

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF  
MONTEZUMA COUNTY, APPROVING THE SET-BACK VARIANCE REQUEST  
SUBMITTED BY LARRY MAHAFFEY**

**WHEREAS**, Larry Mahaffey (Applicant) submitted an application for a set-back variance request for the property located at 23892 Road M, Cortez, CO to the Montezuma County Planning Department,

**WHEREAS**, such application was heard by the Montezuma County Board of Adjustment on February 9, 2026, and such hearing was continued to February 16, 2026.

**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 set-back variance was properly submitted for consideration by the Board of Adjustment.
2. That the Applicant's property was created prior to the Montezuma County Land Use Code, and is approximately 1.12 acres, and of a triangular shape that makes the setback requirements in the land use code a significant portion of the total lot area.
3. The initial Variance Application requested a variance to allow the construction of a shop 5' from the property line. However, after discussion the Applicant was amenable to siting the building 20' from the property line.
4. 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 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.
  - c. Strict application of the land use code would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property.
  - d. The difficulties in this instance are not self-imposed.
  - 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.

**NOW THEREFORE BE IT RESOLVED**, the Variance Application be approved, to allow for a variance in the setback requirements to 20' on the North side of the property.

3rd day of March, 2026.

Kim Percell  
County Clerk and Recorder  
Montezuma County, Colorado

BOARD OF COUNTY COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO



Jim Cavallaro  
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