



OVERSTRAND MUNISIPALITEIT

**ERF 397, JAN VAN RIEBEEKSINGEL 179, SANDBAAI:
AANSOEK OM OPHEFFING VAN 'N BEPERKENDE
TITELAKTEVOORWAARDE EN AFWYKING: BURMEISTER
ARGITEKTE (nms AJ & C THAIN)**

Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die onderstaande aansoeke van toepassing op Erf 397, Sandbaai (die eiendom), naamlik:

Opheffing van Beperkende Titelaktevoorwaardes

Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van beperkende titelaktevoorwaarde A.(2)(d) soos vervat in die titelakte T.19995/2018 om 'n dubbel-motorhuis op die eiendom te akkommodeer.

Afwyking

Aansoek ingevolge Artikel 16(2)(b) van die Verordening om die straatboulyn te verslap vanaf 4m na $\pm 3.370m$ om bogenoemde dubbel-motorhuis te akkommodeer, asook die westelike laterale boulyn te verslap vanaf 2m na $\pm 1.705m$ om die toevoeging van 'n opwaskamer tot die bestaande wooneenheid, te akkommodeer.

Besonderhede aangaande die voorstel lê ter insae gedurende wekedae tussen 08:00 and 16:30 by die Departement: Stadsbeplanning te Patersonstraat 16, Hermanus.

Enige kommentare moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) bereik voor of op **30 September 2022**, met u naam, adres en kontakbesonderhede, belang in die aansoek, en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die Stadsbeplanner, Mnr. H Boshoff by 028-3138900. Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word om hul kommentare te formuleer.

Munisipale Bestuurder, Overstrand Munisipaliteit, Posbus 20, HERMANUS, 7200

Munisipale Kennisgewing Nr. 93/2022



OVERSTRAND MUNICIPALITY

**ERF 397, 179 JAN VAN RIEBEEK CRESCENT, SANDBAAI:
APPLICATION FOR THE REMOVAL OF A RESTRICTIVE
TITLE DEED CONDITION AND DEPARTURE: BURMEISTER
ARCHITECTS (obo AJ & C THAIN)**

Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), of the following applications applicable to Erf 397, Sandbaai (the property), namely:

Removal of Restrictive Title Deed Conditions

Application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed condition A.(2)(d) as contained in the title deed T.19995/2018 to accommodate a double garage on the property

Departure

Application in terms of Section 16(2)(b) of the By-Law to relax the street building line from 4m to $\pm 3.370m$ to accommodate the above double garage, as well as to relax the western lateral building line from 2m to $\pm 1.705m$ to accommodate the addition of a scullery to the existing dwelling unit.

Details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning at 16 Paterson Street, Hermanus.

Any comments must be in writing to reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) on or before **30 September 2022**, quoting your name, address and contact details, interest in the application, and the reasons for comment. Telephonic enquiries can be made to the Town Planner, Mr. H Boshoff at 028-313 8900. The Municipality may refuse to accept comment received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comments.

Municipal Manager, Overstrand Municipality, P.O. Box 20, HERMANUS, 7200

Municipal Notice No. 93/2022



UMASIPALA WASE-OVERSTRAND

**ISIZA 397, 179 JAN VAN RIEBEEK CRESCENT, SANDBAAI:
ISICELO SOKUSUSWA KWESITHINTELO KWITAYITILE
KUNYE NOKUPHAMBUKA: BURMEISTER ARCHITECTS
(EGAMENI AJ & C THAIN)**

Esi saziso sikhutshwa ngokwemiqathango yeSolotyia 47 no 48 loMthethwana kaMasipala waseOverstrand woYilo lokuSetyenziswa koMhlaba wowama-2020 ngokwezicelo esifunyenweyo esichapazela Isiza 397, ESandbaai (ipropathi) ezichazwe ngezantsi:

Ukususwa kwemiqathango yetayitile e Miselweyo

Isicelo ngokwemiqathango yecandelo 16(2)(f) lomthetho kamasipala sokususwa komqathango othintelayo wetayitile A.(2)(d) njengoko kuqulethwe kwitayitile T.19995/2018 ukulungiselela igaraji ephindwe kabini kumhlaba.

