



OVERSTRAND MUNISIPALITEIT
ERF 20, MARAISSTRAAT 83, FRANSKRAAL :
AANSOEK OM OPHEFFING VAN BEPERKENDE
TITELAKTEVOORWAARDES, AFWYKING EN
BEPALING VAN 'N ADMINISTRATIEWE BOETE :
ME PLANNERS NAMENS ME LAUBSCHER

Kragtens Artikels 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die volgende aansoeke wat ontvang is van toepassing op bogenoemde erf, naamlik:

Opheffing Van Beperkende Titelaktevoorwaardes

Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van beperkende titelaktevoorwaardes: C.20(c) en (d) soos vervat in Titelakte T66749/92 ten einde die bestaande woning en voorgestelde veranderinge te akkommodeer.

Afwyking

Aansoek om afwyking ingevolge Artikel 16(2)(b) van die Verordening vir die volgende:

- verslapping van die straatboulyn vanaf 4m na 3.739m ten einde 'n voorgestelde motorhuis te akkommodeer;
- verslapping van die oostelike lateraleboulyn (eerste vloer) vanaf 2m na 1.603m en 1.523m ten einde 'n bestaande waskamer te akkommodeer;
- verslapping van die oostelike lateraleboulyn vanaf 2m na 1.62m en 0m ten einde 'n voorgestelde braaikamer op eerste vloer en motorhuis op grondvloer te akkommodeer;
- verslapping van die westelike lateraleboulyn vanaf 2m na 1.523m, 2m na 1.598m en 2m na 0m om die bestaande kombuis en sitkamer te akkommodeer;
- oorskreiding van die maksimum toelaatbare dekking van 50% na 56,45%.

Bepaling van 'n administratiewe boete

Aansoek om bepaling van 'n administratiewe boete In terme van Artikel 16(2)(q) van die Verordening.

Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 en 16:30 by die Departement Stadsbeplanning te Patersonstraat 16, Hermanus en by die Gansbaai Biblioteek, Hoofweg, Gansbaai. Enige kommentare moet skriftelik ingedien word ingevolge die bepalings van Artikels 51 en 52 van die Verordening en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za / (e) alida@overstrand.gov.za op **21 Januarie 2022**, met u naam, adres en kontak besonderhede, belang in die aansoek en redes vir kommentaar. Telefoniese navrae kan gerig word aan die Senior Stadsbeplanner, Mnr SW Van der Merwe 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 ten einde hul kommentaar te formuleer.

Munisipale Bestuurder, Overstrand Munisipaliteit, Posbus 20, HERMANUS, 7200
Munisipale Kennisgewing Nr. 163/2021

OVERSTRAND MUNICIPALITY
ERF 20, 83 MARAIS STREET, FRANSKRAAL :
APPLICATION FOR REMOVAL OF RESTRICTIVE
TITLE DEED CONDITIONS, DEPARTURE AND
DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ME PLANNERS ON BEHALF OF ME
LAUBSCHER

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) that the following applications have been received applicable to the above-mentioned property, namely:

Removal of Restrictive Title Deed Conditions

Application in terms of Section 16(2)(f) of the By-Law of the removal of restrictive title deed conditions: C.20(c) and (d) as contained in Title Deed No. T66749/92 in order to accommodate the existing dwelling and the proposed additions.

Departures

Application for departure in terms of Section 16(2)(b) of the By-Law for the following:

- relaxation of the street building line from 4m to 3.739m to accommodate a proposed garage;
- relaxation of the eastern lateral building line (First floor) from 2m to 1.603m and 1.523m to accommodate an existing washroom;
- relaxation of the eastern lateral building line from 2m to 1.62m and 0m to accommodate a proposed braai room at first floor level and garage on the ground floor;
- relaxation of the western lateral building line from 2m to 1.523m, 2m to 1.598m and 2m to 0m to accommodate the existing kitchen and lounge;
- encroachment of the maximum permissible site coverage from 50% to 56.45%.

Determination of an administrative penalty

Application for determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law.

Details regarding the proposal is available for inspection during weekdays between 08:00 and 16:30 at the Department Town Planning at 16 Paterson Street, Hermanus and at the Gansbaai Library, Main Road, Gansbaai. Any written comments must be submitted in accordance with the provisions of Sections 51 and 52 of the said By-law and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za on or before **21 January 2022**, quoting your name, address and contact details, interest in the application and reasons for comment. Telephonic enquiries can be made to the Senior Town Planner, Mr SW van der Merwe 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 comment.

Municipal Manager, Overstrand Municipality, P.O. Box 20, HERMANUS, 7200
Municipal Notice No. 163/2021

UMASIPALA WASE-OVERSTRAND
ISIZA 20, 83 MARAIS STREET, FRANSKRAAL :
ISICELO SOKUSHENISWA KWEEMOKO
EZIYIMIQOBO KWITAYITILE YOBUNINI,
UKWAHLULA NENGKIKELELO YEMALI
YOMDLIWO/IPENALTHI YOBHALISO: ME
PLANNERS EGAMENI LIKA ME LAUBSCHER

Kukhutshwe isaziso esimayela emiba yeSoloty lama47 nelama48 loMthethwana kaMasipala waseOverstrand Ngezihlomelo zoMthethwana OngeziCwangciso zokuSetyenziswa koMhlaba ku2020 isaziso eso sithi, kufunyenwe isaziso esilolu hlobo nesisebenza kwisiza esichazwe ngasentlanesaziwa ngolu hlobo:

Ukushenxiswa kweemeko Eziyimiqobo Kwitayitile Yobunini

Iisicelo esimayela nemiba yeSoloty le16(2)(f) loMthethwana ongokushenxiswa kweemeko eziyimiqobo kwitayitile yobunini C. 20 (c) kunye no (d) njengoko iqulethwe kwiTitayitile Yobunini eyaziwa ngeTitle Deed T66749/92 ukuze kulungiselelwe indawo yokuhlala ekhoyo kunye nezongezelelo ezicetywayo.

Izindululo

Iisicelo esingokwahlula ngokwemiba yeSoloty le16(2)(b) loMthethwana ngolu hlobo lulandelayo:

- Ukucuthwa komda wesakhiwo sesitalo ukusuka kwisi-4m ukuya kwi-3.739m ukulungiselela igaraji ecetywayo;
- Ukucuthwa komda wesakhiwo osecaleni ongasempuma (umgangatho wokuqala) ukusuka kwisi-2m ukuya kwi-1.603m kunye ne-1.523m ukuze kuhlaliswe igumbi lokuhlamba esele likhona;
- Ukucuthwa komda wesakhiwo osecaleni ongasempuma ukusuka kwisi-2m ukuya kwi-1.62m kunye no-0m ukulungiselela igumbi lokubraya inyama elicetywayo kumgangatho ophantsi;
- Ukucuthwa komda wesakhiwo osecaleni osentshona ukusuka kwisi-2m ukuya kwi-1.523m, 2m ukuya kwi-1.598m kunye ne-2m ukuya ku-0m ukulungiselela ikhithi esele likho kunye negumbi lokuphumla;
- Ungenelelo lobona bukhulu buvumelekileyo bufikelela kwisiza ukusuka kuma-50% ukuya kuma-56.45%.

Inqikelelo yeMali yomdliwo/Ipenthalhi wobhaliso

Inqikelelo yemali yomdliwo okanye ipenthalhi yobhaliso ngokweSoloty le16(2)(q) loMthethwana kaMasipala.

linkcukacha ezipheleleyo mayela nesi siphakamiso ziyafumaneka ukuze zihlolwe kwintsuku zaphakathi evekini phakathi kwentsimbi ye08:00 neye16:30 kwiSebe: Izicwangciso zeDolophu, kwanombolo 16 ePaterson Street, Hermanus, nasseGansbaai Library, Main Road, Gansbaai. Naziphi na izimvo ezibhaliweyo zingangeniswa ngokwezibonelelo zeSoloty lama51 nelama52 zoMthethwana osowuchaziwe ngentla zifike kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / alida@overstrand.gov.za) ngomhla okanye ngaphambi komhla wama **21 UJanuwari 2022**, uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokuhlomla kwakho. Imibuzo ngefowuni ingathunyelwa kuMcwangciso zeDolophu, Mnu SW van der Merwe kwa-028-313 8900. Merwe izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angandwendwela kwiSebe LeziCwangciso zeDolophu apho igosa likaMasipala liza kumnceda ukufaka izimvo zakhe ngokusemthethweni.

Umlawuli kaMasipala, Overstrand Municipality, P.O. Box 20, HERMANUS, 7200
Inothisi kaMasipala enguNomb. 163/2021

MEMORANDUM

**APPLICATION FOR THE REMOVAL OF RESTRICTIVE CONDITIONS AND
SUBSEQUENT APPLICATION FOR DEPARTURES FOR ERF 20 FRANSKRAAL: 83
MARAIS STREET: FRANSKRAAL: OVERSTRAND MUNICIPALITY: DIVISION
CALEDON: PROVINCE OF WESTERN CAPE**

MOTIVATIONAL REPORT

1. INTRODUCTION:

This introduction serves as a short summary of the application before the necessary proposals and motivations are presented.

- 1.1 Applicant: ME Planners Town and Regional Planner
P.O.Box 552
Hermanus
7200
- 1.2 Power of Attorney: Special Power of Attorney has been rendered to ME Planners Town and Regional Planner to lodge this Application for Removal of restrictions in terms of Section 16(2) (f) and Departures in terms of Section 16(2) (b) read with Section 20(1) (a) of the Overstrand Municipality By-law on Municipal Land Use Planning.
- 1.3 Property: Erf 20 Franskraal (hereafter referred to as “the site of application” or “the property”)
- 1.4 Street address: 83 Marais Street, Franskraal.
- 1.5 Locality: Erf 20 Franskraal situated on the northern side of Marais street, abutting Erf 23 on the eastern side, Erf 21 on the northern side and Erf 19 on the western side. Erven 22 and 18 are situated on the north-eastern and north-western corners, respectively, of the property.

