



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: Lonnie & Luella Schlabach

Hearing date: October 29, 2026

PARCEL INFORMATION

Property location: **Parcel 002-00411-0000**

Legal Description: Parcel in the SW corner of the SW-NW 90 x 247.5 feet; 0.511 acres; Section 12, Township 14 North, Range 10 East, Town of Buffalo, Marquette County, WI.

BACKGROUND

The applicants are requesting a variance under Sections 8.0.1(C) and 4.0(F) of Ch. 62-Comprehensive Zoning for the construction of a dwelling addition at a reduced setback to a property lot line. The request is a reduced setback of 5 feet from a lot line.

Conservation Protection District:

8.0.1(C). In addition to setbacks required in Sec. 7.0, all buildings shall have a minimum setback of twenty-five (25) feet from all lot lines.

General Provisions:

4.0(F). No lot shall have more than one (1) principal building for residential purposes, except as otherwise specified herein, and shall have a minimum setback from all lot lines of ten (10) feet.

DISCUSSION

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

RECOMMENDATION

MARQUETTE COUNTY WISCONSIN

VARIANCE APPLICATION CONTACT FORM

Planning & Zoning Department
77 W. Park Street, Room 104
Montello, WI 53949

PROPERTY INFORMATION	
Owner Name: <u>Lannie Schlappach</u>	Property Address: <u>W2094 C@RD B</u>
Mailing Address: <u>W2094 Cty. Rd. B</u>	Parcel ID Number: <u>002 - 00411 - 0000</u>
City, State, Zip Code: <u>Dalton, WI 53926</u>	Town of: <u>Buffalo</u>
Phone:	Parcel Size: <u>0.511 acres</u>
Email:	

AGENT CONTRACTOR/AGENT INFORMATION	
Contractor/Agent Name: <u>Ervin O Miller</u>	Company Name:
Mailing Address: <u>W3554 Cty Rd O</u>	Phone:
City, State, Zip Code: <u>Montello, WI 53949</u>	Email: 

FEE - \$300.00 (non-refundable)

Completed petitions can be mailed, along with a check or money order, to:

Marquette County Zoning
77 W. Park Street, Room 104
Montello WI 53949

OR

Submitted via email to: permits@marquettecountywi.gov

I 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@marquettecountywi.gov

Pay Online

BOA-30042-2026

This Area For Office Use Only	
Permit Application #:	

MARQUETTE COUNTY WISCONSIN

This Area For Office Use Only	
Date Received:	9/29/26
Type:	<u>Comprehensive</u> Shoreland Floodplain
Date of Hearing:	Oct. 29, 2026

PETITION FOR VARIANCE

PROPERTY INFORMATION	
Owner Name: <u>Lonnie Schlabach</u>	Property Address: <u>W2094 Cty Rd B</u>
Mailing Address: <u>W2094 Cty Rd B</u>	Parcel ID Number: <u>002 - 00411 - 0000</u>
City, State, Zip Code: <u>Dalton, WI 53926</u>	Town of: - Select One <u>Buffalo</u>
	Parcel Size: <u>.511</u>
	Zoning District: - Select One <u>CP</u>
Legal Description:	
<u>SW</u> 1/4 <u>NW</u> 1/4 Section <u>12</u> , T <u>14</u> N, R <u>10</u> E	
Current Use & Improvements:	

PROJECT INFORMATION
Project Description: <u>Addition to dwelling with reduced setbacks from lot lines from 10ft. to 5ft. on west property line, and 5' setback from septic on back corner.</u>
Ordinance Code Section(s) (Completed by Department)
Ordinance Code Description (Completed by Department)

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 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: Evan O. Miller (Agent) Date: 9-29-26

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@marquettecountywi.gov

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@marquettecountywi.gov
Pay Online

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:

Addition to dwelling has to fit between septic and property line. Driveway comes in on east side of property so that doesn't work. Front of house is too close to Hwy. B to put it in front. This proposed spot is the only spot that fits.

