

# **Central Planning Authority**

**Minutes of a meeting of the Central Planning Authority held on February 03, 2021 at 10:00am, in Conference Room 1038, 1<sup>st</sup> Floor, Government Administration Building, Elgin Avenue.**

**03<sup>rd</sup> Meeting of the Year**

**CPA/03/21**

**Mr. A. L. Thompson (Chairman) (left at 1:30)**  
**Mr. Robert Watler Jr. (Deputy Chairman)**  
**Mr. Kris Bergstrom (Acting Chairman 5.8, 5.9)**  
**Mr. Peterkin Berry (arrived 11:15)**  
**Mr. Edgar Ashton Bodden**  
**Mr. Roland Bodden (apologies)**  
**Mr. Ray Hydes**  
**Mr. Trent McCoy (absent)**  
**Mr. Jaron Leslie (arrived 12:30)**  
**Ms. Christina McTaggart-Pineda (absent)**  
**Mr. Selvin Richardson**  
**Mr. Fred Whittaker**  
**Mr. Haroon Pandohie (Executive Secretary)**  
**Mr. Ron Sanderson (Deputy Director of Planning (CP))**  
**Mr. Burton Schneider (Acting Executive Secretary 4.1)**

- 1. Confirmation of Minutes & Declarations of Conflicts/Interests**
- 2. Applications**
- 3. Development Plan Matters**
- 4. Planning Appeal Matters**
- 5. Matters from the Director of Planning**
- 6. CPA Members Information/Discussions**

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**APPLICANTS ATTENDING THE AUTHORITY'S MEETING VIA E-CONFERENCE**

<b>APPLICANT NAME</b>	<b>TIME</b>	<b>ITEM</b>	<b>PAGE</b>
Karl Lopez	10:30	2.1	5
James Bovall- enforcement notice appeal	11:00	4.1	89
Eden and Jackson	1:00	2.2	11
Yanet Caderin Ebanks	1:30	2.3	13
NWPR Group Ltd.	2:00	2.4	16

**1. 1 Confirmation of Minutes of CPA/02/21 held on January 20, 2021.**

**Moved** Kris Bergstrom

**Seconded** Selvin Richardson

**Confirmed**

**1. 2 Declarations of Conflicts/Interests**

<b>ITEM</b>	<b>MEMBER</b>
2.9	Fred Whittaker
3.3	Robert Watler Jr.
4.1	Kris Bergstrom, Haroon Pandohie, Ron Sanderson
5.8	Robert Watler Jr., Fred Whittaker
5.9	Robert Watler Jr., Fred Whittaker



## **2.0 APPLICATIONS**

### **APPEARANCES (Items 2.1 to 2.4)**

#### **2.1 KARL LOPEZ (Island Drafting) Block 28B Parcel 121 (P20-0551) (\$660,269) (BS)**

Application for apartments.

**An appearance was scheduled for 10:30. The applicant and his agent were present and available for the meeting, but the objector was not.**

#### **FACTS**

<i>Location</i>	Meadowlark Road, off Spotts Newlands Rd
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	<b>Objector</b>
<i>Parcel Size Proposed</i>	0.51 ac. (22,215.6 sq. ft.)
<i>Parcel Size Required</i>	25,000 sq. ft.
<i>Proposed Use</i>	Apartments
<i>Building Size</i>	4,259.8 sq ft sq. ft.
<i>Building footprint</i>	2,226.3 sq ft
<i>Building Site Coverage</i>	10%
<i>Allowable Units</i>	7
<i>Proposed Units</i>	3
<i>Allowable bedrooms</i>	12
<i>Proposed bedrooms</i>	6
<i>Required Parking</i>	5
<i>Proposed Parking</i>	12

**Decision:** It was resolved to adjourn the application and re-invite the applicant and objector to appear before the Authority to discuss details regarding the application.

#### **AGENCY COMMENTS**

Comments from the Water Authority, National Roads Authority, Department of Environmental Health, and CI Fire Service are noted below.

#### **Water Authority**

*Please be advised that the Water Authority's requirements for this development are as follows:*

### *Wastewater Treatment & Disposal*

- The developer shall provide a septic tank(s) with a capacity of at least (1,250) US gallons for the proposed, based on the following calculations:*

<i>BUILDING</i>	<i>UNITS/BLDG</i>	<i>GPD/UNIT</i>	<i>GPD/BLDG</i>	<i>GPD</i>	<i>GPD</i>
<i>Apartment Building</i>	<i>3 x 2-Bed Units</i>		<i>225/2-Bed Unit</i>	<i>675</i>	<i>675</i>
<i>TOTAL</i>	<i>675</i>				

- The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the Authority's standards. Licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'11" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

*For Water Authority approval at BCU stage, a detailed profile drawing of the proposed wastewater treatment system is required. The drawing shall indicate:*

- 1. If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank).*
- 2. All dimensions and materials shall be provided for any site-built tanks.*
- 3. Manholes extensions are permitted up to a maximum of 24" below finished grade.*
- 4. Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.*
- 5. A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)*
- 6. The Water Authorities updated 2020 effluent disposal well specifications.*
- 7. A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.*

### ***Stormwater Management***

*This development is located over the Lower Valley fresh water lens or within the 500m buffer zone of the lens. In order to protect the fresh water lens, the Water Authority requests that stormwater drainage wells are drilled to a maximum depth of 60ft instead of the standard depth of 100ft as required by the NRA.*

### **Water Supply**

*The proposed development site is located within the Water Authority's piped water supply area.*

- The developer shall contact Water Authority's Engineering Services Department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the public water supply.*
- The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.*
- The developer shall install the water supply infrastructure within the site, under the Water Authority's supervision, and in strict compliance with the approved plans and Water Authority Guidelines for Constructing Potable Water Mains. The Guidelines and Standard Detail Drawings for meter installations are available via the following link to the Water Authority's web page: <http://www.waterauthority.ky/water-infrastructure> .*

*The Authority shall not be held responsible for delays and/or additional costs incurred by the developer due to the developer's failure to provide sufficient notice to the Authority.*

### **National Roads Authority**

*As per your memo dated September 4<sup>th</sup>, 2020 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

### **Road Capacity Issues**

*The traffic demand to be generated by a residential development of a three (3) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.63, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Meadowlark Road is as follows:*

<b><i>Expected Daily Trip</i></b>	<b><i>AM Peak Hour Total Traffic</i></b>	<b><i>AM Peak 16% In</i></b>	<b><i>AM Peak 84% Out</i></b>	<b><i>PM Peak Hour Total Traffic</i></b>	<b><i>PM Peak 67% In</i></b>	<b><i>PM Peak 33% Out</i></b>
<b><i>20</i></b>	<b><i>2</i></b>	<b><i>0</i></b>	<b><i>2</i></b>	<b><i>2</i></b>	<b><i>1</i></b>	<b><i>1</i></b>

*Based on these estimates, the impact of the proposed development onto Meadowlark Road is considered to be minimal.*

### **Access and Traffic Management Issues**

*Two-way driveway aisles shall be a minimum of twenty-two (22) ft. wide.*

*Entrance and exit curves shall have no less than fifteen (15) feet radius curves, and have a width of twenty-four (24) ft.*

*A six (6) foot sidewalk shall be constructed on Meadowlark Road, within the property boundary, to NRA standards.*

*Tire stops (if used) shall be placed in parking spaces such that the length of the parking space is not reduced below the sixteen (16) feet minimum.*

### ***Stormwater Management Issues***

*The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff **within the subject parcel** and retain existing drainage characteristics of the site as much as is feasible through innovative design and use of alternative construction techniques. However, it is critical that the development be designed so that post-development stormwater runoff is **no worse than** pre-development runoff. To that effect, the following requirements should be observed:*

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.*
- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have applicant provide this information prior to the issuance of a building permit.*
- Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Meadowlark Road. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- Curbing is required for the parking areas to control stormwater runoff.*
- Roof water runoff should not drain freely over the parking area or onto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. If catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*

*At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given. The National Roads Authority wishes to bring to the attention of the Planning Department that non-compliance with the above-noted stormwater requirements would cause a road encroachment under Section 16 (g) of The Roads Law (2005 Revision). For the purpose of this Law, Section 16(g) defines encroachment on a road as*

*"any artificial canal, conduit, pipe or raised structure from which any water or other liquid escapes on to any road which would not but for the existence of such canal, conduit, pipe or raised structure have done so, whether or not such canal, conduit, pipe or raised structure adjoins the said road;"*

*Failure in meeting these requirements will require immediate remedial measures from the applicant.*

### **Department of Environmental Health**

*Please see the department's comments on the above application:*

- 1. The departments has no objection to the proposed in principle.*

### **CI Fire Service**

The CFO has approved the site layout.

### **APPLICANT'S LETTER**

*We have submitted an application on behalf of Karl Lopez which will be located on the above mentioned block and parcel which she is seeking the approval to construct three apartments.*

*Not with standing regulation 8 (13) (b) (iii) that the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare;*

*And not withstanding regulation 8 (13) (d) in the case of an application where lesser setbacks are proposed for a development or a lesser lot size is proposed for a development, the adjoining property owners have been notified of the application.*

*With the registered area of this parcel being 0.51 Acreage which has an area of (22,216.00 Sq. Ft.). Which the proposed parcel/development will fall short of the required 25000.00 Sq. Ft. (L.D.R), by about (2,784.00 Sq. Ft.), with regards to the lot width being less than the required 100'-0" at the front (99'-3") and rear (99'-1") of the property which is serviced by the access off Meadowlark Rd the width of the parcel which show a registered width which will fall short of the current regulation 2020 @ by approximately 0"-1" and 0"-7" respectively, taking into consideration that some of the parcels within the area are approximately the same width.*

*Having mentioned the above, we would like to request a variance which would allow the board of central planning authority the right to grant the requested planning approval for the variance of the lot width and the lot size.*

*Also of note there are already various existing apartments located adjacent to this proposal and within the immediate area.*

*We would appreciate the central planning authority board's favorable decision to this request to allow the proposed apartments to be approved as submitted.*

### **OBJECTION LETTER**

*Please note that we have just received both notices of Karl Lopez late in the mail. We received the notices today, on December 29th, 2020, at 11:00 am.*

*The owner of Block 28B Parcel 69, Evalee Webb, is my mother. I want my objection to be recorded. I Manesa Webb, who lives at 34 Meadowlark Road Spotts Newlands, Block 28B Parcel 69, rejects Karl Lopez's planning permission request of a lot size variance and lot width variance block and parcel 28B/ 121.*

*We strongly do not want our million-dollar home to be sitting in between two sets of developments, which one would be for Mr. Karl Lopez.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for 3-apartments at the above-captioned property. The site is located on Meadowlark Road.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Suitability**

Per Regulation 9(8), apartments are permissible in suitable locations. Based on Cayman Land Info Map, the surrounding area is single-family residential, duplexes (28B 70), apartments (28B 6) and vacant properties.

#### **2) Lot Size**

Per Regulation 9 (8)(f), the minimum lot size is 25,000 sq ft, whereas the proposed lot size is 22,215.6 sq. ft. or a shortfall of 2,784.4 sq ft. The Authority should ascertain whether or not the applicant has demonstrated there is sufficient reason and exceptional circumstance in accordance with Regulation 8(13)(b) of the Development and Planning Regulations (2020 Revision) to warrant granting the lesser lot size variance.

#### **3) Lot Width**

Per Regulation 9(8)(g), the minimum lot width for apartments is 100', whereas the proposed lot width is 99.25'. The Authority should ascertain whether or not the applicant has demonstrated there is sufficient reason and exceptional circumstance in accordance with Regulation 8(13)(b) of the Development and Planning Regulations (2020 Revision) to warrant granting the lesser lot width variance.

#### **4) Building design**

The building design strongly indicates that there will be a phase two for this development. Essentially, the building appears as one half of the eventual building. The Authority should determine if this truncated appearance is acceptable.

## 2.2 EDEN & JACKSON (P20-1050) Block 27D Parcel 480 (P20-1050) (\$259,500) (JP)

Application for a duplex.

### Appearance at 1:00

#### FACTS

<i>Location</i>	Star Anise Drive, Savannah
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.23 ac. (10,058 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	2996 sq. ft.
<i>Total building site coverage</i>	29.79%
<i>Required parking</i>	2
<i>Proposed parking</i>	4

#### BACKGROUND

6<sup>th</sup> January 2021 (**CPA/01/21; Item 2.8**) – members adjourned determination to enable the applicant to appear before the Authority in order to discuss concerns regarding lot size.

**Decision:** It was resolved to grant planning permission, subject to the following conditions:

- 1) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 3) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least five feet (5') above mean sea level.

Reasons for the decision:

- 1) With the exception of the lot size, which is addressed below, the application complies with the Development and Planning Regulations (2020 Revision).
- 2) The proposed application does not comply with the minimum required lot size per Regulation 9(8)(e) of the Development and Planning Regulations (2020 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser lot size as follows:

- a) The characteristics of the proposed development are consistent with the character of the surrounding area; and
- b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.

### **APPLICANT'S LETTER**

*We write on behalf of our clients Alexandria Eden 8 Dresden Jackson-Badden with regards following variance;*

- *A lot size variance - The proposed lot size is 10,058.0 sqft which is less than the required 12,500 sqft. in LOR zone for a duplex.*

*We request permission for the proposed development to remain as shown on the drawings provided and humbly give the following reasons:*

- 1. Per section 8(13)(d) of the Planning Regulations, the owners of the adjacent properties were notified by register mail and there were no objections;*
- 2. Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, the neighborhood, or to the public welfare;*
- 3. The application complies with all other relevant planning requirements.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application site is located in the Savannah area of Grand Cayman forming part of a new subdivision accessed off Hirst Road. Vacant parcels surround the application site with the subdivision road forming the northern boundary.

The application seeks Planning Permission for a duplex.

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issues**

##### **1) Lot size variance**

Regulation 9(8)(e) requires a minimum lot size of 12,500 sq ft for a duplex. The application site measures 10,058 sq ft.

Members are invited to reflect upon the content of the variance letter in determining whether an exceptional circumstance exists to vary the Regulation requirements.

At 1:00pm, Adrian Bodden appeared on behalf of the applicant and summary notes are provided as follows:

- The Authority indicated it wasn't clear what was the intent of the original



developer when the subdivision was created.

- Mr. Bodden noted this is a brand new subdivision with covenants that say duplexes can be allowed so his clients purchased the property with that understanding.
- The Authority sought clarity that the original developer supported duplexes in the subdivision and Mr. Bodden noted that is correct and the developer still owns some of the lots in the subdivision. He indicated that his clients did not know that they needed a certain lot size for a duplex. He noted that the adjacent land owners were notified and there are no objections.

**2.3 YANET CALDERIN EBANKS (GMJ Home Plans Ltd.) Block 4B Parcel 656 (P20-0941) (\$20,000) (EJ)**

Application for after-the-fact carport and shed.

**Appearance 1:30**

**FACTS**

<i>Location</i>	Corner of Canary Lane & Finch Drive
<i>Zoning</i>	<b>HDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.1738 ac. (7,571 sq. ft.)
<i>Parcel size required</i>	5,000 sq. ft.
<i>Current use</i>	House & ATF Carport & Shed
<i>Proposed building size</i>	346 sq. ft. & 96 sq. ft.
<i>Total building site coverage</i>	32.41%

**BACKGROUND**

January 6, 2021 (**CPA/01/21; item 2.9**) – application adjourned to invite in to discuss concerns regarding the deficient setbacks

**Decision:** It was resolved to grant planning permission, subject to the following conditions:

- 1) The applicant is required to apply for a Permit for the carport from the Director of Planning **within 6 months of the date of this decision.**
- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 3) The applicant shall obtain a Certificate of Completion **within 12 months of the date of this decision.**

Reasons for the decision:

- 1) With the exception of the front and side setbacks, which are addressed below, the application complies with the Development and Planning Regulations (2020 Revision).
- 2) The proposed application does not comply with the minimum required front and side setbacks per Regulations 9(6)(h) and (i) of the Development and Planning Regulations (2020 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser setbacks as follows:
  - a) The characteristics of the proposed development are consistent with the character of the surrounding area;
  - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and
  - c) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997.

### **APPLICANT'S LETTER**

*We write on behalf of the applicants, Ms. Yanet Ebanks, with regards to the following;*

- *A front setback variance – to allow the Carport to remain as constructed with a setback of 3'6" instead of the required 20' from the property line.*
- *A side setback variance – to allow the after-the fact storage shed to remain as constructed with a setback of 1'1" instead of the required 10' from the property line.*

*We request permission for the subject matter per the drawings provided and humbly give the following reasons:*

1. *Per section 8(13)(d) of the Planning Regulations, the owner of the adjacent properties was notified by register mail and there have been no objections to date;*
2. *Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare;*
3. *The application complies with all other relevant planning requirements.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application is the result of enforcement action CE20-0094 (YR) dated August 17, 2020; the applicant is now seeking after-the-fact permission for the carport and storage shed with front and side setback variances.

#### **Zoning**

The property is zoned High Density Residential.

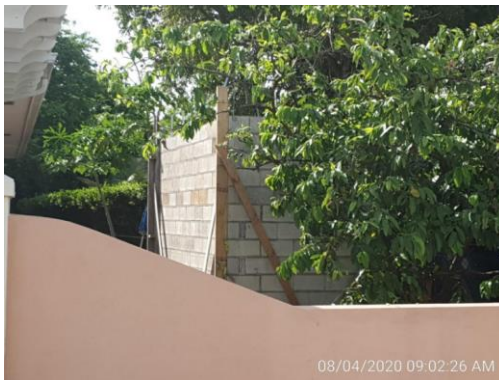
## Specific Issues

### 1) Setback variances

The applicant has built a carport & shed (346 sq. ft. & 96 sq. ft.) and now seeks after the fact permission with the carport at (2.8' vs 20') from the front (Canary Lane) boundary and a gate basically (0' vs 20') setback from the road.

In addition to the ATF carport; the applicant is also seeking ATF permission for the shed is at (1.1' vs 10') and (19.5' vs 20') from the front (Canary Lane) boundary; therefore, the applicant is seeking a front and side setback variances from the Authority.

The Subject parcel is on the corner of Canary Lane and Finch Drive in West Bay and the applicant has notified the adjacent parcels; however, the department is not in receipt of any objections.



Photos are courtesy of CE20-0094 (YR).

At 1:30pm, Adrian Bodden appeared on behalf of the applicant and summary notes are provided as follows:

- Mr. Bodden explained that his client built the carport in 2007, but did not obtain approval for it. He noted that his client had a timber shed on a concrete slab and it started to rot so she re-built it with concrete blocks. He noted that somehow the re-build of the shed reached the Planning Department and when the officer investigated they also saw the carport. He explained that there is a hedge at the side and rear so it is not easy to see the shed.

- In response to a query from the Authority, Mr. Bodden advised that the owners of 4B 657 were notified and there were no objections.

## 2.4 **NWPR GROUP LTD. (Declan O'Brien) Block 2C Parcel 204 (formerly 66 & 67 (P20-1021) (\$12,320,000) (MW)**

Application for 30 apartments (4 storeys) with cafe, 2 houses and ancillary features.

**Appearance at 2:00**

### **FACTS**

<i>Location</i>	North West Point Rd., West Bay
<i>Zoning</i>	<b>Beach Resort Residential</b>
<i>Notification result</i>	Objectors
<i>Parcel size proposed</i>	1.5 ac. (65,340 sq. ft.)
<i>Parcel size required</i>	0.959 ac. (41,780 sq. ft.)
<i>Proposed building size</i>	74,047 sq. ft.
<i>Total building site coverage</i>	37.4%
<i>Allowable units</i>	30
<i>Proposed units</i>	30
<i>Allowable bedrooms</i>	90
<i>Proposed bedrooms</i>	60 in apartments; 8 in houses
<i>Required parking</i>	55
<i>Proposed parking</i>	57

### **BACKGROUND**

September 25, 2020 (**CE20-0141**) – Unauthorised clearing of land. (Being Researched).

**Decision:** It was resolved to adjourn the application for the following reasons:

- 1) Comments from the Fire Department regarding the proposed fire access lane must be submitted for consideration by the Authority.
- 2) The applicant must submit a revise plan that complies with the requirements of the Department of Environmental Health regarding the location of the garbage dumpster which will then be further considered by the Authority. The location of the dumpster must comply with all minimum required setbacks.
- 3) The applicant must submit a revised site plan showing the entry/exit driveway turning radii extending to the property boundary, not the physical road. The revised site plan must also show the driveway leading to the two houses with a minimum width of 12'
- 4) The applicant must provide revise elevations and cross-sections that clearly demonstrate

that the apartment building complies with the maximum allowable building height of 4 storeys/55'. In this regard, the applicant is directed to the definition of building height in the Development and Planning Regulations.

- 5) The applicant must demonstrate to the Authority that the proposed setbacks and design of the two houses have taken into account the potential impact from wave action.

### **AGENCY COMMENTS**

Comments from the Water Authority, National Roads Authority, Department of Environmental Health and Department of Environment (NCC) are noted below.

#### **Water Authority**

*Please be advised that the Water Authority's requirements are based on the above referenced block and parcels being combined. The requirements for the development are as follows:*

#### **Wastewater Treatment and Disposal**

***The developer, or their agent, is required to submit an Onsite Wastewater Treatment Proposal, per the attached Form, which meets the following requirements. Water Authority review and approval of the proposed system is a condition for obtaining a Building Permit.***

- ***The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 8,772 US gallons per day (gpd), based on the following calculations:***

BUILDING	UNITS/BLDG	GPD/UNIT	GPD	GPD TOTAL
Apartment Building	30 Apartments	150gpd/1-Bed unit 225gpd/2-Bed unit 300gpd/3-Bed unit	6,750gpd	6,750gpd
-	1,002sqft Café	1gpd/sqft of Dining Area	1,000gpd	1,000gpd
-	Rooftop WC	100gpd/WC	100gpd	100gpd
-	148sqft Office	0.1gpd/sqft	22gpd	22gpd
North Residence	5-Bed House	450gpd/5-Bed House	450gpd	450gpd
South Residence	5-Bed House	450gpd/5-Bed House	450gpd	450gpd
<b>TOTAL</b>				<b>8,772gpd</b>

- ***Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the Authority's standards. Licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.***
- ***To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4'8" above MSL or 5'11" if installed less than 100ft from the sea. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.***

#### **Grease Interceptor Required**

***A grease interceptor with a minimum capacity of 1,000 US gallons is required to pre-treat flows from the Café kitchen fixtures and equipment with grease-laden waste; e.g., pot sinks, pre-rinse sinks; dishwashers, soup kettles or similar devices; and floor drains. The outlet of the grease interceptor shall be plumbed to the sanitary sewage line leading to the ATU.***

#### **Traffic Rated Tank and Covers**

***The drawings indicate the wastewater treatment plant is proposed to be located within a traffic area. Therefore, a traffic rated tank and covers are required. The Water Authority requires that manhole covers be traffic rated heavy duty to meet AASHTO H-20 loadings of 16,000lb wheel loads and sealed with a gasket or O-ring. Covers and frames shall be manufactured from ductile iron or gray iron complying with the requirements of ASTM A-48 Class 35.***

#### **Elevator Installation:**

***Hydraulic elevators are required to have an approved pump with oil-sensing shut off installed in the sump pit. Specifications shall be sent to the Water Authority at [development.control@waterauthority.ky](mailto:development.control@waterauthority.ky) for review and approval.***

#### **Generator and Fuel Storage Tank(s) Installation:**

***In the event underground fuel storage tanks (USTs) are used the Authority requires the developer to install monitoring wells for the USTs. The exact number and location(s) of the monitoring wells will be determined by the Authority upon receipt of a detailed site plan showing location of the UST(s) and associated piping. The monitoring wells shall comply with the standard detail of the Water Authority linked below. All monitoring wells shall be accessible for inspection by the Authority. In the event above ground fuel storage tanks (ASTs) are used, monitoring wells will not be required.***

***[https://www.waterauthority.ky/upimages/download/USTMonitoringWellFeb2013\\_1445632994.pdf](https://www.waterauthority.ky/upimages/download/USTMonitoringWellFeb2013_1445632994.pdf)***

#### **Water Supply:**

***Please be advised that the proposed development site is located within the Cayman Water Company's (CWC) piped water supply area.***

- ***The developer is required to notify the Cayman Water Company without delay, to be advised of the site-specific requirements for connection.***

- *The developer shall provide water supply infrastructure per CWC's specification and under CWC's supervision.*

### **National Roads Authority**

*None received at this time*

### **Department of Environmental Health**

- 1. The property requires (1) 8yd3 container with servicing three times per week or (2) 8yd3 containers with servicing once per week.*
  - a. The applicant is advised that the drain that is required for the garbage enclosure cannot be plumbed to a storm drain. The drains must be plumbed to a garbage effluent disposal well. Contact the Water Authority ([development.control@waterauthority.ky](mailto:development.control@waterauthority.ky)) for well specifications.*
- 2. The solid waste enclosure does not meet DEH requirements the truck must not reverse onto the road and impede the flow of traffic.*
- 3. In regards to the kitchen / café area plans and specifications showing the layout and a list of all kitchen equipment including the approved BCU mechanical drawings for the kitchen hood and hot water heater must be submitted for review and approval.*
- 4. The specifications for all pools and spas must be submitted to the department for review and approval prior to construction of the pools and spas.*

### **Revised Comments**

- 1. DEH has no objections to the proposed in principle; however the location of the enclosure is unsatisfactory.*
  - a. The truck cannot reverse onto the road and impeded the flow of traffic. The applicant must submit revisions indicating a location that meets DEH requirements. The applicant is advised that the drain that is required for the garbage enclosure cannot be plumbed to a storm drain.*

*The drains must be plumbed to a garbage effluent disposal well. Contact the Water Authority ([development.control@waterauthority.ky](mailto:development.control@waterauthority.ky)) for well specifications.*
- 2. All other conditions in the previous review still apply.*

### **Department of Environment (NCC)**

*Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment offers the following comments for your consideration.*

*The application site is man-modified with some primary coastal shrubland habitat in the northern section as shown in Figure 1. The site is also located adjacent to a marine protected area (a Marine Park) and is on a high wave energy coastline with deep water offshore. It is also noted that the site and the property immediately to the west have a unique geological feature in the form of a split/fissure in the ironshore, as shown in figure 2*