2. OVERVIEW OF APPLICATIONS

- 2.1.1 **Application for the Removal of Restrictive Title Deed Conditions** (refer to Section C of the application form) in terms of Section 16(2) (f) of the Overstrand Municipality By-Law on Municipal Land Use Planning (forth worth called ‘the By-law’).*

A copy of the Title Deed is attached to the application.



The Removals being applied for are C 20 (c) and (d):

- “(c) op nie meer as helfte van die oppervlakte daarvan mag gebou word nie;*
- (d) geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag nader as 4,72 meter van die straatlyn wat ‘n grens van hierdie erf vorm, opgerig word nie, ook nie binne 3,15 meter van die agtergrens of 1,57 meter van die sygrens van ‘n aangrensende erf nie, met dien verstande dat ‘n buitegebou met die toestemming van die Plaaslike owerheid op die voorgeskrewe ruimte langs die agtergrens opgerig mag word mits sodanige buitegebou nie ‘n hoogte van 3,05 meter te bowe gaan nie, watter hoogte gemeet moet word van die vloer tot die ankerplaat en mits geen gedeelte daarvan vir bewoningsdoeleindes deur mense aangewend word nie.”*

2.1.2 The reason for these removals are that in the case of C 20 (c) the existing coverage is already 56, 45% and will remain as such as the existing building will not be expanded and in the case of C 20 (d) the Municipality has proclaimed new building lines and building regulations which will not be transgressed as a result of the application.

2.1.3 As far as Regulation 35 of the Overstrand Municipality By-Law on Municipal Land Use Planning is concerned, it can be stated that no financial gain will accrue to the applicant and the only personal benefit will be that all existing construction work of the past will be legalised. No other rights enjoyed by the applicant will be removed.

2.2 **Application for Departures** in terms of Section 16(2) (b), read with Section 20(1) (a) of the By-Law (departures as set out below).

(Refer to the layout plans attached to the application.)

2.2.1 **Building Line Departures** being applied for are:

Structures erected and to be erected over the applicable 4m and 2m zoning scheme building line prescriptions on the northern, eastern, southern and western boundaries of the erf.

On the eastern side of the first floor the existing washing room on the northern side, exceeds the prescribed 2m building line by 0,477m and the proposed new garage on the south-eastern side of the ground floor will exceed the prescribed 2m building line by 2m.

On the south-western side of the ground floor the existing kitchen/sitting room exceeds the prescribed 2m building line by 0,467m on the northern side and by 0,402m on the southern side whilst the steps exceed the building line by 2,00m.



On the south-eastern side of the first floor the proposed new braai room will exceed the eastern building line by 0,038m and the proposed new garage to re-place the existing carport on south-eastern side of the ground floor will exceed the 4.00m street building line by 0,261m.

In summary, the building line encroachments can be summarized as follows:

	FROM:	TO:
Street (Southern side):	4,00m	3,739m
Side: (Eastern side):		
First floor: North	2,00m	1,523m
Ground Floor		603
First floor: South	2,00m	0,00m
First Floor	2,00m	1,062m
Side: (Western side):	2,00m	1,523m
	2,00m	1,598m
	2,00m	0,00m

2.2.2 A **Departure from the Coverage** of the erf has to be addressed as well. As stated in paragraph 2.1.2 above the existing coverage is 56,45% instead of a maximum of 50%, which will remain as is and therefore a departure is necessary for the existing excess of 6,45%.

The reason for this application is that the existing building will not be expanded and the existing excess has never been in contention in any way.

3. GENERAL INFORMATION

3.1 Title Deed and Property Description

In terms of its Title Deed, No. T 66749/92, the property is described as:

“Erf 20 Franskraalstrand, in die Gebied van die Plaaslike Raad van FRANSKRAAL

Administratiewe Distrik van Caledon

GROOT: 595 (Vyfhonderd vyf en negentig) Vierkante Meter

Aanvanklik oorgedra kragtens Transportakte T9622/1952 met kaart Nr. 1742/51 daaraan geheg en gehou kragtens Transportakte T37871/1980”

The property is registered in the name of:



“MINNIE ELIZABETH LAUBSCHER
Identiteitsnommer 520419 0089 089
Getroud buite Gemeenskap van Goed
Haar erfgename, Eksekuteurs, Administrateurs of Gemagtigdes.”

3.2 Bond/s

The property is encumbered by two bonds. The bondholder is ABSA BANK and the bondholder's consent has been obtained.

i) B 000046749/2000 dated 2000-08-31 in the amount of R150 000, 00 and

ii) B 000003670/2007 dated 19 Jan 2007 in the amount of R1 550 000, 00

3.3 Current Zoning Status

Erf 20 Franskraal, (83 Marais Street) is zoned as Residential Zone 1: Single Residential (SR1); thus for residential purposes only.

3.4 Existing Development on the Property

The property is currently developed with a partly two-storeyed Residential Dwelling house, surrounded by walls on the eastern, northern and western sides which have been erected partly, in some places, and completely in other places, on the surrounding erven, for which approval have been obtained from the various owners. A new garage is planned to replace the existing carport in the front of the house plus various other changes to the existing house, as shown on the included plans.

- See “Annexure A”: The consent of the owners of the adjoining erven - proof of ownership by means of a deed search is also attached.
- See “Annexure B”: Plans with the cadastral information.

4. BACKGROUND

4.1 The property was developed, as is, with the complete building at its current location on the property, resulting in this application as the applicant wishes to bring about the new proposed developments.

(Refer to the already submitted site plans(Ground Floor and First Floor)

4.2 It is the sole intention of the landowner to legalize the infringement of the building lines as described in paragraphs 2.1 and 2.2 above, and subsequently to submit proposed and “as built” building plans of all structures to the Municipality for approval.



5. MOTIVATION

5.1 Need and Desirability

Planning centres on the following four considerations that should be taken into account:

- The existing as well as the future character of the area;
- Traffic generation and access;
- The impact on services; as well as
- The standards and conditions that apply to such an application.

5.1.1 Character of Area:

The area, in which the site is located, is characterized by predominantly single residential uses and public open spaces.

It can thus be stated that the planned future character of the area will not be adversely affected should this application be approved.

5.1.2 Impact of the Title – and Scheme Building Line Restrictions:

The desirability for the removal of the title deed building line restrictions is evident from the fact that, for the sake of orderly planning and development in and of the municipal area, the Municipality has proclaimed various building line restrictions for the various zones allocated to all properties within the municipal area.

a) Title Building Lines:

- i. The only reason for the removal of the title deed restriction of 1,57m from the lateral building line is to accommodate the proposed double garage which is replacing a previous carport converted into the double garage. In the case of this application the departure is a building line encroachment from 1,57m to 0,00m. This removal is done in order to have enough space to be able to fit in the new garage in the front.
- ii. The Title Deed Restriction of 3,15m for the rear building line is encroached by 0,491m.
- iii. The street building line in terms of the Title Deed is 4,72m. The building is situated at 3,739m. This leads to an encroachment of 0,981m. This encroachment allows enough space to accommodate and legalise the existing garage.
- iv. The desirability for the removal of the title deed building lines is therefore clear and evident. The impact of these encroachments will be discussed in more detail in paragraph 5.2.2



b) Scheme Building Lines:

- i. Planning could, as a matter of fact, not take the various title deed conditions of each of the various erven into consideration, but the necessity and desirability for a way in which conformity could be ensured was seen. This was done by ensuring that owners of erven could apply for the removal of title deed conditions that were not in conformity with the Zoning Scheme Regulations of the Overstrand Municipality.
- ii. The scheme building line encroachments as already set out in Paragraph 2.2 for the purpose of motivation, are repeated here, namely:

Street (Southern side):	From 4,00m	To 3,739m	Encroachment: 0,261m
Side: (Eastern side):			
First floor: North	From 2,00m	To 1,523m	Encroachment: 0,477m
First floor: South	From 2,00m	To 0,000m	Encroachment: 2,000m
	From 2,00m	To 1,962m	Encroachment: 0,038m
Side: (Western side):	From 2,00m	To 1,523m	Encroachment: 0,477m
	From 2,00m	To 1,598m	Encroachment: 0,402m
	From 2,00m	To 0,000m	Encroachment: 2,000

5.1.3 Impact of the departuresPrimary Dwelling Unit:

- a) The property is situated at 83 Marais Street in Franskraal. The location of the dwelling can be considered a historic situation. The registered owner (s) of the erf took transfer of the erf in 1992. It appears that the carport was approved in 1972 and the porch on the first floor in 2001. The owners then converted the previously used carport to form part of the current double garage.
- b) Ample space is available between the present buildings on the erf and any future buildings on the sides of the common boundaries with any of the adjoining residential erven to ensure that no views in various directions are spoilt. Hence the opinion is formed that the encroachments have in the past and will in future have no mentionable impact on adjoining or surrounding property owners. Further, no complaints by adjacent or surrounding landowners had been received in this regard in the past. (It is believed that the surrounding landowners had not even been aware of the existing encroachments, due to the fact that the locality of the building(s) is historic in nature.)
- c) It is important to mention that the steps on erf 20 exceed on the adjacent erf 19. The cadastral plan attached to the application clearly shows this.



- See 'Annexure A'

The photo below shows where this exceedance is on Erf 20.



Also, taking any possible "darkening" of surrounding properties into consideration, the same points of motivation as above are seen as noteworthy and relevant.

