

Central Planning Authority

Minutes of a meeting of the Central Planning Authority held on February 15, 2023 at 10:00am in Conference Room 1038, 1st Floor, Government Administration Building, and Elgin Avenue.

4th Meeting of the Year

CPA/04/23

Mr. Ian Pairaudeau (Chair)

Mr. Handel Whittaker (Deputy Chair)

Mr. Joshua Bernard

Mr. Gillard McLaughlin (arrived at 11:15) (left at 4:15)

Mr. Charles Russell Jr. (left at 2:00)

Mr. Peterkin Berry (left at 2:45)

Mr. Peter Campbell (left at 4:20)

Mr. Kenneth Ebanks (via Zoom)

Ms. Danette McLaughlin

Ms. Shakina Bush (apologies)

Ms. Christine Maltman, MCIP, AICP

Ms. Celecia Bancroft (apologies)

Mr. Ashton Bodden (left at 4:00)

Mr. Haroon Pandohie (Executive Secretary)

Mr. Ron Sanderson (Deputy Director of Planning – Current Planning) (Acting Executive Secretary for item 2.2)

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/04/23

- 2.1 COLLIN ANGLIN (John Arch Construction) Block 4D Parcel 67 (P22-0965) (\$3500) (JP) 5**
- 2.2 GENESIS TRUST (Kariba Architecture) Block 8A Parcels 49, 103, & 109 (P22-0928) (\$5,320,000) (NP) 12**
- 2.3 ISLAND TASTE GROUP LTD (Davenport Development Group) Block 27D Parcels 72 & 80 (P22-1151) (\$1.16 million) (NP) 26**
- 2.4 CASY CORP (John Doak) Block 5B Parcel 361 (P22-0848) (\$3,800,000) (EJ) 38**
- 2.5 KRYO GROUP LTD (KY MEP Ltd) Block 4D Parcel 516 (P22-0949) (\$u/k) (JP) 46**
- 2.6 DERRICK & JENNIFER HOLNESS (Architectural Designs & Cayman Contemporary Style) Block 24B Parcel 140 (P22-0739) (\$200,000) (EJ) 55**
- 2.7 ROZETTA SIMPSON-WILKS (Garden City Designs) Block 4B Parcel 573 (P23-0032) (\$775,000) (MW) 57**
- 2.8 DART REALTY LTD. (Abernethy & Associates) Block 40A Parcel 26 (P23-0001) (\$3,529) (NP) 63**
- 2.9 R.C. ESTATES LTD. (Eric Cronier Limited) Block 21C Parcels 8, 9 Rem 1, 164, 168, 169, and 170 (P22-1089) (\$5,000) (NP) 68**
70
- 2.10 MIKE BONIKOWSKI (Shedwerx Design Studio) Block 13B Parcel 175 (P22-0985) (\$10,000) (MW) 71**
- 2.11 BLAIR EBANKS (Oasis Pool & Spa) Block 5C Parcel 337 (P22-0554) (\$50,000) (EJ) 73**
- 2.12 LIMARDO SCOTT (TSC Architectural Design) Block 25C Parcel 239 H5 (P22-1053) (\$80,000) (NP) 75**
- 2.13 SHAMALA MILLER (International Builders Group) Block 25C Parcel 392 (P22-0791) (\$400,000) (JP) 76**
- 2.14 ISLAND FORTUNA (Abernethy & Associates) Block 67A Parcel 22 (P22-1113) (\$4,824) (NP) 80**
- 2.15 SOUTHGATE LTD. (Abernethy & Associates) Block 20D Parcel 173 (P22-1051) (\$4,868) (NP) 83**
- 2.16 SERENDRA APARTMENTS (TAG) Block 24E Parcel 656 (P22-1119) (\$2,312) (NP) 85**
- 2.17 PARAISO APARTMENTS (Design Cayman) Block 22D Parcel 446 (P22-1042) (\$2.0 million) (NP) 87**
- 2.18 ITC (Kozaily Designs Ltd.) Block 19A Parcel 8 (P22-0801) (\$200,000) (MW) 88**

2.19 SISTER JANICE EARLY LEARNING CENTER (Tropical Architectural Group) Block 20E Parcel 130 REM 4 (P22-1166) (\$61,250) (MW) 92

- 5.1 Aaron Chisholm Block 70A Parcel 5 101**
- 5.2 Walls and Fences Guidelines 103**
- 5.3 Construction Operations Guidelines 103**
- 5.4 Bella Stroh application Block 69A Parcel 140 (P22-0676) (JP) 103**
- 5.5 APEC inquiry Block 10E Parcel 76 103**
- 5.6 Rotary Central 104**
- 5.7 Blair Lilford Block 7C Parcel 69 (P21-1251) (MW) 104**
- 5.8 Elizabeth Ross Block 15C Parcel 11 (P22-0813) (JP) 104**
- 5.9 Caroline Lewis Block 55A Parcel 177 (P19-1097) (JP) 104**
- 5.10 Rankin Construction Block 20E Parcel 85 Rem 1 (P22-0187) (NP) 105**
- 5.11 Appeal Hearings 105**

APPLICANTS ATTENDING THE AUTHORITY'S MEETING

Applicant Name	Time	Item	Page
Collin Anglin	10:30	2.1	5
Cayman Islands Humane Society	11:00	2.2	12
Island Taste	11:30	2.3	26
Kryo Group	1:30	2.5	46

1. 1 Confirmation of Minutes CPA/02/23 held on 1st, February 2023.

Moved: Handel Whittaker

Seconded: Christine Maltman

Confirmed

1. 2 Declarations of Conflicts/Interests

Item	Member
2.2	Christine Maltman, Haroon Pandohie
2.19	Danette McLaughlin

2.0 APPLICATIONS

APPEARANCES (Items 2.1 to Item 2.4)

2.1 COLLIN ANGLIN (John Arch Construction) Block 4D Parcel 67 (P22-0965) (\$3500) (JP)

Application for an after-the-fact septic tank and enclosure of porch area to form a laundry room.

Appearance time 10:30

FACTS

<i>Location</i>	Willie Farrington Drive, West Bay
<i>Zoning</i>	LDR
<i>Notification result</i>	Objectors
<i>Parcel size proposed</i>	0.10 ac. (4,356 sq. ft.)
<i>Current use</i>	Residential
<i>Proposed building size</i>	78 sq. ft.
<i>Total building site coverage</i>	27.5%

BACKGROUND

CE20-0033 enforcement file – 4th March 2020 an Enforcement Notice was issued identifying development of land being carried out without the grant of Planning Permission, namely:

- (i) Construction of a septic tank without the grant of planning permission

Concluding with the requirement to either:

- (i) Apply for planning permission for an after-the-fact septic tank; or
- (ii) Remove the unauthorised septic tank from the land.

Following issuance of an enforcement notice, the Legal team provided comments which in summary recommended the Compliance Officer contact the applicant with a goal of finding a solution to avoid having to go to Court.

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

- 1) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 2) Within 60 days of the date of this decision, the 42' length of the northerly property line must be set out on the ground by a licensed land surveyor and the septic tank must be physically

relocated to the applicant's side of the property boundary with no encroachment over the boundary.

Reasons for the decision:

- 1) With the exception of the rear and side setbacks, which are addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 2) The application for the laundry room does not comply with the minimum required rear setback per Regulations 9(8)(i) of the Development and Planning Regulations (2022 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser setback as follows:
 - a) The laundry room appears to have been covered space as far back as at least 1999 and that the current application is for the after-the-fact addition of a door and supporting wall which now fully enclose the space. The Authority is of the view that adding a door/wall represents a minimal change to what has always been there and will not detract from the amenity of adjacent land owners from enjoying the amenity of their lands.
 - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.
- 3) The Authority has imposed a condition of approval requiring the applicant to relocate the septic tank within their property boundary. As the space between the existing building and the property boundary is quite narrow, approximately 10', the Authority acknowledges that when the septic tank is relocated it will not comply with the minimum required side setback and the Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser setback as follows:
 - a) The relocation of the septic tank with a deficient side setback removes the encroachment onto the adjacent property and that is more desirable than achieving a 10' side setback. Moreover, there simply isn't adequate space between the building and the property boundary to locate the septic tank and meet the 10' side setback, it is not physically possible.

Further, there doesn't appear to be any other location on the site where the septic tank could be located while complying with setback requirements.

- 4) The Authority is of the view that the objector did not raise sufficient grounds for refusing permission. More specifically:
 - a) There are two paragraphs in the objection letter outlining the background and history of the site but there is no explanation as to why there is an objection.
 - b) There is brief mention of a safety issue pertaining to the laundry, but there is no explanation detailing the concerns.
 - c) There is repeated reference to a 6' fence, but there is no fence application before the Authority. During the meeting it became apparent that the objector may be referring to the 6' wall that contains the door to the laundry and if that is the case then this issue has been addressed above in item 2).
 - d) There was no relevance provided for referring to elevations plans.
 - e) A condition of approval has been included requiring the relocation of the septic tank which will remove the encroachment onto the objector's land.
 - f) Any matters pertaining to a land dispute fall outside of the remit of the Authority to address.

APPLICANT'S LETTER

Appendix A

OBJECTIONS

Appendix B

PLANNING DEPARTMENT ANALYSIS

General

Application site is located in West Bay. Neighbouring properties share the north, west, east and south boundaries with vacant land sited to the south-west.

The application seeks Planning Permission to retain unauthorised works consisting of:

- Enclosing a covered porch area to form a laundry;
- Replacement septic tank.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Land dispute

The Authority does not have any power with regard to the land dispute.

CPA merely considers the planning merits of an application. Applicants may wish to submit applications and construct on other persons land and it does not fall within the authority of CPA to referee.

The applicant is encouraged to seek legal advice regarding land law.

2) Side setback (0' v 10')

Regulation 9(8)(j) requires a minimum side setback of 10'.

As identified on the Fixed boundary survey provided in appendix A, the septic tank is sited on the boundary and in the lot of 4D 66.

Members are invited to consider the content of appendices A and B.

3) Rear setback (0' vs 20')

Regulation 9(8)(i) requires a minimum rear setback of 20'.

As identified on the Fixed boundary survey provided in appendix A, the enclosed porch is sited on the boundary and straddles 4D 67 and 4D 284,

Members are invited to consider the content of appendices A and B.

At 10:30am, Colin Anglin appeared as the applicant and Susanne Arch and Gardean Johnson accompanied him. Mario Ebanks appeared as an objector and a woman accompanied him.

Summary notes are provided as follows:

- The Authority explained the meeting procedure and asked all parties to not speak about the land dispute, only planning considerations as the land dispute is outside of the Authority's remit.

- Mr. Anglin began to provide some historical background to the site and septic tank location. Mr. Ebanks objected as he is of the view that Mr. Anglin is speaking to the land dispute. The Authority advised they would hear Mr. Anglin's information and discount it if it pertains to the land dispute.
- Mr. Anglin summarized his written submission contained in the Agenda and provided additional comments:
 - The portion of land where the septic tank is located was always understood to be part of their land.
 - In 2015 a sanitary inspector visited the site because of sewage leaking, they fixed it and then it broke again. The sanitary inspector then told them where the septic tank had to be placed based on where the fencing was and it was the only place to put it.
 - His Aunt's ex-husband never asked Mr. Ebanks' permission to put the septic tank on his land, he asked permission to bring a backhoe across Mr. Ebanks' land.
 - They didn't know they needed planning permission to put in the septic tank.
 - Planning sent them a letter around Covid time, but he didn't get it. He said he would not have ignored such correspondence.
 - His Aunt needed to sell the property and Mr. Ebanks wanted it too, but he ended up as the owner.
 - He then got a threatening letter from Mr. Ebanks to remove the septic tank so he went to a lawyer and then the land dispute arose.
 - The septic tank is there because for 50 years they always understood that area to be in the parcel.
- The Authority asked if the septic tank has been there since 2015 and Mr. Anglin replied yes. The Authority asked Mr. Ebanks if he agrees and he replied he can check his records but yes. The Authority noted that the septic tank has been there for 8 years and Mr. Ebanks noted that his complaint was within 5 years of the septic tank being put there.
- Mr. Anglin advised that Planning sent correspondence within 5 years, but he didn't get it. He then got new correspondence and he responded and took action. The Authority asked if when he got the documents from Planning was it after 5 years and Mr. Anglin replied it may have been at the outside of 5 years.
- The Authority asked when did Mr. Anglin build the porch and turn it into a laundry and he replied it's always been there, the buildings have been over the boundary. He noted the buildings have been joined for at least 15 years. He noted that his Aunt was desperate to save the other house and Mr. Ebanks made her shave off a part of the house. The laundry has nothing to do with the septic tank and doesn't affect Mr.

Ebanks. He explained there are two washing machines and the area always had a covering, the only thing that wasn't there was the front wall. The Authority asked when did he enclose it and Mr. Anglin replied in 2020/2021. He noted that he paid the after-the-fact fees and thought it was already done. The Authority explained it is part of this application.

- The Authority asked for Mr. Ebanks' comments.
- Mr. Ebanks explained that the objection he submitted gives the facts. He noted he is confused about what is being applied for as there was reference to a 6' wall. Mr. Anglin explained the 6' wall is the front of the laundry.
- Ms. Johnson noted that the laundry has nothing to do with Mr. Ebanks and there has always been a cement floor, they just put up a wall.
- The Authority viewed the plans and clarified on the elevation drawing where the 6' wall and door were located.
- Mr. Ebanks advised that he doesn't need to go over his letter as the members have read it. He noted that the application states the lot size is .10 acres and that is incorrect and the application says the building size is 43,856 sq ft and that is incorrect and the application says the site coverage is 27.5% and that is incorrect.
- The Authority noted that the building size is an error and Ms. Arch indicated that she has already addressed that and submitted changes.
- Mr. Ebanks advised that the lot size is .0536 acres based on a survey done by Cayman Survey Associates, but it isn't registered because people wouldn't sign off.
- The Authority advised that the application includes a copy of the land register showing the lot size and until a survey is registered they have to go by the land register.
- Mr. Ebanks noted that when Mr. Johnson asked him to use his property to get the backhoe through he made sure that Mr. Johnson knew the septic tank was on his land. The Authority noted that doesn't affect the decision to grant planning permission or not and to be clear, he gave Mr. Johnson permission to put the septic tank on his land and Mr. Ebanks replied yes. The Authority then asked Mr. Anglin when he purchased the land he understood the septic tank was on Mr. Ebanks' land and he replied no, Mr. Johnson never asked for Mr. Ebanks' approval to put the septic tank on his land he only asked permission to bring in the backhoe.
- Mr. Anglin advised that after Ivan, Mr. Ebanks put up the fence in accordance with the old agreement because he always knew the land was theirs.
- The Authority asked if Mr. Ebanks was inclined to give Mr. Anglin a lease for the area where the septic tank is located. Mr. Ebanks replied that he has legal advice that if he leaves the septic tank there, Mr. Anglin will claim adverse possession.

- Mr. Ebanks noted that when Mr. Anglin bought the property he showed him the boundaries and explained that the septic tank was on his property. He noted that regarding the fence he put up, it was before Ivan and there was an argument about where the boundary was and he was concerned about adverse possession, but he put the fence there under protest.
- The Authority asked if it would be helpful to adjourn the matter so they could discuss a lease arrangement. Mr. Ebanks replied there has been a lot of hostility so it's probably not for the best. The Authority asked if he could give an undertaking to allow the septic tank to remain where it is while the parties sort out the issue and Mr. Ebanks replied at this point he just doesn't know. Ms. Johnson noted that he is just being vindictive.
- The Authority summarized the material planning considerations:
 - There is an after-the-fact septic tank and after-the-fact laundry
 - They've heard the background regarding the land dispute
 - They do have to consider where the boundaries are in regard to setbacks and variance considerations
 - The only boundaries they can go by are what is registered with Lands and Survey
 - Lands and Survey says the lot is 0.10 acres and Mr. Ebanks' survey has not been registered and can't be considered
- The Authority asked Mr. Ebanks to summarize his planning objections.
- Mr. Ebanks advised that parcel 66 has been registered with Lands and Survey and the markers are placed.
- The Authority asked from a planning perspective does Mr. Ebanks object to the septic tank and laundry.
- Mr. Ebanks replied he does object to the septic tank and the building footprint already exceeds what's allowed, it covers two parcels and there are safety concerns with buildings crossing over two parcels.
- Mr. Anglin advised that in March, 2022, Lands and Survey called them both to a meeting and that's where lawyers got involved as both parties were seeking adverse possession and Lands and Survey asked if they would leave it as is and he replied he would leave it if he got his strip of land 7' by 42' and Mr. Ebanks said he was not okay with it.

2.2 GENESIS TRUST (Kariba Architecture) Block 8A Parcels 49, 103, & 109 (P22-0928) (\$5,320,000) (NP)

Application for an animal shelter, caretakers unit, generator, & 2 signs.

Appearance time 11:00am

The objector who wrote Letter #1 has advised that they will not be appearing at the CPA meeting on the 15 February and wish to let their written comments stand.

Christine Maltman and Haroon Pandohie declared conflicts and left the meeting room.

FACTS

<i>Location</i>	Captain Reginald Parsons Road in West Bay
<i>Zoning</i>	Low Density Residential
<i>Notification Results</i>	Objections
<i>Parcel size</i>	16.11 acres.
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	Vacant
<i>Building Area</i>	16,501 sq. ft.
<i>Site Coverage</i>	7.2 %
<i>Parking Required</i>	50
<i>Parking Provided</i>	22

BACKGROUND

January 18, 2023 (CPA/02/23; Item 2.3) – The Authority resolved to adjourn the matter in order to re-invite the applicant and objector to address the Authority in person

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

Conditions (1-7) listed below shall be met *prior to the commencement of any site preparation works such as clearing, filling and grading* and before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall submit a revised site plan showing:
 - a) a walking trail to the satisfaction of the Director of Planning or designate; and
 - b) a minimum of 50 parking spaces.
- 2) The applicant shall provide a copy of the submission made to the Lands and Survey Department to obtain a minimum 24' wide vehicular easement over Block 8A Parcels 103 and 109 in favour of Block 8A Parcel 49.
- 3) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and **size** of the wastewater treatment system including the disposal system per the Water Authority's specifications.
- 4) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.
- 5) The applicant shall provide proof that a Stormwater Management plan has been submitted to the National Roads Authority (NRA). **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**
- 6) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website (www.planning.ky) under Policy Development, Policy Drafts.*
- 7) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads, properties and fire lanes. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable

toilets, construction fencing and where applicable, the stockpiling of material excavated from the site and material brought to the site for fill purposes.

In addition to Building Permit requirements, condition (8) listed below shall be met before a Building Permit can be issued.

- 8) The applicant shall submit the Stormwater Management plan required in condition 5) which has been designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority.
- 9) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 10) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area
- 11) 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 adjacent Marine Protected Area offshore.
- 12) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

Additionally, once construction has started, conditions (13-14) shall be complied with before a final Certificate of Occupancy can be issued.

- 13) The walking trail required in condition 1) above shall be constructed.
- 14) The vehicular easements required in condition 2) above shall be registered.
- 15) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s).**

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

The applicant is reminded that they must receive all relevant approvals from all required agencies.

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

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

Reasons for the decision:

- 1) Regulation 9(3) of the Development and Planning Regulations (2022 Revision) ('the Regulations') provides provisions for non-residential uses in a residential zone and states that commercial development may be permitted in suitable locations and provided two newspaper advertisements are placed and no objections lodged which the Authority regards as raising grounds for refusing permission.

In this instance:

- a) The Authority is of the view that the location is suitable for the proposed animal shelter facility. There is very little development in the immediate area so the potential for conflicts between existing uses is minimal. The site has adequate access via proposed vehicular easements leading to a public road. There are no physical constraints on the site that would prevent the development of the proposed shelter. There is sufficient infrastructure at this site (e.g. public road, water line, electrical service) to support the proposed development.
- b) The applicant advertised details of the application twice in a newspaper and while objection were lodged, the Authority is of the view they did not raise ground for refusing permission for the following reasons:

Letter 1:

- Applications are considered on case by case basis on their merits and like applications should be considered in a like manner. Approval of the animal shelter does not mean any other application for a non-residential use will automatically be approved in the residential area surrounding the subject site. Further, the subject site is 15 acres in size and approval of the shelter does not preclude the remainder of the property from being used for residential purposes.
- The Authority has included a condition of approval requiring a revised site plan to show a walking trail(s) for dog walking which will minimize the occurrence of dogs being walked on the nearby roads.
- The applicant proposes only two signs, each 28 square feet in size. One sign will be at the entrance of the access drive and the other will be on the building over the entrance. The Authority is of the view that these two signs are not excessive in size and will not be used as billboards.
- The applicant has made clear that the shelter will have an in-house veterinary service, not a commercial service. To use the veterinary service on a full time commercial basis would require a separate application for planning permission including notification of adjacent land owners.

Letter 2:

- Under the heading of The Area, the first two paragraphs are statements, not objections. The third paragraph makes several assertions about impact on tourism accommodation, nuisance, decrease in property values, excessive noise and potential obnoxious odours, but provides no evidence to support these assertions.
- Under the heading Noise Nuisance, should the facility run afoul of the Public Health Act there is another statutory body that is responsible for enforcing the provisions of that Act. The Authority is of the view that the animals are located in enclosed buildings, not open air structures, therefore noise emanating from the enclosed buildings will be minimal just like noise coming from any other uses contained in an enclosed building. The Cayman Islands Humane Society (CIHS) has made clear that they do not take in feral dogs. The objector presumes that CIHS will not be able to operate the facility in an orderly manner to ensure noise levels are kept to a minimal and there is no evidence to support that position. Finally, the Authority is of the view that the documents included with the objector's submission have no direct relevance to the subject application.
- Under the heading The Regulations, an opinion is provided that the buildings are massive and on a scale that does not fit into and is out of character with residential houses in the area. The Authority disagrees and has a different opinion. The proposed buildings are situated on a 15 acre site and cover only 2.5% of that area. The buildings are hundreds of feet from nearby houses and do not overshadow any existing residences. The buildings are primarily single storey and are of a size that is not out of character with the surrounding area.

The objector has provided no evidence to demonstrate that that the proposed shelter will be contrary to the provisions of Regulation 9(5).
- The objector did raise an issue during the meeting regarding an increase in traffic. The Authority would agree that the shelter will result in an increase in traffic from what is associated with the single residence currently on the property, but is of the view that the objector provided no evidence to suggest that the traffic associated with the animal shelter would be detrimental to the area.

AGENCY COMMENTS

Comments received to date are noted below.

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:

BUILDING	UNITS/BLDG	GPD/BLDG	GPD
Building #1	3,176 sq. ft.	3,176 x 0.1 (kennel factor)	318
Building #2	4,283 sq. ft.	4,283 x 0.1 (kennel factor)	428
	1 x 1-Bed Unit	150gpd/1-Bed	150
Building #3	7,393 sq. ft.	7,393 x 0.1 (kennel factor)	739
TOTAL			1,635

- 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. The minimum well casing diameter for this development shall be 4".** 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). Site Built Tanks shall be coated with Epoxytec CPP or ANSI/NSF-61 certified equivalent.
2. All dimensions and materials shall be provided for any site-built tanks.
3. Manhole extensions are permitted up to a maximum of 24" below finished grade.
4. Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.
5. A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)
6. The Water Authorities updated 2020 effluent disposal well specifications.

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

Hair Interceptor Redequir

An approved hair interceptor is required for the proposed salon. The developer is required to submit a plan of the salon that includes the number of service chairs and wash basins to determine the capacity of interceptor required. Details can be sent via email to development.control@waterauthority.ky

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

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 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 DoE recommends that the applicant retains as much of the existing native vegetation as possible and incorporates it into the planned vegetation buffers and landscaping scheme. Native species are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services. The DoE is encouraged to see that the plans include elevating the ground floor level of the development but recommends that

Hazard Management Cayman Islands is also consulted on the potential flood risk of the project to ensure that it is future-proofed.

OBJECTIONS

Letter #1

We are the owners of Block and Parcel 3D138 on which we have our home and we have lived here in this low residential area since 1991. We understand that this application is most likely a very special application given the intended use and we can imagine that the land has been provided to the Humane Society either as a donation or at a very helpful cost. For these reasons we do not want to try and stop this application but we do have a number of concerns and we are asking that if the CPA approves this application, they do so with conditions which will address our concerns.

Concern No 1.

The land zoning is low density residential. This is a commercial application. Our concern is that this approval will be a green light to further commercial activity in a residential area that we think should be preserved as residential. This area is one of the few areas that did not flood during Ivan and we think that sensible planning should try to preserve this area of West Bay for residential use. Hopefully if the CPA is minded to approve this application they could make it clear in the approval that it is being done solely because of the wider societal benefit of the project and the substantial benefit that a charitable organization is receiving by being allowed to do this project in this location and that it is an exception to the zoning which the CPA has no intention of repeating.

Concern No. 2

We keep our sidewalk trimmed and lawned. We already have an issue with people walking their dogs and not removing their dog's waste. Having the shelter nearby could exacerbate this problem many times over and turn this pleasant and attractive neighborhood into a septic wasteland. If the CPA is minded to approve please require the operators to ensure that this does not happen on penalty of having their licence to operate suspended until any non-compliance is corrected.

Concern No. 3

The signage should only be allowed if it is small and discrete. Large signage will certainly destroy the residential vibe of the neighborhood. Approval should either not allow the road signage or if it is allowed it should be large enough to be found by someone who is looking but not large enough to act as a billboard advertisement.

Concern No. 4

The application speaks of an "in-house veterinary service". If it is solely an in-house service that would probably be a good condition for approval. However we are concerned that whilst it may start as "in-houser" a future application to make it available to the district will turn it in to a full blown commercial venture most likely on the grounds that it will assist with the Society's funding

or because the residents of the district ask for it. This should not be considered a regular commercial operation and a condition of the approval should be that the services will never be allowed to become commercial - that is, available to outside users.

The CPA should understand that this area is one of the nice residential areas of West Bay that is not in a gated community. There is plenty of land available for future residential development and the CPA should try to protect this area for the overall good of the future home owners of the district.

Letter #2

See Appendix C

APPLICANT'S LETTER

Letter #1

Please accept this letter as a response to the objection received to the Cayman Islands Humane Society (CIHS) animal shelter planning application for consideration by the CPA. The responses have been listed in order of the concerns received from the objector.

Concern No. 1 – Zoning:

We understand that the new animal shelter is a specialized application and would not be classed as commercial use, and instead it would be considered as conditional use under Low Density Residential Zoning. We believe that the approval of the CIHS animal shelter should not constitute a precedence that would be followed by the CPA in the future or any other applications in this area.

Concern No. 2 – Dog waste on neighbouring properties:

The new animal shelter will include fenced dog playing fields and hand cleared trails across the 15 acres site which will be used for dog walking. The attached drawing, A1-01, shows the indicative location of the dog walking trails dashed in blue. As part of the waste management plan, designated dog waste bins will be provided on the trails and the Shelter will be in control of maintaining and managing the dog walking areas on the site. Below is an example image of a hand cleared walking trail that currently exists on the site.



Fig. 1: *Example of existing walking trail on site*

Concern No. 3 – Signage:

It is not the intention for the road signage to act as a billboard advertisement nor will it exceed the 28 square feet that has been applied for in the planning application. The signage will solely be notifying visitors of the shelter's location, as opposed to advertising.

