Central Planning Authority

Agenda for a meeting of the Central Planning Authority to be held on May 25, 2022 at 10:00am in Conference Room 1038, 1st Floor, Government Administration Building, and Elgin Avenue.

14th Meeting of the Year

Mr. Ian Piraudeau (Chair)
Mr. Handel Whittaker (Deputy Chair)
Mr. Joshua Bernard
Mr. Gillard McLaughlin
Mr. Charles Russell Jr.
Mr. Windel Scott
Mr. Peter Campbell
Mr. Kenneth Ebanks
Ms. Danette McLaughlin
Ms. Shakina Bush
Ms. Christine Maltman, MCIP, AICP
Ms. Celecia Bancroft
Mr. Ashton Bodden
Mr. Haroon Pandohie (Executive Secretary)
Mr. Ron Sanderson (Deputy Director of Planning – Current Planning)

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
List of Applications Presented at CPA/14/22

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<tr>
<td>The Meadows</td>
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<tr>
<td>Pro Plus Construction</td>
<td>11:30</td>
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<td>Charlotte Bailey</td>
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<td>LM De Mercado</td>
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<td>Roger Freeman</td>
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1. 1 Confirmation of Minutes CPA/13/22 held on May 11th, May 2022.
1. 2 Declarations of Conflicts/Interests
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<th>Item</th>
<th>Member</th>
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2.0 APPLICATIONS

APPEARANCES (Items 2.1 to Item 2.6)

2.1 THE MEADOWS (TAG Ltd) Block 9A Parcel 639 (P21-0655) (JP)

Application to modify Planning Permission to revise the site plan and buildings.

Appearance time 11:00

FACTS

Batabano Road, West Bay

| Zoning     | LDR
|------------|-----|
| Notification result | Objectors
| Parcel size proposed | 8 ac. (348480 sq. ft.)
| Current use        | Under construction (residential)
| Proposed building size | 143,874 sq. ft.
| Total building site coverage | 25.77%
| Allowable units    | 120
| Proposed units     | 113

BACKGROUND

March 18, 2020 (CPA/06/20; item 2.32) – application to modify floor plans approved (P20-0122)

January 8, 2020 (CPA/01/20; item 2.2) – Planning Permission granted for 113 units, associated infrastructure and strata subdivision (P19-1049, P19-1047 and P19-1099)

Recommendation: Discuss the application, for the following reasons:

1) Proposed gates on Jubilee Lane
2) Concerns of the objectors

AGENCY COMMENTS

Water Authority

Wastewater Treatment and Disposal

The developer, or their agent, is required to submit an Onsite Wastewater Treatment Proposal, per the attached Form, which meets the following requirements. Water Authority review and approval of the proposed system is a condition for obtaining a Building Permit.
The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer’s guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 22,350 US gallons per day (gpd), based on the following calculations.

<table>
<thead>
<tr>
<th>BUILDING</th>
<th>UNITS/BLDG</th>
<th>GPD/UNIT</th>
<th>GPD/BLDG</th>
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<tbody>
<tr>
<td>Building 1</td>
<td>4 x 1-Bed Units</td>
<td>150gpd/1-Bed</td>
<td>2,100</td>
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<td></td>
<td>4 x 2-Bed Units</td>
<td>225gpd/2-Bed</td>
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<td>4 x 2-Bed Units</td>
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<td>2 x 3-Bed Units</td>
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<td>Building 3</td>
<td>4 x 1-Bed Units</td>
<td>150gpd/1-Bed</td>
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<td>4 x 2-Bed Units</td>
<td>225gpd/2-Bed</td>
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<td></td>
<td>2 x 3-Bed Units</td>
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<tr>
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<td>225gpd/2-Bed</td>
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<tr>
<td></td>
<td>2 x 3-Bed Units</td>
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<tr>
<td></td>
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<tr>
<td>Building 6</td>
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<td></td>
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<td>225gpd/2-Bed</td>
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<tr>
<td>Building 7</td>
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<td>Building</td>
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<td>2 x 3-Bed Units</td>
<td>225gpd/2-Bed</td>
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<td>Building 9</td>
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<td>Building 10</td>
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<td>Building 11</td>
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<td>Building 12</td>
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<td>Building 14</td>
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<td>Clubhouse 2</td>
<td>2,520 sq. ft.</td>
<td>0</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>22,350 GPD</strong></td>
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- **Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority’s standards. The minimum well casing diameter for this development shall be 8”. 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 ATU must enter the disposal well at a minimum invert level of 4’6” 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.

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

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


**Water Supply:**

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

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

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

**OBJECTIONS**

See Appendix A

**PLANNING DEPARTMENT ANALYSIS**

**General**

The application site is located in the West Bay area of the district characterised by low level development or vacant land. To the east, south-west and north-west the application site is bound by vacant land. To the west and south-east significant detached dwellings share boundaries with the application site. Batabano Road, which serves the site, runs along the northern boundary and Jubilee Lane is south-west.

The application seeks to modify an existing planning permission with the following:

- Site plan
  - gas tanks resited
  - gates proposed on jubilee lane
  - aerobic treatment plant moved plus a second one proposed
  - pool minor alterations
- Building 11 and 12
  - reduction in floor area – design overhauled
- Building 8
  - change in design
- Building 10 and 14
  - reduction in floor area – design overhauled
- Building 5
  reduction in floor area – reduced number of bedrooms.
  changed design
- Building 6
  reduction in floor area – reduced number of bedrooms.
  changed design
- Building 1 and 3
  internal alterations only
- Building 2 and 4
  building 2 changed from previously approved.
- Reduction in floor area
  reduced number of bedrooms.
  changed design
- Clubhouse
  increase in floor area.

Zoning
The property is zoned Low Density Residential.

Specific Issues
1) Proposed gates on Jubilee Lane
   The proposed gates form part of the boundary treatment of The Meadows and define the edge of the lane. Members’ attention is drawn to two aspects:

   Stacking
   Siting of the proposed gates along the defined edge would result in vehicles stacking along Jubilee Lane. The gates should be setback in order to ensure the free flow of vehicles along the Lane.

   Despite annotation on the site plan, a swing gate is depicted which would oversail Jubilee Lane creating a hazard for the lane users.

   Width of Jubilee Lane
   The proposed gates would enable vehicles to enter and leave The Meadows through an alternative point. The width and lack of any other information to the contrary would enable two-way traffic to utilise the gate.

   Jubilee Lane measures 16’ 5” at the narrowest point which is inadequate to support two-way traffic whereby a minimum of 22’ in width should be provided.
2.2 PRO-PLUS CONSTRUCTION LTD. (TAG) Block 15E Parcel 95 (P21-1317) ($40 million) (NP)

Application for 8 apartments and a wall.

Appearance at 11:30

FACTS

Location South Sound Road in George Town
Zoning Beach Resort Residential
Notification Results Objections
Parcel size 0.4 acres
Parcel size required 0.5 acres
Current use House
Proposed use Apartments
Building Footprint 3,979 sq. ft.
Building Area 20,305 sq. ft.
Site Coverage 17.2%
Number of Units Allowed 8
Number of Units Proposed 8
Number of Bedrooms Allowed 24
Number of Bedrooms Proposed 8
Parking Required 12
Parking Proposed 13

BACKGROUND

February 9, 2022 (CPA/04/22; Item 2.1) – The Authority resolved to adjourn the application at the request of the applicant. The applicant has since revised the original plans.

Recommendation: Discuss the application, for the following reasons:

1) Lot size (0.4 acres vs 0.5 acres required)
2) Lot width (94’ vs 100’)
3) Building height (4 or 5 storeys)
4) Rear septic setback (22’11” vs 25’)
5) Lack of landscaping abutting proposed driveways
6) Parking design
OBJECTORS LETTERS

See Appendix B

AGENCY COMMENTS

Agency comments received to date have been provided below:

Department of Environment

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

Site Overview

Based on over 20 years of turtle nesting monitoring data, the beach on this site is designated as critical turtle nesting habitat in the National Conservation Council’s 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) (issued under Section 17 (7) of the National Conservation Act (2013)). Sea turtles are listed on Schedule 1 Part 1 of the National Conservation Act (NCA) as being ‘protected at all times’. This designation of critical habitat means that adverse impacts to the habitat either have to be avoided or be able to be mitigated with the imposition of conditions of approval.

Section 41(4) states that every entity (including the Central Planning Authority (CPA)) shall apply for and obtain the approval of the National Conservation Council (NCC) before the making of any decision that would or would be likely to have an adverse effect whether directly or indirectly on the critical habitat of a protected species. The beach at the site is designated critical habitat for a protected species (sea turtles).

Meeting with the Applicant

On 4 January 2022, the Department met with the Applicant on the original plans and discussed the site and our concerns as well as the legal remit under the NCA. We met again on 8 February 2022. During these meetings, the adverse impacts on sea turtle critical habitat were discussed. Revised plans were submitted and provided for review to the Department of Environment on 24 March 2022.

Impacts on the Critical Turtle Nesting Habitat

The coastline in this location is dynamic and experiences significant changes in beach width several times each year under normal conditions. Significant events such as tropical storms, hurricanes and nor’westers produce even greater coastline movement. The vegetation at the site is man-modified and there is an existing house which appears in the earliest aerial photography from 1958. Appendix 1 presents our records of photos from the site. The beach at the site is relatively exposed to the open ocean and is therefore very dynamic and the Mean High Water Mark Survey which accompanies the application and is the basis for calculating
coastal setbacks appears to have been measured during a period of accretion (beach gain).

The Mean High Water Mark, which we confirmed as authenticated by the Lands and Survey Department, was undertaken on 6 October 2021. On 25 January 2022, the Department surveyed the site with a drone. The drone imagery in Figure 3 shows that the Mean High Water Mark (the pink line) is now well into the sea, just three months after it was measured. The drone imagery also clearly shows a smooth area where the waves have washed within a normal 24 hour period. The area landward of that is drier and has visible footprints. Therefore, after a very short period of time, the submitted Mean High Water Mark survey is no longer representative of the on-site conditions.

Figures 4 to 6 show the site after the passage of a cold front in February 2022, and further erosion has taken place. The sea is now much closer to the location of the proposed seawall compared to even one week prior.

For the reasons outlined above, the use of the Mean High Water Mark and the minimum setback of 75 feet in the Development and Planning Regulations were not considered sufficient to avoid severe detrimental impacts on sea turtle critical nesting habitat.

After discussions with the Applicant, the revised plans for the proposed development now show the proposed development as being set back 100 feet from the Mean High Water Mark on the ground floor. The amended plans also show that the proposed development is now set behind the vegetation line and now avoids direct severe detrimental impacts on the sea turtle critical nesting habitat (Figure 9). The proposed development itself will also benefit from this increased setback in terms of resiliency and available beach space for future residents. However, we also strongly recommend the inclusion of other climate resiliency features such as a wash-through ground floor.

We consider that in submitting the amended site plan the Applicant has set the proposed development back sufficiently far from the Mean High Water Mark to avoid severe detrimental impacts to sea turtle critical nesting habitat and the remaining impacts can be satisfactorily mitigated with conditions that have been directed for inclusion in any grant of planning permission.

Construction Impacts
In addition, it is important to ensure that the construction will not have any unacceptable adverse effects on the marine environment. We strongly recommend that Best Management Practices are adopted during the construction to ensure that construction-related debris does not enter the marine environment. We have experienced other developments along the coastline inadvertently polluting the marine environment from wind-borne debris and run-off from stockpiles on the beach. Practices such as sanding down polystyrene which is used as part of wall finishing and window moulding can result in polystyrene getting blown into the sea in significant quantities. This waste material is extremely difficult to remove once it enters the water and it does not biodegrade.

DIRECTED CONDITIONS
Therefore, 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 the following conditions be imposed by the Central Planning Authority as part of any agreed proposed action for planning approval:

- The applicant shall prepare and submit a plan for review and approval to the Department of Environment for turtle friendly lighting, which impacts on sea turtles. Guidance on developing a lighting plan can be found in the DoE’s Turtle Friendly Lighting: Technical Advice Note (September 2018) available from https://doe.ky/marine/turtles/tfl/.

- Windows and glass doors located within line-of-sight of the beach should be designed for a Visible Light Transmittance (VLT) of 15% or less through the use of tinted glass, window film, or screens.

- Prior to the commencement of works, the property owner shall contact the DoE to check for the presence of turtle nests; written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.

- Prior to the commencement of site works, beachside construction fencing associated with the works shall be positioned 75 feet from the Mean High Water Mark (to maximise turtle nesting habitat). The fencing shall be erected so that it fully encloses the beach facing area of works and is embedded at least 2 feet into the beach profile to prevent turtles from entering the construction site or digging under the fencing.

- All construction materials shall be stockpiled a minimum of 75 feet from the Mean High Water Mark, on the landward side of the construction fencing.

- All vegetation located within the 75-foot coastal setback shall be retained.

- Lighting shall be installed and maintained in accordance with the turtle friendly lighting plan which has been reviewed and approved by the DoE. The DoE will inspect the installed lighting for compliance with the approved turtle friendly lighting plan once construction is complete.

- Any sand that is to be excavated during construction shall be retained on-site and beach quality sand shall be placed along the active beach profile. Placement on the beach during turtle nesting season will require the written consent of the DoE, to ensure that no nests will be impacted. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand offsite, it shall be the subject of a separate consultation with the National Conservation Council.

These conditions are directed to prevent the ‘take’ of sea turtles (Part 1 Schedule 1 species of the National Conservation Act) and adverse impacts to the critical habitat of sea turtles, which 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) (issued under Section 17 (7) of the National Conservation Act (2013)).

A person aggrieved by a decision of the National Conservation Council may, within 21 days of the date on which the decision is received, appeal against it to the Cabinet by serving on the Cabinet notice in writing of the intention to appeal and the grounds of the appeal (Section 39 of the National Conservation Act, 2013). We trust that the Central Planning Authority will relay this to the applicant in its decision notice.

**RECOMMENDED CONDITIONS**

Additionally, it is **recommended** that the following conditions are imposed should planning permission be granted:

- Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the marine environment.

**Department of Environmental Health (DEH)**

DEH has no objections to the proposed in principle.

This development require eight (8) 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.

**Minimum Enclosure Dimensions**

- Number of Containers 8
- Minimum Dimensions – Width 5’ Length 10’ Height 2.5’

**Fire Department**

The Fire Department has stamp approved the drawings.

**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, based on the following calculations:
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<tr>
<th>BUILDING</th>
<th>UNITS/BLDG</th>
<th>GPD/UNIT</th>
<th>GPD/BLDG</th>
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<tbody>
<tr>
<td>Apartments</td>
<td>8 x 1-Bed + Den Units</td>
<td>225gpd/Unit</td>
<td>1,800</td>
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<td><strong>TOTAL</strong></td>
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<td><strong>1,800 GPD</strong></td>
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- 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 4’11” above MSL.** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.

For Water Authority approval at BCU stage, a detailed profile drawing of the proposed wastewater treatment system is required. The drawing shall indicate:
1. If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank).
2. All dimensions and materials shall be provided for any site-built tanks.
3. 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.

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)

The Water Authorities updated 2020 effluent disposal well specifications.

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

**Elevator Installation**
Hydraulic elevators are required to have an approved pump with oil-sensing shut off installed in the sump pit. Specifications of the proposed pump shall be sent to the Water Authority at development.control@waterauthority.ky for review and approval.

**Generator and Fuel Storage Tank(s) Installation**
In the event underground fuel storage tanks (USTs) are used the Authority requires the developer to install monitoring wells for the USTs. The exact number and location(s) of the monitoring wells will be determined by the Authority upon receipt of a detailed site plan showing location of the UST(s) and associated piping. The monitoring wells shall comply with the standard detail of the Water Authority linked below. All monitoring wells shall be accessible for inspection by the Authority. In the event above ground fuel storage tanks (ASTs) are used, monitoring wells will not be required.
Water Supply
The proposed development site is located within the Water Authority’s piped water supply area.

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

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

National Roads Authority

As per your memo dated December 21st, 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Retaining Wall
The four (4)ft retaining wall shall be no higher than two (2) ft ten (10) ft from the roads right of way in order to satisfy sight line for exiting vehicles. Please have applicant comply.

Driveway to Underground Parking
The proposed slope of the driveway to the underground parking (as shown on drawing A-101) at 9.3% (1 1/8”:.12”) is too steep as the maximum recommended is 8%. Please have applicant adjust.

Road Capacity Issues
The traffic demand to be generated by a residential development of eight (8) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added onto South Sound Road is as follows:
<table>
<thead>
<tr>
<th>Expected Daily Trip</th>
<th>AM Peak Hour Total Traffic</th>
<th>AM Peak 20% In</th>
<th>AM Peak 80% Out</th>
<th>PM Peak Hour Total Traffic</th>
<th>PM Peak 65% In</th>
<th>PM Peak 35% Out</th>
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</thead>
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<td>1</td>
<td>3</td>
<td>5</td>
<td>3</td>
<td>2</td>
</tr>
</tbody>
</table>

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

**Access and Traffic Management Issues**

One-way driveway aisles shall be a minimum of twelve (12) to sixteen (16) ft wide.

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

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

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

**Stormwater Management Issues**

The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff **within the subject parcel** and retain existing drainage characteristics of the site as much as is feasible through innovative design and 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 South Sound Road. Suggested dimensions of the ‘hump’ would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.

- Curbing is required for the parking areas to control stormwater runoff.

- Roof water runoff should not drain freely over the parking area or onto 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](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 Act (2005 Revision). For the purpose of this Act, 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.

**APPLICANT’S LETTER**

Further to the application submitted in relation to the above referenced Project, we hereby request for a lot variance which requires a minimum of 0.5 acre lot size for apartment units per Planning Regulation 15 (4)(a)(iii); and a lot width variance which requires a minimum of 100 ft for apartments per Planning Regulation 9 (8)(g); a setback variance which requires minimum of 25’ setback from the road per Planning Regulation 15(4)(b)(ii)

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 site is only 0.4 acres wherein the Planning Regulation requires at least half an acre of lot for an apartment development. The site is considered a ‘Legacy Lot’ which was registered during the 1975 before the Planning Regulation has been written. Therefore, several legacy lots on the area with existing houses/structures are considered undersized (e.i Developments on 15E93, 15E142 and 15E143) which are all under 10,000sq ft. for a house/duplex. The site will be immense for a house or duplex, and building an apartment was intended to utilize the property.

While the site is under the required size, the number of units proposed is limited to what the site can accommodate by following the 15 units per acre requirements. Also, all the proposed developments on the ocean side outside the 75’ HWM setback has been removed. The only setback we are requesting which we hope the board will consider is the setback for the septic tank since this is the only location we can fit it in. The septic tank is approximately 10 inches outside the setback, but still 24’-2” away from the nearest boundary line.
PLANNING DEPARTMENT ANALYSIS

General
The subject property is located on South Sound Road in George Town, two properties east of Careys Black Coral.

The property currently contains a house and the proposal is for 8 one bedroom apartments with den.

Adjacent properties were notified by Registered Mail and objections have been received.

The original submission included a seaside pool, seawall and cabana but these features have been removed from the site plan due to objectors’ comments.

Zoning
The property is zoned Beach Resort Residential.

Specific Issues
1) Lot size (0.4 acres vs 0.5 acres required)
   Regulation 15(4)(a)(iii) states that the minimum lot area for an apartment shall be 0.5 acres.
   The subject property has a lot area of 0.4 acres.
   The applicant has submitted a variance letter and the Authority should consider whether a variance is appropriate in this instance.

2) Lot width (94’ vs 100’ required)
   Regulation 15(4)(d) requires a minimum lot width of 100 feet for apartments.
   The subject property has a width of 94 feet.
   The applicant has submitted a variance letter and the Authority should consider whether a variance is appropriate in this instance.

3) Building height
   The building is designed with a basement parking level with 4 floors above that. The basement level is exposed on the sides of the building and would appear to represent a 5th floor which would not comply with the Development and Planning Regulations.

4) Rear setback
   Regulation 15(4)(b)(ii) requires a minimum 25 foot road setback for buildings exceeding one storey.
   The proposal is for a septic setback of 22’ 11”.
   The applicant has submitted a variance letter and the Authority should consider whether a variance is appropriate in this instance.

5) Lack of landscaping abutting proposed driveways
   The site plan depicts fifteen foot wide access driveways on each side of the building as well as five foot wide “driveable terrain” strips on each side of the driveway. This twenty foot wide area is required to satisfy fire vehicle access on the sides of the building.
However, this design does not leave an area for a landscaping strip between properties. Typically, the Department requests such a landscaping strip to buffer adjacent uses from higher density development.

6) Parking lot design

The site plan depicts two outdoor parking spaces at the end of each driveway. This will lead to vehicles reversing into the access driveways and may cause traffic conflicts, especially on the west side of the building, where there is a wall blocking the view of vehicles reversing.

2.3 CHARLOTTE BAILEY (CS Designs) Block 44B Parcel 3 (P22-0116) ($800,000) (NP)

Application for a house & pool.

Appearance at 1:00

FACTS

Manse Road in Bodden Town

Zoning

Beach Resort Residential

Notification Results

No Objections

Parcel size

16,988 sq ft

Parcel size required

10,000 sq ft

Current use

House

Proposed use

House and Pool

Building Footprint

3,028 sq ft

Building Area

4,325 sq ft

BACKGROUND

13 April 2022 (CPA/11/22; Item 2.15) – The Authority resolved to adjourn the application in order to invite the applicant in to discuss the proposed setbacks.

Recommendation: Discuss planning permission for the following reasons:

1) Pool HWM setback (68’ vs 75’)
2) West side setback (House) (4’3” vs 20’)
3) Septic setback (10’ vs 20’)
4) Road setback (2’ vs 25’)
5) Department of Environment comments

AGENCY COMMENTS

The following comments have been received to date:
Department of Environment

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

SITE OVERVIEW

The subject parcel is located adjacent to a Marine Protected Area, namely a Marine Reserve and based on over 20 years of DoE turtle nesting monitoring data, the beach on this site is identified as critical turtle nesting habitat in the National Conservation Council’s 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) (issued under Section 17 (7) of the National Conservation Act (2013)).

As per Sections 41 (4) and (5) of the National Conservation Act, 2013 (NCA), this designation of critical habitat means that adverse impacts to the habitat either have to be avoided or be able to be mitigated with the imposition of conditions of approval. It also means that the National Conservation Council is able to direct/stipulate the inclusion of those conditions in any Planning Permission that may be given. All marine turtle species are listed in Part 1 of Schedule 1 to the NCA, as being ‘protected at all times’.

