

Central Planning Authority

Minutes of a meeting of the Central Planning Authority held on September 1, 2021 at 10:00 a.m. in Conference Room 1038, 1st Floor, Government Administration Building, Elgin Avenue.

18th Meeting of the Year

CPA/18/21

Mr. Ian Pairaudeau (Chair)

Mr. Handel Whittaker (Deputy Chair)

Mr. Joshua Bernard

Mr. Gillard McLaughlin (arrived at 11:05 a.m.)

Mr. Charles Russell Jr.

Mr. Windel Scott

Mr. Peter Campbell

Mr. Kenneth Ebanks

Ms. Danette McLaughlin (apologies)

Ms. Shakina Bush

Ms. Christine Maltman, MCIP, AICP (apologies)

Ms. Celecia Bancroft

Mr. Ashton Bodden

Mr. Haroon Pandohie (Executive Secretary)

Mr. Nick Popovich (Planning Officer)

- 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

APPLICANT NAME	TIME	ITEM	PAGE
Cayman Property Investments	10:30	2.1	5
Vista Development	11:00	2.2	32
Roger Small	11:30	2.3	35
Davenport	1:00	2.4	41
Neil Morris	1:30	2.5	46

1. 1 Confirmation of Minutes of CPA/17/21 held on August 25, 2021.

Moved: Handel Whittaker

Seconded: Joshua Bernard

Confirmed

1. 2 Declarations of Conflicts/Interests

ITEM	MEMBER
none	none

2.0 APPLICATIONS

APPEARANCES (Items 2.1 to 2.5)

2.1 CAYMAN PROPERTY INVESTMENTS LTD (MJM Design Studio) Block 5B Parcel 162 (P21-0577) (\$820,000) (JP)

Application for a replacement cabana and modification to shoreline.

Appearance at 10:30

FACTS

<i>Location</i>	Boggy Sand Road, West Bay South
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.05 ac. (2485 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Existing cabana on site
<i>Proposed building size</i>	513 sq. ft.
<i>Total building site coverage</i>	20.64%

BACKGROUND

April 28, 2021 (**CPA/09/21; item 2.3**) – The Authority refused Planning Permission for a house to replace the existing dwelling. The following reasons cited:

1. The application does not comply with the minimum required high water mark setback per Regulation 8(10)(b) of the Development and Planning Regulations (2020 Revision) and the Authority is of the opinion that the applicant failed to demonstrate that there was adequate reasons to allow a lesser setback while having regard to the provisions of Regulation 8(11). In the absence of such reasons the Authority is of the view that there must be compliance with the minimum required setback.
2. The application does not comply with the minimum required front and side setbacks per Regulations 9(8)(i) and (j) of the Development and Planning Regulations (2020 Revision) and the Authority is of the opinion that pursuant to Regulation 8(13)(b), the applicant failed to demonstrate that there is sufficient reason and exceptional circumstance to warrant allowing the lesser setbacks.

July 29, 2009 (**CPA/20/09; Item 6.1**) – The Authority permission granted for a seawall and one-storey cabana.

June 20, 2012 (**CPA/14/12; Item 2.14**) – The Authority modified permission to increase the size of the cabana.

April 30, 2014 (**CPA/11/14; Item 2.1**) - The Authority resolved to adhere to decision CPA/14/12; Item 2.14; which states “the applicant shall reduce the building height and modify the roof pitch per the drawings approve on June 20, 2012 within 90 days of the date of this application.”

November 26, 2014 (**CPA/28/14; Item 2.2**) – The Authority resolved to adhere decision CPA/14/12; Item 2.14 and refused the applicant’s request to remove condition which states “the applicant shall reduce the building height and modify the roof pitch per the drawings approve on June 20, 2012 within 90 days of the date of this application.”

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

In addition to Building Permit requirements, condition (1) listed below shall be met before a Building Permit can be issued.

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 2) 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.
- 3) Construction for the seawall shall be provided with construction fencing to surround the site from the time that any excavation occurs up to the time of completion. The fencing shall be not less than 4 feet in height.
- 4) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

Additionally, once construction has started, conditions (5-8) shall be complied with before a final Certificate of Occupancy can be issued.

- 5) No construction work, vehicle access, storage of equipment/materials or other operations shall take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE.
- 6) The new seawall shall be constructed on the land side of the existing seawall and the existing seawall shall not be removed until such time as the new seawall has been completely constructed.
- 7) A silt screen shall be installed that fully encloses the work area and it must remain in place throughout the period of construction and until the water contained in the screen has cleared to the same appearance as the water immediately outside of the screen. This screen must be maintained and should it prove not to be effective, work must cease until the screen is corrected.
- 8) Any stockpiled materials should be kept away from the sea edge to reduce the possibility of rainwater runoff washing material into the sea.
- 9) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the cabana.**

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.

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**.

Reasons for the decision:

1. Except for the high-water mark setback, which is addressed below, the application complies with the Development and Planning Regulations (2021 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 (2021 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 determined the following-

- The Authority accepted the advice rendered initially by the Department of Environment that the use of a curved or stepped seawall would serve to redirect or dissipate wave energy, thereby reducing the negative effects the current seawall is causing.
- The Authority was satisfied that it was not in possession of a lawful directive issued under Section 41 (3) of the National Conservation Act, by the National Conservation Council directing the Authority to refuse planning permission without undertaking a full inquiry and consideration of the application under its statutory mandate to effectively direct development so as safeguard the economic, cultural, social, and general welfare of the people, subject thereto the environment.

- The elevation of the property and its environs is high enough to assist in minimizing storm surge thus allowing the proposed development to be closer to the high-water mark.
- The construction of a seawall serves to attenuate the impacts of wave action.
- 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 landowners from enjoying the amenity of their lands.
- The Authority accepted the view that the proposed design of the seawall will serve to mitigate impacts upon abutting properties. Specifically, the convex design of the wall and the curve at the top of the wall will reduce the impacts of wave action. The Authority noted that the proposed setbacks are an improvement over the previous planning permission granted in 2009.
- The application was subject to Section 15(4) notices to adjacent landowners and no objections were received. The Authority was satisfied that the proposed structures would not be materially detrimental to persons residing in the vicinity, to the adjacent properties, or to the neighbouring public welfare.
- The Authority determined that the existing seawall was becoming detrimental to the property, surrounding properties, and the abutting Marine Protected Area given the deteriorating state of the wall and the serious structural integrity issues relating to the failure of the foundations as noted by the reviewing engineer. The Authority concluded that permitting the current seawall to remain in situ would result in the least desirable outcome for the surrounding environs with the inevitable further deterioration and eventual failure of the existing wall.
- The Authority fully considered the advice submitted by the DoE and determined that in its conclusion the DoE placed an undue reliance on the concept of a managed retreat and removal of all structures from the site, as this was not a consideration before the Authority. The Authority notes the inconsistency in the advice provided by the DoE which advocated for the removal of all structures from the property, juxtaposed against the recommendation calling for the installation of a properly designed wall, on the subject site, for the protection of the adjoining house with a tie-in to the sheet-piled CIG installed seawall on Mary Molly Hydes Road. The Authority was unable to rationalise the inconsistency in the advice rendered by the DoE in this regard, and therefore was unable to adopt the advocated course of action.

AGENCY COMMENTS

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

Department of Environment (NCC)

This review is provided by the Director of the Department of Environment under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).

Proposal

The application submission indicates that the applicant is seeking permission for the following:

- *Demolition/removal of the existing cabana.*
- *Construction of a new seawall to replace the existing and demolition of the existing wall.*
- *Construction of a new two-storey cabana (ground floor plus roof terrace) with running water, toilet and barbeque facilities.*
- *Based on the MWHM submitted with the application, the coastal setback of the seawall is 0ft and the cabana is 8ft from the MWHM/existing seawall.*

Previous submission

The DoE reviewed a previous planning application for development on this site (April 2021), which comprised a 3 storey-habitable structure on the parcel and rehabilitation works to the seawall. Under delegated authority from the National Conservation Council, the DoE directed refusal of this application on the following grounds:

- *Inadequate coastal setbacks of between 21 and 27 ft from the Mean High Water Mark, on a site which the Development & Planning Regs (2021) prescribe should have minimum setback of 75ft from the MWHM.*
- *The vulnerability of the proposed development given its proximity to the sea and associated wave activity/loading and scour.*
- *The proximity of the structure to the water, with the proposed engineering works and construction of the proposed development deemed to have adverse impacts on the Marine Protected Area.*

It was concluded that the proposed development would result in the detrimental alteration of a Marine Protected Area and the environment generally (including the turtle nesting habitat).

Meeting with the Applicant

The applicant met with the Department of Environment on 17 November 2020 to discuss remediation works to the seawall. It was agreed by all that the existing structure is failing and has lost structural integrity. Although development of the property was mentioned by the Applicant in passing, it was not the subject of the conversation and the plans for this development were not presented by the Applicant. The focus of the conversation was on repairing the existing structure. The Department advised that the current structure has

caused erosion and will continue to cause erosion of the beach if the remediation works keep the current size and shape of the structure. The Department reiterated its position that the seawall had been built too close to the sea on the active beach and that the Department does not support development positioned so close to the sea. The Department advised that in order to attempt to reduce the negative impacts that the seawall is having, the applicant could consider using design techniques such as a curved or stepped seawall to help dissipate wave energy, and that the square structure of the seawall is a particular problem. We also advised that the hard corner of the seawall is a particularly poor layout in terms of erosion and vulnerability. We encouraged the Applicant to curve the seawall along the shoreline to redirect or dissipate more energy from the waves, thereby reducing the negative effects the seawall is causing. The current application includes a curved seawall. However, the wall has not been designed by a coastal engineer and therefore it cannot be established if the proposed design will result in any beneficial changes. For example, the proposed wall is convex. In our expertise concave seawalls are more effective at dissipating wave energy. A coastal engineer would be best placed to design such structures.

Environmental Overview

The site is located on the south side of Boggy Sand Road, directly east of a Crown-owned parcel of land, which has a landward border comprising a sheet-piled seawall constructed by the National Roads Authority in 2005. The site is adjacent to the Seven Mile Beach Marine Reserve, which is a Marine Protected Area under the National Conservation Act (2013).

*The site is not located on a current turtle nesting beach, albeit historically when the beach was present in this location it would have likely supported turtle nesting activity. The presence of built development and seawalls on the active beach has contributed to significant erosion in this area. There is a turtle nesting beach to the west and Critical Habitat to the east, as shown in Figure 1. Critical Habitat is defined in the Interim Directive for the designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricata*), Leatherback turtles (*Dermochelys coriacea*) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (*Lepidochelys kempii*) and hybrids (2020).*



Figure 1: The site (blue), along with the presence of seawalls at properties to the east, has resulted in an area with no sea turtle nesting due to the lack of a beach. There is critical habitat (red) to the east and nesting habitat (yellow) to the west.

The site has a history of erosion, which coincides with the construction of hard structures, such as the seawall, on the active beach. The previous planning application utilised a MHW survey that was conducted immediately post-Hurricane Delta (survey was dated 10 October 2020). Hurricane Delta deposited significant volumes of sand in this location, as it passed on 5 October 2020. The beach then experienced further deposits as Tropical Storm Eta passed in November 2020. Therefore, whilst at that time it may have appeared that a beach existed at this site, having monitored the position of the shoreline, utilising aerial imagery from 1958 through to 2018, it is evident that the construction of seawalls and development in this area, has resulted in a trend of sustained erosion, as would be expected when hard infrastructure is built on the active beach (as we see at the southern end of Seven Mile Beach).

Under normal circumstances, the beach in this location ceases to exist and this has been the case for at least the past 5 years, and it is only under quite unique storm conditions that sand is deposited on this shoreline (see photos included at Appendix 1). The current application was accompanied by a MHW survey dated 14 May 2021, which confirms that the beach is no longer present. Figure 2 shows the site on 30 June 2021.



