

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting: 27 November 2019)**

**3.
ERF 1598, FERNDAL STREET, HAWSTON, OVERSTRAND MUNICIPAL AREA:
PROPOSED CONSENT USE: LM HENN (ELBRINK)**

1598 HHW (2961)

R Kuchar

20 October 2019

Senior Manager: Town & Spatial Planning

(028) 313 8900

1. Executive Summary

Application has been received on 26 June 2015 from LM Henn (Elbrink) on Erf 1598, Hawston for a consent use in terms of the Overstrand Municipal Zoning Scheme Regulations in order to utilize a portion of the existing dwelling as a house shop.

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 in support of the proposal is attached as Annexure C.

2. Service Delivery and Budget Implementation - 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 2.2 of the Overstrand Municipal Zoning Scheme

6. Background/Discussion/Evaluation/Conclusion

Background/Discussion

The owner of Erf 1598, Hawston applied to operate a house shop from a portion of the dwelling.

Erf 1598 is zoned Residential Zone I and measures approximately 251m². There is an existing dwelling and outbuilding on the property. The owner proposes using a portion of approximately 18m² for a house shop.

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The applicant motivates that she is unemployed and with the establishment of the house shop she will be creating work for herself to be able to make a living.

The application was sent out to surrounding neighbours, and no objections were received.

The application was also circulated to all relevant municipal departments, and no objections were received.

Evaluation

The evaluation will be considered in terms of the criteria to determine desirability in terms of Section 36 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).

Physical Characteristics of the Property

Erf 1598, Hawston measures approximately 251m² in extend. The dwelling measures approximately 102m² and an outbuilding on the property measures approximately 22m². A covered stoep area and part of the dwelling has already been changed into a house shop (18m²).

Location and Accessibility

Erf 1598, Hawston is situated in Ferndale Street. The erf is easily accessible to surrounding neighbours by vehicle or by foot.

The property only has parking on-site for one vehicle.

House shops are created to deliver a service to immediate surrounding neighbours, therefore most clients visit house shops by foot.

Existing Land Uses and Character of the Area

The property is surrounded by residential properties. The closest other legal house shops in the vicinity are one (1) approximately 60m to the north in Southampton Street, a cul-de-sac. The other approved house shops are situated approximately 300m east of the site.

The new Overstrand Zoning Scheme makes provision for a home occupation and even a small day care, etc. as primary rights. This is to empower people to generate income and stimulate the economy.

A house shop is not a primary right, but a consent use, meaning that the Municipality may approve a house shop if it complies with the criteria as stipulated in the Zoning Scheme for house shops. This once again provides opportunity for entrepreneurs and help people to create an income for

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themselves. The guidelines/restrictions should ensure minimal impact on surrounding property owners, but it also ensures that the house shop is run from a facility that complies with fire regulations and health requirements. If it is not operated in line with these guidelines, affected people should inform the Municipality, and these approvals can be rescinded.

In some communities house shops do form part of the fabric of residential areas, to provide a service to the community. Considering the fact that there are approximately ten (10) to eleven (11) approved house shops (in terms of Town Planning records) in Hawston, clearly shows that the greater community of Hawston supports house shops, and is part of the character of this area.

Considering the above, this application is desirable and can be supported.

Policy

The application must also be considered in terms of the Guidelines for House Shops.

The application submitted is in line with such guideline, in that it is proposed that only approximately 18m² area of the total building size of 124m² will be utilized as a house shop. The guideline allows for up to 25% to a maximum of 30m² of buildings on an erf that can be utilized as house shop.

Conclusion

No objections were received against the application.

The relevant municipal departments indicated that they had no objections against the application.

The application was duly considered in terms of the Guidelines for House Shops in terms of the Overstrand Zoning Scheme, and the criteria to determine desirability in terms of Section 36 of the Land Use Planning Ordinance, 1985.

Amendments have been made to the dwelling and the house shop area will also have to be fire proofed from the dwelling. Building plans to such effect will have to be submitted for approval.

This application was considered on its own merits, and is found to be desirable.

7. Financial Implications

None

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8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Engineering Services

Attached as Annexure D.

Fire Department

Premises must be in compliance with the National Fire Protection Regulations SANS 10400 T : 2011

Building Control

Supported.

District Health

Owner has to apply for a R962 certificate of acceptability from the Overberg District Municipality. No sleeping allowed in tuck shop/store room.

Waste Management

No objection. No accumulation of refuse on the premises be allowed.