IMPACTS ON SEA TURTLES

Artificial Lighting Impacts
Artificial lighting on and around turtle nesting beaches is one of the greatest threats to the survival of Cayman’s endangered sea turtle nesting populations. Bright lights on or near the beach can deter female turtles from nesting and cause baby turtles to crawl away from the sea, where they die from dehydration, exhaustion, predators or vehicles.

Turtle friendly lighting has been a legal requirement in ordinances in the United States for over 30 years. It is a proven solution to prevent the misorientation of sea turtles whilst safely and effectively lighting beachside properties. The Department strongly recommends the use of turtle friendly lighting on turtle nesting beaches. Figures 1-3 show examples of properties in Grand Cayman that have turtle friendly lighting installed.
Figures 1-3: Properties retrofitted to turtle friendly lighting along Seven Mile Beach, Grand Cayman.

**Construction Impacts**

Operating heavy machinery during land clearing and construction presents a threat to nesting sea turtles. Construction works not only disturb the physical nesting habitat but heavy machinery and associated works can crush or bury baby sea turtles and turtle nests. The excavation of the foundations for the house, pool and ancillary structures will likely result in a large quantity of sand. The sand is another key component of what makes the application site good for sea turtles. For this reason, any excavated beach-quality sand should be retained on-site.

**CLIMATE CHANGE**

The DoE notes that the applicant’s proposed structures are located closer to the Mean High Water Mark (MHWM) than the existing house (see Figure 4). In particular, we note that the proposed pool and pool deck are located approximately 68 feet from the MHWM and do not meet the minimum 75-foot coastal setback for beaches required in the Development & Planning Regulations. The Department strongly maintains its stance that coastal setbacks should not be reduced but instead should be treated as a minimum (as prescribed in the Development & Planning Regulations). Setbacks seek to reduce the impacts of storm-related damage upon coastal infrastructure and ensure that development does not encroach onto the “active” part of a beach, as the back beach holds reserves of sand that are critical for sediment supply during periods of storm activity and erosion. The importance of setbacks is amplified when considered within the context of climate change predictions for the region, which include sea-level rise and increased intensity of storm events (including storm surge). Inappropriately sited development (either on the active beach or too close to the MHWM) reduces a beach’s potential to recover after major events. This “squeezing” of the beach caused by inappropriately sited development and climate change-induced storms and inundation may reduce the potential area that serves as a turtle nesting habitat.

The DoE is of the opinion that rebuilds, additions and modifications of developments should seek to build in a more sustainable and climate-resilient manner. For this reason, the Department does not support a coastal setback variance. The DoE encourages applicants to exceed the minimum coastal setbacks wherever possible and incorporate climate-resilient features such as elevated structures and wash-through ground floors. Increasing the coastal setback increases the resilience of properties against the inevitable effects of climate change such as coastal flooding, storm surge and erosion by ensuring that hard structures are located in a way that reduces their susceptibility to these hazards.
IMPORTANCE OF COASTAL VEGETATION

Coastal habitat incorporates a variety of salt and wind tolerant flora. Native coastal shrubland is high in ecological value, providing a biodiverse habitat for native wildlife in addition to stabilizing the shoreline and reducing erosion. Once vegetation has been cleared from a site, it often results in wind-borne erosion of the land and general coastal erosion. Coastal vegetation is therefore important for the integrity of the beach to ensure there is an appropriate nesting habitat for sea turtles. Beach vegetation is also thought to play an important role in sea turtle nest site selection, hatch success, hatchling fitness, sex ratio, and sea finding.

We strongly urge the applicant to plant and incorporate native vegetation when landscaping. Native vegetation is best suited for the habitat conditions of the Cayman Islands, requiring less maintenance and less supplemental irrigation, meaning once it is established, landscaping with native vegetation is a very sustainable and cost-effective choice. Landscaping with native vegetation also has a positive impact on our islands’ biodiversity by providing habitat and food for native fauna.

CONSTRUCTION DEBRIS IMPACTS ON MARINE ENVIRONMENT
We have experienced developments along the coast inadvertently polluting the marine environment from wind-borne debris. For example, the Department has witnessed and experienced complaints from members of the public regarding pollution from expanded polystyrene (EPS) beads on construction sites around the island (Figures 5-9).

Figures 5-7: DoE site visit photos showing the bits of white polystyrene material littering local development sites. The beads from the first two images made their way into the adjacent Marine Reserve and neighbouring properties. Neighbours complained to the DoE about the pollution. Developers attempted to remedy the situation by cleaning neighbouring pools and yards daily but it was impossible to collect all of the beads, especially once they entered the marine environment. A screen was then fastened around the building to contain the beads. The last image was taken at a construction site located on the same critical turtle nesting beach coastline as the application site.

Figures 8 & 9: Cayman Compass photos from a news article showing polystyrene pollution from a development on a turtle nesting beach which is also adjacent to a Marine Protected Area.

EPS is used in a variety of applications, including thermal insulation in buildings, civil engineering applications and decorative mouldings and panels. During construction, once EPS is cut, tiny microbeads are blown into the air, polluting neighbouring yards, stormwater drains, and nearby water bodies. Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife where it enters the food chain. EPS beads that make their way to the sea can be mistaken by fish and birds as fish eggs and have the potential to cause blockages in their digestive systems. It is almost impossible to collect the polystyrene beads once they have become wind-borne.
We strongly recommend that best management practices be adopted during the construction process to ensure that construction-related debris does not enter the Marine Protected Area or pollute the critical turtle nesting beach.

**DIRECTED CONDITIONS**

On the basis of the above information, 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 therefore respectfully stipulates that the following conditions be imposed by the Central Planning Authority or Department of Planning, as part of any agreed proposed action for planning approval:

1. **In order to conserve critical turtle nesting habitat, the proposal shall be revised so that all hard structures including the pool, pool deck and any other ancillary features are set back a minimum of 75 feet from the Mean High Water Mark (as required in the Development & Planning Regulations).**

2. **The applicant shall, prior to the issuance of a Building Permit, prepare and submit a turtle friendly lighting plan which minimises the impacts of artificial lighting on sea turtles. The plan shall be reviewed and approved by the Department of Environment, in accordance with the DoE’s Turtle Friendly Lighting: Technical Advice Note (September 2018) available from [http://doe.ky/marine/turtles/turtle-friendly-lighting/](http://doe.ky/marine/turtles/turtle-friendly-lighting/).**

3. **Lighting shall be installed and maintained in accordance with the turtle friendly lighting plan which has been reviewed and approved by the DoE. The DoE will inspect the exterior lighting for compliance with the approved turtle friendly lighting plan once construction and the installation of the fixtures are complete.**

4. **Prior to the commencement of works, the applicant or applicant’s agent shall contact the DoE to check for the presence of turtle nests; written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.**

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. **Beachside construction fencing associated with the works shall be positioned at least 75ft from the Mean High Water Mark (to maximise turtle nesting habitat) and the fencing shall be erected so that it fully encloses the beach facing area of works and is embedded at least 2 feet into the beach profile to prevent turtles entering the construction site or digging under the fencing, during nesting season.**

7. **All construction material shall be stockpiled landward of the beachside construction fencing.**

8. **If the construction is using insulating concrete forms (ICFs), measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure...**

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that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the critical turtle nesting beach and adjacent Marine Protected Area offshore.

9. Any sand excavated during construction shall be retained on-site and beach quality sand shall be placed along the active beach profile. If sand is to be placed on the beach during turtle nesting season (1st May – 30th November yearly), the express consent of the DoE is required to ensure that turtle nests are not adversely impacted.

10. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand off-site, it should be the subject of a separate consultation with the National Conservation Council.

These conditions are directed to prevent run-off and debris from entering the Marine Protected Area causing turbidity and impacting sensitive marine resources. They are also directed to prevent the ‘take’ of sea turtles (Part 1 Schedule 1 species of the National Conservation Act) and adverse impacts to the critical habitat of sea turtles, which 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) (issued under Section 17 (7) of the National Conservation Act (2013)).

A person aggrieved by a decision of the National Conservation Council to impose a condition of approval may, within 21 days of the date on which the decision is received from the Central Planning Authority/Department of Planning, appeal against the decision of the Council to the Cabinet by serving on the Cabinet notice in writing of the intention to appeal and the grounds of the appeal (Section 39 of the National Conservation Act, 2013). We trust that this information will be relayed to the applicant in the Department of Planning’s decision letter.

APPLICANT’S LETTER

With reference to the subject above, we hereby request for the following setback variance:

- Road setback = 2’-0” minimum
- Right-side setback = 4’-3.5” minimum
- Left-side setback = 10’-03/4” to septic tank
- High Water Mark setback = 68’-10.5” minimum to Pool trough

The above setback encroachments are based on the footprints of the existing single-storey House that will be refurbished and expanded to create a two-storey House with an attached single-storey Garage. It is important to note that the new two-storey section of the house is within the prescribed setback regulations.

The house setbacks on the north and west side boundaries are exactly in line with the footprint of the house that is currently constructed on the property. The new house footprint has been designed to allow for the use of the entire sub-structure of the
existing house by designing a 1(one) car garage in the location of the living room of the current house. The proposed garage will serve as a buffer between the road and the main living area of the new house.

Furthermore, we are cognizant that the area is zoned as Beach Resort/Residential which, requires a minimum 20’ front and side setbacks and 75’-0” HWM setback, however, most of the surrounding buildings in the area currently have front and side setbacks up to less than 1’-0” from the boundary lines and less than 75’-0” setback from HWM. This is particularly evident on the adjacent house on Block 44B Parcel 380 which has a side setback of +/-1’-3 1/4” and HWM setback of +/-61’-6”. There is clear precedent in the area in terms of setbacks encroachments.

As per Regulation 8(13)(b) side setback variances are: (i) consistent with the character of the surrounding area; (iii) 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. Also, as per Regulation 8(11) seaside setback variance may be permitted at a lesser distance than what’s prescribe, having regard to: (e) the location of adjacent development.

Below are photos of the existing house on parcel 3. Also, enclosed is an aerial map showing properties that are within 1000 feet of the existing structure where several lots with setback encroachments are highlighted.

As indicated, the new design will maintain the sub structure of the entire old structure’s footprint. We felt that this was fundamental to maintain the old Caymanian charm of the new home to ensure that it doesn’t affect the aesthetics and community feel of the surrounding area along Manse Road.

We have notified adjoining property owners of the application via registered mail, and we are currently not aware of any objections to the setbacks, or any other matters related to the design of the new house.

We respectfully ask that you consider our request and provide approval for the construction of the new house, which will complement the beauty and history of this historical area. Should you need further information, please do not hesitate to contact us directly.

PLANNING DEPARTMENT ANALYSIS

General
The subject property is located on Manse Road in Bodden Town.

The proposal is for a house and pool.

There is an existing house located on the property. The existing house does not meet the north (road) or west (side) setback requirements. The applicant proposes to use a portion of the existing house for a garage so the existing setbacks will not change for that portion of the house.

Zoning
The property is zoned Beach Resort Residential.
Specific Issues

1) Pool HWM setback (68’ vs 75’)
   Regulation 8(10)(f) requires a minimum 75 foot seaside setback where the coastline is beach.
   The applicant is proposing a 68’ seaside setback to the edge of the pool.
   The applicant has submitted a variance letter and the Authority should discuss whether the request is justified in this instance.

2) West side setback – House (4’3” vs 20’)
   Regulation 15(4)(b)(i) states that side setbacks shall be a minimum of 20 feet.
   The proposed west side setback is 4’3”, the same amount as the existing building.
   The applicant has submitted a variance letter and the Authority should discuss whether the request is justified in this instance.

3) Septic setback (10’ vs 20’)
   Regulation 15(4)(b)(i) states that side setbacks shall be a minimum of 20 feet.
   Setbacks are to be measured to septic tanks and the proposed side setback to the buried septic is 10 feet.
   The applicant has submitted a variance letter and the Authority should discuss whether the request is justified in this instance.

4) Road setback (2’ vs 25’)
   Regulation 15(4)(b)(ii) states that the rear setback shall be 25 feet for a two storey structure.
   The proposed house is setback 2 feet from the east boundary, the same amount as the existing building.
   The applicant has submitted a variance letter and the Authority should discuss whether the request is justified in this instance.

2.4 FABIAN WHORMS (Island Drafting) Block 28B Parcel 68 (P22-0167) ($1,798,200) (NP)
   Application for 5 apartments & 1 duplex.
   Appearance at 1:30

FACTS

Location          Meadowlark Road in Bodden Town
Zoning           Low Density Residential
Notice Requirements Objectors
Parcel size       21,235.5 sq. ft.
Parcel size required 37,500 sq. ft.
Current use      Vacant
Proposed use: 5 Apartments, 1 Duplex
Building Footprint: 5,125 sq ft
Building Area: 9,719.8 sq ft
Site Coverage: 24.1%
Number of Units Allowed: 3 & 1 Duplex
Number of Units Proposed: 5 & 1 Duplex
Number of Bedrooms Allowed: 4
Number of Bedrooms Proposed: 10
Parking Required: 11
Parking Provided: 15

BACKGROUND
NA

Recommendation: Discuss the application, for the following reasons:
1) Lot size (21,235.5 sq ft vs 37,500 sq ft)
2) Number of apartments (5 vs 3)
3) Number of bedrooms (10 vs 4)
4) Rear setback (15’ vs 20’)
5) Concerns of the Objectors

AGENCY COMMENTS
The following agency comments have been received to date.

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

The Department notes that the majority of the subject parcel is predominantly seasonally flooded mangrove habitat (as shown in Figure 1 below) with some man-modified habitat along the parcel’s northern roadside boundary. The parcel to the immediate east of the subject parcel (28B/183) belongs to the National Trust and forms Governor Michael Gore’s Bird Sanctuary (a parcel protected under the National Trust Act (2010)). This Bird Sanctuary forms a part of the “freshwater marshes of the Spotts-Newlands area which are a roosting, feeding and breeding habitat for several freshwater bird species, many of which do not benefit from the system of animal sanctuaries in saline coastal lagoons.”

1 National Trust for the Cayman Islands 2022, accessed 8 October 2022 <nationaltrust.org.ky>.
Although the Development and Planning Regulations (2022 Revision) require a 20ft minimum rear setback, currently the plans propose a 15ft setback for one section of the proposed northern apartment building and the septic tank and an approximate 4ft setback of the car parking area, as shown in Figure 2 below.
Hard surfaces remove the functionality of the habitat, including its carbon and stormwater storage capacity and can direct hydrocarbon-laden run-off into the Bird Sanctuary. For this reason, the DOE recommends that at a **minimum the 20-foot rear setback** should be met as required by the Development & Planning Regulations (2022). There should be no hard structures or surfaces within the 20-foot setback and the vegetation should be retained in its natural state, with mangroves left intact. If a greater buffer can be established this would be supported by the Department as it provides the following benefits:

- Interception of nutrients and sedimentation and other potential contaminants contained in runoff from developed properties, which can contribute to eutrophication and pollution of the pond.
- Provision of a functional area of habitat for birds and other wildlife currently existing there.
- Maintenance of flood protection services and natural stormwater management for the surrounding area.
- Physical barrier to reduce disturbance of wildlife (especially waterfowl).
- Retention of the aesthetic value of the pond through the preservation of natural fringing vegetation.
- Reduction in impacts on established ecosystems and diversity of native flora.
Should the Central Planning Authority or Planning Department be minded to grant planning permission for the proposed development we strongly recommend the inclusion of the following is listed as conditions of the approval:

- As a minimum the 20-foot rear setback shall be maintained as a buffer between the development and the National Trust’s protected parcel (28B/183), Governor Michael Gore Bird Sanctuary. There shall be no hard structures or hard surfaces within the 20-foot rear setback buffer. All vegetation that falls within the 20-foot rear setback shall be retained in its natural state and shall not be altered or removed.

- Stormwater management for the site shall be designed in a manner that disposes of stormwater on-site and prevents direct run-off from entering the Governor Michael Gore Bird Sanctuary.

In addition, we recommend that the National Trust should be consulted as a part of the review of this application and that the site is not cleared until development is imminent to allow the primary habitat to continue to provide its ecosystem functions.

We also recommend that the applicant retains mature native vegetation where possible and plants and incorporates native vegetation into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the Cayman Islands, requiring less maintenance and less supplemental irrigation, meaning once it is established, landscaping with native vegetation is a very sustainable and cost-effective choice. Landscaping with native vegetation also has a positive impact on our islands’ biodiversity by providing habitat and food for native fauna.

We also take the opportunity to remind the applicant that mangroves are protected under the Species Conservation Plan for Mangroves (2020) in accordance with the National Conservation Act (2013). It is an offence to remove mangroves unless permission is explicitly sought to remove them either through planning permission or a National Conservation Council Section 20 permit. With guidance, mangroves can be trimmed to give vistas without causing severe injury to or killing mangroves. Should the applicant wish to trim the mangroves, it must be done in accordance with the Department of Environment’s Mangrove Trimming Guidelines (www.doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/).

**Department of Environmental Health**

**Solid Waste Facility:**

1. DEH has no objections to the proposed in principle. This development require 7 (7) 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.
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 apartments, based on the following calculations:

<table>
<thead>
<tr>
<th>BUILDING</th>
<th>UNITS/BLDG</th>
<th>GPD/UNIT</th>
<th>GPD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building A</td>
<td>2 x 2-Bed Units</td>
<td>225gpd/2-Bed</td>
<td>450</td>
</tr>
<tr>
<td>Building B</td>
<td>5 x 2-Bed Units</td>
<td></td>
<td>1,125</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td><strong>1,575 GPD</strong></td>
</tr>
</tbody>
</table>

- 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 4’11” above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.

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

1. If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank).
2. All dimensions and materials shall be provided for any site-built tanks.
3. 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)
7. A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.

Stormwater Management

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

**Water Supply**

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

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

**Fire Department**

The Fire Department has stamp approved the drawings.

**APPLICANT’S LETTER**

We have submitted an application on behalf of Mr. Fabian Whorms to Construct seven apartments on the above-mentioned block and parcel number,

Not with standing 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;

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

With the registered area of this parcel being 0.4875 Area (21,235.50 Sq. Ft.). Which the proposed development falls short of the required minimum area required for the development of apartments in the low-density residential zoning, the area which the parcel falls short is approximately 3764.50 sq. as mentioned above we would like to request the lot size variance be granted to allow the proposed apartment to be approved as submitted.

The rear set back of building A which as presented for approval is closer than the required
20'-0” minimum setback in this case 15'-0” having taken into consideration the unusual shape of the proposed parcel of land it would place the proposed building A rear setback at approximate 15'-0”.

We would appreciate the board’s favorable decision to the above-mentioned variance requests.

**OBJECTORS LETTERS**

**Letter #1**

The National Trust for the Cayman Islands (NTCI) is writing to register our objection to the development of the above-referenced parcel. As an adjacent landowner, the National Trust has concerns regarding the plans and is grateful for the opportunity to discuss how these proposals will impact our land, which we hold for the benefit of the people of the Cayman Islands.

Parcel 28B68 is ecologically a part of Governor Gore’s Bird Sanctuary, a National Trust protected area in the district of Savannah. This sanctuary is located in a suburban area and acts as a community park, as well as an oasis for wildlife in an otherwise developed area. Due to our porous limestone terrain, areas of surface water such as this are very rare in the Cayman Islands. Named after Cayman’s former Governor Michael J. Gore, this freshwater wetland is a habitat for over 60 bird species—a quarter of all the bird species native to the Cayman Islands. The pond is also a stopover for migratory birds. These disappearing ecosystems are vital for migratory birds to rest and feed before completing their long journeys. Butterflies congregate in this area and the native freshwater turtle, the Hickatee, has often been spotted among the reeds. The endemic freshwater mosquito fish, Cayman gambusia, is also found here. This pond can be critical during the dry season when it may be the only substantial body of freshwater in the area.

It is also important to remember that urban and suburban parks are essential for nearby communities. Parks and protected public lands are proven to improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide buffers to development, produce habitat for wildlife, and provide a place for children and families to connect with nature and play outdoors together. Studies show that time in parks and other outdoor spaces are significantly correlated with reductions in stress, lowered blood pressure, physical health and mental wellbeing. Parks are a major factor in the quality of life in a given community and enhance property values.

The landowner of parcel 28B68 is applying to put up seven apartments on a half-acre, removing all vegetation and laying an asphalt parking area all the way to the boundary line of the Sanctuary. Clearing the forest will likely permanently mar the view from the Sanctuary’s boardwalk, a site enjoyed by locals and visitors alike. The development will take away from the peace and serenity that can be felt when visiting the Sanctuary.

The septic tank for the 7 units is located 10 feet from the National Trust land and is likely to impact water quality. Septic leakage can lead to eutrophication, a process whereby nutrient overloads cause algae to grow and mass fish kills. This is a major nuisance (e.g. smell, sight) that could have health implications for nearby residents as well as people who use the Sanctuary.
We must insist that the landowner observe a 25-ft natural buffer to shield the pond and its beauty from the effects of the development. This buffer will also protect the developer from all too common mistakes by heavy equipment operators. According to Section 18 of the National Trust Act, a person who takes or attempts to take any wildlife, either flora or fauna on Trust Property, or defaces any Trust property is guilty of an offence. A person who is convicted of an offence under this Law is liable to a fine of five thousand dollars or imprisonment for one year.

Contractors, especially when clearing land, often have difficulty 'staying within the lines' and inadvertently clear beyond a landowner’s property boundary. The National Trust is severely concerned that our property will be accidentally impacted and that there will be a visual/noise impact on people enjoying Governor Gore's Bird Sanctuary.

We request that the CPA impose a condition requiring a buffer of 25 feet to be retained in its natural state adjacent to the National Trust land to ensure that:

• Governor Gore's Bird Sanctuary continues to provide a desirable park and amenity to the neighbourhood, including future residents of the landowner’s development, and
• The landowner and contractors do not commit an offence by harming National Trust property.

We feel strongly that the preservation of this sanctuary which benefits our community should not be sacrificed for the benefit of just one landowner. The National Trust has offered (and continues to offer) to purchase this parcel from the landowner at fair market value including the expenses incurred so far in the planning and development process. Governor Gore’s Bird Sanctuary provides a valuable amenity to the neighbouring community and to our overall tourism product. We cannot allow incursions into our irreplaceable and rapidly disappearing national environmental assets.

Letter #2

I, Brad Conolly, hereby write to officially object to the application for planning permission to construct seven apartments on Block and Parcel 288/68.

My objection grounds are outlined below:

• There are already 4 other large apartment complexes and two duplexes within Meadowlark Road accounting for over 25 homes.

• Adding another apartment complex within this one-mile radius (I have calculated this myself and you can double check this information) all on the same road simply doesn't seem logical. If this is added you are looking at having over 40 “homes” in one single road within this one-mile radius. This in itself should be enough for this project not to be approved.

