

ERF 4037, 116 BEACH ROAD, KLEINMOND: APPLICATION FOR DEPARTURE: FVS TOWN & REGIONAL PLANNERS ON BEHALF OF ORFFER MULLER BELEGGINS (EDMS) BPK

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 that an application has been received in terms of Section 16.(2)(b) of the By-Law for the following departures:

- to relax the eastern lateral building line from 2m to 1,29m to accommodate proposed covered balcony, and
- to relax the western lateral building line from 2m to 1,4m to accommodate the proposed covered stoep.

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 and at the Kleinmond Library, Fifth Avenue, Kleinmond. 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 / loretta@overstrand.gov.za) on or before **3 September 2021**, quoting your name, address and contact details, interest in the application, and reasons for comment. Telephonic enquiries can be made to **Ms. H. van der Stoep** 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 4037, BEACHWEG 116, KLEINMOND: AANSOEK OM AFWYKING: FVS STADS- EN STREEKSBEPLANNERS NAMENS ORFFER MULLER BELEGGINGS (EDMS) BPK

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Gewysigde Verordening vir Munisipale Grondgebruikbeplanning, 2020 dat 'n aansoek ontvang is ingevolge Artikel 16.(2)(b) van die Verordening vir die volgende afwykings:

- verslapping van die oostelike syboullyn vanaf 2m na 1,29m ten einde die voorgestelde onderdak balkon te akkommodeer,
- verslapping van die westelike syboullyn van 2m tot 1,4m ten einde die voorgestelde onderdak stoep te akkommodeer.

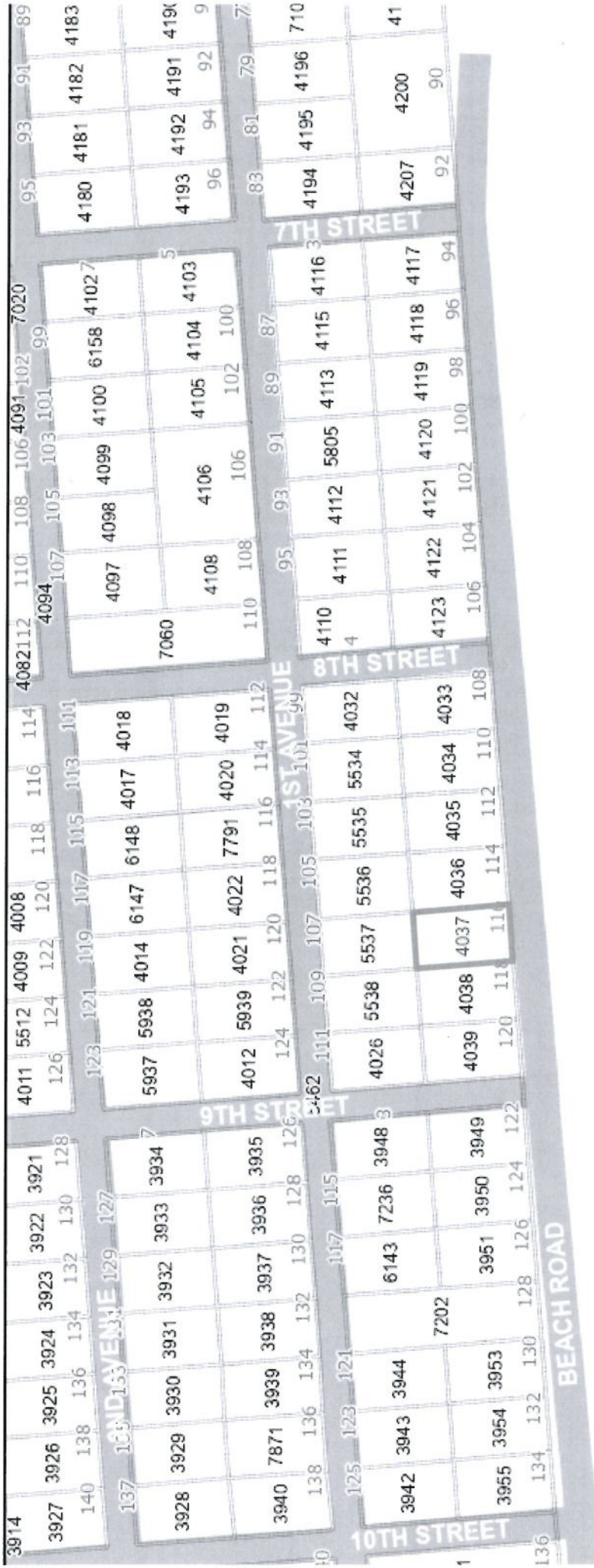
Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus en by die Kleinmond Biblioteek, Vyfdelaan, Kleinmond. Enige skriftelike kommentaar moet ingevolge die bepalings van Artikels 51 en 52 van die Verordening ingedien word en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / loretta@overstrand.gov.za) bereik voor of op **3 September 2021** met u naam, adres en kontakbesonderhede, belang in die aansoek, sowel as die redes vir kommentaar. Telefoniese navrae kan gerig word aan **Me. H van der Stoep** 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 4037, 116 BEACH ROAD, KLEINMOND : ISICELO SOKUPHAMBUKA : FVS TOWN & REGIONAL PLANNERS EGAMENI LIKA ORFFER MULLER BELEGGINS (EDMS) BPK