Concern No. 4 – Veterinary Service:

Please refer to the attached letter from the Cayman Islands Humane Society which respond to concerns regarding the in-house veterinary service.

In addition to the above comments, we would like to make the CPA aware that we are preparing a noise impact assessment report in response to DEH's comments; this is anticipated to be completed by 18 January. The other items that the DEH have requested (approved wastewater treatment plan and a waste management plan) have been addressed and uploaded on the OPS.

I am writing to provide some additional details about the in-house veterinary services included in our planning application. I hope that the information in this letter might go some way to addressing the expressed concerns over the planning application.

We are a registered not-for-profit organisation. We do not intend to run a commercial veterinary service. We have no intention of going into competition with the private vets on the island, upon whose support we depend, and we cannot envisage changing that. Running a for-profit veterinary clinic would not fit with our mission and purpose as an organisation.

We do envisage some traffic to our veterinary clinic both for our animals who are in foster care and from members of the community who cannot afford to go to a private vet. This is important to protect the welfare of animals on the island and we intend to continue this at the new premises. This is currently done on a not-for-profit basis and is subsidized by other sources of funding. It takes place during routine business hours. We do not intend to grow this area of activity as that would be too costly for us.

I would also like to note that we do not offer a full range of veterinary services and surgeries, not even for our own animals. We provide spay and neuter surgeries; preventative medicine; routine surgical and medical care during business hours. We do not provide hospital treatment or emergency trauma care, etc. Our out of hours service is very limited, primarily for our own animals. We do not plan to extend our hours of business or our out of hours veterinary care. Our focus is, and will remain, shelter medicine.

I hope that this helps to address the concerns raised.

Letter #2

In response to the objection by Craig Rowland we wish to raise a number of points.

8A 129H5 is not on the boundary of the proposed site. Therefore, this property would experience lower levels of noise whilst our noise impact assessment shows that even properties on the boundary will not be affected by excessive noise.

A waste disposal plan has already been submitted and there will be a dedicated wastewater treatment plant on site. In addition to this, all of the animals in the proposed shelter would

be housed inside, greatly reducing any possibility of odors affecting the surrounding areas.

In the objection Mr Rowlands suggests that we "take in feral dogs in very high numbers". This is a fundamental misunderstanding of what the Humane Society does. We are a facility for the re-homing of pets. We do not take in feral dogs, aggressive dogs, or dogs that cannot be trained, as dogs of this nature cannot be safely re-homed. The Department of Agriculture has a dog pound and this is where feral dogs are taken. The Humane Society does remove dogs from the streets but these are friendly dogs who have usually had owners, but are no longer wanted and have either escaped or been abandoned.

Mr Rowlands also provides several examples of noise nuisance prosecutions overseas. We do not think that the failure of members of the public, with no dog training experience, to control their dogs, should reflect on us. Whilst there is noise surrounding the current shelter, this is because the kennels are outside and are not designed to limit barking. The need for kennels that provide a better environment for dogs, is one of the driving forces behind the application to build a purpose built shelter.

By having a purpose built shelter that provides an enjoyable environment for people and animals, with trails to walk dogs on the property, we believe we will attract tourists to the area. At the current shelter, we regularly have tourists come into walk dogs.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located off Capt. Reginald Parsons Road, West Bay.

The proposal is for an animal shelter complex.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability for an Animal Shelter

The subject property is zoned Low Density Residential and is located on Captain Reginald Parsons Road in West Bay.

Regulation 9 (5) states the following:

"No use of land in a residential zone shall be dangerous, obnoxious, toxic or cause offensive odours or conditions or otherwise create a nuisance or annoyance to others".

The applicant has submitted a Noise Study in order to address Regulation 9(5) and the Department is awaiting review from the DEH.

The Authority should also note that Regulation 9(1) states that in a residential zone, the primary uses are residential and horticultural. In addition, Regulation 9(3) notes that other uses may be permitted in suitable locations.

The Authority should determine if the subject property is a suitable location for an animal shelter.

2) Proposed Parking

The Department has assessed the application as a Commercial use as this is the closest use to those listed in Regulation 8. As such, the commercial parking requirement is one parking space for every 300 square feet of commercial area.

Based upon a 16,501 square foot building, a total of 50 parking spaces would be required.

The applicant is proposing a total of 22 parking spaces.

The Department is of the opinion that the correct number of parking spaces likely lies half way between the two extremes, perhaps at 31 spaces, and note that there is ample area to add nine more parking spaces to the proposal.

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

At 11:00am, Imogen Hall, Katendi Kamuhuzen, Samantha Cooper, Derek Serpell and Eric Hoskins appeared on behalf of the applicant. Craig Roland joined the meeting via Zoom as an objector. Summary notes are provided as follows:

- The Authority explained the meeting procedure.
- Mr. Serpell provided several comments:
 - this is a relocation of the Cayman Islands Humane Society to a 15 acre site
 - the site was bequeathed in trust to CIHS for years
 - he explained the access is off Capt Reginald Parsons Road
 - he explained the proposed buildings
 - this is in the LDR zone
 - there is 2.5% site coverage versus the allowable 30%
 - there is 16,000 sq ft of mainly one storey buildings
 - 195,000 sq ft could be allowed so the site is under developed
 - they will contain the walking of dogs on site
 - there is a veterinary surgical centre, but it is not a commercial facility
 - the dog building is enclosed
 - there are outdoor pens, but these are limited to 2 or 3 dogs at a time
 - they've done a noise impact assessment and the net outcome was in regard to the closest property which is 140' away
- The Authority asked if DEH has responded to their noise study and Mr. Serpell replied no, but DEH did have some concerns which they addressed and sent them the report so they assume everything is okay.
- The Authority asked how long ago was the land donated and Mr. Serpell replied at least 5 years, maybe longer.

- The Authority asked if they have seen the objection letters and Mr. Serpell replied he has, including the late objection that was allowed. He noted that both objections are similar in terms of noise, waste management and suitability and he feels they have addressed those issues.
- The Authority asked how they calculated parking and Mr. Serpell replied he based it on the areas used by drivers such as the clinic, walkways, administrative area and common areas and used 1 space per 300 square feet, but he didn't take into account the animal shelter areas. He noted they do have an alternate site plan for more parking that takes all of the buildings into account.
- The Authority asked how many people at one time are walking dogs and Ms. Cooper replied that Monday through Friday maybe 4 or 5 and on Sunday mornings usually about 15, but not all at the same time.
- The Authority asked if there were conditions that could reduce barking. Ms. Cooper replied that currently the kennels are outside and the dogs can see each other and that contributes to barking. The new kennels are a different design and the dogs won't see each other and the building being enclosed will help.
- The Authority asked how many dogs will there be and Ms. Cooper replied they have about 60 to 70 currently. Mr. Serpell noted that the number of dogs currently leads to overcrowding and when there are storm warnings they have to find people to take pets due to flooding concerns.
- The Authority asked what is the capacity of the new building and Ms. Hall replied 80. The Authority asked if they don't project that as Cayman grows there will be a need for more capacity in the future. Ms. Cooper noted that they need to change the culture so they don't need more space for dogs. Mr. Serpell noted that the buildings are modular so if needed they can grow.
- The Authority asked for Mr. Rowland's comments.
- Mr. Rowland thanked the members for the opportunity and proved several comments:
 - as a family they support CIHS and have had dogs from them and their kids walk their dogs
 - his objection wasn't late, Lands and Survey gave out incorrect owner information to the applicant
 - his objection stems from the impact on the value of the area
 - noise will likely be detrimental to this area
 - he can routinely hear two dogs from the house on 8A 139
 - he finds it hard to believe he will not hear noise from these buildings, dogs bark
 - he works from home and noise is not good for him
 - he understands there has been a noise study, but he hasn't seen the results and that type of study can be anything you want it to be

- this is a quiet area and an increase in traffic is a concern and there are small children in the complex
- he's not sure of the intention of where people will walk the dogs and if it would be on the roads
- The Authority asked the applicant to address the issue of walking the dogs.
- Ms. Cooper explained they will set out a number of walkways on site as it will be safer than being on the roads. She noted they do allow people to foster dogs so she can't guarantee CIHS dogs won't show up somewhere else. She noted that staying on site is a better environment and more pleasant.
- The Authority asked if they would have a concern with a stipulation that the dogs have to be walked on site and Ms. Cooper replied no as long as it didn't affect fostered dogs.
- Mr. Serpell advised they would be happy to share the noise study and noted that it was based on the closest parcel to the shelter which is 140' and the objector's is 642' away. The Authority noted that is to the shelter, not the boundary.
- The Authority asked what percentage of the site would be cleared and Mr. Serpell replied very little, there would be the building footprints and trails so about 2%.
- Mr. Serpell noted that regarding traffic, there would be a lot less from the shelter than if the site was developed as an LDR development, 16,000 sq ft versus 195,000 sq ft.
- The Authority asked if Mr. Rowland had anything further to add. He replied no, everyone has made their points. He noted that to compare this to residential development isn't applicable because there is nothing there now so there will be an increase in traffic from what is there now. He noted that regarding the noise study and the property 140' away, a small difference in distance away from his property doesn't matter because noise is in the air. He did note that this is a better spot than what they have now.

2.3 ISLAND TASTE GROUP LTD (Davenport Development Group) Block 27D Parcels 72 & 80 (P22-1151) (\$1.16 million) (NP)

Application for 8 townhouses.

Appearance time 11:30am

FACTS

<i>Location</i>	Arlene Avenue in Savannah
<i>Zoning</i>	Low Density Residential
<i>Notification Results</i>	Objections
<i>Parcel size</i>	19,985.3 sq ft (combined)
<i>Parcel size required</i>	25,000 sq ft
<i>Current use</i>	Vacant
<i>Proposed use</i>	8 Townhouses
<i>Building Footprint</i>	5,748 square feet
<i>Building Area</i>	7,747 square feet
<i>Units Permitted</i>	6
<i>Units Proposed</i>	8
<i>Bedrooms Permitted</i>	11
<i>Bedrooms Proposed</i>	11
<i>Parking Required</i>	12
<i>Parking Proposed</i>	16

BACKGROUND

NA

Decision: The application was adjourned at the applicant's request.

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).

The application site is predominately man-modified, although there has been some regrowth of now-mature vegetation. We recommend that mature vegetation is retained where possible and that native plants are incorporated into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

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. 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 when 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. These beads are very difficult to remove once they enter the water and they do not naturally break down.

In addition, this area is prone to flooding from rainwater inundation. We recommend that the applicant incorporates Sustainable Drainage Systems (SuDS) such as permeable surfaces that allow water to infiltrate into the ground and decreases surface water runoff.

If the Central Planning Authority or Planning Department is minded to grant planning permission, the DoE recommends the inclusion of the following condition to minimise impacts to the environment.

- 1. 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 environment*

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

<i>BUILDING</i>	<i>UNITS/BLDG</i>	<i>GPD/UNIT</i>	<i>GPD</i>
<i>Proposed Townhouses</i>	<i>5 x 1-Bed Units</i>	<i>150gpd/1-Bed</i>	<i>750</i>
	<i>3 x 2-Bed Units</i>	<i>225gpd/2-Bed</i>	<i>675</i>
<i>TOTAL</i>			<i>1,425</i>

- The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*

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

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

1. *If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank). Site Built Tanks shall be coated with Epoxytec CPP or ANSI/NSF-61 certified equivalent.*
2. *All dimensions and materials shall be provided for any site-built tanks.*
3. *Manhole extensions are permitted up to a maximum of 24" below finished grade.*
4. *Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.*
5. *A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)*
6. *The Water Authorities updated 2020 effluent disposal well specifications.*
7. *A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.*

Water Supply

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

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

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

Department of Environmental Health

Solid Waste Facility:

1. *This development require 8 (33) gallon bins and an enclosure built to the department's requirements.*
 - a. *The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.*
 - b. *The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.*

Table 1: Minimum Enclosure Dimensions

Number of Containers	Minimum Dimensions (feet)		
	Width	Length	Height
8	5.00	12.50	2.50

National Roads Authority

As per your memo dated January 4th 2023 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 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 Arlene Avenue is as follows:

Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak 20% In	AM Peak 80% Out	PM Peak Hour Total Traffic	PM Peak 65% In	PM Peak 35% Out
53	4	1	3	5	3	2

Based on these estimates, the impact of the proposed development onto Ailene Avenue 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 Arlene Avenue, 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 Arlene Avenue. 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&%20Cui%20Details.Fd>)*

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

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

Fire Department

The Fire Department has yet to provide comments upon the proposal.

OBJECTIONS

Letter #1

We write to you in regards to the recent notification to build an 8 unit townhome on block and parcels 27D 80 & 72.

I, [REDACTED] (block 27D parcel 73), and the following landowners within Trinity Way, Newlands, absolutely object to the proposed development for the following reasons.

Reasons for objection:

- 1) There are no apartments/townhomes or other multi-family dwellings currently on Trinity Way and prefer it remains this way.*
- 2) With the current interest rates being sky high, common sense would dictate that NO Caymanians will be able to qualify to purchase any of these units and will most likely become foreign owned, and not owner occupied. This will result in renters/strangers being introduced to our community whom will not appreciate the neighbourhood due to the lack of ownership and the short term nature of renting.*
- 3) Renters will devalue the adjoining and surrounding properties due to their lack of care towards the neighbourhood.*
- 4) That many units will result in an additional (minimum) of 16 cars and approximately 20 additional transient residents, congesting the neighbourhood.*
- 5) Any issues with renters (including but not limited to, noise pollution, domestic disputes, animals roaming the street) will go unchecked as owners may not live on Island as is now very common.*
- 6) We are also aware that a current landowner was rejected when requesting to build a duplex on their property, therefore it would be unconscionable for the Planning Board to allow an 8 unit townhome development on these properties.*
- 7) Allowing this development will only set a trend for other landowners wanting to build apartments/townhomes, further contesting the neighborhood.*

Letter #2

We write to you in regards to the recent notification to build an 8 unit townhome on block and parcels 27D 80 & 72.

I, [REDACTED] (block 27D parcel 73), and the following landowners within Trinity Way, Newlands, absolutely object to the proposed development for the following reasons:

Reasons for objection:

- 1) *There are no apartments/townhomes or other multi-family dwellings currently on Trinity Way and prefer it remains this way.*
- 2) *With the current interest rates being sky high, common sense would dictate that NO Caymanians will be able to qualify to purchase any of these units and will most likely become foreign owned, and not owner occupied. This will result in renters/strangers being introduced to our community whom will not appreciate the neighbourhood due to the lack of ownership and the short term nature of renting.*
- 3) *Renters will devalue the adjoining and surrounding properties due to their lack of care towards the neighbourhood.*
- 4) *That many units will result in an additional (minimum) of 16 cars and approximately 20 additional transient residents, congesting the neighbourhood.*
- 5) *Any issues with renters (including but not limited to, noise pollution, domestic disputes, animals roaming the street) will go unchecked as owners may not live on Island as is now very common.*
- 6) *We are also aware that a current landowner was rejected when requesting to build a duplex on their property, therefore it would be unconscionable for the Planning Board to allow an 8 unit townhome development on these properties.*

Letter #3

I am writing to you in regards to the recent notification to build an 8 unit townhome on block and parcels 27D 80 & 72.

I, [REDACTED] from (Block 27D Parcel 71) 27 Trinity Way object to the proposed development for the following reasons:

Reasons for objection:

- 1) *There are no apartments/townhomes or other multi-family dwellings currently on Trinity Way and prefer it remains this way.*
- 2) *Units will likely become investment properties and renters will not care for the adjoining and surrounding properties due to their lack of long term interest or care towards the neighbourhood.*
- 3) *That many units will result in an additional (minimum) of 16 cars and approximately 20 additional transient residents, congesting the neighbourhood.*
- 4) *Any issues with renters (including but not limited to, noise pollution, domestic disputes, animals roaming the street) will be amplified with 8 units in that small of a space crammed between the two homes which are already there mine and the adjacent property.*
- 5) *We are also aware that a current landowner was rejected when requesting to build a duplex on their property, therefore it would be unconscionable for the Planning Board to allow an 8 unit townhome development on these properties.*

Letter #4

We write to you in regards to the recent notification to build an 8 unit townhome on block and parcels 27D 80 & 72.

I, [REDACTED] (block 27D parcel 79), Trinity Way, Newlands, absolutely object to the proposed development.

Reasons for objection:

- 1) There are no apartments/townhomes or other multi-family dwellings currently on Trinity Way and prefer it remains this way.*
- 2) With the current interest rates being sky high, common sense would dictate that NO Caymanians will be able to qualify to purchase any of these units and will most likely become foreign owned, and not owner occupied. This will result in renters/strangers being introduced to our community whom will not appreciate the neighbourhood due to the lack of ownership and the short term nature of renting.*
- 3) Renters will devalue the adjoining and surrounding properties due to their lack of care towards the neighbourhood.*
- 4) That many units will result in an additional (minimum) of 16 cars and approximately 20 additional transient residents, congesting the neighbourhood.*
- 5) Any issues with renters (including but not limited to, noise pollution, domestic disputes, animals roaming the street) will go unchecked as owners may not live on Island as is now very common.*
- 6) We are also aware that a current landowner was rejected when requesting to build a duplex on their property, therefore it would be unconscionable for the Planning Board to allow an 8 unit townhome development on these properties.*
- 7) Air BnB's have become a serious problem within the Islands due to foreign ownership with problems renters, similar to rental property issues.*

Letter #5

I am writing to you in respect to the recent notification to build an 8 unit townhomes on block and parcel 27D 80 and 72.

I [REDACTED] owner of Block 27C Parcel 176 Newlands, since 1993 hereby object to the proposed development.

I have raised all my children in this quite community where people walk their dogs and children play. It has always been a quite and safe community. At this moment my children and grandchild now reside at this property and the surrounding remain the same. In my humble opinion, I don't think the purpose development is suitable for this community. It is out of character with the current small family home and this development will destroy our quite community and safety.

Letter #6

I write regarding to the recent notification provided to Mrs. Risa Ebanks to build an 8 unit townhome on block and parcels 27D 80 & 72.

I, [REDACTED] (block 27D parcel 60), object to the proposed development for the following reasons:

- 1) There are no apartments/townhomes or other multi-family dwellings currently on Trinity Way and prefer it remains this way.*
- 2) With the current interest rates being sky high, common sense would dictate that NO Caymanians will be able to qualify to purchase any of these units and will most likely become foreign owned, and not owner occupied. This will result in renters/strangers being introduced to our community whom may not appreciate the neighbourhood due to the lack of ownership and the short term nature of renting.*
- 3) Renters and Air BnB's will devalue the adjoining and surrounding properties due to their lack of care towards the neighbourhood.*
- 4) That many units will result in an additional (minimum) of 16 cars and approximately 20 additional transient residents, congesting the neighbourhood.*
- 5) Any issues with renters (including but not limited to, noise pollution, domestic disputes, animals roaming the street) will go unchecked as owners may not live on Island as is now very common.*
- 6) I have been made aware that a current landowner was rejected when requesting to build a duplex on their property, therefore it would be unconscionable for the Planning Board to allow an 8 unit town home development on these properties.*

Letter #7

We write to you in regards to the recent notification to build an 8 unit townhome on block and parcels 27D 80 & 72.

I, [REDACTED] (Block 27D Parcel 61), and the following landowners within Trinity Way, Newlands, absolutely object to the proposed development for the following reasons:

Reasons for objection:

- 1) There are no apartments/townhomes or other multi-family dwellings currently on Trinity Way and prefer it remains this way.*
- 2) This will result in renters/strangers being introduced to our community whom will not appreciate the neighborhood due to the lack of ownership and the short term nature of renting.*
- 3) Renters will devalue the adjoining and surrounding properties due to their lack of care towards the neighborhood.*
- 4) That many units will result in an additional (minimum) of 16 cars and approximately 20 additional transient residents, congesting the neighborhood.*
- 5) Issues with renters (including but not limited to, noise pollution, domestic disputes, animals roaming the street) will go unchecked as owners may not live on Island as is now very common. and also, this development would spure other landowners to build multiple*

apartments around the area.

6) Therefore, it would be unconscionable for the Planning Board to allow an 8-unit townhome development on these properties.

Letter #8

We write to you in regard to the recent notification to build an 8 unit townhome on block and parcels 27D 80 & 72.

I, [REDACTED] (Block 27C Parcel 168) are following landowners within Trinity Way, Newlands, absolutely object to the proposed development for the following reasons:

- 1) There are no apartments/townhomes or other multi-family dwellings currently on Trinity Way and prefer it remains this way.*
- 2) With the current interest rates being sky high, common sense would dictate that NO Caymanians will be able to qualify to purchase any of these units and will most likely become foreign owned, and not owner occupied. This will result in renters/strangers being introduced to our community whom will not appreciate the neighborhood due to the lack of ownership and the short-term nature of renting.*
- 3) Renters will devalue the adjoining and surrounding properties due to their lack of care towards the neighborhood.*
- 4) That many units will result in an additional (minimum) of 16 cars and approximately 20 additional transient residents, congesting the neighborhood.*
- 5) Any issues with renters (including but not limited to, noise pollution, domestic disputes, animals roaming the street) will go unchecked as owners may not live on Island as is now very common.*
- 6) I am the owner who called planning and was rejected when requesting to build a duplex on my property, therefore it would be unconscionable for the Planning Board to allow an 8 unit townhome development for foreign development and not its own Caymanian to build a small duplex.*

APPLICANT'S LETTER

Further to the application submitted in relation to the above referenced Project, we hereby request for a density variance which requires (15) bedrooms per acre under Planning Regulation 9 (8)(c); a lot size variance which requires 25,000 sq ft for Apartments under Planning Regulation 9 (8)(f) in a Low Density Residential Zone; and a lot width variance which requires 100 ft for Apartments under Planning Regulation 9 (8)(g). 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 combined area of the two parcels is 0.4588 acre (19,985.33 sq ft), which Planning Regulation 9 (8)(c) allows up to a maximum of 6 apartments. While we have exceeded the number of apartments by (2) units, we have kept the units small so as not to be well below the maximum allowed building*

footprint, and kept within the required number of bedrooms. With regards to the lot width, North Sound Estates were mostly subdivided into 100 ft x 100 ft dimensioned lots, but re-establishment of boundaries had might some slight variation to Parcel 72, which made the lot width to be 99.9 ft – just 0.1 ft shy away of the required 100 ft lot width. In addition to this, while the combined parcels are still below the minimum required lot size for apartments, there are other similar developments within the vicinity of the project site, particularly the 4-unit apartments at 27C187, and duplexes at 27D122, 27D124 and 27D134; all of which have been allowed to build in a lot size that doesn't meet regulation; and

(2) Under Regulation 8 (13)(b)(i), 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: These townhouses will mostly be leased out to people working with Island Taste Group Ltd. We also made sure to have more than adequate number of parking spaces to avoid any spillover parking in the access roads.

We look forward to the CPA board's favorable consideration to this request for variances

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Arlene Avenue in Savannah.

The proposal is for eight townhouses with eleven bedrooms.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability for Townhouses

Regulation 9(8) states that townhouses are permitted in suitable locations in a Low Density Residential Zone.

The Department has reviewed the GIS mapping for the area and would note that there are no townhouses or apartments in this area.

The Authority should discuss whether the area is suitable for townhouses.

2) Lot size (19,985.3 vs 25,000)

Regulation 9(8)(f) requires a minimum 25,000 square feet for a townhouse development in this zone.

The two subject parcels total 19,985.3 square feet of area when combined.

The applicant has submitted a variance letter and the Authority should discuss whether the request is justified in this instance.

3) Number of townhouses (8 vs 6)

Regulation 9(8)(c) states that the maximum number of townhouses is 15 per acre, The two parcels combined result in a total of 0.4588 acres or 6 townhouses allowed.

The applicant is proposing 8 townhouses.

The applicant has submitted a variance letter and the Authority should discuss whether the request is justified in this instance.

4) Proposed lot width (99.9' vs 100')

Regulation 9(8)(g) states that the minimum lot width for townhouses shall be 100 feet.

The subject parcel has a minimum width of 99.9 feet.

The applicant has submitted a variance letter and the Authority should discuss whether the request is justified in this instance.

2.4 CASY CORP (John Doak) Block 5B Parcel 361 (P22-0848) (\$3,800,000) (EJ)

Application for a duplex, swimming pools (2), cabanas (2) and fence.

An appearance was scheduled for 1:30pm. The applicant's representatives, John Doak and Curtis Wyatt, were present and available for the meeting, but the Authority determined that the application could be approved without the applicant needing to be present.

FACTS

<i>Location</i>	North West Point Road, West Bay
<i>Zoning</i>	BRR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.33 ac. (14,374 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	10,027 sq. ft.
<i>Total building site coverage</i>	29.4%
<i>Required parking</i>	2
<i>Proposed parking</i>	2

BACKGROUND

December 7, 2022 (CPA/29/22; Item 2.9) – The CPA adjourned the application and invited the applicant to appear before the Authority in order to address deficient setbacks.

January 4, 2023 (CPA/01/23; Item 2.4) – It was resolved to adjourn the application for the following reasons:

The applicant is required to submit revised plans showing:

- the 50' HWM setback parallel to the shoreline;
- all structures, including pools, setback a minimum of 50' from the high water mark;

- the pools and cabanas with minimum 15' side setbacks and the pool decks with side setbacks that allow for sufficient landscaping to provide a buffer from neighbouring properties per Regulation 15(5);
- the height of the existing seawall and the proposed increase in its height; and
- lush landscaping throughout the site per Regulation 15(5).

Decision: It was resolved to grant planning permission, subject to the following conditions: Conditions (1-2) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 2) The construction drawings for the proposed swimming pool filtration system shall be submitted to the Department of Environmental Health. The applicant shall also submit to the Director of Planning the requisite signed certificate certifying that if the pool filtration system is constructed in accordance with the submitted plans it will conform to public health requirements.
- 3) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 4) Construction sites for in-ground swimming pools and spas shall be provided with construction fencing to surround the site from the time that any excavation occurs up to the time of completion. The fencing shall be not less than 4 feet in height.
- 5) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area.
- 6) 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 adjacent Marine Protected Area offshore.
- 7) All construction materials and debris shall be stockpiled landward of the existing seawall in order to prevent material entering the Marine Protected Area. Materials, equipment and debris shall be stockpiled landward of any beachside construction fencing, if installed.

- 8) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 9) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

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

Reasons for the decision:

- 1) With the exception of the high water mark setback, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 2) The proposed development does not comply with the minimum required setback from the high water mark per Regulation 8(10)(b) of the Development and Planning Regulations (2022 Revision). Pursuant to Regulation 8(11), the Authority may allow a lesser setback having regard to:
 - a) the elevation of the property and its environs;
 - b) the geology of the property;
 - c) the storm/beach ridge;
 - d) the existence of a protective reef adjacent to the proposed development;
 - e) the location of adjacent development; and
 - f) any other material consideration which the Authority considers will affect the proposal.

In this instance, the Authority is of the view that:

- There is an existing seawall that will assist in minimizing storm surge thus allowing the proposed development to be closer to the high water mark.
 - There are existing developments on adjacent properties with similar setbacks from the high water mark. Therefore, the setback of the proposed development is consistent with the established development character of the area and it will not detract from the ability of adjacent land owners from enjoying the amenity of their lands.
- 3) In regard to the comments from the Department of Environment, the directed conditions have been included in the decision and the remaining recommendation has been addressed by the applicant's revised site plan which shows the previously proposed decking replaced with grass and natural landscaping.