• There is a 20 h x 20 ft pond on the development property where whistling ducks and turtles and several species of birds spend a lot of time. That is an unnecessary disruption to their habitat.

• Several children from around Meadowlark Road ride their bicycles in relative safety on the road at present. Adding possibly another 25+ vehicles coming and going increases the risk of an incident or the fear of them/their
parents not wanting them to ride in a busier area. This is not fair to them,

- There is already an issue with the usual cars speeding in this road as well as loud music coming from some of them. That will/may get added to the proposal would place a complex between 2 fairly quiet private homes, on a corner, where a new driveway would be right next to our driveway which isn’t particularly safe or practical.

- Meadowlark Road has already been allowed to be over developed/over populated due to planning failures in the past. There should never have been so many homes/apartments built in such a small radius, and while that can be corrected now you can surely help by not adding to an existing issue. I ask that you please take the time to properly assess this application and you will see that this should not be approved.

**PLANNING DEPARTMENT ANALYSIS**

**General**
The subject property is located on Meadowlark Road in Lower Valley.
The property is presently vacant.
A review of Cayman Land Info reveals that there are existing apartments in the area.

**Zoning**
The property is zoned Low Density Residential.

**Specific Issues**

1) **Lot Size**

Regulation 9(8)(e) states the minimum lot size for a duplex is 12,500 square feet and Regulation 9(8)(f) states that the minimum lot size for apartments and townhouses is 25,000 square feet. Combined, the required lot size is 37,500 square feet.

The subject parcel has 21,235 square feet of area.

The applicant has submitted a variance letter and the Authority should determine whether a variance is acceptable in this instance.

2) **Number of apartments**

As noted earlier, the applicant is proposing a detached duplex as well as apartments. In the LDR zone, a duplex requires a minimum lot area of 12,500 square feet. When this area is subtracted from the overall parcel area, it leaves 0.2 acres of land for apartments, which translates into 3 apartment units. In this instance the applicant is applying for 5 apartments.

The applicant has submitted a variance letter and the Authority should determine whether a variance is acceptable in this instance.

3) **Number of bedrooms**
Similar to item 4 listed above, there is 0.2 acres of land that can be devoted to apartments on this site. This translates into a maximum of 4 bedrooms in the apartment building and the applicant is seeking permission for 10 bedrooms.

4) **Rear setback**

Regulation 9(8)(i) states that the minimum rear setback is 20 feet.

The proposed duplex is setback 15 feet from the rear boundary.

The applicant has submitted a variance letter and the Authority should determine whether a variance is acceptable in this instance.

2.5 **LM De MERCADO (Great Elegance Consulting) Block 27D Parcel 287 (P21-1194) ($534,000) (JP)**

Application for an addition to a house.

**Appearance at 2:00**

**FACTS**

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<thead>
<tr>
<th>Location</th>
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</thead>
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<tr>
<td><strong>Zoning</strong></td>
<td><strong>LDR</strong></td>
</tr>
<tr>
<td><strong>Notification result</strong></td>
<td>Objectors</td>
</tr>
<tr>
<td><strong>Parcel size proposed</strong></td>
<td>0.1558 ac. (6,786.65 sq. ft.)</td>
</tr>
<tr>
<td><strong>Current use</strong></td>
<td>Residential</td>
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<tr>
<td><strong>Proposed building size</strong></td>
<td>3509.63 sq. ft.</td>
</tr>
<tr>
<td><strong>Total building site coverage</strong></td>
<td>22.6%</td>
</tr>
</tbody>
</table>

**BACKGROUND**

February 19, 2009 (**Administrative Approval**) – application for an addition approved (P09-0118)

October 4, 2006 (**CPA/31/06; item 2.39**) – application for house approved (P06-1386)

May 11, 2022 (**CPA/13/22; item 2.1**) – current application adjourned to re-invite the applicant and objectors

**Recommendation:** Discuss the application, for the following reasons:

1) Septic tank side setback variance (6’ 5” v 10’)

2) Addition side setback variance (13’ 6” v 15’)

3) Concerns of the Objectors

**APPLICANT’S LETTER**
Kindly request a variance for Ms. Lisa M. DeMercado of Bock/Parcel: 27D/287 in consideration of the following areas, Septic relocation, Lot Size & Coverage, and Setback.

**Septic Tank:** New proposed septic tank placement to the Right Elevation will accommodate the new building. Septic Tank is at the required setback of 5'ft from the building.

**Lot Size & Coverage:** Low Density Zoning requires a min lot to be 10,000.sq.ft for detached home, the proposed lot is only 6,787.20.sq.ft with an existing approval structure. The new proposed structure will require and addition 1.70% (31.70%) of site coverage to accommodate proposed additional 2nd floor.

**Setback:** New proposed setback to Left Elevation is 14’- 3/8” ft which is below the minimum of 15’ as required by planning.

**OBJECTIONS**

1. Marcia Moiten owner of Block and Parcel 27D, 291 - 21 Bermuda Way (Do Object) to the Department of Planning Application request for variance and setback for Block and Parcel 27D 287 by reason of space and privacy.

**PLANNING DEPARTMENT ANALYSIS**

**General**

The application site is located within an established residential area of Savannah with developed lots bounding the site and the subdivision road providing access from the north.

The application seeks Planning Permission for an upper floor addition

**Zoning**

The property is zoned Low Density Residential.

**Specific Issues**

1) **Septic tank side setback variance (6’ 5” v 10’)**

   Regulation 9(8)(j) requires a minimum side setback of 10’ for up to single storey structures.

   The septic tank is proposed 6’ 5” from the side boundary.

   Members are invited to consider whether adequate justification has been provided to vary the Regulations.

2) **Addition side setback variance (13’ 6” v 15’)**

   Regulation 9(8)(j) requires a minimum side setback of 15’ for development of more than one storey.

   The upper floor addition creates a two storey building which would be sited 13’ 6” from the side boundary.

   Members are invited to consider whether adequate justification has been provided to vary the Regulations.

2.6 **ROGER S. FREEMAN (George Manderson Jr.) Block 14BJ Parcel 19 (P21-1163) ($100,000) (NP)**

Application for proposed balcony addition
Appearance at 2:30

FACTS

Location South Church Street in George Town
Zoning BRR with GC4 overlay
Notification Results Objections
Parcel size 0.36 acres.
Parcel size required 0.5 acre
Current use Ground floor – watersports business
Upper floor - restaurant
Proposed use balcony extension
Building Footprint 853 sq. ft.
Site Coverage Permitted 40 %
Site Coverage Proposed 13.8 %
Parking Required 20
Parking Proposed 20 (11 onsite, 9 off-site leased)

Recommendation: Discuss the application, for the following reasons:
1) HWM setback (33’4” vs 75’)
2) Proposed off-site parking arrangement
3) The concerns of the objectors

BACKGROUND

April 25, 2012 (CPA/10/12; Item 2.14) - The Authority granted planning permission for a change of use of retail space to a bar/restaurant.

September 6, 2018 (CPA/17/18; Item 2.6) The Authority granted planning permission for an off-site parking area on Block 14BJ Parcel 24 for 12 months only.

February 5, 2019 (CE10-0029) An enforcement notice was issued for a shoreline modification and placement of a commercial tent without planning permission.

July 17, 2019 (CPA/15/19; Item 5.4) - The Authority waived the requirement to provide a current High Water Mark survey for the previous application.

December 4, 2019 (CPA/25/19; Item 2.4) - a similar application proposing an upper floor balcony was refused by the Central Planning Authority for the following reasons:
1) The applicant failed to provide sufficient reasons per Regulation 8(11) why a high water setback less than what is prescribed in regulation 8(10(a) should be allowed.
2) The Authority is of the view that the balcony can only physically exist if a deficient high water mark setback is allowed and that would not be consistent with Section
2.06 (e) of The Development Plan 1997 in that the resultant noise from the proposed balcony that is intended for outside seating associated with a bar/restaurant would cause a negative impact on the occupants of the neighbouring residential lots.

3) Per Section 3.03 (b) of The Development Plan 1997, the Authority is of the view that the resultant noise from the proposed balcony that is intended for outside seating associated with a bar/restaurant will not be harmonious or compatible with the adjacent residential developments.

November 10, 2021 (CPA/23/21; Item 5.2) - The Authority waived the requirement to provide a current High Water Mark survey for the current balcony application.

March 16, 2022 (CPA/08/22; Item 2.1) - The Authority adjourned the application at the request of the applicant.

AGENCY COMMENTS

Agency comments received to date are provided below.

National Roads Authority

As per your memo dated November 3rd, 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

The NRA has no objections or concerns regarding the above proposed addition.

Water Authority Cayman

Existing Wastewater Treatment System Needing Regular Servicing

The following are the Water Authority’s requirements for this development proposal:

The development is served by two existing Clearstream 1000N treatment systems with a design capacity of 2,000 gpd. The existing systems can accommodate the proposed additions. However, following a review of the Water Authorities online maintenance tracking system, it appears the system has not been adequately maintained nor has a service report been submitted since April 30th 2020. As the system has been poorly maintained it requires the following to comply with Water Authority regulations:

- A copy of a monthly maintenance contract with a Registered Service Provider shall be provided to the Water Authority.
- The system shall be repaired and serviced by a Registered Service Provider per the link of companies employing certified OWTS technicians.
- Registered Service Providers submit monthly Service Reports to the client and the Water Authority via our online tracking system. The required maintenance should be scheduled without delay. Receipt of a copy of the maintenance contract, an updated service report and subsequent inspection and sampling of the system by the Water Authority to ensure compliance with regulatory limits are conditions for approval of Certificate of Occupancy.

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 subject parcel is man-modified and of limited ecological value. However, the area offshore from this parcel is a Marine Reserve protected area and therefore it is important to ensure that the construction will not have any unacceptable adverse effects on the Marine Protected Area.

Therefore, on the basis of the above information, 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 the following condition be imposed by the Central Planning Authority or Department of Planning, as part of any agreed proposed action for planning approval:

All construction materials shall be stockpiled landward of the existing seawall.

This condition is directed to prevent run-off and debris from entering the Marine Protected Area causing turbidity and impacting sensitive marine resources.

A person aggrieved by a decision of the National Conservation Council to impose a condition of approval may, within 21 days of the date on which the decision is received from the Central Planning Authority/Department of Planning, appeal against the decision of the Council to the Cabinet by serving on the Cabinet notice in writing of the intention to appeal and the grounds of the appeal (Section 39 of the National Conservation Act, 2013).

Fire Department
The Fire Department has stamp approved the drawings.

Department of Environmental Health
The DEH has yet to respond to the request for comments. However, it is noted that the solid waste enclosure has existed for many years.

APPLICANT’S LETTERS
See Appendix C

OBJECTION LETTERS
See Appendix D

PLANNING DEPARTMENT ANALYSIS

General
The subject property is located on South Church Street, across from Ugland House. The shoreline is ironshore and the Authority previously determined that a high water mark survey is not required in this instance.
The property contains an existing watersports operation on the ground floor and a restaurant/bar on the upper floor.

The application is to add an 853 square foot uncovered balcony to the upper floor restaurant.

Abutting properties were notified by Registered Mail and two advertisements were placed in a local newspaper. Objections have been received as well as a letter of support.

**Zoning**

The property is zoned Beach Resort Residential.

**Specific Issues**

1) **HWM setback (33’4” vs 75’)**

   Regulation 8(10(a) requires a minimum 75 foot setback in this area of central George Town.

   The applicant is proposing a 33’4” setback to the edge of the proposed deck.

   It is noted that the previous 2019 application extended slightly further west to the edge of the existing seawall.

   The Authority should consider the proposed seaside variance.

2) **Parking**

   The subject property contains parking for 11 vehicles, including one accessible parking space.

   Regulation 8(1) requires a total of 20 parking spaces for both the expanded restaurant/bar use on the upper floor and the commercial use on the ground floor.

   The applicant is proposing to provide the additional 9 parking spaces a short distance away on Block 14E Parcel 681. In this regard, a signed lease for nine parking spaces has been provided by the applicant and can be found in Appendix E.

   It should be noted that the site is zoned BRR which does not allow for off-site parking, but the lands are also subject to the General Commercial zone 4 overlay which does allow for off-site parking. More specifically, the Regulation states that up to 100% of the required parking (excluding those required for accessibility) may be located not more than 700’ from the respective building. In this instance, the proposed 9 off-site parking spaces will be located across the street on 14E 681, about 280’ from the building.

   The Authority should discuss whether the proposed off-site parking arrangement is acceptable in this instance.

3) **Water Authority Comments**

   The Water Authority has indicated that there are some outstanding Agency requirements that have not been met to date.
2.7 RENA MANDERSON (JMP Construction) Block 8A Parcel 116 (P19-0926) ($600,000) (MW)

Application for 4 apartments and 1 duplex with gym & office.

FACTS

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<tr>
<th>Location</th>
<th>Capt. Reginald Parsons Dr., West Bay</th>
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</thead>
<tbody>
<tr>
<td>Zoning</td>
<td>Low Density Residential</td>
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<tr>
<td>Notification result</td>
<td>No Objectors</td>
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<td>Parcel size proposed</td>
<td>0.4690 ac. (20,429.64 sq. ft.)</td>
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<td>Parcel size required</td>
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<td>Proposed building size</td>
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<td>Required parking</td>
<td>9</td>
</tr>
<tr>
<td>Proposed parking</td>
<td>14</td>
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</tbody>
</table>

BACKGROUND

N/A

Recommendation: Discuss the application, for the following reasons:

1) Suitability
2) Lot Size (20,429.64 sq. ft. vs. 37,500 sq. ft.)
3) Density
4) Lot Width (65.66’ vs. 100’)

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 2,250 US gallons for the proposed, based on the following calculations.

<table>
<thead>
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<th>BUILDING</th>
<th>UNITS/BLDG</th>
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<td>Building #2</td>
<td>2 x 1-Bed Units</td>
<td>150gpd/Unit</td>
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<td>2 x Toilets</td>
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<td></td>
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</table>

• 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 4’6” above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.

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

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

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

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

**National Roads Authority**

As per your memo dated September 24th, 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

### Road Capacity Issues

The traffic demand to be generated by a residential development of six (6) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.63, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Capt. Reginald Parson Drive is as follows:

<table>
<thead>
<tr>
<th>Expected Daily Trip</th>
<th>AM Peak Hour Total Traffic</th>
<th>AM Peak 16% In</th>
<th>AM Peak 84% Out</th>
<th>PM Peak Hour Total Traffic</th>
<th>PM Peak 67% In</th>
<th>PM Peak 33% Out</th>
</tr>
</thead>
<tbody>
<tr>
<td>33</td>
<td>3</td>
<td>1</td>
<td>2</td>
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</table>

Based on these estimates, the impact of the proposed development onto Capt. Reginald Parson 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 Capt. Reginald Parson 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%20D.pdf](https://www.caymanroads.com/upload/files/3/Sidewalk%20%20Curbing%20D.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 Act (2005 Revision). For the purpose of this Act, 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

Solid Waste Facility:

This development required (1) 4 cubic yard container with twice per week servicing.

Table 1: Specifications for Onsite Solid Waste Enclosures

<table>
<thead>
<tr>
<th>Container size (yd³)</th>
<th>Width (ft)</th>
<th>Depth (ft)</th>
<th>Height (ft)</th>
<th>Slab Thickness (ft)</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>10</td>
<td>10</td>
<td>5.5</td>
<td>0.5</td>
<td>Water (hose bib), drain, Effluent Disposal</td>
</tr>
</tbody>
</table>
NOTE:
The drain for the enclosure must be plumbed to a garbage enclosure disposal well as per the Water Authority’s specifications. Contact development.control@waterauthority.ky for deep well details.

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

The application site is man-modified and of limited ecological value. We recommend the applicant plants and incorporates native vegetation in the landscaping scheme. Native vegetation is best suited for the habitat conditions of the Cayman Islands resulting in vegetation that requires less maintenance which makes it a very cost-effective choice.

Fire Department
Approved for Planning Permit Only 30 Sep 21

APPLICANT’S LETTER
JMP Construction Ltd. is requesting a variance for a townhouse and apartment buildings Block 8A Parcel 116. We are proposing a variance in lot size from 25,000 SF to 20,469 SF and lot width from 100’ to 30’-1”. We are aware that the required lot size is 25,000 SF and lot width is 100’.

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

1. Per section 8(13)(i) of the Planning Regulations, the characteristics of the proposed development are consistent with the character of the surrounding area;

2. Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare.

If you have any further questions, please do not hesitate to contact us.

PLANNING DEPARTMENT ANALYSIS
General
Application for 4 apartments and 1 duplex with gym & office located on Capt. Reginald Parsons Dr., West bay.
Zoning
The property is zoned Low Density Residential and the Department would offer the following comments regarding the specific issue noted below.

Specific Issues
1) Suitability
Section (8) states the following development is permitted in a Low Density Residential Zone.
(a) Detached & semi-detached houses.
(b) Duplexes
(c) In locations considered as suitable by the Authority guest houses and apartments.
An overview of the proposed site shows the surrounding area to be primarily residential homes, duplexes, apartments and vacant parcels within the nearby vicinity.
- 3D155:- Conch Pointe Beach Resort
- 3D25:- Conch Pointe Apartments
- 4C567:- Conch Point Garden
- 8A145:- Point 3 West
- 8A132:- Burlington Manor

2) Lot Size
The application was submitted as 4 apartments with a detached gym/office with 2 units above. The 2 units cannot be classified as apartments therefore they must be considered as a duplex Regulation 9(8)(e) of the Development & Planning Regulations (2021 Revision) states “the minimum lot size for each duplex is 12,500 sq. ft.” Regulation 9(8)(f) of the Development & Planning Regulations (2021 Revision) states “the minimum lot size for guest houses and apartments is 25,000 sq. ft.” The total required lot size is 37,500 square feet. The proposed lot is 20,429.64 sq. ft. a difference of 17,070.36 sq. ft.

3) Density
The application was submitted as 4 apartments with a detached gym/office with 2 units above. The 2 units cannot be classified as apartments therefore they must be considered as a duplex. Similar to item 2.4 on this Agenda, in the LDR zone, a duplex requires a minimum lot area of 12,500 square feet. When this area is subtracted from the overall parcel area, it leaves 0.182 acres of land for apartments, which translates into 2.7 apartment units. In this instance the applicant is applying for 4 apartments.

4) Lot Width
Regulation 9(8)(g) of the Development & Planning Regulations (2021 Revision) states “the minimum lot width for Apartments is 100’. The proposed parcel would be 65.66’ a difference of 34.34’ respectively.
2.8 BLACK URCHIN RESORT (Paradise Drafting Ltd) Block 48C Parcel 16 (P22-0196) ($18,000) (JP)

Application for three storage containers.

FACTS

Location	Bodden Town Road, Breakers
Zoning	BRR
Notification result	No objectors
Parcel size proposed	2.22 ac. (96,703 sq. ft.)
Current use	Tourism/residential
Proposed building size	468 sq. ft.
Total building site coverage	17.1%

BACKGROUND

January 10th, 2018 (CPA/01/18; item 2.3) – application for a house, four apartments, a welcome centre, two pools and 6’ wall approved (P17-1372)

Extensive Planning history relating to development of site for ancillary structures subsequent to above application/decision.

Recommendation: Discuss the application, for the following reasons:

1) Suitability

AGENCY COMMENTS

Department of Environment (NCC)

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

The Department confirms that we have no comments.

APPLICANT’S LETTER

We are writing on behalf of our client who is requesting permission to install 3# permanent containers on their site in Bodden Town. The containers would be situated behind an existing hedge which will provide plenty of visual screening.

Our client requires this storage space for their resort operations, in particular the storage of additional special event items such as tables, chairs, umbrellas. They will also be storing guest sporting items such as kayaks, inflatables, bicycles etc.

The containers are prefabricated units as outlined in the attached literature from the manufacturer.
We believe that this request will not be materially detrimental to the adjacent neighbours as these containers meet the required setback requirements as described in the planning regulations.

For these reasons we hope that the CPA will approve this request.

**PLANNING DEPARTMENT ANALYSIS**

**General**
The application site is located to the south of Bodden Town Road in the Breakers area with the Caribbean Sea forming the southern boundary. Vacant parcels are located to the east and west.

The application seeks Planning Permission for the siting of 3 storage containers.

**Zoning**
The property is zoned Beach Resort Residential.

**Specific Issues**

1) **Suitability**

   Regulation 15(1) permits development in Beach Resort Residential zones if it ‘has the appearance of residential development in scale and massing’ and Regulation 15(2) permits ‘tourism related development’ in Beach Resort/Residential zones.

   Members are invited to consider the content of the Agent’s letter in determining the acceptability of the proposed development.

2.9  **SPOTTS (CAYMAN) LTD. (Paradise Drafting Ltd.) Block 12C Parcel 451/3H10H13 (P22-0128) ($16,000) (BES)**

Application to extend the swimming pool and dock

*Location*  
Ritz Carlton Drive off Esterley Tibbetts HWY.

*Zoning*  
H/T

*Notification result*  
No Objectors

*Parcel Size Proposed*  
0.4678 ac. (20,377.36 sq. ft.)

*Parcel Size Required*  
10,000 sq. ft.

*Current Use*  
House

*Proposed Use*  
Same as above

**Recommendation**: Discuss the application, for the following reasons:

1) Pool setback (3’- vs. 20’)

2) Dock extension into the canal

**AGENCY COMMENTS**

Comments from the Department of Environment 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 application is man-modified with limited ecological value. Should the Central Planning Authority or Department of Planning be minded to grant planning permission for the dock and modification, best management practices should be adhered to during construction; these include but are not limited to:

- Any stockpiled materials being kept away from the canal edge to reduce the possibility of rainwater runoff washing material and debris into the canal causing turbidity and impacting water quality;
- A minimum dock height of 4 feet and the installation of dock decking with a minimum of ½ inch spacing between decking boards to allow light penetration to occur to support marine life under the dock.
- The dock construction area being fully enclosed with silt screens with a 4-foot minimum skirt depth to contain any sedimentation or debris arising from the construction of the dock; and
- The silt screens being left in place until the water contained inside the screens has cleared to the same appearance as the water immediately outside of the screens.

APPLICANT’S LETTER

We are writing on behalf of our client who kindly requests a setback variance be granted for the extension of their existing swimming pool.

Our client kindly requests a variance be granted for the proposed extension of the swimming pool’s length which is in conflict with Regulation 8 (10)(ea) of the Development and Planning Regulations (2021 Revision) which requires a 20-foot setback from the physical edge of the canal. The proposed lengthened end of the pool would be aligned above existing piles and grade beams built along the edge of the canal for the support of the original house and decking. There would be no change in the distance from the canal to the existing concrete structure save that the height would be reduced to align with the infinity edge of the existing pool. This is as per recent constructions of neighboring Deckhouse properties.
PLANNING DEPARTMENT ANALYSIS

General
The application is to extend the swimming pool in length and widen the dock at the above-caption property. The site is located on Ritz Carlton Drive off Esterley Tibbetts HWY.