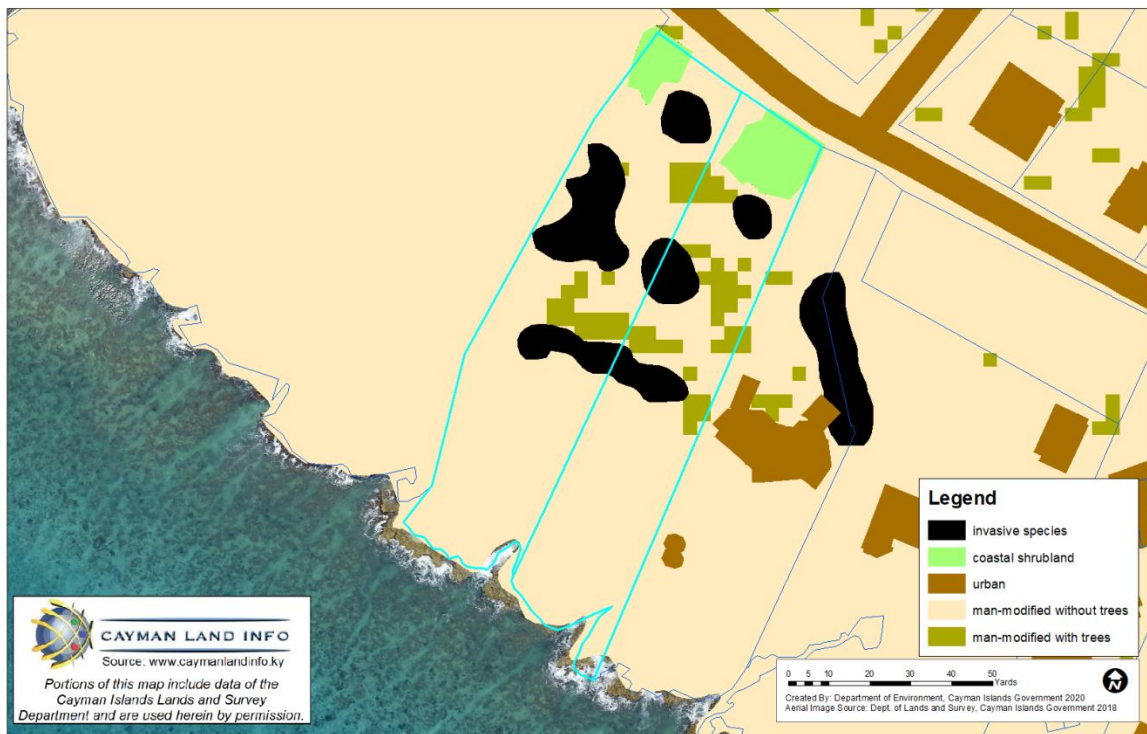


Figure 1: DOE's 2013 Habitat Map Extract showing application site outlined in blue

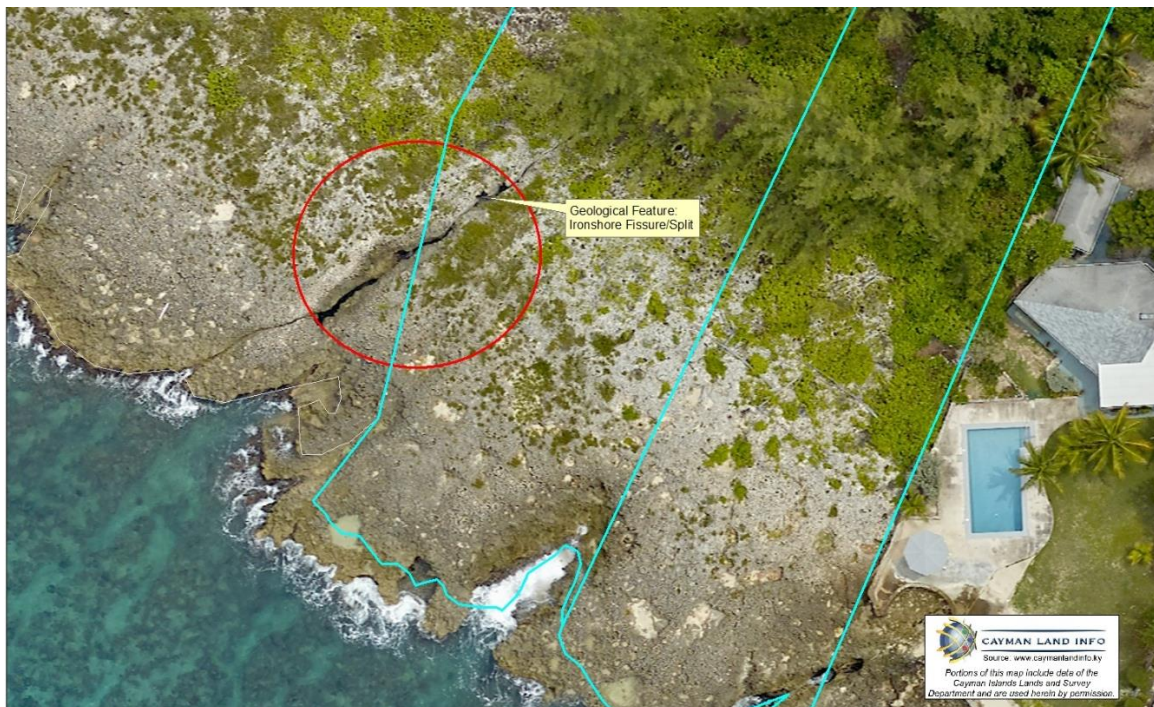


Figure 2: LIS 2018 Aerial Imagery showing geological feature (circled in red) and the application site (outlined in blue). Source: Cayman Land Info

This stretch of coastline has a history of coastal property damage during storm wave action. Figure 3 shows the impact Hurricane Ivan had on the site and the position of the remaining vegetation in the 2005 image illustrates the extent of storm wave incursion. We

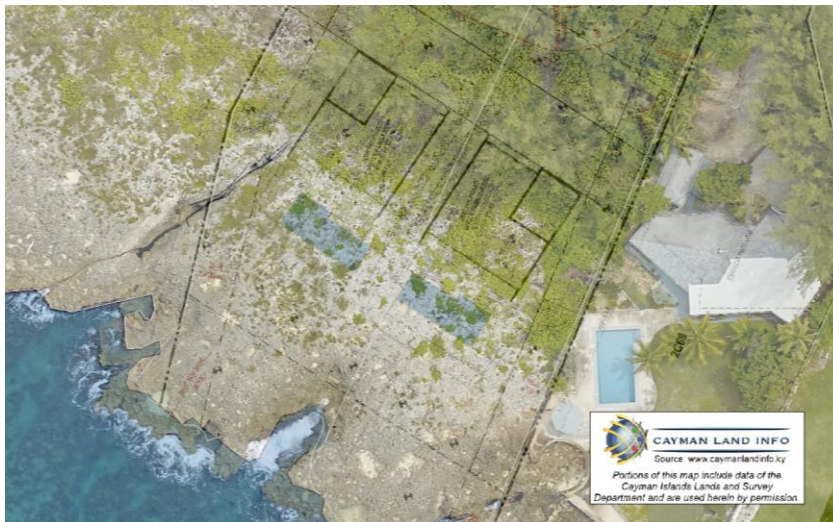


*therefore recommend that the setbacks are maximized to the greatest extent possible. We would also encourage the use of climate change resilient design features such as wash through ground floors. This would assist in reducing storm surge impacts.*



*Figure 3: LIS aerial imagery showing the application site (outlined in blue) in 2004 pre-Ivan (Left) and in 2005 post-Ivan (Right)*

*The western single family home is extremely close to the ironshore split/fissure, and the DoE will not support any future filling of or works to the split as it is directly connected to the sea and Marine Park. The DoE would urge the applicant to seek advice from a structural engineer to ensure that the split/fissure does not cause a threat to the structural integrity of the property. The home could also be impacted as the split/fissure is directly connected the sea, and could potentially bring storm waves closer to the property during inclement weather.*



*Figure 4: Extract of submitted plans overlaid on LIS 2018 aerial imagery showing the proximity of the split/fissure to the western proposed dwelling (Source: Declan O'Brien Architectural Services & Cayman Land Info)*

*We strongly recommend that Best Management Practices are adopted during the construction to ensure that construction-related debris does not enter the marine environment. We have experienced other developments along the coastline inadvertently polluting the marine environment from wind-borne debris. Practices such as sanding down Styrofoam which is used as part of wall finishing and window moulding can result in*

*Styrofoam beads getting blown into the sea in significant quantities; these beads are very difficult to remove once they enter the water.*

*Therefore, if the CPA is minded to grant planning approval, under Section 41(5)(a) of the National Conservation Law, the National Conservation Council **respectfully directs** the Central Planning Authority to include the below as conditions of approval:*

- At no time shall the split/fissure be filled and any other works to the spilt/fissure should be the subject of a separate consultation with the National Conservation Council.*
- Construction materials shall be stockpiled at least 50 feet from the water's edge to prevent construction debris from entering the marine environment.*
- Prior to undertaking any sanding or breaking down of Styrofoam as part of the construction process, screens shall be installed to ensure that Styrofoam beads are contained within the construction site and do not get blown onto adjoining sites or into the marine environment.*

*Please do not hesitate to contact the Department should you require further assistance.*

#### **Fire Department**

*None received at this time.*

#### **OfReg (Petroleum Inspectorate)**

*None received at this time*

#### **APPLICANT'S COMMENTS**

*None received at this time.*

#### **OBJECTIONS**

##### **Objector #1**

*We have recently received the planning notice for Planning Permission from NWPR (Ltd) in relation to the development of the above property per the attached copy. The detail provided reads:*

***“You are hereby notified that an application for planning permission for a residential development consisting of 32 units with a total of 69 bedrooms, café, a rooftop communal pool, two pools with spas and two trellises to the beachfront, LPG generator, two buried LPG tanks 1000 gallons each.”***

*We are writing to register our objections to the application referenced above because it majorly impacts our residence on 2C 68. We believe the approval of this application would grant permission in contravention of the Planning Laws and Regulations (2020).*

Our objections are as follows:

- **Objection 1 HEIGHT/ STOREYS Regulation 8(2) (f) (2020)**

*The Planning Regulations in a Beach Resort/Residential Zone state that the maximum height of a building “shall not exceed 55 feet or 4 storeys, whichever is the less”. The height of this development’s HighRise building is 67 feet 8 inches. The Height of the Buildings is exacerbated by the Gradient of the site resulting in an estimated additional 5 Feet at least i.e. over 72 feet 8 inches.*

**“Regulation 2 Definitions.”**

**“Height of a building** means the vertical distance measured from the highest point on a proposed or existing building to the proposed finished grade directly below that point and ..... finished grade means the highest grade within 5 ft of the building and includes natural grade when no terrain alteration is proposed.”

*There are 5 storeys shown on the Application, Level 1 Covered Parking, Café, Kitchen and other ancillaries, Levels 2,3 and 4 – 10 units per Level - Total 30 units and Level 5 Pool, Pool deck, fire/pump/ pool equipment room and washroom etc. total 5 Storeys.*

*Our objection is that the Height and the Number of Storeys contravene the Regulations resulting in a dominating building of huge magnitude which particularly impacts our home as it is only approximately 40 feet from our property.*

- **Objection 2 DENSITY Regulation 9(6)(c) Regulation 15 (5) (b) (2020)**

**Land Use Guidelines**

“The Beach Resort/Residential zone is a transition zone. Development within this zone will generally be permitted if it has the appearance of residential development in scale and massing.”

**Site Development Guidelines**

- a) Density – Apartments 25 units/42 bedrooms per acre
- b) Parking – 1.5 stalls per apartment unit
- c) Site coverage – **30 % maximum**

The application shows 30 units with 60 bedrooms on 3 of 5 levels in an inappropriate mixed use building of over 5 storeys. To achieve 30 units would require one and a half acres to comply with **Regulation 9 (6) (c)** which then would use the total lot size (one and a half acres) available. No further construction would therefore be allowable as has been included in the planning application from NWPR Ltd. additionally of 2 houses.

*The submitted plans show 5 Levels of the mixed use building have a combined coverage of 60,363 sq. ft. which is nearly the equivalent of the total lot size of 65,340 sq. ft. available. The site plan shows that, in addition to the building, the surrounding land is also used for internal and private driveways (9,000 sq.ft.) plus car parking. In fact, between the side setbacks, the whole surface area is 100% covered.*

**Regulation 15 (5) (b).**

*Any alternative of a 4 storey mixed use building would not meet the requirement of a residential development with outdoor facilities including swimming pools, gardens and sun decks/patios/terraces with a substantial amount of landscaping.*

- **Objection 4    CHARACTERISTICS OF NEIGHBOURHOOD    Regulation 8(11) (e)    Regulation 9(1)    (2020)**

*We have lived in West Bay for some 40 years and are delighted to be always welcome on NW Point where there is a variety of housing of all types from high end luxury through to more normal housing as well as rental accommodation. Nowhere on NW Point is there anything like this planned development from NWPR Ltd.*

*Additionally, the 2 residences are not in keeping with our immediate neighbours as the site plan shows they are too far forward of the line of houses/condominiums of us and our fellow neighbours along the coastline to the south.*

- **Objection 5    OVERLOOKING/LOSS OF PRIVACY    Regulation 15(5) (a)(b) (2020)**

*This huge mixed use development majorly impinges on our privacy. We are **Overlooked** at the front of our property by a looming highrise concrete building of a height of over 70 feet within some 20 feet of our property.*

*At the rear of our home, where we spend most of our time outdoors, we are overlooked by the south residence, a major **Loss of Our Privacy**. This Overlooking and Loss of Privacy is not just from the inside of our home but also outside. When enjoying our pool and rear garden, we will be overlooked by this residence which is far too close to us, some 40 feet from our bedroom window and far too forward towards the sea. It is essentially a 2 storey, 30'10" high, concrete wall. We are so close to the south residence that we are completely overlooked, majorly impairing our Privacy.*

*A few floral decorations drawn on the plans is insufficient information on landscaping. We are protecting the trees on our side of the boundary in our front garden but the rear is ironshore and unsuitable for the growing of trees. The plans do not "Incorporate sufficient screening to provide privacy from adjacent properties."*

- **Objection 6    2 RESIDENCES    Regulation 8(10) (f)    Regulation 8(11) (e)    (2020)**

*The 2 residences are too far forward of the line of housing including ourselves, our neighbour on Lot 2C 187 as well as Clan Creek beyond to the South. There is a line of symmetry of high end housing in our immediate neighbourhood that means we do not impinge on each other's privacy by being overlooked by concrete walls as would be the case with these 2 residences of 2 storeys each on 2C 66 and 67.*

*We all know that we are much safer from the sea further back than the **MINIMUM HWM** setback as stated in Regulation 8(10)(c) and 8(10)(f). We respectfully request the CPA to increase the HWM setback from the minimum 50 feet for these 2 houses because of the close proximity of the south residence to our property. This will take into account the line of housing along this section of the coast to maintain a better perspective from the ocean around NW Point.*

**Regulation 2020 Scenic Shoreline**

*The Scenic Shoreline regulation states that it is the duty of the Authority to ensure that the open character of Scenic Shoreline is preserved. 2 residences close to the sea will destroy the open character of the shoreline at NW Point. In fact, our home has one of the last remaining blow holes in Grand Cayman which is known to many generations of Caymanians.*

*Additionally, we are aware of a landscape trough on the south residence being 44'11" from the HWM. Even if this is minor, it proves NWPR Ltd is trying to cram too much into these residences including a large garden at the rear of the 2 Residences rather than pulling their residences back nearer to their high rise apartment complex where it is more in keeping with the neighbourhood than its current position.*

*The 2 residences are of 2 Storeys with Height of 30 feet 10 inches each with a footprint that is overly large (3,950 sq.ft.) for the site, twice the size of our home! The south residence becomes a dominating building which majorly impacts our Privacy.*

• **Objection 7 CAR PARKING Regulation 8(1) (c) 8(1) (vii) (2020)**

*The Planning Application shows car parking spaces in the setback to the East on our boundary as well as underneath the HighRise building (Storey 1). We object to our privacy being impacted by a major car park as well as ugly concrete pillars. Our security will also be compromised. There are no walls or fences shown on the drawings.*

• **Objection 8 LPG TANKS SAFETY**

*We are concerned about our personal safety as well as that of our family and friends at having 2 large LPG storage tanks buried near to our boundary, close to our home buildings.*

• **Objection 9 ROAD TRAFFIC SAFETY**

*This huge Development is on a very dangerous bend and camber on North West Point Road. We have witnessed many serious accidents over the years at the top of our road. We are certain the Royal Cayman Islands Police Force will attest to this record of accidents, some very serious. Our wall to the road has been destroyed many times.*

*We are seriously concerned about exiting our property safely from traffic approaching from the left (Turtle Farm direction) plus increased traffic from this development. There is a structure (17), shown on the plans adjacent to our boundary, impacting our safety.*

*There will be a high volume of traffic coming and going from 30 units and 2 residences on a dangerous bend as well as the entrance to Coral Gables subdivision. The consequent traffic demands along North West Point Road would be very significant and seriously compromise the safety of local residents. We recommend this aspect of the planning application be notified to the NRA and RCIPS.*

• **Objection 10**      **ENVIRONMENTAL PROTECTION**

*We are very concerned about the impact on the environment in our area as the 2 residences are being constructed on Ironshore. The 2 pools for the 2 houses and the 4 large tiered landscaping boxes will be concreted/cut into the Ironshore impacting the delicate environmental balance. The houses and the pools are too near the sea and are on Ironshore where there is major impact of weather related problems on North West Point (Hurricanes, Tropical Storms, Norwesters etc.) There is no detail on whatever is to be constructed at the edge of the sea. Ironshore should be protected not destroyed. We recommend this aspect of the planning application be notified to the NCC and the Department of Environment.*

***In summary:***

*Firstly, we respectfully request the CPA to increase the HWM setback from the minimum 50 feet.*

*Finally, we also respectfully trust you have noted that our objections to this Planning Application P20-1021 concern the Height, Density, Massing, Scale, Inappropriate Overdevelopment, Not in Character for the Neighbourhood, Overlooking and Loss of Privacy, Road Traffic Safety, our Safety and Security and last but not at all least the impact on our Cayman Island Environment of this Planning Application.*

*After owning our home for 40 years, we are devastated to be put in this position. Thank you for taking account of the merits of our objections.*

**Objector #2**

*My wife and I, as joint proprietors of 1E30, received notice of the proposed development at caption, and wish to duly register our objection. The area is undergoing an extended growth spurt, and the scale of what's proposed in this instance would almost certainly overwhelm existing infrastructure.*

*Quiet and peaceful enjoyment of the area is also diminishing, and commercial development on this scale, within such a geographically small area, could make the situation drastically worse for residents. It's the sort of initiative that could all too easily be the start of a downward spiral: If the attraction of the area is eroded, persons relocate, etc, etc ... A real effort must be made to maintain a balance here.*

*In challenging times keeping up high standards remains possibly even more important.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a (30) Unit 4 Storey Apartment Building with (60) Bedrooms, Café, Rooftop Communal Pool, (2) Single Family Dwelling Homes (8) Bedrooms with (2) Pools with Spa's and Trellises, LPG Generator, (2) Underground LPG Storage Tanks; 1,000 Gallons each to be located on North West Point Rd., West Bay.

### **Zoning**

The property is zoned Beach Resort Residential.

### **Specific Issues**

#### **1) Suitability**

Section (15)(2) states the following development is permitted in a Beach Resort Residential Zone.

- (a) detached & semi-detached houses.
- (b) duplexes
- (c) beach resorts; and
- (d) in locations considered by the Authority to be suitable, guest houses and apartments, cottage colonies and tourism related development.

The neighborhood consists mostly of single-family houses. There are several parcels with apartments within less than 1000 feet of the subject parcel. The closest apartment community, similar to this application, is Bonnie's Arch & Lighthouse North West Point / Lighthouse Point Residences, located approximately 432 feet & 839 feet respectively from the proposal. The Authority needs to determine if the site is suitable for apartments.

#### **2) HWM Setback**

Regulation 8(10)(c) states *"in areas where the shoreline is ironshore (except hotel and tourist related zones) all structures and buildings, walls and structures, shall be setback a minimum of 50' from the high water mark."* The applicant has proposed a water entry area with what appears to be a platform of sorts overhanging an existing natural cove resting on the coastline at a distance of 0'. The Department has reached out to the agent requesting clarification on the proposed water entry area as it shows what appears to be steps possibly cut into the sea bed, however currently no response has been received in this regard.

It is noted that all of the main buildings and pools do comply with the required 50' setback.

#### **3) Garbage Dumpster Location & Setback**

The Department of Environmental Health has submitted comments regarding the location of the proposed garbage dumpster being inadequate. In addition, per Regulation 8(7) states *"solid waste storage areas shall be setback a minimum of 6' from adjacent property boundaries and shall be screened with vegetation and fencing."* The proposed

garbage dumpster would be 14'-2" from the fronting main road and 2'-4" from the adjoining parcel a difference of 10'-10" and 3'-8" respectively

#### **4) Building Height**

Regulation 8(2)(f) of the Development & Planning Regulations (2020 Revision) states the maximum permitted height of a building *"in a Beach Resort / Residential zone, shall not exceed 55' or four storeys, whichever is the less; and, where the height of a building is four storeys, the building shall be so designed that no continuous vertical façade or elevation exceeds 25' or two stories in height"* The applicant has proposed a 4 story apartment building with an overall building height of 69'-0" when measured to the roof top structures. The Authority needs to determine if the roof top structures, including shade tents, can be considered exempt from the calculation of building height per Regulation 8(4). If they are exempt the building height would comply with the exception of the sea side elevation which would have a building height of between 59' and 65' depending on the measuring point.

#### **5) Site design**

The entry/exits have been designed with the 15' turning radii connecting to the road, not the property boundary. The Authority has not typically supported this design because if the adjacent road is widened then the entry/exit will not have adequate turning radii.

The driveways leading to the two houses are only approximately 8' wide. There is ample space on the site to widen these to allow for suitable traffic flow.

At 2:00pm, Declan O'Brien, Waide DaCosta, Nathan Smith and Micheal Traecy appeared on behalf of the applicant. Clair Upperton and John Upperton appeared as objectors. Summary notes are provided as follows:

- The Authority explained that there are objections to the proposal and there are several concerns raised by the Department as noted in the Agenda. The Authority also asked the applicant to clarify the details of the fire lane and to address the comments from DOE.
- Mr. O'Brien noted he is the architect on record and was instructed to make sure everything complied and that is what he did. He proceeded to summarize the application and noted that he was advised to remove the bathroom from the roof, which he did.
- The Authority asked for clarity on the fire lane. Mr. O'Brien explained that the ground floor is elevated on stilts and the fire trucks can drive underneath. He advised that he had met with the Fire Department and they said the design was okay. The Authority asked if they have anything from Fire and Mr. O'Brien noted they have an email from them. He noted that there is 15' clearance under the building.
- In response to a query from the Authority, Mr. O'Brien explained that there are steps down into the water at the inlet and they are showing a trellis feature at the edge of it.
- The Authority noted that the garbage dumpster does not comply with the required setback and requires DEH vehicles to reverse onto the road and the driveway



turning radii extend past the property boundary to the road which does not allow for any future road widening. Mr. O'Brien noted that there is no need for road widening in this location.

- The Authority asked them to address building height and Mr. O'Brien noted that 4 storeys and 55' is allowed and he feels the proposal complies.
- Ms. Upperton explained she submitted a comprehensive letter and she will focus on the serious parts of the objection:
  - She has lived here 40 years and this is home to her family
  - The house was damaged in Ivan and they renovated it
  - The house is single storey and would be next to this proposed mammoth development
  - The site coverage exceeds 30%, at 37%, and is more if you include the parking spaces and driveways
  - There will be parking 8' from her boundary and there is too much asphalt and no landscaping
  - She feels the intent is to put up a fifth storey with shade tents and mechanical rooms on the roof
  - Given the site gradient the building exceeds the allowable height
  - The proposal shows extreme massing and is out of character with the area
  - The proposal will impact the enjoyment of their property: the apartments will affect the front area of their home and will be very intrusive with cars coming and going; the two houses are aggressively intrusive with cars driving next to their bedroom; they will be overlooked by a tall concrete wall with two tiny windows
  - DOE's figure 4 shows the proximity of the proposal to their house and pool and this will impact their use of the outside area which they use a lot
  - The proposal is out of keeping with the neighbourhood
  - There has been much coastal damage in this area due to storms and hurricanes and the development should be pushed further back for DOE's comments
  - The site is on a dangerous bend on NW Pt Road
  - The proposal is very close to the graveyard which is very disrespectful
  - She asks that the Authority reject the application as it does not comply with the Planning Regulations
- Mr. Upperton explained that given the distinct grade down from the road the building will be much higher than 55' in locations. He also noted that the cove with steps is dangerous and they have had to rescue people along this shore because there are two different currents.
- The Authority advised the applicant that the driveways to the houses are only 8' to 9' wide and need to be widened to at least 12'. Mr. O'Brien noted that they can make

that change.

- The Authority asked the applicant if they had anything else to add.
- Mr. O'Brien advised that the site coverage is 30%, not 37%; the building is 4 storeys, not 5; they comply with setbacks; and this is Beach Resort/Residential, not just Residential.
- The Authority noted comments from the DOE regarding an existing fissure on site. Mr. O'Brien explained they have spoken with their engineers and that feature poses no problems.
- The Authority asked the applicant team to address building height as they keep saying the building is 55', but it clearly appears higher than that when viewing certain elevation plans because of the sloping site grade. There was no response from the applicant team.
- The Authority asked the objectors how much the site drops from the road to the sea and Mr. Upperton replied about 15'.
- It was noted that the ground floor level height of the two houses is 14'.
- Mr. DaCosta provided several comments:
  - He noted that concerns have been raised that the proposed development is more than one storey, but the site is zoned BRR which allows 4 storeys.
  - There are other similar developments approved or existing in the area.
  - With some minor tweaking to the plans they can ensure the building complies with 55'4 storeys.
  - There will be a landscape buffer to provide privacy between the parcels.
  - They will ensure the natural environment is respected.
  - He noted that other developments have been approved with grasscrete and that is something they could consider here.
  - Even if they built two storeys, it would still be higher than the objectors' single storey house.
  - They will provide the comments from the Fire Department.
- Mr. Upperton noted that if they fill the site then he will be looking at a 12' tall cliff.
- The Authority thanked everyone for attending the meeting.

## **2.0 APPLICATIONS**

### **REGULAR AGENDA (Items 2.5 to 2.17)**

#### **2.5 RAGLAN ROPER (Island Drafting) Block 4D Parcel 40 (P20-0488) (\$420,000) (JP)**

Application for addition to duplex to create 3 apartments.

##### **FACTS**

<i>Location</i>	Mount Close, West Bay
<i>Zoning</i>	<b>MDR</b>
<i>Notification result</i>	No Objections
<i>Parcel size proposed</i>	0.2 ac. (8712 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Residential
<i>Proposed building size</i>	7,012 sq. ft.
<i>Total building site coverage</i>	40.97%
<i>Allowable units</i>	4
<i>Proposed units</i>	3
<i>Allowable bedrooms</i>	6
<i>Proposed bedrooms</i>	16
<i>Required parking</i>	5
<i>Proposed parking</i>	6

##### **BACKGROUND**

December 9, 2020 (**CPA/21/20; item 2.2**) – application adjourned to enable the applicant to submit revised plans detailing a maximum of 12 bedrooms.

