



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: Dustin & Amelia Staffeldt

Hearing date: September 24, 2026

PARCEL INFORMATION

Property location: **Parcel 022-00060-0000, W5716 Fish Court**

Legal Description: Lot 2 of Emerald Lake Estates POS by TN Land Surveying Doc#16702A 0.52A; Sec. 17 T15N R09E, NE-NE, Town of Packwaukee, Marquette Co., WI.

Zoning District: Residential (R-1) & Shoreland Recreational-Residential (REC-RES)

BACKGROUND

The applicants are requesting an after-the-fact variance under Section 7.2 of Ch. 63-Shoreland Protection for the construction of a patio at a reduced setback to the OHWM of Emery Lake.

Ch. 63 – 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 of Adjustment must determine if the ordinance setback requirement prevents the applicant from using the property for its intended purpose, which is residential.

RECOMMENDATION

The Department recommendation is to approve the application contingent upon remediation of the existing patio structure constructed on the property prior to acquiring appropriate permitting. The variance request is for a 200 sq.ft. patio. Wisconsin Statutes § [59.692\(1v\)](#) requires a county to grant special zoning permission for a small structure in a shoreland setback area if specific size, distance, and design conditions are met. Currently the unpermitted patio is 885.5 sq.ft. There is a need for a variance regardless of the lack of permitting completed before construction. An unnecessary hardship, unique property limitation and no harm to public interest exist on this property. The dwelling is measured at 78' from the OHWM of Emery Lake; a portion of the house and property are within a mapped floodplain and a patio is a reasonable expectation for the lake lot and standard use of a residential lake lot. Any structure placed in a floodplain cannot either raise a base floodplain elevation as a result of construction or impede potential flood waters in the event of a flooding event. A patio level to the ground meets those requirements of the county's floodplain ordinance. At the board's discretion, the decision that needs to be made will be how to address the removal of the 685.5 sq.ft. of patio, in addition to approval or denial of the variance. The Department suggests an erosion control and revegetation plan be required and the applicant to work with the County Land & Water Conservation Department to remedy the violation.

Jean Potter

From: Kari Reilly
Sent: Monday, September 28, 2026 12:03 PM
To: Jean Potter
Subject: FW: Board of Adjustment

~~From: Dustin Stafford <dustinstafford@gmail.com>~~
Sent: Monday, September 28, 2026 11:44 AM
~~To: Kari Reilly <kari.reilly@monroevillepa.gov>~~
Subject: Re: Board of Adjustment

Caution! This message was sent from outside your organization.

[Allow sender](#) | [Block sender](#) | [Report](#)

I don't have access to anything to print this out, as I have been traveling for the past few days.. Please see the attached response, and if there is something I need to add please let me know, as I am unsure how to answer these correctly.. I am honestly unaware of some of the verbiage that its asking, so I don't know how to fully discript the answers..

Project Description:

- Small 200 sq ft patio on the lakeside of the house in addition to the existing landing. We would like to have the patio and pergola, so our family can enjoy themselves. We have 2 physically impaired parents, so having a stable surface and a protected area is crucial for us to have.
- Pavers laid down for the 200sq ft

The unnecessary hardship is, and is present because:

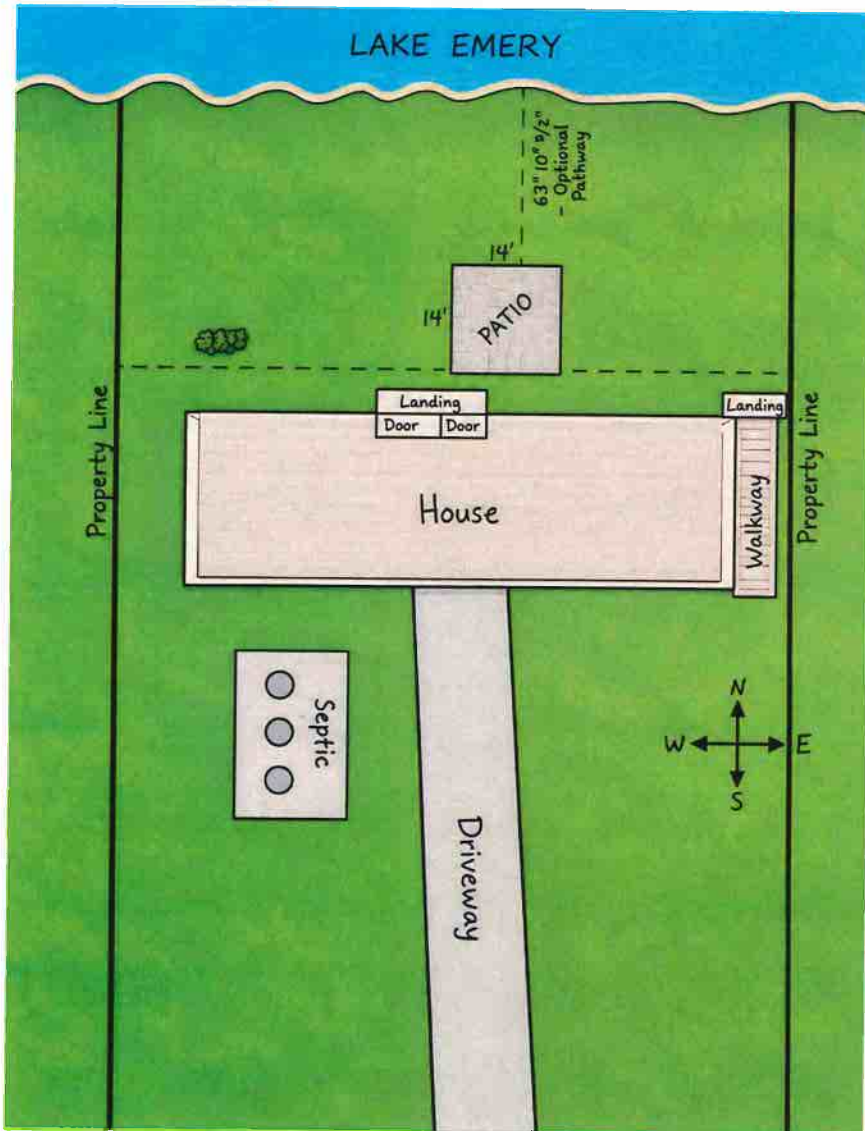
- We didn't create the issue ourselves. We purchased the property to enjoy the lake view. We want an area for our family to enjoy the backyard and view of the lake that is not in the sand and mud.

Unique features of this property which prevent compliance with the terms of the ordinance include:

- From the lake to the house is 78'

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

- A small patio is a reasonable expectation at the rear of my home for entertaining purposes for my family.



Dustin Staffeldt

Boys & Girls Program Director

- Chapman West Administrator
- Center Court Sports Complex
- Athletes in Motion *AIM*
- Alpha Level Sportswear

<https://www.Chapmanwest.com>

<https://www.athletesinmotion.org>

<http://www.centercourtwis.com>

www.alphalevelsportswear.com

"We don't play to win, we play to beat the game"

MARQUETTE COUNTY WISCONSIN

This Area For Office Use Only	
Date Received:	
Type:	Comprehensive <u>Shoreland</u> Floodplain
Date of Hearing:	
Sept. 24, 2026	

PETITION FOR VARIANCE

PROPERTY INFORMATION	
Owner Name: <u>Dustin St-feldt</u>	Property Address: <u>W5716 Fish Court</u>
Mailing Address: <u>W274N7316 Howards Pass</u>	Parcel ID Number: <u>022 - 00060 - 0000</u>
City, State, Zip Code: <u>Lisbon, WI 53089</u>	Town of: - Select One <u>Packwaukee</u>
	Parcel Size: <u>75x286'</u>
	Zoning District: - Select One <u>R-1 / Shoreland</u>
Legal Description:	
_____ 1/4 _____ 1/4 Section _____, T _____ N, R _____ E	
Current Use & Improvements:	

PROJECT INFORMATION	
Project Description: <u>Small 200sq' Patio on Lakeside of house in ~~existing~~ addition to existing Landing. (28sq') at 61 feet to the OTWOM of Emery Lake</u>	
Ordinance Code Section(s) (Completed by Department)	<u>Ch. 63-Shoreland Protection : Sec. 7.2</u>
Ordinance Code Description (Completed by Department)	<u>Shoreland Setback. 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.</u>
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: [Signature]

Date: 8/8/26

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:

We purchased the property to enjoy the Lake. We want an area for our family to enjoy the backyard & view of the lake.

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:

From the Lake to the home is less than 75'.

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

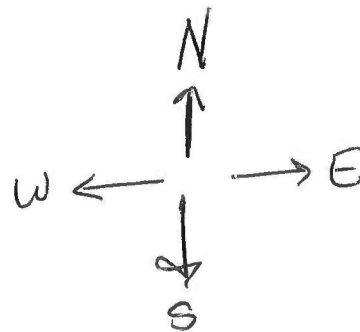
A variance will not be contrary to the public interest because:

Because a Small Patio is a reasonable expectation at the rear of my home, and all of my neighbors have them.

