



Agenda
City of Olive Branch
Board of Zoning Adjustment Meeting
6:00 PM
February 12, 2026

Call to Order:

Roll Call:

The Appeal Process

Approval of Minutes:

1. Minutes from the Meeting of December 11, 2025

Old Business:

New Business:

1. Application for a Zoning Variance, submitted by Nicholas Nanos, property owner. The request is to permit a 25-foot encroachment into the 50-foot front setback in order to install a privacy fence. The 1.46+/- acre subject property is zoned A-R, Agricultural-Residential District, and is located at the northeast corner of Hummingbird Dr and Bluebird Ln, known as 7790 Hummingbird Dr. (File # VR-26-0001).
2. Application for a Conditional Use Permit, submitted by Darius Totten, on behalf of property owner, Bobby Depriest. The request is to establish an auto repair shop at 8749 MWC Rd for a period of 2 years. The 0.68+/-acre subject property is zoned C-2, Highway Commercial District, and is located on the west side of MWC Rd, approximately 330 feet from the end of the road. (File # CU-26-0001).

Other Business



City of Olive Branch

PLANNING & DEVELOPMENT

MISSISSIPPI

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

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 DECEMBER 11, 2025**

The Olive Branch Board of Adjustment meeting was held on Thursday, December 11, 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, 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 NOVEMBER 13, 2025 MEETING

Mr. Roman asked if anyone had any questions, comments or motions regarding the minutes of the November 13, 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

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).

Mr. Roman announced Item Number 1 and noted the application was withdrawn and no action was needed.

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).

- **APPLICATION 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.

- **STAFF PRESENTATION**

Associate Planner, Jeremiah McCroskey, presented the staff report, which is included herein by reference (File # VR-25-0011).

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

Mrs. Butler asked who owned both the lots. Mr. McCroskey advised that Brian Chapman owns Honda and Mr. Williams owns Drake. He advised they have an agreement and will have an agreement on trees. Mrs. Butler asked if an 8-foot fence impair the view from the 4 way stop sign. Mr. McCroskey said he's not a traffic expert, but he doesn't see any issues with site visibility.

- **PUBLIC HEARING**

- **Proponents:**

- Kevin Williams, 7282 Maygan Dr, Olive Branch, MS – He had nothing to add. He said they've been there for 10 years and this is the first and only retail store.

- **Opponents:**

- None

- **BOARD OF ZONING ADJUSTMENT DISCUSSION**

None

- **MOTION**

Mr. Williams made a motion, 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, to 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.**

Mr. Gray 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

Mr. Asongayi noted there was another item for review, mainly to be on the record. The Zoning Code doesn't list all possible uses for all the zoning districts. The presentation for this item is to explain the scope of the proposed Die Cast Aluminum Products and to see how the Board feels. They can hear the presentation and make a determination as to whether this can move forward as a permitted use, or if the applicant would need to apply for a Conditional Use Permit.

Mr. David Henderson, 10777 High Point Rd made the presentation to the Board. He noted there were some similarities to Ornamental Ironworks; both heat up metal, use dies to shape it and form molten aluminum or steel. There is grinding afterwards but you are not having to eat up and separate the aluminum out. Blocks of aluminum already exist and those are melted down and injected into the die. The die itself is considered cold. Compared to existing uses in the area of where they are looking to move into.

They have been asked about noise concerns, but the building is well insulated and has 10 inch thick concrete walls. Mr. Henderson advised the noise produced is very similar to sheet metal uses. He said the peak sound is 128 decibels, inside the building. Mr. Roman asked if any gases would be released during the process. Mr. Henderson advised there were not. The spray for the release agent is a mist and is collected.

Mr. Roman asked if water is constantly being fed in. Mr. Henderson said it depends on the part. He said some have water more often, and with others, the water doesn't come into contact with the material, just the die itself. Ms. Wiseman asked if it would only be aluminum. Mr. Henderson said yes, and only specific alloys, 94-95% aluminum. Mr. Roman asked what type of products they would produce. Mr. Henderson said it's mainly LED lighting products and circuit board assembly. Die cast aluminum is how the housings are made. Mr. Williams asked if they would package the complete product and Mr. Henderson advised that was correct.

Mrs. Butler said he had mentioned recycled water during his presentation. She asked if this was the water that would be run through the die. Mr. Henderson advised that was correct. Mrs. Butler asked if the cooling water remained uncontaminated and Mr. Henderson advised that was correct. Mr. Asongayi asked when it refers to "Disposed to approved industrial sewer," was the city sewer sufficient or is there another one you would have to dispose of to. Mr. Henderson this is safe to be disposed of in the city sewer system.

Mr. Heun asked if there were any exhaust issues. Mr. Henderson said there is some exhaust with natural gas only, nothing to affect any neighbors. Mr. Heun asked how far the peak decibels would travel out? Mr. Henderson said they would be contained within the building. He said there are no restrictions in M1 or M2 for sound. Mr. Asongayi advised the noise ordinance is different than the zoning ordinance. If noise is an issue for the neighbors, then this can be considered a Conditional Use Permit. He advised that there is a gray area within the code and that's why it is being brought to the attention of this Board. M-1's permitted uses allows multiple uses that seem to generate a lot of issues with noise. In M-2, Conditional Use Permit cover metal and metal products if smelting or refining or alloy work. Refining, smelting or alloy making isn't expressly addressed.