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 ordinances 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:

Lot is 89ft. wide with no room to buy more land. Septic is in the middle of lot which prevents building in the middle. House is tight to lot line on west side hence driveway is on east side, so that eliminates east side.

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:

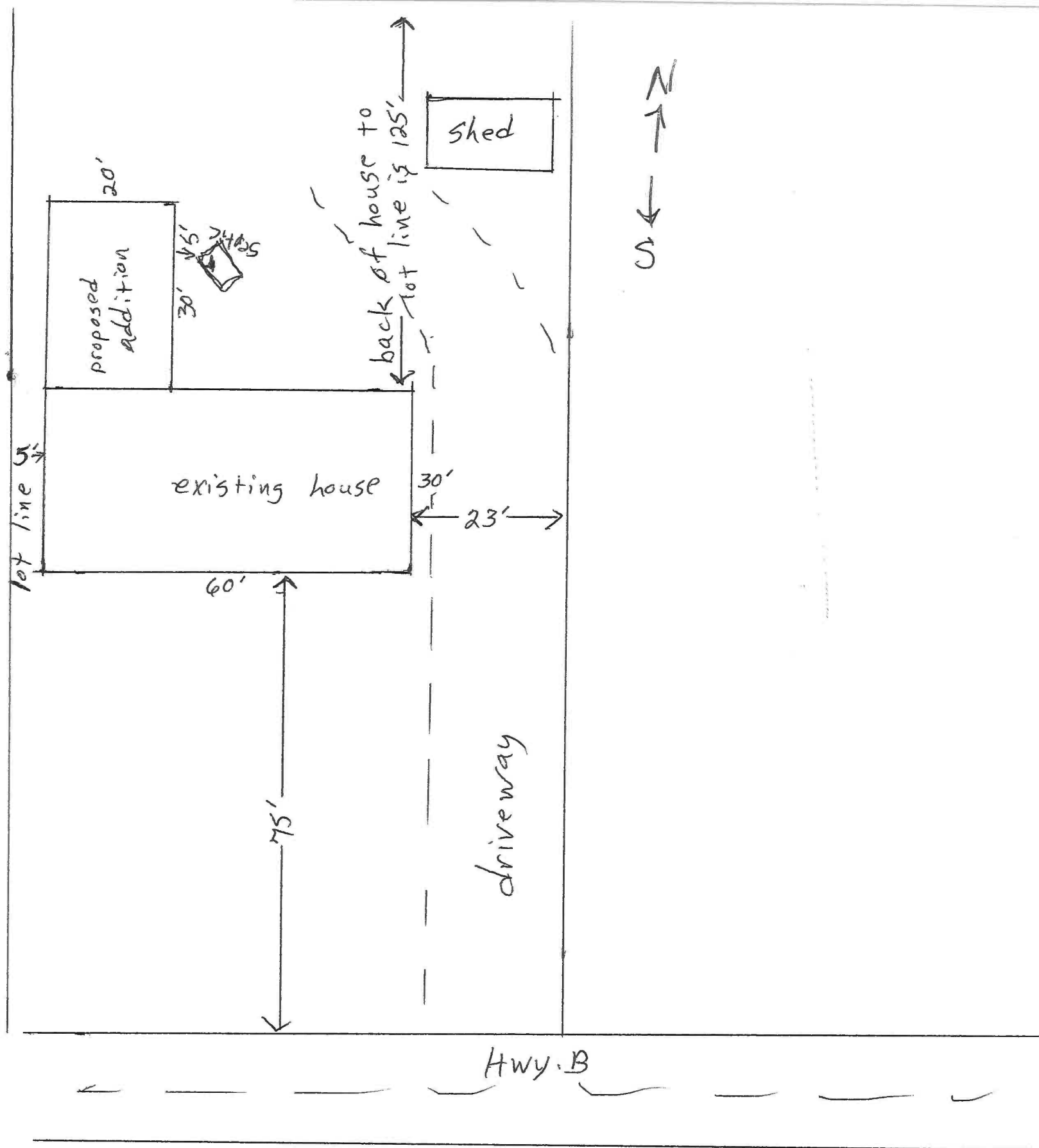
- * Protect public, safety and welfare
- * Preserve wetlands
- * Prevent water pollution
- * Protect fish and wildlife habitat
- * Promote a safe and efficient transportation system
- * Protect property values
- * Conserve soil, water and forest resources
- * Encourage the protection of groundwater &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