This Area For Office Use Only

Application #:

OHWM



61' to
OHWM
from patio

Property
line

18'

16'

12.5'
200sqft
patio

26'

Property line

House

Driveway

Alt. Parcel #: 2200150900600

022 - TOWN OF PACKWAUKEE
MARQUETTE COUNTY, WISCONSIN

Tax Address: DUSTIN STAFFELDT AMELIA STAFFELDT W274N7316 HOWARDS PASS LISBON WI 53089-1867		Owner(s): O = Current Owner, C = Current Co-Owner O - STAFFELDT, DUSTIN C - STAFFELDT, AMELIA																					
Districts: SC = School SP = Special <table border="1"> <thead> <tr> <th>Type</th> <th>Dist #</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>SC</td> <td>3689</td> <td>MONTELLO SCH DIST</td> </tr> <tr> <td>SP</td> <td>0400</td> <td>MADISON AREA MATC</td> </tr> <tr> <td>SP</td> <td>8050</td> <td>LAKE EMERY REHAB DIST</td> </tr> </tbody> </table>		Type	Dist #	Description	SC	3689	MONTELLO SCH DIST	SP	0400	MADISON AREA MATC	SP	8050	LAKE EMERY REHAB DIST	Property Address(es): * = Primary * W5716 FISH CT									
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SC	3689	MONTELLO SCH DIST																					
SP	0400	MADISON AREA MATC																					
SP	8050	LAKE EMERY REHAB DIST																					
Abbreviated Description: Acres: 0.520 (See recorded documents for a complete legal description.) LOT 2 EMERALD LAKE ESTATE POS BY TN LAND SURVEYING DOC #16702A 0.52A		Parcel History: <table border="1"> <thead> <tr> <th>Date</th> <th>Doc #</th> <th>Vol/Page</th> <th>Type</th> </tr> </thead> <tbody> <tr> <td>04/01/2024</td> <td>335160</td> <td></td> <td>WD</td> </tr> <tr> <td>05/10/2023</td> <td>332179</td> <td></td> <td>TDI</td> </tr> <tr> <td>11/13/2018</td> <td>314485</td> <td></td> <td>TDI</td> </tr> <tr> <td>01/04/2013</td> <td>293704</td> <td></td> <td>QCD</td> </tr> </tbody> </table> more...		Date	Doc #	Vol/Page	Type	04/01/2024	335160		WD	05/10/2023	332179		TDI	11/13/2018	314485		TDI	01/04/2013	293704		QCD
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Plat: * = Primary * 0075-EMERALD LAKE ESTATES		Tract: (S-T-R 40% 160% GL) 17-15N-09E NE NE																					
		Block/Condo Bldg: LOT 2																					

2026 SUMMARY

Bill #:

Fair Market Value:

0

Valuations:

Last Changed: 08/10/2023

Description	Class	Acres	Land	Improve	Total
RESIDENTIAL	G1	0.520	52,000	137,300	189,300

Totals for 2026:

General Property	0.520	52,000	137,300	189,300
Woodland	0.000	0		0

Totals for 2025:

General Property	0.520	52,000	137,300	189,300
Woodland	0.000	0		0

Lottery Credit:

