



Agenda
City of Olive Branch
Board of Zoning Adjustment Meeting
6:00 PM
June 12, 2025

Call to Order:

Roll Call:

The Appeal Process

Approval of Minutes:

1. Minutes of May 8, 2025

Old Business:

1. Application for a Conditional Use Permit, submitted by Philippians 3:13 Ministries, Inc on behalf of property owner Friendship Church of Christ. The request is to establish a transitional home for men completing a faith-based rehabilitation program. The 9.49+/-acre subject property is zoned A-R, Agricultural-Residential District, and is located on the east side of Pleasant Hill Rd, approximately half a mile north of Bean Patch Creek and just over half a mile south of Bridgforth Rd, known as 3250 Pleasant Hill Rd. (CU25-0003). (Tabled to this date at meeting of April 10, 2025). (Withdrawn by applicant).

New Business:

1. Application for a Zoning Variance, submitted by Jimmie Holmes, property owner. The request is to allow construction of an eight-foot privacy fence, which is two feet over the permitted six feet, in the rear yard. The 0.30+/- acre subject property is zoned R-2, Single Family Residential District, and is just east of the southeast corner of Cedardale Cove and Cedardale Rd, known as Lot 352 Eastover Sec B Subdivision, at 7221 Cedardale Rd. (VR25-0005).



2. Revocation of a Conditional Use Permit granted by the Board of (Zoning) Adjustment on October 10, 2019, to allow towing service and motor vehicle repair in the C-2, Highway Commercial District. The 2.94+/- acre property is located on the north side of Caroma Street and west of HWY 305, known as 8900 Caroma Street. The revocation request is submitted by the Department of Planning & Development staff (the administrative official) based on non-compliance with condition(s) of the Conditional Use Permit approval. (CU25-0004)

Other Business

Adjournment

MINUTES FOR THE CITY OF OLIVE BRANCH BOARD OF ZONING ADJUSTMENT REGULAR MEETING MAY 8, 2025

The Olive Branch Board of Adjustment meeting was held on Thursday, May 8, 2025, in the Municipal Court Room located, at 6900 Highland Street, at 6:00 p.m.

CALL TO ORDER

The meeting was called to order by Mr. Roman, Chairman of Board of Zoning Adjustment, at 6:00 p.m.

ROLL CALL

Ted Roman, William Gray, Jackie Butler, Jessica Cowan, Aretha Wiseman and Carl Williams were present, and a quorum was established. Darrel Berkley was absent. Jason Gambone, Director, Venard Asongayi, Assistant Director, Jeremiah McCroskey, Associate Planner, Kevin Norman, Senior Planner, and Heather James, Planning Technician were present from the Planning and Development Department.

THE APPEAL PROCESS

Mr. Roman announced the Appeal Process.

APPROVAL OF THE MINUTES OF THE APRIL 10, 2025 MEETING

Mr. Roman asked if anyone had any questions, comments or motions regarding the minutes of the April 10, 2025 meeting. Mr. Williams pointed out that the minutes had him voting for the approval of the minutes for March, but he was absent at the April meeting. **Carl Williams made a motion to approve the minutes as corrected. Bill Gray made the second and the motion was approved as follows:**

Jessica Cowan – Yes William Gray – Yes Aretha Wiseman – Yes
Ted Roman – Yes Jackie Butler – Yes Darrel Berkley – Absent Carl Williams – Yes

OLD BUSINESS

1. Application for a Conditional Use Permit, submitted by Bob Barber, on behalf of Eagle Land LLC, property owner. The request is to allow for outdoor contractor's storage for the future relocation of Wholesale Pump and Supply. The 3.5+/- acre subject property is zoned C-2, Highway Commercial District, and is located on the west side of Hacks Cross Rd, just south of the Burlington Northern Railroad track and north of Hwy 178. (File # CU24-0008) (Tabled at meeting of October 10, 2024).

- **APPLICATION SUMMARY**

Bob Barber, on behalf of Eagle Land LLC, property owner, requests approval of a conditional use permit for outdoor storage for Wholesale Pump Supply at the southwest quadrant of the intersection of the Burlington Northern Railway track and Hacks Cross Rd. The application was tabled indefinitely at the October 10, 2024 meeting to provide the developer time to decide on development plans, which included a consideration to shift the development area northward on the site.

