

1 know?

2 TONY LUONG: The day I found out was
3 when we just evicted that second tenant to
4 open power to fix our house, that's the
5 day I found out that you can no longer
6 open this as a residential, and I'm
7 surprised.

8 COMMISSIONER JOHNSON: So when you
9 bought the home in 2001, you were not
10 aware of what zone you were in at that
11 time?

12 TONY LUONG: We were aware it was
13 commercially zoned.

14 COMMISSIONER JOHNSON: Okay. So you
15 were aware that you were in a commercial
16 zone. What did that mean to you?

17 TONY LUONG: It means it's in a
18 commercial zone, but it's still a house.
19 It was rented as a house, so, I mean.

20 COMMISSIONER JOHNSON: Were you aware
21 that because the house was in a commercial
22 zone and because that house was there
23 prior to it -- to that area being zoned
24 commercially that that was -- that that
25 was -- that you had a special exception,

1 that house had a special exemption for the
2 type of use that was being exercised on
3 that property?

4 TONY LUONG: No, I was not aware of
5 that.

6 COMMISSIONER JOHNSON: You were not
7 aware that you were under a preexisting
8 non-conforming use in a commercial zone?
9 You were not aware of that?

10 TONY LUONG: The total surprise is
11 when we evicted them and came here about
12 three months now; right?

13 COMMISSIONER JOHNSON: So you were
14 operating as like a landlord?

15 TONY LUONG: Yes.

16 COMMISSIONER JOHNSON: Renting a
17 house out?

18 TONY LUONG: Renting a house out.
19 Because we have a lot of property in
20 Biloxi and a lot of our properties there
21 are commercial zoned now because of the
22 casinos, and all our houses there are
23 rented as houses. We don't have -- well,
24 we have one building that used to be a
25 business, but if it's vacant, we use it as

1 storage. We just use the building as
2 storage to fix up our houses.

3 We've got about 30 properties on the
4 Point. We had 20-something rental houses
5 pre-Katrina. Now, we probably have 16,
6 because we didn't build everything back.

7 COMMISSIONER JOHNSON: So how many
8 houses do you currently have?

9 TONY LUONG: About 16 to 18.

10 COMMISSIONER JOHNSON: And how many
11 houses did you have before that?

12 TONY LUONG: 20-something houses.

13 COMMISSIONER JOHNSON: And how long
14 have you been renting houses?

15 TONY LUONG: 10, 15 years.

16 COMMISSIONER JOHNSON: 10, 15 years.
17 And you don't know that much about zoning
18 laws?

19 TONY LUONG: Not up here. This is
20 our only house up here. Over there, we've
21 been renting as houses -- we never ran
22 into this problem with none of our houses.
23 That's why it was a total surprise to us.
24 We've never -- this is our only house
25 that's out of Biloxi. And it's up here.

1 And none of our houses down there have ran
2 into any of these problems within the 15
3 or so years that we've --

4 COMMISSIONER JOHNSON: Are they zoned
5 commercially? Are they zoned residential?

6 TONY LUONG: Some of them are zoned
7 commercially.

8 COMMISSIONER JOHNSON: And you've
9 never had a situation where you took a
10 residence to become a business?

11 TONY LUONG: Unh-unh, never.

12 COMMISSIONER JOHNSON: Never had that
13 situation?

14 TONY LUONG: Never had that
15 situation. That's why it was a total
16 surprise when we came here to try to open
17 power just to fix our house and rent it
18 back out, and they said we just lost our
19 status. And I'm like, how did that
20 happen?

21 COMMISSIONER JOHNSON: Well, in the
22 future you might want to ask some
23 questions.

24 TONY LUONG: This right here is a
25 whole new experience.

1 COMMISSIONER JOHNSON: Absolutely,
2 because there's all kind of rules out
3 there.

4 TONY LUONG: Now, this is a learning
5 experience right here.

6 COMMISSIONER WOOTEN: I had a
7 question for Mr. Meyer. Under the law, is
8 there anything we can do for this property
9 owner? Under the law.

10 MR. MEYER: I'm going to turn to my
11 lawyer to answer that question.

12 MR. RAMSEY: No. It's been used as a
13 -- had a commercial use for over two
14 years. And on top of that, it's been
15 vacant for more than 60 days. I mean,
16 under either one of those scenarios, it
17 loss it's preexisting non-conforming
18 status.

19 COMMISSIONER WOOTEN: One more
20 question, kind of a point question, if
21 there -- there's a recommendation here
22 that we can reverse the decision and allow
23 the structure, we can't really do that
24 legally?

