

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
20 October 2015
(Also the agenda for the Mayoral Committee Meeting : 28 October 2015)**

5.

**ERF 2940, 4 PROTEA STREET, ONRUS RIVER, OVERSTRAND MUNICIPAL AREA
: PROPOSED DEPARTURE AND TITLE DEED BUILDING LINE RELAXATION :
MESSRS ENGELBRECHT & SCORGIE ON BEHALF OF DF MINITZER**

2940 HON (2895)

H Olivier

(028) 313 8900

Hermanus Administration

28 August 2015

1. Executive Summary

An application has been received on 22 April 2015 from Messrs Engelbrecht & Scorgie on behalf of the property owner on Erf 2940, Onrus River, DF Minitzer, for a departure to relax the 4m street building line to 1,80m, the 2m lateral building line to 0,8m and the southern lateral building line to 0m to accommodate proposed additions and alterations to the existing dwelling house on the property concerned.

The application also includes a relaxation of title deed restrictions regarding a 0,94m lateral building line restriction inserted in the Title Deed of the property, inserted in favour of the Municipality.

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

N/A

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6. Background/Discussion/Evaluation/Conclusion

Background/Discussion

Erf 2940, Onrus River is developed with an existing double storey dwelling with garage and outbuilding. The erf measures approximately 495m² in extent and is zoned Residential Zone I.

The applicant wants to make some alterations and additions to the main dwelling and outbuilding, and also build a new double garage on the property. The existing buildings already encroach the zoning scheme building lines, and the title deed building lines inserted in favour of the Municipality. The application is to legalize existing encroachments and to accommodate new extensions and the new garage.

Registered letters were sent to all surrounding affected property owners, and no objections were received.

The application was circulated to all relevant municipal departments. The Building Department indicated that a portion of a concrete slab encroaching the 2m lateral building line had to be covered with a roof structure. This was discussed in detail with the Building Department, and it was found impractical to stipulate such a condition.

Evaluation

The old historic building plans of Erf 2940 dating back to as early as 1973 were investigated and it was found that buildings were indicated in different positions on different site plans with various submissions.

Considering the Title Deed conditions, lateral- and rear building lines of 0,94m were applicable and a 1,89m street building line prior to 1985. With the approval of the Section 8 Zoning Scheme for this area, a 4m street building line and 2m lateral- and rear building lines were also made applicable to this area.

The existing dwelling and garage with servant's quarters was constructed at a slight angle with the northern lateral boundary, being 0,8m from such boundary closer to the north eastern side of the property and approximately 1,075m to the north western side of the property. It also appears as if the second storey was utilized as a second dwelling with outside staircase.

At the moment there are thus buildings constructed next to the northern lateral boundary for a distance of approximately 28,5m in length, with only a 0,7m

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passage between the garage and dwelling. The building is not in a good condition.

The proposal is to make mostly internal changes within the dwelling on first- and ground floor level, put in an internal staircase, make changes to windows and put in some new windows. The applicant also wants to extend the dwelling on ground floor with approximately 1,5m and add a covered porch roof area of an additional 2m in length. These extensions will be made in an area where the existing garage will be demolished, and there will still be a new open area of 4m in length on the boundary with Erf 3531. The new structures will be approximately 0,89m from the northern lateral boundary with Erf 3531.

The concrete slab that will be placed on top of the first floor extensions will create a deck on first floor level approximately 0,89m from the northern lateral boundary, but a balustrade will be set back onto the 2m zoning scheme building line.

The abovementioned changes on ground floor level will have no impact on the adjacent neighbour, as it will have no windows, and will probably improve the aesthetics by the demolishing the garage. The changes on the first floor level by adding an additional window on the northern side and the new proposed deck could impact on the adjacent property. However, the dwelling on the adjacent property is set back 3m from the common boundary, and the entertainment area on the neighbour's property is situated on the northern side of his property. It is also to be noted that the first storey deck will not encroach any building lines.

It is also proposed to construct a double garage in the south western corner of the site. In the motivation reference is made to relax the southern lateral building line to 0m. It is to be noted that there is existing building constructed on Erf 2939, to the south of Erf 2940, onto the common lateral boundary, next to the area the garage is proposed. The garage will also be placed 2m from the rear boundary, and have no real impact on surrounding neighbours.

