

**MINUTES FOR THE CITY OF OLIVE BRANCH BOARD OF ZONING ADJUSTMENT
REGULAR MEETING ON JULY 13, 2023**

The City of Olive Branch Board of Adjustment meeting was held on Thursday, July 13, 2023, in the Olive Branch Municipal Court Room, located at 6900 Highland Street, at 6:00 p.m.

CALL TO ORDER

The meeting was called to order by Ted Roman, Chairman at 6:00pm.

ROLL CALL

The roll was called with Angela Cook, William Gray, Aretha Wiseman, Carl Williams, Ted Roman, Jessica Cowan, and Darrel Berkley present, and a quorum was established. Jason Gambone, Director, Venard Asongayi, Assistant 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 REGULAR MEETING OF JUNE 8, 2023

Mr. Roman asked if anyone had any questions, comments or motions regarding the minutes of the June 8, 2023 meeting and there were none. **Ms. Wiseman made a motion to approve the minutes as submitted and was seconded by Mrs. Cook with approval as follows:**

**Jessica Cowan – Yes William Gray – Yes Aretha Wiseman – Yes
Ted Roman – Yes Angela Cook – Yes Darrel Berkley – Yes Carl Williams – Yes**

OLD BUSINESS

NEW BUSINESS

1. Application for a Conditional Use Permit submitted by David Waddle, Signature Tops, on behalf of Moafk Alsid, property owner. The request is to allow a Granite Cutting Shop to be installed at this site. The 3.08+/- acre subject property is zoned C-2, Highway Commercial District, and is located on the west side of Bethel Rd, south of Chateau Dr, known as 4411 Bethel Rd. (File # CU23-0010).

Mr. Roman announced New Business Item Number 1 and asked for the staff report. Mr. Asongayi shared the following: **EXECUTIVE SUMMARY:** David Waddle, Signature Tops, on behalf of Moafk Alsid, property owner, request to allow a Granite Cutting Shop at the 3.08 acres of land on the west side of Bethel Rd, south of Chateau Dr, known as 4411 Bethel Rd. The property is zoned C-2, Highway Commercial, and is designated "Neighborhood Commercial" on to the Future Land Use Map. The surrounding parcel to the north, east, and west are consistent in FLUM and zoning designation with the subject property. The Board of Adjustment may deny this request due to the incompatibility of the proposed use with the character of the area, increased danger of excessive noise levels by the granite cutting machine, the likely diminishing of nearby property values, and inconsistency with the Comprehensive Plan. **RECOMMENDED MOTION:** Based on the above analytical criteria, the Board of (Zoning) Adjustment may deny the Conditional Use Permit for a Granite Cutting Shop at 4411 Bethel Rd. upon finding that:

- i. The proposed use is commercial-light industrial in character, which is not compatible with surrounding single-family residential living;

- ii. Noise levels from the proposed use may exceed comfort levels in the surrounding single family residential uses.
- iii. Although site construction would be an improvement to the current conditions of the property, the ultimate metal building architecture would not align with the brick façade of the surrounding residential area and the elevation of the hospital across Bethel Rd.
- iv. The comprehensive plan 2040 designates the property for “Neighborhood Commercial” development, which the proposed use is inconsistent with; and
- v. Incongruence between the granite cutting shop and surrounding single-family residential uses may decrease the value of the residential properties.

ALTERNATIVE MOTION: approve the request per the following conditions:

1. A professionally-rendered site plan shall be provided and administratively reviewed and approved by Staff.
2. All site improvements shall be the responsibility of the developer, and not the City of Olive Branch.
3. The stone cutting machine shall only be operated between the hours of 8:00 am and 5:00 pm.
4. Any areas on the property used for the parking, storage, or where vehicles shall be driven on must be paved.
5. All outdoor storage must be concealed from view via a 6’ in height opaque fence. Wood is not an appropriate material.
6. Any signage shall meet the requirements of the Sign Ordinance of the City of Olive Branch. Off-premise advertising is not permitted. Ground mounted signs shall be monument style with a maximum height of 12’.
7. Applicant shall provide evidence, and planning staff shall verify that there shall be sufficient number of parking spaces that meet the minimum requirements stipulated in the Zoning Ordinance before a certificate of occupancy may be issued.
8. Before occupying the building, any existing utilities shall be verified by the Building Official and Fire Marshall and shall comply with the Building and Fire Codes of the City of Olive Branch. Such compliance must be maintained at all times.