Isicelo sokuphambuka

Isicelo ngokwemiqathango ye candelo le-16(2)(b) lomthetho kamasipala sokucuthwa komda wesakhiwo ukusuka kwisi-4m ukuya ku $\pm 3.370m$ ukuze kuvumeleke igaraji eminyango mibini, ngokunjalo nokunyeniswa komda wesakhiwo osecaleni entshona ukusuka kwi 2m ukuya ku $\pm 1.705m$ ukulungiselela ukongeza igumbi lokuhlamba impahla.

Iinkcukacha mayela nesindululo ziyafumaneka ukuze zihlolewe phakathi evekini ngamaxesha omsebenzi ukusuka kwintsimbi ye 08:00 ukuya kweye 16:30 kwiSebe: Izicwangciso Zedolophu kwanombolo 16 Paterson Street, eHermanus.

Naziphi na izimvo mazibhalwe phantsi ukuze zifike kwaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngomhla we okanye ngaphambi komhla we, **30 Septemba 2022**, ukhankanye igama lakho, idilesi, iinkcukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Imibuzo ngefowuni ingabhekiswa kuMphathi kuCwangciso lweDolophu, uMnu. H Boshoff ku-028-313 8900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwaziyo ukufunda okanye ukubhala angaya kwiCandelo leDolophu apho igosa likamasipala liza kumnceda avakalise izimvo zakhe ngokusemethethweni.

Umlawuli kaMasipala, Masipala waseOverstrand, P.O. Box 20, HERMANUS, 7200

Municipal Notice No. 93/2022

TP- N. Theat
(H. Olivier)



Bruce Burmeister Architects
29 Second Avenue | Claremont | 7708 | Cape Town
Tel: 021 5713401 | E-mail: bburmeister@telkomsat.net

FILE NO. <u>EF 397</u> <u>Sandbaai</u> ✓
SCAN NO. <u>HSB 397</u>
COLLABORATOR NO. <u>1695061</u>

Motivation for Removal of Title Conditions to Erf 397, Sandbaai

This application consists of a Removal of Title Condition as well as departures to the building setbacks as per the zoning scheme.

The departure;

- a) To continue the existing line of the house setback on the western boundary at 1.705m in lieu of 2m.
- b) To the construct a double garage at 3.37m in lieu of 4m from the street line.

The Removal of Title Conditions is Clause A(2)(d) in that "no building shall be erected on the above erf or erven within 15 feet of any boundary line between the said erf or erven and any street, road or avenue on which such erf or erven abuts; such space may be used as gardens but shall not be built upon."

In terms of Section 41 of SPLUMA No 16 of 2013, the removal of title conditions must, in absence of written consent, be affected:

- a) In accordance with Section 25 of the Constitution and this Act.
 - b) With due regard to the respective rights of all those affected and to the public interest, and
 - c) In the prescribed manner.
- 1) The financial or other value of the rights will not be affected.

Section 35(5) of LUPA:

The title deed condition was imposed by the Administrator of the Province of the Cape of Good Hope in terms of the Townships Ordinance no 33/1934. Clause A (2)(d) is the condition to be removed.

- 1) Removal of suspension or amendment of a restrictive title condition:
Condition A (2)(d) to be removed only.
- 2) Financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity... There is no financial or other value to the conditions enjoyed by other persons. The restrictive condition restricts the area

in front of the houses to be used for gardens. Buildings within this space will not detract from the area.

