



GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS

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DEPARTMENT OF PLANNING AND NATURAL RESOURCES

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Office of the Commissioner

**Report by the Division of Comprehensive and Coastal Zone Planning on
the Petition to Amend Official Zoning Map No. SCZ-10, Application No.
ZAC-24-1**

Petition of applicant, Roncan, Inc. d/b/a Sand Castle on the Beach Hotel to amend Plot Nos. 126A, 126B, 126C, 126CA, 127E Combine, and 212 Estate Two Brothers, Smithfield, & Hesselberg, West End Quarter, St. Croix from W-1 (Waterfront-Pleasure) to R-3 (Residential-Medium Density) zoning to bring the nonconforming hotel into zoning conformity.



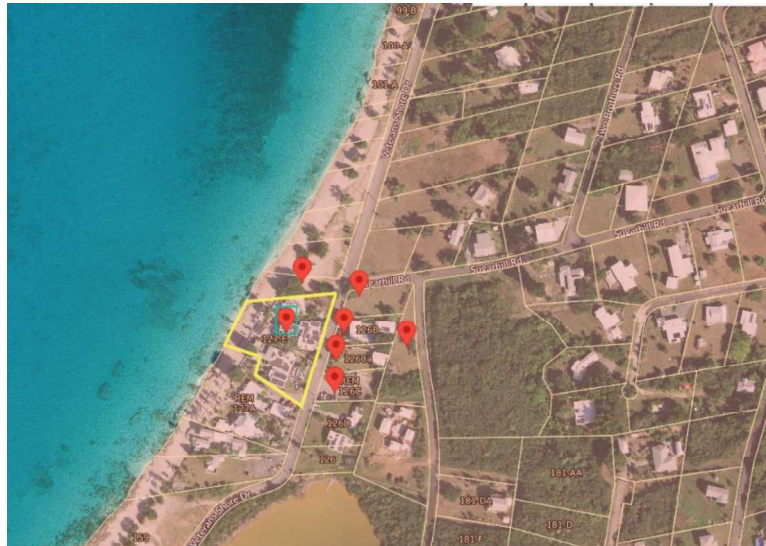
Photo of current site condition

Property Owner(s): Roncan, Inc. as per Warranty Deeds dated October 27, 1997, Document No. 5077/1997; December 19, 2016, Document No. 2017000013; and November 23, 2021, Document No. 2022000807.

Applicant Representative(s): Christopher Richardson, Owner and President of Roncan, Inc. and Hera Psaros, Architect and Attorney in Fact.

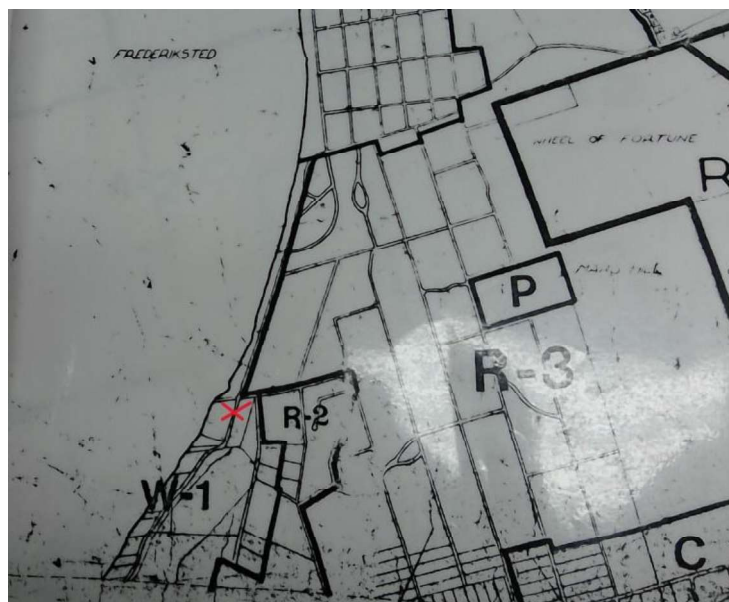
Acreage: 2.6808 acres combined as described on survey drawings D9-6591-C018, 1246, 1844, and 1685-B.

