



GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS

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DEPARTMENT OF PLANNING AND NATURAL RESOURCES

Report on Petition to Amend Official Zoning Map No. STZ-7

Application No. ZAT-22-17

Petition of 5C-AR Holdings, LLC requesting that a use variance be granted to the C (Commercial) zoned Parcel No. 5C Estate Anna's Retreat, No. 1 New Quarter, St. Thomas.

PROJECT PROFILE

Owner/applicant: 5C-AR Holdings, LLC as per Warranty Deed dated January 11, 2022, Document No. 2022000370.

Acreage: The property consists of 11,255 sq. ft., as shown on Drawing No. G9-787-T64.

Current Use: A two-story building undergoing renovations and last in use residentially about 2012. The previous residential use was granted nonconforming status because it existed prior to when the property was rezoned to C-Commercial in 1974 by Act No. 3562.

Proposed Use: The applicant is adding a third floor. Section 234 (f) of the Zoning Law, Nonconforming Uses, states, "...no building occupied by a nonconforming use shall be extended or enlarged in any manner except as may be required by law or regulation or changed to a conforming use." The third-floor addition was permitted because the applicant changed the building use for eight commercial units. However, the applicant wishes to convert three of the units over to residential use.

Surrounding Uses/Zones: The surrounding area is mixed use and zoned R-2 (Residential-Low Density-One and Two-Family), B-2 (Business-Secondary-Neighborhood), and C-Commercial.

Infrastructure: Water needs will be supplied by the public line. Wastewater will be handled by a septic system.

Public Response: Other than the applicant and his representative, no one else spoke in support of, questioned, commented, or expressed opposition to the petition at DPNR's public hearing held November 7, 2022.

Analysis: During the department's public hearing, Attorney Vonetta Norman and Mr. Mark Grimes testified the property was residentially developed prior to the 1972 adoption of the Zoning Law. The

property was granted a rezoning to C-Commercial in 1974. Residential use is not allowed in the C-Commercial zone and the property was deemed nonconforming. The nonconforming residential use ended causing the property to lose its status.

As previously mentioned, Section 234 (f) of the Zoning Code does not allow the enlargement or extension of buildings occupied by a nonconforming use. The department does not have records on why the commercial rezoning was not utilized; however, the applicant's request allowing mix use of the building is in accordance with the past nonconforming use of the property and the mixed use of the surrounding area. The applicant also wishes to meet the housing need that the Tutu area has.

The C-Commercial zone does not have standards for residential density. Based on the previous density of three dwelling units (one, two-bedroom unit and two, one-bedroom units) and the proposal seeking the same density and unit/bedroom counts, the department does not foresee a conflict with the proposal.

The territory's housing crisis mirrors the national housing crisis where long-term housing is becoming hard to find and is competing with the short-term rental market. Zoning reform is being encouraged at the national level to address the housing shortfall. This takes on several methods: allowing housing in zones that previously did not allow housing, increasing density/reducing lot sizes, or changing measurements from maximum number of permitted dwelling units per acre to maximum number of permitted bedrooms per acre. Zoning Reform will address the number of zoning map amendment requests we are receiving for allowing housing in zones that did not allow it or the increase in density being sought through the Amnesty/Infill Program and zoning map amendment process.

Recommendation:

The Department of Planning and Natural Resources recommends that Parcel No. 5C Estate Anna's Retreat, No. 1 New Quarter, St. Thomas be granted a use variance to allow for Dwellings.

Keith Richards

1/18/23



Keith Richards
Assistant Commissioner

Date

Cc: Jean-Pierre L. Oriol, Commissioner, Department of Planning and Natural Resources