

Zoning Board of Appeals Agenda

Regular Meeting
Tuesday, February 10, 2026, at 1:15 PM

City Council Chambers – City Center South
1001 11th Ave, Greeley, CO 80631
Zoom Webinar Link:
<https://greeleygov.zoom.us/j/82579826786>

NOTICE:

Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in-person meeting in Council Chambers.

Members of the public may participate in Zoning Board of Appeals meetings in the manner that works best for them.

Watch Meetings:



Meetings are open to the public and can be attended in person by anyone.

Comment in Real Time:



Join the Zoom webinar (link above). During the public hearing, members of the public may address the Commission.

Submit Written Comments:



Email comments about any item on the agenda to: cd_admin_team@greeleygov.com

Written comments can be mailed or dropped off at the Planning office at 1100 10th Street, Greeley, CO 80631. Written comments received prior to or during the meeting will be read into the record in real time.

Meeting agendas and minutes are available on the City's meeting portal at greeleyco.portal.civicclerk.com

For more information about this meeting or to request reasonable accommodations, contact the administrative team at 970-350-9780 or by email at: cd_admin_team@greeleygov.com.



Zoning Board of Appeals

February 10, 2026, at 1:15 PM
City Council Chambers - City Center South
1001 11th Avenue, Greeley, CO 80631

Agenda

1. Call to Order
 2. Roll Call
 3. Approval of the Agenda
-

EXPEDITED AGENDA

The following items are routine in nature, fully described in the accompanying reports, and therefore staff summary presentations will be suspended unless requested by the Commission or members of the public in attendance at the meeting.

4. A public hearing to consider a request for approval of a variance to allow a retaining wall at a maximum of twenty-six (26) feet in height located at 920 N. 7th Avenue.
-

END OF EXPEDITED AGENDA

5. Adjournment

ZONING BOARD OF APPEALS SUMMARY

ITEM: A variance request to allow a retaining wall 26 feet in height (at the highest point) within an I-H (Industrial High Intensity) Zoning District

APPLICATION NUMBER: VAR2025-0002

PROJECT: Retaining Wall (associated with proposed new JBS cold storage facility)

LOCATION: 920 N. 7th Avenue

APPLICANT: Gary Komrska, Tippman Group, on behalf of JBS/Swift Beef Company

CASE PLANNER: Jeffrey Woeber – Planner III

ZONING BOARD OF APPEALS HEARING DATE: February 10, 2026

ZONING BOARD OF APPEALS FUNCTION:

Review the proposal for compliance with applicable approval criteria under Section 24-209 Variance of the *Greeley Development Code* and approve, approve with conditions, continue the application for future consideration, or deny the request.

EXECUTIVE SUMMARY

Applicant is requesting approval of a variance to allow a retaining wall at a maximum of twenty-six (26) feet in height, in lieu of the maximum six (6) feet allowed by the *Greeley Development Code*, Section 24-602, Table 24-6-3 Nonresidential Fences and Walls. The property is located in an I-H (Industrial High Intensity) Zoning District.

A. REQUEST

Approval of a variance to allow a retaining wall at a maximum of twenty-six (26) feet in height, in lieu of the maximum six (6) feet allowed by the *Greeley Development Code*,

B. STAFF RECOMMENDATION

Approval

C. LOCATION

The property is addressed as 920 N. 7th Avenue, approximately 1000 feet south of the intersection of Highway 85 and 7th Avenue, east of the applicant's main meat packing plant. See attached vicinity map.

Abutting Zoning: North: Unincorporated Weld County I-3 Heavy Industrial
South: C-D (Conservation District)
East: H-A (Holding Agriculture)
West: I-H

Surrounding Land Uses: North: Undeveloped
South: JBS, Miscellaneous Storage
East: Undeveloped
West: JBS, Main Facility

Site Characteristics: The subject property contains a processing/storage facility for JBS, with a large new cold storage facility addition being proposed. The retaining wall is to stabilize a steep slope at the northern portion of the property which would allow for the proposed addition.

D. BACKGROUND

The applicant’s existing cold storage facility, located east of and adjacent to the main meat packing plant, was constructed in 1988 according to Weld County Assessor’s records. A 166,000 square foot expansion to the facility is proposed (project), through a Site Plan Review (No. SPR2025-0024). An existing steep slope/hillside on the north side of the project must be stabilized prior to construction. The proposed retaining wall will accomplish this.

E. APPROVAL CRITERIA

Section 24-209 Variance, a. Applicability: A variance is a process to provide relief from a strict interpretation of the zoning and development standards of this code, which when applied to a particular property and in a specific context would create practical difficulties or unnecessary hardship on all reasonable use of the property. This application shall only apply to the design, dimension, and other site development standards of this code and shall not be used to authorize a use that is prohibited by the applicable zoning district. Variances may be initiated by the property owner.

Section 24-209 Variance, b. Review Criteria: A variance shall be reviewed and approved only on the finding by the Zoning Board of Appeals that the following conditions are met:

Review Criteria

- 1. The strict application of this code would result in practical difficulties or unnecessary hardships that limit the reasonable use of the property without granting the variance.**

Staff Comment: The applicant’s engineering and construction professionals who have designed the project have determined that stabilizing the hill/slope with the proposed retaining wall is necessary to move forward with the facility expansion project. The location and height of the slope require the wall to be at the height proposed. Strict application of the Code would prevent reasonable use of the property.

The proposal complies with this criterion.

- 2. The difficulty or hardship is caused by conditions on the property that are unusual or atypical, are not a result of general conditions in the area, and were not created by the applicant.**

Staff Comment: The hill/slope which would be stabilized by the retaining wall is a condition of the property that is somewhat unusual for this area of Greeley. It was not created by the applicant.

The proposal complies with this criterion.

3. Granting the variance will not adversely affect the rights of adjacent property owners or residents.

Staff Comment: The proposed retaining wall would not adversely affect rights of adjacent property owners or residents.

The proposal complies with this criterion.

4. Granting the variance will not adversely affect the public health, safety or general welfare.

Staff Comment: The retaining wall would not have any adverse affect on public health, safety, or general welfare.

The proposal complies with this criterion.

5. Granting the variance is consistent with the land use chapter of the comprehensive plan and area or neighborhood plans, or may achieve greater consistency with these plans than if the codes were strictly applied.

Staff Comment: The existing JBS facilities and adjacent properties are on properties identified on the *Imagine Greeley Comprehensive Plan's*, Land Use Guidance Map, as "Employment, Industrial, and Commercial Area." The project and facilities are consistent with the recommendations of the Plan.

The proposal complies with this criterion.

