539000	539000	539000	469000	469000	469000	469000	469000	3.87283237	1.168993021
12751 Door Bluff Rd	539200	539200	539200	539200	539200	469200	469200	469200	469200	469200	11.22488038	1.121683003
12741 Door Bluff Rd	477500	615400	615400	615400	595300	490300	490300	490300	490300	490300	5.668208092	1.026806283
12735 Door Bluff Rd	657400	856700	856700	856700	856700	751700	751700	751700	751700	751700	3.358802502	1.197355846
12727 Door Bluff Rd	537500	639400	639400	639400	639400	544900	544900	544900	544900	544900	4.999082569	1.013767442
12711 Door Bluff Rd	629700	793600	793600	793600	793600	688600	688600	688600	688600	688600	11.23327896	1.113879004
12701 Door Bluff Rd												
12683 Door Bluff Rd	461900	597600	597600	597600	597600	465300	465300	465300	465300	465300	4.373120301	1.007360901
12675 Door Bluff Rd	263700	360800	360800	360800	360800	292900	292900	292900	292900	292900	5.093913043	1.110731892
12669 Door Bluff Rd	66400	80300	80300	80300	80300	36500	263100	530000	530000	530000	79.10447761	15.45189504
12668 Door Bluff Rd	80500	125000	125000	125000	125000	125000	107700	107700	107700	107700	4.808035714	1.337888199
12649 Door Bluff Rd	847900	1139800	1139800	1139800	1139800	929800	929800	929800	929800	700500		0.826158745
12647 Door Bluff Rd	250600	294900	294900	294900	294900	294900	277000	277000	277000	277000		1.105347167
12625 Door Bluff Rd	737700	1007700	1007700	1007700	1007700	825700	825700	825700	825700	825700	3.294892259	1.119289684
Waterfront South of Clearing												
12167 Rustic Ln	339400	411900	411900	411900	351900	351900	351900	351900	351900	351900	4.72983871	1.036829699
12165 Rustic Ln	326800	389900	389900	389900	329900	329900	329900	329900	329900	329900	4.224071703	1.009485924
12153 Rustic Ln	324700	376000	376000	376000	316000	316000	316000	316000	316000	316000	5.724637681	0.973206036
12141 Rustic Ln	359100	425800	425800	425800	365800	365800	365800	365800	365800	365800	4.391356543	1.041275263
Near Birch Creek Center												
3729 County Hwy E	187900	187900	187900	187900	187900	187900	187900	187900	185100	185100	4.063666301	1.125912409
3730 County Hwy E	147100	147100	147100	147100	147100	147100	147100	147100	146500	146500		
3736 County Hwy E	184900	184900	184900	171500	171500	171500	171500	171500	175200	175200	2.414886285	1.084829721
3820 County Hwy E	197700	197700	197600	197600	197600	197500	197500	197500	198200	198200		1.087815587
3947 County Hwy E	296500	296500	296500	296500	296500	296500	296500	298600	250700	250700		0.96907615

Green = Increase in Assessment
Orange = Decrease in Assessme

Gmail

Dale Stewart <dalestew76@gmail.com>

Fwd: Camp Zion

1 message

Matthew Gillmore <matthew.gillmore@gmail.com> Wed, Jun 20, 2018 at 3:21 PM
To: Dale Stewart <dalestew@campzion.com>

This is from the DNR Forester and is some good information as well as will come in handy in the future for hearings.
---------- Forwarded message ----------
From: **Ruff, William R - DNR** <William.Ruff@wisconsin.gov>
Date: Mon, Jun 18, 2018 at 8:41 AM
Subject: RE: Camp Zion
To: Matthew Gillmore <matthew.gillmore@gmail.com>