Mr. Asongayi suggests maybe allowing for 6 months to see if there are any issues then circling back to the Board. Mr. Asongayi gave an example that 150 decibels is the equivalent of a private jet taking off. Mr. Heun said that is almost double what the FHA would allow. Mr. Henderson said the noise output is very similar to the 2 existing businesses out there. Mr. Asongayi pointed out that even businesses can complain about the noise. Mr. Gray asked what the hours of operation would be. Mr. Henderson said that he didn't have that information yet. It would start at 1 shift and it depends on the amount of work. Initially, he predicted 7AM to 3:30PM or so. Mr. Gray asked about the number of employees. Mr. Henderson advised it would be 35-50 initially.

Mr. Asongayi asked the Board think this is okay to be considered a Permitted use, because the proposed company is within their due diligence period. Mr. Roman said he didn't see any issues. Mr. Williams said the impact extrusion already exists in the area. Mr. Asongayi asked if that meant the Board's opinion that a Conditional Use Permit is not needed. Mr. Williams said it doesn't seem to be any issue. Mrs. Butler said any violation would come to the city as a violation through Code Enforcement. Mr. Roman and Ms. Wiseman wanted to make sure that any of the water released into the sewer contained no pollutants or contaminants. Mr. Henderson advised there were not.

Mr. Williams made a motion that the Board's position is that based upon current knowledge, this type of use would be appropriate in this industrial area without having to obtain a Conditional Use Permit. Mr. Heun 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**

Mr. Asongayi advised that Murphy had appealed the Board's decision regarding the Conditional Use Permit and asked for a waiver of the requirement to put the pumps in the rear. It will be considered by the Board of Aldermen on December 16. The question has come up whether the Board of Adjustment members can address the Board of Aldermen at it's public hearing. This case will be heard "de novo" and will basically start fresh. The Board of Zoning Adjustment's minutes will be included in the report to the Board of Aldermen for the appeal. Nothing prohibits this Board's members from reaching out to the Board of Aldermen, but it's a gray area. He would advise not to. He said you can come in as a private citizen at a public hearing. But appearance would always be questionable as you are a sitting member of this Board. You can certainly come watch the public hearing.

ADJOURNMENT

Mrs. Butler made a motion to adjourn the meeting at 7:16pm. 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 Nicholas Nanos, property owner. The request is to permit a 25-foot encroachment into the 50-foot front setback in order to install a 6 ft high privacy fence. The 1.46+/- acre subject property is zoned A-R, Agricultural-Residential District, and is located at the northeast corner of Hummingbird Dr and Bluebird Ln, known as 7790 Hummingbird Dr.

- EXHIBITS:**
- 1) Aerial Map
 - 2) Applicant Fence Plan
 - 3) Applicant’s Criteria Response

EXECUTIVE SUMMARY: The property owner, Nicholas Nanos, requests a variance to allow construction of a six-foot-high privacy fence within the required fifty-foot front yard setback. The proposed fence would be located twenty-five (25) feet from the front property line. Article VII, Section 2(B)(c)(ii)(A) of the Zoning Ordinance limits fences within the front yard to a maximum height of three (3) feet. Accordingly, the applicant seeks both a twenty-five-foot front yard encroachment variance and a +3 ft fence height variance for the a six-foot-high fence.



Figure 1: Sketch Plan for Fence Construction at 7790 Hummingbird

BACKGROUND: Nicholas Nanos, property owner, request a 25’ encroachment into the 50’ front setback in order to install a 6’ privacy fence, which is 3’ higher than the permitted 3’ high fences in the front yard of residential lots in the A-R District. The encroachment area is for the front yard along Blue Bird Lane. The variances are requested on location as a corner lot and topography bases.

ANALYSIS: The Board of (Zoning) Adjustment (BZA) may grant a request for a variance upon a finding that the peculiar conditions of the land or lot pose an undue hardship to a property owner, and would hinder him/her from enjoying the use of his/her property in a similar way to other property owners within the same general area. The City’s regulations further stipulate 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. Staff findings are discussed below under the criteria listed in *italicized* format:

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 requested setback variance is needed to allow a 3’ height variance to construct a 6’ fence arises from unique topographical condition that affect the subject property. The applicant states further that the hillside being elevated along Blue Bird Lane creates an atypical sightline into the residence.

Staff Finding: As shown in Map 1, the subject property is uniquely affected by area topography. A significant grade change exists along Blue Bird Lane, with the applicant’s home situated at a lower elevation. Because of this condition, a setback variance is required to allow a three-foot height increase, enabling construction of a six-foot fence for effective screening. Elevations along Blue Bird Lane range from approximately 365 feet at the hill crest near the Hummingbird intersection to 355 feet westward. The residence is visible from the roadway at the higher elevation, approximately ten feet above the intersection, making a taller fence necessary to provide reasonable screening from the street. The location of the property as a corner lot imposes two 50’ yard setbacks on both adjoining streets. The enforcement of these setbacks would significantly reduce the useable area of the lot behind the fence. Thus, the 25’ encroachment into the front yard may be warranted.



Map 1: Topography of area

approximately ten feet above the intersection, making a taller fence necessary to provide reasonable screening from the street. The location of the property as a corner lot imposes two 50’ yard setbacks on both adjoining streets. The enforcement of these setbacks would significantly reduce the useable area of the lot behind the fence. Thus, the 25’ encroachment into the front yard may be warranted.

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

Applicant’s Response: The applicant avows, that the condition is inherit to the location and natural grade. It is not self-created, and the residence and its placement predate the applicant’s ownership.

Staff Finding: The surrounding topographic condition of the lot as described above was not created by the applicant. The location of the lot as a corner lot was also not created by 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.*

Applicant's Response: The applicant avows, that the interpretation of the ordinance without consideration of the unique topographical conditions would deprive them of reasonable residential privacy.