AGENCY COMMENTS

Comments from the Department of Environment are noted below.

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).

A detailed site plan of a pool and cabana area. The plan shows a large rectangular pool labeled "POOL" adjacent to a pink-shaded rectangular building labeled "CABANA". To the left of the pool is a blue-shaded area representing the "SEA". A thick blue line indicates the shoreline or a specific boundary. Various elevation points are marked with arrows and labels: "+1'-0\" FIN GRADE" at two locations near the sea, "+4'-1\" FIN GRADE" near the bottom center, "+6'-8\" FIN GRADE" at the bottom right, and "+4'-1\" FIN GRADE" near the bottom right corner. Dimensions include "79'-0\"", "50'-0\"", and "24'". Other features include a "SEAWALL", "IRONSTONE" paving, and a "42\" GLASS BALUSTRADE". A note on the left side reads "MHWM RECORDED 04/8/2022 (GB STANDARD)".

The DoE is also concerned about the limited setback of the edge of the seawall and pool deck from the MHW as it relates to the natural cove inlet on the coastline of the parcel. Although the plans show measured setbacks from part of the coast, they do not account for the setbacks relative to the MHW of the cove. As can be seen in Figure 1 above, the setbacks of the existing seawall and proposed pool deck are limited (approximately 12 ft). There are several examples of similar developments in this area which have experienced storm impacts or undermining of structures to such an extent that coastal engineering is now required. When a development is set too close to the Mean High Water Mark, there are limited appropriate solutions for addressing any structural issues that occur. Wave impacts to these proposed structures also pose a risk of indirect impacts to the Marine

Reserve. In addition the threat of wave inundation could cause the flooding of the area landward of the seawall, this threat could be reduced by the use of features such as permeable paving that would better allow the drainage of water on the site.

RECOMMENDED CONDITIONS:

The DoE recommends that the proposed setback for the swimming pool deck are increased as much as possible to reduce the impact to the development from wave inundation during storm events.

The DoE recommends that the following conditions be included by the Central Planning Authority or Department of Planning, as part of any agreed proposed action for planning approval:

- *The proposed impermeable pool deck and landscaped areas shall be construction of semi-permeable materials in order to reduce the impact of water run-off from the property due to wave inundation or rainfall.*

DIRECTED CONDITIONS

The site is adjacent to a Marine Protected Area under the National Conservation Act (NCA). Without appropriate environmental management practices, storage of materials too close to the protected area and inadequate management of construction wastes and debris can result in adverse effects on that protected area through the run-off and escape of materials and debris. Storms, high waves, high tides, rainy weather, or construction practices can result in the material entering the Marine Protected Area. Without appropriate environmental management practices, there would or would be likely to be an adverse effect on the Marine Protected Area, namely:

- *Section 2(f) of the NCA: the discharge of pathogens, dissolved or suspended minerals or solids, waste materials or other substances at levels that may be harmful to wildlife or the ecological or aesthetic value of the area.*

*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 directs 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:*

- *All construction materials and debris shall be stockpiled landward of the existing seawall in order to prevent material entering the Marine Protected Area. Materials, equipment and debris shall be stockpiled landward of any beachside construction fencing, if installed.*
- *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 adjacent Marine Protected Area offshore.*

These conditions are 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). 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 our client's application for planning permission for a three storey pair of single family residences, swimming pool, existing storm protection seawall, boundary walls/fences, driveway, garden terraces and associated works, we request the Central Planning Authority's approval to vary the proposed building's boundary setbacks as shown in the attached plans and as described below, as required by regulations section 8 (13), and as notified via Section 15(4) notices to the adjacent property Owners at 5B258 and 5B360.

BOUNDARY VARIANCES

- 1) The applicant seeks the CPA's consideration to vary the side setbacks from 20'-0" to 15'-0" on the west and east side boundaries, noting:*
 - The application is for a duplex in a Beach Resort Residential zoned property where the CPA has approved 15ft setbacks being acceptable for single family residential, and likewise that road setbacks would be 20ft. The proposal is not for apartments and this application is consistent with recent CPA practice for low density solutions in BRR zones.*
 - The application seeks to locate a poolside cabana in the SW corner of the property as shown*
 - The Applicant seeks to locate two swimming pools as shown, noting each encroaches into the 15ft side setbacks at ground //deck level*
- 2) The applicant seeks the CPA's consideration to vary the 25ft roadside setback to 20'0" as this is a single family residence and not a resort/apartment project*
 - The septic tank and deep well are located to respect the 20ft setback from the road, as shown in the site plan*
- 3) The applicant notes the existing seawall on the property is built more than 50ft from the edge of the ironshore over most of the coastline. The seawall is to remain and be enhance/repared as my be necessary over its overall length including on the west boundary where it will be continued to close the current gap there. Bothe swimming pools will be more than 50ft from the Ironshore edge and likewise the building will be in excess of the 75ft setback. Indeed, the SW corner of the proposed building will be 92'5" as dimensioned on the site plan.*

OTHER CONSIDERATIONS

In consideration of the Applicant's variance requests we further note:

- *The subject property is zoned Beach Resort Residential being the transition zone between Hotel/Tourism and Low Density Residential. The submitted proposal is a low density residential solution and not at all proposed as a resort nor hotel/tourism type usage*
- *The proposed footprint of the building is 29.6% and within the allowable coverage*
- *The proposal is set more than 50ft clear of the High Water Mark, being sited on Ironshore coastline*
- *With reference to the Development and Planning Regulations(2020 revisions) we submit that this location is suitable for this duplex residence, pool and associated works*
- *The building height does not exceed the 40ft height. All boundary walls and fences are within the limits of 4ft height.*
- *With reference to Clause 8 (11) regarding setbacks, waterfront property the Authority may grant permission for the proposed side setback of the setbacks requested, all exceeding min15ft for residential zoning, and having regard to:*
 - a) *the elevation of the property and its environs – the proposals respect the shoreline, contours and levels of the existing conditions particularly in consideration of storms and the property's topography and the proposed buildings are set to be min +11.5ft above sea level for the habitable levels of the house and respectful of the adjacent property levels, as shown on the site plans*
 - b) *the geology of the property – the geology of the land is suitable to the proposed use and method of construction*
 - c) *the storm/beach ridge – the proposals respect the location of the storm ridge and the natural and manmade topographical profiling of this coastline and subject property*
 - d) *the existence of a protective reef adjacent to the proposed development – the proposals will have no negative impact to any reef, shoreline or other adjacencies in the ocean*
 - e) *location of adjacent development – the proposal is respectful of neighbouring properties and does not negatively impact adjacent development*
 - f) *any other material consideration which the Authority considers will affect the proposal – there is no other aspect nor material consideration that would affect the proposal*

The Applicant requests the CPA's favourable review of the above noted variance requests.

PLANNING DEPARTMENT ANALYSIS

General

The proposed duplex with two swimming pools, two cabana and 4' fence is located on North West Point Road in West Bay.

Zoning

The property is zoned Beach Resort Residential.

Specific Issues

1) Minimum side setbacks

The applicant is seeking setback variances for the proposed house, pool and cabana, proposed at 15', 4'.3" and 0' from the side boundaries therefore not meeting regulations 15 (4)(b) 20' side setback requirements.

2) High water mark setbacks

The applicant is also requesting a high water mark setback variance for the proposed house, pool and deck, proposed at 43'.1", 14'.5" and 12'.5" therefore not meeting regulations 8 (10)(f) 50' ironshore setback requirement.

SUPPLEMENTARY ANALYSIS

The applicant has submitted revised plans addressing all of the reasons for adjournment, except for item 1) b). The cabanas have been removed and the pools shifted to comply with 15' side setbacks. The site plan shows the 50' setback line and a significant amount of landscaping. The proposed HWM setbacks are 43' 6" for the verandah and 22' 9" and 33' 8" for the pools vs the required 50'.

2.0 APPLICATIONS

APPEARANCES (Items 2.5 to 2.19)

2.5 KRYO GROUP LTD (KY MEP Ltd) Block 4D Parcel 516 (P22-0949) (\$3.8M) (JP)

Application for 12 townhouses across 3 blocks, a duplex and swimming pool.

FACTS

<i>Location</i>	Mount Pleasant Road, West Bay
<i>Zoning</i>	MDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.82 ac. (35,720 sq. ft.)
<i>Parcel size required</i>	35,000 sq. ft.
<i>Current use</i>	Duplex
<i>Proposed building size</i>	11,200 sq. ft.
<i>Total building site coverage</i>	21.47%
<i>Allowable townhouse units</i>	9
<i>Proposed townhouse units</i>	12
<i>Allowable townhouse bedrooms</i>	14
<i>Proposed townhouse bedrooms</i>	24
<i>Required parking</i>	22
<i>Proposed parking</i>	30

BACKGROUND

July 31, 2019 (**CPA/16/19; item 2.21**) application approved for a duplex and four unit apartment building (P19-0359)

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

Conditions (1-7) listed below shall be met *prior to the commencement of any site preparation works such as clearing, filling and grading* and before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall submit revised plans showing:
 - a) units 9 through 14 in one building;
 - b) windows on the side elevations;
 - c) a minimum of 30 parking spaces for the proposed units; and
 - d) a reverse area for the parking spaces associated with the existing duplex.
- 2) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 3) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and **size** of the wastewater treatment system including the disposal system per the Water Authority's specifications.
- 4) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.
- 5) The applicant shall provide proof that a Stormwater Management plan has been submitted to the National Roads Authority (NRA). **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**
- 6) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website (www.planning.ky) under Policy Development, Policy Drafts.*
- 7) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads, properties and fire lanes. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable toilets, construction fencing and where applicable, the stockpiling of material excavated from the site and material brought to the site for fill purposes.

In addition to Building Permit requirements, conditions (8-9) listed below shall be met before a Building Permit can be issued.

- 8) The applicant shall submit the Stormwater Management plan required in condition 5) which has been designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority.
- 9) The construction drawings for the proposed swimming pool filtration system shall be submitted to the Department of Environmental Health. The applicant shall also submit

to the Director of Planning the requisite signed certificate certifying that if the pool filtration system is constructed in accordance with the submitted plans it will conform to public health requirements.

- 10) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 11) Construction sites for in-ground swimming pools and spas shall be provided with construction fencing to surround the site from the time that any excavation occurs up to the time of completion. The fencing shall be not less than 4 feet in height.
- 12) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area
- 13) 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 adjacent Marine Protected Area offshore.

- 14) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 15) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

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

The applicant is reminded that they must receive all relevant approvals from all required agencies.

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

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

Reasons for the decision:

- 1) Per Regulation 9(7) of the Development and Planning Regulations (2022 Revision), the Authority is satisfied that the site location is suitable for apartments as follows:
 - There are no physical constraints on the site that would prevent the development of apartments.
 - There are several apartment developments in the surrounding area and the proposed apartments are consistent and compatible with the established building character of the area.
 - There is sufficient infrastructure at this site (e.g. public road, water line, electrical service) and in the area (commercial retail, grocery stores, etc.) to support the residents of the proposed apartments.
- 2) With the exception of the number of bedrooms, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 3) The proposed application does not comply with the maximum allowable number of bedrooms (24 proposed vs 19 allowed) per Regulation 9(7)(c) of the Development and Planning Regulations (2022 Revision). The Authority is of the opinion that pursuant to

Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the additional bedrooms as follows:

- a) The characteristics of the proposed development are consistent with the character of the surrounding area; and
 - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.
- 4) The Authority has imposed a condition of approval requiring units 9 through 14 to be contained in one building and as a result, the proposal complies with the maximum allowable number of townhouses.
 - 5) The Authority has imposed a condition of approval requiring windows to be included in the side elevations thereby creating an acceptable visual appearance.

AGENCY COMMENTS

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

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 3,575 US gallons per day (gpd), based on the following calculations.***

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BUILDING	
<i>Building A</i>	<i>2 x 1-Bed + Den</i>	<i>225gpd/1-Bed & Den</i>	<i>450</i>	<i>900</i>
	<i>2 x 2-Bed</i>	<i>225gpd/2-Bed</i>	<i>450</i>	
<i>Building B</i>	<i>2 x 1-Bed + Den</i>	<i>225gpd/1-Bed & Den</i>	<i>450</i>	<i>900</i>
	<i>2 x 2-Bed</i>	<i>225gpd/2-Bed</i>	<i>450</i>	
<i>Building C</i>	<i>2 x 1-Bed + Den</i>	<i>225gpd/1-Bed & Den</i>	<i>450</i>	<i>900</i>
	<i>2 x 2-Bed</i>	<i>225gpd/2-Bed</i>	<i>450</i>	

<i>Building D</i>	<i>2 x 1-Bed + Den</i>	<i>225gpd/1-Bed & Den</i>	<i>450</i>	<i>450</i>
<i>Existing House</i>	<i>5 Bed House</i>	<i>425gpd/5-Bed</i>	<i>425</i>	<i>425</i>
<i>TOTAL</i>				<i>3,575</i>

- ***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 6". 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.***

Decommission Existing Septic Tank

The existing septic tank shall be decommissioned as per the Water Authority's Best Management Practices (BMP's):

http://www.waterauthority.ky/upimages/download/BMPs_abandoned_WW_systems1_1423220782.pdf

Water Supply:

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

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

National Roads Authority

7th October consultation request issued – the Planning Department have received no response.

Following revisions a further consultation was issued on 30th January – the Planning Department have received no response.

Department of Environmental Health

7th October consultation request issued – the Planning Department have received no response.

Following revisions a further consultation was issued on 30th January – the Planning Department have received no response.

Fire Department

25th October

Fire Hydrant & Fire well is located in a inaccessible location it need to be a minimum to 10ft from the emergency access.

Following receipt of revised drawings the Planning Department issued a further consultation on 30th January – the Planning department have received no response.

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 proposed development site is man-modified and therefore of low ecological value, having been cleared in the past. We recommend the planting of native species in the landscaping scheme. Native species are best suited for the habitat conditions of the site, requiring less maintenance and making them a very cost-effective choice.

In addition, the DoE recommends that wherever possible sustainable design features are included in projects such as this one, especially renewable energy installations given the target that 70% of energy generation be renewably sourced by the year 2037 (Cayman Islands National Energy Policy, 2017-2037). Photovoltaic solar panels in particular could be installed on suitable roof space or over the proposed parking spaces and rainwater collection could be used for irrigation.

Lastly, the DoE is aware that practices such as sanding down polystyrene which is used as part of wall finishing and window moulding can result in polystyrene beads getting blown into surrounding areas and canals in significant quantities. These beads are very difficult to remove especially if they enter the environment and they do not naturally break down.

If the Central Planning Authority or Department of Planning is minded to grant planning permission for the proposed development, we recommend the inclusion of the following conditions:

- *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.*

APPLICANT'S LETTER

We are seeking Planning approval for a proposed development of 14 townhomes on Block and Parcel No. 4D 516, zoned MDR. The proposed development meets the Development and Planning Regulations (2022 Revision) Section 9 (7) criteria. The subject site encompasses an existing dwelling, as shown on the site plan. The proposal is to add an additional 14 units, in keeping with the zoning guidelines applicable to this site.

We note that on or about July 31, 2019, the Central Planning Authority granted permission for apartments and townhomes on the subject site (formerly Block 4D Parcels 32 and 343). With this new application, as applicants and new owners of Block and Parcel No. 4D 516, we seek approval for our proposed development which is similar in nature to the previously approved application.

Enclosed herewith are the site plan, floor plan, elevation plan and 3D renderings. We reserve the right to provide the landscape plan and the stormwater management plan at a later time. If you require additional information or further clarification, please don't hesitate to contact the undersigned.

PLANNING DEPARTMENT ANALYSIS

General

The application site occupies a corner lot located in West Bay within an established residential area. Mount Pleasant Road forms the southern boundary and provides access to the site and Erenette Lane runs along the western boundary providing access to properties at the rear. Currently a duplex is present on site.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Suitability

Regulation 9(7) permits townhouses in suitable locations.

Members are invited to note the presence of other apartment complexes, of particular note:

4D 19 opposite site over Erenette Lane to the west;

4D 485 280 ft west;

4D 459 40 ft north-west recently approved

4D 524 215 ft north;

4D 458 150 ft north-west

4D 474 240 ft south-east

4D 328 340 ft south-west

The general character of the area is predominantly houses/duplexes, however, it is clear a presence of apartments persists.

For the avoidance of doubt, the application seeks to triple the number of units previously approved.

2) Unit density (12 v 9)

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

The application proposes 12.

The previously approval granted Permission for 4 bedrooms.

3) Bedroom density 24 v 14

Regulation 9(7)(c) permits a total of 14 bedrooms on the site based on the lot size.

The application proposes 24.

The previously approval granted Permission for 12 bedrooms.

1) Design

Members' attention is drawn to the end elevations of the proposed buildings. The lack of voids/openings such as windows creates an overbearing mass from the following viewpoints:

Building A – south facing elevation visible from Mount Pleasant Road

Building B – north elevation towards property 4D 28, however, the magnitude is less owing to the distance to the rear boundary

Building C – north elevation viewed from neighbouring properties 4D 28 and 4D 14, and south elevation viewed along Erenette Lane

Building D – north elevation viewed along Erenette Lane and south elevation from the existing duplex on site

Members' may wish to consider revisions to break the mass of solid form.

At 1:30pm, Sukhmeet Singh, Ishan Singh and Gurvinder Singh appeared as the applicants. Summary notes are provided as follows:

- The Authority asked them to present the application and speak to the variances.
- S. Singh provided several comments:
 - the application is for 14 units of affordable housing
 - the property is 0.82 acres and is zoned Medium Density Residential
 - per the Regulations, if the site was vacant, 16 units would be permissible without a variance
 - since there is an existing duplex, they are proposing 14 units for a total of 16
 - they made a mistake regarding existing and new development and didn't realize 7,500 sq ft would be allocated to the existing duplex, leaving the remainder to be used to calculate the number of units.
 - they have worked out another site plan based on the Department's comments (he handed out copies)
 - they revised the plan for building D which is a duplex now and combined it with building C and only need a variance for 1 unit
 - they remain within the total of 16 units and feel this is a reasonable solution with a variance for 1 unit, not 3
 - they are well below the allowable footprint at 21.5%
 - they thought about tearing down the existing duplex
- I. Singh noted that there are already families living in the duplex.
- The Authority asked how many bedrooms are in the existing duplex and S. Singh replied 5. He noted that they are trying to achieve economies of scale with all units being cookie cutter and identical in layout. He noted they do exceed the

allowable number of bedrooms and based on the revised plan there are 8 extra bedrooms versus 10 and they have incorporated additional parking to accommodate the number of bedrooms.

- The Authority asked if they could put in a reverse area for the parking spaces for the existing duple and S. Singh replied, yes that would be easy to do.
- The Authority asked if a fire truck can get around 3 sides and S. Singh replied yes and he believes Fire gave the green light. The Authority noted Fire's comments about a fire hydrant and S. Singh noted that has been addressed.
- The Authority noted there is a 15' setback from Erenette Lane and S. Singh noted that it is not an actual road, it is a parcel. He noted that they had an earlier plan with access from Erenette, but were told that was not feasible because it was not a public road.
- I. Singh noted they will exceed by 8 bedrooms, but the idea is to provide as much accommodation as possible.
- The Authority asked if the 30 parking spaces includes the existing spaces and S. Singh replied yes and they are down to 28 now to relocate the garbage, but they can re-configure the plan to get 30 spaces.
- S. Singh noted in the Agenda there were comments about no fenestrations and they are willing to add windows to the side elevations

2.6 **DERRICK & JENNIFER HOLNESS (Architectural Designs & Cayman Contemporary Style) Block 24B Parcel 140 (P22-0739) (\$200,000) (EJ)**

Application for an after-the-fact addition to create a duplex.

FACTS

<i>Location</i>	Marina Drive, Prospect
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.2305 ac. (10,040 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	House
<i>Proposed building size</i>	1,278 sq. ft.
<i>Total building site coverage</i>	14.6%
<i>Required parking</i>	2
<i>Proposed parking</i>	3

BACKGROUND

1993 - The Department granted permission for a house.

1994 - The Department granted permission for a house.

Decision: It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the setbacks.

APPLICANT'S LETTER

We write with regards to our planning application for an ATF 1,278 sq. ft. two- storey addition to create a duplex.

We are asking the Authority to allow the proposed to be approved as is;

- a) with a rear setback variance of 7'-4' from the rear boundary instead of the required 20'-0", a difference of 12'-8" respectively.*
- b) with a side setback variance of 14'-0" from the boundary to the left instead of the required 15'-0", a difference of 1'-0" respectively.*
- c) with a lot size variance of 10,040.58 sq. ft. instead of the required 12,500 sq. ft., a difference of 2,459.42 sq. ft. respectively.*

We humbly offer the following reasons;

- 1. Per section 8(13)(b)(i)&(iii) of the Development and Planning Regulations (2022 Revision),
 - (i) the characteristics of the proposed development are consistent with the character of the surrounding area;*
 - (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;**
- 2. All adjoining parcels were notified and no objections were received.*
- 3. The application complies with all other relevant planning requirements.*

We ask the Authority to consider all of the above points and look forward to a favorable response to this variance request.

PLANNING DEPARTMENT ANALYSIS

General

The after-the-fact (two-storey) addition to create a duplex is located on Marina Drive in Prospect.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Minimum lot size

The ATF three-bedroom, two-storey addition to the existing house will create a duplex, therefore the applicant is seeking a lot size variance as the subject parcel is 10,040 sq. ft. vs 12,500 sq. ft. not meeting Regulation 9(8)(e).

2) Minimum rear setback

The after-the-fact addition does not meet the rear setback 7.4'.6" vs 20' therefore not meeting regulations 9 (8)(i).

3) Side setback variance

The after-the-fact addition does not meet the side setback for a two storey building 14' vs 15' therefore not meeting regulations 9(8)(j).

2.7 ROZETTA SIMPSON-WILKS (Garden City Designs) Block 4B Parcel 573 (P23-0032) (\$775,000) (MW)

Application for 4 apartments.

FACTS

<i>Location</i>	Banson Dr., West Bay
<i>Zoning</i>	High Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.1893 ac. (8,245.908 sq. ft.)
<i>Parcel size required</i>	5,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	2,508.62 sq. ft.
<i>Total building site coverage</i>	15.2%
<i>Allowable units</i>	4
<i>Proposed units</i>	4
<i>Allowable bedrooms</i>	7
<i>Proposed bedrooms</i>	4
<i>Required parking</i>	6
<i>Proposed parking</i>	6

BACKGROUND

March 25, 2002 – Proposed Two Bedroom House -the application was considered and it was resolved to grant planning permission.

October 5, 2005 – Proposed Two Bedroom House – the application was considered and it was resolved to grant planning permission.

October 10, 2014 – Duplex – the application was considered and it was resolved to grant planning permission.

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

Conditions (1-6) listed below shall be met *prior to the commencement of any site preparation works such as clearing, filling and grading* and before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 2) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and size of the wastewater treatment system including the disposal system per the Water Authority's specifications.
- 3) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.
- 4) The applicant shall provide proof that a Stormwater Management plan has been submitted to the National Roads Authority (NRA). **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**
- 5) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website (www.planning.ky) under Policy Development, Policy Drafts.*
- 6) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads, properties and fire lanes. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable toilets, construction fencing and where applicable, the stockpiling of material excavated from the site and material brought to the site for fill purposes.

In addition to Building Permit requirements, condition (7) listed below shall be met before a Building Permit can be issued.

- 7) The applicant shall submit the Stormwater Management plan required in condition 4) which has been designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority.
- 8) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 9) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in

place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area

- 10) 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 adjacent Marine Protected Area offshore.
- 11) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 12) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

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

The applicant is reminded that they must receive all relevant approvals from all required agencies.

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

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

Reasons for the decision:

- 1) The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision). This determination includes the specific assessment that per Regulation 9(8) of the Development and Planning Regulations (2022 Revision), the Authority is satisfied that the site location is suitable for apartments as follows:
 - There are no physical constraints on the site that would prevent the development of apartments.
 - There are multi-family developments in the surrounding area and the proposed apartments are consistent and compatible with the established building character of the area.
 - There is sufficient infrastructure at this site (e.g. public road, water line, electrical service) and in the area (commercial retail, grocery stores, etc.) to support the residents of the proposed apartments.
- 2) The Authority acknowledges the design of the building will require the need for the building to be provided with fire sprinklers per the building code. An alternative would be to provide a second egress for the upper floor units and that would require an application to modify planning permission.

AGENCY COMMENTS

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

Water Authority

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

Wastewater Treatment & Disposal

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

BUILDING	UNITS/BLDG	GPD/UNIT	GPD
<i>Proposed Apartments</i>	<i>4 x1-Bed Units</i>	<i>150gpd/1-Bed</i>	<i>600</i>
<i>TOTAL</i>			<i>600</i>

- *The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- *Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. The minimum well casing diameter for this development shall be 4". 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). Site Built Tanks shall be coated with Epoxytec CPP or ANSI/NSF-61 certified equivalent.*
2. *All dimensions and materials shall be provided for any site-built tanks.*
3. *Manhole extensions are permitted up to a maximum of 24" below finished grade.*
4. *Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.*
5. *A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert*

- connection specified above. (Alternatively details of proposed lift station shall be required)
6. The Water Authorities updated 2020 effluent disposal well specifications.
 7. A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.

Traffic Rated Tank and Covers

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

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

Solid Waste Facility:

1. This development require 4 (33) gallon bins and an enclosure built to the department's requirements.
 - a. The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.
 - b. The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.

Table 1: Minimum Enclosure Dimensions

<i>Number of Containers</i>	<i>Minimum Dimensions (feet)</i>		
	<i>Width</i>	<i>Length</i>	<i>Height</i>
<i>4</i>	<i>5.00</i>	<i>5.00</i>	<i>2.50</i>

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 site is man-modified although there has been some regrowth of now-mature vegetation.

We recommend that mature native vegetation is retained where possible and that native plants are incorporated into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

The applicant may also wish to consider the use of porous or permeable paved surfaces in areas of hardstanding, such as the parking lot, to allow rainwater infiltration and help to manage the impacts of stormwater run-off.

Fire Department

Approved for Planning Permit Only 20 Jan 23

PLANNING DEPARTMENT ANALYSIS

General

The application is for a (4) Unit Apartment Building; 2,508.62 sq. ft. to be located on Banson Dr., West Bay.

Zoning

The property is zoned High Density Residential.

Specific Issues

2) Suitability

Section (6) states the following development is permitted in a High 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 and vacant parcels with the closest apartment development being located roughly 484' away in a different subdivision on 4D 655.

- 4D 655 :- Bougainvillas Apartments
- 4B 534:- Duplex
- 4B 566:- Duplex
- 4B 575:- Duplex
- 4B 568:- Duplex
- 4B 569:- Duplex
- 4B 570:- Duplex

3) Egress design

The Building Control section of the Department has advised that the applicant's stair design for the upper two units can be accepted, but the building will have to be sprinklered. If the applicant does not want to provide sprinklers then the design would have to be revised for two egress points for the upper units.

