

ERF 2136, 30 DUKE STREET, ONRUS RIVER: APPLICATION FOR DEPARTURE AND DETERMINATION OF ADMINISTRATIVE PENALTY: ENGELBRECHT & SCORGIE (obo FRANCENE TRUST)

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 north-eastern lateral building line from 2m to 1,5m and to exceed the 9m restriction of a building on one specific boundary to accommodate a domestic quarter and change of a carport into a garage.

Application is also made for the determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law for the unauthorised building line encroachments as discussed above.

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 **18 March 2022**, 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 2136, DUKESTRAAT 30, ONRUSTRIVIER: AANSOEK OM AFWYKING EN BEPALING VAN ADMINISTRATIEWE BOETE: ENGELBRECHT & SCORGIE (nms FRANCENE TRUST)

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 noord-oostelike syboullyn vanaf 2m na 1,5m te verslap en om die 9m beperking van 'n struktuur op een spesifieke grenslyn te oorskry, om 'n bediendekwartiere te akkommodeer, en verandering van 'n motorafdak na 'n motorhuis.

Aansoek is ook ontvang vir die bepaling van 'n administratiewe boete ingevolge Artikel 16(2)(q) van die Verordening vir die onwettige boulyn oorskrydings soos bo bespreek.

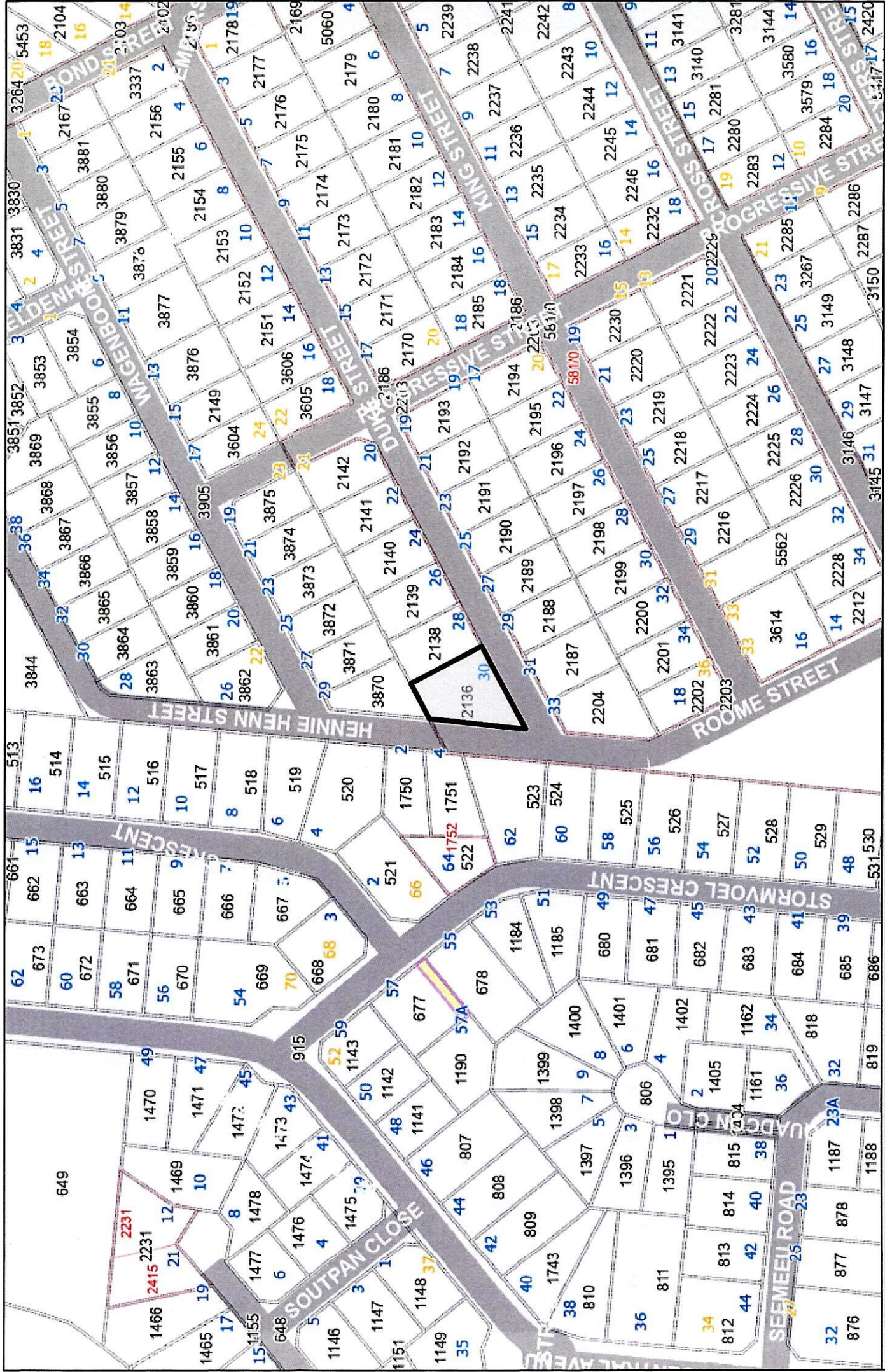
Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / loretta@overstrand.gov.za) voor of op **18 Maart 2022**, 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 2136, 30 DUKE STREET, ONRUS RIVER: ISICELO SOPHAMBUKO KUNYE NOKUMISELWA KWESOHLWAYO SOLAWULO: ENGELBRECHT & SCORGIE (obo FRANCENE TRUST)

