



TOWN OF WELLINGTON  
BOARD OF ADJUSTMENT

Agenda Item #5A

REGULAR MEETING MINUTES  
October 23, 2025

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1. CALL REGULAR MEETING TO ORDER – 7:00 p.m.

The Board of Adjustments for the Town of Wellington, Colorado met on October 23, 2025, at the Wilson Leeper Center at 7:04 p.m.

2. ROLL CALL

Members Present:

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

Members Absent:

Town Staff Present:

Cody Bird, Planning Director  
Aidan Checkett, Planner I

3. ADDITIONS TO OR DELETIONS FROM THE AGENDA

None

4. PUBLIC FORUM

None

5. CONSIDERATION OF MINUTES

A. Special meeting minutes of April 24, 2025

**Member Stahl moved to approve the regular meeting minutes of April 24, 2025. Member Molin seconded the motion.**

**Yeas – Wydallis, Stahl, Knutson, Molin, Stringer**

**Nays – None**

**Motion carried.**

6. NEW BUSINESS

A. Variance Request – Relief from the Side Setback Requirements for a New Shop Proposed at 3497 Timber Wolf Circle.

Cody Bird, Planning Director gave a brief reminder of procedures for public hearings. Bird asked the members if there were any conflicts of interest, or any *ex parte* communications and there were none.

Aidan Checkett, Planner 1, presented the staff report. The applicants, Todd and

Cheryl Jeurgens, requested a reduction in the side yard setback from 20 feet to 10 feet. The property, zoned R-1, features a single-family home. The R-1 District is characterized by large lots with single-family homes and accessory buildings. This zoning is supported by the land's designation in the Comprehensive Plan. The property features a few unique characteristics, including the presence of drainage easements and a septic tank. The applicants are requesting the variance for the purpose of constructing a detached 20' by 30' workshop.

Checkett recommended that the proposed variance met the necessary findings as identified in the Staff Report. Checkett also recommended the following conditions of approval:

1. The side yard setback (west property line only) is not reduced to less than 10 feet; and
2. The variance to reduce the required side yard setback is limited to north-south extent of the proposed building demonstrated on the site map, included as *Attachment 2*.
3. Obtain a valid Town of Wellington building permit in substantial compliance with the site map and proposed structure details, included as *Attachments 2* and *3*, respectively; and
4. Compliance with all other applicable zoning and building codes.

Member Molin asked if the current fence would be extended, removed, or maintained. Checkett stated that the applicant could best answer that. Molin asked if the new structure would be slab on grade construction. Checkett stated that he believed it was. Molin asked if the Wellington West HOA had a maximum pavement percentage limit. Bird stated that if there was, it would be contained within the private covenants and the HOA would be responsible for enforcement.

Mr. Juergens stated that he intended to submit the proposal to the HOA after consideration by the Board.

Member Stahl asked if the proposed structure would be a one or two car garage. Checkett stated that the garage would be 600 square feet, but the applicant had indicated they intended to use it as a workshop and not to store motor vehicles.

Member Molin asked if there was a grade change between lots for stormwater conveyance and if the project would affect that. Checkett stated it did not infringe on the drainage easement and that staff would evaluate drainage considerations during the building permit review process.

Mr. Juergens clarified that there is no side yard drainage on the property. He and his wife have owned the home since 1999 and have always wanted to put in a shop for personal use. He stated that the fence would come to the sides of the garage but not enclose it. There would be gas to the building but no water. The primary aim of the proposed variance was to allow sufficient room between the structure and the house to protect both structures and to allow him to move equipment between the two.

Member Wydalis asked if the neighbors to the west were aware of the proposed variance. Mr. Juergens stated that the neighbors were aware.

Mr. Bird clarified that notices were sent to surrounding property owners and Staff did not receive any written communications.

Chair Knutson opened the Public Hearing at 7:27. There were no public comments. He closed the Public Hearing at 7:27.

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.**

- The subject site is Lot 16 of Wellington West Subdivision in Wellington, CO.
- The site is developed with a single-family home on the 31,779 square foot (0.73 acres) lot.
- The surrounding context consists of single-family residential homes on larger lots ranging in size from 19,602 square feet (0.45 acres) to 128,502 square feet (2.95 acres).
- See *Attachment 1* for a location map.
- The property is zoned R-1, Residential Rural District. The intent of this district is to provide a very low-density, large-lot residential area, intended for detached single-family development in locations that are more characteristically rural, and on the outskirts of planning areas that are supported by neighborhood amenities and public facilities.
- Within the Residential Rural Zone District, accessory detached structures are permitted and very common.
- The proposed structure otherwise conforms with all requirements for accessory buildings in the Residential Rural zone district, including size requirements, aesthetic conformity requirements, height, function, and timing.
- The property is designated as Low Density Residential on the Future Land Use Map contained within the Comprehensive Plan. Low Density Residential is defined as “Neighborhoods composed predominately of detached and attached single family homes that are supported by neighborhood amenities and public facilities.” Accessory detached structures are compatible with and naturally accompany these uses.
- The existing pattern of development for single-family homes with detached accessory structures is consistent with both the Comprehensive Plan and Land Use Code.

