

**NOTICE OF PUBLIC HEARING  
MARQUETTE COUNTY  
STATE OF WISCONSIN**

To Whom It May Concern:

A **Public Hearing** will be held before the Marquette County Board of Adjustment on Thursday, April 30, 2026, at 1:00pm in the Public Safety Meeting Room in the Marquette County Courthouse, 77 W Park Street, Montello, WI 53949.

The Board will be hearing the following petitions:

**David & Donna Stapleton, 6942 County Line Rd., Hartford, WI 53027** are requesting a variance under Section 7.2 of the Marquette Code of Ordinances Chapter 63-Shoreland Protection for the construction of a deck at a reduced setback of 56 feet to the Ordinary High-Water Mark of Tuttle Lake, on unrecorded Lot 10 Tuttle Lake Plat, part of Govt Lot 5, described in Doc# 325489, Sec. 22 T17N R10E, Town of Crystal Lake, Marquette County, WI. **Property Address: W2720 S Tuttle Lake Rd.**

All application materials and virtual hearing attendance information are available on the Planning & Zoning Department website at <https://www.marquettecountywi.gov/planning-and-zoning/> or in person in Room 104 of the Courthouse in the City of Montello. All people wishing to be heard may appear in person or remotely and may be represented by an agent or attorney. If an appearance or representation is not possible, a letter addressed to the Marquette County Planning & Zoning Department, 77 West Park Street, Room 104, Montello, WI 53949-9366, may be sent prior to the hearing and it will be provided to the Board of Adjustment.

Marquette County Board of Adjustment  
Mary Walters, Chairperson  
Lance Achterberg  
Michael Johnson  
Adam Malsack, Alternate  
Fred Wollenburg, Alternate

Class 2 Notice



Planning & Zoning Department  
77 West Park Street, Room 104  
Montello, WI 53949  
608-297-3036

## **Department Staff report to the Marquette County Board of Adjustment**

Prepared by: Jean Potter – Zoning Administrator  
Applicant: David & Donna Stapleton  
Hearing date: April 30, 2026

### **PARCEL INFORMATION**

Property location: Parcel 004-00900-0000  
Legal Description: Unrecorded Lot 10 Tuttle Lake Plat, part of Govt Lot 5, described in Doc# 325489, Sec. 22 T17N R10E, Town of Crystal Lake, Marquette County, WI.  
Zoning District: Shoreland Recreational-Residential and Single Family Residential

### **BACKGROUND**

The applicant is requesting a variance under Section 7.2 of the Marquette Code of Ordinances Chapter 63-Shoreland Protection for the construction of a deck at a reduced setback of 56 feet to the Ordinary High-Water mark (OHWM) of Tuttle Lake.

7.2 SHORELAND SETBACK. (s. 59.692(1n)(am), Stats, and NR115.05(1)(b)1) A setback of 75 feet from the ordinary high-water mark of any navigable water to the nearest part of a building or structure shall be required.

### **DISCUSSION**

The application is an area variance, and the Board must determine if the ordinance setback requirement prevents the applicant from using the property for its intended purpose, which is residential.

### **RECOMMENDATION**

The Department recommends that the application be approved. The proposed structure is a 12-by-23-foot deck totaling 276 square feet. The dwelling was rebuilt in 2022 using setback averaging for the placement of the dwelling at that time. The average was determined to be 68 feet from the OHWM of Tuttle Lake measured off the dwellings on the adjacent parcels. Limitations on the roadside of the property included property line setbacks (entire width of parcel is 50 feet) and the well and building setbacks to the septic tank required the house placement be at 68 feet from the OHWM. There is no compliant location to build a deck currently. The purpose of a shoreland district is to protect water quality, fish, and wildlife habitat and natural scenic beauty for all navigable waters in Wisconsin and would be interpreted differently from the purpose of a residential district to protect the character of established residential neighborhoods. This property is both an established residential neighborhood and a shoreland district. A deck built on posts would not cause further deterioration of water quality and fish and wildlife habitat. A request for a deck in a residentially zoned neighborhood is a reasonable request. This property required water mitigation for the house build to address water runoff into the lake in 2022 and was installed under county Land & Water Conservation Department (LWCD) permitting requirements. Unlike a patio or solid aggregate construction, the deck allows water to move through the structure and directly into the ground preventing runoff. If approved, the condition for appropriate erosion control measures and revegetation of disturbed areas can be added to the application and facilitated by LWCD under their jurisdiction.