Zoning
The property is zoned Hotel/Tourism.

Specific Issues
1) Pool Setback
The proposed pool is setback 3’-3” from the physical edge of the canal. In contrast, the minimum required setback is 20’-0” per regulation 8(10)(ea) of the Development and Planning Regulations (2022 Revision).

2) Dock Extension
The dock would extend 7’-8” into the canal, which is not unusual for docks, but in this instance, there does not appear to be other similar docks on this canal and the proposal may be restricting access through the canal.

2.10 NOVUS DEVELOPMENT (CAYMAN) Ltd. (Novus Dev.) Block 5C Parcel 358 (P21-1302) ($900,000) (EJ)
Application for a house and pool.
FACTS
Location Lloyd Cres. & Hillard Drive in West Bay
Zoning LDR
Notification result No objectors
Parcel size proposed 0.2920 ac. (12,719 sq. ft.)
Parcel size required 10,000 sq. ft.
Current use Vacant
Proposed building size 3,603 sq. ft.
Total building site coverage 28.33%
Required parking 1
Proposed parking 2

BACKGROUND
NA

Recommendation: Discuss the application, for the following reason:
1) Rear setback (10’ vs 20’)

APPLICANT’S LETTER
In accordance with section 8(13) of the Development and Planning Regulations (2021 Revision) we would like to request a partial variance from 20ft to 10ft for one of the road setbacks. The application background and reasons we are requesting this variance are as follows:

- The proposed home is on a corner lot in the subdivision known as The Highlands in West Bay. The lot therefore has two sides with road frontage – the west side, which is adjacent to Hillard Drive and the south side, which is adjacent to Lloyd Crescent.
- The front of the house is on the south side of the property and the required 20ft setback from this boundary line has been met. Similarly, the 20ft rear boundary setback on the north of the property and the 10ft side yard boundary on the east of the property, have also been met.
- The west side yard setback is required to be 20ft because it has road frontage from Hillard Drive. However, the width and overall size of the lot has made it a hardship to create 20ft setbacks on three sides of the property. The accompanying home design has left us with a 10ft setback on this west side.
- The Highlands is a private subdivision and there are no “through access” roads. In addition, the lot in question is near to the end of the subdivision with very few lots and houses beyond this point.”
PLANNING DEPARTMENT ANALYSIS

General
The proposed four-bedroom house with attached double garage and swimming pool is located on the corner of Lloyd Cres. & Hillard Drive in West Bay

Zoning
The property is zoned Low Density Residential.

Specific Issues
1) Minimum front setbacks
   As mentioned, the proposed house does not meet the required 20’ setback from Hillard Drive; therefore, the applicant is seeking a setback variance from the Authority, mindful that the subject parcel is a corner lot.

2.11 MORNE BOTES (Abernethy & Associates) Block 1D 603 Rem 1 (P22-0370) ($4,814) (NP)
Application to modify planning permission to address conditions of approval.

FACTS
Location End of Lindy’s Walk, west of Watercourse Road
Zoning LDR
Notification Results Not applicable
Parcel size 61,419.6 sq ft
Parcel size required 10,000 sq. ft. for dwellings
   25,000 sq. ft. for apartments
Parcel width required 80 feet for dwellings
   100 feet for apartments
Proposed lot sizes 22,756 sq. ft. & 31,182 sq. ft.
Current use Vacant

BACKGROUND
15 December 2021 (CPA/26/21; Item 2.8) – The Authority granted planning permission subject to a number of conditions (P21-0935).

Recommendation: Discuss the request to modify Conditions 1, 2, & 3.

APPLICANT’S LETTER
We are asking for a modification of Planning conditions 1, 2, & 3 to be deferred until further development of the parcel.
Attached is a Master Plan for the development which involves a combination of 1D 115 and a condo development.

This development will require infrastructure beyond the construction of the road and waterline on Lot 3 and will be addressed in that application.

PLANNING DEPARTMENT ANALYSIS

General
The subject property is located in West Bay, at the western terminus of Lindy’s Walk. The property is currently vacant and the proposal is to create two new residential lots and one road parcel.

Proposed residential lot sizes are 22,756 square feet and 31,182 square feet.

The proposed road parcel is 7,985 square feet. Rights of way over the proposed road parcel are proposed.

Zoning
The property is zoned Low Density Residential.

Specific Issues
Condition 1
This condition deals with the paving of the proposed road parcel to NRA standards.

Condition 2
This condition deals with the provision and installation of water infrastructure to the property.

Condition 3
This condition addresses the requirement to connect to the Water Authority’s public water system.

The applicant has requested that the three conditions be deferred by the Authority until the property is developed further.

2.12 GEORGIA SCOTT (JMP Construction) Block 22E Parcel 56 (P22-0395) ($600,000) (EJ)

Application for a house and detached game room.
FACTS
Tropical Gardens Road, Tropical Garden

Zoning  MDR
Parcel size proposed  0.2872 ac. (12,510 sq. ft.)
Parcel size required  10,000 sq. ft.
Current use  Vacant

Proposed building size  3,824.29 sq. ft.
Total building site coverage  25.40%
Required parking  1
Proposed parking  2

BACKGROUND
NA

Recommendation: Discuss the application, for the following reasons:

1) Proposed game room

PLANNING DEPARTMENT ANALYSIS

General
The proposed house and detached game room is located in Tropical Gardens and on Tropical Gardens Road.

Zoning
The property is zoned Medium Density Residential.

Specific Issues
1) Potential Second Unit
   The proposed detached game room has a bathroom and kitchen area; therefore, the Authority is asked to consider the whether the building should be considered a second unit as there would be lot size implications if it is.

2.13 ANNIE’S PLACE (PBP&J Development) Block 1D Parcel 76 (P21-0995) ($860,000) (JP)
Application for 5 apartments.

FACTS
Location  Turtle Crescent, West Bay
Zoning  LDR
Notification result  Objectors
Parcel size proposed  0.8 ac. (94,438.08 sq. ft.)
Parcel size required 25,000 sq. ft.
Current use Vacant
Proposed building size 3,071 sq. ft.
Total building site coverage 9.3%
Allowable units 12
Proposed units 5
Allowable bedrooms 19
Proposed bedrooms 9
Required parking 8
Proposed parking 16

BACKGROUND
No Planning history

Recommendation: Discuss the application, for the following reasons:
1) Suitability
2) Access
3) Fire consultation

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
Wastewater Treatment & Disposal
- The developer shall provide a septic tank(s) with a capacity of at least 1,750 US gallons for the proposed, based on the following calculations.

<table>
<thead>
<tr>
<th>BUILDING</th>
<th>UNITS/BLDG</th>
<th>GPD/UNIT</th>
<th>GPD/BLDG</th>
<th>TOTAL GPD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Block #1</td>
<td>1 x 1-Bed Unit</td>
<td>150gpd/1-Bed</td>
<td>150gpd</td>
<td>150gpd</td>
</tr>
<tr>
<td></td>
<td>4 x 2-Bed Unit</td>
<td>225gpd/2-bed</td>
<td>900gpd</td>
<td>900gpd</td>
</tr>
</tbody>
</table>

- 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 4’8” above MSL.** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.

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

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

**Water Supply**

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

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

**National Roads Authority**

**General Issue**

The proposed driveway is located on an unbuilt section of road that is only 15 feet wide (Turtle Crescent) and a twenty-four (24) ft. wide road needs to be provided in order to have adequate access as the NRA does not endorse the use of vehicular ROWs. The NRA can not support this application at this time.

**Road Capacity Issues**
The traffic demand to be generated by a residential development of five (5) multi-family units has been assessed under ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Turtle Crescent is as follows:

<table>
<thead>
<tr>
<th>Expected Daily Trip</th>
<th>AM Peak Hour Total Traffic</th>
<th>AM Peak 20% In</th>
<th>AM Peak 80% Out</th>
<th>PM Peak Hour Total Traffic</th>
<th>PM Peak 65% In</th>
<th>PM Peak 35% Out</th>
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<td>1</td>
<td>2</td>
<td>3</td>
<td>2</td>
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</tr>
</tbody>
</table>

Based on these estimates, the impact of the proposed development onto Turtle Crescent is considered to be minimal.

Access and Traffic Management Issues

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

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

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

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

Stormwater Management Issues

The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff **within the subject parcel** and retain existing drainage characteristics of the site as much as is feasible through innovative design and 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 Turtle Crescent. 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&%20Curb%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 Act (2005 Revision). For the purpose of this Act, 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

The revised solid waste area meets DEH requirements.

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 site is man-modified with some regrowth. Native vegetation should be retained and planted where possible. Native vegetation is best suited for the conditions of the site, requires less maintenance and is a cost-effective choice. In particular, the area labelled as ‘Block 2 Future Building’ should remain in its current state until a development comes forward for that area.

Fire Department

As per fire code 1997 503.2.5 road way in excess of 150 would required a turn around for fire apparatus

Please depicted Proposed Fire hydrant and Fire well.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in West Bay and accessed by an easement off Turtle Crescent. The site and neighbouring lots are densely vegetated and built form consists of single residential units and/or duplexes.

The application seeks Planning Permission for the construction of an apartment building to contain 5 units.
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 character of the area as part of their deliberations.

2) Access
   The NRA has commented on the access issue, but their comments don’t paint the complete picture. The subject site currently has a registered 22’ vehicular right-of-way over 1D 93. The applicant has also provided copies of signed grant of easement forms that will secure 22’ vehicular right-of-ways over 1D 91 and 296. Upon registration of those documents, the subject site will benefit from a 22’ access leading from Bonaventure Rd, which is public. The Authority needs to determine if the 22’ access is acceptable for the proposed apartments and should approval be granted, a condition would need to be include requiring the construction of the access road.

2.14 UNITED PENTECOSTAL CHURCH (Whittaker & Watler) Block 4C Parcel 272 Rem 2 (P22-0201) ($2.4 million) (NP)
Application for a church

FACTS
Location Captains Joe & Osbert Road, West Bay
Zoning High Density Residential
Notification Results No Objections
Parcel size 2.79 acres
Parcel size required CPA Discretion
Current use Vacant
Proposed use Church
Proposed Building Footprint 13,382 sq. ft.
Proposed Building Area 15,986 sq. ft.
Parking Required 107
Parking Proposed 107

BACKGROUND
2007 – church approved and approval expired
2012 - church approved and approval expired
Recommendation: Discuss the application for the following reasons:

1) Suitability
2) Meet the needs of the community

AGENCY COMMENTS

Comments from agencies that have responded to the circulation of the plans are provided below.

Water Authority Cayman

Wastewater Treatment and Disposal

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

- The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer’s guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 2,657 US gallons per day (gpd), based on the following calculations.

<table>
<thead>
<tr>
<th>BUILDING</th>
<th>UNITS/BLDG</th>
<th>GPD/UNIT</th>
<th>GPD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Congregation</td>
<td>12,454.00 sq. ft.</td>
<td>12,454 x 0.15 (church factor 1)</td>
<td>1,868.1</td>
</tr>
<tr>
<td>3 x Offices</td>
<td>~750.92 sq. ft.</td>
<td>750.92 x 0.15 (office factor)</td>
<td>112.6</td>
</tr>
<tr>
<td>Assembly Hall</td>
<td>~863.72 sq. ft.</td>
<td>863.72 x 0.15 (church factor 1)</td>
<td>129.6</td>
</tr>
<tr>
<td>Meeting Room</td>
<td>~487.76 sq. ft.</td>
<td>487.76 x 0.15 (church factor 1)</td>
<td>73.2</td>
</tr>
<tr>
<td>Kitchen</td>
<td>~473.20 sq. ft.</td>
<td>473.2 x 1.0 (church factor 2)</td>
<td>473.2</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td><strong>2,656.7 GPD</strong></td>
</tr>
</tbody>
</table>

- Treated effluent from the ATU 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 ATU must enter the disposal well at a minimum invert level of 4'5” above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.

Grease Interceptor Required

A grease interceptor with a **minimum capacity of 600 US gallons** is required to pre-treat flows from kitchen fixtures and equipment with grease-laden waste; e.g., pot
sinks, pre-rinse sinks; dishwashers, soup kettles or similar devices; and floor drains. The outlet of the grease interceptor shall be plumbed to the sanitary sewage line leading to the ATU.

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

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

The developer shall provide water supply infrastructure per CWC’s specification and under CWC’s supervision

Department of Environmental Health
This application is approved with the condition that the number of garbage bins proposed increase from (2) 33 gallons to (4) 33 gallon bins.

Solid Waste Facility: 1. This development require (4) thirty three (33) gallon bins and an enclosure built to the department’s requirements.

a. The enclosure should be located as close 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.

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 of low ecological value. We recommend the planting of native species in the landscaping scheme. Native vegetation is best suited for the conditions of the site. It requires less maintenance and is a cost-effective choice. Native vegetation provides diverse habitats, shelter and food for wildlife such as birds and butterflies. Planting native vegetation promotes biodiversity and stewardship of our natural heritage.

PLANNING DEPARTMENT ANALYSIS

General
The subject property is located in West Bay on Captains Jo and Osbert Road.

The proposal is for a new church building.

Abutting properties were notified by Registered Mail and two advertisements were placed in a local newspaper. No objections have been received.

Zoning
The property is zoned High Density Residential.
Specific Issues

1) Zoning

As noted, the site is zoned HDR. Regulation 9(3) states that in a residential zone, religious development may be permitted in suitable locations and if details of the application have been advertised twice and no objections are received that raise grounds for refusing permission. In this instance, the applicant complied with the advertisement requirement and no objections were received. The Authority needs to determine if the site is a suitable location for a church.

Additionally, Regulation 14(2) states that religious institutions are permissible in any zone where they meet the needs of the community. The Authority needs to determine if the proposed church meets the needs of the community.

2.15 LUKE & MIRIAM BERRY (TSC Architecture) Block 22D Parcel 12 (P22-0195) ($524,750) (EJ)

Application for a house.

FACTS

Lords Way, Red Bay

<table>
<thead>
<tr>
<th>Zoning</th>
<th>LDR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notification result</td>
<td>No objectors</td>
</tr>
<tr>
<td>Parcel size proposed</td>
<td>0.44 ac. (19,166 sq. ft.)</td>
</tr>
<tr>
<td>Parcel size required</td>
<td>22,500 sq. ft.</td>
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<tr>
<td>Current use</td>
<td>Duplex</td>
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<tr>
<td>Proposed building size</td>
<td>2,099 sq. ft.</td>
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<tr>
<td>Total building site coverage</td>
<td>25.78%</td>
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<tr>
<td>Required parking</td>
<td>1</td>
</tr>
<tr>
<td>Proposed parking</td>
<td>2</td>
</tr>
</tbody>
</table>

BACKGROUND

October 15, 1998 – The CPA granted permission for a duplex.

Recommendation: Discuss the application, for the following reasons:

1) Lot Size Variance (19,166 sq. ft vs 22,500 sq. ft.)
2) Setback Variance (17.11’ vs 20’)

APPLICANT’S LETTER

This letter is written on behalf of Luke & Miriam Berry who recently applied to the department to construct an additional building on the referenced property. The total square footage of the new building is 2,099 sq. feet. It should be noted that the
application requires a set-back and lot size variance and the required notice was sent by registered mail to all owners within a 150 feet radius on March 23rd, 2022. The applicant’s reasoning for seeking the variance is that they currently reside in one of the units in the existing duplex. However, once the proposed house is completed, they will reside in the new structure, which will allow them to financially benefit from the existing duplex.

As per section 8 (13) (b), (iii) such there is sufficient reason to grant a variance as exceptional circumstances exist, which may include the fact: the proposal will not be materially detrimental to persons residing or working in the vicinity to the adjacent property or to the public welfare.

PLANNING DEPARTMENT ANALYSIS

General
The proposed two (2) bedroom house does not meet the required lots size and rear setbacks, located on the corner of Lords Way and Abbey Way in Red Bay.

Zoning
The property is zoned Low Density Residential.

Specific Issues

1) Minimum Lot Size for House & Duplex –
   Regulations 9 (8)(d) & 9 (8)I requires a 10,000 sq. ft. per house and 12,500 sq. ft. per duplex respectively for a total of 22,500 sq. ft.; However, the subject parcel is 19,166 sq. ft. or a difference of 3,334 sq. ft.; therefore, the applicant is seeking a lot size variance.

2) Minimum Front & Rear Setbacks –
   Additionally, the proposed house does not meet Regulations 9 (8)(i) 20’ rear; proposed at 17.11’ a difference of 2.1’; therefore, the applicant is also seeking a rear setback variance.
   Finally, the applicant has notified the adjoining parcel per regulations and the department is not in receipt of any objections.

2.16 MARVA HEWITT (GMJ Home Plans Ltd.) Block 27D Parcel 278 (P22-0275) ($244,000) (EJ)
Application for a house addition and after-the-fact storage shed.

FACTS

<table>
<thead>
<tr>
<th>Location</th>
<th>Brightside Street</th>
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</thead>
<tbody>
<tr>
<td>Zoning</td>
<td>LDR</td>
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<tr>
<td>Notification result</td>
<td>No objectors</td>
</tr>
<tr>
<td>Parcel size proposed</td>
<td>0.2004 ac. (8,729 sq. ft.)</td>
</tr>
<tr>
<td>Parcel size required</td>
<td>12,500 sq. ft.</td>
</tr>
<tr>
<td>Current use</td>
<td>House and storage shed</td>
</tr>
</tbody>
</table>
**Proposed building size** 1,292 sq. ft.

**Total building site coverage** 24.44%

**Required parking** 1

**Proposed parking** 1

**BACKGROUND**


September 29, 2021 (CPA/20/21; item 2.8) – The Authority adjourned an application create a duplex to invite the applicant to appear due to lot size and setback variances.

January 05, 2022 (CPA/01/22; item 2.3) – The Authority adjourned the duplex application at the applicant's request.

**Recommendation**: Discuss the application for the following reason:

1) Side setback (7’ 4” vs 10’)
2) Rear setback (7’ 6” vs 20’)

**APPLICANT’S LETTER**

We write on behalf of our client Ms. Marva Hewitt, with regards to the following variances:

1. A **side setback variance** — to allow the proposed to remain as built with a reduced side setback of 7’4” which would be less than the required 10’0” Note a difference of 2’8”.
2. A **rear setback variance** — to allow the proposed to remain as built with a reduced side setback of 7’6” which would be less than the required 20’0”. Note a difference of 12’6”.

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

1. Per section 8(13)(d) of the Planning Regulations, the owners of the adjacent properties were notified by register mail. There were no objections.
2. The garden shed has existed for over a decade and has not negatively affected the property or the immediate neighborhood.
3. Per section 8(13)(b)(iii) of the Planning Regulations, granting the variances to allow this structure to remain as shown, will not cause it to be detrimental to persons residing or working in the vicinity, nor to the adjacent property, nor to the neighborhood, or to the public welfare going forward;
4. The structure consists of a concrete foundation which would be cumbersome and costly to relocate.
5. The application complies with all other relevant planning requirements.
PLANNING DEPARTMENT ANALYSIS

General
The applicant proposes a two-bedroom (single-storey) addition with family room and TV room and an after-the-fact storage shed located on Brightside Street.

The Authority may remember that on September 29, 2021 (CPA/20/21; item 2.8) – The Authority adjourned the application (for addition to create duplex and atf shed) to invite the applicant to appear due to lot size and setback variances and on January 05, 2022 (CPA/01/22; item 2.3) – The Authority adjourned the application at the applicant’s request for P21-0685.

Now, the applicant has submitted a new plan to create a house addition (and not addition to create a duplex); therefore, they are not seeking a lot size variance; nevertheless, the applicant is still seeking a setback variance for the after-the-fact storage shed which has been existing prior to 2008.

Zoning
The property is zoned Low Density Residential.

Specific Issues
1) Setback Variances

The applicant is seeking permission for the after-the-fact (100 sq. ft.) storage shed; which does not meet the required side and rear setbacks proposed at 7.4’ vs 10’ and 7.5’ vs 20’, respectively. The Authority is asked to consider the merits of the applicant’s letter.

2.17 PATRICK SAKALA (JMP Construction) Block 5C Parcel 362 (P22-0202) ($15,000) (EJ)

Application for replacement roof, patio extension and gazebo.

FACTS
Lloyd Cres, West Bay

Zoning | LDR
---|---
Notification result | No objectors
Parcel size proposed | 0.2885 ac. (12,567 sq. ft.)
Parcel size required | 10,000 sq. ft.
Current use | House
Proposed building size | 450.75 sq. ft.
Total building site coverage | 27.32%

BACKGROUND
March 13, 2007 - The Department granted permission for a three-bedroom house with attached double garage.
Recommendation: Discuss the application, for the following reason:

1) Rear setback (12.1’ vs 20’)

APPLICANT’S LETTER

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

1. Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare;

2. Per section 8(13)(d) of the Planning Regulations, the adjoining property owners have been notified of the lesser setback associated with the application and they have not objected.

PLANNING DEPARTMENT ANALYSIS

General
The proposed roof replacement, gazebo and patio extension is located on Lloyd Cres. in West Bay.

Zoning
The property is zoned Low Density Residential.

Specific Issues

1) Rear setback

The gazebo does meet the rear setback per Regulations 9 (8)(i) 20’ and is proposed at 12.1’ vs 20’; therefore, the applicant is seeking a variance from the Authority for the proposed.

The applicant has notified the adjacent parcels and the department is not in receipt of any objections; therefore, the authority is asked to consider the merits of the applicant request.

2.18 HARBOUR WALK Ltd (BDCL) Block 22E Parcel 445 (P21-1289) ($4,000) (JP)

Application for installation of signs.

FACTS

Edgewater Way, Prospect

Zoning NC

Notification result No objectors

Parcel size proposed 3.155 ac. (137,431.8 sq. ft.)

Current use Mixed use under construction

BACKGROUND

February 2, 2022 (CPA/03/22; item 2.27) – application for signs adjourned for the
following reason:

1) The applicant must submit revised plans that comply with the requirements of NRA regarding sight lines

June 19, 2019 (CPA/12/19; item 2.2) – application for mixed use commercial and residential development approved

Recommendation: Discuss the application, for the following reason:

1) Revise sign location

AGENCY COMMENTS
National Roads Authority
As per your memo dated December 29th, 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Main sign/directory will affect required sightline with the driveway of Grand Harbour and Edgewater Way (a road gazetted pursuant to Section 3 of Roads Act (2005 Revision) under Boundary Plan 637 in August 2020.