6. Granting the variance does not undermine the purposes and intent of this code, and is consistent with the specific intent or design objectives of the provision for which the variance is sought.

Staff Comment: Granting the variance for the retaining wall does not undermine the purpose and intent of the *Greeley Development Code*. Retaining walls are allowed by the Code, but the Code's allowable height is not sufficient for the applicant's design to move forward with the project as proposed.

The proposal complies with this criterion.

7. The requested variance is the minimum necessary to relieve the difficulty or hardship and permit reasonable use of the property.

Staff Comment: The design of the proposed retaining wall is the minimum necessary to permit the applicant's reasonable use of the property.

The proposal complies with this criterion.

F. PHYSICAL SITE CHARACTERISTICS

1. SUBDIVISION HISTORY

The subject site is within various lots or properties platted within “Union Colony Lands” in 1871. It is legally described as being within portions of properties on that plat, together with other property with metes and bounds legal descriptions.

2. HAZARDS

The proposed retaining wall would provide stability and reduce potential hazards caused by the steep and unstable slope area on the property. There do not appear to be any other hazards on this site.

3. WILDLIFE

Wildlife would not be impacted by the proposed retaining wall.

4. FLOODPLAIN

The property is not located within a flood area.

5. DRAINAGE AND EROSION

Drainage and erosion have been considered and factored into the site design and retaining wall. Drainage and erosion improvements are proposed with the project to meet City stormwater design standards.

6. TRANSPORTATION

The proposal does not create transportation impacts.

G. SERVICES

1. WATER

Water service is available for the expansion project, to be provided by the City of Greeley. Staff notes the retaining wall does not require or impact water service on this site.

2. SANITATION

Sewer service is available for the expansion project, to be provided by the City of Greeley. Staff notes the retaining wall does not require or impact sewer service on this site.

3. EMERGENCY SERVICES

The site is served by the Greeley Fire and Police Department. Greeley Fire Station #1 is located approximately 1.75 miles south of the subject site, at 1155 11th Avenue.

4. PARKS AND OPEN SPACES

N/A

5. SCHOOLS

N/A

6. METROPOLITAN DISTRICT

The subject property is not within a Metropolitan District.

H. PUBLIC NOTICE AND COMMENT

Notification letters regarding the proposed variance were mailed to property owners within 500 feet of the subject site on January 9, 2026, and a sign was posted on the property on January 16, 2026. A notice was posted to the City of Greeley website per the Development Code noticing requirements. Staff has received no opposition or inquiries at the writing of this report.

I. ZONING BOARD OF APPEALS RECOMMENDED MOTION

Recommend Approval Motion

Based on the application received and the preceding analysis, the Zoning Board of Appeals finds that the requested variance to allow a retaining wall at a maximum height of 26 feet complies with and meets all applicable Review Criteria under Section 24-209 b. of the *Greeley Development Code*, and therefore approves the request.

Alternative Denial Motion:

Based on the application received and the preceding analysis, the Zoning Board of Appeals finds that the requested variance is not in compliance with applicable Review Criteria under Section 24-209 b. of the *Greeley Development Code* and therefore, denies the variance request.

J. ATTACHMENTS

Attachment A – Vicinity/Zoning Map

Attachment B – Applicant’s Narrative

Attachment C – Applicant’s Retaining Wall Plan Set

Attachment D– Applicant’s Rendering/Depictions of Retaining Wall

Attachment E – Site Photo of Slope, Existing Conditions

Attachment F – Map of Mailed Notice Boundary

Attachment G – Staff Presentation

JBS Greeley Proposed expansion. 920 N 7th ave
North retaining wall variance

JBS proposed to install, as part of their proposed site development, a retaining wall on the North side of their property to better manage and control an existing near vertical earthen slope.

1. The strict application of this code would result in practical difficulties or unnecessary hardships that limit the reasonable use of the property without granting the variance.

JBS Response: Conditions as they exist today on the North side of the JBS parcel are that of an approximately 46ft tall earthen 1:1 slope. See pic 9856. The retaining wall is necessary to manage this existing condition in a manner that would still allow enough room for over the road semi-trucks and trailers to operate while protecting the neighboring parcel to the North from this near vertical existing slope. Without the retaining wall, there is not enough horizontal room to slope the grades at 3 to 1 and still operate trucks. Please see Retaining Wall Schematic which shows how a code required 3 to 1 slope would result in only 63ft remaining within which to operate a 73-80ft semi-truck. The proposed new building cannot be moved further South due to an existing facility which we are already building up to. The proposed building cannot be reduced in size without falling short on the operational requirements. Every effort has been made to slope the earthen materials at a 3 to 1 slope as far into the JBS property as possible before starting the retaining wall.

2. The difficulty or hardship is caused by conditions on the property that are unusual or atypical, are not are result of general conditions in the area, and were not created by the applicant.

JBS Response: The hardship condition that is both unusual and not created by JBS is that of the existing near vertical earthen slope that exists on the North edge of the JBS parcel.

3. Granting the variance will not adversely affect the rights of adjacent property owners or residents.

JBS Response: Granting the variance will actually improve the rights of the North adjacent property owner with gradual sloping along their South property line instead of the existing near vertical earthen cliff.

- 4. Granting the variance will not adversely affect the public health, safety, or general welfare.**

JBS Response: Granting the variance will actually improve public safety and general welfare by removing the existing unprotected near vertical slope which is both an eyesore of disposed concrete materials and a potential fall hazard.

- 5. Granting the variance is consistent with the land use chapter of the comprehensive plan and area or neighborhood plans, or may achieve greater consistency with these plans than if the codes were strictly applied.**

JBS Response: Granting the variance is consistent with comprehensive plan and the current industrial zoning. The proposed retaining wall will improve the current appearance, functionality and safety of the JBS parcel.

- 6. Granting the variance does not undermine the purposes and intent of this code, and is consistent with the specific intent or design objectives of the provision for which the variance is sought.**

JBS Response: Granting the variance does not undermine the purpose or intent of the development code but rather complements the development standards by providing a best case solution and improvement to an existing sub-standard condition.

- 7. The requested variance is the minimum necessary to relieve the difficulty or hardship and permit reasonable use of the property.**

JBS Response: The requested variance is the minimum necessary to relieve the non typical existing condition and allow for reasonable use of the property. Without the variance the property with UPRR Row to the West, floodplains to the East, and an existing building to the South, would be undevelopable.