MARQUETTE COUNTY

PLANNING, ZONING & LAND INFORMATION DEPARTMENT

77 West Park Street, Room 104
Montello, WI 53949-9366
608-297-3036

This Area For Office Use Only
Date Received:
Type: Zoning Shoreland Floodplain

PETITION FOR VARIANCE

PROPERTY INFORMATION
Owner Name: David & Donna Stapleton
Property Address: W 2720 S. Tuttle Lake Rd
Mailing Address: 6942 County Line Rd
Parcel ID Number: 004-00900-0000
City, State, Zip Code: Hartford, WI 53027
Town of: - Select One Crystal Lake
Parcel Size: 200' x 50'
Zoning District: - Select One Marquette County
Legal E
Current Use & Improvements:

CONTRACTOR/AGENT INFORMATION
Contractor/Agent Name: Tyler Bauer @ Matt Lasure
Company Name: Brothers Concrete / S+G Excavating
Mailing Address: W 6945 State Road 152
Phone: 920-787-7410
City, State, Zip Code: Wautoma, WI 54982
Email: www.BrothersConstruction.com
www.SGEXCAVATING.ORG

PROJECT INFORMATION
Variance Appeal
Variance Requested from (Ordinance Section): 7.2 Shoreland Setback.
Description of Variance Requested: Reduction of 75-ft. setback to 56-ft. to OTHWM
Project Description: Construct a deck (12' x 23') 56 feet from the OTHWM of Tuttle Lake.

REQUIRED SUPPLEMENTAL INFORMATION
Site Plan Floor Plan / Building Profile Variance Addendum
I, the undersigned, hereby apply for a Variance from the terms of the ordinance and certify that all the information on the application and attached is true and correct to the best of my knowledge. I acknowledge responsibility for providing accurate setback measurements and to know where affected property lines are. I affirm that all work performed will be done in accordance with all applicable laws and regulations. I understand that construction CANNOT begin without a valid county permit and that if building does occur before that time, I am subject to fines and/or removal of the non-permitted structure(s). I hereby authorize members of the Marquette County Planning, Zoning and Land Information Department to enter the affected property, provided at a reasonable time and an attempt is made to inform the occupant, for purposes of obtaining information pertinent to my application request and to conduct land use code inspections.

Applicant Signature: [Handwritten Signature]

Date: Feb 16, 2020

FEE - \$300.00 (non-refundable)
Completed petitions can be mailed, along with a check or money order, to: Marquette County Zoning, 77 W Park St. Room 104, Montello WI 53949-9366
OR Submitted via email to: permits@co.marquette.wi.us

Cash, Check, or Credit Card Accepted
When paying with a credit card, you must include a receipt/ confirmation number of payment with your completed application or forward the payment receipt via email to: permits@co.marquette.wi.us
Pay Online

BOA-30031-2020

## VARIANCE ADDENDUM

A separate attachment may be utilized to answer these questions.

To be considered complete, a site plan and construction plans must accompany this petition.

### 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 there is no room for the home and requesting setback variances). Courts have also determined that economic or financial hardships do not justify granting a variance. When determining whether an unnecessary hardship exists, the property as a whole is considered, rather than just a portion of the parcel (if an applicant prefers to build by the water but can't due to the water setback, but can build on the rear of the lot without a variance, the water setback shall be denied). 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 on 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.

The unnecessary hardship is, and, is present because:

See Attachment

### UNIQUE PROPERTY LIMITATION

Unique physical limitations of the property such as steep slopes or wetlands that prevent an applicant from complying with the provisions of the ordinance can be considered for a grant of variance. (However, be advised that even if unique physical limitations exist, the variance still may not be granted.) Valid unique property limitations that are not generally shared by other properties can be considered but must prevent compliance with ordinance requirements.

The circumstances of the applicant (growing family, need for a larger garage, wanting a better view, 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 which prevent compliance with the terms of the ordinance include:

steep and  
5' x 4' -  
(100')

### 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 neighbor, the entire community and the general public. These interests are listed as objectives in the purpose statement of the ordinance and include, but are not limited to:

- \* Protect public, safety and welfare
- \* Preserve wetlands
- \* Prevent water pollution
- \* Protect fish and wildlife habitat
- \* Promote a safe and efficient transportation system
- \* Protect property values
- \* Conserve soil, water and forest resources
- \* Encourage the protection of groundwater & surface water
- \* Preserve natural scenic beauty & rural character

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

NO HARM TO PUBLIC INTERESTS

This Area For Office Use Only

Application #:

## Unnecessary Hardship

The unnecessary hardship is due to the placement of the residence at the edge of the shoreline setback, which was determined by the required location of the septic system. This placement leaves insufficient space between the home and the lake to construct a ~~modest deck,~~ that complies with setback requirements. Without the variance, there is no reasonable location on the property to add a modest outdoor seating area and utilize the existing patio doors.