Staff Finding: The Zoning Ordinance in Article VII, Sec. 2(B)(c)(ii)(A)(2) permits that a 6ft high fence enclosing the rear yard of a residence on a corner lot that backs up to another corner lot "may encroach into the front yard setback on the side of the principal residence providing," among other conditions, that "the fence is setback a minimum of at least ten (10) feet from the street frontage property line." The only reason this provision does not apply to the subject property is that it does not back up to another corner lot. However, this provision implies that a 6ft high fence located at least 25ft in the front yard of a corner lot is not an improper development practice in the City of Olive Branch.

For security purposes, a fence located within the regulatory front yard setback was approved by the Board of Zoning Appeals for the property at 6520 Curbo Lane on November 11, 2020. Additional nearby properties located at 6134 Curbo Lane, 6108 Curbo Lane, and 6105 Curbo Lane are zoned within the same district as the subject property. While these neighboring homes do not require similar fencing accommodations, they are set back from the roadway by approximately 180 feet due to the presence of wet-weather conveyance channels located primarily within their front yards. Increased distance from the roadway inherently enhances privacy and security, as the residences are less visible and less accessible from the street. It can be asserted that the home on the subject property, being closer to the road, needs a taller fence to provide for privacy and safety comparable to other houses in the neighborhood. It can be further argued that to deny the applicant the encroachment variance of 25' to allow a 6' high fence, would be to deny the right to the reasonably safe enjoyment of their private property.

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: The applicant states in the provided letter that he is only seeking the variance to allow reasonable use and enjoyment of the property.

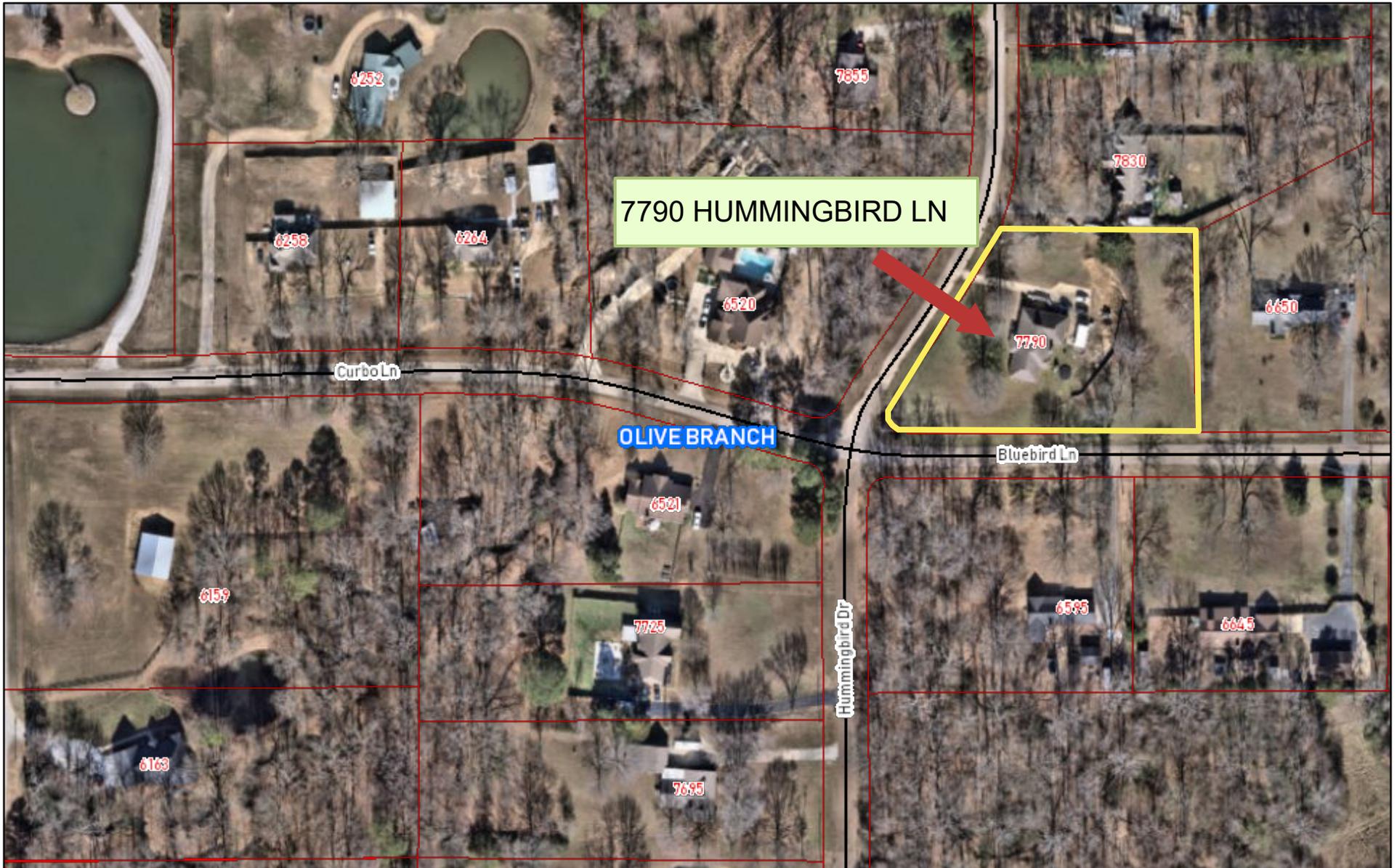
Staff Finding: Granting the variance would be consistent with prior approvals in the area and would not provide the applicant with a special privilege. A similar property at 6520 Curbo Lane was granted a variance to allow a fence to be located ten feet from the Curbo Lane property line.

