



Agenda
City of Olive Branch
Board of Zoning Adjustment Meeting
6:00 PM
December 11, 2025

Call to Order:

Roll Call:

The Appeal Process

Approval of Minutes:

1. Minutes from Meeting of November 13, 2025.

Old Business:

1. Application for a Conditional Use Permit, submitted by Bob Farley, Farley Surveying, LLC, on behalf of Donny Oxner, property owner. The request is to extend the validity timeline and expand the scope of the existing Conditional Use Permit for Sergio's Auto Repair. The expansion involves the creation of a parking area to the northeast of the property. The 2.7+/-acre subject property is zoned M-2, Heavy Industrial District, and is located on the east side of Hwy 178, directly across from Maywood Dr, known as 8220 Hwy 178. (File # CU25-0006) (Tabled to this date at meeting of October 9, 2025.) (Withdrawn by applicant).

New Business:

1. Application for a Zoning Variance, submitted by Kevin Williams, Drake Waterfowl, on behalf of property owner Brian Chapman. The request is to allow the construction of an 8-foot fence, which is five feet over the permitted three feet. The 1.17+/-acre subject property is zoned C-2, Highway Commercial District, and is located at the southwest corner of Dixie Dr and Maygan Dr, known as 7279 Maygan Dr. (File # VR-25-0011).



City of Olive Branch

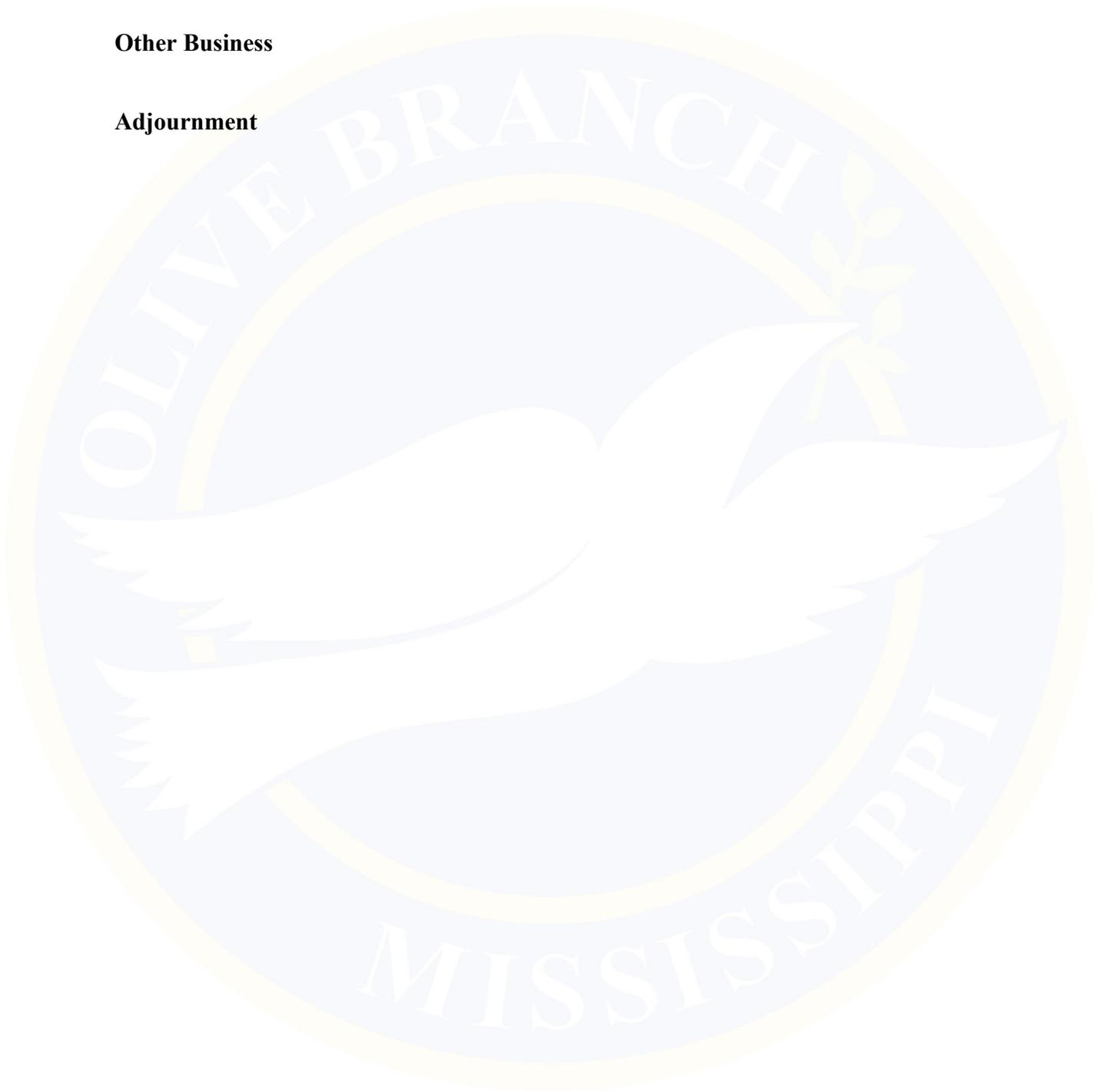
PLANNING & DEVELOPMENT

MISSISSIPPI

9200 Pigeon Roost Road, Olive Branch, MS 38654
Planning 662.892.9334 | Building 662.892.9333
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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 NOVEMBER 13, 2025**

The Olive Branch Board of Adjustment meeting was held on Thursday, November 13, 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, McKeever Heun, Aretha Wiseman, Darrel Berkley, Jackie Butler and Carl Williams were present, and a quorum was established. Venard Asongayi, Director, Kevin Norman, Senior Planner, Jeremiah McCroskey, Associate 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 OCTOBER 9, 2025 MEETING

Mr. Roman asked if anyone had any questions, comments or motions regarding the minutes of the October 9, 2025 meeting. **Carl Williams made a motion to approve the minutes. Jackie Butler made the second and the motion was approved as follows:**

**William Gray – Yes McKeever Heun - Yes Aretha Wiseman – Yes
Ted Roman – Yes Jackie Butler – Yes Darrel Berkley – Yes Carl Williams – Yes**

OLD BUSINESS

Mr. Roman noted that there was a videographer present who would be videotaping the first 2 items for the applicant.

1. Application for a Conditional Use Permit, submitted by Sam Gassiot, Pan American Engineers, on behalf of Murphy Oil USA, property owner. The request is to establish a convenience store with fuel pumps at this location. The 1.20+/- acre subject property is zoned PUD, Planned Unit Development. The subject property is located at the northwest corner of Hacks Cross Rd and Hwy 302, Holiday Crossing Section A 1st Rev, Lot 1, known as 7015 Hacks Cross Rd. (File # CU25-0005) (**Tabled to this date at Meeting of October 9, 2025.**)

• **APPLICATION SUMMARY**

Sam Gassiot, Pan American Engineers, acting on behalf of the property owner, The MDR Cove Trust, requests approval of a conditional use permit (CUP) for a convenience store with fuel pumps (6 fueling islands / 12 fueling positions) on Lot 1 of the Holiday Crossing, Sec. A, 1st Revision Subdivision, known as 7015 Hacks Cross Rd (see Exhibit 1 for Applicant’s Request/Explanation Letter). The site is the current location of a Hardee’s restaurant. Murphy Oil USA intends to acquire the property, demolish the existing restaurant building, and construct on the parcel a Murphy convenience store with fuel pumps.

