

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
17 May 2016  
(Also the agenda for the Mayoral Committee Meeting: 25 May 2016)**

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**6.  
ERF 4717, 29 STEENBOK STREET, NORTHCLIFF, HERMANUS, OVERSTRAND  
MUNICIPAL AREA : PROPOSED DEPARTURE : MESSRS ENGELBRECHT &  
SCORGIE ON BEHALF OF GJ STANDER**

**4717 HNC (3087)  
H van der Stoep  
13 March 2016**

**(028) 313 8900**

**Hermanus Administration**

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**1. Executive Summary**

An application has been received on 12 October 2015 from Messrs Engelbrecht & Scorgie (G. Engelbrecht) on behalf of GJ Stander on Erf 4717, Hermanus for a departure from the relevant Scheme Regulations in order to relax the lateral building line from 2m to 0m and the rear building line from 2m to 0m to accommodate an existing outbuilding which also exceeds the 9m maximum length.

A Locality Plan of the property concerned is attached as Annexure A. The proposed Site Development Plan is attached as Annexure B, while the Motivation Report from the applicant in support of the proposal is attached as Annexure C.

**2. Service Delivery and Budget Implementation Plan - IGNITE**

Infrastructure and Planning  
Town- and Spatial Planning

**3. Compliance with Strategic Priority**

Provision of democratic, accountable and ethical governance

**4. Delegated Authority**

Executive Mayor

**5. Legal Requirements**

Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)

**6. Background/Discussion/Evaluation/Conclusion**

**Background**

Registered letters were sent to surrounding possibly affected neighbours and one (1) objection was received from Mr E le Roux.

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The application was circulated to all relevant municipal departments. No objections were received.

**Discussion**

**The objection received from Mr E le Roux can be summarized as follows:**

- The layout infringes with what I have in mind to improve my property.
- The common boundary is to be demolished to widen space and is presently utilised by Mr Stander to his advantage.
- Once the illegal structures on the boundary line are approved, the other illegal structures (shanty) should follow the same procedure.
- One of the reasons for building lines are to ensure fire safety and there is a window in this area on the plan and with the lawn mowers and rubber duck inflammable liquids creates a fire hazard.
- There is sufficient space for the extension without transgressing the 2m building line.
- The higher built wall is without my permission.
- The applicant built illegally.
- The owner parks the High School bus in an irresponsible manner and in front of my entrance.

**Applicant's response to the objection received:**

- The illegal structures e.g. staff quarters and extension of the double garage was submitted in 1994, but was not approved due to a Title Deed restriction. The latter has been removed, but due to oversight the building plans were never submitted.
- The application is to legalize the illegally constructed buildings and does not give the owner carte blanche to erect any other building without following due process.
- The higher built wall was with consent of the objector, an agreement was signed on 1 December 2011 to this effect.
- The other building (shanty) referred to by the objector is not part of this application.
- The erf is not used for industrial purposes.
- It is the owner's right to keep a golf cart, trailer and a boat and thus the storage thereof is legal.
- The High School bus is never parked for more than 1 hour at the premises.
- The illegal structure referred to by the objector is a temporary structure in existence since 2005.

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**Town Planner's comment to the objection received:**

The Municipality will only consider the application as submitted. The disputes between land owners are not a competency of the Municipality to resolve.

**Evaluation**

Many of the objector's concerns were not address since it reflects neighbours dispute and is not part of the application and or the Municipality's responsibility to resolve.

The application is for the departure of the eastern lateral and rear building lines from 2,0m to 0,0m to accommodate an extension of a double garage and staff quarters, simultaneously to exceed the 9m for an outbuilding on a zero building line.

The application for the extension of the existing single garage to a double garage can viewed positively, since the Overstrand Zoning Scheme does make provision for a garage on a 0m lateral building line.

The extension of the existing outbuilding, which entails a lounge and bedroom and bathroom, is not supported. The Overstrand Zoning Scheme does not allow a second dwelling onto the rear and lateral building line up to the boundary. The fact that a kitchen is indicated on the building plan, qualifies the structure as a second dwelling. The fact that the restrictive conditions has been removed, place the erf solely under the parameters of the Overstrand Zoning Scheme and is the areas over the building line of 2m not allowable. There is sufficient space to extend the outbuilding (second dwelling) without transgressing the building line.

**Conclusion**

The application is recommended in part.