RECOMMENDED MOTION: Based on finding that a hardship exists and all the criteria have been met, approve the request to permit a 25 ft. encroachment into the 50-foot front setback in order to install a 6 ft high privacy fence on the property located at the northeast corner of Hummingbird Dr and Bluebird Ln, known as 7790 Hummingbird Dr.

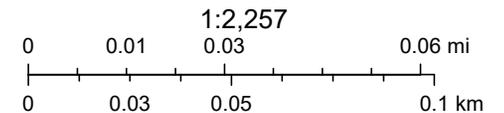
PREPARED BY: Jeremiah R McCuskey DATE: 02/05/26
 CHECKED FOR SUBMISSION TO THE BOARD BY: [Signature] DATE: 2/5/2026
 MOTION BY: _____ SECOND BY: _____

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

EXHIBIT 1 AERIAL MAP



2/3/2026, 3:46:55 PM



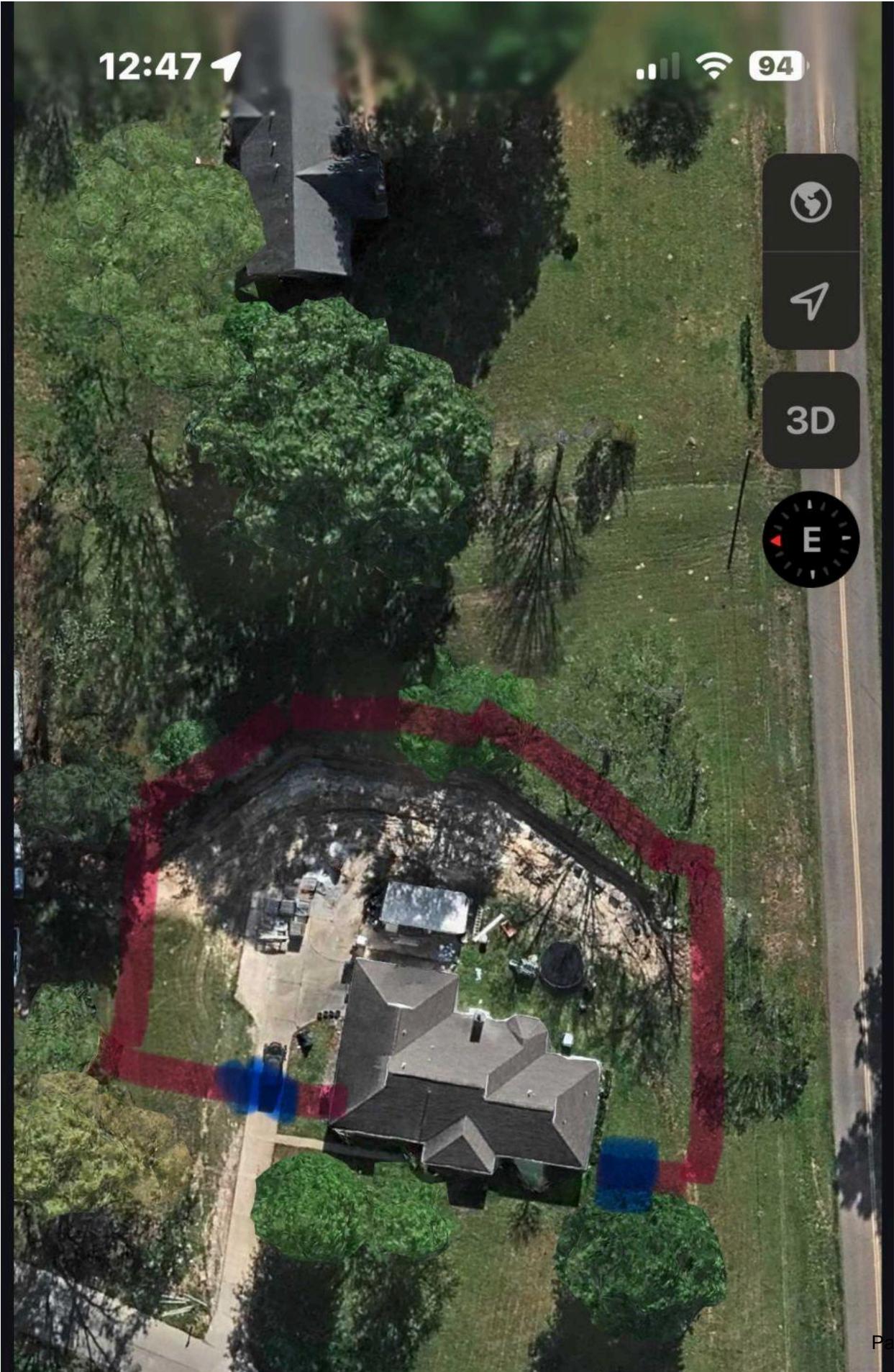
Sources: Esri, Vantor, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland,

City of Olive Branch

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12:47

94



7790 HUMMINGBIRD DRIVE REQUESTING: SETBACK VARIANCE ON BLUE BIRD LN

STATE OF: MISSISSIPPI; COUNTY OF: DESOTO; CITY OF: OLIVE BRANCH;

SCOPE

THIS APPLICATION IS LIMITED TO A REQUEST FOR A SETBACK VARIANCE ALLOWING A 25-FOOT ENCROACHMENT INTO THE REQUIRED 50-FOOT SETBACK FOR THE PROPERTY LOCATED AT 7790 HUMMINGBIRD DRIVE, AFFECTING FRONTAGE ALONG BLUE BIRD LANE, WITHIN THE CITY OF OLIVE BRANCH.