The property is in the C-3 Zoning Subdistrict of the Holiday Crossing Planned Unit Development District. The rezoning request creating this district was approved by the Desoto County Board of Supervisors on October 5, 1988. The uses applicable to this C-3 Subdistrict were as provided in the Desoto County Zoning Ordinance adopted and effective from January 5, 1983, which included “Gas pumps as an accessory use to a convenience store.”

The City of Olive Branch annexed the property, and as such placed it under its zoning jurisdiction, in 1990. Since then, the property has not been rezoned.

On December 17, 2024, the Board of Aldermen amended the Zoning Ordinance of the City of Olive Branch by adopting specific regulations regarding the permitted districts, the location criteria, the design specifications, and the approval of convenience store with fuel pumps in the City of Olive Branch. The regulations stipulated that in planned development districts with project text in which convenience stores, fuel pumps, or truck stops are listed whether as permitted or as conditional use(s), “any such use may only be allowed as a conditional use, subject to the locational criteria and design specifications herein and all other general requirements for a conditional use permit”. (Art. V, Sec. 16 (A)(4) of the Zoning Ordinance of the City of Olive Branch).

- **STAFF PRESENTATION**

- Director, Venard Asongayi, presented the staff report, which is included herein by reference (File #CU25-0005).

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

- None

- **PUBLIC HEARING**

- **Proponents:**

- Shea Scott, attorney, 1200 Wood Duck Cove, Oxford, MS- He provided a packet of materials as part of the record. A C-Store was approved as a permitted use at this location in 1988 in Desoto County. It was annexed in 1990 and the permitted use was continued by Olive Branch. In 2022, the Olive Branch Board of Aldermen approved an update to the ordinance regarding C-Stores for Commercial uses and in 2024 it was amended again for any property in a PUD to change the procedure to require a Conditional Use Permit. He said the staff report is thorough for location and design criteria. General criteria is where that differs. He said there is no adverse change to the character of the neighborhood. This fits with the Comp Plan 2040.
 - Sam Gasiott, Pan American Engineers, 1717 Jackson Street, Alexandria, LA – he said this meets all design criteria and fits the Conditional Use Permit requirements. The applicant does want to address some points. He said this does not affect the character of the neighborhood. They will increase green space to 43%. There is no light disturbance. The gas station ¼ mile away did not have to meet these requirements. When the application was originally submitted in September, they were advised to file a Conditional Use Permit for canopy placement. They asked staff for advice and staff recommended rotating the site plan. Now, we have to have a variance because of that rotation, for a distance of 6 steps. 6 steps do not affect the character of the neighborhood. He said traffic service Levels C & D are acceptable. The difference between Level C & D is 25 seconds. The only location

that is D is the location in front of Walgreens. 3 seconds pushed it from C to D. Out of 16 studies, 15 advised C Level and only 1 advised D level and the difference was between 24 to 28 second wait time. The turn lane issue recommendation is volume at 45 MPH. That's the threshold at peak traffic. He said no one is driving 45 MPH through that intersection. There is no right turn lane from this location north to Stateline Rd. Hardee's is leaving regardless. Anything that comes in after them will have the same analysis. They request the Board approve staff recommendation Option 2.

- Steven Oliver, Murphy Oil, 200 E Peach St, El Dorado, AR – Their sites have positive crime prevention. They have an existing site here in Olive Branch and they have had 3 thefts in the last 24 months and no violent crime at all. They install state of the art camera systems and work directly with the police department. They will make this intersection safer.

- **Opponents:**

- Nicole Pounders, 10435 Kristin Dr, Olive Branch, MS – she said the traffic study is only done on 1 day, but she drives it twice daily.
- Cody Lucas, 7153 Hacks Cross Rd, Olive Branch, MS – she works at Tobacco Plus behind this location. Traffic is horrible. She's seen traffic get worse as more gets built. It's hard enough for her to get out to leave at the end of the day.
- John Doe (inaudible)- works right down the street, there are too many gas stations here already
- Riley (no last name given) 10176 Fox Chase Dr, Olive Branch, MS – there are 4-5 gas stations already close to this one. Litter will increase and traffic will be worse. Accidents at this intersection are usually major.
- Victor Todd, 10015 Stateline Rd, Olive Branch, MS – works at another gas station in the area. He knows the other owners of other gas stations in the area. Murphy is known for having cheaper gas and that will draw more people. On October 9, 2021 there was a fatality, how many more people have died here?
- Angelica Landbury, 6795 Blocker St, Olive Branch, MS – she has lived here for 5 years and takes Hacks and 302 every day. She said if you don't drive it, you won't get the concern already. A gas station makes it worse. Crime is a problem and when you are sitting in traffic that long, it becomes a scary situation.
- Tim Smith, 8854 Courtly Cir S, Olive Branch, MS – he works on Hacks and traffic is already bad.

- **REBUTTAL to opposition**

Mr. Gasiott said there has to be proof that there is not a substantial increase in issues. We brought facts and the public brought opinions. This is not a truck stop. The only reason for a Conditional Use Permit is because it's a gas station. Mr. Scott said they have already provided crime stats for the last few years that show the lack of crimes. There is no evidence to suggest that gas station increases crime. Our site will be well lit to deter crime and will have 24/7 camera surveillance.

- **BOARD OF ZONING ADJUSTMENT DISCUSSION**

Mr. Williams asked about the trees shown on layout #2 on the packet they provided. They aren't showing on the variance application and report. Mr. Gasiott said they can slide the layout to save some of the trees or add more trees on the back end. Mr. Scott agreed with Mr. Gasiott. Mrs. Butler asked if that meant the encroachment would be less? The applicant advised it would be less. Mr. Heun asked if that meant instead of 25 feet, it would be maybe 23 feet. Mr. Gasiott said it would be more like 21 feet. Mr.

Heun asked if they would be willing to add something to disguise the fact that they will be closer to the road? He is concerned about this setting a precedent.

Mr. Gasiott said they could rotate back to the original layout and they would be out of the setback, but the canopy would be between the building and the road. He said the board could waive that requirement. Mr. Scott said the right of way is much wider there than most other intersections. Yes, it encroaches on the setback, but because of how wide the right of way is, it's not as noticeable. Mr. Gasiott said they have proposed more landscaping here than any of the other local businesses. Mr. Scott said they can add even more, if it helps. He said none of the buildings along Goodman are uniform. The setbacks and building lines are not the same.

Mr. Williams said that Hardees' was at 85 feet from the right of way. This layout is 23 feet. Mr. Gasiott said that Hardees measured from the parking lot. We are measuring from the building and we are sliding it 5 feet north.

Mrs. Butler asked if the traffic study considered rain in their study. Water pools and stands on the sides on Hacks Cross when it rains and people use the interior lanes rather than all of them. Mr. Gasiott said rain is not typically a factor when conducting a traffic study, but that rain would help traffic numbers.

Ms. Wiseman said she has lived on Hacks Cross for years. To say that service level C or D is not that bad, is not realistic if you live here. If you are in that traffic daily, it is that bad. She would say it's probably closer to an E or an F. You cannot turn left. Without a turn lane, you won't be able to turn into the property. Mr. Gasiott said this is rushed traffic study because the city asked for it, and the full one doesn't change the numbers. Ms. Wiseman said that Hardee's doesn't have a lot of business and at peak traffic time they aren't even open.