Isaziso sinikezwe ngophathelelene neCandelo 48, loMthetho oLungisiweyo kaMasipala waseOverstrand ongokuSetyenziswa koMhlaba kaMasipala, 2020 sokokuba isicelo sifunyenwe sophambuko ngokwemiqathango yeCandelo 16(2)(b) sokunyeniswa komda wesakhiwo kwicala elingasesitalatweni ngasentla ngasempuma, ukususela kwi-2m ukuya kwi-1,5m kunye nokudlula kwisithintelo se-9m sesakhiwo kumda omnye othe ngqo ukulungiselela isakhiwo sabasebenzi kunye nokutshintshwa kwekhopoti ibe yigaraji.

Isicelo senziwe ngokunjalo sokumiselwa kwesohlwayo solawulo ngokwemiqathango yeCandelo 16(2)(q) loMthetho kaMasipala elilungiselelwe ungenelo olungekho mthethweni olungagunyaziswanga kumda wesakhiwo njengoko kuxoxiwe ngasentla.

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-18 kuMatshi 2022**, 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.



Locality Map
Erf 2136 Onrus River



1. INTRODUCTION:

1.1 **Background**

The owners of the property, Francene Trust has instructed Gerhard Engelbrecht from the firm Engelbrecht & Scorgie Architectural office to apply for a building line departure from the Overstrand Municipality's Zoning Scheme Regulations. Erf 2136, referred to in this document as the application area, measures 829.0m² and is held by Title Deed no. T15936/94.

1.2 **Application detail**

Application is made in terms of the following:

- 1.2.1 The Overstrand Municipality's By-Laws on Municipal Land Use Planning, Chapter 4 Section 16(2)(b), 2020 states that an owner of an erf may apply to the Municipality for a permanent departure from the provisions as stated in the Overstrand Municipality's Zoning Scheme Regulations.

Relevant sections in the Zoning Scheme Regulations applicable to the departure:

- Section 6.1.2 (b)(ii) "Side and Rear Building Lines". The side and rear building line is determined in accordance with the net erf area, as listed in the table below:

Net erf area:	Side and rear building line
400m ² and greater	2.0m

- Section 16.1.1 (c)(iii) "Encroachment of side and rear building lines". To exceed the permitted length of 9.0m of a building structure on the North Eastern lateral building line zones.

- 1.2.2 The Overstrand Municipality's amended By-laws on Municipal Land Use Planning states that a person who is in contravention of this By-laws, and submit application to rectify the contravention, must apply to the Municipality for the determination of an administrative penalty, provided that the Municipality has not obtained and issued a demolition directive in terms of Section 85 in respect of the land or building or part thereof.

1.3 **Need and desirability**

1.3.1 **Property description**

The application area of 829.0m² in extent is located at 30 Duke Street, Onrustrivier. The property is surrounded with similar type residential properties and lies in the older section of Onrust river. Refer to the enclosed locality layout. The erven in Duke Street have a very slight gradient from North to South and most of the properties have a bit of a mountain view with very little chance of any sea view at first floor.

The dwelling on Erf 2136 is a double storey dwelling comprising a typical family type living accommodation. The owners of the property, the Francene Trust, purchased this property in 1994 for a fair sum of money and has been using the property as a holiday home ever since.