Claim Count: 0



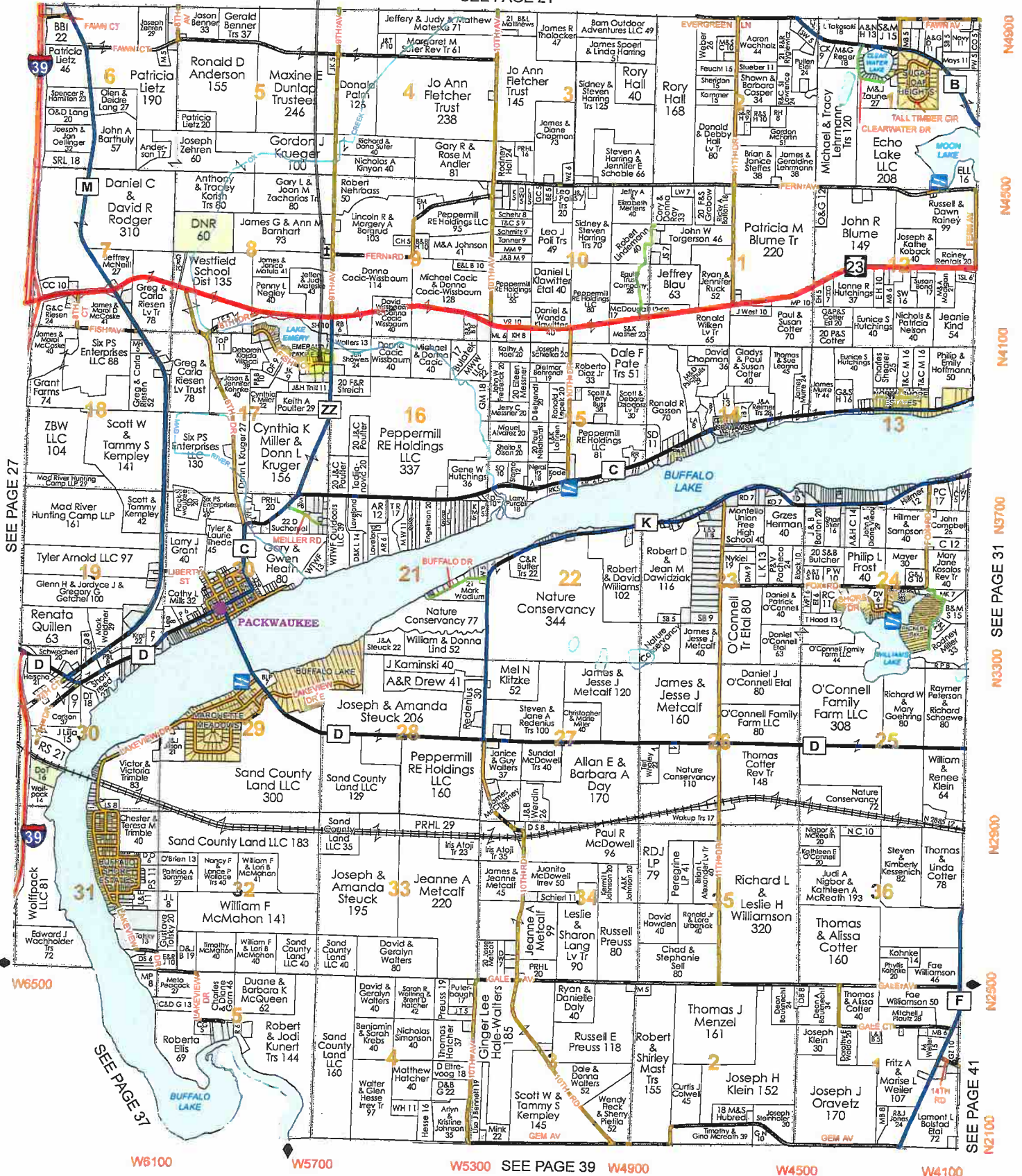
Packwaukee

Townships 14N & 15N - Range 9E

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022-00060-0000

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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: Dustin & Amelia Staffeldt

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 28th day of September, 2026.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "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 28th day of September, 2026.

A handwritten signature in cursive script, appearing to read "Rachael Krueger", written over a horizontal line.