Figure 2: Application site (Source: DoE, 30 June 2021)

Figure 3 shows the surveyed position of the shoreline/MHWM at frequent time intervals from 2003 to 2019 (approximately monthly), based on survey data collected by the Department of Lands & Survey. Out of a total of 62 surveys undertaken in this location between 2003 and 2019, there were only 4 dates when the beach existed seaward of the October 2020 MHWM. Of these, the October and November 2005 accretion events can be attributed to Hurricane Wilma. The October 2011 accretion may be attributed to Hurricane Rina. Furthermore, as can be seen from Figure 3, the beach was completely absent for many of the survey dates (22).

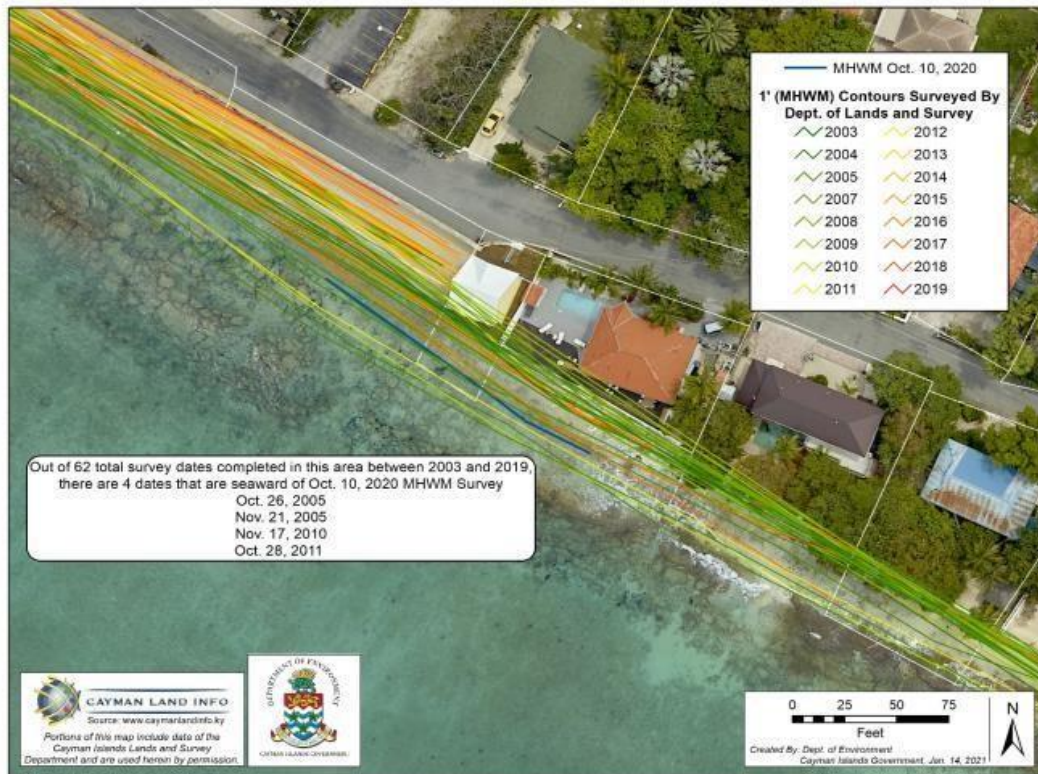


Figure 3: Survey data showing shoreline position/MWHM from 2003 to 2019 on 2018 aerial imagery

Inadequate Coastal Setbacks

The Development & Planning Regulations (2021) advise the following in respect of coastal setbacks:

*“8 (10)(b) in areas where the shoreline is beach or mangrove (except in a Hotel/Tourism zone), **all structures and buildings, including ancillary buildings, walls and structures, shall be setback a minimum of seventy five feet from the high water mark**”;*

The current MHW survey reveals that the current seawall forms the boundary with the sea, and to the west of the site, incursion of the sea can be sea up to the Boggy Sand Road sheet piled seawall. Therefore, whilst the proposed seawall is positioned marginally further inland than the existing, the proposed seawall will also have a 0ft setback from the sea. The proposed cabana will have an 8ft setback from the existing seawall and an even lesser setback from the proposed seawall location.

*The Department has grave concerns about the vulnerability of the proposed development given its proximity to the sea and associated wave activity/loading and scour. Climate change predictions both globally and regionally predict an acceleration in sea level rise, with increased intensity of storm and hurricane activity in the Caribbean. **There are absolutely no mitigating circumstances which could justify a departure from the legally prescribed setbacks in this location and, in our view, it would be negligent to permit development on this site.***

Integrity of Existing Structures

The application is accompanied by a report prepared by Reed Consulting Engineers ('the Engineering Report'), dated 22 May 2021. With regards to the Engineering Report, we note the following:

- 1. The Report is based on non-intrusive investigations which cause concerns about the full extent of the structural damage and integrity of the foundations and structures.*
- 2. It is stated that "there seems to be very serious structural integrity issues relating to failure of the foundations", which is due to undermining of the foundations from scouring associated with wave activity (p.6). This wave activity will continue as the location of the seawall will remain in a highly vulnerable location on the active beach.*
- 3. The Report contemplates that the works will be conducted as follows:*

"Removal (demolition) of the existing cabana and reinforced concrete slab would enable the excavation of the retained soil fill (within the 'box' formed by the existing seawalls). This would allow the construction of the new seawall and revised cabana and foundations to proceed 'in-the-dry' (pumping and shoring will be required). Upon completion it can then be re-filled, and the reinforced concrete slab (lid) and cabana structure can be rebuilt"

The Department is very concerned about the construction impacts on the Marine Protected Area. Given the erosion that has occurred (see Figure 2) it is unclear how these works can be conducted without causing significant levels of sedimentation and turbidity in the marine environment, as the sea will undoubtedly inundate the construction site.

The Engineering Report states that pumping and shoring will be required, and there is no location provided for dewatering of sediment-laden water. The site is too small to facilitate this onsite. Any pumping into the Marine Protected Area will result in sedimentation and turbidity impacts. In addition, the rate of pumping is likely to be very high given the depth into the ground water required for the additional foundation, the porosity of the sand and the proximity to the sea.

It does not seem possible to construct this development on such a small site without deleterious impacts on the Marine Reserve, especially given the negative impacts experienced when the seawall was originally constructed (see photos in Appendix 1). The information provided does not satisfy the Department that the proposed development would not result in the discharge of dissolved or suspended minerals or solids at levels that may be harmful to the ecological or aesthetic value of the area.

Sedimentation is one of the biggest potential sources of reef degradation by reducing the amount of light available for photosynthesis and by increasing sediment load on corals. Corals are all Schedule 1 Part 1 Protected Species, which are protected at all times, and the site is within the Marine Reserve, and contains an area of coral reef which has a very high economic value for Cayman's tourism both directly (diving, snorkelling) and indirectly (ecosystem services). Excessive sedimentation can affect the complex food

web on the reef by killing not only corals, but also sponges or other organisms which serve as food for important fish species.¹

Corals are under continuous stress from external sources (e.g. climate change, bleaching events, Stony Coral Tissue Disease) and adding further local stress could be the tipping point passed which our corals cannot survive. Given that so many external stressors on corals are beyond the control of the Cayman Islands Government and statutory bodies (including the Central Planning Authority and the National Conservation Council), it is even more important that local decisions within Cayman's control take a more deliberate consideration of corals and the effect on the marine environment. There is very little information provided by the applicant on proposed construction methodology, and none which indicates that the effects on the Marine Reserve could be mitigated.

Vulnerability of Proposed Development

The Department is of the firm view that the site is not an appropriate location for a two-storey cabana development. The Proposed Development will have no setback from the water under normal conditions, with the potential for occasional sand deposits during high energy wave events from a southwesterly direction. It is clear from the records of previous Central Planning Authority (CPA) meetings that it was considered undesirable to have a habitable structure here. The CPA Minutes from 26 November 2014 (CPA/28/14; Item 2.2), where the previous owner was seeking to increase the building height, state: "The Authority considered the application further and determined that it would adhere to the previous decision as the Authority is concerned that the creation of the second floor may lead to the cabana being used as a dwelling unit and the proposed design no longer resembles that of a typical cabana."

Impact of Seawalls on the Active Beach

A seawall and cabana were approved at this site in 2009. The purpose of the cabana was to provide an amenity space for the existing adjacent residence (Block 5B Parcel 151), which is also owned by the Applicant. These two parcels have historically been linked by remaining in the same ownership. In relation to this earlier application, the CPA agenda for the meeting on April 29, 2009 states, "The Department [of Planning] is of the opinion that most seawalls do not only prove to be ineffective in halting beach erosion, but also are often a source of serious damage to the coastal environment." These concerns are shared by the Department of Environment and have proven to be true at this site. Following development of the seawall at the site, the beach has experienced major erosion and is absent for sustained periods.

Hard structures such as seawalls on a beach, restrict the natural sand deposition processes. On a natural undeveloped beach, waves roll up the beach, depositing sand as they lose energy. However, seawalls interfere with this process. When waves hit a seawall, the energy is directed downwards and sideways. When the energy is directed downwards, the waves scoop out the sand at the foot of the seawall – called scour (see Figure 4). The existing seawall has caused scour at the site, as detailed in the

¹ Rogers, C.S. (1990. Responses of coral reefs and reef organisms to sedimentation. Marine Ecology Progress Series. 62(185-202).

Engineering Report which accompanies the planning application. When the energy is directed sideways, the wave flanking can remove sand from neighbouring properties. Therefore, this seawall could also be negatively affecting the beach on adjoining parcels.

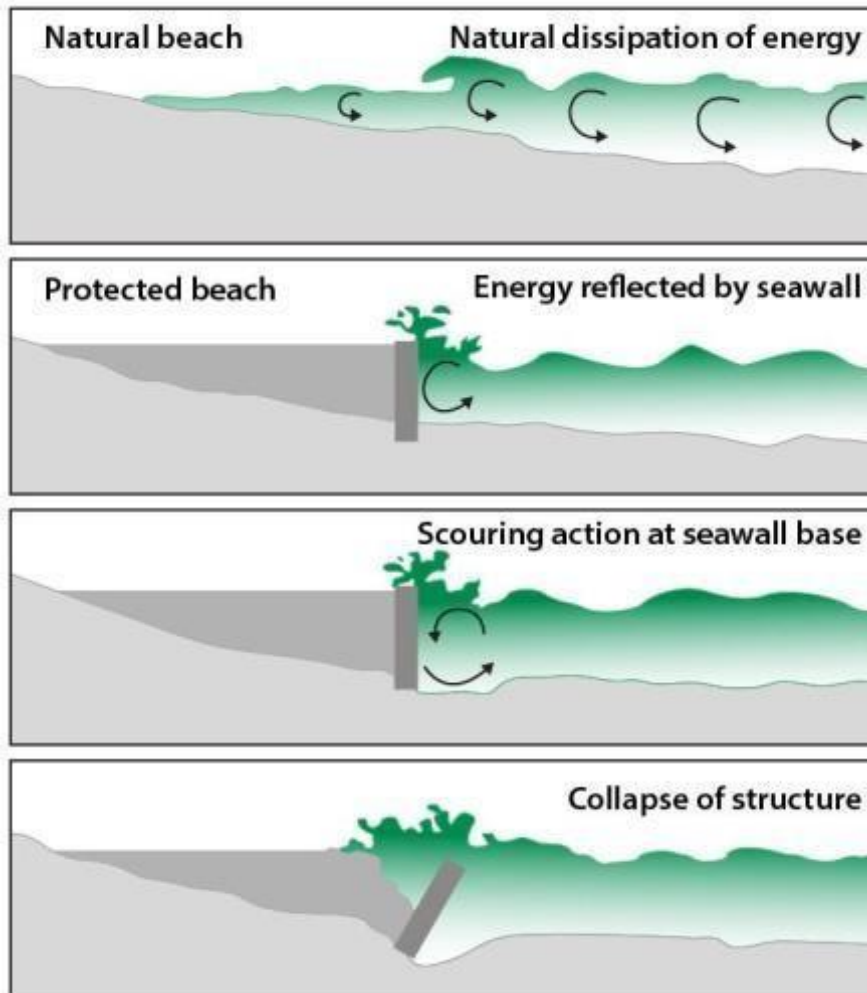


Figure 4. Seawalls cause scour as the energy is reflected by the seawall.

