

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

10.

**ERF 11460, 171 ELEVENTH STREET, HERMANUS (VOËLKLIP), OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : MESSRS ANDREW GREEFF
ARCHITECHTS ON BEHALF OF JF LE ROUX**

11460 HVK (2830)

P Roux

31 August 2015

(028) 313 8900

Hermanus Administration

1. Executive Summary

To consider an application received on 23 February 2015 from Messrs Andrew Greeff Architects on behalf of JF Le Roux on Erf 11460, Hermanus (Voëlklip) for a departure from the relevant Scheme Regulations in order to relax the lateral building line from 1,2m to 0m to accommodate a double garage on the property.

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

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance
Promotion of tourism, economic and social development

4. Delegated Authority

Executive Mayor

5. Legal Requirements

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

6. Background/Discussion/Evaluation

Background

Erf 11460 is zoned for single residential purposes and measures 990m² in extent.

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Building plans for the subject property were submitted in 2013 and subsequently approved. The building plans were in line with the provisions of the Hermanus Town Planning Scheme. Construction of the dwelling has commenced, however the owner wishes to extend the garage onto the boundary. In terms of the Scheme Regulations an approval can be given for a garage or carport to encroach onto the lateral boundary, provided that the consent from the adjoining property owner is obtained. No reply or consent was given by the adjacent property owner, therefore a formal departure application was submitted.

Notices were sent to the potentially affected property owners and one objection was received from the adjacent property owner. The relevant municipal departments were also notified. No objections were received.

Discussion

The objection received can be summarised as follows:

M Bury & S Hackelbury, Erf 2808, Voëlklip

I have seen the plans and I do not give permission for Mr Le Roux to build to the boundary line.

Response from applicant

Although the letter refers to an objection to my proposal to build a double garage on our common boundary line, the letter does not state any reasons for the objection and I must assume this is in principal.

Furthermore Erf 11460, Hermanus is 15,75m wide, thus the double garage must encroach over the lateral boundary to ensure that the rest of the property has access to northern light and views.

Council may further permit garages on the lateral boundary for this reason, and I am of the opinion their objection is not reasonable.

Town Planner's response

The objectors do not list any reasons for the objection and only states that they do not give permission for the structure to be built on the common boundary. Their comment is noted and will be considered in the evaluation.

Evaluation

The owner wishes to encroach upon the lateral building line in order to construct a double garage.

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It is noted that the objector is not in favour of the proposed development. A site inspection was conducted and it was found that Erf 2808 (the objector's property) is developed with a main dwelling and an approved second dwelling. The second dwelling is located on the eastern side of the property. The second dwelling is situated 2,5m from the common boundary which is between the two erven Erf 11460 and Erf 2808 with windows facing towards Erf 11460. A condition will be imposed that the proposed garage on Erf 11460 must only be used for the storing of motor vehicles, in order to protect the amenity of the adjoining property. Furthermore the opinion is held that the proposed application will be a minor amendment which will not adversely change or affect the character of the dwelling or the surrounding area.

It should be noted that due to the building plans being approved in 2013 in line with the Hermanus Zoning Scheme, the dwelling will be legally constructed on the 1,2m lateral boundary line as stipulated in the aforementioned scheme. All other provisions of the Overstrand Zoning Scheme Regulations as implemented from 2014 will have to be maintained and adhered to.

Conclusion

It is recommended that the proposed departure be approved.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Building Department

"Supported subject to compliance with SANS 10400."

Fire Department

"No objection provided that a 60min structural wall (230mm) be provided on the property boundary as part of the garage structure."

10. Annexures

- Annexure A: Locality Plan and proposed Site Development Plan
- Annexure B: Motivation Report
- Annexure C: Objection received
- Annexure D: Comment on objection

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RECOMMENDATION:

1. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for departure from the relevant Scheme Regulations in order to relax the lateral building line from 1,2m to 0m to accommodate a double garage on Erf 11460, Hermanus (Voëlklip), **be approved**, subject to the following conditions;
 - (a) that the proposed garage only be used for the storage of motor vehicles;
 - (b) that the approval only has reference to Plan no DRG 0.1 to 0.3 as submitted with the application;
 - (c) that building plans be submitted to the Building Department for approval and that all conditions from the Building - and Fire Department be complied with at that stage;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

2. 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.