THE VARIANCE IS REQUESTED DUE TO UNIQUE TOPOGRAPHICAL CONDITIONS, SPECIFICALLY THE ELEVATED HILLSIDE ADJACENT TO THE PROPERTY, WHICH CREATES PRIVACY IMPACTS BY ALLOWING VISIBILITY INTO THE RESIDENCE FROM PASSING TRAFFIC. THE REQUEST IS NARROWLY TAILORED TO ADDRESS THESE CONDITIONS AND SEEKS NO ADDITIONAL VARIANCES, REZONING, OR CHANGES IN LAND USE.

APPLICABLE CONDITIONS

- I. 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.
 - A. ***YES. THE VARIANCE REQUEST ARISES FROM UNIQUE TOPOGRAPHICAL CONDITIONS AFFECTING THE SUBJECT PROPERTY. AN ELEVATED HILLSIDE ALONG BLUE BIRD LANE CREATES AN ATYPICAL SIGHTLINE INTO THE RESIDENCE THAT IS NOT GENERALLY PRESENT ON SIMILARLY ZONED PROPERTIES.***

B. THIS CONDITION IS INHERENT TO THE LOCATION AND NATURAL GRADE OF THE LOT, IS NOT SELF-CREATED, AND IS NOT COMMONLY FOUND WITHIN THE SAME ZONING DISTRICT. COMPLIANCE WITH THE FULL 50-FOOT SETBACK UNDER THESE CONDITIONS CREATES AN UNDUE AND DISPROPORTIONATE IMPACT ON RESIDENTIAL PRIVACY.

2. THE SPECIAL CONDITIONS OR CIRCUMSTANCES DO NOT RESULT FROM THE ACTIONS OF THE APPLICANT.

A. YES. THE SPECIAL CONDITIONS AND CIRCUMSTANCES AFFECTING THE PROPERTY DID NOT RESULT FROM ANY ACTION OF THE APPLICANT. THE RESIDENCE AND ITS PLACEMENT ON THE LOT PRE-DATE THE APPLICANT'S OWNERSHIP.

B. THE APPLICANT PURCHASED THE PROPERTY WITH THE EXISTING TOPOGRAPHICAL CONDITIONS AND VISIBILITY ISSUES ALREADY PRESENT AND DID NOT CONSTRUCT, ALTER, OR CREATE THE CONDITIONS GIVING RISE TO THIS VARIANCE REQUEST.

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.

A. YES. A LITERAL INTERPRETATION OF THE SETBACK REQUIREMENTS WOULD DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES WITHIN THE SAME ZONING DISTRICT.

B. DUE TO THE PROPERTY'S UNIQUE TOPOGRAPHICAL CONDITIONS, STRICT ENFORCEMENT OF THE FULL 50-FOOT SETBACK RESULTS IN A LOSS OF REASONABLE RESIDENTIAL PRIVACY THAT IS OTHERWISE AVAILABLE TO SIMILARLY ZONED PROPERTIES WITHOUT SUCH CONDITIONS.

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.

A. YES. GRANTING THE REQUESTED SETBACK VARIANCE WILL NOT CONFER ANY SPECIAL PRIVILEGE UPON THE APPLICANT THAT IS DENIED TO OTHER LANDS, STRUCTURES, OR BUILDINGS WITHIN THE SAME ZONING DISTRICT.

B. THE VARIANCE SEEKS ONLY TO ADDRESS A SITE-SPECIFIC CONDITION AND TO ALLOW REASONABLE USE AND ENJOYMENT OF THE PROPERTY COMPARABLE TO THAT OF SIMILARLY SITUATED PROPERTIES, WITHOUT ALTERING PERMITTED USES OR GRANTING PREFERENTIAL TREATMENT.

CONCLUSION

FOR THE REASONS STATED HEREIN, THE REQUESTED SETBACK VARIANCE REPRESENTS THE MINIMUM RELIEF NECESSARY TO ADDRESS SITE-SPECIFIC TOPOGRAPHICAL CONDITIONS THAT ARE NOT SELF-CREATED AND ARE UNIQUE TO THE SUBJECT PROPERTY. GRANTING THE VARIANCE WILL PRESERVE REASONABLE RESIDENTIAL PRIVACY, MAINTAIN CONSISTENCY WITH THE INTENT OF THE ZONING ORDINANCE, AND WILL NOT CONFER ANY SPECIAL PRIVILEGE BEYOND THAT ENJOYED BY OTHER PROPERTIES WITHIN THE SAME ZONING DISTRICT. ACCORDINGLY, APPROVAL OF THIS REQUEST IS RESPECTFULLY REQUESTED.

THE UNDERSIGNED PROPERTY OWNER AND APPLICANT, NICHOLAS NANOS,
HEREBY ATTESTS THAT ALL INFORMATION IN THIS DOCUMENT IS CORRECT AND FACTUAL AS
STATED.

X *Nicholas Nanos*

NICHOLAS NANOS

E-SIGNATURE

X 01/08/2026

REPORT TO THE BOARD OF (ZONING) ADJUSTMENT

CAPTION / SUBJECT: Application for a Conditional Use Permit, submitted by Darius Totten, on behalf of property owner, Bobby Depriest. The request is to establish an auto repair shop at 8749 MWC Rd for a period of 2 years. The 0.68+/-acre subject property is zoned C-2, Highway Commercial District, and is located on the west side of MWC Rd, approximately 330 feet from the end of the road. (File #CU-26-0001).