Rachael Krueger, Deputy County Clerk
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
ADAM BROESCH	W5854 FISH CT	MONTELLO WI 53949	022014100000		PARCEL OF NE-NE PARCEL 58 2.70A
ANTHONY M BELMAN KAREN F BELMAN	3232 MARYLAND RD	ROCKFORD IL 61108	022014110000	W5725 FISH CT	PARCEL IN NE-NE PARCEL 60 1.75A
BRIAN POTTS KRISTIN POTTS	N4044 COUNTY ROAD ZZ	MONTELLO WI 53949	022013710000	N4044 CO RD ZZ	PRT OF NW-NW 450 X 350FT 3.62A
DAVID L & JUDITH A WALTERS	N4126 COUNTY ROAD ZZ	MONTELLO WI 53949	022013720000	N4126 CO RD ZZ	PRT OF NW-NW (N & E LINE/ FENCE POS GROTHMAN 714-353) 13.00A
DENNIS C DOLL	W5762 FISH CT	MONTELLO WI 53949	022000680000	W5762 FISH CT	LOT 10 EMERALD LAKE ESTATES 0.61A
DUSTIN STAFFELDT AMELIA STAFFELDT	W274N7316 HOWARDS PASS	SUSSEX WI 53089	022000600000	W5716 FISH CT	LOT 2 EMERALD LAKE ESTATE POS BY TN LAND SURVEYING DOC #16702A 0.52A
EDWARD J SOLARZ	6208 N HAWTHORNE ST	ROSEMONT IL 60018-4408	022000660000	W5750 FISH CT	LOTS 7-8 EMERALD LAKE ESTATES 1.37A
EILEEN J DENMAN	W5709 FISH CT	MONTELLO WI 53949-7861	022014120000	W5709 FISH CT	LOT 1 CSM 1477 BEING PRT OF NE 1/4 1.73A
EVAMARIE BRUCE	23812 127TH ST	TREVOR WI 53179	022000670000	W5756 FISH CT	LOT 9 EMERALD LAKE ESTATES 0.67A
FRAZIER L SR STREICH RENEE M STREICH	N3996 COUNTY ROAD ZZ	MONTELLO WI 53949	022013760000	N3996 CO RD ZZ	LOT 1 OF CSM 2661 BEING N 1/2 OF SW-NW 20.18A
JEFFREY W DEAKIN BAILEY J DEAKIN	W2434 GROUSE RD	DALTON WI 53926-9507	022014080010	W5755 FISH CT	LOT 2 CSM 2156 BEING PART OF NE-NE 1.926A
JERI SHOWERS TRUSTEE JERI SHOWERS LIVING TRUST	PO BOX 637	PACKWAUKEE WI 53953	022013730000	N4068 CO RD ZZ	PRT OF NW-NW (E LINE/ FENCE POS GROTHMAN 714-353) 23.50A
JOSEPH J MANICKI	N4107 COUNTY ROAD ZZ	MONTELLO WI 53949	022013970000	N4107 CO RD ZZ	A PARCEL OF NE-NE LY E OF MILL POND BEING PRT OF CSM 33, 90 FT FRGT 00.27A
LAKE EMERY REHAB DIST	7531 STICKNEY AVE	BRIDGEVIEW IL 60455	022013950000		PRT OF NE-NE LY E OF MILL POND BEING PRT OF CSM 33 00.69A
MARCUS L RICHTER JESSICA M RICHTER	418 PATRICK AVE	WAUNAKEE WI 53597	022013980000	N4075 CO RD ZZ	CSM 1047 BEING PRT OF NE-NE 00.56A
MICHAEL E & MARY ELLEN FICK	1923 W LAKEVIEW ST	JOHNSBURG IL 60051	022000610000	W5724 FISH CT	LOT 3 EMERALD LAKE ESTATES 0.54A
PHILIP J & PATRICIA A WOLSKI	1341 S 57TH ST	WEST ALLIS WI 53214	022000640000	W5738 FISH CT	LOT 6 OF EMERALD LAKE EST 0.67A
TERENCE V MC GOWAN	7032 N OLCOTT AVE	CHICAGO IL 60631-1078	022013960000	N4121 CO RD ZZ	A PARCEL OF NE-NE LY E OF MILL POND BEING PRT OF CSM 33, 160 FT FRGT 00.41A
THOMAS MILLER AMBER MILLER	N4035 COUNTY ROAD ZZ	MONTELLO WI 53949-7853	022014130000	N4035 CO RD ZZ	LOT 2 CSM 1477 BEING PRT OF NE 1/4 1.74A
TIMOTHY J KOLLATH	207 SMITH DR	BEAVER DAM WI 53916	022000620000	W5730 FISH CT	LOT 4 EMERALD LAKE ESTATES 0.56A
WESLEY N BALSLEY LIVING TRUST DATED APRIL 26 2024	W5710 FISH CT	MONTELLO WI 53949	022000590000	W5710 FISH CT	LOT 1 EMERALD LAKE ESTATES 1.33A
WILLIAM A & PATRICIA A COMSTOCK TRUST	2019 CHURCH ST	JOHNSBURG IL 60051	022000630000	W5734 FISH CT	LOT 5 EMERALD LAKE ESTATES 0.63A
Lance Achterberg, Chair	W4788 County Rd C	Montello, WI 53949			
Judi Nigbor, Supervisor	N2667 County Rd F	Montello, WI 53949			
Vikki Trimble, Supervisor	PO Box 707	PACKWAUKEE WI 53953			
Keith Bagley, Supervisor	PO Box 78	PACKWAUKEE WI 53953			
Adam Schuh, Supervisor	W4265 Fox Rd	Montello, WI 53949			
Tara Schuh, Clerk	PO Box 412	PACKWAUKEE WI 53953			
Jeri Showers, Treasurer	PO Box 412	PACKWAUKEE WI 53953			