Mr. Gasiott said that traffic would be worse for Hardee's because they are a destination. Gas stations are passerby traffic collectors. Ms. Wiseman said we don't have the second traffic study to see if the numbers match. Mr. Gasiott said they had rushed the traffic study, and a revised version could be provided. He added the Board could approve the application, subject to receiving the new traffic study.

Mr. Scott said the only access point that changed from C to D was the one at Walgreens and only a difference of 3 seconds and it was at 1 of 16 access points. He said that the building set at 6 steps closer to the road is not adversely affecting the character of the neighborhood.

Mr. Scott said the 50 foot setback is only for gas stations and from the fuel canopy. We wouldn't need it for the building, but for the canopy. He further asserted that in the City's Zoning Ordinance, there are no setback requirements in the C-3 District, except when the lot adjoins residential districts. Mr. Roman asked staff for clarification regarding the setback and the ordinance. Mr. Asongayi advised he would clarify at the end of the public hearing.

Mr. Heun asked if there was any thought on the right turn lane. He said the intersection of Hacks & Hwy 302 is busier than Stateline & Hacks. Would a turn lane improve traffic from D to a C? Mr. Scott said that was not studied and the D is only at the Walgreens intersection across the street from this location. Mr. Gasiott said he's not from here, but

he's been told the traffic is worse to the north. Mr. Heun said that there is the airport and a school to the north. That is not the same kind of traffic. Mr. Gasiott said this intersection is C now and will stay C. Ms. Wiseman said the Tennessee side of that Stateline and Hacks intersection is a 2 lane road vs our 5 lane road. That is why the traffic there seems to be worse.

Mr. Williams asked why the intersection in front of Walgreen's is a D and the intersection in front of this site is a C. Mr. Roman also mentioned most people go to the next light on Hacks before they turn left. Mrs. Butler asked how many customers they were expecting. Mr. Oliver said about 700-900 people daily. She asked how many do they think that Hardees has when they close at 5pm. Mr. Scott said the traffic study took that into consideration. Mr. Williams said that 3 seconds difference is 10%. He thinks it will be higher than that. Mr. Scott said the language of the ordinance significantly impairs the use of properties.

Regarding the character of the area, they have to determine if the Conditional Use Permit dominates the area to the point where it impairs surrounding uses. Mr. Asongayi wanted to clarify a few points. He said the setbacks in all zoning districts in the City are regulated through the "Chart of Regulations" in the Zoning Ordinance. There, the front yard setback requirement in the C-3 District is 50 feet. He added that no building in a C3 Zoning District has a zero setback.

Mr. Asongayi informed the Board that the applicant asked for this application to be continued twice so they could get the traffic study completed. Also they could have provided it at the time of application. Hacks Cross is not under MDOT control, but Hwy 302 is. MDOT will not approve a driveway onto Hwy 302. A gas station is a traffic captor and this one would encourage left turns on Hacks Cross Rd. The level of service is taken into consideration in conjunction with other factors. He said in layout #2 shows the trees inside the building. It looks deceptive. Staff took measures from the fence and the existing trees are within 26 feet. The initial drawing showed the right location of the trees relative to the proposed building.

Mr. Asongayi noted that the Zoning ordinance says the location of the building affects character. None of these buildings in a ½ mile distance along Goodman Rd as shown on a slide he presented are less than 50 feet from a Goodman Road property line. If you move them all to 26 feet, it would look very different. He said there is a green space at the corner. Walgreens has the same green space and they built at 79 feet, but that's for the variance discussion, not the Conditional Use Permit. The setback is more of a variance issue and will be discussed at the next application.

Mr. Williams said the traffic is the bigger issue for him. Ms. Wiseman said you'd have to wait for someone to let you out of this exit to access Hacks. The left turn lane is very short. Mrs. Butler said the fire station down the street could be impacted by any additional traffic issues. Ms. Wiseman said there are issues turning right onto Goodman. Mr. Roman said the front of the building to the property line is 26 feet. Hardees is at 85 feet. Ms. Wiseman expressed concern about setting precedent for an unwarranted Variance regarding character of the area. Mr. Gray said the lot is really almost too small for this project. Mrs. Butler said there will still be more parent and kid traffic that will go to the light to turn instead. Mr. Gray said that the citizens have safety concerns. Ms. Wiseman said the applicant doesn't want to invest in a right turn lane. Mr. Williams said he has great

respect for Murphy and thinks crime is less here; but this is a different type of area than where the current location is on Davidson Rd.

- **MOTION**

Mr. Williams made a motion, upon the Board of Adjustment’s finding that ALL criteria have not been met, to deny the request for a conditional use permit for a convenience store with fuel pumps at the northwest corner of the intersection of Goodman Rd and Hacks Cross Rd, precisely at 7015 Hacks Cross Rd. These findings include:

- (i) **Adverse Impact on Character of Area:** The proposed location of the principal building, barely 26ft from Goodman Rd, is too close to this highway compared to other commercial buildings in the area that are all at least 50 feet away from this road in conformity with required setbacks. This building placement would be odd, and as such adversely impact the character of the area.
- (ii) **Traffic Safety:** Transportation safety conditions at the main driveway into the convenience store with fuel pumps would be worsened. The level of service will deteriorate from C to D. While this change may be acceptable in urban conditions, the property is located in an area that already suffers from high accident incidences. Thus, this worsening of the level of service to a capacity condition that is marked by “severe restrictions on a driver’s ability to maneuver, with poor levels of comfort and convenience” has a remarkable potential to further endanger public safety.
- (iii) **Traffic Safety:** The preliminary traffic study showed that at the posted and legally permitted speed limit of 45 mph at the intersection of Hacks Cross Rd and Holiday Crossing, a right turn lane is warranted. The proposed development, however, does not provide this lane for reasons that prioritize private cost saving above public safety interest, fail to recognize the relationship between existing driveways in the area (Wendy’s/KFC) and the locational appropriateness of the proposed development, de-emphasizes traffic problems at PM peak hour that should rather be concerning, and minimizes the right of drivers to drive up to the legal, posted speed limit of 45mph at the location as road conditions may sometimes allow.

Mr. Berkley made the second and the motion to deny was approved as follows:

William Gray – Yes McKeever Heun - Yes Aretha Wiseman – Yes
Ted Roman – Yes Jackie Butler – Yes Darrel Berkley – Yes Carl Williams – Yes

NEW BUSINESS

1. Application for a Zoning Variance, submitted by Sam Gassiot, Pan American Engineers, on behalf of The MDR Cove Trust, property owner. The request is to encroach 23.35 feet into the 50 foot building setback line along Goodman Rd for a convenience store with fuel pumps. The 1.20+/- acre subject property is zoned PUD, Planned Unit Development. The subject property is located at the northwest corner of Hacks Cross Rd and Hwy 302, Holiday Crossing Section A 1st Rev, Lot 1, known as 7015 Hacks Cross Rd. (File # VR25-0010).

- **APPLICATION SUMMARY**

Sam Gassiot, Pan American Engineers, acting on behalf of the property owner, The MDR Cove Trust, requests approval of a zoning variance to permit a building for a convenience store with fuel pumps to encroach 23.35 ft into the 50 ft front building setback

line along Goodman Rd (Hwy 302) on the property at 7015 Hacks Cross Rd (see Exhibit 1 for Applicant's Request Letter). The site is the current location of a Hardee's restaurant (see Exhibit 2 for Aerial View). Murphy Oil USA intends to acquire the property, demolish the existing restaurant building, and construct a Murphy convenience store with fuel pumps (see Exhibit 3 for proposed site plan) on the parcel. The property is in the C-3 Zoning Subdistrict of the Holiday Crossing Planned Development, which requires a front yard building setback of 50ft.