RESPONSIBLE OFFICIAL :

P ROUX

TARGET DATE FOR IMPLEMENTATION :

11 NOVEMBER 2015

TARGET DATE TO INFORM APPLICANT :

11 NOVEMBER 2015

TARGET DATE TO INFORM OBJECTOR :

11 NOVEMBER 2015

202a

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MUNICIPAL AREA : PROPOSED DEPARTURE : MESSRS ANDREW GREEFF
ARCHITECHTS ON BEHALF OF JF LE ROUX**

11460 HVK (2830)

P Roux

(028) 313 8900

Hermanus Administration

31 August 2015

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

RESPONSIBLE OFFICIAL :

P ROUX

TARGET DATE FOR IMPLEMENTATION :

11 NOVEMBER 2015

TARGET DATE TO INFORM APPLICANT :

11 NOVEMBER 2015

TARGET DATE TO INFORM OBJECTOR :

11 NOVEMBER 2015

NOTE:
 THIS DRAWING IS COPYRIGHTED
 CONTRACTOR TO VERIFY ALL
 DIMENSIONS AND CONDITIONS
 BEFORE CONSTRUCTION.
 ALL DIMENSIONS ARE IN METERS.
 UNLESS OTHERWISE SPECIFIED BY
 THE ARCHITECT.
 THE ARCHITECT IS NOT RESPONSIBLE FOR
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REVISIONS