**7. Financial Implications**

None

**8. Staff Implications**

None

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**9. Comments from other Departments, Divisions and Administrations**

**Engineering Services Department**

See Annexure D.

**Building Control Department**

Supported. Low impact. To comply with SANS 10400.

**Fire Department**

Application is in compliance with the requirements of SANS 10400T:2011 National Fire Protection Regulations.

**10. Annexures**

- Annexure A: Locality Plan
- Annexure B: Site Development Plan
- Annexure C: Motivation
- Annexure D: Objection received from Mr E le Roux
- Annexure E: Applicant's response to the objection received
- Annexure F: Services Report

**RECOMMENDATION:**

1. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for a departure from the relevant Scheme Regulations on Erf 4717, Hermanus in order to relax the lateral building line from 2m to 0m and the rear building line from 2m to 0m to accommodate a double garage, which also exceeds the 9m maximum length, **be approved**, subject to the following conditions:
  - (a) that this approval is only for the relaxation of building lines and existing structures (excluding the extensions of the outbuilding) indicated on Plan Number erf 4717\_stander\_WA\_A2/01-rev dated September 2015, which was submitted with the application;
  - (b) that correct building plans be submitted to the Building Control Department for approval, and that all conditions of the Building – and Fire Department be complied with at that stage;
  - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with; and

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- (e) that all conditions imposed in the Services Report (attached as Annexure D), be complied with.
2. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for a departure from the relevant Scheme Regulations on Erf 4717, Hermanus in order to relax the lateral building line from 2m to 0m and the rear building line from 2m to 0m to accommodate an existing outbuilding which also exceeds the 9m maximum length, **not be approved**, due to the following reasons:
- (a) the applicant did know that the buildings are constructed illegally since he was involved with the removal of restrictions process;
  - (b) the Overstrand Zoning Scheme clearly indicates that a second dwelling be built complying with the development parameters;
  - (c) there is sufficient space to extend the outbuilding without transgressing the building lines; and
  - (d) the illegal structure on the eastern boundary be removed within three (3) months of the date of the decision letter, since no building plan has been submitted to rectify the situation.
3. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

<b>RESPONSIBLE OFFICIAL :</b>	<b>H VAN DER STOEP</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>8 JUNE 2016</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>8 JUNE 2016</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>N/A</b>

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MUNICIPAL AREA : PROPOSED DEPARTURE : MESSRS ENGELBRECHT &  
SCORGIE ON BEHALF OF GJ STANDER**

**4717 HNC (3087)  
H van der Stoep  
13 March 2016**

**(028) 313 8900**

**Hermanus Administration**

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**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON  
17 MAY 2016, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

<b>RESPONSIBLE OFFICIAL :</b>	<b>H VAN DER STOEP</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>8 JUNE 2016</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>8 JUNE 2016</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>N/A</b>



Erf 4717 Northcliff, Hermanus  
Locality Map



**AREA CALCULATIONS**

ERF SIZE	78.64 m <sup>2</sup>
EXISTING HOUSE	190.89 m <sup>2</sup>
EXISTING OUTBUILDING	34.77 m <sup>2</sup>
TOTAL	225.66 m <sup>2</sup>
NEW OUTBUILDING ADDITIONS	31.32 m <sup>2</sup>
OVERALL COVERED FLOOR AREA	256.98 m <sup>2</sup>
COVERAGE ALLOWED	50.00 %
PROPOSED COVERAGE	35.7 %

**REVISION**

No.	Date	Revision	Initial
1		OUTLINES	G.V.
2		WAIVER APPLICATION	G.V.

**Architectural Office**  
 GERHARD ENGELBRECHT  
 144, 146 Architecture (Pvt. Tech.)  
 BRANDON SCURIE  
 144, 146 Architecture (Cape Tech.)

