

**CITY OF BILOXI
AGENDA ITEM
FACT SHEET**

Item No.: 3A

Council Meeting Date: August 25, 2026

ITEM TITLE: **PUBLIC HEARING**

INTRODUCED BY:

CONTACT PERSON:

SUMMARY EXPLANATION:

Public Hearing to consider an appeal filed by Yuri Petrini requesting the reversal of the decision rendered by the Architectural and Historical Review Commission to remove a parcel from the West Central Historic District for property identified as 929 Division Street and 287 Bohn Street. Case 26-033, Yuri Petrini.

Resolution _____ Ordinance _____ Public Hearing ✓ Routine Agenda _____

Exhibits for Review

Contract _____ Minutes _____ Plans/Maps _____ Deed _____ Lease _____

Other (Specify):

Submittal Authorization: Council President ✓ Mayor _____

STAFF RECOMMENDATION:

COUNCIL ACTION: Motion By: _____ Second By: _____

Vote:	Councilmember	Yes	No	AFR	ABST	Councilmember	Yes	No	AFR	ABST
	Gray	_____	_____	_____	_____	Tisdale	_____	_____	_____	_____
	Marshall	_____	_____	_____	_____	Glavan	_____	_____	_____	_____
	Nail	_____	_____	_____	_____	Shoemaker	_____	_____	_____	_____
	Creel	_____	_____	_____	_____					

ACTION TAKEN:

082526ph



Community Development Department

Planning Division
676 Dr. Martin Luther King Jr. Blvd.
Biloxi, MS 39530-3975
Post Office Box 508
Biloxi, MS 39533-0508

Felicia Serpas, Senior Planner

Telephone: 228-435-6266

Facsimile: 228-435-6188

August 11, 2026

TO WHOM IT MAY CONCERN:

The Biloxi City Council will conduct a public hearing on Tuesday, August 25, 2026, at 1:30 p.m. in the City Council Chambers, second floor, City Hall, located at 140 Lameuse Street, Biloxi, Mississippi, to hear the appeal of the Architectural and Historical Review Commission's decision with respect to AHRC Case No. 26-033.

The purpose of the hearing is to consider an appeal of the decision rendered by the Architectural and Historical Review Commission on July 23, 2026. The appellant, Yuri Petrini, is seeking reversal of the Commission's decision denying his application to remove the property located at 929 Division Street and 287 Bohn Street (Tax Parcel No. 1410E-03-001.000) from the West Central Historical District.

All individuals having any potential interest in this request are encouraged to attend the public hearing to insure a complete understanding of the subject proposal. At this public hearing, any person is invited to comment on the particular matters and requests presented by the application. Written comments can be mailed to the address above or faxed to the facsimile number above at any time *prior* to the scheduled hearing.

Sincerely,

Jerry Creel

Jerry Creel
Community Development Director



APPEAL APPLICATION

Community Development Department Planning Division

Mailing Address: P.O. Box 508, Biloxi, MS 39533

Office Location: 676 Dr. MLK Blvd.

Building (228) 435-6270 Planning (228) 435-6266

Fax (228) 435-6188

Appeal Fee: \$175.00

Case No.: 26-033-000

Date Submitted: 29 July 2020

Tax Parcel Number: 1410E-03-001.000

Ward No. 2

GENERAL INFORMATION: Attendance by the Appellant at the public hearing is mandatory.

929 Division St.

Address of property to be review

Jarrod Lewis FuSco

Name of Applicant, if different from owner

Present Zoning RB

Present Use Warehouse

(702) 375-8920

Home Phone

(702) 375-8920

Office Phone

Property is most nearly bounded by what streets?

North: Division

South: Hopkins

East: Bohn

West: Esters

[Signature]

Signature of Applicant

435 Cove Drive, Biloxi, MS 39531

Mailing Address (if different)

Courtney Wash

Notary Signature

COURTNEY WASH

(Seal)

Commission Expires
April 26, 2021

If someone other than the applicant needs to be notified concerning this case, please note name(s) and address (es) below:

DATE RECEIVED: 7-30-20 Office Use Only

FEE RECEIVED: 175.00 9/C

PUBLICATION DATES: /

COUNCIL ACTION: /

PUBLICATION DATES: /

CASE NO.:

RECEIPT NUMBER: 81722042010

PUBLIC HEARING DATE: /

APPEALED: /

HEARING DATE: /

PLANNING COMMISSION RECOMMENDATION AND APPEAL PROCEDURE

1. It is the policy of the Planning Commission, when possible, to make a recommendation to the City Council at the next regularly scheduled Planning Commission meeting following the applicable public hearing. Regular Planning Commission meetings are held at 2:00 p.m. on the first and third Thursdays of each month. Following the meeting at which a final decision is made, the applicant or other interested parties may contact the Planning Division office to be advised of any action taken by the Planning Commission on a specific case.
2. Any party aggrieved by a decision of the Planning Commission regarding a Major Subdivision Preliminary Plat application, or by a decision of the Architectural and Historical Review Commission regarding a Major Certificate of Appropriateness application, may appeal such decision to the City Council in accordance with this subsection. Such party shall have ten (10) calendar days from the date of the decision of the Planning Commission or Architectural and Historical Review Commission, to notify the Planning Division, in writing, that they are aggrieved by the decision and elect to appeal to the City Council. Upon receipt of this notification, all further action shall be delayed until a public hearing is scheduled before the City Council. Interested parties shall be notified of the public hearing in accordance with the Biloxi City Ordinance, and all applicable appeal fees shall apply.
3. A party aggrieved by a final decision by the City Council or the Board of Zoning Adjustments may appeal the decision by filing a Notice of Appeal with the clerk to the Circuit Court of Harrison County no later than ten (10) days after adjournment of the meeting at which the decision was made and by filing a bill of exceptions with the Clerk of Council and the circuit court clerk in the time and manner provided by law.
4. Appeal fees are provided on the instruction sheet for application completion and must be received by the Planning Division Office at the time the appeal application is duly submitted.

Public Notice and Hearing:

Publications must be advertised once a week for two consecutive weeks in the local newspaper of general circulation. At least fifteen (15) days shall lapse between the first publication and the date of the hearing. The Planning Division office will schedule an appeal hearing date with the City Council office and will mail notice of the time and place of the public hearing to the appellant, applicant and adjacent property owners at least seven (7) days preceding the public hearing.

Reason for Appeal:

The property owner disagrees with the decision of the AHRC that this property should remain within the AHO. Please include all original application information with the appeal.

29 July 2026

MEMORANDUM FOR THE CITY OF BILOXI'S CLERK OF COUNCIL

FROM: Yuri Petrini
929 Division Street
Biloxi, MS 3953

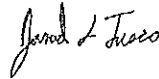
SUBJECT: Appeal Against the Decision of the Architectural & Historic Review Commission, Case
No. 26-033 (Tax Parcel No. 1410E-03-001.000)

References: (a) Biloxi Ordinance 23-3-5 (B) (Zoning Districts, Overlay Zoning Districts,
Architectural/Historic Overlay District)
(b) Biloxi Ordinance 23-2-4 (S) (Administration, Application-Specific Review Procedures and
Standards, Appeal)

I. Pursuant to *Section 23-2-4(S)(2)(c)* of the City of Biloxi's Code of Ordinances (hereinafter, the "Ordinance"), I hereby appeal the decision of the Architectural & Historic Review Commission (AHRC) to the City of Biloxi's City Council (hereinafter, the "Council") within the ten-day period as an aggrieved person.

II. On 23 July 2026, the AHRC voted against approving an application for a Zone Map Amendment to the Architectural/Historic Overlay on Tax Parcel No. 1410E-03-001.000. The property owner, Mr. Yuri Petrini, is the aggrieved by the decision and is requesting this appeal to be heard by the City Council as per the ordinance. Mr. Jarrod Fusco, authorized agent for Yuri Petrini, will represent the property owner at the appeal before the City Council.

VIII. I await a date for the appeal hearing to be heard by the Council. Please e-mail future correspondence to milesapartj@gmail.com and confirm receipt of all emails by calling (702) 375-8926



Jarrod Lewis Fusco
Authorized Agent for Yuri Petrini

Caryle Lena

From: Jarrod Lewis Fusco <milesapartjf@gmail.com>
Sent: Wednesday, August 5, 2026 5:09 PM
To: Felicia Serpas
Cc: Keri Campbell; Caryle Lena
Subject: Re: Appeal for 929 Division Street

The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.

Felicia,

Sorry for the double tap, but I got clarification faster than I thought.

I will not be representing Yuri at City Council.