**2. Strict application of the regulation will result in an 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.**

- Strict application of the code does not allow accessory buildings or detached garages to be located within twenty (20) feet of a side property line within the R-1 Rural Residential zone district.
- Strict application of the regulations would not result in removing all reasonable use of the property for uses intended and allowed within the R-1 zone district.
  - There are two existing trees in the back yard. One of the trees is on the east side of the property and the canopy extends over the leech field and septic tank. The other tree is situated on the west side of the property.
  - There is no way to situate the proposed structure on the site without removing one of the two trees. Siting it in the location of the east tree would be impractical for driveway access and with its proximity to the leech field and septic tank. The applicant has stated their desire not to remove the tree on the west side of the property, in order to preserve wildlife habitat and because they planted it in honor of a deceased family member.
  - To meet the R-1 zone district requirements, one of the existing trees would need to be removed.
- An unnecessary hardship on all reasonable use of the land for single-family residential purposes may not be satisfied, though the practical difficulties of a different location and removal of an established tree may be found to be more than just a convenience to the applicant.

**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.**

- A specific and unique physical condition on this property that does not exist on similar surrounding land has not been identified.
- The lot is slightly smaller than some of the neighboring lots.
- Similar variance requests have been granted for reduced side setbacks in the R-1 zone district based upon unique conditions, such as limitations due to private septic laterals.
- There is an existing 30-foot drainage and utility easement along the rear property line and a 25-foot drainage and utility easement along the front property line. Comparable easements are found throughout the Wellington West subdivision.
- The applicant desires to connect the structure to a driveway on the west side of the property. Placing the structure anywhere but the western side of the property would mean a driveway would be needed to extend through the back yard, creating disruptions to the back yard.
- The existing mature trees on site are not seen on every large lot in the area. An aerial photograph including backyard and tree is included in the site map, *Attachment 2*.
- Conditions on the property are not significantly different from surrounding sites, though the identified factors result in physical conditions which pose a challenge to development within the existing setback requirement.

**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.**

- Requiring strict compliance with the setback standard would limit the owners' ability to construct a shop building at their desired location.
- Other properties within the Wellington West Subdivision have similar detached accessory structures that are located within the required 20-foot side setback.
- While the applicant may be able to construct a detached accessory structure similar in nature to other properties in the neighborhood, the strict application of the regulations would be inconsistent with the setbacks of other existing accessory structures in the neighborhood and may not be reasonable to apply the stricter standard.

**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.**

- The circumstances for consideration of this variance are not the result of actions taken by the applicant.
- The applicant has demonstrated good faith in pursuing a variance to achieve the desired building placement.
- The applicant and Staff could not identify any other possible locations on site that would meet the applicant's needs.

**6. Granting the variance will not harm the public health, safety and welfare or the purposes and intent of these regulations.**

- Granting the requested variance is not expected to adversely affect the public health, safety and welfare.
- The building will be approximately 115 feet from the front property line and 130 feet from Timber Wolf Circle and is significantly smaller than the existing house, minimizing its visual impact as viewed from the roadway.
- The shop will be constructed with the benefit of building permits and will comply with all applicable Building Codes.
- Considering that there are other properties within the Wellington West Estates Subdivision that have similar detached accessory structures within the required 20-foot side setback areas, the

addition of another accessory structure of similar size and layout in this neighborhood should not have an impact on public welfare.

- An accessory structure that supports a rural lifestyle is not anticipated to harm the purpose or intent of the R-1 zone district regulations.

**7. The relief requested is the minimum necessary to alleviate the hardship and practical difficulties.**

- The variance request for relief of the twenty-foot side setback along the west property line is being requested only for a portion of the length of the property line, to accommodate the shop footprint.
  - The shop is proposed to be twenty (20) feet by thirty (30) feet. The reduced side setback requested along the north side property line is a thirty-foot length that begins 72 feet north of the rear property line as demonstrated in the site map included as *Attachment 2*.
- Ten (10) feet is the minimum setback necessary to ensure the structure does not have an impact on the tree and to maintain adequate spacing from the house.

**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 (e.g., The Comprehensive Plan, specific area plans like a Downtown Corridor Study, etc.).**

- Section 15-3-20(g) of the Land Use Code establishes minimum setbacks standards to provide adequate open space and separation between properties and buildings.
- The increased setbacks required in the R-1 Rural Residential District are intended to provide a large-lot, single-family characteristic that is typical of more rural areas.
- Both single-family detached buildings and accessory buildings are permitted uses within the R-1 Zoning District.
- It is typical and expected that a single-family home may have accessory buildings.

Member Wydallis moved to grant a variance to vary Section 15-3-20(g) of the Wellington Municipal Code to reduce the minimum side yard setback requirement of the R-1 Rural Residential zoning district on Lot 16, Wellington West Subdivision, subject to conditions and based on the Findings for Approval.

Member Stringer seconded.

**Yeas – Wydallis, Stahl, Knutson, Molin, Stringer**

**Nays – None**

**Motion carried.**

## 7. COMMUNICATIONS

Bird stated that there is a vacancy for an alternate position on the Board of Adjustments and encouraged Board Members to pass along that message.

## 8. ADJOURNMENT

Chairman Knutson closed the meeting at 7:32 pm.

Approved this 26 day of February, 2026.

*Aidan Checkett*

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Recording Secretary