## Unique Property Limitation

The property is uniquely limited by the fixed location of the septic system, which dictated the placement of the home at the setback line and restricts the ability to construct a patio in a compliant location. These constraints are specific to this property and not generally applicable to other properties in the area.

## No Harm to Public Interest

The proposed ~~deck~~ is approximately ~~276~~ square feet, residential in use, and will be constructed ~~to code~~. It will not obstruct views, impact neighboring properties, or adversely affect the lake environment. The request is consistent with the character of nearby properties and represents the minimum relief necessary for reasonable residential use.

Tuttle Lake

# Stapleton Property

W2720 S. Tuttle Lk. Rd.  
Marquette County WI

Scale: 1" = 20'

Note: Due to property line, well and building setbacks, suitable area disallows any type of septic system unless individual site design.



BM is top of patio block @ corner of home @ 100'

W.P.L.

3 Bedroom Home

E.P.L.

Well

Shed

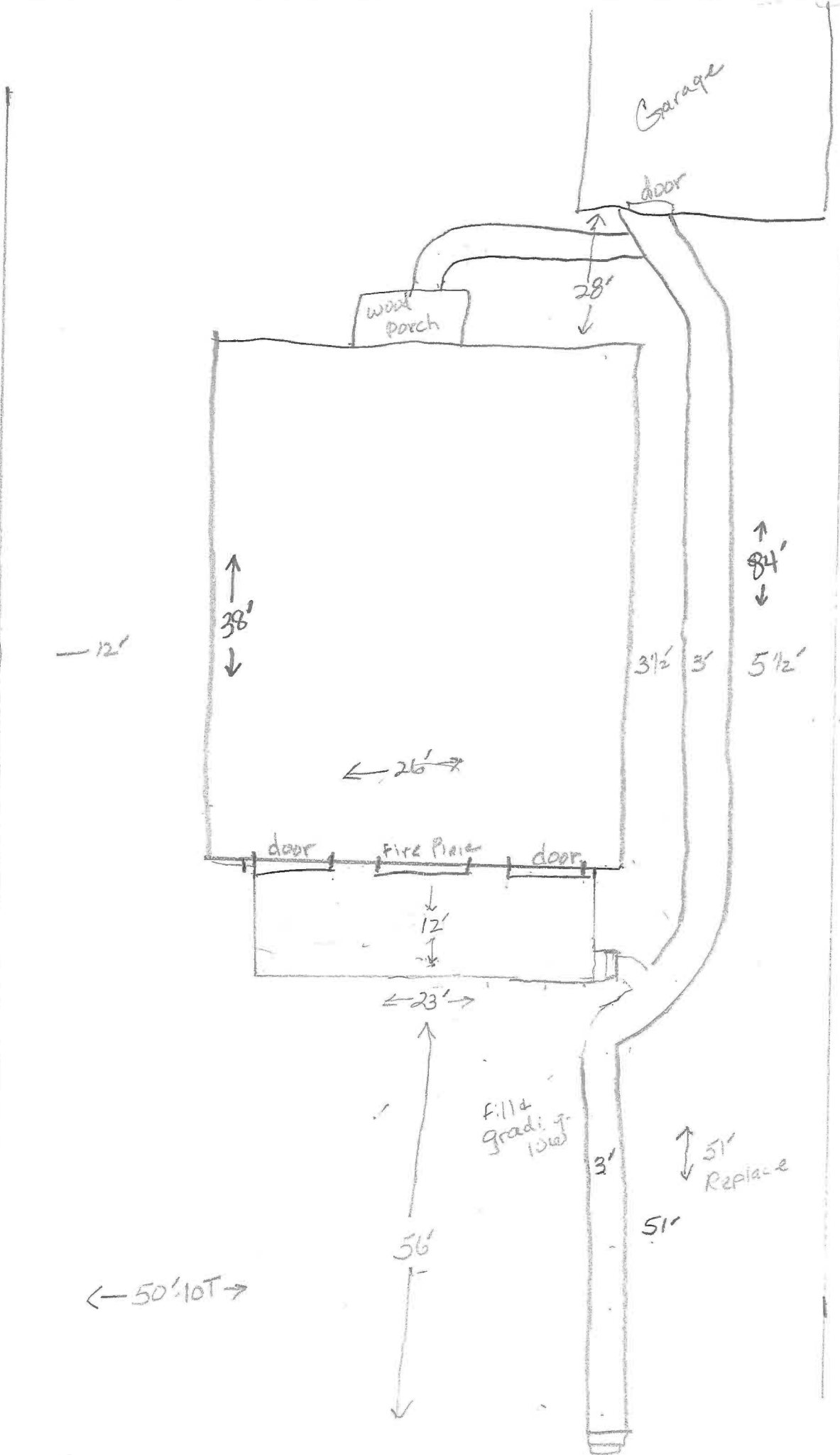
Shed

Proposed 2000 gallon Wieser Holding tank water proof with ballastis.

*Robert [Signature]*  
MP4355

Driveway

South Tuttle Lake Road (unimproved)



12'

38'

26'

door Fire Place door

12'

23'

56'

50' 10"

28'

3 1/2'

3'

84'

5 1/2'

3'

51'

51' Replace



Tuttle Lake



Alt. Parcel #: 0422171043160

004 - TOWN OF CRYSTAL LAKE  
MARQUETTE COUNTY, WISCONSIN

Current

Creation Date Historical Date Map # Sales Area Application # Permit # Permit Type # of Units

**Tax Address:**

DAVID J & DONNA S STAPLETON REV TRUST

6942 COUNTY LINE RD  
HARTFORD WI 53027

**Owner(s):** O = Current Owner, C = Current Co-Owner  
O - STAPLETON REV TRUST, DAVID J & DONNA S

**Property Address(es):** \* = Primary

\* W2720 S TUTTLE LAKE RD

**Districts:** SC = School SP = Special

Type	Dist #	Description
SC	6335	WESTFIELD SCH DIST
SP	0400	MADISON AREA MATC
