



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. STZ-7, Application No.
ZAT-24-6**

Petition of applicant, Raphael W. Bostic to amend Plot No. 4 Estate Charlotte Amalie, New Quarter, St. Thomas from R-2 (Residential-Low Density-One and Two Family) to C (Commercial). The purpose of the request is to bring the nonconforming/grandfathered property into zoning conformity.



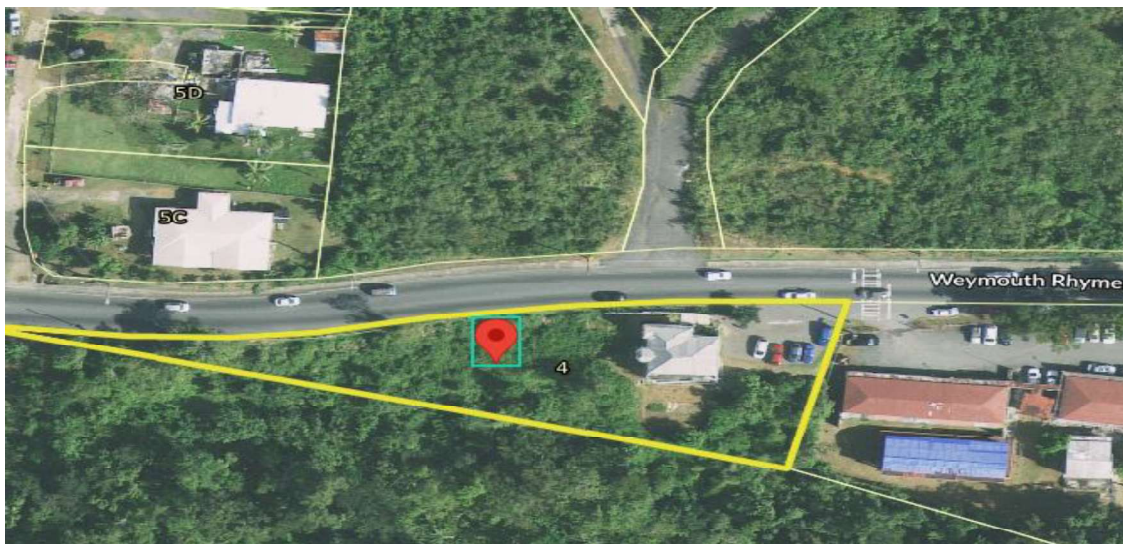
Photo of current site condition

Property Owner(s): Raphael W. Bostic as per Deed of Gift dated April 4, 1997, Document No. 2550/1997.

Applicant Representative(s): Raphael W. Bostic.

Acreeage: 0.79 acres as described on survey drawing No. B9-452-T75.

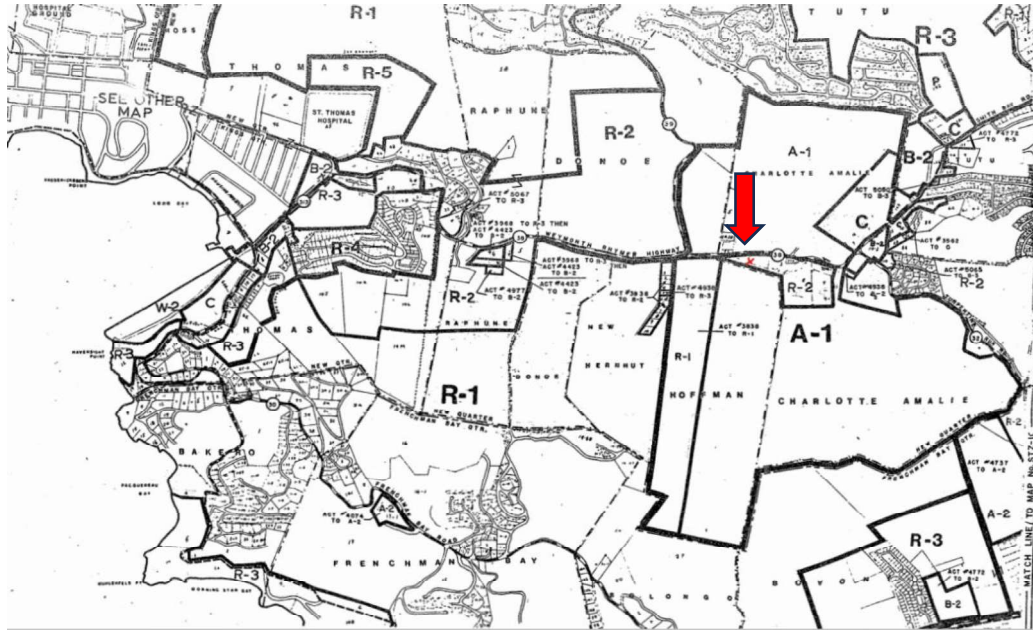
Surrounding Uses and Zones: Surrounding the property to the north is the Weymouth Rhymer Highway, commercial and residential properties. To the east is the Edith Williams school. To the south is undeveloped land. To the west is undeveloped land then a gas station.