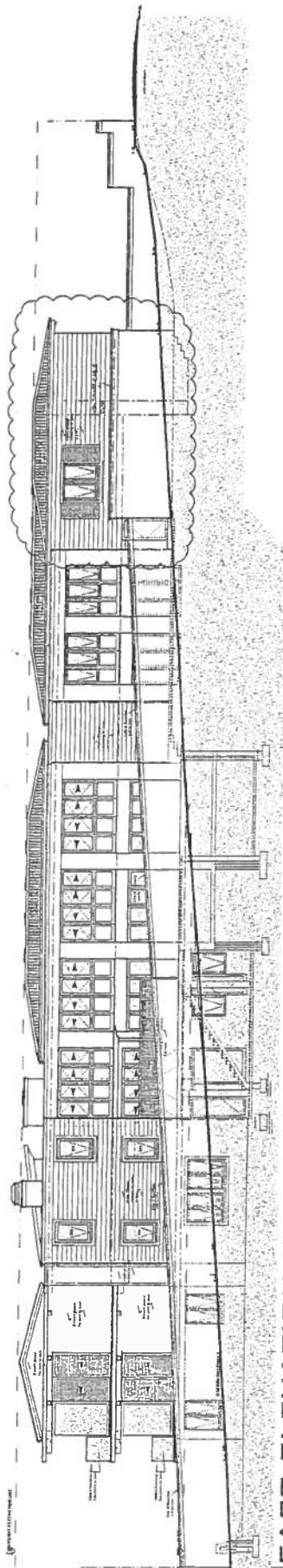
CLIENT _____
 ARCHITECT _____

HOUSE LE ROUX 1
 ERF 9876
 185 17TH STREET
 VOKALAP
 WESTERN CAPE
 OVERSEAS

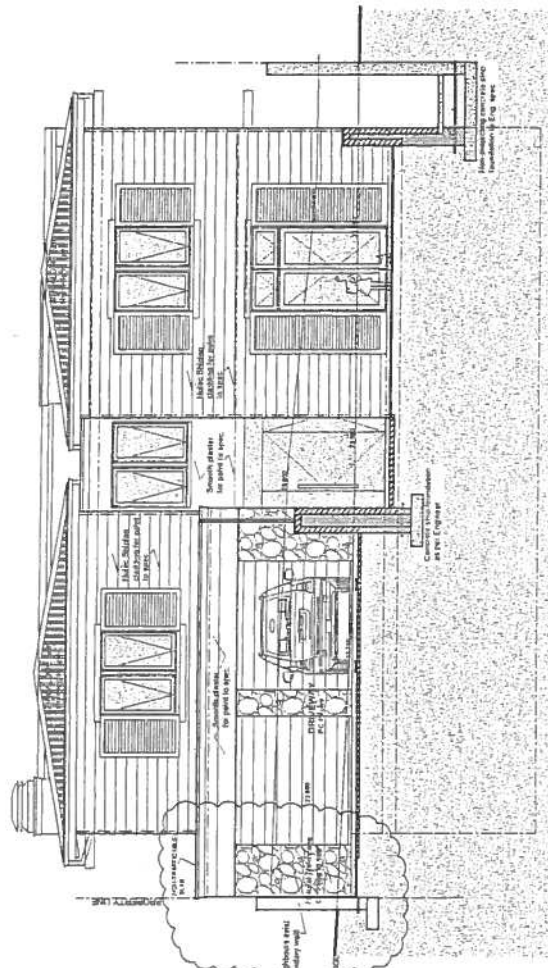
NEW DWELLING
 FOR TENDER

ANDREW BREFF
ARCHITECTS
 20 PARK STREET
 CAPE TOWN
 7925
 TEL: 021 462 1111
 FAX: 021 462 1112
 WWW.ABARCHITECTS.CO.ZA

ANNEXURE A 3/4
 ELEVATIONS
 EAST : NORTH
 SCALE : 1 : 1000
 DATE : 2010/01
 PAPER SIZE : A
DRG. NO. 0.3



EAST ELEVATION SCALE : 1:100



NORTH ELEVATION SCALE : 1:100

ERF 9876

ERF 11460 - HERMANUS	
ERF _____	990,1 m ²
Lower Ground Floor _____	397,2 m ²
Covered Yard & Gas Store_	15,3 m ²
Total LGF Covered _____	<u>412,5 m²</u>
Open Terrace _____	68,7 m ²
Upper Ground Floor _____	408,8 m ²
Covered Entrance,	
Balcony & Stair _____	19,3 m ²
Garage _____	49,3 m ²
Total GF Covered _____	<u>477,4 m²</u>
Open Deck _____	111,9 m ²
First Floor _____	460,6 m ²
Covered Balcony _____	13,3 m ²
Total First Floor Cov.	<u>473,9 m²</u>
<u>TOTAL COVERED AREA</u>	<u>1363,8m²</u>
Coverage _____	483,7m2 (48,9 %)
Bulk _____	1363,8m2 (1,38)
Zoning:	Single Residential

Client _____
 Architect _____

**ANDREW GREEFF
 ARCHITECTS :**

20 PATERSON STREET
 HERMANUS
 7200
 TEL : 028 - 313 1966
 FAX : 028 - 313 1977
 e-mail: acgreeff@netactive.co.za

HOUSE LE ROUX

ERF 11460
 169 11TH STREET
 VOELKLIP
 HERMANUS
 OVERSTRAND

NEW DWELLING

FOR APPROVAL

**PLANS :
 LOWER GROUND
 FLOOR
 SITE / ROOF /
 DRAINAGE**

SCALE : 1 : 100
 DATE : 29 / 07 / 2015

DRG. NO. 1.1



J F LE ROUX
 10 Edmond Rostand Avenue
 Chantecler
 DURBANVILLE 7550
 Ph :+27 (0) 21 976 3900
 Fax : +27 (0) 21 976 5926
 Cell : +27 (0) 82 892 5771
 E-Mail : jan@lerouxgroup.co.za

The Manager & Senior Town Planner
THE TOWN PLANNING DEPARTMENT
 OVERSTRAND MUNICIPALITY
 HERMANUS
 7200

Date : 23 February 2015
 Revision : 08 April 2015
 Ref : Le Roux_DA_02

Messrs Riaan Kuchar & Hanneen van der Stoep

RE : NEW DWELLING, HOUSE LE ROUX, ERF 11460 (PORTION OF ERF 11459), 171 11th STREET, VOELKLIP, HERMANUS, OVERSTRAND

1. Submission for Departure

- 1.1 As the owner I hereby submit this application for the following departure :
 - from the Eastern lateral building line setback of 1,2m (existing approved plan no. 23561 dated 21-08-2014)
 to accommodate a double garage on the property line.
- 1.2 Refer to the below documents, drawings & information pertaining to this application :

2. Documents & Drawings

- 2.1 Attached Documents & Information :
- | | | | | |
|-------|--|--|--|-------------------|
| 2.1.1 | Overstrand Municipality Town Planning Application Form | | | <i>Annexure A</i> |
| 2.1.2 | Title Deed / Deed of Transfer No. T 49939 / 2013 | | | <i>Annexure B</i> |
| 2.1.3 | Surveyor General's Diagram No. 1067 / 2013 | | | <i>Annexure C</i> |
- 2.2 Attached Architect's Drawings for Approval :
- | | | Scale | Sheet Size | |
|-------|-----------------|---------------------------|------------|-----|
| 2.2.1 | Drawing No. 0.1 | Plan : Locality | NTS | |
| | | Plan : Site, Roof | 1 : 200 | A 3 |
| 2.2.2 | Drawing No. 0.2 | Plan : Upper Ground Floor | 1 : 200 | |
| | | Section : F - F | 1 : 100 | A 3 |
| 2.2.3 | Drawing No. 0.3 | Elevation : East | 1 : 100 | |
| | | Elevation : North | 1 : 100 | A 3 |

