

ERF 3187, 61 DAWSON STREET, ONRUS RIVER: APPLICATION FOR DEPARTURE: INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF BO & S VAN DER MERWE

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amended By-Law on Municipal Land Use Planning, 2020 (By-Law), that an application has been received in terms of Section 16(2)(b) of the By-Law for a departure to relax the western lateral building line from 2m to 0m to accommodate a garage, and also to relax the eastern lateral building line from 2m to 0m to accommodate a store.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, Paterson Street, Hermanus. Any written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / (f) 028-313 2093 / (e) loretta@overstrand.gov.za) on or before **4 August 2023**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to the **Town Planner, Mr. H. Olivier** at 028-313 8900. The Municipality may refuse to accept comments 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.

ERF 3187, DAWSONSTRAAT 61, ONRUSRIVIER: AANSOEK OM AFWYKING: INTERACTIVE STADS- EN STREEKBEPLANNING NAMENS BO & S VAN DER MERWE

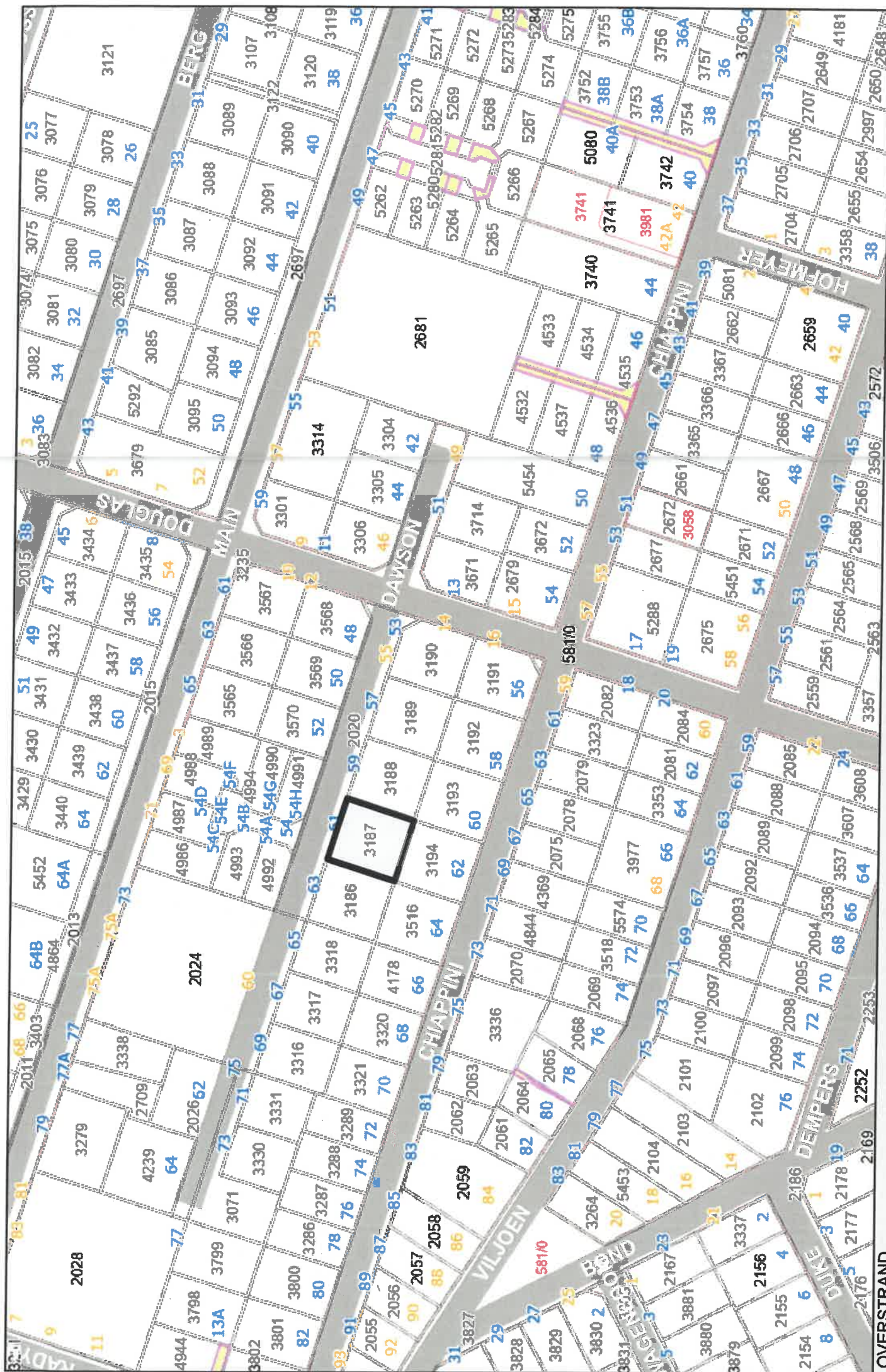
Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening), dat 'n aansoek ingevolge Artikel 16(2)(b) van die Verordening ontvang is vir 'n afwyking om die westelike syboullyn vanaf 2m na 0m te verslap om 'n motorhuis te akkommodeer, en ook om die oostelike syboullyn vanaf 2m na 0m te verslap om 'n stoor te akkommodeer.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 028-313 2093 / (e) loretta@overstrand.gov.za) voor of op **4 Augustus 2023**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, Mnr. H. Olivier** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar 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 formaliseer.