- EXHIBITS:**
- 1) Narrative Letter and Site Plan Sketch
 - 2) Subject Property Aerial View
 - 3) Zoning, Utilities, and Future Land Use Maps of Subject Property

BACKGROUND:

Darius Totten, on behalf of A Team Auto Repair and Bobby DePriest, property owner, requests approval of a conditional use permit for 2 years for an automotive repair shop at 8749 MWC Rd, upon Lot 17, Mineral Wells Commercial Subdivision. The applicant has requested only a 2-year CUP as the automotive repair business is planning to move to a different location in the future. The existing 0.68 ac subject property is on the west side of MWC Rd, approximately 675 ft south of the intersection of US Hwy 178 and MWC Rd. The applicant submitted an existing conditions site sketch that shows an aerial view of the site consisting of a ±6,098 sf building, a ±4,000 sf front parking lot, and a ±19,500 sf fenced-in area. There is an existing wrought iron gate and fencing toward the front of the repair area, with chain-link fencing surrounding the remainder of the repair area. A landscape plan has not been submitted, however the applicant has agreed to install screening, install landscaping, and remove cars under repair to behind an opaque screen.



Figure 1: Aerial View

ANALYSIS:

The property is zoned within the C-2, Highway Commercial zoning district. The C-2 zoning district requires a Conditional Use Permit for motor vehicle repair services that operate principally as automotive repair shops.

The Zoning Ordinance defines a conditional use as, "...a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning districts as conditional uses, if specific provisions for such conditional use are made in this zoning ordinance."

In further deciding whether to issue a CUP, the regulations require the Board of Adjustment to make findings on 6 criteria, which are summarized below and subsequently followed by the applicant's response and a staff finding:

1. *Will the use adversely affect the character of the neighborhood?*

Applicant's Response:

"The proposed automotive repair use will not adversely affect the character of the surrounding neighborhood. The business will operate in a manner that is orderly, quiet, and respectful of nearby properties. All repair activities will be conducted entirely within the enclosed building, which will minimize noise, visual impacts, and odors."

Staff Finding:

Staff affirms that the adjoining properties are used in a commercial and industrial manner. The MWC Rd corridor and adjacent properties in the site vicinity are heavy commercial and industrial uses that include refrigeration supply, plumbing supply, vehicular repair services, and vacant lots. Adjacent properties are also used as light storage warehousing. The proposed conditional use generally aligns with the character of the area.

2. *Will the use overtax public utilities or community facilities?*

Applicant's Response:

"The business will operate within an existing commercial building that is already connected to public water, sewer, electricity, and waste services. No hazardous materials will be discharged into the public sewer system, and all fluids, oils, and automotive waste will be properly contained and disposed of through licensed waste management services in compliance with local and state regulations."

Staff Finding:

There is an existing 8" water line and an 8" sewer gravity line running along MWC Rd. The existing building presently connects to these utilities. Additionally, there are 2 existing fire hydrants within 400 ft. of the building.



3. *Will the use substantially increase traffic congestion or other hazards?*

Applicant's Response:

“The business will generate a low volume of vehicle trips, comparable to other small commercial uses permitted in the area. Customer visits are typically scheduled by appointment, which helps distribute traffic evenly throughout the day rather than creating peak-hour surges.”

Staff Finding:

MWC Rd is a collector road with sufficient capacity to handle the traffic that the proposed development generates. There are no sight distance issues in the street frontage of the property. There is an existing concrete driveway that connects to MWC Rd.

4. *Will the use increase the danger of fire, flood, or otherwise endanger the public health, safety or welfare?*

Applicant's Response:

“The business will operate within an existing building that meets all applicable building and fire code requirements. Fire extinguishers, spill containment materials, and other required safety equipment will be maintained on-site in accordance with fire department regulations. All flammable and hazardous materials, including fuels, oils, and automotive fluids, will be properly stored in approved, labeled containers and handled in compliance with local, state, and federal safety and environmental regulations.”

Staff Finding:

The Conditional Use Permit request is within a previously approved building and upon an existing developed lot. The existing use is being brought into zoning ordinance compliance, therefore no increased endangerment to the public is expected.

5. *Will the use substantially diminish or impair property values of adjacent properties or the neighborhood?*

Applicant's Response:

“The business will operate in a professional and well-maintained manner within an existing commercial building, ensuring that the exterior appearance of the property remains clean, orderly, and compatible with surrounding uses. Noise, odors, and visual impacts will be minimized through enclosed operations and compliance with all applicable regulations. The site will be properly landscaped and maintained, contributing to a positive visual environment.”

Staff Finding:

Staff generally agrees with the applicant's response that no diminishment or impairment of property values is anticipated.

The properties to the north and south of the site are heavy commercial and industrial uses. Full screening of the storage area from the street, with a durable wood attachment to the wrought iron fence would comply with Article VII, Sec. 2(B)(1)(d)(i)(A) which states: *Fences shall be constructed of masonry, durable wood, a combination of masonry and durable wood, chain-link, or pre-assembled fences constructed of polyvinyl-chloride (PVC) material. No fence shall be constructed of or contain canvas, cloth, or other impermanent material, corrugated metal, metal plates, plastic or plexiglass, barbed wire, or single strand wire.*

An on-site inspection and discussion with the applicant on February 6, 2026 found the applicant agreeable to installation of opaque cedar fence pickets to the wrought iron fence, installation of landscape trees, and removal of cars in the parking area along MWC Rd before the Board of Zoning Adjustment meeting on February 12, 2026.



