

ERF 2242, 8 CROSS STREET, ONRUS RIVER: APPLICATION FOR DEPARTURE: ENGELBRECHT & SCORGIE (obo E & M HIERSE & HENNINGER)

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 eastern lateral building line from 2m to 0m to accommodate a new single garage.

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 **5 August 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 2242, CROSSSTRAAT 8, ONRUSRIVIER: AANSOEK OM AFWYKING: ENGELBRECHT & SCORGIE (nms E & M HIERSE & HENNINGER)

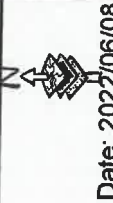
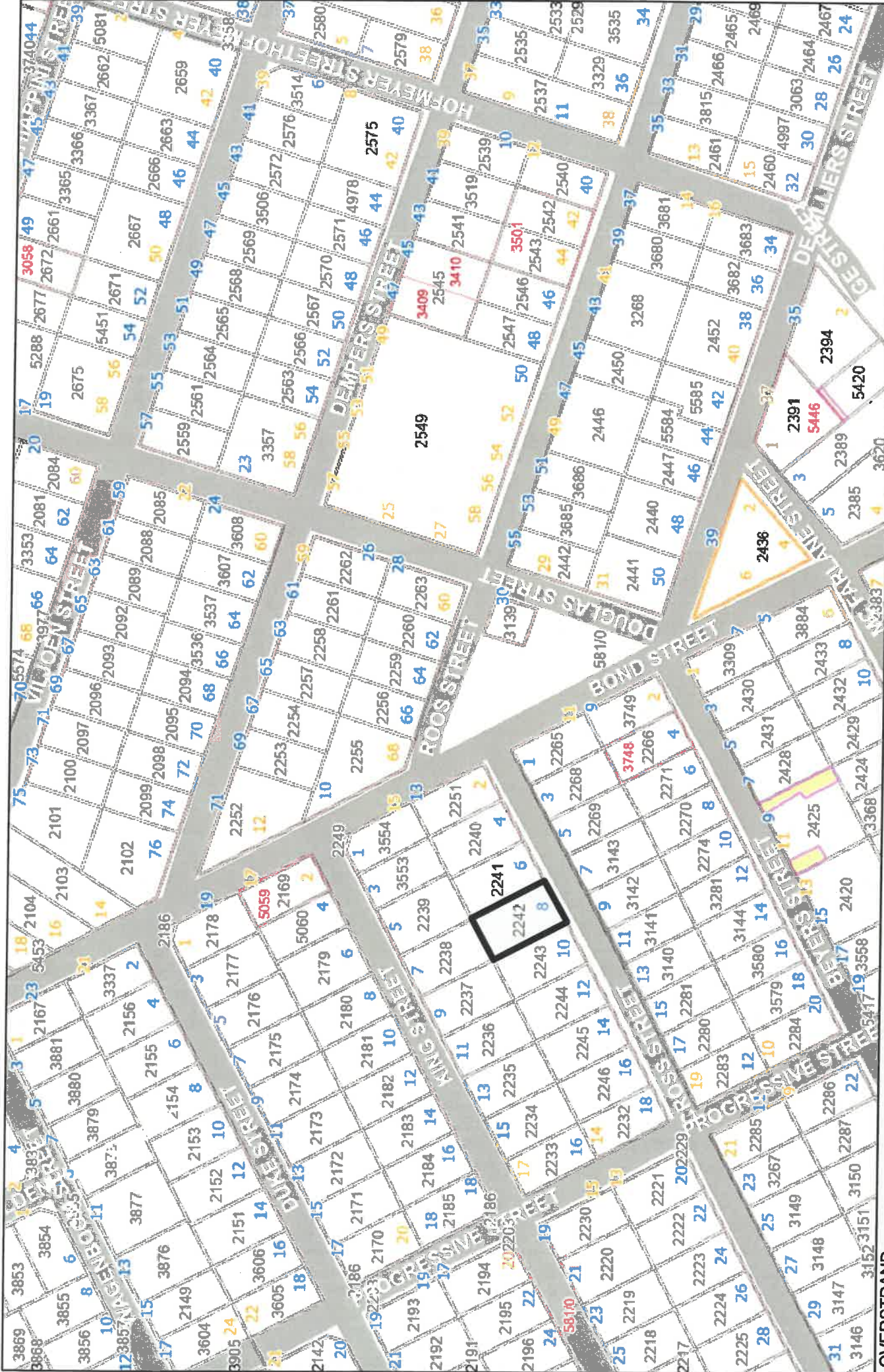
Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 dat 'n aansoek om afwyking ontvang is ingevolge Artikel 16(2)(b) om die oostelike syboullyn te verslap vanaf 2m na 0m om 'n nuwe enkel motorhuis te akkommodeer.