October 17, 2018 (**CPA/23/18; item 2.3**) – the application for an addition to a duplex to create 13 bedrooms was refused for the following reasons:

1. The proposed addition will result in a total of 13 bedrooms and the Authority is of the view that this will intensify the use of the site in a manner that is not in keeping with the character of the area and this will detract from the ability of the surrounding land owners to enjoy the amenity of the area.
2. The plans as submitted do not show a demarcated parking area and the Authority is of the view that there is insufficient area on site to support the number of potential vehicles associated with occupants of 13 bedrooms.

**Decision:** It was resolved to grant planning permission, subject to the following conditions:

- 1) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 3) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

Reasons for the decision:

- 1) Per Regulation 9(7) of the Development and Planning Regulations (2020 Revision), the Authority is satisfied that the site location is suitable for apartments as follows:
  - There are no physical constraints on the site that would prevent the development of apartments.
  - There are several apartment developments in the surrounding area and the proposed apartments are consistent and compatible with the established building character of the area.
  - There is sufficient infrastructure at this site (e.g. public road, water line, electrical service) and in the area (commercial retail, grocery stores, etc.) to support the residents of the proposed apartments.
- 2) With the exception of the lot size and bedroom density, which are addressed below, the application complies with the Development and Planning Regulations (2020 Revision).
- 3) The proposed application does not comply with the maximum allowable number of bedrooms and the minimum required lot size per Regulations 9(7)(c) and (f) of the Development and Planning Regulations (2020 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the additional bedrooms and lesser lot size as follows:
  - a) The characteristics of the proposed development are consistent with the character of the surrounding area;
  - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and
  - c) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997
- 4) The Authority is satisfied that there is sufficient parking for the development.

## **AGENCY COMMENTS**

Comments from the Water Authority, National Roads Authority, Department of Environmental Health, Fire Department and Department of Environment (NCC) are noted below.

### **Water Authority**

#### **ATU for Existing & Proposed:**

*The developer is advised that the estimated wastewater flows from the proposed development, when added to those of the existing development on this parcel, exceed the maximum allowed for treatment by septic tank(s). Therefore, approval for the proposed development requires that all wastewater generated on the parcel; i.e., from both proposed and existing structures, shall be treated in an onsite aerobic wastewater treatment system(s). The Water Authority's requirements for the proposed development are as follows:*

#### **Wastewater Treatment and Disposal**

***The developer, or their agent, is required to submit an Onsite Wastewater Treatment Proposal, per the attached Form, which meets the following requirements. Water Authority review and approval of the proposed system is a condition for obtaining a Building Permit.***

- The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 2,250 US gallons per day (gpd), based on the following calculations:***

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD/BLDG</b>	<b>GPD</b>
Apartment Building	13 x 1-Bed Units	150/1-Bed Unit	1,950	1,950
-	1 x 3-Bed Unit	300/3-Bed Unit	300	300
<b>TOTAL</b>				<b>2,250</b>

- Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the Authority's standards. Licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.***
- To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4'5" above MSL. The minimum invert level is that***

*required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

*Existing septic tank shall be decommissioned*

*The Existing septic tank shall be decommissioned as per the Water Authority's Best management: practices:*

[http://www.waterauthority.ky/upimages/download/BMPs\\_abandoned\\_WW\\_systems1\\_1423220782.pdf](http://www.waterauthority.ky/upimages/download/BMPs_abandoned_WW_systems1_1423220782.pdf)

*Lint Interceptor Required at commercial, institutional, coin-op laundries.*

***An approved lint interceptor is required for*** commercial, institutional and coin-operated laundries. *The developer is required to submit specifications for all laundry (washer) equipment to the Water Authority for determination of the required capacity of interceptor. Specifications can be sent via email to [development.control@waterauthority.ky](mailto:development.control@waterauthority.ky)*

*Water Supply*

*Please be advised that the proposed development site is located within the Cayman Water Company's (CWC) piped water supply area.*

- *The developer is required to notify the Cayman Water Company without delay, to be advised of the site-specific requirements for connection.*
- *The developer shall provide water supply infrastructure per CWC's specification and under CWC's supervision.*

**National Roads Authority**

No comments received.

**Department of Environmental Health**

1. *DEH has no objections to the proposed. However, the proposed garbage bins will not suffice as this development will require (1) 8 cubic yard container with once per week servicing.*
2. *The applicant must submit revisions showing the location of the garbage enclosure that meets DEH requirements.*

**Fire Department**

*Please depict proposed/existing fire hydrant/firewell.*

**Department of Environment (NCC)**

*Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment confirms that we have no comments.*

## **APPLICANT'S LETTER**

See Appendix C

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application site is located West Bay within an established residential area. Neighbouring properties bound the site to the east, west and south with Mount Close, which serves the site, running to the north. The property is currently a single storey duplex.

The application seeks planning permission for an addition to the upper floor accommodation to provide 5 further bedrooms increasing the total number from 11 to 16 bedrooms in the complex.

### **Zoning**

The property is zoned Medium Density Residential.

### **Specific Issues**

#### **1) Suitability**

Regulation 9(7) permits apartments in suitable locations.

The application seeks permission for 3 apartments. Members are invited to note bedroom 3 on the upper floor which appears to provide self-contained accommodation within an apartment and the store room which benefits from an external door and provision of a bathroom.

Members are invited to consider whether the application site is suitably located for apartments.

#### **2) Lot size variance (8712 sqft v 20,000 sqft)**

Regulation 9(7)(f) requires a minimum lot size of 20,000 sq ft. The application seeks planning permission for apartments on a lot sized 8712 sq ft.

Members are invited to reflect upon the variance letter in order to determine whether adequate justification has been provided.

#### **3) Bedroom density (6 vs 16)**

Regulation 9(7)(c) permits a total of 6 bedrooms based on the lot size.

The application seeks planning permission for a total of 16 bedrooms.

Members are invited to reflect upon the resultant number of bedrooms (16) and consider whether an intensified use of the site is appropriate.

#### **4) Parking**

The proposed resultant apartment scheme creates an anticipated demand of 5 parking spaces. The scheme proposes 6. Therefore, the initial calculations for parking are met.

However, the resultant increase in bedrooms to 16 intensifies the use of the site and no restrictions are available to control future occupants of the site. Consequently, the level

of parking proposed to support apartments in possible multi-occupation is potentially insufficient.

Members are also invited to note owing to the constrained nature of the site the proposed parking spaces would result in manoeuvring on the local road instead of ensuring ingress and egress in forward gear onto the road. Therefore, users of the proposed development are anticipated to create potential issues to the free flow of traffic along the adjacent road.

Members are invited to consider whether adequate parking is available for 16-bedrooms across the entire site and if the parking is suitable to protect the free-flow of traffic along the adjacent road.

### **SUPPLEMENTARY ANALYSIS**

Revised plans have been submitted which demonstrate 12 bedrooms supported by 11 stoves/ovens arranged across 9 kitchens.

Members are invited to consider the revised plans and determine whether the scheme meets their approval.

## **2.6 FRANK SCHILLING (Arco Ltd) Block OPY Parcel 159 (P20-1065) (JP)**

Change of use from commercial office to coffee shop

### **FACTS**

<i>Location</i>	Dr Roys Drive, George Town
<i>Zoning</i>	<b>GC1</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.5706 ac. (24855.34 sq. ft.)
<i>Current use</i>	Office
<i>Required parking</i>	1
<i>Proposed parking</i>	t.b.d.

### **BACKGROUND**

September 27, 1990– application for business/retail approved

**Decision:** It was resolved to grant planning permission, subject to the following conditions:

- 1) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 3) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.



Reason for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2020 Revision).

### **AGENCY COMMENTS**

Comments from the Water Authority, Department of Environmental Health and Fire Department are noted below.

#### **Water Authority**

*The existing wastewater system cannot accommodate the proposed change-of-use. The proposed development building; 54 Edward Street, George Town, otherwise known as Monaco Towers is served by an existing 4,500-5,000-gallon septic tank located within the building's carpark along Dr Roys Drive. The developer is advised that the estimated wastewater flows from the proposed, when added to the existing development on this parcel, exceeds the Authorities 1,800gpd limit allowed for treatment by septic tank(s). Therefore, the existing system cannot accommodate the proposed. Approval for the proposed development requires that all wastewater generated on the parcel; i.e., from both proposed and existing structures, shall be treated in an onsite aerobic wastewater treatment system(s). The Water Authority's requirements for the proposed development are as follows:*

#### **Wastewater Treatment and Disposal**

*The developer, or their agent, is required to submit an Onsite Wastewater Treatment Proposal, per the attached Form, which meets the following requirements. Water Authority review and approval of the proposed system is a condition for approval of Certificate of Occupancy.*

- The proposed development Building; 54 Edward Street requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 3,544 US gallons per day (gpd), based on the following calculations:*

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD/FLOOR</b>	<b>GPD</b>
Ground Floor	Unit A Proposed Starbucks (970sqft)	1gpd/sqft	1,494.91gpd	1,495gpd
	Retail Unit B (1,242.39sqft)	0.15gpd/sqft		
	Retail Unit C (1,236.95sqft)	0.15gpd/sqft		
	Retail Unit D (1,020.06sqft)	0.15gpd/sqft		

2 <sup>nd</sup> Floor	Truman Bodden Law School (4,468.44sqft)	0.15gpd/sqft	670.26gpd	670gpd
3rd Floor	Truman Bodden Law School (4,492.30sqft)	0.15gpd/sqft	673.84gpd	674gpd
4 <sup>th</sup> Floor	Office Use - Law Firm (4,697.11sqft)	0.15gpd/sqft	704.56gpd	705gpd
<b>TOTAL</b>				<b>3,544 gpd</b>

- *Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the Authority's standards. Licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- *To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4'7" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

**Existing septic tank shall be decommissioned**

The Existing septic tank located within the Carpark shall either be incorporated into an upgraded aerobic wastewater system or decommissioned as per the Water Authority's Best management practices:

[http://www.waterauthority.ky/upimages/download/BMPs\\_abandoned\\_WW\\_systems1\\_1423220782.pdf](http://www.waterauthority.ky/upimages/download/BMPs_abandoned_WW_systems1_1423220782.pdf)

**Requirements for the remaining retail units are based on Minimal Water Use – Change of Use to High Water Use will require upgrades.**

*In the absence of detail on the prospective retail tenants for the remaining ground floor retail units; B, C & D the requirements set out are based on basic retail/office use; i.e., low-water use tenants. Any change-of-use to allow for a high-water use tenant; e.g., food service, or hairdresser, will require an upgrade of the wastewater treatment system. Required upgrades depend on the type of tenant and may include the installation of a grease or hair interceptor and/or an increase in the capacity and/or type of treatment system installed. Given that after-the-fact upgrades can be disruptive and costly, the developer is advised to build in the flexibility for their range of desired tenants at this stage. Contact [development.control@waterauthority.ky](mailto:development.control@waterauthority.ky) to discuss requirements to accommodate potential high-water use tenants.*

**Water Supply:**

The proposed development site is located within the Water Authority's piped water supply area.

- *The developer shall contact Water Authority's Engineering Services Department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the public water supply.*
- *The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.*
- *The developer shall install the water supply infrastructure within the site, under the Water Authority's supervision, and in strict compliance with the approved plans and Water Authority Guidelines for Constructing Potable Water Mains. The Guidelines and Standard Detail Drawings for meter installations are available via the following link to the Water Authority's web page:*  
<http://www.waterauthority.ky/water-infrastructure> .

*The Authority will not be held responsible for delays and/or additional costs incurred by the developer due to the developer's failure to provide sufficient notice to the Authority.*

*If there are questions or concerns regarding the above, please email them to:*  
[development.control@waterauthority.ky](mailto:development.control@waterauthority.ky)

### **Department of Environmental Health**

1. DEH has no objections to the proposed with the understanding of the following:
  - a. The floor plan, including the equipment layout must be submitted for review and approval.
  - b. Specifications for the equipment must be submitted.

### **Fire Department**

Stamped approved drawings

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

Located in the central George Town area of Grand Cayman the application site occupies part of the ground floor of Monaco Towers.

The application seeks Planning Permission for the change of use of existing office space into a coffee shop.

### **Zoning**

The property is zoned General Commercial.

### **Specific Issues**

#### **1) Parking**

The application seeks permission for a change of use from office/retail to coffee shop. The proposed change of use attracts a greater demand of parking. Currently 1/300 spaces are required. The new use needs 1/200. The resultant difference is one space required to support the proposed use.

The application is silent on identifying a location for the additional parking. Members are invited to note that Regulation 8(1)(b) enables up to 100 per cent of parking to be

located not more than 700 feet from the application site. However, the current application site only benefits from 16 spaces to support the 4 storey building and the application fails to identify potential parking sites within 700 ft to accommodate the excess demand.

Members are invited to consider whether the site is suitable for the change of use in light of no additional parking being identified.

**2.7 CATHERINE MURRAY (GMJ HOME PLANS) Block 25C Parcel 497 (P20-0932) (\$90,000) (EJ)**

Application for one (1) bedroom addition to create a duplex.

**FACTS**

<i>Location</i>	Quartz Ct.
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel Size Proposed</i>	0.3171 ac. (13,813 sq. ft.)
<i>Parcel Size Required</i>	12,500 sq. ft.
<i>Current Use</i>	House
<i>Proposed Use</i>	Residential
<i>Building Size</i>	598 sq. ft.
<i>Building Site Coverage</i>	14.69%
<i>Required Parking</i>	2
<i>Proposed Parking</i>	2

**BACKGROUND**

August 14, 2009 - the Department granted permission for a three (3) bedroom house.

**Decision:** It was resolved to adjourn the application for the following reason:

- 1) The Department is directed to contact the applicant to determine the reasons why the proposed addition is so narrow and cannot comply with the side setback requirement.

**APPLICANT'S LETTER**

*We write on behalf of our client, Ms. Catherine Murray, with regards to the following variance:*

- *A side setback variance - The addition is proposed with a 7'11" setback which is less than the required 10'0" for single storey development.*

*We request permission for the proposed development per the drawings provided and humbly give the following reasons:*

1. *Per section 8(13)(d) of the Planning Regulations, the owners of the adjacent properties were notified by register mail:*
2. *Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, the neighborhood, or to the public welfare;*
3. *The application complies with all other relevant planning requirements.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The applicant is seeking a setback variance for the propose addition to house to create a one-bedroom duplex.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Side Setback**

The applicant is seeking a setback variance from the Authority for the proposed one-bedroom unit to create a duplex (598 sq. ft.). The proposed side setback is 7.11' whereas the required setback is 10'. Additionally, the Authority should satisfy that the proposed is in keeping with the character of the area and that the definition meets its criteria for "duplex definition.

#### **2) Duplex design**

The proposed addition is quite long and narrow and will share a common wall with the existing house of about 5' wide. The Authority should determine if this design satisfies the definition of a duplex.

## **2.8 CHRIS PHILLIPS (EKT Architecture) Block 19E Parcel 85 (P20-0977) (\$500,000) (MW)**

Application for two, 2 storey warehouse buildings.

### **FACTS**

<i>Location</i>	Caterpillar Ln., George Town
<i>Zoning</i>	<b>Heavy Industrial</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.2105 ac. (9,169.38 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Vacant

<i>Proposed building size</i>	4,280.64 sq. ft.
<i>Total building site coverage</i>	22.03%
<i>Required parking</i>	5 spaces
<i>Proposed parking</i>	8 spaces

## **BACKGROUND**

June 19, 2019 (CPA/12/19; 2.23) – approval granted for a warehouse with two signs

**Decision:** It was resolved to grant planning permission, **subject to the following conditions:**

Conditions (1-5) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and **size** of the wastewater treatment system (including the disposal system).
- 2) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.
- 3) The applicant shall submit a Stormwater Management plan designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority. **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**
- 4) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website ([www.planning.ky](http://www.planning.ky)) under Policy Development, Policy Drafts.*
- 5) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads, properties and fire lanes. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable toilets, construction fencing and where applicable, the stockpiling of material excavated from the site and material brought to the site for fill purposes
- 6) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 7) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 8) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s).**

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least five feet (5') above mean sea level.

Provision shall be made for the **removal of solid waste**, including **construction and demolition waste**, from the site on a regular basis during the construction period.

The applicant shall provide adequate number of **sanitary facilities during the construction stage**.

To prevent potential delays and save money, the applicant may wish to coordinate with the following agencies prior to commencing any construction: **Caribbean Utilities Company, a Telecommunication Company of your preference and the Cayman Water Company and/or the Water Authority - Cayman.**

Reasons for the decision:

- 1) Pursuant to Regulation 8(8)(b) of the Development and Planning Regulations (2020 Revision), the Authority deems the minimum road setback to be as shown on the submitted plans and finds the setback not to be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare and is consistent with the provisions of Section 2.6 of The Development Plan 1997.
- 2) The application complies with all other relevant provisions of the Development and Planning Regulations (2020 Revision).

### **AGENCY COMMENTS**

Comments from the Water Authority, National Roads Authority, Department of Environmental Health and Department of Environment (NCC) are noted below.

#### **Water Authority**

Please be advised that the Water Authority's requirements for this development are as follows:

#### **Wastewater Treatment & Disposal**

- *The developer shall provide a **septic tank(s)** with a capacity of at least (1,500) US gallons for the proposed, based on the following calculations:*

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD/BLDG</b>	<b>GPD</b>
<i>Building A</i>	<i>2,140.85sqft</i>	<i>0.1gpd/sqft &amp; 100gpd/Toilet</i>	<i>414gpd</i>	<i>414gpd</i>
<i>Building A</i>	<i>2,140.85sqft</i>	<i>0.1gpd/sqft &amp; 100gpd/Toilet</i>	<i>414gpd</i>	<i>414gpd</i>
<b>TOTAL</b>				<b>828gpd</b>

- *The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes*

*shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*

- ***Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the Authority's standards.*** *Licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- ***To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'5" above MSL.*** *The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

#### **Potential High-Water Use**

*The plans submitted do not indicate the types of tenants to be included; therefore, the above requirements are based on low-water-use tenants; i.e. those where wastewater generation is limited to employee restrooms/breakrooms. The developer is advised that if high-water-use tenants; e.g., food service, laundry, etc., are anticipated, provision should be made at this stage by providing details so that the requirements can be adjusted accordingly. Any future change-of-use applications to allow for a high-water-use will require an upgrade of the wastewater treatment system which, depending on the use, may include in-the-ground interceptors for grease or oil-grit or lint, and depending on the volume, an upgrade to an Aerobic Treatment Unit.*

#### **Septic Tank Located Within a Traffic Area**

*The site plan indicates that the septic tank is proposed to be located within a traffic area. Therefore, a traffic rated tank and covers are required. The Water Authority requires that manhole covers be traffic rated heavy duty to meet AASHTO H-20 loadings of 16,000lb wheel loads and sealed with a gasket or O-ring. Covers and frames shall be manufactured from ductile iron or gray iron complying with the requirements of ASTM A-48 Class 35. 7.*

***A 30ft horizontal separation is required between the effluent disposal well and any stormwater drainage wells.***

***For Water Authority approval at BCU stage, a detailed profile drawing of the proposed wastewater treatment system is required. The drawing shall indicate:***

1. *If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank).*
2. *All dimensions and materials shall be provided for any site-built tanks.*
3. *Manhole extensions are permitted up to a maximum of 24" below finished grade.*
4. *Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.*
5. *A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)*



6. *The Water Authorities updated 2020 effluent disposal well specifications.*
7. *A 30ft horizontal separation is required between the effluent disposal well and any stormwater drainage wells.*

### **Water Supply**

*The proposed development site is located within the Water Authority's piped water supply area.*

- *The developer shall contact Water Authority's Engineering Services Department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the public water supply.*
- *The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.*
- *The developer shall install the water supply infrastructure within the site, under the Water Authority's supervision, and in strict compliance with the approved plans and Water Authority Guidelines for Constructing Potable Water Mains. The Guidelines and Standard Detail Drawings for meter installations are available via the following link to the Water Authority's web page: <http://www.waterauthority.ky/water-infrastructure>.*

*The Authority shall not be held responsible for delays and/or additional costs incurred by the developer due to the developer's failure to provide sufficient notice to the Authority.*

### **National Roads Authority**

*None received at this time.*

### **Department of Environmental Health**

1. *The Department has no objections to the proposed in principle.*
  - a. *This development will require a four cubic yard container serviced weekly.*
2. *The drain for the enclosure must be plumbed to a garbage enclosure disposal well as per the Water Authority's specifications. Contact [development.control@waterauthority.ky](mailto:development.control@waterauthority.ky) for deep well **details** (November 24 2020)*

### **Department of Environment (NCC)**

*Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment confirms that we have no comments.*

*Please do not hesitate to contact the Department should you require further assistance.*

### **Fire Department**

*Approved for Planning Permit Only (17 November 20)*

## **APPLICANT'S LETTER**

*Please be advised that I am applying on behalf of my client for a variance (as per section 8 (13) of the planning regulations) on the parcel size that is zoned Heavy Industrial. The parcel consists of .2105 of an acre or 9,169.38 square feet which is less than the minimum size of 20,000 square feet. It is important to note that the parcel in question was purchased with the "Heavy Industrial" zoning and to my clients understanding, has always been zoned as such. My client is also requesting a variance for building "B" encroaching on the roadside setback of 20' (Southwest corner). The encroachment totals 10 square feet or 3'-2" over the 20' setback (see site plan for details).*

*I trust that the board finds my client request for the variances acceptable given their minor implications. My client and I are happy to make ourselves available to the board to answer any questions.*

*I thank you in advance for your attention to this application and look forward to a favorable reply.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for two, 2 storey warehouse building with roadside setback & lot size variance to be located on Caterpillar Ln., George Town.

### **Zoning**

The property is zoned Heavy Industrial.

### **Specific Issues**

#### **1) Road Side Setback**

In a Heavy Industrial zone, the minimum road side setback shall be 20'-0". The corner of proposed warehouse building "B" would be 16'-10" from the fronting road boundary, a difference of 3'-2".

#### **2) Lot Size**

In a Heavy Industrial zone, the minimum lot size required is 20,000 sq. ft. per Regulation 8(9). The subject parcel is currently 9,169.38 sq. ft. a difference of 10,830.62 sq. ft. It is noted that in 2019 the Authority granted approval for a warehouse building on the subject site while granting a lot size variance.

#### **3) Second floor usage**

The buildings include stairs leading to a second floor area which appears intended to also be used as storage. If this area is used for commercial purposes then the parking requirements would change.

**2.9 SANDRA WHITTAKER (Whittaker & Watler) Block 24E Parcel 422 (P20-0965) (\$645,346) (MW)**

Application for five (5) apartments.

**Fred Whittaker declared a conflict and left the meeting room.**

**FACTS**

<i>Location</i>	Prospect Dr., George Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.34 ac. (14,810.4 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	4,964.20 sq. ft.
<i>Total building site coverage</i>	24.3%
<i>Allowable units</i>	5 units
<i>Proposed units</i>	5 units
<i>Allowable bedrooms</i>	8 bedrooms
<i>Proposed bedrooms</i>	7 bedrooms
<i>Required parking</i>	8 spaces
<i>Proposed parking</i>	9 spaces

**BACKGROUND**

April 26, 2000 – Two Bedroom Duplex (approved).

April 26, 2000 – Storage Structure (approved).

March 8, 2007 – Apartments (withdrawn).

May 12, 2007 – Eleven Apartments (CPA/12/07 Item 2.24) it was resolved to grant planning permission.

June 5, 2008 – Modification to decrease floor area and change building design (modified)

May 12, 2007 – Modification to decrease floor area (14 units) (modified)

May 12, 2007 – Pool (approved)

August 4, 2010 – Modification to decrease floor area for approved apartments (modified)

**Decision:** It was resolved to grant planning permission, **subject to the following conditions:**

Conditions (1-5) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and **size** of the wastewater treatment system (including the disposal system).
- 2) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.
- 3) The applicant shall submit a Stormwater Management plan designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority. **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**
- 4) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website ([www.planning.ky](http://www.planning.ky)) under Policy Development, Policy Drafts.*
- 5) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads, properties and fire lanes. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable toilets, construction fencing and where applicable, the stockpiling of material excavated from the site and material brought to the site for fill purposes.
- 6) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 7) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 8) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s).**

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least five feet (5') above mean sea level.

Provision shall be made for the **removal of solid waste**, including **construction and demolition waste**, from the site on a regular basis during the construction period.

The applicant shall provide adequate number of **sanitary facilities during the construction stage.**

To prevent potential delays and save money, the applicant may wish to coordinate with the following agencies prior to commencing any construction: **Caribbean Utilities Company, a Telecommunication Company of your preference and the Cayman Water Company and/or the Water Authority - Cayman.**

Reasons for the decision:

- 1) Per Regulation 9(8) of the Development and Planning Regulations (2020 Revision), the Authority is satisfied that the site location is suitable for apartments as follows:
  - There are no physical constraints on the site that would prevent the development of apartments.
  - There are several apartment developments in the surrounding area and the proposed apartments are consistent and compatible with the established building character of the area.
  - There is sufficient infrastructure at this site (e.g. public road, water line, electrical service) and in the area (commercial retail, grocery stores, etc.) to support the residents of the proposed apartments.
- 2) With the exception of the lot size, which is addressed below, the application complies with the Development and Planning Regulations (2020 Revision).
- 3) The proposed application does not comply with the minimum required lot size per Regulation 9(8)(f) of the Development and Planning Regulations (2020 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser lot size as follows:
  - a) The characteristics of the proposed development are consistent with the character of the surrounding area; and
  - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.

### **AGENCY COMMENTS**

Comments from the Water Authority, National Roads Authority, Department of Environmental Health and Department of Environment (NCC) are noted below.