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 Ovens River  
 7201

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 BRAHDON 882 556 2512  
 BRAHDON 882 890 6066

**PROJECT**  
 OUTBUILDING  
 ADDITIONS & ALTERATIONS  
 ON ERF 4717,  
 29 STEENBOK STREET,  
 HERMANUS, 7201

**CLIENT**  
 J. STANDER

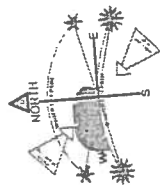
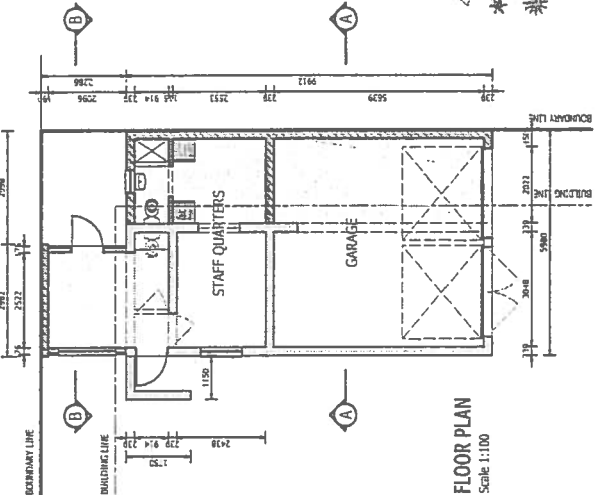
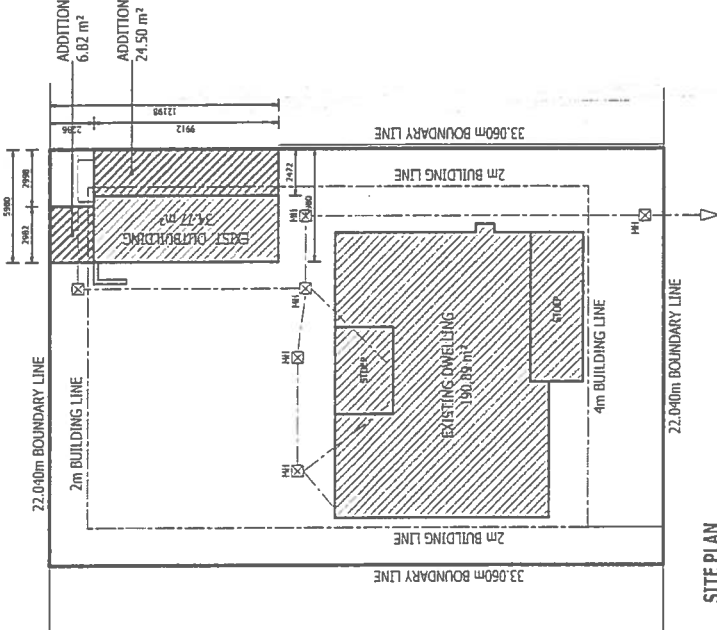
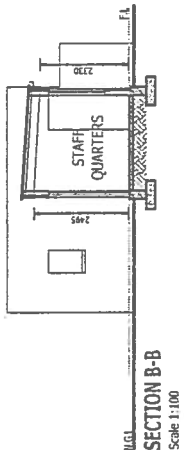
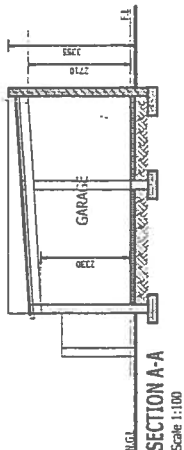
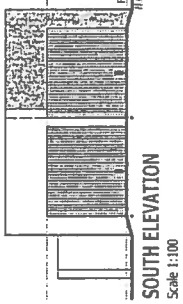
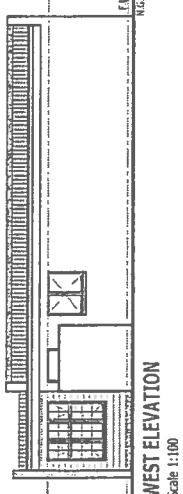
**DRAWING**  
 WAIVER APPLICATION  
 SITE PLAN, FLOOR PLAN,  
 ELEVATIONS & SECTION

**Annexure B 1/1**

Scale	1:100
Drawn	G.V.
Checked	G. ENGELBRECHT
Date	SEPTEMBER 2015
Drawing No	er4717 STANDER WA A2/01-Rev1

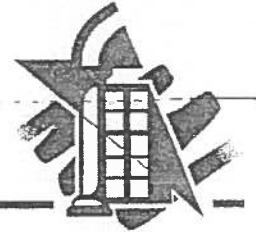
SACMP registration: 511938

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Engelbrecht & Scorgie  
Architectural Office

CK 94/37360/23



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The Townplanner  
HERMANUS  
7200

14 October 2015

**TO WHOM IT MAY CONCERN**

Re: MOTIVATION LETTER FOR DEPARTURE APPLICATION  
ERF 4717, 29 STEENBOK STREET, HERMANUS,

I hereby apply for the relaxation of the East side & North rear building lines from 2m to 0m, as well as for the outbuilding on the boundary line being more than the allowed 9m (9.912m) as indicated on the attached plan for as-built outbuilding additions.