Initially, Pan American Engineers had drawn a site plan with the principal structure meeting setback requirements. However, in this design, the fuel canopy was in the front yard – precisely between the building and Hacks Cross Rd (see Exhibit 4). Planning staff called Mr. Gassiot's attention to a design requirement for convenience store with fuel pumps stipulated in Art. V., Sec. 16 (C)(2) of the Zoning Ordinance of the City of Olive Branch, namely, "The site shall be designed so that any fueling pumps and associated canopies are not located between the front façade of the building and the street with a minimum front setback for a fuel canopy façade of fifty (50) feet." The Board of Adjustment has the authority to "waive this provision . . . if the applicant can demonstrate its enforcement would adversely affect traffic and/or on-site circulation or result in the placement of fuel pumps and associated canopies close to residentially zoned areas or protected properties." The applicant has not requested such waiver from the Board of Adjustment; he has redesigned the site plan with the back of the 2,824sq ft building facing Goodman Rd and the fuel canopy located between the principal structure and the private access drive to the north of the site. While the location of the canopy meets design criteria, the building encroaches 23.35 ft into the 50ft front yard setback along Hwy 302 as shown in Figure 2 below. The applicant, therefore, requests a principal building front yard setback variance of 23.35 ft. This will allow the building to be located only 26.65 feet from the lot's front property line with Hwy 302.

- **STAFF PRESENTATION**

Director, Venard Asongayi, presented the staff report, which is included herein by reference (File #VR25-0010).

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

Mr. Roman asked if there were any issues with state regulations or MDOT concerning encroaching onto Hwy 302. Mr. Asongayi said that would only concern driveways, which is not applicable here.

- **PUBLIC HEARING**

- **Proponents:**

- Shea Scott, attorney, 1200 Wood Duck Cove, Oxford, MS – he said reading the ordinance, legally, the variance is not required. Footnote 6 refers to residential districts. This does not abut a residential district. The canopy setback is met. Otherwise, this is contradictory. The only reason the applicant is here is because the city made him rotate the building. We've been talking about this since March, and there has been no discussion about rotating until just a few months ago. The trees will stay there and you won't see the building because the trees will block it. The size and shape of the lot is unique and also we were asked to rotate the layout. These are not Murphy Oil's requests, but the city's. It was due to the city's actions, not ours. This will deprive the applicant because no one else has had to rotate the layout and will deprive us our rights. Gas stations are being treated differently than other businesses. Not conferring any special privilege- any other gas station would

be made to do this. The distance is confusing and different numbers have different meanings. What should matter is how far from the road because that is what is seen. They believe the proper course of action would be to grant and approve the variance. The concern is that no one wants any development on that lot at all.

- **Opponents:**
 - None

- **BOARD OF ZONING ADJUSTMENT DISCUSSION**

Mr. Williams said the chart footnote 6 is 2 sentences. The second being: "No building shall be located nearer than 50 feet to a road right-of-way." The first sentence would mean a different setback. Ms. Wiseman said there is no prejudice on gas stations. It's more the fact that you had to rotate the building to comply with the city ordinance. Mr. Scott said they do and they did until December of 2024 when it all changed. Ms. Wiseman said the same thing happens in home building. Those plans and regulations change to. That's where the selection of lots comes in. A restaurant that moves in here may not need a Variance. Mr. Scott advised that was his point; a restaurant wouldn't need a Variance or a Conditional Use Permit either and it would never come before this board. Ms. Wiseman said it's not because it's a gas station, but because of the location you chose for this gas station. The fire hydrant may be closer to where you want to move the building. Mr. Heun said it won't impede the hydrant at all and Mr. Scott agreed. Mrs. Butler said existing properties are grandfathered in when ordinances change. These are just new rules that need to be complied with. Mr. Scott said they absolutely want to comply. Mr. Scott asked whether they should just rotate the site back to the original layout and ask for a waiver for the canopy placement? Mr. Heun said the lot is just too small for this plan.

Mr. Heun asked why the applicant was asked to rotate the layout. Mr. Gasiott said because after the ordinance change of December 2024, the canopy could no longer abut the road. He said the old Director said everything was fine, but the new Director said it must be rotated. All the original building lines were out of the setback. One down the street was not approved until March and they don't have to comply. We would relocate all the utilities on the property. Mr. Scott said that if you agree no Variance is required, then the decision for the Conditional Use Permit would be appealed.

Mr. Heun said that if we grant a 25' Variance today, then it has the potential of being used against us next month with a different application. It sets a precedent. Mr. Scott said the unique nature of this lot would prevent any duplication. That's why the Variance is appropriate. Mr. Gasiott said if this application was denied, and we rotated back out of the setbacks, could a waiver be granted for the canopy? Mr. Heun said that's a different application and a different due diligence.

Mr. Asongayi wanted to clarify a few points. At the first pre-application meeting with Murphy in March or April 2025, Mr. McCroskey brought up the layout of the building and that it would need to be rotated, because the regulations passed in December 2024 were in effect at that time. There was also a conversation that a rezoning would be required. Staff did a lot of research on that and determined that it wasn't necessary after all. The plans for the gas station at Goodman and Old Goodman were approved in 2022. It took a long time to build it, but it was approved before the regulations changed. Permitted uses get changed to conditional uses in the code for a multitude of reasons. Those changes go through the Board of Aldermen to be approved. He said the issue with the 50 foot setback is the way RM. Scott printed the Chart of Regulations- with headings misaligned.

The Chart of Regulations clearly specify that a 50' front yard setback is required in the C-3 zoning district, which applies to this lot.

Mr. Roman said rotation is required, and the encroachment is a lot. Mr. Asongayi said that if Murphy provided a site plan without providing a 50 foot setback and staff did not approve it, and if they chose to fight that, it would be a Zoning Administrative Appeal and would still be heard by this Board, but would be a different application. Mr. Roman said that Walgreen's also had the corner with the wide right of way and did not ask for a structural location variance. Mr. Heun said it's just too small of a lot.