PLANNING DEPARTMENT ANALYSIS
General
The application site forms the corner lot near the entrance to Hurleys.
The application seeks Planning Permission for the installation of signage.

Zoning
The property is zoned Neighbourhood Commercial.

Specific Issues

1) Roadside setback varying 3’ 7” to 13’ 8” v 20’;
   Regulation 8(8)(b) requires minimum road setbacks of 20’.
   The proposed signs are sited within the road setback as follows:
   Residences – 13’ 8”
   Offices - 12’ 11”
   Directory sign – 3’ 7”
   Members are invited to consider whether the siting of signs within setbacks is acceptable.

2) Size of sign 171 sf v 32 sf;
   Section 5.2 of the Sign Guidelines 2014 sets a maximum size of 32 sq ft for freestanding signs.
   The proposed directory sign is designed with a coverage of 171 sf.
Members are invited to consider the acceptability of this.

3) **Height of sign 12’ 6” v 12’**

Section 5.2 of the Sign Guidelines 2014 sets a maximum height of 12 ft for freestanding signs.

The proposed directory sign is designed with a height of 12’ 6”.

Members are invited to consider the acceptability of this.

**SUPPLEMENTARY ANALYSIS**

Revised drawings submitted which amend the location and size of the directory sign.

The agent has submitted a support letter which reads:

“In response to comments from the NRA, I have reduced the size of the Main Sign and relocated it.

**Size:**

The directory has been removed from the main sign. The overall width of the sign structure has been reduced from 25’-4” to 12’-1¼ “.

**Location**

I have moved the Main Sign further into the property. It is now located inside the sidewalk in the landscaped triangle at the corner of the property and is out of the way of the sightline at the junction.

The Offices and Residence signs have not changed.”

NRA have been re-consulted in light of the revised drawings. No comments have been received at finalization of the Agenda, but it would appear that the new sign location would not impeded sight lines.

---

2.19 **SHALICE CLARKE (Craftman’s Touch) Block 43A Parcel 186 (P22-0302) ($440,000) (JP)**

Application for a duplex.

**FACTS**

<table>
<thead>
<tr>
<th><strong>Location</strong></th>
<th>Bombay Street, Bodden Town</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Zoning</strong></td>
<td>MDR</td>
</tr>
<tr>
<td><strong>Notification result</strong></td>
<td>No objectors</td>
</tr>
<tr>
<td><strong>Parcel size proposed</strong></td>
<td>0.3497 ac. (15,232.93 sq. ft.)</td>
</tr>
<tr>
<td><strong>Parcel size required</strong></td>
<td>7,500 sq. ft.</td>
</tr>
</tbody>
</table>
Current use: Vacant

Proposed building size: 2,487.46 sq. ft.

Total building site coverage: 14%

Required parking: 2

Proposed parking: 3

**BACKGROUND**

No Planning history

**Recommendation:** Discuss the application, for the following reasons:

1) Legal access

**PLANNING DEPARTMENT ANALYSIS**

**General**

The application site occupies a corner lot with Verneice Bodden Drive forming the western boundary and Bombay Street providing access from the north. Vacant lots form the east and south boundaries.

The application seeks Planning Permission for a duplex with two separate access points.

**Zoning**

The property is zoned Medium Density Residential.

**Specific Issues**

1) **Legal access**

   Legal access to the proposed development site consists of a single access point off the secondary road, Bombay Street, which is set back from the junction with Verneice Bodden Drive, the primary road.

   The proposed second access is only 25’ 6” from the junction with Bombay Street in the direct line of sight for vehicles turning left onto Verneice Bodden Drive.

   Therefore, Members are invited to consider the legal ramifications of an unregistered access together with the potential hazardous impact on road users.

2.20 **OMARI RANKINE (Tropical Architectural Group Ltd.) Block 27C Parcel 825 (P22-0089) ($531,840) (MW)**

Application for a duplex with 4’ & 6’ fences & generator.
FACTS

Location Meadowlands Dr., Bodden Town
Zoning Low Density Residential
Notification result No Objectors
Parcel size proposed 0.3440 ac. (14,984.64 sq. ft.)
Parcel size required 12,500 sq. ft.
Current use Vacant
Proposed building size 3,324 sq. ft.
Total building site coverage 22.2 %
Required parking 2 spaces
Proposed parking 4 spaces

BACKGROUND

March 30, 2022 (CPA/09/22; Item 2.17) – the current application was adjourned for the following reason:

1) The applicant must submit a revised site plan showing the parking area re-designed such that vehicles do not reverse onto the road.

The applicant has now re-designed the parking area such that vehicles do not reverse onto the road.

Recommendation: Discuss the application, for the following reason:

1) Determine if the revised parking layout is acceptable

APPLICANT’S LETTERS

Letter #1

Further to the application submitted in relation to the above referenced Project, we hereby request for a lot width variance which requires a minimum of 80 ft lot width per Planning Regulation 9 (8)(g); and a setback variance which requires a minimum of 10 ft side setback per Planning Regulation 9 (8)(j).

We would appreciate your consideration for this variance request on the following basis: Under Regulation 8 (13)(b)(i), the characteristics of the proposed development are consistent with the character of the surrounding area; Regulation 8(13)(b)(ii) unusual terrain characteristics limit the site’s development potential; and 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 neighbourhood, or to the public welfare;

1) The project site is a corner lot property where in its legal access can be found along Meadowlands Drive. The lot width along this road is only approximately 42’-7” wide. Our client tried negotiating for a legal access along Hirst Road with NRA as well as in Kitty Lane which is a private road but was unsuccessful leaving us no other choice but to access it from the current proposed site entrance.
(2) The current proposed location of the generator being central in the site is the most efficient as it can easily serve both units and close to the CUC pedestal. The proposed generator is still approximately 3 ft away from the adjacent property. The owner of the adjacent property 27C 826 have also shown no objection on the generator being close to their property (see no objection letter on the next page). We hope that the board will find this request to be acceptable.

Letter #2

Through this letter, we would like to give some further information on the proposed development.

The proposed project is a one-storey duplex located on 27C 825. The roof deck will cater some of the utility equipment and future solar panels. The outdoor stair is intended for an ease of access during maintenance.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a Duplex; 3,324 sq. ft. with 4’ & 6’ Fence & Generator with Lot Width & Side Setback Variances to be located on Meadowlands Dr., Bodden Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot Width

Regulation 9(8)(g) of the Development & Planning Regulations (2022 Revision) states “the minimum lot width for detached houses and duplexes is 80’.” The proposed parcel would only be approximately 42’-7 3/4” of Meadowlands Dr. a difference of 37’-4 1/4” respectively.

2) Side Setback

Regulation 9(8)(j) of the Development & Planning Regulations (2022 Revision) states “the minimum side setback is 10’ for a building of one storey” as the proposed duplex meets the required minimum side setbacks the Department will point out the proposed generator would only be 3’-0” from the adjoining parcel boundary (27C 826) a difference of 7’-0” respectively. The Board should note the adjoining land owner submitted a letter of no objection regarding this (See above).

3) Fence Height

The CPA fence guideline 4.3.1 stipulates that “In residential and tourism-related zones, no part of a solid wall or fence should exceed 48 inches in height”. The proposed wooden divider fence at the rear of the proposed duplex would be 6’ in height a difference of 2’-0” respectively.

4) Stair access to Roof

The Department also reached out to the applicant questioning the reason for the stairs which accesses the relatively flat roof. The applicant has submitted a letter stating the outdoor stair is intended for an ease of access during maintenance for the utility equipment and future solar panels. (See applicant letter above).
SUPPLEMENTAL ANALYSIS

The applicant has revised the parking area as requested and the Authority needs to determine if the new design is acceptable.

2.21 JOHN BURKE (Abernethy & Associates) Block 9A Parcel 725 (P22-0091) ($3,650) (NP)

Application for a 2 lot subdivision.

FACTS

Location: Shorecrest Circle, West Bay
Zoning: LDR
Notification Results: No objectors
Proposed Parcel size: 13,125 sq ft & 20,105 sq ft
Parcel size required: 10,000 sq. ft.
Current use: Vacant

Recommendation: Discuss Planning Permission for the following reason:
1) Proposed right of way over adjacent land

AGENCY COMMENTS

The following agencies have submitted 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 Department notes that the majority of the subject parcel is predominantly man-modified habitat with some remaining mangrove habitat along the parcel’s southeastern boundary, as shown in figure 1 below. Mangroves are protected under the Species Conservation Plan for Mangroves (2020) in accordance with the National Conservation Act (2013). With guidance, mangroves can be trimmed to give vistas without causing severe injury to or killing mangroves. Should the applicant wish to trim the mangroves to give a view of the canal, it must be done in accordance with the Department of Environment’s Mangrove Trimming Guidelines (www.doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/). Any future clearing, filling or development of the resulting parcels should be the subject of a separate consultation with the National Conservation Council.
Figure 1: Aerial Imagery showing the subject parcel (Source: LIS 2018).

Water Authority Cayman

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

**Water Supply:**
Please be advised that the proposed development site is located within the Cayman Water Company’s (CWC) water supply area.
- The developer is required to notify the Cayman Water Company without delay, to be advised of the site-specific requirements for connection.
- The developer shall provide water supply infrastructure per CWC’s specification and under CWC’s supervision.

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

**PLANNING DEPARTMENT ANALYSIS**

**General**
The subject property is located on Shorecrest Circle, adjacent to the tennis court for the subdivision.
The property is currently vacant.
The proposal is to divide the property into two parcels with a proposed 24 foot wide right of way over an abutting parcel of land in favour of proposed parcel B.
Adjacent properties were notified and no objections have been received.
**Zoning**
The property is zoned Low Density Residential.

**Specific Issues**

1) Lot access

Access to proposed lot “B” is to be over an abutting parcel of land. The owner of that land, which contains a tennis court, has signed a grant of easement form in order to formalize the right of way.

2.22 **JOSEN EBANKS (AD Architecture) Block 4B Parcel 535 (P22-0281) ($814,680) (NP)**

Application for a duplex.

**FACTS**

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<tr>
<th>Location</th>
<th>West Bay</th>
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<tbody>
<tr>
<td>Zoning</td>
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<td>Notification result</td>
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<td>9,657.3 sq. ft.</td>
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<tr>
<td>Parcel size required</td>
<td>5,000 sq. ft.</td>
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<tr>
<td>Current use</td>
<td>Vacant</td>
</tr>
</tbody>
</table>

**Recommendation**: Discuss the application, **for the following reason**:

1) Rear Setback – Septic (17’ vs 20’)

**APPLICANT’S LETTER**

*In relation to the above-mentioned subject, we hereby requesting your good office to grant us an approval for the septic tank setback variance.*

*As per Regulation 9(8)(i) – minimum front and rear setbacks are 20 feet where the proposed septic tank location is at 17 feet to the rear of the property. The septic tank is an underground structure and will not be a hindrance to both the owner and the adjacent property owners.*

*Notification has been served.*

*Despite of the setback variance for the septic tank, we are mindful and took considerations of the provisions under the following regulations: Regulation 8 (13)(b) (i) where the characteristics of the proposed development are consistent with the character of the surrounding area; (ii) unusual terrain characteristics limit the site’s development potential; or (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.*

*The proposed building was designed to perfectly fit on the location without compromising the following regulations:*
Regulation 9(6) (e) minimum lot size for duplexes is 5,000 square feet (Lot size is 9,657.25 square feet).

(g) maximum site coverage for each detached and semi-detached house, duplex, guest house and apartment is forty percent of the lot size (Proposed site coverage is 27.61%).

(h) the minimum front and rear setbacks are 20 feet (Except for the Septic Tank).

(i) the minimum setbacks 10 feet for a one storey and 15 feet or fifty percent of the height of the building, whichever is greater, for a building of more than one storey.

PLANNING DEPARTMENT ANALYSIS

General
The subject parcel is located on Velma Ebanks Drive in West Bay.
The property is presently vacant.
Adjacent properties were notified by Registered Mail and no objections have been received.

Zoning
The property is zoned High Density Residential.

Specific Issues
1) Proposed rear setback for septic system
   Regulation 9(6)(h) requires a minimum front setback of 20 feet.
   The proposed septic system would have a rear setback of 17 feet.
   The applicant’s agent has submitted a variance letter and the Authority should consider whether a variance is warranted in this instance.

2.23 LEWIN PARSONS (Garden City Designs) Block 4D Parcel 70 (P22-0132) ($100,000) (JP)
Application for a storage addition and loading dock.
FACTS

Location
West Church Street, West Bay

Zoning
NC

Notification result
No objectors

Parcel size proposed
4.265 ac. (185,783.4 sq. ft.)

Parcel size required
20,000 sq. ft.

Current use
Neighbourhood Commercial

Proposed building size
6300 sq. ft.

Total building site coverage
6.01%

Required parking
21

Proposed parking
23

BACKGROUND

October 22, 2021 (Administrative Approval) – 2 lot subdivision

February 9, 2020 (CPA/04/20; item 2.10) – application for storage room addition approved

Recommendation: Grant Planning Permission.

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 have been determined based on the understanding that the parcels in question are to be subdivided (Planning ref: i061821-155353, P21-0646). Requirements for the proposed are as follows:*

**Wastewater Treatment:**

The existing development is served by an onsite aerobic wastewater treatment system with a design treatment capacity of 2,000 gpd.

The design capacity of the existing wastewater treatment system can accommodate the wastewater flows from the proposed, given that the treatment system is being operated and maintained as designed to produce an effluent that meets the Authority’s discharge limits.

**Accommodation of Additional Wastewater Flows:**

To verify that the wastewater treatment systems’ current condition and operation can accommodate flows from the proposed storage addition, the system shall be serviced by a Registered Service Provider (list attached), per Water Authority’s Standard Service Report. Registered Service Providers submit Standard Service Reports to the
client and the Water Authority via our online tracking system. The required service should be scheduled without delay. Receipt of the Standard Service Report and subsequent sampling of the system by the Water Authority to ensure compliance with regulatory limits are conditions for approval of Certificate of Occupancy.

**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](http://www.waterauthority.ky/water-infrastructure)

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

**Department of Environmental Health**
*DEH has no objections to the proposed in principle.*

*a. This development will required (1) 8 cubic yard container with twice per week servicing.*

**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 of Environment confirms that we have no comments at this time.

**Fire Department**

Stamped approved drawings.

**PLANNING DEPARTMENT ANALYSIS**

**General**
The site is located on West Church Street, West Bay.
The application is for storage area (1,000-sq ft) addition and loading dock.

**Zoning**
The property is zoned Neighbourhood Commercial.
2.24 GOVERNOR’S VILLAGE (Trio Design) Block 11D Parcel 86, 87 and 89 (P22-0348) (JP)

Application to modify Planning Permission to revise the site plan.

FACTS

Location: West Bay Road, West Bay Beach North
Zoning: NC
Notification result: No objectors
Parcel size proposed: 4.37 ac. (190,285 sq. ft.)
Parcel size required: 20,000 sq. ft.
Current use: Vacant
Proposed building size: 115,014 sq. ft.
Total building site coverage: 74.65%
Allowable bedrooms: 285 (previously approved)
Proposed bedrooms: 254

BACKGROUND

November 25, 2020 (CPA/20/20; item 2.1) – Application for 108 apartments and 24,464 sf self-storage structure approved (P20-0774)

December 15, 2021 (Administrative Approval) – Modification to Planning Permission to increase floor area by 4% (P21-1240)

Recommendation: Modify Planning Permission

AGENCY COMMENTS

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

Water Authority

Wastewater Treatment:

The development shall be connected to the West Bay Beach Sewerage System (WBBSS).

- The developer shall notify the Water Authority’s Engineering Department at 949-2837 EXT: 3000, as soon as possible to ensure that:
  - the site-specific connection requirements are relayed to the developer,
  - any existing sewerage appurtenances on the property can be clearly marked to prevent damage (for which the developer would be held responsible), and
  - the Authority can make necessary arrangements for connection.
• **A grease interceptor with a minimum capacity of 600 US gallons is required** to pre-treat kitchen flows from fixtures and equipment with grease-laden waste. Fixtures and equipment includes: pot sinks, pre-rinse sinks, dishwashers, soup kettles or similar devices and floor drains. The outlet of the grease interceptor shall be plumbed to the sanitary sewage line leading to the WBBSS.

• The developer shall be responsible for providing the site-specific sewerage infrastructure required for connection to the WBBSS. The site’s wastewater infrastructure shall be designed and installed to the Authority’s specifications. Copies of the Authority’s specifications are available at the Water Authority’s office on Red Gate Road, or the web: [http://www.waterauthority.ky/upimages/pagebox/Guidelines-Sewer_1425464500_1426308023.pdf](http://www.waterauthority.ky/upimages/pagebox/Guidelines-Sewer_1425464500_1426308023.pdf)

• The developer shall submit plans for the infrastructure to the Authority for approval.

• The Authority shall make the final connection to the WBBSS, the cost of which shall be borne by the developer.

**The Authority will not be responsible for delays due to insufficient notice from the developer.**

**Elevator Installation**

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

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

In the event underground fuel storage tanks (USTs) are used the Authority requires the developer to install monitoring wells for the USTs. The exact number and location(s) of the monitoring wells will be determined by the Authority upon receipt of a detailed site plan showing location of the UST(s) and associated piping. The monitoring wells shall comply with the standard detail of the Water Authority linked below. All monitoring wells shall be accessible for inspection by the Authority. In the event above ground fuel storage tanks (ASTs) are used, monitoring wells will not be required. [https://www.waterauthority.ky/upimages/download/USTMonitoringWellFeb2013_1445632994.pdf](https://www.waterauthority.ky/upimages/download/USTMonitoringWellFeb2013_1445632994.pdf)

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

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

**Water Supply:**

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

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

If there are questions or concerns regarding the above, please email them to: development.control@waterauthority.ky

Department of Environmental Health

No comments received.

Fire Department

Stamped approved plans.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in the West Bay Beach North area of Grand Cayman. Two roads bound the site – Esterley Tibbetts Highway to the east and West Bay Road to the west. The established development of Governors Square forms the southern boundary with vacant land to the north.

The application seeks modification to Planning Permission to revise the location of the storage building shifting from the southern to northern boundary and minor internal alterations to the residences.

Zoning

The property is zoned NC.

3.0 DEVELOPMENT PLAN MATTERS

4.0 PLANNING APPEAL MATTERS

5.0 MATTERS FROM THE DIRECTOR OF PLANNING

6.0 CPA MEMBERS INFORMATION/DISCUSSION
Appendix A
Hi Jess,

You were the Planner for this right?

Ron

From: Neil Burrowes <neilburrowes@hotmail.com>
Sent: Saturday, March 12, 2022 7:09 PM
To: Department of Planning <Planning.Dept@gov.ky>
Subject: [EXTERNAL] Relocation of sewage plant on 9A 639

Dear Director of Planning,

I hereby **object to the apparent** new location of the sewage plant of:
9A 639
Meadows Limited

The reason is the **new location** of the sewage plant is very close to our development.
If the sewage should be poorly managed, we will suffer the consequences of the disgusting smell.

The sewage plant should be up wind of the project to:
1. Ensure the sewage is managed properly
2. Dilute the effluent smell, so that it is un smellable by the time the smell reaches our property

This is my first objection to this development.

We presently have 112 units that command a very high rent of $1700 per month.
This smell will definitely **affect** the rentability of the units.

My name is Neil Burrowes and Stafford Burrowes
My PO Box is: 11187
My block and parcel is: 9A 850
Return address/communication via **email** is perfect.

Many thanks for your understanding,
From: Susan & Tiger Wilson <tigersue@candw.ky>
Sent: Tuesday, March 15, 2022 11:24 PM
To: Department of Planning <Planning.Dept@gov.ky>
Subject: [EXTERNAL] Objection re The Meadows 9A 639 from Owners of 9A 181
Importance: High

Dear Sir

Kindly see the attached letter, together with supporting documentation. We appreciate that action was taken based on our email of March 6, 2022 and that a stop notice was issued until we were given the opportunity to voice our comments.

Kind regards,

Tiger & Susan Wilson
March 14, 2022

Director of Planning
P O Box 113
Grand Cayman KY1-9000
Cayman Islands

Dear Sir

**Objection re The Meadows 9A 639**

In regards to a Notice dated March 8, 2022, we wish to object to the modification to move a sewage treatment plant to a different location.

Before voicing the reasons for our objection, we wish to point out that we have never received any notice with regards as to where this sewage treatment plant was initially to be constructed. Prior to an application ever being made for this development we were contacted by Kris Bergstrom, and we, along with a neighboring couple who own the property adjoining us, met with Mr. Bergstrom, who had emailed the site plan to us for our perusal. *(See Attachment 1.)* At our meeting one or the first things we enquired about was the location of the sewage treatment plant, which was not shown on the plan. He assured us that one would not be built anywhere near or in front of us. At the time we observed the placement of a dumpster immediately in front of our property and asked that it be moved, at which time he indicated that it would not a problem to have that relocated.

It is only now that it has come to our attention that at some point this sewage treatment plant had in fact been approved to be built near the entrance to The Meadows development. Had we received that notice and been given the opportunity to voice our objections, or otherwise, we would have objected on many of the same grounds that we are objecting on now. After speaking to several other landowners bordering the development we have learned that they did not receive notices either.

As owners of 9A 181 which property is immediately adjacent to the development, when the development was approved towards the end of 2019 we attended your offices on two occasions and the site plan that we observed was the same as the one that had been provided to us by the developer, Kris Bergstrom, prior to them submitting their plans.
In our email dated January 12, 2022 we pointed out, and submitted photos, of a large hole that had been dug in close proximity to Jubilee Ln (Attachment 2). We were never given an answer as to what the purpose of the hole was. After not getting an answer we attended your offices on March 4, 2022 and at that time were shown site plans that came as a surprise to us when we observed that an aerobic treatment plant had been approved to be built at the north side of the property and also that approval had been given for 4 LPG tanks to be situated in that same area directly in front of our property. We were then shown the most recent site plan that had been submitted (but much to our amazement due to us having witnessed the advanced construction of the plant) had not yet been approved, which showed the treatment plant was now being moved to the south side of the property, in closer proximity to our boundary.

It is unfortunate to see the blatant disregard that developers have for the law as they obviously know that they are able to get away with “doing their own thing” prior to making the appropriate application(s). It is also more than obvious that penalizing these occurrences with a mere fine is no deterrent to prevent it happening.

Taking into consideration the fact that we know that the current plans were submitted prior to our visit to your offices on March 4, 2022 and the Notice was mailed on March 8, 2022 (the same morning that the stop notice had been served on the developers) we are left to wonder whether we would ever have received this notice if we had not written in to you on March 6, 2022.