- 3) The personal benefits which accrue to the holder of the rights in terms of the restrictive condition:
Both owners do not gain anything personally by retaining the condition; in fact the condition is restrictive for future planning rather than beneficial.
- 4) The personal benefits which will accrue to the person seeking the amendment of the condition if it is removed, suspended or amended:
The owners gain limited personal benefits as the zoning restrictions limit the setback to 4m anyway and the title condition to 4.72, so they only gain 720mm.
- 5) The social benefit of the restrictive condition remaining in place in its existing form:
By restricting any building closer to the street, this condition would be extreme as no-one would build the full length of the restrictive condition extent. Already there are neighbours who have built closer to the street so a precedent has been already set.
- 6) The social benefit of the removal, suspension or amendment of the restrictive condition:
The removal will not result in any rights enjoyed by the Administrator, being removed. The Overstrand Zoning Scheme will enforce future construction within the title deed setback.
- 7) Whether the removal, suspension or amendment of the restrictive condition will completely remove all the rights enjoyed by the beneficiary or any some of these rights:
The removal of the condition will not remove the rights completely as the Overstrand Municipality Zoning Scheme will not provide a level of control that will guide development at front of the property.

The departures that we seek are motivated as follows:

- 1) The scullery off the kitchen will merely align with the existing setback of the house from the boundary – from 1705 to 2m – a mere wall width.
- 2) This departure will not be viewed from the street and will not affect anyone of any neighbour at all.
- 3) The garage to the front boundary. The current house is set far back into the corner of the erf. This leaves no space for a garage other than in the front of the erf accessible from the road.

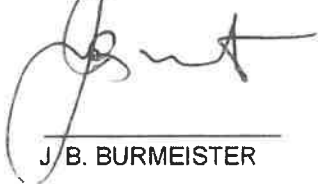
Regarding the garages – currently there are no garages to the house. Further to that, the house is setback into the erf such that the garages can only be placed in front of the house as that is the only space available.

10 JUN 2022

The Clients have placed the garage attached to the house but in such a way as that when viewed from the driveway, the garage does not detract from the house visually. It has been set away from the neighbour to allow windows and doors to the main bedroom. As the plot is an awkward shape, the garage presents different views from the road. These are attached. The view from the driveway gates has the house visible with the garage to the right. The view just further along the road has a solid precast wall with mature trees screening off the entire building, such that even the house cannot be seen. These trees will be kept to screen off the garage and the garage will have windows to add a more residential aesthetic view from that side and avoid a blank wall to the road. The surrounding owners all have garages fronting the road. In this case, the erf is in a crescent with the opposite neighbours having a public open space between so the impact is minimal to any neighbours opposite.

In summary, we believe the current placing is the best suited to the awkward shaped erf and the existing placing of the house.

Yours Faithfully,



J. B. BURMEISTER

Bruce Burmeister Architects . b . arch uct . m . i . a .
email: bruceburmeisterarchitects@gmail.com

10 JUN 2022



Bruce Burmeister Architects

20 Belmont Avenue | Claremont | 7708 | Cape Town
Tel: 021 952 4922 | Email: info@bbarchitects.com



View from the street – note solid wall and trees to be retained.