#### **Water Authority**

*Please be advised that the Water Authority's requirements for this development are as follows:*

#### **Wastewater Treatment & Disposal**

- *The developer shall provide a **septic tank(s)** with a capacity of at least (1,500) US gallons for the proposed, based on the following calculations:*

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD/BLDG</b>	<b>GPD</b>
<i>Apartment</i>	<i>3 x 1-Bed units</i>	<i>150gpd/1-Bed unit</i>	<i>900gpd</i>	<i>900gpd</i>
<i>Building</i>	<i>2 x 2-Bed units</i>	<i>225gpd/2-Bed unit</i>		
<b>TOTAL</b>				<b>900gpd</b>

- *The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- *Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the Authority's standards. Licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- *To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'5" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

***For Water Authority approval at BCU stage, a detailed profile drawing of the proposed wastewater treatment system is required. The drawing shall indicate:***

1. *If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank).*
2. *All dimensions and materials shall be provided for any site-built tanks.*
3. *Manhole extensions are permitted up to a maximum of 24" below finished grade.*
4. *Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.*
5. *A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)*
6. *The Water Authorities updated 2020 effluent disposal well specifications.*
7. *A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.*

### **Water Supply**

*The proposed development site is located within the Water Authority's piped water supply area.*

- *The developer shall contact Water Authority's Engineering Services Department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the public water supply.*
- *The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.*
- *The developer shall install the water supply infrastructure within the site, under the Water Authority's supervision, and in strict compliance with the approved plans and Water Authority Guidelines for Constructing Potable Water Mains. The Guidelines and Standard Detail Drawings for meter installations are available via the following link to the Water Authority's web page: <http://www.waterauthority.ky/water-infrastructure> .*

*The Authority shall not be held responsible for delays and/or additional costs incurred by the developer due to the developer's failure to provide sufficient notice to the Authority.*

*If there are questions or concerns regarding the above, please email them to:*  
[development.control@waterauthority.ky](mailto:development.control@waterauthority.ky)

**National Roads Authority**

*None received at this time.*

**Department of Environmental Health**

*1. The Department has no objections to the proposed in principle.*

*a. This development will require (5) thirty three gallon bins. (November 25<sup>th</sup> 2020)*

**Department of Environment (NCC)**

*Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment confirms that we have no comments.*

*Please do not hesitate to contact the Department should you require further assistance.*

**APPLICANT'S LETTER**

*On behalf of my client, I would like to request a variance for the lot size. There is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that the characteristics of the proposed development are consistent with the character of the surrounding area.*

*The lot is 0.34 Acre which is 14,810.40 sq. Ft. The site is in Prospect and the precedent has been set in the Prospect area for long time now. My variance request would be for 10,190.00.*

*We are looking forward for your good office for consideration and approval of the variance request.*

*Thank you in advance in this matter.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a five (5) apartments with lot size variance to be located on Prospect Dr., George Town.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Suitability**

Section (8) states the following development is permitted in a Low Density Residential Zone.

- (a) Detached & semi-detached houses.
- (b) Duplexes
- (c) In locations considered as suitable by the Authority guest houses and apartments.

An overview of the proposed site shows the surrounding area to be primarily residential homes and vacant parcels with apartments within the nearby vicinity.

- 24E 135 :- 6 Unit Apartment Complex (Appvd 18-6-17 CPA/12/17; Item 2.26)
- 24E 134:- Sandi Cove (Duplex) Appvd 14-6-2006
- 24E 173:- Apartments (Appvd 26-6-95)
- 24E 174:- Duplex (Appvd 25-8-04)
- 24E 215:- Apartments (Adjourned 6-9-06)
- 25B 309:- Duplex (Appvd 6-4-87)
- 25B 476:- Citrus Pointe (Appvd 8-9-04 CPA/20/04; Item 2.21)

#### **2) Lot Size**

Regulation 9(8)(f) of the Development & Planning Regulations (2020) states “*the minimum lot size for apartments is 25,000 sq. ft.*”. The proposed parcel would only be 14,810.4 sq. ft. (0.34 Ac.) a difference of 10,189.6 sq. ft. respectively.



**2. 10 GRAND PALMYRA LTD. (TROPICAL ARCHITECTURAL GROUP LTD.) Block 22E Parcel 382 (P20-1088) (\$38,112) (BES)**

Application to modify planning permission for pool shape and design, and cabana floor plan and elevation.

**FACTS**

<i>Location</i>	Edge Water Way, Grand Harbour Subdivision
<i>Zoning</i>	<b>LDR</b>
<i>Notice results</i>	No Objectors
<i>Parcel Size</i>	2.366 ac or (103,062.96 sq ft)
<i>Building Size</i>	310-sq ft
<i>Building footprint</i>	25,408 sq ft
<i>Building Coverage</i>	24.7% vs. 30%

**BACKGROUND**

May 30, 2018 (**CPA/13/18; Item 2.6**) – CPA granted planning permission for twenty four (24) apartments, twenty five (25) raw land strata lots, swimming pool, cabana, two (2) 1000 gals underground LPG tanks, 5' concrete wall, 6' chain link fence, two (2) gates and one (1) development sign with conditions.

**Decision:** It was resolved that having regard to the Development Plan and other material considerations it is expedient to modify planning permission. Now therefore the Central Planning Authority in pursuance of Section 17 of the Development and Planning Law (2017 Revision) hereby orders that planning permission CPA/13/18; item 2.6 be modified to revise the pool shape and design and revise the cabana floor plan and elevation. allow an elevator from the basement to the fourth floor.

All other conditions of CPA/13/18; item 2.6 remain applicable.

Reasons for the decision:

- 1) With the exception of the front setbacks, which are addressed below, the application complies with the Development and Planning Regulations (2020 Revision).
- 2) The proposed application does not comply with the minimum required front setbacks per Regulation 9(8)(i) of the Development and Planning Regulations (2020 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser setbacks as follows:
  - a) The characteristics of the proposed development are consistent with the character of the surrounding area;
  - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and

- c) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997.

### **AGENCY COMMENTS**

Comments from the Chief Environmental Health Officer are noted below.

#### **Chief Environmental Health Officer**

*Please see the department's comments on the above application:*

- 1. The department has no objections to the proposed variance in principal.*
- 2. The property requires (2) 8yd3 containers with servicing twice per week.*
- 3. A swimming pool application must be submitted for review and approval prior to constructing the pool.*

### **APPLICANT'S LETTER**

*Further to the application submitted in relation to the above referenced Project, we hereby request for a setback variance to a site plan which requires a minimum of 20 ft front and rear setbacks per Planning Regulation 9 (8)(i).*

*We would appreciate your consideration for this variance request on the following basis:*

- (1) Under Regulation 8 (13)(b)(ii), the unusual terrain characteristics limit the site's development potential: The proposed pool and cabana is well within the required setback, only a part of the pool deck is beyond the setback line, but still at approximately 7'-6" from the nearest distance to the rear boundary and 18'-7' to the front. The area between the pool and the boundary line will also be heavily landscaped, which will serve as a privacy screen and protection to the property. We hope that the CPA board will find this request acceptable*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application is to modify planning permission for pool shape and design, and cabana floor plan and elevation at the above-captioned property. The site is located on Edge Water Way, Grand Harbour Subdivision.

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issues**

##### **1) Front Setback**

The proposed front setbacks are 7'-6" (pool deck) from (unconstructed road) and 16' setback (pool deck) from Edge Water Way respectively, whereas the minimum front setback is 20' per Regulation 9(8)(i) of the Development and Planning Regulations (2020 Revision).

**2.11 DAVENPORT DEVELOPMENT LTD. Block 5C Parcel 391 (P20-1183) (\$896,700) (EJ)**

Application for a house and 5' wall.

**FACTS**

<i>Location</i>	Elnathan Road in West Bay
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	N/A
<i>Parcel Size Proposed</i>	0.3012 ac. (13,120 sq. ft.)
<i>Parcel Size Required</i>	10,000 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Residential
<i>Building Size</i>	5,124 sq. ft.
<i>Building Site Coverage</i>	21%%

**Decision:** It was resolved to grant planning permission, subject to the following conditions:

- 1) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 3) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least five feet (5') above mean sea level.

Reason for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2020 Revision) and the wall height is in keeping with the character of the area.

**PLANNING DEPARTMENT ANALYSIS**

**General**

The applicant is seeking permission for a five (5-ft.) concrete wall and a four-bedroom house.

**Zoning**

The property is zoned Low Density Residential.

## **Specific Issues**

### **1) Fence Height**

The applicant proposes a five (5') CMU wall around both sides and rear of the property; setting back the proposed wall and garbage enclosure 6' and 10' respectively from the road; which exceed the CPA guidelines for a 4' setback from all roads. Nevertheless, the wall is over the traditional 4' in height as permitted in residential zones, therefore, the CPA is asked to consider the proposed.

The proposed wall did not go to the NRA as the wall is in a cul-de-sac and is setback more than the minimum required from NRA or CPA for walls and fences on the road.

### **2.12 JAMES WHITTAKER (CAYMAN SUSTAINABLE DEV.) Block 9A Parcel 602 (P20-1141) (\$1,800,000) (EJ)**

Application for a house with pool and 5' fence.

#### **FACTS**

<i>Location</i>	Shorewinds Trail in West Bay
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	N/A
<i>Parcel Size Proposed</i>	0.4903 ac. (21,357 sq. ft.)
<i>Parcel Size Required</i>	10,000 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Residential, Swimming Pool &
<i>Building Size</i>	6,386 sq. ft.
<i>Building Site Coverage</i>	29.90%

#### **BACKGROUND**

November 21, 2016 - the Department granted permission for a three (3) bedroom house.

**Decision:** It was resolved to grant planning permission, subject to the following conditions:

- 1) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

In addition to Building Permit requirements, condition (3) listed below shall be met before a Building Permit can be issued.

- 3) The construction drawings for the proposed swimming pool shall be submitted to the Department of Environmental Health. The applicant shall also submit to the Director of Planning the requisite signed certificate certifying that if the pool is constructed in accordance with the submitted plans it will conform to public health requirements.

- 4) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least seven feet (7') above mean sea level.

Reason for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2020 Revision) and the wall height is in keeping with the character of the area.

### **AGENCY COMMENTS**

#### **DOE/NCC**

*Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment offers the following comments for your consideration.*

*We have no objection to the proposed residence at this time as the site is man-modified and of limited ecological value. However, best management practices should be adhered to during construction; these include but are not limited to:*

- *Stockpiling any construction materials away from the canal edge to reduce the possibility of rainwater runoff washing material and debris into the canal causing turbidity and impacting water quality;*
- *The use of silt screens during the construction of the seawall.*
  - *The construction area should be fully enclosed with silt screens with a 4-foot minimum skirt depth to contain any sedimentation or debris arising from construction of the seawall; and*
  - *The silt screens being left in place until the water contained inside the screens has cleared to the same appearance as the water immediately outside of the screens.*

*We also recommend that the applicant plants and incorporates native vegetation into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the Cayman Islands, resulting in vegetation that requires less maintenance which makes it a very cost-effective choice.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The applicant is seeking permission for a five (5-ft.) pvc wall and a five-bedroom house with swimming pool.

#### **Zoning**

The property is zoned Low Density Residential.

## **Specific Issue**

### **1) Fence Height**

The applicant proposes a five (5') PVC fence on each side of the property extending from the front of the house to the canal; allowing a 50-ft setback at it nearest point from the road. Additionally, the garbage enclosure will be setback 10' from Shorewinds Trail, which exceeds the CPA guidelines for a 4' setback from all roads. Nevertheless, the wall is over the traditional 4' in height as permitted in residential zones; therefore, the CPA is asked to consider the proposed.

### **2.13 JACQUELINE J. EBANKS (Abernethy & Associates Ltd) Block 4C Parcel 621 (P20-0975) (\$5,937) (BES)**

Application for 4-lot strata subdivision and common lot.

## **FACTS**

<i>Location</i>	Caribbean Ln & Penn Ln, West Bay
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No Objectors
<i>Parcel Size Proposed</i>	0.3949 ac. (17,201.8 sq. ft.)
<i>Parcel Size Required</i>	10,000 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Same as above

## **BACKGROUND**

July 10, 2020- a dwelling house was granted planning permission administratively.

October 28, 2020 (**CPA/18/20; Item 2.18**) - CPA granted planning permission a dwelling house.

**Decision:** It was resolved to grant planning permission, subject to the following condition:

- 1) The surveyor's final drawing **shall include the surveyed dimensions of all lots and must show all required easements** and shall be submitted to the Director of Planning for approval prior to the survey being registered.

Reasons for the decision:

- 1) With the exception of the lot size, lot width, site coverage and all setbacks, which are addressed below, the application complies with the Development and Planning Regulations (2020 Revision).
- 2) The proposed application does not comply with the maximum allowable site coverage and the minimum required lot size, lot width and all setbacks per Regulations 9(8) of the Development and Planning Regulations (2020 Revision). The Authority is of the

opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the additional site coverage and lesser lot size, lot width and all setbacks as follows:

- a) The lots are being created simply to effect the registration of a strata and are not lots for the purpose of development and would therefore be consistent with the character of the surrounding area; and
- b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.

### **AGENCY COMMENTS**

Comments from the Water Authority and National Roads Authority are noted below.

#### **Water Authority**

*Please be advised that the Water Authority's requirements for this development are as follows:*

##### **Water Supply:**

*Please be advised that the proposed development site is located within the Cayman Water Company's (CWC) water supply area.*

- *The developer is required to notify the Cayman Water Company without delay, to be advised of the site-specific requirements for connection.*
- *The developer shall provide water supply infrastructure per CWC's specification and under CWC's supervision.*

##### **Wastewater Treatment:**

*Please be advised that the development is outside the Water Authority's West Bay Beach Sewage System (WBBSS) collection area; therefore, the required onsite treatment of wastewater will be specified by the Water Authority when the proposal for built development is reviewed.*

#### **National Roads Authority**

Awaiting comments

### **APPLICANT LETTER**

*Enclosed please find the relevant documents relating to a 4 lot raw land strata subdivision. The purpose of the subdivision is to create 4 raw land strata lots in the footprint of the approved buildings and parking area on the property. We are asking for a variance on the lots size under the Planning Regulation 8(13) (b) (iii) to accommodate this.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application is for 4-lots strata subdivision and common lot at the above-captioned property. The site is located on Caribbean Ln & Penn Ln, West Bay

## **Zoning**

The property is zoned Low Density Residential.

## **Specific Issues**

### **1) Lot Size and Lot Width**

The resultant acreage of the lots after the subdivision would be as follows:

- a) Lot “A” 1,009 sq ft and the lot width 19-ft
- b) Lot “B” 1,009 sq ft and the lot width 19-ft
- c) Lot “C” 480 sq ft and the lot width 20-ft
- d) Lot “D” 480 sq ft and the lot width 20-ft

In Low Density Residential zone, the minimum lot size is 10,000-sq ft per Regulation 9(8)(d) and the minimum width is 80-ft per Regulation 9(8)(g) of the Development and Planning Regulations (2020 Revision) respectively. The purpose of the application is to allow the applicant to sell the units as strata lots.

### **2.14 TOM & JOANNE GAMMAGE Block 22E Parcel 401 (P20-1142) (\$7,500) (AS)**

Application for a carport.

## **FACTS**

<i>Location</i>	Grand Isle Way
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	no objections
<i>Parcel Size</i>	.3888 AC (16,936 sq. ft.)
<i>Existing Footprint</i>	3,127 sq ft
<i>Proposed Bldg Size</i>	200 sq ft
<i>Site Coverage</i>	19%

## **BACKGROUND**

Administrative approval was granted for a 3,971 sq ft house, cabana, pool & wall on 20<sup>th</sup> December 2017.

Administrative approval was also granted for an LPG storage tank on 26<sup>th</sup> June 2018.

**Decision:** It was resolved to grant planning permission, subject to the following conditions:

- 1) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 3) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.



Reasons for the decision:

- 1) With the exception of the side setback, which is addressed below, the application complies with the Development and Planning Regulations (2020 Revision).
- 2) The proposed application does not comply with the minimum required side setback per Regulation 9(8)(j) of the Development and Planning Regulations (2020 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser setback as follows:
  - a) The characteristics of the proposed development are consistent with the character of the surrounding area;
  - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and
  - c) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997.

### **AGENCY COMMENTS**

Comments from the **Department of Environment (NCC)** are noted below:

The NCC has no comment.

### **APPLICANT'S LETTER**

*"We write to the Central Planning Authority to request a 6'-0" side setback variance to construct a single storey carport On the side of our existing 2 storey home. Please see site plan attached with this variance request.*

*As per Planning Regulation 8 (13b) our proposal meets the characteristics of the surrounding residential neighborhood & will not be materially detrimental to persons resident or working in the vicinity, to the adjacent property, to the neighborhood or public welfare.*

*As per Section 8 (13d), we have notified the adjacent land owners and there have been no objections to date to this side setback variance request."*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application is for 200 sq ft carport. Proposed side setback is 5 ft.

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issues**

##### **1) Side setback**

Pursuant to Section 9 (8) (j) of the Development and Planning Regulations (2020

Revision), the minimum side setback in a low density residential area is 10'. The applicant is proposing a 5' setback. The Authority needs to determine if the applicant has demonstrated that there is sufficient reason and exceptional circumstance to warrant allowing the lesser setback.

**2.15 PRO-PLUS CONSTRUCTION LTD. (Tropical Architectural Group Ltd.) Block 15E  
Parcels 343 and 351 (P20-1089) (\$11.1 million) (BS)**

Application for modification to decrease the floor area; reduce buildings #3, 4, 5 and 6 from 3-storey to 2-storey, and revise the building elevations.

**FACTS**

<i>Location</i>	South Sound Road
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	<b>No Objectors</b>
<i>Parcel Size Proposed</i>	3.489 ac. (151,980.8 sq. ft.)
<i>Parcel Size Required</i>	25,000 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Modification
<i>Building Size</i>	93,906 sq ft sq. ft.
<i>Building footprint</i>	46,017 sq ft
<i>Building Site Coverage</i>	30.2%
<i>Allowable Units</i>	53
<i>Allowable bedrooms</i>	84
<i>Proposed Units</i>	50
<i>Proposed bedrooms</i>	94
<i>Required Parking</i>	75
<i>Proposed Parking</i>	108

**BACKGROUND**

June 28, 2019 (**CPA/13/19; Item 2.1**) – CPA granted planning permission for 50-apartments, 2-Pools, 2-Cabanas, 5,000 gallons underground LPG tank, and free-standing sign with conditions.

**Decision:** It was resolved that having regard to the Development Plan and other material considerations it is expedient to modify planning permission. Now therefore the Central Planning Authority in pursuance of Section 17 of the Development and Planning Law (2017 Revision) hereby orders that planning permission CPA/13/19; item 2.1 be modified to decrease the floor area; reduce buildings #3, 4, 5 and 6 from 3-storey to 2-storey, and revise the building elevations.

All other conditions of CPA/13/19; item 2.1 remain applicable.

Reason for the decision:

The Authority considered the application and determined that planning permission would be modified as the application complies with the Development and Planning Regulations (2020 Revision).

### **AGENCY COMMENTS**

Comments from the Water Authority, National Roads Authority, Department of Environmental Health, and CI Fire Service are noted below.

#### **Water Authority**

*The developer's agents have submitted a proposal, summarized below, for onsite wastewater treatment and disposal at the above referenced development.*

#### ***Wastewater Treatment System:***

<b><i>BUILDING(S) SERVED</i></b>	<b><i>REQUIRED CAPACITY (GPD)</i></b>	<b><i>PROPOSED SYSTEM (MAKE &amp; MODEL)</i></b>	<b><i>PROPOSED CAPACITY (GPD)</i></b>
<i>Building 1</i>	<i>1,200</i>	<i>Biomicrobics MicroFast 9.0</i>	<i>9000</i>
<i>Building 2</i>	<i>1,800</i>		
<i>Building 3</i>	<i>2,400</i>		
<i>Building 4</i>	<i>2,400</i>	<i>Biomicrobics MicroFast 9.0</i>	<i>9000</i>
<i>Building 5</i>	<i>2,400</i>		
<i>Building 6</i>	<i>2,400</i>		
<i>Building 7</i>	<i>2,400</i>		
<b><i>TOTAL:</i></b>	<b><i>15,000 GPD</i></b>	<b><i>TOTAL:</i></b>	<b><i>18,000 GPD</i></b>

#### ***Effluent Disposal:***

- The effluent disposal well shall be constructed by a licensed driller in strict accordance with the Authority's standards. Minimum required depth of borehole and grouted casing are site-specific and are obtained by licensed drillers before pricing or constructing an effluent disposal well.***
- To achieve gravity flow, treated effluent from the treatment system must enter the disposal well at a minimum invert level of 5'0" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in***

*the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

***The above proposal meets the Water Authority's specifications.***

**REQUIRED NOTIFICATIONS:**

*The Developer/ Supplier shall notify the Water Authority at least two business days prior to:*

- 1. Completion of effluent disposal well construction.*
- 2. Excavation to accommodate the treatment system.*
- 3. Placement of pre-built tank(s) / construction of site-built tank(s).*
- 4. Covering the piping to and from the system.*
- 5. All Non-Corrosion/Decay resistant forms used for the pour-in-place slab, shall be removed completely after tank construction.*
- 6. Placing the tank cover slab (this applies to systems installed in site-built or precast concrete tanks).*
- 7. All site-built tanks are required to pass a 24-hour water leak test inspected by the Water Authority.*
- 8. Walls of tanks are to be rendered with ½" thick steel finish sand cement render with all corners rounded.*
- 9. Following the water leak test, the tanks are to be sealed using 2 coats of Corotech Coal Tar epoxy Black V157 or equivalent with 12 hour drying time between coats.*

*Request for final inspection for certificate of occupancy shall be submitted via the Planning Department's Online Planning System (OPS). Ensure that the wastewater system has been filled with water (do not use saline groundwater which will cause operational problems) and that adequate power is available to facilitate Water Authority testing of complete system operations and alarms.*

*Note that by review and acceptance of plans, specifications and installation of the wastewater treatment system, the Authority assumes no responsibility for the system's successful operation. The system design is certified to achieve effluent standards of 30mg/L BOD<sub>5</sub> and 30 mg/L TSS, if installed, operated and maintained per manufacturer's guidelines. It is the owner's responsibility to contract for routine O&M service to ensure that effluent standards of 30 mg/L BOD and 30 mg/L TSS are consistently met.*

**Department of Environmental Health**

*Please see the department's comments on the above application:*

- 1. DEH has no objections to the proposed.*
- 2. This development requires (2) 8 cubic yard containers with twice per week servicing.*
- 3. Swimming pool applications must be submitted prior to constructing the pools.*

**National Roads Authority**

Awaiting comments

## CI Fire Service

Awaiting comments

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application is to modify planning permission to decrease the floor area; reduce buildings #3, 4, 5 and 6 from 3-storey to 2-storey, and revise the building elevations at the above-captioned property. The site is located on South Sound Road.

The proposed modification changes are as follows:

- Buildings# 3, 4, 5 and 6 from three-storeys to two-storeys;
- Bedrooms reduced from 150 to 94; and
- Floor area reduced from 117,517 sq ft to 93,906 sq ft

#### **Zoning**

The property is zoned Low Density Residential and the Department has no specific concerns.

#### **2.16 OWEN CLARKE-TOWNSHEND (Garden City Design) Block 15C Parcel 196 (P21-0047) (\$5000) (JP)**

Application for modification to amend roof design.

#### **FACTS**

<i>Location</i>	Outpost Street, George Town
<i>Zoning</i>	<b>MDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.2842 ac. (12,379.8 sq. ft.)

#### **BACKGROUND**

March 20, 2019 (**CPA/06/19; item 2.4**) – the application for 5 apartments with 9 bedrooms in total was approved by the Authority (P18-1285)

October 5<sup>th</sup> 2020 (**Administrative Approval**) – application to modify previous approval (P20-0811)

**Decision:** It was resolved that having regard to the Development Plan and other material considerations it is expedient to modify planning permission. Now therefore the Central Planning Authority in pursuance of Section 17 of the Development and Planning Law (2017 Revision) hereby orders that planning permission CPA/06/19; item 2.3 be modified to amend the roof design.

All other conditions of CPA/06/19; item 2.3 remain applicable.

Reason for the decision:

The Authority considered the application and determined that planning permission would be modified as the application complies with the Development and Planning Regulations (2020 Revision).

### **APPLICANT'S LETTER**

*The revised roof design is necessary to avoid Fire Barrier issues and to satisfy the client's wish for a more contemporary/modern external appearance. The amendments are relatively minor in that the existing asphalt shingle roof on a hip design is to be replaced with a built-up concrete roof on a shed roof design with parapet walls surround*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application site is located in George Town near Fairbanks Road and falls within a Medium Density Residential zone. The site is bound to the north and west by an apartment complex and a dwelling house forms the southern boundary. Outpost Street runs along the eastern boundary.

The application seeks to modify the existing Permission whereby the approved fully hipped roof would be replaced by a sloped roof screened with a parapet.

#### **Zoning**

The property is zoned Medium Density Residential.

#### **2.17 KELVIN LATTA / ABARBANEL LTD (BDCL Architects) Block 32D Parcel 92 (P20-1136) (BES)**

Application to modify planning permission to revise condition 1) of CPA/03/20; Item 2.17 to extend the time frame for obtaining a permit.

#### **FACTS**

<i>Location</i>	Sea Spray Drive
<i>Zoning</i>	<b>LDR</b>
<i>Notice Requirement</i>	No Objectors
<i>Parcel Size</i>	0.33 AC/14,374.8 sq. ft.
<i>Current Use</i>	Residential
<i>Proposed Use</i>	Residential

### **BACKGROUND**

February 5, 2020 (CPA/03/20; Item 2.17) - It was resolved to grant planning permission for an ATF house, subject to the following conditions:

- 1) The applicant is required to apply for a Permit from the Director of Planning **within 6**

**months of the date of this decision.**

- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

The applicant shall obtain a Final Certificate (of Fitness for Occupancy) **within 12 months of the date of this decision.**

**Decision:** It was resolved that having regard to the Development Plan and other material considerations it is expedient to modify planning permission. Now therefore the Central Planning Authority in pursuance of Section 17 of the Development and Planning Law (2017 Revision) hereby orders that planning permission be modified by replacing the previous conditions of approval with the following:

- 1) The applicant is required to apply for a Permit from the Director of Planning **no later than July 31, 2021.**
- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 3) The applicant shall obtain a Final Certificate (of Fitness for Occupancy) **no later than January 31, 2022.**

Reason for the decision:

The Authority considered the application and determined that planning permission would be modified as the application complies with the Development and Planning Regulations (2020 Revision).

### **APPLICANT'S LETTER**

*With this letter, we are requesting an extension of time to the initial planning approval condition 1. Where it states:*

- 1) The application is required to apply for a Permit from the Director of Planning within 6 months of the date of this decision.*

*Due to the Pandemic we were unable to have our consultant properly access the site to review and document the existing conditions as required for the Permit.*

*We have now received all the documents required; with your approval we will upload them.*

*We trust the aforementioned meets with your approval. We now look forward to your favourable consideration of our request for this extension. If you require additional information, please do not hesitate to contact this office.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application site is located off Sea Spray Drive in the Savannah area of the district. Vacant land bounds the property to the north and west with a neighbouring property located to the south. Fallsreach Close, which serves the site, is situated to the east.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issue**

The applicant is requesting reconsideration of condition 1) of CPA/03/20; Item 2.17 as noted above. However, there is another condition that requires the applicant to obtain a C.O. within 12 months of the date of the decision which will expire February 5, 2021. If the Authority is inclined to extend the time period for obtaining a permit then the C.O. time frame will also have to be extended.

## **2. 18 PUBLIC WORKS DEPARTMENT (PWD) Block 13D Parcel 304 (P20-1115) (\$5000) (JP)**

Public restroom facility

### **FACTS**

<i>Location</i>	Greenwood Drive, George Town
<i>Zoning</i>	<b>HDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	1.79 ac. (74,052 sq. ft.)
<i>Current use</i>	Recreation park
<i>Proposed building size</i>	160 sq. ft.