The "Wholesale Pump Supply" business is currently located at 10580 Hwy 178 and intends to relocate to the proposed site along Hacks Cross Rd. The developer suggests the following site improvements on the ±3.5ac property:

- A 15,000sq ft building, which will contain a 3,000sq ft office and a 12,000sq ft warehouse.

- Three gravel outdoor storage areas
 - Paved drive aisles and vehicles parking areas.
 - Proposed landscaping is mainly in the frontage of the property along Hacks Cross Rd
 - A 6ft high fence surrounding the property, labelled as “6’ HT Opaque fence” in some areas and “6’ HT. Wood Composite Screen Fence fencing Hacks Cross Rd” in other areas.
 - Stormwater retention pond
 - A natural buffer of existing trees to be preserved at the western end of the property
 - Sidewalks along Hacks Cross Rd
- **STAFF PRESENTATION**
Assistant Director, Venard Asongayi, presented the staff report, which is included herein by reference (File #CU24-0008).
- **BOARD OF ZONING ADJUSTMENT INQUIRY AND STAFF RESPONSE**
Ms. Cowan asked to confirm that this Board has approved items before the plat is approved in the past. Mr. Asongayi advised that was correct and this is usually subject to the plat being approved, but regardless, the building permit cannot be pulled before the plat is recorded. Ms. Cowan asked if 6 feet was going to be enough and if they can ask for more, maybe adding some trees. Mr. Asongayi advised that because of the rail line, they are hesitant to have trees planted. However, the outside storage should not be visible. Ms. Wiseman asked about the sidewalk on the northern side and asked about future development. She asked if it would be easier to have the sidewalk added now in preparation for any future development. Mr. Asongayi said they can ask that in their motion. Mrs. Butler stated the lots seem to be low and asked if the land is planned on being built up any. Mr. Asongayi said this is just a conceptual plan. Grading will still have to be approved in any civil plan approval. Mrs. Butler said she was worried about neighbors being able to see into the property. Mr. Asongayi said the elevation is such that it shouldn't be an issue, but if you want to require a 7 foot fence, you can request that as part of any approval motion.
- **PUBLIC HEARING**
 - **Proponents:**
 - Bob Barber, RLBA, 919 Getwell Rd, Hernando, MS 38632 – He advised that this company has operated here for 15 years and the purpose is to expand the business. There are 10 locations currently in the southeast part of the country. The owners are on board with all conditions, including screening all materials. It is not there intention to have anything visible.
 - **Opponents:**
 - None
- **BOARD OF ZONING ADJUSTMENT DISCUSSION**
Mr. Williams asked Mr. Barber if they would be okay with adding the sidewalk back in and he advised they would. Mrs. Butler asked if they were sure that a 6 foot fence would be sufficient to screen this from the neighbors. Mr. Barber advised this will not be seen by the neighbors and if it's not fulfilled, they will come back with an additional screening plan. Mr. Roman asked if this was similar to their existing site. Mr. Barber advised it was, but it was a more modernized version. They will also have warehouse with proper facades facing Hacks Cross and the existing trees will be maintained for additional screening. Mrs. Butler asked if any dust was produced in their business. Mr. Barber advised very limited dust was produced. Limestone doesn't produce a lot of dust, naturally. Also, there will be limited traffic in and out of the facility and anywhere there

would be traffic driving across the yard would be a paved surface. The material storage would be only on the non-paved surface. Mr. Williams said this seems like a good plan. Ms. Cowan said they answered all her questions. Mr. Gray advised it's a good location. Ms. Cowan said she likes the sidewalk being kept in because people walk there all the time.

- **MOTION**

Mr. Williams made a motion, based on the Board of Adjustment's finding that requirements have been met, to approve a Conditional Use Permit for a "contractor's yard or storage, outdoor" on a potential ±3.5ac lot at the southwestern corner of the intersection of Hacks Cross Rd and the Burlington Northern Railroad track for a period of twenty (20) years subject to the following conditions:

1. All building facades shall be constructed entirely of brick or natural stone, or a combination of both.
2. Any and all outdoor storage areas visible from Hacks Cross Rd and from the residential property to the north, across the railway, shall be fully screened with a 6ft high composite fence. This fence material, therefore, is required along the northern, eastern, and southern property lines.
3. No materials stored outdoors may be visible from Hacks Cross Rd or surrounding properties.
4. The use of gravel is only permitted in material storage areas. All drive isles and parking areas on the property must be paved.
5. A complete set of civil engineering and architectural plans shall be submitted to the Planning and Development and the Engineering Departments, addressing all such matters as ingress and egress, lighting, landscaping, pedestrian and vehicular circulation, architectural design, stormwater management, and other pertinent issues for administrative review and approval. The landscape plan must provide a "green wall" along Hacks Cross Rd as the Director of Development Services or designee shall find satisfactory.
6. The sidewalk along Hacks Cross Rd in the street frontage of the property may terminate at the northern driveway.
7. The development is permitted to have one (1) monument sign that shall not exceed 12ft in height and shall comply with all other applicable requirements of the Sign Ordinance.
8. It shall be the responsibility of the developer to extend all utilities to service the development.
9. Site development shall include cross-access interconnectivity with the remainder of the parent parcel to the south of the site.
10. The property owner shall obtain subdivision plat approval from the Board of Aldermen and record the plat, thereby creating the site as a developable lot before a building permit may be issued for the development.
11. Any future expansion of the development would require approval by the Board of Adjustment.
12. A Sidewalk shall be constructed on the northern property line.

Ms. Cowan made the second and the motion was approved as follows:

**Jessica Cowan – Yes William Gray – Yes Aretha Wiseman – Yes
Ted Roman – Yes Jackie Butler – Yes Darrel Berkley – Absent Carl Williams – Yes**

NEW BUSINESS

1. Application for a Zoning Ordinance Variance, submitted by Mahmoud Ghannam, property owner. The request is to allow a 3-foot height variance for a monument sign over the allowed 12-foot height, for a maximum height of 15 feet. The 1.34+/-acre subject property is zoned C-4, Planned Commercial District, and is located at the southeast corner of Ridgeway Industrial Dr. and Alexander Rd, known as Lot 1, Fox Hunt Center Subdivision, 7550 Alexander Rd. (VR25-0003)

- **APPLICATION SUMMARY**

Mahmoud Ghannam, property owner, requests a +3ft sign height variance to increase the height of a proposed WAVA STOP convenience store with fuel pumps monument sign from 12ft to 15ft. The store is currently under construction as a permitted use at the northeast corner of the intersection of Highway 302 and Alexander Rd. While site construction began before the City amended the Zoning Regulations with new requirements for signs regarding c-stores with full pumps, the sign permit application was submitted after these new regulations became effective.

The property is in the C-4, Planned Commercial Development District. Article V, Sec. 11E(5) of the Zoning Ordinance stipulates that in the C-4 District, "The use of Convenience stores with fuel pumps shall be subject to the special regulations in Article V, Section 16." Regarding "Design Specifications" in Article V, Sec. 16C(4), the Zoning Ordinance further requires that "All free-standing signs must be monument style, not exceeding twelve (12) feet in height." The applicant seeks a variance from this height requirement.

- **STAFF PRESENTATION**

Assistant Director, Venard Asongayi, presented the staff report, which is included herein by reference (File #VR25-0003).

- **BOARD OF ZONING ADJUSTMENT INQUIRY AND STAFF RESPONSE**

Ms. Cowan asked if the brick would match that of the surrounding areas. Mr. Asongayi advised that Condition #1 addresses that and that staff is more concerned with the canopy pillars. The plan matches that. She asked if it would match the main building. Mr. Asongayi advised that staff discourages a monotone treatment in an area, but rather variety. Ms. Cowan said that the Board has asked for matching treatment before in other projects. Mr. Asongayi stated they will match what is on their own building, but not that of surrounding sites. Mr. Roman asked how the sign for the Shell gas station so tall. Mr. Asongayi advised that was done before the change in regulations and that it would not be approved under today's regulations.

- **PUBLIC HEARING**

- **Proponents:**

- Charles Crawford, Williams Sign Company, 821 Vance Ave, Memphis, TN – he said they will match the brick on the building and they had no problem with the 12 foot height limit, if they could have placed it in their preferred location.,

- **Opponents:**

- None

- **BOARD OF ZONING ADJUSTMENT DISCUSSION**

None

- **MOTION**

Ms. Cowan made a motion, based upon a finding by the Board of Adjustment that a hardship exists, namely, the location of the property at an intersection with a wide State

right of way, the existing location of gas and other utility line structures, and the site topography, and that all other conditions have been met, to grant a +3ft high sign variance to permit a 15ft high monument sign for the c-store with gas pumps at 7550 Alexander Rd, subject to the following:

- (1) The brick base of the sign shall be constructed of the same or similar brick and/or stone material as that used for the principal structure and gas canopy columns.
- (2) A flower bed or shrubs shall be planted at least on the side of the monument base facing Alexander Rd.
- (3) All other sign regulations of the City of the Olive Branch regarding free standing signs in the C-4 District shall be met.
- (4) The applicant shall obtain a sign permit before construction of the sign.