SP	8100	TUTTLE LAKE REHAB DIST

**Notes:**

**Abbreviated Description:** Acres: 0.000

(See recorded documents for a complete legal description.)

TUTTLE LAKE PART OF GOVT LOT 5  
UNRECORDED LOT 10

**Parcel History:**

Date	Doc #	Vol/Page	Type
08/13/2021	325489		QCD
08/13/2021	325488		TDI
11/15/2002	238739	448/530	WD

**Plat:** \* = Primary

\* 002W-UNRECORDED PLAT TUTTLE LAKE SE

**Tract:** (S-T-R 40% 160% GL) **Block/Condo Bldg:**

22-17N-10E SW SE LOT 10

**2026 SUMMARY**

**Bill #:** **Fair Market Value:** **Assessed with:**  
0

**Valuations:**

**Last Changed:** 04/09/2025

Description	Class	Acres	Land	Improve	Total	State	Reason
RESIDENTIAL	G1	0.000	150,000	120,200	270,200	NO	

**Totals for 2026:**

General Property	0.000	150,000	120,200	270,200
Woodland	0.000	0		0

**Totals for 2025:**

General Property	0.000	150,000	120,200	270,200
Woodland	0.000	0		0

**Lottery Credit:**

**Claim Count:** 0 **Certification Date:** **Batch #:**

**Specials:**

**User Special Code** **Category** **Amount**

**Total** **Special Assessments** 0.00 **Special Charges** 0.00 **Delinquent Charges** 0.00



To whom it may concern,

As the property owner of the lot adjacent to the

Mapleton property, I HIGHLY

object to the request for a

variance to build a deck

closer to the lake. It would

definitely interfere with my front

yard. There cottage already

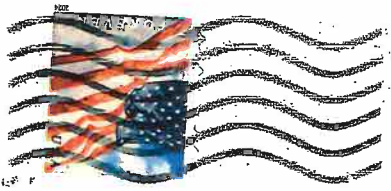
is no document because of

logs and being too narrow.

I call it a 'hatel'! Please

refuse this request.

Joyce A Witkowski



MILWAUKEE WI 530 Miss Joyce A. Witkowski 11806 N Farndale Rd Mequon, WI 53097-2909

1 APR 2026 PM 3 1

53049-906677

53949

Margaret County Planning & Zoning Dept  
171 West Park Street  
Room 104  
Menasha, WI

Town of Crystal Lake  
N8416 State Road 22  
Neshkoro, WI 54960

▶ RECEIVED ◀  
APR 23 2026

## NOTICE OF TOWN BOARD DECISION

The Crystal Lake Town Board heard the Variance Request of David and Donna Stapleton at their April 9, 2026, Town Board Meeting.