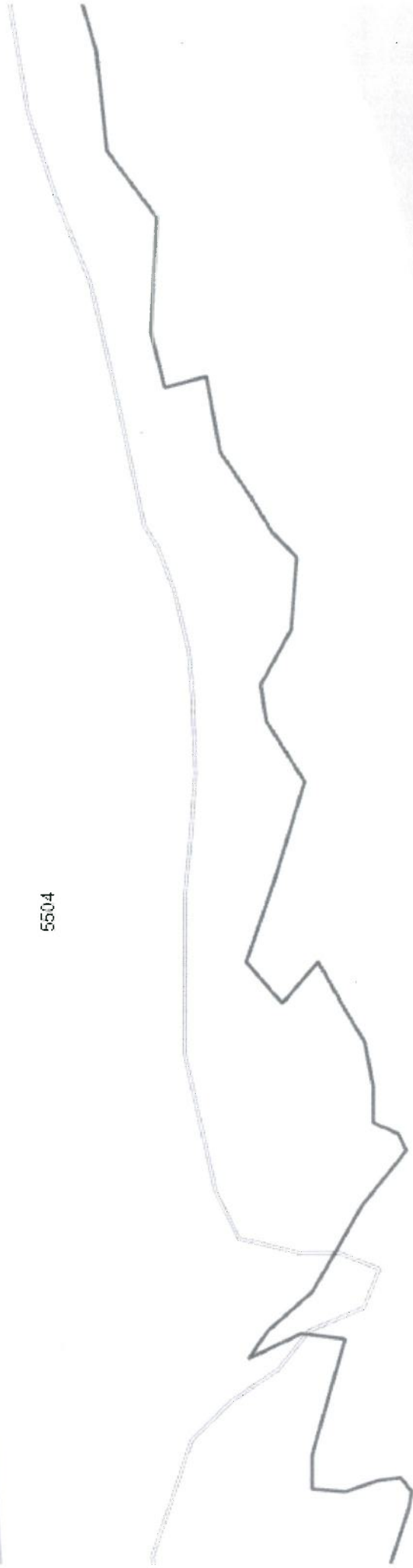
Isaziso sinikwe ngokwemiqathango yeCandelo 48 loMthetho oYilwayo woMasipala wase-Overstrand ongoCwangciso lokuSetyenziswa koMhlaba kaMasipala 2020, ukuba isicelo samkelwe ngokweCandelo 16. (2) (b) loMthetho kaMasipala malunga nokushenxisa oku kulandelayo:

- ukunyeniyisa umgca wesakhiwo osecaleni kwimpuma ukusuka kwi-2m ukuya kwi-1,29m ukulungiselela ibhalkhoni eceliweyo ecetywayo, kunye
- ukunyeniyisa umgca wesakhiwo osecaleni ukusuka kwi-2m ukuya kwi-1,4m ukulungiselela indawo ecetywayo ezakugqunywa.