JBS EXPANSION VARIANCE REQUEST

920 NORTH 7TH AVE
CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO
18.79 ACRES
PROJECT NUMBER: VAR2025-_____

SHEET	TITLE	
1 OF 3	COVER	1
2 OF 3	SITE PLAN - NORTH	2
3 OF 3	SITE PLAN - SOUTH	3

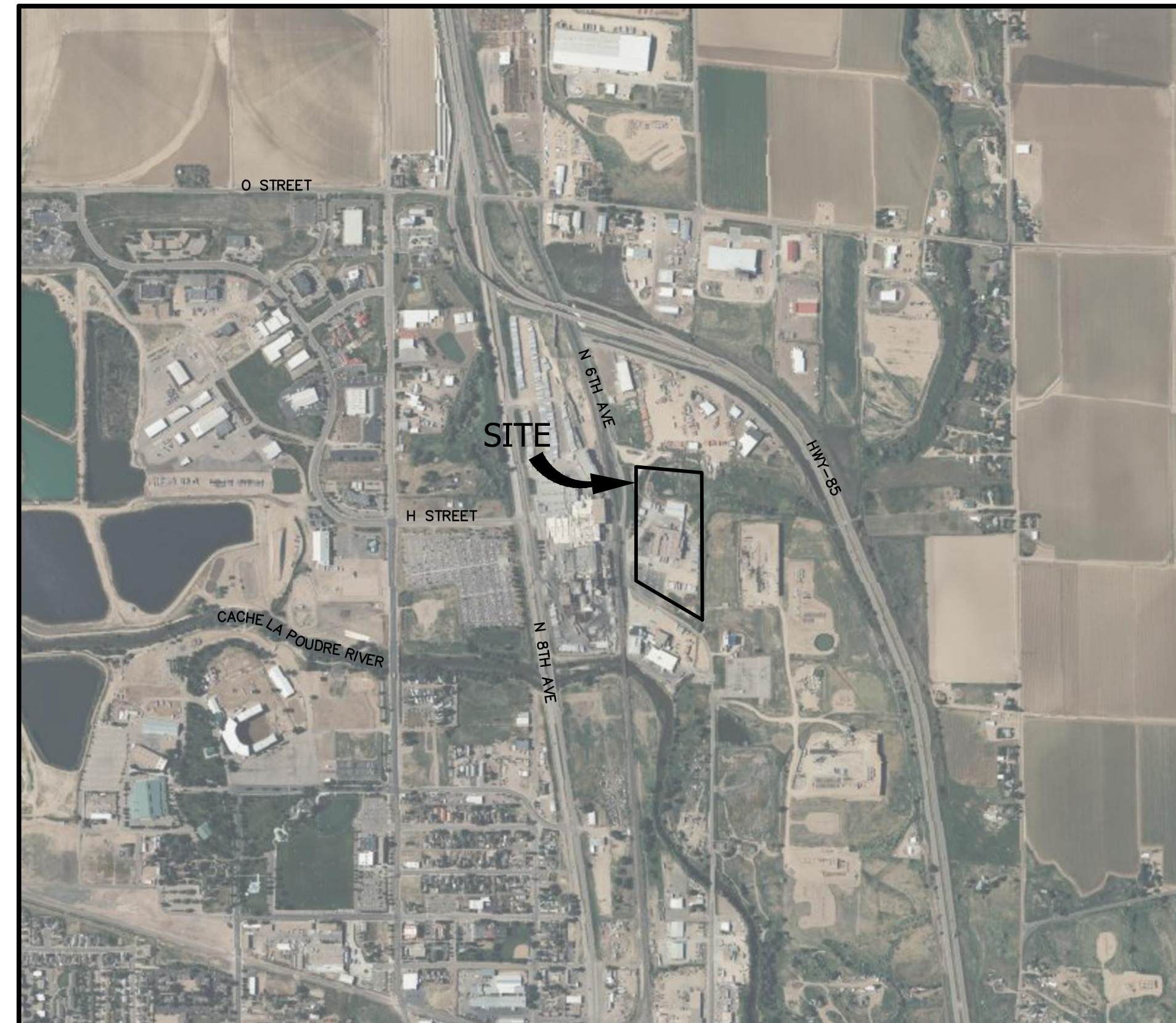
PREPARED FOR:



1100 10TH STREET
GREELEY, CO 80631

PROJECT TEAM

PROPERTY OWNER	JBS FOOD SHADD BOSTELMANN 1770 PROMONTORY CIRCLE GREELEY, CO 80634 (970) 506-8000
OWNER REPRESENTATIVE	TIPPMANN GROUP GARY KOMRSKA 9009 COLDWATER ROAD FORT WAYNE, IN 46825 (260) 469-5471
ARCHITECT	PDMI MARK REYNOLDS 725 AIRPORT NORTH OFFICE PARK FORT WAYNE, IN 46825 (260) 494-3282
CIVIL ENGINEER	SANBELL JOHN TUFTTE, PE CHARLES SONNIER, PE 425 WEST MULBERRY STREET, STE. 201 FORT COLLINS, CO 80521 (970) 893-2863
LANDSCAPE ARCHITECT	SANBELL JORIE CREEL, PLA, ASLA 425 WEST MULBERRY STREET, STE. 201 FORT COLLINS, CO 80521 (970) 773-7732
SURVEYOR	KING SURVEYORS PAUL GROVES, PLS 650 EAST GARDEN DRIVE WINDSOR, CO 80550 (970) 686-5011
GEOTECHNICAL ENGINEER	EARTH ENGINEERING CONSULTANTS, LLC DAVE RICHER, PE 4396 GREENFIELD DRIVE WINDSOR, CO 80550 (970) 545-3925



VICINITY MAP
NOT TO SCALE

INTENT STATEMENT

THIS VARIANCE REQUEST PROPOSES A RETAINING WALL UP TO 26 FEET, MAXIMUM HEIGHT, AT THE NORTH PORTION OF THE PROJECT SITE.

VARIANCE REQUEST TABLE

	ZONE DISTRICT REQUIREMENT	REQUESTED VARIANCE	LOCATION ON SITE PLAN	JUSTIFICATION
RETAINING WALL HEIGHT VARIANCE	SEC. 24-602.D.1.(F).(2) "ANY RETAINING WALLS OVER FOUR FEET HIGH."	THIS VARIANCE REQUEST PROPOSES A RETAINING WALL FROM 3 FEET TO 26 FEET MAXIMUM HEIGHT AT THE NORTH PORTION OF THE PROJECT SITE.	SHEET 2 OF 3	THE PROPOSED RETAINING WALL WILL CREATE THE NECESSARY SPACE AT THE NORTH END OF THE SITE FOR THE DRIVABLE CONCRETE SURFACE FOR TRUCK ACCESS AND DOCK LOADING. THE DRIVABLE SURFACE WILL ALSO ALLOW FIRE APPARATUS ACCESS TO FIRE HYDRANTS AND FDC CONNECTION AND ALSO HELP WITH XCEL ENERGY GRADING REQUIREMENTS WITHIN THEIR TRANSMISSION LINE EASEMENTS NORTH OF THE PROPOSED RETAINING WALL.