Regards,
Jarrod Lewis Fusco
Cell: (702) 375-8926
E-mail: milesapartjf@gmail.com / jarrodfusco@outlook.com

"Culture eats strategy for breakfast" -Peter Drucker

On Wed, Aug 5, 2026, 4:43 PM Jarrod Lewis Fusco <milesapartjf@gmail.com> wrote:
Felicia,

Thank you. Please be sure to correctly annotate in the Council Agenda that this appeal is from Mr. Yuri Petrini. I may or may not be there to assist and it is his appeal.

Regards,
Jarrod Lewis Fusco
Cell: (702) 375-8926
E-mail: milesapartjf@gmail.com / jarrodfusco@outlook.com

"Culture eats strategy for breakfast" -Peter Drucker

On Mon, Aug 3, 2026, 9:15 AM Felicia Serpas <fserpas@biloxi.ms.us> wrote:

The appeal is scheduled for the August 25th Council meeting at 1:30 pm



Felicia Serpas

Senior Planner

911 Address Coordinator

Ph: 228-435-6266

Fax: 228-435-6188

fserpas@biloxi.ms.us

From: Jarrod Lewis Fusco <milesapartif@gmail.com>

Sent: Thursday, July 30, 2026 4:09 PM

To: Felicia Serpas <fserpas@biloxi.ms.us>

Cc: Yuri Petrini <yuri@megapolisms.com>

Subject: Re: Appeal for 929 Division Street

The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.

As requested.

On Thu, Jul 30, 2026 at 4:00 PM Felicia Serpas <fserpas@biloxi.ms.us> wrote:

I didn't get the second page with your appeal paperwork. I need the second page with the "reason" section filled out please asap

Thanks,

From: Jarrod Lewis Fusco <milesapartif@gmail.com>

Sent: Thursday, July 30, 2026 2:27 PM

To: Felicia Serpas <fserpas@biloxi.ms.us>
Cc: Yuri Petrini <yuri@megapolisms.com>
Subject: Appeal for 929 Division Street

The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.

Ms. Serpas,

As discussed. Standing by for receipt for payment.

Regards,

Jarrod Lewis Fusco

Cell: (702) 375-8926

E-mail: milesapartif@gmail.com / jarrodfusco@outlook.com

"Culture eats strategy for breakfast" -Peter Drucker

--

Regards,

Jarrod Lewis Fusco

Cell: (702) 375-8926

E-mail: milesapartif@gmail.com / jarrodfusco@outlook.com

"Culture eats strategy for breakfast" -Peter Drucker

**ARCHITECTURAL AND HISTORICAL REVIEW COMMISSION
MEETING MINUTES
Biloxi, Mississippi
July 23, 2026**

The Architectural and Historical Review Commission held a called meeting on Thursday, July 23, 2026, at 8:30 a.m. in the conference room of the Dr. Martin Luther King, Jr., Municipal Building, located at 676 Dr. Martin Luther King, Jr. Boulevard in Biloxi.

Harry Joachim called the meeting to order at 8:35 a.m. and recorded the members present, establishing a quorum.

MEMBERS PRESENT

Le'Roy Carney
Wallace "Chip" Barnes
Susan Hathaway
Harry Joachim, Chair
Carol Vaughn, Vice-Chair
Randy Barras
Corey Christy -Late in at 8:41 a.m.

OTHERS PRESENT

Jerry Creel, Director of Community Development
Felicia Serpas, Senior Planner
Jen Gill, Planner

MEMBERS ABSENT

Kevin Felsher

INVOCATION BY: Le'Roy Carney

PLEDGE OF ALLEGIANCE: Wallace "Chip" Barnes

APPROVAL OF MINUTES:

Harry Joachim, Chair, introduced a motion to approve the minutes from the July 09, 2026, AHRC meeting. The motion was moved by Le'Roy Carney and seconded by Carol Vaughn and carried unanimously as follows:

AYES: Carney, Vaughn, Barnes, Barras, Christy, Hathaway, Joachim
NAYS: None
ABSTENTIONS: None
NOTES: None

APPROVAL OF AGENDA:

Harry Joachim, Chair, introduced a motion to approve the agenda for the July 23, 2026, AHRC meeting. The motion was moved by Le'Roy Carney and seconded by Carol Vaughn and carried unanimously as follows:

AYES: Carney, Vaughn, Barnes, Barras, Christy, Hathaway, Joachim
NAYS: None
ABSTENTIONS: None
NOTES: None

giving it some thought, but the decision is theirs. He thought the statue would hide the sign. Chris stated that he would bring it up to Bishop Kihneman.