Matthew, I enjoyed our visit at Camp Zion. The current wooded cover along the escarpment (primarily cedar) seems to be doing well at holding what little soil is present in place and erosion issues were not apparent. Sometimes trails can be a source of erosion but the current layout, the mulching you have done and overhead tree canopy are combining to minimize erosion effects. Your conservative approach of tree removal for creating a water view at the escarpment edge has also minimized potential problems. As we discussed, trying to establish ground cover under the heavy cedar canopy will most likely not be feasible due to the heavy shade. Areas of filtered sunlight hold more potential bet were not abundant. On a similar note, the screening planting of evergreens along the adjoining private property/home will not be as effective under the current forest cover as it would be under more sunlit conditions. Balsam fir, white cedar and white pine are your best evergreen choices in a staggered planting configuration we discussed. What you will lack in fullness of individual tree foliage you can try and make up for in planting density. If moving trees on the property for screen planting, remember to try and get a good root-to-top ratio in the size trees you pick to move. We discussed the successional path of second growth hardwood stands noting that the shorter-lived sun-loving species present (aspen & birch) will continue to fall out of the stand in favor of trees that are longer lived and shade tolerant. The same holds true on the old field areas which have converted to cedar with some hardwoods mixed in. I've attached the crop tree release information we discussed to be applied during cutting of cedar posts & poles as well as firewood. It is applicable to both your hardwood and cedar stands. I did not see signs of Emerald Ash Borer yet but it will make its way to your woodlands and cause mortality Should Camp Zion choose to actively manage the forest (thinning/harvesting) I've attached a Cooperating Forester Directory as a resource for professional forestry assistance in on-the-ground implementation. Also attached is information on Autumn Olive and Honeysuckle control. Fortunately, from our observations the area is currently relatively free of invasive species but you have firsthand knowledge of the problem they can become. Battling invasives early on can reduce spread and control efforts. If I missed anything or you need more information please get back in touch.

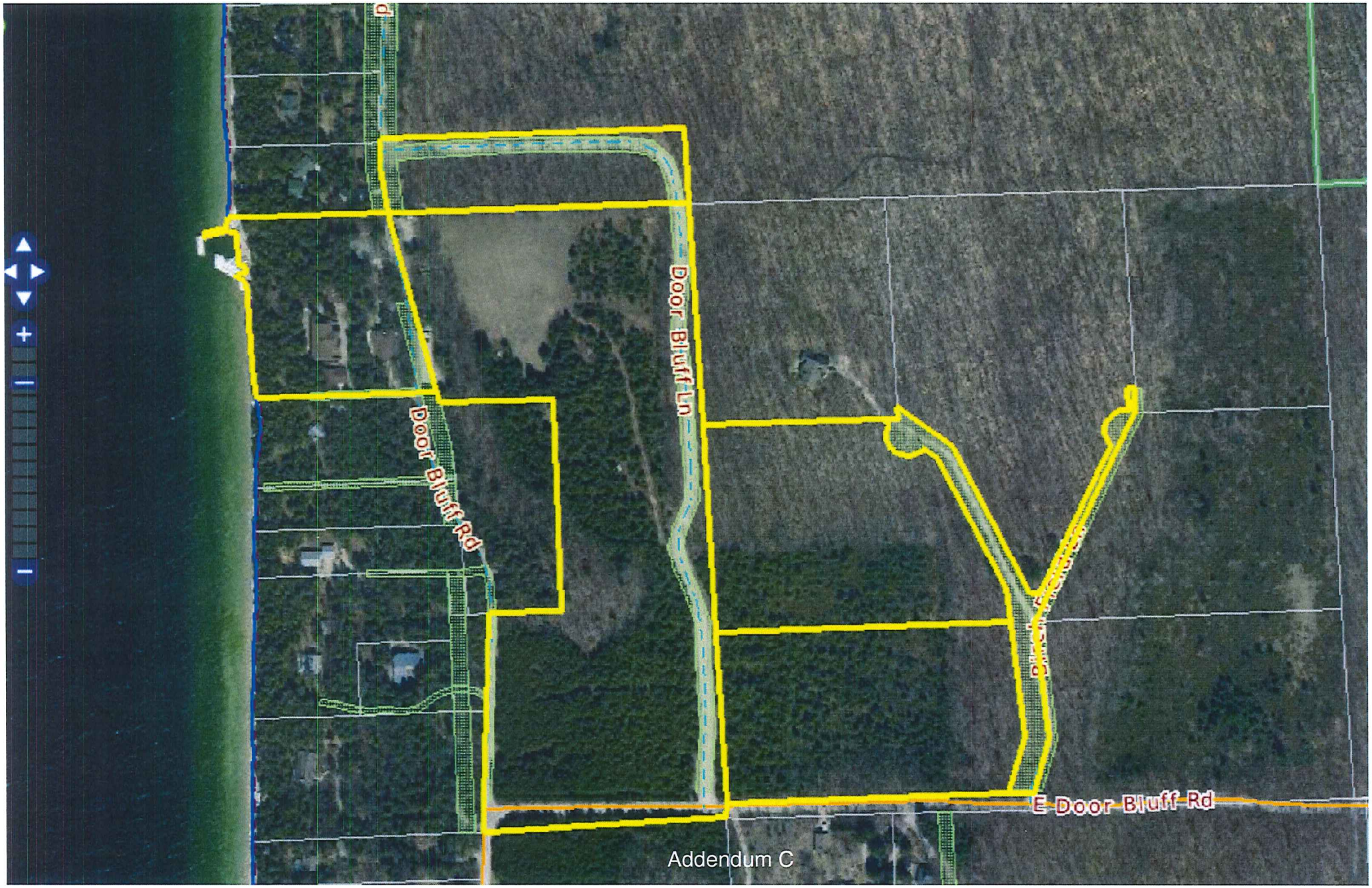
We are committed to service excellence.

Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.

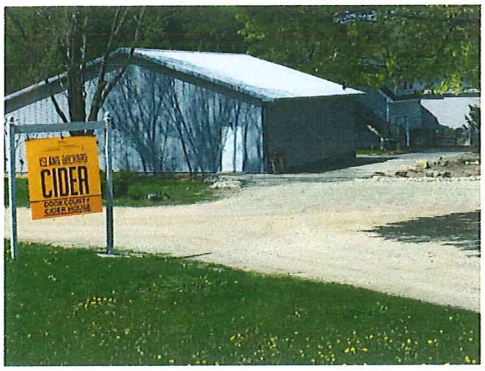
Bill Ruff

Phone: (920) 746-2880

william.ruff@wisconsin.gov



Addendum C



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

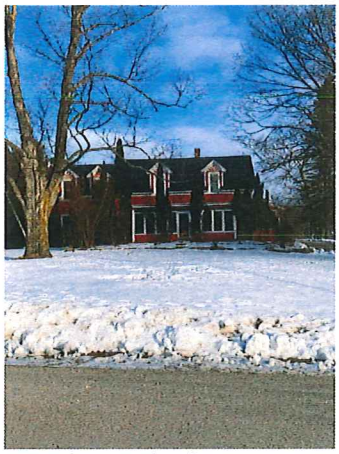
Houses & Buildings in Door Bluff area and Town of Liberty Grove

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

Addendum D-2

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

RECEIVED
MAR 10 2020
DOOR COUNTY
LAND USE SERVICES DEPARTMENT

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

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

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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)