ISIZA 3187, 61 DAWSON STREET, ONRUS RIVER: ISICELO SOKUNYENYISWA: ABAKWA-INTERACTIVE TOWN & REGIONAL PLANNING EGAMENI LIKA-BO & S VAN DER MERWE

Kukhutshwa isaziso ngokumayela neCandelo 48 loMthetho Otshintshiweyo woMasipala wase-Overstrand ongokuSetyenziswa nokuCetywa koMhlaba kaMasipala 2020 (uMthetho kaMasipala) ukuba kufunyenwe isicelo ngokumayela neCandelo 16(2)(b) loMthetho kaMasipala ukuba kunyenyiswe umgca wesakhiwo okwicala elingasentshona ukusuka ku-2m ukuya ku-0m ukulungiselela igaraji nokunyenyiswa komgca wesakhiwo kwicala elingasempuma ukususela ku-2m ukuya ku-0m ukulungiselela indawo yokugcina izinto.

linkcukacha ezipheleleyo mayela noku kucetyiweyo ziyafumaneka ukuze kuhlolwe phakathi evekini phakathi ko-08:00 no-16:30 kwiSebe: Town Planning, Paterson Street, Hermanus. Naziphi na izimvo ezibhaliweyo mazingeniswe kuMasipala ngokwezibonelelo zeCandelo 51 neCandelo 52 loMthetho kaMasipala ochaziweyo (16 Paterson Street, Hermanus / (f) 028- 313 2093 / (e) loretta@overstrand.gov.za) ingadlulanga i-**4 Agasti 2023**, ubhale igama lakho, idilesi neenkukacha zoqhagamshelwano, umdla wakho kwisicelo nezizathu zokubhala izimvo zakho. Imibuzo ngefowuni ingabhekiswa ku**Mcebi Dolophu, Mnu. H Olivier** ku 028-313 8900. UMasipala angangavumi ukwamkela amagqabaza okuhlomla afunyenwe emva komhla wokuvala. Nabani na ongakwazi kufunda okanye ukubhala angatyelela iSebe lokuCeba Idolophu apho igosa lakwamasipala liya kumnceda afake amagqabaza okuhlomla.



Locality Map
Erf 3187 Onrus River





**ERF 3187
ONRUSRIVIER,
HERMANUS**

61 Dawson Street

Building line departures application



May 2023

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1. Introduction

<p>a. Brief</p> <p>Refer to Annexure B for the Power of Attorney.</p>	<p>Interactive Town and Regional Planning was appointed by the owners of the property, Beyers & Sunette Van der Merwe, to prepare and submit an application for building line departures on Erf 3187, Onrusrivier in terms of the relevant legislation.</p>
<p>b. Background</p>	<p>The application area consists of a single residential property with an existing dwelling. The property owners wish to expand the existing dwelling to cater for their residential needs. This proposal involves building a garage up to the western side boundary and a new store on the eastern boundary.</p>
<p>c. Development Objective & Application Proposal</p>	<p>The application objective is to allow for:</p> <ul style="list-style-type: none"> the proposed garage which is proposed to exceed the western side building line a proposed storage area which is proposed to exceed the eastern side building line.

