

OTTAWA PLAN COMMISSION
Meeting Minutes
September 11, 2023

The Ottawa Plan Commission conducted a joint public hearing with Sandy Scherer, representing the Waukesha County Department of Parks and Land Use, to consider the rezoning request (RZ126) of Ryan Lewis, W370 S1519 Utica Road, Dousman, WI, 53118, to rezone his property from the R-3 Residential with C-1 Conservancy Overlay District (wetland) to the R-3 Residential District to allow the retention of after the fact fill placed in a wetland area on the property.

Chairman Rupp read the legal notice into the record. Ryan and Bobbi Lewis were present.

Planner Scherer indicated this meeting was properly noticed.

Chairman Rupp opened the hearing for public comment and discussion.

Mrs. Lewis explained they purchased the property six years ago and it had lots of dead trees. Two fell and uprooted, and the driveway was washing into it. They took dirt from the driveway and put it into the area where the roots were removed, an area about 10'x 15-20' in size.

Mr. Lewis stated the driveway runoff runs into this area and if it hadn't been filled in, the runoff from the driveway would have kept filling in the wetland.

Mrs. Lewis commented that the area is now grown in with grass and runoff is no longer an issue.

Supervisor Kershek asked if the garage was built on the fill site. Mrs. Lewis stated it was not. It was built on grass and gravel area.

Supervisor Kershek clarified if the garage was in the wetland. Planner Scherrer responded that, according to the delineation that was done, it is. Planner Scherer indicated this area is wetland and was previously filled according to the WDNR mapping and the SEWRPCs inspection of the site.

Supervisor Kershek asked if the Lewis' had built the garage. Mr. Lewis indicated they had. It is a pole barn type structure purchased from Menards to which they added doors.

Supervisor Kershek asked the Lewis' if they were ok with removing the garage. They indicated they are. They would like to have a new pole barn and are working to locate it elsewhere on the site.

Commissioner Bennett asked if there was a change in elevation in the driveway area where the fill was added. Mr. Lewis responded there is not. It is the same as when the trees were there.

Planner Scherer read into the record an email she received concerning the public hearing. The sender was ok with small amount of fill, which would be less than 15 c.u. yards, and where the trees were removed alongside the driveway. However, they would like any other areas returned to the original wetland condition and see the area restored as a condition of the rezoning approval.

Commissioner Kershek asked if they would have an easier time getting a variance if they kept the garage.

Planner Scherer responded they would not. The current garage is in a wetland. Building a new garage in a new location would put it within 75' of a wetland and it's easier to get a variance for something that is too close to a wetland rather than in a wetland. The DNR will not allow them to keep a garage in a wetland.

Chairman Rupp asked if there would be erosion matting or vegetation to hold the fill in place. Mrs. Lewis had photos showing how grass has already grown in the area. Mr. Lewis stated the fill is holding in place.

Commissioner Bennett made a motion to close the public hearing. The motion was seconded by Commissioner Hausser and carried unanimously.

Chairman Rupp called the regular meeting of the Town of Ottawa Plan Commission to order. Roll call attendance was taken; Commissioner Hausser, Commission Mundschau, Commissioner Bennett, Commissioner Kershek, and Supervisor Graham were present.

First on the agenda was the Ryan Lewis rezone request from the R-3 Residential with C-1 Conversancy Overlay District to the R-3 Residential District.

Planner Scherer read her report into the record.

Planner Scherer provided the Plan Commission with conditions she would like them to consider if they are inclined to approve of the rezone in order get the restoration plan in hand to insure the restoration of the remainder of the site.

It is necessary to have a restoration plan going forward for the larger area of fill. The Lewis' agreed to the restoration plan therefore they didn't have to continue on with a conditional use, only a minor grading permit, because they said they would only keep small amount of fill and would restore the larger fill area.

Commissioner Bennett asked if once the pole barn is removed, is the property reinspected. Planner Scherer indicated it would be to ensure the restoration is completed according to the plan. Also, once a year for three years a check of the property is made to insure the long-term maintenance.

Commissioner Bennett asked if a conditional use permit is required to construct a new building. Planner Scherer indicated they will need a variance for a wetland setback, but no conditional use.

Commissioner Bennett asked if the new building have to be the same or similar to what is there now. Planner Scherer replied that there are no specific building specs to follow.

Commissioner Hausser asked if anything will be done to ensure the commercial vehicles will be removed from the site. Planner Sherer stated the vehicles have been removed as her understanding was they were Mr. Lewis' bosses property he was temporarily storing.

Commission Mundschau asked why a rezone is needed for this small amount of fill in a wetland adjacent to a driveway. Planner Scherer replied that it is what is required by the Zoning Ordinance.

Commissioner Kershek moved to recommend approval of the rezoning request subject to the two conditions presented by Planner Scherer concerning the Restoration Plan and the Declaration of Restrictions. The motion was seconded by Commissioner Hausser and carried unanimously.

The zoning violation list was reviewed.

There was no correspondence.

There was no public comment.

Commissioner Mundschau made a motion to approve the minutes of the August 7, 2023 Plan Commission meeting. The motion was seconded by Commissioner Bennett and carried unanimously.

Commissioner Hausser made a motion to adjourn. The motion was seconded by Commissioner Bennett and carried unanimously.

Respectfully submitted,

Mary Barnhart
Deputy Clerk, Town of Ottawa