As previously indicated the Building Department was concerned about the slab of the deck protruding over the lateral building line on first floor level, which can easily be converted into deck area. The condition that a portion of the deck must be changed into a roof is not practical. The matter was discussed with the Building Department and such a condition will be impractical to comply with.

The condition of the Fire Department with regard to window size is also noted, and the applicant will have to comply with the condition to the satisfaction of the Fire Department at building plan submission phase.

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Conclusion

Registered notices were sent to all surrounding affected property owners, and no objections were received.

The existing dwelling and outbuildings are old structures that have been erected a long time ago. The new proposed amendments/extensions will improve a derelict building without having a significant impact on surrounding property owners.

The application is considered desirable and is supported.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Engineering Department

See Annexure D.

Building Control Department

“Total openings to now comply with SANS 10400 Part T. Slab on first floor over building line to be changed to non-trafficable roof.”

In consultation with the Building Department it was indicated that the slab forms part of a canopy structure and that it would be impractical to change a portion of the roof slab to a roof. It is also not on the property boundary. The balustrade must however be set back to the 2m building line for the first floor deck area.

Fire Department

Openings in structure on proposed 0,8m building line may not be larger than 5m² in total. SANS 10400 T : 2011 – Table 2.

District Health

Approved

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10. Annexures

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

RECOMMENDATION:

1. that the relaxation of the 0,94m lateral building line in the Title Deed of the property, as stipulated in the Title Deed in favour of the Municipality **be approved**;
2. that the application for departure in terms of Section 15 of Ordinance 15 of 1985 on Erf 2940, Onrus River to relax the 4m street building line, the 2m northern- and southern lateral building lines, **be approved**, subject to the following conditions:
 - (a) that the street building line be relaxed from 4m to 1,89m to accommodate the existing building and alterations to the dwelling;
 - (b) that the northern lateral building line be relaxed from 2m to 0,8m to accommodate alterations to the existing building, an extension and roof slab;
 - (c) that the total sum of all openings closer than 1m from the northern lateral boundary may not exceed 5m² in total (SANS 10400 T : 2011 – Table 2) to the satisfaction of the Fire Department, prior to building plan approval;
 - (d) that the southern lateral building line be relaxed from 2m to 0m, to accommodate the garage;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with; and
 - (g) that all the conditions in the services report (attached as Annexure D), be complied with.
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 conditions of approval.

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RESPONSIBLE OFFICIAL :	H OLIVIER
TARGET DATE FOR IMPLEMENTATION :	11 NOVEMBER 2015
TARGET DATE TO INFORM APPLICANT :	11 NOVEMBER 2015
TARGET DATE TO INFORM OBJECTOR :	11 NOVEMBER 2015

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PROPOSED DEPARTURE AND TITLE DEED BUILDING LINE RELAXATION :
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H Olivier

(028) 313 8900

Hermanus Administration

28 August 2015

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
20 OCTOBER 2015, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL :

H OLIVIER

TARGET DATE FOR IMPLEMENTATION :