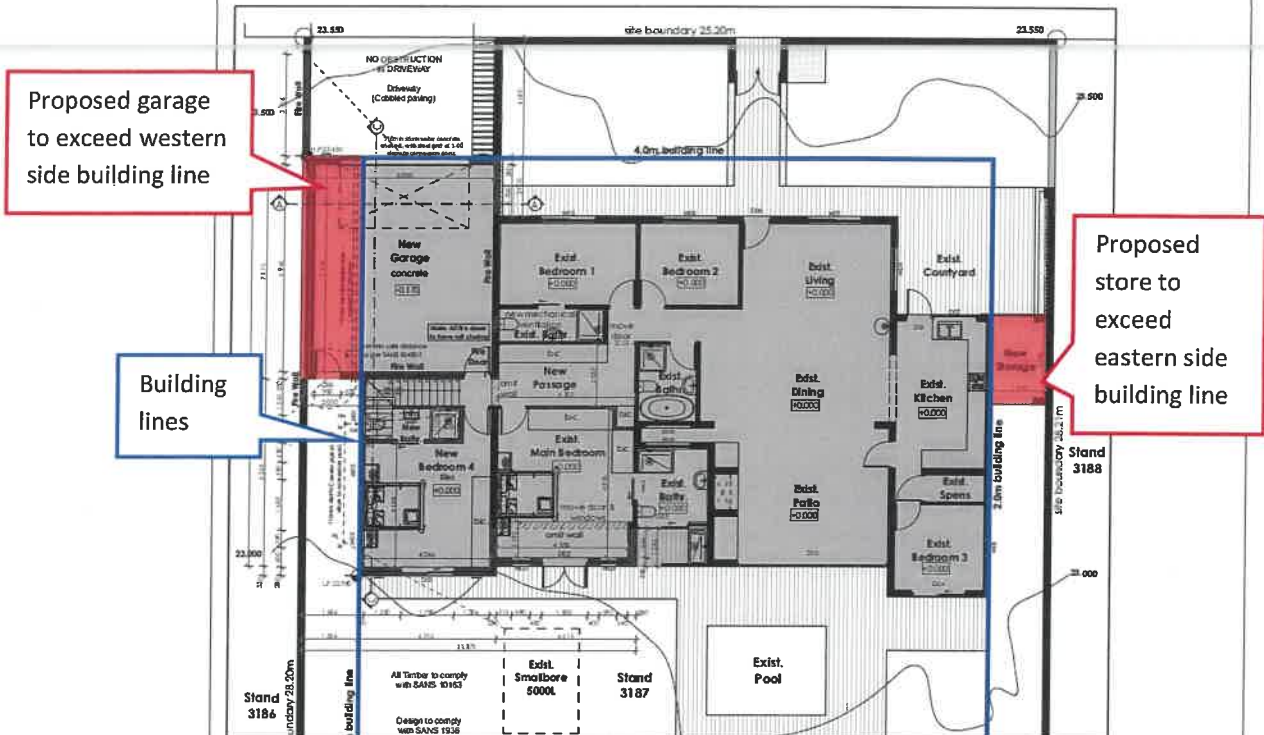


Figure 1: Application illustration

Subsequently the application proposal is for:

- A departure to relax the western side zoning scheme building line from 2m to 0m to allow for a proposed garage.
- A departure to relax the eastern side zoning scheme building line from 2m to 0m to allow for a proposed storage area.

2. The Application

a. Analysis: Title Deed	The Conveyancer Monica Korf issued a certificate confirming that no restrictive title deed conditions exist against the proposal on Erf 3187 Onrus.				
b. Analysis: Development Criteria: The development parameters for Erf 3187 Onrusrivier, Hermanus as per the Overstrand Zoning Scheme Regulations, 2015, read with the subject title deed are summarised as follows:	Parameters	Existing Zoning Scheme Requirements:	Proposed	Comments	
	Zoning	Residential Zone 1: Single Residential (SR1)	Residential Zone 1: Single Residential (SR1)	Consistent	
	Primary Use	Day care centre, dwelling house, guest rooms, home occupation, second dwelling unit;	Dwelling house	Consistent	
	Consent Uses	Crèche, green house, guest house, house shop, institution, place of instruction, place of worship, residential building, tourist accommodation.	None	Consistent	
	Coverage	50%	37.5%	Consistent	
	Height	8m	6.9m	Consistent	
	Building lines	Street	4m	4m	Consistent
		Side		0m west for garage 0m east for storage	Application is for building line departures
		Rear	2m	>2m	Consistent
Parking	Dwelling house: 2 bays	Dwelling house: 2 bays	Consistent		
c. Application: The application form is attached as Annexure A .	Application is subsequently made in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, for: <ul style="list-style-type: none"> • A departure to relax the western side zoning scheme building line from 2m to 0m to allow for the proposed garage in terms of Chapter IV, Section 16(2)(b). • A departure to relax the eastern side zoning scheme building line from 2m to 0m to allow for the proposed storage area in terms of Chapter IV, Section 16(2)(b). 				

3. Contextual Site Information

a. Property Description

Property	Extent	Title Deed	Registered Owner
3187 Onrusrivier	711m ²	T6990/2020	Beyers & Sunette Van der Merwe

Refer to Annexure E for the SG Diagrams, Annexure C for the Title Deed of Erf 3187 Onrusrivier.