3. Motivation Report

- 3.1 Physical Characteristics of The Property :
- 3.1.1 For the siting see the locality plan attached.
- 3.1.2 Retaining walls / basement structures exist on the erf.
- 3.2 Existing Planning & Usage in the Area :
- 3.2.1 All the surrounding erven are zoned single residential.
- 3.2.2 No change in land use is proposed.
- 3.3 Character of the Surrounding Area :
- 3.3.1 The surrounding area is characterized by high value double & triple storey residences / dwelling houses.
- 3.4 The Potential of The Property :
- 3.4.1 The improved erf can only be utilized for residential purposes.

4. Departure Required

- 4.1 Building Line
- 4.1.1 Eastern Common / Lateral Boundary :
- a A single storey outbuilding (Double Garage) is proposed on the property boundary, i.e. encroaches over the 1,2m setback line (existing approved plan no. 23561 dated 21-08-2014).
- b Departure for the encroachment of this structure is required.

AR

4. **Departure Required**
- 4.1 **Building Line**
- 4.1.1 **Eastern Common / Lateral Boundary :**
- a A single storey outbuilding (Double Garage) is proposed on the property boundary, i.e. encroaches over the 1,2m setback line (existing approved plan no. 23561 dated 21-08-2014).
 - b Departure for the encroachment of this structure is required.
5. **Prior Liaison With Other Bodies**
- 5.1 **Overstrand Municipality Building Services Department**
- 5.1.1 A meeting with Mr. Gerrit Coetzee, Senior Building Inspector has been held with regard to the above encroachment
- 5.2 **Overstrand Municipality Town Planning Department**
- 5.2.1 Ms. Hanneen van der Stoep confirmed that, given that the adjoining Neighbour has not provided consent (nor any comment), departure for the encroachment is required.
- 5.3 **Conservation Bodies**
- 5.3.1 Not applicable, there is no structure older than sixty years on the erf.
- 5.4 **Consultation with the Adjoining Neighbour (Erf 9876)**
- 5.4.1 Drawings of the encroaching outbuilding were presented & issued to the immediate Neighbour, Mrs. Sarah Hackel & Mr. Marcus Bury (marcus@hackelbury.net) in December 2012. We again mailed the proposal to them on 11 March 2013, to date no reply has been forthcoming.
6. **Motivation**
- 6.1 For approval we rely on the following clauses according to the gazetted Overstrand Zoning Scheme Regulations of 29 November 2013 :
- 6.2 **Proposed Outbuilding / Double Garage Constructed on the Eastern Lateral / Common Boundary**
- 16.1.1 (b) **Encroachment of Building Lines :**
- (i) " No building exceeds a height of one storey "
 - Compliant, the proposed outbuilding encroachment is single storied.
 - (ii) " No wall on the property boundary may be higher than 3,5m above existing ground level "
 - Compliant, a new parapet wall at a height of 3,1m is proposed.
 - (iii) " The length of the structure does not exceed one third of the boundary length or 9,0m, whichever is the lesser "
 - Compliant, the proposed outbuilding is 8,2m in length.
 - (iv) " No doors & windows shall be permitted in any wall closer than 1,0m to the side boundary "
 - Compliant, a setback of 1,0m to the Eastern Double Garage door reveal & 1,2m to Internal Stair 3 door are proposed.
 - (vii) " The outbuilding shall be included in the calculation of coverage on the land unit "
 - Compliant, coverage included.
 - (viii) " The Council is satisfied that the structure does not pose a fire hazard and is constructed of appropriate material to its satisfaction "
 - New 280mm cavity brick walls & a non-trafficable reinforced concrete roof slab are proposed.
 - (ix) " Where the written consent of the immediate Neighbour is obtained the Council need not advertise the application further "
 - Drawings of the encroaching outbuilding were presented & issued to the immediate Neighbour, Mrs. Sarah Hackel & Mr. Marcus Bury (marcus@hackelbury.net) in December 2012. We again mailed the proposal to them on 11 March 2013, to date no reply has been forthcoming.
 - Given the extent of the existing mature trees occurring along the Eastern common boundary, no privacy is compromised, and no additional light taken from the adjoining erf.
- 16.1.2 (a) **Garages Within Building Lines :**
- (i) " The height of such garage from the natural ground level to the top of its roof does not exceed 4,5m "
 - Compliant, a new parapet wall at a height of 3,1m is proposed.
 - (ii) " The garage may not be closer than 5,0m to the road kerb / surface "
 - Compliant, the Double Garage North elevation is proposed at 13,45m from the road kerb.
- 6.3 **Impact on the Neighbouring Erf 9876**
- Trees Along Lateral Boundary / Privacy / Light :**
- Given the extent of the large trees occurring along the Eastern common boundary at the double garage position, no privacy is compromised, and no additional light taken.
7. Do not hesitate to contact the undersigned for clarification or additional information, we await your favourable consideration.