MapGeo aerial view of property (marked in red)

The surrounding area is zoned A-1 (Agricultural Zone), R-1 (Residential-Low Density), R-2, R-3 (Residential-Medium Density), B-3 (Business-Scattered), and C-Commercial with eight rezonings granted (detailed in the table below).

Plot No. and Estate	Year rezoned	Original zone	Rezoned to	Act No.
Section C Est. Hoffman & Nullyberg	1976	A-1	R-1	3838
A-1 of Section A Est. Hoffman	1994	A-1	R-1	6023
C-12 Est. Hoffman & Nullyberg	2000	R-1	R-2	6343
3-A, 3-C, & 3-F Est. Charlotte Amalie	2002	R-2	B-3	6522
C-12-1 Est. Hoffman	2004	R-2	B-3	6658
35 & 36 Est. Charlotte Amalie	2004	A-1	C	6723
A-1 & A-2 Est. Hoffman & Nullyberg	2014	A-1	R-3	7703
A-Rem Est. Hoffman & Nullyberg	2014	A-1	R-2	7703



Official Zoning Map No. STZ-7 (property location indicated by red arrow)

Infrastructure: Water needs are supplied by public water lines and backup cistern. Wastewater is handled by a septic tank.

Other needed DPNR Division reviews: None.

Project Summary: At DPNR-CCZP’s public hearing, Mr. Bostic testified the request is to bring the nonconforming property into zoning conformity. The three-bedroom, one-bath single-family home was originally built in 1951, according to tax records. Over 30 years ago it was converted to commercial use and utilized by veterinarians for their animal medical practice. The last vet office ceased use in 2022. The site has parking for four to six vehicles and no new construction is proposed.

Public Response at DPNR-CCZP Public Hearing held June 18, 2024: One adjacent property owner expressed support and gave details on the historical use of the property which was first used as a residence then converted to commercial use. No post-hearing comments were received.

Analysis of Request/Reason for Recommendation: The property was originally developed and used as a two-story, single-family dwelling. The conversion to commercial use occurred over 30 years ago and it was a veterinary office used by three different veterinarians over the years. The site has received inquiries for continued commercial use (restaurant or a pet grooming business)


but restricted by Section 234 of the Zoning Code (Nonconforming uses). The restrictions on structural changes, expansion of the building, restoration, and discontinuance of use has resulted in the property owner requesting a rezoning as the site is not attractive for residential use.

The intent of Section 234 is that eventual conformity of the development of an entire zoning area would happen. The nearest residential use is within 120 ft. to the north, across the Weymouth Rhymer Highway and the surrounding area has received eight rezonings (three of which have been B-3 and C-Commercial zones). These three properties are located along the busy highway and the zoning map amendments are indicative of the need to analyze properties for appropriate mixed-use zoning based on location, nonconforming and non-residential uses, and surrounding features. The department recognizes some locations may be more appropriate for mixed-use zoning that were formerly zoned residential.

The applicant requested the C-Commercial zoning, and the department analyzed its appropriateness for the location. The C-Commercial zone was intended for light-industrial/manufacturing uses to be located away from the central business districts that catered to pedestrians and tourists. It permits over 200 uses and could negatively impact surrounding properties. The applicant does not intend industrial type uses and the C-Commercial zoning would not be in conformity with the mixed-use nature of the area. The department determined it would be more appropriate to recommend the B-3 zoning. The recommended B-3 zone was intended for mixed use (business and residential) with businesses being more of the office/retail nature.

Recommendation

The Department of Planning and Natural Resources recommends that Plot No. 4 Estate Charlotte Amalie, New Quarter, St. Thomas be rezoned from R-2 (Residential-Low Density-One and Two Family) to B-3 (Business-Scattered).



Jozette J. Walker, CPM
Assistant Commissioner

7.2.2024

Date

Cc: Jean-Pierre L. Oriol, Commissioner