2.8 DART REALTY LTD. (Abernethy & Associates) Block 40A Parcel 26 (P23-0001) (\$3,529) (NP)

Application for a two lot subdivision.

FACTS

<i>Location</i>	Otto's Avenue in Rum Point
<i>Zoning</i>	Low Density Residential and Ag/Res
<i>Notification Results</i>	No Objectors
<i>Parcel size</i>	59.4 acres
<i>Parcel size required</i>	10,000 sq. ft. for a house lot 25,000 sq. ft. for an apt/townhouse lot
<i>Proposed lot sizes</i>	17,740 & 2,569,365 sq. ft.
<i>Lot Width Required</i>	80 ft. for a house lot 100 ft. for an apt/townhouse lot
<i>Proposed Lot Width</i>	28'3" and 21'
<i>Current use</i>	Vacant

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

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

Reason for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision). The Authority considered the issue of LPP and determined that it would not be required at this time.

AGENCY COMMENTS

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 consists of predominately primary mangrove wetland (refer to Figure 1), with the northern extent of the site consisting of man-modified habitat including a road. The site also features an area of primary dry forest and shrubland. Primary habitat is mature habitat in its natural state, otherwise uninfluenced by human activity where ecological processes are not significantly disturbed. These habitats are often very old, existing long before humans and may consist of many endemic and ecologically important species. Primary habitat is in severe decline and becoming a scarce and highly threatened resource as a result of land conversion for human activities.

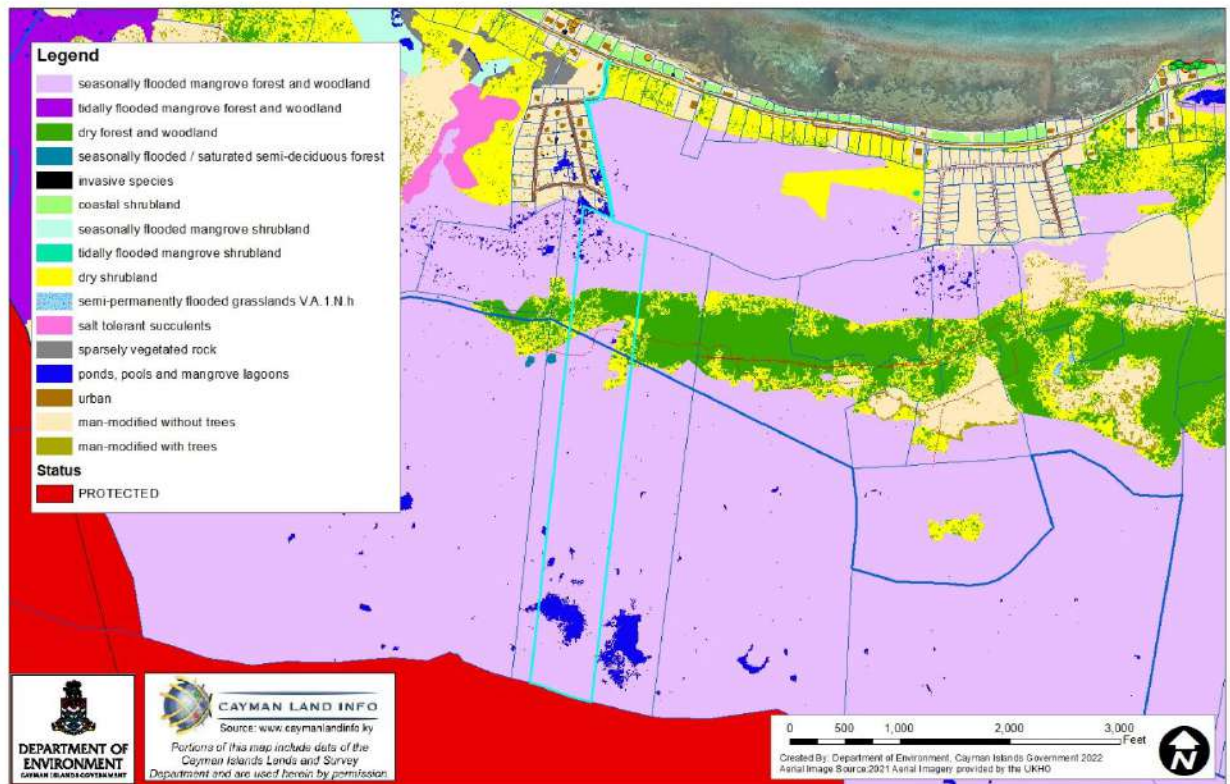


Figure 1: A terrestrial habitat map showing the existing landcover of the application site (outlined in blue) and the adjacent Protected Area to the South (Source: DoE, 2023)

The site is also adjacent to part of the Central Mangrove Wetland Protected Area under the National Conservation Act 2013 (NCA).

Mangrove wetlands are a critical part of our natural environment, providing several ecosystem services which include assisting to mitigate the effects of climate change. As one of the most productive terrestrial ecosystems, mangrove wetlands are extremely biodiverse and provide habitat and food for an immense variety of species. They also function as natural sponges that trap and slowly release surface water. Trees, root mats and other

wetland vegetation slow the speed and distribution of storm waters. This combined water storage and braking action lowers flood heights and reduces erosion. In addition, mangrove wetlands improve water quality by filtering, diluting, and degrading toxic wastes, nutrients, sediments, and other pollutants.

As a large portion of the site is mangrove habitat, the Applicant is reminded that mangroves are Schedule 1, Part 2 Protected Species under the NCA with an adopted Conservation Plan. It is an offence to remove mangroves unless permission is explicitly sought to remove them either through the granting of planning permission for land clearing or a development or a National Conservation Council Section 20 permit. The Mangrove Species Conservation Plan can be downloaded at the following link: <https://conservation.ky/wp-content/uploads/2021/01/Species-Conservation-Plan-for-Mangroves-FINAL.pdf>

We note that the application is for a subdivision, with Lot 1 consisting of an existing road, and Lot 2 largely consisting of undisturbed primary habitat (refer to Figure 2). We would not support the clearing of Lot 2 at this time. Any land clearing should be reserved until a development has received planning permission and construction of that development is imminent. This allows the area to function as habitat beneficial to wildlife for as long as possible.

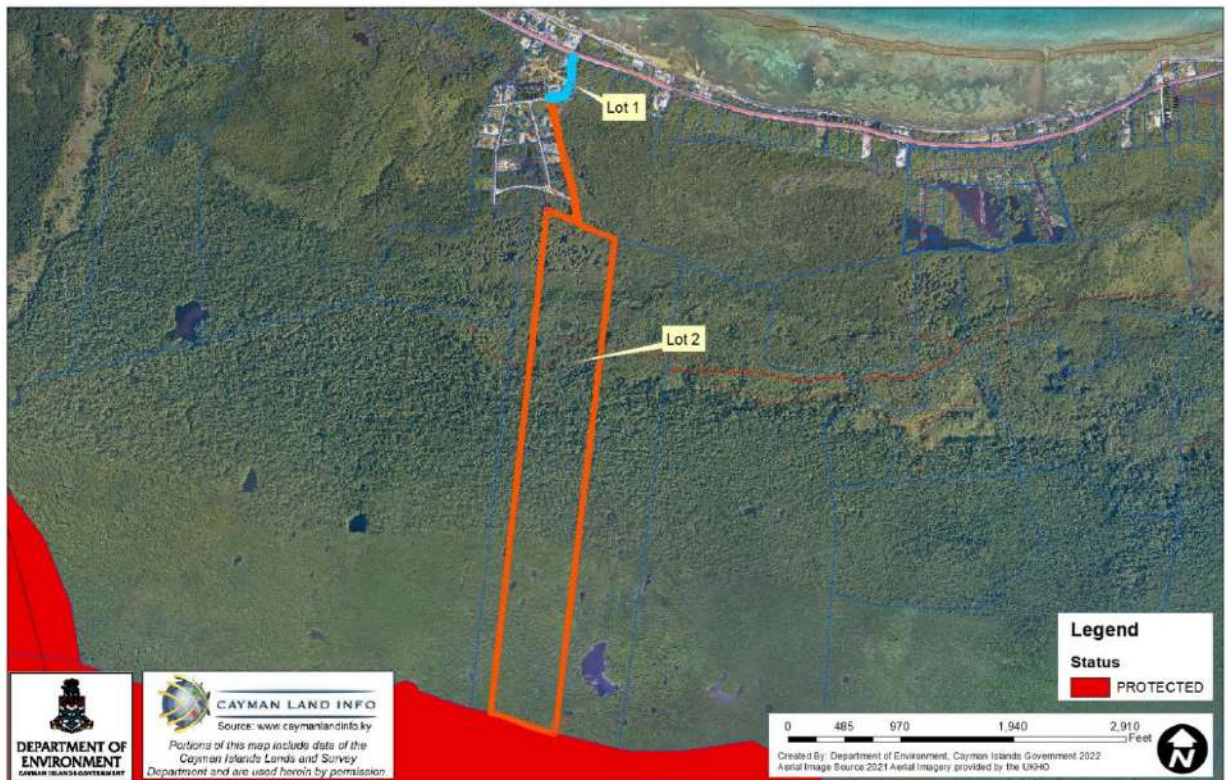


Figure 2: Image showing the proposed lot separation (Lot separation sourced from Abernethy and Associates LTD. Drg #2254APP, Aerial imagery sourced from UKHO 2021)

Primary habitat and native vegetation can be retained and used in a variety of ways on a property:

- It can be retained along parcel boundaries and between buildings to serve as privacy, noise and sound buffers and screening.*
- It can be incorporated into the landscaping schemes for low-maintenance low-cost landscaping. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation.*
- It can serve as an amenity, providing green space and shade for those who live nearby or on the property.*
- It can remain as a habitat for endemic wildlife such as anoles, birds and butterflies. This habitat helps to contribute to the conservation of our local species.*
- It can assist with drainage, directly through breaking the momentum of rain, anchoring soil, and taking up of water and indirectly through keeping the existing grade and permeable surfaces.*
- It can help reduce carbon emissions by leaving the habitat to act as a carbon sink and allow natural processes to remove carbon dioxide from the atmosphere. Destroying native vegetation releases carbon stored in the plant material, soil and peat.*
- When located in an area of wider primary habitat, wildlife corridors can be created connecting areas of a habitat that would have otherwise been isolated through development, allowing for the movement of animals and the continuation of viable populations.*

On the basis of the proximity of proposed Lot 2 to a Protected Area and the potential for adverse effects to that Protected Area, we have directed a condition detailed below.

DIRECTED CONDITIONS

Lot 2 is adjacent to a Terrestrial Protected Area which is protected under the NCA. The planning application is for a two lot subdivision only, and contains no details on any development or land clearing or filling of Lot 2. As such, there must be no inferred planning permission to clear or fill Lot 2 as this would or would be likely to cause an adverse effect on the Terrestrial Protected Area which is directly adjacent to the site. Lot 2 is a very large parcel, with an area of 58.9 acres. Clearing, filling or developing the resultant Lot 2 may adversely affect the Protected Area through changes to the movement of water, rainfall patterns, hydrology or surface water flow of the Protected Area. It may create edge effects, where an abrupt change in habitat type, especially between cleared, man-modified areas and Protected Areas, leads to changes in the environmental and biological conditions of the Protected Area. An example of an edge effect is when invasive species grow as a result of having been introduced via the man-modified areas.

Clearing, filling or developing the resultant Lot 2 under any inferred permission to clear would or would be likely to cause an adverse effect on the adjacent Terrestrial Protected Area under the NCA, namely:

- Section 2(a) – alterations that may impair the capacity of the area to function as a habitat beneficial to wildlife, and*

- *Section 2(d) – alterations of hydrology, water flow, circulation patterns, water levels or surface drainage that may be harmful to wildlife of the ecological or aesthetic value of the area or that may exacerbate erosion.*

*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 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:*

- *There shall be no land clearing, excavation, filling or development of the resultant Lot 2 without planning permission for such works being granted.*

This condition is directed to avoid direct and indirect adverse impacts on a Protected Area under the National Conservation Act (the Central Mangrove Wetlands Protected Area).

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.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in the Rum Point Area.

The proposal would divide Otto's Avenue from a right of way to the south as well as a large piece of land further south.

The property is currently vacant and the application is to divide the property into two lots. Each of the proposed lots exceed the minimum requirement of 10,000 square feet for house lot area.

Zoning

The property is zoned Low Density Residential and Agricultural/Residential.

Specific Issues

1) Lands For Public Purposes

Regulation 28(1) states that according to the size of the subdivision, the Authority may require the applicant to set aside land not exceeding five percent of the gross area of the land being developed, for public purposes, including active and passive recreation and public rights of way.

Five percent of the gross area is approximately 129,355.3 square feet or 2.96 acres. It is possible to increase the protected mangrove area by this amount if LPP were required along the protected mangrove area northern boundary.

2) Proposed Lot Widths

Regulation 9(8)(g) indicates that the minimum lot width for detached houses and duplexes is 80 feet and for guest house and apartment buildings or townhouses is 100 feet.

Otto's Avenue has a width of 28'3" and the unnamed private right of way to the south has a width of 14' to 21'.

The Authority should discuss whether a variance is warranted in this instance.

2.9 R.C. ESTATES LTD. (Eric Cronier Limited) Block 21C Parcels 8, 9 Rem 1, 164, 168, 169, and 170 (P22-1089) (\$5,000) (NP)

Application to modify planning permission for an approved subdivision.

FACTS

<i>Location</i>	Adagio Drive in South Sound, George Town
<i>Zoning</i>	Low Density Residential
<i>Notification Results</i>	No objectors
<i>Parcel size</i>	1.953 acres (road)
<i>Current use</i>	Road, Apartments Under Construction, & Undeveloped Parcels

BACKGROUND

September 15, 2021 (CPA/19/21; Item 2.4) – The Authority resolved to modify planning permission and within 60 days of the date of this decision, the LPP plans that were submitted on August 31, 2021 be revised to show the subdivision road parcel increased in width by 3' such that there is no gap between the landscape strip and the future sidewalks on the adjoining subdivision parcels. Further, the LPP strips must be shown as separate parcels.

July 21, 2021 (CPA/15/21; Item 5.1) – The Authority resolved to adjourn the application and hold a meeting on another date.

May 30, 2018 (CPA/13/18; Item 2.1) – The Authority resolved to grant planning permission for a 20 lot subdivision with conditions.

February 29, 2012 (CPA/06/12; Item 2.3) – The Authority resolved to grant planning permission for a 23 lot subdivision and excavation with conditions.

August 3, 2011 (CPA/16/11; Item 2.1) – The Authority resolved to grant planning permission for a subdivision and excavation with conditions.

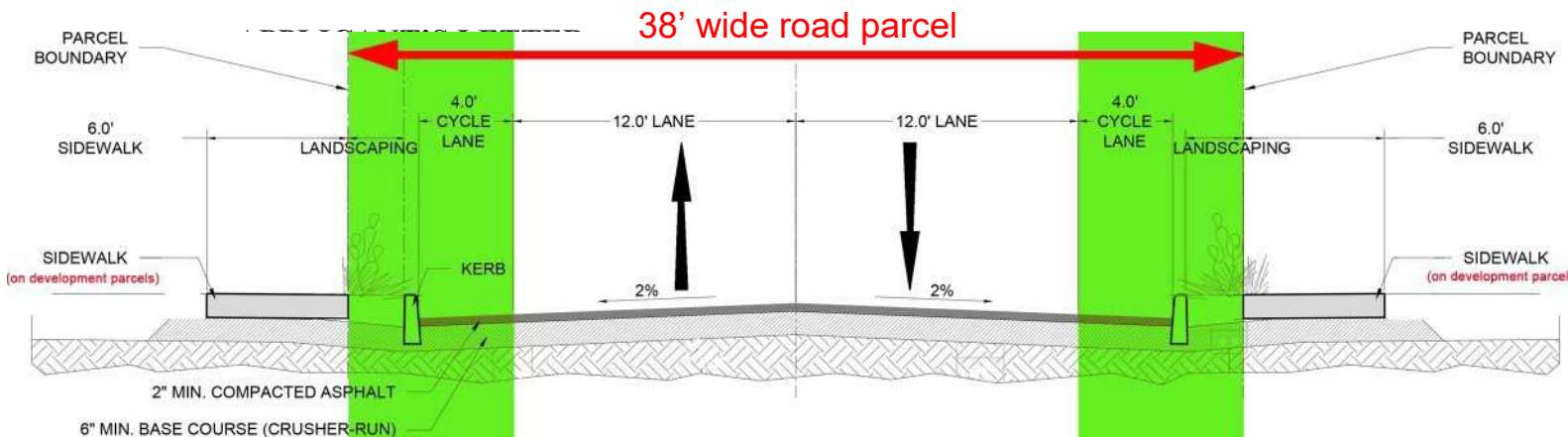
Decision: It was resolved that having regard to the Development Plan and other material considerations it is expedient to modify planning permission. Now therefore the Central Planning Authority in pursuance of Section 17 of the Development and Planning Act (2021 Revision) hereby orders that planning permission CPA/13/18; item 2.1, as previously modified, be further modified to replace condition 1) a) with the following condition:

- “a) **Within 60 days of the date of this decision**, the LPP plans that were submitted on August 31, 2021 be revised to replace the LPP strips with an equal amount of LPP elsewhere within the subdivision to the satisfaction of the Director of Planning.

All other conditions of CPA/13/18; item 2.1, as previously modified, remain applicable.

Reason for the decision:

The Authority considered the application and determined that planning permission would be modified as the application complies with the Development and Planning Regulations (2022 Revision).





PLANNING DEPARTMENT ANALYSIS

General

The subject properties are located on and include Adagio Drive in South Sound.

The properties contain a road (167), a parcel under development with apartments (163 - Bahia), and other undeveloped lands.

On 15 September 2021, the Authority modified planning permission for the subdivision to increase the width of the subdivision road by 3 feet such that there is no gap between the landscape strip and the future sidewalks. This would have resulted in a 33 foot wide road.

The applicant has submitted documentation suggesting that the constructed road width of Adagio Drive is 38 feet and includes two 4 foot wide bike lanes on each side of the road..

The applicant is proposing to modify planning permission by deleting the requirement for surveying of the LPP strips.

Zoning

The subject lands are zoned Low Density Residential.

2.10 MIKE BONIKOWSKI (Shedwerx Design Studio) Block 13B Parcel 175 (P22-0985) (\$10,000) (MW)

Application for a pool storage shed.

FACTS

<i>Location</i>	Parkside Cl., West Bay
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.34 ac. (14,810.4 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Existing residence with Pool; 2,280 sq. ft.
<i>Proposed building size</i>	430.5 sq. ft.
<i>Total building site coverage</i>	18.3%

BACKGROUND

March 1, 1990- House – the application was considered and it was resolved to grant planning permission.

June 25, 2014 – Pool – the application was considered and it was resolved to grant planning permission.

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

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

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 2) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 3) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area.
- 4) 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 adjacent Marine Protected Area offshore.

- 5) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 6) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

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

Reasons for the decision:

- 1) With the exception of the front setback, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 2) The proposed application does not comply with the minimum required front setback per Regulation 9(8)(i) of the Development and Planning Regulations (2022 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser setback as follows:
 - a) The characteristics of the proposed development are consistent with the character of the surrounding area;
 - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and
 - c) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997.

AGENCY COMMENTS

NA

APPLICANT'S LETTER

Pursuant to the planning Regulation Section 9 (8) (i) of the Development and Planning Act (2021) pertaining to front and rear setbacks. We would like to ask for a variance, allowing us to locate a portion of the proposed new structure within the setback.

We are making this request for a variance to the setbacks for the following reason: the property is located within a low density zone, and is a corner lot. Due to the corner lot and the radius of the street there is significant loss with the application of the setback, which is clear when reviewing the site plan. Also, some of the adjacent properties have similar ancillary structures, and don't believe our project will prove to be detrimental aesthetically.

Please refer to the detailed drawing issued with the application..

Should you require any further information, please contact the undersigned.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a Pool Storage Shed; 430.5 sq. ft. to be located on Parkside Cl., West Bay.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Front setback

Regulation 9(8)(i) of the Development & Planning Regulations (2022 Revision) states "*the minimum front and rear setback is 20'.*" The proposed storage shed would be 10'-9 1/4" & 17'-7 1/2" from the front boundary a difference of 9'-2 3/4" & 2'-4 1/2" respectively.

The Authority needs to determine if the applicant has demonstrated that there is sufficient reason and an exceptional circumstance in accordance with Section 8(13)(b) to warrant granting the setback variance.

2.11 BLAIR EBANKS (Oasis Pool & Spa) Block 5C Parcel 337 (P22-0554) (\$50,000) (EJ)

Application for a swimming pool.

FACTS

<i>Location</i>	Elnathan Road, West Bay
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.2883 ac. (12,558 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	House

BACKGROUND

November 25, 2004 - The Department granted permission for a house.

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

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

- 1) The construction drawings for the proposed swimming pool filtration system shall be submitted to the Department of Environmental Health. The applicant shall also submit to the Director of Planning the requisite signed certificate certifying that if the pool

filtration system is constructed in accordance with the submitted plans it will conform to public health requirements.

- 2) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 3) Construction sites for in-ground swimming pools and spas shall be provided with construction fencing to surround the site from the time that any excavation occurs up to the time of completion. The fencing shall be not less than 4 feet in height.
- 4) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 5) The applicant shall obtain a Certificate of Completion **prior to the utilization of the pool.**

Reasons for the decision:

- 1) With the exception of the rear setback, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 2) The proposed application does not comply with the minimum required rear setback per Regulation 9(8)(i) of the Development and Planning Regulations (2022 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser setback as follows:
 - a) The characteristics of the proposed development are consistent with the character of the surrounding area;
 - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and
 - c) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997.

APPLICANT'S LETTER

We write to request a variance for the construction of a swimming pool at the above-mentioned block and parcel. The pre-existing house placement and shape of the parcel create a hardship that limit the options for pool placement on the lot

The proposed pool location allows for a typical and functional pool at the rear of the property. The proposed pool location would have a 15' setback varied from the 20' required set back.

The characteristics of the proposed development are consistent with the character of the surrounding area.

The proposed new swimming pool will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or the public welfare.

The adjoin property owners have been notified of the application and there have been no objections received.

PLANNING DEPARTMENT ANALYSIS

General

The proposed swimming pool is located on Elnathan Road in West Bay.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Rear setback variance

As proposed, the swimming pool does not meet the required rear setback for this low density residential zone. The proposed is setback 15' vs 20' from the pool overflow to the rear boundary; therefore, the applicant is seeking a setback variance from the Authority. It would appear that there is sufficient space to shift the pool closer to the house in order to comply with the 20' setback.

2.12 LIMARDO SCOTT (TSC Architectural Design) Block 25C Parcel 239 H5 (P22-1053) (\$80,000) (NP)

Application for an after-the-fact apartment addition.

FACTS

<i>Location</i>	Litigate Close
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	26,449 square feet
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	10 Apartments

BACKGROUND

NA

Decision: It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the side setback.

APPLICANT'S LETTER

This letter is written on behalf of Limardo Scott who build an addition to his existing apartment without planning approval is now applying for forgiveness on the referenced property. The total square footage of the addition is 288 sq. feet. It should be noted that the rear setback variance is required and the required notices was sent by registered mail

to all owners within an 80 feet radius on January 5th, 2023. The applicant's reasoning for seeking the variance is twofold, one his family has expanded and the space to add in other areas is limited; therefore, he is asking for consideration for building the after the fact addition.

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 subject parcel is located on Litigate Close in Prospect.

The property contains 10 apartments divided into two blocks of 5 one bedroom units.

The applicant is seeking after the fact permission for a 288 square foot addition that was constructed upon the rear of the unit.

Zoning

The property is zoned Low Density Residential.

Specific Issue

1) Side setback

Regulation 9(6)(h) requires a minimum side setback of 10 feet.

The existing addition has been constructed with a 3'8" setback.

The Authority should consider whether a variance is warranted in this situation.

2.13 SHAMALA MILLER (International Builders Group) Block 25C Parcel 392 (P22-0791) (\$400,000) (JP)

Application for a house.

FACTS

<i>Location</i>	Bedrock Cir, Savannah
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.3249 ac. (14,153 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	vacant
<i>Proposed building size</i>	2,216 sq. ft.
<i>Total building site coverage</i>	15.6%

BACKGROUND

NA

Decision: It was resolved to grant planning permission, subject to the following conditions: Condition (1) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 2) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 3) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area.
- 4) 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 adjacent Marine Protected Area offshore.
- 5) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 6) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

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

Reason for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision). Further, the Authority took into account the recommendation of the Department of Environment, but determined not to include them as conditions of approval as follows:

- The first two recommendations would essentially render the parcel undevelopable for residential purposes as they would restrict the applicant from enhancing the side, front and rear yards and this would be unreasonable and unfair to the applicant.
- As landscape plans are not required as a condition of approval for houses and duplexes, the last two recommendations will not be adopted by the Authority.

AGENCY COMMENTS

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 consists of primary seasonally flooded mangrove habitat as shown in Figures 1 and 2. Primary habitat is often very old, existing long before humans and may consist of many endemic and ecologically important species. Primary habitat is in severe decline and becoming a scarce and highly threatened resource as a result of land conversion for human activities.

Mangroves are protected under Schedule 1, Part 2 of the National Conservation Act (2013), with an adopted Species Conservation Plan. It is an offence to remove mangroves unless permission is explicitly sought to remove them either through planning permission or the granting of a National Conservation Council Section 20 Permit.

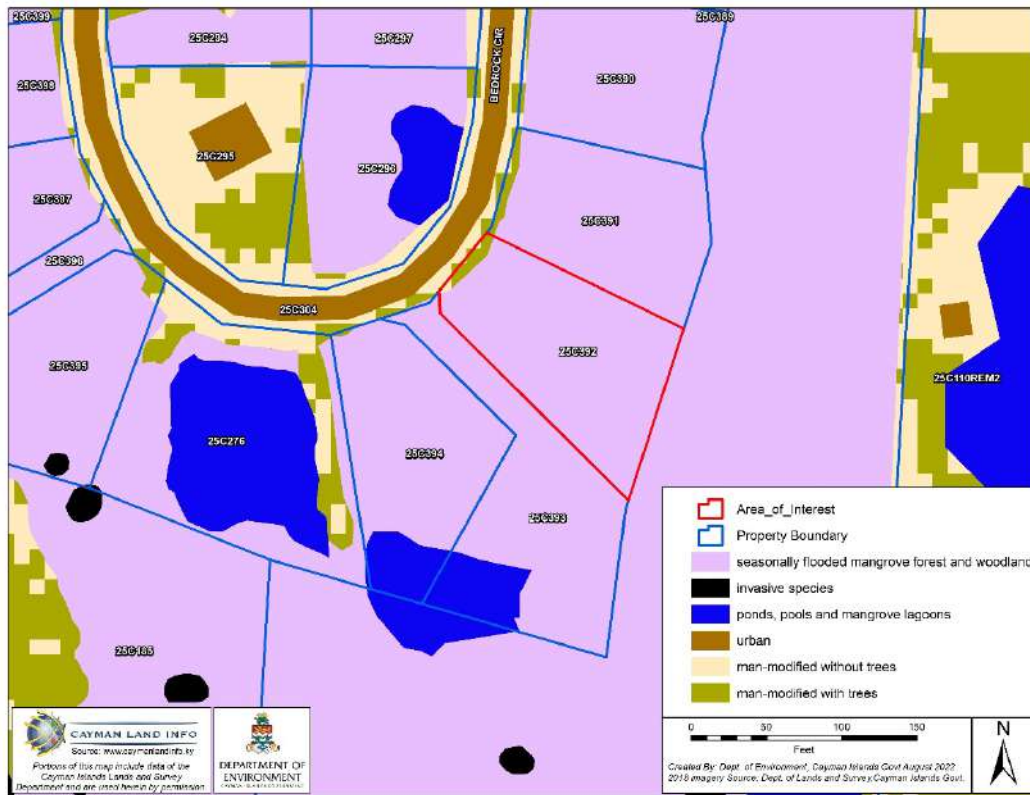


Figure 1: DoE's habitat map extract showing the application site outlined in red.