Double Garage:

The street building line of the proposed double garage will be less than the prescribed street building line of 4,00m. In terms of Section 16.1.2, it can be motivated as follows:

- The fall of the erf from the northern side to southern side is about 4,50m. On the north side the contour is 18,00m and 13,50m on the south side. This puts the design in a difficult situation and therefore the proposed garage is placed in the best place on the erf.
 - Refer to the attached Contour Map as 'Annexure A'
- Due to the fact that the garage has to be fitted in between the existing buildings on the erf and the street, the garage will be distanced at 3,739m from the



boundary and 6,5m from the kerbing. Section 16.1.2 of the new Land Use Scheme 2020, requires this distance to be at least 5,0m. The front elevation of the garage may not be closer than 5,0m to the road surface. The application therefore complies with the Overstrand Municipality Land Use Scheme, 2020.

- c) The site boundary is \pm 18.89m wide, and an attempt has been made with the design, to provide more living space.
- d) Both for the 'primary dwelling unit' as well as the 'garage' the height restrictions are complied with. The designs show that the buildings are within the prescribed height restrictions of 8m as required by the Overstrand Municipal Scheme.
 - ***Refer to the site elevations already submitted.***

Finally: The registered owners of all the adjoining erven (confirmed by means of an official deed search), viz. erven 19, 21 and 23 Franskraal, studied the site plan and acquainted them with the situation on Erf 20. All the registered owners gave written permission for the proposed changes to take place and also signed the site plan.

- ***These approvals are attached hereto, attached as 'Annexure B'***

The foregoing necessitates departures in terms of the zoning scheme restrictions.

5.1.4 Traffic:

The approval of the application will not affect the traffic flow patterns in the area.

5.1.5 Services:

All services are available and will not be affected adversely through the approval of this application.

5.1.6 Standards and Conditions:

The prescribed standards and conditions for the existing zoning of the erf will not be adversely affected through the approval of this application.

5.1.7 Conclusion:

The need in this instance centers mainly on the fact that all "as built" structures on the erf had been there when the present owner bought the property.

He now wishes to expand the sleeping accommodation of the house, particularly on the first floor, which will affect the coverage.

To this end he wants to effect various changes to the first floor of the house and add a TV-room to the ground floor plus the new garage at the front of the property to replace the existing carport. (Refer back to Paragraph 2.1.2)



The reason why the relaxation of the 2m lateral building line on the eastern side is required is to legalise the existing transgression and add the new garage.

This application is submitted to obtain the necessary approval for exceeding the zoning scheme limits in order to have the required building plans to be approved.

5.2 Desirability

In the light of what has been mentioned as far as the need is concerned for this application, the desirability needs no further motivation, but the following is relevant and of interest.

- 5.2.1 As far as Section 35(4)(a) – (f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 is concerned, it can be stated that the only value for the applicant, as far as the application is concerned, is that it will give him the chance to have more living space. No other benefits, personal or social, will accrue to the applicant.

No financial or other values will be added by the removal.

The desirability for the removal of the title deed building lines is therefore clear and evident.

- 5.2.2 In view of the above the existing position of the dwelling unit is not regarded as being undesirable and will not have any detrimental impact on the rights of surrounding property owners nor the existing built environment in future.

It is the considered opinion that the building line encroachments are of no consequence to the owners of any of the properties next door.

- 5.2.3 According to the present owner, he is not aware of any complaints by surrounding landowners relating to the position of the structures. They have even given their approval of the proposed developments, as already mentioned.

5.3 Forward Planning Documents

Not applicable since no change in land use of the property is being applied for.

5.4 Services Infrastructure and Municipal Engineering Services

Not applicable, since the property has for years already been fully serviced, and no upgrading is necessary.

5.5 Other Legislation

As this is not an application for development, no reason was found to refer to the proposals for development in the Provincial Spatial Development Framework 2014



(PSDF), the Overstrand Spatial Development Framework 2006 (SDF 2006), and the Overstrand Municipality: Growth Management Strategy and/or SPLUMA.

6. ADMINISTRATIVE PENALTY

Application for Administrative Penalty in terms of Section 16(2) (q) of the Overstrand Municipality read together with Section 90 of the Bylaw Municipal Land Use Planning (November 2020).

It is stated in Section 90 (1) of the said Bylaw that the applicant may rectify any contravention on a property by applying to the Municipality to pay an Administrative Penalty. In this case, no formal application is made for the payment of such an administrative penalty.

6.1 The reasons are dealt with by discussing them in accordance with Section 90 (3) of the same Bylaw.

- a) Section 90 (3) (a) refers to the nature, duration, gravity and extent of the contravention. In order to address this, it is important to motivate that the owner does not violate any regulation.
 - i. The nature of the development on the erf does not impose on the privacy of any of the surrounding owners and has no negative effect on the surrounding built environment.
 - ii. The previous building plans were approved in the seventies and the owner took ownership of the property in 1992. The registered owner bought the property with the existing buildings as is, except for the conversion of the carport to form part of the double garage.
- b) Section 90 (3) (b): The application and the submission of the 'as built' plans, proves that the owner is not deliberately involved in any contravention.
- c) Section 90 (3) (c): The legends on the submitted plans (ground floor and first floor) indicate that nothing is being added to the existing buildings. Brickwork is only done structurally.
- d) Section 90 (3) (d): There is no sign of any unlawful conduct. The use of the erf is only for residential purposes and in line with the zoning of the erf.
- e) Section 90 (3) (e): The registered owner has never contravened this By-Law or any previous planning law.



7. CONCLUSION

7.1 Finally, it is important that the application for the Removal of Restrictive Conditions be measured against the implications of this removal.

As far as Section 35(4) (a) – (d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 is concerned, the following can be stated:

- (a) The only value for the applicant, as far as the application is concerned, is that it will give him the chance to have more living space inside the existing buildings. No other benefits, financial, personal or social, will accrue to the applicant.
- (b) See (a) above.
- (c) See (a) above.
- (d) There will be no social benefit of the restrictive condition remaining in place in its existing form.
- (e) The only social benefit of the removal will be to provide more in-door living space.
- (f) The removal, suspension or amendment of the restrictive condition will remove no rights enjoyed by the beneficiary.
- (g) No financial or other values will be added by the removal.
- (h) The desirability for the removal of the title deed building lines is therefore clear and evident.

7.2 From the contents of this report it is apparent that the existing and proposed building line encroachments of the structures on the Erf 20Franskraal, will have no negative impacts in general, and it is thus requested that the Municipality favour the applications as set out in paragraph 2 of this motivation.

END OF MOTIVATION

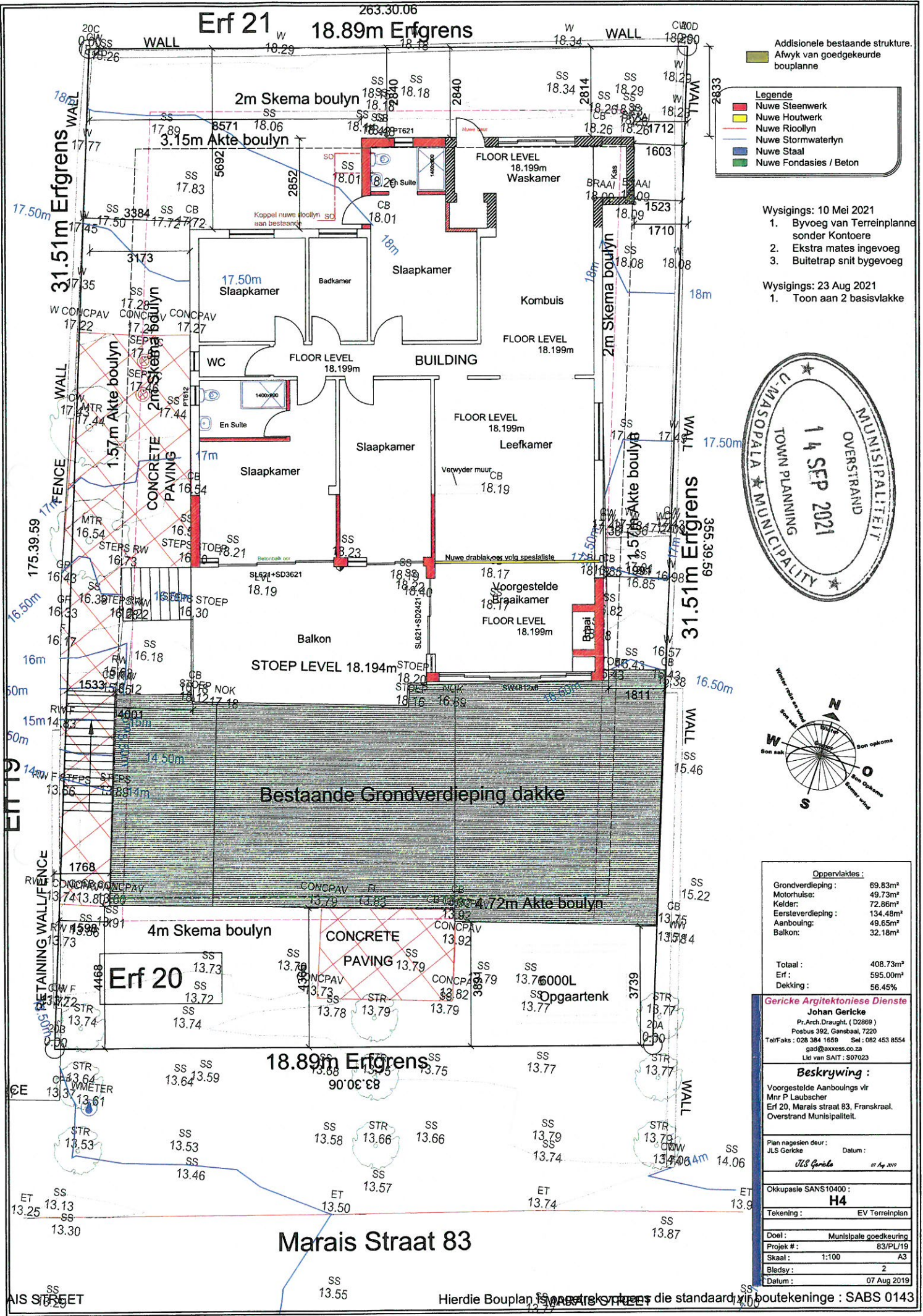
13 September 2021



"ANNEXURE C"