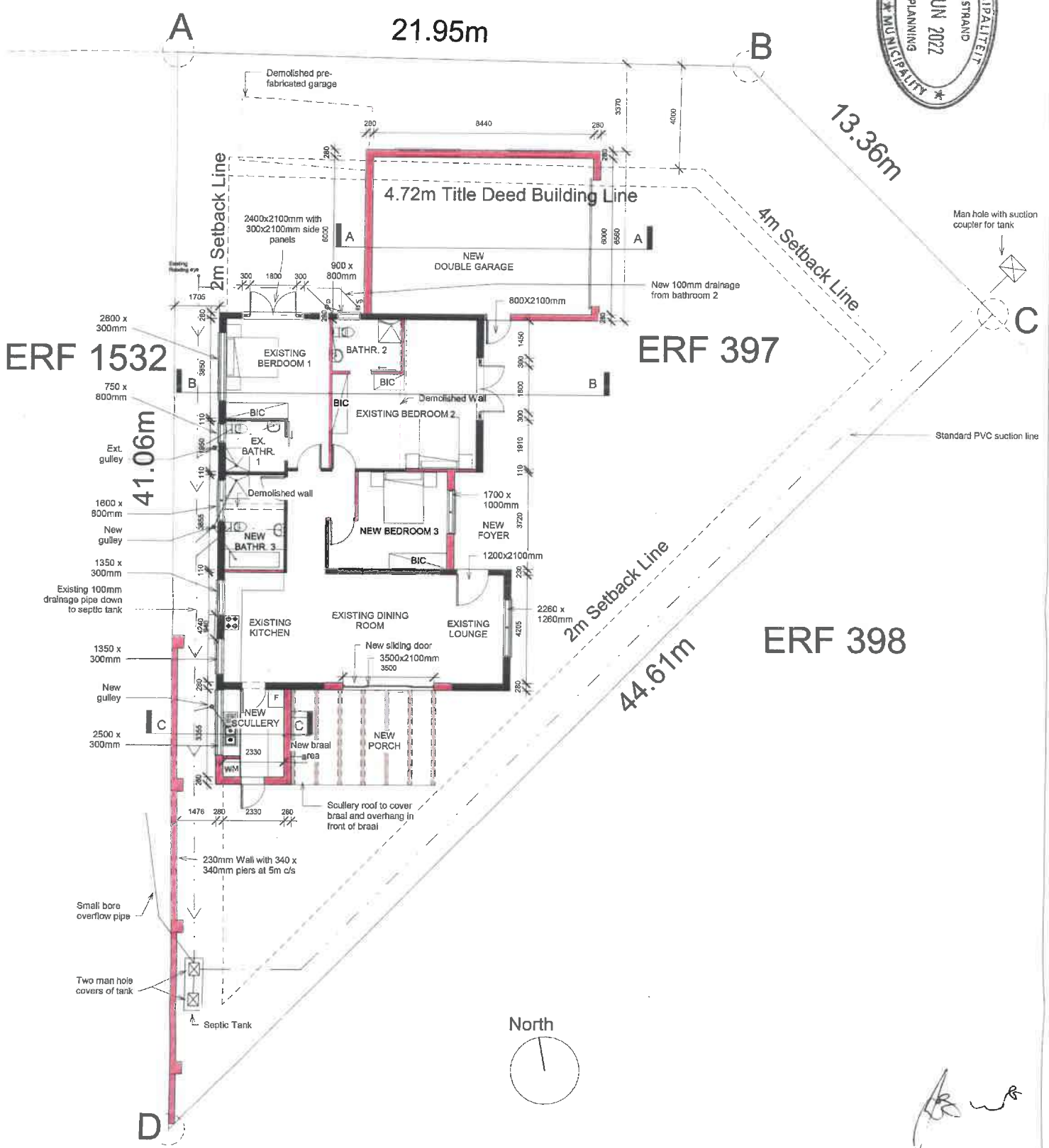
Front view of house taken from driveway – garage line shown on RHS.



10 JUN 2022

Front view showing garage in relation to trees to be kept – garage doors project slightly forward to enable windows and doors to rear main bedroom.

Jan van Riebeeck Crescent



J B Burmeister
 29 Second Avenue Claremont 7708
 Tel 021-6713403 Cell 084 577 6177

NOTES

ALL BUILDING WORKS TO COMPLY WITH THE NATIONAL AND LOCAL BUILDING REGULATION CONTRACTOR IS TO VERIFY WITH THE ARCHITECTS ANY DISCREPANCIES BETWEEN DRAWINGS AND ON SITE CONDITIONS.

FIGURED DIMENSIONS OVERIDE SCALING.

DESIGN AND DETAILS OF THIS BUILDING ARE THE SOLE COPYRIGHT BURMEISTER ARCHITECTS

SHOULD THIS PROJECT NOT BE UNDER THE SUPERVISION OF THE ARCHITECTS (STAGES A AND B APPOINTMENT ONLY), NO WARRANTIES OR RESPONSIBILITIES WILL BE ACCEPTED FOR UNFORESEEN PROBLEMS CAUSED BY ON-SITE CONDITIONS, DETAIL, CONSTRUCTION METHODS, AND FACILITY WORKSMANSHIP.

GENERAL NOTES

ALL CONCRETE SLABS, BEAMS & COLUMNS AS PER ENGINEER'S DRAWINGS & DETAILS

RAFTERS TO BE TIED DOWN WITH 1,200mm GALV HOOP IRON STRAPS EMBEDDED 800mm INTO WALL.