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

Not a safety issue. Backside of house so it doesn't effect traffic. Does not prevent neighbors from accessing their properties. Will add value to a small lot.

This Area For Office Use Only

Application #:



State Bar of Wisconsin Form 1-2003
WARRANTY DEED

Document Number

Document Name

339952

**MARQUETTE COUNTY
NICOLE ZIEBELL
REGISTER OF DEEDS**

RECORDED 09/02/2025 11:22 AM

Transfer Fee: 510.00

EXEMPT #:

E-RECORDED

THIS DEED, made between Brent Carlson and Scott Walter,

_____ ("Grantor," whether one or more),

and

Lonnie H. Schlabach and Luella Fern Schlabach, husband and wife, as survivorship,
marital property _____ ("Grantee," whether one or more).

Grantor, for a valuable consideration, conveys to Grantee the following described real estate, together with the rents, profits, fixtures and other appurtenant interests, in

Marquette County, State of Wisconsin ("Property") (if more space is needed, please attach addendum):

Part of the Southwest Quarter of the Northwest Quarter (SW 1/4 - NW 1/4) of Section 12, Township 14 North, Range 10 East, Town of Buffalo, Marquette County, Wisconsin, more particularly described as follows: Commencing at the Quarter post between Sections 11 and 12, at or near the grave yard and running East 90 feet; thence North 15 rods; thence West 90 feet; thence South to the place of beginning.

Recording Area

Name and Return Address

**Badgerland Title Services, Inc.
216 W Wisconsin St, Ste B
Portage, WI 53901**

002-00411-0000

Parcel Identification Number (PIN)

This is not homestead property.
(is) (is not)

Grantor warrants that the title to the Property is good, indefeasible in fee simple and free and clear of encumbrances except: Municipal and zoning ordinances and agreements entered under them, recorded easements for the distribution of utility and municipal services, recorded building and use restrictions and covenants, and general taxes levied in the year of closing.

Dated August 21, 2025

(SEAL)

Brent Carlson

(SEAL)

* Brent Carlson

(SEAL)

Scott Walter

(SEAL)

* Scott Walter

AUTHENTICATION

Signature(s) _____

authenticated on _____

ACKNOWLEDGMENT

STATE OF WISCONSIN)

COLUMBIA)

COUNTY)

ss.

Personally came before me on August 21, 2025

the above-named Brent Carlson and Scott Walter

to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

THIS INSTRUMENT DRAFTED BY:

Attorney Michael D. Greiber

PHYLLIS PRESTON
Notary Public
State of Wisconsin

Michael D. Greiber Phyllis Preston

Notary Public, State of Wisconsin

My Commission (is permanent) (expires: 10.22.27)

(Signatures may be authenticated or acknowledged. Both are not necessary.)

NOTE: THIS IS A STANDARD FORM. ANY MODIFICATIONS TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.

WARRANTY DEED

© 2003 STATE BAR OF WISCONSIN

FORM NO. 1-2003

* Type name below signatures.