Erf 21 18.89m Erfgrens

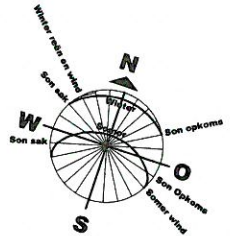


Addisionele bestaande strukture.
Afwyk van goedgekeurde bouplanne

Legende

- Nuwe Steenwerk
- Nuwe Houtwerk
- Nuwe Rioollyn
- Nuwe Stormwaterlyn
- Nuwe Staal
- Nuwe Fondasies / Beton

- Wysigings: 10 Mei 2021
- Byvoeg van Terreinplanne sonder Kontoere
 - Ekstra mates ingevoeg
 - Buitetrap snit bygevoeg
- Wysigings: 23 Aug 2021
- Toon aan 2 basisvlakke



Oppervlaktes:

Grondverdieping:	69.83m ²
Motorhuise:	49.73m ²
Kelder:	72.86m ²
Eerste verdieping:	134.48m ²
Aanbouing:	49.65m ²
Balkon:	32.18m ²
Totaal:	408.73m²
Erf:	595.00m ²
Dekking:	56.45%

Gericke Argitektoniese Dienste
Johan Gericke
 Pr.Arch.Draught. (D2869)
 Postbus 392, Gambabai, 7220
 Tel/Faks: 028 384 1659 Sal: 082 453 8554
 gaj@axxess.co.za
 Lid van SAIT: S07023

Beskrywing:
 Voorgestelde Aanbouings vir
 Mnr P Laubscher
 Erf 20, Marais straat 83, Franskraal,
 Overstrand Munisipaliteit.

Plan nagesien deur: *JLS Gericke* Datum: 07 Aug 2019

Okkupasie SANS10400:
H4

Tekening: EV Terreinplan

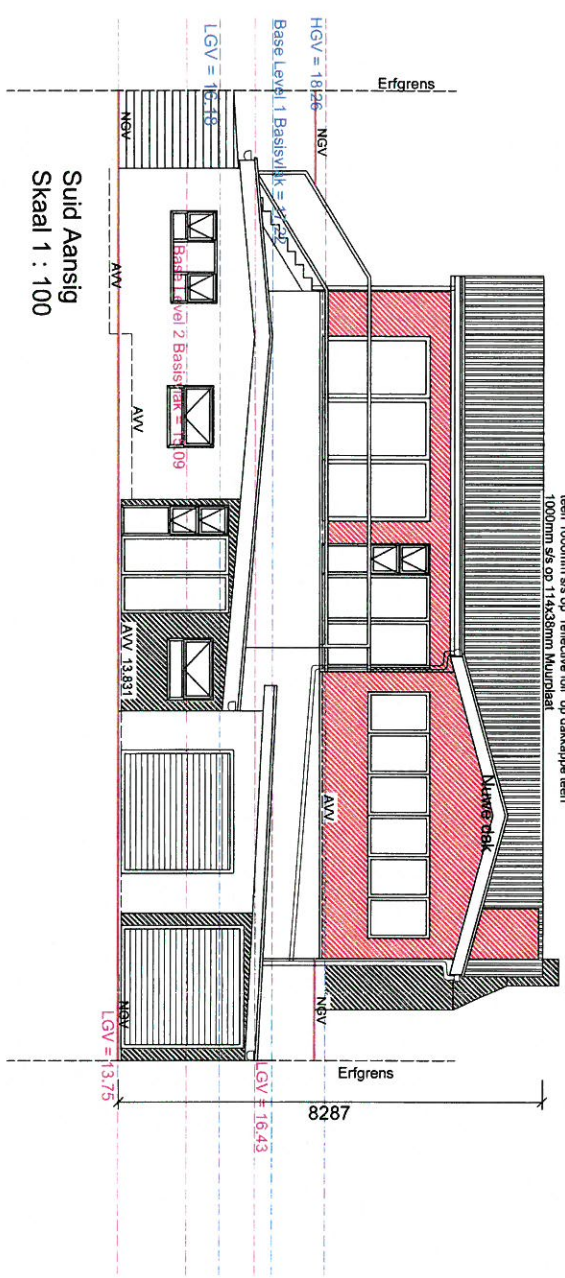
Doel: Munisipale goedkeuring
 Projek #: 83/PL/19
 Skaal: 1:100 A3
 Bladsy: 2
 Datum: 07 Aug 2019

Marais Straat 83

Base level 1 - 8m Hoogtebeperking = 25.22

Base Level 2 - 8m Hoogtebeperking = 23.09

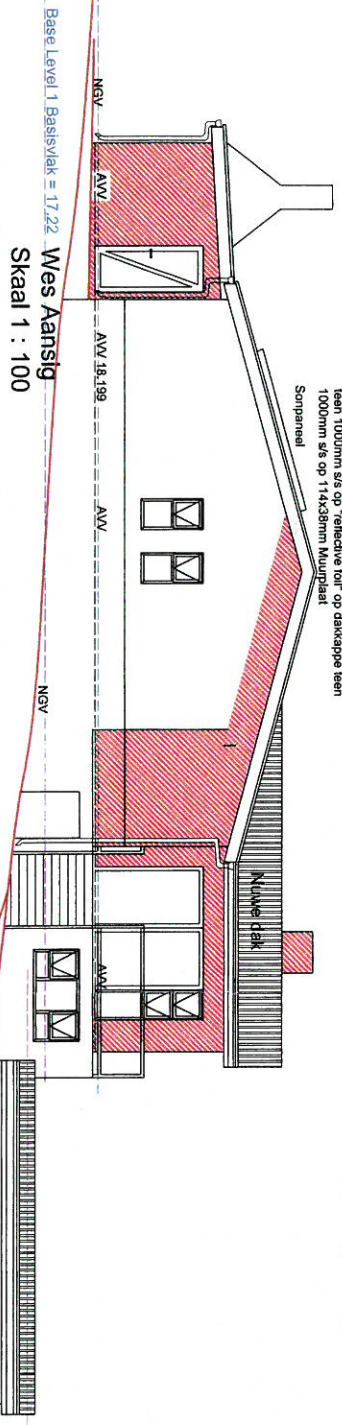
Vervang bestaande dak en vervang met nuwe Charcoal Colobond Ultra IBR dakplaat op 75x50mm purlins teen 1000mm s/s op 114x38mm Muurplaat



Base level 1 - 8m Hoogtebeperking = 25.22

Base Level 2 - 8m Hoogtebeperking = 23.09

Vervang bestaande dak en vervang met nuwe Charcoal Colobond Ultra IBR dakplaat op 75x50mm purlins teen 1000mm s/s op 114x38mm Muurplaat



Base Level 2 Basisvlak = 15.09

Hierdie Bouplan is opgetrek volgens die standaard vir boutekeninge : SABS 0143

NOTAS :

Alles verduidelik van die planne omtrent met streng ingesom Die kontrakteur is verantwoordelik om die multiplie ingesom te maak en te sorg dat die werke volgens die planne uitgevoer word. Die kontrakteur is verantwoordelik om die multiplie ingesom te maak en te sorg dat die werke volgens die planne uitgevoer word. Die kontrakteur is verantwoordelik om die multiplie ingesom te maak en te sorg dat die werke volgens die planne uitgevoer word. Die kontrakteur is verantwoordelik om die multiplie ingesom te maak en te sorg dat die werke volgens die planne uitgevoer word.

Aangestelde Ingenieur :

- Wysings: 10 Mei 2021
- 1. Byvoeg van Terreinplante sonder Kontore
- 2. Ekstra mures ingevoeg
- 3. Buittrepp sint bygevoeg
- Wysings: 23 Aug 2021
- 1. Toon aan 2 Basisvlakke

Oopertakke :	
Grondverdieping :	69.83m ²
Motorhuise :	49.73m ²
Kelder :	72.86m ²
Eerste verdieping :	134.48m ²
Aanbouing :	49.63m ²
Balkon :	32.18m ²
Totaal :	408.73m²
Erf :	595.00m²
Dekking :	56.45%

Gerigte Argitektoniese Dienste

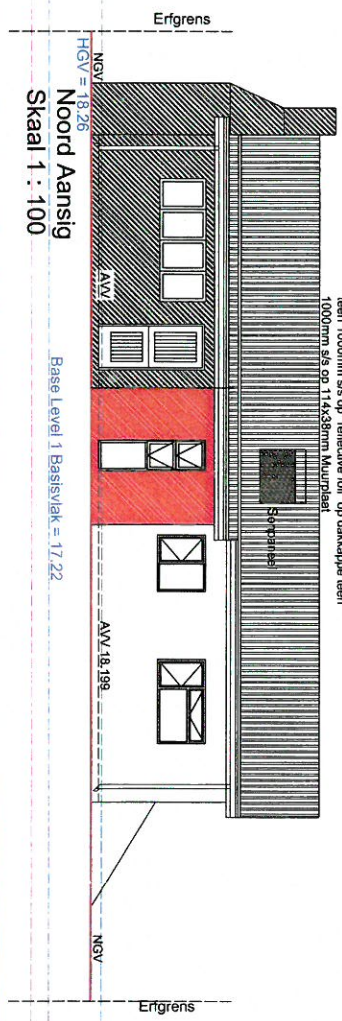
Johan Geritke
 P.O. Box 10400, Overstrand, 7220
 Tel/Faks : 028 384 1659 Sel : 082 453 8554
 jg@axxess.co.za
 Lid van SAIT : 507023

Bestrywing :
 Voorgeselde Aanbouings vir
 Mnr P Laubscher
 Erf 20, Marais straat 83, Franskraal,
 Overstrand Munisipaliteit.