2. **THE APPLICATION:**

2.1 **Analysis - Development Criteria as per the Overstrand Municipality**

The development parameters for the application area as per the Overstrand Municipality Land Use Scheme, 2020 can be summarized as follows:

Design Parameters:	Overstrand Municipality's Zoning Scheme Regulations:	Proposal:	Comments:
Zoning	Residential Zone 1: Single Residential (SR1)	Residential Zone 1: Single Residential (SR1)	Unchanged
Primary Use	Crèche, dwelling house, guest rooms, home occupation, second dwelling unit and self - catering	Dwelling house	Unchanged
Consent Use	Day care centre, green house, guest house, house shop, institution, place of instruction, place of worship, residential building and intensive horticulture	None	Unchanged
Coverage	50%	21.11%	Unchanged
Height Restriction	8.0m	8.0m	Unchanged
Building lines	Street	4.0m	Unchanged
	Side	2.0m	Application for a departure
	Rear	2.0m	Unchanged
Parking	Dwelling house: 2 bays	Dwelling house: 2 bays	Unchanged

2.2 **Analysis – Development Criteria as per the Title Deed**

Refer to Annexure C for the enclosed Title Deed.

The Title Deed applicable for Erf 2136 contains no restrictions

2.3 Application

As stated earlier in this Departure Document;

- 2.3.1 the Overstrand Municipality's By-Laws on Municipal Land Use Planning Chapter 4 Section 16(2)(b), 2020 states that an owner of an erf may apply to the Municipality for a permanent departure from the provisions as stated in the Overstrand Municipality's Zoning Scheme Regulations.

Therefore, application is subsequently made in terms of the Overstrand Amendment By-Law on Municipal Land-use Planning, 2020 for:

- a permanent departure to relax the North Eastern Municipal Lateral Building Line from 2.0m to 1.5m to allow for a domestic quarter.
- for the conversion of a carport into a single garage.
- to exceed the permitted length of 9.0m for a building structure on the North Eastern lateral building line zones.

- 2.3.2 The Overstrand Municipality's amended By-laws on Municipal Land Use Planning states that a person who is in contravention of this By-laws, and submit application to rectify the contravention, must apply to the Municipality for the determination of an administrative penalty, provided that the Municipality has not obtained and issued a demolition directive in terms of Section 85 in respect of the land or building or part thereof.

Therefore, application is subsequently made in terms of the Overstrand Amended By-Law on Municipal Land-use Planning, 2020 for the application of an administrative penalty as contemplated in Section 90 in the Overstrand Municipality's amended By-laws on Municipal Land Use Planning

Refer to Annexure A for the application form.

3 CONTEXTUAL SITE INFORMATION:

3.1 Property Description

Property:	Extent:	Title Deed No:	Registered Owner:
Erf 2136, Onrustrivier	829.00m ²	T15936/94	Francene Trust

Refer to Annexure C for the Title Deed of Erf 2136, Onrust River

Refer to Annexure E for the Municipal Account of Erf 2136, Onrust River

Refer to Annexure F for SG Diagram of Erf 2136, Onrust River

The following Surveyor General Plans reflect the application site:

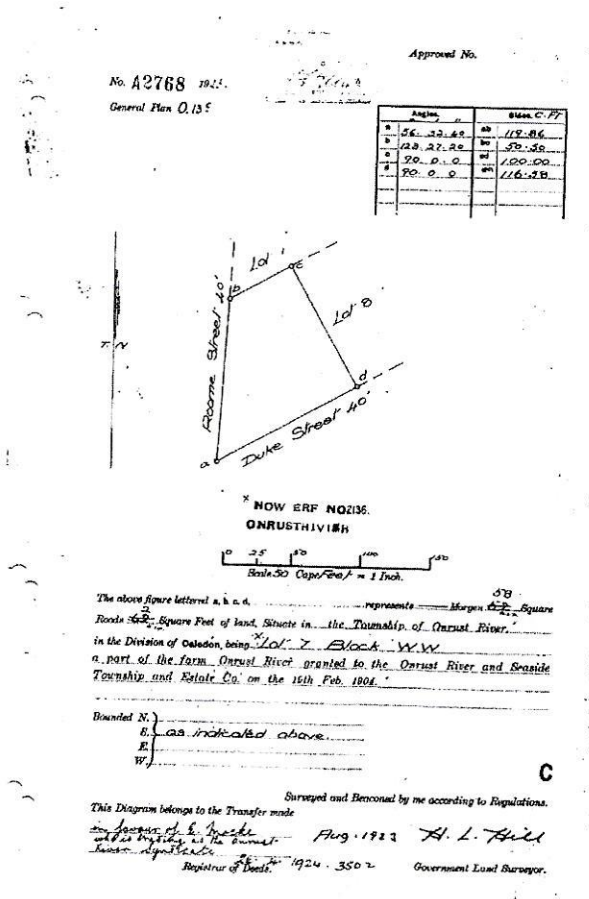


Figure 1: Extract of the Surveyor General Plans of the application site

3.2 Location

A. Regional Context

Within a regional context, the application area is located within the Onrust River residential suburb.

Refer to Annexure G for the Locality layout

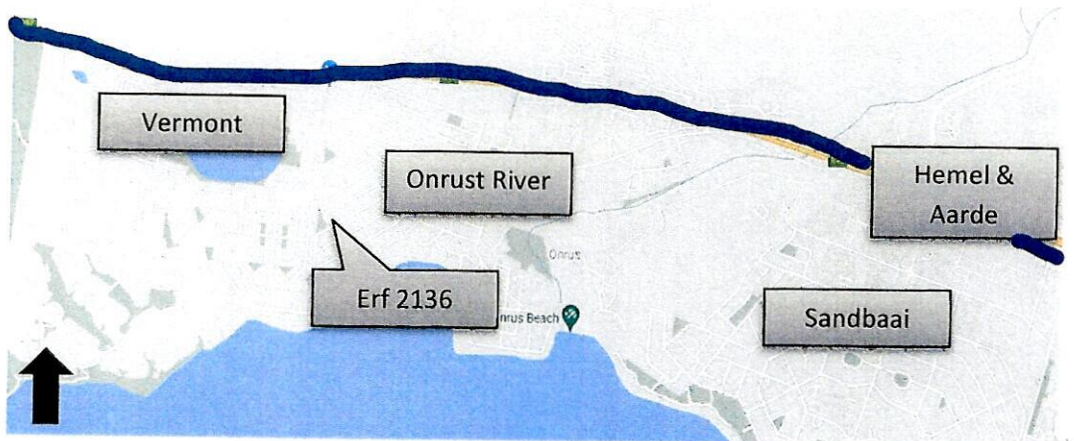


Figure 2: Erf 2136 within a Regional Context – NOT TO SCALE

B. Local Context

Within a local context, the application area consists of a residential erf within Onrust River. The application area is located at 30 Duke Street.

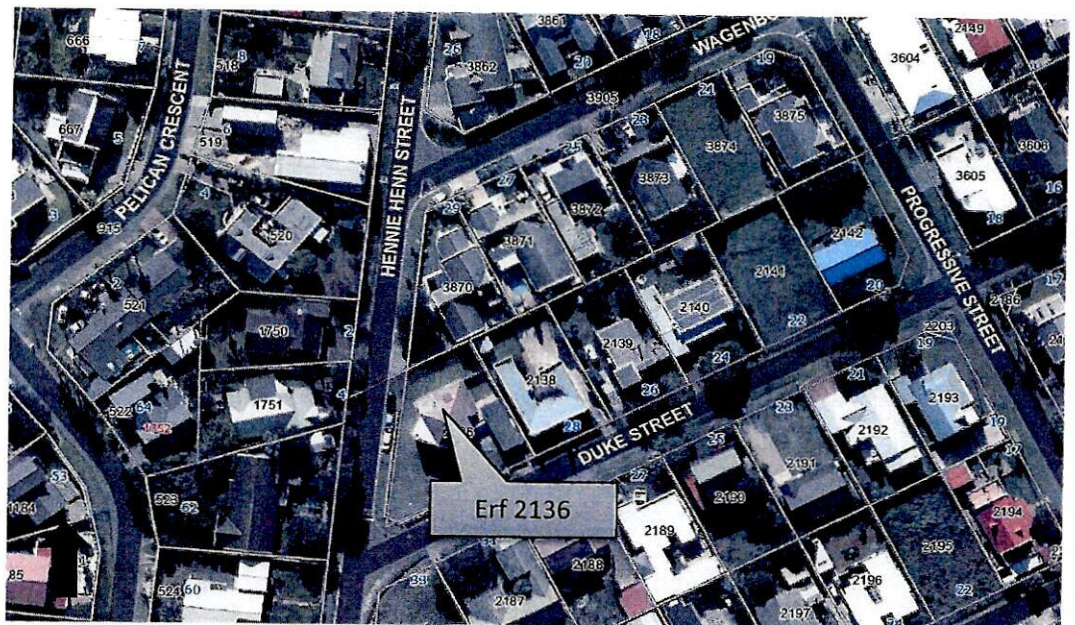


Figure 3: Local Context, an extract from the Overstrand Public Viewer – NOT TO SCALE