The following Surveyor General Plans reflect the application site:

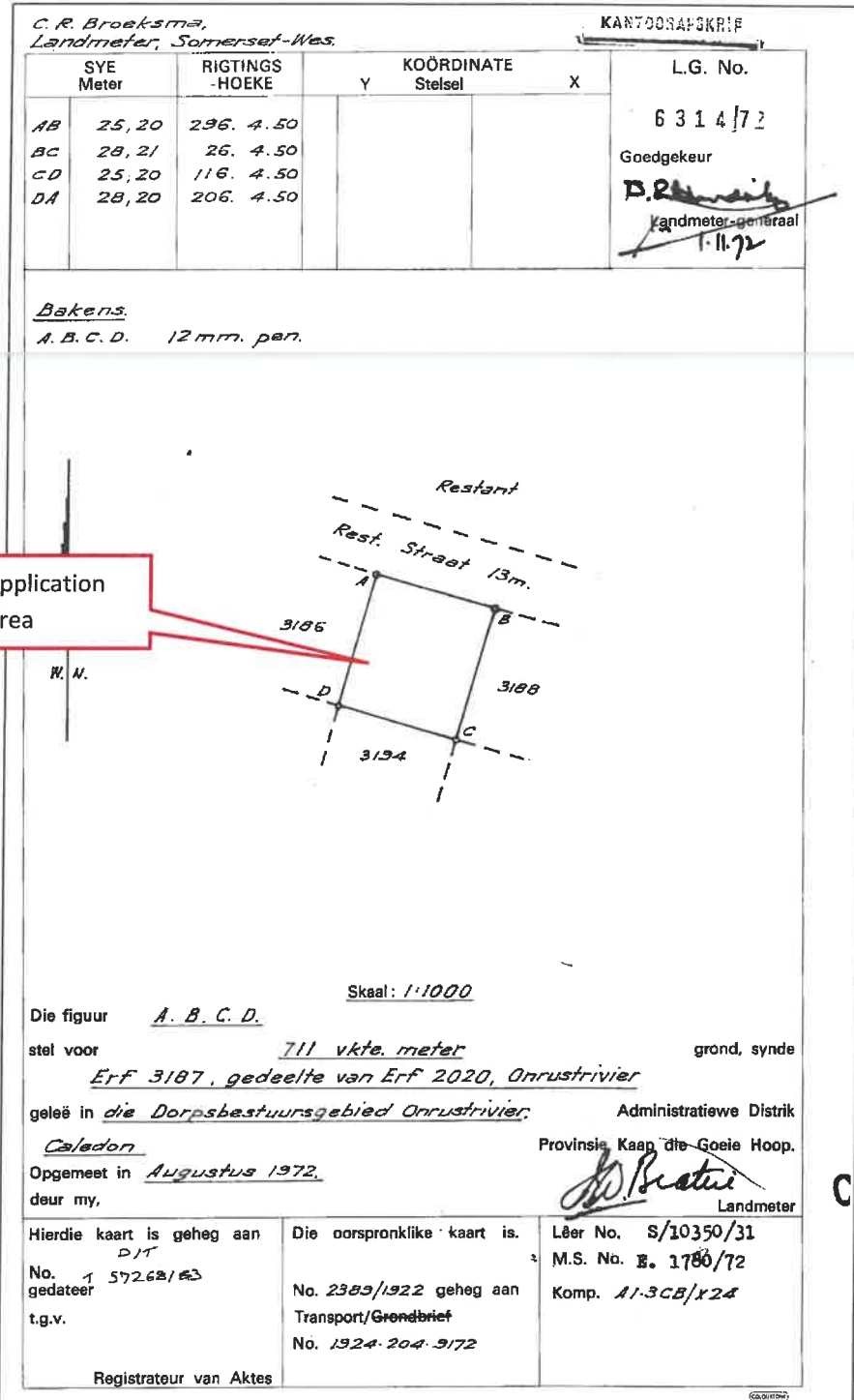


Figure 2: Extracts of the Surveyor General Plans of the application site

b. Location:

For the Locality Plans refer to Annexure F.

Regional Context:

Within the regional context, the application area is located within Onrusrivier residential suburb. Onrusrivier is located approximately 5km west of the Hermanus CBD.



Figure 3: Locality Plan – Regional Context

Local Context:

Within the local context the application area consists of a residential erf within Onrusrivier that forms part of the larger Hermanus West area. The application area is located at number 61 Dawson Street.



Figure 4: Locality Plan – Local Context

c. Land Use:

Refer to the Land Use Plan attached as **Annexure H.**

The application area accommodates a dwelling house on the property. The surrounding land-uses are single residential dwellings and town houses. No change in land use is proposed. The application proposal is **consistent** with the land use of the area.