Le'Roy Carney also stated that he does not think anyone in the area would complain about the light since it is in the downtown area.

Harry Joachim asked for the staff's recommendations. Jerry stated that staff has no objection and thinks it is appropriate; we will have no objection and recommend approval.

Harry Joachim introduced a motion to approve Case No. 26-032 as submitted. The motion was moved by Le'Roy Carney and was seconded by Corey Christy. The motion was carried as follows:

AYES: Carney, Christy, Vaughn, Hathaway, Barras, Barnes, Joachim

NAYS: None

ABSTENTIONS: None

NOTES: None

Case No: 26-033

Jarrod Lewis Fusco

929 Division Street & 287 Bohn Street

Remove parcel from the West Central Historical District

West Central Historical District

Jarrod Fusco presented the case for the property owner Yuri Petrini. I'm sure many of you have read the packet already involving this matter, but I just wanted to kind of have a little refresher on it. One of the biggest points that we're making on removing this property from a historic district is that, in particular, the LDO gives six distinct criteria for why a property should be in a historic district. I'm just going to go through those real fast.

Le'Roy Carney asked to put the site they are looking at back on the screen.

Jerry Creel stated that right here where this dot is, this is the boundaries for the district, and this dot is where Bohn Street and Division Street are.

Jarrod Fusco stated that many of you have probably driven past this before. It's right between the I-110 interstate and Lee's grocery store. But anyway, those criteria include exemplifies or reflects broad cultural, political, economic, or social history of the nation, state, or city. And identified with historic personages or important events, embodies the same machine characteristics of an architectural type, or is a specimen of inherently valuable for study, represented for notable work by a master worker, or is likely to yield information important to prehistory or history, or is an abandoned cemetery, which obviously this is not an abandoned cemetery. But one of the reasons we believe it should be removed, first off, it's on the, as noted, it's on the pretty close to the boundary of this historic district. One of the main points I'd also like to make that I think is kind of significant here, because when we talk about future development for this property, which is uncertain at this time that'll be based a lot on this decision today, is that AHO's one of the criteria mentioned in the LDO is to encourage new structures, which obviously this is not going to stay this way, and developments that will be harmonious with and common with the characteristics of structures, properties, and districts.

In this situation, AHO actually works not in favor of the city, in my opinion, and I'll tell you why. Because even though Lee's grocery store is in a historic district, which I argue really should not be, that building was built in 1970, as you know, and started, I'm sure, if you go way back, as a food center and changed names over the years, but if he were to develop this property to be harmonious with the area around it, he would effectively be designing it to be like the food center building. I don't think that, well, I mean, it's just the argument I'm making, and I understand this. But you have an interstate, you have a food center, you have a grocery store, and that grocery store has been there since the 1970s. I'm sure that's not the design we want to continue with, is the main argument

I make, along with being on the edge of it, and I truthfully don't believe that this property should be in the district anymore. One of the other things I'd like to note is that when we talk about neighborhoods, you've heard the saying, "Hey, I live north of the tracks, or I live south of the tracks, or I live east of the interstate, or I live west of the interstate". I would like to put before you that, as you stand, what you're looking at in the neighborhood here is you're looking between Caillivet and I-110, and that's the type of neighborhood we're dealing with here, which is all regional business zone, it's an AE flood zone, and I think the development in this area should be more focused on the future of business in this region coming right off the interstate. But I'll leave the rest to questions for you.

Harry Joachim asked his first question is to, once again, try and establish the intended use, future use, for this property. You said that it's undetermined at this point?

Jarrold Fusco stated, I can tell you this: he would love for it to be a mixed-use structure that's already in that way, because there's a warehouse on that, and that's a particular use. There's a few residential units, I believe it's four units. I'm sure Mr. Creel will correct me if I'm wrong, but I believe it's four units, maybe eight residential units in there. And the front would be, preferably, a research and development facility, which is what is allowed in a regional business zone.

Harry Joachim asked, research, what sort? Jarrold Fusco stated that he primarily does engineering and aerodynamics work for the government.

Harry Joachim stated that I know there's been an application to put in a huge power source for the property, a bank of power that would be used in the manufacturing process or the shock process of some kind. What does that tell us about the intended future use? Jarrold Fusco stated Yes, you're talking about a 400-amp circuit. 400 amps cannot provide enough power to do any sort of industrial work in any great lengths. Obviously, in research and development, you must be able to build prototypes, so you still have to be able to run equipment. You can't run a factory system off of 400 amps. You just can't do it. In fact, he would have to put a major transformer in there to do it, and there's no room for it, nor is it there right now. So no, it will never be used for industrial use in that format. It will only be used to build prototypes, if anything. That's it. You can't run a server off 400 amps either.