Yours sincerely



Jan Frederik Le Roux

Alida Calitz - Fwd: For the attention of Haneen Van Der Stoep. Town Planning department.

From: Marcus Bury <marcus@hackelbury.net>
To: <hvdstoep@overstrand.gov.za>
Date: 2015/05/07 10:15 AM
Subject: Fwd: For the attention of Haneen Van Der Stoep. Town Planning department.

Dear Hanneen van der Stoep

Thank you for your recent communication

I refer you to an email my wife sent on Thu, Jan 17, 2013 at 5:22 PM,
and a hard copy sent by post.

Please let me know if there is any further action we have to take to object to this planning permission.

Regards

Marcus Bury

----- Forwarded message -----

From: Sascha Hackel <sascha@hackelbury.net>
Date: 6 May 2015 at 15:22
Subject: Fwd: For the attention of Haneen Van Der Stoep. Town Planning department.
To: Marcus Bury <marcus@hackelbury.net>

----- Forwarded message -----

From: Sascha Hackel <sascha@hackelbury.net>
Date: Thu, Jan 17, 2013 at 5:22 PM
Subject: For the attention of Haneen Van Der Stoep. Town Planning department.
To: enquiries@overstrand.co.za

Dear Haneen Van der Stoep,

Jan Frederick Le Roux owns 169 Eleventh Street in Voelklip and has drawn up plans to build on this plot of land. I am not sure of the ERF number as I have seen various numbers - on architectural drawings the ERF is listed as consolidated ERF 2805 and 7068 while the form "Building on Rear and Side Boundaries", which he has given to me to fill in has the ERF listed as 11460.

He would like to build to the boundary with my land ERF 2808 / 171 Eleven Street.

I have seen the plans and I do not give permission for Mr Le Roux to build to the boundary line.

Please let me know if this email is sufficient to register my objection.

Yours sincerely
Sarah Hackel

c/o Mrs EA Bury, POBox 2226, Hermanus, 7200



TP- A Theart
(R Kuchar)
R Van Antwerp

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E-Mail : jan@lerouxgroup.co.za

22 June 2015

Messrs Riaan Kuchar, Haneen van der Stoep & Petrus Roux

**RE : NEW DWELLING, HOUSE LE ROUX, ERF 11460 (PORTION OF ERF 11459),
169 11th STREET, VOËLKLIP, HERMANUS, OVERSTRAND**

Reply to Objection

1. Your letter dated 09-06-2015, reference no. 11460 HVR(2830) refers.
2. I have taken cognizance of Mr. M Bury's & Ms. S Hackel's letter dated 07-05-2015 (forwarded from a mail dated 17-01-2013).
3. Although the letter refers to an objection to my proposal to build a double garage / outbuilding on our common lateral building line, the letter does not state any reasons for the objection & I must assume this is in principal.
4. My erf is only 15,74m wide, this does not allow for much North light & views given a double garage is a minimum of 6,5m & the opposite building setback line is 1,2m. A North elevation of 8,0m is not generous by any means, & should a further 1,2m setback be required, this would result in a facade 6,84m wide which is extremely narrow.
5. Double garages / outbuildings are permitted on the lateral boundary with consent of Council for this very reason, & I am of the opinion that their objection is not reasonable.
6. I hope for your favourable consideration.

Yours sincerely

JF le Roux

FILE NO: EL 11460-HVK
SCAN NO: 01
COLLABORATOR NO: 793712

23 JUN 2015