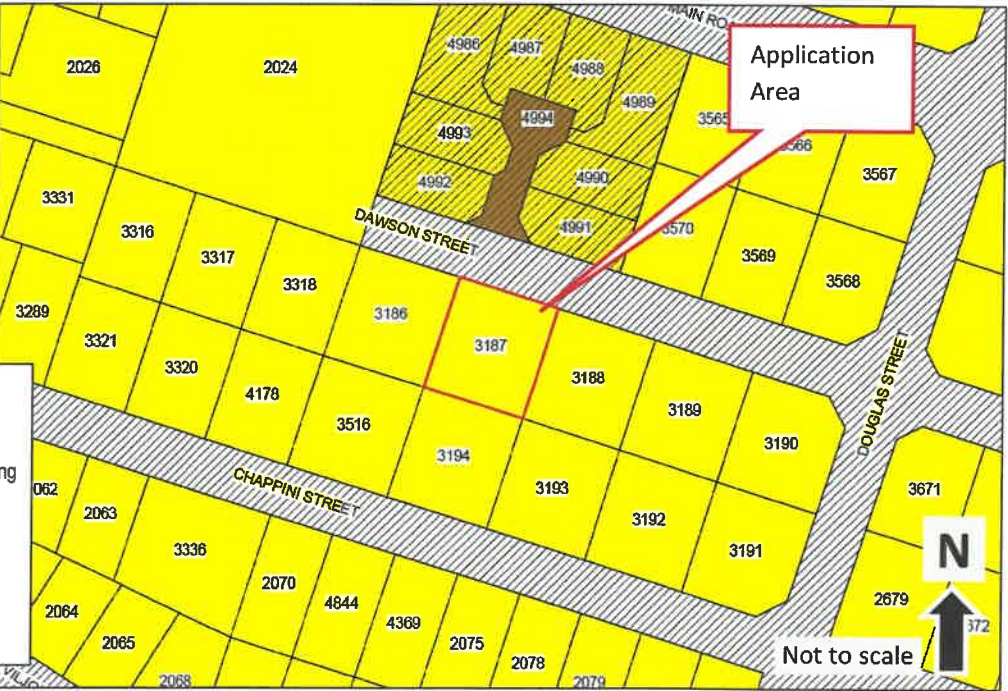
- Single Residential
- General Residential

Figure 5: Aerial Image illustrating the residential land-use activities of the application area and surrounding properties

d. Zoning:

Refer to the Extract of Hermanus Zoning plan attached as **Annexure G.**

The application area, Erf 3187, Onrusrivier is zoned Residential Zone 1: Single Residential. The surrounding erven are zoned Residential Zone 1: Single Residential as well as General Residential Zone 1: Town Housing. No change in zoning is proposed. The application proposal is **consistent** with the zoning of the area.



- Residential Zone 1: Single Residential
- General Residential Zone 1: Town Housing
- Transport Zone 2: Roads & Parking (Public)
- Transport Zone 2: Roads & Parking (Private)

Figure 6: Extract from the Overstrand Municipality: Online zoning viewer

e. Spatial Planning Policy

The following policy guidelines from the following relevant policy documents are applicable to the application area.

i. Overstrand Municipal Spatial Development Framework, 2020

In terms of the Overstrand Municipal Spatial Development Framework, the application area is within an Urban Development area.



Figure 7: Overstrand Municipal Spatial Development Framework, 2020 extract

i. Overstrand Municipality Spatial Growth Management Strategy – 2010 (OMSGMS)

In terms of the Overstrand Growth Management Strategy, the application area falls within a “No Densification” Zone. No densification is proposed.