Carol Vaughn asked, didn't he come before us before and had a whole other plan for that? This wasn't it. This isn't what we approved. Jarrold Fusco stated that's the current state of the property. This is not a finished structure at this time.

Carol Vaughn asked has it changed hands recently? Jarrold Fusco stated, no, it's been owned by him for over a year, two years. I'm not sure.

Cory Christy stated, I believe he came to us about two years ago.

Carol Vaughn stated, so he had a whole plan for that. What happened to that plan? It was a very attractive plan. Jarrold Fusco stated, I'm not sure because I've seen a variety of different plans.

Corey Christy stated, it was a sauna. I believe it was going to be like a new whirlpool or sauna or something along those lines in there. Jarrold Fusco stated, That one, I'm not familiar with.

Carol Vaughn stated, you realize that people up on the street of Bohn have put a lot into their houses and making them attractive and stay within the guidelines of the historical district. And also, the corridor that comes now on Division, that comes from Keesler, that they made that new gate, that has become a very attractive area, which it wasn't so much before. And this is right after that. And it looks terrible now. It's not conducive to what we want in Biloxi.

To me, taking you out of the historical district would not, I think that would not have been advantageous to us keeping our city looking historical. You know, we are the tenth oldest city in the United States. So, we want to keep the character and the beauty of that.

A lot of us were raised here all of our lives, and it means something to us. That's why we volunteer our time to come here and be here for these hearings: to make sure that people do not come in and destroy that. It's a slippery slope. It can happen so quickly that we lose all of that, all in the name of money.

Jarrold Fusco stated, so this doesn't – let's keep in mind, two things I'd like to say, and I completely agree with your overall premise, but we don't know what you're saying, but we're talking about literally not districts entirely within the city. We're only talking about one parcel on the edge of a district facing an offramp stuck between the I110 infrastructure, and maybe I'm even – tell me if I'm wrong here. Do you find Lee's grocery to be attractive? Honest question.

Carol Vaughn stated I think it's a great grocery store. I love it.

Jarrold Fusco stated, no, I'm talking about the look of it. **Carol Vaughn** stated, I think that it is – the facade of that type of building can always be improved. I agree, but that's not the issue. The issue is that we don't – if we let that happen, we set that sense of precedence, and we start losing our character, and that needs to be respected.

Harry Joachim stated, let me say this. (9:28) You look at these two properties being inside of a historic district, and I don't know, Jerry, I'm spit balling here, (9:36) but it just seems to me like they want to cap off this historic district. Someone was going to come in eventually and renovate both of these properties or one or the other. Or possibly put a Bucees there, you know, because we have to protect the integrity. The historical integrity of what's going down Bone Street, okay? What's going down in Hopkins. Hopkins looks pretty darn good. In fact – you look across the street at the I110, the land needs to be well utilized and the homes across the street are kind of dressed up a little bit. We had a case just the other – last week we had a case on north Hopkins. So, I think that's why these properties were here. Jerry?

Jerry Creel stated that I'm going to address that in our response.

Le'Roy Carney stated, one of the main issues I have is I sit here, and as those who are here, they've come here at least twice, and nothing they said they were going to do at this location has happened. And, you know, when you're out there by I110 that does not attract us, okay? Even that. And the other thing is this. That grocery store has been there forever. There is a gap to the community, even though it may not look – a facade may not look like Rouse's or one of the other stores, but, you know, it's been there, and it's been a part of that neighborhood. That building didn't start out looking the way it looks today, I can remember when there were shops and stores in there, very attractive. It wasn't that bad. And that's all I have to say.

Jarrold Fusco stated he had one last final comment, if you'll humor me. You know, I know a lot have brought up that new Sharkheads that's coming in. It's not a historic district. It's one property from it. It's directly south of a historic district between the Hard Rock and a historic district. One parcel north, and it's in a historic district. The Sharkheads It is. You can walk from there. The reason I bring that up is if you move this property out of a historic district, it will now be that edge of the district because the off-ramp's right there, and that off-ramp, the road itself coming southbound there is not a historic district. And a lot of people have complained, and I'm sure a lot of people have had comments about the Sharkheads, and people have a variety of views on it. But it's – I would argue that the one property more people would be outraged to say it did not meet the historic district requirement. I'm asking for the same thing you can see for this property and this. And, actually, I understand the property looks ugly right now. I'd be fooled to say it doesn't look ugly right now.