Mr. Gray made the second and the motion was approved as follows:

Jessica Cowan – Yes William Gray – Yes Aretha Wiseman – Yes
Ted Roman – Yes Jackie Butler – Yes Darrel Berkley – Absent Carl Williams – Yes

2. Application for a Zoning Variance, submitted by Adrian Camacho, property owner. The request is to allow the construction of a 4-foot-high fence within the front yard setback. The 1.54+/-acre subject property is zoned A-R, Agricultural-Residential District, and is located on the south side of Tranquil Drive, between N. Horn Cv. And Huckleberry Dr, known as Lot 32 Country Place Sec C, 6501 Tranquil Drive. (VR25-0004). (Application withdrawn by applicant).

Mr. Roman announced Item Number 2 and noted the application was withdrawn and no action was needed.

3. Application to amend an existing Zoning Variance that was granted on October 10, 2004, submitted by property owner Gary Anderson. The request is to ask for an extension on the condition of approval requiring the mobile home to be removed by June 30, 2025. The current tenants will not have their house (currently under construction) completed on the adjacent property by that time. The 8.91+/- acre parcel, being Lot 1 of the Gatewood Gardens Subdivision, known as 9530 College Rd, is zoned A-R, Agricultural-Residential, and is located on the north side of College Rd, south of Quail Rd, and east of Hwy 305. (VR24-0010).

• **APPLICATION SUMMARY**

Gary Anderson, owner of the subject property, requests an extension on the condition of approval requiring the mobile home to be removed by June 30, 2025. The current tenants will not have their house (currently under construction) completed on the adjacent property by that time. There are no issues of concern associated with the request, and it is recommended the Board of Zoning Adjustment grant a time extension from the original approval date.

Following an existing zoning variance that was granted on October 10, 2024, for the purpose of a driveway pavement variance, the Board of Adjustment found that a hardship existed. A driveway pavement variance was granted for the driveway extending from College Rd to an accessory storage building on the property at 9350 College Rd, and also to the house at 9580 College Rd: requiring that only the section of the driveway for 9580 College Rd., beginning from College Rd to the existing fence that is erected on the easterly and westerly sides of the driveway, being about 275ft in length

be paved. The driveways have been paved as were required by the Board of Adjustment.

- **STAFF PRESENTATION**

Associate Planner, Jeremiah McCroskey, presented the staff report, which is included herein by reference (File #VR24-0010).

- **BOARD OF ZONING ADJUSTMENT INQUIRY AND STAFF RESPONSE**

None

- **PUBLIC HEARING**

- **Proponents:**

- Jennifer Wade, 9530 College Rd, Olive Branch, MS – she provided new pictures and estimated completion date from the builder to the Board. She said as of April 30, June 25, 2025 is the estimated completion date, but they will still need time to move in.

- **Opponents:**

- None

- **BOARD OF ZONING ADJUSTMENT DISCUSSION**

Ms. Cowan said she hopes that September is enough time to have everything done and questioned whether or not they should do more. Ms. Wiseman said that would be enough time as it appears most of the work left to be completed is on the inside and not dependent on weather.

- **MOTION**

Mr. Gray made a motion to extend the condition of approval requiring the mobile home to be removed from June 30, 2025 to September 30, 2025.

Ms. Wiseman made the second and the motion was approved as follows:

**Jessica Cowan – Yes William Gray – Yes Aretha Wiseman – Yes
Ted Roman – Yes Jackie Butler – Yes Darrel Berkley – Absent Carl Williams – Yes**

OTHER BUSINESS

ADJOURNMENT

Mr. Williams made a motion to adjourn the meeting at 6:54pm. Mr. Gray made the second and the motion was approved as follows:

**Jessica Cowan – Yes William Gray – Yes Aretha Wiseman – Yes
Ted Roman – Yes Jackie Butler – Yes Darrel Berkley – Absent Carl Williams – Yes**

REPORT TO THE BOARD OF (ZONING) ADJUSTMENT

CAPTION /SUBJECT: Application for a Zoning Variance, submitted by Jimmie Holmes, property owner. The request is to allow construction of an eight-foot privacy fence, which is two feet over the permitted six feet, in the rear yard. The 0.30+/- acre subject property is zoned R-2, Single Family Residential District, and is just east of the southeast corner of Cedardale Cove and Cedardale Rd, known as Lot 352 Eastover Sec B Subdivision, at 7221 Cedardale Rd. (VR25-0005).