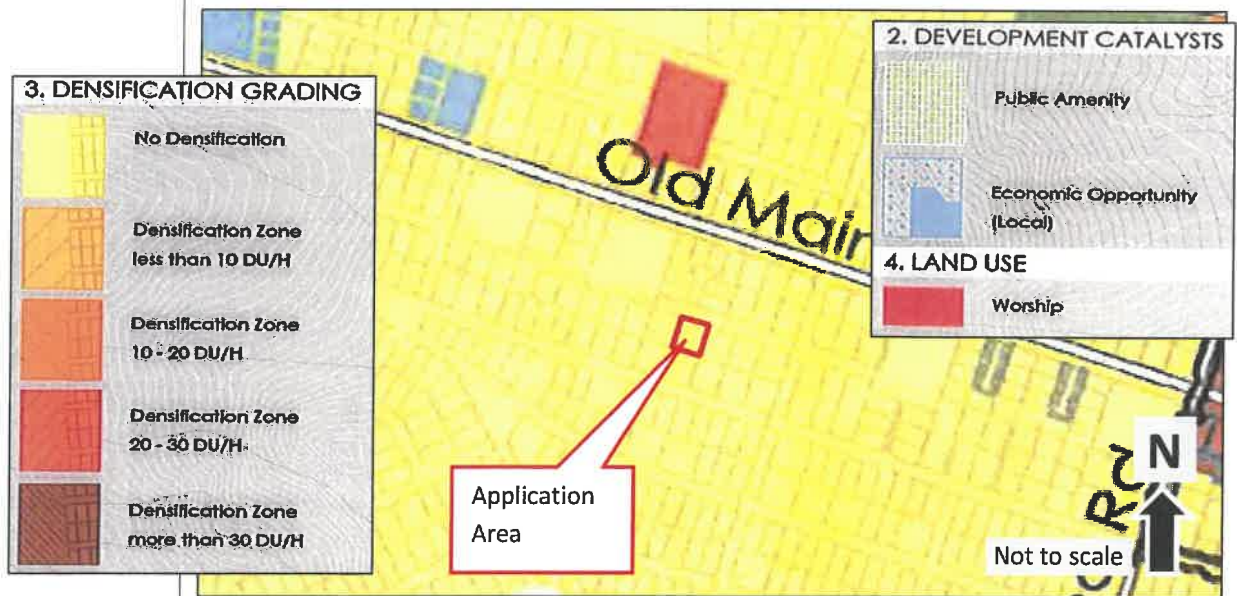


Figure 8: Extract from the Overstrand Municipality: Growth Management Strategy

Conclusion:

The application is therefore **consistent** with both the Overstrand Municipal Spatial Development Framework, 2020 and the Overstrand Municipality Spatial Growth Management Strategy, 2010.

ii. Overstrand Municipality Land Use Scheme 2020

"16.1.1 The following additional development parameters apply with regard to encroachment of building lines:

Encroachment of side and rear building lines permitted

- c) The Municipality may approve the construction of a structure used for the housing of vehicles that encroaches onto the side and rear building lines, provided that:*
- (i) written consent from the immediate neighbours is obtained;*
 - (ii) no building that encroaches the building line may be higher than 3,5 m above the existing ground level on the common boundary, provided that the height may increase at a 40 degree angle away from such boundary;*
 - (iii) the length and width of the structure does not exceed one third of the lateral and rear boundary concerned or 9,0 m, whichever is the most restrictive (except in cases as prescribed in point (iv) below);*
 - (iv) where the lateral/rear boundary of the property is less than 19,5 m in width, the structure will have a maximum width of 6,5 m on the rear boundary;*
 - (v) no doors and windows shall be permitted in any wall closer than 1,0 m to the rear or side boundary;*
 - (vi) a 1,0 m wide access may be required to the satisfaction of the Fire Department;*
 - (vii) no runoff of rainwater from a roof shall be discharged directly onto adjoining properties;*
 - (viii) the garage/carport shall be included in the calculation of coverage on the land unit; and*
 - (ix) the Municipality is satisfied that the structure does not pose a fire hazard and is constructed of appropriate material to its satisfaction.*

Should any of the above-mentioned not be complied with, an application will be applicable."

Conclusion:

The application is consistent with the relevant forward planning documents. The dimensions of the proposed garage are 7.4m along the 28m side boundary and up to 3m in height. A solid door is proposed in a wall perpendicular to the boundary line within 1m of the boundary line. A gutter is proposed to ensure that no rainwater is discharged onto the adjoining property. Application is made for departure to allow for the proposed garage.

4. Motivation

Motivation for the application:

Refer to **Annexure K** for the As-built building plan

a. Introduction and Background

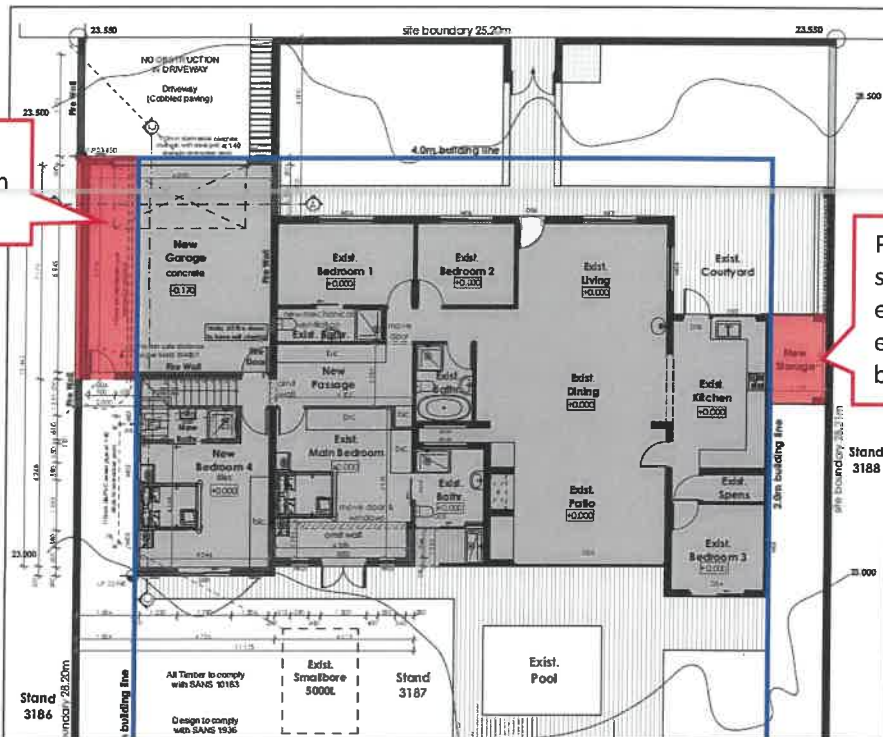
The owners of the application area wish to expand their existing dwelling in order to meet their residential needs. The proposal includes a garage and storeroom which exceeds building lines.