- **MOTION**

Mr. Heun made a motion to deny the request for a building setback variance at 7015 Hacks Cross Rd upon a finding by the Board of Adjustment that the variance criteria have not been met because:

- a. **The location of the property as a corner lot is not unique compared to the location of other convenience stores with fuel pumps in the City of Olive Branch, similarly in planned development districts, designed with fuel canopies not located between the front façade of the building and the public street as is the case, for example, with an approved prospective gas station at the intersection of Ross Rd and Church Rd.**
- b. **The shape of the property does not pose an unnecessary hardship because it is generally regular. The location of the building as shown on the site plan is not affected by an angular "indent" at the southwest corner of the lot.**
- c. **The claimed small size nature of the property is based strictly on the elective choice of the applicant (and Murphy Oil USA) to attempt using a particular piece of property of a specific size for a convenience store with fuel pumps. By such personal elective choice, the applicant imposes upon himself the hardship that the size of the lot, being unfit for the development design, presents.**
- d. **The applicant has not submitted substantial evidence, and as such has not met the burden of proof justifying that the provisions of the Zoning Ordinance would deprive the applicant of any rights, which are identified as commonly enjoyed by other properties in the same zone or district under the terms of the Ordinance. A restaurant currently stands on the property; as such, the right to use the lot for commercial purposes is not denied by the Zoning Ordinance. Other uses permitted by right in the zoning district of the parcel can also be constructed on the lot in compliance with the stipulations of the zoning ordinance – as such, without need for a variance.**
- e. **The applicant has not submitted substantial evidence, and as such has not met the burden of proof justifying how granting the variance will not confer on the applicant any special privilege that is denied by the Zoning Ordinance to other lands, structures, or buildings in the same zone or district. Other property owners such as that of the Willow Bend Neighborhood Market Planned Development have elected to use corner lots that are larger than 1.2 acres to design convenience stores with fuel pump canopies that are not located between the front façade of the building and the street, and without need for setback variances from major roads.**
- f. **Over two-thirds of the building footprint will stand inside the regulatory setback with its rear facing Goodman Rd, and existing trees that could buffer the building from**

Hwy 302 cut down to place the structure at the corner of an intersection that is a principal gateway node in the City. This is contrary to the aesthetic intent terms of the Zoning Ordinance.

- g. All existing commercial principal buildings similarly located north of Goodman Rd in the vicinity of the property are no less than 50ft from the right-of-way line of Goodman Rd and were constructed without front building setback variances from this highway. Therefore, granting the requested variance to allow a principal building that would be only 26.65ft from Goodman Rd would confer on the applicant a privilege to position a building significantly closer to Goodman Rd than buildings on other lands similarly located, and such placement would remarkably mar the character of the area.
- h. Permitting the building to encroach 23.35 feet into the 50 feet building setback along Goodman Rd, which is a major highway in the City, would produce not a minor departure from the requirements of the Ordinance, but rather, a 46.7% reduction in the required setback.
- i. The election to use a particular piece of property that is unfit in size regarding the necessary elements and required design for convenience stores with fuel pumps at the northwest corner of the intersection of Hacks Cross Rd and Goodman Rd, an intersection with high traffic volumes, is based on the personal convenience and economic benefits of the applicant and potential gas station developer. The Zoning Ordinance stipulates that mere convenience and the potential for economic gain on the part of the applicant cannot be considered a sufficient basis for granting a variance.

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

William Gray – Yes McKeever Heun - Yes Aretha Wiseman – Yes
Ted Roman – Yes Jackie Butler – Yes Darrel Berkley – Yes Carl Williams – Yes

Mr. Roman called for a break at 8:51pm to give the videographer time to break down their equipment.

Mr. Roman reopened the meeting at 9:05pm.

- 2. Application for a Conditional Use Permit, submitted by Greg Russell, Civil Source, on behalf of Scott Lawhorn, Shirley Holmes Properties, property owner. The request is to allow the outside storage and distribution of natural gas and natural gas tanks at this location. The 10.40 +/- acre subject property is zoned C-2, Highway Commercial District, and is located on the west side of Frontage Rd and just north of Exchange Dr, known as 8281B Frontage Rd. (File # CU25-0007)

- **APPLICATION SUMMARY**

This application seeks approval of a 10-years Conditional Use Permit (CUP) to allow the outside storage and distribution of natural gas and natural gas tanks on a 1.5+/- acres parcel. The property contains a 3200 +/- sq. ft building and is located within a larger 10.13 +/- acres developed tract of land on the west side of Frontage Road and northwest of Craft Road, near the Craft Road/US Hwy 78 interchange.

- **STAFF PRESENTATION**

Associate Planner, Jeremiah McCroskey, presented the staff report, which is included herein by reference (File #CU25-0007).

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

None

- **PUBLIC HEARING**

- **Proponents:**

- Greg Russell, 2696 Dawnwood Cir N, Southaven, MS – he advised this is a simple application. The existing property floods and they are looking for a new location. They meet all the conditions and meet all fire codes. There are mature trees in a 75 foot buffer and there is not a direct shot from the property to the houses that are beyond the buffer.

- **Opponents:**

- Linda & Walter Thetford, 6610 Hummingbird Cove, Olive Branch, SM – provided written letter of opposition. They are concerned about potential for any explosions or accidents. She referenced an accident in Texas that caused extensive damage back in the 2000's.

- **BOARD OF ZONING ADJUSTMENT DISCUSSION**

Mr. McCroskey stated there are 1184 feet between the corner of the subject property and the edge of the opponent's property. Mr. Roman asked if the larger tanks are for residential services and they advised yes. He asked if they had any issue screening them from view. Mr. Russell said that all storage would be behind the building and you won't see anything from the road. There is a large growth of mature trees that will help block. This will be well buffered. Mr. Gray said it's a good fit; it's hidden by other building and trees. Heavy industrial uses are all through that area. Mrs. Butler asked if anyone researched the accident mentioned in the letter. Mr. McCroskey advised it was in the 2000's and the citizen didn't know if it was the same type of gas or if it was a gas well in Texas. Mr. Russell said he hasn't seen the letter, but accidents do happen in every industry. However they take every precaution to prevent that. Mr. Gray mentioned they are in close proximity to the fire station. Mr. Russell said they've been in business here for many years and there has never been an accident. Mrs. Butler said she googled the accident and said it was at a Blue Rhino facility and that OSHA ruled it an accident. Mr. Heun asked about the 2 residences that back up to the subject 10 acre property. Mr. Russell said that's where the heavy tree cover is.

- **MOTION**

Mr. Gray made a motion, based on the Board of Adjustment's finding that all requirements have been met, to approve a Conditional Use Permit to allow the outside storage and distribution of natural gas and natural gas tanks on a 1.5+/- acre developed tract of land on the west side of Frontage Road and northwest of Craft Road, near the Craft Road/US Hwy 78 interchange, known as 8281B Frontage Rd. for a period of ten (10) years subject to the following conditions:

1. **No materials stored outdoors shall be visible from Frontage Rd.**
2. **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.**
3. **It shall be the responsibility of the developer to extend all utilities to service the development.**

4. Any future expansion of the development would require approval by the Board of Adjustment.
5. Site plans must be submitted and approved by the Olive Branch Fire Department Fire Prevention Division before any construction or tank placement may begin.
6. Site plan must include dimensions and distance of property lines, buildings, access roads, access road widths, location of the tanks, impact protection, emergency disconnect switches, extinguisher placement, fire hydrants, and location of Fire Protection Systems if applicable.
7. Plans must conform to 2018 IFC 6101.3.
8. Container locations in 2018 IFC 6104.3 should be used to determine separation distances for different size containers.
9. 2018 IFC 6108.1: Fire Protection shall be provided for installations having LP-gas storage containers with a water capacity of more than 4,000 gallons as required by section 6.29 of NFPA 58.
10. 2018 IFC 507.5.1: A fire hydrant must be located on a fire apparatus access road within 400 ft of the farthest exterior point of the building.
11. This list is not all inclusive. The property/facility must comply with all currently adopted codes as well as all referenced NFPA standards.

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

William Gray – Yes McKeever Heun - Yes Aretha Wiseman – Yes
 Ted Roman – Yes Jackie Butler – Yes Darrel Berkley – Yes Carl Williams – Yes

3. Application for a Zoning Variance, submitted by David and Ashlyn Lemley, property owners. The request is to permit an eight-foot privacy fence, which is proposed to be two feet over the permitted six feet, in the rear yard. The 0.22+/- acre subject property is zoned R-3, Planned Residential District. It is Lot 104 of Alexander Crossing Subdivision, Phase 3, 1st Rev, located at the southwest corner of Crape Myrtle Dr. and Maple Grove Rd, and known as 7279 Maple Grove Rd. (VR25-0009).