25 MR. RAMSEY: No.

1 COMMISSIONER WOOTEN: We would open
2 up Pandora's Box. We'd have to change the
3 code and re-zone the property, or
4 something. I don't know.

5 MR. RAMSEY: Your duty is to
6 determine whether or not the staff made
7 the proper decision based upon the Unified
8 Development Authority in the State.

9 COMMISSIONER WOOTEN: So if we did
10 find a way to take it back to residence,
11 knowing that the City is going that way
12 with its Town center, and somebody comes
13 along, just for me, and says, I want to
14 buy that, okay, as commercial property, he
15 could switch back from residential to
16 commercial zoning?

17 MR. RAMSEY: He don't have to switch.
18 It's zoned commercial. It's been zoned
19 commercial for a number of years now.

20 MR. MEYER: It would be difficult to
21 rezone it to residential because it would
22 appear to be spot zoning.

23 COMMISSIONER WOOTEN: I'm glad you
24 said that for everybody. I was going with
25 you, it was, basically, spot zoning

1 before. Okay. Thank you.

2 COMMISSIONER JOHNSON: Were you also
3 aware that there's a rule regarding the
4 non-occupancy of 60 days between --

5 TONY LUONG: Well, we couldn't fix it
6 and the power and all, or else we had
7 somebody else lined up to get into the
8 house. That's why it's vacant. We needed
9 to wait on this in order to rent it out.
10 We can't rent it. They won't let us rent
11 it.

12 COMMISSIONER JOHNSON: Right, but did
13 your application occur before or after the
14 60 days?

15 TONY LUONG: When we evicted, we came
16 to try to get power. That's when we knew
17 we couldn't rent it.

18 COMMISSIONER JOHNSON: Right. And
19 how many days after the conclusion of the
20 lease was it before you made the
21 application?

22 TONY LUONG: Right away. I mean,
23 that week.

24 COMMISSIONER JOHNSON: So seven days;
25 is that what you're saying?

1 TONY LUONG: I believe so. I mean,
2 we came to try to fix it and rent it back
3 out, but we couldn't even get power. And
4 then they said you have to go present it
5 to City Council in order to have it back
6 to even rent it, so we waited for this
7 day.

8 COMMISSIONER JOHNSON: Otherwise, you
9 would have rented it out within the 60
10 days?

11 TONY LUONG: We have three or four
12 people that want to rent it now as a
13 house. And there's numerous people while
14 we have my uncle over there fixing it
15 every day, and it's about done, we have --
16 they're waiting on what happens here so I
17 can call them and say you guys can come
18 look at the house if you want to rent it.
19 And we have four people waiting to rent
20 that as a house.

21 COMMISSIONER DAILEY: A couple of
22 questions concerning your statement about
23 why it doesn't work. You say that it's
24 been used as a commercial business for
25 some length of time, but nowhere are we

1 saying that it ever stopped being used as
2 a residence, either?

3 MR. RAMSEY: Yes.

4 COMMISSIONER DAILEY: No.

5 MR. RAMSEY: When they came in and
6 asked for a commercial business license.

7 COMMISSIONER DAILEY: If they're
8 residing in that house, they're
9 maintaining the use of a residence.

10 MR. RAMSEY: No. The problem is,
11 when they get a business lines, the
12 primary use of it is a business because it
13 has a -- they got a business sign put in
14 front of it. If the primary use was a
15 residence, it would be used as a home
16 occupation and they could not have a
17 business sign in front of it.

18 COMMISSIONER DAILEY: And I
19 understand that, but I also accept that
20 the people that were doing it were doing
21 it for their benefit without consideration
22 of what the owner was intending.

23 MR. RAMSEY: Look at the lease.

24 COMMISSIONER DAILEY: Well, I am, and
25 I'll come to that in just a moment, as

1 well. But the owner was saying that they
2 were maintaining it as a residence and
3 that they had a business. And I'm
4 suggesting that because of that, they --
5 the tenant, made an error in his request
6 and should have requested a home office.
7 And because he didn't and because the City
8 accepted it and allowed it, it now has
9 taken -- placed the land owner in a
10 problematic position. Which, I don't
11 think the City should be doing that.

12 I'm suggesting that this is -- was
13 always a house and that someone without
14 proper authority changed the owner's use
15 of that to a business. And I don't think
16 we should allow a non-owner to do that.

17 This lease is problematic, as well,
18 because it clearly says that there will be
19 in business on this -- these premises. No
20 business -- or, it says, any business,
21 profession, or trade of any kind.

22 MR. RAMSEY: And then what's written
23 in?

24 COMMISSIONER DAILEY: Well, and then
25 it says that he has permission to have a