Figure 3: Representative Fence Exhibit

6. *Will the use comply with the recommendations of the Comprehensive Plan?*

Applicant’s Response:

“The use supports planned commercial and employment activities by allowing a locally owned business to operate within an existing commercial structure, making efficient use of established infrastructure and services. The proposal encourages economic development by providing essential automotive services to residents and nearby businesses.”

Staff Finding:

The Future Land Use Map in the City’s Comprehensive Plan 2040 designates the subject property as “Industrial/Distribution”. The suggested use and site development features generally align with the land development and access management policy considerations of areas so designated.

RECOMMENDED MOTION:

Based on the Board of Adjustment’s finding that all requirements have been met, approve a Conditional Use Permit for an automotive repair shop at 8749 MWC Rd, upon Lot 17, Mineral Wells Commercial Subdivision, for a period of 2 years subject to the following conditions:

1. All cars stored outdoors must be fully screened in length, width, and height by the applicant from view from MWC Rd by February 28, 2026. The gate should also be treated with an opaque screen and should remain closed when not in active use to access the parking area at the side and rear of the building. Outdoor storage of vehicular materials and junk cars is prohibited.

2. Remove existing dead crape myrtles and provide 2 3-inch to 3.5-inch perimeter landscape trees along MWC Rd and 1 2-inch to 2.5-inch medium interior parking tree within the existing raised island to comply with Section 36-75 Landscaping Ordinance.
3. Any future expansion of the development would require approval by the Board of Adjustment.
4. All materials and fluids stored on-site must meet requirements of the Fire Code.
5. Relocate all cars under repair from the parking area along MWC Rd to behind the opaque screen.
6. All cars parked in front of the building must be in striped parking spaces at all times.
7. Parking on the MWC Rd right-of-way is strictly prohibited.

PREPARED BY: *Terence D. Jones* DATE: 2/6/2026

CHECKED FOR SUBMISSION TO THE BOARD BY: *Asang*
 DATE: 02/06/2026

MOTION BY: _____ SECOND BY: _____



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

1. The proposed automotive repair use will not adversely affect the character of the surrounding neighborhood. The business will operate in a manner that is orderly, quiet, and respectful of nearby properties. All repair activities will be conducted entirely within the enclosed building, which will minimize noise, visual impacts, and odors.
2. The business will operate within an existing commercial building that is already connected to public water, sewer, electricity, and waste services. No hazardous materials will be discharged into the public sewer system, and all fluids, oils, and automotive waste will be properly contained and disposed of through licensed waste management services in compliance with local and state regulations.
3. The business will generate a low volume of vehicle trips, comparable to other small commercial uses permitted in the area. Customer visits are typically scheduled by appointment, which helps distribute traffic evenly throughout the day rather than creating peak-hour surges.
4. The business will operate within an existing building that meets all applicable building and fire code requirements. Fire extinguishers, spill containment materials, and other required safety equipment will be maintained on-site in accordance with fire department regulations.
5. All flammable and hazardous materials, including fuels, oils, and automotive fluids, will be properly stored in approved, labeled containers and handled in compliance with local, state, and federal safety and environmental regulations.
6. The business will operate in a professional and well-maintained manner within an existing commercial building, ensuring that the exterior appearance of the property remains clean, orderly, and compatible with surrounding uses. Noise, odors, and visual impacts will be minimized through enclosed operations and compliance with all applicable regulations. The site will be properly landscaped and maintained, contributing to a positive visual environment.
7. The use supports planned commercial and employment activities by allowing a locally owned business to operate within an existing commercial structure, making efficient use of established infrastructure and services. The proposal encourages economic development by providing essential automotive services to residents and nearby businesses.

Existing Conditions Site Plan – Automotive Repair Shop (No Expansion)

[8749 MWC Rd, Olive Branch, MS 38654 | LoopNet](#)

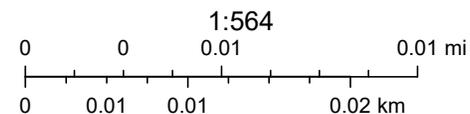


Aerial View



2/3/2026, 11:08:19 AM

- | | | | |
|----------------|---------------------------|---------------|--------------|
| 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, Geodastystyrelsen, Rijkswaterstaat, GSA, Geoland,

City of Olive Branch

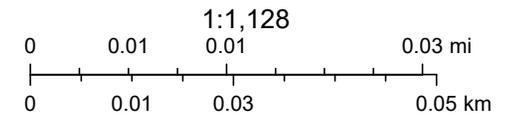
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Zoning District Map



1/23/2026, 10:31:41 AM

Zoning	C-4	M-3	PUD OVERLAY	R-2	R-40	RM-6	Tax Parcels
A	C-5	MAIN STREET DISTRICT	R-1	R-20	R-40 OVERLAY	RM-8	<all other values>
A-R	CM OVERLAY	O	R-10	R-20 OVERLAY	R-6	RO	PRELIMINARY 2024 LANDROLL
A-R OVERLAY	ER	PB	R-12	R-3	R-6 OVERLAY	PointAddresses	PRELIMINARY 2025 LANDROLL
C-1	HISTORIC DISTRICT OVERLAY	PBP	R-12 OVERLAY	R-30	R-8	County Outline	Roads
C-2	M-1	PO	R-15	R-30 OVERLAY	R-8 OVERLAY	Interstate	Interstate
C-3	M-2	PUD	R-15 OVERLAY	R-4	R-9	US Highway	US Highway
						State Highway	State Highway