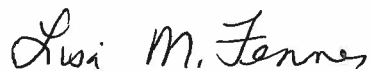
The Board took the following action:

- Recommend Approval of Special Exception as stated on the notice.
- Recommend Denial of Special Exception.
- Took no action on the Special Exception.**

Mr. and Mrs. Stapleton were on the agenda for the Town Board Meeting on April 9, 2026, and appeared in person.

If you have any questions, please contact me at 920-229-7512.

Sincerely,



Lisa M. Fenner, Town Clerk

# MARQUETTE COUNTY ZONING PERMIT

## GENERAL INFORMATION

Municipality: TOWN OF CRYSTAL LAKE Parcel Number: 004-00900-0000  
Date Permit Issued: 04/25/2022 Permit Number: 3457498  
Date Permit Expires: 04/23/2024 Body of Water: Tuttle Lake  
Owner Name: DAVID J & DONNA S STAPLETON REV TRUST  
Owner Mailing Address: 6942 COUNTY LINE RD  
HARTFORD WI 53027  
Owner Phone Number: 262-923-6942  
Contractor Name: Steve Kemps  
Contractor Address: W9358 Archer Rd  
Almond WI 54909-8743  
Contractor Phone Number: (920) 572-3393

## PROPERTY INFORMATION

Property Address: W2720 S TUTTLE LAKE RD  
Zoning District: Shoreland Recreational-Residential District  
Legal Description: Section 22. TUTTLE LAKEPART OF GOVT LOT 5UNRECORDED  
LOT 10

## PROJECT INFORMATION

Type of Project: NSFD - Site Constructed Fee Paid: \$100.00  
Size of Building: ' X ' New Square Footage: 1628 sq. ft.  
Proposed Use of Building: Residential Type of Construction: Site Constructed  
Setback to Center of Road: Setback to Ordinary Highwater Mark: 68

## OTHER CONSIDERATIONS

Erosion Control Plan On File 1 Pre-Construction Impervious Surface: 3.8%  
Floodplain Present 0 Post-Construction Impervious Surface:  
20%  
Wetlands Present 0 Change in Impervious Surface: Between  
15% and 30% Imp Surface - Increase  
Sanitary Permit Required 1 Mitigation Required? 1  
UDC Building Permit Required 1 Mitigation Proposed: Infiltrate 513 sq. ft. to  
maintain 15% impervious surface standard

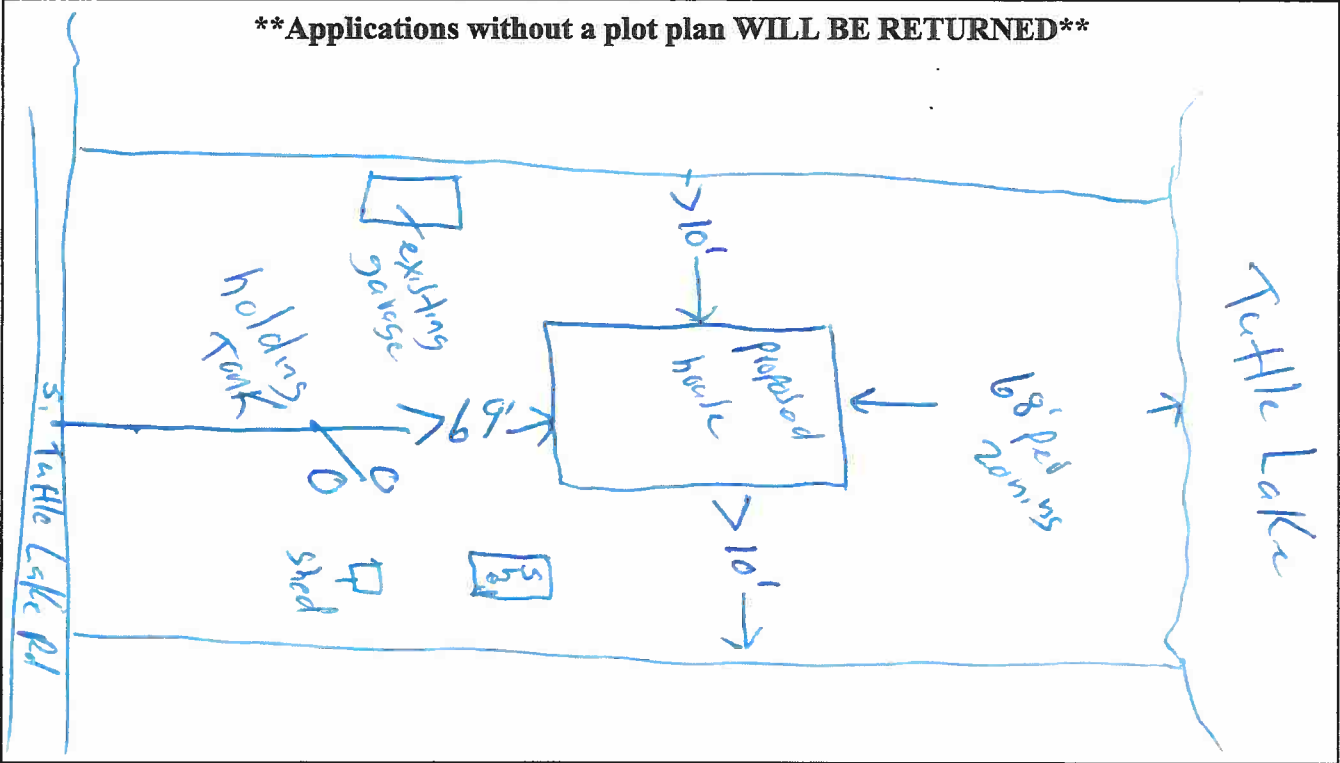
Permit Notes/Conditions/Restrictions: Per LWCD, infiltration will be 560 sq. ft of guttering