### **BACKGROUND**

*No Planning history*

**Decision:** It was resolved to grant planning permission, subject to the following conditions:

- 1) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 3) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.



Reason for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2020 Revision).

### **AGENCY COMMENTS**

Comments from the Water Authority are noted below.

#### **Water Authority**

##### **Wastewater Treatment & Disposal**

- *The developer shall provide a **septic tank(s)** with a capacity of at least **(750) US gallons** for the proposed, based on the following calculations:*

<b>BUILDING</b>	<b>FEATURES</b>	<b>LFU</b>	<b>GPD/SFU</b>	<b>GPD</b>
<i>Restroom Building</i>	<i>1 x Water Closet</i>	<i>4 hours</i>	<i>WC - 120gpd</i>	<i>180gpd</i>
	<i>1 x Wash basin</i>	<i>4 hours</i>	<i>Wash Basin - 60gpd</i>	
<b>TOTAL</b>				<b>180gpd</b>

- *The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- ***Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the Authority's standards.** Licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- ***To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'5" above MSL.** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

***For Water Authority approval at BCU stage, a detailed profile drawing of the proposed wastewater treatment system is required. The drawing shall indicate:***

1. *If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank).*

2. *All dimensions and materials shall be provided for any site-built tanks.*
3. *Manhole extensions are permitted up to a maximum of 24" below finished grade.*
4. *Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.*
5. *A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)*
6. *The Water Authorities updated 2020 effluent disposal well specifications.*
7. *A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.*

### **Water Supply**

*The proposed development site is located within the Water Authority's piped water supply area.*

- *The developer shall contact Water Authority's Engineering Services Department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the public water supply.*
- *The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.*
- *The developer shall install the water supply infrastructure within the site, under the Water Authority's supervision, and in strict compliance with the approved plans and Water Authority Guidelines for Constructing Potable Water Mains. The Guidelines and Standard Detail Drawings for meter installations are available via the following link to the Water Authority's web page: <http://www.waterauthority.ky/water-infrastructure> .*

*The Authority shall not be held responsible for delays and/or additional costs incurred by the developer due to the developer's failure to provide sufficient notice to the Authority.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application site is located in a residential area of George Town land to the north, south and east is vacant with an existing building forming the western boundary. Greenwood Drive, which serves the site, forms the northern boundary.

#### **Zoning**

The property is zoned High Density Residential. The site is used as an existing park and the proposal is to add a restroom block and a few more playground items. There are no concerns with the application.

**2. 19 WILLOW PROPERTY HOLDINGS LTD (Darius, Daniel Campbell) Block 53A  
Parcel 104 (P20-0963) (\$750,000) (JP)**

Application for a house, pool and LPG tank.

**FACTS**

<i>Location</i>	North Side Road, North Side
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.4 ac. (17,424 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	3165 sq. ft.
<i>Total building site coverage</i>	17.9%
<i>Required parking</i>	1
<i>Proposed parking</i>	3

**BACKGROUND**

*January 20<sup>th</sup> 2021 (CPA/02/21; Item 2.4) – Members adjourned determination of the application to enable the submission of revised plans demonstrating the house with a minimum 65' setback from the High Water Mark and the pool and pool deck with a minimum 50' setback from the High Water Mark.*

**Decision:** It was resolved to grant planning permission, subject to the following conditions:

- 1) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

In addition to Building Permit requirements, conditions (3-4) listed below shall be met before a Building Permit can be issued.

- 3) The construction drawings for the proposed swimming pool shall be submitted to the Department of Environmental Health. The applicant shall also submit to the Director of Planning the requisite signed certificate certifying that if the pool is constructed in accordance with the submitted plans it will conform to public health requirements.
- 4) Any sand that is to be excavated during construction should be retained on site and beach quality sand should be put back along the active beach profile of the property.
- 5) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s).**

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least seven feet (7') above mean sea level.

Reasons for the decision:

- 1) With the exception of the high water mark setback, which is addressed below, the application complies with the Development and Planning Regulations (2020 Revision).
- 2) The proposed development does not comply with the minimum required setback from the high water mark per Regulation 8(10)(b) of the Development and Planning Regulations (2020 Revision). Pursuant to Regulation 8(11), the Authority may allow a lesser setback having regard to:
  - a) the elevation of the property and its environs;
  - b) the geology of the property;
  - c) the storm/beach ridge;
  - d) the existence of a protective reef adjacent to the proposed development;
  - e) the location of adjacent development; and
  - f) any other material consideration which the Authority considers will affect the proposal.

In this instance, the Authority is of the view that there are existing developments on adjacent properties with similar setbacks from the high water mark. Therefore, the setback of the proposed development is consistent with the established development character of the area and it will not detract from the ability of adjacent land owners from enjoying the amenity of their lands.

### **AGENCY COMMENTS**

Comments from the Department of Environment (NCC) are noted below.

#### **Department of Environment (NCC)**

*Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment offers the following for your consideration.*

*The site is occupied by coastal shrubland, which is primary habitat. We are pleased to see the note which indicates that as much native vegetation will be retained as possible.*

*Section 8 (2)(10)(b) of the Development & Planning Regulations (2020 Revision) requires all buildings and structures (including ancillary structures), to be setback 75 feet from the Mean High Water Mark on coastlines with beaches. The Department of Environment is concerned by the proposed coastal setbacks of 29 feet 1 inch for the pool deck and 37 feet 1.5 inch for the main house of this development. Furthermore, we note that there are no design features, such as a wash-through ground floor or positioning of the building on elevated pilings to help mitigate against the effects of sea inundation on the proposed dwelling.*

*Given the climate change predictions for the region, including sea level rise and increased intensity of storm events (including storm surge), it is no longer considered appropriate to reduce coastal setbacks, particularly on high energy coastlines such as this. Whilst the site is located within a reef-enclosed lagoon, which offers some protection, the Department urges the applicant to revisit the proposed layout of the development in order to maximise the setback from the sea. The Department does not support a variance to the coastal setback based on the current design of the project and recommends that the development is redesigned to allow for a greater coastal setback and to include design features which would help protect the house against sea inundation.*

*If the CPA is minded to grant approval for this application, we recommend that any sand excavated as part of the development remains on site. Beach quality site is a finite resource and it is in the applicant's best interests to ensure that it remains in the existing beach system. We therefore recommend the inclusion of the following condition:*

*Any sand excavated as part of the construction works shall remain on site and be returned to this beach system. If the volume of sand is deemed too great to retain all sand on site, any removal from site should be the subject of a separate consultation with the National Conservation Council.*

#### **APPLICANT'S LETTER:**

See Appendix D

#### **PLANNING DEPARTMENT ANALYSIS**

##### **General**

The application site is located in the North Side area of Grand Cayman with the Caribbean Sea forming the northern boundary. Existing developed lots are sited to the east and west with North Side Road, which serves the site, creating the southern boundary.

The application seeks Planning Permission for the creation of a single dwelling house with ancillary structures such as a pool, pool deck and LPG tank.

##### **Zoning**

The property is zoned Low Density Residential.

##### **Specific Issues**

#### **1) High Water Mark setback (29' 1" v 75')**

Regulation 8(2)(10)(b) applies which requires a minimum setback of 75' from the High Water Mark. The variance letter details the shoreline as ironshore and considers Regulation 8(2)(10)(c) should apply whereby only a 50' setback is required. The Department is of the view that the shoreline is not ironshore, it is beach with some loose rocks that have washed ashore.

If the 75' setback is applied the majority of the house would require a variance and the lot could be considered undevelopable.

The house on the adjacent property to the west (53A 158) was granted approval in 2013 for a house with a HWM setback of 64' and the patio at 52'. The house on the adjacent property to the east (53A 105) was granted approval for a house that complied with the

75' HWM setback.

Members are invited to consider the content of the variance letter to consider if an exceptional circumstance exists to permit a variance to the High Water Mark setback.

### **SUPPLEMENTARY ANALYSIS**

Revised plans have been submitted which detail the entire house is sited 65' back from the High Water Mark and the pool and covered pool deck sited 50' back from the High Water Mark.

## **3.0 DEVELOPMENT PLAN MATTERS**

### **3.1 TRAFALGAR INVESTMENTS LIMITED Block 11B Parcels 55, 58 & 79 (RZ20-0005) (RM)**

Application for Amendment to Development Plan 1997 from Neighbourhood Commercial to Hotel / Tourism.

#### **FACTS**

<b>Location:</b>	West Bay Road, West Bay
<b>Parcels:</b>	11B 55, 11B 58 and 11B 79
<b>Current Zoning:</b>	Neighbourhood Commercial
<b>Proposed Zoning:</b>	Hotel / Tourism
<b>Ownership:</b>	Private
<b>Total Parcel Size:</b>	2.60 acres
<b>Subject Zoning Area:</b>	2.60 acres

**Decision:** It was resolved to forward the application to the Ministry of CPI for onward transmission to the Legislative Assembly for debate.

#### **UPDATE**

The Central Planning Authority heard the request (RZ20-0005) during meeting 18 on the 28<sup>th</sup> October 2020 (CPA/18/20; Item 3.1) and it was resolved to forward the application for 60 day notification and advertising per Section 11(2) in the Development and Planning Law (2017 Revision). The notice period commenced on the 20<sup>th</sup> November 2020 and concluded on the 19<sup>th</sup> January 2021, during which time no letters of objection were received by the Department of Planning.

### **DEPARTMENT OF PLANNING ANALYSIS**

#### **Background:**

The applicant is seeking an amendment to the Development Plan from Neighbourhood

Commercial to Hotel / Tourism. The rezone application has been submitted in anticipation of a new hotel development on the subject parcels.

**Site details:**

The subject property consists of 3 parcels located to the east of West Bay Road. The parcels are situated either side of a private right of way serving the adjacent block and parcel; 11B56REM3.

The subject parcels are currently occupied with commercial properties and facilities. 11B55 is occupied by the RBS Coutts building, a two-storey office building. 11B58 is occupied by car parking and 11B79 is occupied by Trafalgar Place; a two-storey retail / commercial complex and associated car parking.

The topography of the land is relatively even at around 6ft above sea level.

**Character and Land Uses of Surrounding Area**

The subject property is situated at the northern end of a long strip of land on the east-side of West Bay Road which is zoned Neighbourhood Commercial. The land opposite the subject property, on the west 'coastal side' of West Bay Road, is zoned Hotel / Tourism.

To the north of the subject property lies Public Beach and a series of parcels which have recently been rezoned from Neighbourhood Commercial to Hotel / Tourism (RZ19-0001). This rezone was heard by the Central Planning Authority on 18 December 2019 (CPA/26/19; item 3.2) and subsequently passed at a meeting of the Legislative Assembly on 1 July 2020.

The subject property is surrounded by a combination of public, tourism and residential land uses in the form of Public Beach, Harbour Heights and the Watermark, which is currently under construction. Within a 2000 foot radius there is the Kimpton Seafire Hotel to the north, other apartment complexes to the south, and on the eastern side of the Esterley Tibbetts Highway both the zoning and land uses are Low Density Residential.

Figure 1 displays the proposed rezone area as requested by the applicant and the surrounding land-use context.



Figure 1: Zoning and location map (Source: [www.caymanlandinfo.ky](http://www.caymanlandinfo.ky))

The table below outlines the major requirement differences in the current and proposed zoning.

CATEGORIES/ZONES	NEIGHBOURHOOD COMMERCIAL	HOTEL / TOURISM
MINIMUM LOT SIZE (sqft)	20,000	0.5 acre (hotels and apartments) 12,500 (residential)
MINIMUM ROAD SETBACK (ft)	20	25
MINIMUM REAR SETBACK (ft)	6	25
MINIMUM SIDE SETBACK (ft)	6	20
MAXIMUM SITE COVERAGE	75%	40% (or 25% for cottage colonies)
DENSITY	AS DETERMINED BY CPA	25 units per acre (apartments) 65 bedrooms per acre (hotel) 10 units per acre (cottage colony)
MAXIMUM BUILDING HEIGHT	3 storeys or 40ft	10 storeys or 130ft

Figure 2: Zoning comparison table



The key difference between the current and proposed zoning concerns maximum building height, which since the subject property is located within Hotel/Tourism Zone 1, would change from 3 storeys (or 40ft) to 10 storeys (or 130ft) under the proposing zoning. The primary consideration for this rezone application is the suitability of Hotel / Tourism in this location, based on surrounding land use zoning.

## **AGENCY COMMENTS**

### **Department of Environmental Health**

*“The department has no objections to the proposed rezone.”*

### **Cayman Islands Fire Service**

*“Rezoning Noted. Comments pending on future development in regards to the local fire code.”*

### **National Roads Authority**

[Comments received 3/12/2020, after the CPA initially considered the rezone application.]

*“As per your memo dated August 17<sup>th</sup> 2020 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided. The applicant is seeking to have about 1.73 acres of Neighbourhood Commercial land rezoned to the zoning designation of Hotel Tourism.*

*Traffic demands comparison between the subject lands current zoning designation of NC and the proposed HT can be developed based on an assumed development intensity scenario that the planning regulations would allow for the respective zoning designation. For this analysis, the following development scenarios potential are assumed:*

<b>Develop ment Scenario</b>	<b>Zoning Designation</b>	<b>Site Area</b>	<b>Units</b>	<b>Density or Site Coverage Assumed</b>	<b>Assumed Development Potential</b>
Current	NC	1.73 Acres	N/A	75%	1.29 acres
Proposed	HT	1.73 Acres	Per Bedroom	65 per acre	112 bedrooms

*Traffic demand for the above development scenario assessed on the basis of average trip rates provided by the Institute of Traffic Engineers for Shopping Centre (ITE code 820) for the residential zoning and hotel (ITE code 310) for the hotel tourism zoning. The following table summarizes the assumed traffic demand:*

Zoning Scenario	Type Dev't & (ITE Code)	Unit	Average Daily Trip Rate	AM/PM Peak Hour Average Trip Rate	Daily Traffic Generation	AM / PM Peak Hour Generation
<b>Current NC</b>	Commercial (820)	KSF	42.70	0.96/3 .71	2434	55 / 211
<b>Proposed HT</b>	Hotel (310)	112 bedrooms	8.17	0.53/0 .60	915	59 / 67

*In 2016, average weekday daily traffic (WADT) volumes on West Bay Road south of the site was just over 9,000 vehicle per day (vpd). With an average 3% annual growth rate on West Bay Road the WADT for 2020 is likely in the order of about 10,000 vpd.*

*The rezoning of the subject lands to HT designation will be relatively comparable to the existing traffic demands on the adjacent road network should the subject lands be constructed utilizing the maximum allowable densities permitted by the planning regulations.*

#### **Water Authority**

*"Please be advised that the Water Authority has no objection to the proposed rezone. Requirements for water and wastewater will be determined when development of the parcel(s) is proposed."*

#### **Department of Environment**

*"Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment (DoE) offers the following comments for your consideration.*

*The Department recommends that the additional pressure of a hotel in close proximity to Seven Mile Public Beach be thoroughly considered due to concerns that the area is already being over utilised for tourism purposes. The increased tourism footfall should be taken into account at this stage in order to plan for the sustainable use of the area whilst ensuring it does not undermine the purpose of the public beach as an area for the enjoyment of members of the public.*

*Please do not hesitate to contact the Department should you require further assistance."*

#### **Department of Tourism**

No comments received.

### 3.2 CLYDE AND MICHELE SMITH Block 1D Parcel 160 (RZ20-0006) (RM)

Application for Amendment to Development Plan 1997 from High Density Residential to Light Industrial.

#### **FACTS**

<b>Location:</b>	Miss Daisy Lane / Hell Road, West Bay
<b>Parcel:</b>	1D160
<b>Current Zoning:</b>	High Density Residential
<b>Proposed Zoning:</b>	Light Industrial
<b>Ownership:</b>	Private
<b>Total Parcel Size:</b>	3.50 acres
<b>Subject Zoning Area:</b>	3.50 acres

**Decision:** It was resolved to adjourn the application and re-schedule it to be heard by the Authority at a later date which would give members further opportunity to review the application.

#### **BACKGROUND**

The applicant is seeking an amendment to the Development Plan from High Density Residential to Light Industrial. The applicant has identified the subject parcel as being located within a ‘mixed use’ neighbourhood on account of the range of activities currently operating nearby, and the applicant suggests that there is no land suitably zoned for light industrial activities. The details are outlined in the applicant’s letter below:

*“...the 14 different activities operating within the area has contributed to the area being developed as a “mixed use” neighbourhood. There are also two churches in close proximity. Therefore, area residents and others can live, eat, attend school, church, purchase fuels, have vehicles repaired, buy fresh meats, vegetables, fruits, groceries, collect/send mail, enjoy entertainment, visit an elderly one in the senior citizens home or a loved one at Hope Foundation, purchase souvenirs, and visit Hell. This all happens on/off Hell Road between Town Hall Road and Watercourse Road (less than ½ mile). However, residents or non-residents cannot find any land suitably zoned for activities such as warehousing, tire repairs, vehicle repairs (mechanical and body), light manufacturing (furniture, food products, consumer electronics, etc.), small engine repairs, etc., etc. This inability has stifled entrepreneurship and prevented centres of local employment from developing. The rezoning of the subject parcel to Light Industrial could address both of these issues.*

*The applicants are applying to rezone the site from HDR to Light Industrial (LI). Their reasons for applying to rezone the parcel are:*

- (i). A residential project would most likely fail due to the stigma associated with “logwoods”*
- (ii). There is no land zoned Light Industrial in West Bay*
- (iii). Rezoning the site LI the applicants would create an employment hub in the district,*
- (iv). Rezoning the site LI would provide a venue for entrepreneurship, and*
- (v). To construct buildings for individuals and entities to conduct light industrial activities.*

*The creation of a LI zone in West Bay and the other districts is long overdue as it was discussed in 2002/03 during a Development Plan Review process. Also, there are not many parcels this size and located on a main road in West Bay that could be rezoned to LI. We therefore submit that it is imperative and urgent to act on this proposal because not only do we need a LI zone within the district, but this LI zone will also create an employment hub and provide a venue for entrepreneurship.*

*The applicant will retain ownership of the site and the buildings thereon thus be able to ensure that future developments do “...not cause detriment to the amenity of that area including detriment by reason of noise, vibration, smell, fumes, electrical interference, smoke, soot, ash, dust or grit;” and that they are reasonably integrated into the surroundings. In this manner the applicants will retain management control of the site.*

*We trust that the Department, other relevant agencies, and the Authority all concur with the need to create a Light Industrial zone within the district of West Bay, and by extension support this application. We believe that we have demonstrated that the site is a suitable candidate for this type of zoning due to its location, surrounding land uses, and how possible future impacts will be mitigated. However, if you require any additional information, documentation or have questions please advise and we will address them post haste.*

## **DEPARTMENT OF PLANNING ANALYSIS**

### **Site details:**

The subject property consists of a large (3.50 ac) parcel located to the east of Miss Daisy Lane in West Bay. The parcel has a small frontage (approximately 59ft) onto Hell Road.

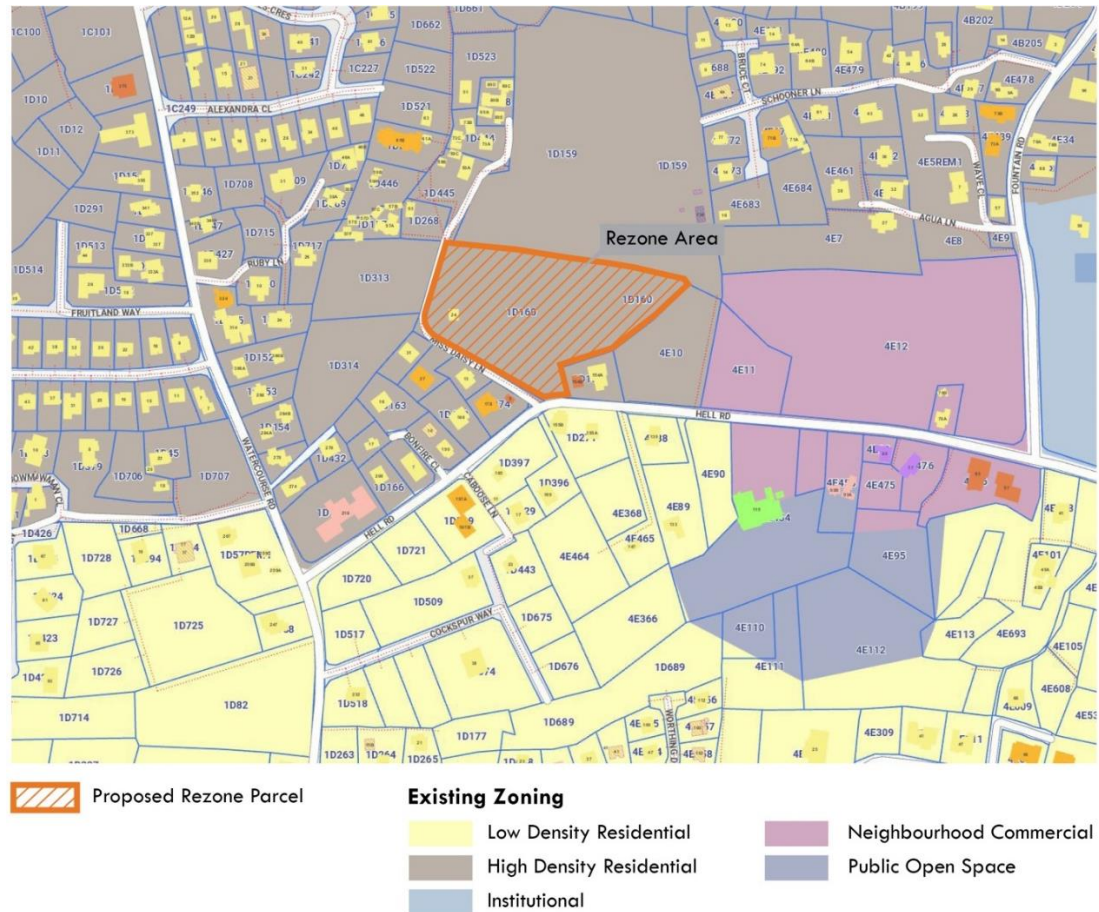
The parcel is occupied by two small residential buildings, situated in close proximity to the western boundary. The majority of the parcel however is vacant and occupied by mature vegetation. The topography of the land is relatively even at around 5ft above sea level.

### **Character and Land Uses of Surrounding Area**

In total there are 5 different land use zoning categories within a 1,000ft radius of the subject property. The subject parcel itself is located within a large area zoned High Density Residential while to the south, across Hell Road, is a large area which is zoned Low Density Residential. A short distance to the east of the subject property are a number of Neighbourhood Commercial zoned parcels while further to the south and east are areas zoned Public Open Space and Institutional.

As noted in the applicant's cover letter, the subject parcel is located in close proximity to a range of commercial, civic, and residential uses. The areas to the north and west of the subject property are largely occupied by residential land uses with a combination of single-family and multi-family units. Hell Road however, to the south of the subject property, has a variety of commercial and tourism premises, including those associated with the Hell tourism attraction, and a gas station. Also located nearby are the Sir John A Cumber Primary School, to the east, and a Heavy Equipment compound, to the north.

Figure 1 displays the proposed rezone area as requested by the applicant and the surrounding land-use context.



**Figure 1: Zoning and location map (Source: [www.caymanlandinfo.ky](http://www.caymanlandinfo.ky))**

In Grand Cayman just 302.8 acres (or 0.63% of Grand Cayman as a whole) is currently zoned for Light Industrial uses, and these areas are all located in the district of George Town, within the 'industrial park' to the north of Owen Roberts International Airport. Rezoning the subject parcel to Light Industrial could therefore be considered "spot zoning" since it would not adjoin to any existing Light Industrial land in the locality.

The primary consideration for this rezone application is the suitability of Light Industrial in this location, based on surrounding land use zoning. There is a concern that future light

industrial development on this site could be undesirable to neighbouring residents based on what is permitted in terms of use, scale and bulk. The Authority is asked to consider therefore whether Light Industrial uses in this location would be undesirable, or in fact would provide a transition between the nearby Neighbourhood Commercial zoned parcels and the adjacent Residential zones.

### **Supplemental Comments**

- There are no environmental concerns that detract from a change in zoning.
- A change in zoning to Light Industrial could assist in providing local employment and reinforcing the mixed-use nature of West Bay.
- Pursuant to Section 12(4) of the Development and Planning Regulations (2020 Revision), light industrial development is permissible in this location under the existing High Density Residential zoning, provided that it is not offensive and does not adversely affect the area.
- Any form of future development or redevelopment on this site would require Planning permission, which would include considerations with respect to the Development and Planning Legislation and effects on neighbouring areas.

### **AGENCY COMMENTS**

#### **Department of Environmental Health**

*“DEH has no objections the rezone in principle.*

*Any built development must be submitted to DEH for review and approval”.*

#### **Cayman Islands Fire Service**

*“The fire Department have no objection at this time.”*

#### **National Roads Authority**

Comments requested on 14 October 2020 – None received

#### **Water Authority**

*“Please be advised that the Water Authority has no objection to the proposed rezone.*

*Requirements for water and wastewater will be determined when built development of the parcel is proposed.”*

#### **Department of Environment**

*“Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment confirms that we have no comments.*

*Please do not hesitate to contact the Department should you require further assistance.”*

### 3.3 YARLCAY LTD Block 20D Parcel 171 (RZ20-0007) (RM)

Application for Amendment to Development Plan 1997 from Low Density Residential to High Density Residential.

**Robert Watler declared a conflict.**

#### **FACTS**

<b>Location:</b>	Linford Pierson Highway, George Town
<b>Parcel:</b>	20D 171
<b>Current Zoning:</b>	Low Density Residential
<b>Proposed Zoning:</b>	High Density Residential
<b>Ownership:</b>	Private
<b>Total Parcel Size:</b>	10.49 Acres
<b>Subject Zoning Area:</b>	10.49 Acres

**Decision:** It was resolved to forward the rezoning application, which will also include 20E 213 Rem 3, for 60 day notification and advertising per Section 11 (2) in the Development and Planning Law (2017 Revision).