Inkcukacha ezipheleleyo ziyafumaneka ukuba zihlolwe ngeentsuku zomsebenzi phakathi kweyure-08:00 ne-16:30 kwiSebe: Town Planning, Paterson Street, Hermanus kunye nakwi Tala lwencwadi lase Kleinmond, eFifth Avenue, Kleinmond. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zamaCandelo 51 nelama-52 zalo Mthetho oYilwayo yaye mazithunyelwe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / loretta@overstrand.gov.za) ngomhla okanye ngaphambi komhla **wama-3 uSeptemba 2021**, unike igama lakho, idilesi neenkukacha zonxibelelwano nawe, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuza into malunga nesi saziso ungatsalela umnxeba **Nksk. H. van der Stoep** kule nombolo yomxeba 028-313 8900. UMasipala angala ukuzamkela izimvo ezifike emva komhla wokuvalwa. Nabani na ongakwaziyo ukufunda okanye ukubhala makaye kwiSebe loYilo lweDolophu apho igosa likamasipala liya kumncedisa azibhale izimvo zakhe.



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Town and Regional Planners

INTRODUCTION

FVS Town and Regional Planners is a professional town planning consultancy based in the Western Cape of South Africa, with project experience throughout the country. We strive to deliver town planning services to individuals, companies, and communities to create sustainable environments.

We have a combined experience of 10 years in both public sector and private sector. We can assist with all varieties of land - use related issues. With a dynamic and efficient team, we can assist with the management of both large and small-town planning projects and will be able to provide our consultation services where necessary.

Background Information

The property owner, Orffer Muller, submitted building plans for the proposed additions and alterations to the Building Control Department of the Overstrand Municipality. The Building Control Department referred the application to various departments for their comments. It was during this process that the property owner was advised to apply for the necessary building line departures.

The property owner subsequently contacted FVS Town and Regional Planners to conduct a site visit, in which it was pointed out that a Land Use Application will have to be submitted to Council for approval.

Planning Brief

This motivation report and supporting documents have been submitted to apply for the departures as described in Section 2 of this report. Please see herewith the Motivation Report and supporting documentation that includes the following:

- Application Form
- Power of Attorney
- Title Deed
- Locality Plan
- Proposed Building Plan
- Surveyor General Diagram
- Proposed Building Plan
- Neighbour's Consent
- Proof of Payment

PROPERTY DETAILS

Section 2 of this report consists of the details pertaining to the subject property, such as its locality and ownership details are and property.

The Application

Application is hereby made in terms Section 16 (2) (b) of the Overstrand Municipal Land Use Planning By-Law for the following:

"a permanent departure from the provisions of the zoning scheme:"

- Relaxation of the lateral building line (eastern boundary) from the permitted 2m to 1.29m to allow for the proposed **covered balcony**.

"a permanent departure from the provisions of the zoning scheme:"

- Relaxation of the lateral building line (western boundary) from the permitted 2m to 1m to allow for the proposed covered stoep.

Please refer to the following attached Annexures:

Annexure A: Application Form

Annexure B: Power of Attorney

Ownership Details

Erf 4037, Kleinmond (Title Deed Number: T103487/1999) is currently registered in the name of ORFFER MULLER BELEGGINGS (EDMS) BPK (Registration Number: 99/21603/07) and described as the following:

Erf 4037, KLEINMOND

In the HANGKLIP-KLEINMOND MUNICIPALITY

CALEDON Division, WESTERN CAPE

In extent: 595m²

Please refer to **Annexure C** for a complete copy of the Title Deed.