I submitted building plans for these additions on behalf of the owner in 1993 or 1994, but because of Title Deed restrictions at the time, these plans were cancelled at the Building Department.

The owner then had his Title Deed amended to remove the restrictions as per the Title Deed of 1998 attached. However, due to miscommunication, the plans were never re-submitted to the Building Department at the time.

The additions were illegally built in the mean time without approved building plans. The owner desperately required a double garage for their vehicles and better staff accommodation for their domestic worker.

This application will allow for the buildings plans to now be approved at the building department and therefore getting all the plans up to date and legal. .

We trust you will consider our application favourably.

Yours sincerely,

Gerhard Engelbrecht  
082 556 2512



**ETIENNE LE ROUX (B.PROK, LLB UNISA)**  
**PRIVATE AND CONFIDENTIAL**  
**OBJECTION**

*TR- A Theart  
(Hollivier)*

27 STEENBOK STREET  
 NORTHCLIFF  
 HERMANUS  
 7200

15<sup>th</sup> January 2016

THE DIRECTOR  
 INFRASTRUCTURE AND PLANNING  
 PO BOX 20  
 HERMANUS  
 7200

Dear Sir / Madam

**ERF 4717, 29 STEENBOK STREET, NORTHCLIFF, HERMANUS, OVERSTRAND MUNICIPALITY AREA: PROPOSED DEPARTURE: G ENGELBRECHT ON BEHALF OF GJ STANDER**

I acknowledge receipt of your registered mail letter dated 18<sup>th</sup> November 2015 and hereby lodge an objection to relaxation of the East side and North rear building lines from 2m to 0m, as well as for the outbuilding on the boundary line being more than the allowed 9m (9 912m) as indicated on the plan for as-built outbuilding additions. I will vehemently oppose any relaxation of the boundary building lines.

Mr. Stander has on various occasions threatened to report me to the Municipality. He said that I illegally allowed two ladies to occupy a portion of my house. He said: "You must not think you know the law, because I know the law better." I intend to stop this constant wave of harassment and hostile intimidation by objecting to the relaxation of building borders on his property.

FILE NO:	EL 4717-Her
SCAN NO:	02
COLLABORATOR NO:	869853

*TR 21 JAN 2016*

**THE REASON FOR THE APPLICATION OF THE AGENT FOR MR STANDER IS TO HAVE THE CONTRAVENTIONS OF THE BUILDING REGULATIONS CONDONED AND VALIDATED NOT WITHSTANDING THE TRANSGRESSION.**

I comment as follows:

The admission by the applicant that the additions were illegally built without approved building plans is correct.

The reasons to justify the contravention are vague and misleading. Did the need for a double garage exist when the plans were drafted and submitted during 1993 or 1994 or is it applicable on the current situation. I am flummoxed that it took Mr. Stander 21 years to discover that he contravened the municipality building regulations. At the same time the separate outbuildings were rented out for years and Mr. Stander did indeed receive the rental for it. The outbuildings are still being rented out to outsiders. Who must believe that it is now all of a sudden for better accommodation for their domestic worker? (Who does not reside on Erf 4717?)

There is enough space within the building area to accommodate the required garage and outbuildings. He will also then acquire the privacy for his living area which he insists on. If plans for the buildings and the boundary building lines relaxation are approved, it will not only result in a pecuniary loss to me, but will also prejudice me (the occupant of my house) and future successors in right. As well as to create a health and fire hazard. Further it will create a precedent, that he can in future just carry on building illegally and therefore legalise the buildings. Mr. Stander, without my consent, built my wall, on my property higher so that the occupants (related to Mr. Stander) in my house can not see into his living area at the back of his house. I then went to your offices and asked Mr. Meyburgh to do an inspection. We easily found the surveyor's peg and he confirmed that the wall was in fact on my property. Mr. Stander then came to my house to threaten me by stating that he would go to the Municipality, as the occupants in my house were allegedly illegally on the premises. He requested that I get rid of the occupants without having any substantial proof.

Mr. Stander said: "it is not my problem where they find a place to stay and that I am not a charity organisation".

