

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
MONTEZUMA COUNTY, APPROVING THE AFTER-THE-FACT SET-BACK
VARIANCE REQUEST SUBMITTED BY EUGENE CREANY**

WHEREAS, Eugene Creany (Applicant) submitted an application for a set-back variance request for the property located at 9652 Rd. 42, Mancos, CO to the Montezuma County Planning Department,

WHEREAS, such application was heard by the Montezuma County Board of Adjustment on August 12, 2025 at 9:00 a.m.

WHEREAS, based on the evidence, testimony, exhibits, and recommendation of the Montezuma County Planning Department, and comments by the members of the Board of Adjustment during the hearing, the Montezuma Board of County Commissioners hereby issues the following findings of fact in this matter:

1. That the application for the After-the-Fact Set-back variance was properly submitted for consideration by the Board of Adjustment.
2. That the Applicant built a garage in August 2022, some of which is located closer to the County Road 42 than the 30' setback requirements in the Montezuma County Land Use Code in the Threshold Standards for this property type. *See Variance Site Plan, attached.*
3. Pursuant to the criteria for approval for a variance in the Montezuma County Land Use Code at 9104.3B,
 - a. The proposed use is a permitted use under the current zoning designation.
 - b. There do not exist exceptional or extraordinary physical circumstances of the subject property such as exceptional topographic conditions, narrowness, shallowness, shape, or similar, including consideration for easements or rights of ways. The property has some terrain but nothing that meets this criterion.
 - c. Strict application of the land use code would not result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property. The moving of the power line to accommodate the garage at a location in compliance with the Land Use Code would not be an undue hardship.
 - d. The difficulties in this instance are self-imposed. The garage was built too close to the property line, when the power line could have been moved and the garage built in an appropriate location 30' from the road.
 - e. The variance, if granted, would not change the character of the zoning in the area in which the property is located, and is in keeping with the purposes and intent of the Montezuma County Land Use Code.
 - f. The variance, if granted, would not adversely affect the health, safety, and welfare of the Citizens of Montezuma County and is in accordance with the Master Plan

and any applicable intergovernmental agreements affecting land use or development.

4. The garage structure extends into the setback area by a total of 234 square feet.
5. The Board finds that it is in the interests of justice to approve the After-the-Fact Variance request with a consequence based on the square footage that is in violation of the Land Use Code.

NOW THEREFORE BE IT RESOLVED, that the After-the-Fact Variance Application be approved, subject to the condition that the Applicant pay \$3,098.16 as a consequence for violation of the Land Use Code.

19 day of August, 2025.

Kim Perrell
County Clerk and Recorder
Montezuma County, Colorado

BOARD OF COUNTY COMMISSIONERS
MONTEZUMA COUNTY, COLORADO



Jim Cavallaro
K. H.