Required Setback to Ordinary High Water Mark/Wetland Boundary: **75 Feet** (From Closest point of Construction)

**PLOT PLAN** (Site as viewed from above)

W 2720 S. Tattle Lake Rd

- 1). Make a drawing of your project.
- 2). Show distances from Centerline of Road(s), All Lotlines, and Ordinary High Water Mark if applicable.
- 3). Show location of the Septic System and replacement system area if applicable.
- 4). Please return with permit fee.



You are responsible for complying with State and Federal laws concerning construction near, or on, wetlands, lakes, and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources Wetland Identification Web Page (<http://dnr.wi.gov/topic/wetlands/locating.html>) or contact a Department of Natural Resources Service Center.

The undersigned hereby makes application for the work described and located as shown herein. The undersigned agrees that all such work shall be done in accordance with all the requirements of the Zoning Ordinance and all other applicable ordinances of Marquette County and all applicable laws, codes and regulations of the State of Wisconsin, and states that the above information is true to the best of his or her knowledge. Issuance of this permit is not to be construed as legal responsibility for the construction on the part of Marquette County or its staff. Pursuant to Marquette County Zoning Ordinance 70.01 (E), by applying for this permit the undersigned grants permission for the Marquette County Zoning Department, its agents or assigns, to enter upon the premises and inspect the work to determine compliance with the zoning ordinances and the terms of this permit.

Signature of Owner or Agent: 

**INSPECTION \*\*\*\*\*FOR OFFICE USE ONLY \*\*\*\*\***

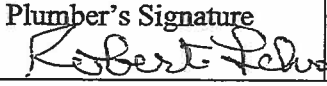
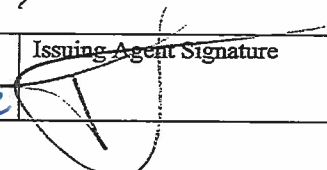
**Setbacks**

Wetland \_\_\_\_\_  
 Waterline \_\_\_\_\_  
 Lotline \_\_\_\_\_  
 Road \_\_\_\_\_  
 Inspector \_\_\_\_\_