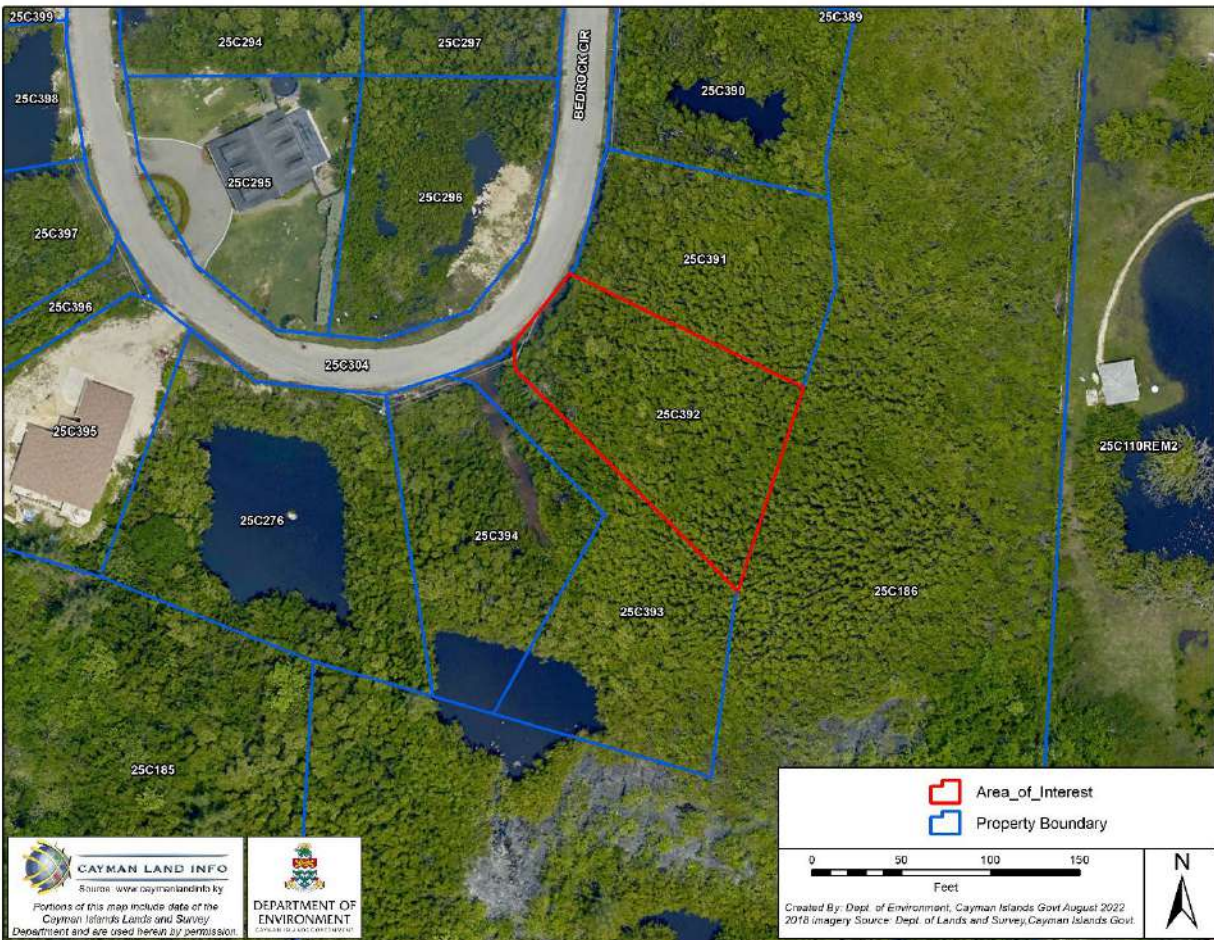


Figure 2: LIS 2018 aerial imagery showing the application site outlined in red.

Mangrove forests are a critical part of our natural environment, providing ecosystem services including mitigating the effects of climate change. As one of the most productive terrestrial ecosystems, mangrove wetlands are extremely biodiverse and provide habitat and food for an immense variety of species. They also function as natural sponges that trap and slowly release surface water. Inland wetlands in urban areas are particularly valuable, counteracting the greatly increased rate and volume of surface-water runoff from areas of hardstanding and buildings. Trees, root mats and other wetland vegetation also slow the speed and distribution of stormwater. This combined water storage and slowing action lowers flood heights and reduces erosion. In addition, inland wetlands improve water quality by filtering, diluting, and degrading toxic wastes, nutrients, sediments, and other pollutants.

Mangrove wetlands are extremely effective at sequestering carbon from the atmosphere and serve as carbon sinks. The removal of the mangrove habitat reduces the island's natural carbon sequestration potential. The removal of this mature vegetation and the de-mucking of the site will also release captured carbon back into the atmosphere. Mangroves are an important natural asset for the Cayman Islands and form part of Cayman's Natural

Capital Accounts. The removal of these mangroves reduces this asset and their ecological services.

With the conversion of the mangrove habitat to hardstanding, drainage must be properly assessed. The removal of the mangroves and filling of the land will reduce the site's natural capacity to retain stormwater. For these reasons, we encourage the Applicant to retain as much of the primary mangrove habitat as possible and we recommend that stormwater is managed on-site to avoid run-off and prevent the flooding of adjacent properties and the road.

To assist with drainage, we also recommend that:

- *the Applicant retains the mangrove habitat within the rear and side setbacks;*
- *only the proposed development footprint (including the driveway) is filled;*
- *the landscaping areas be left at the existing grade; and*
- *the applicant plants and incorporates native vegetation such as buttonwood in the landscaping scheme.*

Native and mangrove vegetation is best suited for the habitat conditions of the site, requiring less maintenance and making it a cost-effective and sustainable choice for landscaping.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a house to be located on Bedrock Cir., Savannah. The application complies with the Development and Planning Regulations.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) DOE recommendations

As the application complies with the Development and Planning Regulations, it was processed for an administrative approval. Upon reviewing the comments from the DOE it appeared to the Deputy Director that the recommendations from DOE needed to be considered by the Authority both in terms of this specific application and other future applications where the same recommendations are out forward by DOE.

2.14 ISLAND FORTUNA (Abernethy & Associates) Block 67A Parcel 22 (P22-1113) (\$4,824) (NP)

Application for a 4 lot subdivision.

FACTS

<i>Location</i>	High Rock Drive, East End
<i>Zoning</i>	Agricultural/Residential
<i>Notification Results</i>	No objectors
<i>Parcel size</i>	4.08 acres
<i>Proposed lot sizes</i>	43,540 sq ft to 46,100 sq ft
<i>Current use</i>	Vacant

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

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

Reason for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision). In this regard, the Authority is of the view that the lot widths are adequate and consistent with the requirements in the low density residential zone.

AGENCY COMMENTS

Water Authority Cayman

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

Wastewater Treatment:

- *The developer is advised that wastewater treatment and disposal requirements for built development are subject to review and approval by the Water Authority.*

Stormwater Management

This development is located over the East End 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 80ft. 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 piped water supply.*
- *The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.*
- *The developer shall install the water supply infrastructure within the site, under the Water Authority's supervision, and in strict compliance with the approved plans and Water Authority Guidelines for Constructing Potable Water Mains. The Guidelines and Standard Detail Drawings for meter installations are available via the following link to the Water Authority's web page: <http://www.waterauthority.ky/water-infrastructure>.*

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

Department of 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 consists of predominately primary dry forest and shrubland with some areas of seasonally flooded mangrove forest and woodland. The southern-most lot is man-modified. Primary habitat is mature habitat in its natural state, otherwise uninfluenced by human activity where ecological processes are not significantly disturbed. These habitats are often very old, existing long before humans and may consist of many endemic and ecologically important species. Primary habitat is in severe decline and becoming a scarce and highly threatened resource as a result of land conversion for human activities.

We note that the application is for a subdivision, we would not support the clearing of this site at this time. Land clearing should be reserved until the development of individual lots is imminent (through the granting of planning permission for development on those particular lots). This allows the opportunity for the individual lot owners to retain as much native vegetation as possible. Clearing the entire site prematurely removes the choice from the individual lot owners and removes the value the habitat could provide in the time between the preparation of a subdivision and the development of an individual lot.

Primary habitat and native vegetation can be retained and used in a variety of ways on a property:

- *It can be retained along parcel boundaries and between buildings to serve as privacy buffers and screening.*
- *It can be incorporated into the landscaping schemes for low-maintenance low-cost landscaping. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation.*

- *It can serve as an amenity, providing green space and shade for those who live nearby or on the property.*
- *It can remain as a habitat for endemic wildlife such as anoles, birds and butterflies. This habitat helps to contribute to the conservation of our local species.*
- *It can help reduce carbon emissions by leaving the habitat to act as a carbon sink and allow natural processes to remove carbon dioxide from the atmosphere. Destroying native vegetation releases carbon stored in the plant material, soil and peat.*
- *When located in an area of wider primary habitat, wildlife corridors can be created connecting areas of a habitat that would have otherwise been isolated through development, allowing for the movement of animals and the continuation of viable populations.*

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed subdivision, the DoE recommends the inclusion of the following conditions in any planning permission to minimise impacts to this valuable habitat.

- *There shall be no land clearing, excavation, filling or development of the resultant parcels without planning permission for such works being granted.*

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in East End, on High Rock Drive.

The property is currently vacant and the proposal is to create four new residential lots, each over 43,540 square feet in area and with 93 feet of lot width each.

Zoning

The property is zoned Agricultural/Residential.

Specific Issues

1) Lot widths

Regulation 21 allows a density of two houses per acre, but makes no mention of lot width. In this instance, the proposed lot widths are 93' and the Authority needs to determine if these are acceptable. Of note, in the LDR zone, the minimum required lot width for a house or duplex is 80' and for apartments is 100'.

2.15 SOUTHGATE LTD. (Abernethy & Associates) Block 20D Parcel 173 (P22-1051) (\$4,868) (NP)

Application for a 2 lot subdivision

FACTS

<i>Location</i>	Linford Pierson Highway in George Town
<i>Zoning</i>	Neighbourhood Commercial
<i>Notification Results</i>	No Objectors
<i>Parcel size</i>	13.05 acres
<i>Parcel size required</i>	20,000 sq. ft
<i>Proposed lot sizes</i>	98,110 & 498,856 sq. ft.
<i>Current use</i>	Vacant

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

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

Reason for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision).

AGENCY COMMENTS

Department of Environment

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

The majority of the subject parcel is seasonally flooded mangrove forest and woodland with some areas being man-modified. Mangroves are protected under Schedule 1, Part 2 of 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. Mangroves provide habitat for wildlife and are vital in helping to promote good water quality

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/).

Should the Central Planning Authority or Planning Department be minded to grant planning permission for the proposal we recommend the inclusion of the following conditions in the approval:

- 1) There shall be no land clearing, excavation, filling or development of the resultant parcels without planning permission for such works being granted.*
- 2) Existing mangroves shall be retained in accordance with the Species Conservation Plan for Mangroves (2020) under the National Conservation Act (2013).*

Should there be any trimming of the mangroves, it shall be done in accordance with the DoE's Mangrove Trimming Guidelines available from the DoE's website here: <https://doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/>

National Roads Authority

As per your email dated December 19th, 2022 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 subdivision.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in George Town on the Linford Pierson Highway, just east of the Downtown Reach apartment complex.

The property is currently vacant and the application is to divide the property into two lots. Each of the proposed lots exceed the minimum requirement of 20,000 square feet for lot area.

There are no concerns with the application.

Zoning

The property is zoned Neighbourhood Commercial.

2.16 SERENDRA APARTMENTS (TAG) Block 24E Parcel 656 (P22-1119) (\$2,312) (NP)

Application to modify planning permission to revise the floor layout and decrease the number of bedrooms.

FACTS

<i>Location</i>	Poindexter Road in Prospect
<i>Zoning</i>	Low Density Residential
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	1.02 acres
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Approved apartments

BACKGROUND

November 10, 2021 (CPA/23/21: Item 2.34) – planning permission granted for 16 townhouses, a pool, wall, & sign (P21-0665)

Decision: It was resolved that having regard to the Development Plan and other material considerations it is expedient to modify planning permission. Now therefore the Central Planning Authority in pursuance of Section 17 of the Development and Planning Act (2021 Revision) hereby orders that planning permission CPA/23/21; item 2.34 be modified to revise the floor layout and decrease the number of bedrooms.

All other conditions of CPA/23/21; item 2.34 remain applicable.

Reason for the decision:

The Authority considered the application and determined that planning permission would be modified as the application complies with the Development and Planning Regulations (2022 Revision).

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located along Poindexter Road.

The following modifications are proposed:

- Building 1 – ground floor of the end unit – den was removed and converted into a dining room and den
- Building 2 – 2 Two bedroom units and 2 One bedroom units converted into 4 One bedroom units
- Building 3 - 2 Two bedroom units and 2 One bedroom units converted into 4 One bedroom units & remove trellis and replace with roofing
- Building 4 - 2 Two bedroom units and 2 One bedroom units converted into 4 One bedroom units

The end result is a slight increase in overall building area and a decrease of 6 bedrooms. The unit count remains the same.

Zoning

The property is zoned Low Density Residential.

2.17 PARAISO APARTMENTS (Design Cayman) Block 22D Parcel 446 (P22-1042) (\$2.0 million) (NP)

Application modify planning permission to add crawl spaces back into buildings 3 and 4 as originally approved.

FACTS

<i>Location</i>	Lords Way
<i>Zoning</i>	Low Density Residential
<i>Parcel size</i>	1.71 acres
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Approved apartments

BACKGROUND

September 23, 2016 – Land Clearing by Mechanical Means; - Fwded to CPA

December 14, 2016- Dock:- the application was considered and it was resolved to grant planning permission. (CPA/27/16; Item 2.5)

July 19, 2017 – Apartment 14,622 sq. ft.- the application was considered and it was resolved to grant planning permission (CPA/14/17; Item 2.10)

April 28, 2017 – Storage Shed 840 sq. ft. -Applied

April 28, 2017 – Pool (10) - Applied

July 19, 2017 – Duplex; Two(2); 9,726 sq. ft.- the application was considered and it was resolved to grant planning permission (CPA/14/17; Item 2.10)

February 21, 2018 – Addition to Apartments 4,874 sq. ft., (2) Pools and Modification to Site Design – the application was considered and it was resolved to grant planning permission (CPA/04/18; Item 2.1)

November 14, 2018 – Subdivision-24 Raw Land Strata – the application was considered and it was resolved to grant planning permission (CPA/25/18; Item 2.21)

September 6, 2018 – 1,000 Gallon LPG Tank – Withdrawn

July 8, 2019 – Modification to Reduce the Total Area of Building – the application was considered and it was resolved to grant planning permission.

December 8, 2021 (CPA/25/21; Item 2.22) – the application was considered and it was resolved to modify the site design.

Decision: It was resolved that having regard to the Development Plan and other material considerations it is expedient to modify planning permission. Now therefore the Central Planning Authority in pursuance of Section 17 of the Development and Planning Act (2021 Revision) hereby orders that planning permission CPA/14/17; item 2.10 be modified to add crawl spaces back into buildings 3 and 4 as originally approved.

All other conditions of CPA/14/17; item 2.10 remain applicable.

Reason for the decision:

The Authority considered the application and determined that planning permission would be modified as the application complies with the Development and Planning Regulations (2022 Revision).

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located at the northern terminus of Lords Way.

The application seeks to modify planning permission and add crawl spaces back to Buildings 3 and 4 of the Paraiso development. In this regard, the crawl spaces were originally approved as part of the development and were removed from the proposal by Administrative Approval in July of 2019.

The applicant's agent has indicated that purchasers bought the units with a crawl space and that a further modification is required to re-instate the crawl spaces, as originally approved.

Zoning

The property is zoned Low Density Residential.

2.18 ITC (Kozaily Designs Ltd.) Block 19A Parcel 8 (P22-0801) (\$200,000) (MW)

Application for additions to an existing office building for new warehouse storage and a trellis to be situated over the existing outside dining area.

FACTS

<i>Location</i>	Lincoln Dr., George Town
<i>Zoning</i>	Heavy Industrial
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.9765 ac. (42,536.34 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Existing Office/Warehouse (under construction)
<i>Proposed building size</i>	2,070 sq. ft.
<i>Total building site coverage</i>	24.38%
<i>Required parking</i>	15
<i>Proposed parking</i>	17

BACKGROUND

April 3, 2020 – Modify Planning Permission to revise the site layout and change the office construction material – the application was seen and it was resolved to grant planning permission (CPA/06/20; Item 2.13).

September 30, 2020 – Modify Planning Permission for New Storey Warehouse Office & Elevations Together with a Revised Site Layout Plan – the application was seen and it was resolved to grant planning permission (CPA/16/20; Item 2.32).

February 7, 2022 – Modification- Removal of Two (2) Rear Doors – the application was seen and it was resolved to grant planning permission.

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

- 1) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 2) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area.
- 3) 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 adjacent Marine Protected Area offshore.

- 4) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 5) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

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

Reason for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision).

AGENCY COMMENTS

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

Water Authority

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

Existing Septic Tank

If the developer proposes to utilize the existing septic tank and/or disposal well, the system shall be inspected and serviced per the Water Authority's Septic Tank Inspection Form.

The completed inspection form shall be returned to the Water Authority for review and determination as to whether the existing system meets Water Authority design specifications. Any deficiencies noted will require repair or replacement prior to final approval for certificate of occupancy.*

**Manhole covers shall provide a water-tight seal and can be opened and closed by one person with standard tools. Where manholes are located in traffic areas, specifications for traffic-rated covers are 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 September 9th 2022 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 the above proposed development of 1,910 sq. ft. has been assessed in accordance with ITE Code 150 – Warehouse. The anticipated traffic to be added onto Lincoln Drive is as follows:

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak In</i>	<i>AM Peak Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak In</i>	<i>PM Peak Out</i>
<i>5</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>1</i>	<i>1</i>	<i>0</i>

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

Stormwater Management Issues

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

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.*
- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have applicant provide this information prior to the issuance of a building permit.*
- Curbing is required for the parking areas to control stormwater runoff.*

- *Roof water runoff should not drain freely over the parking area or unto 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 applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*

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

Fire Department

Approved for Planning Permit Only (25 Nov 22)

PLANNING DEPARTMENT ANALYSIS

General

The application is for a warehouse storage extension; 1,910 sq. ft. & trellis addition to existing outdoor dining area; 160 sq. ft to be located on Lincoln Dr., George Town.

Zoning

The property is zoned Heavy Industrial. There are no concerns with the proposal.

2.19 SISTER JANICE EARLY LEARNING CENTER (Tropical Architectural Group) Block 20E Parcel 130 REM 4 (P22-1166) (\$61,250) (MW)

Application for the after-the-fact additions of two classrooms.

Danette McLaughlin declared a conflict and left the meeting room.

FACTS

<i>Location</i>	Desmond Dr., George Town
<i>Zoning</i>	Medium Density Residential
<i>Notification result</i>	No Objections
<i>Parcel size proposed</i>	8.36ac. (364,161.6 sq. ft.)
<i>Parcel size required</i>	7,500 sq. ft.
<i>Current use</i>	Existing Preschool
<i>Proposed building size</i>	490 sq. ft.
<i>Total building site coverage</i>	0.75%

BACKGROUND

August 8, 1996 - Proposed Pre-school – the application was submitted for planning permission.

June 4, 1999 - Proposed Addition To Existing Pre-school – the application was submitted for planning permission.

April 7, 2004 - Proposed 2 Lot Subdivision – the application was considered and it was resolved to grant planning permission.

June 7, 2004 - Proposed House – the application was considered and it was resolved to grant planning permission.

June 7, 2004 - Proposed Pool – the application was considered and it was resolved to grant planning permission.

August 24, 2005 - Two Lot Subdivision – the application was considered and it was resolved to grant planning permission (CPA/20/05; Item 2.8)

September 22, 2005 - Proposed (3) Bedroom House – the application was considered and it was resolved to grant planning permission.

March 31, 2014 -Modification to Early Childhood-Increase Floor Area – the application was considered and it was resolved to grant planning permission. (CPA/25/18; Item 2.23)

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

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

Reason for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision).

AGENCY COMMENTS

Comments from the Fire Department are noted below.

Fire Department

Please depict proposed or existing Fire well and Fire Hydrant . As per 1994 Standard Fire Prevention Code 603.1.3.1 Water supply. Approved fire hydrants shall be provided for buildings to meet the necessary fire flow requirements as determined by the fire official. Where public water supply is inadequate or not available, an approved alternative water source meeting the fire flow requirements shall be provided. Fire flow performance tests shall be witnessed by the fire official, or representative, prior to final approval.

PLANNING DEPARTMENT ANALYSIS

General

The application is for an ATF classroom additions; 490 sq. ft. located on Desmond Dr., George Town.

Zoning

The property is zone Medium Density Residential.

The application complies with the minimum requirements of the Development and Planning Regulations (2022 Revision) in respect to site coverage, parking requirements and setbacks.

2.20 HOLIDAY INN (Heritage Holdings) Block 17A Parcels 149 and 375 (P22-1000) (\$50,000) (NP)

Application for a driveway.

FACTS

<i>Location</i>	Holiday Inn on Crighton Drive
<i>Zoning</i>	Hotel/Tourism
<i>Current use</i>	Vacant
<i>Proposed use</i>	New Driveway

BACKGROUND

January 18, 2023 (CPA/02/23; item 2.8) – the application was adjourned in order for the applicant to address the comments from the NRA

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

Conditions (1-2) listed below shall be met before commencement of site works.

- 1) The applicant shall submit revised plans showing the removal of the hotel signs as those require a separate application for permission.
- 2) The applicant shall submit a copy of the submission made to the Lands and Survey Department to register a minimum 24' wide public right-of-way over the new driveway on 17A 375 and connecting to the existing public right-of-way on 17A 149.
- 3) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

Additionally, once construction has started, condition (4) shall be complied with before a Certificate of Completion can be issued.

- 4) The public rights-of-way required in condition 2) above shall be registered.
- 5) The applicant shall obtain a Certificate of Completion **prior to the utilization of the driveway.**

The applicant is reminded that any proposed expunging of the existing public right-of-way on Block 17A Parcels 350 and 351 is subject to the provisions of the Registered Land Act.

Reason for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision).

AGENCY COMMENTS

National Roads Authority

As per your memo dated December 1st 2022 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 driveway relocation as it meets minimal NRA specifications in terms of sight line and width. The only concern the NRA would have is the proposed adjacent parking lot access on Block 17A Parcel 146 for the new development on Block 17A Parcel 376 (Your Ref: P21-1260), as it would not minimal separation as per the NRA specifications,

7.2 ACCESS ROADS: Single family, residential driveways may be no closer to each other than twenty feet (20') and, must be a minimum of thirty feet (30') from intersections. Commercial driveways on these roads must be no closer to each other than thirty feet (30') and, located at least seventy-five feet (75') from intersections.

Should you have any questions, please do not hesitate to contact the undersigned

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 with limited ecological value. The Department of Environment has no environmental concerns at this time. However, we recommend that the Public Lands Commission be consulted as we understand from the Registry Map Extract that the road that is to be relocated is also registered as a Public Right of Way.

Water Authority

Wastewater Treatment

The existing development is connected to the West Bay Beach Sewerage System (WBBSS).

- *The developer should note that all pipework **upstream of connection to the public sewerage system is considered a private sewer**. As this existing pipeline only serves the Holiday Inn Resort, any modifications of this pipeline (e.g., relocation) are the sole responsibility of the developer.*
- *The developer may contact the Water Authority's Engineering Department at 949-2837 EXT: 3000 with any questions.*

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.*

PLANNING DEPARTMENT ANALYSIS

General

The proposal is to relocate and shorten the existing Holiday Inn entrance to Crighton Drive.

Zoning

The property is zoned Hotel/Tourism.

Specific Issues

1) NRA comments

The comments as provided seem somewhat contradictory in that it is stated there is no objection to the proposal, but at the same time there is a concern that the new entrance will be too close to the entrance for the parking area for the approved Prisma development. It is unclear how to reconcile the comments.

SUPPLEMENTARY ANALYSIS

Subsequent to the January 18, 2023 CPA meeting, the applicant submitted revised plans for review by the NRA and the NRA provided the following updated comments:

As per your memo dated February 7th, 2023 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 road relocation as it meets minimum NRA specification standards.

Should you have any questions, please do not hesitate to contact the undersigned.

Additionally, subsequent to the January 18 meeting the following comments were received from the Public Lands Commission:

We refer to the application submitted by Heritage Holdings to the Central Planning authority regarding a proposed relocation of the Registered Public Access over Block 17A Parcels 350 and 351 to facilitate a more direct route to the public access over Block 17A Parcel 149 from Creighton Drive, we have reviewed the matter and have no objection to the relocation, provided the new right of way is registered at the same time of the extinguishment of the existing right of way, as the route provides a more direct access.

However we note that the existing pedestrian public right of way over Block 17A Parcels 350 and 351 are 18 feet wide and approximately 500 feet long. The new right of way is intended to be 24 feet wide and approximately 100 feet long. In lieu of the reduced area of the new access we are requesting that dedicated parking spaces only for use of persons using the right of way be added to the northern portion of Block 17A Parcel 375 (i.e. north of the proposed new road access).

We also wish to advise that during our deliberations we have considered the fact that the proposed relocation of the registered public access as per the proposed

drawings will not disenfranchise the public from gaining access to the shoreline or remove the intent of the granting of said access.

We also at this time wish to advise that while the Central Planning Authority (CPA) has the power to consider and approve amendments to conditions of planning approval, the CPA nor any other body in the Cayman Islands Government has the power to modify or extinguish a registered public right of way. A registered public right of way can only be modified or extinguished via an application to the Grand Court in accordance with Section 98D of the Registered Land Act (2018 Revision).

Finally we wish to reconfirm that the Public Lands Commission supports this request provided:

- Grand Court approval is obtained in accordance with Section 98D of the Registered Land Act (2018 Revision);*
- Parking spaces on Block 17A Parcel 375 to the north of the new road are created and reserve for users of the public right of way; and*
- Registration of the new public right of way over Block 17A Parcel 375 prior to Grand Court application to modify or extinguish the existing rights of ways over Block 17A Parcels 350 and 351.*

2.21 CALVARY BAPTIST CHURCH (Craftsman’s Touch) Block 14E Parcel 743 (P22-0457) (\$644,000) (MW)

Application for additions to an existing school (7 new classrooms, storage and an office).