- EXHIBITS:**
- 1) Applicant letter of request
 - 2) APO Letter of No Objection (LONO)

EXECUTIVE SUMMARY:

The applicant and property owner, Jimmie Holmes, requests approval to allow a +2 ft. side yard fence height variance to enable the construction of an 8 ft high wood fence for privacy and security of the property at 7221 Cedardale Rd, Olive Branch, MS. The .30 +/- acre subject property is zoned R-2, Single-Family Residential. The Zoning Ordinance specifies for fences in the R-2 zoning district, "Fences, walls, and hedges erected in the side and rear yard setback areas of a lot shall not exceed six (6) feet in height." Therefore, a variance is required. Staff finds that the site has a topographical hardship that would be considered unique to the property. Therefore, staff recommends approval.



Figure 1: Plot Plan of Subject Property New Fence



Figure 1: Elevation of Subject Property New Fence

BACKGROUND: The applicant and property owner, Jimmie Holmes, seeks a +2 ft. side yard fence height variance to enable the construction of an 8 ft high x ±60 ft long cedar wood fence for the security and privacy of the property and animals at 7221 Cedardale Rd. The 8 ft portion of the fence as proposed would be located on the east side property line and have a gate for side yard access. The remainder of the backyard fence will be 6 ft high fence that will be repaired with new 6 ft pickets. The Adjacent Property Owner of Lot 353 has included a Letter of No Objection (LONO) in the application packet. The property is zoned, R-2, Single-Family Residential.

Article VII, Sec.2 (B) (1) (c) (ii) (B) (iii) (B) of the Zoning Ordinance stipulates that “Fences, walls, and hedges erected in the side and rear yard setback areas of a lot shall not exceed six (6) feet in height.” To permit the construction of an 8ft. high fence in the side yard, therefore, a zoning variance is required.

ANALYSIS: The Board of Zoning Adjustment (BZA) may grant a request for a variance upon a finding that, “*all of the following criteria have been met.*” However, regulations also note that variance approval must be based on the presence of a hardship and that the potential for economic loss or gain on the part of the applicant cannot be considered a sufficient basis for the approval of any variance. The applicant has also provided responses to the criteria (Exhibit 1) and staff findings are listed, below.

1. *The variance requested arises from special conditions or circumstances which are unique due to the particular shape, size, location, or topography of a lot or parcel, or a structure thereon, and which are not ordinarily or generally found in the same zoning district.*

Staff Finding: The subject property has an approximately 2.5 ft. grade change that exists between the top of the porch slab on the east side of the subject property sloping down to the adjoining property. The applicant has stated that the additional two feet of fence height is needed to screen the adjoining property (Lot 353) from the Owner’s property (Lot 352).

2. *The special conditions or circumstances do not result from the actions of the applicant.*

Staff Finding: The applicant purchased the lot in 2008 and has not made any renovations to the existing slab, lot, or the existing home.

3. *That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zone or district under the terms of the Ordinance.*

Staff Finding: A literal interpretation and enforcement of the applicable Zoning Ordinance stipulation will require the property owner to limit the fence height to 6ft. The lot is in a traditional major subdivision. The proposed fence model is 8ft cedar picket, which would meet or exceed the same intent of a 6ft high fence with the existing topography.

4. *That granting the variance will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same zone or district.*

Staff Finding: Granting the variance would not confer the applicant a special privilege that would be denied to others in the same zone or district given similar circumstances.

RECOMMENDED MOTION: Based on finding that a hardship exists on the subject property, that the special circumstances are a result of the topography and the existing house and slab structure, **approve** the ±2 ft fence height variance to allow the construction of an 8’ high cedar picket fence at the east side yard setback of the property at 7221 Cedardale Road.