- **APPLICATION SUMMARY**

David and Ashlyn Lemley, property owners, request a 2' fence height variance to permit an 8'tall fence at the rear of the lot at 7279 Maple Grove Rd. The variance is requested on a topography basis.

- **STAFF PRESENTATION**

Associate Planner, Jeremiah McCroskey, presented the staff report, which is included herein by reference (File #VR25-0009).

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

None

- **PUBLIC HEARING**

- **Proponents:**

- Ashlyn Lemley- 7279 Maple Grove Rd, Olive Branch, MS- she had nothing to add

- **Opponents:**

- None

- **BOARD OF ZONING ADJUSTMENT DISCUSSION**

Mrs. Butler asked if this will be back to back with the existing fence on the other side of the property line. Mrs. Lemley advised the neighbor built the original one and this

will be 2 separate fences, but you won't be able to see that from the side. They are trying to narrow any gap and get as close as they can depending on the size of the posts. But they will leave a gap at the bottom to be able to maintain grass and weeds.

- **MOTION**

Mr. Berkley made a motion, 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, to approve the 2' height variance to allow the continuation of an existing 8' high fence at the rear yard lot line of the property at 7279 Maple Grove Rd.

- (1) **A fence permit shall be obtained before erection of the fence.**

Mrs. Butler made the second and the motion was approved as follows:

**William Gray – Yes McKeever Heun - Yes Aretha Wiseman – Yes
Ted Roman – Yes Jackie Butler – Yes Darrel Berkley – Yes Carl Williams – Yes**

4. Application for a Conditional Use Permit, submitted by Chance Walker, Smith-Walker Engineering & Surveying, on behalf of property owner Southern Pipe & Supply Co, Inc. The request is to allow outside storage of pipe materials at this location. The 5.77+/-acre subject property is zoned M-1, Light Industrial District, and is located on the east side of Industrial Dr, approximately 335 feet from the end of the road, known as Lot 45 Craft Road Industrial Park Subd Sec I, 8472 Industrial Dr. (File # CU25-0008).

- **APPLICATION SUMMARY**

Chance Walker, P.E., on behalf of Southern Pipe & Supply, Inc., property owner, requests approval of a conditional use permit for outdoor storage of pipe material at 8472 Industrial Dr. upon Lot 45, Craft Road Industrial Park, Section "I" at the northeast quadrant of the terminus of Industrial Dr. The applicant has submitted a site development plan that includes a ±0.90 ac fenced-in gravel laydown storage area with 20 ft wide asphalt access drives. The applicant has proposed a 6 ft. high screening fence composed of white vinyl to screen the front of the storage area, with a 6 ft. chain-link fence enclosing the rear of the storage area. A landscape plan has also been submitted that screens the front and complies with the landscape ordinance.

- **STAFF PRESENTATION**

Senior Planner, Kevin Norman, presented the staff report, which is included herein by reference (File #CU25-0008).

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

None

- **PUBLIC HEARING**

- **Proponents:**

- Chance Walker, Smith-Walker Engineering 8180 Airways Blvd, Southaven, MS 38671 – He had nothing to add to the report.

- **Opponents:**

- None

- **BOARD OF ZONING ADJUSTMENT DISCUSSION**

None

- **MOTION**

Ms. Wiseman made a motion, based on the Board of Adjustment's finding that all requirements have been met, to approve a Conditional Use Permit for a "contractor's yard or storage, outdoor" on Lot 45 of Craft Road Industrial Park Subdivision, Section I, known as 8472 Industrial Dr, for a period of 20 years subject to the following conditions:

1. All materials stored outdoors must be fully screened in length, width, and height from view from Industrial Dr, using a composite fence.
2. The use of compacted limestone is only permitted in material storage areas. All drive isles and parking areas within the storage area must be paved.
3. A full set of civil and landscaping plans shall be provided to City Staff for administrative approval. The landscape plan must provide screening along Industrial Dr as the Director of Development Services or designee shall find satisfactory.
4. Any future expansion of the development would require approval by the Board of Adjustment.
5. All materials stored outdoors must meet requirements of the Fire Code.

Mrs. Butler made the second and the motion was approved as follows:

William Gray – Yes McKeever Heun - Yes Aretha Wiseman – Yes
Ted Roman – Yes Jackie Butler – Yes Darrel Berkley – Yes Carl Williams – Yes

OTHER BUSINESS

ADJOURNMENT

Mrs. Butler made a motion to adjourn the meeting at 9:53pm. Mr. Williams made the second and the motion was approved as follows:

William Gray – Yes McKeever Heun - 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: Application for a Zoning Variance, submitted by Kevin Williams, Drake Waterfowl, on behalf of property owner Brian Chapman. The request is to allow the construction of an 8-foot fence, which is five feet over the permitted three feet. The 1.17+/-acre subject property is zoned C-2, Highway Commercial District, and is located at the southwest corner of Dixie Dr and Maygan Dr, known as 7279 Maygan Dr.

- EXHIBITS:**
1. Request Letter from Applicant
 2. Aerial View
 3. Topographical Map
 4. Fence Permit FE25-0149

EXECUTIVE SUMMARY: The applicant Kevin Williams, Drake Waterfowl, on behalf of property owner Brian Chapman, seeks a 5’ fence height variance to permit an existing 8’ wooden fence located on the property at 7279 Maygan Dr. The property is zoned C-2, Highway Commercial District. The applicant claims that due to the grade change of the yard, an 8’ fence would provide the desired privacy and screening that would not be possible with a 6’ fence.



The height of fences for commercial districts such as C-2 is “as required in residential districts” (Article VII, Sec.2 (B)(1)(d)(iii) of the Zoning Ordinance) The subject property fronts on both Dixie Drive and Maygan Drive, which are the frontages of the lot. The fence is erected on the property lines with the

streets-as such, in the regulatory front yard of the subject lot. Article VII, Sec.2 (B)(ii) (A) of the Zoning Ordinance stipulates that *“No fence, wall or hedge shall be erected, constructed or maintained within the required front yard of any lot in excess of three (3) feet in height.”* A 5’ fence height variance, therefore, is required to legalize and permit the continuation of the existing 8’ high fence.

BACKGROUND:

The applicant is retroactively requesting a + 5’ fence height variance to permit a newly constructed wooden fence located directly west of 7282 Maygan Drive (across the street from Drake Waterfowl Retail Store). Mr. Williams claims that the 8’ fence allows for proper screening of the property in front of the Drake Waterfowl retail store. The applicant received a fence permit on October 20, 2025 indicating the fence would be 6’ tall and located at 7279 Maygan Drive. However, an 8’ fence was erected.



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 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.*



Applicant's Response: The applicant has submitted a letter, stating that the 8' tall fence is due to the proximity of car storage yard and the retail business. The letter describes how these circumstances combine to create a situation of blight.