As was stated in our email of March 6, 2022, this whole scenario leaves landowners like ourselves to wonder if there is a hidden agenda or some type of favoritism happening as landowners/developers across the island have clearly found a way to get their projects pushed through with “no objectors”. See Attachments 3 and 4 which show the advanced stage at which this treatment plant has been allowed to progress to without the proper planning permission.

Also, as evidenced by Attachments 5 and 6, work continued on this plant for at least 2 days after the stop notice had been served on the development.

There are several reasons why we are objecting to the placement of the aerobic treatment plant:

1. The adverse air quality that will be produced by the scent emitting from the plant;
2. The noise from the constantly running pumps that will create a disturbance for the normally quiet neighborhood;
3. The plant is being built on a blind corner and will add to an already extremely dangerous situation for the residents of Jubilee Ln, whereby it will be impossible for cars coming and going on Jubilee Ln to see around this corner, see Attachments 7 and 8;
4. We will have to drive within mere feet of this plant every time we exit and enter our gate;
5. It is our intention to subdivide our property and gift our two sons with house lots at the north boundary of our property. This would put them in extremely close proximity to the sewerage treatment plant which is not a situation that is desirable;
6. The location of the treatment plant has the potential to devalue our property;
7. We also have concerns regarding the potential contamination of ground water from any deep wells that might be associated with the treatment plant, as we depend heavily on the water supply from our well.

This whole issue begs for an answer to the question of what would anyone else in our situation do? We strongly feel that no one in their right mind could be happy to have this aerobic treatment plant constructed in this particular area and therefore appeal to the Board to reject this application and ensure that the aerobic treatment plant is relocated to an area that will not interfere with the lives of everyone who live in this peaceful area of Batabano, many of us having lived here for the majority, if not all, of our lives. We find it an extremely sad situation that large developers are allowed to move in to what have always been quiet peaceful communities and then show no regard or respect for the residents whose only wish is to continue to live in peace and quiet and, in the case of our community, not have to now live with having the cool, fresh breezes being contaminated with the foul smell of sewage.

We look forward to this issue being satisfactorily resolved in the very near future.

Yours faithfully

Tiger P. Wilson
Susan P. Wilson

Joint Owners of 9A 181
Objection re  Meadows Ltd. 9A 639

We confirm receipt of your Notice Of Application For Planning Permission dated March 8, 2022. We wish to object to the modification to move a sewage treatment plant to a different location.

It has been brought to our attention that a sewage treatment plant is now being constructed near the entrance to the Meadows adjacent to entrance of Jubilee lane. We have never received any notices in connection with the construction, modification or relocation of the sewage treatment plant or as a matter of fact we have never received any notices for changes being made to the development site.

There are several reasons why we are objecting to the placement of the sewage treatment plant:
1. The sewage treatment plant is being built on a blind corner of our entrance and exit road, it will impossible to see any oncoming traffic as the height of the concrete structure is way over the height of a normal car or truck.
2. There will be no room for correction should there be a head on scenario as the plant is too close to the boundary of our road.
3. After close inspection of other treatment plants and speaking with professional construction builders we have been made aware of the foul odor and continuous disturbing noise from the pumps that the system has to operate on.
4. This and any other treatment plant placed near our homes will devalue our properties and make it impossible for us
to continue to live in clean and healthy air not to mention when the area floods making it a toxic and unhealthy environment.

We strongly recommend that the board relocate the sewage treatment plant to an area that is suitable for it and not in any areas that will make it unsafe and a toxic air problem for residents of Jubilee Lane.

We look forward to having this matter resolved as soon as possible. Our lives and our children lives depend on it!

Yours Faithfully

Judith Alma Patrick
Owner of: 9A 182REM1, 9A 586.
Judith Alma Ebanks
Owner of: 9A 260
Don Patrick (Spouse)

-------- Original Message --------

From: Wes-Tec Performance <wes-tecperformance@live.com>
Sent: Tuesday, March 8, 2022, 12:49 AM
To: ron.sanderson@gov.ky,kerry-ann.picard@gov.ky,jessica.peacey@gov.ky,haroon.pandohie@gov.ky
CC: 

Dear All,

We the residents of 54 Jubilee Lane have become aware of a particular structure being constructed on the fence line of Jubilee Lane.
We have not received any information or notification about what this structure is suppose to be and it seems like it's unknown to some of you what is being constructed.

We have major concerns about this structure, not only is it located around a blind corner making it very dangerous for our vehicles to avoid head-on collisions but it's also appearing to be higher than a legal fence height which definitely makes it a hazard for pedestrians as well as vehicles.

We are so disappointed in the developers of this project ( The Meadows ), not only did they lie to us from day one but continue to make changes unknown to the residents of Jubilee Lane.
Not to mention the poor quality of the construction of this project by using materials that I believe has been rejected by building codes in other countries. As Fifth generation Caymanian's we are so disappointed in the way that the planning department could even pass such a hazardous and poor building plan.

The Meadows with it's type of construction has devalued our properties and it seems like they have to make up things as they go along, this is absolutely discouraging to us, not to mention how it's an eye sore for the beautiful Batabano that I have lived at for the past thirty three years.

We look forward to receiving a response from you all in this matter at the earliest convenience.
Regards.

Don Patrick.
Dear All,

We the residents of 54 Jubilee Lane have become aware of a particular structure being constructed on the fence line of Jubilee Lane. We have not received any information or notification about what this structure is suppose to be and it seems like it’s unknown to some of you what is being constructed.

We have major concerns about this structure, not only is it located around a blind corner making it very dangerous for our vehicles to avoid head-on collisions but it's also appearing to be higher than a legal fence height which definitely makes it a hazard for pedestrians as well as vehicles.

We are so disappointed in the developers of this project (The Meadows), not only did they lie to us from day one but continue to make changes unknown to the residents of Jubilee Lane. Not to mention the poor quality of the construction of this project by using materials that I believe has been rejected by building codes in other countries. As Fifth generation Caymanian's we are so disappointed in the way that the planning department could even pass such a hazardous and poor building plan.

The Meadows with it's type of construction has devalued our properties and it seems like they have to make up things as they go along, this is absolutely discouraging to us, not to mention how it's an eye sore for the beautiful Batabano that I have lived at for the past thirty three years.

We look forward to receiving a response from you all in this matter at the earliest convenience.

Regards,

Don Patrick.
Appendix B
I am writing this as an objection to a planning permission letter that was received from Tropical Architectural Group Ltd – Block and Parcel 15E95 owned by William Harold Pennington, Sharon Violet Meghoo, and Henry Harold Hurlston. Planning Project # P21-1317.

My objections are based on the fact that the proposed 4 story apartment complex will have a negative impact on my mother’s property next door (Block and Parcel 15E 143) as well as my property across the street (Block 15 E 241).

In the planning permission letter no indication was made for the number of apartments only that it was a 4 story apartment building. This is of great concern as we have no idea the expected number of apartments/additional residents to the area.

To date my mother has yet to receive any notice of application for planning permission with regards to the building on 15E95.

My mother is 88 years of age, and copes with various health issues. Her health is failing her, but she will do whatever it takes to continue to live in her home of 60 years in peace and tranquility as she ages.

The proposed development is of great concern to us, as this development will change the nature of the area substantially with so many additional residents becoming her neighbors, increased noise level, privacy concern with a roof deck. Of great concern is the fact that the small Cayman Cottages(My mother next to this massive development) in the area will be completely compromised. These homes are occupied by elderly born Caymanians and were built in the sand 60-70 years ago. They will not be able to withstand the massive amount of sand removal that will be needed for this development. The seawall is of great concern as this will change the lay of the land and increase the possibility of further beach erosion. The proposed construction of the seawall is simply unthinkable! Everyone familiar with this area of beach in South Sound will know it is 15E/142,15E/143,and 15E95 and the general area that takes all the ocean wave action in storms, coldfronts etc. We have no reef protection. Any seawall would force all wave action to adjoining properties that will cause erosion that eventually will even take out the structures on these properties.

We are gravely concerned by the magnitude of development that is proposed and the negative effects it will have environmentally with the proposed seawall structure and basement on her home right next door.
This area of South Sound has become very busy with heavy traffic over the years with the increase of multiple apartment complexes this proposed development right next door will only further disturb her quality of life.

Further to this we are also concerned about the proposed construction site such as parking for the workers, the noise level, the heavy equipment trucks, the hours of work, and the garbage from the work site as we have a never ending problem with these items in relation to the Mantras that is being built across the street/next door. We have contacted planning with numerous complaints with regards to these problems during the building period and were told to call the police it was beyond their control. I cannot tolerate another building project and being subjected to such a stressful environment while in my home. It has been observed that some of these construction workers remain and sleep in their vehicles very near to the construction of the Mantras, so we consider their vehicles as their place of residence.

Thanks for your consideration.

Una Judy Hurlston
To whom it may concern

I Irma Josefa Hurlston joint owner of 15E234 along with my husband Hank Lyndon Hurlston object to the proposed building on 15E95 for the same reasons stated on my husband objections. Please reference his email for my objections along with photos sent.

Thanks for your kindest attention on this matter.

Regards,
Irma Josefa Hurlston
Mary Rovenia White  
P. O. Box 30252  
Grand Cayman KY1-1202  
Cayman Islands

30 December 2021

Director of Planning  
P.O. Box 113  
Grand Cayman KY1-9000  
Cayman Islands

Dear Sir/Madam,

Re: Objection to Notice of Application for Planning Permission on Block 15E Block 95

I am the owner of Block 15E Parcels 20 & 21. I have received the above-mentioned Notice of Application for Planning Permission on Block 15E Block 95 to construct a four-storey apartment complex (“the complex”).

I object to this application for the following reasons:

1. **Undefined horizontal line:** There exists a horizontal dotted line approximately half-way through the complex which is undefined. I kindly request this information to be provided forthwith so that I can submit and further objections if an issue arises as a result of this new information.

2. **Setback/erosion concerns:** I note the demarcation of the main high water mark in October of 2021, but I question this represents the main high water mark and I ask that this concern is substantiated by the developer.

3. Following a closer look at the plans, it appears that the developers propose to locate the structure past the regulated setback from the mean high water mark on a sandy beach. Using the developers’ own calculations, the complex will sit approximately 75 feet from the high water mark. Not only is this against regulations, but also has the propensity to cause beach erosion, as evidenced by the Boggy Sand cabana dilemma, the Marriott and the Seven Mile Beach stretch that is now suffering from erosion.

4. The developers propose underground parking a part of which, using the developers’ calculations, puts the parking garage, the deck and pool out past the permitted setback.
5. **Floor plans:** There needs to be a floor plan exhibited clearly demarking each bedroom, bathroom etc. The number of apartments proposed is 8. However, based on the figures on the plan the calculation, in which there appears to be a calculation error using the formula of 20x0.40 instead of the correct 15x0.40 which would equal 6 apartments instead of 8 apartments. If there are 8 apartments with a den which can be used as a bedroom, then there are 16 bedrooms and not 12, as allowed for the square footage of the property. This calculation negates the approval of 8 apartments.

6. **Coverage:** Although the plans state that the coverage is 22.27% (5358sq ft.) with an allowance of 30%, the ground floor, second, third and fourth floor each covers 4,000 square feet and the roof deck 4,008; there is a total of 6153sq ft for parking plus 4000sq ft for the basement. This is substantially more than the 5358 sq ft. Additionally, there appears to be a ramp which is not on the ground floor plan.

7. The developers say that the building is 54 feet high; this amounts to 5 stories not 4 as stated. Calculating that the parapet wall is measured at 50 feet high, it is unlikely that the roof top is only 4 feet higher than the parapet wall and clarification is also sought on this calculation as well.

8. The site plan setback do not provide any measurements.

9. **Parking:** during the construction of “The Mantras” complex the employees were parking on my private property as there was no parking for them. I had to get my property fenced in order for this to discontinue. Where do the developers propose for parking during construction and after?

10. The plan shows 13 parking spaces allotted which amounts to 1.5 spaces for 8 apartments and 1 accessible parking space. This means there will be no parking spaces allotted for delivery and guests. Even one-bed apartments used by a couple will need 2 spots for each having a car. No guests can park. No deliveries can be made with parking.

11. **Beach access/empty parcels - The Mantras:** The plans shows a vacant parcel “155” for the Mantras. This is not factually correct. The “vacant lot” shown on the plan are actually the entrance/exit to The Mantras and its inland complex, a 50-unit, 87-bedroom development well under way. It is owned Mr Samuel Thevasaeyan, the same (in truth) applicant for these proposed plans (this information is found under the heading “General Notes” on the plans).

12. The Mantras sold their complex units on the premise that they had access to an exclusive South Sound sandy beach access and it was this property that was advertised as the
“sandy beach”; however, a competing development owned by private land owners who are not the legal owners of The Mantras does not guarantee beach access to The Mantras. Clarification on this issue should be provided.

13. **Increase in traffic:** although the NRA previously declared (impossibly) that The Mantras would not increase traffic in South Sound, that was an obvious irrational decision as the size of the development obviously would lead to an inevitable increase in traffic. Although this may seem insignificant when comparing to a development of 6 or 8 units, there will be an increase of traffic that includes service and delivery agents and visitors.

14. For the reasons above I object to the development of this site.

I would be available to voice my objections at any further meeting as necessary.

Thank you for your cooperation in this matter.

Yours faithfully,

Mary Rovena White
29th December 2021

Director of Planning
P O Box 113
Government Administration Building
Grand Cayman KY1-9000
Cayman Islands

Dear Sirs,

Re: Proposed 4-storey apartment, etc. on Block 15E Parcel 341

With reference to the above Notice of Application for Planning Permission dated Friday, 10 December 2021.

I write as owner of Block and Parcel 15E 235 H14.

First, I must comment on the timing of the Notice for this project, as well as the 21 calendar days of the date of posting, stipulation placed, for objections and/or support being of insufficient time. Not only is the timeframe insufficient to have bona fide independent studies done, but it’s also during a period of multiple public holidays and when most professionals would have closed doors for at least ten days during the Christmas holidays.

Given the size of the property referenced are the proposed plans in full compliance of the Development and Planning Regulations (2021) Revision? With consideration to Regulation 15 and its various sectors.

The proposal is for a 4-storey building with basement and roof deck; are the basement and roof deck to be in addition to the proposed 4-storey apartment or included in the 4-storey, sited?

What is the water table level of the site? Will the proposed basement be mostly sited above the current road level?

Yours faithfully,

Denise Couch
January 6th, 2021

Director of Planning
PO Box 113
Government Administration Building
Grand Cayman, KY1-9000

Re: P21-1317 BLOCK 15E PARCEL 95
20,305 SQ. FT. 4-STORY APARTMENT; POOL; GENERATOR; ELEVATOR; (2) SIGNS ATTACHED TO THE BUILDING/WALL; AND RETAINING WALL

Dear Sirs,

We refer to the Notice of Application for Planning referred to above dated 10th December, 2021.

We write as the owners of Block 15E 244 H25.

We are generally concerned about the increasing development of South Sound and the ever-increasing pressure on South Sound Road.

In relation to this application, our general comment is that the developers are trying to put too much building onto a small plot.

We would comment by reference to the Development and Planning Regulations (2021 Revision):

1. The site is .41 acres, Regulation 15(4)(a)(iii) states that for an apartment development there shall be a minimum lot size of .5 acre.
2. The lot width is only 94’ at the road and tapers to approximately 82’ at the retaining wall, Regulation 15(4)(d) in the Development and Planning (Amendment) Regulations 2021 requires the minimum lot width for apartment buildings to be 100’.
3. Regulation 8 (10) (f) requires "all structures and buildings, including walls and structures" to be a minimum of 75 feet from the High Water Mark (HWM) setback. The retaining wall and pool deck are clearly within the 75-foot setback.

We would additionally comment by reference to the Development Plan:

1. Regulation 15 (1) requires developers to have the appearance of residential development in scale and massing. The adjacent properties are low-density one and two-story homes.
2. Does the development meet the requirement of Regulation 15 (5) in relation to open space, gardens, and landscape? Aside from a slip of hedging, there is no tree scaping sited within the application.
3. Regulation 15 (3) imposes a maximum density of bedrooms which the site plan acknowledges would be 12 bedrooms. The floor plans describe the room by the entrance to each apartment as a "den" with an adjacent bathroom. It is not beyond reason that the purchasers will treat the apartments as two bedrooms, two bathroom apartments, thus breaking the density requirements.

Finally, we would like to comment on the beach at the rear of the property which is designated a critical turtle nesting habitat under the National Conservation Law. The beach width is constantly changing with the sea going up to the vegetation line while at other times the sand accumulates, and the beach becomes wide and thereby greatly changing the location MHWM. The line of "permanent" vegetation is customarily used to determine a true baseline for measurement of the high water mark. A survey of the Parcel 95 late last year would have put the MHWM at the vegetation line as can be deduced by the extension of the MHWM on the neighboring parcels 15E, 142, 143, 123, and 124 shown on the site plan. Coastlines, and beaches, are dynamic fast-changing systems that are an important characteristic of our islands. The prudent use of coastal development setbacks, which establish a safe distance between the upper limit of wave action and new development, provides for beach preservation, reduction of erosion, as well as improved access, vistas, and privacy for beach users and property owners.

We have seen the impact of poor decisions in South Sound and we need to learn from these past mistakes.

Regards,

Matthew Diaz

For and on Behalf of

Strata 15E244
December 30, 2021

Director of Planning
PO Box 113
Government Administration Building
Grand Cayman
KY1 9000

Dear Sirs

Re: Proposed 4 storey apartment etc on Block 15E Parcel 95

We refer to the Notice of Application for Planning Permission referred to above dated 10th December 2021.

I write as a Director of Donnybrook Holdings Limited, the owner of Block 15E Parcel 341.

To put our comments in context, we have lived close to the site of the proposed development for over 25 years.

We are generally concerned about the increasing development of South Sound and, amongst other issues, by the ever-increasing pressure on South Sound Road.

In relation to this application, our general comment is that the developers are trying to cram too much building onto too small a plot.

We would comment by reference to the Development Plan:

1. Does the proposed development meet the requirements and standards of Paragraph 3.03 of the Development Plan, particularly in respect to the guidance as to “appearance of residential development in scale and massing”?
2. Does the proposed development meet the “high standard of accommodation, amenities and open space” and “an abundant degree of lush, tropical landscaping, incorporating sufficient screening to provide privacy from adjacent properties” required by the Development Plan?
3. Is the proposed development “harmonious and compatible land use with adjacent properties” which are low density one and two storey homes along the seaside, that development of the site and area will possibly aid overly dense development for the zone, and is it an aesthetically pleasing development, designed with sensitivity towards heritage results (an oversized building in the middle of historic South Sound village?) all as guided by the Development Plan?

We would additionally comment by reference to the Development and Planning Regulations (2021 Revision):

1. Regulation 15 (4) (a) (ii) requires a minimum lot size for apartments of one half of an acre which is not met by the application.
2. Regulation 15 (4) (d) introduced by the Development and Planning (Amendment) Regulations 2021 requires a minimum lot width for apartment buildings of one hundred feet which is not met by the application.
3. Regulation 15 (1) requires development to have the appearance of residential development in scale and massing.

4. Is this location suitable for apartments under Regulation 15 (2)?

5. Does the development meet the requirements of Regulation 15 (5) particularly in relation to open space, gardens and landscaping?

6. Regulation 15 (3) imposes a maximum density of bedrooms which the site plan acknowledges would be 12 bedrooms. The floor plans describe the good size room by the entrance to each apartment as a “den”, which enjoys an adjacent bathroom. It is not beyond reasonable speculation that purchasers will treat the apartments as two-bedrooms, two bathrooms apartments, and thus the density requirement will be breached by semantics.

7. Does the development meet the requirements of Regulation 8 (2) (f) that “no continuous vertical façade or elevation exceeds 25 feet or two storeys in height”?

Finally, we would like to comment on the beach at the rear of the site. We have lived overlooking the beach for over 25 years and we have seen the annual changes in beach width. Sometimes the sea goes up to the vegetation line, as was the case a year ago and for the early part of this year (attached to our email is a photo of the beach taken last year), and sometimes sand accumulates, and the beach becomes wide (see second photo), as is the case now. The beach is very mobile and consequently the MHWM moves substantially. A survey of the land a year ago would have put the MHWM at the vegetation line of Parcel 95 which can be broadly deduced as an extension of the MHWM on the neighbouring parcels 1SE 142,143,123 and 124 shown on the site plan. Parcel 95 does not have physical attributes that extend out towards the sea on the ground as it does on the site plan. We understand there is a basic legal principle that the Crown should not be easily deprived of property (land and the seabed below MHWM) given that Crown property is held for the public good.

Regulation 8 (10) (f) requires “all structures and buildings, including……walls and structures” to be a minimum of 75 feet from high water mark (the shoreline is not iron shore), but on the site plan, the pool and walls are shown as 50 feet from the MHWM. The sea on the relevant photo would be crushing onto the retaining wall of the pool of the proposed development, and irrespective of any environmental impact on which no doubt the DoE is being consulted, it seems reasonable to ask the question whether a fully engineered sea wall would be needed for the pool not to be undermined, and not the simple retaining wall shown on the plans.

It may be appropriate to suggest that the proposed development be redesigned on a smaller scale that would be in keeping with the size of the Parcel, the area and to be in accordance with the Regulations and the Development Plan, although how the developers can overcome the Regulation 15 (4)(a)(iii) restriction on apartments is not clear to us.

Yours faithfully,

Andrew S Moon
For and on behalf of
Donnybrook Holdings Limited
Appendix C
The Chairman  
C/O the Executive Secretary  
Central Planning Authority  
Government Administration Building  
Elgin Avenue, George Town  
Cayman Islands  

BY EMAIL  

11 May 2022  

Dear Sir,  

Re: Block 14BJ Parcel 19 – Application for Proposed Open Air Deck  

We are instructed by and act and write on behalf of the Applicant, Mr. Roger A. Freeman, in respect of the matter in caption.  

Application is being made by our client for the addition of an open-air deck, essentially a balcony extension, within the existing footprint of the development in situ on the subject parcel.  

Preliminary Matters  

We are instructed that the Agenda for the subject hearing which was first scheduled for 16 March 2022 appears to be incomplete as there are letters in support of our client’s application which were omitted from the Agenda, despite copies thereof having been provided to the Department of Planning well in advance of the hearing.  

Copies of the following letters are appended hereto and should form part of the Agenda for the subject matter:  

1. Letter from Roger S. Freeman dated 16 January 2022; and  
2. Letter from Eden Rock Diving Center Ltd. dated 19 December 2021;  
3. Email from Amy McKee and Duncan Spencer dated 21 December 2021;  
4. Letter from Nickolai M. Ugland dated 15 December 2021; and
5. Letter from James Lagan dated 5 April 2022.