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

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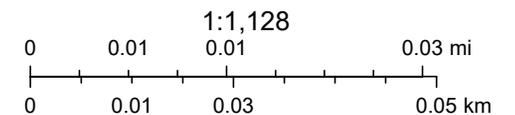
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Utilities Map



1/23/2026, 11:01:26 AM

- | | | | | |
|--------------------|---------------------------|--------------------|---------------------------|--------------|
| SEWER MANHOLE | HYDRANTS | County Outline | PRELIMINARY 2025 LANDROLL | Local Road |
| SEWER GRAVITY MAIN | WATER MAINS | Municipalities | Roads | Private Road |
| NOT FIELD VERIFIED | NOT FIELD VERIFIED | Tax Parcels | Interstate | Ramp |
| PointAddresses | PRELIMINARY 2024 LANDROLL | <all other values> | US Highway | IH |
| | | | State Highway | |

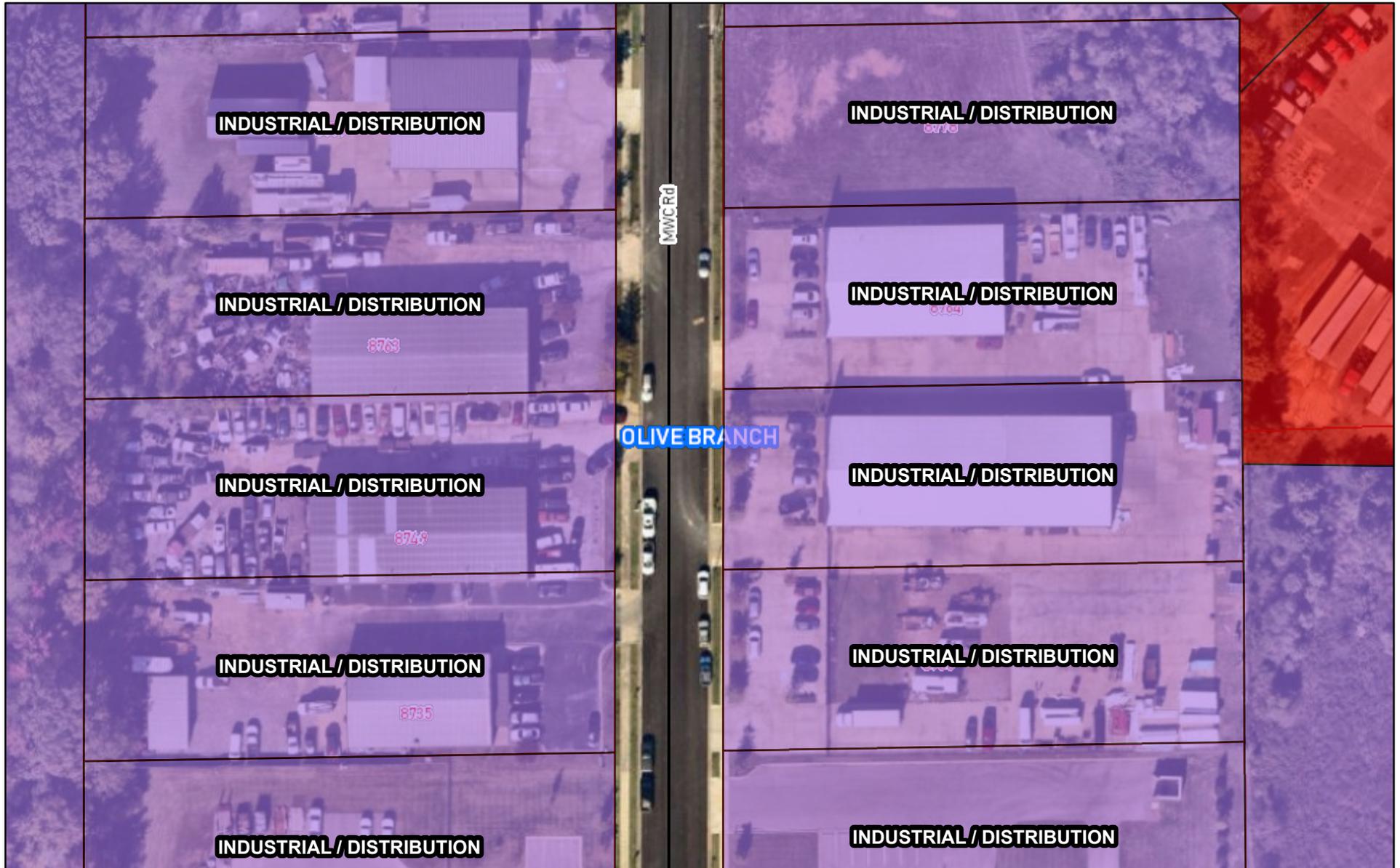


Sources: Esri, Vantor, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland,

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Future Land Use Map



1/23/2026, 11:20:45 AM

OB FUTURE LAND USE

- INDUSTRIAL / DISTRIBUTION
- COMMERCIAL CORRIDOR

PointAddresses

County Outline

Municipalities

Tax Parcels

<all other values>

PRELIMINARY 2024 LANDROLL

PRELIMINARY 2025 LANDROLL

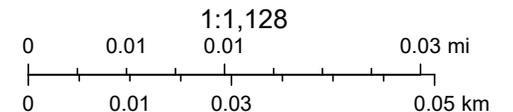
Roads

- Interstate
- US Highway
- State Highway
- Local Road

Private Road

Ramp

IH



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

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