This concluded the staff report. Mr. Roman asked if there were any questions for staff and there were none. Mr. Roman asked if there was anyone to represent the application and recognized David Waddle, 4494 Hunter Cove, Hernando, MS 38632. He wanted to state that all of the noise would be on the inside. He is in agreement with the alternative motion. He states he owns another business on Hwy 178 and this would be an expansion. Mr. Roman asked if there were any questions for this applicant. Ms. Cowan asked about how much traffic would he expect for this location. Mr. Waddle stated he typically gets 1 big truck a month and just a few cars for a few employees. Mr. Roman asked if there was anyone else to speak for the application and recognized Keith Allen, 3385 Bethel Rd, Olive Branch, MS 38654. He states he owns the adjoining 20 acres and supports this development. Ms. Wiseman asked about the driveway entrance in the curve and if there any plans to insulate the existing buildings. Mr. Waddle stated there were no options regarding the driveway, there was a legal easement. He advised the buildings would be insulated for sound. Mr. Williams asked if there was any information regarding a fence. Mr. Waddle advised not yet. Mrs. Cook asked if the decibel level of 7.4 was for 1 machine or multiple machines. Mr. Waddle stated that different machines would have different noise levels. Mr. Williams asked which building would be utilized. Mr. Waddle advised the larger of the two. Mr. Gray asked about the dust from the machines. Mr. Waddle advised the machines would clean the dust as they went. Ms. Wiseman asked if the aesthetics would be an improvement for the neighborhood. Mr. Waddle advised this property would be renovated and look nice. Mr. Roman asked what occupies the smaller building. Mr. Waddle stated an Air Conditioning Service currently rents the property and they would remain there. Mr. Williams stated there was less of a buffer on the larger building and asked if they had thought about additional planting there. Mr. Waddle advised they had. Mr. Gray asked what

business hours they would have. Mr. Waddle advised Money-Friday from 8am-5pm. Ms. Wiseman stated he mentioned another building and asked if they outgrew it. Mr. Waddle advised this is an additional business. The other building is flooring, and this is granite counters. Mr. Gray advised he is concerned this goes against the Comp Plan. Ms. Cowan asked Mr. Allen if he had any thoughts on what he wanted to do with his adjoining 20 acres. He advised there was nothing currently in the works. Mr. Gray asked what time frame he was looking to occupy this space. Mr. Waddle stated this is a family business and the intent is to pass down for generations. Mr. Williams asked if this was a lease or a purchase. Mr. Waddle stated they were under contract to purchase the property. Ms. Cowan stated the driveway is a concern, but is relieved that only 1 large vehicle a month is coming through. However, it's still a concern. Mr. Roman asked if there was anyone to speak against the application and there none. Mr. Roman asked if there was any discussion among the Board members. Mr. Williams states this seems as if it would limit the use of surrounding properties, but the owner of those properties seems fine with this. Other neighborhood commercial businesses have truck deliveries. Mr. Roman stated it does alter the character of the area. It's a good business, but is not in the best location. Ms. Cowan agreed about the location, due to the driveway safety issue, distance to the neighborhood, and how future development would affect traffic even more. Mr. Asongayi advised that for the existing uses, the driveway is already not the best. The driveway location is bad for proximity to intersection and the property line. He stated since the owner of the adjacent properties is in favor of this application, he suggests they could possibly work to see the easement might be relocated to a better area. He further stated that IF the section of adjoining property were to be developed, no driveway or entrance would be approved by Engineering off of Bethel Rd. He advised that we did send out notices and got a few calls about this project. **Ms. Cowan made a motion to deny the Conditional Use Permit for a Granite Cutting Shop at 4411 Bethel Rd. upon finding that:**

- i. **The proposed use is commercial-light industrial in character, which is not compatible with surrounding single-family residential living;**
- ii. **Noise levels from the proposed use may exceed comfort levels in the surrounding single family residential uses.**
- iii. **Although site construction would be an improvement to the current conditions of the property, the ultimate metal building architecture would not align with the brick façade of the surrounding residential area and the elevation of the hospital across Bethel Rd.**
- iv. **The comprehensive plan 2040 designates the property for “Neighborhood Commercial” development, which the proposed use is inconsistent with; and**
- v. **Incongruence between the granite cutting shop and surrounding single-family residential uses may decrease the value of the residential properties.**

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

**Jessica Cowan – Yes William Gray – Yes Aretha Wiseman – Yes
Ted Roman – Yes Angela Cook – Yes Darrel Berkley – Yes Carl Williams – No**

ADJOURNMENT

Mr. Roman stated there being no further business, could he entertain a motion to adjourn. Mr. Gray made a motion to adjourn, seconded by Mr. Williams and the motion to adjourn the meeting at 6:46 p.m. was approved as follows:

**Jessica Cowan – Yes William Gray – Yes Aretha Wiseman – Yes
Ted Roman – Yes Angela Cook – Yes Darrel Berkley – Yes Carl Williams – Yes**