Carol Vaughn stated that it has looked ugly for a long time.

Jarrold Fusco stated I'm aware. My hope is, and the reason I'm here, why I was asked to do this, is I'm hoping to move things forward in a way that the community works and doesn't stay that way. And I know that you're concerned that this will make things worse. I'm here to make things better if you can choose to believe me or not. But I truly believe that if the historic requirements are removed from this, we will get a better structure that is good for the community. I just believe that.

Corey Christy asked Do you have any idea if it will match what's behind it? Because the apartments don't look bad. So those would fit. And then on the other side of the grocery store also, they included apartments that look great. Can you show those? Right, you can see the blue there.

Carol Vaughn stated Yeah, the ones the Back Bay Mission did.

Jarrold Fusco asked, Might I approach? Committee - Sure. Jarrold Fusco showed them the original plan. So, this was originally the plan. He showed me the one he did.

Corey Christy asked if it was research at the top.

Jarrold Fusco stated, this would just be research. I know it looks like two stories. He told me it's not. I don't know if it's because it's a draft, but this is it. That's what I'm assuming.

Carol Vaughn stated, that's not what we saw at the beginning.

Jarrold Fusco stated, yeah. I'm coming in a little later. But I truly believe this is what he told me he really wants to do. And this won't be a — I believe this would be an issue. I mean, historically it's not, is it? I could be wrong, but.

Carol Vaughn stated, He's kind of lost some credibility with us because he's presented it before, and it wasn't anything like this. Jarrold Fusco stated it wasn't this, then.

Corey Christy asked do we know what stopped the previous plan. That was the one we were supposed to see.

Jarrold Fusco stated I don't know. I don't know where the communication disconnect is. I'm literally here to try to help break down some communication barriers. There was a lot of e-mail communications. I'm trying not to be. With certain backing conversations that this body would not have approved it in that form. That's what I was informed of.

Carol Vaughn stated, we already had approved it.

Jarrold Fusco stated, not this design, right?

Carol Vaughn stated, we've never seen that design. The designs changed. And, you know, we have to remember also that he may not own this in 20 years. And we lose that guideline for that property. And if we did that all over the city, we would lose everything.

Harry Joachim stated it reminded him of spot zoning. That's what the principles are saying. Nothing else. Mrs. Fusco, I'll let you have a seat. Before we get to Jerry, let me say one thing, Mrs. Fusco. I see in your letter here, you enclosed for a filing application for a map amendment to amend the removal of West Central District. Okay. Now, if I remember correctly, map amendments, only city council can do those.

Jerry Creel stated, I'll let you have a minute.

Harry Joachim stated, So, Mr. Creel, my question. Number one, can this be done? Number two, is there precedent for this being done? Number three, is there a procedure for doing it? I think I need to know all those things. It's new to me.

Jerry Creel stated, can we hear from anybody else in the audience?

Harry Joachim stated, Oh, I'm sorry. Anybody else want to speak forward?

No one came forward to speak.

Harry Joachim had Mr. Creel come to the podium.

Jerry Creel stated, let me start by addressing a couple of things. Number one, the Sharkheads was brought up. The Shark Heads is not in the historic district. The reason it came before y'all was because it was within the distance to a landmark. And when that comes before you, the only thing you're considering, is there anything about the new development that's going to have an adverse impact on the landmark, which is the town green property? And y'all voted to approve that. So that doesn't apply here.

Also, today is the first time that we've heard anything about research and development going into that building. And we've heard about a number of possible uses going in, but this is the first time we've heard about that.

I'm going to address the code and the relevance to the code. And first of all, I want to make sure that everything that we present here today is going to be made a part of the record for future.

The case before you this morning is an appeal application to have the property and the structures located at 929 Division Street and 287 Bohn Street removed from the West Central Historic District. The main argument for this appeal is that there was a mistake in the original zoning or map amendment (18:11) and that the property and structure should never have been included in the district.

Just a little background. The West Central Historic District was designated by the State of Mississippi in 1984. And then in 1988, the city of Biloxi designated this area as the Garden Historic District. I want to show the map of the boundaries. You can see the boundaries, and if you'll notice the little black dot that we showed before. These are the boundaries, and where Felicia is pointing with the cursor is the property that we're talking about. That's where we're located. So clearly, it's within the boundaries of the West Central Historic District property we're discussing.

