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Historic Preservation Signage Rules Stir Controversy Among St. Croix Business Owners

Businesses challenge HPC's stringent signage regulations; claim uneven application and lack of legal clarity disrupts operations in historic districts

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Downtown Christiansted, St. Croix is a bustling business zone with everything from restaurants to jewelry stores. By. GETTY IMAGES

Frustration over Historic Preservation Commission signage regulations dominated a meeting of the St. Croix HPC last Thursday.

A number of businesses were before the HPC board for signage violations, including several located in the Pan Am complex in the town of Christiansted.

One of these businesses was Marley Natural, which had been cited for non-compliance due to the preponderance of decals affixed to the display windows and front doors. Despite facing pushback, committee members stood firm about the need to ensure that one by one, businesses within historic districts come into compliance with prevailing regulations regarding signage and other aspects of the physical premises.

“There is a level of compliance that across the board needs to be administered throughout the district,” said Kurt Marsh, chair of the VI Historic Preservation Commission.

Mr. Marsh shrugged off the Marley Natural representative’s contention that neighboring businesses are displaying even worse forms of non-compliance. “We can’t function properly if we continue to have situations where persons are concerned with their neighbors, as opposed to being concerned with the overall regulation of the district,” Mr. Marsh contended. He argued that right-thinking business owners located in historic districts should want to be within regulation to serve as a good example of the standard when the HPC approaches neighboring non-compliant businesses. “Work with us as we’re trying to work with you,” Mr. Marsh implored.

He also appealed for assistance from the St. Croix Administrator. Noting that Administrator Samuel Sanes was on the call that day, Mr. Marsh said that coordination on helping compliance issues come to a resolution “would be much appreciated because for example, we’re now looking at three or four projects on this agenda in one complex.” Mr. Marsh suggested that if the Office of the Administrator worked together with HPC to encourage the landlord to ensure tenant compliance, it would enhance the efficiency of these processes.

Nate’s Boathouse was another business before the HPC for signage non-compliance, and Chief Operating Officer Chris Mitchell spent a significant amount of time challenging the HPC’s authority to regulate signage at his location in the first place. His contention centered around the three differently-designated districts within the Christiansted town limits. Despite State Historic Preservation Officer Sean Krigger’s explanation as to why the HPC was legally empowered to regulate activity in each of the designated areas, Mr. Mitchell insisted that a legal opinion from the 35th Legislature would have to be issued before he was satisfied.

Although indicating that he would comply with the HPC stipulation that he remove the offending signage, Mr. Mitchell amplified the complaints made by the representative from Marley Natural, insisting that the rules were being unevenly applied. “I would like fairness across the board,” Mr. Mitchell asserted, noting that a nearby library – a government institution – was displaying signage that was not compliant with prevailing regulation. He pointed to the proliferation of awnings along Strand Street and others in defiance of the rules, and building signs far in excess of the allowed dimensions. “We’re opening a can of worms,” he contended.

However, Mr. Marsh remained steadfast regarding the HPC’s approach in terms of slowly bringing businesses in historic districts into compliance, reminding Mr. Mitchell of the Committee’s limited resources. “Did you hear me ask the administrator earlier for assistance,” asked Mr. Marsh, pointing out that the HPC was a volunteer board. “There’s no staff that we can send people out and find discrepancies and respond to them,” he noted. “We are a volunteer board that meets once a month to regulate the rules and laws of the Virgin Islands Historic Preservation Commission as they are established to the Legislature and the federal government.”

Mr. Marsh however agreed with Mr. Mitchell that “some of the greater violators” of historical district regulations “are the Government of the Virgin Islands.” He was nevertheless insistent that an adversarial approach was not the right one. Mr. Marsh acknowledged that “there is a mountain

of violations across Christiansted and Frederiksted, Charlotte Amalie and Cruz Bay.”

However, “with a volunteer board doing this work, the capacity is extremely low,” Mr. Marsh pointed out.

Despite the resource challenges, the HPC is determined to ensure that regulations are tailored to reflect current realities. Mr. Marsh pointed to a recent decision to allow telephone numbers to be placed on signage “because we understand that those are ways in which people communicate and find businesses now.” The HPC Territorial Chair concluded his response by asking for cooperation from the business community. “These buildings were built by the hands of the ancestors of the people who now occupy these spaces,” he noted. “It’s about the architectural legacy and the aesthetics and the appeal of these places. Your business in one way or the other should not take from any of them.”

St. Croix Administrator Samuel Sanes spoke in support of the HPC’s mission, and expressed bafflement at the failure of the Legislature some years ago to pass legislation that would have given the committee some “teeth”. Mr. Sanes, a former senator himself, also expressed frustration at the careless ways in which some property owners in Christiansted treat the historical buildings they own and occupy.

Nevertheless, he counseled compassion for struggling business owners. Mr. Sanes echoed Mr. Mitchell’s claims that many Christiansted businesses are on the brink. “I am in favor of putting back some of our historic buildings as they need to be,” Mr. Sanes declared, “but at the same time we need to work together.”

Noting that some attempts are being made to review and implement an adjusted fee structure for violations of historic district regulations, Mr. Marsh nevertheless emphasized that the real issue is capacity, since a paucity of staff will still not be able to handle the administrative work involved in disseminating notices of violations and fines in addition to all the other HPC work that must be done. “DPNR centrally needs to increase their budget and hire people,” Mr. Marsh declared, noting that the HPC board members, bar one, are all working professionals who are volunteering in their spare time.

Senate President Novelle Francis also had a representative at the meeting. On behalf of his office, Shawna Richards said that he was “a little concerned at this move to remove advertising, especially in our current economy.” Echoing concerns expressed strongly by Mr. Mitchell before her, she opined that “it just doesn’t seem fair to the businesses that are operating in some very tough conditions right now.”

However, she acknowledged that the HPC regulations were dictated by statute, and said that the Senate President would be willing to help advance a legislative review process in the hopes of updating the relevant sections of the VI Code which may need to be amended “to both recognize the current environment” and also “give teeth to the HPC and to bring clarity to the statute.”

Ms. Richards also encouraged HPC, through the DPNR commissioner, to make a “very, very strong case” for additional funding to add staff to the commission. Otherwise, no amount of legislative reform effort will be effective. “If you don’t have the capacity to enforce, then you’re kind of just spitting into the wind,” Ms. Richards acknowledged.

While rebutting the idea that current regulations are a deterrent for businesses, Mr. Marsh nevertheless welcomed discussions on the possibility of amending size regulations, should the business community feel like bigger signs are needed. “We can talk about these things and make

amendments together so that everyone is happy and so that the overall function is more efficient.”

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