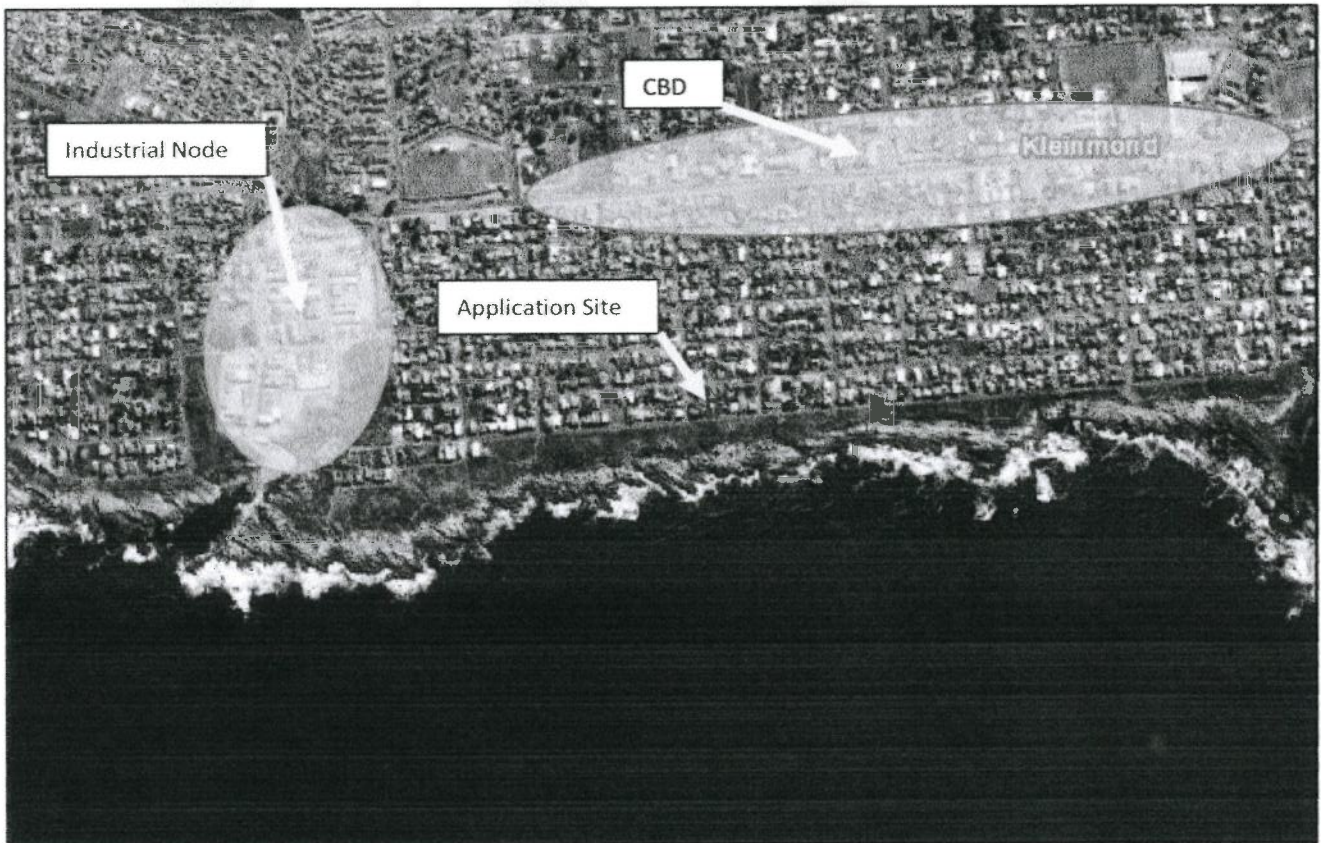
Locality

The application site is situated Beach Road in the coastal town Kleinmond, in the Overberg District of the Western Cape Province. Kleinmond is situated approximately 90km east of Cape Town, between Betty's Bay and Hermanus. The town's main economic trade consists mainly out of the tourism trade. Please refer to **Annexure D** for the Locality Plan.

Character of the Surrounding Area

Due to the town's relatively small footprint the application site is situated in close proximity of the Central Business District (CBD), as indicated in the figure below.