The Historic District was presented, considered, and approved under the zoning and historic ordinances that were in place at the time, which would have been in 1984 and 1988. At the time of adoption by the City of Biloxi. We're not aware that any appeal was filed at that time to challenge that designation as a Historic District. We're currently under the 2010 Land Development Ordinance that contains the sections that address architectural and historical overlay districts and certificates of occupancy. This ordinance was adopted November 11, 2010. Did we hand out the copies already, Felicia? Y'all have copies? Okay. These sections of the LDO contain language that clearly indicate that the purpose of designating Historic Districts is to protect the integrity of the Historic District. The West Biloxi Overlay District existed at the time of the adoption of the current Land Development Ordinance in 2010 and continues to exist today.

The structures and property contained in the appeal application are not designated landmarks, but are included in the district because they are immediately adjacent to the neighborhoods that have many old Biloxi houses with historic architectural features. Essentially, this structure is the gateway into that district there. And as they exist, they exist. But the purpose is to make sure that if anyone ever does come forward with any proposed changes to Lee's grocery or to this structure, that what they would do would complement the district, not adversely affect the district. I'll get to that a little bit more. They're not designated landmarks, the structures, but are included in the district because they're immediately adjacent to the neighborhoods and have many old Biloxi houses with historic architectural features. And I want to show some pictures of some of these houses that we're talking about that are on Bohn Street and have architectural features as you drive down. So, you come in off Division Street, the

entrance there, and you're driving in, and there are houses on both sides of the road that clearly have old Biloxi historic features. We have more that we can show you all the way down, so we won't waste a lot of time on that.

Now, there's a difference between landmarks, landmark properties, and historic districts. A landmark is a historic structure that's been given that designation, the landmark designation, by the city as a landmark. And the landmark may or may not be in the district, and there have been cases, this has been mentioned before, there have been cases where someone had a landmark in an isolated area that they asked to have it removed off the landmark status, and it was removed.

This is the first time that I'm aware of that anyone has asked for a property to be removed from a historic district. If that's happened before, I don't recall. A landmark site, let me give you an example of a landmark structure, the Sweetman House. It's not in the historic district. It is a historic landmark.

Okay, a landmark site, a landmark site basically meets the same definition, but it usually has to do with the property, and a landmark site, as we talked before, is the Town Green. The Town Green is a landmark site. There's no structure on it.

The district is an area or a neighborhood that has multiple historic structures in it, and so the boundaries are drawn based on what is there existing or what possibly could be there, and there are properties that are included to protect the integrity to make sure that if they come forward with future changes that they would come before this body to make sure that they're compatible in that area.

Our position today is that this discussion is not about an individual landmark property, but it's about the historic district as a whole. Again, it's about the district and not about the individual property. When you read in the "purpose" under the historic district standards, it tells you the language that's in there includes words like foster, preserve, stabilize, protect.

All of those have to do with looking out for the district, looking out for the neighborhood, and the last sentence in there under purpose says, and to encourage new structures and developments that would be harmonious with and complement the character of existing structures, properties, and districts in accordance with this section. Fusco used the term it's "on the edge", but the term that we're using is that it is the "gateway". Yeah, it is on the edge, but it is the gateway going into the district there.

It's our position that the property being at the "entrance or gateway" to the West Central Historic District should remain in the district to protect the integrity of the historic district so that any proposed exterior changes would be designed to comply with historic standards and complement the district rather than distract or adversely affect it. If this property is removed from the district, then any proposed future changes to the structures would only have to comply with the zoning and the building code and no input about the exterior design of the structure. Can you imagine a futuristic structure being built on this property, and what kind of effect that would have on the historic district as a whole or on the historic character of the neighborhood, especially on Bohn Street, Division Street, and Hopkins Street?

All right, now let me address the specific points made in the appeal application.

Let's go back and remember that these were designated in 1984 and 1988. But our land development ordinance, including the language you have before you, was not adopted until 2010. So, you can't realistically take the regulations of today, the six criteria of inclusion, and argue that it was a mistake in the original zoning and the original designation in 1988, over an ordinance that's not going to be written for another 20-plus years, I mean, this would be like us denying something because you know what? We think that in 20 years from now, the law's going to be passed. It's going to have these six areas of inclusion in it. So, does that make sense?

Committee - Yes, it does.

Harry Joachim stated, in 20 years from now, you're going to be guilty.