Parcel #: 002-00411-0000

09/29/2026 10:15 AM

PAGE 1 OF 2

Alt. Parcel #: 0212141023030

Current ☒002 - TOWN OF BUFFALO
MARQUETTE COUNTY, WISCONSIN

Creation Date 12/01/2020 Historical Date Map # Sales Area Application # Permit # Permit Type # of Units

Tax Address:LONNIE H SCHLABACH
LUELLA FERN SCHLABACHW2110 COUNTY ROAD B
DALTON WI 53926-9525**Owner(s):**

O = Current Owner, C = Current Co-Owner

O - SCHLABACH, LONNIE H

C - SCHLABACH, LUELLA FERN

Property Address(es):

* = Primary

* W2094 CO RD B

Districts:

SC = School SP = Special

Type Dist # DescriptionSC 3689 MONTELLO SCH DIST
SP 0400 MADISON AREA MATC**Notes:**

2021 AC CORRECTION PER DEED

Abbreviated Description:**Acres:**

0.511

(See recorded documents for a complete legal description.)

PARCEL IN SW COR OF SW-NW 90 X 247.5FT
0.511A**Parcel History:**

Date	Doc #	Vol/Page	Type
09/02/2025	339952		WD
08/13/2025	339748		TDI
06/09/2025	339115		DES TOD
06/20/2023	332595		WD

more...

Plat: * = Primary

* N/A-NOT AVAILABLE

Tract: (S-T-R 40¼ 160¼ GL) **Block/Condo Bldg:**

12-14N-10E SW NW

2026 SUMMARY**Bill #:****Fair Market Value:**

0

Assessed with:**Valuations:****Last Changed:** 08/28/2025

Description	Class	Acres	Land	Improve	Total	State	Reason
RESIDENTIAL	G1	0.511	18,600	197,100	215,700	NO	

Totals for 2026:

General Property	0.511	18,600	197,100	215,700
Woodland	0.000	0		0

Totals for 2025:

General Property	0.511	18,600	197,100	215,700
Woodland	0.000	0		0

Lottery Credit:

Claim Count: 0 Certification Date: 10/09/2024 Batch #: 1

Specials:

User Special Code	Category	Amount
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Total**Special Assessments**
0.00**Special Charges**
0.00**Delinquent Charges**
0.00

Backed by experience, driven by technology.