He also harassed previous occupants when an outside light with an ordinary low voltage bulb was on during the night as it affected his tenant. The tenant informed Mr. Faure, my occupants, that it was not true. Thereafter there were more frivolous complaints from Mr. Stander, like children running along the boundary, etc. I in fact had validly more to complain about Mr. Stander but refrained from it and rather choose to ignore Mr. Stander. Although I complained to Mr. Meyburgh about the building on my property as well as the shanty squatter's structure on Mr. Stander's property, adjacent and attach to my wall, nothing happened and Mr. Meyburgh sadly passed away. After the inspection the surveyor's peg vanished. I had to pay a surveyor to replace the peg.

#### **FURTHER BUILDING OPERATIONS**

The wall that Mr. Stander built higher was in fact used to build a squatter's shanty structure, next to it, to support this illegal building. It is being used to for a storage place, a parking place for an electric golf car, a trailer, another trailer with lawn mowing equipment on it and a rubber duck boat since December 2015. According to Mr. Stander, his son bought a garden services business operating from Erf 4717. When Mr. Stander's son was building driveways, the concrete mixer with the tar in it was operating from Erf 4717 and I had to be satisfied with the tar smell in the kitchen as well as the stamping vibrations on a Saturday afternoon in my main bedroom. The aforementioned Erf is not zoned for industrial or business purposes. The roof of this structure slopes down to my property with a small gutter illegally on top of my wall. With the flow down of the rain in 2014 the gutter could not take away the rain fast enough and this was a contributory factor why my backyard was flooded so that the rainwater came into my kitchen, study and lounge damaging my possessions and property.

Then on certain times as well as on Sunday, the outboard motor on the rubber duck boat was started and revved and idled for long times so that the two stroke fumes came into my kitchen.

Three snakes and quite a few rats came over the wall from Mr. Stander's side while the lawn of Erf 4616 was moved.

Next to my door opening and against a portion of the wall that was built higher Mr. Stander deliberately planted three or four Bougainvillea shrubs. The thorns of these plants already inflicted wounds, which burns on me and my visitors. The branches started growing into my roof and I will have to, in future, pay for services to get the branches removed. Mr. Stander must take note and he is aware that if the thorns of these plants prick any person in the eye the person might go blind with serious consequences for Mr. Stander.

Any careful, reasonable person, who wants to build, will approach the building division / inspector from the specific Municipality. He will then enquire what the building regulations are and if the building plans were approved. The building inspector will advise him on what stages of the building process he wishes to make inspections. Every school child and/or ignorant person would understand this.

How can the plans for a double garage be a motivation for Departure of the building lines if Mr. Stander and his wife each have one car, the tenant has one car, Mr Stander's son has a light delivery van parked on the premises for his lawn mover business, a battery operated golf car, two trailers and a rubber duck boat to be parked on or at Erf 4717. Further Mr Stander parks the Hermanus High School bus during weekends and during the week in Steenbok Street, sometimes deliberately in front of my driveway. There were other complaints previously lodged with the Municipality in this respect. On 26<sup>th</sup> November 2015 after I returned from work, Mr. Stander waited next to my entrance gate at the front end of his/my property and with a roaring raging voice threatening to go to the Municipality because the lady occupant scolded the children and to add a little bit of flavour to it she also swore at them. This is a very old fashion complaint. When the mother of the two children came back from work, Mr Stander, standing on the other side of the fence loudly threatened her that he was going to the Municipality. This was in the presence of the children a few metres away, which upset the children so much that they were too afraid to speak for days after the incident had occurred.

On the 22<sup>nd</sup> December 2015 Mr Stander parked the Hermanus High School bus near my driveway and this is particularly dangerous when driving passed the back of the bus, as my vision is blocked. At the same time the lawn mower service vehicle and trailer could not be parked in Mr Stander's backyard.

The Hermanus High School bus causes a dangerous situation as the height, width and length of this enormous bus is so that the front portion of my car must go over the middle of the road before I can see any oncoming traffic. There are also school children who have to cross this busy road of which the bus is obstructing their view.

On the 15<sup>th</sup> January 2016 Mr Stander deliberately parked the Hermanus High School bus right in front of the entrance to my garage. Mr Stander was playing with his dogs, without a leash on the public open space. When I took photos of the bus Mr Stander shouted at me: "jy ly aan 'n vervolgings waansin". I ignored Mr Stander.