3.3 Land Use:

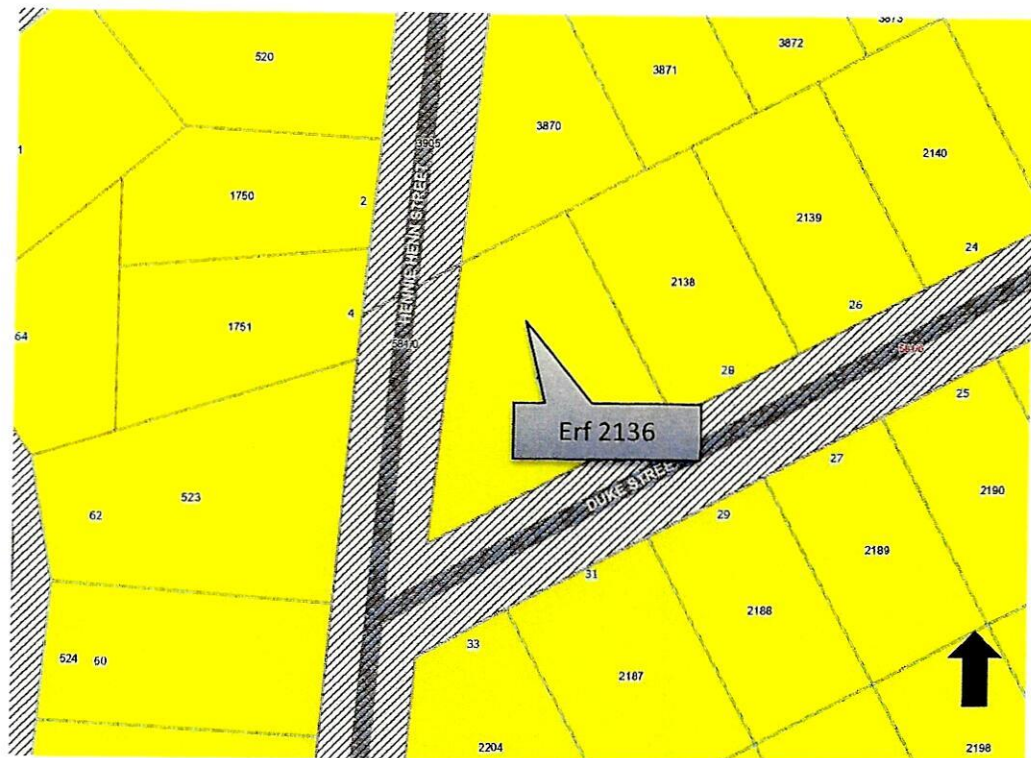
The existing structures on the application area has a footprint of 183.27m² (this includes the structures not on the approved drawings and which from part of this departure application). The areas of the Dwelling as it stands (including the additions and alterations) comprise the following:

- Ground floor area - 109.17m²(as approved)
- Single garage - 31.92m² (not on approved drawings)
- Domestic quarter - 13.85m² (not on approved drawings)
- First floor area - 94.40m² (as approved)

Total surface area (incl. all improvements) - 183.27m²
 Total coverage (incl. all improvements) - 22.11%

3.4 Zoning

The application area is zoned Residential Zone 1 (SR1). All surrounding properties are zoned Residential Zone 1 (SR1) as shown on Figure 4 below.



- Residential Zone 1: Single Residential
- Transport Zone 2: Road and Parking

Figure 4: Zoning, an extract from the Overstrand Public Viewer – NOT TO SCALE

4 PROPOSAL

4.1 Background and introduction to the proposal

Our Firm, Engelbrecht & Scorgie Architectural Office was appointed in mid-August 2021 by Mr. & Ms. Kleynhans, who is currently in the process of becoming the new owners of Erf 2136 to prepare drawings for a few internal and external additions and alterations which, I would think is not important to mention in this Departure Application as it has no direct effect to the Departure Application.