PROPERTY DESCRIPTION

ALL THAT PART OF LOT 4 OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, AND LOTS 1 AND 4 OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 65 WEST OF THE 6TH P.M., ACCORDING TO THE SUBDIVISION OF LANDS BY THE UNION COLONY OF COLORADO, IN THE CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO, LYING EAST AND NORTH OF 6TH AVENUE AND 7TH AVENUE AND WEST OF THE CENTERLINE OF THE FREE CHURCH LATERAL, COUNTY OF WELD, STATE OF COLORADO, EXCEPTING THE UNION PACIFIC RAILROAD RIGHT OF WAY.

PROJECT CONTROL

VERTICAL DATUM:
NORTH AMERICAN VERTICAL DATUM 1988 (NAVD88) & GEOID18.
GPS ACQUIRED ELEVATIONS USING TRIMBLE VRS NETWORK.

HORIZONTAL DATUM:
COLORADO STATE PLANE COORDINATES NAD 83(2011) DATUM. (NAD83 COLORADO STATE PLANES, NORTH ZONE, US FOOT - CODE: CO83-NF)
HORIZONTAL CONTROL BASED UPON TRIMBLE VRS NOW NETWORK.

NOTES:

- THIS DRAWING IS SCALED TO GROUND/PROJECT COORDINATES. TO REDUCE TO STATE PLANE COORDINATES, SCALE AT 0.99973537 (1.00026470) ABOUT THE ORIGIN (0,0).
- ALL PROPERTY PINS, INTERSECTION MONUMENTS, AND SECTION CORNERS DISTURBED DURING CONSTRUCTION MUST BE REFERENCED AND REPLACED UNDER THE SUPERVISION OF A LICENSED SURVEYOR.
- THIS AUTOCAD DRAWING CONTAINS INFORMATION THAT IS NOT VISIBLE ON THE PLOTTED COPY. TO OBTAIN ALL THE INFORMATION THAT IS AVAILABLE IN THIS DRAWING, ALL THE AUTOCAD LAYERS MUST BE TURNED ON AND THAWED.
- THE SIZE, TYPE AND LOCATION OF ALL KNOWN UNDERGROUND UTILITIES ARE APPROXIMATE WHEN SHOWN ON THESE DRAWINGS. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE EXISTENCE OF ALL UNDERGROUND UTILITIES IN THE AREA OF THE WORK BEFORE COMMENCING NEW CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL BE RESPONSIBLE FOR ALL UNKNOWN UNDERGROUND UTILITIES.
- ALL PROJECT CONTROL LISTED HEREON IS PROVIDED AS A COURTESY. IT IS THE RESPONSIBILITY OF THE RECIPIENT TO VERIFY THE ACCURACY OF THE COORDINATES AND ELEVATIONS SHOWN PRIOR TO USING THEM FOR ANY PURPOSES.
- ANY LOT LINES, RIGHTS OF WAY OR EASEMENTS SHOWN ARE APPROXIMATE AND ARE NOT TO BE RELIED UPON FOR FUTURE IMPROVEMENTS.
- THIS DRAWING DISPLAYS THE SUBJECT SITE'S STATUS AS OF THE SURVEY ON: APRIL 19, 2025.
- THIS TOPOGRAPHIC SURVEY IS NOT A LAND SURVEY PLAT NOR AN IMPROVEMENT SURVEY PLAT AS DEFINED UNDER COLORADO REVISED STATUTES.

NOTICE:

ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON. (13-80-105 C.R.S. 2012).

CERTIFICATE OF VARIANCE APPROVAL

THE VARIANCE AS DEPICTED HEREON WAS APPROVED BY THE CITY OF GREELEY ZONING BOARD OF APPEALS ON _____, 2_____.

- FAILURE TO OBTAIN NECESSARY APPROVALS OR PERMITS FOR THIS VARIANCE AS APPROVED WITHIN TWELVE (12) MONTHS AFTER APPROVAL, OR TO OBTAIN AN EXTENSION SHALL RESULT IN THE FORFEITURE OF THE APPROVAL AND NO FURTHER ACTION IS PERMITTED.

THE UNDERSIGNED AS THE OWNER OR OWNER'S REPRESENTATIVE OF THE LANDS DESCRIBED HEREIN HEREBY AGREE ON BEHALF OF ITSELF, ITS SUCCESSORS AND ASSIGNS TO DEVELOP AND MAINTAIN THE PROPERTY DESCRIBED HEREIN IN ACCORDANCE AND COMPLIANCE WITH THIS APPROVED VARIANCE AND THE CITY OF GREELEY DEVELOPMENT CODE.

(FOR CORPORATE OR LLC OWNER)

(PRINT CORPORATION/LLC NAME)

BY: _____
(SIGNATURE)

BY:

TITLE: _____

DATE: _____

ATTEST: (IF CORPORATION)

SECRETARY/TREASURER

(FOR INDIVIDUAL OWNER)