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) 0283132093 / loretta@overstrand.gov.za) voor of op **5 Augustus 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 2242, 8 CROSS STREET, ONRUS RIVER: ISICELO SOKUPHAMBUKA ENGELBRECHT & SCORGIE (egameni lika E & M HIERSE & HENNINGER)

Isaziso sinikwe ngokwemiqathango yeCandelo 48, loMthetho. oYilwayo kaMasipala wase-Overstrand elungisiweyo ongokuSetyenziswa koMhlaba kaMasipala 2020, sokokuba isicelo sifunyenwe sokuphambuka ngokweCandelo 16(2)(b) ukucuthwa komda wesakhiwo osecaleni ongasempuma ukusuka kwisi-2m ukuya ku-0m ukuze kuhlaliswe igaraji entsha enye.

linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ngeentsuku zomsebenzi phakathi kweyure-08:00 ne-16:30 kwiSebe: Town Planning, 16 Paterson Street, Hermanus. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zamaCandelo 51 nelama-52 zalo Mthetho oYilwayo mazithunyelwe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) ngomhla okanye ngaphambi komhla **wama-5 uAgasti 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.



Date: 2022/06/08

Locality Map

Erf 2242 Onrus River



1. **INTRODUCTION:**

1.1 **Background**

The owners of the property, Mr. E. Hierse and Mrs. Henninger have 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 2242, Onrus, referred to in this document as the application area, measures 566.93m² and is held by Title Deed no. T000009747/2022

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 of a the Architectural Building Lines

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 lines are determined in accordance with the net erf area, as listed in the table below:

| Net erf area: | Street building line |
|-------------------------------|-----------------------------|
| 400m ² and greater | 2.0m |

1.3 **Need and desirability**

1.3.1 **Property description**

The application area of 566.93m² in extent is located within the residential suburb of Onrus at 8 Cross Street. The existing dwelling on the application area is a single story comprising typical family type living accommodation.

The current owners, Mr. Hierse and Mrs. Henninger, purchased this property in 2022 for a fair sum of money and has been using the property as a permanent residence ever since. The current single storey dwelling and single garage is no longer adequately sized for their family and their associated lifestyle and therefore necessitates a few additions and alterations as discussed later in this application document.

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% | 34.56% | Unchanged |
| Ext. House Height Restriction | | 8.0m | 4.765m (ridge) | Unchanged |
| Proposed Garage Height Restriction | | 3.5m | 3.5m (garage) | Unchanged |
| Building lines | Street | 4.0m | 4.0m Cross Street | Unchanged |
| | Side | 2.0m | 0.0m | Application for a departure |
| | Rear | 2.0m | 2.0m | Unchanged |
| Parking | | Dwelling house: 2 bays | Dwelling house: 2 bays | Unchanged |

2.2 Application

As stated earlier in this Departure Document;

2.2.1 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.

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 Side Building Line from 2.0m to 0m to allow for a single garage with the length of 8 meters along this edge.

3. CONTEXTUAL SITE INFORMATION:

3.1 Property Description

| Property: | Extent: | Title Deed No: | Registered Owners: |
|-----------------|----------------------|-----------------|---------------------------------------|
| Erf 2242, Onrus | 566.93m ² | T000009747/2022 | Egon Hierse & Maria-Barbara Henninger |

Refer to Annexure C for the Title Deed of Erf 2242, Onrus

Refer to Annexure G for SG Diagram

The following Surveyor General Plans reflect the application site:

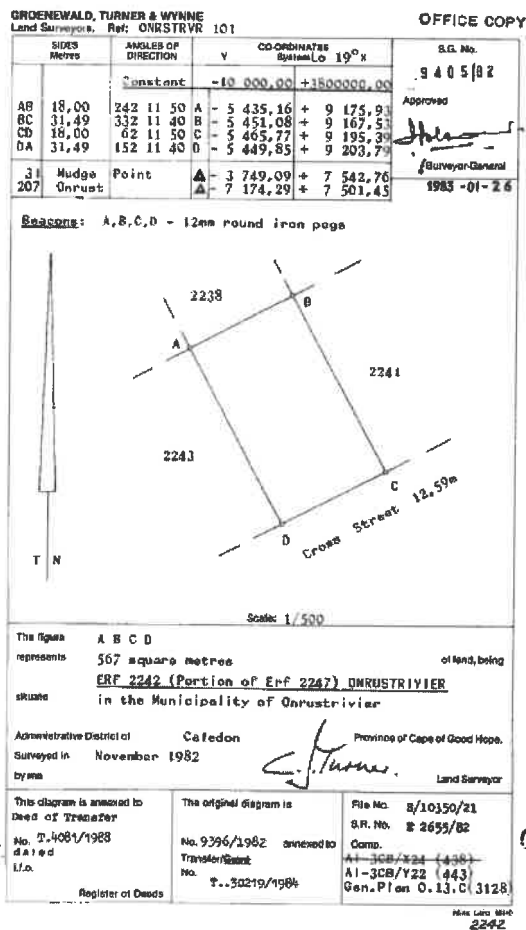


Figure 1: Extract of the Surveyor General Plans of the application site

3.2 Location

A. Regional Context

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

Refer to Annexure H for the Locality layout



Figure 2: Regional Context – NOT TO SCALE

B. Local Context

Within a local context, the application area consists of a residential erf within Onrus. The application area is located at No. 8 Cross Street.



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

3.3 Land Use:

The application area accommodates a single storey dwelling with both the North-West and South-East facing areas being the predominant living out spaces. The areas of the Dwelling as it stands (including the additions and alterations) comprise the following:

| | |
|------------------------------|------------------------|
| - Existing Ground Floor Area | - 149.57m ² |
| - Existing Single Garage | - 18.85m ² |
| - New Single Garage | - 27.68m ² |

| | |
|---|------------------------|
| Total footprint area (incl. all improvements) | - 195.94m ² |
| Total coverage (incl. all improvements) | - 34.56% |

3.4 Zoning

The application area is zoned Residential Zone 1 (SR1). All surrounding properties are zoned Residential Zone 1 (SR1) as well as an Open Space Zone 2 (Erf 581/0).