When processing this Departure Application, keep in mind that the following owners, as mentioned here within, have the meaning hereinafter assigned to them as follows;

- Previous owner (1986 – 1994) Ms. J.A Lourens
- Current owner (1994- Current) The Francene Trust
- New owner (Not yet the registered owners, but in the process of becoming the registered owners) Mr. & Ms. Kleynhans.

When copies of the approved drawings were obtained from Council, it became clear that the approved drawings on file at the Overstrand Municipality's Building Control reflected slight dissimilarities to some of the structures we measured -up on site. These dissimilarities include;

- the conversion of an approved carport into a single garage,
- the conversion of an approved storage area into a domestic quarter.

The above mentioned, was brought to the current owner's, The Francene Trust, attention who were quite surprised of our findings as they were under the impression that the as-built single garage and the as-built domestic quarter was approved by the Onrust River Municipality.

Our services were then further extended by preparing and submitting a Departure Application to rectify this matter on behalf of the current owner, the Francene Trust.

The current owner's, The Francene Trust, argued that there are drawings showing these changes on record at the Overstrand Municipality's Building Control Department, but when we as the appointed Architectural firm to handle this Departure Application further investigated this matter, it became clear that although there are plans submitted to convert the approved storage area into a new domestic quarter, these drawings were never approved by the Onrust River Municipality as it has no approval stamp nor an approval date on.

We as the appointed firm the handle this Departure Application made the following **assumptions** to make sense of where and when these minor dissimilarities could have occurred:

- In 1986, the Architectural Firm, Errol J. Gersh, was appointed by the previous owner of Erf 2136, Ms. J.A Lourens to submit drawings for a proposed new dwelling. The proposed double story dwelling comprising a typical family style living accommodation with a Carport and an adjoining storage area. Refer to the enclosed approved drawings as Annexure H. These drawings were

approved on the 9th of May 1986 and the construction process could have started in approx. mid-1986.

- During the initial construction process, the previous owner decided to deviate from the submitted and approved drawings by changing the Carport into a new single garage.

The submitted and approved Carport measured a total of 8.0m in length and a total of 3.5m in width with a small adjoining storage area as mentioned above. The submitted and approved Carport was enclosed on the North Eastern Boundary and took access from Duke Street. With this being said, it could have been easy to convert the proposed Carport into a single garage by simply just adding a few more brickwork and a garage door.

No rider plans were submitted by the owner or the appointed Architectural firm / Draughtsman to rectify the above-mentioned change.

- In 1987, the Architectural Firm, Errol J. Gersh, was again appointed by the previous owner to submit drawings to change the existing and approved storage area into a new proposed Domestic quarter. On these drawings a single garage, assumingly built during the initial construction phase and that was never approved by the Onrust River Municipality, is shown as existing. We as the appointed Architectural Firm to handle this Departure Application can only assume it was because of the garage shown on these drawings as existing and not as new that the domestic quarter was never approved. The appointed Architectural Firm never tried to rectify this matter and the previous owner of Erf 2136 went through with the construction process of changing the existing and approved storage area into a Domestic quarter without following the correct procedures to get these drawings approved.

4.2 Proposal and its details

The Departures that would be required for the application area include:

- The relaxation of the 2.0m Municipal North Eastern Lateral Building Line to 1.5m that is affected by the as-built Domestic quarter.
- The relaxation of the permitted length of 9.0m for a building structure on the North Eastern lateral building line.

4.3 Character of the environment

- The property is situated in the old residential section of Onrust River which has a multitude of different Architectural styles and where most of the properties were constructed during the ruling of the Onrust River Municipality.
- Lateral and rear Municipal building lines applicable then were 0.9m. Numerous, if not all of the properties have been constructed on the 0.9m lateral and rear building lines.
- Out-buildings were also permitted over the applicable building lines with neighbor's consent.
- Most of the surrounding properties have dwellings and out-building similarly placed in relation to the building lines and boundaries.

- Duke Street is relatively far from the sea and the Erven to the North and South of the road have little gradient, allowing only for mountain views from some of the properties.