PREPARED BY: Deena S. Lane DATE: 6/5/2025
 CHECKED FOR SUBMISSION TO THE BOARD BY: Asong ~~Atte~~ DATE: 6/5/2025
 MOTION BY: _____ SECOND BY: _____



	BERKLEY	COOK	BUTLER	GRAY	ROMAN	WILLIAMS	WISEMAN
<u>VOTE</u>							
YES	_____	_____	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____	_____	_____

OWNER/APPLICANT

City of Olive Branch
Planning & Building Dept.

5-12-25

This is a request to install a 8' wood fence on the east side rear yard. My back porch is 2' higher than the ground. so have a privacy on my back porch it needs to be 8'. This will be around 60'

Thanks

Jessie Holmes

7221 Cedar Vale Rd

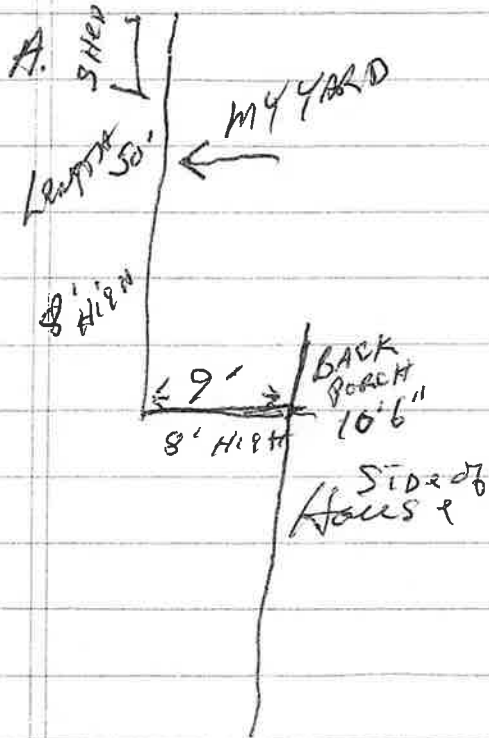
Olive Branch, MS 38654

901-574-2506

OWNER/APPLICANT

5/12.25

1. The ground is 2' Lower than my back porch which want it a privacy fence
2. The fence was built that way - I purchased the house in 2008
3. My privacy of the lanai was not wanted
4. The fence will be along a driveway next lot will not interfere with none else



APD - LOT 353

6-2-25

I have no problem with Jim Halmer at
7221 Cedar Dale Rd. putting a 8' wood fence
up next to my drive way

Richard Long Jr. 6-2-25 7235 Cedar Dale Rd.

REPORT TO THE BOARD OF (ZONING) ADJUSTMENT

CAPTION/SUBJECT: Revocation of a Conditional Use Permit granted by the Board of (Zoning) Adjustment on October 10, 2019, to allow towing service and motor vehicle repair in the C-2, Highway Commercial District. The 2.94+/- acre property is located on the north side of Caroma Street and west of HWY 305, known as 8900 Caroma Street. The revocation request is submitted by the Department of Planning & Development staff (the administrative official) based on non-compliance with condition(s) of the Conditional Use Permit approval.

- EXHIBITS:**
1. May 15, 2025, violation notice to property owner with site condition pictures
 2. June 5, 2025 Site visit photos



Figure 1: Street View of Subject Property

EXECUTIVE SUMMARY:

On October 10, 2019, a Conditional Use Permit was granted by the Board of (Zoning) Adjustment to allow a towing service and motor vehicle repair on the 2.94+/- acre property located on the north side of Caroma Street and west of HWY 305, known as 8900 Caroma Street, Olive Branch, MS, for a period of twenty years (20 years), subject to various conditions. The property is zoned C-2, Highway Commercial District. Condition No. 6 stipulated that “A salvage yard is not permissible; outdoor storage of items including, but not necessarily limited to inoperable (other than those being repaired) and unlicensed vehicles, tires, vehicle parts, or scrap metal is strictly prohibited.” As the administrative official, the Planning Staff requests the consideration of revocation of the subject Conditional Use Permit (CUP) based on violation of this **Condition # 6**. Since staff inspected the site on May 15, 2025, and notified the property owner of this violation, the property owner has hired Civil Link, LLC to draw a site plan in view of expansion and improved screening of the site to provide a permanent solution to this problem. A follow up inspection on June 5, 2025 showed improvement in the site conditions. Staff recommends that this item be tabled at this time to the July 11, 2025, meeting to give Civil Link time to complete the site and landscaping plans, discuss them with City staff, and present them to the Board of Adjustment at the next month’s BZA meeting. This will also align with another approval condition of the conditional use permit, namely, that any expansion of the use on the site requires review by the BZA.

