



Agenda
City of Olive Branch
Board of Zoning Adjustment Meeting
6:00 PM
July 10, 2025

Call to Order:

Roll Call:

The Appeal Process

Approval of Minutes:

1. Minutes of June 12, 2025

Old Business:

1. Application for a public hearing to consider revocation of a Conditional Use Permit granted by the Board of (Zoning) Adjustment on October 10, 2019 (File # CU19-0013) to allow a towing service 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. (File # CU25-0004). (Tabled to this date at meeting of June 12, 2025).

New Business:

1. Application for a Zoning Variance, submitted by Jacob Pierce, property owner. The request is to permit an eight-foot privacy fence, which is constructed two feet over the permitted six feet, in the rear yard. The 0.35+/- acre subject property is zoned R-2, Single Family Residential District. It is Lot 64 of Fox Run Subdivision, Sec D, located on the west side of Fox Meadows Dr., approximately 430 feet north of Fox Run Dr, and known as 7405 Fox Meadows Dr. (File #VR25-0006).



City of Olive Branch

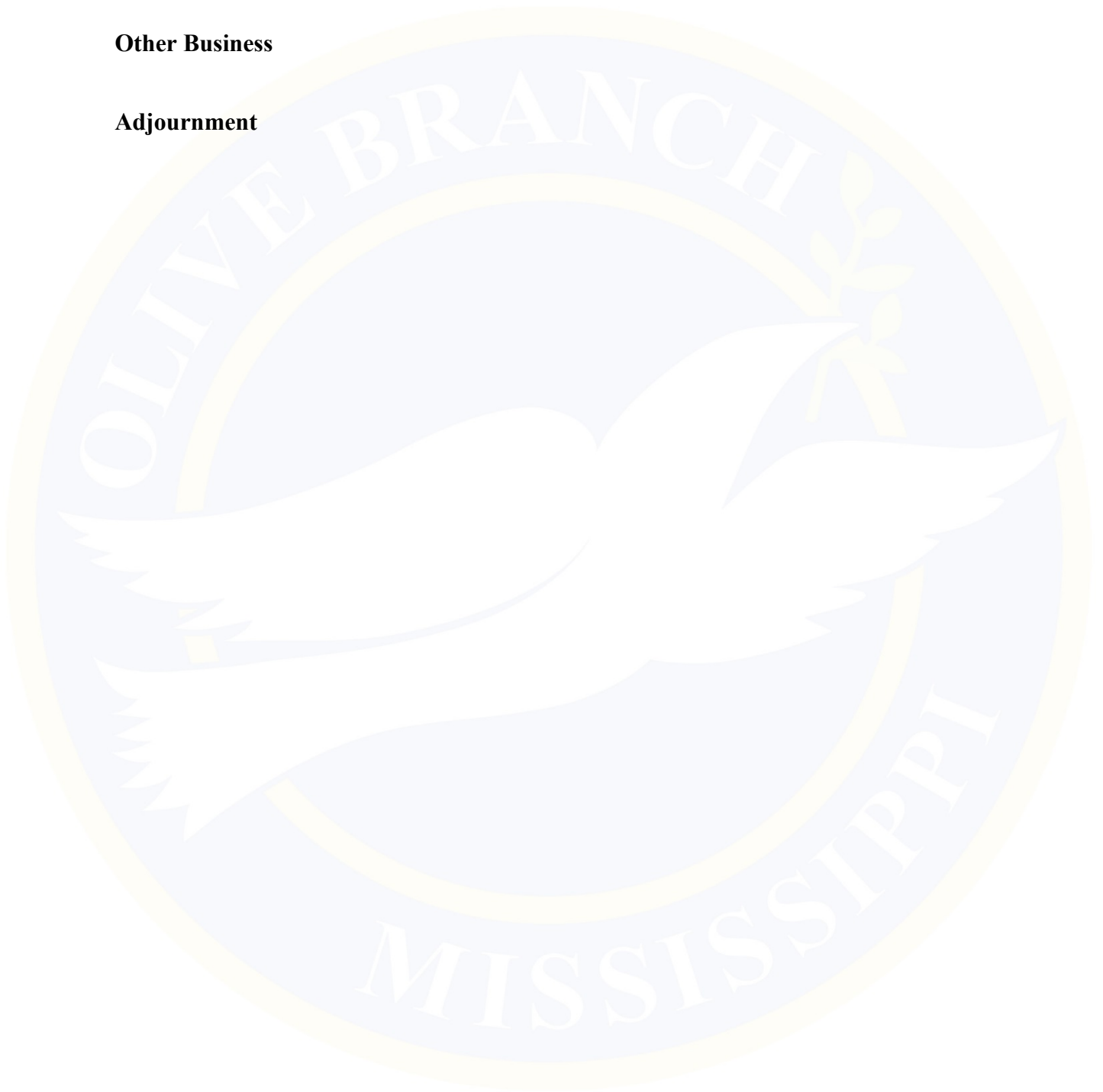
PLANNING & DEVELOPMENT

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9200 Pigeon Roost Road, Olive Branch, MS 38654
Planning 662.892.9334 | Building 662.892.9333
Code Enforcement 662.892.9343
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Other Business

Adjournment



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.

**MINUTES FOR THE CITY OF OLIVE BRANCH BOARD OF ZONING ADJUSTMENT
REGULAR MEETING JUNE 12, 2025**

The Olive Branch Board of Adjustment meeting was held on Thursday, June 12, 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, Darrel Berkley and Carl Williams were present, and a quorum was established. 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 MAY 8, 2025 MEETING

Mr. Roman asked if anyone had any questions, comments or motions regarding the minutes of the May 8, 2025 meeting. **Carl Williams made a motion to approve the minutes. Darrel Berkley 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 – Yes Carl Williams – Yes**

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).

Mr. Roman announced Old Business Item Number 1 and noted that it was withdrawn, so no action was taken.

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).

- **APPLICATION 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.

- **STAFF PRESENTATION**

Senior Planner, Kevin Norman, presented the staff report, which is included herein by reference (File #VR25-0005).

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

None

- **PUBLIC HEARING**

- **Proponents:**

- Jimmie Holmes, 7221 Cedardale Rd, Olive Branch, MS – He had nothing to add to the report