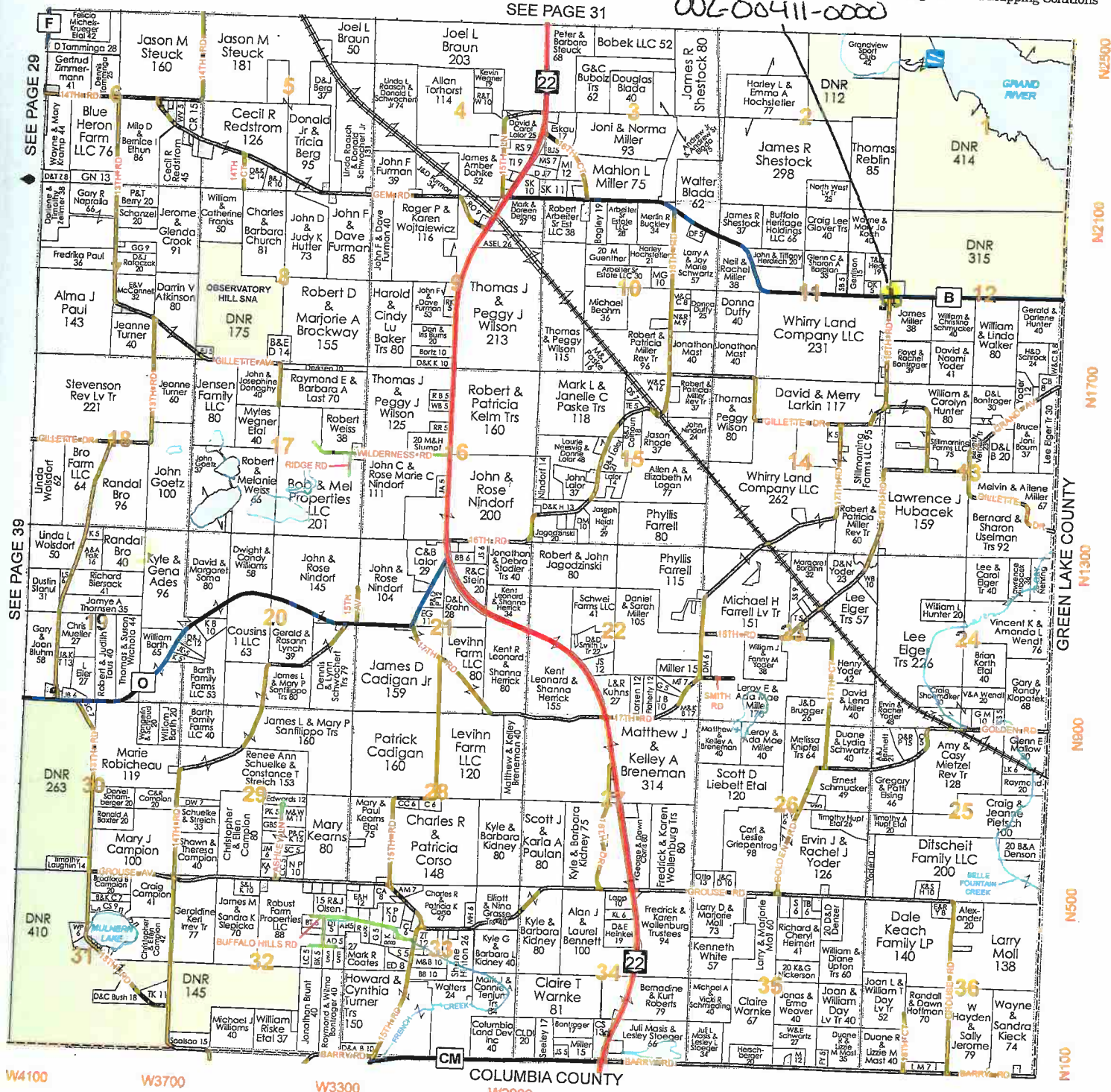
(816) 903-3500

SEE PAGE 31

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002-00411-0000

A 4x4 grid with the bottom-right cell shaded red.





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

September 30, 2026

Lonnie & Luella Schlabach
W2094 Cty Rd B
Dalton, WI 53926

Ervin Miller (Agent)
W3554 Cty Rd O
Montello, WI 53949

Dear Lonnie & Luella Schlabach, Ervin Miller (Agent),

We have scheduled you for a **October 29, 2026, at 1:00pm**, public hearing before the Board of Adjustment.

It is advisable for you to contact the Town Board of Buffalo to be placed on their monthly meeting agenda should they have any questions regarding your proposal. This should be done promptly if you have not already done so.

We have forwarded copies of your proposal/application to the Buffalo Town Board members and any additional information you have available that you could provide them with would be helpful.

If you have any questions, please let us know.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jean Potter", is written over a light blue horizontal line.

Jean Potter
Administrator
Planning And Zoning
Marquette County

cc: Scott Kempley, Chair, Town of Buffalo
Laurie Beahm, Clerk, Town of Buffalo



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

September 30, 2026

Dear Town of Buffalo:

Lonnie & Luella Schlabach, W2094 Cty. Rd. B, Dalton, WI 53926 are requesting a variance under Sections 8.0.1(C) and 4.0(F) of Ch. 62-Comprehensive Zoning for the construction of a dwelling addition at a reduced setback to a property lot line. Legal Description: Parcel in the SW corner of the SW-NW 90 x 247.5 feet; 0.511 acres; Section 12, Township 14 North, Range 10 East, Town of Buffalo, Marquette County, WI. **Property Address: W2094 Cty. Rd. B**

We have enclosed copies of the information we currently have available and will subsequently send a Notice of Public Hearing that will be published in the Marquette County Tribune.