b. Proposal

The application objective is to allow for:

- the proposed garage which is proposed to exceed the western side building line
- a proposed storage area which is proposed to exceed the eastern side building line.

Proposed garage to exceed western side building line

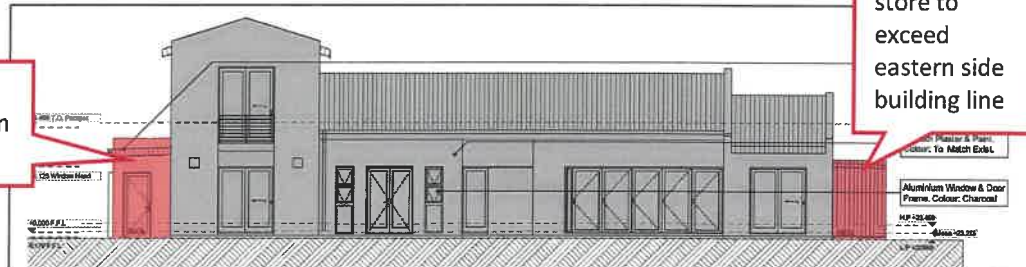


Proposed store to exceed eastern side building line

Figure 9: Application illustration – Ground Floor

South Elevation

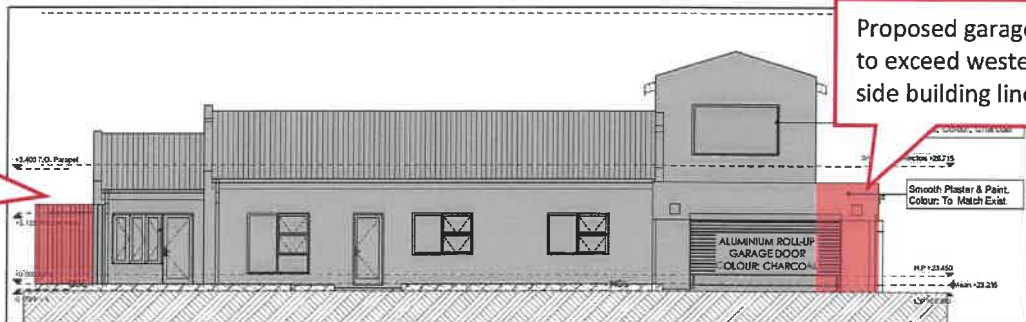
Proposed garage to exceed western side building line



Proposed store to exceed eastern side building line

North Elevation

Proposed store to exceed eastern side building line



Proposed garage to exceed western side building line

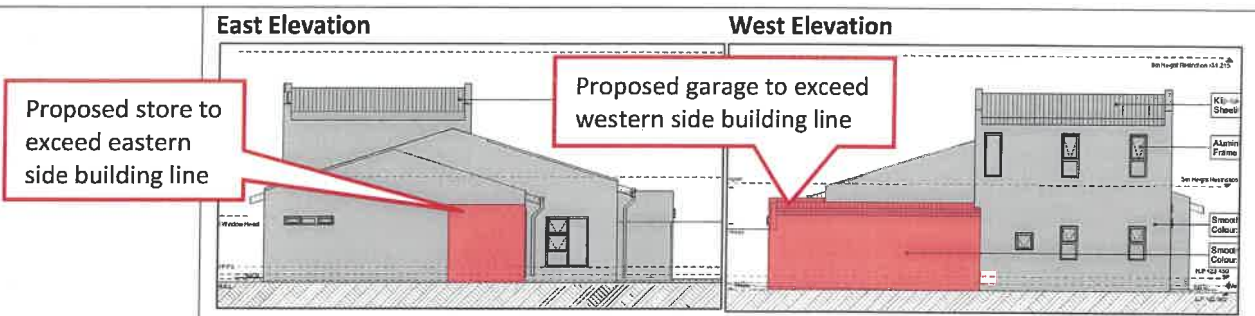


Figure 10: Application illustration – Elevations

A departure to relax the western side zoning scheme building line from 2m to 0m to allow for a proposed garage.