**Comments:** \_\_\_\_\_

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

Date \_\_\_\_\_

<b>MARQUETTE COUNTY</b> <b>Sanitary Reconnection Permit</b> <b>Application</b> In accord with Ordinance 74		Marquette County Planning, Zoning & Land Information Department P.O. Box 21 Montello, WI 53949 608-297-3036		
<b>County Sanitary Permit Number:</b> 370-2345965		<b>Parcel ID Number:</b> 004-00900-0000		
<b>Application Information-Please Print</b>		<b>Property Location Information</b>		
<b>Property Owner's Name:</b> DAVID STAPLETON		SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> , Sec 22, T <sup>1</sup> / <sub>2</sub> N, R 10E <sup>1</sup> / <sub>2</sub> W		
<b>Owner's Mailing Address:</b> P.O. BOX 207		<b>Lot Number</b> 10	<b>Block Number</b> N/A	<b>Nearest Road/Intersection</b> SO. TUTTLE LK. RD.
<b>City, State</b> NORTH LAKE WI.	<b>Zip Code</b> 53064	<b>Phone</b>	<b>Subdivision Name or CSM Number</b>	
<b>Type of Building:</b> <input type="checkbox"/> 1 or 2 family dwelling- No. of bedrooms <u>3</u> <input type="checkbox"/> Public/Commercial _____ <input type="checkbox"/> State-owned		<input type="checkbox"/> City <input type="checkbox"/> Village <input checked="" type="checkbox"/> Town of <u>CRYSTALLAKE</u>		
<b>Property Address:</b> W2720 SOUTH TUTTLE LAKE ROAD				
<b>Previous Sanitary Permit Information:</b> Permit Number: <u>549256/119887</u> Date Issued: <u>10-25-11</u>				
<b>Type of POWTS:</b> <input type="checkbox"/> Non-pressurized In-ground <input type="checkbox"/> At-grade <input type="checkbox"/> Pressurized In-ground <input checked="" type="checkbox"/> Holding Tank <input type="checkbox"/> Mound <input type="checkbox"/> Other _____				
<b>Responsibility Statement:</b> I, the undersigned, assume responsibility for installation and/or reconnection of the system as noted in this application				
<b>Plumber's Name</b> ROBERT LEHR	<b>Plumber's Signature</b> 	<b>MP/MPRS No.</b> 4355	<b>Phone No.</b> 920-787-3426	
<b>Plumber's Address (Street, City, State, Zip)</b> P.O. BOX 36, WALTOMA, WI. 54982				
<b>County Use Only</b>				
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	<b>Permit Fee</b> 150.00	<b>Date</b> 4/8/22	<b>Issuing Agent Signature</b> 
<b>Comments:</b>				



**MARQUETTE COUNTY  
LAND & WATER CONSERVATION DEPARTMENT**



438 Industrial Drive ♦ Suite 1 ♦ Westfield, WI 53964 ♦ Phone (608) 296-2815

**Stormwater Infiltration Plan**

**Dave Stapleton**

W2720 S. Tuttle Lake Rd.

**Project Overview:**

Due to the demolition of existing building and rebuilding of a new structure, a stormwater infiltration plan must be constructed to treat approximately 513 square feet of impervious surface.

**Project Scope:**

Roof runoff from eastern half of residence (14' x 40' including overhangs) will be collected in roof gutters and directed via drainage pipe to an infiltration basin located on the east side of the residence. Minimum measurements for the basin are: 40' L x 2' W x 1.9' D, to treat 560 sq. ft. of roof. Attached drawings show construction details.

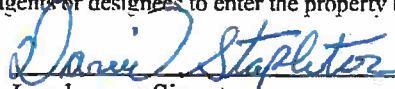
- Filter Fabric must be placed in basin on all sides and bottom before rock is placed.
- Rock should not be greater than 1.5" in diameter and must be washed, clean stone.
- 4" PVC Pipe (1/2" holes drilled in it) should extend at a minimum 1/2 length of the basin.
- (optional) For basins where water will be directed via drainage pipe, Filter fabric may be enveloped around the bottom, sides and top of rock and then covered with topsoil and seeded.

**Project Notes:**

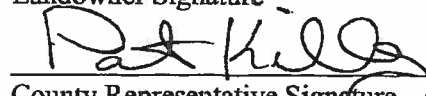
1. Landowner is responsible for all construction and layout including underground utilities.
2. Drainage pipes leading to infiltration basin will have safety overflow before going underground. This can be done by **not** having a watertight seal between the downspouts and drainage tile to allow for overflow.
3. System needs to be inspected during large runoff events to insure proper function.
4. Periodic maintenance to maintain infiltration is required. Run-off from adjoining ground needs to be prevented. To protect this area from surface water draining to it, the top elevation of rock should be higher than existing grade/ground

**Approval Section Below**

The undersigned agrees that all aspects of the stormwater plan will be followed and maintained for the life of the project. Any deviation from the design or maintenance of this plan will put the Landowner in violation of the Marquette County Shoreland Zoning Ordinance. The undersigned grants permission for the Marquette County Land & Water Conservation Department, its agents or designees to enter the property to inspect the work to determine compliance with this plan.