10. Annexures

- Annexure A: Locality Plan
- Annexure B: Site Plan
- Annexure C: Motivation Report
- Annexure D: Services Report

RECOMMENDATION:

1. that, in terms of Section 2.2 of the Overstrand Municipal Zoning Scheme, the application for a consent use on Erf 1598, Hawston in order to utilize a portion of the dwelling as a house shop, **be approved**, subject to the following conditions:
 - (a) that only a portion of the dwelling, not exceeding 25% of all the buildings on the property or 30m², whichever is the greatest, may be utilized as a house shop;

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- (b) that no more than one (1) vehicle, not exceeding 3500kg gross weight, may be utilized to make deliveries at the house shop at any one time;
- (c) that adequate provision be made to manage the behaviour of patrons (both inside and outside the building) and for security and protection of surrounding properties, patrons, vehicles, etc. to the satisfaction of the Senior Manager : Town- and Spatial Planning;
- (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
- (e) that the house shop may not be used for the purposes of noxious trade, risk activity, sale of alcoholic beverages, place of entertainment or gambling purposes;
- (f) that no products, goods or supplies connected to the house shop may be stored on the property outside the building;
- (g) that a single non-illuminated sign, that complies with the Municipal By-Law on Signage, may be displayed on the premises;
- (h) that the trading hours of business only be between:
 - Monday to Friday: 08:00 to 17:00
 - Saturday: 08:00 to 13:00, and that should the hours of business be extended in terms of the proposed House Shop Policy, such hours of operation will be applicable.
- (i) that the number of people employed be restricted to three (3);
- (j) that the owner/manager resides on the premises;
- (k) that a Certificate of Acceptability from the Health Section of the Overberg District Council and Fire Prevention Certificate be obtained from the Municipal Fire Department;
- (l) that the approval is not transferable, and the house shop area may not be sublet to any other person by the applicant;
- (m) that the conditions in the Engineering Report be adhered to (Annexure D);
- (n) that the Overstrand Municipality retains the right to enforce any relevant legislation, regulations, law and order regarding these premises, the applicant and the departure in land use;

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- (o) that this consent use approval is valid for a maximum period of five years, after which it will expire if application is not made for the extension of the validity period within the five year period;
 - (p) that on-site parking be provided to the satisfaction of the Senior Manager: Town and Spatial Planning;
 - (q) that Council reserves the right to rescind the approval without payment of compensation, should any justified objection be received to the manner in which the house shop is functioning or should the operation of the house shop be found to be detrimental to the peacefulness and amenity of the surrounding area;
 - (r) that commercial rates and service tariffs as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (s) that application is made for a Business Licence at the Overstrand Municipality prior to operation of the house shop;
 - (t) that building plans be submitted showing all building changes and partitioning of the house shop in the dwelling to the satisfaction of the Fire Department and Building Department, and
 - (u) that no accumulation of refuse occur on the premises.
2. that the applicant be notified of its right of appeal in terms of the Local Government : Municipal Systems Act, 2000 (Section 62) with regard to the above conditions of approval.

RESPONSIBLE OFFICIAL :	H OLIVIER
TARGET DATE FOR IMPLEMENTATION :	11 DECEMBER 2019
TARGET DATE TO INFORM APPLICANT :	11 DECEMBER 2019
TARGET DATE TO INFORM OBJECTOR :	N/A

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R Kuchar

20 October 2019

Senior Manager: Town & Spatial Planning

(028) 313 8900

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
19 NOVEMBER 2019, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL :

H OLIVIER

TARGET DATE FOR IMPLEMENTATION :