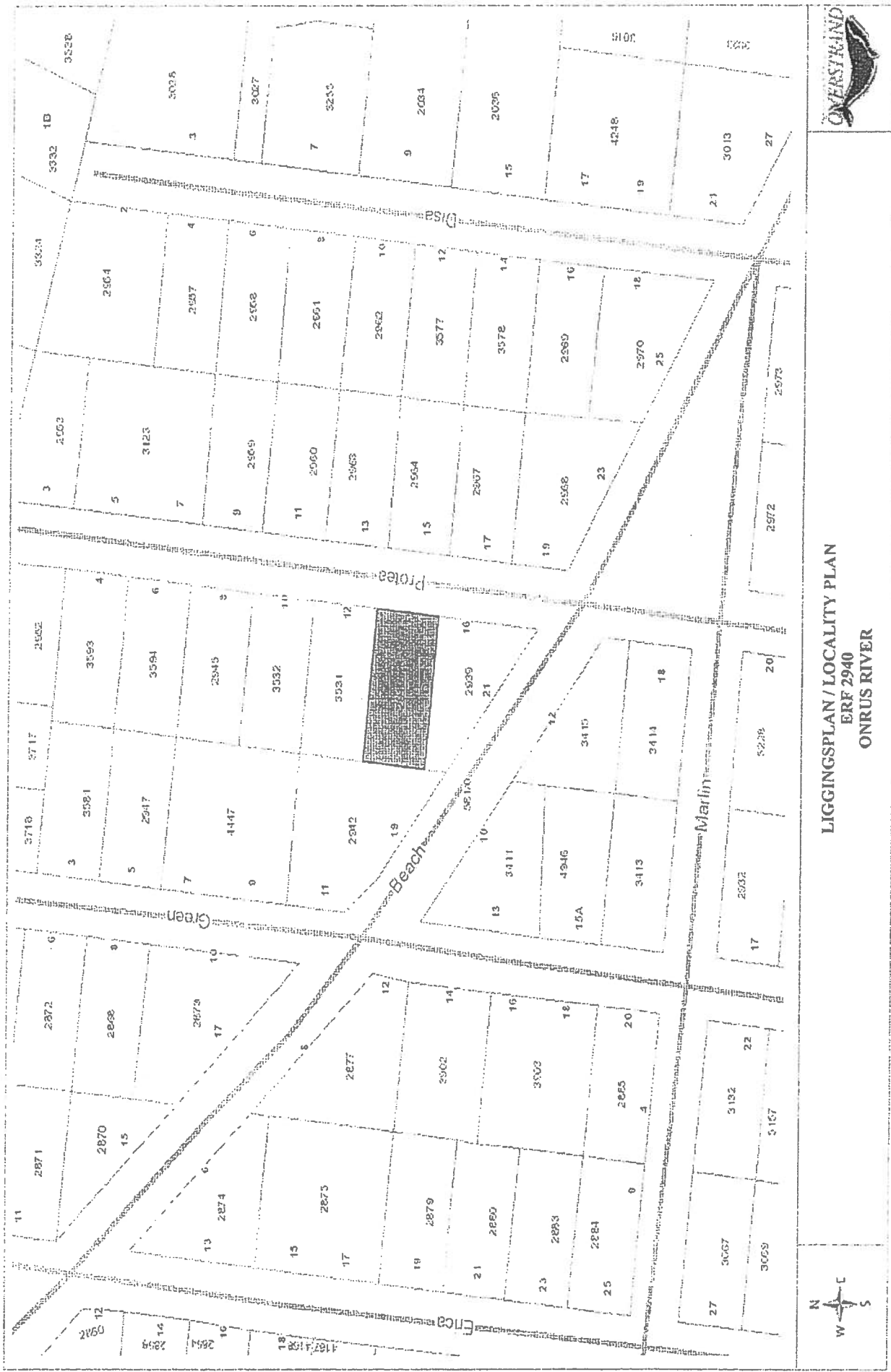
11 NOVEMBER 2015

TARGET DATE TO INFORM APPLICANT :

11 NOVEMBER 2015

TARGET DATE TO INFORM OBJECTOR :

11 NOVEMBER 2015



LIGGINGSPLAN / LOCALITY PLAN
 ERF 2940
 ONRUS RIVER

SPECIFICATIONS:
 All work to be carried out in strict accordance with local authority requirements and the specifications of any work. Any such oversight resulting in errors in levels or dimensions will be the responsibility of the contractor. Where dimensions should be used in preference to scaling the drawings, all work to be carried out in accordance with the specifications of the manufacturer of the work. Levels to be worked by the plumbing contractor before commencement of any work.

GENERAL NOTES:
 All work to be carried out in strict accordance with the specifications of the manufacturer of the work. All interior walls to be smooth plastered and painted. Exterior walls to be smooth plastered and painted to clients spec.

FOUNDATION:
 700x250mm mass concrete strip footings to external & load bearing walls & 600x200mm mic slabs thickening to HK walls. No footings to protrude over boundary line.

FLOORS:
 Floor finish to clients spec. on 25mm cmt. screed on 75mm thick mic slab to dwelling, on 250 micron DPM, on 20mm sand bedding, on min. 150mm well, and well compacted B1/hardcore.

WALLS:
 All brickwork to be 110-110mm (solid units) clay bricks 28 0mm thick, internal skin, 20mm clear cavity with 5x butterfly ties per sqm, 250 micron stepped DPC to min. 100mm wide weep holes at min. 800mm c/c. All brickwork to be laid in a standard stretcher bond. All brickwork to be painted. P.C.L. pre assembled panels laid to manufacturers spec. over brickwork openings, with min. 4 courses gkr, brick-force over. Walls painted throughout.

CEILING:
 40mm iso-board & sat. 75mm coved cornice, fixed to manufacturer's spec.