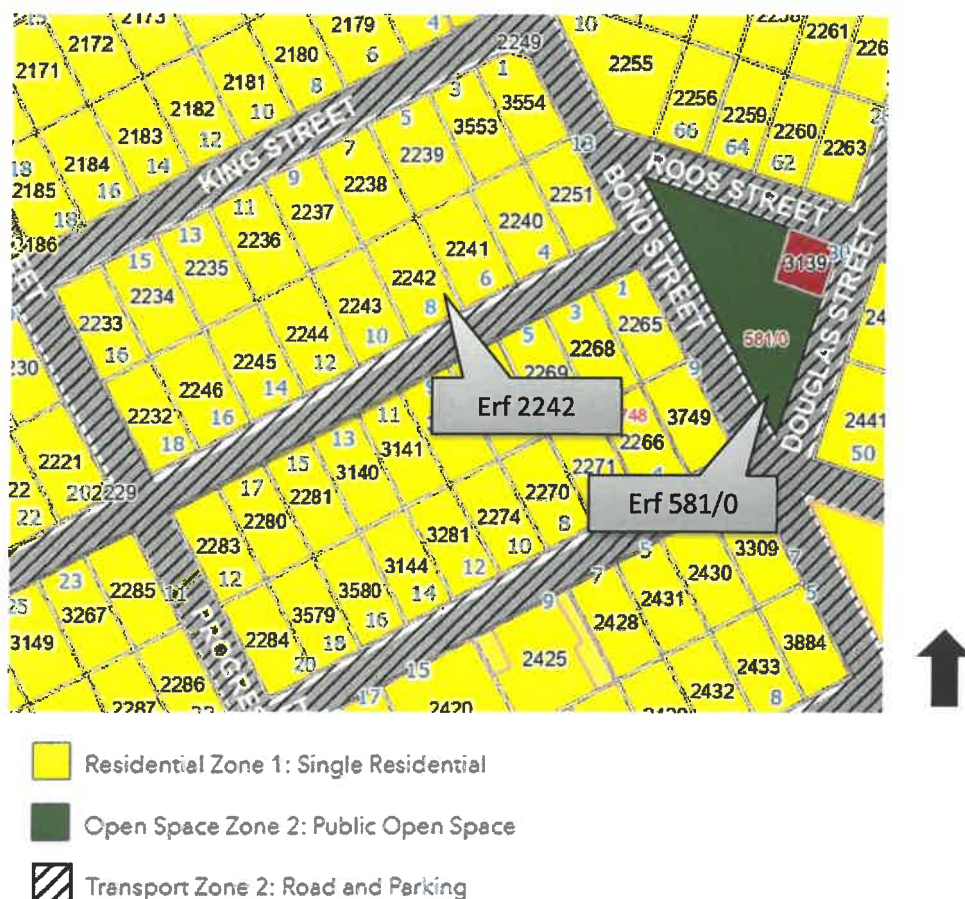


Figure 4: Zoning, an extract from the Overstand Public Viewer – NOT TO SCALE

4. PROPOSAL

4.1 Background and introduction to the proposal

The current owners of ERF 2242, Onrus – Egon Hierse and Maria-Barbara Henninger have approached Gerhard Engelbrecht of Engelbrecht and Scorgie Architectural Office with the request of applying to Hermanus, Overstrand Municipality Town Planning to run a permanent departure application for a single garage structure to be built over the North-Eastern building line of the property.

In any normal circumstance a departure is not necessarily required for this kind of structure as per Overstrand Municipality Land Use Scheme, 2020, Chapter 16.1 c (i). Gerhard Engelbrecht of Engelbrecht & Scorgie Architectural office had prior to this application had drawn up a proposal for the above-mentioned garage structure and presented it to the immediate abutting neighbouring owner of ERF 2241 for their consent. The current owner of ERF 2241 then turned down (refused) for the proposal which is elaborated on in more detail below.

The current owners of ERF 2242 had previously also given the neighbouring owner of ERF 2241 the option of their choice or preference of finish to the wall on their affected boundary and as mentioned above, the owner/s of ERF 2241 still turned the proposal down.

We would also like to note that the Owner of ERF 2242 has an approved structure over their North-Eastern and North-Western building lines.

4.2 Details of proposal

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

- The relaxation of the 2.0m Municipal Side Building Line (abutting ERF 2241) on the North-East side of the property that is affected by the single garage structure.

4.2 Proposal

As mentioned earlier in this document, the current owners, Mr. E. Hierse & Mrs. M Henninger, purchased this property in 2022 for a fair some of money and have been using the property as a permanent residence ever since. The existing single garage is no longer adequately sized for their family and their associated lifestyle and therefore necessitated the need for a few additions and alterations.

The additions and alterations on the application area include the following:

- The addition to the house is a free-standing single garage only. This structure **exceeds the side 2.0m building line** and is proposed to be built up to 0.0m on the Site Boundary.

The placement of the new single garage structure was based on 2 main factors as this will have a direct impact on the outcome of this Departure Application:

1. To minimize the effects on nature, the environment and the streetscape.

The Overstrand Municipality encourages Town Planners and Architects to minimize the effects new building work may have on nature, the environment and streetscape as this plays an important role in forming the visual image of a sustaining town.

With this in mind, it was important for our client to respect this and construct the new single garage where it would have less of an impact on the environment as no trees and vegetation was affected with this placement. There is a medium to large sized Cape Ash Tree positioned to the North of the existing house which the client would prefer to keep. This tree unfortunately limits any vehicular movement in the back yard, hence the position of the new single garage being up against the boundary line.