- **Opponents:**

- None

- **BOARD OF ZONING ADJUSTMENT DISCUSSION**

Ms. Cowan said it was a pretty straight forward application and request. Mr. Gray noted that the neighbor did not have any issues with this.

- **MOTION**

Ms. Cowan made a 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, to 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.

Mrs. Butler 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 – Yes Carl Williams – Yes**

2. Application for a public hearing to consider revocation of a Conditional Use Permit granted by the Board of (Zoning) Adjustment on October 10, 2019 (File # CU19-0013) to allow a towing service 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. (File # CU25-0004).

- **APPLICATION 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.

- **STAFF PRESENTATION**

Associate Planner Jeremiah McCroskey presented the staff report, which is included herein by reference (File #CU25-0004).

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

Ms. Cowan asked staff to clarify the 2 options: 1- to table or 2- to issue cease & desist and table? Mr. McCroskey advised that he read that wrong in the presentation. They are asking to cease and desist permanently and table until July.

- **PUBLIC HEARING**

- **Proponents:**

- Luis Hernandez, 8900 Caroma Street, Olive Branch, MS – He advised they are trying to expand. They are getting more business and need more employees. He said they are also looking to expand the building and have hired Civil-Link to help with plans for that.

- **Opponents:**

- Mark Utley Sr, 7480 Stout Rd, Germantown, TN – office at 8101 Hacks Cross Rd, Olive Branch, MS – He has worked in real estate for years and has always worked to build things that look nice for the city. He cited Kroger shopping center and Cherokee Valley Golf Course as examples. He said he and other developers always held themselves to a higher standard before the planning commission existed. In 2017, he bought a dilapidated warehouse down from this subject property. There were coyotes living there. He spent a lot of money to renovate and improve the property and now there are multiple businesses there. In 2019, this body shop opened and he’s been asking the city for 6 years to fix this property. He’s lost contracts for additional properties that he owns because of how this property looks. Any other towing service is required to screen their property. He was required to put up a brick wall to screen his RV storage business. This requirement has not been enforced across the board. He said in February 2025, the city passed

a new ordinance regarding towing services and it requires solid opaque fences for screening purposes.