A garage is proposed up to the western side property boundary. The proposed garage is 7.4m along the side boundary and up to 3m in height above natural ground level. The proposed garage roof is proposed 2.7m above average natural ground level at the property boundary. The garage street fronting wall/ parapet is proposed up to 3m above average natural ground level.

The garage is proposed as a double garage for the purposes of storage of two vehicles.

Within 100m from the the application area there are approximately 13 properties with structures on the property boundary. Several of these properties are within the same street as the application area. The proposal is therefore consistent with the character of the surrounding properties.

Since the proposed garage is only on the ground floor, the proposal will not have a significant impact on light or views of surrounding properties. The proposed garage will also not have an impact on privacy of the surrounding properties.

The proposed garage is not a habitable room, and no habitable rooms are proposed to exceed building lines.

A garage will also cause less additional noise in comparrison with open air parking area.

The garage is proposed to have a door at the front and the back allowing access through the garage to the rear of the property without the need to go throught the house.

Services will be provided undearneath the garage.

Fire walls and fire doors will be used for the garage as per fire safety requirements.

A departure to relax the eastern side zoning scheme building line from 2m to 0m to allow for a proposed storage area.

The proposed store is 5.4m along the property boundary with a height of 2.5m.

The proposed store can potentially be used for the storage of gardening equipment.

As mentioned above, there are approximately 13 properties within the surrounding 100m with structures on the property boundaries. The proposed store is therefore consistent with the character of the area.

The proposed storeroom is on the ground floor and will not have an impact on light, views or privacy of surrounding properties.

The storeroom is not a habitable space. The proposed storeroom will not cause additional noise.

The storeroom will have a gate at the front and the back allowing access through the storeroom for potential emergencies or for services.

c. Desirability

- The proposal is functional and improves the quality of life for the residents by efficiently and optimally providing an attached double garage for accommodating two vehicles as well as a storage room.

- The proposal will enhance the value of the property and thus improve the value of the general area.
- The proposal is consistent with the character of the area.
- The proposal will not have an effect on views, light, privacy or noise.
- Access to the rear of the property is still provided for.
- No habitable rooms are proposed to exceed building lines.

d. Planning Principles

In terms of Chapter VI of the Spatial Planning and Land Use Management Act, 2013 the following Planning Principles have been applied to the application site:

- 1) **Spatial Justice** which refers to the need for redressing the past apartheid spatial development imbalances and aims for equity in the provision of access opportunities, facilities, services and land.

Possible results of the development

The proposal will not in any way contribute to perpetuation of past apartheid spatial development imbalances as it will legally accommodate the proposed garage and store which exceeds the side zoning scheme building line.

The application proposal is **consistent with spatial justice**.

- 2) **Spatial Sustainability** which refers to the fact that a spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl.

Possible results of the development

The proposal will allow for a garage and store on a single residential erf, therefore no impact on agricultural land, environmentally sensitive areas and biodiversity rich areas will occur.

The application proposal can thus be deemed to be **spatially sustainable**.

- 3) **Spatial Efficiency** which refers to the manner in which settlements themselves are designed to function in such a way that there will be a minimum need to travel long distances to access services, facilities and opportunities.

Possible results of the development

The proposal for a garage and store will improve the functioning of the property, but will not have an impact on spatial efficiency.

The application proposal is **consistent with the efficiency principle**.

- 4) **Spatial Resilience** which, in the context of land use planning, refers to spatial plans, policies and land use management systems which should enable communities to be able to resist, absorb and accommodate any economic and environmental shocks which might occur in a timely and efficient manner.

Possible results of the development

The proposal is will allow for a garage and store and will not have an impact on spatial resilience.

The application proposal is **consistent with the principle of spatial resilience**.

- 5) **Good Administration** which, in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure that a joint planning approach is pursued.

Possible results of the development

Consultative practices are being followed in this application as it is done in consultation with the Planning Department of the Municipality who will also advertise the application in such a manner as to enable the relevant government tiers and the general public to participate in the eventual decision-making process.

The application proposal is **consistent** with the principle of **good administration**.

5. Conclusion

The application as motivated in this report is regarded **desirable** within its local context and well-integrated within the existing community land-use activities. The proposal improves the functionality of the property and no material impact on the neighbouring properties are foreseen.

It is therefore recommended that the application **be approved** in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, as follows:

- A departure to relax the western side zoning scheme building line from 2m to 0m to allow for the proposed garage in terms of Chapter IV, Section 16(2)(b).
- A departure to relax the eastern side zoning scheme building line from 2m to 0m to allow for the proposed storage area in terms of Chapter IV, Section 16(2)(b).