1. BACKGROUND:

On October 10, 2019, a Conditional Use Permit was granted by the Board of (Zoning) Adjustment to allow a towing service and motor vehicle repair on the 2.94+/- acre property located on the north side of Caroma Street and west of HWY 305, known as 8900 Caroma Street, Olive Branch, MS, for a period of twenty years (20 years), subject to various conditions. The property is currently zoned C-2, Highway Commercial District. The permit was subject to multiple conditions, one of which forbade outdoor storage of auto parts and junk cars. This condition is being violated per site inspection by planning staff on May 15, 2025 (see attached pictures).

Article X, Section 7(C)(6) of the Zoning Ordinance stipulates: “A conditional use permit may be terminated by the board of adjustment, upon the filing of an application therefore by the mayor or a member of the board of aldermen, a member of the Planning Commission or the board of adjustment, or the administrative official, and upon a finding at a public hearing, with notice to the property-owner, that the terms of this article, or conditions of the specific approval, or written commitments have not been complied with.”

2. APPROVAL CONDITIONS AND COMPLIANCE STATUS

Table 1: CUP Approval Conditions and Compliance Status	
Condition	Status
1) All improvements shall be the responsibility of the developer and not the City of Olive Branch.	Satisfied
a. Sidewalk installation.	Satisfied
b. Repair all existing potholes	Satisfied
c. Striped Parking Lot	Satisfied
d. Depicting areas for overnight vehicle storage	Satisfied
e. Landscape plan to include planting locations for 9 trees (species and size based on Design Review Ordinance), hedges around employee and customer parking spaces, trimming back of existing crape myrtles under power line, and planting of evergreen hedges (Elaeagnus or Privet recommended) to provide full screening of rear property line from City park.	Satisfied
f. At minimum, the building needs to be repainted to neutral color and a fully screened masonry dumpster enclosure needs to be added. Additional façade improvements are encouraged.	Satisfied

Table 1: CUP Approval Conditions and Compliance Status	
Condition	Status
2) Applicant's revised plans for site and building improvements subject to administrative review and approval prior to building occupancy, with all improvements completed or installed within 30 days of building occupancy.	Satisfied
3) Use and Occupancy (U&O) inspection by Building and Fire Inspectors required prior to building occupancy.	Satisfied
4) Parking of vehicles on unpaved areas is strictly prohibited and could result in revocation of the CUP.	Satisfied
5) CUP is issued to Carlos Murguia and Enrique Hernandez at the request of property owner Diane Hawks, Hawks Brank LLC, the property owner of 8900 Caroma Street. It is non- transferrable to individuals other than Carlos Murguia and Enrique Hernandez or to a different property. Any expansion or alteration of the use is subject to BZA review and approval.	Satisfied
6) A salvage yard is not permissible; outdoor storage of items including, but not necessarily limited to inoperable (other than those being repaired) and unlicensed vehicles, tires, vehicle parts, or scrap metal is strictly prohibited.	Unsatisfied

3. PROPERTY OWNER'S ACTIONS SINCE NOTICE OF VIOLATION

Since staff notified the property owner of the said violation, the property owner has taken two main actions:

- (i) Improved clean up of the site. In a follow up inspection of the property on June 5, 2025, for example, there were no auto parts lying in the parking lot in front of the building.
- (ii) To provide a permanent solution to the above-mentioned problem and respond to the growing needs of the business, the property owner intends to expand the use on the site. This would provide an opportunity for improved screening of the property, especially of all cars awaiting or under repair and any auto parts. The property owner has hired Civil Link, LLC to design the civil and landscaping plans for the expansion. The plans were still under design at the time of

completion of this staff report. They would have to be presented to the BZA for approval in accordance with Condition No.5 of the Conditional Use Permit.

4. RECOMMENDED MOTION

Based on improvements in the site conditions and the ongoing design of civil and landscaping plans for the expansion of the use including the removal of auto parts under repair from the parking lot, and the fact that plans for the expansion of the use on the property are under design, staff recommends that the Board of Adjustment Table this item to July 11, 2025, to provide time for the plans to be completed, for the designer to discuss the plans with City staff in a pre-application meeting before consideration by the BZA, and subject to the following:

- (i) Permanently cease and desist from repairing vehicles outside of the building.