FACTS

<i>Location</i>	Walkers Road, George Town
<i>Zoning</i>	High Density Residential
<i>Notification result</i>	No Objections
<i>Parcel size proposed</i>	1.04 ac. (45,302.4 sq. ft.)
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	Existing Church & School (8,716.09 sq. ft.)
<i>Proposed building size</i>	2,869.31sq. ft.
<i>Total building site coverage</i>	32.13%
<i>Proposed parking</i>	35 (existing)

BACKGROUND

August 19, 2009 – Addition to Existing Church; 4,000 sq. ft. – the application was considered and it was resolved to grant planning permission. (CPA/22/09; Item 2.16)

January 6, 2016 – Change of Use from Church Hall to Private School; 4,000 sq. ft.- the

application was considered and it was resolved to grant planning permission.
(CPA/01/16; Item 2.12)

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

Conditions (1-5) listed below shall be met *prior to the commencement of any site preparation works such as clearing, filling and grading* and before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall submit a revised site plan showing an additional seven (7) parking spaces located to the satisfaction of the Director of Planning.
- 2) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 3) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and **size** of the wastewater treatment system including the disposal system per the Water Authority's specifications.
- 4) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website (www.planning.ky) under Policy Development, Policy Drafts.*
- 5) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads, properties and fire lanes. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable toilets, construction fencing and where applicable, the stockpiling of material excavated from the site and material brought to the site for fill purposes.
- 6) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 7) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area
- 8) 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 adjacent Marine Protected Area offshore.

- 9) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 10) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

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

The applicant is reminded that they must receive all relevant approvals from all required agencies.

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

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

Reason for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision).

AGENCY COMMENTS

Comments from the following agencies have been received:

National Roads Authority

As per your memo dated June 8th 2022 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.

Should you have any questions, please do not hesitate to contact the undersigned.

Department of Environmental Health

The application was in compliance with the relevant environmental health requirements.

Fire Department

Please depict existing or proposed fire well and hydrant.

Please provide correct scaling for reviewing.

CIAA

No objection based on current design.

PLANNING DEPARTMENT ANALYSIS

General

The application is for an addition to existing school; 2,869.31 sq. ft. to be located on Walkers Road, George Town.

Zoning

The property is zoned High Density Residential.

Specific Issues

1) Parking

The applicant's proposal is for two additions to the existing church / school, one being a two storey addition with two additional classrooms and a bathroom. The second of the two additions being another two storey structure affixed to the existing church hall which will house a storage room, two bathrooms, a sick bay and two classrooms on the ground floor and the second floor will contain three additional classrooms and a storage room.

The Department requested information regarding the number of additional students and teachers that would be added to determine if the exiting parking on site would be adequate, however, to date no information was provided other than the level of student education would be from ages 5 – 17 years of age.

3.0 DEVELOPMENT PLAN MATTERS

4.0 PLANNING APPEAL MATTERS

5.0 MATTERS FROM THE DIRECTOR OF PLANNING

5.1 Aaron Chisholm Block 70A Parcel 5

The Director explained to the Authority that Mr. Chisholm had been advised that his proposal to clear land and then level rock to create pasture land would require an application for planning permission and then Mr. Chisholm requested an opportunity to address the Authority directly. At 1:00pm, Mr. Aaron Chisholm appeared before the

Authority to discuss his proposal for Block 70A Parcel 5. Summary notes are provided as follows:

- Mr. Chisholm explained that he wants to prepare the land for his cows because where he is now is being settled with water.
- The Authority asked if he owns the land and he replied no, he has a lease for 15 years.
- The Authority asked if he is aware of the machine used at Beacon Farms and Mr. Chisholm replied it won't work here.
- The Authority asked what is the size of the site and Mr. Chisholm replied 8.5 acres and he wants to use it for crops and livestock.
- The Authority asked if he wants to clear all of it and Mr. Chisholm replied yes, he will have 1 acre pens and rotate them.
- The Authority asked if he will mash up the rock and then put soil over top and Mr. Chisholm replied, yes, top soil.
- The Authority asked why doesn't he apply for planning permission and Mr. Chisholm replied he doesn't want the headaches, but he wants to do it the right way.
- The Authority noted that the blue iguana sanctuary is nearby. Mr. Chisholm noted that he has not yet seen a blue iguana on site or in the area.
- Mr. Chisholm noted that the owner, Alvin Bodden, has submitted an application to clear the land, but he didn't want to wait for rainy season so he started preparing the land for agriculture and crops.
- The Authority asked when was the application submitted and Mr. Chisholm replied in December or January. The Authority asked if Mr. Bodden sent out notices and Mr. Chisholm replied he doesn't think so.
- Mr. Chisholm noted that he wants to do something like what Franklin Smith did, but he wouldn't do lots. He noted that the road doesn't have electricity and he

would use 400 gallon water containers. He explained he is desperate because his herd is getting sick and he is losing cattle.

- The Authority thanked Mr. Chisholm for his input and he left the meeting room.

The Authority considered the matter further and determined that the activity of clearing the land and levelling the rock in order to create pasture land requires an application for planning permission.

5.2 Walls and Fences Guidelines

Discussion of draft amendments to Walls and Fences guidelines produced by the Department.

The Authority discussed the guidelines and determined to adjourn a final decision on the document in order to give further consideration to the issue of retaining walls.

5.3 Construction Operations Guidelines

Discussion of draft document produced by the Department to address various issues pertaining to Construction Operations Plans.

The Authority determined to remove hours of operation from the guidelines and then proceeded to approve the final document.

5.4 Bella Stroh application Block 69A Parcel 140 (P22-0676) (JP)

The Authority determined that the site visit of the subject site would be conducted on March 28, 2023 with the time of day to be determined. The Department was directed to contact the applicant and the DOE to ensure representatives would be available on site.

5.5 APEC inquiry Block 10E Parcel 76

The Authority was advised that APEC had contacted the Department advising that they wish to undertake a site investigation and with test pits and survey trails. The Authority determined that test pits along the existing dyke roads can be done without the need for

planning permission, but any new survey trails with test pits would require an application for planning permission.

5.6 Rotary Central

The Authority determined that signs could be erected without the need for planning permission for Island Wide Health Screening (February 16 to March 6) and the Science Fair (April 21 to April 23).

5.7 Blair Lilford Block 7C Parcel 69 (P21-1251) (MW)

The Authority was advised that the applicant had contacted the Department regarding condition 2) which reads:

“The after-the-fact external staircase shall be removed from site no later than 30 days from receipt of this decision.”

The applicant is desirous or deferring compliance with the condition to wait until workers are mobilized on site for other construction works and at that time they can remove the stairs.

The Authority determined that the applicant is already well past the deadline for removing the stairs and determined to adhere to the requirements of condition 2).

5.8 Elizabeth Ross Block 15C Parcel 11 (P22-0813) (JP)

The Authority was reminded of the application for 8 apartments where the site was located on Fairlawn Rd (15C 34) and it was adjourned in order for the applicant to obtain legal access over 15C 34. The Authority was advised that the applicant had provided affidavits from other land owners stating that the subject site can legally use the road. The Authority considered the matter and determined to adhere to the requirement for the applicant to obtain a registered vehicular right-of-way over 15C 34.

5.9 Caroline Lewis Block 55A Parcel 177 (P19-1097) (JP)

The Authority was advised that planning permission had been granted for an after-the-fact house addition with a condition that the applicant apply for a permit within 6 months. The applicant has contacted the Department explaining that the architect she paid took her money and left the country and she is seeking additional time in order to apply for a permit. The Authority determined that the applicant could be granted an additional 3 months from today's date to apply for a permit.

Decision: It was resolved that having regard to the Development Plan and other material considerations it is expedient to modify planning permission. Now therefore the Central Planning Authority in pursuance of Section 17 of the Development and Planning Act (2021

Revision) hereby orders that planning permission granted on November 6, 2019 be modified to replace condition 1) with the following condition:

“1) The applicant is required to apply for a Permit from the Director of Planning no later than May 15, 2023.”

All other conditions of planning permission granted on November 6, 2019 remain applicable.

5.10 Rankin Construction Block 20E Parcel 85 Rem 1 (P22-0187) (NP)

The Authority was advised that planning permission has been granted for 42 apartments and the applicant is seeking a temporary electrical supply in order to undertake site preparation works. The Authority determined to not support the request for a temporary connection and the applicant must wait until they've applied for a permit and obtain a temporary supply associated with the permit.

5.11 Appeal Hearings

The Director updated the members on the hearing dates for the appeals associated with JL Investments (March 3), Patricks Island Homeowners Association (March 31), Raul Gonzales (March 1) and CPA vs NCC (May 17 to 19).

6.0 CPA MEMBERS INFORMATION/DISCUSSION

The meeting adjourned at 4:45pm. The next meeting of the Central Planning Authority is scheduled for ***Wednesday, March 1, 2023 at 10:00 a.m.*** in in Conference Room 1038, 1st floor, Government Administration Building.

Ian Pairaudeau

Chair

Haroon Pandohie

Executive Secretary

c.c. All members of the Central Planning Authority

Date: February 3rd 2023
To: The Director of Planning
P.O. Box 113, Grand Cayman
KY1-9000

Dear sir,

Here is an account of the facts related to the current dispute and Issue of the septic Tank between 4d 66 [REDACTED] and 4d 67 (Collin Anglin)

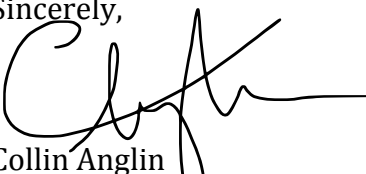
1. In 1969/70, my late Grandmother, Mary Adele Ebanks, was given land – 4D 67 - from her uncle Elton Ebanks.
2. Miss Ebanks built her first house on the land that same year. My Father (Halley Collins Anglin) and Aunt (Rose Gardean Johnson – nee Ebanks) assisted her with building the home.
3. After building the house, my grandmother approached her uncle and asked for some additional space because she didn't even have enough space for a clothesline due to the various boundaries.
4. Uncle Elton then adjusted his south-west boundary barbed wire fence to give my grandmother some additional land space as per her request. The Strip was 7 feet wide by 42 feet long.
5. Ever since 1970 when that boundary was adjusted, My grandmother and her descendants have had open, peaceful and exclusive use of that additional strip of land given to 4D 67 by Uncle Elton.
6. [REDACTED] was added to land register of 4D 66 in 1999 by his father Uncle Elton.
7. Uncle Elton passed away in 2005, making [REDACTED] the sole owner of 4D 66.
8. By the time [REDACTED] was the sole owner of the land 4D 66. The additional strip which was given to 4D 67 had been used exclusively as a part of my grandmother's property for 35 years and was considered a part of the 4D 67 property.
9. My aunt - Rose Gardean Johnson and her then husband Louis Johnson bought the property 4D 67 from her mother in 1994.
10. In 2015 after being advised by the water authority that they had to relocate their septic tank, Mr. Louis Johnson asked [REDACTED] for permission to allow the backhoe to come through his property in order to be better situated to dig the new location for the Septic tank.
11. No permission was ever sought from [REDACTED] to build the septic tank because the location of the new septic tank was being placed on what was always known and understood to be our family's property and within the 4d 67 boundary. [REDACTED] claim that he gave permission for it to be built is false.
12. One of the former owners of 4D 67, Louis Johnson, stated that the inspector for the water authority actually chose the location for the septic tank based on the fact that there was not enough space on any other part of 4d 67 to place the Septic. They would not have chosen a location on another person's property. This was because the space where the septic tank is now located is on the additional strip that was given in 1970 and remained as part of that property.

13. After finding herself in a difficult situation, my aunt decided to sell 4d 67 in order to save her main home. [REDACTED] was planning to purchase it and then had a survey done in 2019 which indicated that the adjusted boundary for the 7'x42' strip of land was never officially registered by Uncle Elton and therefore [REDACTED] has now sought to take advantage of this by trying to take back what was given by his father to my grandmother nearly 50 years ago. The survey also shows the location of the chainlink fence with the septic tank on the inside of the 4D 67 Property.
14. I successfully purchased the property in August 2019 from my Aunt, Rose Gardean Johnson. In October 2019, I received a threatening message via registered mail from [REDACTED] informing me that my septic was located on his property and therefore he was giving me until December to relocate it.
15. I then went to a lawyer to seek advice on this matter and correspondence began with Lands and Survey.
16. [REDACTED] claims in his letter of objection that he reversed his "permission" for the septic to be on his land after he learned that I was applying for adverse possession is also a lie. I would never have applied for any such thing for a septic tank that was already located on my property and also have the email trail to prove it.
17. We were asked to come to a meeting with the Registrar of lands in March of 2020 and the Registrar asked if we were willing to leave our boundaries the way they currently were for the sake of peace. I said I was willing but [REDACTED] stated he was unwilling to leave things the way they had been for nearly 50 years.
18. [REDACTED] moved the boundary of the fence in 2022 against my will and despite this portion of land being in dispute in an attempt to make it appear as though that's the way the boundaries were. However, his very own photos in his objection letter show the difference between the fence location in 2022 and in 2021 when he took photos of an addition that took place on the 4d 67 property.
19. The 2008 Aerials also show where the original chainlink fence was situated.

Unfortunately, this is a situation where [REDACTED] has chosen to just make things as difficult as possible, is trying to reverse a decision made by his father 50 years ago and attempting to claim back a very much needed 400 sq ft of space from my property while he sits on nearly $\frac{3}{4}$ of an acre with more than enough space to do whatever he wishes.

There is nowhere else on my property that a septic tank can fit besides where it is right now. I have never personally experienced such a level of unreasonableness, vindictiveness and dishonor with anyone before. I hope and trust that the committee will allow the septic to remain where it has been for the past 7 years.

Sincerely,



Collin Anglin
P.O. Box 104, Grand Cayman, KY1-1401

IN THE MATTER OF WEST BAY NORTH WEST BLOCK 4D PARCEL 67
DEPARTMENT OF LANDS AND SURVEY

AFFIDAVIT OF DALTON ERIC EBANKS

I, Dalton Eric Ebanks of Grand Cayman, Cayman Islands make oath and say as follows:

1. That I am the son of Miss Mary Adele Ebanks.
2. That I was born on 19th December 1960.
3. Save where the contrary is stated to be the case, the facts and matters deposed by me in this affidavit are within my own knowledge and are true. Where I depose to matters on information and belief, the same are true to the best of my knowledge, information and belief.
4. That I was about nine (9) years of age when my mother, Miss Mary A. Ebanks, inherited West Bay North West Block 4D Parcel 67 (the "Property") from her uncle, Mr. Elton M. Ebanks.
5. When the house was built, my mother realized she did not have enough space to erect a clothes-line. Her Uncle Elton then gave her additional space to erect the clothes line by moving back his barb-wired fence on parcel 4D 66.
6. That from that time forward, my mother used that strip of land from Parcel 66 approximately seven feet by forty - two feet (7' x 42') (the "Strip") as part of her land and to erect a clothes-line and move comfortably back and forth from the house.
7. Since that time until now, that Strip has been part of the Property, for our family to use as we saw fit. We have had full possession, use and control of the Strip to the exclusion of everyone else. Uncle Elton never once tried to claim the land back or expressed any discontentment with the strip that he had given to us or how we used it.


8. A barbed-wire fence was erected after the land was given to my mother to separate parcel 66 and the Property. After my mother built her house, the fence was adjusted to include the Strip as part of our family's Property.
9. When the barbed-wire fence was taken down in the early 2000's, a chain-link fence was erected by the current owner of 4D 66 – [REDACTED] Again, the chain-link fence included the Strip as part of our Property because he knew that was how it was always separated.
10. The Strip has been part of the Property from 1969/1970 to date. No one was allowed to come on the Strip without our consent or permission.
11. I pray that the Honourable Registrar supports our application and allows the Strip to continue to be part of the Property as it has been for half a century.

SWORN at George Town,)

Grand Cayman)

This 21 day of June 2022)

Before me:)



NOTARY PUBLIC

)
)
)


DALTON ERIC EBANKS

IN THE MATTER OF WEST BAY NORTH WEST BLOCK 4D PARCEL 67
DEPARTMENT OF LANDS AND SURVEY

AFFIDAVIT OF HALLEY COLLINS ANGLIN

I, Halley Collins Anglin of Grand Cayman, Cayman Islands make oath and say as follows:

1. That I am the son of Miss Mary Adele Ebanks.
2. That I was born on 18th May 1955.
3. Save where the contrary is stated to be the case, the facts and matters deposed by me in this affidavit are within my own knowledge and are true. Where I depose to matters on information and belief, the same are true to the best of my knowledge, information and belief.
4. That I was about fifteen (15) years of age when my mother, Miss Mary A. Ebanks, inherited West Bay North West Block 4D Parcel 67 (the "Property") from her uncle, Mr. Elton M. Ebanks.
5. In 1969 when my mother inherited the Property, I assisted her in building her house. When the house was built, my mother realized she did not have enough space to erect a clothes-line. We needed a clothes-line as we did not have a dryer in the house. My mother then went to her uncle Elton and explained that she needed some additional space for a clothes line. Her Uncle Elton then gave her additional space to erect the clothes line by moving back his barb-wired fence on parcel 4D 66.
6. That from that time forward, my mother used that strip of land from Parcel 66 approximately seven feet by forty - two feet (7' x 42') (the "Strip") as part of her land and to erect a clothes-line and move comfortably in and out of the house.

7. Since that time to now, that Strip has been part of the Property, for our family to use as we see fit. We have had full possession, use and control of the Strip to the exclusion of everyone else. Uncle Elton never once tried to claim the land back or expressed any issue with the strip that he had given to us. He never asked for it back. He passed away in 2005 and at that point we had already enjoyed and used that strip of land peacefully, open and uninterrupted over 35 years. It was not until 2019 after my mother died that Mr. Mario Ebanks began trying to claim back the strip from our family.
8. The barbed-wire fence was erected after the land was given to Mary A. Ebanks to separate parcel 66 and the Property. After Mary Ebanks built her house, the fence was adjusted to include the Strip as part of our family's Property.
9. When the barbed-wire fence was taken down in the early 2000's, a chain-link fence was erected by the current owner of 4D 66 – [REDACTED] Again, the chain-link fence included the Strip as part of our Property because he knew that was how it was always separated.
10. The Strip has been part of the Property from 1969/1970 to date. We have used it to drive on, erect a clothes-line, plant trees and play with our children. No one was allowed to come on the Strip without our consent or permission.
11. I pray that the Honourable Registrar supports our application and allows the Strip to continue to be part of the Property as it has been for half a century.

SWORN at George Town,)

Grand Cayman)

This 21 day of June 2022)

Before me:)


NOTARY PUBLIC


HALLEY COLLINS ANGLIN

IN THE MATTER OF WEST BAY NORTH WEST BLOCK 4D PARCEL 67
DEPARTMENT OF LANDS AND SURVEY

AFFIDAVIT OF ROSE GARDEAN JOHNSON (NEE EBANKS)

I, Rose Gardean Johnson (nee Ebanks), of Grand Cayman, Cayman Islands make oath and say as follows:

1. That I am the daughter of Miss Mary Adele Ebanks.
2. That I was born on 19th February 1952.
3. Save where the contrary is stated to be the case, the facts and matters deposed by me in this affidavit are within my own knowledge and are true. Where I depose to matters on information and belief, the same are true to the best of my knowledge, information and belief.
4. That I was seventeen (17) years of age when my mother, Miss Mary A. Ebanks, inherited West Bay North West Block 4D Parcel 67 (the "Property") from her uncle, Mr. Elton M. Ebanks.
5. In 1969 when my mother inherited the Property, I assisted her in building her house. When the house was built, my mother realized she did not have enough space to erect a clothes-line. We needed a clothes-line as we did not have a dryer in the house. My mother then went to her uncle Elton and explained that she needed some additional space for a clothes line. Her Uncle Elton then gave her additional space to erect the clothes line by moving back his barb-wired fence on parcel 4D 66.
6. That from that time forward, my mother used a strip of land from Parcel 66 approximately seven feet by forty - two feet (7' x 42') (the "Strip") as part of her land and to erect a clothes-line.

7. Since that time to now, that Strip has been part of the Property, for us to use as we see fit. We have had full possession, use and control of the Strip to the exclusion of everyone else.
8. The barbed-wire fence was erected after the land was given to Mary A. Ebanks to separate parcel 66 and the Property. After Mary Ebanks built her house, the fence was adjusted to include the Strip as part of the Property.
9. When the barbed-wire fence was taken down, a chain-link fence was erected by the current owner of 4D 66 – [REDACTED] Again, the chain-link fence included the Strip as part of Property.
10. The Strip has been part of the Property from 1969/1970 to date. We have used it to drive on, erect a clothes-line, have the children play games, installed a septic tank (in or around 2015), put garbage bins, etc. No one was allowed to come on the Strip without our consent or permission.
11. I pray that the Honourable Registrar supports our application and allows the Strip to continue to be part of the Property as it has been for half a century.

SWORN at George Town,)

Grand Cayman)

This 20th day of June 2022)

Before me:)

[Signature] JP

NOTARY PUBLIC / JP

Rose Gardean Johnson

ROSE GARDEAN JOHNSON (NEE EBANKS)



ANDREW MCLAUGHLIN

[Signature]

Justice of the Peace 20-6-2022
ID# AM280819-1

June 22nd 2022

BY HAND

URGENT

Ms. Sophia Williams, Registrar of Lands
Lands & Survey
Government Administration Building, Elgin Avenue
George Town, Grand Cayman
Cayman Islands

Dear Madam,

**RE: APPLICATION FOR EASEMENT REGISTRATION – WEST BAY NORTH WEST BLOCK 4D
PARCEL 67**

My grandmother, Miss Mary Adele Ebanks, was given Block 4D Parcel 67 (the “Property”) by Mr. Elton M. Ebanks, her uncle, in 1969. When the Property was given to Miss Ebanks, she assumed possession and control of an additional strip of land, widening the Property by approximately seven feet (7’). While this giving of the strip was never registered, Miss Ebanks had full use of the strip of land for herself, was in full possession and control of the strip, to the exclusion of all others. It was clear by his actions that Mr. Elton no longer considered that strip of land part of his property.

This allowed Miss Ebanks to erect a clothes line and also have space to comfortably walk into the home. The strip of land is a narrow walkway which is approximately seven feet by forty two (7’ x 42’) (the “Strip”). We have attached a copy of the most recent survey that was conducted of 4D-66 so that it may assist in the visual aid of the matter (indicated as CLF – Chain Link Fence). The name of the survey is Fixed Boundary Survey 52/246 – Re-establishment of Block

4D Parcel 66. The area of the chain-link fence highlighted on the south-west corner of 4D-66, located between CX 257 and CX 251 in which the chain-link fence is clearly highlighted. It is this same area that I am asking for the easement registration; I am only asking for what our family has always had exclusive use of.

Since 1969 to date, our family has had peaceful, open and uninterrupted enjoyment of the strip of property, full possession and control without restriction, to the exclusion of all other persons. There was a barbed wire fence erected in 1969 which portioned the properties so that the Strip was part of the Property's yard. Sometime after Ivan (after 2004), [REDACTED] replaced the barbed wire fence with chain-link fence, again portioned so that the Strip was part of the Property's yard. More recently, in or around 2015, a septic tank for the Property was built on the Strip as this was the only area on the property with the space needed for the septic's placement.

Miss Mary Ebanks' daughter, namely Mrs. Rose Gardean Johnson, then purchased the Property in 1997 from her mother. I am the grandson of Miss Mary Ebanks and the nephew of Mrs. Gardean Johnson and I purchased the property in August 2019 shortly after my Grandmother's passing. This means that our family has had fifty (50) years of peaceful, open and uninterrupted enjoyment, possession and control of the Strip to the exclusion of everyone else.

Mr. Elton added [REDACTED] name to the title in 1999 as a joint proprietor. [REDACTED] Mr. Elton passed away in February 2005 and as such [REDACTED] became the proprietor of Block 4D Parcel 66 at that time. After my Grandmother's passing, [REDACTED] has now tried to claim back that portion that was given to our family 5 decades ago and has recently (several weeks ago) blocked my access to this strip and my septic tank by changing the location of the fence.

Since our family has had peaceful, open and uninterrupted enjoyment of the Strip for this length of time, I am requesting for a registered easement pursuant to the Prescription Law and the Registered Land Law via the following:

Registered Land law - 2018 Revision
PART IX - Prescriptions - Page 61

138. (1) Subject to the Prescription Law (1997 Revision) easements and profits may be acquired without registration by peaceable, open and uninterrupted enjoyment thereof for a period of twenty years: Provided that no easement or profit shall be so acquired unless the proprietor of the land burdened by such easement or profit is, or by reasonable diligence might have been, aware of such enjoyment and might by his own efforts have prevented it.

I have also attached to affidavits from three of Miss Ebanks' Children who can attest to the open, peaceful, uninterrupted possession and use of the strip as I have indicated, for the past 5 decades.

Should you have any questions, require any further information or would like to set a time to meet, please feel free to contact us at your earliest convenience.

Thanking you in advance for your kind considerations and I look forward to a favourable outcome in soonest.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Collin Anglin', with a long horizontal flourish extending to the right.