4.4 Effects on nature / environment, streetscape and surrounding properties

- As shown on the attached drawings, these contraventions are relatively minor in nature and do not impact negatively of the environment, streetscape and surrounding properties.
- Most, if not all of the surrounding properties have similar looking out buildings constructed over the 2.0m Municipal Lateral and rear building lines.
- The as-built structure is reasonably sited on the property.
- The front elevation of the as-built structure is 8.0m away from the road surface and therefore does not negatively impact traffic flow in the area.
- No door and windows are built in any wall closer than 1.0m to the lateral building line and the structure does not pose a fire risk hazard to any of the adjoining properties.
- The surrounding properties which have references to the structures mentioned in this departure are the following:

4.4.1 Erf 2189, 27 Duke Street, Onrust River.

Erf 2189 lies South East of the application area. The as-built structure is hidden by the existing dwelling on erf 2138 and therefore it is hardly visible from this Erf. With this being said, the as-built structure does not impact on their privacy in any way.

4.4.2 Erf 2138, 28 Duke Street, Onrust River.

Erf 2138 lies North East of the application area. The as-built structure is visible from Erf 2138, but is not in stark contrast with the existing dwelling on erf 2136. On the contrary it fits in very well with the existing dwelling on erf 2136 as well as the other surrounding properties within the area. The as-built windows between these 2 properties are set back a reasonable 1.5m from the 31.49m Erf boundary line and therefore it does not pose a fire hazard to Erf 2138. The effect of the as-built domestic quarter is seen as negligible.

4.4.3 Erf 2188, 29 Duke Street, Onrust River.

Erf 2188 lies South East of the application area. The as-built structure is visible from Erf 2188, however, as mentioned above, these additions and alterations is not in stark contrast with the existing dwelling on Erf 2136 and blends in very well with the surrounding properties in the area. The as-built structure and its height is also minor in nature and therefore the impact of this is negligible.

4.4.4 Erf 2187, 31 Duke Street, Onrust River.

Erf 2187 lies South East of the application area. The as-built structure is visible from Erf 2187, however, as mentioned above, these additions and alterations is not in stark contrast with the existing dwelling on Erf 2136 and blends in very well with the surrounding

properties in the area. The as-built structure and its height is also minor in nature and therefore the impact of this is negligible.

4.4.5 Erf 2204, 33 Duke Street, Onrust River.

Erf 2204 lies South West of the application area. The as-built structure is hardly visible from Erf 2204 due to the current dense vegetation on Erf 2187. With this being said, the impact of the as-built structure is negligible.

4.4.6 Erf 524, 60 Hennie Henn Street, Onrus River

Erf 524 lies South West of the application area (across Hennie Henn Street). The as-built structure is visible from Erf 524, however, as mentioned above, these additions and alterations is not in stark contrast with the existing dwelling on Erf 2136 and blends in very well with the surrounding properties in the area. The as-built structure and its height is also minor in nature and therefore the impact of this is negligible

4.4.7 Erf 523, 62 Hennie Henn Street, Onrust River

Erf 523 lies South West of the application area (across Hennie Henn Street). The as-built structure is visible from Erf 523, however, as mentioned above, these additions and alterations is not in stark contrast with the existing dwelling on Erf 2136 and blends in very well with the surrounding properties in the area. The as-built structure and its height is also minor in nature and therefore the impact of this is negligible

5 APPLICATION FOR ADMINISTRATIVE PENALTY

5.1 Background and site history

- The application area is zoned as Single Residential 1 (SR1) in terms of the Overstrand's Town planning scheme.
- The application area of 829.0m² in extent is located within the residential suburb of Onrust River at 30 Duke Street. The existing dwelling on the application area is a double story comprising typical family type living accommodation.
- The unauthorized building / construction work is highlighted throughout this Application document and does not cause negative impact on nature, the environment, streetscape, surrounding properties or on traffic as discussed earlier in this Departure Document.
- In total, 13.93m² (see calculation below) contravenes the Overstrand Municipality's amended Zoning Scheme Regulations. This contravention includes;
 - a portion of the as-built domestic quarter built over the 2.0m Municipal lateral Building line,
 - a portion of an as-built structure that exceeds the permitted 9.0m for a building structure on the North Eastern lateral building line,

- Area that contravenes the Overstrand Municipality's Zoning Scheme Regulations:
 - the portion of the as-built domestic quarter constructed over the 2.0m Municipal lateral Building line = 1.61m²
 - the portion of the as-built structure exceeding the permitted length of 9.0m on the North Eastern lateral building line = 8.80m²
- Total area = 10.41m²

5.2 Summary of the motivation

Our client's motivation of the proposed is highlighted throughout this Departure Application, but can be summarized as follows:

- The current owner of Erf 2136, The Francene Trust, purchased this property for a fair sum of money in 1994 and has been using this property as a holiday home ever since.
- The unlawful structures are highlighted throughout the Departure Application document.
- The current owners, the Francene Trust, are in the process of selling this property and has appointed Gerhard Engelbrecht from the firm Engelbrecht & Scorgie Architectural Office to rectify the contraventions caused by the previous owner.

