

ERF 1436, 41 KANDELAAR STREET, VERMONT: APPLICATION FOR DEPARTURE AND DETERMINATION OF ADMINISTRATIVE PENALTY: SMUTS & DE KOCK ARCHITECTS (obo MF SMUTS)

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 for a departure in terms of Section 16(2)(b) to relax the lateral building line from 2m to 0m to accommodate an existing shade port.

Application is also made in terms of Section 16(2)(q) for the determination of administrative penalty for the unauthorised land use on the property.

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) 0283132093 / loretta@overstrand.gov.za) on or before **19 November 2021**, 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 1436, KANDELAARSTRAAT 41, VERMONT: AANSOEK OM AFWYKING EN BEPALING VAN ADMINISTRATIEWE BOETE: SMUTS & DE KOCK ARGITEKTE (nms MF SMUTS)

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Gewysigde Verordening vir Munisipale Grondgebruikbeplanning, 2020 dat 'n aansoek om afwyking ontvang is ingevolge Artikel 16(2)(b) om die syboulyn vanaf 2m na 0m te verslap om 'n bestaande motor skadunet te akkommodeer.

Aansoek is ook ontvang ingevolge Artikel 16(2)(q) vir die bepaling van administratiewe boete vir ongemagtigde grondgebruik op die eiendom.

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) 0283132093 / loretta@overstrand.gov.za) voor of op **19 November 2021**, 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 1436, 41 KANDELAAR STREET, VERMONT: ISICELO SOPHAMBUKO NOKUMISELWA KWESOHLWAYO SOLAWULO: SMUTS & DE KOCK ARCHITECTS (obo MF SMUTS)

Isaziso sinikwa ngokwemiqathango yeCandelo 48 loMthetho kaMasipala oLungisiweyo woMasipala wase-Overstrand ongoCwangciso lokuSetyenziswa koMhlaba kaMasipala, 2020, sokokuba isicelo sifunyenwe sophambuko ngokwemiqathango yeCandelo 16(2)(b) sokunyenyiswa komda osecaleni kwisakhiwo ukususela kwi-2m ukuya kwi-0m ukulungiselela ikhapothi egqunyiweyo esele ikho.

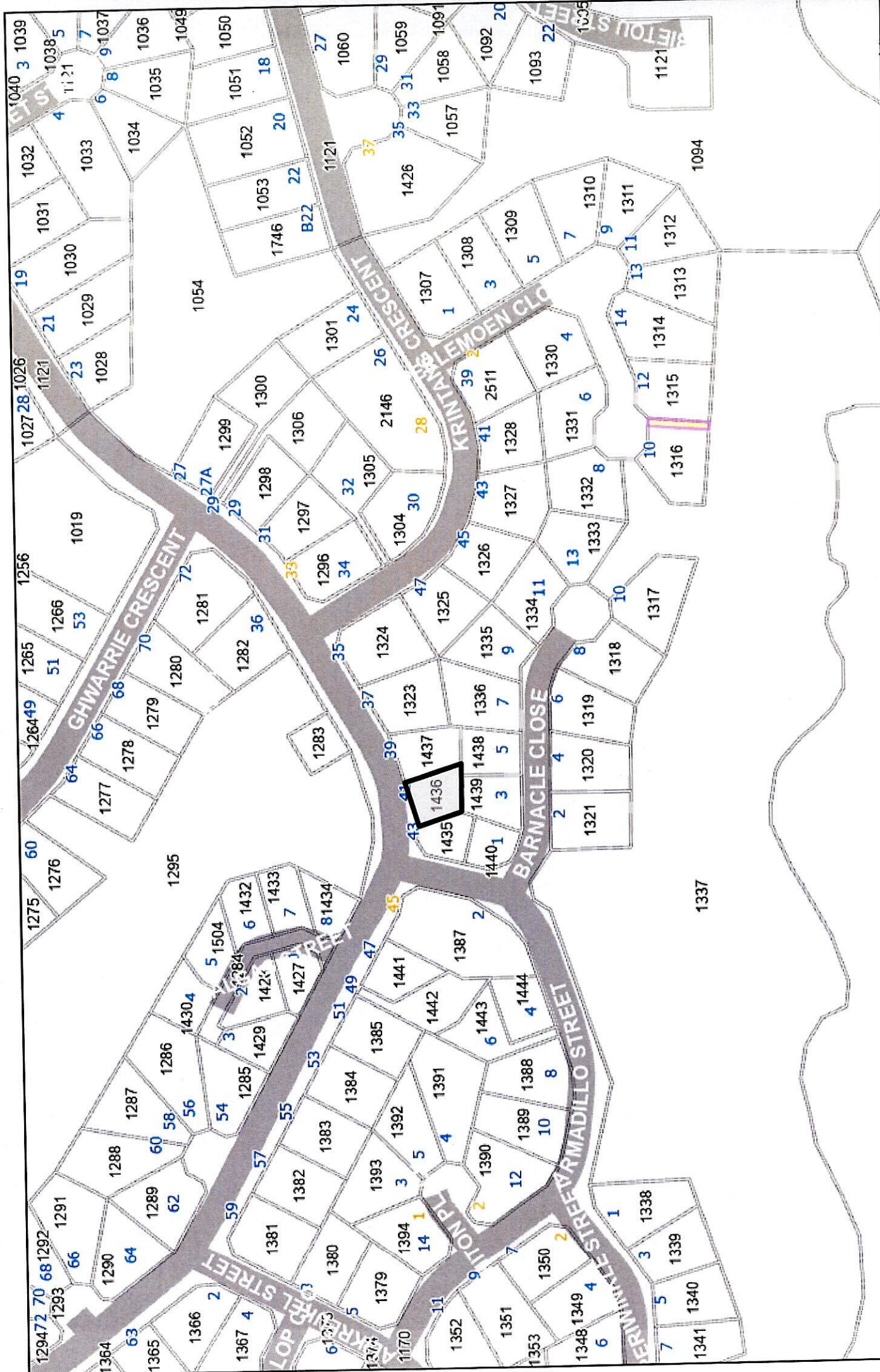
Isicelo senziwe ngokunjalo ngokwemiqathango yeCandelo 16(2)(q) ukulungiselelwa kokumiselwa kwesohlwayo solawulo ngokusetyenziswa komhlaba ngokungekho mthethweni kwipropati.