- **BOARD OF ZONING ADJUSTMENT DISCUSSION**

Ms. Wiseman asked Mr. Hernandez if he lived at the property and he advised that he did not. Mr. Williams noted that they had lots of cars on the property already. Mr. Hernandez said they are trying to stack parked cars that are finished so that the customers can pick them up. More employees will mean more cars get finished and can be picked up quicker. Mr. Williams asked if the plans will have any more details. Mr. Hernandez advised that Civil-Link will be doing the plans for the expansion and they've done projects like his before. Mr. Williams likes that the details would be on the plans. Ms. Cowan offered congratulations on the business growing and asked how the cease and desist would hurt him for the month. Mr. Hernandez said he wanted to ask about that. Ms. Wiseman said in a previous case with a similar situation, they were made to stop working on cars in the driveway as well and it should remain the same. Ms. Cowan said she wants them to understand that they cannot work on cars at all outside of the shop. Mr. Hernandez said he will comply with whatever requirements they impose. Ms. Cowan said she likes that they immediately made progress when this was brought to their attention. Mr. Gray noted that there were a lot of vehicles along the fence and a cargo container full of stuff that shouldn't be there. Mr. Hernandez advised they are keeping materials that are going toward the renovation, and once that's completed, those items would be kept to a minimum. Ms. Cowan asked Mr. Utley to clarify if he was against the plan to build an opaque fence, because that is what the plan is. Mr. Utley said the city is selective in requiring fences. He gave Desoto Collision and Caliber Collision as examples. The current property was done in 2019, before these 2 examples were done. Mr. Williams said he saw Mr. Utley's properties and they are nice. Ms. Wiseman said the plan is to build a nicer facility and this will make the area nicer. Mr. Utley asked what if the applicant doesn't comply. Ms. Wiseman said this will be brought back to the board if there are any violations. Mr. Roman said the reason they are here is to address the violation and potential revocation. He said they are acting in good faith and working with the city to get the property looking better. If the plan is approved, and they don't comply, this can be revoked. Mr. Utley said he wants them to post a bond for 2 times the cost of the improvements that is good for 5 months. Mr. Roman said that the board sets a timeline for improvements to be made and if they are not met, they can revoke. They may not be able to set a financial requirement. Mr. Utley advised it's been done before. Mr. Roman said that wouldn't have been this board. Mr. Gambone said he can provide clarification on some of the issues Mr. Utley has raised. The ordinance in question was dealing with how the Police Department administers towing services. Screening has been a requirement for many years. The original plan in 2019 was approved with a hedgerow in front of the existing chain link fence and along 2 other sides to provide screening. The applicant did not maintain that landscaping. There have been car parts and junk cars that were in violation. Mr. Utley was correct in that there have been issues with the property, and that every time we address it with the applicant, they would make improvements and clean up. However, it would revert back to being in violation. That's why the revocation is on the agenda. We've been out multiple times with code enforcement. Even with a fence, there must be a condition that this does not become a junk yard. There will need to be time limits for improvements. The proposed plan is moving in the right direction, but will be looked at closely. With the parking in the front, it does look worse. Mrs. Butler asked about the bond issue. Mr. Gambone advised that is not under this board's purview, but that establishing those time limits will be. Mr. Williams asked if Mr. Gambone considered this as an auto repair shop or towing service? Mr. Gambone said it's both.

Mr. Williams asked about the parking in the front and whether or not it would need to be screened. Mr. Gambone advised that is something that would have to be discussed, based on what their site plan looks like and what they bring back next month. Mr. Williams said the 2 examples Mr. Utley provided aren't hidden from public view either. Mr. Asongayi wanted to add that before Mr. Utley made the initial complaint, the applicant had already called asking about the process to expand the business and to get the property cleaned up and expanded. They recognized that something needed to change. He said the city cannot take a bond for these improvements, as that only applies to infrastructure. They will work with Civil-Link to have concrete plans to present next month. All details would be available, with a site plan and time schedule based on how big the plan is. If they don't move forward, we can bring this back as a violation. Tabling will give more time to get a more detailed plan together.