OWNER NAME

(SIGNATURE OF OWNER(S)) DATE _____

COMMUNITY DEVELOPMENT DIRECTOR

DIRECTOR OF COMMUNITY DEVELOPMENT

DATE _____

DATE	DESCRIPTION
09-08-2025	1ST PRELIM SPR SUBMITTAL
11-06-2025	VARIANCE REQUEST



FILE: 250259_01_VARIANCE_COVER.DWG
PROJECT NO: 250259.01
CAD: LIM
QUALITY ASSURANCE: CIS

PRELIMINARY - FOR REVIEW

JBS EXPANSION VARIANCE REQUEST

920 NORTH 7TH AVE
PROJECT NUMBER: VAR2025-_____

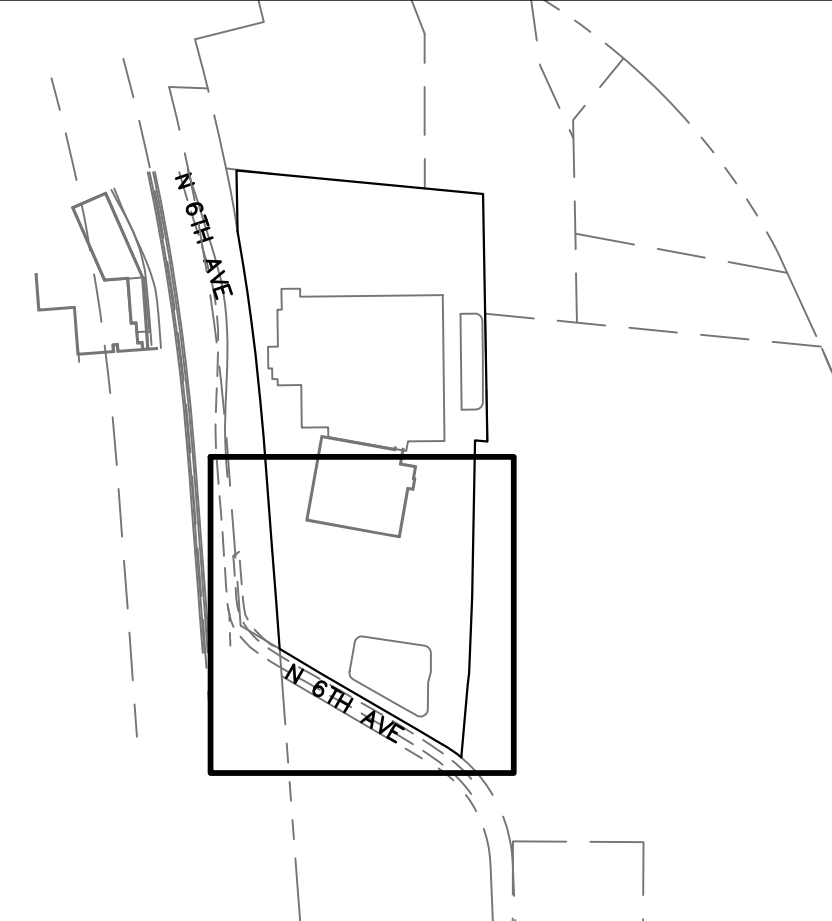
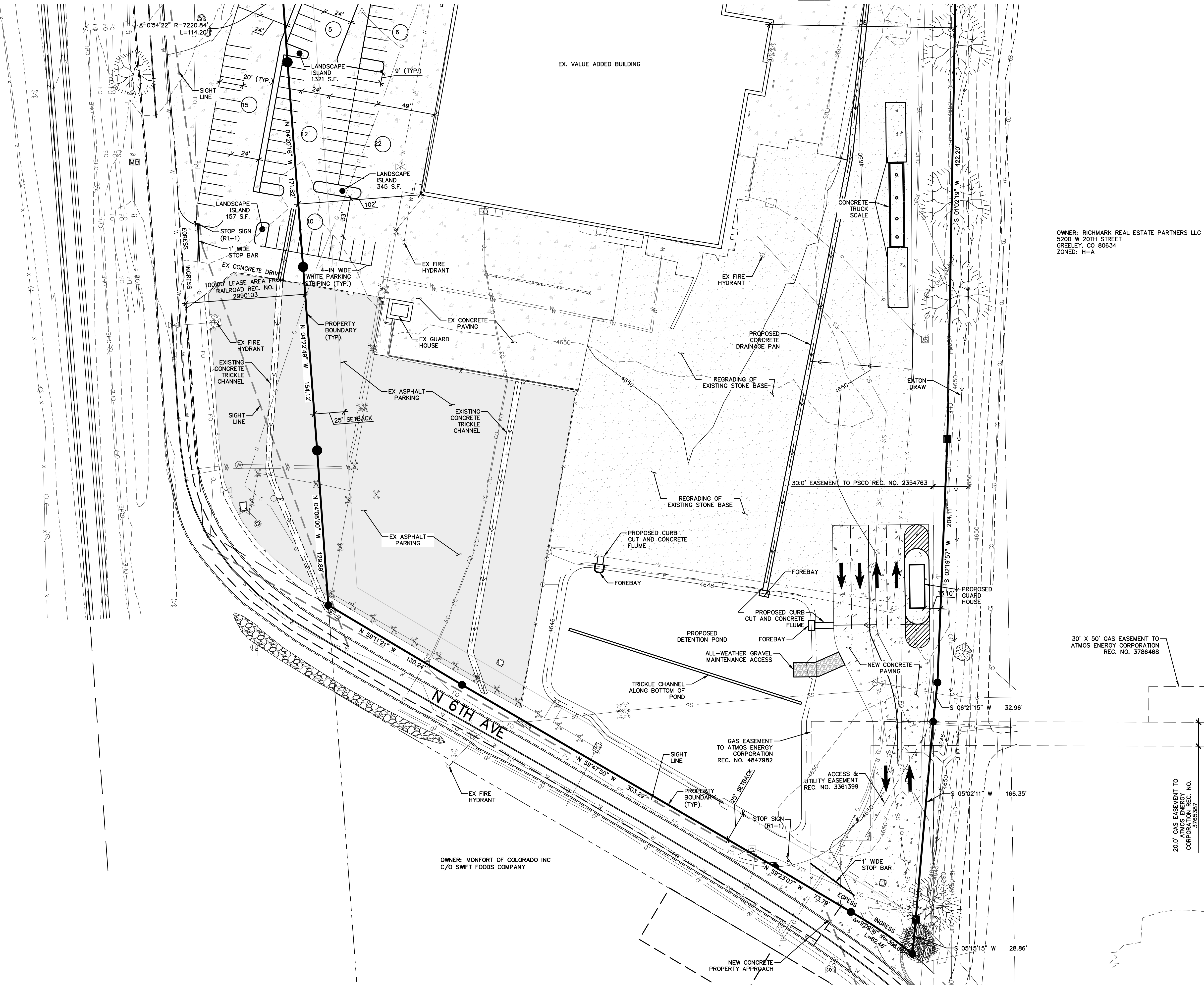
GREELEY, CO

COVER



JBS EXPANSION VARIANCE REQUEST

920 NORTH 7TH AVE
 CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO
 18.79 ACRES
 PROJECT NUMBER: VAR2025-_____



KEY MAP
 N.T.S.

- = ASPHALT PAVING
- = AGGREGATE BASE COURSE (CLASS 5/6)
- = CONCRETE PAVING (8" THICK, TYP.)