69
RECEIVED
MAR 09 2020
DOOR COUNTY
LAND USE SERVICES DEPARTMENT

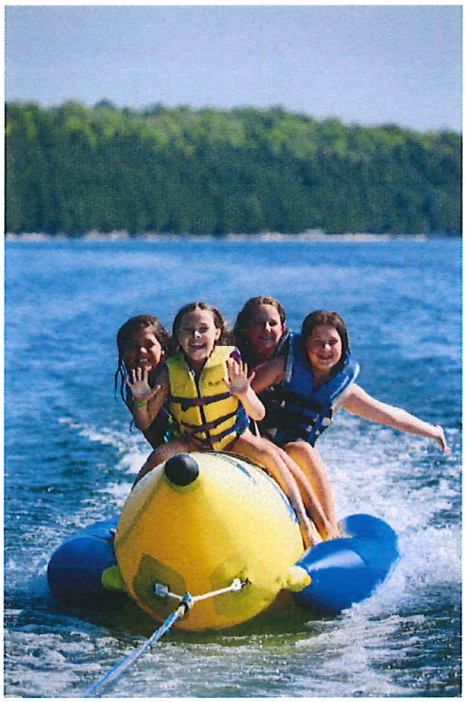
Memorandum in Support of Camp Zion CUP Application

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.

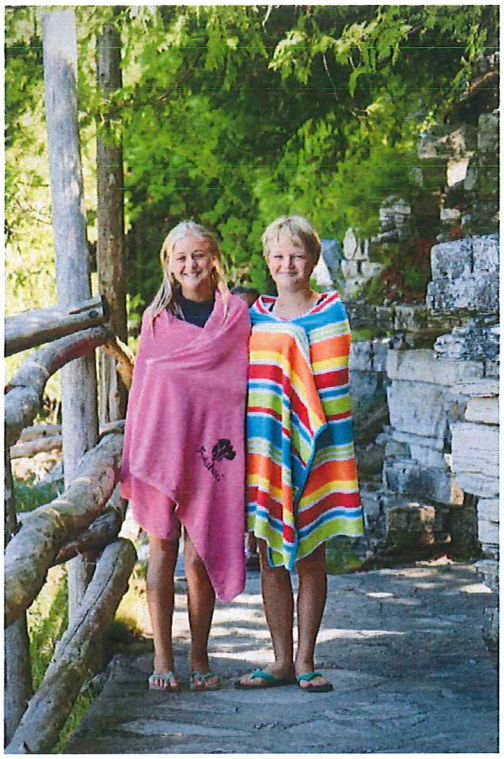
Unfortunately, the dividing line between reasonable objection and insincere provocation can be surprisingly thin.

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

during the 2015 CUP application process. It was discouraging when a small group of opponents to the camp repeatedly succeeded in obstructing and stymying the camp's efforts to renovate and better care for camp guests and visitors to Door County. It was discouraging when those same opponents succeeded in convincing county officials to impose requirements and conditions that were neither reasonable nor supported by substantial evidence. And it was discouraging for the camp to expend so many precious resources—time, finances, and energy—engaging in endless and meaningless conflict, when those resources could have been used more productively. The attorney's fees alone were quite substantial, and are likely to be substantial again, but may be recoverable under 42 U.S.C. § 1988. That said, Camp Zion remains hopeful that its ongoing efforts to be a good neighbor and valuable member of the larger Door County community will not be overlooked. And that there will be recognition that helping Camp Zion to flourish will also naturally benefit Door County, the place Camp Zion is proud to call home.

Very Truly Yours,

MAUCK & BAKER, LLC

John Mauck

John W. Mauck

MICHAEL D. DEAN, LLC

Michael D. Dean

Michael D. Dean

(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)

CAMP ZION

LETTERS IN SUPPORT

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

JH

Begin forwarded message:

From: Jean Hill <jeanjhill@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

RECEIVED
MAY 13 2020
DOOR COUNTY
LAND USE SERVICES DEPARTMENT

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

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

RECEIVED
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 Variane 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.

RECEIVED
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
APR 28 2020
DOOR COUNTY
LAND USE SERVICES DEPARTMENT

To: DC Land Use Services Department

Dear members of the Board -

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

RECEIVED
APR 27 2020
DOOR COUNTY
LAND USE SERVICES DEPARTMENT

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

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

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

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

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

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.

<u>Criteria for evaluating "area" variance petitions</u>
(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.