GAZE END WALLS TO BE TIED BACK TO THE ROOF WITH GALV HOOP IRON STRAPS 3,000mm AT 800mm ON EMBEDDED 300mm IN WALL & BENT OVER & FUSED TO 3 RAFTERS.

PRECAST CONCRETE LINTOLS FOR OPENINGS LESS THAN 3m TO HAVE A MIN 4 COURSES BRICK WORK OVER AND BRICK COURSE EVERY COURSE.

TIMBER GRADE TO BE V4.

DWPS MOUNTED FLUSH ON WALLS.

EXTERNAL WALLS PLASTERED AND PAINTED.

GLAZING TO DOORS AND WINDOWS IN EXCESS OF ONE SQUARE METRE OR LESS THAN 300mm ABOVE FL TO BE SAFETY GLAZED.

TRUSSES TO BE WIND BRACED WITH 114x38mm

GPC TO BE A MINIMUM OF 150mm ABOVE NGL.

TRUSSES TO BE DESIGNED BY APPROVED TRUSS MANUFACTURER

ALL SEWER PIPES UNDER BUILDING TO BE ENCASED IN 100mm CONCRETE ALL ROUND AS PER NRS.

ALL GLAZING TO COMPLY WITH SANS 10400 - PART 1

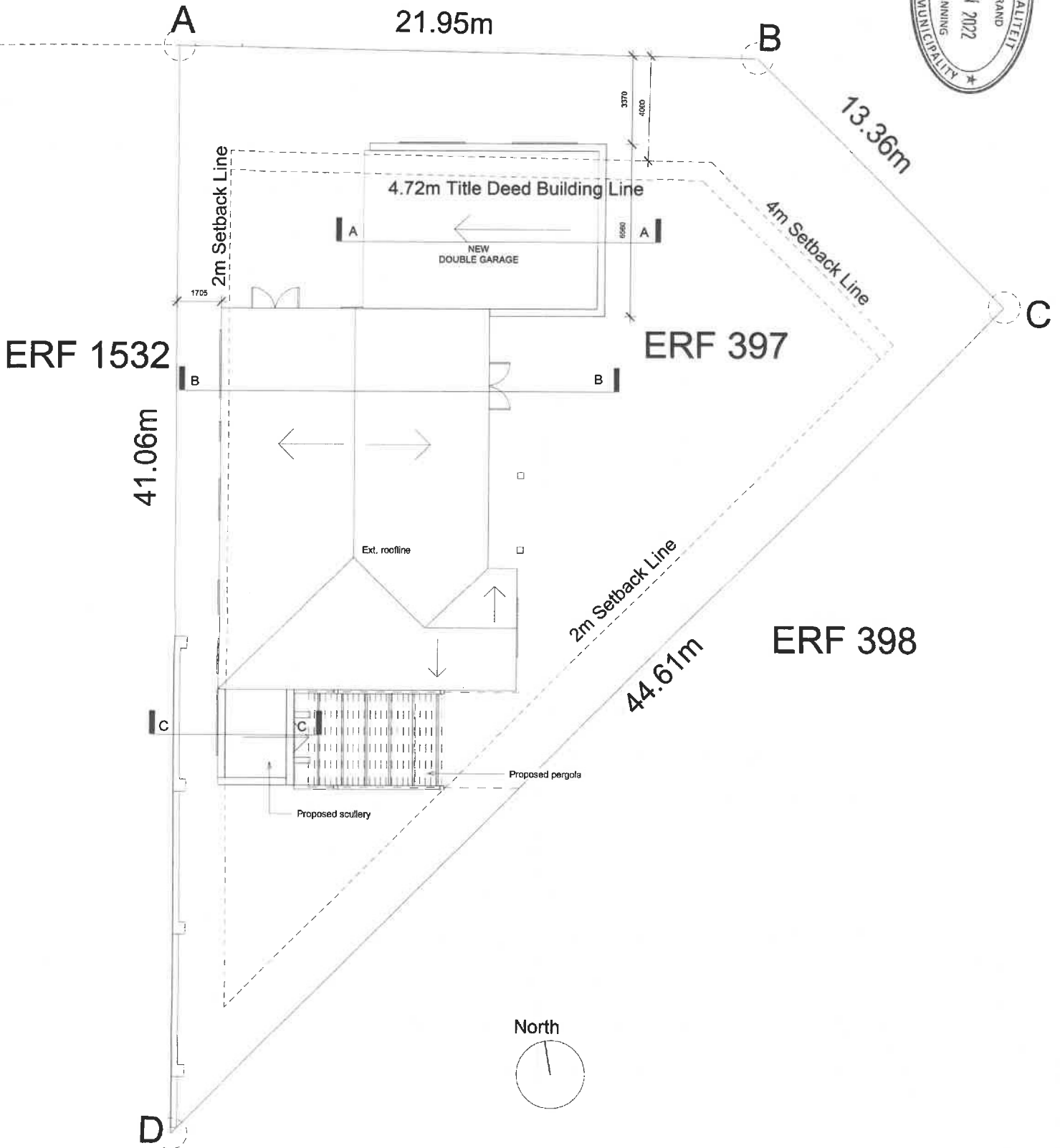
100MM STEEP CHANGE OF LEVEL BETWEEN THE GARAGE AND THE MAIN HOUSE WILL BE PROVIDED.