Plan nagelees deur : Datum :
 J.L.S. Geritke 07 Aug 2019
 028 Geritke

Okkupasie SAANS10400 :	H4
Tekening :	Aansig
Doel :	Munisipale goedkeuring
Projek # :	83/PJ/19
Skaal :	1:100
Bladsy :	5
Datum :	07 Aug 2019

Base level 1 - 8m Hoogtebeperking = 25,22



Base Level 2 - 8m Hoogtebeperking = 23,09

Vervang bestaande dak en vervang met nuwe Charcoal Colobond Ultra IBR dakplaat op 75x50mm purlins teen 1000mm s/s op 'reflective foil' op dakkaappe teen 1000mm s/s op 114x39mm Muurplaat

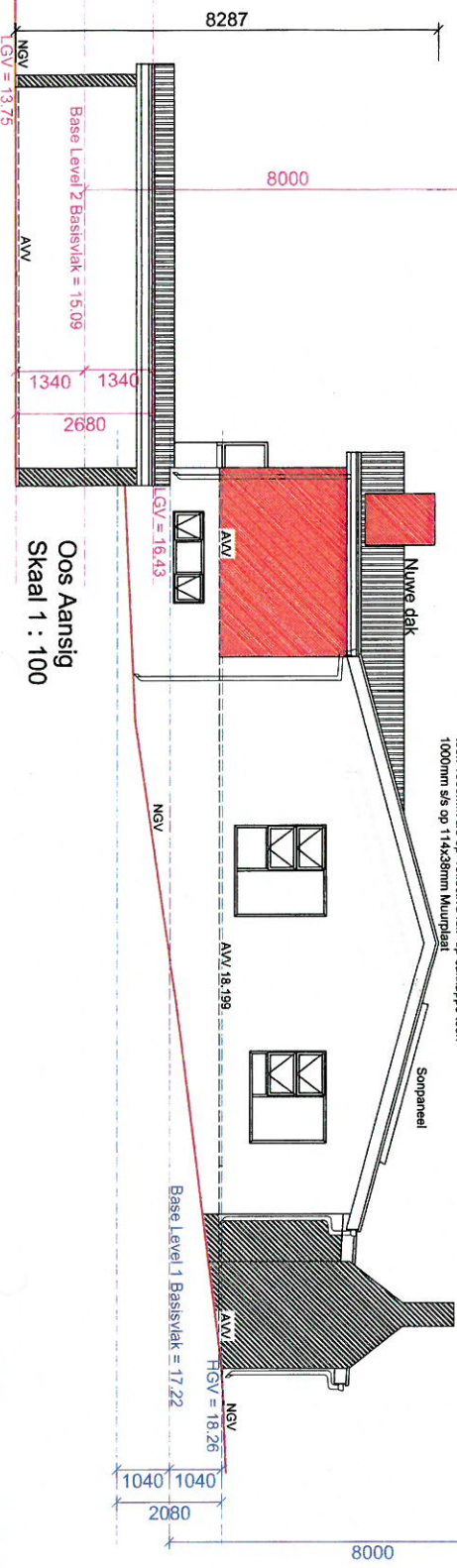
Base Level 2 Basisvlak = 15,09

Base Level 1 Basisvlak = 17,22

150L Kwikot "Solar Water Heater" wat min 70% doeltreffend moet wees.
 Voldoen aan SANS 1307 en 10106
 Installing gedoen volgens SANS 10254

Base level 1 - 8m Hoogtebeperking = 25,22

Vervang bestaande dak en vervang met nuwe Charcoal Colobond Ultra IBR dakplaat op 75x50mm purlins teen 1000mm s/s op 'reflective foil' op dakkaappe teen 1000mm s/s op 114x39mm Muurplaat



NOTAS :

As verstaan van die planne owerheid moet streng nagekom die konstruksie is verantwoordelik om die multiplise reguleer na te kom en komself te wees met die prosedure van alle maats, detail en visuele moet getoon word voor enige bouwerk begin, op planne moet voorsiening oor realistiese getal van Maats aangegee word.
 Gebruik getal van bouwerk mag enige bouwerk owerheid mag. Afsig van goedgekeurde bouplaan om was met behoorlik. Alle werk moet om installeer streng volgens NBR en SANS. Ingeval spesiale maats neem voorsiening.
 Oorseegetreide bouplaan moet aan die te oerren beskikbaar. Termen om aflyf skoon te wees.
 Plaan te verduidelik met ander spesiale getal.
 Duike te wysigtinge of terme om te planne moet aan. Eiensake en waaraanstelling moet getal word akkurate konstruksie begin. maats moet op 'n verantwoordelike manier versprei en getal word.

Aangestelde ingenieur :

- Wysigings: 10 Mei 2021
1. Byvoeg van Terreinplaan sonder Kontloere
 2. Ekstra maats ingevoeg
 3. Bultetrap snit byvoeg
- Wysigings: 23 Aug 2021
1. Toon aan 2 basisvlakke

Opmerkings :

Grondverdieping :	69,83m ²
Motorhuise :	49,73m ²
Kelder :	72,86m ²
Eersteverdieping :	134,48m ²
Aanbouing :	49,65m ²
Balkon :	32,18m ²
Totaal :	408,73m²
Erft :	595,00m ²
Dekking :	58,45%

Gerike Argitektoniese Dienste

Johan Gerike
 Pr. Arch. Draught. (D2869)
 Postbus 392, Gansbaai, 7250
 Tel/Fax: 028 384 1859 Sel : 082 453 8554
 gerd@axxess.co.za
 Lid van SAIT : 507023

Bestrywing :

Voorgestelde Aanbouings vir
 Mr P Laubscher
 Erf 20, Marais straat 83, Franskraal,
 Overstrand Munisipaliteit.

Plan nagelees deur : Datum :
 JLS Gerike

JLS Gerike 07 Aug 2019

Okkupasie SANS10400 :
H4

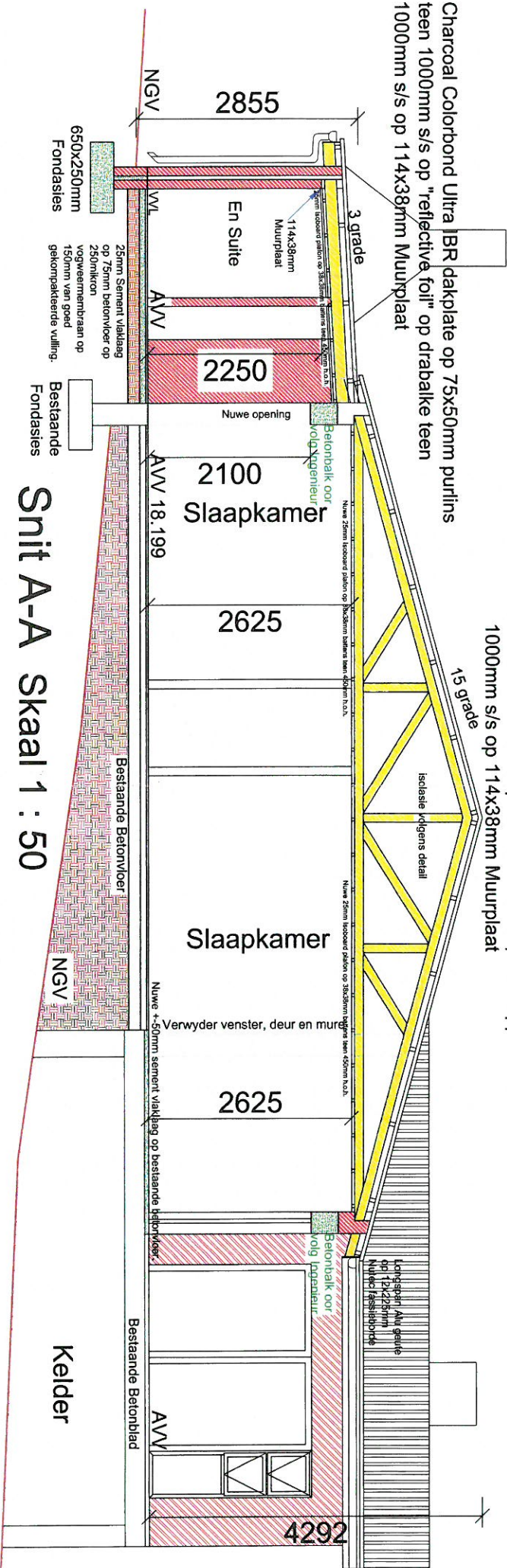
Tekening : **H4** Aansig

Doel :	Munisipale goedkeuring
Projek # :	83/P/L/19
Skaal :	1:100
Bladsy :	6
Datum :	07 Aug 2019

Hierdie Bouplan is opgetrek volgens die standaard vir boutekeninge : SABS 0143

Charcoal Colorbond Ultra IBR dakplaat op 75x50mm purlins teen 1000mm s/s op "reflective foil" op drabalk teen 1000mm s/s op 114x38mm Muurplaat

Vervang bestaande dak en vervang met nuwe Charcoal Colorbond Ultra IBR dakplaat op 75x50mm purlins teen 1000mm s/s op "reflective foil" op dakkappe teen 1000mm s/s op 114x38mm Muurplaat



Snit A-A Skaal 1 : 50

Muur R - Waarde Berekening :