linkcukacha ezipheleleyo ngesi sindululo ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini phakathi kwentsimbi yes-i08:00 neye-16:30 kwiSebe: loCwangciso lweDolophu, Paterson Street, eHermanus. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zamaCandelo 51 nelama-52 alo Mthetho kaMasipala mazithunyelwe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) ngomhla okanye ngaphambi **komhla, wama-19 kuNovemba 2021**, unike igama lakho, idilesi neenkukacha zonxibelelwano nawe, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuza into malunga nesi saziso ungatsalela umnxeba **uMnu H. Olivier** kule nombolo 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.

Tel: 028 313 8900 | Fax: 028 313 2093 | E-mail: loretta@overstrand.gov.za

PO Box 20 | **HERMANUS** 7200

www.overstrand.gov.za



MOTIVATIONAL REPORT FOR APPROVAL OF 'CARPORT' ERF 1436, VERMONT, HERMANUS

1. BACKGROUND:

This report motivates the approval of the above that was erected before 2007 when our client, Mrs. Meryl Smuts, purchased the property. Our client was unaware of the fact that the carport was erected without municipal approval by the previous owners. Our client has now sold the property and had to provide "as-built" documentation. At that point she was made aware of the above status quo.

2. THE 'CARPORT':

The "carport" is not a traditional construction with walls and columns but a 75mm diameter galvanised steel framework resting on four 75mm columns anchored to the ground. The 'Carport' is covered with transparent netting – see photographs attached. The carport is on the inside of a low boundary wall as per drawings submitted and is 6,5m from the front boundary.

3. THE CHARACTERISTIC OF THE ENVIRONMENT:

The environment is the front garden of a double storey 'cape' style cottage. The main element of the front garden is a big shady tree with a sitting area in the tree's shadow. There is an 'autumn' coloured brick driveway in front of the carport as well as a paved area under the tree and pathway from the front gate towards the front door. The balance of the front garden is made up of flower beds and a grassed area, all neat and well looked after.

4. DESIRABILITY OF THE PROPOSED UTILISATION:

The carport is the only area where the owner can park his/her car, protected from the elements, there not being a garage or other alternative on site parking. There is no other possible use for this area. If there is no 'carport' the owner's car will be parked in that position but without protection.

5. OTHER LAWS AND CONSIDERATIONS:

There is no other law, consideration or use for this area.

6. ENGINEERING SERVICES:

There are no municipal services under the 'carport' and also, in our opinion, no reason to allow for any future services on this private erf.