Collin Anglin

[Aerial 1994]



Legend



11/1/19 2:54 PM
1: 302



Notes
0

50.3
0 25.17 50.3 Feet
Lands and Survey Department © Cayman Islands Government



CAYMAN LAND INFO
www.caymanlandinfo.ky

[Aerial 1999]

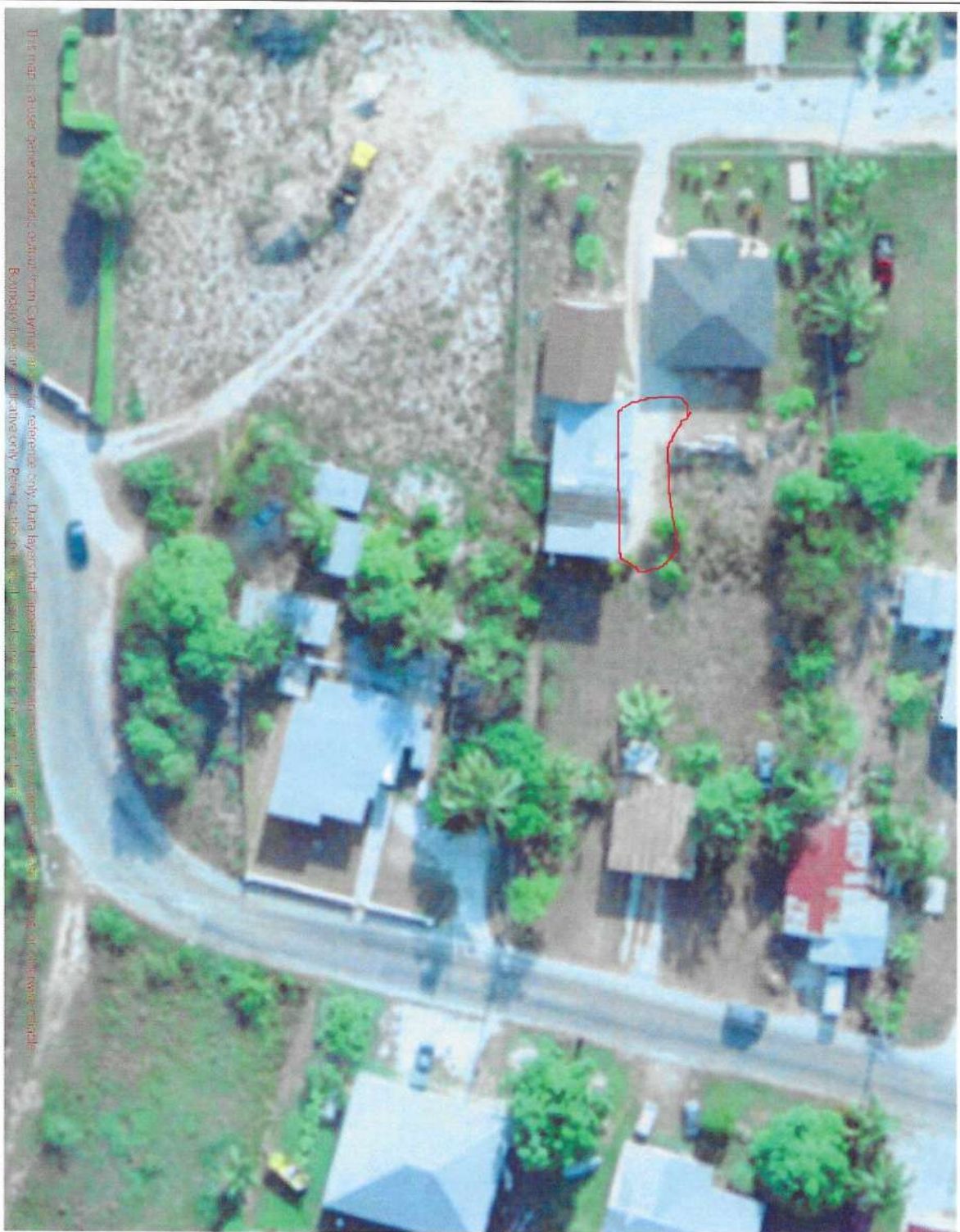


Legend

11/1/19 3:03 PM
1:604



Notes
0



This map is a user-generated output from CAYMAN LAND INFO. It is for reference only. Data layers that appear on the screen may not be visible in the printout. The map is not a legal document. Please refer to the official map for the correct information.

100.7 0 50.33 100.7 Feet

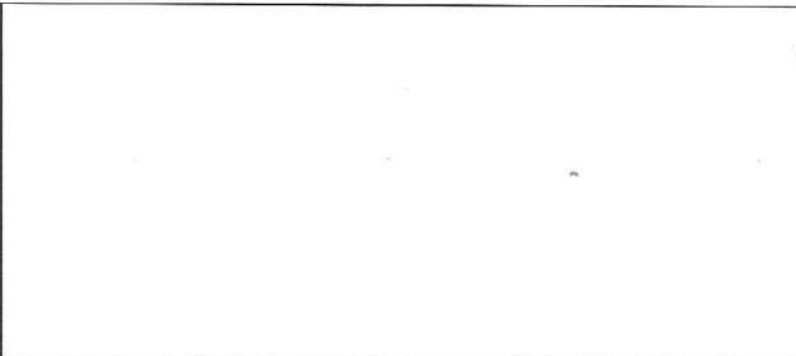
Lands and Survey Department © Cayman Islands Government



[Aerial 2008]



Legend



11/1/19 2:52 PM

1:302



Notes

0

50.3 0 25.17 50.3 Feet

Lands and Survey Department © Cayman Islands Government



CAYMAN LAND INFO
www.caymanlandinfo.ky

The positions of missing non-surveyed boundaries are indicative only and should not be copied.





Peacey, Jessica

From: Department of Planning
Sent: Wednesday, December 28, 2022 8:44 AM
To: Peacey, Jessica
Subject: FW: [EXTERNAL] Objection to Application for Planning Permission Block 4D Parcel 67
Attachments: Objection to Collin Project No. P22-0965 251222.docx

Importance: High

Follow Up Flag: Flag for follow up
Flag Status: Flagged

From: Mario M. Ebanks <mcwolie@candw.ky>
Sent: Sunday, December 25, 2022 10:16 PM
To: Department of Planning <Planning.Dept@gov.ky>
Subject: [EXTERNAL] Objection to Application for Planning Permission Block 4D Parcel 67
Importance: High

Please see attached

Regards,

Mario M. Ebanks

P. O. Box 257
West Bay
Grand Cayman KY1-1301

24th December 2022

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

Dear Sir,

Re. Application for Planning Permission from Collin Nicholas Anglin - F22-0965

I am the single proprietor of Block 4D Parcel 66 and I was notified by registered mail of an application for planning permission for the purpose of 'Enclosure of Laundry Area and relocate Septic Tank' has been submitted by Collin Nicholas Anglin, owner of Block 4D 67 to the Central Planning Authority (CPA), Grand Cayman.

I hereby wish to object to the application for various reasons.

I am confused exactly what is the purpose of the application.

As mentioned above my notice by mail states that the purpose is for
"Enclosure of Laundry Area and relocate Septic Tank";

The description at <https://www.planning.ky/planning-notices> states,
"After the fact modification to site and floor plan area and relocation of septic tank."

The Site Plan drawing states,
"After the Fact Septic Tank & Proposed 6' Wood Wall on 4D 67."

This is another illegal construction adjoining my property that is devaluing my property as I try to protect my investment.

The saga with the septic tank for 4D 67 has been going on since 11th February 2014 when the Water Authority-Cayman served notices to the then owners of 4D 67 and 4D 284 regarding wastewater that was being discharged onto the ground. This was due to illegal construction of apartments on 4D 67 over their original septic tank. It was reported that the structure on 4D 67 spanned these 2 parcels and the owner of 4D 67 had stopped construction in the rear of 4D 67 when told by Planning but shortly afterwards went ahead and completed construction and occupied it. The Water Authority-Cayman questioned then, the Planning Department whether the owner of 4D 67 would be allowed to install a septic tank and effluent disposal well within near zero setbacks of the southwest corner of their property. As I was aware of the owner of 4D

Parcel 67 predicament I gave permission in July 2015 to the then owner of 4D 67 to construct the septic on my property but he did not receive planning permission. After I became aware that the new owner of 4D 67, Collin Anglin was attempting to claim adverse possession on my property where the septic was built, I withdrew my permission and gave notice for him to remove the septic from my property. He was notified by mail re. letter dated 28th October 2019 and 20th November 2019 that the septic tank on my property should be removed by 31st December 2019 and he failed to do so. Planning issued Enforcement Notice CE20-0033 was issued on 4th March 2020 and was referred to the Legal Department. However, the plans did not show the boundaries as stated in Fixed Boundary Survey 52/246 when Planning provided the Legal Department with information that they requested. The illegal septic tank that has been relocated to my property, 4D 66 should have been built at least 10' from my property. Also, according to the Water Authority, wastewater infrastructure, including septic tanks, deep wells, Atu's must be contained within the boundaries of the parcel on which the building stands. I therefore object to the septic tank being relocated to my property.

The laundry is a new addition to the building on 4D 67 which already spans parcel 67 and parcel 284 and currently have zero setbacks or encroachments on 4D 284 that should have a setback of 15' as it is 2 storey building. On the south side of the laundry that there is also an addition to the south side of one of the 3 structures that are currently on 4D 284. There are also safety concerns that the laundry utilities are being serviced with other buildings on 4D 284.

After reviewing the Site Plan and Elevations I notice the following discrepancies:

The Site Plan Sheet A-100 is showing the proposed fence as 10' from the staircase and porches when the current fence is approximately 3' from them and Fixed Boundary Survey 52/246 – Re-Establishment of Block 4D, Parcel 66 confirms this.

The proposed fence would be encroaching on my property on the south side of 4D Parcel 66. The proposed fence does not have the same characteristics of the fences in the surrounding area. I would not object to the 6' fence around the apartments of 4D 67 but I object to the 6' wood fence along the footpath of 4D 67. The site analysis refers to Block/Parcel ID 414 instead of 4D 67. The site area is stated as 12,632.4 sq. feet when it is actually approximately **2378** sq. feet. This 2 storey 5 apartment building which sits on approximately 1386 sq. feet of land with a footpath of 992 sq. feet that leads to the apartment.

The zoning is stated as High Density Residential when it is **Low Density Residential**

The Elevations Sheet A-200 is stating that the Project is Tomasa proposed residence on ID 414 West Bay, Grand Cayman. It states that it is displaying the front elevation when it is the right elevation of two buildings on 4D 67 and 4D 284. The other adjoining building on 4D 284 is not displayed. There is no indication on the floor plan where the septic tank is/has been relocated from.

The applicant should be denied permission to install a 6' wooden fence; the laundry the addition to the structure on 4D 284 should be removed as it spans 2 parcels of land and the

septic tank should be removed as it was built without Planning permission and would have no setbacks and would decrease the value of my property.

Regards

Mario M. Ebanks

Aerial view of Parcels 284, 66 and 67 obtained from Google Maps.
3 structures on Parcel 284

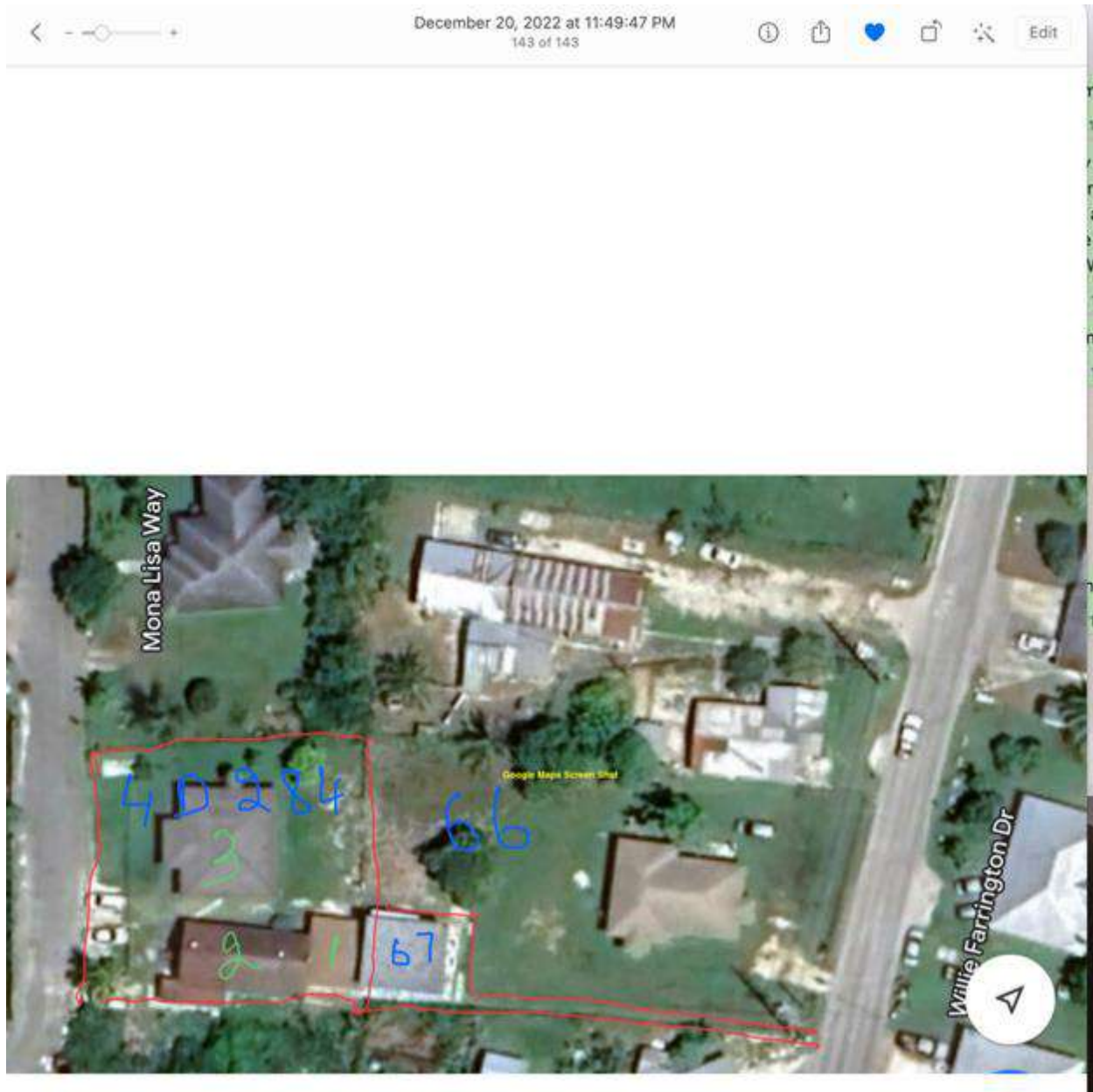
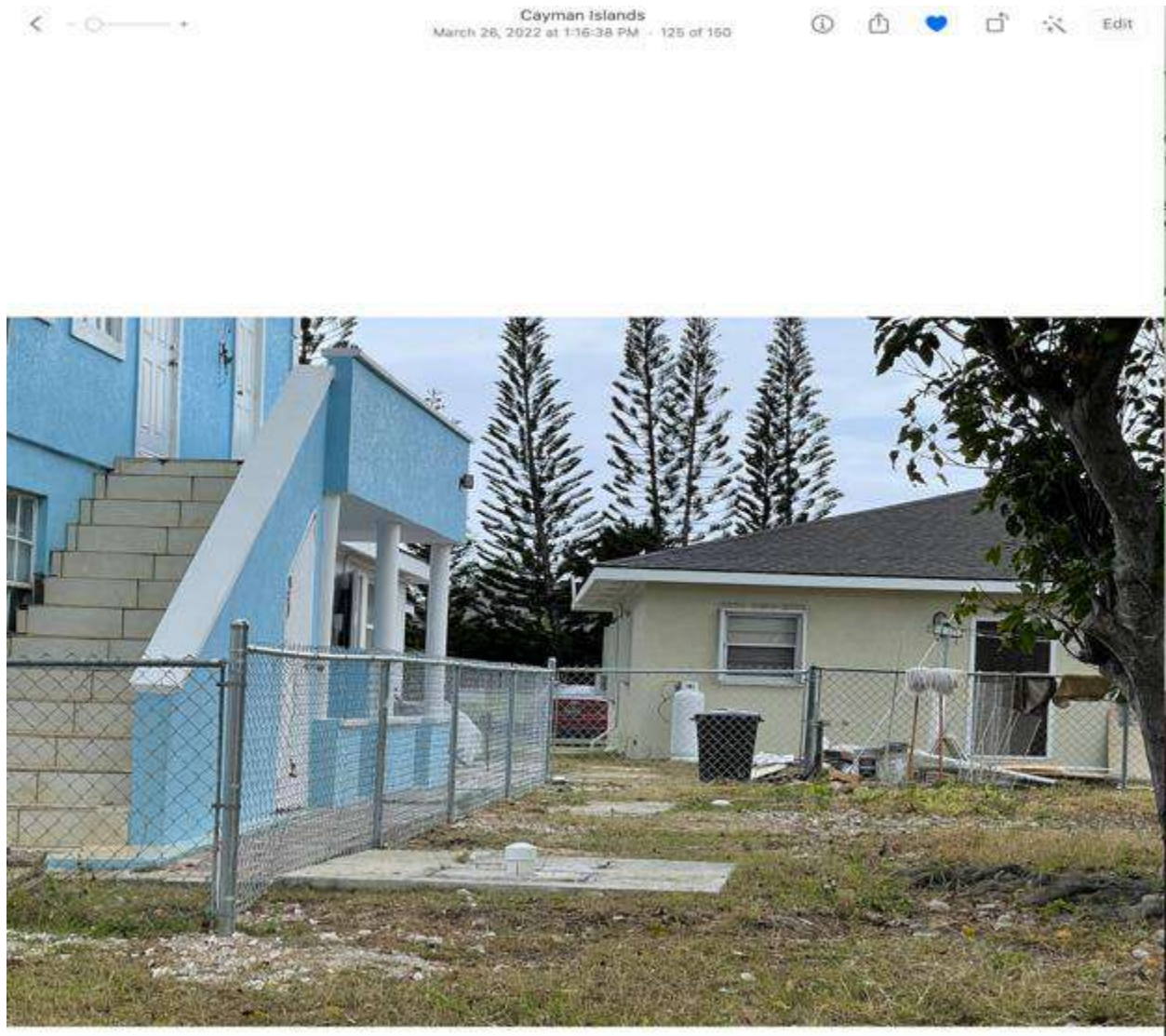


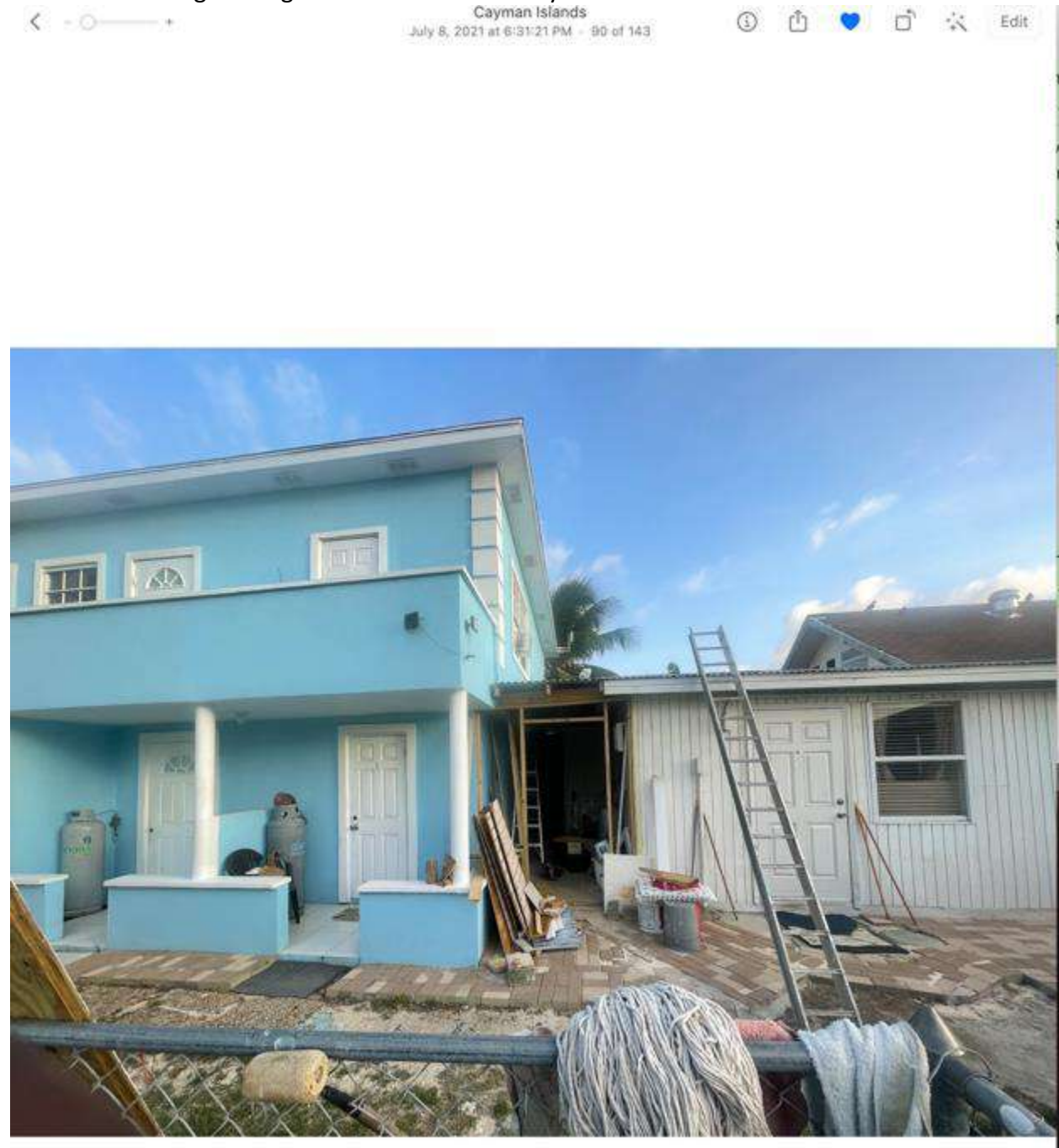
Photo showing septic tank that was built on parcel 66 and fence approximately 3' from stairs and porches on Parcel 67



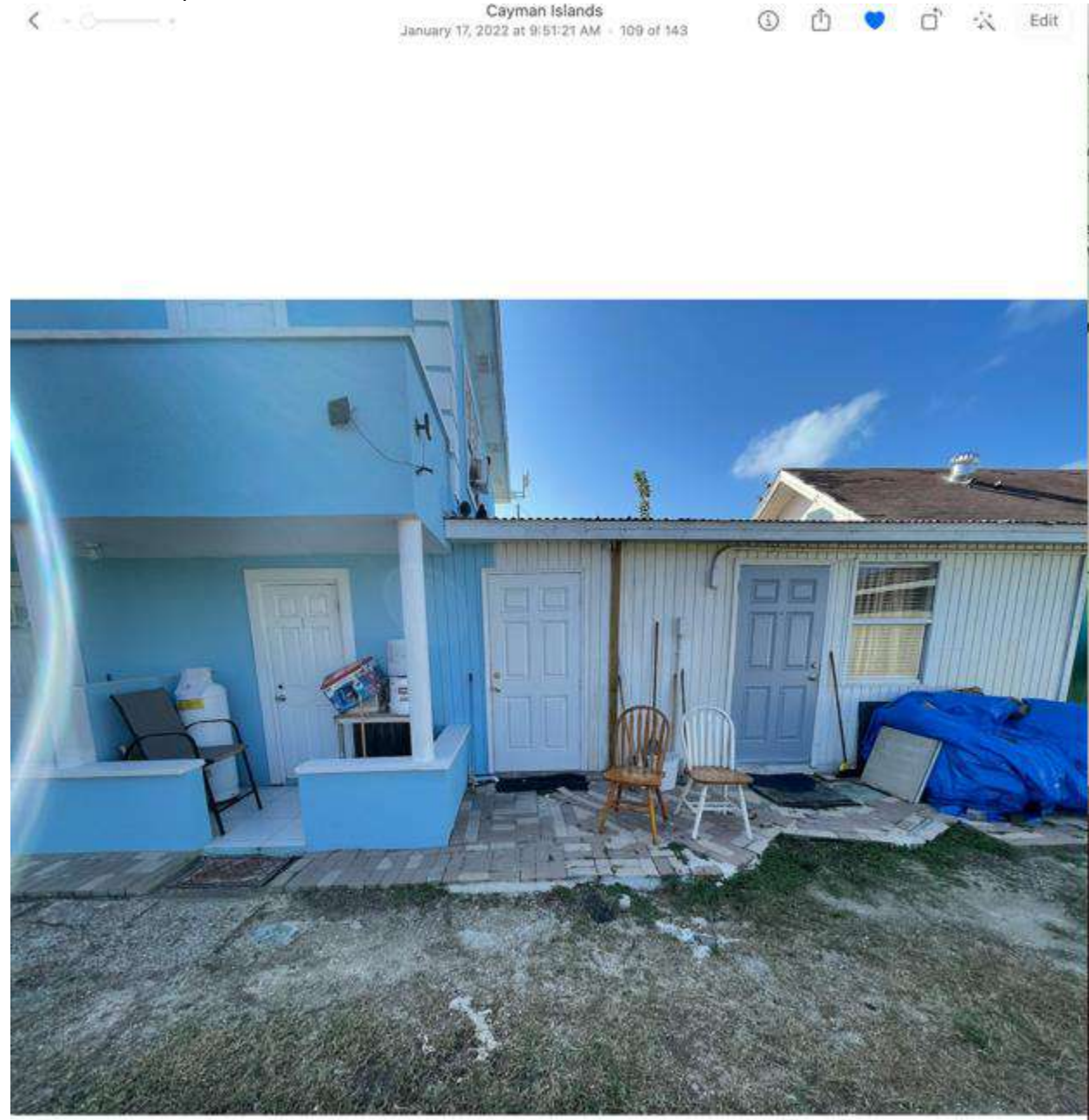
View where addition to building on Parcel 67 and Parcel 284.



View of 3 buildings during construction of Laundry and addition to structure on Parcel 284



View after completion



Front view of building of Parcel 67



Fixed Boundary Survey 52/246

December 23, 2022 at 12:45:01 AM
27,304 of 27,304



Appendix C

BY EMAIL - 24 DECEMBER 2022

From: Craig Rowland
38 Powery Road, Gemini Place #5
West Bay, GC
PO Box 159

Mr Ian Pairaudeau, Chairman of the Central Planning Authority
C/O Haroon Pandohie
Director of Department of Planning
Government Administration Building
133 Elgin Ave, George Town, Grand Cayman
Planning.dept@gov.ky

Dear Sir

RE: 8A103, 8A109, 8A49

OBJECTION TO THE CAYMAN ISLANDS HUMANE SOCIETY PLANNING APPLICATION (THE APPLICATION")

I live at 38 Powery Road, West Bay, and am the owner of Unit 8 Gemini Place (**8A 129H5**), a residential dwelling close to the above mentioned land in respect of which the Cayman Islands Humane Society (the "**Humane Society**") has recently applied for planning permission in respect of, *inter alia*, a new animal shelter to house dogs (the "**Proposed Animal Shelter**") and to operate similar activities as that being offered at the current location on North Sound Road.

Notice of the Application was not served on me but was served on my neighbour who also lives at 38 Powery Road and in the same Gemini Complex (**received after the 21 days deadline for objections had elapsed**). As I have only recently been made aware of the Application, live close to the site of the Proposed Animal Shelter and would be gravely impacted in the event planning permission is granted, I would ask that this objection be taken into account by the Central Planning Authority when considering the Application.

I have also had the opportunity of reading an objection letter from Mr. Steve Ali and I agree with and adopt the contents of his letter.

The Area

The land upon which the Humane Society seeks to build the Proposed Animal Shelter is zoned low density residential. Permissible uses in accordance with the Development and Planning Regulations (2020 Revision) include: detached houses, duplexes, semi-detached houses and horticulture. Conditional uses, only where deemed suitable by the Central Planning Authority ("**CPA**") (and subject to certain statutory provisions), include agricultural and commercial uses. A grant for these uses should be the exception rather than the rule.

My property, and other surrounding properties, are designated as a Hotel/Tourism Zone. Permitted uses include hotels, cottage colony development and apartments. Conditional uses, where deemed suitable by the CPA, include entertainment facilities related to tourism, commercial, and houses. Notably no agricultural use is permitted at all.

West Bay is a rapidly developing area for both residential homes and tourist accommodation. The tourist accommodation has the prospect of bringing significant revenue and regeneration to West Bay. It is clearly not an appropriate location to house, potentially, upward of 100 dogs which will be a nuisance to residents and tourists alike, will undoubtedly have a negative impact on property values, and will create excessive noise and, potentially, obnoxious odours from the housing of that many animals.