WINDOWS & GLAZING:
 All windows to be double glazed. All windows to be set in a 10% of floor area and natural ventilation min 5% of same floor area. Windows Min. 40mm thick throughout, except for Bathroom windows with obscure glass & Doors & Windows larger than 1m high, or less than 500mm above F.G.L. to be safety glass.

RAINWATER GOODS:
 125x65 Open profile seamless gutters with 75mm downpipes. All water to discharge into storm water pipes.

Architectural Office
 GERHARD ENGELBRECHT
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 BRANDON SCORGIE
 NSI.dipl.Architecture(Cape Tech.)
 BUILDING PLANS
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 P.O.Box 181
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 TEL: (028) 3163294 FAX (028) 3162200
 CELL: Gerhard 082 898 6086
 Brandon 082 898 6086

Designed by: Alain du Toit
 Checked by: Gerhard Engelbrecht
 SACAP Reg. No: st1938

www.archoffice@maxilec.co.za

Project: Additions & Alterations

Client: M&D Mintzer
 Address: 4 Protea Street
 Ormsia
 Erf: 2940

Drig. No: 2.1.15
 Scale: 1:100 @A2 LS

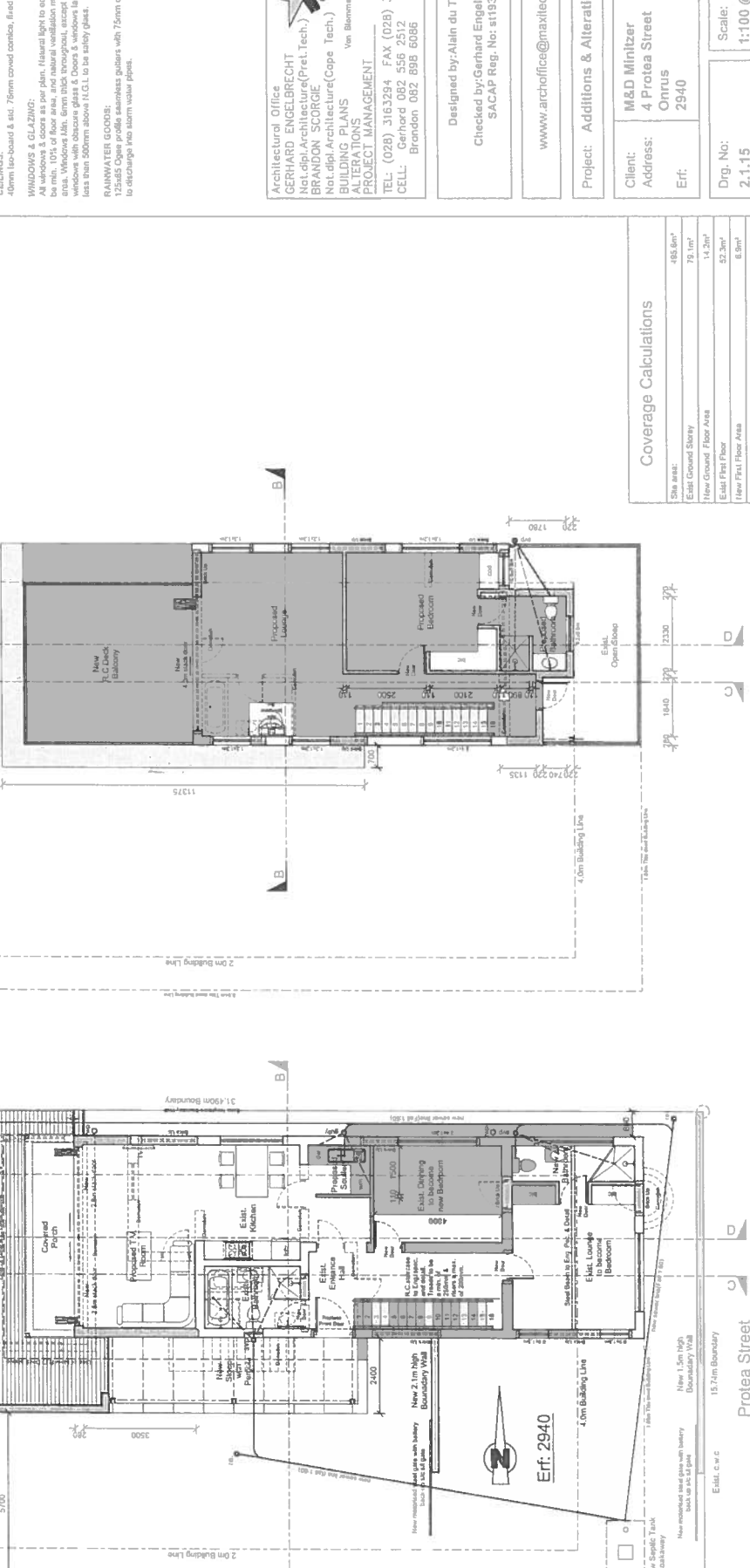
Date: 5.02.2015
 Page: 1 of 3
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ROOF SPECIFICATION:
 Minimum required total R-Value: Target Value: 3.7.
 Estimated total R-Value of roof materials:

Outside Air Film: R-Value: 0.03
 Indoor Air Film: R-Value: 0.11
 for Sheeting: R-Value: 0.03
 Rainfall Shield: R-Value: 0.25
 40mm Iso Board: R-Value: 1.333
 75mm battaram: R-Value: 1.83
 Total R-Value: 3.683

Coverage Calculations

Site Area:	485.6m ²
Exist Ground Storey	79.1m ²
New Ground Floor Area	14.2m ²
Exist First Floor	32.3m ²
New First Floor Area	8.5m ²
Exist Servants Quarters	20.3m ²
New Garage	28.3m ²
New Covered Porch	9.5m ²
Total New Floor Area	68.1m ²
Total coverage:	214.7m ² = 44.2%



First Floor Plan Floor Plan 1:100

Site & Floor Plan 1:100

Architectural Office
GERHARD ENGELBRECHT
 Nat.dipl.Architecture (Prof. Tech.)
BRANDON SCORCE
 Nat.dipl.Architecture (Cape Tech.)
 BUILDING PLANS
 ALTERATIONS
 PROJECT MANAGEMENT
 Van Bommestein Street
 P.O. Box 181
 Green Hill
 7210
 TEL: (028) 3183294 FAX: (028) 3162200
 CELL: Gerhard 082 356 2512
 Brandon 082 898 6086

SPECIFICATIONS:

All work to be carried out in strict accordance with local authority regulations & by-laws. Contractor must check all levels & dimensions on site before the commencement of any work. Any such deviations resulting in errors in levels or dimensions will be the responsibility of the contractor. Written dimensions should be used in preference to scaling the drawings. All work to be carried out in strict accordance with the drawings. Damage to existing work to be repaired by the planning contractor before commencement of any work.

GENERAL NOTES:

No part of building to project over boundary lines. All exterior walls to be smooth plastered and painted to clients spec.

FOUNDATIONS:

700x200mm mass concrete strip footings to external & load bearing walls & 600x200mm r/c slab footing to int. walls. No footings to project over boundary line.

FLOORS:

Floor finish to client's spec. or 25mm screed on 75mm brick m/s slab to bedding on 250 micron DPM, on 200mm sand bedding, on min. 100mm wet, and well compacted f2/hardcore.

WALLS:

All brickwork to be 110-110mm (solid unit) clay bricks 280mm thick internal s.d.c. 50mm clear cavity with 5x butterfly spec per sq.m. 250 micron stopped DPM to min. 100mm wide weep holes at max. 600mm c/c. F.F. min 150mm above D.G.L. Windows to be manufactured with plastic, PCL pre-stressed lintels to be manufactured to spec. over brickwork openings, with min. 4 courses paver bricks above. Walls painted throughout.

CEILING:

40mm Iso-board & old. 75mm curved perlite, fixed to manufacturer's spec.

WINDOWS & GLAZING:

All windows & doors as per plan. Natural light to each habitable room to be min. 10% of floor area, and natural ventilation min 6% of same floor area. Windows, lift, door tracks throughout, except for: Bathroom windows with obscure glass & doors & windows larger than 1m sq.m. or less than 500mm above N.G.L. to be safety glass.

RAINWATER GOODS:

125x65 Omega profile seamless gutters with 75mm downpipes. All water to discharge into storm water pipes.