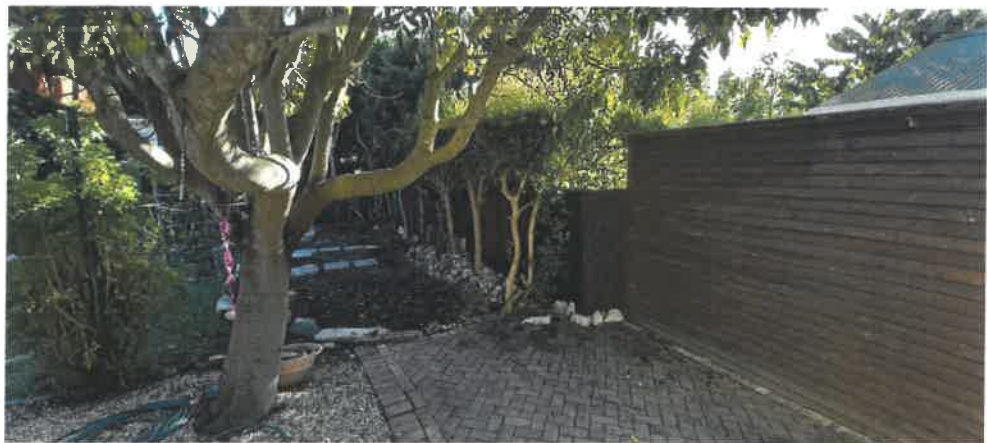


Image 1: Cape Ash Tree along access side of ERF 2242 along the North-East boundary

The impact the new single garage structure has on the surrounding and adjoining properties, as discussed later in this document, is negligible and will be completed in an architecturally pleasing style.

With this in mind, one can summarize the effects this contravention as minor in nature and it does not impact negatively on the environment, the streetscape and surrounding properties.

2. Feasibility on this project and towards the owner

From a feasibility perspective, the design, proportion and layout of the existing footprint of the dwelling cannot easily be converted to incorporate adequate garaging and secured parking within the Municipal building lines as stipulated in the Overstrand Zoning Scheme Regulations without demolishing a great extent of the existing dwelling.

The Overstrand Municipality's Land Use Scheme, 2020 Section 6.2.2 (e)(iii) make provision for a garage structure that may be constructed at 0.0m on one internal side boundary and 0.0m on the internal rear boundary, provided that the building is a maximum of 9 meters in length or does not occupy more than 50% of such internal side or rear boundary. With this being said it will have a much more financial impact on our client having to construct the new single garage structure in any other position within the boundary lines on the property.

Due to the existing dwelling being positioned towards the front of the property within the building lines and being built across the width of the property. This would limit being able to construct any new vehicle housing to the front side of the property without a street and side building line encroachment.

Single garage on the North Eastern boundary of the property:

- The existing drive way and existing garage access are located on the South East side of the property making it more practical and feasible to keep using this area as vehicular access.
- As mentioned above, the existing Cape Ash Tree to the north of the house limits the turning access for vehicles along the narrow North East side of the house, being why the owner would prefer to position the garage along the boundary, making it practical to be able to reverse a car / bakkie within this space.



Image 2: Access between existing house & existing boundary wall

- Removal of the Cape Ash Tree would mean that the owner would be losing vital privacy to their private space in their back yard as the proposed dwelling next door is a double storey dwelling.



Images 3 & 4: showing vehicle access limitation & privacy barrier

Single garage on the North West side of the application area:

- Impractical access from the street along the Western boundary edge, not being able to fit a car between the existing house and the existing boundary wall / fence.
- A car / bakkie would need to access the rear side for the property along the Eastern side of the property creating a much larger cost implication and would take a large portion of the back garden away.
- The owner will lose private yard space

Single garage on the Southern side of the application area:

- Building a single Garage on the street side of the existing house without demolishing a large portion of the house would result in a street boundary departure application and have a negative effect on the wide streetscape setback in the road.
- It is not possible to drive a vehicle down the South West side of the property past the existing house and boundary fence to be able to gain access to the rear side of the property.
- Paving a new area in front of the existing house would be an additional cost the owner instead of duplicating access over the same paving.
- The owner will lose private yard space.

With the above mentioned being stated, we hope that it becomes apparent that the proposed single garage is situated in the most suitable position which is the most cost effective, spatially conscientious and has the least impact on the environment, streetscape, accessible space.