7. FORWARD PLANNING:

This application, which involves a 'lightweight' carport does not need to trigger any forward planning considerations including the following:

- Integrated development plan, including the municipal spatial development framework;
- Integrated development plan and spatial development framework for the district municipality, where applicable;
- Applicable local spatial development frameworks adopted by the Municipality;

- Provincial spatial development framework; and – Regional spatial development framework in section 18 of SPLUMA and LUPA or provincial regional spatial development framework;
- Applicable structure or precinct plans

8. PLANNING PRINCIPLES:

The scale of this application and the function thereof does not affect any political or other 'spatial injustice' consideration. It also does not touch negatively on spatial sustainability by i.a. not using any resources. On the contrary this structure protects an asset from the elements and as such adds to the protection and longevity of the owner's asset.

9. EFFICIENCY:

The structure is economic and efficient from a cost and environmental point of view.

10. SPATIAL RESILIENCE:

The size of the 'carport' does not negatively impact on land use, urban aesthetics and sits humbly in a well-balanced landscape in a charming neighbourhood.

11. GOOD ADMINISTRATION:

The carport reflects good administration, is functional in its nature and is an appropriate element in the urban landscape.

12. PHOTOS:

See photos and A4 site plan attached.

Signed,

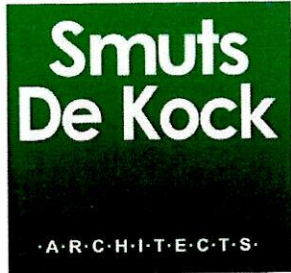
Boets Smuts

Smuts & de Kock Architects

6 JONKERSHOEK ROAD
STELLENBOSCH
7600

Tel: 021 887 7678

boets@smutsdekock.co.za



6 September 2021

Overstrand Municipality
Director: Infrastructure & Planning
Attn: Mr. H. Olivier
P.O. Box 20
Hermanus
7200

Dear Sir,

RE: ERF 1436, 41 KANDELAAR STREET, VERMONT: APPLICATION FOR DEPARTURE AND DETERMINATION OF ADMINISTRATIVE PENALTY: SMUTS & DE KOCK ARCHITECTS

Your undated letter, attached herewith for reference purposes refers.

May we herewith respectfully apply for departure of administration penalty for failing to apply for a building permit for an illegal carport on the above erf.

1. Background to the status quo.
The carport was in place when our client Ms. M.F. Smuts bought and occupied the house. She was unaware of the illegality thereof and the previous owners did not point out to her that the carport was illegal.
2. Neighbors
The neighbors have no problem with the carport and never had a problem with it. See their letter attached. The carport is out of view from the neighbors.
3. The carport is a neat and unobtrusive structure that does not do harm to anyone, it is only there to provide shade to a parking bay.

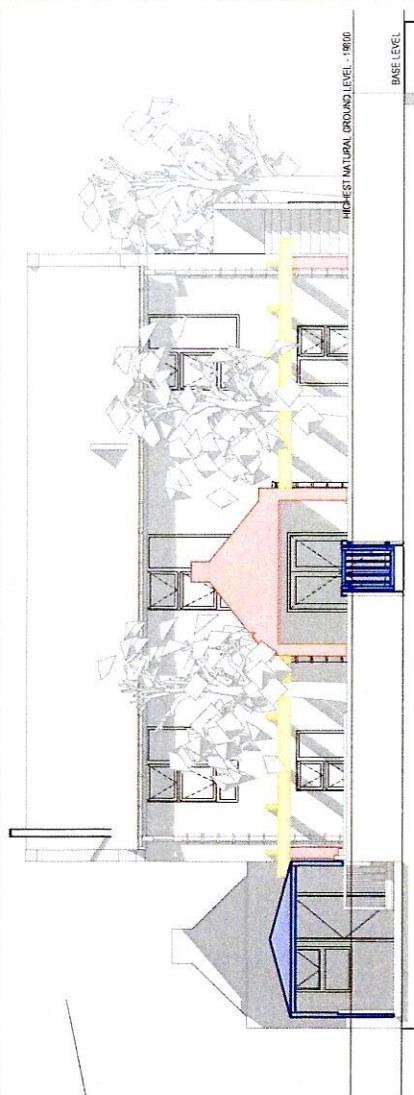
May we, based on the above, and in the light of a fee of R15 000.00 which we quoted for submitting "as built" documentation to our client which was an unplanned expense for a senior unemployed lady respectfully request that you do not further punish her with a penalty.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'W. Smuts'.