Kleinmond, including other towns such as Betty's Bay, Pringle Bay and Hermanus, is mainly sustained by the tourism trade and also offers a wide variety of activities such as golfing, hiking, horse riding and other water related activities such as fishing and kayaking. Kleinmond is further stimulated by holiday goers coming to visit in their holiday homes and as well as a relatively large retirement community.



Property Particulars

Erf 4037, Kleinmond is currently zoned as Single Residential Zone 1 and is utilised as a single residential site. Please refer to the table below for an extract from the Overstrand Municipality Land Use Scheme 2020. Also, refer to the Overstrand Municipality Land Use Scheme, 2020 for additional parameters, such as parking, loading bays and screening, pertaining to the Single Residential Zone 1.

OVERSTRAND MUNICIPALITY LAND USE SCHEME OF 2020 In terms of Section 16 of the Overstrand Municipality By-Law	
Development Parameters Erf 4037, Kleinmond	
Zoning	Single Residential Zone 1
Primary Uses	Crèche, dwelling house, guest rooms, home occupation, second dwelling and self-catering.
Consent Uses	Day care centre, green house, guest house, house shop, institution, place of instruction, place of worship, residential building, and intensive horticulture.
Building Lines - Street	4m (erven larger than 400m ²)
Building Lines – Side and Rear	2m (erven larger than 400m ²)
Height	8m from base level
Coverage	50% (erven larger than 400m ²)
Parking	Please refer to Chapter 17.1 of the Overstrand Municipality Land Use Scheme of 2020



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MOTIVATION

Section 3 of the motivation report deals specifically with the type of application and what will be applied for.

The Proposal

The application entails the relaxation of the two lateral (side) building lines from 2m to 1.29m and from 2m to 1m respectively to allow for the proposed covered balcony and covered stoep.

Legislation

The proposal is not deemed to have a negative impact on National Heritage Resources Act as it is not older than 60 years and would also not have an impact on NEMA. The application site is not situated in the flood line area, the 1:10 year, 1:50 year and 1:100-year flood lines and is not situated in an environmentally sensitive area.

Impact on Municipal Services

The proposal is not deemed to have a negative impact on the municipal engineering services. The application site is well serviced, and the proposal is not deemed to have an additional impact on the municipal services.

Forward Planning

Integrated Development Plan (May 2020)

The Integrated Development Plan (IDP) is a 5-year strategic plan whereby the Municipality of Overstrand must base all decisions in terms of planning and development. The IDP further identifies issues relating directly to the community in terms of their needs and institutional needs.

The proposal makes full use of the extent of the subject site and is not deemed to have a negative impact on the surrounding community in terms safety and security and would also not detract from the privacy of the abutting neighbours.

Overstrand Municipality Spatial Development Framework (May 2020)

The Overstrand Municipal Spatial Development Framework (SDF) makes no specific reference to building line relaxations, however, the SDF promotes densification in order to provide more housing. The proposal is not deemed to have a negative impact on the surrounding community or on the already fragile sewerage system that is implemented in the surrounding area of Kleinmond.



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Planning Principles

The proposed development supports the principles of Chapter VI (Article 59) of the Land Use Planning Act (LUPA), Act 3 of 2014, and Chapter 2 (Article 7) of the Spatial Planning and Land Use Management Act (SPLUMA), Act 16 of 2013, as follows:

Spatial Justice

The proposal is deemed to improve the optimal usage of the application site and thus be an overall improvement on the surrounding community.

Spatial Sustainability

The proposal is not deemed to have a negative impact on any viable agricultural land or impact negatively on environmentally sensitive and biodiversity rich areas. The application site is situated in a residential area and is not deemed to be situated on a scenic route and will not contribute to urban sprawl.

Efficiency

The proposal makes use of the full extent of the application site. It is deemed that no additional municipal services will be required. The proposal is further deemed to contribute to the surrounding community, without the need for additional infrastructure or the negative effect on the natural environment.

Spatial Resilience

Due to the relevant small impact on municipal engineering services and the footprint of the proposal it is argued that the proposal will not have a negative impact on the surrounding community.