- **MOTION**

Mr. Williams made a 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 10, 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 10, 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.

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 – Yes Carl Williams – Yes**

OTHER BUSINESS

ADJOURNMENT

Mr. Gray made a motion to adjourn the meeting at 6:55pm. 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 – Yes Carl Williams – Yes**

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. 10/16/19 BZA Approval
 3. Proposed Site Plan
 4. Demo Plan



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**.

1. BACKGROUND:

On May 15, 2025, the property owner received notification of the violation. On June 05, 2025, the Board of Adjustment considered revocation of the Conditional Use Permit (CUP) for an auto repair shop at 8900 Caroma Street (Application CU19-0013) based on non-compliance with conditions of the CUP. The Board decided to table the item until July 10, 2025, subject to the property and business owners working with an Engineering firm to provide plans and discuss with City staff the improved site plan and its alignment with approval condition of the conditional use permit, namely, that any expansion of the use on the site requires review by the BZA.

On June 18, 2025, Civil Link provided plans and discussed with City staff the improved site plan and its alignment with approval condition of the conditional use permit, namely, that any expansion of the use on the site requires review by the BZA.

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, Updated Site plan depicts 6' opaque fencing around rear storage lot.
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, Updated site plan depicts more landscaping namely hedges around employee and customer parking spaces.
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, New building to be updated with masonry façade.

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 25, 2025, for example, there were no auto parts lying in the parking lot in front of the building.
- (ii) Permanently cease and desist from repairing vehicles outside of the building. Auto repair parts that were littered across the property, outside of the building, have all been removed. Continuous monitoring would be necessary to ensure compliance with this condition.
- (iii) To provide a permanent solution to the above-mentioned problem and as a response 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 (Exhibit 3) are presented here for the Board's consideration in accordance with Condition #5 of the Conditional Use Permit.

4. **ANALYSIS OF PROPOSED EXPANISON:** Attached Exhibit 3 illustrates that all parking and loading areas will be striped to such dimensions as required in the Zoning Ordinance. The plan shows room for cars parked on the property, including cars to be repaired and already repaired vehicles awaiting pickup, to be parked within striped parking stalls. All cars to be repaired and already repaired vehicles awaiting pickup have a dedicated area for parking at the rear of the property. The plan depicts the rear yard being enclosed in an opaque 6ft. high fence. Staff will review a full set of civil site, landscape plans, elevations and a lighting plan. The site plan shows the dumpster on the site moving adjacent to the existing building and less visible from the street. The site demo plan confirms that from the street automobiles and site layout to be more organized and less visible from Caroma St. and Olive Branch City Park.

5. **RECOMMENDED MOTION:**

Staff recommends for the Board's consideration, upon finding that the violation has been cured substantially, and that the proposed expansion meets the criteria for a conditional use permit, approve the proposed expansion subject to the following:

1. All parking and loading stalls/areas must be maintained off-street and be striped to such dimensions as required in the Zoning Ordinance.
2. Add an ADA access aisle and ADA parking space.
3. Any signage shall comply with the requirements of the Sign Ordinance.
4. All cars on the property, including cars to be repaired and already repaired vehicles awaiting pickup, shall be parked within striped parking stalls.
5. There shall be no outdoor storage of materials, including but not limited to junk metal, vehicle parts, and other such materials associated with the conduct of the business.
6. All cars to be repaired and already repaired vehicles awaiting pickup shall be parked at the rear of the property and enclosed in an opaque 6ft. high fence, as depicted on the stie plan and shall not be visible from Caroma Street or Olive Branch City Park.
7. Future expansion of the business shall require reconsideration of the Conditional Use Permit, irrespective of the 20-year validity of current approval.
8. Final Set of civil site, landscape plans, elevations and a lighting plan shall be submitted for administrative review and approval.
9. Any dumpster on the site must be in a brick enclosure and shall meet other stipulations of the Design Review Ordinance of the City of Olive Branch.