Staff Finding: The special condition regarding the subject property is the topography of the area. There is a significant grade change that exists between the west and east side of Maygan Drive in which the retail store is at a lower grade. Because of this a 5' height variance for the existing 8' fence is needed for reasonable screening. The elevation of the property along Maygan Drive extends from 384 ft. at the Dixie Dr. to Maygan Dr. intersection to 377 ft. southward. The property becomes visible from Maygan Dr. at a higher elevation of about 389 ft., which is 5 ft. above the intersection. A taller fence, therefore is necessary for screening from the road.

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

Applicant's Response: The applicant list the special conditions as the public street and car storage area with defined boundaries as being present when property was purchased.

Staff Finding: The surrounding topographic condition of the lot as described above was not created by the



applicant. Rather it is natural.

- 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.*

Applicant's Response: According to the applicant's letter, the view is undesirable and not adequately screened for an appealing street scape.

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 3'. This height would not offer adequate screening.

- 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.*

Applicant's Response: According to the applicant's letter, "Approving this variance will only serve to make this lot equally appealing compared to other lots along Maygan Drive".

Staff Finding: Providing the subject property with an 8' tall fence would not confer the applicant with any special privilege as there are no other nearby properties conditioned the same as the subject property with a fence in the front yard for screening purposes. Thus, granting the 5' height variance on the subject property would not confer any special privilege denied to other buildings in the surrounding neighborhood.

RECOMMENDATION: Based on finding that a hardship does exist resulting from the sloping topography of the subject property, that this condition is natural, 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 5' height variance to allow the continuation of an existing 8' high fence at the front yard setback of the property at 7279 Maygan Dr., subject to the following:

- 1) Plant at least six decorative evergreen trees (minimum 2.5" caliper) on the outside of the fence along Maygan Dr. and sufficiently water-in the plantings as may be necessary to ensure they take root. This planting should be completed by April 30, 2026.

PREPARED BY: *James S. McCubey* DATE: 12/05/2025
 CHECKED FOR SUBMISSION BY: *Asong* DATE: 12/5/2025

MOTION BY: _____ SECOND BY: _____

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

Drake Waterfowl

7282 Maygan Dr.

Variance Request for 8 foot fence

We are requesting a variance for an 8 foot tall fence to screen a storage/used car lot across from the entrance of the new Drake Store. The current zoning allows for a 6 foot tall fence. A 6 foot tall fence will not adequately screen the undesirable view of this the lot. The zoning surrounding the subject property does allow for 8 foot tall fence. Our goal is to create an appealing street scape for customers of The Drake Store as well as the other businesses on Maygan Dr.

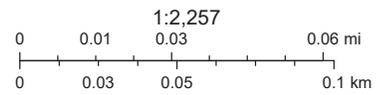
Thank you for your consideration.

EXHIBIT 2 AERIAL MAP



12/5/2025, 1:57:49 PM

- | | | | |
|----------------|---------------------------|---------------|--------------|
| PointAddresses | Tax Parcels | Roads | Local Road |
| County Outline | <all other values> | Interstate | Private Road |
| Municipalities | PRELIMINARY 2024 LANDROLL | US Highway | Ramp |
| | PRELIMINARY 2025 LANDROLL | State Highway | IH |



Sources: Esri, Vantor, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyreisen, Rijkswaterstaat, GSA, Geoland,

City of Olive Branch

Disclaimer: The City of Olive Branch, its employees, agents and personnel, MAKES NO WARRANTY OF MERCHANTABILITY OR WARRANTY FOR FITNESS OF USE FOR A PARTICULAR PURPOSE, OR ANY OTHER WARRANTY WHETHER EXPRESS OR





C2 ✓



FENCE / WALL PERMIT APPLICATION

RECEIPT#: H135840
CHECK#: 312
CASH: _____

PERMIT # FE25-0149

SUBDIVISION: _____ LOT#: _____

JOB SITE ADDRESS: 7279 Maygan Dr.

OWNER / CONTRACTOR: Trademark Construction

OWNER / CONTRACTOR ADDRESS: 6928 Cobblestone Blvd, Ste 201 Southaven Ms

OWNER / CONTRACTOR PHONE(S)#: 901-335-3670 E-MAIL: mark@trademconstruction

DATE FENCE / WALL WILL BE CONSTRUCTED: 10-20-25

FENCE / WALL CONSTRUCTION MATERIAL: Treated Pine with cap & fascia FENCE / WALL HEIGHT: 6'

RESIDENTIAL FENCE / WALL (FLAT FEE) \$35.00 _____

COMMERCIAL / INDUSTRIAL FENCE / WALL (FLAT FEE) \$50.00 51.00

RECORDING FEE \$1.00 _____

TOTAL FEES DUE 51.00

DESCRIBED WORK LISTED ON THE PERMIT APPLICATION IS TRUE AND CORRECT. THE REPRESENTATION HEREIN MADE MAY BE REVOKED AT ANY TIME, WITHOUT VIOLATION OF THE CITY OF OLIVE BRANCH ORDINANCE THAT REGULATE FENCES /

EARLY: Trademark Construction LLC Mark Utley J

MJ Hall DATE: 10-20-25

DATE: _____

Yellow sticky note:
Mon Oct 20, 2025
Mark Utley
applies for
a Variance
(Htg Dec 11, 2025)
for 8' but applies 6' in
meantime

CALL 811 BEFORE YOU DIG



FENCE / WALL CONSTRUCTION REGULATIONS

I, THE UNDERSIGNED UNDERSTAND THAT I HAVE ONLY MADE AN APPLICATION FOR A FENCE / WALL PERMIT TO BE CONSTRUCT A FENCE / WALL ON THE JOB SITE LISTED BELOW AND THAT NO WORK MAY BEGIN UNTIL, THIS PERMIT APPLICATION HAS BEEN REVIEWED AND APPROVED BY THE CITY OF OLIVE BRANCH BUILDING DEPARTMENT.

LISTED BELOW ARE THE STEPS NEEDED TO GET A FENCE / WALL PERMIT APPLICATION APPROVED:

1. A SITE INSPECTION BY THE CITY OF OLIVE BRANCH BUILDING DEPARTMENT MAY BE NEEDED AND APPROVED BEFORE THIS PERMIT CAN BE ISSUED.
2. IF A SITE INSPECTION IS NEEDED, THE OWNER / CONTRACTOR SHALL HAVE THE LOCATON OF THE FENCE / WALL MARKED WITH FLAGS, STAKES OR PAINTED ON THE GROUND.
3. AFTER THE SITE INSPECTION HAS BEEN COMPLETED AND APPROVED AND THE FENCE / WALL PERMIT APPLICATION HAS BEEN REVIEWED AND APPROVED. YOU WILL BE NOTIFIED THAT YOUR FENCE / WALL PERMIT CAN BE ISSUED. AT THIS TIME WORK MAY BEGIN.
4. IF AFTER THE SITE INSPECTION AND FENCE / WALL PERMIT APPLICATION REVIEW HAS BEEN COMPLETED AND WE CAN NOT APPROVE YOUR FENCE / WALL PERMIT APPLICATION, YOU WILL BE NOTIFIED OF THE REASON(S) THAT WE COULD NOT APPROVE YOUR FENCE / WALL PERMIT APPLICATION. WHEN YOU HAVE ADDRESSED AND CORRECTED THE REASON(S) THAT WE GAVE YOU FOR NOT APPROVING YOUR FENCE / WALL PERMIT APPLICATION, WE WILL THEN BE ABLE TO ISSUE THE FENCE / WALL PERMIT.