We all have to go to our offices some time in the early mornings to fetch files in order to travel to Cape Town or to do other work. The question is why Mr Stander must be allowed to cause problems if he is a bus driver. According to information there are garages at the High School for these busses. The length of the enormous bus is so great that it could not be parked in Steenbok Street without parking in the driveway of a house or even next to it, causing inconvenience or even danger for me to drive into my garage. The High School is just around the corner. Mr Stander can walk, travel by bicycle or car and park it at the school. Then when he comes back with the bus, park it at the allocated parking area at the school and return with the same mode of transport that he used to get to the school.

What is the use of getting a portion of the building plans approved with the illegal and shanty squatter's structure and building illegally on his neighbour's property? The application is also only for one half share of the property.

The motivation of Mr Engelbrecht is incorrect and I require that he and Mr Stander submit this in an affidavit. The only true portion is that Mr Stander builds without approved plans and the additions were illegal. This is no motivation and I will not

consent to this, what was done illegally, it is to be demolished. Also that portion built on my wall, as it affects the use of my property and a pecuniary loss.

I have no animals on my property and I need parking space on my property. The pillars and wide wall on my on my property is obstructing the bypass of vehicles. To remedy this and to keep my vehicle and those of my occupants out of the street is that I have to demolish my wall. The high built wall is a health hazard. In winter the ceiling and wall adjacent to it now becomes damp and musty and in summer it is intolerably hot as there is no ventilation of air. Inside the rooms with windows you look against a solid concrete wall. This has a negative effect on the small children daily on my property. In winter time they attracted flew. There is a fire hazard and a breeding place for rats and snakes.

There is no motivation and I will not consent to this, what was done illegally must be demolished, also that portion built on my wall, as it effects the use of my property and is a pecuniary loss to me. I have no animals on my property and I need parking space on my property. The pillars and wide wall on my property is obstructing the bypass of vehicles. To remedy this and to keep my vehicles and those of my occupants out of the street is to have my wall demolished. The duty of Mr Stander is to fenced in dogs on the premises. The high built wall is a health hazard. In winter the ceiling walls and adjacent to it now becomes damp and must and in summer it is intolerably hot as there is no ventilation of air. Inside the rooms with windows you look against a solid concrete wall. It is now a dark concrete alley. This has a negative effect on the small children daily on my property. In winter time they contracted flu. This is also a fire hazard, with the storage of inflammable substances as well as a breeding place for rats and snakes. It is again alleged that the squatter's structures in temporally. How long is temporally? 21 Years?

The following takes place and some on a daily basis:

#### DOGS

- 1) Gates are opened in the mornings and afternoons. The dogs (without a leash) run in the streets and in public places. Balls are thrown some times in between children playing soccer or cricket. In one instance, after work, the

tennis ball fell a few metres from where I was walking. The dog stopped and fiercely growled at me.

- 2) Mr Stander's plot is not fenced in. To keep the dogs out of my property I spend a lot of money to put up a fence in front of my property. The dogs from Mr Stander's property come into my property when I leave my gate open or they (the dogs) enter through holes in my wall and snarl at me when I chase them away. The dogs also defecate on my property for children to step in or for it to splash in my face when I mow the lawn. The holes in the wall are filled by Mr Stander with old rusted wire.

### **VEHICLES**

- 3) The driving of the unlicensed electric golf car in Steenbok Street and other streets to and back from the golf course.
- 4) The parking of an enormous High School bus during the day and weekends in Steenbok Street.

### **BUILDINGS**

- 5) The erecting of the illegal and shanty squatter's structures on and next to my boundary wall.
- 6) The illegal building of my wall to make it higher, without my permission, after threatening me on various occasions to report my occupants to the Municipality as they allegedly live there illegally.

As I understand it, the building regulations were amended and the following now applies:

- a) A land owner may now have out buildings and can let it to obtain income especially for elderly people to help them to pay the high rates and taxes.

- b) There may be two kitchens each with its own zinc.
- c) There may be two families on the property.

This is what Mr Stander told me that is not allowed and illegal.