Jerry Creel stated, Yeah, this was 20, 22 years. Nobody had anticipation that there would ever be an ordinance written that would have six areas of inclusion. So, the basis of their argument is, the appeal, is that we should apply those six criteria to something that was approved in the 2010 ordinance to something that was approved in 1984 and 1988. We don't agree with that.

The appellate argues that 929 Division Street was incorporated into the district because of its geographic proximity, rather than its historic contribution, and we partially agree with that. We think that definitely played a part in it, the geographic location of the gateway to this historic district, that this property was incorporated to protect, again, protect and complement that historic district.

There's actually a statement in the appeal that supports our position. If y'all have a copy of the appeal that was actually filed, if you'll look on page 7, and this is coming from the appellate.

Committee - No, we don't have it.

Jerry Creel stated, All right. Let me just read to you. There's a statement on page 7 in the appeal that says that it actually supports our position. The appellate states that historic districts are premised on "neighborhood continuity" and "visual cohesion", and that's exactly what we're arguing today, is that these properties were included to provide neighborhood continuity and visual cohesion. On page 6, the appellate argues that the construction of—and then I'm just going through the arguments that were made. All right, the appellate argues that the construction of the I-110 interstate physically and visually severs the 929 Division Street property from the historic core of the West Central Historic District, and we disagree with that as well. The I-110 interstate was elevated above these houses, and when you're coming down the street and looking at it from public view, you don't even notice it. It does not detract from the visual, the facades in the historic district on the front.

Harry Joachim Let me interrupt just a minute. Show us the district boundary lines again.

Felicia Serpas showed the map and stated, It's this light brown color.

Harry Joachim stated, so it does cross Division Street?

Felicia Serpas stated, yes.

Harry Joachim stated, you do have parts that cross. Alright. I just wanted to verify.

Jerry Creel stated, we do not believe—we believe that the I-110 being an elevated structure does not block or adversely affect the street view of the historic structures that are in this district.

There's another argument in the appeal that the extension of the West Central Historic District to include the western portion of Division Street plays a role in this. That was done in 2019. It does not include these properties. We believe that's irrelevant. That extension has nothing to do with the properties in the appeal that we're talking about here today.

You know, and then I would go back to whenever someone is looking in to acquire a piece of property, they have a responsibility to do their due diligence to see if there are any special conditions about this property that might have an effect on this decision to buy: Is it in a flood zone? Is it in a historic district? Well, if it's in a historic district, and you have done your due diligence, then you realize there are steps you have to take and follow to do things.

As mentioned before this property has been presented to the AHRC previously and there was never any mention about a mistake in the original zoning or anything like that.

Just to summarize our position on this:

1. The six criteria of inclusion do not to apply to this case since they were not in effect at the time this West Central Historic District was designated in 1984 and 1988.
2. The subject properties were included in the district to protect the "integrity" of the West Central Historic District.
3. The city produced an architectural survey in 2000. It was after these were designated, but there was one done.
4. Interstate I-110 did not sever, destroy, or create a barrier that affected the public view or historic homes.
5. The western expansion of the West Central Historic District does not involve these properties, so it is irrelevant.
6. The buyers of properties are expected to do due diligence before acquiring property to see if there any special requirements.
7. This property has been before this board previously and there never an appeal or a challenge to the original zoning.
8. Lastly if AHRC approves to remove this property from the West Central Historic District, it is still within 250' of a historic landmark and would still need to come before AHRC with any design they were going to do.

We believe that approving this appeal would compromise the integrity of the West Central Historic District. We would recommend that the appeal be denied.

Let me mention one other thing, If the AHRC approves this appeal then what would happen next would be a map amendment to remove. It would go from here to the Planning Commission for a public hearing because they are the ones to recommend approval of the map amendment. Then to the City Council for a final decision. If AHRC denies this appeal, then the applicant has ten days to file an appeal to City Council.

Harry Joachim introduced a motion to consider Case No. 26-033 as submitted. The motion to deny the appeal application was moved by Carol Vaughn and was seconded by Wallace "Chip" Barnes. The motion was carried as follows:

AYES: Vaughn, Barnes, Christy, Hathaway, Carney, Barras, Joachim
NAYS: None
ABSTENTIONS: None
NOTES: None

VII. PENDING APPLICATIONS: None

VIII. MINOR CERTIFICATE OF APPROPRIATENESS:

Case No: 26-34A
212 Santini Street
Reroof Like-For-Like
West Central Historic District

Mary Jarman