NOTE: NO WORK MAY BEGIN UNTIL THE ABOVE REQUIREMENTS HAVE BEEN COMPLETED AND APPROVED

I, THE UNDERSIGNED HAVE READ AND UNDERSTAND THESE REQUIREMENTS AND REGULATIONS THAT THE CITY OF OLIVE BRANCH HAS IN PLACE TO REGULATE FENCE / WALL CONSTRUCTION. I AGREE TO COMPLY WITH ALL OF THESE REQUIREMENTS AND REGULATIONS, AS IT APPLIES TO THE ZONING DISTRICT IN WHICH I WILL BE CONSTRUCTING A FENCE / WALL.

JOB SITE ADDRESS: _____

SUBDIVISION: _____ LOT#: _____

OWNER / CONTRACTOR SIGNATURE: Paul Hill DATE: 10-20-25

Decorative Fences and Walls:

Decorative fences and walls taller than three (3) feet in height, but not taller than six (6) feet in height, may be located within the front yard setback area of the subject property, subject to approval by the Board of Adjustment as a conditional use. Such decorative fences and walls shall meet the following requirements:

1. Such fences or walls shall not be located closer than ten (10) feet to the street frontage property line.
2. The primary purpose of the fence or wall shall be aesthetic, and not as a barrier.
3. All vertical supports shall be securely anchored so that they cannot be moved out of position.
4. All columns and imbedded vertical supports shall not be closer or further apart than six (6) feet.
5. All exposed steel and chain used in construction shall be preserved against rust and corrosion.
6. All visible elements of the fence or wall shall be treated or painted to be compatible with its surroundings.
7. Recommended materials include: brick, decorative masonry, natural and decorative stone, and masonry with a stucco finish. Treated wood may be used, but only in those instances where the wood is finished to prevent rot and discoloration. In no case shall wire, steel mesh, chain-link, or wire fencing of any kind be used in any manner as a part of a decorative fence or wall.

CALL 811 BEFORE YOU DIG

City of Olive Branch Fence Regulations

C2

Standard Fence Regulations

1. Orientation:

The finished, good, or attractive side of the fence shall face the adjoining street(s).

2. Height:

No fence, wall, or hedge shall be constructed or altered to exceed six (6) feet in height, except as may be indicated in the specific district regulations below, or as may be approved by the Board of Adjustment as a variance, in light of the topography or other unique characteristics of the property.

3. Storm Water Drainage:

In no case shall a fence, wall, or hedge be erected or placed so as to divert or impede the natural flow of storm water drainage, or block a storm water catch basin, culvert, outlet pipe or other storm water structures. A one (1) to two (2) inch space should be left at the bottom of your fence or wall in the areas that are designed for storm water drainage. If this is not done you will cause storm water to backup and pond on your property and the property of your neighbor(s).

Fences located in "A" Agricultural and the "AR" Agricultural/Residential Zoning District:

1. Agricultural Uses: When used in conjunction with an approved farming operation electrical fences, barbed wire, welded wire, and single strand steel fences are allowed.
2. All other Uses: As required in the Residential Zoning Districts.
3. Prohibited Materials: Canvas, cloth, and other impermanent materials, and corrugated metal, metal plates, plastic or plexi-glass materials
4. Location of Fence: When used in conjunction with an approved farming operation, electrified fences, barbed wire, welded wire, single strand steel and other similar fence types customarily used for the containment of livestock may be located at all property lines. Decorative fences and walls, and such other fences not an integral part of the farming operation shall meet the same location requirements of the Residential Zoning Districts.
5. Height of Fence: As required if the Residential Zoning Districts.

Fences located in Residential Zoning Districts (R-1, R-2, R-3, and R-4)

1. **Materials:** Fences shall be constructed of masonry, durable wood, a combination of masonry and durable wood, chain-link, or pre-assembled fences constructed of PVC material. No fence shall be constructed of or contain canvas, cloth, or other impermanent material, corrugated metal, metal plates, plastic or plexi-glass, barbed wire, or single strand wire.
2. **Construction:** The finished, good, or attractive side of the fence shall face the adjoining street, unless the appearance of the fence structure is the same on both sides, in order to create a uniform appearance along the streetscape. For fences other than chain-link, the fence shall be so constructed that the horizontal and vertical support post are hidden from public view.
3. **Location: Front Yard**- No fence, wall, or hedge shall be erected, constructed, or maintained within the required front yard of any lot in excess of three (3) feet in height.

Exception: On corner lots, a fence not exceeding six (6) feet in height enclosing the rear yard of the residence may encroach into the front yard setback on the side of of the principal residence providing:

- a. The residence to the immediate rear if the subject property does not face the same street towards which the proposed fence will be extended.
- b. The fence is setback a minimum of at least ten (10) feet from the street frontage property line.
- c. The location, design, or materials of the fence do not create a traffic visibility hazard as determined by the City staff.
- d. The proposed fence will not extend forward on the front corner of the principal building on the lot.

Rear Yard: Fences, walls, or hedges may be erected at the property line within the rear yard of all lots, including the designated rear yard of a double-frontage or reverse-frontage lot.

Side Yard: Fences, walls, or hedges may be erected at the property line within the non-street facing side yard area of all lots, provided that such fences, walls, or hedges do not extend forward of the front corners of the principal building on the lot.

4. **Height:**
 - A. Fences, walls, or hedges erected within front yard setback areas of a lot shall not exceed three (3) feet in height.
 - B. Fences, walls, or hedges erected in the side and rear yard setback areas of a lot shall not exceed six (6) feet in height.
 - C. Fences, walls, or hedges surrounding tennis courts shall be constructed of chain-link and shall not exceed twelve (12) feet in height.

Fences located in Commercial Zoning Districts: (O, C-1, C-2, C-3, C-4, and C-5)

1. Manner of Construction:

A. Materials: As required in residential zoning districts.

Exception: In C-1, C-2, C-3, C-4, and C-5 commercial zoning districts where retail sales of cars, trucks, motor homes, travel trailers, boats, tractors, and/or equipment are normally stored outside of the principal building within the front yard area of the lot, bollard and pipe rail fences may be used provided they do not exceed three (3) feet in height.

B. Construction: As required in the Residential Zoning Districts. However, to the extent that chain-link fencing is proposed for use, it shall be limited to vinyl-coated chain-link only.

C. Location: As required in Residential Zoning Districts

D. Height: As required in Residential Zoning Districts

Fences located in Industrial Zoning Districts: (M-1, M-2, and M-3)

1. Manner of Construction: For all commercial and industrial uses fences shall conform to the requirements for commercial districts. However, to the extent that a chain-link fencing is proposed for use, it shall be limited to vinyl-coated chain-link only.

2. Location: For all commercial and industrial uses fences shall conform to the requirements for commercial districts, however, for industrial uses only, fences over three (3) feet in height may be allowed within the required front yard setback area of the lot, providing the fence is constructed of chain-link, and does not exceed height limitations of this district.

3. Height: As required in the commercial districts, however, for industrial uses only, fences over three (3) feet in height, but not more than eight (8) feet in height, may be located within the front yard setback area of the property, provided that it is constructed of masonry, a decorative metal such as wrought iron, aluminum simulated wrought iron, or the like, or a combination of masonry and decorative metal and is located a minimum of ten (10) feet behind curb line of street. The maximum height of the fence shall be limited to six (6) feet in height if vinyl-coated chain-link fencing is used or if barbed or razor wire, not to exceeding two (2) feet in height, will be placed at the top of the fence for security purposes.