



TOWN OF WELLINGTON
BOARD OF ADJUSTMENT

Agenda Item #5A

SPECIAL MEETING MINUTES
October 30, 2024

1. CALL TO ORDER

The Board of Adjustments for the Town of Wellington, Colorado met on October 30, 2024, at the Wilson Leeper Center at 7:00 p.m.

2. ROLL CALL

Members Present:

Wyatt Knutson -- Chairman
Eric Stahl – Vice Chairman
Kathy Wydallis
Meghan Molin
Sherman Stringer

Members Absent:

Town Staff Present:

Cody Bird, Planning Director
Brittany Lenoir, Planner III
Aidan Checkett, Planner I
Patty Lundy, Controller

3. ADDITIONS TO OR DELETIONS FROM THE AGENDA

None

4. PUBLIC FORUM

None

5. CONSIDERATION OF MINUTES

A. Regular meeting minutes of March 28, 2024

Member Molin moved to approve the regular meeting minutes of March 28, 2024, with the correction that Chairman Knutson voted affirmatively on the first item. Member Stahl seconded the motion.

Yeas – Wydallis, Stahl, Knutson, Molin, Stringer

Nays – None

Motion carried.

6. NEW BUSINESS

A. Variance Request – Reduce South Side Yard Setback from 20 ft. to 11 ft., 7963 Timber Wolf Circle

Cody Bird, Planning Director gave a brief reminder of procedures for public

hearings. The members were asked if there were any conflicts of interest, or any *ex parte* communications and there were none. Bird introduced Brittany Lenoir, Planner III, and Aidan Checkett, Planner I, both of whom joined the Town Planning Department in September.

Lenoir presented the staff report. The applicant is seeking a variance to place a workshop on the property eleven feet from the south side property line, where normally twenty feet is required in the R-1 Zone. There is a septic tank with a leach field, utility easements, and mature trees on this property. There have been similar setback variances requests approved in the neighborhood over the past few years. The properties in the subdivision were built before the current setbacks were adopted so some houses are even closer to the side yard setbacks than what is currently allowed. Lenoir presented a letter from the neighbor to the south, whose property is on the other side of the relevant property line, declaring their support for the variance. Lenoir noted that there had been one public comment prior to the meeting, in the form of a request for information about the meeting.

Member Wydallis asked about the distance of the garage on the southern neighbor's lot to the property line. Bird said it looked to be 15 feet based on available aerial imaging, indicating an estimated distance of 26 feet from the proposed structure.

The applicants, Scott and Carol Sida, said they are lifelong woodworking hobbyists who intend to use the building as a workshop. They thanked the Board for its consideration.

Member Stahl asked about the function of the exhaust pipe. Scott Sida replied it is to expel fumes, and he expected it to be used fewer than five times per year.

Chairman Knutson opened the public hearing for comments.

There were no public comments.

Chairman Knutson closed the public hearing.

Chairman Knutson seeing no more public comments, closed the public comment section of the meeting.

Member Stringer asked about the height of the fence. Scott Sida replied that part of it is six feet, which transitions down to a low split-rail. Stringer asked about the height of the exhaust fan. Sida responded that it is at least eight feet high.

Board of Adjustments Conditions for Approval:

1. The side yard setback (south property line only) is not reduced to less than 11 feet;
2. The variance request to reduce the required side yard setback is limited to the building layout demonstrated in the plans, included as Attachment 4.
3. Obtain a valid Town of Wellington building permit in substantial compliance with the site plan; and
4. Compliance with all other applicable zoning and building codes.

The Board members having had a discussion made the following findings:

1. The relief requested is consistent with the Comprehensive Plan and the intent stated in this Land Use Code. Yes, the structure meets the appropriate character of the R-1 Rural Residential zoning and is consistent with the low-density, single family use of the lot described in accordance with the Comprehensive Plan and Land Use code.
2. Strict application of the regulation will result in unnecessary hardship and practical difficulties on all reasonable use of the land intended by the existing zoning, as opposed to convenience or benefit of the Applicant or a specific application. Yes, due to the site constraints because of the septic system and easements, strict application of the side setback requirement would restrict the applicant to a smaller building which would not meet their needs.
3. The need for the variance is due to specific and unique physical conditions on the site that do not exist on similarly situated land in the area. Yes, the septic system and associated leach fields limit possible sites in the backyard.
4. The manner in which the strict application of the regulation deprives the applicant of reasonable use of the land compared to other similarly situated land in the area. Yes, the combination of large setbacks and large lots with large homes, mature landscaping, and septic systems deprive the owner of practical sites for accessory buildings and other productive use.
5. The circumstances warranting the variance are not the result of actions by the applicant or could not be reasonably avoided by actions of the applicant. Yes, the applicant has demonstrated good faith in pursuing a variance to achieve the desired building placement. The constraints of the leach field and easements on the available buildable area are not conditions created by the applicant.
6. Granting the variance does not adversely affect the public health, safety, and welfare, and in fairness to the applicant, substantial justice is done. Yes, there will be minimal if any impact on the neighborhood. Accessory structures with reduced setbacks are common to this subdivision. The structure is aesthetically consistent with the neighborhood and is far from the street.
7. The relief requested is the minimum necessary to alleviate the hardship and practical difficulties. Yes, 11 ft is the minimum necessary to accommodate the workshop. The variance is for the length of the building only, and the setback line would be otherwise unchanged.
8. The relief requested is consistent with any other prior approvals and official plans and policies created under the guidance of that plan for these areas. Yes, similar variances have been granted previously for workshops/garages in the Wellington West subdivision.

Member Wydallis moved to grant the variance request for a reduced side yard setback subject to the conditions and based on the findings for approval.

Member Stahl seconded the motion.

Yeas – Wydallis, Stringer, Stahl, Molin, Knutson

Nays – None

Motion carried.

7. COMMUNICATIONS

Bird noted that there were no upcoming public hearings scheduled.

8. ADJOURNMENT

Chairman Knutson closed the meeting at 7:25 pm.

Approved this 24 day of April, 2025.

Aidan Checkett

Recording Secretary