ALL DRAINAGE WITHIN DRIVEWAYS OR UNDER BUILDINGS TO BE ENCASED IN CONCRETE AS PER NRS-1008M

GLAZING LESS THAN 800MM MUST BE SAFETY GLAZING.

HOUSE THAIN	
HERMANUS	
SA Council Reg no. 3698 SA INST. no. 4770	
Project number	200935
Date	JUNE 2022
Drawn by	PJZ
Drawing Description	FOR COUNCIL
Scale	1:100 @ A1
GROUND STOREY	01

Jan van Riebeeck Crescent



J B Burmeister
 architects
 29 Second Avenue Claremont 7708
 Tel 021-6713403 Cell 084 577 6177

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 RAFTERS TO BE TIED DOWN WITH 1,200mm GALV HOOP IRON STRAPS EMBEDDED 800mm INTO WALL.
 STABLE END WALLS TO BE TIED BACK TO THE ROOF WITH GALV HOOP IRON STRAPS 300mm AT 600mm ON EMBEDDED 300mm IN WALL & BENT OVER & FIXED TO 3 RAFTERS.
 PRECAST CONCRETE LINTOLS FOR OPENINGS LESS THAN 5m TO HAVE A MIN 4 COURSES BRICK WORK OVER AND BRICK-FORCE EVERY COURSE.

TIMBER GRADE TO BE V4
 DWIPS MOUNTED FLUSH ON WALLS.
 EXTERNAL WALLS PLASTERED AND PAINTED.
 GLAZING TO DOORS AND WINDOWS IN EXCESS OF ONE SQUARE METRE OR LESS THAN 900mm ABOVE FL TO BE SAFELY GLAZED.
 TRUSSES TO BE WIND BRACED WITH 114x38mm
 DPC TO BE A MINIMUM OF 150mm ABOVE NGL
 TRUSSES TO BE DESIGNED BY APPROVED TRUSS MANUFACTURER
 ALL SEWER PIPES UNDER BUILDINGS TO BE ENCASED IN 100mm CONCRETE ALL ROUND AS PER NBR
 ALL GLAZING TO COMPLY WITH SANS 10400 - PART N
 100MM STEPY CHANGE OF LEVEL BETWEEN THE GARAGE AND THE MAIN HOUSE WILL BE PROVIDED.
 ALL DRAINAGE WITHIN DRIVEWAYS OR UNDER BUILDINGS TO BE ENCASED IN CONCRETE AS PER NBR-100664
 GLAZING LESS THAN 500mm MUST BE SAFETY GLAZING

HOUSE THAIN	
HERMANUS	
SA Council Reg no. 3698 SA INST. no. 4770	
Printed number	200993
Date	JUNE 2022
Drawn by	JVZ, LB
Drawing Description	FOR COUNCIL
Scale	1 : 100
ROOF PLAN	04