10. The applicant shall complete the expansion by July 9, 2026. The Planning Director or designee may extend this time for an additional six (6) months if the site is substantially expanded as depicted on the site plan by this date.

PREPARED BY: Guerrinda J. McCuskey DATE: 7/03/25
CHECKED FOR SUBMISSION TO THE BOARD BY: Aling [Signature] DATE: 7/03/2025
MOTION BY: _____ SECOND BY: _____

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



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



City of Olive Branch

MISSISSIPPI

PLANNING & DEVELOPMENT

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Site Pictures:



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October 16, 2019

Jared Darby
Midsouth Planning
2084 St. Ives Lane
Hernando, MS 38632

REF: Conditional Use to allow towing service and motor vehicle repair located on the north side of Caroma Street and west of HWY 305, known as 8900 Caroma Street.

Dear Mr. Darby:

On Thursday, October 10, 2019, the Board of (Zoning) Adjustment for the City of Olive Branch, Mississippi, reviewed your request as noted above and this is to inform you that the Board of (Zoning) Adjustment for the City of Olive Branch, Mississippi, voted to allow a towing service and motor vehicle repair business on an enlarged Lot 20 of Caroma Commercial & Industrial Park Subdivision for a 20-year period (10/10/2039), subject to the applicant revising the site plan and adherence to the following conditions:

- 1) Applicant to submit revised and expanded plan for site and building improvements, that shall include, but not necessarily be limited to:
 - a. Sidewalk installation.
 - b. Repairing all existing potholes and pavement cracks.
 - c. Striping parking lot.
 - d. Depicting areas for overnight vehicle storage.
 - 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.
 - 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.
- 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.
- 3) Use and Occupancy (U&O) inspection by Building and Fire Inspectors required prior to building occupancy.
- 4) Parking of vehicles on unpaved areas is strictly prohibited and could result in revocation of the CUP.
- 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.

- 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.