TOW = TOP OF RETAINING WALL ELEVATION
 BOW = BOTTOM OF RETAINING WALL ELEVATION

- NOTES:
- PROPOSED CONTOURS ARE DISPLAYED IN 2' MINOR AND 10' MAJOR INTERVALS
 - EXISTING CONTOURS ARE DISPLAYED IN 5' MINOR AND 10' MAJOR INTERVALS

811
 Know what's below.
 Call before you dig.

NORTH

SCALE: 1" = 40'

DATE	DESCRIPTION
09-08-2025	1ST PRELIM SPR SUBMITTAL
11-06-2025	VARIANCE REQUEST

PRELIMINARY - FOR REVIEW



FILE: 25-008-C3.1
 PROJECT NO: 250259.01
 CAD: LIM
 QUALITY ASSURANCE: CS

JBS EXPANSION VARIANCE REQUEST

920 NORTH 7TH AVE
 PROJECT NUMBER: VAR2025-_____
 GREELEY, CO
 SITE PLAN - SOUTH

3 OF 3



P:\2025\01_Greedy_JBS_Expansion_CAD_Sanbell_CAD_CDR\PRODUCTION_DWG\PRODUCTION_DWG\PRODUCTION_DWG\VAR2025-01_VARIANCE_SITE_PLAN.dwg, SITE PLAN - SOUTH, 11/06/2025 4:41:41 PM, linetype: 1:1



FOR ILLUSTRATIVE PURPOSES ONLY



FOR ILLUSTRATIVE PURPOSES ONLY



FOR ILLUSTRATIVE PURPOSES ONLY



Variance No. VAR2025-0002

Zoning Board of Appeals

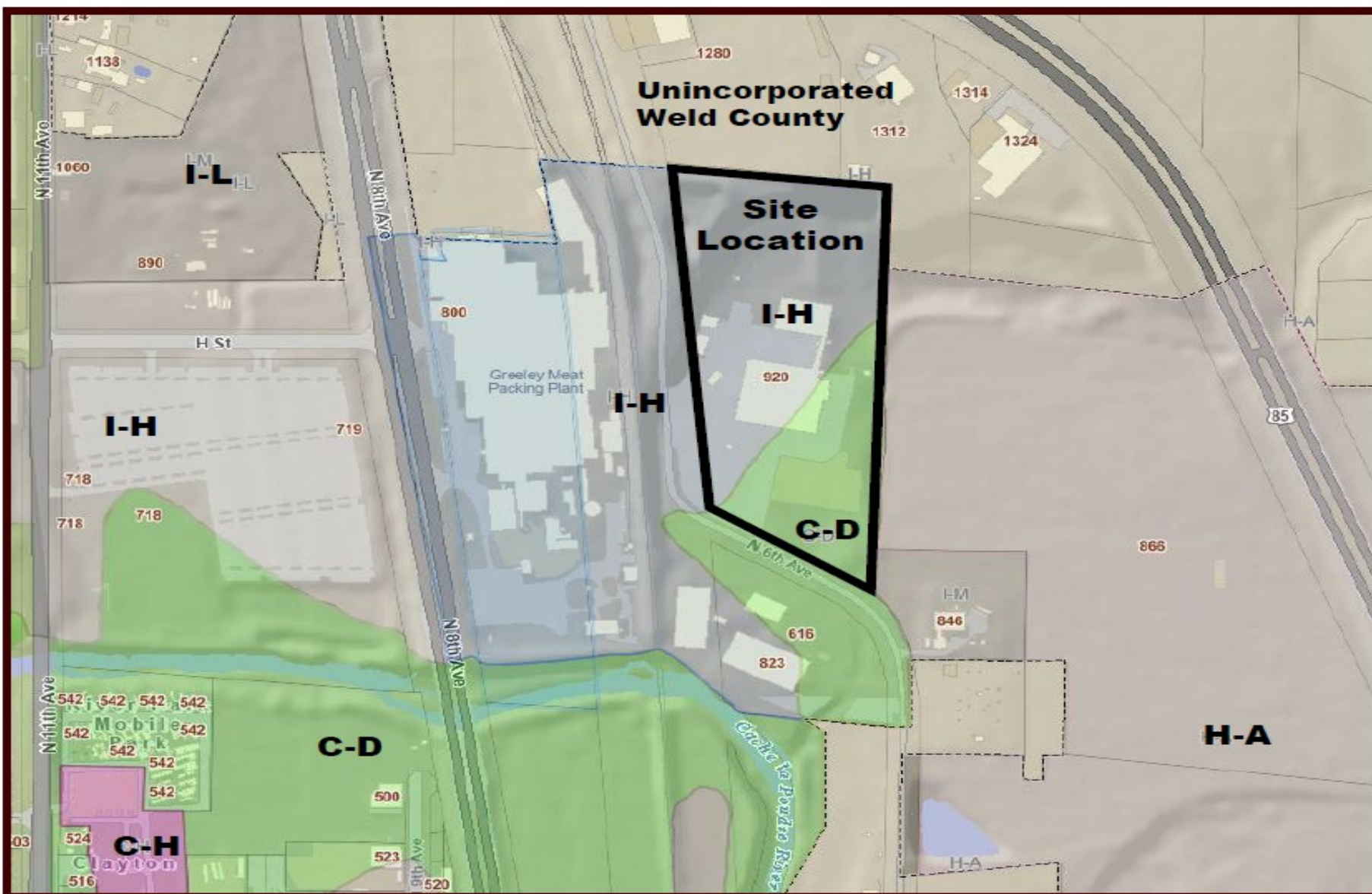
February 10, 2026

Jeffrey Woeber, Planner III

Request & Site Background

- Request:
 - Approval of a variance to allow a retaining wall at a maximum of twenty-six (26) feet in height, in lieu of the maximum six (6) feet allowed by the *Greeley Development Code*
- General Overview:
 - Retaining wall is proposed to stabilize a steep slope on JBS property where a large (166,000 square foot) cold storage facility expansion is proposed

Location, Zoning



Site Photo

VAR2025-0002, SITE PHOTO





FOR ILLUSTRATIVE PURPOSES ONLY

Considerations

Approval Criteria

- Approval Criteria, 24-209 b.

Notification

- 12 mailed notices
- 500 ft notice boundary
- One sign posted on the property
- Web notice
- Staff is not aware of any opposition to retaining wall or project

Recommendation

- Staff recommends approval of Variance based on compliance with Section 24-209 b.
- Planning Commission functions as the Zoning Board of Appeals, and is the Decision-Making Authority for a Variance

Recommended Motion



Approval

Based on the application received and the preceding analysis, the Zoning Board of Appeals finds that the requested variance to allow a retaining wall at a maximum height of 26 feet complies with and meets all applicable Review Criteria under Section 24-209 b. of the *Greeley Development Code* and therefore approves the request.

Alternative Motion



Denial

Based on the application received and the preceding analysis, the Zoning Board of Appeals finds that the requested variance is not in compliance with applicable Review Criteria under Section 24-209 b. of the *Greeley Development Code* and therefore, denies the variance request.

Review Criteria



Variance Review Criteria, Section 24-209 b.