- (ii) At the July 11, 2025, meeting, the property/business owner should present the plans for the expansion of the use on the site to the BZA for consideration. Such plans should include an opaque fence in the front of the property such that any auto parts, cars to be repaired, and/or cars under repair shall be invisible from Caroma Street.

PREPARED BY: *Guennifer McWhorter* DATE: 06/05/25
 CHECKED FOR SUBMISSION TO THE BOARD BY: _____ DATE: _____
 MOTION BY: _____ SECOND BY: _____

<u>VOTE</u>	BERKLEY	COOK	COWAN	GRAY	ROMAN	WILLIAMS	WISEMAN
YES	_____	_____	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____	_____	_____



City of Olive Branch

PLANNING & DEVELOPMENT

MISSISSIPPI

9200 Pigeon Roost Road, Olive Branch, MS 38654
Planning 662.892.9334 | Building 662.892.9333
Code Enforcement 662.892.9343
www.obms.us

May 15, 2025

305 Auto & Tire Service Trailer Repair
8900 Caroma St.
Olive Branch, MS 38654

Dear Mr. Hernandez:

RE: A regular meeting of the Olive Branch Board of Zoning Adjustment will be held on Thursday, June 12, 2025, at 6:00 p.m., in the Olive Branch Municipal Court Building at 6900 Highland Street, regarding the potential revocation of a Conditional Use Permit issued to property owners Carlos Murguia and Enrique Hernandez, on October 10, 2019 for an auto-repair and a towing service at 8900 Caroma Street. The 2.94+/- acre property is located on the north side of Caroma Street and west of HWY 305, in the C-2, Highway Commercial District.

This is to inform you that the Board of Adjustment of the City of Olive Branch will hold a public hearing on Thursday, June 12, 2025, to consider revocation of a conditional use permit for a towing service and motor vehicle repair in the in the C-2, Highway Commercial District. The 2.94+/- acre property is located on the north side of Caroma Street and west of HWY 305, known as 8900 Caroma Street. The hearing shall be held at the Olive Branch Municipal Court room, and shall commence at 6:00pm.

On October 10, 2019, the Board of (Zoning) Adjustment of the City of Olive Branch considered and granted a conditional use permit for to allow a towing service and motor vehicle repair in the C-2 High Way Commercial District. The 2.94+/- acre property is located on the north side of Caroma Street and west of HWY 305, known as 8900 Caroma Street, for a period of twenty (20) years. This permit was subject to multiple conditions that had to be fulfilled before the site could be used accordingly. However, the property appears to be being used as a “salvage yard, with multiple inoperable (other than those being repaired) and unlicensed vehicles, tires, vehicle parts” without meeting these conditions as shown in the attached pictures and the table below

Condition	Status
6) A salvage yard is not permissible; outdoor storage of items including, but not necessarily limited to inoperable (other than those being repaired) and unlicensed vehicles, tires, vehicle parts, or scrap metal is strictly prohibited.	Unsatisfied

Article X, Sec. 7(C)(6) of the Zoning Ordinance of the City of Olive Branch stipulates:

Olive Branch, Mississippi is one of America's most livable cities, where one can live, work, worship, and play without leaving home. The City of Olive Branch municipal government strives to provide efficient and effective public services that promote this quality of life.



Revocation of conditional use permit. A conditional use permit may be terminated by the board of adjustment, upon the filing of an application therefore by the mayor or a member of the board of aldermen, a member of the Planning Commission or the board of adjustment, or the administrative official, and upon a finding at a public hearing, with notice to the property-owner, that the terms of this article, or conditions of the specific approval, or written commitments have not been complied with.

Considering that the terms of the conditional use permit have not been complied with, the “administrative official” has filed an application with the Board of Adjustment for the revocation of the subject conditional use permit as stated above.

Should you wish to discuss any issues regarding this matter, you may contact me by email at Jeremiah.McCroskey@obms.us, by phone at (662) 892-9326, or in our office at the City Hall of the City of Olive Branch. Our office hours are Monday to Friday, from 8:00am to 5:00pm, except on public holidays.

Yours truly,



Jeremiah L. McCroskey
Planning and Development
City of Olive Branch, MS

Attachments:

- (1) Minutes of the Board of Adjustment Meeting of October 10, 2019
- (2) Staff Report Considered by the Board of Adjustment at meeting on October 10, 2019
- (3) Site Pictures taken on May 15, 2025



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Site Pictures:



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June 5, 2025 Site Visit – Jeremiah McCroskey



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