1. Dubbel ry stene met 50mm "Cavity" gepleister albei kante voldoen aan SANS10400 YA.

Dak Isolasië :

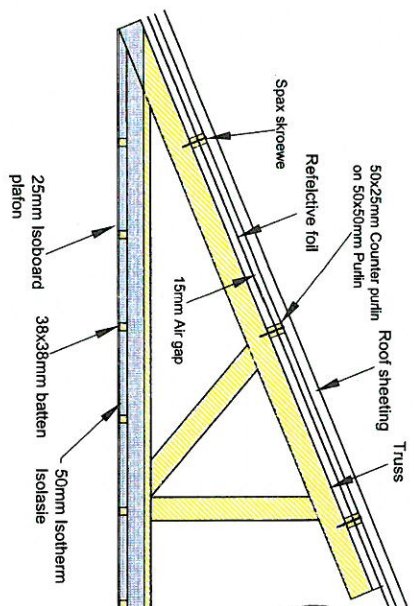
Roof 12° to 22° pitch with horizontal ceiling and metal cladding

Outdoor air film (7m/s)	0,03
Metal cladding	0,00
Roof air space (non-reflective)	0,16
Isoboord (25 mm)	0,89
Indoor air film (still air)	0,11
Total R-value	1,19

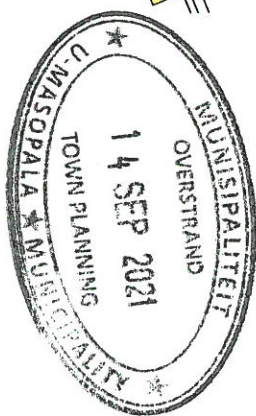
Rigting van vloer van hitte vir some 4 : Op
 Min R-waarde benodig : 3,7
 Dak soos hierbo R-waarde = 1,19
 "Radenshield reflective foil laminate" : R-waarde = 1,36
 3,7 - 1,19 - 1,36 = 1,15 (nodig vir isolasië)
 R van isolasië = 1,15 x 0,046W/m.k (SANS204 Table 10)
 R = 0,052
 Dus "50mm Isotherm" isolasië nodig.

Deure Seël :

Bulte deur : Voorstien rubber seëls rondom deur 'kosyn waar deur en kosyn ontmoet.

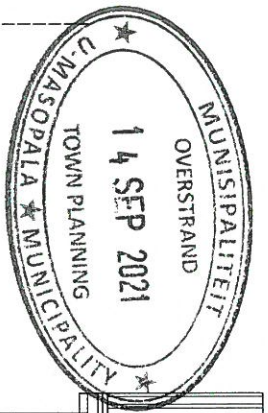


Roof Insulation Detail
 Skaal 1:25

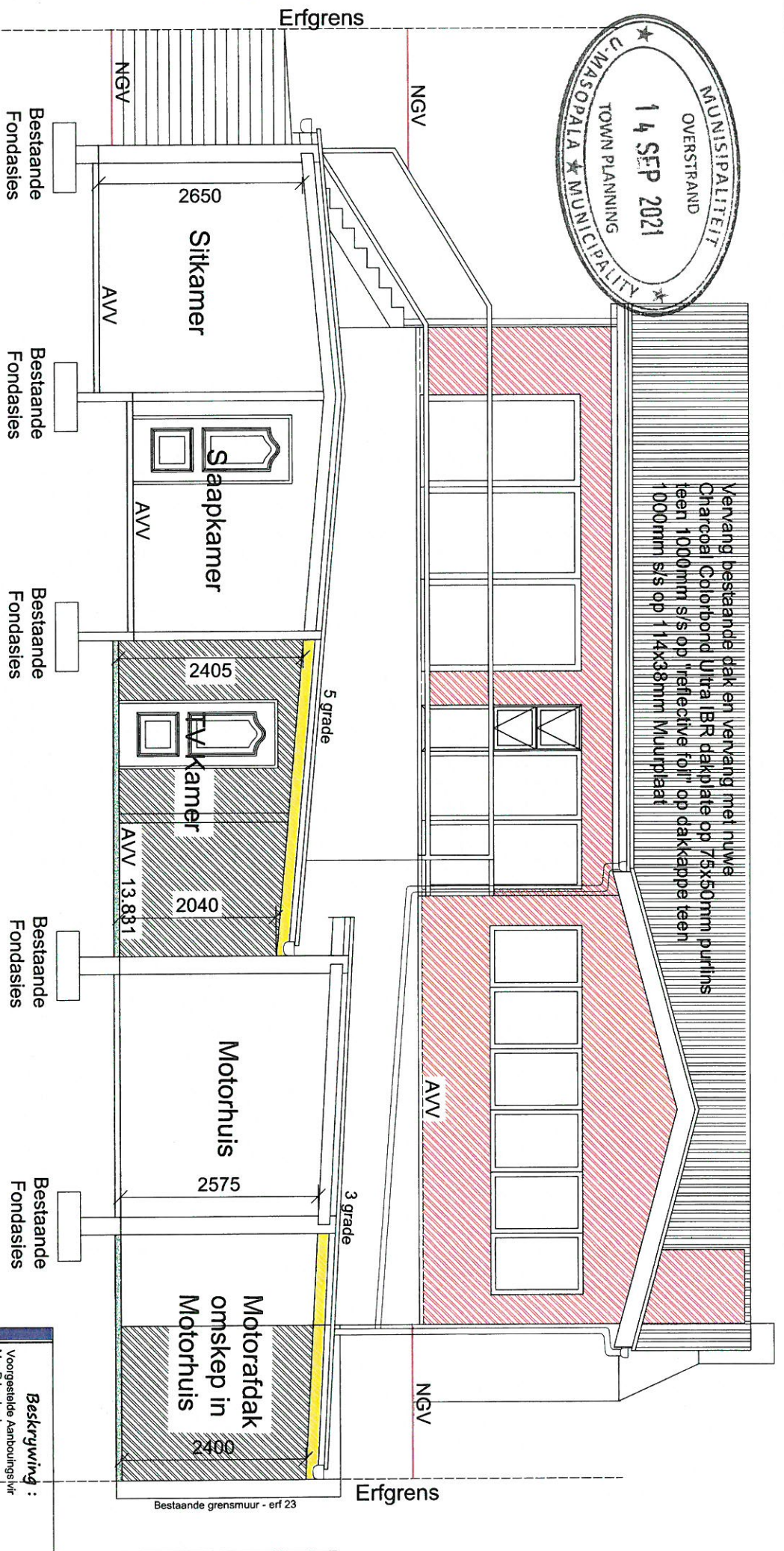


- Wysligings: 10 Mei 2021
1. Byvoeg van Terreinplanne sonder Kontore
 2. Ekstra mates ingevoeg
 3. Bultetrap snit bygevoeg
- Wysligings: 23 Aug 2021
1. Toon aan 2 basistvlakke

Gerieke Argitektoniese Dienste	
Johan Gerieke	
Pr. Arch. Draught. (D2869)	
Pastors 352, Genstels, 7220	
Tel/Faks : 028 394 1659	Sel : 082 453 8554
gef@axxess.co.za	
Lid van SAIT : 507023	
Beskrywing :	
Voorgeselde Aanboudings vir	
Mnr P Lausscher	
Er 20, Marais straat 83, Franskraal,	
Overstrand Munisipaliteit.	
Plan nagelees deur :	Datum :
JLS Gerieke	07 Aug 2019
<i>JLS Gerieke</i>	
Okkupasie SANS10400 :	H4
Tekening :	Snitte
Doel :	Munisipale Goedkeuring
Projek # :	83/PL/19
Skaal :	A3
Bladsy :	7
Datum :	07 Aug 2019



Vervang bestaande dak en vervang met nuwe Charcoal Colorbond Ultra IFR dakplaat op 75x50mm purlins teen 1000mm s/s op "reflective foil" op dakkappe teen 1000mm s/s op 14x38mm Muurplaat