You have no legal responsibility to act on a Board of Adjustment application, but if you take some type of action, please send us a copy of your monthly meeting minutes for our file prior to the hearing.

We have advised the applicants to be in touch with the Town Clerk to be placed on your monthly meeting agenda if you desire to discuss the proposal.

If you have any questions, please let us know.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jean Potter".

Jean Potter, Administrator
Planning & Zoning Department
Marquette County



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

AFFIDAVIT OF MAILING

STATE OF WISCONSIN
COUNTY OF MARQUETTE

RE: Lonnie & Luella Schlabach, Ervin Miller (Agent)

Jean Potter, being first duly sworn, deposes and says that she is the duly appointed and acting Zoning Administrator for Marquette County, and that in such capacity she sent copies of the notice of public hearing in the above-titled act on to each of those listed (see attached), at the addresses as indicated. Said notice was deposited in the United States Mail at Montello, Wisconsin on the 30th day of September, 2026.

Respectfully submitted,

A handwritten signature in cursive script, reading "Jean Potter", written over a horizontal line.

Zoning Administrator
Marquette County

State of Wisconsin
County of Marquette

This document was acknowledged before me by Jean Potter on this 30th day of September, 2026.

A handwritten signature in cursive script, reading "Nicole Ziebell", written over a horizontal line.

Nicole Ziebell, Register of Deeds
My term ends on 01/08/2029

Owner/Full Name Co-Owner Name	Mailing Address	Mailing City Mailing State Mailing Zip Code	Parcel ID	Property Address	Legal Description
CHARLIE BREMER DEENA BREMER DEPT NATURAL RESOURCES	W2134 COUNTY ROAD B PO BOX 7921	DALTON WI 53926	002003480005		LOT 1 CSM 3947 BEING PRT SE-NE (PARCEL HAS ESMIT) 13.3551A
GREENWOOD CEMETERY ASSOC	N1821 18TH RD	MADISON WI 53707	002004090000		SW-1/4 EX 5.06A IN SW COR 34.94A
JAMES H MILLER LONNIE H SCHLABACH LUELLA F SCHLABACH NATHAN MAST MARY D MAST	N1895 18TH RD W2045 COUNTY ROAD B W2110 COUNTY ROAD B W6341 COUNTY RD B	DALTON WI 53926 MONTELELO WI 53949 DALTON WI 53926-9522 DALTON WI 53926-9525	002004150000 002003630000 002004140000 002003480000	N1895 18TH RD W2045 CO RD B W2110 CO RD B	LOT 1 CSM 3628 PRT OF NW-SW 2.17A A PRT OF NE-SE 1.00A NW-SW 1/4 LESS CSM 3628 AKA PARCEL C POS GROTHMAN 38.07A
PHILIP A RAAB WHIRRY LAND COMPANY LLC	W2090 COUNTY ROAD B 4929 WHITCOMB DR STE 9	DALTON WI 53926 MADISON WI 53711	002000520000 002004100000	W2110 CO RD B W2090 CO RD B	LOT 2 CSM 3947 BEING PRT SE-NE (SUB TO ESMIT) 5.00 PARCEL A POS GROTHMAN (4425-209) BEING PRT OF SE-NE-NE-SE & SE-SE SEC 2 & 16.5 ALONG E SIDE OF E1/2 OF NE 7 SEC 11 72.21A
Scott Kempley, Chairman Roger Wallis, Supervisor Brian Kelley, Supervisor Laurie Bealim, Clerk Jean Rataczak, Treasurer	W5003 Gen Ave N2247 15th Lane W3365 Buffalo Hills Road N1183 17th Road N1934 13th Road	MONTELELO WI 53949 MONTELELO WI 53949 Pardeeville, WI 53954 MONTELELO WI 53949 MONTELELO WI 53949			NE-SE EX CHURCH 39.00A POS 425-261 BY GROTHMAN