1) **The strict application of this code would result in practical difficulties or unnecessary hardships that limit the reasonable use of the property without granting the variance**

The applicant's engineering and construction professionals who have designed the project have determined that stabilizing the hill/slope with the proposed retaining wall is necessary to move forward with the facility expansion project. The location and height of the slope require the wall to be at the height proposed. Strict application of the Code would prevent reasonable use of the property.

2) **The difficulty or hardship is caused by conditions on the property that are unusual or atypical, are not a result of general conditions in the area, and were not created by the applicant.**

The hill/slope which would be stabilized by the retaining wall is a condition of the property that is somewhat unusual for this area of Greeley. It was not created by the applicant.

Review Criteria



Variance Review Criteria, Section 24-209 b.

3) **Granting the variance will not adversely affect the rights of adjacent property owners or residents.**

The proposed retaining wall would not adversely affect rights of adjacent property owners or residents.

4) **Granting the variance will not adversely affect the public health, safety or general welfare.**

The retaining wall would not have any adverse affect on public health, safety, or general welfare.

Review Criteria



Variance Review Criteria, Section 24-209 b.

5) **Granting the variance is consistent with the land use chapter of the comprehensive plan and area or neighborhood plans, or may achieve greater consistency with these plans than if the codes were strictly applied.**

The existing JBS facilities and adjacent properties are on properties identified on the *Imagine Greeley Comprehensive Plan's*, Land Use Guidance Map, as "Employment, Industrial, and Commercial Area." The project and facilities are consistent with the recommendations of the Plan.

6) **Granting the variance does not undermine the purposes and intent of this code, and is consistent with the specific intent or design objectives of the provision for which the variance is sought.**

Granting the variance for the retaining wall does not undermine the purpose and intent of the *Greeley Development Code*. Retaining walls are allowed by the Code, but the Code's allowable height is not sufficient for the applicant's design to move forward with the project as proposed.

Review Criteria



Variance Review Criteria, Section 24-209 b.

7) **The requested variance is the minimum necessary to relieve the difficulty or hardship and permit reasonable use of the property.**

The design of the proposed retaining wall is the minimum necessary to permit the applicant's reasonable use of the property.

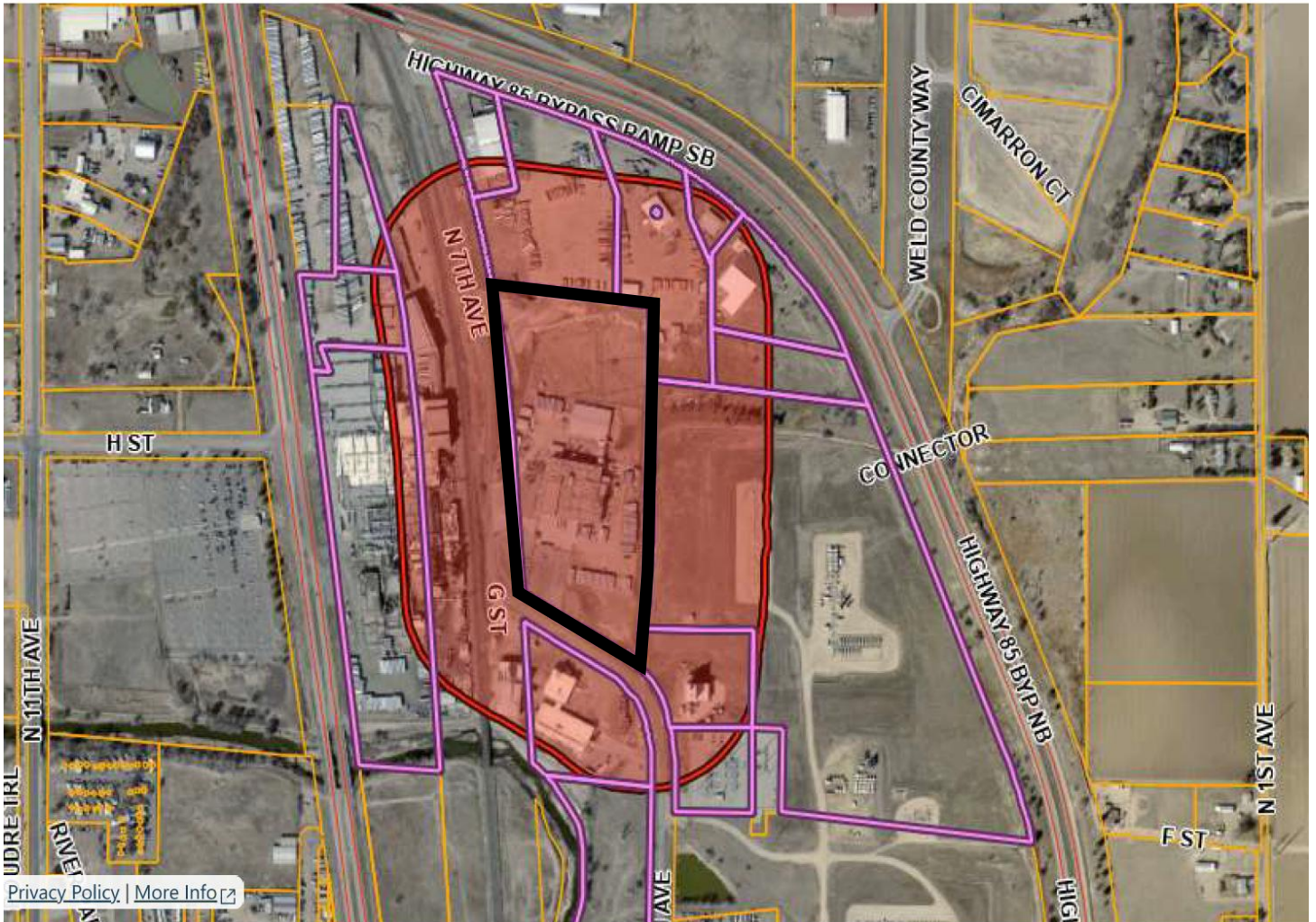
VAR2025-0002, SITE PHOTO



VARIANCE NO. VAR2025-0002

JBS RETAINING WALL

MAP OF 500-FOOT BUFFER FOR MAILED NOTICE



Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, Esri Community Maps contributors, Map layer by Esri | Weld County Government