Surrounding Uses and Zones: To the north is Dorsch Beach. To the east is undeveloped land and residences. To the south is another hotel, Cottages by the Sea, and to the west is the ocean.



MapGeo aerial view of properties (marked in red)

The surrounding area is zoned W-1, R-2 (Residential-Low Density-One and Two Family), and R-3 with one rezoning granted for Plot Nos. 127-B and 127-C Est. Smithfield-Hesselberg and Two Brothers. Plot Nos. 127-B and 127-C were rezoned in 2007 from W-1 to R-3 by Act No. 6912.



Official Zoning Map No. SCZ-10 (property location indicated by red X)

Infrastructure: Water needs are supplied by public water lines and backup cisterns. Wastewater is handled by public sewer lines.

Other needed DPNR Division reviews: The property will undergo the Coastal Zone Management (CZM) Tier 1 permitting process for any future permitting needs.

Project Summary: At DPNR-CCZP's public hearing, Mr. Christopher Richardson testified that the intent is to bring the Sand Castle on the Beach Hotel into zoning conformity and allow future expansion that may occur in two to five years. The hotel comprises of six buildings with 26 guest rooms and a restaurant. There are also storage sheds, green spaces, and an apartment where the property owners reside. Mr. Richardson stated the requested R-3 zone will allow the hotel to have greater flexibility to expand without the restrictions of the current W-1 setback requirements; therefore, having an enhanced positive connection and flow throughout the property and making it more desirable for guests and their visiting experience.

Public Response at DPNR-CCZP Public Hearing held January 16, 2024: There was no opposition or concerns expressed with the proposal. One adjacent property owner expressed support and confirmed the eastern undeveloped lot is owned by her and she has no development plans for it. There were no post-hearing comments received.

Analysis of Request/Reason for Recommendation: The buildings that make up Sand Castle on the Beach Hotel were constructed prior to the 1972 adoption of our zoning laws. The structures do not align with the current W-1 setbacks, creating various unusable areas on the main road facade of the hotel. Also, the properties do not conform with the W-1 zoning requirements for a hotel use; namely, Section 231. Uses permitted subject to conditions. The first condition is that a hotel in the W-1 zoning district must comply with a minimum lot area of three acres. The subject properties are 2.6808 acres combined.

The properties are deemed nonconforming and are restricted by Section 234. Nonconforming uses. (f) which 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." Plot Nos. 127-B and 127-C Estate Smithfield-Hesselberg and Two Brothers which is the hotel to the south, Cottages by the Sea, underwent the zoning map amendment process because it too was deemed nonconforming and was unable to expand. The R-3 zoning was sought and granted allowing for zoning conformity.


In analyzing the applicant’s request, the department compared the property’s current W-1 zoning requirements to the requested R-3 zoning requirements:

Section 228. Uses Section 229. Development Provisions	Requested R-3 zone	Current W-1 zone
Hotel use	Permitted as a matter of right	Permitted subject to meeting conditions for: Lot area, density, height limit, and parking.
Parking	In accordance with Section 230.	In accordance with Section 230.
Density (maximum)	80 persons per acre	40 persons per acre
Lot occupancy (maximum)	30 percent	40 percent
Lot area (minimum)	6,000 square feet	3 acres
Usable open space (minimum)	35 percent	30 percent
Lot width (minimum)	No requirement	100 feet
Front, Side, and rear yards (in feet)	None	25, 10, & 20, respectively
Height limit (maximum)	6 stories	3 stories

The properties do not meet the W-1 zoning requirements for lot area, lot width, or setbacks. It is appropriate to place them under the zoning designation they do comply with, namely, the R-3 zoning district and eliminate the nonconforming status.

Recommendation

The Department of Planning and Natural Resources recommends that Plot Nos. 126A, 126B, 126C, 126CA, 127E Combine, and 212 Estate Two Brothers, Smithfield, & Hesselberg, West End Quarter, St. Croix be rezoned from W-1 (Waterfront-Pleasure) to R-3 (Residential-Medium Density).



 Jozette J. Walker, CPM
 Assistant Commissioner

1.29.2024

 Date

Cc: Jean-Pierre L. Oriol, Commissioner