5.3 Assessment of application

- As indicated above, the unauthorized building work is in contravention of the Overstrand Municipality's amended By-Laws on Municipal Land Use Planning 2020. Application is made for the determination of an administrative penalty in respect of part of a as-built domestic structure, constructed prior to application approval. The full extent of the unauthorized building work is 10.41m².
- In terms of section 90(5)(b) of the Overstrand Municipality By-Law, an administrative penalty for a building work contravention may not be more than 100% of the value of the building, construction and engineering work unlawfully carried out.
- Administrative Penalty: Calculation

Unauthorized section that encroaches the 4.0m Municipal Street building line

Value per m² (R 5 200.00) x Total unlawful area (11.25m²) = R 58 500.00

An amount which is not more than 100% of R 58 500.00 may be imposed as an administrative penalty.

5.4 The nature, duration, gravity and extent of the contravention

The following factors need to be considered when determining an appropriate administrative penalty, as contemplated by section 90 of the Overstrand Municipality's amended By-laws on Municipal Land Use Planning:

5.4.1 Nature:

The unauthorized building work includes;

- a portion of the as-built domestic quarter built over the 2.0m Municipal lateral Building line,
- a portion of an as-built structure that exceeds the permitted 9.0m for a building structure on the North Eastern lateral building line,

5.4.2 Duration:

As mentioned earlier in this Departure Application, the as-built structures have been standing in place for approximate 34 years (1987 – 2021). The current owner, The France Trust was not served with a demolition directive in terms of Section 85.

5.4.3 Gravity:

The gravity of the contravention is not considered serious insofar the extent is limited to 10.41m². The structures form part of habitable areas. The as-built structure is not considered to cause any negative impact on any nature, the environment, streetscape and surrounding neighboring properties neither will this have an impact on traffic in the area as discussed earlier in this Departure Application.

5.4.4 Extent:

10.41m²

5.5 A report by a quantity surveyor in matters of unauthorized building / construction

Refer to Annexure N for the report in matters the unauthorized building / construction work.

5.6 Whether the unlawful conduct was stopped

Overstrand Municipality did not stop the building work and have also not issued a notice with regards to the transgression.

5.7 Whether the person allegedly involved in the contravention has previously contravened this By-Law or a previous planning law

As far as can be ascertained, there is no evidence that the owner of the property has previously contravened this By-law

5.8 Reasons for decision

Reasons for the recommended decision may be summarized as follows:

- Deviations occurred, assumingly during the initial construction process, as mentioned throughout this Departure Application Document which resulted in an unauthorized structure being built over the 2.0m Municipal North Eastern lateral building line.

- The unauthorized building / construction work is highlighted throughout this Application document and does not cause negative impact on nature, the environment, streetscape, surrounding properties or on traffic as discussed earlier in this Departure Document.

5.9 Recommendation

In light of the above assessment, we appeal to your generosity that an administrative penalty of 0% be imposed for the unauthorized as-built building structures as this is not the wrong doing of the current owner, The Francene Trust.

6 CONCLUSION

6.1 Heritage value

The property is not situated within a heritage overlay zone and has no grading or any heritage value.

6.2 Impact on Municipal Engineering Services

No additional electrical, water or sewerage will be required. The current Municipal provision is adequate to supply the dwelling

3.9 Forward planning

The Overstrand Spatial Development Framework (SDF) 2006 earmarks the area where Erf 2136 is situated for residential purposes. The structures, for which the departure is required, form part of any typical residential component and the Zoning Scheme Regulations make provision for departure procedures to incorporate structures within the building line zone. The character and zoning of the property will remain unchanged and therefore the property falls within the existing planning for the Onrust River area.

It is therefore recommended that the application be approved in terms of the Overstrand Amendment By-Lay on Municipal Land – use Planning, 2020.

I appeal to your experienced consideration of this Departure Application. I look forward to your correspondence.

Yours sincerely


GERHARD ENGELBRECHT
for Engelbrecht & Scorgie