Variance No. VAR2025-0002

Zoning Board of Appeals

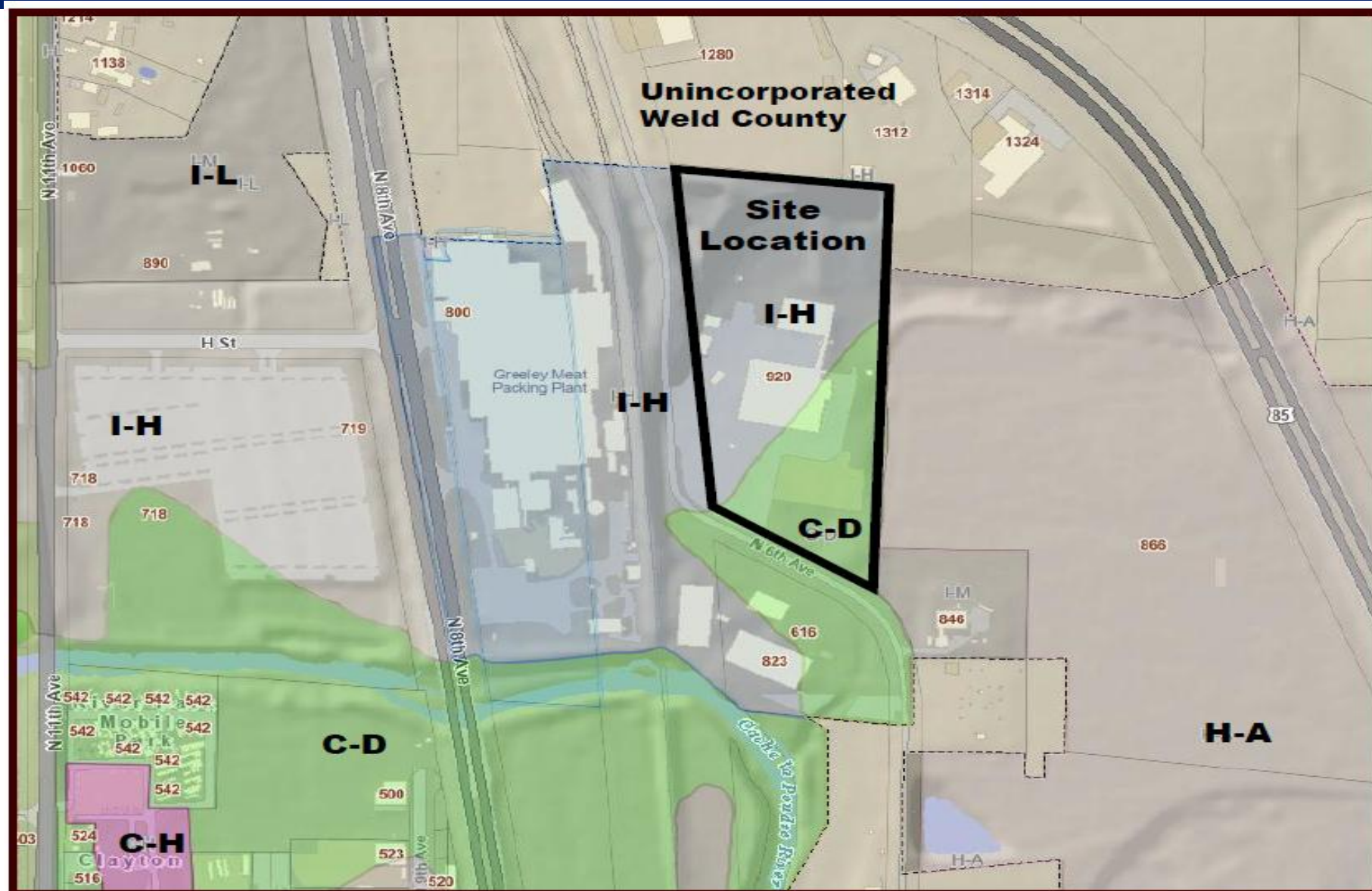
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Jeffrey Woeber, Planner III

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Location, Zoning



Site Photo

VAR2025-0002, SITE PHOTO





FOR ILLUSTRATIVE PURPOSES ONLY

Considerations

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Recommended Motion



Approval

Based on the application received and the preceding analysis, the Zoning Board of Appeals finds that the requested variance to allow a retaining wall at a maximum height of 26 feet complies with and meets all applicable Review Criteria under Section 24-209 b. of the *Greeley Development Code* and therefore approves the request.

Alternative Motion



Denial

Based on the application received and the preceding analysis, the Zoning Board of Appeals finds that the requested variance is not in compliance with applicable Review Criteria under Section 24-209 b. of the *Greeley Development Code* and therefore, denies the variance request.

Review Criteria



Variance Review Criteria, Section 24-209 b.

1) **The strict application of this code would result in practical difficulties or unnecessary hardships that limit the reasonable use of the property without granting the variance**

The applicant's engineering and construction professionals who have designed the project have determined that stabilizing the hill/slope with the proposed retaining wall is necessary to move forward with the facility expansion project. The location and height of the slope require the wall to be at the height proposed. Strict application of the Code would prevent reasonable use of the property.

2) **The difficulty or hardship is caused by conditions on the property that are unusual or atypical, are not a result of general conditions in the area, and were not created by the applicant.**

The hill/slope which would be stabilized by the retaining wall is a condition of the property that is somewhat unusual for this area of Greeley. It was not created by the applicant.

Review Criteria



Variance Review Criteria, Section 24-209 b.

3) **Granting the variance will not adversely affect the rights of adjacent property owners or residents.**

The proposed retaining wall would not adversely affect rights of adjacent property owners or residents.

4) **Granting the variance will not adversely affect the public health, safety or general welfare.**

The retaining wall would not have any adverse affect on public health, safety, or general welfare.

Review Criteria



Variance Review Criteria, Section 24-209 b.

5) **Granting the variance is consistent with the land use chapter of the comprehensive plan and area or neighborhood plans, or may achieve greater consistency with these plans than if the codes were strictly applied.**

The existing JBS facilities and adjacent properties are on properties identified on the *Imagine Greeley Comprehensive Plan's*, Land Use Guidance Map, as "Employment, Industrial, and Commercial Area." The project and facilities are consistent with the recommendations of the Plan.

6) **Granting the variance does not undermine the purposes and intent of this code, and is consistent with the specific intent or design objectives of the provision for which the variance is sought.**

Granting the variance for the retaining wall does not undermine the purpose and intent of the *Greeley Development Code*. Retaining walls are allowed by the Code, but the Code's allowable height is not sufficient for the applicant's design to move forward with the project as proposed.

Review Criteria



Variance Review Criteria, Section 24-209 b.

7) **The requested variance is the minimum necessary to relieve the difficulty or hardship and permit reasonable use of the property.**

The design of the proposed retaining wall is the minimum necessary to permit the applicant's reasonable use of the property.