Good Administration

The Overstrand Municipality will assess the application and refer to the various departments that would be required to provide their comments. The consultants, FVS Town and Regional Planners, also went to the abutting neighbours to request their consent, for the Overstrand Municipality to make an informed decision.

Photos of the Site



Photo 1

Existing balcony to be covered.



Photo 2

Covered Stoep on lateral building line.

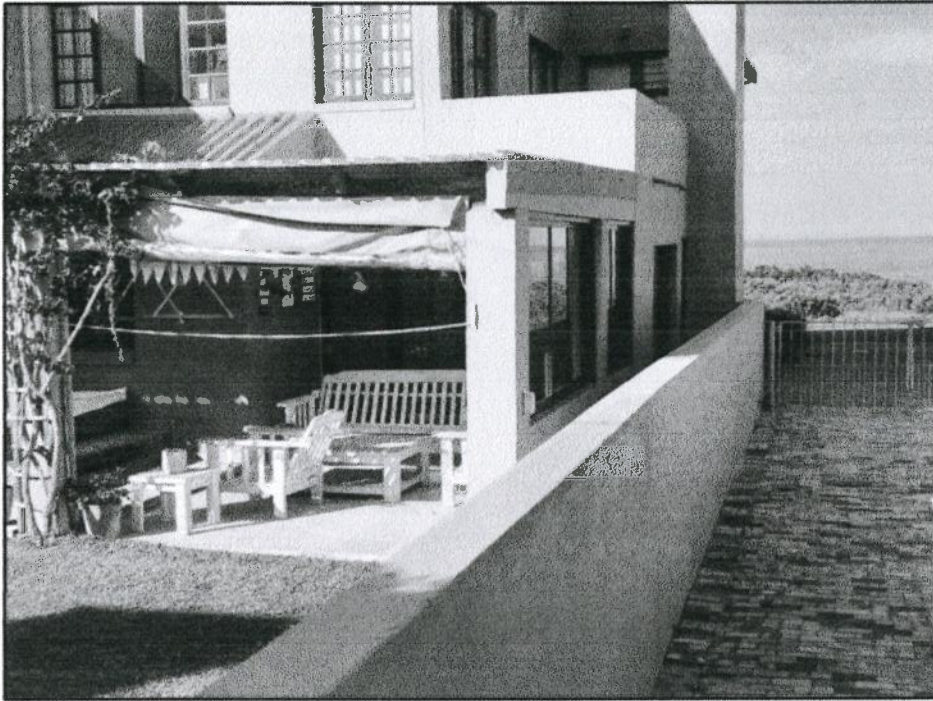


Photo 3
Covered stoep on
lateral building line.

Desirability

The proposal is deemed as desirable in terms of the reasons set out in this Motivation Report. The application complies with the requirements as set out in Overstrand Municipality Land Use Scheme of 2020, and the legislation aspects as defined above. Further, the proposed additions are over the common boundary building line it is not deemed to have a negative impact on the abutting neighbours in terms of privacy.

CONCLUSION

Reasons for Approval

- No additional Municipal Services will be required.
- The proposal is deemed desirable in terms of the Overstrand Municipality Land Use Scheme of 2020.
- The affected neighbours have already provided their favourable consent for the proposed additions and alterations when the property owner submitted building plans.
- The proposed covered balcony will provide additional privacy for the adjoining neighbours (Erf 4036) as well as for the property owner of Erf 4037, Kleinmond by means of a screening wall. The property owners of Erf 4038 use the property mainly for holiday accommodation and will thus not be affected on a regular basis.

Considering the above information, Council is respectfully requested to favourably consider the application for the following:

Approval for the permanent departure, relaxation of the lateral building line from 2m to 1.29m, in terms of the Overstrand Municipality Land Use Planning By-law on Erf 4037, Kleinmond.

Approval for the permanent departure, relaxation of the lateral building line from 2m to 1m, in terms of the Overstrand Municipality Land Use Planning By-law on Erf 4037, Kleinmond.

Kind Regards,



Jaco van Schaikwyk

Director of FVS Town and Regional Planners