Furthermore, it appears that the Agenda “background” includes irrelevant facts, namely that in 2019 an enforcement notice was issued. The Enforcement Notice related to conduct of a tenant of our client and was remedied between our client and the Authority and the subject tenant was evicted from the property. The inclusion of this irrelevant matter in the Agenda can only serve to prejudice the minds of the Authority in respect of our client, whilst being wholly irrelevant to the subject application. We would therefore respectfully urge you expunge such extraneous and prejudicial facts from the Agenda, as failure to do so could very well give rise to a claim of Wednesbury unreasonableness as against the CPA, in the event of an adverse decision in respect of the Application.

Nature of Proposed Development

The existing development on the subject site consists of a two-storey building comprising a retail space on the ground floor which is operated as a dive shop and a restaurant with an existing three-foot wide balcony on the second floor.

It is important to note that the exterior ground floor of the existing development already includes an existing concrete patio with a “seawall” at its perimeter, which is connected to and forms an integral part of the building, and this part of the structure extends outwards towards the coastline and is significantly closer to the HWM than the proposed extension of the second-floor balcony.

Therefore, our client’s application is merely an application for an extension of the existing second floor balcony, which extension is well within the footprint of the existing concrete patio below, which patio and seawall forms an integral part of the existing structure. The architectural drawings of the proposed balcony extension (a copy of which drawings is appended hereto for your ease of reference) clearly demonstrate that the proposed balcony extension falls completely within the footprint of the existing building.
Sea-side Setback

It is submitted that since the proposed development is wholly within the existing footprint of the development, a setback variance is not required in respect of the subject application as the setback variance permitting the existing ground floor concrete deck and seawall dates back many years and the proposed second floor balcony is within the existing setback variance previously permitted.

If the Authority does not agree that a setback variance in not required in respect of the subject application for these reasons, then it is submitted that the fact that the proposed development comprises a balcony extension within the existing footprint of the development constitutes a material consideration in favor of the Authority granting a setback variance for the proposed development pursuant to Regulation 8(11)(f).

Further considerations which support the granting of a setback variance pursuant to Regulation 8(11) include that the development is located on ironshore coastline, which is obviously static in nature, with an existing seawall (Regulation 8(11)(a) and (b)). The subject parcel is adjacent to a protective reef (Regulation 8(11)(e)). Furthermore, the proposed balcony extension is within the same seaside setback distance as adjacent developments (Regulation 8(11)(e)).

It is noted that there appears to be an error in the setback measurement as calculated by the Department of Planning in the Agenda. The proposed deck will have a seaside setback of 38.20 feet (at the nearest point), whilst the adjacent Oceana development’s coastal setback is a mere 35.16 feet at the closest point to the seawall, and only 39.84 feet measured to the development’s pool. The adjacent development immediately to the South of the proposed development, “The Residences”, has a sea-side setback of 38.14 feet as measured from the development’s deck. For ease of reference an annotation report of the seaside setbacks of the proposed development as well as adjacent developments is appended hereto.

It is therefore submitted that although it is our client’s position that since the proposed deck will be constructed within the existing development’s footprint and therefore falls within the existing setback variance, even if the Authority...
determines that the proposed development requires a sea-side setback variance, having regard to the above-named considerations, our client’s development provides ample grounds for the Authority to grant a setback variance pursuant to Regulation 8(11).

Parking

Although offsite parking is generally prohibited in Beach Resort Residential zoning, our client’s parcel is within the General Commercial Zone 4 Overlay pursuant to Schedule 3 of the Development and Planning Regulation (2022 Revision). Regulation 8(1)(b) provides that in General Commercial Zone 4, up to one hundred per cent of the parking spaces, except those required for persons with disabilities, may be located not more than seven hundred feet from the respective building.

Our client’s development requires a total of 20 parking spaces. Although our client could provide for up to one hundred percent of the parking requirements by off-site parking, the proposed development will provide on-site parking for 11 vehicles, including 1 handicapped parking space for persons with disabilities, and will provide a further 9 parking spaces across the street on parcel 14E 681 ("Harbour Place"). Our client has provided the Authority with proof of an executed lease agreement evidencing the same and the parking requirements in respect of the subject development are therefore fully satisfied.

Nature of Use

The subject development currently comprises a diving business on the ground floor and a restaurant on the second floor. The existing restaurant includes a balcony, the extension of which is the purpose of the subject Application. Therefore, the Application is not (and logically cannot be) for a change of use, as the second floor is already permitted for use as a restaurant.

Our client is seeking to provide fine dining of local cuisine with serene waterfront patio views, not as some of the objectors have suggested, a bar, nightclub or live music venue. Indeed, the best comparison to our client’s proposal is that of Lobster Pot, which development also houses a diving enterprise on the ground
floor and an elegant restaurant with seafront patio on the second storey. Indeed, since the use of space as a restaurant is already an existing permitted use, the CPA cannot rationally consider any objection that proposes or suggests that the proposed balcony extension will constitute a change of use, or that the balcony extension will result in increased noise levels. It should be noted that the existing smaller balcony can be used for dining, as well as the ground floor patio, which extends further outwards, so it is simply illogical to complain that an extension of the existing balcony will result in “increased noise”.

Insofar as concerns the objections raised in respect of the former Oasis Water Park, this was a former tenant of the premises whose tenancy has since been terminated by our client for breach of the terms of the lease. In any event, that is an irrelevant consideration in respect of the subject application and cannot be used as a valid complaint of “harm” to the amenity of the area, since that particular activity no longer exists and is in no way related to the subject Application.

Our client has no desire to turn the existing structure into a nightclub, which we believe would constitute a material change of use, which would necessitate a further application for permission, which any neighbouring landowner could object to. Our client intends to operate and manage the premises himself in a responsible manner, and he is cognizant that the CPA/Planning Department has at its disposal very powerful enforcement provisions to ensure strict compliance with planning approval. Therefore, any speculative complaint about what the Applicant “may do”, in breach of planning control, is of no merit, no more so than a complaint that anyone else “may” commit a road offence if they are given a driver’s licence.

In any event, since the proposed balcony extension will be used for fine dining, the addition will actually serve to better the ambience and amenity of the area by offering such services to everyone within the adjoining developments where the objectors reside, thereby in turn benefitting them and all occupants of the properties in the vicinity. Operating hours will be limited to usual fine dining hours and our client will not be operating a bar or nightclub from the premises. In any event, any activities such as service of liquor and music and dancing is subject to
the remit and regulation of the Liquor Licensing Board, which has its own very stringent restrictions, and such things do not form part of the CPA’s remit.

It is notable that not one of the owners of the adjoining residential development “The Residences” have filed any objection to our client’s application. Our client believes that a number of the existing objectors took issue with his former tenant and are using this application to penalize him for that activity, which he himself put an end to. In any event, all of the objections are completely without merit and seem to be based on a lack of understanding or a refusal to accept the true nature of what is being proposed, which is simply an extension of an existing balcony. There is nothing in the subject application that could be rationally construed as seeking permission for a noisy nightclub or bar. Indeed, it is submitted that there would not be any more noise caused to neighbouring properties than would currently be the case if our client seated guests on the existing ground floor patio slab. This addition merely allows our client to focus on providing a more upscale dining experience, which in turn will enhance dining services for the neighbouring properties, as well as patrons from elsewhere in the island. It is therefore submitted that given the existing approved use and upscale nature of the application, there is no justifiable basis for refusal of the planning permission sought by the applicant and such approval cannot reasonably be interpreted to be at variance with the Development Plan.

We therefore respectfully urge the CPA to approve the subject Application, subject to any reasonable and proportionate conditions that the Authority may deem appropriate.

We therefore intend to rely on the foregoing and to expand upon the same as necessary at the hearing of the application.

Respectfully Submitted,

JacksonLaw
January 16th, 2022

To whom it may concern

I write this letter in reply to Objection letters regarding Planning application for Eden Rock Diving Center & Silverside Restaurant Balcony extension project number P21-1163, 14BJ19. I feel it is important for you to know the history of the property and the intention of the proposed balcony.

I am a born and raised 4th generation Caymanian, the son of Stuart and Magreata Freeman who Founded Eden Rock Diving Center in January 1983 and which is now one of the longest Caymanian owned Dive Company in Cayman.

On January 29th, 2009, my father was inducted into the Scuba Diving Hall of Fame for outstanding contribution to the diving industry in the Cayman Islands and in his acceptance speech he stated that he would like me to continue his legacy operating the business. The addition of the balcony will compliment the diving business and not impact it negatively.

Silverside restaurant is our family-owned business that was started after years of requests from visitors of Eden Rock asking for good local cuisine after enjoying the Diving and snorkeling. We serve Delicious fresh local inspired dishes and Vegan Friendly options, taking pride in the plastic free pledge by using only Bio-degradable products.

Regarding Oasis Aqua Park, we have terminated their contract for non-compliance of our contract and Planning regulations.

Covid 19 pandemic effected the watersports and hospitality industry, and we feel that it would be advantageous to the community at large to be able to offer open air fine-dining overlooking the beautiful view of the George Town harbor. There is concern that Silverside would be a noisy Bar with loud music going into early hours of the morning which is not the case. For the past 3 years we have been closing the restaurant at 10:30pm after our kitchen closes at 10:00pm and we plan to continue to operate with these restaurant hours of operation. It is important to me that the establishment be an asset to the community, tourists, and surrounding neighborhood.

Regarding the concern of inadequate parking, we have added parking but also acquired additional parking across the street.

It is my intention that the new Balcony will be used for fine dining only and to this end, I would like to invite you and your partner to try the food and wine bar service offered on Thursday 3rd February at 6pm. Please RSVP by email to silversidekv@gmail.com
The Director of Planning  
Government Administration Building  
Grand Cayman, KY1-9000  
Cayman Islands

December 19, 2021

Dear Sir,

Re: Balcony addition with parking seaside and setback variances less than required on Block and Parcel 14BJ19.

We are writing on behalf of Eden Rock Diving Center Ltd in support of the application of the balcony extension to the Silverside Restaurant.

Not only will this be a much-needed upgrade to the restaurant, but it will also provide shelter, shade, and a better ambience to support visitors to Eden Rock Diving Center Ltd, a popular dive site visited by many persons locally and worldwide. This addition will provide them with a tasteful dining experience, while promoting Cayman Island tourism.

Your Sincerely

Roger S Freeman  
Marilee M Freeman  
Eden Rock Diving Center Ltd  
Eden Rock Diving Center Ltd  
124 South Church Street, PO Box 1907 George Town, KY1-1110 Cayman Islands
From: amy <amy@cassis.co.uk>
Date: 21 December 2021 at 6:13:14 PM GMT-5
To: Nick.popovich@gov.ky
Cc: Duncan Spence <ds@duncanspence.com>, Grant Stephenson <grant360@gmail.com>
Subject: P21-1163 - Silversides Bar extension

304 Oceana
172 South Church Street
George Town, Grand Cayman KY1 -1100
December 21, 2021

Dear Mr. Popovich,

I am writing in regards to Planning permission application #P21-1163, Block & Parcel 14BJ19, submitted by Roger Freeman.

My husband, Duncan Spence, and I own Oceana 301, 302, and 304/305. Walls were removed between units 304 and 305 to form a penthouse apartment that is now designated Unit 304. We currently reside in this apartment and we own Unit 301 and Unit 302, which are leased to long-term tenants.

When the initial question about whether or not to oppose this application was presented to us by the Strata, we indicated that we wished to abstain from voting on this issue because we feel we have a conflict of interest. We abstained from that vote for the following reasons:

1) We anticipate moving to a residence elsewhere on the Island within the next few months but will continue to own the other two units which are leased to tenants, whom we do not wish to upset. Therefore, while any noise in the neighborhood would not affect us personally, it would disturb our tenants.
2) We are owners of a winery and Silversides Bar is a good customer of our winery and we know the owner of the bar.
3) We have been told that Mr. Freeman’s plans for this extension are for an outdoor fine dining facility, which we think would be a nice addition to the businesses on this end of the town.
4) We were told by other owners in Oceana that they are afraid that it will be a noisy, party bar with loud music and boisterous patrons. As we have been to the current establishment several times and have never seen any evidence of this sort of activity, we have no reason to think this would happen.

On the basis of what I have told you, as owners of 3 of the 14 units in Oceana, we have no objection to the proposed extension to Silversides Bar.

Respectfully yours,
Amy McKee and Duncan Spence
Director of Planning
Government Administration Building
Grand Cayman, KY1-9000
Cayman Islands

December 15th, 2021

Dear Sir,

Re: Balcony addition with parking, seaside and setback variances less than required on Block and Parcel 14BJ19 and owned by Roger Freeman

I am writing on behalf of South Church Holdings Ltd, Ugland House (Cayman) Ltd and Harbour View Investment Limited, owners of the Ugland House, Queensgate House, Harbour Place and Grand Caymania buildings in George Town.

Please accept this letter in support of Mr. Freeman’s balcony extension.

The balcony will no doubt be an attractive feature for the restaurant, which has been tastefully upgraded in recent times and serves popular local food.

Yours sincerely

Nickolai M. Ugland, Director

103 South Church Street, Harbour Place, 5th Floor, P.O. Box 30464
George Town, KY1-1202, Cayman Islands
BY EMAIL

5 April 2022

Mr. Haroon Pandohie
Director of Planning
Government Admin. Building,
133 Elgin Ave. George Town
Grand Cayman

BLOCK 14BJ PARCEL 19 (“the Silverside Property”)

I refer to the planning application made by the proprietor of the Silverside Property for a balcony extension.

I am writing this letter in support of the proprietor of the Silverside Property in my capacity as a director of Oceana 301 Ltd and Oceana 302 Ltd both of which own apartments in the Oceana development (“Oceana”) which was originally developed by Bronte Development Ltd (“Bronte”).

I recently had the opportunity to meet with Mr. Roger Freeman (“Mr. Freeman”) who is the owner/operator of the Silverside Property. Whilst a variance is being requested in respect of the setback from the high watermark, a variance of a similar distance was granted to Oceana in respect of its swimming pool. Whilst the Central Planning Authority (“CPA”) is not bound by prior decisions, I feel it would be disingenuous for Oceana to object to Mr. Freeman’s application based on the proposed setback from the high watermark given the location of the Oceana pool.

Whilst I appreciate the concern of some neighbors in respect of potential noise issues, I am not aware of any noise complaints being made or enforced by the authorities against the Silverside Property. Furthermore, Mr. Freeman has confirmed that the closing hour will be no later than 10:30pm and the balcony extension is to allow for food table service as opposed to liquor service.

There are a considerable number of apartments and homes along South Church and South Sound Road which would benefit from the amenities at the Silverside Property if the extended deck application was granted.
I am aware that Mr. Freeman has made various concessions to try and appease the objectors (for example he has a license to permit his business to trade until 2am but he is not operating beyond 10:30pm). I hope that the objectors can meet with Mr. Freeman to try and find a compromise fair for all parties.

Reference has been made in some objection letters I have seen to a previous business that operated from the property by another non-related party (waterpark). Mr. Freeman has explained to me and other owners at Oceana, that he refused to renew the lease of the business in question, and he is prepared to give his neighbors an undertaking not to allow such a business to utilize his premises in the future. I feel it would be unfair to discriminate against Mr. Freeman based on the actions of a non-related party. To the contrary, the undertaking being offered by Mr. Freeman should give neighbors a sense of comfort as there were noise and parking issues associated with that business.

I have no doubt that the CPA will carefully review the facts and decide the application on its merits.

Yours Respectfully,

James Lagan

James Lagan
Director
Saxon MG Ltd

George Town Annotation Report

Created on March 9, 2022
Captured on March 4, 2022
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### Area

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Appendix D
1 March 2022

For the Attention of Nicholas Popovich
The Department of Planning
Cayman Islands Government
PO Box 113
Grand Cayman KY1-9000

Dear Mr Popovich,

Re: Application Made by Roger Freeman - Application number: P21-1163
Balcony with Parking and Setback Variance at Block 14BJ Parcel 19 –
FOR HEARING BEFORE The Central Planning Committee “the CPA” –
16 March 2022

We act for the Proprietors of Proprietors of Strata Plan No. 741 (“Oceana”) and have been
instructed to appear before the CPA at the hearing of the Application at caption on 16 March
2022. Please find, for inclusion as an appendix to the agenda for the hearing:

1. Our Written Submissions;
2. The Decision of the CPA dated 12 December 2019 (FA84-0257) (P19-0874) (CS); and
3. The plans submitted previously in support of the December 2019 application.

We would be grateful to receive confirmation of receipt, and that our submissions and
materials will be included in the agenda.

Yours sincerely,

[Signature]

NELSONS

Enc

cc: Ron Sanderson, Deputy Director of Planning (by email only: Ron.Sanderson@gov.ky)
BEFORE THE CENTRAL PLANNING AUTHORITY

IN THE MATTER OF AN APPLICATION MADE BY ROGER FREEMAN FOR A BALCONY ADDITION TO SILVERSIDE BAR / RESTAURANT

BALCONY WITH PARKING AND SETBACK VARIANCE AT BLOCK 14BJ PARCEL 19 – APPLICATION NUMBER: P21-1163

(“THE APPLICATION”)

FOR HEARING: 16 MARCH 2022

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Submissions

On behalf of the Proprietors of Strata Plan No. 741

“Oceana”

1. These submissions are in addition to (and where necessary expand upon) the matters raised in the letter of objection filed on behalf of Oceana and those submitted by individual proprietors (“the Objection Letters”).

Non-Compliance with Applicable Regulations

Waterfront Property/Setbacks

2. The Application relates to the development of a bar balcony at Block 14BJ, Parcel 19 (“the Property”) which is zoned as Beach Resort/Residential pursuant to the Development and Planning Regulations (2022 Revision) (“the Regulations”).
3. In respect of waterfront property, the Regulations set out specific requirements at regulation 8 (10). It is to be noted at 8 (10) (a) that in considering the applicability of certain provisions, Eden Rock (which is in fact the location of the Property) is specifically referenced:

"(10) The following provisions apply to waterfront property -

(a) in Central George Town, within the area enclosed from a point on the waterfront map reference MM593 331 (Eden Rock), thence in a northerly direction... new buildings or additions to existing buildings may be permitted but any such buildings (including ancillary buildings, structures and walls) shall not at any point be closer than seventy-five feet to high water mark..."

4. It is evident from the plans submitted with the Application that the high-water mark at the Property is demarcated by the seawall and that the proposed balcony extends almost to the seawall, and certainly well within 75 feet. Accordingly, it is in clear breach of the Regulations which are mandatory. There clearly has been a minor modification to the previous application in December 2019 where the proposed balcony extended to directly above the wall, but the adjustments is wholly immaterial given the mandatory setback of 75 feet.

Parking

5. Regulation 8 (1) sets out the general requirements for parking and provides at (iii) that clubs, restaurants, recreation halls and bars must have one car parking space per 200 square feet. The Application, if successful, would create a total floor area of 4,626
sq. ft for the building, or 5,479 sq ft if one includes the additional 853 sq ft floor area below the balcony.

6. It may be argued that only the second floor and the balcony square footage should be used for the calculation, as this is the area of the restaurant and bar. The applicable square footage on this approach would be 2,252 sq ft, or 3,105 sq ft (if one includes the area below the balcony). This would require 12 parking spaces (or 16 if the area below the balcony is included).

7. It may be argued that the ground floor is a dive shop which would fall under regulation 8 (1) (iv) which allows for one parking space per 300 square feet. The square footage of the ground floor is 1,425 sq ft, which would require 5 parking spaces.

8. The total spaces required on the parcel, therefore, is 17 (or 21 if one includes the area under the balcony in the calculation). The number of spaces on the parcel is 11, and is therefore insufficient.

9. We would also add that the south side set-back has been contravened by the cabana on the side of the building. The square footage of the cabana, which is itself a building, does not appear to have been included in the calculations, which when added would increase the number of parking spaces required still further.

10. It may be suggested that parking to be provided on another parcel on 14E 681 would allow for an additional 9 spaces. Whilst it is unclear if planning permission for the off-site parking area remains valid, it is submitted that in any event this would still be insufficient where the area beneath the balcony is included in the calculation, and in any event off-site parking is not permitted outside an OPY block in George Town. There is no easement on the register of 14E 681, and nothing to stop the adjacent land being
sold, which would remove the availability of the parcel for parking. This is to say nothing of the obvious and irremediable hazard of parking on the other side of the busy South Church Street upon the return of cruise ship tourism, which is an obvious danger in the absence of a crossing (which it is most unlikely to be created given the inevitable effect upon traffic flow).


11. It is demonstrable, for the reasons set out above, that the Application is not compliant with the Regulations. However, in any event, it is trite law that mere compliance with minimum regulatory requirements does not automatically lead to the approval of an application. Rather, it is merely the first step that must be satisfied before an application can be properly considered at all. Upon minimum regulatory requirements being satisfied, the next step is to consider whether the application is consistent with the Development Plan.

12. Section 13 (1) at Part III of the Act confirms the position. It provides:

   "Subject to this Law or any regulations made under this Law, permission shall be required under this Part for any development of land that is carried out after the 17th day of January 1972. Except where otherwise provided for by this Law, permission shall not be given which would result in a development at variance with a development plan..."
13. Section 48 (1) (d) of the Act further expressly provides for a specific ground of appeal where an application has been approved that it is at variance with the Development Plan. It follows that even if the Application were revised so as to be compliant with the Regulations, to grant the application merely on the basis that the proposal is in the correct zone and meets minimum regulatory standards would be an abrogation of the duties of the CPA and would be wrong in law. The CPA is obliged to consider the application, and the objections to it, alongside the relevant provisions of the Development Plan.

Application Incompatible with the Development Plan

14. From the outset it is to be observed that the general aim of the Development Plan is to maintain and advance the quality of life in the Cayman Islands by effectively directing development so as to safeguard the economic, cultural, social and general welfare of the people, and subject thereto the environment. In respect of strategy there is an emphasis on the need to have regard to the quality of life and wellbeing of the people and their individual requirements\(^1\).

15. The CPA will have specific regard to Section 2.6 of the Development Plan which speaks to setbacks and provides:

\(^1\) See Sections 1.2 and 1.3 of the Development Plan
“The provisions for development setbacks are for achieving the following purposes:

(a) to provide adequate natural light, ventilation and privacy to all buildings;
(b) to provide amenity space and to facilitate landscaping around buildings;
(c) to maintain and enhance the quality and character of development fronting a road;
(d) to provide a buffer between buildings on neighbouring lots; and,
(e) to avoid or minimise any negative impact the development or use of one lot may have on the occupants of a neighbouring lot.”

16. It is clear, in the context of this Application that non-compliance with the setback requirements would also be in breach of the Development Plan where the effect of permitting a balcony will be to generate noise and disturbance to neighbouring residential properties and have negative impact on their quality of life.