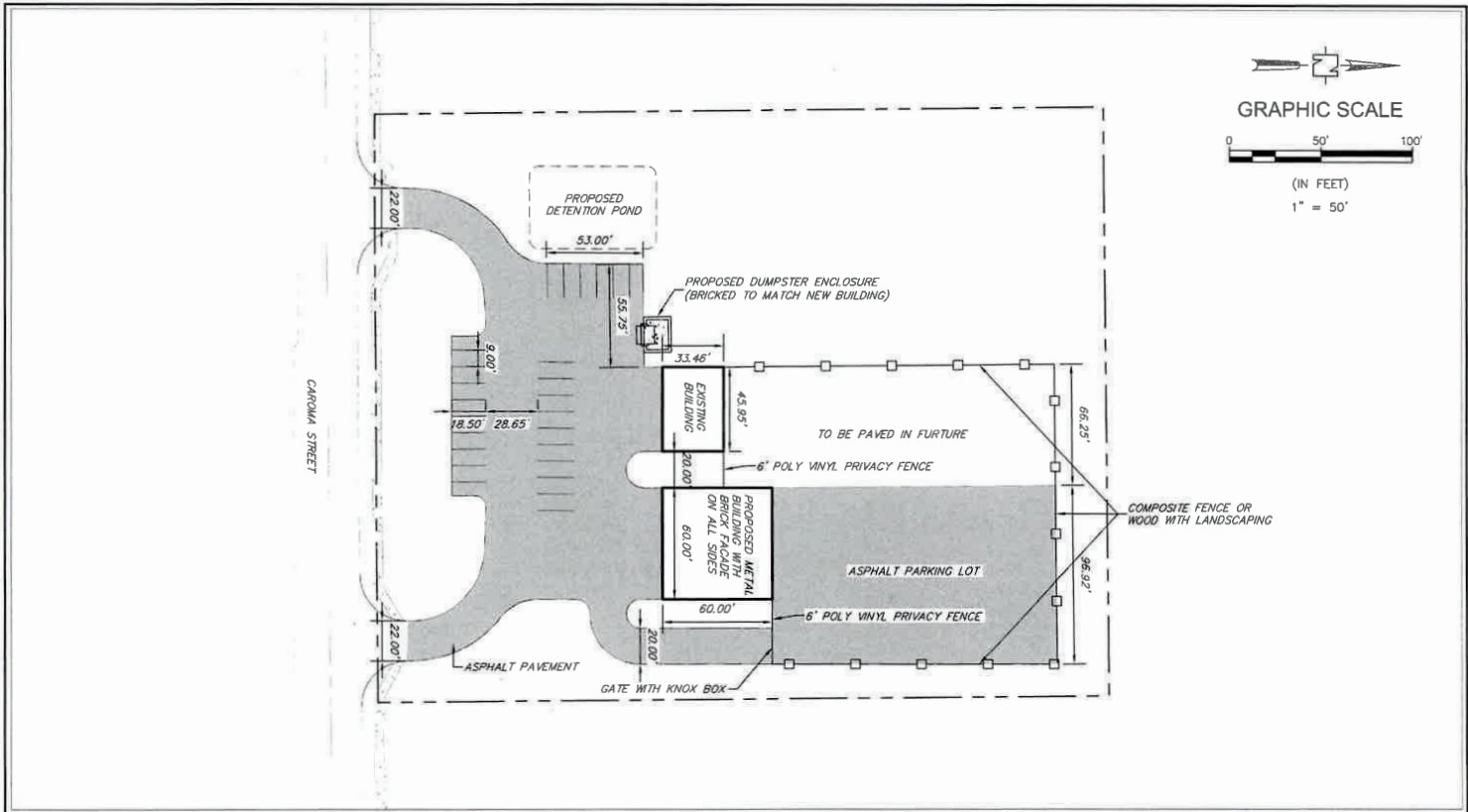
There is an appeal process to the Board of Aldermen. Anyone aggrieved by the decision of the Board of Adjustment on any application, has 10 days to appeal to the Board of Aldermen by filing a letter of appeal with the City Clerk. Until the 10 day appeal period has expired on October 21, 2019, no permits will be granted regarding the approved Conditional Use Permits.

Yours truly,



Jason Gambone, Director
Planning and Development

CC: Diane Hawks Hawks Branch, LLC, Property Owner
B. Epps for Building File
Planning File



SITE LAYOUT SKETCH
8900 CAROMA STREET

SHEET
1 OF 1



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DEMO PLAN SKETCH
8900 CAROMA STREET

SHEET
1 OF 1

REPORT TO THE BOARD OF (ZONING) ADJUSTMENT

CAPTION/SUBJECT: Application for a Zoning Variance, submitted by Jacob Pierce, property owner. The request is to permit an eight-foot privacy fence, which is constructed two feet over the permitted six feet, in the rear yard. The 0.35+/- acre subject property is zoned R-2, Single Family Residential District. It is Lot 64 of Fox Run Subdivision, Sec D, located on the west side of Fox Meadows Dr., approximately 430 feet north of Fox Run Dr, and known as 7405 Fox Meadows Dr.

- EXHIBITS:**
1. Request Letter from Applicant
 2. Aerial View
 3. Topographical Map

BACKGROUND:

The applicant and property owner, Jacob Pierce, request approval to allow a 2' fence height variance to permit an 8'tall portion (rear lot line) of an existing wooden fence located on his property at 7405 Fox Meadow Drive. The fence stands 6' in height along Fox Meadow and transitions to 8' along the side and rear lot line. The applicant claims that due to the elevation of their property and the grade change of the neighboring single-family residence to the west, that a hardship is present, and thus requests a height variance for the fence.

Article VII, Sec.2 (B)(1)(c)(ii)(B) 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 continuation of the 8' high fence in the rear yard, therefore, a height variance is required.



ANALYSIS:

A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the Ordinance would result in an unnecessary and undue hardship. The Board of (Zoning) Adjustment (BZA) may grant a request for a variance upon a finding that:

There are special conditions of the land exceptionally applicable to the property. The hardship is not created by the applicant, and the variance will permit a fair enjoyment of property and not constitute a privilege to the applicant.