As shown in the photographs included at Appendix 1, the beach fluctuates in this location however, post-construction of the wall (in 2010) there is no consistent beach in front of the seawall at the site. In the July 2012 photo, the seawall already appears tilted, indicating likelihood of future collapse/failure of the structure.

Whilst the Department notes the curvature of the proposed seawall, it is also noted that this has not been designed by a coastal engineer and therefore it is difficult to determine whether the benefits to longshore sediment transport that the applicant's submission describes will indeed be experienced. For example, in our expertise concave seawalls (rather than convex, as proposed) are more effective at dissipating wave energy. A coastal engineer would be best placed to design such structures.

Post-construction/Operational Impacts

The Engineering Report confirms that the existing structure is failing. The relentless force of the sea has destroyed this structure because it has been poorly positioned and poorly designed. Whilst the proposed remediation works may extend the longevity of this ill-placed structure, the forces acting on the structures, e.g. wave loading, will persist and the sea will continue to scour and undermine the property. Based on well-documented climate change predictions for the region, the impacts of sea level rise and increased intensity of hurricane and storm activity will increase the vulnerability of this site. A major storm or hurricane which causes significant damage to the structure would likely result in building materials, plumbing and appliances etc being washed into the marine protected area offshore, an impact which the DoE is keen to avoid.

Conclusions

As detailed in this review, it is very clear that this site is not a good location for built development and the seawall probably should never have been granted planning permission a decade ago. It is evident that within a very short period the structure is failing, partly due to an inappropriate design and partly due to its position in an inappropriate location. It would therefore seem futile to try to permit further development on this problematic site. The concept of managed retreat i.e. moving inappropriately sited development further inland away from the sea is well-established, albeit the mechanisms for implementing this approach are not. Removal of all structures and the installation of a properly designed wall, for the protection of the adjoining house, with appropriate tie-in to both the sheet-piled seawall installed by CIG along Mary Molly Hydes Road and the sea wall of the adjacent house would likely result in recovery of the beach on the parcel such that it could function as an amenity for the adjacent house and the owner of the property.

In the exercise of powers which have been conferred through express delegation by the National Conservation Council pursuant to section 3(13) of the National Conservation Act (2013), the Director of DoE respectfully directs that you refuse the planning permission under section 41 (5) (b) of the NCA, on the basis that the proposed development will result in the detrimental alteration of a Marine Protected Area and the environment generally (including the turtle nesting habitat), for the reasons outlined in this review.

We also enclose a letter from the National Conservation Council (NCC), dated 24 June 2021, which endorses this direction and outlines the appeal mechanism for a person aggrieved by a decision of the NCC.

Appendix 1: Time series of photographs of the development site



Picture 1: Aerial image of application site in 1994, prior to development at the site, the beach is wide compared to the present condition of the site.



Picture 2: Construction of the existing seawall commenced in 2010. There are visible excavator tracks on the beach and in the water, which is a Marine Protected Area.



Picture 3: A pump can be seen with the outlet from the excavation into the Marine Reserve. The works had been stopped at this point.



Picture 4: The site in November 2010 during a period of inclement weather. The seawall has only recently been constructed.



Picture 5. The site in January 2011 shows of the presence of sand and a beach in front of the site. At this time the gazebo had not yet been constructed.



Picture 6: During a period of inclement weather in June 2012, breaking waves can be seen crashing against the seawall and cresting waves can be seen just offshore. The proposed house includes glass railings at the top of the seawall, where the waves can be seen breaking. The living room of the proposed house is just over 5 feet from where the whitewash can be seen.



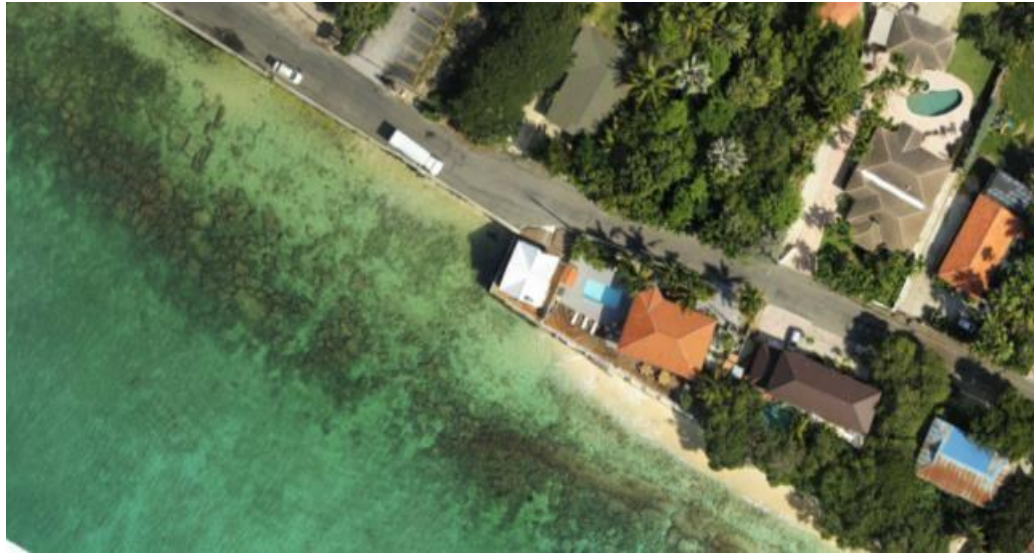
Picture 7: The site in July 2012 shows there was no beach directly in front of the property. The top of the seawall does not appear to be level when compared with previous photos, and the seawall footings are exposed, indicating there may be impacts to the structural integrity of the wall only two years after construction, and prior to the construction of any structures.



Picture 8: This photo of the site from September 2013 shows that gazebo is under construction and there is no beach on either the west or the north of the site. There are cresting waves along these two sides of the seawall. The seawall appears to be undermined or the footings are exposed.



Picture 9: The site in August 2019 (photo from Cayman New Services) shows visible undercutting of the seawall as well as no beach to the south and west of the site.



Picture 10: Drone imagery from October 2019 shows no beach to the south and west of the site.



Picture 11: The site in October 2020 after Hurricane Delta has a narrow beach deposited in front of the site.



Picture 12: The site in October 2020 after Hurricane Delta, with a narrow beach.



Picture 13: The site in November 2020 after Tropical Storm Eta brought and deposited more sand at the site.



Picture 14: The site in December 2020 after the planning application has been submitted.



Figure 15: The site in February 2021 which shows a reduction in the volume of sand on the beach and the water line being much closer to the existing structure



Figure 16: The site in March 2021, showing a steeper reduction in the volume of sand on the beach.



Figure 17: The site in June 2021, showing full erosion of the profile of beach sand that was present in March 2021.

APPLICANT'S LETTER

With respect to our May 28th, 2021 submission for a cabana and Remediation work to seawall on 5B 162. The project is comprised of the following elements that require variances in setbacks to allow:

- 1. Demolition / removal of the existing cabana on the subject property*
- 2. Construction of a replacement sea wall on the interior of the existing compromised sea wall. Followed by the demolition of the existing sea wall.*
- 3. Remediation works to existing cabana foundations.*
- 4. Construction of a new cabana to replace the existing using a portion of the existing footprint.*
- 5. Cabana to be built 8'-3 ½" from the existing HWM at sea wall, 10'-2 ½" from the road boundary and 14'-0" from the west boundary as illustrated on the submission plans. The proposed house will replace the existing cabana on the property.*

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.*

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in West Bay Beach South with Boggy Sand Road forming the northern boundary and the Caribbean Sea sited to the south. An existing property shares the eastern boundary with vacant beach frontage to the west.

The application seeks Planning Permission to construct a replacement cabana and installation of a replacement sea wall.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Historic overlay

The application site is located within the West Bay historic overlay. Regulation 16(2) sets:

“In considering any application for permission to develop within an Historic Overlay zone, the Authority shall, in its discretion, ensure that the development –

(a) conforms to the traditional workmanship, design, scale, massing, form, materials, decoration, colour and methods of construction of the buildings and the location of windows and doors in them; and

(b) in its setting, reflects the historic pattern of development in the Islands.”

Members are invited to reflect upon the design, scale and massing together with the setting of the site to determine whether the proposal is appropriate development.

2) High Water Mark Setback

Regulation 8(10)(b) requires a minimum setback of 75 feet from the high water mark, however, the entire development is fully situated within the High Water Mark 75' setback.

Members are invited to consider whether the submitted variance letter offers sufficient reason and exceptional circumstance to support the submitted development design.

3) Side setbacks

Regulation 9(8)(j) stipulates a 10' side setback is required for buildings of one storey.

Only 41sq ft of the ground floor area is sited outside of the 10 feet side setbacks the rest of the development would be sited within the side setbacks.

Members are invited to consider whether the submitted variance letter offers sufficient reason and exceptional circumstance to support the submitted development design.

4) Front setback

Regulation 9(8)(i) requires 20' front setback.

The proposed cabana is sited 10' 2" from the front boundary line.

Members are invited to consider whether the submitted variance letter offers sufficient reason and exceptional circumstance to support the submitted development design.

At 11:05 a.m., the following persons signed the attendance sheet:

For the applicant: Michael Meghoo

Michael Alberga

Frank Reed

John Schmidt

The Chairman welcomed the attendees to the meeting.

Michael Meghoo addressed the Authority. He introduced his colleagues and indicated that his client purchased the property in 2019. He also noted that his client owned the house across the road and the abutting parcel. He indicated that the existing structure was constructed by the former owner. They initially started to examine whether the existing wall could be reconstructed but that Mr. Reed had determined that the existing seawall is going to fail. The proposal is to build a new curved seawall inside the existing seawall and to remove the existing seawall once the new one is completed. They had contacted the DOE to discuss the design of the new seawall and had been informed that a curved seawall is the most appropriate option. By doing so they were giving up some of their land and he added that a curved seawall was more expensive. He indicated that there were no Coastal Engineers in Cayman but that Mr. Reed would speak to his experience with coastal matters later.

Mr. Reed addressed the Authority and outlined his experience with coastal works projects in Bermuda, the United Kingdom, and Cayman. He said that there are various models that predict the impact of wave action upon a shoreline but that these were not always conclusive due to the organic movement of sand. He reiterated that the current wall had failed and that the next stage was collapse. He added that it was not possible to construct a concave wall in this location and that they would work inside the existing wall to reduce the impact upon the environment. They would also use a silt screen and pump to dewater the site. All work would be undertaken in low tide and excess water would be pumped across the street to the house property.

Mr. Alberga outlined the position that his client is facing and noted that the existing seawall is tied into the Government seawall that was constructed post Ivan. Based upon Mr. Reed's analysis, his client had two choices: firstly to repair the existing wall under Section 29A of the Law seeing as the wall protects the road and abutting properties; secondly to build a new wall that was endorsed by the DOE to solve the problem. The

DOE determined that a different type of wall was required to address the situation. He noted that where a structure is damaged that people can repair a structure and under Section 29 of the Law, there was an obligation to repair. He concluded by stating that if the application is not approved, his client would repair the existing wall.

The Authority asked Mr. Reed to provide his assurance that this situation would not happen again and Mr. Reed indicated that he could not do so. He noted that it can happen again under certain circumstances and that there are no guarantees.

The Authority noted that they respect the landowner's right to repair but with increasingly adverse weather this might be a recurring situation. Mr. Meghoo noted that is why they were proposing a curved wall as it would allow sand to build. DOE thinks the situation will be enhanced. Mr. Reed added that activity on another parcel of land may negatively affect the clients land.

The Authority asked Mr. Alberga to comment on the fact that DOE Director was directing the CPA to refuse the application. Mr. Alberga stated that his opinion was the CPA had discretion to approve the development as submitted and were not bound by the comments of the DOE. The Authority should take into account the urgency of the situation and that the existing wall cannot be repaired and will fail.

The Authority asked if consultation had been undertaken with the Government as the owner of the abutting seawall. Mr. Meghoo indicated that they had not consulted with the Government and had not undertaken project engineering at this stage. It may happen in the future he noted.