Designed by: **Alain du Toit**
 Checked by: **Brandon Scorce**
 SACAP Reg. No: 519639

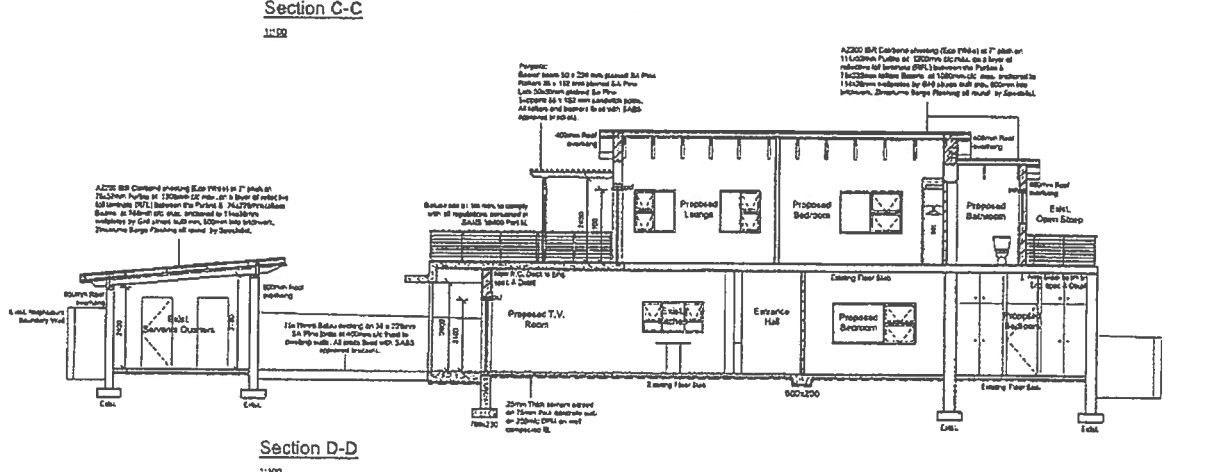
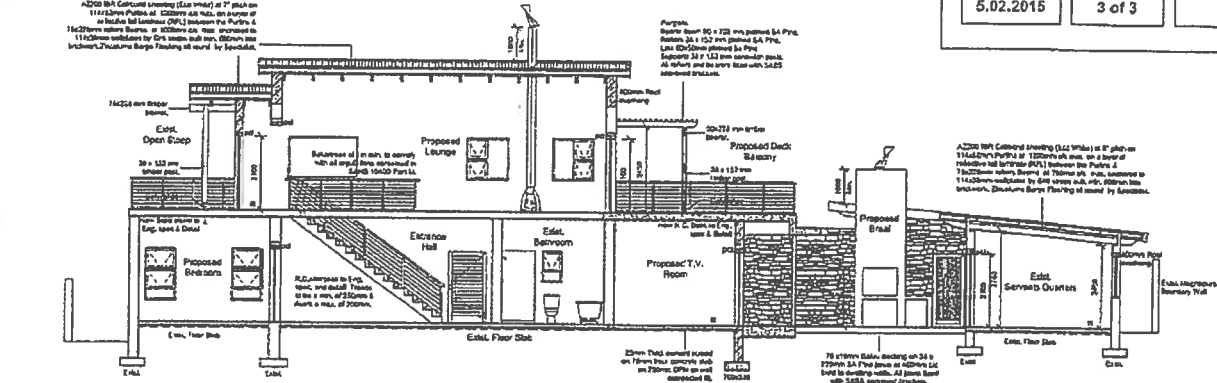
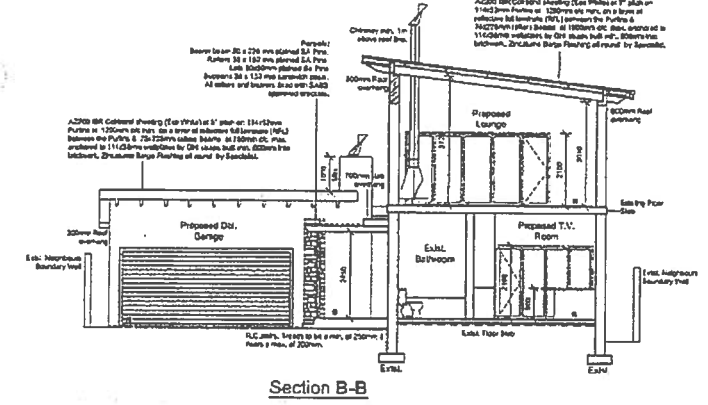
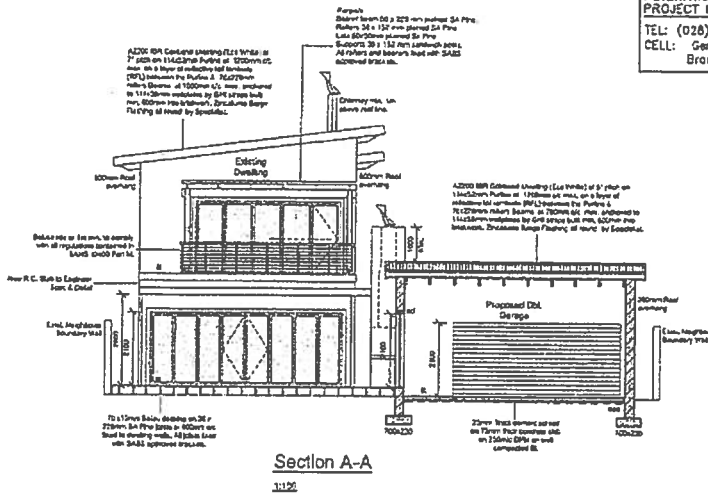
www.archoffice@maxilec.co.za