**My main objection is that:**

- 1) That the layout interferes with what I have in mind to improve on my property.
- 2) I intend to demolish the boundary wall on my property so that there is more space to drive passed my house. It is at present used by Mr Stander to widen the space to drive passed his house, thus to his advantage and to the disadvantage of my property. I have no animals. There is a duty on Mr Stander to fence his property so that all four dogs are under his control and at all times be confined to the premises. Mr Stander's dogs bark excessively and are a nuisance when I enter my property, when I work along the borders of my property, when Mr Stander went overseas or if there is any movement in the street or public open space just over the road.
- 3) Once the illegal buildings in the boundary building line are approved, further illegal buildings will follow with the same method to legalise it.
- 4) One of the reasons for the old building lines was a fire hazard especially with a window in this space. There is a window in this area on the plan. With lawn mowers and a rubber duck inflammable liquids creates a dangerous fire hazard.
- 5) There is sufficient space for the improvements in the ordinary building space without exceeding the 2 metres boundary building line.
- 6) The self-righteousness of Mr Stander to build my wall higher to support his shanty squatter's structure without my permission.

- 7) It is trite law that a person cannot benefit from his/her illegal act. Like we all have to do when we erect illegal structures, Mr Stander has to do the same and demolish the structures. From the facts it is clear that Mr Stander willingly went ahead, building the illegal structures, building the shanty squatter's structure and the wall on my property higher, without my permission.

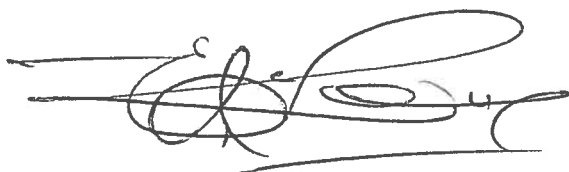
There is a legal duty on the person who draft plans to inform the owner of the property how the building processes work and to oversee and ensure that all municipal regulations are complied with. The same applies to an attorney as an *ex officio* officer of the Court to report offenses that perpetually happens to the applicable authority.

*In terms of section 9 of the Bill of rights of the Constitution no 108 of 1996 of the Republic of South Africa everyone is equal before the law and has the right to equal protection and benefit of the law.*

*Kind regards.*

*I thank you*

*Yours faithfully*



ETIENNE LE ROUX

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The Municipal Manager  
Overstrand Municipality  
PO Box 20  
HERMANUS  
7200

For attention: Mrs. Hanneen van der Stoep,

Sir,

FILE NO: EL4717	15 February 2016
SCAN NO: 54	
COLLATOR NO: 876469	

**COMMENTS ON OBJECTIONS: ERF 4717 HERMANUS: PROPOSED DEPARTURE FROM THE BUILDING LINES**

We have been appointed by Mr. Stander to comment on the objections received from Mr. E. le Roux on the application for the relaxation of the building lines in order to accommodate an existing double garage and servant's quarters. A number of personal issues have been raised in objections by Mr. le Roux that have no bearing on the proposed application. We have only attended to the objections relevant to the proposed relaxation of the side and rear boundary line as mentioned above. Our comment on the objections is as follows:

- Building plans for the extension of the single garage into a double garage and servant's quarters were submitted on the 4<sup>th</sup> of March 1994 but was turned down due to the fact that the Title Deed contained restrictive Title Deed conditions that prescribed building lines had to be removed in order for the building plans to be approved. The proposed building plan was in line with the Scheme Regulations applicable at the time and it would only be required that the Title Deed be amended.
- An application was submitted for the removal of the restrictive Title Deed condition that was subsequently approved and the Title Deed endorsed. According to the architects and the owner the removal of the restrictive Title Deed condition was the only hurdle and that once approval was

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John Mc Lachlan: Ndip (Town Planning) Tech Witwatersrand; MSAPI Nr.10908; SACPLAN Tch.PlN B/8250/2014  
Pauline Spronk: B (Soc Sc) US, BA Hon (UNISA)

Meriké Lerm: B. Art et Scien Cum Laude (Town Planning) UNW; SACPLAN Pr.PlN A/158/2009

TP

17 FEB 2016

24 FEB 2016

obtained they may continue to construct the new additions. Please refer to the enclosed Affidavit. Building work commenced and the construction was finalised.