The Authority noted that there was a curved seawall on the Brac that had been standing for over thirty years. Mr. Meghoo noted that wall has a curve at the top and that the proposed seawall also has a curve at the top. Mr Reed added that the curve at the top is to help dissipate waves and wave forces.

The Authority noted that there were no details regarding the depth of the seawall. Mr Reed responded that they had looked at the design carefully and that the new wall would be substantially underpinned to the underlying rock. Mr. Meghoo noted that the existing seawall would not be removed until the new one is constructed in behind the existing wall. Construction would be undertaken in dry times and that silt screens would be utilised.

The Authority questioned how they are going to prevent erosion of the Government seawall next door. Mr Reed replied that the Government seawall would not connect with the proposed seawall.

The Authority asked how the current seawall was anchored. Mr. Reed indicated that the existing seawall was on sand and that the new one would be pinned to rock. In response to a question from the Authority, Mr. Reed indicated that he had no idea how deep down the rock was located.

The Authority confirmed that sheet piles were not proposed and Mr. Reed said they would not be used.

The Authority asked about the plans for the cabana and whether any new services would be required. Mr. Meghoo noted that only existing services would be used.

The Authority asked how the proposal complies with the historic overlay and Mr. Meghoo responded that architecture and design is very subjective.

The attendees departed at 11:55 a.m.

The Authority discussed the matter and made the following observations:

The applicant's engineer made representation that the current seawall had become compromised and was presenting the applicant with several issues and was in desperate need of repair or replacement. The Authority concluded the discussion by noting that the current state of the property was an area of concern, however, the deliberation of the Authority had to be confined to the application currently before it. The Authority accepted that it had to walk a fine line given that the application before it, consisting of a cabana and seawall, would result in a redevelopment of an existing site and not a vacant greenfield site.

The CPA also noted that as far as massing/scale/height are concerned, the proposed design for the cabana was a huge improvement to the existing roofed structure.

The Authority noted that planning permission was given in the past for an L shaped seawall, which as noted by the applicant is exhibiting signs of significant structural deterioration and was in danger of structural failure. It was accepted that repair works could be undertaken on the existing wall without the necessity to obtain planning permission.

The current seawall, as noted by the DoE is contributing to the erosion of the beach in this area. That said, it is noted that the current wall works in concert with other seawalls in the area, inclusive of the CIG built seawall to aimed at protecting the Boggy Sands Rd. and associated properties.

The Authority notes that the DoE had, as a part of the discussions with the applicant, endorsed the use of a curved seawall, and had noted that use of the recommended curved design would mitigate the impacts of the wall and the adjacent properties.

The DOE had endorsed the utilisation of a curved wall design as a means to redirect or dissipate wave energy, once designed by a coastal engineer. The Authority was satisfied that the proposed seawall had been designed by a qualified civil engineer with sufficient coastal work experience, and therefore accepted the design as presented.

**2.2 VISTA DEVELOPMENT CO. LTD. (Vista Development) Block 1D Parcel 278
(New 731) (P20-0117) (\$1,200,000) (MW)**

Application for four (4) houses.

Appearance at 11:00

FACTS

<i>Location</i>	Calamel Dr., West Bay
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	31,145.4 sq. ft.
<i>Parcel size required</i>	40,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	735 sq. ft.
<i>Total building site coverage</i>	22.95%
<i>Required parking</i>	4
<i>Proposed parking</i>	8

BACKGROUND

July 21, 2021 (CPA/15/21; item 2.12) – the application was adjourned to invite in the applicant regarding the deficient lot size

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

In addition to Building Permit requirements, conditions (1 - 2) listed below shall be met before a Building Permit can be issued.

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 2) The applicant shall submit a revised site plan which depicts that each house can satisfy the minimum required setbacks of Regulation 9 following any future proposed subdivision.
- 3) 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.
- 4) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 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 five feet (5') above mean sea level.

APPLICANT'S LETTER

We respectfully ask for a variance to the site density for the project referred to above for which we recently uploaded the planning application documents to the OPS website.

For your information we have a sales contract with Royal Bank of Canada to purchase the subdivided parcel referred to above (Lot 2). The sale will be finalized as soon as the new survey is registered, and new parcel numbers are allotted by Lands and Survey. Please note that this subdivision was approved by the DOP on the 6th January. (Copy of Approval Letter uploaded to the OPS for the application)

We are applying to construct 4 single family residences on the parcel, and we request a "parcel area" variance from 40,000 square feet (10,000 sq. ft per house) to 30,930 Sq. Ft (7,732.5 sq. ft per house).

In support of this variance, kindly note the following:

- 1. We wish to provide budget housing for young families whereby each house has its own garden area which could be fenced in by the new owners to provide safe play area for children. (A sector of the current property market which is not being addressed).*
- 2. This parcel of land has access on two sides – Poinciana Lane and Calamel Drive, thereby allowing two houses to face Poinciana and two facing Calamel. Thereby not overloading vehicular traffic on each road.*
- 3. The proposed design of the houses combined with parcel dimensions enables the required – front, rear and side setbacks to be achieved without our request for further variance.*
- 4. The site coverage has a lower density (25%) than the allowable in this zone 30%.*
- 5. With the 2 houses facing Poinciana Lane, it provides road frontage of 81.7 feet for each house and on the 2 houses facing Calamel Drive, it provides a road frontage of 98.65 feet for each house.*
- 6. Houses in this area/zone have been built on parcels of less than 10,000 sq. feet.*
- 7. There currently exists multiple detached houses on individual parcels in this area/zone with land area being far less than the required 10,000 sq. ft./per house.*
- 8. Our aim is to provide budget family housing with gardens / safe play areas which does not impact on their neighbors.*

We sincerely hope this request for area variation is granted and if there is any further documentation or information, we can provide to assist the department in the granting of this application, please do not hesitate to let us know.

PLANNING DEPARTMENT ANALYSIS

General

The application is for four (4) houses with a lot size variance to be located on Calamel Dr., West Bay.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot Size

Regulation 9(8)(d) states “*the minimum lot size for each detached and semi-detached house is 10,000 sq. ft.*”. The applicant has proposed 4 homes on the respective lot which would require a minimum lot size of 40,000 sq. ft. However the proposed lot would only be 31,145.4 sq. ft. (0.7150 ac.) a difference of 8,854.6 sq. ft. less than required.

The Authority should assess if there is sufficient reason and an exceptional circumstance in accordance with Section 8(13) to warrant granting a lot size variance.

At 12:00 p.m., Joyce Burcombe signed the attendance sheet on behalf of the applicant.

Summary notes are provided as follows:

Ms. Burcombe indicated that she had been invited in to discuss the deficient lot area. She said the land is on two roads and lends itself to being divided into 4 lots. She said the Regulations require 10,000 square feet per house and that the majority of the lots in the area are 5,900 square feet. She displayed a map that she had prepared and it indicated that 30 percent of the parcels within a 1,500 radius are undersized according to the Regulations. She added that the proposal is way under the permitted site coverage and that the proposal is in character with the area.

The Authority asked whether these would be budget homes that are affordable. She replied that she was not sure how much they would cost but that they were a simple design for families. She has two children and two of the units would be reserved for them to occupy. She added that the price of supplies had been very uncertain since Covid and she could not predict construction costs in the future.

The Authority asked whether it was her intention to divide the parcel in the future. She responded that it was definitely her intention to divide because stratas are not functioning well if someone does not pay the fees. Her proposal was to divide after the units are constructed.

The Authority asked whether the lots would meet lot area after subdivision and she replied that they would not.

The Authority asked whether the houses would meet setbacks after division and she replied that they would. Upon closer examination, it was determined that some rear setbacks may not be satisfied with the current design.

The Authority asked her to confirm the results of her lot survey. She said that 37 parcels are between 5,000 and 7,000 square feet and that 19 are under 10,000 square feet. There were 190 lots in her survey and 30 percent of the lots are undersized.

Ms. Burcombe departed at 12:15 p.m.

2.3 ROGER SMALL (TAG Ltd) Block 19E Parcels 241 and 50 (P20-1086) (\$478,125) (JP)

Application for a warehouse and two signs.

Appearance at 11:30

FACTS

<i>Location</i>	Barnes Drive, George Town
<i>Zoning</i>	HI
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.30 ac. (13,068 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	3825 sq. ft.
<i>Total building site coverage</i>	29.51%
<i>Required parking</i>	4
<i>Proposed parking</i>	7

BACKGROUND

July 21 2021 (**CPA/15/21; item 2.11**) – application adjourned to invite the applicant to appear before CPA to discuss the application in terms of driveway width.

Decision: It was resolved to adjourn the application in order to allow the owner to investigate all options for widening the existing 13 foot wide driveway access to a minimum of 22 feet.

AGENCY COMMENTS

Comments from the Water Authority, National Roads Authority, Department of Environmental Health, Department of Environment (NCC) and Fire Department 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 **(1,000) US gallons** for the proposed, based on the following calculations:*

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Warehouse	3,825sqft	0.1gpd/sqft	382.5gpd	382.5gpd
	1 x W/C	100gpd/W/C	100gpd	100gpd
TOTAL				482.5gpd

- *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.*

Potential High-Water Use

The plans submitted do not indicate the types of tenant 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, grit or lint, and depending on the volume, an upgrade to an Aerobic Treatment Unit.

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.

- Please be advised that connection of the proposed development to the Water Authority's piped water supply system may require an extension. It is the policy of the Water Authority – Cayman to extend water distribution lines in public roads for the first 100 feet from the main road at no cost to the owner. Extensions exceeding 100ft from the main road on public roads and extensions in non-public areas are done at the owner's expense. The timing of any pipeline extension is at the sole discretion of the Water Authority.*
- The developer is required to notify the Water Authority's Engineering Department at 949-2387, without delay, to be advised of the timing of the extension and the site-specific requirements for connection.*

National Roads Authority

As per your memo dated April 20 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Road Parcel (Block 19E Parcel 241)

*The access road to the above site is of a substandard width at thirteen (13)ft. A thirteen (13) ft. wide access is **not** sufficient to support a commercial development to the subject site. The NRA recommends to the CPA that the applicant widens the access road to a minimum of twenty-two (22) ft., the applicant will need to speak with the landowner of Block 19E Parcel 52.*

Road Capacity Issues

The impact of the proposed development onto Barnes Drive 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.

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 the 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 the 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 Barnes Drive. 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 the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*

- *Sidewalk detail needs to be provided as per NRA specifications. See (<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf>)*

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

- 1. DEH has no objections to the proposed in principle.*
- 2. This development will require (1) 4 cubic yard container with twice per week servicing.*

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 at this time.

Fire Department

As per standard Fire Prevention code 602.6.1.

Every building hereafter constructed shall be accessible to fire department apparatus by way of access roadways with all-weather driving surfaces of not less than 20 ft (6.1 m) of unobstructed width, with adequate roadway turning radius capable of supporting the imposed loads of fire apparatus and having a minimum vertical clearance of 15 ft

Please depict proposed /existing fire hydrant.

APPLICANT'S LETTER

In relation to the above planning application, we are seeking a variance to allow for the proposed development to reduce the requirement of the width of the road from 22' to 17'. The reason for this request is that the development is a personal development with storage facilities.

It will not have heavy traffic due to it being for personal use. The reason for the 17' road was that it was gifted in the 70s to me from my father and at that time there were no restrictions on the width of the road to enter the property.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located off Barnes Drive within an established industrial area. Vacant lots bound the site to the east and north with existing development to the south and west.

The application seeks Planning Permission for a warehouse building.

Zoning

The property is zoned Heavy Industrial.

Specific Issues

1) Driveway width (13' v 22')

The letter incorrectly identifies the proposed width as 17'. The submitted plans demonstrates the driveway with a width of 13'.

In an attempt to overcome driveway width requirements the application is supported by a letter which identifies the building for 'personal development with storage facilities'. Firstly, Members may recall the significant volume of applications recently determined which provide storage facilities serviced by acceptable driveway widths. The Department considers such facilities should be explored prior to developing a site with substandard access.

Furthermore, Members are invited to note there is no mechanism to restrict ownership for the lifetime of the project.