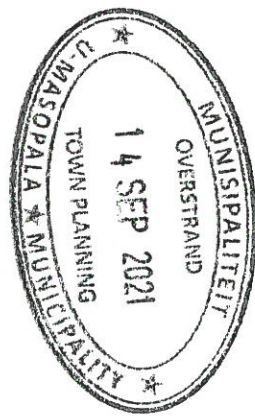
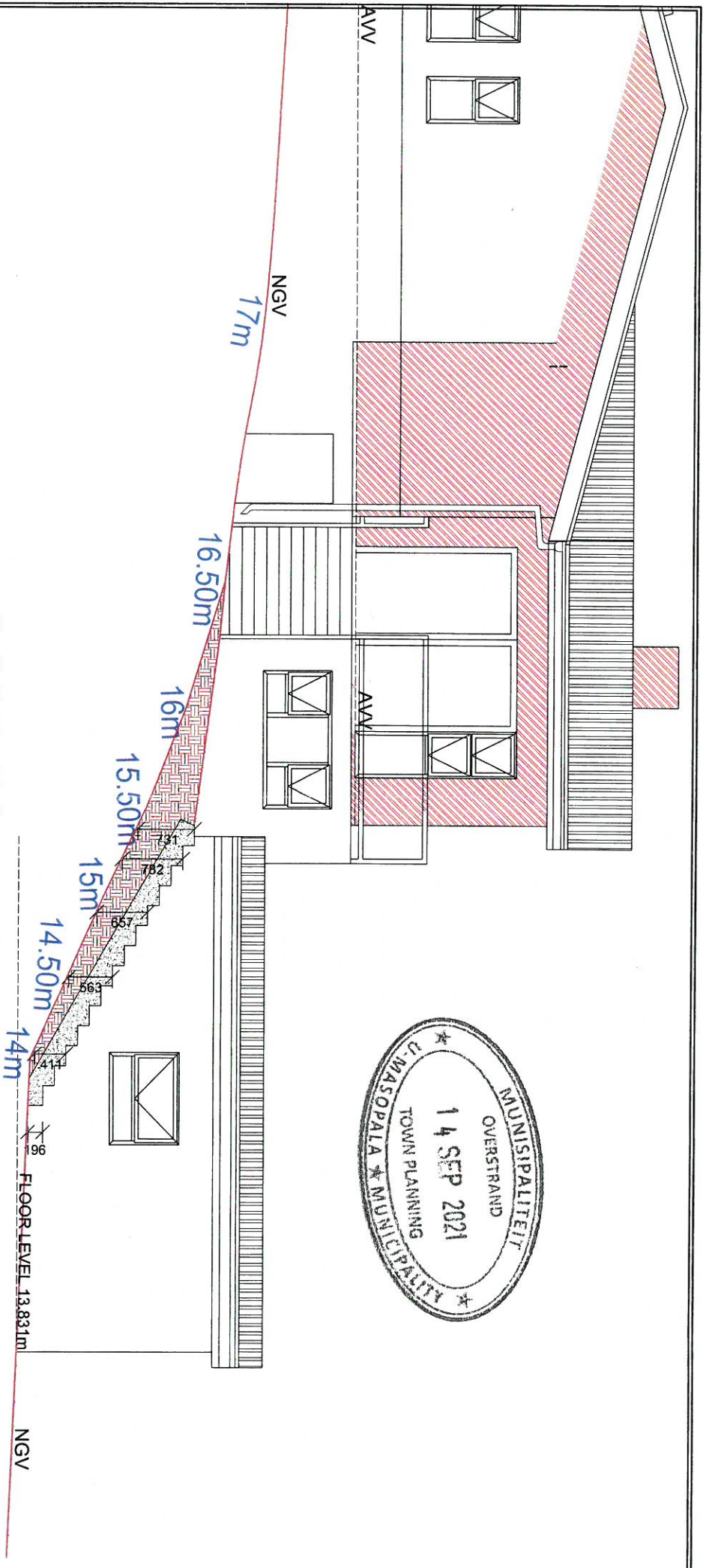
Snit C-C Skaal 1 : 50

- Wysings: 10 Mei 2021
1. Byvoeg van Terreinplante sonder konkrete
 2. Ekstra mares ingevoeg
 3. Buitetrap snit bygevoeg
- Wysings: 23 Aug 2021
1. Toon aan 2 Dastswakke

Gerieke Argitektoniese Dienste
Johan Gerieke
 Pr-Arch, Draught, (D2889)
 Postbus 392, Gansbaai, 7220
 Tel/Faks : 028 384 1659 Sell : 082 453 8554
 gadi@jgass.co.za
 Ltd van SAIT : 507023

Bestrywing: Voorgeselde Aanboudingsvir Mr P Laubscher Erf 20, Marais straat 83, Franskraal, Overstrand Munisipaliteit.	
Plan nagegaan deur:	Datum:
JLS Gerieke	07 Aug 2019
<i>JLS Gerieke</i>	
Okupasie SANS10400:	H4
Tekening:	Snit
Doel:	Munisipale Goedkeuring
Projek #:	83/PL/19
Skaal:	A3
Bladsy:	8
Datum:	07 Aug 2019

Hieruit Bouplan is opgetrek volgens die standaard vir boutekeninge : SABS 0143



Snit B-B : Buitetrap
Skaal 1 : 50

- Wysigings: 10 Mei 2021
1. Byvoeg van Terreinplanne sonder Kontoure
 2. Ekstra mates Ingevoeg
 3. Buitetrap snit byvoeg
- Wysigings: 23 Aug 2021
1. Toon aan 2 basisvlakke

Gerieke Argitektoniese Dienste
Johan Gerike
 Pr. Arch. Draught. (D2989)
 Poebus 392, Gansbaai, 7220
 Tel/Faks : 028 394 1659 Sil : 082 453 8554
 jad@joxes.co.za
 Ld van SMT : 507023

Beskriving :	Voorgestelde Aanbouings vir Mr P Laubscher Erf 20, Marais straat 83, Franskraal, Overstrand Munisipaliteit.
Plan nagegee deur :	J.L.S Gerike
Datum :	07 Aug 2019
<i>028 faks</i>	
Okkupasie SAINST0400 :	H4
Tekening :	Snit
Doel :	Munisipale Goedkeuring
Projek # :	83/P/L/19
Skaal :	A3
Bladny :	9
Datum :	07 Aug 2019

Hierdie Bouplan is opgetrek volgens die standaard vir boutekeninge : SABS 0143

Erf 21

18.89m Erfgrens

31.51m Erfgrens

2833

2m Skema boulyn

3.15m Akte boulyn

2840

2814

HGV = 18.26

FLOOR LEVEL 18.199m

1712

1603

1523

1710

1.57m Akte boulyn

CONCRETE PAVING

3384

3173

BUILDING

2m Skema boulyn

1.57m Akte boulyn

31.51m Erfgrens

Kelder

STOEP LEVEL 18.194m

1991



1533

2455



4001

Kombuis

Slaapkamer

Badkamer

BUILDING TV Kamer

Badkamer

Motorhuis

Motorafdak omskep in Motorhuis

Sitkamer

Slaapkamer

FLOOR LEVEL 13.831m

1811



1768

1598

Erf 20

4m Skema boulyn

CONCRETE PAVING

4.72m Akte boulyn

HGV = 13.75

2908

6000L Opgaarten

3739

18.89m Erfgrens



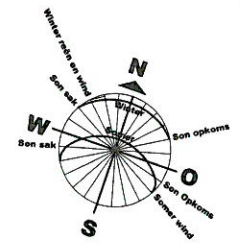
Marais Straat 83

Addisionele bestaande strukture.
Afwyk van goedgekeurde bouplanne

Legende	
■	Nuwe Steenwerk
■	Nuwe Houtwerk
■	Nuwe Rioollyn
■	Nuwe Stormwaterlyn
■	Nuwe Staal
■	Nuwe Fondasies / Beton

- Wysigings: 10 Mei 2021
1. Byvoeg van Terreinplanne sonder Kontoere
 2. Ekstra mates ingevoeg
 3. Buitetrap snit bygevoeg

- Wysigings: 23 Aug 2021
1. Toon aan 2 basisvlakke



Oppervlaktes:	
Grondverdieping:	69.83m ²
Motorhuise:	49.73m ²
Kelder:	72.86m ²
Eersteverdieping:	134.48m ²
Aanbouing:	49.65m ²
Balkon:	32.18m ²
Totaal:	408.73m²
Erf:	595.00m ²
Dekking:	56.45%

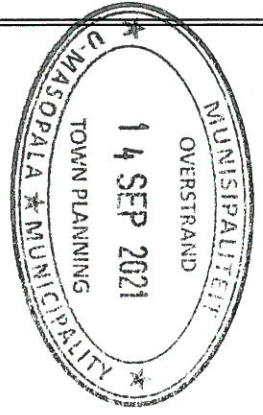
Gericke Argitektoniese Dienste
Johan Gericke
 Pr.Arch.Draught. (D2869)
 Posbus 392, Gansbaai, 7220
 Tel/Faks : 028 384 1659 Sai : 082 453 8554
 gad@azpress.co.za
 Lid van SAIT : S07023

Beskrywing :
 Voorgestelde Aanbouings vir
 Mnr P Laubscher
 Erf 20, Marais straat 83, Franskraal.
 Overstrand Munisipaliteit.

Plan nagesien deur:
 JLS Gericke Datum :
JLS Gericke 07 Aug 2019

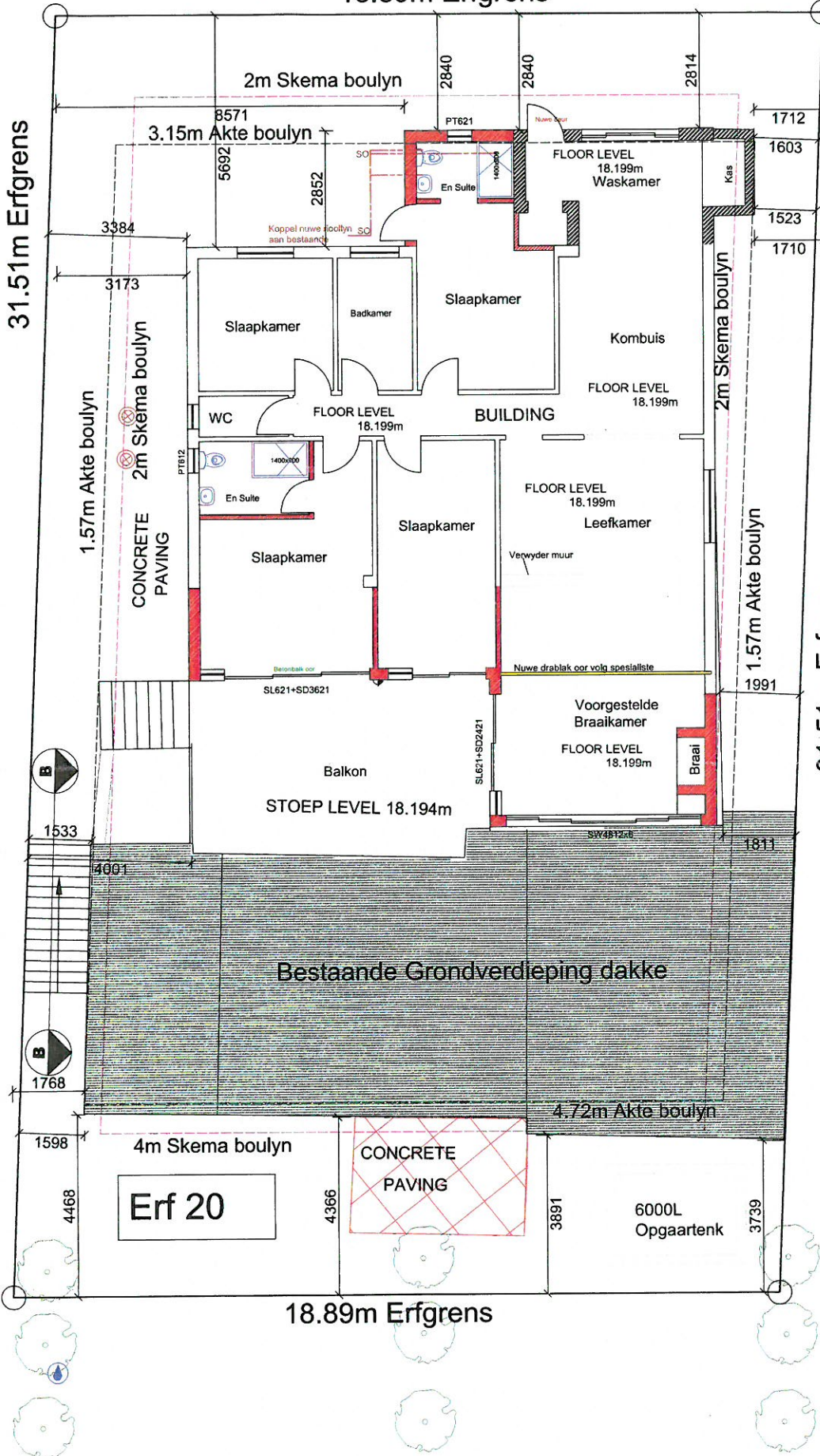
Okkupasie SANS10400:	H4
Tekening:	GV Terreinplan
Doel:	Munisipale goedkeuring
Projek #:	83/PL/19
Skaal:	1:100 A3
Bladsy:	10
Datum:	07 Aug 2019