Boets Smuts
Smuts & de Kock (Pty.) Ltd.

8000mm HEIGHT RESTRICTION



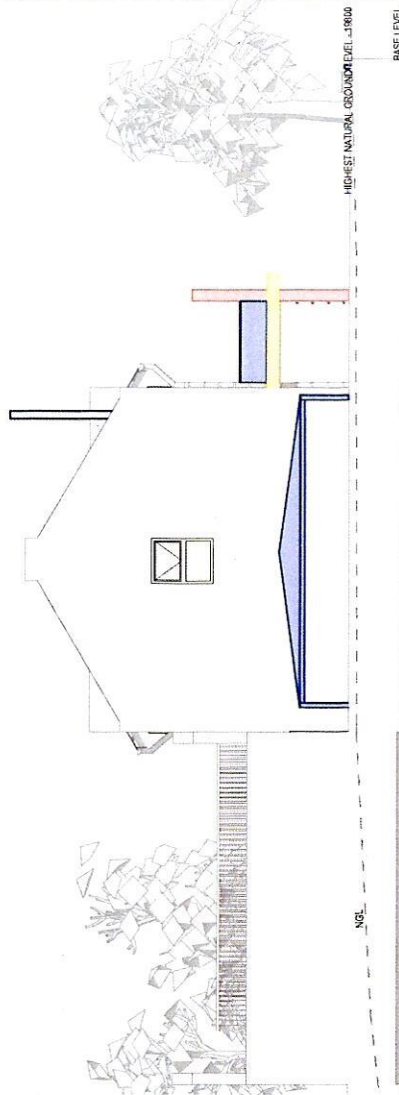
HIGHEST NATURAL GROUND LEVEL: 1800

BASE LEVEL

LOWEST NATURAL GROUND LEVEL: 1800

**NORTH ELEVATION
SCALE 1:100**

8000mm HEIGHT RESTRICTION



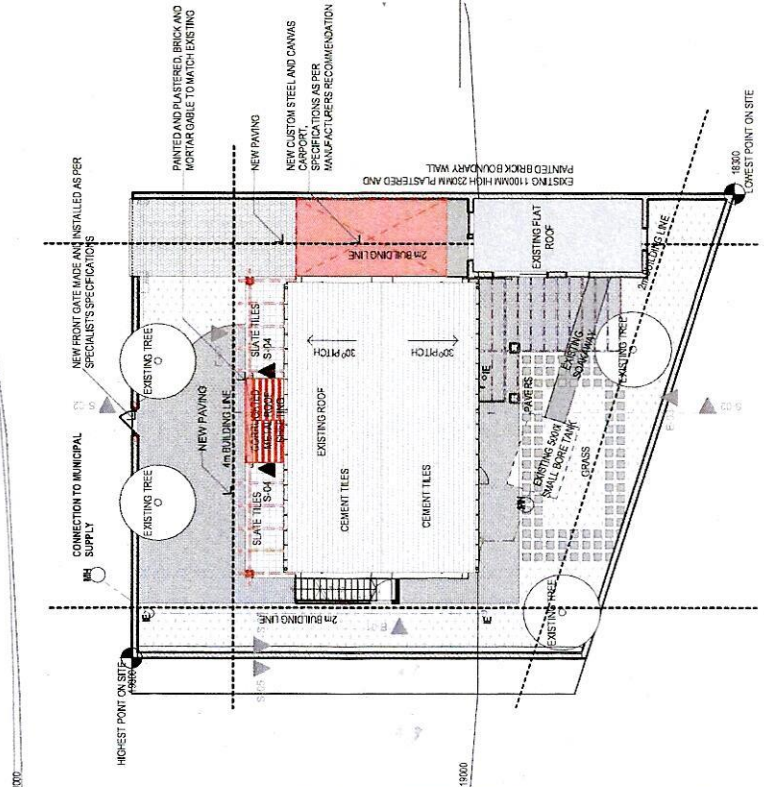
HIGHEST NATURAL GROUND LEVEL: 1800

BASE LEVEL

LOWEST NATURAL GROUND LEVEL: 1800

**EAST ELEVATION
SCALE 1:100**

North KANDELAAR STREET



**ROOF AND SITE PLAN
SCALE 1:200**

**SITE PLAN & ELEVATIONS
ERF 1436**

41 KANDELAAR STREET, VERMONT
10 AUGUST 2021 > SCALE VARIOUS @ A3