Finally, whether personal or not there is an expectation of vehicular movements for transportation of goods and that by staff and/or visitors to the site.

The width of the driveway is substandard and unable to support to the type and frequency of vehicles anticipated to the site.

Also, two signs are proposed which could be deemed unnecessary if the proposal is merely personal development.

At 12:20 p.m., the following persons signed the attendance sheet on behalf of the applicant: Roger Small

 Darrel Ebanks

 Mary Ann Villanueva

Summary notes are provided as follows:

The Chairman welcomed the attendees and asked them to address the concerns in the agenda.

Mr. Ebanks indicated that the owner wants to put up a building for personal use. The issue is access.

Mr. Small said that he inherited the land and that there were no restrictions at the time. His uncle owns next door and he had tried to buy land to widen the access but this would impact his uncle's parking. He is stuck with this piece of land and if he cannot build he will sell the land. He added that he has a tile business and stores boxes of tiles on the property presently.

The Authority confirmed with Mr. Small that it is just for storage and no customers visit the site. Mr. Small confirmed this.

The Authority noted that the problem is the Fire code and that 20 feet was a minimum requirement for a fire truck to access the building. Mr. Small said that he understands this but that it does not appear that he can widen the access.

The Authority asked if he had considered a right of way to make the access 7 feet wider. He replied that he had not thought of this but thought that his uncle's parking area was within 6 feet of the access.

The attendees departed at 12:35.

The Authority discussed the matter and agreed that a minimum 22 feet was required. They agreed to adjourn the matter to allow time for Mr. Small to explore all options.

2.4 DAVENPORT LTD (Davenport Ltd) Block 32C Parcel 78 (P21-0611) (\$712,000) (JP)

Application to add a second floor to 5 approved apartments.

Appearance at 1:00

FACTS

<i>Location</i>	Starapple Road, Savannah
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.4137 ac. (18,020.80 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	8,138.4 sq. ft.
<i>Total building site coverage</i>	26.33%
<i>Allowable units</i>	6
<i>Proposed units</i>	5
<i>Allowable bedrooms</i>	9
<i>Proposed bedrooms</i>	13
<i>Required parking</i>	10
<i>Proposed parking</i>	10

BACKGROUND

August 4, 2021 (**CPA/16/21; item 2.9**) – Members adjourned determination to enable the applicant to appear before the Board to discuss bedroom density.

August 24, 2018 (**Administrative Approval**) – modification to add floor area to a single apartment (P18-0744)

July 11, 2018 (**CPA/16/18; item 2.4**) – application for 5 apartments approved (P18-0444)

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 Act (2021 Revision) hereby orders that planning permission CPA/16/21; item 2.9 be modified to allow a total of 12 bedrooms including a second floor, subject to the following conditions:

- 1) The applicant shall provide a revised site plan depicting an additional two parking spaces on the property.
- 2) The applicant shall provide revised elevations that depict a maximum one-storey height along the northern property boundary.

The original conditions of CPA/16/21; item 2.9, as modified, shall remain applicable.

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 **(2,500) US gallons** for the proposed townhouses.*
- *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 5'2" 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.

Department of Environmental Health

DEH has no objections to the proposed in principle.

Solid Waste Facility:

1. *This development require six (6) thirty three (33) gallon bins and an enclosure built to the department's requirements.*

a. The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.

b. The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.

APPLICANT'S LETTER

Further to the application submitted in relation to the above referenced Project, we hereby request for a density variance which requires (24) bedrooms per acre per Planning Regulation 9 (8)(c) in a Low Density Residential Zone.

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

(1) Under Regulation 8 (13)(b)(i), the characteristics of the proposed development are consistent with the character of the surrounding area: The total area of the project site 0.4137 acres, which Planning Regulation 9 (8)(c) allows up to a maximum of (10) bedrooms. The project was originally approved with (7) Bedrooms, but now that a 2nd floor has been added in each dwelling unit, the total number is now (13) Bedrooms. While we have exceeded the number of bedrooms by (3) more, the number of dwelling units and the building footprint remain the same. In addition to this, there are other similar developments within the vicinity of the project site and around the island that have been allowed to exceed maximum bedroom density.

We look forward to the CPA board's favorable consideration to this request for variances. If you require additional information or further clarification, please don't hesitate to contact us at the numbers & e-mail below. Thank you and God bless.

PLANNING DEPARTMENT ANALYSIS

General

The application site occupies a corner lot with Starapple Road to the east, which serves the development site, and Shamrock Road to the west. The application seeks Planning Permission to add a second storey for a previously approved scheme.

The addition will add six bedrooms to the scheme whilst maintaining the number of previously approved apartments.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Bedroom density (13 vs 9)

Regulation 9(8)(c) permits a maximum of nine bedrooms in relation to the lot size of the development site.

The applications seeks Planning Permission to increase the number of bedrooms to 13.

Members are invited to consider the content of the variance letter as part of their determination of the application.

At 1:20 p.m., the following persons signed the attendance sheet on behalf of the applicants: Ken Thompson

Paul Pearson

Dan Delfinis

Summary notes are provided as follows:

The Chairman welcomed the attendees to the meeting.

Mr. Pearson indicated that they bought the project because they had extra construction materials. He noted that they are asking permission to add a staircase to add a bedroom and bathroom to each unit. He noted that rents would be \$1,200 to \$1,400 a month.

The Authority asked about the north end setback. A minimum 15 feet was required for two storey structures and there was only 10 feet provided. Would they be willing to reduce the northernmost unit to one storey only? Mr. Pearson said that they would modify to 10 feet but could they leave the dormer in.

The Authority confirmed that they would remove one bedroom and the number of bedrooms would go from 13 to 12. Mr. Pearson agreed.

The Authority asked whether the existing structure could accommodate an additional floor and Mr. Pearson advised that an engineer had checked this out.

The Authority noted that with an increase in the number of bedrooms that there may be demand for more parking. Mr. Pearson said that they could provide an additional two spaces on the site.

The attendees departed at 1:30.

The Authority discussed the application and agreed that an additional two parking spaces be provided and that the northern most apartment unit be reduced to one-storey.

2.5 NEIL MORRIS (CS Design) Block 43E Parcel 319 (P20-0852) (\$550,000) (JP)

Application for a duplex.

Appearance at 1:30

FACTS

<i>Location</i>	Promenade Road, Bodden Town
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.2358 ac. (10,271.45 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	4734 sq. ft.
<i>Total building site coverage</i>	28.09%
<i>Required parking</i>	2
<i>Proposed parking</i>	2

BACKGROUND

August 4, 2021 (**CPA/16/21; item 2.12**) Members adjourned determination to invite the applicant to appear before the Board to discuss lot size.

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

In addition to Building Permit requirements, condition (1) listed below shall be met before a Building Permit can be issued.

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 2) 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.
- 3) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 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 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 (2021 Revision).
- 2) The proposed application does not comply with the minimum required lot size per Regulation 9(8)(d) of the Development and Planning Regulations (2021 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;
 - 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.

At 1:40 p.m., Christina Sanchez signed the attendance sheet on behalf of the applicant.

Summary notes are provided as follows:

The Chairman welcomed the agent to the meeting and noted that the concern was lot area.

Ms. Sanchez stated that the proposal meets all of the requirements except lot area. She indicated that the applicant was in his late 60's and wanted a place for his children and grandkids. With the cost of land, she noted that he cannot afford to purchase a new land parcel. He was simply building for his family's needs. She added that there are existing duplexes on 43E 118 and 120, which are within a quarter mile of the parcel.

Ms. Sanchez departed at 1:50 p.m.

APPLICANT'S LETTER

On behalf of our client, Mr. Eitel Morris, we are requesting for a lot size variance for the Proposed Duplex on the above-mentioned property.

The proposed lot is 10,271.448 sq.ft. - 18% less than the minimum allowed lot size for each duplex in a Low-Density Residential area (12,500 sq.ft.)

As per Development and Planning Regulations 2021, Sections 8 (13)(B) (iii), we do not foresee the proposed development being materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare. We also note that although the land is undersized for this type of development, the proposed structure sits within the required setbacks, with adequate spaces for parking, landscape and utilities.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in an undeveloped subdivision and accessed from the north. Vacant neighbouring lots surrounding the application site.

The application seeks Planning Permission for the construction of a duplex.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot size (10,271.45 sf v 12,500 sf)

Regulation 9(8)(e) requires a minimum lot size of 12,500 sq ft for duplexes.

The application site measures 10,271.45 sf and Planning Permission for a duplex is being sought.

Members are invited to consider the content of the variance letter as part of their determination regarding acceptability of the proposal.

2.0 APPLICATIONS

REGULAR AGENDA (Items 2.6 to 2.17)

2.6 VIRTUE CONSTRUCTION (Paradise Drafting Ltd) Block 27D Parcel 511 (P21-0298) (\$2M) (JP)

Application for six townhouses and cabana.

FACTS

<i>Location</i>	Hirst Road, Savannah
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.6005 ac. (26,157.78 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	9,106 sq. ft.
<i>Total building site coverage</i>	14.6%
<i>Allowable units</i>	9
<i>Proposed units</i>	6
<i>Allowable bedrooms</i>	14
<i>Proposed bedrooms</i>	14
<i>Required parking</i>	9
<i>Proposed parking</i>	12

BACKGROUND

23 June 2021 (**CPA/13/21; item 2.4**) – Members resolved to adjourn determination to enable a redesign consisting of:

- Pitched roof with 3rd floor in roof line;
- Re-site building 20' from road;
- Relocate garbage along road;
- Re-notify immediate/adjacent owners.

26 May 2021 (**CPA/11/21; item 2.20**) – Members resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the site location being suitable for apartments.

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) 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.

In addition to Building Permit requirements, condition (6) listed below shall be met before a Building Permit can be issued.

- 6) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 7) 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.
- 8) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 9) 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.**

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 (2021 Revision).

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

Wastewater Treatment & Disposal

- *The developer shall provide a **septic tank(s)** with a capacity of at least **(2,250) US gallons** for the proposed, based on the following calculations:*

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Apartments	4 x 2-Bed Units	225gpd/2-Bed Unit	900gpd	900gpd
-	2 x 3-Bed Units	300gpd/2-Bed Unit	600gpd	600gpd
TOTAL				1,500gpd

- *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.

National Roads Authority

No comments received.

Department of Environmental Health

1. *DEH has no objections to the proposed in principle.*
 - a. *This development will require (1) 4 cubic yard container with once per week servicing*
2. *The application states that there is a pool; however there is no pool shown on the drawing.*
 - a. *The applicant is advised that a swimming pool application must be submitted to DEH for review and approval prior to constructing the pool*

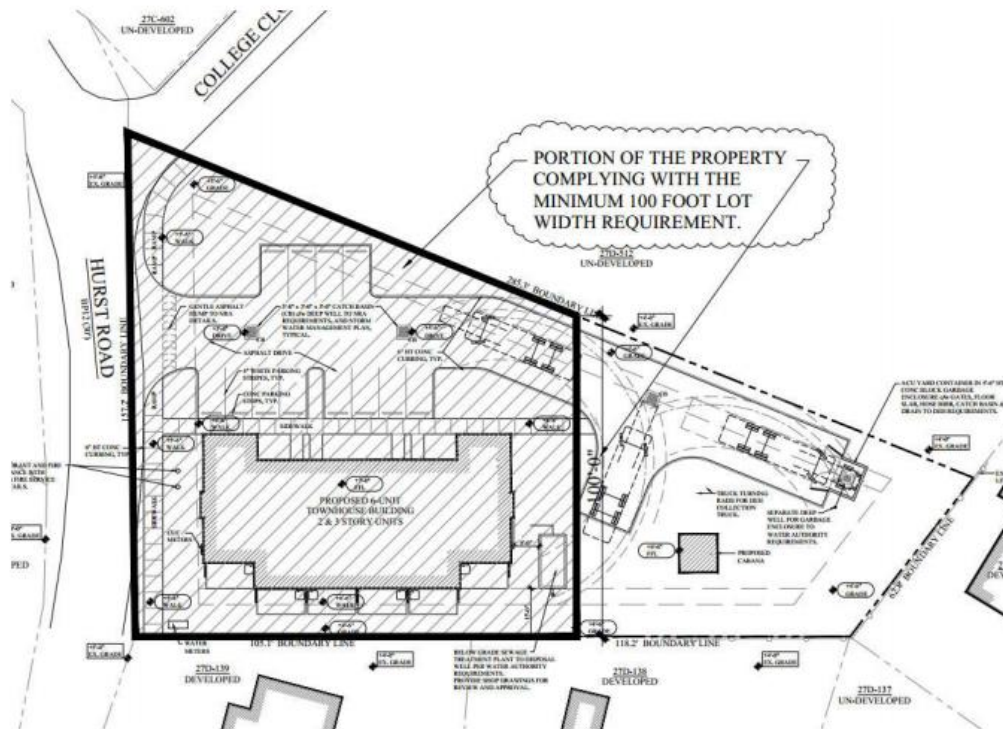
Department of Environment (NCC)

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, however it is still recommended to incorporate native vegetation in the landscaping scheme for the development. The site is low laying and is prone to rainwater inundation, therefore, a storm water management plan should be developed for the apartment complex to ensure that all site derived run off can be handled on site without impacting the surrounding properties and the road.