Erf 21 18.89m Erfgrens



31.51m Erfgrens

Erf 19

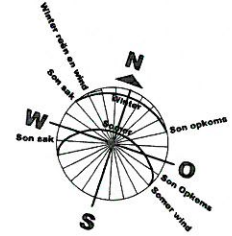


Addisionele bestaande strukture. Afwyk van goedgekeurde bouplanne

Legende

- Nuwe Steerwerk
- Nuwe Houtwerk
- Nuwe Ricollyn
- Nuwe Stormwaterlyn
- Nuwe Staal
- Nuwe Fondasies / Beton

- Wysigings: 10 Mei 2021
- Byvoeg van Terreinplanne sonder Kontoere
 - Ekstra mates ingevoeg
 - Buitetrap snit bygevoeg
- Wysigings: 23 Aug 2021
- Toon aan 2 basisvlakke



Oppervlaktes:	
Grondverdieping:	69.83m ²
Motorhulse:	49.73m ²
Kelder:	72.86m ²
Eerste verdieping:	134.48m ²
Aanbouing:	49.65m ²
Balkon:	32.18m ²
Totaal:	408.73m²
Erf:	595.00m ²
Dekking:	56.45%

Gerieke Argitektoniese Dienste
Johan Gerieke
 Pr.Arch.Draught. (D2869)
 Postbus 392, Gansbaal, 7220
 Tel/Faks : 028 384 1659 Sel: 082 453 8554
 gad@axcess.co.za
 Lid van SAIT : S07023

Beskrywing:
 Voorgestelde Aanbouings vir
 Mnr P Laubscher
 Erf 20, Marais straat 83, Franskraal,
 Overstrand Munisipaliteit.

Plan nagesien deur:
 JLS Gerieke Datum:
 JLS Gerieke 07 Aug 2019

Okkupasie SANS10400:
H4
 Tekening: EV Terreinplan

Doel: Munisipale goedkeuring
 Projek #: 83/PL/19
 Skaal: 1:100 A3
 Bladsy: 11
 Datum: 07 Aug 2019

Marais Straat 83

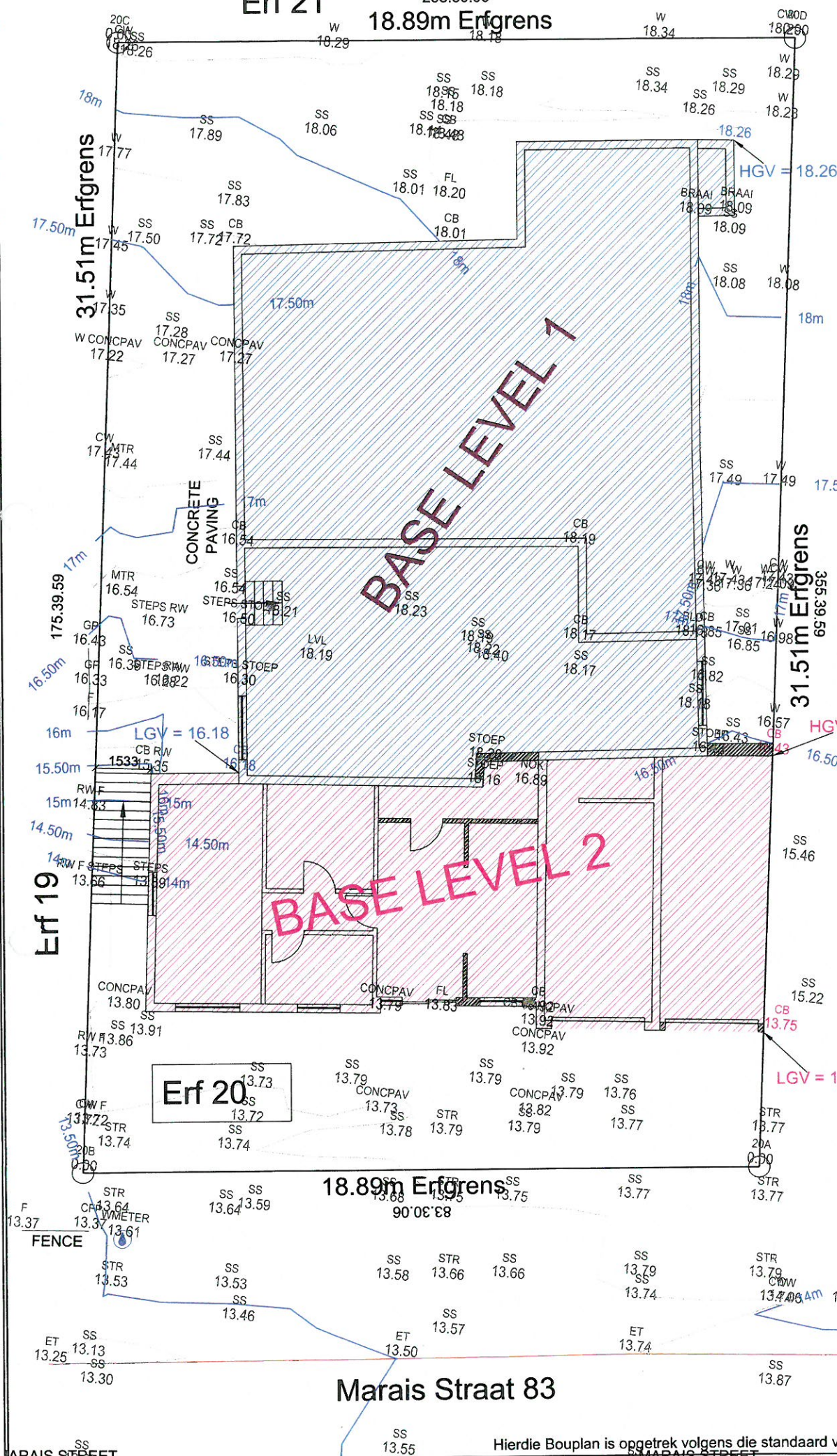
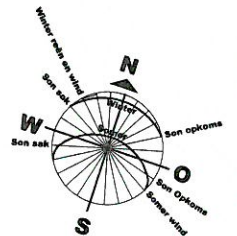
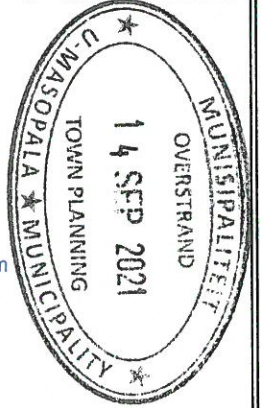
Erf 21

263.30.06

18.89m Erfgrens

- Wysigings: 10 Mei 2021
1. Byvoeg van Terreinplann sonder Kontoere
 2. Ekstra mates ingevoeg
 3. Buitetrap snit bygevoeg

- Wysigings: 23 Aug 2021
1. Toon aan 2 basisvlakke



HGV = 16.43

LGV = 13.75

Gerieke Argitektoniese Dienste
Johan Gericke
 Pr. Arch. Draught. (D2869)
 Poebus 392, Gansbaai, 7220
 Tel/Faks : 028 384 1659 Sel : 082 453 8554
 gad@axcess.co.za
 Lid van SAIT : 507023

Beskrywing :
 Voorgestelde Aanbouings vir
 Mnr P Laubscher
 Erf 20, Marais straat 83, Franskraal,
 Overstrand Munisipaliteit.

Plan nagesien deur :
 JLS Gericke Datum :
 07 Aug 2019

Okkupasie SANS10400 :
ET H4
 Tekening :
 Terreinplan - Hoogte aanduiding
 Doel : Munisipale goedkeuring
 Projek # : 83/PL/19
 Skaal : 1:100 A3
 Bladsy : 12
 Datum : 07 Aug 2019

Hierdie Bouplan is opgetrek volgens die standaard vir teekeninge : SABS 0143