The Zoning Ordinance also stipulates 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 Code requires the BZA to make positive findings on each of the following criteria for approval:

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 special condition regarding the subject property is the topography of the western side and rear yard. The applicant claims that their lot is located on a grade in excess of 2' higher than those of the rear abutting property known as Lot 54 Fox Run (Sec. D). If the subject property's fence was constructed at 6', the grade change between the two properties would cause the side yard of the subject



property to have greater visibility and subject the owner to less screen and less privacy. Thus, a 2' height variance for the 6' fence is needed for reasonable privacy from the applicant's property.

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

Staff Finding: The subdivision is of record, and was neither designed nor developed by the applicant. As such, this special circumstance does not result from the actions of the applicant.

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 would require the applicant to lower the height of the fence to 6'. Due to the topography of the rear yard, a 6' high fence would not offer adequate privacy and security in the rear yard of the subject property and the rear yards of Lots 53 and 54 because there is a significant grade change at the rear of the property. A 6' fence would deprive the applicant of privacy that is commonly enjoyed by others within the neighborhood.

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:

There is a fence that exceeds the 6' fence height maximum that is located at 10203 Fox Run in the FOX RUN SEC C Subdivision, which is southward from the subject property. This fence is 8' in height, no other lots within the Fox Run Subdivision or in nearby vicinity contain a fence that is higher than 6'. However, providing the subject property with a 2' height variance for an 8' tall rear fence would not confer the applicant with any special privilege as there are no other nearby properties conditioned the same as the subject property.

RECOMMENDATION: Based on finding that a hardship does exist resulting from the sloping topography of the subject property, that the special circumstances are not a result of the applicant, that the variance will permit a fair enjoyment of property and not constitute a privilege to the applicant, and that all of the criteria have been met, approve the 2' height variance to allow the continuation of an existing 8' high fence at the rear yard setback of the property at 7405 Fox Meadows Dr.

PREPARED BY: Jennish L. McCook DATE: 7/3/25
 CHECKED FOR SUBMISSION BY: Asong DATE: 7/3/2025
 MOTION BY: _____ SECOND BY: _____

VOTE	BERKLEY	HEUN	BUTLER	GRAY	ROMAN	WILLIAMS	WISEMAN
YES	_____	_____	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____	_____	_____

Jacob & Amy Pierce
7405 Fox Meadow Dr
Olive Branch, MS 38654

Date: 5/29/2025

To Whom It May Concern,

We hope this letter finds you well. We are writing to formally request approval from the City of Olive Branch to increase the height of our existing fence from 6 feet to 8 feet at our residence located at 7405 Fox Meadow Drive.

We have several reasons for making this request:

1. **Privacy Concerns:** We recently removed two large, dying trees from our backyard that previously provided a natural privacy barrier. Without them, our yard has become significantly more exposed.
2. **Safety for Our Child:** Our young daughter enjoys playing outdoors, especially on her swing set. A taller fence would help us feel more secure about her safety while she is outside.
3. **Elevated Lot:** Our property sits atop a hill, which results in our backyard being more visible to neighbors whose homes are positioned at a lower elevation. Even with a standard 6-foot fence, there is limited privacy.
4. **Neighborhood Support:** We have spoken with several of our surrounding neighbors regarding our desire to raise the height of the fence. They have expressed understanding and support for our plans.

Granting this variance would not confer a special privilege because the physical constraints of our property are shared by other lots in this district, and the zoning ordinance does not account for those unique circumstances. We are not seeking to exceed the intent of the zoning laws, but to reasonably use our property in a way that aligns with how others in the neighborhood are using theirs.

We are committed to maintaining the aesthetic and integrity of our neighborhood and will ensure that any modifications are done professionally and in accordance with city guidelines.

Thank you for your time and consideration. We are happy to provide any additional information or documentation if needed and look forward to your response.

Sincerely,
Jacob & Amy Pierce
7405 Fox Meadow Dr
Olive Branch, MS 38654
901-494-8137
jcobpierce12@gmail.com