Noise Nuisance

In accordance with section 7(2)(w) of the Public Health Act (2021 Revision) any noise or vibration (other than noise or vibration caused by an aircraft) which is a nuisance is a statutory nuisance. Placing a dog shelter so close to residential and tourist accommodation will undoubtedly cause such a nuisance. There are a wealth of cases in England and Wales in which noisy dogs have resulted in the issuance of abatement notices (equivalent to those governed by section 8 of the Public Health Act in Cayman) for noisy dogs and even criminal convictions for the owners of such dogs. It is an issue that local councils take incredibly seriously. Enclosed are several articles from England and Wales reporting on various convictions arising from keeping noisy dogs, together with guidance from local councils on the prevalent and distressing issue.

The Humane Society are to be commended for the excellent work they do to care for and re-home the stray dogs across Grand Cayman. However, by the very nature of their work they take in feral dogs in very high numbers. The examples of prosecutions I have referred to, and enclosed, relate to persons with only one or two dogs who are still unable to control them sufficiently resulting in a statutory noise nuisance to their neighbours. In some cases, this is despite significant expenditure on training.

As such it is simply unrealistic to conclude that the Humane Society will be able to control the noise of the dogs such as to keep it at a level which does not cause a statutory nuisance to the surrounding neighbours, myself included. The most likely outcome is that the Humane Society will spend significant sums developing this site which they will be unable to use by virtue of the excessive noise the housing of the dogs creates. That would be a disappointing result for all involved.

The Regulations

In addition to the above I have strong objections to the Proposed Animal Shelter being built in a residential area having regarding to Regulation 9 of the Development and Planning Regulations (2020 Revision):

- (1) the primary uses for any residential zone are residential and horticultural. Applicants for permission to *“effect any development in a Residential zone shall ensure that the massing, scale, proportion and design of such development is consistent with the historic architectural traditions of the Islands”*.

Looking at the scale of operations, and the nature and intent of the Proposed Animal Shelter, the structure is massive and on a scale that does not fit into, and in fact is ‘out of character’ to the residential houses surrounding the Proposed Animal Shelter.

- (2) no use of land in a residential zone shall be dangerous, obnoxious, toxic or cause offensive odours or conditions or otherwise create a nuisance or annoyance to others.

As set out above the noise clearly will create a statutory nuisance as well as annoyance and I anticipate that the odour that would stem from the Proposed Animal Shelter would be both obnoxious and offensive.

In view of the above, I would respectfully suggest that the **8A103, 8A109, 8A49** is clearly not a suitable site for the Proposed Animal Shelter, which would be appropriately located in an industrial or other area that is not close to residential dwellings. I would humbly request that the Central Planning Authority gives due consideration to this issue and refuses the Application.

Yours sincerely



Craig Rowland

[Home \(/\)](#) / [News archive \(/news-archive\)](#)

/ Owners of noisy dogs pay heavy price in court

Owners of noisy dogs pay heavy price in court

Published: Thursday, 31 March, 2022

Two separate Leonard Stanley residents have recently appeared at Cheltenham Magistrates' Court on charges relating to their persistent failure to stop their dogs from causing a noise nuisance.

On Monday 7th March, Anita Wall pleaded guilty to non-compliance with an Abatement Notice served in April 2019 by the Environmental Protection team at Stroud District Council, which required the noise of her dogs to be reduced to reasonable levels.

She had already previously been prosecuted and fined in late 2019 for non-compliance with the notice but complaints still continued to be received, in particular relating to dogs barking very early in the mornings. It was therefore decided that a further prosecution was necessary to address the situation.

At her second trial, she entered a guilty plea on the day of the trial and was fined £300, and ordered to pay £2,000 costs and a £34 victim surcharge.

Julie Groves was also charged with non-compliance with an Abatement Notice, served in July 2020 by the Environmental Protection team. Similarly, the Notice required that the noise from her dogs must be reduced to reasonable levels. Numerous reports of nuisance noise continued to be received and so a prosecution was deemed necessary to address the continued non-compliance. Ms Groves entered a not guilty plea but at trial was found guilty of offences by the Court and fined £870 as part of a total financial penalty of more than £7,800 including £6906.80 costs.

That case was heard on March 8 and sentencing adjourned to March 22. Additionally, for the Wall case an interim Criminal Behaviour Order (CBO) was put in place to require actions from her to address the immediate noise issues and to explore longer-term solutions such as behavioural training for the dogs. The court will decide at further hearings in the coming weeks whether the CBO against Ms Wall should be made final and will also consider whether a CBO should also be made against Ms Groves.

Speaking after sentencing, Chair of SDC Environment Committee, Councillor Chloe Turner said: "The Council takes very seriously all cases where officers prove a noise nuisance and, if formal notices are served and not complied with, these cases demonstrate very clearly that we are prepared to prosecute offenders.

"The Stroud district is a wonderful place to have pets, and most residents are proud and responsible dog owners. Sometimes, however, noise from dog barking is not well managed, which can have a very disruptive impact on the lives of neighbours. In those cases, the Council works to seek a resolution which can, for the most serious and sustained cases, sometimes lead to legal action."

i News archive (/news-archive)

Share this page

[\(/#facebook\)](#)

[\(/#twitter\)](#)

[\(/#linkedin\)](#)

[\(/#print\)](#)

Follow us

f Facebook (<http://www.facebook.com/StroudDistrictCouncil>)

t Twitter (<https://twitter.com/strouddc>)





- > [Housing \(/housing\)](/housing)
- > [Planning \(/environment/planning-and-building-control\)](/environment/planning-and-building-control)


Council


- > [Meetings \(/council-and-democracy/meetings\)](/council-and-democracy/meetings)
- > [Register to vote \(/council-and-democracy/elections/how-do-i-vote/register-to-vote\)](/council-and-democracy/elections/how-do-i-vote/register-to-vote)
- > [Council spending \(/council-and-democracy/council-budgets-spending\)](/council-and-democracy/council-budgets-spending)
- > [About the council \(/council-and-democracy/about-the-council\)](/council-and-democracy/about-the-council)

- > [Support & advice \(/business/support-for-business\)](/business/support-for-business)
- > [Health & safety \(/business/food-hygiene-and-health-and-safety\)](/business/food-hygiene-and-health-and-safety)


Online


-  [Report \(/report\)](/report)
-  [Pay \(/pay-council-bills-fines-and-invoices\)](/pay-council-bills-fines-and-invoices)
-  [Apply \(/apply\)](/apply)
-  [Email alerts \(/council-and-democracy/about-the-council/communications/email-alerts\)](/council-and-democracy/about-the-council/communications/email-alerts)


 [Contact us \(/council-and-democracy/about-the-council/contact-us\)](/council-and-democracy/about-the-council/contact-us)

 [Facebook \(http://www.facebook.com/StroudDistrictCouncil\)](http://www.facebook.com/StroudDistrictCouncil)

 [Twitter \(https://twitter.com/strouddc\)](https://twitter.com/strouddc)

 [Accessibility \(/council-and-democracy/about-the-council/access-to-information/about-stroudgovuk/accessibility-statement\)](/council-and-democracy/about-the-council/access-to-information/about-stroudgovuk/accessibility-statement)

 [Privacy \(/council-and-democracy/about-the-council/access-to-information/privacy-and-cookie-policy\)](/council-and-democracy/about-the-council/access-to-information/privacy-and-cookie-policy)

 [Languages \(/council-and-democracy/about-the-council/access-to-information/about-stroudgovuk/languages\)](/council-and-democracy/about-the-council/access-to-information/about-stroudgovuk/languages)

© 2022

Press office: 0151 511 7770

publicrelations@halton.gov.uk

SEARCH





HALTON BC WEBSITE

CHILDREN & YOUNG PEOPLE POSTER BOARD

MORE NEWS

EVENTS CALENDAR

'WOOF' JUSTICE AS
BARKING DOG WOMAN
GETS PROSECUTED BY
COUNCIL

FOLLOW US

RECENT
POSTS

Recycling
centres to close
due to
industrial
action

Adapted
performances
of Jack & the
Beanstalk

Christmas
parcel scams

John cruises
into Royal role
at the Brindley!

Boo...hiss....
Nicki's a panto

baddie not to miss!





A woman whose dog barked more than 1,000 times in two hours has been convicted of noise nuisance after a successful prosecution by Halton Borough Council

Natalie Tomlinson, 25, of Parbold Court, Widnes convicted on two counts of breaching a noise abatement notice on Monday 21 November before District Judge Knight at Runcorn Magistrates Court.

The court heard how on 31 October 2015 a dog at her property was recorded barking approximately 625 times in one hour. On 2 November 2015, a dog at her property was recorded barking over 400 times in one hour.

Miss Tomlinson pleaded guilty and was fined a total of £200 plus Council costs of £400.

The Judge told Miss Tomlinson that if the nuisance were to continue, the legislation allows a fine of 10% per day of the



maximum penalty for every day after conviction that it does continue.

Halton Borough Council's Executive Board Member for Environmental Health, Cllr Stef Nelson, said: "Officers have a duty to respond to and take appropriate action where complaints of noise nuisance are received.

"Officers work hard to ensure that noise emanating from premises is not disproportionate and unreasonable and they play an important role in balancing everybody's right to reasonable use and enjoyment of their property.

"The circumstances of this particular case resulted in Ms Tomlinson being prosecuted for breaches of an abatement notice that was served on her where it was found that noise caused by a barking dog within in her property was causing a nuisance.

"Noise can have a detrimental effect on people's lives and whilst Environmental Health are always willing to work with people we will not hesitate to take action against those who fail to comply with the law."

SHARE:



[< PREVIOUS](#)

[NEXT >](#)

[Carbon Monoxide Awareness Week](#)

[Halton MYP Thomas takes on Parliament](#)



Press office: 0151 511 7770 publicrelations@halton.gov.uk

The Observer

Dog owners face jail as barking penalties begin to bite

Mark Townsend

🐦 @townsendmark

Sun 8 May 2005 02:17 BST

Britain may be about to lose its reputation as a nation of dog-lovers, thanks to a government plan to stamp out nuisance barking.

More than five million dog owners will be warned that they face imprisonment or a £5,000 fine if their pets 'bark too much'. New guidance from the Department for Environment, Food and Rural Affairs (Defra) even threatens owners whose dogs yap for sustained periods with anti-social behaviour orders.

Defra will distribute leaflets this month warning that the UK's 6.8 million dog-owners must make every effort to keep their pets quiet or face punishment. Council tenants could face eviction.

Environmental protection experts said dogs were already being confiscated under measures that allow 'noise-making equipment' to be removed from nuisance neighbours. Councils are also examining measures to pacify barking animals. West Wiltshire district council is to begin targeting noisy pets with dog wardens, while officials in Belfast are promoting anti-bark collars.

Studies by the National Society for Clean Air and Environmental Protection reveals that more than half of local authorities cite barking as the most consistent source of noise complaint behind loud music. Almost a third of residents admit to being disturbed by barking and a fifth found it more annoying than blaring alarms. Experts warn that the problem can only worsen in the coming months as windows are thrown open and dogs are allowed out into gardens.

'Constant yapping can drive neighbours barking mad, particularly if they are at home or are not particularly mobile,' said Mary Stevens of the national society.

The government leaflet, 'Is your dog barking too much?', advises owners to consider 'using a webcam or video to find out what your dog is doing when you're not there'.

Flat dwellers are told to try to keep their pets away from adjoining walls. Closing curtains or doors is raised as a solution to stopping dogs yelping at passers-by. Other tips recommend owners to avoid playing with their pet if they are liable to become over-excited. 'Don't play with it at anti-social times like very late at night,' it reads.

Some groups warned that the crackdown was excessive. A spokesman for the Kennel Club said: 'Any loud constant noise is going to be a nuisance. However, dogs shouldn't just bark and their owners should consider dog training.'

... we have a small favour to ask. Millions are turning to the Guardian for open, independent, quality news every day, and readers in 180 countries around the world now support us financially.

We believe everyone deserves access to information that's grounded in science and truth, and analysis rooted in authority and integrity. That's why we made a different choice: to keep our reporting open for all readers, regardless of where they live or what they can afford to pay. This means more people can be better informed, united, and inspired to take meaningful action.

In these perilous times, a truth-seeking global news organisation like the Guardian is essential. We have no shareholders or billionaire owner, meaning our journalism is free from commercial and political influence - this makes us different. When it's never been more important, our independence allows us to fearlessly investigate, challenge and expose those in power. **Support the Guardian from as little as \$1 - it only takes a minute. If you can, please consider supporting us with a regular amount each month. Thank you.**

Support the Guardian →

Remind me in February



Most viewed

BUY A PAPER

FUNERAL NOTICES

JOBS

BOOK AN AD

BUY A PHOTO

ADVERTISE WITH US

VOUCHER

The socks nobody can get enough of in the World! Seniors don't go anywhere...
Well being review | Sponsored Links by Taboola

Do You Speak English? You May Be Able To Work a USA Job From Home in...
US Jobs | Search ads | Sponsored Links by Taboola

Anti-Aging Foods That Will Make Your Skin Glow
Manuka Feed | Sponsored Links by Taboola

Sign in to Plymouth Live (A Reach publication) with Google

A

Alice Carver

alice.e.carver@gmail.com

Continue as Alice

To create your account, Google will share your name, email address, and profile picture with Plymouth Live (A Reach publication). See Plymouth Live (A Reach publication)'s [privacy policy](#) and [terms of service](#).

Owners who can't stop their dogs barking risk an unlimited fine

One owner was fined nearly £10,000 just last year

SHARE

f

🐦

📞

📷

By Tilly Alexander

17:29, 4 OCT 2021 | UPDATED 13:29, 5 OCT 2021

Bookmark

See news near you

Enter your postcode

Go

The law on dog barking: Everything you need to know

▲

THE LAW ON DOG BARKING: EVERYTHING YOU NEED TO KNOW

Barking isn't uncommon behaviour for dogs, yet owners could face an unlimited fine if they don't take action to stop them doing so excessively.

Failing to stop your pup doing it could actually a breach of the law.

https://www.plymouthherald.co.uk/news/uk-world-news/owners-who-cant-stop-dogs-6009877?_ga=2.234489822.1325620575.1671559617-1118... 1/11



[BUY A PAPER](#) [FUNERAL NOTICES](#) [JOBS](#) [BOOK AN AD](#) [BUY A PHOTO](#) [ADVERTISE WITH US](#) [VOUCHER CODES](#) [MARKETPLACE](#) [DIRECTORY](#) [PUBLIC NOTICES](#)

Local authorities have a duty to investigate any noise complaints issued by people living in the area, as well as take formal action where necessary, with dog owners potentially facing an unlimited fine if they end up in a magistrates' court.

In fact, one dog owner from Southam, near Stratford-Upon-Avon in Warwickshire, was **fined** a total of £9,304 in January 2020.

Per the Environmental Protection Act, dog owners who don't stop their animal causing noise are 'liable on summary conviction for a fine not exceeding level 5 on the standard scale', as well as 'a further fine... for each day on which the offence continues'.

A level 5 offence on the standard scale was previously capped at a maximum of £5,000, however, is now subject to an unlimited fine.

Manuka Feed

This Is What Will Happen When You Eat Bananas Every Day

Senior Mag

Dog Breeds That Are So Loyal They're Considered "Velcro Dogs"

Sponsored Links by Taboola

Puppy parent? Listen up!

ADVERTISER CONTENT FROM [POOCH & MUTT](#)



Fetch. Chase. Eat. Sleep. Repeat. is a new podcast from TeamDogs which takes a sideways look at what it's REALLY like bringing puppies into your life.

Every week hosts Hannah Jones and Karen Price will be joined by celebrity dog owners like Strictly Come Dancing's Shirley Ballas and Coronation Street actress Samia Longchambon to chew over the adventures - and misadventures! - of puppy parenting.

There will be a new episode every Tuesday and you can [download it from wherever you get your podcasts from.](#)



The dog pod is brought to you by Pooch and Mutt, who are pack leaders when it comes to healthy pet food for the body and mind. Pooch and Mutt - which offers vet-recommended, naturally hypoallergenic recipes - is offering podcast listeners 25 per cent off on



[BUY A PAPER](#) [FUNERAL NOTICES](#) [JOBS](#) [BOOK AN AD](#) [BUY A PHOTO](#) [ADVERTISE WITH US](#) [VOUCHER CODES](#) [MARKETPLACE](#) [DIRECTORY](#) [PUBLIC NOTICES](#)

conviction by a maximum fine of £5,000 or more, or expressed as being a level 5 fine, are now punishable by a fine of any amount (i.e. unlimited).

"That's as a result of section 85 of the [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#)."

However, most cases are unlikely to reach this stage.

Per the official proceedings, the relevant local authority must first agree that a statutory nuisance is happening, or will happen in the future.

Factors likely to be taken into account during the council's assessment of the noise nuisance include the volume and duration of the barking, as well as the time of day at which the barking takes place.

If they agree, the council will then serve an [abatement notice](#) within seven days, requesting that whoever is responsible for the dog stop or restrict its barking.

Failure to comply with this notice is a criminal offence, so if the barking continues, the person responsible for the dog may be prosecuted in a magistrates' court.

If convicted of breaching the abatement notice, the offender can then be ordered to pay a fine decided by the court.

According to the government [guidance](#) on how councils deal with noise nuisance complaints, local authorities can also take action to stop or restrict the nuisance by applying to the High Court for an injunction, among other actions.

Additionally, individuals may take private action against dog owners' whose resident canines are disturbing them.

How do you make a fist? The answer says something important about you.

Kingdom Of Men | Sponsored Links by Taboola

Discover What Brands Ship to the Cayman Islands

What Ships Where | Sponsored Links by Taboola

Owners, meanwhile, can appeal a noise abatement notice within 21 days of it being served.

Common reasons for dogs barking excessively include being left home alone for too long, wanting attention or feeling concerned.

See [TeamDogs](#)' tips for getting your dog to stop barking [here](#), plus [why your dog barks](#) when you leave the house.

RELATED ARTICLES



› [British Veterinary Association confirm dog vaccine shortage and what happens if you're affected](#)

HullLive



› [Vet warns letting a dog lick your plate risks salmonella - even after washing](#)

PlymouthLive



Barking Dogs

The Importance of Training

Training is important so that your dog does not bark at anything that moves. A well-trained dog should be able to tell between people allowed into the house and intruders. Good training combined with affection and companionship should mean that your dog will not develop bad habits.

- Try putting your dog on its own in another room for a few minutes and then gradually build up the time. Do not return to your dog until it is quiet when you return, praise your dog.
- Some dogs will bark because they want to join in what's going on outside if this is the case try leaving your dog so it cannot see outside.
- Some dogs settle only if they hear human voices. Leaving the radio on at low volume might help calm your dog.
- Shouting stimulates your dog to bark more because he thinks you're joining in. So the first rule is to speak calmly and firmly, but don't yell.
- Most dogs don't know what you want when you're yelling at them, therefore you can train your dog to understand the word "Quiet".
- When your dog is barking, say "Quiet" in a calm, firm voice. Wait until he stops barking, even if it's just to take a breath, then praise him and give him a treat. Just be careful to never reward him while he's barking.

Some Ideas to Consider

If you have to leave your dog for long period consider:

- Feeding and exercising your dog before you go out and leave him some water.
- Make sure your dog's bed or basket is comfortable and leave some toys.
- Check that the room is not too hot or too cold.
- If you're not returning till after dark, leave a light on.

Downloads

[Air Quality Reports](#)

[Environment Health Enforcement Policy](#)

[Kingston and Sutton Shared Environment Service Enforcement Policy](#)

Barking Dogs

In law, a barking dog can be a noise nuisance, the owner can be taken to court if he does nothing to stop the nuisance. Barking comes naturally to dogs, but the constant barking or whining of a dog can be disturbing or annoying for neighbours. Often the problem happens when the dog's owner is out of the house and so the owner doesn't know until someone complains.

Why Dogs Bark?

There are many reasons why your dog may bark some examples are:

- Loneliness
- Boredom or frustration
- Attention seeking
- Defending his territory
- Medical problems

What Can You Do?

If the owner is not aware that their dog is barking when they are not home, you should inform them of this so they can implement the necessary training or otherwise regulation to attempt to reduce this noise nuisance.

What We Can Do?

We can send you a noise diary sheet where you fill out every time the noise occurs and tell us how it affects you; this helps us build evidence for your case. After you have returned the completed noise diary sheets we can pass it onto a case officer who will investigate further.

How To Contact Us

Telephone ~ 0208 547 5000

Email ~ ehadmin@kingston.gov.uk

Last Modified: 17/03/2020 15:10:28

Designed and Powered by Jadu.

Barking dogs

A guide for owners and neighbours



Basingstoke
and Deane

This leaflet provides information and advice on how to be a responsible dog owner and how to avoid difficulties with dogs barking excessively and causing a disturbance to neighbours. The council receives numerous domestic noise complaints each year and noise from barking dogs is one of the most common.

The law

Under the provisions of the Environmental Protection Act 1990, noise, such as a dog barking from premises or land, may be considered a statutory nuisance. As such local authorities can take action to stop it. If after this action the noise continues, the dog owner(s) face the prospect of appearing before a magistrates' court, and could be fined up to £5,000.

Private individuals can also take their own action under the act by lodging a complaint with a magistrates' court.

Dogs at home

Complaints about barking often arise because a dog is left at home alone for most of the day. Dogs will not usually bark when their owners are present, but will start barking when the owner leaves. Owners may therefore, be unaware of the problem until someone complains.

Dogs can sometimes resort to destructive behaviour, continuous barking or howling when there is no one around to stop them. It is better not to keep a dog at home, unless there is someone there to look after it. Dogs, by nature, are very sociable animals and regard their owners as their substitute family. Some dogs may become very distressed if left alone for long periods. Barking obviously has its advantages, for example, to deter potential intruders. However if barking is prolonged, this can become extremely tiresome and irritating to owners, neighbours, and anyone else within earshot.

What can you do

Dogs should only be left alone for short periods. Dogs get used to a routine. Provided they have been well exercised before you go out they will often sleep until you come back. If you or a friend cannot exercise them regularly, you may wish to consider employing a dog walker. Ensuring your dog has toys can keep bored dogs amused while you are out. If you have to leave your dog outside make sure its kennel is not near a neighbour's fence or another place where it will be tempted to bark, for example, next to a street where people are passing.



It is also thought that leaving a radio on during the day will keep a dog occupied, particularly a station with more talking than music. Remember to put the volume at a reasonable level otherwise you may solve one nuisance but create another. Talk to your vet. Sometimes a dog will bark because it is ill or anxious. Your vet will check for any problems or may refer you to an animal behaviourist who can suggest ways to improve your dog's behaviour.

As a last resort anti-bark collars are an alternative solution. The collar is activated by the barking and releases a spray of lemon mist in front of the dog's nose. This is harmless to dogs and humans but is sufficient to distract the dog and stop it barking. These devices can quickly train a dog to stop barking. However you should consult your vet beforehand as some collars are considered unsuitable by the RSPCA.



Useful contacts

Guidance documents 'Is your dog barking too much?', and 'Constant barking can be avoided' are available from the Department for Environment, Food and Rural Affairs by writing to: DEFRA, Customer Contact Unit, Eastbury House, 30 – 34 Albert Embankment, London SE1 7TL or downloadable as pdf files from **www.defra.gov.uk**.

For information on animal behaviour and training, contact the Association of Pet Behaviour Counsellors (APBC), PO Box 46 Worcester, WR8 9YS or see **www.apbc.org.uk**.

How do I find out more?

For further advice or information see **www.basingstoke.gov.uk/noise** email **ehteam@basingstoke.gov.uk** or call **01256 844844**.

www.basingstoke.gov.uk | 01256 844844

customer.services@basingstoke.gov.uk

Follow us on Twitter: twitter.com/BasingstokeGov

If you need this information in a different format, for example large print, CD or braille, please contact the council.

©Basingstoke and Deane Borough Council November 2015



[Home](#) » [Services](#) » [Environment](#) » [Dog warden service](#) » Barking Dogs

Barking Dogs

Barking Dogs

Barking comes naturally to dogs, but the constant barking or whining of a dog can be disturbing or annoying for the neighbours. Often the problem occurs when the dog's owner is out of the house and so isn't aware of it until someone complains.

In law, a barking dog can be a nuisance and the owner can be taken to court if he or she does nothing to stop the nuisance. If you wish to make a formal complaint about a dog barking, please click on [Noise Pollution](#) (<http://idox.bathnes.gov.uk/services/environment/pollution/noise-pollution>) for further advice.

As a responsible dog owner you can try some of the following ideas to stop your dog from becoming a nuisance. You may also wish to look at the leaflet How to Prevent Noise Nuisance - animals for further advice. It can be downloaded from the right hand side of this page, under the heading documents.

Why Dogs Bark

Dogs are not, by nature, solitary animals and they need the security of a family group. Pet dogs regard their owners as a substitute family and soon become distressed when left alone.

There are a number of reasons why your dog may bark, including:

- Loneliness
- Boredom or frustration
- Attention seeking
- Defending its territory
- Medical problems

The Importance of Training

Training is important so that your dog does not bark at just anything that moves. A well trained dog should be able to tell the difference between people allowed into the house and people who are intruders. Good training combined with affection and companionship should mean that your dog will not develop bad

We use cookies on this site to enhance your user experience

By clicking on the I'm fine with this link you are giving your consent for us to set cookies.

I'm fine with this

Find out more about cookies

Also, don't make a fuss of your dog when you leave him.

Try putting your dog on his own in another room – at first for a few minutes, then gradually build up the time you leave your dog alone. Do not return to your dog until he is quiet for a period. When you return, praise him.

Some dogs will bark because they want to join in what's going on outside. If this is a problem, try leaving your dog so that he cannot see outside.

Some dogs will settle only if they can hear human voices. Leaving a radio on at low volume might help, but make sure the radio is not too loud - You don't want complaints about that!

Try not to leave your dog for long periods. If you have to, see if there is someone who can look in during that time. Maybe that person could also take your dog for a walk or let him out into the garden, if you have one.

If you have to leave your dog for long periods

Feed and exercise him before you go out and leave him some fresh water. Make sure his bed or basket is comfortable, and leave him his favourite toy. Check that the room is not hot or too cold, and that there is adequate ventilation. If you aren't coming back until after dark, leave a light on.

Some Other Points

If you keep your dog outside, think carefully about where you put his kennel and where he can run. Try not to put it near your neighbour's fence or where your dog will be tempted to bark.

Don't blame the dog and think that you will solve everything by replacing him with another. You probably will not, unless you change your lifestyle at the same time.

Getting a second dog for company might help, but think about it carefully. Do you have the space and can you afford a second dog? Another dog could result in more not less problems.

"But nothing I do works"

Ask your Dog Warden to suggest other alternatives. You should also go to your vet. Sometimes a dog will bark because he is ill – anxiety is often the cause of barking. You can ask your vet to refer your dog to an animal behaviourist who is expert and can suggest ways to improve your dog's behaviour.

Complaints

If an Environmental Health Officer gets involved and is asked to investigate a complaint, the result may lead to a statutory Noise Notice under the Environmental Protection Act 1990 being served on you. This is a legal document which will allow you a specific time – usually 21 days – in which to stop the nuisance caused by your barking dog. You may incur financial penalties if you do not stop your dog barking and ultimately may be required to part with your dog. That is why it is most important to co-operate in making improvements at a very early stage.

We use cookies on this site to enhance your user experience

By clicking on the I'm fine with this link you are giving your consent for us to set cookies.