#### **APPLICANT'S LETTER**

The applicant is seeking an amendment to the Development Plan from Low Density Residential to High Density Residential. The intent is to amend the zoning to subsequently allow for the potential development of affordable housing. The details are outlined in the applicant's letter below:

*"Please find attached our Application to Rezone 20D 171 from "Low Density Residential" to "High Density Residential". We make this Application on behalf of the Contracting Purchaser, "Yarlcay Ltd.".*

*We understand that both the western adjacent parcel (20E 213Rem3) owned by the National Housing Development Trust, and the eastern adjacent parcels (20D 466 & 467) owned by Sixtees Properties Developments Limited are also in the process of being similarly Rezoned, and our client wishes to go the same route.*

*Developable land close to George Town is limited, and due to the cost involved in filling and developing this parcel a higher density is needed to make it viable. This will allow homes to be more affordable for first home buyers. As a Caymanian Builder creating communities like Lakeland Villas, Royal Pines and Ocean Reach they want to provide for open space, parks for the local community.*

*Finally, with the growth of that area, a proposed Supermarket, a new Bypass and proximity to Town we need to create small community with access to various amenities.*

*At this point in time we do not have the future development of the parcel planned.”*

## **DEPARTMENT OF PLANNING ANALYSIS**

### **Site details:**

The subject parcel is one of a number of large undeveloped parcels located to the south of the Linford Pierson Highway. The subject property is situated approximately 200ft to the west of the ‘Alamo’ roundabout and a new road (31296) is proposed to run south from the roundabout with a connector to the eastern boundary of the subject parcel. The topography of the land is quite even at around 2 feet above sea level and it currently consists of mangrove and bush vegetation.

### **Character and Land Uses of Surrounding Area**

The subject property lies within a large area of Low Density Residential zoning to the south of the Linford Pierson Highway, although is close to a group of parcels which are zoned for Neighbourhood Commercial use, approximately 300ft to the east. To the north of the subject property, and north of the highway, is a large area of Medium Density Residential zoning.

Adjacent to the subject property, to the east, are parcels 20D466 and 20D467 where an application to amend the Development Plan from Low Density Residential to High Density Residential (RZ18-0003) is currently awaiting approval by the Legislative Assembly. The application was initially considered by the CPA on 5<sup>th</sup> September 2018 (CPA/20/18; item 3.1). The Authority resolved to forward the application for 60 day notification and advertising period, at which time no objections were received. Following the consultation period, the request to amend the Development Plan was again heard by the CPA on 19<sup>th</sup> December 2018 (CPA/28/18; item 3.1). The CPA resolved to forward the proposed amendment to the Ministry of Commerce, Planning and Infrastructure for onward transmission to the Legislative Assembly for consideration, subject to Cabinet approval.

A mixture of single family dwellings, apartments and duplexes are present in the nearby residential areas while the direct area remains “natural” in terms of character as it is currently all vegetation and undeveloped.

Figure 1 displays the proposed rezone area and the surrounding land-use context.



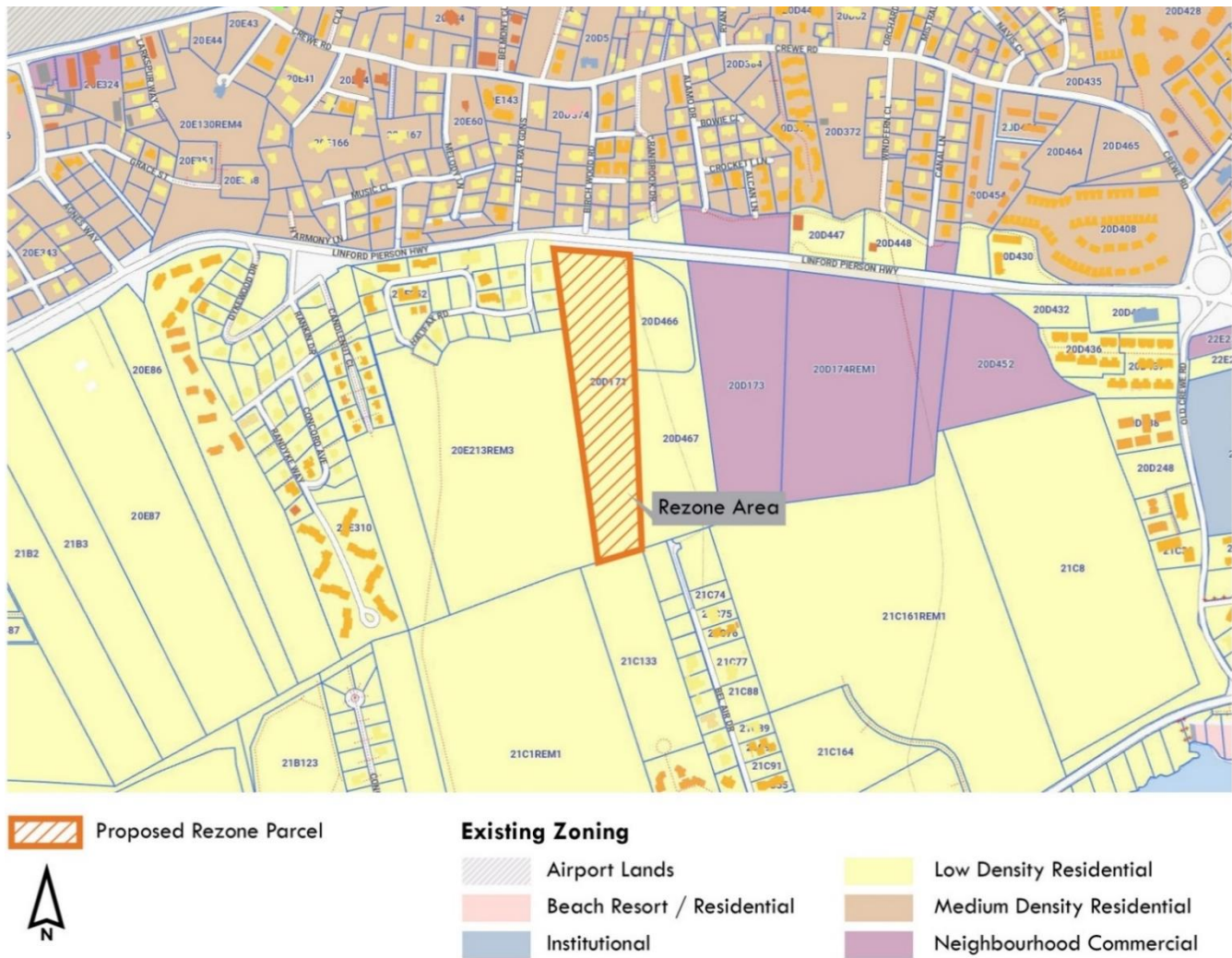


Figure 1: Zoning and location map (Source: [www.caymanlandinfo.ky](http://www.caymanlandinfo.ky))

### Zoning Figures and Comparison

The table below outlines the major requirement differences in the current and proposed zoning. Based on these figures, taken from the Development and Planning Regulations (2020 Revision), the development potential of the 10.49-acre subject parcel for apartments under the zoning of HDR would be 262 units or 440 bedrooms.

CATEGORIES/ZONES	LOW DENSITY RESIDENTIAL	HIGH DENSITY RESIDENTIAL
MINIMUM LOT SIZE (sqft)	10,000 for houses or 25,000 for apartments	5,000 for houses or apartments
MINIMUM ROAD SETBACK (ft)	20	20
MINIMUM REAR SETBACK (ft)	20	20
MINIMUM SIDE SETBACK (ft)	10 (1 storey) or 15 (2+ storeys)	10 (1 storey) or 15 (2+ storeys)
MINIMUM LOT WIDTH (ft)	80 for houses or 100 for apartments	60 for houses or 100 for apartments
MAXIMUM SITE COVERAGE	30%	40%
DENSITY	15 units per acre / 24 bedrooms per acre (apartments)	25 units per acre or 42 bedrooms per acre (apartments)
MAXIMUM BUILDING HEIGHT*	3 storeys or 40 ft.	3 storeys or 40 ft.

Figure 3: Zoning comparison table

In this district of George Town, residential zoning (Low Density, Medium Density, High Density and Beach Resort) makes up roughly 57.13% of land area. Within the estimated 4,396 acres of residential zoning in George Town, only 5.55% (244 acres) of that land area is zoned High Density Residential, while 77.67% (3,414 acres) is zoned Low Density Residential.

Rezoning the subject parcel from Low to High Density Residential would result in an increase of 0.2% in the share of High Density Residential.

HDR zoning makes up a very small portion of the overall zoning area in Grand Cayman. It can be argued that there is demand for more areas of HDR given the limited amount of land that is available for development, and the fact that there are a limited number of "affordable" housing options in Grand Cayman.

The primary considerations for this rezone application are:

- a) The suitability of HDR in this location, based on surrounding land use zoning; and
- b) The potential runoff and flooding impacts of high density development in this location; per DOE comments.

## **AGENCY COMMENTS**

### **Department of Environmental Health**

*"The department has no objections to the proposed in principle."*

### **Cayman Islands Fire Service**

*"At this time the fire department have no objection. Please note for future development As per local code Fire hydrant/firewell are required."*

### **CI Airports Authority**

*"the CIAA have no object subject to full design approval and height details being submitted."*

### **National Roads Authority**

Comments requested on 26/10/2020 – None received.

### **Water Authority**

*"Please be advised that the Water Authority has no objection to the proposed rezone. Requirements for water and wastewater will be determined when development of the parcel(s) is proposed."*

### **Department of Environment**

*"Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment offers the following comments for your consideration."*

*The application site consists of primary habitat, classified as seasonally flooded mangrove forest and woodland. Mangrove forests are a critical part of our natural environment, providing important ecosystem services, which include assisting to mitigate the effects of climate change. As one of the most productive terrestrial ecosystems, mangrove wetlands are extremely biodiverse and provide habitat and food for an immense variety of species. They also function as natural sponges that trap and slowly release surface water. Inland wetlands in urban areas are particularly valuable, counteracting the greatly increased rate and volume of surface-water runoff from pavement and buildings. Trees, root mats and other wetland vegetation also slow the*

*speed and distribution of storm waters. This combined water storage and braking action lowers flood heights and reduces erosion. Inland wetlands also improve water quality filtering, diluting, and degrading toxic wastes, nutrients, sediments, and other pollutants.*

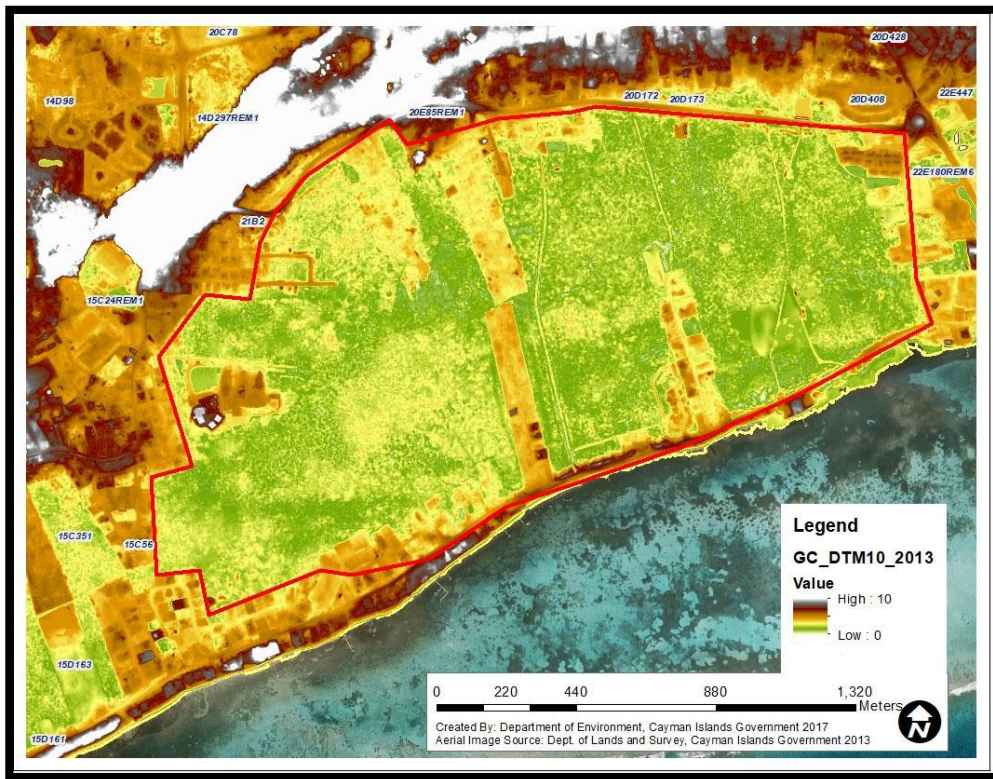
*Another important function of mangrove forests is that they are extremely effective at sequestering carbon from the atmosphere and serve as carbon sinks/stores. Mangrove roots trap carbon-rich plant material in their water-logged soil sealing it off from the atmosphere. This storage of carbon can remain secure for as long as the mangroves remain in-tact. Removing significant tracts of mangrove habitat not only reduces the island's natural carbon sequestration potential but the physical act of removing the mature mangroves and de-mucking the site releases captured carbon back into the atmosphere adding to ever-increasing carbon emissions. Primary mangrove habitat is particularly useful as it is mature habitat in its natural state, otherwise uninfluenced by human activity. These habitats are often very old and for generations their ecological processes have not been significantly disturbed.*

*The subject parcel of mangrove habitat is located within the South Sound drainage basin (see Figures 1 & 2). The South Sound basin functions as a water catchment and storage basin which provides flood controls and storm-water retention. Surface water is stored in the wetlands, which provides a natural mechanism for reducing flow velocity and flooding. This basin also contributes to the maintenance of water quality in the South Sound Lagoon. Unfortunately, the South Sound drainage basin has become severely fragmented by current and future developments impacting the overall capacity of the remaining wetland area to accommodate drainage for the whole basin.*



**Figure 1: Cayman Land Info screenshot showing application site location outline in blue in 2018**





**Figure 2: Elevation model showing the South Sound drainage basin (outlined in red) and the approximate location of the application site within the blue outline.**

The DoE has consistently raised concerns about the lack of a comprehensive stormwater management strategy for the South Sound drainage basin over the years. As outlined in the attached Memo dated 30 January 2015 (5 years ago) from the DoE, Water Authority and National Roads Authority, to the Ministry of PLAHI, there are significant concerns regarding the development of this area without an adequate comprehensive stormwater management strategy. The specific recommendation of the Memo was **“to issue an RFP to select a suitably qualified consultant to undertake a hydrological assessment of the South Sound drainage basin and devise a regional stormwater management plan, which will include drainage engineering specifications for the proposed road and future development and Best Management Practices to minimise the impacts of stormwater flooding”**.

The Memo outlined that **“rather than continuing with the current practice of requiring each development to deal with stormwater management in isolation, we believe a basin-wide approach to managing stormwater in this location is urgently required”**. Several existing developments in the basin continue to be inundated with rainwater during the wet season; most notably Randyke Gardens. Several new residential subdivisions have been granted CPA approval in recent years. Further development without implementing an effective strategy is likely to exacerbate flooding within the area.

*The Department notes that the current proposal is to rezone from low density residential to high residential. The increased density of development permissible through this rezone will allow for increased areas of hard standing in an ecologically sensitive and fragmented area that provides drainage /hydrological functions. The potential impacts on the capacity of the drainage basin, and the ecological functions of the site as well as the entire wetland drainage basin as a whole, by increasing the density of development on the subject parcel should be thoroughly considered.*

*Please do not hesitate to contact the Department should you require further assistance.”*

#### **4.0 PLANNING APPEAL MATTERS**

##### **4.1 NYAMI NYAMI LTD Block 15D Parcel 15 (CE16-0132)**

Appeal against the issuance of an Enforcement Notice.

**Appearance at 11:00**

**Kris Bergstrom, Haroon Pandohie and Ron Sanderson declared conflicts and left the meeting room. Burton Schneider sat as Acting Executive Secretary.**

#### **FACTS**

<i>Location</i>	South Sound Road, South Sound
<i>Parcel</i>	15D 15
<i>Zoning</i>	BRR/LDR

#### **BACKGROUND**

**July 20, 2011** (CPA/15/11; item 2.2) – approval granted for a house

**September 22, 2016** – The Director issues an enforcement notice for stairs that did not comply with the approved plans

**October 4, 2016** (P16-0995) – application to modify planning permission submitted for the stairs

- CPA adjourns the application to seek legal advice
- Applicant withdraws the application on May 18, 2018

**November 29, 2016** (P16-1255) – application to modify planning permission to revise the site layout

- Applicant withdraws the application on May 18, 2018

**June 6, 2019** (P19-0470) – application to modify planning permission for a 6’ fence and to revise the site layout

- Applicant withdraws the application

**July 29, 2019** (P19-0768) – application to modify planning permission to revise the staircase design

- Applicant withdraws the application

**October 7, 2019** (Admin) – approval granted for lpg tank

**January 7, 2021** (CE16-0132) – Director re-issues enforcement notice for stairs

**Decision:** It was resolved to adjourn the matter and schedule a site visit with the members and the appellant.

At 11:20 a.m., the appellant's attorneys, Nicholas Dixie and Colm Flanagan, appeared before the CPA, and summary notes are provided as follows:

- The Authority explained that the first application did not come before the Authority for consideration because the application did not require any setback variances and therefore, the application was granted administrative planning permission. After the house was under construction, a modification application was submitted to the Department that depicted the external stairs on the plans.
- The appellant's attorneys directed the Authority to the Enforcement Notice paragraph 2) (i) "The front staircase has not been constructed in accordance with the approved plans which is contrary to condition #3 of CPA/15/11; item 2.2". They pointed out that it is their understanding that the staircase is not an issue but whether the plans were approved or not. In that regard, they rely on the approved plans on pages A-01, A-02, A-03, A-F-01 and 02 that reveal the specifications, location and elevation of the front staircase which had been carried out per the approved plans of condition 3 on 27th July, 2011 per the Appeal Notice submission.
- The Authority pointed out that the first application did not come before the Central Planning Authority, due to the fact that there were no setback variances and therefore, the application was granted administrative planning permission. – the first application didn't indicate the stairs. The second application submitted to the Department depicted the external staircase which required a setback variance to be considered by the Central Planning Authority – the stairway was not approved by the CPA.
- The appellant's attorneys pointed out that the staircase was approved (July 30, 2011; CPA/15/11; item 2.2) as indicated on the plan pages (A-01, A-02, A-03, A-F-01 and 02). The site plan is attached with the Notice Appeal submission.
- CPA asked the appellant's attorneys because they have stamped approved plans they have built according to the plans and have complied?
- The appellant's attorneys replied yes
- CPA asked that if they notified adjacent landowners regarding a variance.
- The appellant's attorney replied there is no application for a variance, they are talking about the plans approved on July 30, 2011, and all the regulations were complied with and the plans are stamped approved. The Enforcement Notice mentioned that the staircase was not built according to approved plans. He again pointed out that the staircase was built in accordance with the stamp approved plans – there is no issue therefore the enforcement notice should be squashed. Any other history of the

application regarding other planning issues would be a separate matter – we are addressing the enforcement notice.

- The CPA thanked the appellant’s attorneys for appearing and they left at 11:40 a.m.

## **ENFORCEMENT NOTICE**

See Appendix ‘A’

## **APPELLANT’S SUBMISSIONS**

See Appendix ‘B’

### **5.0 MATTERS FROM THE DIRECTOR OF PLANNING**

#### **5.1 ELECTION SIGNS (HP)**

The Authority determined to adopt the position of the last election in that there is no restriction when signs can be erected and there is no limit on size. However, election signs must be positioned such that they do not block sight lines.

#### **5.2 FOR ALWAYS LTD. Block 12D Parcel 50 (P21-0033) (HP)**

The Authority was advised of an application modify planning permission for the shape of the pool deck and an addition to the garage. As the features in question are no closer to the sea than previously approved, the Authority determined that a new HWM survey would not be required per Regulation 6(3).

#### **5.3 DONALD MCCLEAN Block 66A Parcel 138 (P20-1166) (HP)**

The Authority was advised of an application for a house with 4 bay garage located on Farm Road, East End. It was noted that although Farm Road has existed for many years and serves as primary access for many parcels and dwellings, technically, the subject parcel has only a 6’ right-of-way. The Authority determined that the physical access was acceptable and delegated approval authority to the Director of Planning, or designate.

#### **5.4 TAMARIND BAY SEA WALL WORKS Block 13B Parcel 143 (HP)**

The Authority was advised that the existing sea wall had suffered some damage and the owners had recently reconstructed the damaged portions. The Authority viewed photographs of the situation and determined that an application for planning permission was not required.

#### **5.5 HOTEL INDIGO AND THE SANDS (HP)**

The Authority was advised that the two applications had been circulated to DOE/NCC who then contacted the Department advising that since new appointments for the NCC has not yet occurred that they wish for the two applications to be put on hold. The Authority considered the matter and determined that the NCC had been consulted as required and that Council has no legal remit to request for applications to be put on hold. As such, the Authority directed the Department to process the two applications per normal procedures

and forward them to the Authority accordingly.

**5. 6 SHARON LAMB Block 24B Parcel 170 (B15-0337) (HP)**

The Authority was advised that planning permission was granted for 3 apartments and the building is nearing completion. Special Permission to Occupy (SPO) had previously been granted for two units due to reasons pertaining to Covid-19 family emergencies. The applicant has now requested an SPO for the third unit. The Authority determined that the building must be fully completed a Final Certificate of Occupancy issued for all units, as such the request for SPO is declined.

**5. 7 WORLD GYM Block 13B Parcel 64 (HP)**

The Authority was advised that the gym is proposing to operate 24 hours, 7 days a week and the Authority determined that the outside gym area could not operate under those hours.

**5. 8 ROBERT WATLER Block 25B Parcel 649 (P21-0024) (AS)**

**Robert Watler and Fred Whittaker declared conflicts.**

The Authority delegated approval authority for the pool to the Director of Planning including the granting of a roadside (front) setback variance.

**5. 9 ROBERT WATLER Block 25B Parcel 649 (P21-0084) (AS)**

**Robert Watler and Fred Whittaker declared conflicts.**

The Authority delegated approval authority for the fence to the Director of Planning.

**5. 10 DART PLANNED ARE DEVELOPMENT (HP)**

The Authority determined that the notification radius for the PAD could be taken from the PAD boundary and not the parcel boundaries.

**5. 11 PATRICK'S ISLAND HOMEOWNERS ASSOCIATION (PIHA) (P20-0322) (HP)**

At 3:10pm, J. Samuel Jackson and representatives of PIHA appeared before the Authority to discuss details of the applications for gates within the subdivision. Mr. Jackson summarized the letter provided below and after some discussion the Authority concurred with the position of PIHA that only the adjacent land owners need to be notified of the applications for the gates and this will include specifically the owners of 24E 285 and 24E 428. The Authority does note that there is disagreement with PIHA that the Authority's previous position on the notification radius was unlawful, irrational and disproportionate.

Mr. Jackson's letter:

*We act on behalf of the Patrick's Island Homeowner's Association ("the Applicant") in regards to the captioned matter and would make the following submissions:*

*History of Matter*

- (i) The Application seeks planning permission for the erection of 3 gates, as described in the Application Form. It should be note that for two of the gates, the gate houses are already built and have been in situ for the past several*



*years/decades. It is submitted that the application can and should be properly categorized as development constituting "minor matters" as defined by Regulation 8 (12B);*

- (ii) On the 20<sup>th</sup> June 2020, the Applicant was directed by the Planning Department (via email from Burton Schneider) that the notification radius for Section 15 (4) Notices in respect of the application was "all landowners within the subdivision and adjacent parcels (150') radius and immediately across the road where the gates were proposed";*
- (iii) Pursuant to that directive, the Applicant's architect obtained from the Land Registry the requisite Buffer Map, which appeared to accurately reflect the notification radius required by Planning, as well as the accompanying Buffer Map Owner List, which listed the parcels and proprietors within the notification radius. Unfortunately, that list contained a note (which note has never been explained by the Land Registry) at the top in small print which indicated that the Buffer Distance*  
*was 80 ft., which note went unnoticed and all of the persons on the list were served as per the usual Registered Mail process;*
- (iv) The application was formally uploaded into the OPS on 10<sup>th</sup> July 2020;*
- (v) The application was subsequently listed for hearing on the CPA Agenda for 7<sup>th</sup> December. At this point, there were two objections made by persons at least one of whom asserted that they had not been served with a Section 15 (4) Notice;*
- (vi) The Applicant retained JL as its Counsel to represent it at the hearing and upon reviewing the regulations and the documents, it was discovered:*
  - (a) That it appeared that the notification radius required by Planning was not in accordance with what was prescribed by Regulation 8 (12B), which only provided for a reduction of the prescribed radius for minor works (such as the application) such that only the proprietors of the adjoining parcels and parcels across the abutting road needed to be notified. It should be noted that in this case, those two things coincide, since the subject parcels comprise road parcels, so parcels on either side would need to be notified in any event;*
  - (b) That the Buffer Map Owners List obtained from the Registry by the Applicant's architect had a note that indicated "80 ft."*
- (vii) As a result of discovering those two things, JL contacted the Planning department and requested an adjournment of the hearing, to enable the Applicant to ascertain what the "80 ft." noted indicated and why the notification radius appeared to be different than that which was prescribed by Regulation 8 (12B);*
- (viii) Subsequently, on the 24<sup>th</sup> December 2020, the Applicant was informed that the CPA would be requiring a notification of 500 ft., apparently in accordance with the "catch all" provisions of Regulation 8 (12A) (a) (iv).*

### Submissions

*It is submitted that the CPA's change of position on the notification radius is unlawful, irrational and disproportionate, since:*

- (1) There is no apparent rational basis for the drastic change of the notification radius bearing in mind in particular that this is the largest radius reserved for the most massive of developments in the LDR zone, such as a condominium complex containing hundreds of apartments. Therefore, bearing in mind that we are talking about the installation of gates on a private roadway and that two of those simply involve the installation of gates on existing gatehouses, so such works are clearly minor in nature, from a planning control perspective, so the imposition of such a drastic notification radius, requiring the notification of hundreds of unaffected persons, would clearly be disproportionate.*
- (2) It should be borne in mind that the improper service is no fault of the Applicant, as the usual required procedure was followed and it appears that if the list only contains persons within an 80 ft radius, that is entirely the Registry's fault;*
- (3) If in fact the CPA has exercised its discretion properly as per Regulation 8 (12B), an 80 ft. radius would suffice to capture all of the relevant parcels anyhow, since that regulation only requires parcels adjoining the roadways and across the roadways, and so every relevant parcel would be within an 80 foot radius;*
- (4) If the CPA's rationale for serving persons within a 500' radius is based on some concern regarding the issue of potential public prescriptive rights, such things are outside the remit of the CPA in any event. So, if that is the basis for such a large radius, then the CPA would be making an erroneous procedural decision, by straying beyond the scope of their statutory authority, and should instead leave any such issues for the NRA/Cabinet and/or the Courts to determine.*

*In the circumstances, we would urge the CPA to consider and exercise their discretion under Regulation 8 (12B), as they normally would for such minor matters and to thereby permit the Applicant to proceed with serving Section 15 (4) Notices on anyone within that radius who has not yet been served.*

**Decision:** It was resolved to adjourn the application and require the applicant to notify the adjacent land owners only, including specifically the owners of 24E 285 and 24E 428.