OTHER CORRESPONDENCE

GOODE, MARIAH

From: GOODE, MARIAH
Sent: Thursday, May 28, 2020 11:50 AM
To: 'Jim Smith'
Cc: Mike Bahrke (msb11649@gmail.com); Tyler Pluff
Subject: RE: Camp Zion: Virtual Meetings and Open Meetings Law

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
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: 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.

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

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.

MINUTES OF MEETING
DOOR COUNTY BOARD OF ADJUSTMENT

May 26, 2020

1.0 Call to order and declaration of quorum.

The meeting was called to order by Chairman Frey at 2:00 p.m. on Tuesday, May 26, 2020, in the County Board Room (C-101) 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

Staff Present:

Richard D. Brauer, Zoning Administrator

Excused:
Aric Weber, Vice-Chairperson
Bob Ryan

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; Nasewaupee.

Motion by Nelson, seconded by Anderson, to grant the petition for grant of variance. Motion carried unanimously (4-0).

Aye: Frey, Nelson, Horvath, Anderson.

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 May 12, 2020, meeting.

Motion by Nelson, seconded by Anderson, to approve the minutes as presented. Motion carried unanimously (4-0).

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.

Motion by Nelson, seconded by Anderson, 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 June 9, 2020. Three variance cases have been scheduled for public hearing that day. The meeting will start at 9:00 in the morning. Chris Anderson will be unable to attend that meeting.

5.0 Vouchers.

All of the board members present submitted vouchers.

6.0 Adjournment.

Motion by Nelson, seconded by Anderson, to adjourn. Motion carried unanimously. Chairperson Frey declared the meeting adjourned at 2:42 p.m.

Respectfully submitted,

Richard D. Brauer
Zoning Administrator

RDB
05/26/20

DOOR COUNTY BOARD OF ADJUSTMENT
Decision – Area Variance

Hearing Date: May 26, 2020 **Decision Date: May 26, 2020**

Applicants: Chad Fawcett

Property: PIN 024-65-03002 / 4012 Sand Bay Point Road

Description of variance requested:

Chad Fawcett petitions for a variance from Section IV.B.2.b. of the Door County Shoreland Zoning Ordinance which requires accessory buildings be set back at least 75 feet from the ordinary high water mark. Mr. Fawcett proposes to relocate and convert a 24' x 24' boathouse to an accessory structure which would be located 13 feet from the ordinary high water mark of Green Bay. This property is located at 4012 Sand Bay Point Road in Section 30, Town 28 North, Range 25 East, and in the Town of Nasewaupee.

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
Arps Horvath:	Aye
Chris Anderson:	Aye
Monica Nelson:	Aye

Signed _____ Signed _____

Chairperson Recording Clerk

Dated: June 9, 2020
Filed: June 10, 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.

DOOR COUNTY BOARD OF ADJUSTMENT
DECISION-MAKING WORKSHEET

APPLICANTS NAMES: Chad Fawcett

PROPERTY ADDRESSES / P.I.N.s: 4012 Sand Bay Point Road/ 020-65-03002

HEARING DATE: May 26, 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 configuration of this parcel and curve along the ordinary high water mark are unique. This coupled with rising water and erosion along the shoreline prevent the owner from constructing in compliance.

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.

- 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 __X_____ NO _____
EXPLAIN: Strict compliance with the requirements for a boathouse would lead to the destruction of the building due to high water. This is a significant hardship and would render an important facility to the property owner useless.

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 the structure will be damaged and eventually destroyed if not moved further from the ordinary high water mark. The use and size of the building will not be changed. If relocated 75 feet from the ordinary high water mark, the building will no longer function effectively as a boathouse.

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 size and use of the building will not be changed and it will be moved only slightly further from the ordinary high water mark. The proposal will promote planned and orderly land use development. The proposal will protect property values and the property tax base. Relocating the building further from the water will prevent the structure from collapsing and possibly creating an unsafe condition. The granting of the variance will allow the owners to rehabilitate and continue to use the existing boathouse. This will also create a building that is safer to use.

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 26, 2020

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.