APPLICANT'S LETTER

We are writing on behalf of our client who kindly requests a lot width variance be considered for this project. The Planning Regulations section 9 (8) (g) require a minimum lot width of 100 feet for an apartment project. The irregular shaped parcel has a rear lot width of 62.8 feet while the street lot width complies with a width of 157.2 feet.



The site plan above indicates the portion of the parcel that complies with the Planning Regulations. The proposed apartment project is set out within this area. We feel that the law is too strict for parts of the island that have evolved over time with street patterns and lot shapes of a more organic nature. The law seems to assume that the island was set out in a 90 degree grid, but this is not the reality. For these reasons we hope that the Planning Board will approve the variance with regards to this section of the Planning Regulations. We also do not believe that this variance will be materially detrimental to the adjacent neighbours.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in the Savannah area of Grand Cayman. The area comprises of sizeable lots predominantly for houses and duplexes, however, the occasional apartment/townhouse is noted. An apartment complex is located 725ft to the west.

The application seeks Planning Permission for 6 townhouses and a cabana.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

Regulation 9(8) permits apartments in suitable locations.

Members are invited to consider the surrounding context in determining whether townhouses/apartments are suitable in this location.

2) Lot width variance (62.8' v 100')

Regulation 9(8)(g) requires a minimum lot width of 100'.

The proposed development site is tapered in shape with the eastern section reducing down to 62.8'.

Members are invited to consider the variance letter as part of their deliberations.

SUPPLEMENTARY ANALYSIS

Revised plans have been submitted to address CPA requirements with the exception of no accommodation is provided in the roof.

The agent provided an additional letter justifying the proposed development:

We are writing on behalf of our client in response to the application having been adjourned to review its suitability in the neighbourhood.

We would like to express our client's view that the project is suitable based on the following reasons:

- 1. There were no objections received from any of the property owners required to be notified.*
- 2. There were no serious concerns presented by any of the other agencies that have not been resolved to their satisfaction.*
- 3. There already exists a 6-plex apartment complex within 700 linear feet of this project on Leonce Drive and a 4-plex apartment complex within 1,200 linear feet of this project on Rackley Boulevard.*
- 4. The project is not located in the quieter back streets of the neighbourhood, but on the main road of Hurst Road and as such will not be adding any additional traffic to these back streets.*
- 5. The project is not a high-density proposal with only 14.6% site coverage when 30% is allowed. We therefore kindly request that the Planning Board review that above points and hopefully agree that this project presents no negative or un-suitable aspects to the existing neighbourhood.*

2.7 R & R WAREHOUSE (Whittaker & Watler) Block 20B Parcel 414 (P21-0618) (\$1,626,000) (NP)

Application for a proposed warehouse.

FACTS

<i>Location</i>	George Town
<i>Zoning</i>	Light Industrial
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	29,355 sq. ft.
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed use</i>	Warehouse
<i>Building Footprint</i>	10,840 sq. ft.
<i>Building Area</i>	10,840 sq. ft.
<i>Site Coverage</i>	66.2% (Building & Parking)
<i>Parking Required</i>	11
<i>Parking Proposed</i>	12

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) 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.

In addition to Building Permit requirements, condition (6) listed below shall be met before a Building Permit can be issued.

- 6) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 7) 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.
- 8) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 9) 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.**

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 (2021 Revision).

AGENCY COMMENTS

Comments from the Department of Environment (DOE), Department of Environmental Health (DEH), and Water Authority (WAC) are noted below.

Department of Environment

This review is provided by the Director of the Department of Environment under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).

The Department confirms that there are no comments at this time as the site is man-modified and is of low ecological value.

Department of Environmental Health

This application is not recommended for the following reasons:

Solid Waste Facility: The solid waste facility does not meet the requirements of DEH.

1. Location of enclosure

The location of all mechanically serviced containers shall be approved by the Department of Environmental Health. The applicant shall submit plans showing the proposed location of the enclosure. The enclosure shall be placed such that access to the enclosure can be kept clear at all times. The enclosure shall be centrally located, and so placed, as to allow easy access for servicing by the Department's vehicles. The enclosure shall be located so that the vehicle can access the container directly and have adequate room to lift it into the discharge position. The enclosure shall be located such that the vehicle will not impede normal vehicular flow or create potentially dangerous traffic situations while the container is being serviced.

2. Minimum vertical clearance

A minimum vertical clearance of 32 feet above the enclosure itself or where the bin will be serviced is required.

3. Access to enclosure

The service vehicles shall be able to enter and exit the site without having to reverse onto the highway. The enclosure shall be located away from overhead power lines and other protrusions that can cause electrical shock, injury, or other difficulties during servicing. A vertical clearance of at least 15 feet is required over the entire approach to and from the enclosure. A minimum straight approach of 50 feet should be provided directly in front of the facility to allow the vehicle sufficient area to back out of the facility. A turn around or separate exit that allows the truck to move forward rather than backwards is required. A minimum backup distance of 50 feet is required for any manoeuvre and must be in a straight line. The driveway shall be constructed to withstand trucks weighing up to 62,000 lbs.

4. *Angle of approach*

Generally the service shall be able to approach the container directly (perpendicular to the enclosure). Where an enclosure is located at the side of an access way the angle of approach made with the access way shall not exceed 22.5 degrees.

5. *Turning radius*

The turning radius required for access to the enclosure must be adequate for a 3-axle truck. The overall length of the truck is 36 feet and the overall width is 8 feet. A minimum outside turning radius of 46 feet is required. The minimum inside radius shall be 33 feet.

Water Authority Cayman

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 **(2,500) US gallons** for the proposed.*
- *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.*

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 any future change-of-use applications to allow for a high-water-use tenant will require an upgrade of the wastewater treatment system which, depending on the use, may include an in-the-ground interceptors for grease, oil-grit or lint, and depending on the volume, an upgrade to an Aerobic Treatment Unit. 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 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 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 subject property is located in George Town on Red Gate Road. The property is directly south of the intersection with Old Red Gate Road.

The property is currently vacant but a site visit revealed that there are many cars and containers stored on the property. The removal of the cars and containers should occur in compliance with Department of Environmental Health procedures for landfill disposal.

The proposal is for a one storey warehouse building divided into 9 tenant spaces

Zoning

The property is zoned Light Industrial.

2.8 JOHN GRAY HIGH SCHOOL (Chalmers Gibbs) Block 15B Parcel 388 (P21-0349) (\$10,000) (JP)

Application for installation of 16 signs,

FACTS

<i>Location</i>	Walkers Road, George Town
<i>Zoning</i>	Institutional
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	17.51 ac. (762,735.6 sq. ft.)
<i>Current use</i>	School

BACKGROUND

Extensive history developing the school, nothing of note.

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

- 1) There shall be no internal illumination of signs.
- 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.

Reasons for the Decision:

- 1) It was determined by the Authority that the number and size of the signs were appropriate for the scale and mass of the buildings constructed on the John Gray site.
- 2) The Authority noted that the roadside sign met guidelines, but all others were inside the property, so no NRA vehicular distraction issues, no public view.

APPLICANT'S LETTER

We have the pleasure to enclose a Planning Application for the external signage at the above project on behalf of the Cayman Islands Department of Education, in accordance with the Grand Cayman Sign Guidelines (2014 Revision).

The new John Gray High School is a secondary school located in George Town, serving the western half of Grand Cayman. It currently caters for 1042 students in years 7-11, approximately 89% of whom are Caymanian. It has a total of 119 staff of whom 97 are teaching staff.

The proposed site is located between Walkers Road and Olympic Way. It is bounded by the George Hicks site to the southeast, where the school is currently located.

Adjacent properties include St Ignatius Catholic School to the south, Cayman Prep & High School to the southwest, residential condominiums and woodland to the north. University College of the Cayman Islands (UCCI) and the Truman Bodden Sports Complex are located to the east, across Olympic Way.

The site has an area of 747,048 square feet / 17.15 acres.

The Application for an Expansion of the Existing School on Block 15B Parcel 388 (FA87-0194) (Planning Project No P19-0647) was granted planning permission on 25/09/2019 (Decision No: CPA/20/19; Item 2.18). Amendments to the car parking layout were submitted (Project No P19-1359) and approved on 04/03/2020 (Decision No: CPA/05/20; Item 2.13).

External Signage Strategy

The main purpose of the proposed external signage is to provide civic presence and a clear identity for the new John Gray High School, as well as to offer legible wayfinding information across the site for students, staff and visitors.

In order to prevent confusion or detract from the natural beauty of the island, the number of external signs has been kept to a minimum, with their design intended to complement, rather than contrast with the appearance of the buildings. The wayfinding directional signage has been strategically placed to aid its effectiveness. Please note none of the proposed signs will be illuminated. These would be visible from dusk until dawn by the external lighting across the site.

The following sign types are proposed – please refer to the submitted site plan, elevations and visuals document for more details about materials, colours, dimensions and locations, including setback distances from adjacent roads.

School Identity Signage

At the front of the school, along Olympic Way, the main entrance for visitors is formed by the part-complete Building 1.

To the front of this building, as proposed as part of the original 2008 design and matching a similar sign at the completed Clifton Hunter High School on Frank Sound Road, a freestanding stone wall with signage is proposed.

- *The monument stone sign has an area of 31.9 sq.ft. (3'-10" high x 8'-4" wide). The signage includes the crest of the Cayman Islands' Ministry of Education as well as the school name and address.*

This sign is located 5'-0" away from Olympic Way, which we appreciate is closer than the recommended 12'-0", but we feel this location is appropriate as located between the pedestrian entrance and the vehicular entrance. It is also clearly visible from both directions along Olympic Way, but does not present a visual obstruction due to its limited height. It also allows sufficient space for the sidewalk.

Two signs are proposed at the main entrance (location 1):

- A window decal sign facing east, as proposed as part of the original 2008 design and as per the completed Clifton Hunter High School on Frank Sound Road. The overall size of the letters is 78 sq.ft. or 5% of the glazing area to this façade.
- A building fascia sign facing north, representing the crest of the John Gray High School, in a salmon colour to complement the accent colours of the school façades. The overall size of the crest is 51 sq.ft. or 6% of the façade on which it is located.

To the north of Building 1, a loop drop-off allows the school buses to discharge and pick-up children kerbside. A single entrance facing north, to the west of Building 1, provides student access directly into the building's heart (location 2).

- A canopy sign along the edge of the student entrance canopy. The letters will be 16" high, with an overall area of 38 sq.ft. or 3% of the façade on which it is located.

To the north of the new building's north wing and to the west of the bus drop-off, a generous landscaped playground for student is provided. In order to provide a strong sense of belonging for students, another crest sign is proposed on this north façade (location 3).

- A building fascia sign facing north, representing the crest of the John Gray High School, in a metallic silver colour to match the shading louvres to the school façades. The overall size of the crest is 141 sq.ft. or 5% of the façade on which it is located.