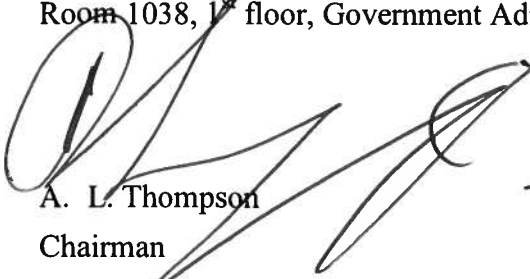
### **5. 12 ADREAN & TANESHA RUSSELL Block 27D Parcel 460**

The Authority determined that due to the storage of derelict vehicles on the site, a maintenance of land notice would be issued.

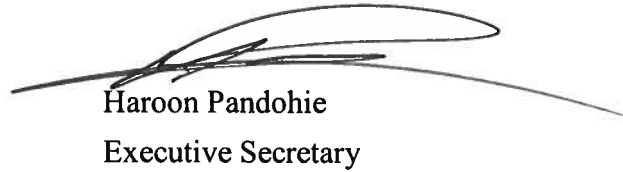
**Decision:** It was resolved to authorize the issuance of a Maintenance of Land Notice in accordance with Section 29A of the Development and Planning Law (2017 Revision). Maintenance of Land Notice to take effect at the end of a period of 30 days from the service and compliance with the Maintenance of Land Notice to be completed within the period of 60 days from the date when the Notice takes effect, subject to the provisions of Section 29A(2) and (3) of the law.

## 6.0 CPA MEMBERS INFORMATION/DISCUSSIONS

The meeting adjourned at 3:35pm. The next regular meeting of the Central Planning Authority is scheduled for ***Tuesday, February 16, 2021 at 10:00 a.m.*** in Conference Room 1038, 1<sup>st</sup> floor, Government Administration Building.



A. L. Thompson  
Chairman



Haroon Pandohie  
Executive Secretary

c.c. All members of the Central Planning Authority

## Appendix ‘A’

**ENFORCEMENT NOTICE  
DEVELOPMENT & PLANNING LAW (2017 Revision) S.18 (1)**

**TO: NYAMI NYAMI LTD**

**OF: P.O. Box 268, George Town Grand Cayman, KY1-1104 Cayman Islands**

**WHEREAS**

(1) You are the **registered owner(s)** / occupier(s) of land ("the land") registered as **Block 15D Parcel 15** in the **SOUTH SOUND** registration section.

(2) It appears to the Director of Planning of the Cayman Islands ("the Director") that, within the period of five years before the date of service of this notice, development of the land has been carried out not in accordance with a condition of approval under Part III of the Development and Planning Law (2017 Revision) ("the Law"), namely:

- (i) **The front staircase has not been constructed in accordance with the approved plans which is contrary to condition #3 of CPA/15/11; item 2.2**

(3) The Director considers it expedient, having regard to the provisions of the Development Plan and to all other material considerations, to serve this notice.

The Director accordingly gives you notice pursuant to Section 18 of the Law requiring you to take the following steps:

- (i) **Apply to modify planning permission; or**
- (ii) **Reconstruct the front staircase in accordance to the approved plans.**

The above steps must be completed within the period of 28 days from the date when this Notice takes effect.

This Notice shall take effect, subject to the provisions of section 18(5) and (6) of the Law, at the end of the period of 28 days from the date of service hereof.

**This notice supersedes the notice dated and issued on September 22, 2016.**

Dated this 6 day of January, 2021

  
**Director of Planning**

**NOTES:**

- 1. If you are aggrieved by this Notice and wish to appeal against it, you must do so to the Central Planning Authority in accordance with the provisions of section 19 of the Law before the Notice takes effect. The operation of the Notice will be suspended pending the final determination of any such appeal.**
- 2. If, before this Notice takes effect, an application is made for planning permission for the unauthorized development in accordance with the provision of section 18(6) of the Law, the operation of the Notice will be suspended pending the final determination of the application, and will take effect immediately if the permission applied for is not granted.**
- 3. Failure to comply with this Notice is a criminal offence pursuant to Section 21 of the Law with liability on summary conviction to a fine of \$5000, and in the case of a continuing offence, by a further fine of \$1000 for every day after the first day during which the requirements of this Notice remain unfulfilled.**

Return Address

Planning Dept  
113  
Grand Cayman  
KY 1-9000

P.O. Box

Island

Postcode

CAYMAN ISLANDS



CE16-D132

Registered Mail  
International

CUSTOMER RECEIPT

PLEASE PRESENT THE WHOLE SET TO THE POST OFFICE

PRESS FIRMLY YOU ARE MAKING 2 COPIES

TO:

Name

Address

Postcode

Country

Nyami Nyami  
P.O. Box 268

KY 1-1104

Grand Cayman



RI 01101653 1 KY



Initials:

YR

## Appendix ‘B’



**IN THE MATTER OF AN APPEAL PURSUANT TO SECTION 19 OF THE  
DEVELOPMENT AND PLANNING ACT (2017 REVISION)**

**BETWEEN**

**NYAMI NYAMI LTD.**

**APPELLANT**

**AND**

**THE DIRECTOR OF PLANNING**

**RESPONDENT**

---

**OUTLINE SUBMISSIONS OF APPLICANT**

---

**I. INTRODUCTION**

1. These are the outline written submissions of the Applicant, Nyami Nyami Ltd. (**Nyami**) made in connection its Appeal against an Enforcement Notice, dated 6 January 2021 issued by the Director of Planning (the Notice).

**II. THE APPROVED PLANS**

2. On 27 July 2011 the CPA granted Nyami planning permission subject to 3 conditions or requirements. Condition 3 stated:

*"Unless specifically authorized otherwise in writing by the [CPA], the development shall be carried out strictly in accordance with **approved plans** [emphasis Added]"*

3. The "*approved plans*" referred to in the said condition were those which were before the CPA in its meeting, which took place on or around, 20 July 2011, (**the Approved Plans**).
4. The Approved Plans (which were appended to the Notice of Appeal dated 11 January 2021) were stamped by the Planning Department on 9 July 2011 and stamped as approved by the Executive Secretary of the CPA on 30 July 2011. They were subsequently reviewed for code compliance in July 2015.
5. The Approved Plans on pages A-01, A-02, A-03, A-F-01 and 02 clearly disclose the specifications, location and elevation of the front staircase and at all

material times the development has been carried out in accordance with the approved Plans.

6. In the circumstances, the breaches alleged in the Notice have not taken place and/or do not constitute a breach of planning control and accordingly the Notice should be quashed.

### **III. SECTION 17 OF THE LAW**

7. It is recognised that the CPA, through operation of Section 17 of the Development and Planning Act (2017) (**the Act**) has a discretionary power to revoke or modify planning permission if it appears to the CPA that it is expedient, having regard to the development plan and to any other material considerations.
8. This power can only be exercised:
  - (a) where the permission relates to the carrying out of building or other operations, at any time before those operations have been completed; or*
  - (b) where the permission relates to a change of the use of any land, at any time before the change has taken place and the power conferred by this section to modify permission to develop land may be exercised at any time; but the revocation or modification of permission for the carrying out of building or other operations shall not affect so much of those operations as has been previously carried out.*
9. In the case of this development, building operations have been completed, the development has been inspected and all that remains is the administrative issue of a Certificate of Occupancy. Accordingly no jurisdiction pursuant to s17 exists

### **IV: CONCLUSION**

10. As is demonstrable, the plans that are the subject of these proceedings were approved on 27 July 2011. Accordingly, the contents of the Notice are factually wrong, and its issuance was utterly misconceived. This appeal must be granted.
11. Furthermore, as the building operations have been completed, the CPA simply has no power to amend the Approved Plans at this stage.

**Nelsons**  
**19 January 2021**

**IN THE MATTER OF AN APPEAL PURSUANT TO SECTION 19 OF THE DEVELOPMENT AND PLANNING ACT (2017 REVISION)**

**BETWEEN**

**NYAMI NYAMI LTD**

**APPELLANT**

**AND**

**THE DIRECTOR OF PLANNING**

**RESPONDENT**

---

**NOTICE AND GROUNDS OF APPEAL**

---

**TAKE NOTICE** that the pursuant to section 19 of the Development and Planning Act (2017 Revision) (**the Act**) the Appellant, Nyami Nyami Ltd (**Nyami**) hereby appeals to the Central Planning Authority (**CPA**) in respect of the Enforcement Notice, dated 6 January 2021 issued by the Director of Planning (the Notice).

The grounds upon which Nyami appeals are as follows: -

1. The Director of Planning erred in concluding that the front staircase had not been constructed in accordance with the approved plans contrary to section 3 of the CPA/15/11; item 2.2.
2. Pursuant to Sections 19 (2) (a) and (b) of the Act, the matters alleged in the Notice do not constitute a breach of planning control and/or the breach of planning control alleged in the Notice has not taken place, in that:
  - (i) On 27 July 2011, the CPA granted planning permission to Nyami in respect of the property located at Block 15D Parcel 15 south Sound.
  - (ii) Planning permission was granted to Nyami subject to 3 conditions or requirements.

(a) Condition 3 stated that:

*"Unless specifically authorized otherwise in writing by the [CPA], the development shall be carried out strictly in accordance with **approved plans** [emphasis Added]"*

- (b) The “*approved plans*” referred to in the said condition were those which were before the CPA in its meeting, which took place on or around, 20 July 2011, **(the Plans)**.
- (c) The Plans which are attached to this Notice of Appeal were stamped by the Planning Department on 9 July 2011 and stamped as approved by the Executive Secretary on 30 July 2011. They were subsequently reviewed for code compliance in July 2015.
- (d) The Plans on pages A-01, A-02, A-03, A-F-01 and 02 clearly disclose the specifications, location and elevation of the front staircase and at all material times the development has been carried out in accordance with the approved Plans.
- (e) In the circumstances, the breaches alleged in the Notice have not taken place and/or do not constitute a breach of planning control and accordingly the Notice should be quashed.

**Dated** this 11<sup>th</sup> day of January 2021

Nelsons

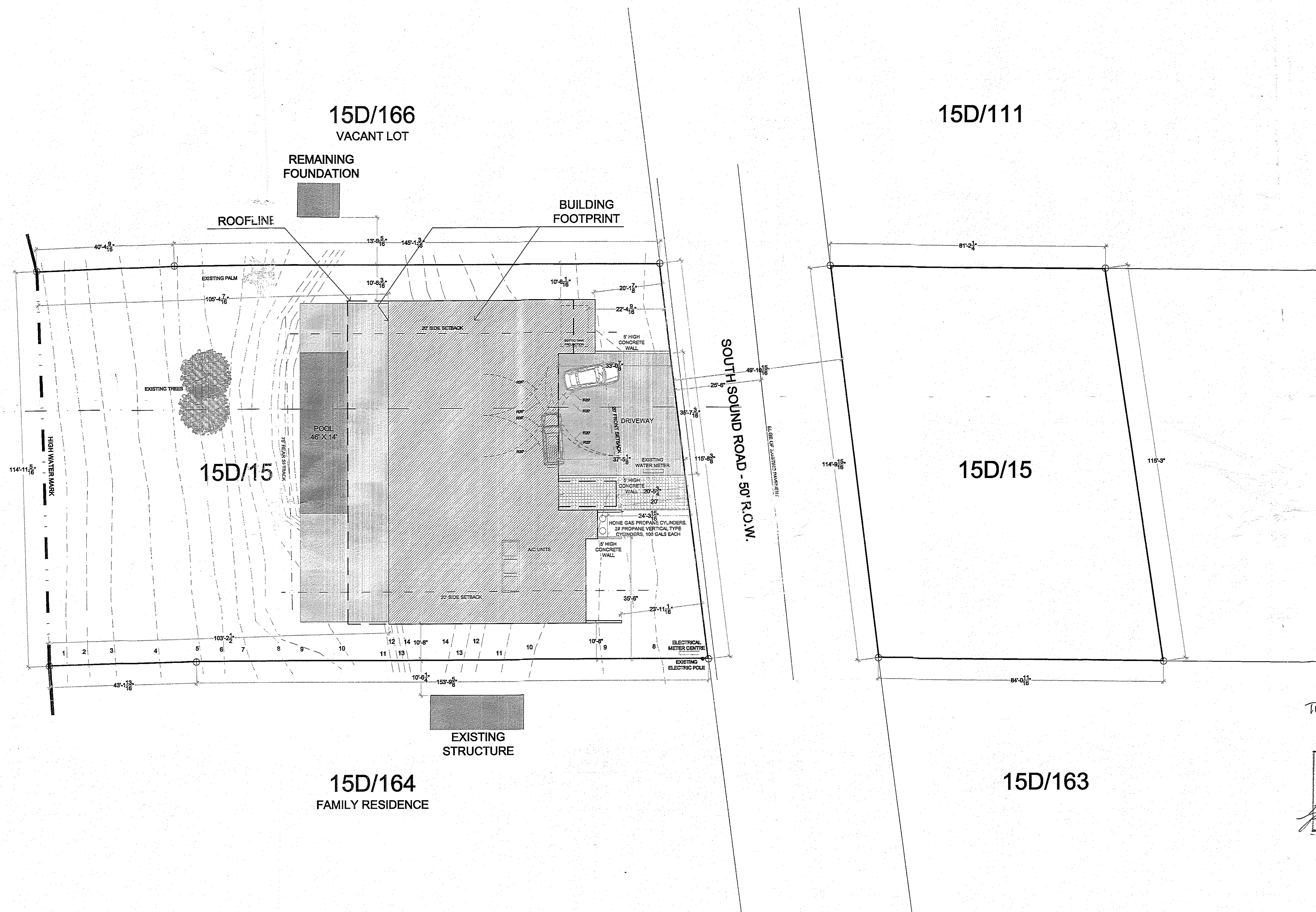
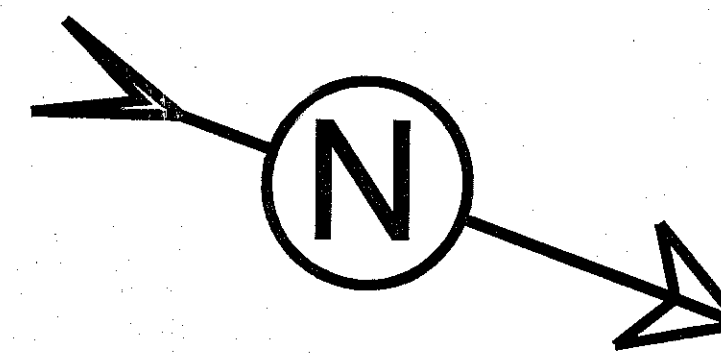
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**Nelsons**

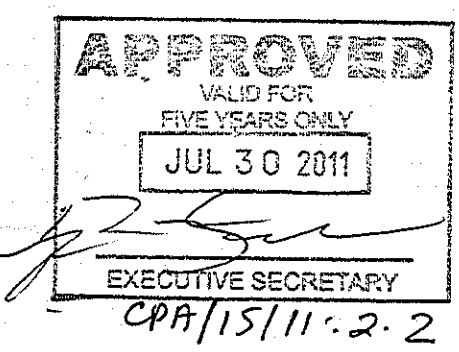
**Attorneys-at-Law for Nyami**

**To:** Chairman of the Central Planning Authority

**And To:** The Director of Planning



Two storey House w/  
car Garage, swimming  
pool & 320LP Gas Tank



I HEREBY CERTIFY THAT ALL  
THE DIMENSIONS SHOWN ON  
THIS PLAN ARE CORRECT

*[Signature]*

**grupoarquitectura**  
Atenas 143 2° piso Col. Nochebuen  
Tels. +52.55.83.95.54 +52.55.83.77.8  
email: GA@grupoarquitectura.com  
www.grupoarquitectura.com

CLIENT: **JAMES AND JERI BOVELL**

CONTRACTOR: **TITAN DEVELOPMENT**  
tel. 345-516-4567  
QUANTITY SURVEYOR

MECHANICAL, ELECTRICAL AND PLUMBING SPECIALIST:  
tel.   
STRUCTURAL ENGINEER:  
tel.   
CONSULTANT:  
tel.

ISSUE DATE: **13/JUNE/2011** **PRELIMINARY ISSUE FOR PLANNING**

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**PROJECT DETAILS:**  
**AREAS:**  
BUILDING ACCOMMODATION TOTAL: 5 BEDROOMS  
BUILDING FOOTPRINT: 5,044.33 sqm  
TOTAL SITE AREA: 21,905.41 sqm  
GARAGE AREA: 1,892.00 sqm

**LEGALLY REQUIRED SETBACKS:**  
FRONT: 20' SIDE (EAST): 20' **ZONING: BEACH RESORT**  
REAR: 75' SIDE (WEST): 20'

**WATER SUPPLY:** CITY  
**SEWAGE DISPOSAL:** SEPTIC TANK

**ADDITIONAL NOTES:**  
TO BE USED FOR ANY ADDITIONAL INFORMATION

APPROVED PLANS SHALL BE ON THE  
FOR ALL INSPECTIONS  
ALL CHANGES TO THE APPROVED PLANS  
MUST BE APPROVED BY THE BOARD OF  
PRIOR TO CONSTRUCTION

**DEPARTMENT OF PLANNING & BUILDING**  
REVIEWED FOR CODE COMPLIANCE  
BUILDING  
JUL 05 2011  
Permit No. **15-0250**  
Plans Examiner: *[Signature]*

**BLOCK: 15D PARCEL: 15D/15**

**PROJECT NAME:**  
**BOVELL HOUSE**  
SOUTH SOUND ROAD, CAYMAN ISLANDS K

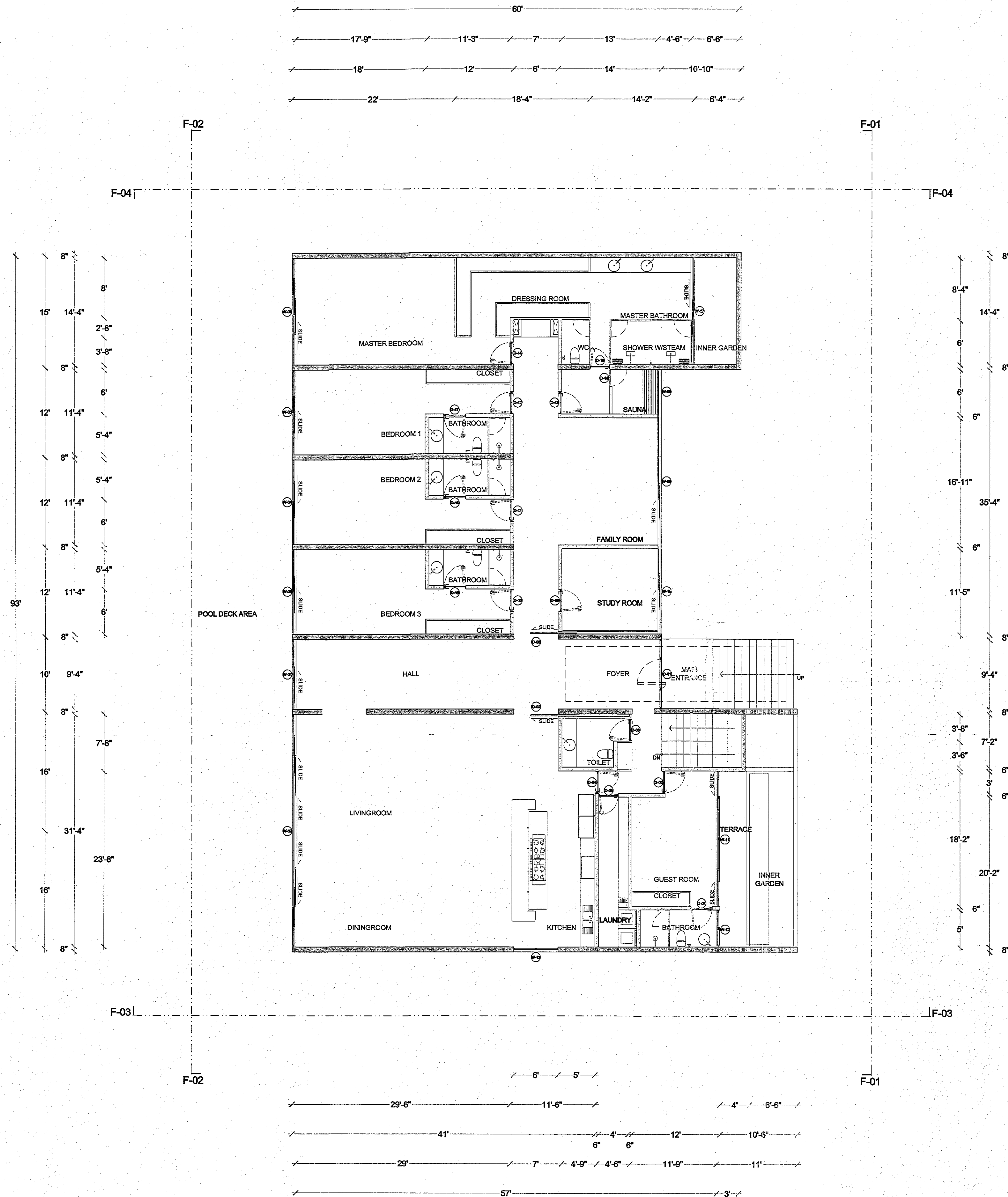
**DRAWING SHEET NAME:**  
**BOVELL HOUSE**

**DATE:** JUNE 13 2011  
**DRAWN BY:** Erick Rios Esquivel  
**SCALE:** 1" = 1/16" INCHES  
**DRAWING NUMBER:**

**A-01**

SHEET 1 OF 5

NOTE:  
GROUND FLOOR: CEILINGS ON BEDROOMS AND  
LIVING AREA ARE 14 FEET APL, THE REST OF THE  
HOUSE ARE 10'6" APL.  
GROUND FLOOR CEILING AREA= 5,044.33 sqft  
TOTAL REQUIRED AREA OF EVE VENTS= 64sqft  
PER CIBC



grupoarquitectura

CLIENT:  
**JAMES AND JERI BOVELL**

CONTRACTOR:  
**TITAN DEVELOPMENT**  
tel. 345-516-4507

MECHANICAL, ELECTRICAL AND PLUMBING SPECIALISTS:

STRUCTURAL ENGINEER:

CONSULTANT:

ISSUE DATE:

13/JUNE/2011 PRELIMINARY ISSUE FOR PLANNING

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PROJECT DETAILS:

AREAS:  
BUILDING ACCOMMODATION TOTAL: 5 BEDROOMS  
BUILDING FOOTPRINT: 5,044.33 sqft  
TOTAL SITE AREA: 21,265.41 sqft

LEGALLY REQUIRED SETBACKS:

FRONT: 20' SIDE (EAST): 20' ZONING: BEACH RESORT  
REAR: 75' SIDE (WEST): 20'

WATER SUPPLY: CITY  
SEWAGE DISPOSAL: SEPTIC TANK

ADDITIONAL NOTES:  
TO BE USED FOR ANY ADDITIONAL INFORMATION

APPROVED PLANS SHALL BE ON T  
FOR ALL INSPECTIONS  
ALL CHANGES TO THE APPROVED  
MUST BE APPROVED BY THE  
PRIOR TO CONSTRUCTION

DEPARTMENT OF PLANNING  
REVIEWED FOR CODE COMPLIANCE  
- BUILDING -

JUL 09 2015

Permit No: B15-0280

Plans Examiner: *lp*

BLOCK AND PARCEL:  
**BLOCK: 15D PARCEL:**

PROJECT NAME:  
**BOVELL RESIDENCE**

SOUTH SOUND ROAD, CAYMAN ISLANDS

DRAWING SHEET NAME:  
**GROUND FLOOR LEVEL**

DATE: **JUNE 13 2011**

DRAWN BY: **Erick Rios Esquivel** REVIEWED: **Daniel Al**

SCALE: **1" = 1/8"** DIMENSIONS: **INCHES**

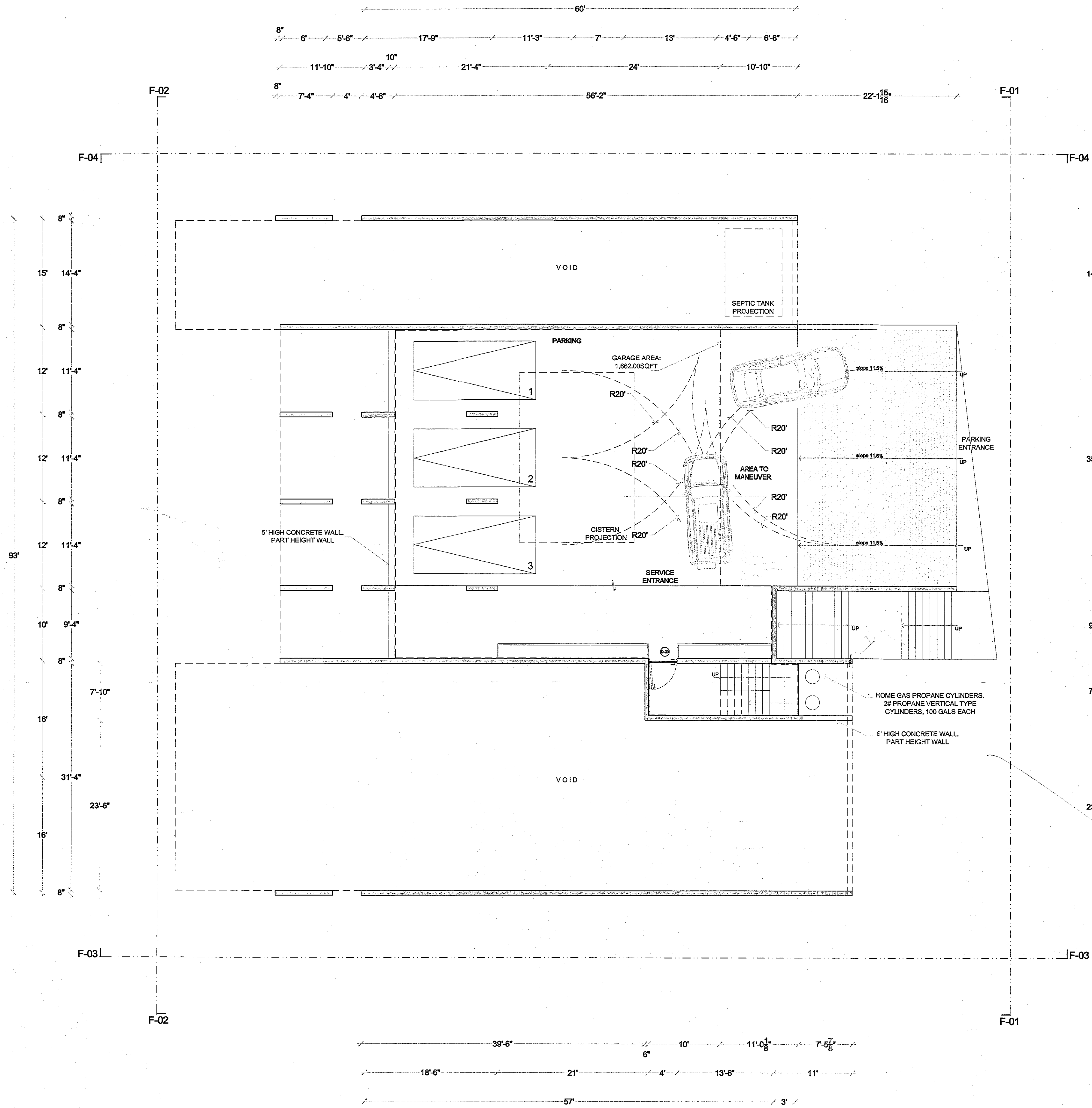
DRAWING NUMBER:

**A-02**

SHEET 2 OF 5




NOTE:  
BASEMENT FLOOR: ALL CEILINGS ARE 8'-6" FEET AFL.  
BASEMENT FLOOR CEILING AREA= 2,414.44 sqft



DEPARTMENT OF PLANNING  
REVIEWED FOR CODE COMPLIANCE  
- BUILDING -  
JUL 09 2015  
Permit No: B15-0280  
Plans Examiner: [Signature]

CPA 15/11' 2.2

**APPROVED**  
VALID FOR  
FIVE YEARS ONLY  
JUL 30 2011

  
EXECUTIVE SECRETARY

**grupoarquitecto**

CLIENT:  
**JAMES AND JERI BOV**

CONTRACTOR  
TITAN DEVELOPMENT

TEL. 343-316-4367  
QUANTITY SURVEYER

tel. ....  
MECHANICAL, ELECTRICAL AND PLUMBING SPECIALIST:

tel. \_\_\_\_\_  
STRUCTURAL ENGINEER: \_\_\_\_\_

tel. \_\_\_\_\_

tel.