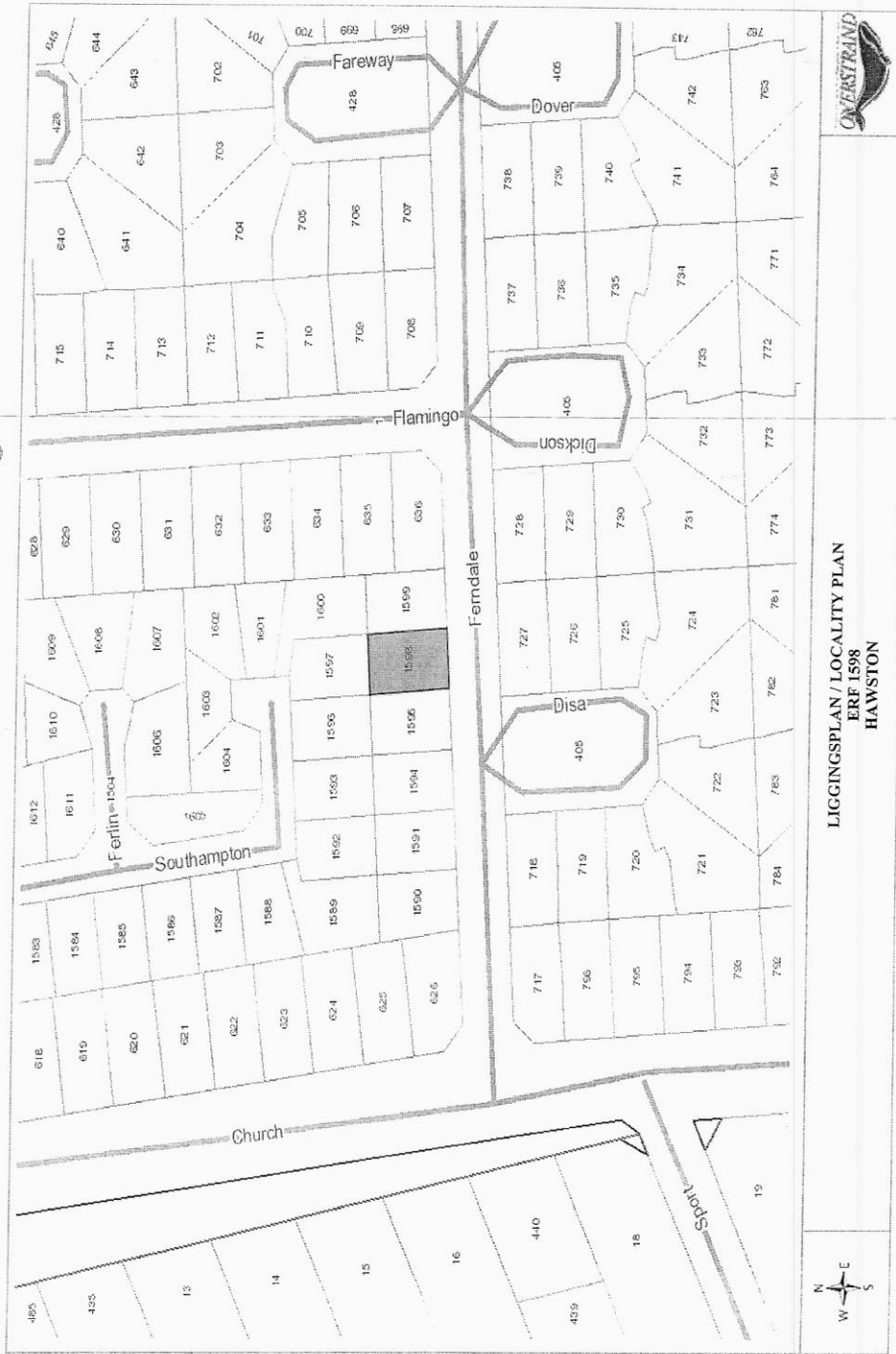
11 DECEMBER 2019

TARGET DATE TO INFORM APPLICANT :

11 DECEMBER 2019

TARGET DATE TO INFORM OBJECTOR :

N/A

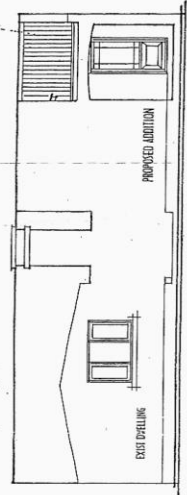


LIGGINGSPLAN / LOCALITY PLAN
 ERF 1598
 HAWSTON

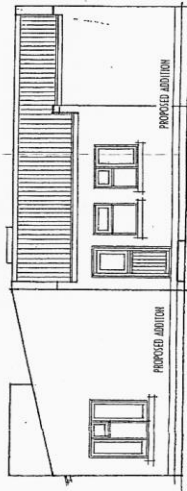


PLAN NO 1013

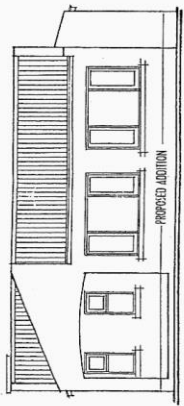
OVERSEAS BUILDING QUALITY
 BUILDING SURVEYOR'S BRANCH
 Received: 30.04.04
 Plans approved subject to any endorsement by the
 undersigned being complied with.
 Approved Date: 04.05.04
 PLAN NO: 1013



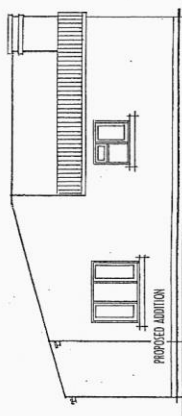
ELEVATION ②



ELEVATION ④



ELEVATION ①



ELEVATION ③

PLAN : 1 : 100

ROOF COVERAGE
 DWELLING : 102sqm
 STORE RM : 22sqm
 TOTAL : 124sqm

PROPOSED ADDITIONS FOR
 MS L.M. HENN ON PLOT NO
 1598 HAWSTON

BY: C.C. APON
 028 - 3151655

26. 6. 2015

AAN: STADS BEPLANNING
HERMANUS

Geachte LESER

EK LOUISE MALITA EIRBRINK doen aansoek vir Besigheids ISENSIE om in TUCKSTOP By Southhamton Street 1598 HAWSTON te open

EKS op die oomblik werkloos, Enkel ouer. Die inkomste wat ek By die Tuckstop kan maak sal my finansiël baie help, so ook kan ek my munisipale Rekening op datum hou wat permanent agterstallig is. So sal die tuckstop my help om my finansiël op te hou, aangesien daar in week te kort in die dorp en weskop is. sien ek die opening van in tuckstop as my Reding en werkskepping vir myself.

Dankie

Die uwe

Louise Malita HEWU
(EIRBRINK)


LEW

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: ERF 1598, HAWSTON (2961)**

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 and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer'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 developer's cost;
3. that should additional services be required the owner will be responsible for the payment of bulk services levies;
4. that stormwater be allowed to discharge through Erf 1598, Hawston, unobstructed.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

14/9/2015
DATE