Three large signs are proposed to be painted directly onto the stucco façades of the buildings. The exterior walls are generally white, with salmon-coloured feature accents to deep window reveals. The large painted signs are proposed in the same shades and are intended to complement the façade designs where no windows are located. These will therefore not be of a very high contrast against the white walls.

- The words 'JGHS GYMNASIUM' are proposed to the north façade of the completed gymnasium, also known as Building 6 (location 4). The overall size of the letters is 616 sq.ft. or 23% of the façade on which it is located.
- The words 'JGHS' are proposed to the west façade of the part-complete Building 3 (location 5).
The overall size of the letters is 1364 sq.ft. or 94% of the façade on which it is located.
- The words 'JGHS SPORT' are proposed to the west façade of the Changing Building to be constructed as a later phase (location 6).
The overall size of the letters is 254 sq.ft. or 33% of the façade on which it is located.

We understand that these three painted signs are all above the recommended 10% wall area of the signage guidelines, but we believe that as these are of the same stucco material as the façades, and are not illuminated or projecting, that they should be read as part of the buildings' colour scheme and exterior decoration, and not merely as signs. It is also worth noting that they are generally located well away from the public roads and therefore need to be large to be visible. In particular, the painted sign at location 5 is over 487 feet from Walkers Road. In addition to providing a civic presence across the playing fields towards Walkers Road, this sign will also bolster the students' sense of belonging, pride and school identity while out on the playing fields (to be completed in a later phase once the CIFEC campus has been vacated).

Wayfinding Directional Signs

To guide visitors to the correct entrances when circulating through the car parks, a number of totem directional signs are proposed. Six of these are around the main school building and gymnasium, while another two are proposed as part of the Changing Building phase.

- *Totem directional signs are 3'-10" high x 2'-6" wide, with text sized to be clearly visible from afar while driving around the car parking areas.*

PLANNING DEPARTMENT ANALYSIS

General

The application is located in an established area of George Town which is characterised by educational facilities and residential use.

The application seeks Planning Permission for 16 signs consisting of various applications/media types.

Zoning

The property is zoned Institutional.

Specific Issues

1) Scale of sign coverage

Section 5.4 of the Sign Guidelines (2014) provides criteria of signs installed in Institutional Zones:

- a. Freestanding signs shall have a maximum size of 32 sq.ft. and a maximum height of 12 feet.
- b. The total area of all fascia and window signs applied to any given façade shall not exceed 10% of the building facade, which includes window and door area.
- c. One fascia sign is permitted per tenant building frontage, size not to exceed 50% of tenant linear frontage.

The proposed freestanding signs comply with part (a). The façade signs exceed 10% of the building elevation.

Members are invited to consider the size and nature of the signs in relation to the surrounding context.

2.9 BRIERLY RESIDENCE (TAG) Block 22E Parcel 484 (P21-0699) (\$804,250) (NP)

Application for proposed house, garage, cabana, pool, 4' high wall & fence.

FACTS

<i>Location</i>	George Town
<i>Zoning</i>	LDR
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	14,418 sq. ft.
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Side setback to garage</i>	10' proposed vs 15' required

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

In addition to Building Permit requirements, conditions (1-2) listed below shall be met before a Building Permit can be issued.

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 2) The proposed garage shall be setback a minimum of 15 feet from the side boundaries and a minimum of 20 feet from the road boundary. The applicant shall be required to submit a revised site plan depicting same.
- 3) The maximum height of the proposed fence abutting the canal shall be 8 feet above mean sea level.
- 4) 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.
- 5) Construction sites for in-ground swimming pools and spas shall be provided with construction fencing to surround the site from the time that any excavation occurs up to the time of completion. The fencing shall be not less than 4 feet in height.
- 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.

Reason for the decision:

The Authority considered the application and determined that planning permission would be granted since with the requirement for a revised plan showing a 15' side setback the application complies with the Development and Planning Regulations (2021 Revision).

AGENCY COMMENTS

Department of Environment

This review is provided by the Director of the Department of Environment under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).

The application site is man-modified and is of limited ecological value. It is strongly recommend that construction materials are stockpiled away from the canal edge, to prevent construction debris and material from entering the marine environment. It is also recommended that a stormwater management plan is designed for the site to assist in preventing storm water and nutrient laden runoff from entering the marine environment. This will help to mitigate potential water quality impacts on the canal. For the landscaping scheme, native vegetation should be incorporated as native vegetation is best suited for the climate and site conditions as well as being a cost-effective choice.

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 15 ft side setback per Planning Regulation 9 (8)(j);

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: While we have complied with the minimum required setback, we would like to request for a variance due to the odd shape/orientation of the lot. The proposed house itself is still within the required setback. Only portion of the 2-storey garage is beyond the setback line but still 10'-0" away from the nearest distance to the boundary.

We hope that the CPA board will find this acceptable since there is no other place, we can properly fit this area on site without blocking the main house other than its current proposed location. We hope that the board will find this to be acceptable.

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located on an un-named road located off of Edgewater Way.

The property is presently vacant.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Side setback

The applicant is proposing a side setback of 10' for the two-storey garage whereas 15' is required. It is noted that there appears to be satisfactory area on the property to satisfy the required 15 foot setback for the proposed two storey garage.

2) Fence location

The applicant is proposing the fence down to the canal and along the canal. The Authority needs to determine if this fence location is acceptable.

2.10 LARRABEE (Kensington Architectural Design) Block 4C Parcel 551 (P21-0547) (\$3,500) (NP)

Application for proposed 5 foot high wooden fence.

FACTS

<i>Location</i>	West Bay
<i>Zoning</i>	LDR
<i>Parcel size</i>	17,424 sq. ft.
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Detached dwelling

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

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

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 (2021 Revision). Further, the Authority determined that the needs of public safety would be served by the increased fence height to contain the applicant's dogs.

APPLICANT'S LETTER

Further to our application for the erection of a 5 foot wooden fence, we have applied for this height wooden fence as we own two big dogs that keep escaping their leash.

We would be grateful if you could approve our application.

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel of land is located on Penn Lane in West Bay.

The parcel is triangular in shape and currently has an existing chainlink fence located upon the side lot boundaries.

The proposal is to erect a five foot high wooden fence along the entire Penn Lane frontage with an access gate at the driveway. The proposed wooden fence would be setback 4 feet from the roadside boundary and the gate would be setback 20 feet from the road.

A site visit and aerial photography review revealed that neighbouring properties have existing fences that appear to be situated on the road boundary.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Fence height

The proposal is to erect a five foot high wooden fence along the entire Penn Lane frontage with an access gate at the driveway. The proposed wooden fence would be setback 4 feet from the roadside boundary and the gate would be setback 20 feet from the road.

A site visit and aerial photography review revealed that neighbouring properties have existing fences that appear to be situated on the road boundary.

2.11 FLAVIO FRANCA (Tropical Architectural Group Ltd.) Block 4C Parcel 559 (P21-0752) (\$218,625) (EJ)

Application for a house addition.

FACTS

<i>Location</i>	Ching-Ching Lane, West Bay
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.35 ac. (15,246 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.

<i>Current use</i>	House, swimming pool, cabana and shed
<i>Proposed building size</i>	1,749 sq. ft.
<i>Total building site coverage</i>	19.82%
<i>Proposed parking</i>	1

BACKGROUND

August 16, 2010 – Permission granted for a three-bedroom house,

February 07, 2018 – Permission granted for a swimming pool, cabana and storage shed,

May 16, 2018 – Modification granted for reduced swimming pool size,

September 21, 2019 – Modification granted for site design change

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 (2021 Revision).
- 2) The proposed application does not comply with the minimum required side setback per Regulations 9(8)(j) of the Development and Planning Regulations (2021 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.

APPLICANT'S LETTER

"Further to the application submitted in relation to the above referenced Project, we hereby request for a 10' side setback variance which requires a 15' side Setback per Planning Regulation 8 (5) in a Low Density Residential Zone.

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

- (1) Under Regulation 8 (13)(d), the adjoining property owners have been notified of the application.*
- (2) Under Regulation 8 (13)(b), the characteristics of the proposed development are consistent with the character of surrounding area and the proposal will not be materially detrimental to persons residing to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare. We'd like to present the following points for consideration:*
 - a. The lot consist of an existing House, pool & cabana. The proposed Addition location is the most ideal place as it gives direct access from the new game room and the pool deck area. It also offers view from the new master's balcony overlooking the pool as the client's preference.*
 - b. A letter of no objection for the setback was already given by the owner of the adjacent lot 4C558. Please see attached Signed Letter from the neighbor.*
 - c. An existing shed will be relocated on the other side of the house and will be rebuilt within the setback.*
 - d. The proposed addition complied with other Planning regulation."*

PLANNING DEPARTMENT ANALYSIS

General

The applicant proposed a two-bedroom (two-storey) addition which does not meet the required side setback.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Side Setback Variance

The Authority is asked to consider granting a side setback variance from the north boundary for the proposed two-storey addition, proposed at 10' vs 15'; the applicant and notified the adjacent parcels and the department is not in receipt of any objections.

2.12 VISTA SUR MAINTENANCE CO. LTD (APEC Consulting Engineers Ltd.) Block 10A Parcel 68Rem1, 224, 271 & 273 (P21-0760) (\$40,000) (EJ)

Application for proposed 6-ft aluminium fence to replace existing chain-link fence.

FACTS

<i>Location</i>	Yacht Drive, Vista Del Mar in West Bay
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	1.99 ac. (86,937 sq. ft.)

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

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

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 (2021 Revision) and the aluminum fence is more aesthetically pleasing than the existing chain link fence.

AGENCY COMMENTS

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

Department of Environment (NCC)

“This review is provided by the Director of the Department of Environment under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).

We have no comments at this time as the site is man-modified with limited ecological value”

PLANNING DEPARTMENT ANALYSIS

General

The applicant to remove the existing chain link fence and replace with a 6’ Aluminium Fence.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Fence Height

The proposed 6' aluminium fence replaces some existing chain link fence and proposes to run about 600' from the entrance of Bird Island Drive running south easterly to the marina at the end of said Drive.

The Authority is asked to consider the proposed 6' height versus the typically accepted height of 4'.

2.13 ZARED MCLAUGHLIN (Abernethy & Associates) Block 25C Parcel 143 (P21-0707) (\$5,498) (NP)

Application for a proposed 5 lot subdivision.

FACTS

<i>Location</i>	George Town
<i>Zoning</i>	LDR
<i>Notification Results</i>	No objectors
<i>Parcel size</i>	4.73 acres.
<i>Parcel size required</i>	10,000 sq. ft. for dwellings 25,000 sq. ft. for apartments
<i>Parcel width required</i>	80 feet for dwellings 100 feet for apartments
<i>Proposed lot sizes</i>	39,835 sq. ft. to 48,500 sq. ft.
<i>Current use</i>	Vacant

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

- 1) Prior to the commencement of any site works such as road construction (with the exception of minor land clearing needed to establish site levels for the preparation of a stormwater management plan), the applicant shall submit:
 - a) Specifications of any proposed underground utilities; including location, type of utilities, and trench dimensions.
 - b) A stormwater management plan prepared in accordance with the requirements of the Managing Director, NRA and approved by the Central Planning Authority. The plan shall be designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and should include, but not be limited to, the location of all drainage facilities and general grading details of the parcels (roads included). In general, the entire site shall be graded in such a manner that stormwater runoff is no more than that which occurred during predevelopment conditions along private boundaries with any excess

runoff directed to one central drainage facility or a series of facilities. ***The plan shall include proposed lot grading in order to facilitate the implementation of condition 2) b) below. Additionally, if the plan includes drainage swales then cross-sections of the swales must be provided.***

- 2) Prior to the subdivision plan being finalized, the following conditions shall be satisfied:
 - a) All underground utilities shall be inspected and approved by the relevant agencies prior to the utilities being buried.
 - b) The approved stormwater management system shall be installed on site.
 - c) The final subdivision plan shall indicate a vehicular easement over the subdivision access road in favour of each lot. The final plan must be accompanied with the requisite grant of easement forms detailing the easements to be registered.
 - d) The applicant shall provide water infrastructure for the entire sub-division. The developer shall submit plans for the water supply system for approval by the Water Authority. The water supply system shall be installed to the Authority's specifications, under the Authority's supervision. Copies of these specifications are available at the Water Authority's office on Red Gate Road.
 - e) The applicant shall request to have the sub-division connected to the Water Authority's public water system. This request will be acted upon after the pipelines on the sub-division have been installed in accordance with the WAC specifications and have passed all specified tests.
 - f) With the exception of clearing for survey work and clearing and filling for road construction, the lot shall not be cleared or filled until applications to develop the lots have been approved through separate applications for planning permission.
 - g) The surveyor's final drawing **shall include the surveyed dimensions of all lots** and shall be submitted to the Director of Planning for approval prior to the survey being registered.
 - h) The property shall be filled in such a manner as to ensure that the subdivision road (s) and a reasonable building envelope for each lot, and the entirety of all lots designated as Land for Public Purposes, are filled to four (4) feet above mean sea level, with the remaining subdivision land being filled and/or graded to a level that will assist in the drainage of the subdivision per the stormwater management plan required in condition 1) c) above. After filling the site, the applicant shall submit a plan prepared by a registered land surveyor indicating spot heights at regular intervals, including the finished grade of constructed access road(s), if any.