  
\_\_\_\_\_  
Landowner Signature

5-10-22  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
County Representative Signature

5/16/22  
\_\_\_\_\_  
Date





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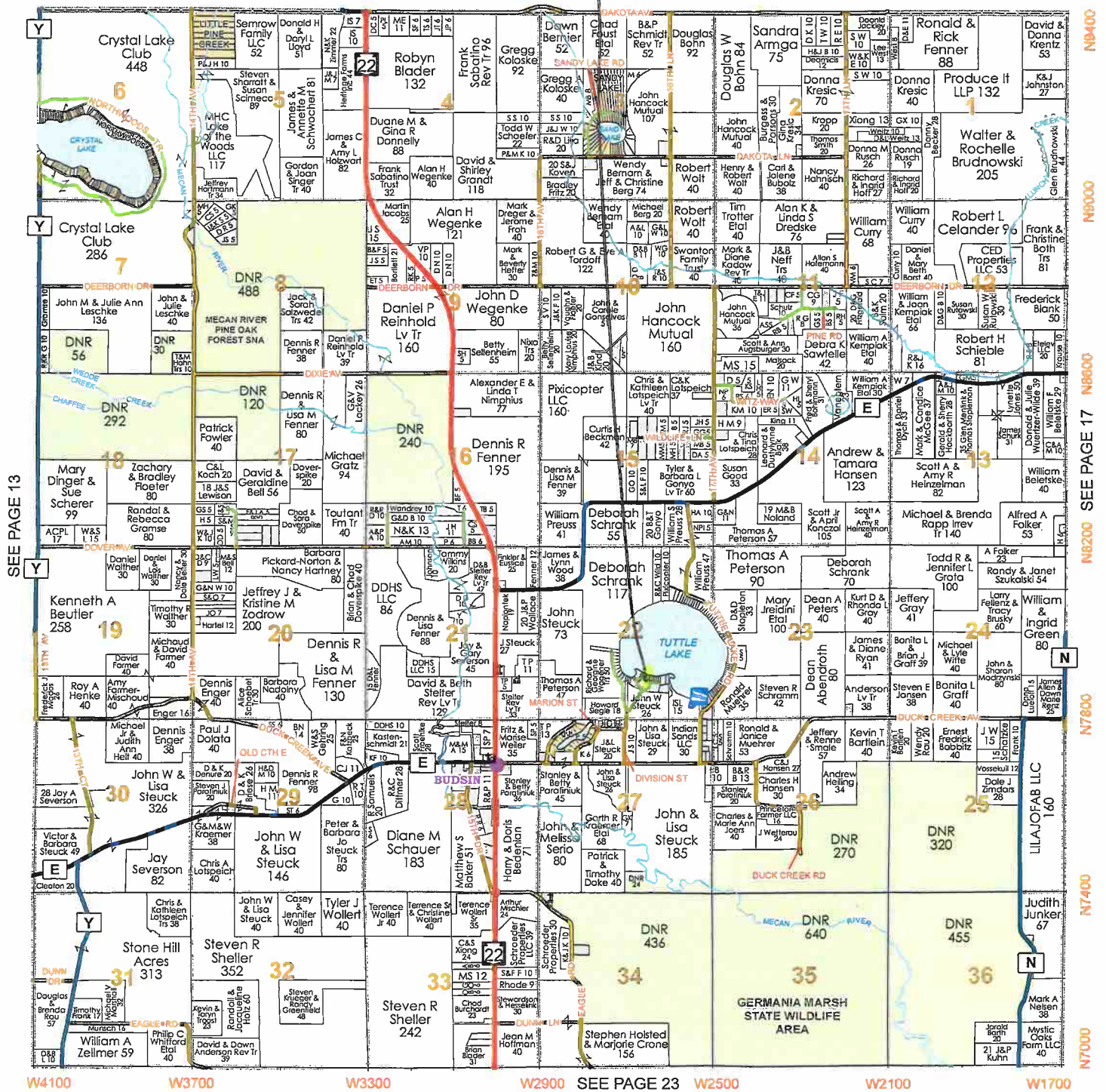
Crystal Lake

064-0500-0000

Township 17N - Range 10E

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WAUSHARA COUNTY



SEE PAGE 13

N9400  
N9300  
N9200 SEE PAGE 17  
N9100  
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W4100 W3700 W3300 W2900 SEE PAGE 23 W2500 W2100 W1700