Project: **Additions & Alterations**

Client: **M&D Mintzer**
 Address: **4 Protea Street**
 Erf: **Onrus 2940**

Dwg. No: **2.1.15** Scale: **1:100 @A2 P**

Date: **5.02.2015** Page: **3 of 3** Rev: **A**



ENGELBRECHT & SCORGIE
ARCHITECTURAL OFFICE

CK 94/37360/23

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13 April 2015

The Town Planner
Overstrand Municipality
P O Box 20
HERMANUS
7200

Dear sir/madam

DEPARTURE APPLICATION : Mr D MINITZER – ERF 2940 : PROTEA STREET, ONRUSRIVER

On behalf of Mr D Minitzer, I ask for a departure from the zoning scheme regulations to accommodate the proposed changes and additions as reflected on my attached drawings.

I also require the relaxation by the Local Authority/Board of a title restriction on the lateral building line which is restricted to 0,94m.

Departures required

- Lateral building line on north side relaxed from 2m to 0,8m
- Lateral building line on south side relaxed from 2m to 0
- Street building line relaxed from 4m to 1,89m

Motivation

- The building is a very old structure and has been constructed in the era of the old Onrust Management Board

Lateral building line (north side)

- The existing building has been constructed 0.8m from the boundary. The configuration of rooms within the existing structure will change which will influence the fenestration on the northern facade
- My client also wishes to extend the building slightly to the western side on ground floor level in order to enlarge the TV room area and create a patio. To achieve this, a large

section of building which is currently 0,8m away from the boundary, will be demolished creating a open section towards the neighbor which at this stage is almost entirely built closed (see attached plan of existing building. Garage will be demolished)

- The first floor balcony which is created will be restricted to the 2m setback. This is clearly indicated on the drawings and if required, a solid 230 wall can also be constructed instead of the railing as indicated

Lateral building line (south side)

- The reason we require this building line to be relaxed, is in order to accommodate the proposed new garage. The zoning scheme makes provision for an out-building on the boundary with neighbors consent, but due to the title restriction, we would require this relaxation within the title deed

Street building line

- The existing structure is built on the 1,89m building line as stipulated in the title deed building line. The structure will not be enlarged and the following work only will be done to this part of the building, i.e. replacement of timber windows with aluminium units
 - The bedroom will be divided into a smaller bedroom with a bathroom. Due to the fact that there is building work within the 4m building line space, a departure to execute these changes is required.

The intention of these changes is to change a holiday style house into a family home. The proposed changes will greatly improve the aesthetics of the building and can only positively influence the value of the adjoining properties.

I trust you will consider my client's application and I look forward to your correspondence.

Yours sincerely

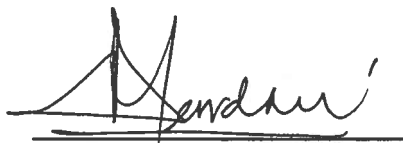
Brandon Scorgie

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 2940, ONRUS RIVER (2895)**

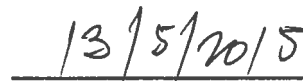
Stormwater (SW) : In order
Electricity : Escom
Water : In order
Sewer : In order
Roads and traffic : In order

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 developer's cost;
2. that stormwater be allowed to discharge through Erf 2940 Onrus River, unobstructed.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**



DATE