- With reference to the above it is clear that an oversight occurred and that the building plans were not re-submitted for approval as it was thought that once they have obtained an approval for the removal of restrictive Title Deed conditions they could continue with the construction of the proposed additions.
- The objector must keep in mind that the application that was submitted is to legalise the existing double garage and servant's quarters. Should the application be approved the owner will not have carte blanche to construct other buildings on the rear and eastern side boundary other than what was indicated on the submitted site development plan.
- Even though the boundary wall has no relevance to the application we would like to mention that the owner of Erf 4717 Hermanus and the owner of Erf 4716 Hermanus (the objector) agreed that the wall be built higher for privacy purposes. Our client is in possession of a contract that was signed on the 1<sup>st</sup> of December 2011 between the 2 parties.
- The squatter's shanty referred to by the objector is another structure and not the double garage and servant quarters being applied for. The general appearance of Erf 4717 Hermanus is very good. Please refer to the photograph below of the area behind the main dwelling with the existing double garage and servant's quarters in the background.



- Erf 4717 Hermanus is not used for industrial purposes as insinuated by the objector.
- The roof structure and gutter above the wall is situated in the opposite corner of the double garage and servant's quarters and have no relevance to the application.

- As mentioned above, Erf 4717 Hermanus is well maintained. The objectors property however is neglected. There are heaps of garden refuse and also the lawn that has not been cut in quite some time. It is more than likely that rodents and snakes referred to comes from the objector's property.
- It is the owner of each residential property's right to keep a golf cart, trailer, boat and motor vehicles on his / her property. The property in this case is not used for storage purposes but for the storage of the owner's own goods.
- Mr. Stander, the owner of Erf 4717 Hermanus does drive the High School bus at times. The bus is never parked in the street for more than an hour and is always parked in a proper manor.
- The illegal structure referred to by the objector that is situated in the north western corner of the property is a temporary structure that has been there since 2005. The owner wants to get all the approvals in place for the structures and addressed the permanent structures first.
- After our site visit on the 16<sup>th</sup> of February 2016 the owner informed us that their dogs cannot access the objector's property through the holes in the wall. It should be taken into consideration that the wall is the objector's wall and should be maintained by him. The dogs referred to that access the objector's property from the street is not even Mr. Stander's dogs.
- **The double garage and servant's quarters are situated in the north eastern corner of Erf 4717 Hermanus on the boundary of Erf 4720 Hermanus. The objector's property is situated on the opposite boundary. The proposed departure from the building lines that have already been condoned by the Department of Environmental Affairs and Development Planning has no negative impact on the objector's property as stated and will also not interfere with any improvements that the objector plans on his property.**

We trust that you find our comments on the objections in order and we look forward to a favourable outcome.

Yours faithfully

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

John Mc Lachlan

**ENGELBRECHT & SCORGIE**

ARCHITECTURAL OFFICE

CK 94/37360/23

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09 February 2016

**AFFIDAVIT****WIE DIT MAG AANGAAN**

Hiermee bevestig ek, Gert Engelbrecht, I.D. nr. 640115 504 3080 dat my firma, Engelbrecht & Scorgie tekenkantoor op 4 Maart 1994 'n plan ingedien het vir Mnr. J Stander, 29 Steenbok Straat, Northcliff, Hermanus – Erf 4717, vir aanbouing aan motorhuis op die grens.

Die planne was nie goedgekeur nie, omdat daar 'n titel akte voorwaarde was – T71495/91 afdeling C nr. 4  
*"That no building or structure or any portion thereof except boundary wall and fences shall be erected nearer than 15 feet to street line which forms a boundary of this erf. No such building or structure shall be situated within 7½ feet of lateral boundary common to adjoining erf."*

Mnr. Stander het dit toe laat verwyder in nuwe titel akte.

Aangeheg is skrywe van Overstrand Bou Afdeling om bogenoemde te bevestig.

Die uwe

.....  
Gerhard Engelbrecht

**WYNAND NORTJÉ**

Practising Attorney  
 Ex Officio Commissioner of Oaths  
 WESTERN CAPE  
 SOUTH AFRICA

**COETSEE ~ VAN ZYL**

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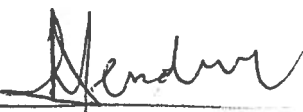
10/02/2016 .

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE: ERF 4717, NORTHCLIFF (3087)**

Electricity : In order  
Water : In order  
Sewer : In order  
Stormwater : In order  
Roads and traffic : In order

**Conditions:**

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that stormwater be allowed to discharge through Erf 4717, Northcliff, unobstructed;
4. that no on-street parking be allowed.

  
\_\_\_\_\_  
**DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES**

10/12/2005  
\_\_\_\_\_  
**DATE**