ISSUE DATE: \_\_\_\_\_

13/JUNE/2011 PRELIMINARY ISSUE FOR PLANNING

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**GENERAL NOTES:**

2. DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS PREPARED BY GROUP AND NOT FOR THE PUBLIC OR AVAILABLE TO THE PUBLIC BY ANY OTHER MEANS.

THIS PROJECT AND UNLESS OTHERWISE PROVIDED, ARCHITECT SHALL BE DEEMED TO HAVE ASSIGNED TO CLIENT ALL RIGHTS IN ANY AND ALL INTELLECTUAL PROPERTY RIGHTS IN THESE DOCUMENTS AND SHALL RETAIN ALL COMMON LAW, STATUTORY AND OTHER RIGHTS, INCLUDING COPYRIGHT. OWNER SHALL BE PERMITTED TO RETAIN COPIES OF THESE DOCUMENTS FOR HIS OR HER OWN USE, INCLUDING FOR THE PURPOSES OF

INFORMATION AND SERVICE IN CONNECTION WITH OWNER'S USE AND OCCUPANCY. THE ARCHITECT'S DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS SHALL NOT BE USED ON OTHERS OR OTHER PROJECTS FOR ADDITIONS TO THIS PROJECT OR FOR CORRECTIONS OR REVISIONS THEREOF, OR FOR ANY OTHER PURPOSE, WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.

OWN ANY UNAUTHORIZED USE, REUSE OR MODIFICATION TO ARCHITECT'S DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS BY ANY PERSON, FIRM OR LEGAL ENTITY, OWNER AGREES TO INDEMNIFY ARCHITECT FROM AND AGAINST ALL SUCH CLAIMS AND DAMAGES.

LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, ACCRUING OR RESULTING FROM ANY SUCH VIOLATION, INCLUDING REASONABLE ATTORNEY'S FEES, AND ALL PERSONS, FIRMS OR ANY OTHER LEGAL ENTITY ON ACCOUNT OF ANY DAMAGE OR LOSS OR PERSONS, INCLUDING DEATH, ARISING OUT OF EACH UNAUTHORIZED USE, REUSE OR REPRODUCTION OF ANY INFORMATION, INCLUDING TRADE SECRETS AND FINANCIAL RECORDS, OR

3. ALL WRITTEN ORDERS MUST BE VERIFIED BY THE CONTRACTOR AND ANY DISCREPANCY MUST BE REPORTED IMMEDIATELY TO GRUPO ARQUITECTURA S.A. DE C.V.  
DRAWINGS SHOULD NOT BE SCALED FOR DIMENSIONS OF DIMENSIONAL INFORMATION. PLEASE CONTACT GRUPO ARQUITECTURA.

ALL RIGHTS RESERVED. THIS MATERIAL IS THE PROPERTY OF BUREAU VERITAS. ANY UNAUTHORIZED REPRODUCTION OR DISTRIBUTION OF THIS MATERIAL IS PROHIBITED. ANY INFORMATION CONTAINED HEREIN IS UNCLASSIFIED.

PROJECT DETAILS:  
AREAS:  
BUILDING ACCOMMODATION TOTAL: 5 BEDROOMS  
BUILDING STRUCTURE: 6000 sq. ft.  
GARAGE AREA: 1000 sq. ft.

**TOTAL SITE AREA :** 21,805.41 sqft

**LEGALLY REQUIRED SETBACKS:** **ZONING**  
**FRONT:** 70' **SIDE (EAST):** 20' **BEACH RESORT**

WATER SUPPLY: CITY  
SEWER DISPOSAL: SEPTIC TANK

ADDITIONAL NOTES:  
TO BE USED FOR ANY ADDITIONAL INFORMATION

APPROVED PLANS SHALL BE ON THE  
FOR ALL INSPECTIONS

ALL CHANGES TO THE APPROVED  
MUST BE APPROVED BY THE B  
PRIOR TO CONSTRUCTION.

---

COVERAGE

JUL 18 2011

PLAINT

WINING DEPART

**BLOCK: 15D PARCEL**

PROJECT NAME: \_\_\_\_\_

**BUVELL RESIDENCE**  
SOUTH SOUND ROAD, GAYMAN ISLAND

DRAWING SHEET NAME: .....

## SUBSTRUCTURE LE

DRAWN BY: Erick Rios Esquivel REVISED: Daniel A.

DRAWING NUMBER:

A 03

# A-03

SHEET 3 OF 5



345.769.7526(P)  
345.769.2922(F)  
Planning.Dept@gov.ky

L:\application forms\house-duplex-admin.pub

# HOUSE / DUPLEX / ADMINISTRATIVE APPROVAL

## APPLICANT INFORMATION

Name Nyami Nyami Ltd.  
Postal Address P.O. Box 31511  
KY1- 1207  
Phone (not a cell #) 945-1585  
E-mail jbovell@candw.ky

## AGENT INFORMATION

Contact Person James Bovell  
Company Nyami Nyami Ltd.  
Postal Address P.O. Box 31511  
KY1- 1207  
Phone (not a cell #) 945-1585  
Fax Number 945-1508  
E-mail jbovell@candw.ky

## LAND INFORMATION

Block 15D Parcel 15

Describe any existing development on the site Cistern

Access (list any public roads or legal rights of way to the site) South Sound Road (main rd.)

## TYPE OF PROJECT (check all that apply):

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> House | <input type="checkbox"/> Gazebo          | <input type="checkbox"/> Shed             |
| <input type="checkbox"/> Duplex           | <input checked="" type="checkbox"/> Pool | <input type="checkbox"/> TV Dish          |
| <input type="checkbox"/> Garage           | <input type="checkbox"/> Fence (>4')     | <input type="checkbox"/> Dock (Res. Only) |
| <input type="checkbox"/> Addition         | <input type="checkbox"/> Wall (>4')      | <input type="checkbox"/> After the Fact   |

## PROJECT INFORMATION

Total # of Dwelling Units Proposed	<u>1</u>
Gross Floor Area Proposed Building(s)	<u>5044.33</u> sq.ft.
Footprint Proposed Building(s)	<u>5044.33</u> sq.ft.
Floor Area Existing Building(s)	<u>0</u> sq.ft.
Footprint Existing Building(s)	<u>0</u> sq.ft.
Fence:	Height <u>N/A</u> Materials <u>N/A</u>
TV Dish:	Height <u>N/A</u> Diameter <u>N/A</u>
Pool:	Materials <u>Concrete</u>

## TYPE OF CONSTRUCTION

1st Floor	2nd Floor	3rd Floor	Roof
<input checked="" type="checkbox"/> Concrete	<input type="checkbox"/> Concrete	<input type="checkbox"/> Concrete	<input type="checkbox"/> Standing Seam
<input type="checkbox"/> Wood	<input type="checkbox"/> Wood	<input type="checkbox"/> Wood	<input type="checkbox"/> Asphalt
<input type="checkbox"/> Metal	<input type="checkbox"/> Metal	<input type="checkbox"/> Metal	<input type="checkbox"/> Cement Tile
			<input checked="" type="checkbox"/> Other <u>concrete</u>

## WATER SUPPLY

- ☒ Water Authority  
☐ Consolidated Water Co  
☐ Cistern/Well

## SEWAGE

- ☐ Public Sewer System  
☒ Septic Tank  
☐ Treatment Facility

I hereby certify that the information provided is accurate and true.

Signature [Signature] Date 15/06/11  
Applicant/Agent (dd/mm/yy)

## QUALIFICATIONS FOR REVIEW

- ☒ Site Plan (3 Copies)  
☒ Floor Plan (2 Copies) Circle One  
☒ Elevations (2 Copies) ST AA CPA  
☐ Complete Structural Plan Details & Sections (2 Copies)  
☐ Plumbing Plans & Details (2 Copies)  
☐ Electrical Plans: Load Calculations & Panel Schedule (2 Copies)  
☒ Registry Map & Land Register (less than 60 days old) (1 Copy Each)

\*Note that supplying these requirements does not guarantee approval or permit\*

\$100.00 For Official Use Only

PLN Fee \$ <u>1261.08</u>	BP Fee \$ _____	INF Fee \$ _____
Fee Rate <u>\$0-25</u>	Fee Rate _____	Fee Rate _____
Fee Rate _____	Discharge Fee \$ _____	Date Paid _____
Date Paid <u>15/06/11</u>	Date Paid _____	

## COST OF DEVELOPMENT

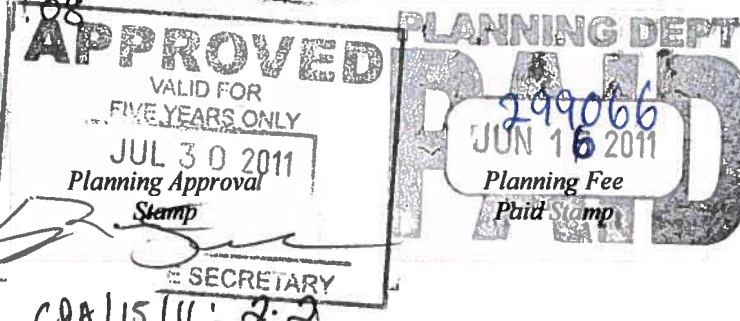
(house, duplex, addition, or garage)

Materials	CIS \$ <u>600,000.00</u>
Labour	CIS \$ <u>400,000.00</u>
<b>Total</b>	<b>CIS \$ <u>1,000,000.00</u></b>
Gazebo	CIS \$ _____
Pool	CIS \$ <u>60,000.00</u>
Fence/Wall	CIS \$ _____
Shed	CIS \$ _____
Dock	CIS \$ _____
TV Dish	CIS \$ _____
Other	CIS \$ <u>100,000.00</u>
<b>Total (Ancillary)</b>	<b>CIS \$ <u>1,160,000.00</u></b>

File No FA81-0335  
Project No(s) P11-0316  
Project No(s) \_\_\_\_\_  
Code Enforcement No(s) \_\_\_\_\_  
Building Permit No(s) \_\_\_\_\_

Visit us @ [www.planning.gov.ky](http://www.planning.gov.ky)

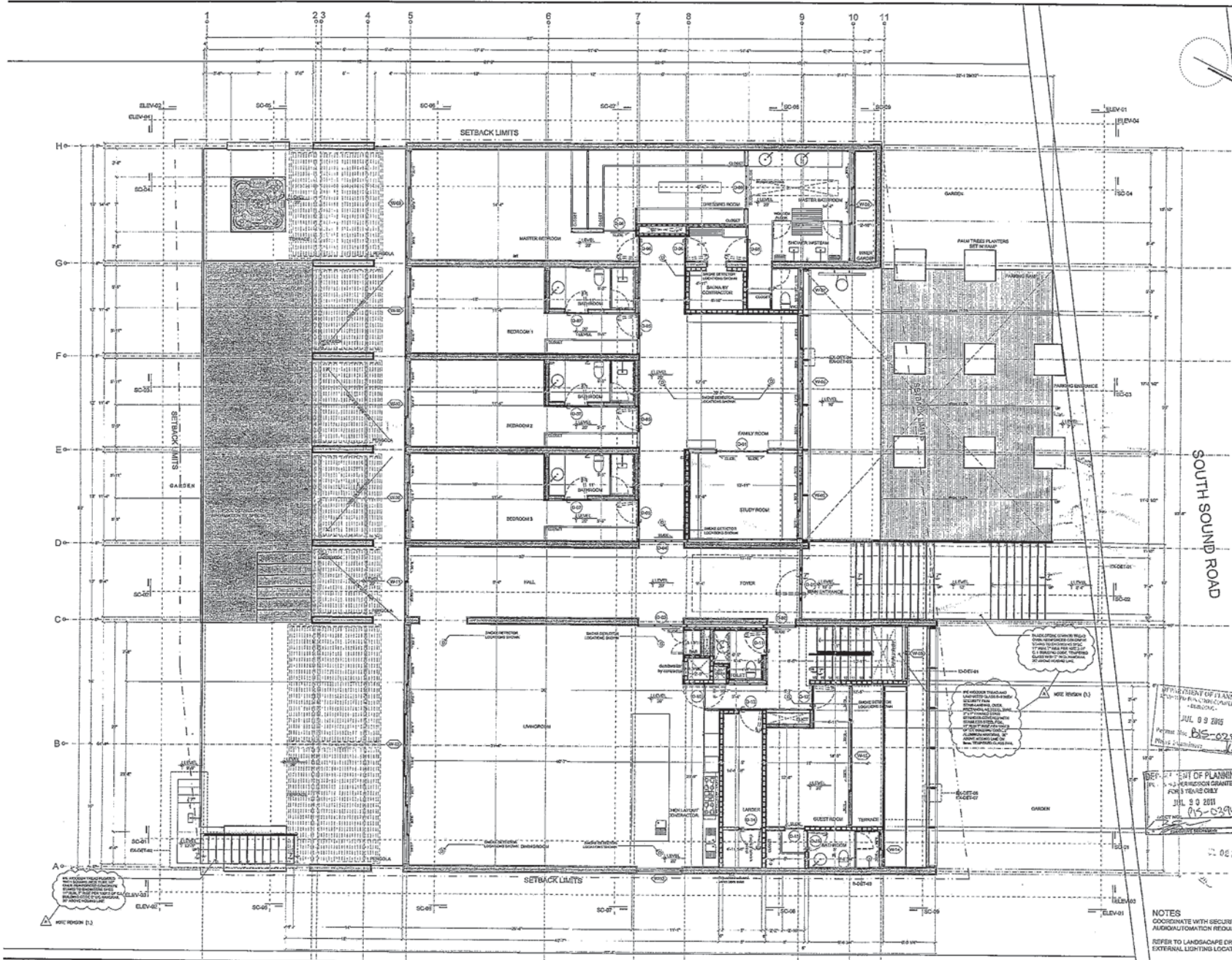
P.O. Box 31206  
SMB  
Grand Cayman  
Cayman Islands



Building Permit  
Paid Stamp







**grupoarquitectura**  
 Address: 1432 2nd Ave. S.W. 33009  
 Phone: (305) 455-5555  
 Email: info@grupoarquitectura.com  
 Website: www.grupoarquitectura.com

**JAMES AND JERI BOVELL**

**CLIENTS:**  
 CH-PROPERTY CONSULTANTS, P.C.  
 email: ch-property@comcast.net

**DESIGNER:**  
 MICHAEL THOMAS  
 email: mthomas@grupoarquitectura.com

**ARCHITECT:**  
 MICHAEL THOMAS  
 email: mthomas@grupoarquitectura.com

**ENGINEER:**  
 MICHAEL THOMAS  
 email: mthomas@grupoarquitectura.com

**LANDSCAPE ARCHITECT:**  
 MICHAEL THOMAS  
 email: mthomas@grupoarquitectura.com

**INTERIOR DESIGNER:**  
 MICHAEL THOMAS  
 email: mthomas@grupoarquitectura.com

**PROJECT NAME:**  
 BOVELL HOUSE

**PROJECT ADDRESS:**  
 SOUTH SOUND ROAD, CAYMAN ISLANDS, KY

**PROJECT DATE:**  
 06/2015

**PROJECT SHEET:**  
 A-02

**PROJECT SCALE:**  
 1" = 3/16"

**PROJECT STATUS:**  
 IN PROGRESS

**PROJECT DESCRIPTION:**  
 BOVELL HOUSE, SOUTH SOUND ROAD, CAYMAN ISLANDS, KY

**PROJECT NOTES:**  
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.  
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 3. ALL DIMENSIONS ARE TO BE VERIFIED BY THE CLIENT.  
 4. ALL DIMENSIONS ARE TO BE VERIFIED BY THE CLIENT.  
 5. ALL DIMENSIONS ARE TO BE VERIFIED BY THE CLIENT.











## Appendix 'C'



# ISLAND DRAFTING & ENGINEERING LTD.

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Unit C2, Cayman Business Park, George Town  
P.O. Box 80, Grand Cayman KY1-1601,  
Tel: (345) 947-4377/916-0967 Fax: (345) 947-4377  
Cayman Islands, B.W.I.  
E-mail: [isldraft@candw.ky](mailto:isldraft@candw.ky)

September 26, 2020

Haroon Pandohie  
Director of Planning  
P.O Box 113  
Grand Cayman.KY1-9000  
Cayman Islands

Dear Sirs,

**RE: Addition to Existing Duplex to Create Three Apartments located on Registration Section West Bay North West, Block 4D Parcel# 40, Lot Size Variance, Bedroom Variance and Lot Width (Variance).**

We have submitted an application on behalf of Raglan Roper to modify an existing duplex which have existed before the passing of hurricane Ivan in 2004, the owner Mr. Raglan Roper has applied to the central planning authority for approval to add an additional residential unit which would classify the proposal as an apartment complex of three units.

The building that exist presently is a two storey building (Duplex), which the setback will not be altered from what is the existing foot print presently, the ground floor will be modification internally on the existing ground floor plan which have been submitted for approval.

And not withstanding regulation 8 (13) (b) (iii) that the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare;

And not withstanding regulation 8 (13) (d) in the case of an application where lesser setbacks are proposed for a development or a lesser lot size is proposed for a development, the adjoining property owners have been notified of the application

With the registered area of this parcel being 0.20 Acreage which has an area of (8,712.00 Sq. Ft.). Which the proposed parcel/development will fall short of the required 20000, 00 Sq. Ft. (M.D.R), by about (11,288.00 Sq. Ft.), with regards to the lot width being

less than the required 100'-0" at the front (76'-1") and rear (71'-2") of the property which is serviced by the access off Mount Cl. Rd the width which is approximately 15'-1" the parcel which show a registered width which will fall short of the current regulation 2016 @ by approximately 23'-1" front and 28'-10" rear respectively, taking into consideration that some of the parcels within the area are approximately the same width and size with similar apartments constructed within the area.

The department has also mentioned the fact that the application was presented for approval on October 17, 2018 and the application was refused due to the road access width being smaller than the required minimum width which I presume would be 22'0" wide, which when the subdivision was first created the width of the road presently may have been the minimum requirements back in the 70,s I would find it extremely difficult to have to ask the client to widen the road to the minimum requirements presently obtained.

The parking required for this proposal would be (5) five parking spaces, the applicant is providing (8) parking spaces, although they do not function on the particular property by reversing and turning on this parcel, this is because the building as it is presently exist does not allow the ability to provide the parking to function on this parcel as required by the development and planning regulations.

Having mentioned the above, we would like to request a variance which would allow the board of central planning authority the right to grant the requested planning approval for the bedroom count variance, lot width variance, lot size variance and road width variance which the road has existed at the present width from when the subdivision was first established for trafficking of vehicles.

The room count was also mentioned as being over the minimum requirements on this particular parcel and the proposal which is 15 bedrooms, I will also request that the present bedroom count should be allowed as submitted.

Also of note there are already various existing apartments located within the immediate area.

We would appreciate the central planning authority board's favorable decision to this request to allow the proposed increase to the building to increase the building to three apartments to be approved as submitted.

Yours Faithfully,

Per: 

Arnold T. Berry  
Island Drafting Engineering Ltd



# Carent Enterprises Ltd.

PO Box 2432  
Grand Cayman, KY1-1105  
CAYMAN ISLANDS  
PH: 345-946-5396 E-MAIL: [havclub@ropers.ky](mailto:havclub@ropers.ky)

October 30, 2020

The Director of Planning  
P.O Box 113  
133 Elgin Avenue  
Government Administration Building  
George Town  
Grand Cayman

Dear Sirs,

**Re: Application for Planning Permission to Existing Duplex to increase to (3) three Apartments located on block 4D Parcel#40.**

---

I write this letter in support of my planning application which I am in the process of adding to the second floor and with internal modifications since the passing of hurricane Ivan in 2004,

I would like to point out that I have been the owner of this property since November 1976 and I have maintained a very friendly atmosphere with my neighborhood, presently my residence is being used as storage.

My application for planning permission is for me to provide living accommodation for some of my staff members to be able to live at a location which is central to me as some of the places where they presently reside are not really fit for human habitation. I will be providing some efficiency studio units and a small central utility room at the rear of the building for the staff only to utilize. I will also point out that I am the owner of an established business Roper Enterprises Ltd and I have a staff complement of approximately 100 and would like to offer some of the staff member reasonable accommodation.

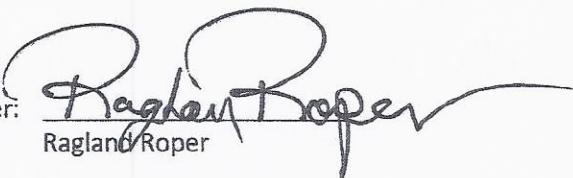
The staff members that will be accommodated will be transported to and from this location to their place of work which is Roper Enterprises Ltd. by a company provided bus. This is another reason that the proposal is being submitted for a central location for my staff members.

Also within the immediate area there exist other apartment complexes of similar size.

I trust that the information provided would meet the Central Planning Authority Board satisfaction to allow the proposed application to be approved as submitted.

I can be reached for further clarity if required at the above mentioned number or on my cell phone 916-2563.

Respectfully Yours,

Per:   
Ragland Roper

## Appendix 'D'

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11 January 2021

**Mr. Haroon Pandohie**

**Director of Planning**

P.O. Box 113

Grand Cayman KY1-9000

**Re: Application for High Water Mark Setback Variance**

Dear Sir,

With respect to our submission for a single-family house with swimming pool and lpg tank on 53A 104 located on North Side Road in North Side. We hereby request variances as follows:

1. Setback Variance for Proposed Building to be located 37'- 11.5" from the High-Water Mark and Swimming Pool/ Pool Deck and Pump room to be located 29'-1" from the High-Water Mark.

In making the application for such a variance, our client is mindful of provisions of Regulations 8 (13) of the Development and Planning Regulations, and would submit that there is sufficient reason and exceptional circumstances that would permit such setback allowance, in that:

- (i) The characteristics of the proposed development are consistent with the character of the surrounding area.
- (ii) The proposed structures will not be materially detrimental to persons residing in the vicinity, to the adjacent properties, or to the neighboring public welfare.

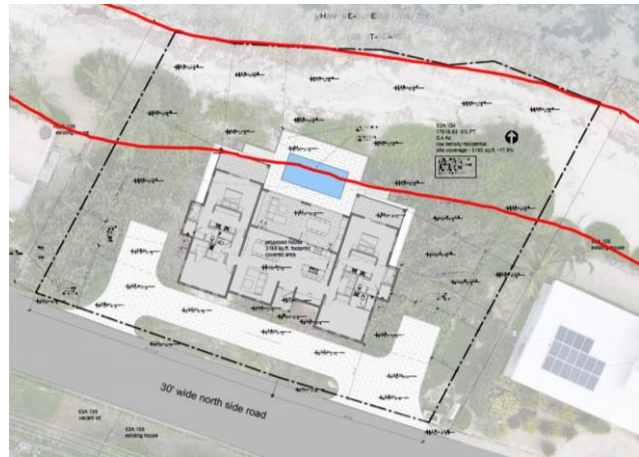
Additionally, please also take into consideration that: -

1. The High-Water Mark appears to be a mixture of sand and Ironshore suggesting the lesser High-Water Mark setback requirement of 50'-0".



2. The proposed house covered spaces are mostly within the 50' High Water setback line similar to the adjacent properties.

3. With respect to the HWM setback requirement in place to protect life and property, the internal habitable spaces are positioned further away from the ocean and would be at less risk of damage with the pool and seawall in place. The design intent is to build the pool deck wall as a protective seawall against potentially damaging weather conditions. In addition to the illustration above, please refer to drawing SK-01 illustrating the proximity of the neighboring properties to the high water mark and also setbacks from various points on the proposed building structure.



4. The owner's preference was to locate the property centrally on the parcel to maintain as much natural vegetation between neighbors and to also provide privacy. The shape of the parcel and narrow depth on the west boundary, presented challenges in achieving a buffer on either side without compromising the traditional Caribbean design aesthetic and scope of accommodations.

5. Also note that for aesthetic purposes, the intention is that the pool deck wall will be finished / landscaped to integrate softly and respectfully with the oceanfront and existing habitat.

We thank you for your consideration of this matter and look forward to a favorable decision on this application in due course.

Please do not hesitate to contact me for any further information.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D Campbell'.

Daniel Campbell (on behalf of Willow Property Holdings Limited)  
Darius Development



"I HEREBY CERTIFY THAT ALL DIMENSIONS ON THIS PLAN  
ARE CORRECT."

DARIUS DEVELOPMENT ACCEPTS NO RESPONSIBILITY  
FOR THE DIMENSIONS INDICATED ON THIS SITE PLAN  
UNLESS THE DIMENSIONS HAVE BEEN COPIED FROM A  
REGISTERED SURVEY OF THE PROPERTY PREPARED BY  
A LICENSED LAND SURVEYOR

1. Do not scale from drawings  
The Contractor shall verify all dimensions, grades & levels on site and report any discrepancies prior to construction.
2. All work shall conform to the requirements and standards set out in the current building, electrical, fire and health codes and the Cayman Building Code.
3. All work shall conform to these drawings and shall be to the Architect's approval.
4. These drawings are the property of the Architect.

No:	DATE:	DESCRIPTION:
-----	-------	--------------

CHILDE  
BEACH HOUSE  
53A 104  
NORTH SIDE ROAD  
NORTH SIDE  
GRAND CAYMAN

drawn by #	start date #
DC	AUGUST 2020

project #  
20-55

drawing #	revision #
SK-01	-