17. The fact that regard must be had to the impact on the neighbouring lot owners is again evident in section 3.03 of the Development Plan. Section 3.03 (b) provides that developments should be best calculated to ensure that they are harmonious and compatible with adjacent properties and their zones are achieved. What is proposed here is an outdoor bar with a balcony which will open until late into the evening and inevitably will disturb the peace and tranquility of this residential neighbourhood in a manner incompatible with the Development Plan.

18. The application for a balcony as an extension to the bar must not be viewed in isolation. A holistic review is required where the Property is host to a dive shop business which
is connected and overlaps. The presence of a balcony will no doubt be a facility used by patrons and families of dive shop which will only serve to exacerbate the already unacceptable levels of noise and general inconvenience as set out in the Objection Letters.

19. The inadequacy of parking facilities to service the two complimentary businesses will inevitably lead to parking on the side of the road causing an obstruction both to pedestrians and traffic in an area which is already congested at peak times.

20. It may be said that the proximity of the Paradise Bar and other restaurants and licensed premises render the Application in keeping with the existing development. However, this is misconceived where those establishments are either in the commercial zone or neighborhood commercial zone and this application would offend against a necessary buffer or transition zone between residential areas and commercial activity as contemplated by regulation 15(1).

**Application no different in substance to that which was refused by the CPA by decision dated 12 December 2019 (Application No (FA84-0257 (P19-0874) (CS).**

21. Appended to these submissions is the Decision of the CPA dated 12 December 2019, and a copy of the plans submitted in support of that application.

22. There no material difference between the December 2019 application and this application. The only difference is that whereas the balcony previously was planned to extend to the seawall, the updated proposal is that the balcony will fall a few feet short of it.
23. It is submitted that this is an irrelevant amendment. The Regulations and the Development Plan remain the same, and the reasons for the refusal are equally applicable to this application. Indeed, there could be no basis whatsoever for the CPA to arrive upon a different conclusion, which would necessarily be inconsistent with the previous determination which was not appealed.

**Conclusion**

24. For all the reasons advanced above, and those as set out in the Objection Letters and other correspondence, a fair assessment of this proposed project must result in the conclusion that the Application does not meet the high standards required, and the Application should be dismissed as it stands in clear breach of the regulatory requirement for setbacks and parking and is at odds with Development Plan, observance of which is mandatory under the Act.

25. This is a reheated version of an application that has already been rejected, and the minor amendment does not address any of the reasons given for that refusal.

Colm Flanagan
Nicholas Dixey
Nelsons
By Registered Mail
Roger Freeman
P.O. Box 1907
Grand Cayman KY1-1110
CAYMAN ISLANDS

Dear Sir:

Subject: Application for a Bar/Restaurant Balcony Extension on Block 14BJ Parcel 19 (FA84-0257) (P19-0874) (CS)

At a meeting of the Central Planning Authority held on December 4, 2019 your application was considered and it was resolved to refuse planning permission, for the following reasons:

1) The applicant failed to provide sufficient reasons per Regulation 8(11) why a high water setback less than what is prescribed in regulation 8(10(a) should be allowed.

2) The Authority is of the view that the balcony can only physically exist if a deficient high water mark setback is allowed and that would not be consistent with Section 2.06 (e) of The Development Plan 1997 in that the resultant noise from the proposed balcony that is intended for outside seating associated with a bar/restaurant would cause a negative impact on the occupants of the neighbouring residential lots.

3) Per Section 3.03 (b) of The Development Plan 1997, the Authority is of the view that the resultant noise from the proposed balcony that is intended for outside seating associated with a bar/restaurant will not be harmonious or compatible with the adjacent residential developments.

If you have any questions, please contact the Department of Planning at 244-6501.

Sincerely,

[Signature]
Haroon L. Pandohic, AICP
Executive Secretary

HP/nm
9th December 2021

Dear Sirs,

IMPERIUM TRUST COMPANY LIMITED AS TRUSTEE OF THE HAMMOND FAMILY TRUST – 101 OCEANA

We, Imperium Trust Company Limited as Trustee of The Hammond Family Trust are writing as owner of the property namely, 101 Oceana, George Town, Grand Cayman KY1-1002, Cayman Islands. Please accept this letter as our instruction to oppose the application for planning permission for the purpose of balcony addition with parking, sea side and setback variances less than required on Block and Parcel 14BJ19 and owned by Roger Freeman. The reasoning behind the opposition is that the additional outside area to the bar will lead to a disturbance to the peace until late into the evening at 1:00am when the bar closes.

Should you require any assistance, please do not hesitate to contact Denise Cull by telephone on +44 (0)1481 728380 or by email on Denise.Cull@imperiumtrust.com.

Yours faithfully,

[Signature]

Authorised Signatories
Imperium Trust Company Limited
Dear Sirs,

I own #102 at Oceana and I am informed and believe to be true that there were prior disturbances derived from this restaurant/bar two buildings away from me. If this business is allowed to protrude more on iron shore, we would experience constant noise due to fact that most of the time wind is blowing from east and that would surely bring all noise to our condo unit. For this reason, please accept my objection in reference to any proposed development.

Yours truly,

Melko Dobroslavč
Director of planning  
Planning Dept

Dear Sirs,

We write to you today, on behalf of the Proprietors of Strata Plan No.741 - OCEANA, regarding the proposed works to Block 14BJ Parcel 19 – BALCONY ADDITION WITH PARKING.

To echo the concerns of the ownership, this is a quiet residential area, which was previously spoilt by the loud music which came from this bar until the early hours when they had previously applied for an extension balcony. At that time police were called to stop the noise.

The further concern would also be the effects of an extension built over the Iron-shore, where any unwelcomed sounds/noise from the new area would surely be amplified and carried over to the neighboring residents. Thereby making them unwilling participants in each day & night’s activity, and in direct disregard of the valued peace in their homes.

This does not yet include mention of the intent to further encroach on the indigenous beauty of the island by adding yet more building materials on top of the signature Iron-shore coastline that makes this area so picturesque and unique as well as eliminating the varied eco-systems therein.

The Corporation would look forward to expressing and further articulating these views as well as additional concerns at any hearing held regarding these works and would like to respectfully request notification of any such meeting once all objections have been received.

Thank you very much for your consideration in this matter and for your ongoing vigilance of the Natural Treasure that is Grand Cayman.

Regards,

The Executive Committee  
The Proprietors of Strata Plan No.741 - OCEANA
Via email – planning.dept@gov.ky

Mr H. Pandhoie
Director Planning
Planning Dept
PO BOX 113
Grand CAYMAN KY-1-9000
Cayman Islands
BLOCK AND PARCEL 14BJ19

Dear Mr Pandhoie,

My husband and I are neighbors to the Silverside Bar and the floating orange Plastic Park, run by the same proprietor. We urge you, beg you, to please not allow what once paradise to be further destroyed. This one neighbor has caused so much noise and disturbance that he has brought down property values for all nearby residents.

We would have never bought our apartment on the water, if we knew we would be overlooking an orange floating plastic park with children screaming on it all day long. Now this same proprietor wants to build a large outdoor deck to add to his bar. There are several outdoor bars a few blocks away – there is no benefit to adding another one in a residential zone. We fear that just as the Plastic Park closes for the day, the bar deck will open for the night – and an incessant stream of noise will flood our apartment day and night.

We’re speaking up now because we never imagined a scenario where an enormous plastic heap would be allowed to permanently block water views. Now we’re deeply concerned about what is happening in Cayman. How can we encourage residents and tourists to fight for plastic free waters when Cayman appears to support an orange Plastic Park floating in her waters. The environmental and commercial impact of this one neighbor is out of proportion, and not in keeping with the nature, serenity and beauty we love about Cayman.

Many thanks for your consideration,

Batya Colman
Via email – planning.dept@gov.ky

Mr H. Pandhoie  
Director Planning  
Planning Dept.  
PO BOX 113  
Grand CAYMAN KY-1-9000  
Cayman Islands

BLOCK AND PARCEL 14BJ/19

Dear folks at the Planning Dept,

I write regarding in objection to the planning request for the proposed bar-balcony extension made by the Silverside Bar, who are our neighbors.

My wife and I own and live in an apartment (#303) at 172 Church Street. Our apartment faces the water on the third floor. We have a direct line of sight towards the proposed bar extension.

This bar extension was proposed before, in 2019. Planning permission was not granted because the proposed extension is not set back from the high-water mark. The setback provisions of 75 feet are mandatory 8 (10)(a) and (f). This same plan fails for the same reason as the last one, and it should be rejected out of hand.

Furthermore,

We are very concerned about this proposal.

1. Eden Rock is not in an area zoned for Commercial use. It is zoned as Residential/Beach Front. Therefore, this application needs a much higher level of scrutiny; the proposal imposers a bar that wishes to stay open late at night right into a Residential zoned area of which it forms a part.

2. Our worry is also about the noise of a bar, which bounces across the water on a still night like a wooden spoon on a tin pan. How do we enjoy a peaceful evening with kids or friends at home, when our neighbors are drinking it up next door? Outdoor music is placed almost literally in our faces. And we think of the casual tossing of cigarettes, crisp packets and ash into the reef-water.
And the impossible challenge it sets us of teaching our children that drinking, smoking and partying is not a healthy way to spend their lives.

3. We’re also concerned about the increased number of cars to Silverside, which already are frequently parked all over the pavement and messily in South Church street. The parking lot is shared with the dive shop – there is simply insufficient parking for increase in square footage planned. The parking area handles 8 spaces. It would be impossible to park the incremental 2 in the existing space. And in any event, space for twenty would be required which they can not handle.

4. We are concerned about the setback variances that have been proposed and will object firmly to any requests for exemptions that compromise planning rules, which in the Residential zone are mandatory.

5. Lack of need: It’s not as if there is a shortage of outdoor balcony bars nearby. Cayman surely does not need yet another waterfront bar? There is the Paradise Bar, adjacent to Silverside just 50M to the NE and Bar Crudo/Guy Harvey’s another 50M away. Then both these bars are in a clearly defined Commercial zone (which Eden Rock is not) and set back from us as neighbors. Unlike the parking of the applicants, the cars of their patrons are carefully parked. Add to that, within walking distance there is Sharkeez, Margaritaville, Sand Bar, Rackhams, Cayman Cabana—all in Commercial zones. Must we now extend bar balconies into Residential zones because we don’t have enough space in commercial zones? Or because we don’t have enough bars nearby?

The Relevant and Related History

The Department of Planning may hear ‘assurances’ from the applicant that there are some safeguards that could mitigate the negative consequences of variances, noise, parking infractions and trash for neighbors.

But this application for Silverside Bar comes from the same applicant with whom, regrettably, we have experienced a history.

Silverside and Freeman imposed on Cayman the Oasis Orange Plastic water park which fell afoul of the Dept of Environment; breached its contracts multiple times, and failed to pay tens of thousands of dollars in its obligations to the government. While the waterpark slunk away because it could not pay its bills, Silverside had further breached planning permission by brazenly concreting the iron shore (which regardless of post-breach planning consent, now remains concreted so we must live with the consequences for decades). Silverside also frequently allows patrons to park cars illegally. Silverside has done nothing in the community to ingratiate itself.

Summary

If there is to be a public hearing, please could we be informed so we have a full opportunity to share with you the issues that concern us as neighbors—and there are many of us.
In short, please do not allow a noisy bar-balcony to further spoil this residential area, or to further degrade Eden Rock, our peaceful Cayman treasures.

We trust you will understand these issues, and we urge you to reject this application.

Best,

John P Colman
To planning department:

Our names are Munir and Alida Ali.

We have signed a contract to purchase unit #304/305 Oceana on January 15th, 2022 as new owners.

We have been informed of an application for development in our residential neighbourhood. We object to this development as it will disrupt the peace and tranquillity of the ocean life and human life.

Please do not allow a noisy bar-balcony to further spoil this residential area, or to further degrade Eden Rock, our special Cayman treasure.

We have faith that you will understand these issues, and we urge you to reject this application.

Many thanks

Alida Ali and Munir Ali
13th December 2021

By email: planning.dept@gov.ky
F.A.O. Mr H. Pandhole
Director of Planning
Planning Department
PO Box 113
Grand Cayman, KY1-9000
Cayman Islands

Dear Sirs

BLOCK AND PARCEL 14BJ19

I am writing to object (strongly) to the proposed bar/balcony extension to Silverside Bar. I own an apartment next door where I have lived for the last six years with my wife and teenage son. My son and I have Caymanian status and my wife has permanent residency.

The reasons for my objection are as follows:

1. Essentially the same application was made and refused as recently as 2019. As I understand it, one of the many reasons it was refused is that it would have resulted in a breach of the mandatory 75 feet set-back from the high-tide mark rules. It would continue to do so must again mandatorily fail.
2. Simply waiting a couple of years and then making a “hope for the best” essentially the same application is an abuse of process.
3. 14BJ19 is zoned residential. Accordingly, the views of local residents to any increased non-residential activity need to be given a great deal of weight.
4. The bar is well known for being noisy late into the night as it is. Permitting that noise to occur on an outside seaside bar in a quiet residential community would be fundamentally wrong and objectionable.
5. Likewise, the bar is already well known for having insufficient parking often resulting in numerous cars parked in what is already a dangerously narrow road.
6. There are already plenty of open-air seaside bars in George Town. There really is no need for an extra-one in a residential outskirt.

Please keep me informed of any developments in the application including, of course, of any hearing date.

Yours faithfully

Andrew N. Miller
Dear Sirs,

I wish to object to the planning for the decking area proposed to be built on to the Silverside Bar at Eden.

The noise of children screaming from the inflatable connected to Eden Rock has made the daytime bad enough, but to extend what they mean to have as an extension of a bar/grill come night club, open until 2.00 a.m. will not only make what was a peaceful residential area into a noisy area.

I feel the value of our property is being reduced by turning what was a pleasant residential area which was peaceful and renowned for diving, snorkelling into a noisy playground area with a late night disco, as we have already at times heard from the existing bar.

Joyce Hammond

205 Oceana
From: Joe Donald <joeydonaldo@yahoo.co.uk>
Sent: Sunday, December 12, 2021 12:52 PM
To: Department of Planning; dbishop@ncbgroup.ky
Cc: Tinz Binz
Subject: [EXTERNAL] Objection letter for silverside

From: Joseph and Tina Donald
172 S. Church St., unit 201
George Town
PO Box 2440, KY1 1105

Dear Mr. H. Pandhole and Parning Dept.,

I am writing on behalf of my wife and I to register our strong objection to the proposed bar-balcony extension for silverside.

My main objections are as follows:

1. Noise: Oceana is a quiet residential property and residents here would like to keep it peaceful. Outdoor music and loud parting is not what any of us want to be hearing all day and night.

2. Parking: Silverside shares eight parking spaces with Eden Rock diving shop. They already have a parking issue (not enough spaces). Where will their customers be parking if they have their bar deck approved?

3. Environmental issue: Eden rock is a famous diving/snorkelling spot. Why ruin it with a deck going into the sea? Also, with food being served and drunk patrons this means things (cigarettes, napkins, etc.) will occasionally being going into the sea and washing up on shore.

I hope you will take these objections into consideration and refuse silversides application.

Kind regards,

Joseph and Tina Donald

Sent from Yahoo Mail on Android
Jonathan & Judith Furer  
(lon.furer@gmail.com)  
10 Market Street#1186  
Grand Cayman KY-1-9006  
Cayman Islands  

11 December 2021  

Delivered Via Email  

Director of Planning  
P.O. Box 113  
Grand Cayman KY-9000  
Cayman Islands  

Re: Roger Freeman, Block and Parcel 14BJ19  

Ladies and Gentlemen:  

This letter is in reference to the application made by owner, Roger Freeman, seeking parking and set back variances on the above-captioned property. I have attached a copy of the original notice we received for your reference. We, as joint owners of unit 105, at Oceana, 172 South Church Street, George Town, (Strata Plan No. 741), object to the application due to increased noise and traffic that will result from the proposed expansion of the subject property.  

Respectfully,  

[Signature]  
Jonathan R. Furer  

[Signature]  
Judith E. Furer
Appendix E
Dated this .......... day of ................. 2021

SOUTH CHURCH HOLDINGS LTD

As Landlord

and

FREEMAN ENTERPRISES LTD t/a Silverside Restaurant

As Tenant

and

ROGER ALEXANDER FREEMAN

As Guarantor

DEED OF LEASE
This LEASE is made the 7th day of 2021.

BETWEEN:

SOUTH CHURCH HOLDINGS LTD
PO Box 30464
Grand Cayman KY1-1203
Cayman Islands
(hereinafter called ‘the Landlord’)

AND:

FREEMAN ENTERPRISES LTD
PO Box 1907
Grand Cayman KY1-1
Cayman Islands
(hereinafter called ‘the Tenant’)

AND:

ROGER ALEXANDER FREEMAN
PO Box 1907
Grand Cayman KY1-1
Cayman Islands
(hereinafter called ‘the Guarantor’)

WHEREBY:

1. Demise
1.1 In consideration of the sum of CI$1.00 per month ("the Rent"), the Landlord agrees to let and the Tenant agrees to lease nine car parking spaces being part of the property more particularly described in the Land Registry of the Cayman Islands as Registration Section George Town South Block 14E Parcel 681 that shall be allocated by the Landlord to the Tenant from time to time at the Landlord’s complete discretion (hereinafter called ‘the Property’) on a month to month tenancy ("the Term") commencing on the 1st day of October 2021 ("Commencement Date") and expiring on 30 days notice in writing by either party ("Expiry Date").

1.2 The payment of the Rent by the Tenant to the Landlord shall be made monthly in advance.

2. Tenant’s Covenants
2.1 The Tenant hereby agrees with the Landlord as follows:

2.1.1 Not to assign underlet or part with the possession of the Property or any part thereof without the prior written consent of the Landlord.

2.1.2 Not to use the Property for any purpose other than for car parking without the prior written consent of the Landlord.

2.1.3 Not to store or bring upon the Property any articles of a combustible or dangerous nature and not to do or permit or suffer to be done anything by reason whereof the present or any future policy of insurance may be rendered void or voidable or whereby the rate of premium thereon may be increased and to repay to the Landlord all sums paid by way of increased premium occasioned by any breach of the provisions of this clause and to indemnify the Landlord with respect to any breach of this covenant.
2.1.4 Not to do or to permit or suffer to be done on the Property anything which in the opinion of the Landlord may be a nuisance or annoyance to any surrounding or nearby properties.

2.1.5 To pay the costs of all electricity, water, telephone or other services and utilities furnished to the Property during the term hereby created.

2.1.6 Throughout the Term, to keep the Property and the fixtures and fittings therein and the drains, soil and other pipes and sanitary and water apparatus thereof in good and tenantable repair and condition (fair wear and tear and any damage not within the control of the Tenant excepted).

2.1.7 To be responsible for and to indemnify the Landlord against all damage occasioned to the Property caused by any act, default or negligence of the Tenant or its visitors.

2.1.8 To yield up the Property with the fixtures, fittings, and contents and additions thereto at the determination of the tenancy in tenantable repair and condition in accordance with the covenants hereinbefore contained.

3. Indemnity
3.1 The Tenant shall indemnify and keep indemnified the Landlord (including any successors in title) against any and all costs, claims, expenses, damages and liabilities whatsoever and howsoever arising out of any breach of this Lease by the Tenant.

4. Insurance.
4.1 The Tenant shall maintain public liability insurance noting the Landlord as an insured party in the sum of no less than US$1 million for the duration of the Term.

5. Default, Destruction and Termination
5.1 PROVIDED ALWAYS AND it is hereby agreed as follows:

5.1.1 If the Tenant or its agents or servants shall fail to observe or perform any of the stipulations on their part herein contained it shall be lawful for the Landlord to determine this Lease by giving to the Tenant one month's notice in writing of such its intention.

5.1.2 Should the Property be destroyed or damaged so as to render the same or any part thereof unfit for use and occupation, this Lease shall forthwith terminate.

5.1.3 The Landlord may determine this Lease and re-enter upon the Property in the event of the Tenant or Guarantor permitting or receiving an order in liquidation or bankruptcy against either of them.

5.1.4 In all other circumstances either party may terminate this Lease by giving no less than 30 days notice in writing to the other party.

5.2 The Tenant shall pay to the Landlord the amount of all reasonable expenses incurred by the Landlord in connection with any step taken by the Landlord with a view to or in connection with its protection, exercise or enforcement of any right or interest created by this Lease or as a result of a breach by the Tenant of this Lease. There shall be recoverable under this clause the full amount of all legal expenses on a full indemnity basis both before and after any judgment,
whether or not such would be allowed under rules of court or any taxation or other procedure
carried out under such rules.

6. Guarantee

6.1 The Guarantor guarantees the performance of this Lease as if the Guarantor were the Tenant.

6.2 The Guarantor agrees that no waiver, amendment, assignment or release of the Tenant shall
operate to release the Guarantor from its obligation as Guarantor of this Lease without the
express written consent of the Landlord.

7. Notices

7.1 Any notice under this Lease shall be in writing. Any notice:

7.1.1 To the Tenant shall be sufficiently served if left at the first mentioned address above
addressed to the Tenant.

7.1.2 To the Landlord shall be sufficiently served if delivered to the registered office of the
Landlord or sent by registered post. Any notice sent by post be deemed to be given on
the day following the date of posting.

7.1.3 To the Guarantor if personally served on him or left at the address first mentioned
above.

8. Assignment

8.1 The Tenant may not assign this Lease without the prior written consent of the Landlord.

8.2 An assignment of this Lease does not release the Tenant from any future obligations under it
unless specifically agreed otherwise by the Landlord in writing.

9. Stamp Duty

9.1 All stamp duty and registration fees payable in respect of this Lease shall be the
responsibility of the Tenant.

9.2 The Tenant must register this Lease at the Land Registry and provide a copy of the Register for
this Lease and the Property within 14 days of the completion of the registration.

10. Counterparts

10.1 This Lease may be executed in two or more counterparts each executed by one or more party
hereto and all such counterparts shall constitute one and the same original instrument.

11. Governing Law and Jurisdiction

11.1 This Lease shall be governed and construed in accordance with the laws of the Cayman Islands
whose courts shall have exclusive jurisdiction to adjudicate all issues arising therefrom.

IN WITNESS whereof, this Deed has been executed by the parties hereto on the day and year first
before written.
Agreement of Lease

Signed by the Landlord
SOUTH CHURCH HOLDINGS LTD
in the presence of:

Witness

Signed by the Tenant
FREEMAN ENTERPRISES LTD
in the presence of:

Witness

Signed by the Guarantor
ROGER ALEXANDER FREEMAN
in the presence of:

Witness

Director/Authorised Signatory

Director/Authorised Signatory

R S Freeman