Reasons for the decision:

- 1) With the exception of the width of one lot, which is addressed below, the application complies with the Development and Planning Regulations (2021 Revision).
- 2) There is one lot which does not meet the minimum required lot width per Regulation

9(8)(g) of the Development and Planning Regulations (2021 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 width as follows:

- a) The lot in question has thirty feet in width at the road and contains enough land to accommodate a minimum 22 foot wide future road/driveway as well as landscaping on either side of the future road/driveway.
- 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.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in George Town, south of Raven Avenue and east of Litigate Court.

The property is currently vacant and the aerial photos reveal that portions of the property are low lying with standing water.

Proposed lot sizes range from 39,835 square feet to 48,500 square feet. A right of way over Litigate Court is also proposed.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Road Frontage of Proposed Lot 5

Regulation 9(8)(g) requires a minimum lot width of 80 feet in the Low Density Residential zone. Proposed lot 5 has a width at the road of 30 feet and the Authority should discuss whether this is acceptable.

2.14 RUPERT HUNT (Arnold Berry) Block 43A Parcel 238 (P21-0788) (\$300,000) (JP)

Application for modification of planning permission to include revised septic tank and step/landing area.

FACTS

<i>Location</i>	Red Robin Drive, Bodden Town
<i>Zoning</i>	MDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.5825 ac. (25,373.7 sq. ft.)
<i>Current use</i>	Residential

BACKGROUND

August 15th 2019 (**Administrative Approval**) – Application for three duplexes approved (P19-0772)

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 front and rear setbacks, which is addressed below, the application complies with the Development and Planning Regulations (2021 Revision).
- 2) The proposed application does not comply with the minimum required front and rear setbacks per Regulations 9(8)(i) of the Development and Planning Regulations (2021 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.
- 3) The items proposed within the setbacks (concrete step landing and septic tank) are low lying structures, barely above grade level.

APPLICANT'S LETTER

We have submitted an application on behalf of Rupert Hunt on the above-mentioned block and parcel number.

Notwithstanding regulation 8 (13) (b) (iii) 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;

Notwithstanding 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 owner having constructed the proposed duplexes namely building A, for which he added a rear door which a step had to also be added the setback should be 20'-0" and with the encroachment the setback now stands at 16'-0", (4'-0") with the addition of the rear step this created the encroachment into the rear setback ok building A.

Also building C, the owner also added a concrete pad to house the ac unit for building C, which the side setback should be 10'-0" with the concrete pad being in its present location it has encroached into the setback at 6'-8", (3'-4").

having mentioned the above, we would like to at this time request a variance to the above- mentioned encroachments to be approved as submitted so as to allow the owner to move ahead with his request for the certificate of occupancy.

PLANNING DEPARTMENT ANALYSIS

General

The application site occupies a corner lot bound on two sides by roads.

The application seeks to modify Planning Permission to retain:

- Rear steps;
- Revised location of septic tank.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Rear setback variance (16' v 20')

Regulation 9(7)(i) requires a minimum rear setback of 20'.

The application seeks to retain a step and landing area for the rear access door which

is sited 16' from the boundary.

Members are invited to consider the variance letter in deliberating whether the feature is acceptable.

2) Front setback variance (18' 10" v 20')

Regulation 9(7)(i) requires a 20' setback from the front boundary.

The septic tank has been installed 18' 10" from the front boundary.

Members are invited to consider the variance letter in deliberating whether the feature is acceptable.

2.15 HILARY CAHILL Block 12C Parcel 100 (P21-0600) (\$5000) (AS)

Application for a two (2) lot land strata subdivision.

FACTS

<i>Location</i>	Andrew Dr
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No objections
<i>Parcel Size</i>	.2777 acres (12,096 sq. ft.)
<i>Current Use</i>	Duplex

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.

APPLICANT'S LETTER

"Please find attached our Application to Subdivide (as a Raw Land Strata) 2 x Double Space Parking Lots in the above development. That is 16' x 17' each.

The purpose of this Survey is so that the owners, Hilary & Geoff Cahill can Stratify their Duplex, but the Strata Titles Law requires a minimum of 4 Units, so these 2 Land Units will be added to the 2 Building Strata Units.

A Variance on Lot sizes & areas is therefore required. We make specific reference to Regulation 8(13)(b), and note that this technique has been used by at least 5 other Duplex Developments in the Snug Harbour area, being 12C 68 (SP435), 12C 85 (SP498), 12C 107 (SP494), 12C 153 (SP840) & 12C 139 (SP865)."

PLANNING DEPARTMENT ANALYSIS

General

The application is for a two (2) lot land strata subdivision.

Zoning

The property is zoned Low Density Residential (Hotel Tourism Zone).

Specific Issues

1) Strata lot provisions

The applicant wishes to establish a strata plan for the existing duplexes, but in order to do so there must be four units. In order to achieve the third and fourth units, the applicant is proposing to create two land strata lots for the existing parking spaces. This practice has been accepted by both the Lands and Survey Department and the Central Planning Authority for many years. In this regard, the Development and Planning Regulations were recently amended to include the following provision:

“the minimum lot size, lot width, setbacks and site coverage for land strata lots and volumetric parcels which are intended to allow the conveyance of dwelling units in an approved duplex, apartment building or townhouse shall be at the discretion of the Authority.”

This new Regulation allows the Authority to approve the land strata lots without having to grant variances.

2.16 JUDY HYDES (IWB Architecture) Block 25B Parcel 399 (P21-0616) (\$350,000) (NP)

Application for proposed modification to planning permission.

FACTS

<i>Location</i>	Bodden Town
<i>Zoning</i>	Low Density Residential
<i>Parcel size</i>	11,761.2 sq. ft.
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Foundation for 4 Apartments
<i>Proposed use</i>	5 Apartments

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 Act (2021 Revision) hereby orders that planning permission CPA/29/09; item 2.2 be modified to remove the second storey and permit a maximum of five one-bedroom apartments on the site.

All other conditions of CPA/29/09; item 2.2 remain applicable.

AGENCY COMMENTS

The following comments were received from the Water Authority Cayman, Department of Environmental Health, and Fire Department.

Water Authority Cayman

Wastewater Treatment & Disposal

- *The developer shall provide a **septic tank(s)** with a capacity of at least **1,500 US gallons** for the proposed apartment.*
- *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 licensed driller in strict accordance with the Authority's standards.** Licensed 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.

Department of Environmental Health

DEH has no objections to the proposed in principle.

1. This development require six (5) thirty three (33) gallon bins and an enclosure built to the department's requirements.

a. The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.

b. The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.

Table 1: Minimum Enclosure Dimensions

Number of Containers 5

Width 5' Length 5' Height 2.5'

Fire Department

The Fire Department has stamp approved the drawings.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located along Party Lane in Bodden Town.

Approval was granted for a two-storey apartment building with a total of 4 apartment units in 2009, including one 1 bedroom unit, two 2 bedroom units, and one 3 bedroom unit.

That original approval was modified in October 2015 to add a 328 square foot addition to the apartments.

A Building Permit was issued in October of 2015 for the four apartment units and the 328 square foot addition.

The applicant has applied to modify planning permission by eliminating the second storey and revising the number of apartments to five one-bedroom units.

Parking has been provided for 9 vehicles whereas 8 parking spaces are required.

A review of the 2018 aerial photography revealed that a foundation for four units exists on the property.

Zoning

The property is zoned Low Density Residential.

2.17 GENE THOMPSON (TAG) Block 12C Parcel 190 (P21-0714) (\$309,540) (NP)

Application for proposed change of use – office to ambulatory clinic.

FACTS

<i>Location</i>	George Town, Grand Pavilion
<i>Zoning</i>	Neighbourhood Commercial
<i>Notification Results</i>	No objectors
<i>Office size</i>	8,844 sq. ft.
<i>Current use</i>	Office
<i>Proposed use</i>	Ambulatory Clinic

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 (2021 Revision).

AGENCY COMMENTS

The Department of Environmental Health has provided the following comments:

This application is not recommended for approval until the applicant has provided the following:

- 1. Revised drawing indicating the location of the solid waste enclosure.*
- 2. The location of the Sharps Containers must be indicated on the drawing. a. The applicant must complete a contract with DEH for the removal of the hazardous/medical waste.*
- 3. Approved BCU ventilation drawings must be submitted to DEH for review.*
- 4. Provide details of the sterilization process for the equipment and tools used within the facility.*

PLANNING DEPARTMENT ANALYSIS

General

The subject office is located on the second floor of the Grand Pavilion complex located on West Bay Road.

The present use of the premises is as an office. The proposed use of the space is as an ambulatory clinic.

An ambulatory clinic is defined by Google as “*medical care provided on an outpatient basis, including diagnosis, observation, consultation, treatment, intervention, and rehabilitation services. This care can include advanced medical technology and procedures even when provided outside of a hospital.*”

Zoning

The property is zoned Neighbourhood Commercial.

Specific Issues

1) DEH Comments

DEH has raised a concern about the location of the garbage enclosure, but it already exists. Also, the other issues raised by DEH would be addressed at the time of permit review. These comments should not pose an impediment to granting approval for the application.

3.0 DEVELOPMENT PLAN MATTERS

4.0 PLANNING APPEAL MATTERS

5.0 MATTERS FROM THE DIRECTOR OF PLANNING

5.1 P21-0673 (BS)

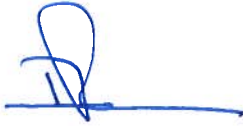
The Director noted that an applicant's agent had submitted signed letters of consent from abutting property owners for a pool application. The Authority discussed the matter and agreed that George McKenzie's letter was acceptable but only if his spouse is not a landowner. If his spouse is a landowner, then two signatures were required. The CLI was indicating a different owner of 32C 466H3 and this should be clarified with the agent.

5.2 Oceans Nine - Block 1C Parcel 271

The Director noted that a request to waive a High Water Mark survey had been received from this apartment development. The Chief Surveyor had submitted a letter stating that the shore was ironshore and that the fixed boundary survey prepared earlier would likely be the same. The Director questioned the Authority as to whether the old survey was acceptable with a letter from the Chief Surveyor outlining that the High Water Mark would not have changed significantly. The Authority discussed the matter and decided that a new survey was not required provided a letter is received from the Chief Surveyor.

6.0 CPA MEMBERS INFORMATION/DISCUSSIONS

The meeting adjourned at 3:35 p.m. The next regular meeting of the Central Planning Authority is scheduled for *Wednesday, September 15, 2021 at 10:00 a.m.* in Conference Room 1038, 1st floor, Government Administration Building.

A handwritten signature in blue ink, consisting of a stylized 'I' and 'P' followed by a horizontal line.

Ian Pairaudeau
Chairman

A handwritten signature in blue ink, featuring a stylized 'H' and 'P' with a long horizontal line extending to the right.

Haroon L. Pandohie
Executive Secretary