4.3 Character of the environment

- The property is situated in the Onrus residential area which has a multitude of different architectural styles.
- Below is a list of houses in the immediate proximity around the owners ERF2242, Onrus – 8 Cross Street, which have a structure that is built protruding over the side or rear building line:

- | | | |
|-------------------|-----------------------|------------------|
| • 4 Cross Street | • 3A Beyers Street | • 7 Bond Street |
| • 6 Cross Street | • 7 Beyers Street | • 11 Bond Street |
| • 9 Cross Street | • 8 Beyers Street | • 13 Bond Street |
| • 10 Cross Street | • 10 Beyers Street | |
| • 11 Cross Street | • 12 Beyers Street | • 3 King Street |
| • 13 Cross Street | • 14 Beyers Street | • 5 King Street |
| • 14 Cross Street | • 16 Beyers Street | • 8 King Street |
| • 16 Cross Street | • 18 Beyers Street | • 11 King Street |
| • 18 Cross Street | | • 15 King Street |
| | • 16 Progressive Str. | |



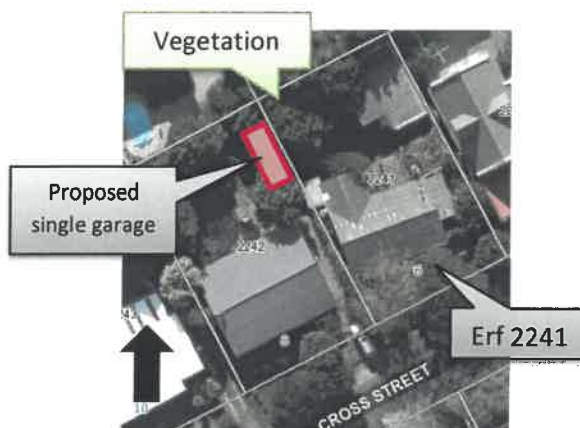
Figure 5: Direct surrounding erven, an extract from the Overstand Public Viewer – NOT TO SCALE

4.4 Effects on nature / environment, streetscape and surrounding properties:

As mentioned earlier in die document, the Overstrand Municipality encourages Town Planners and Architects to minimize the effects that new building work may have on nature, the environment and streetscape as this plays an important role in forming the visual image of a sustaining town and is therefore one of the 2 main factors that played an important role in the placement of the new single garage structure.

- As shown on the attached drawings, these contraventions are relatively minor in nature and do not impact negatively on the environment, streetscape and surrounding properties.
- Most of the properties in the street are North and South facing due to sea and mountain views as well as the want of privacy between erven. Due to the position of the proposed single garage, it will aid in being a privacy barrier between ERF 2242 and ERF 2241, providing a more private Northern back yard for both premises.
- As mentioned above, the current owners of ERF 2242, Mr. E. Hierse & Mrs. M Henninger would prefer to keep the Cape Ash Tree on the North of the existing house. The tree however limits vehicular turning space in the back yard, this aiding in our decision to propose the single garage on the North-East boundary as seen on the attached plans with a straight access down the side of the existing house.
- There are currently hedges along the North East boundary of ERF 2242 measuring $\pm 3500\text{mm}$ high where the proposed single garage is positioned. These hedges are currently on conjunction with a fence, used as a privacy screen between the 2 back yards of ERF 2242 and ERF 2241. With this being said, the proposed single garage structure would likely not impose a larger shadow cast over the neighbouring ERF 2241.
- The surrounding properties which have references to the structures mentioned in this departure are the following:

4.4.1 ERF 2241 - Single Residential Zone 1



This Erf lies East of the application area. The existing dwelling on this erf is situated South-East of the proposed single garage on the application area. This property also has an approved structure that protrudes over the Northern and Eastern building lines. The main dwelling lives predominantly to the North side while access and street views have a predominantly South-Eastern facing orientation.

Figure 6: Erf 2241 and the application area, an extract from the Overstrand Public viewer – NOT TO SCALE

4.4.2 ERF 2238 & ERF 2239 - Single Residential Zone 1

These 2 erven are situated on the North side of the affected property. There is a large number of trees and over growth along both of their Southern boundaries. With this being said there is little to no visual effect of the proposed single garage to these properties. The proposed single garage structure is not protruding over the rear 2.0 meter boundary and therefore is not encroaching or imposing on these 2 erven.



Figure 7: Erf 5550 and the application area, an extract from the Overstrand Public viewer – NOT TO SCALE

5. CONCLUSION

5.1 Heritage value

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

5.2 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 2242 is situated for residential purposes. The structure, for which the departure is required, forms 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 Onrus area.

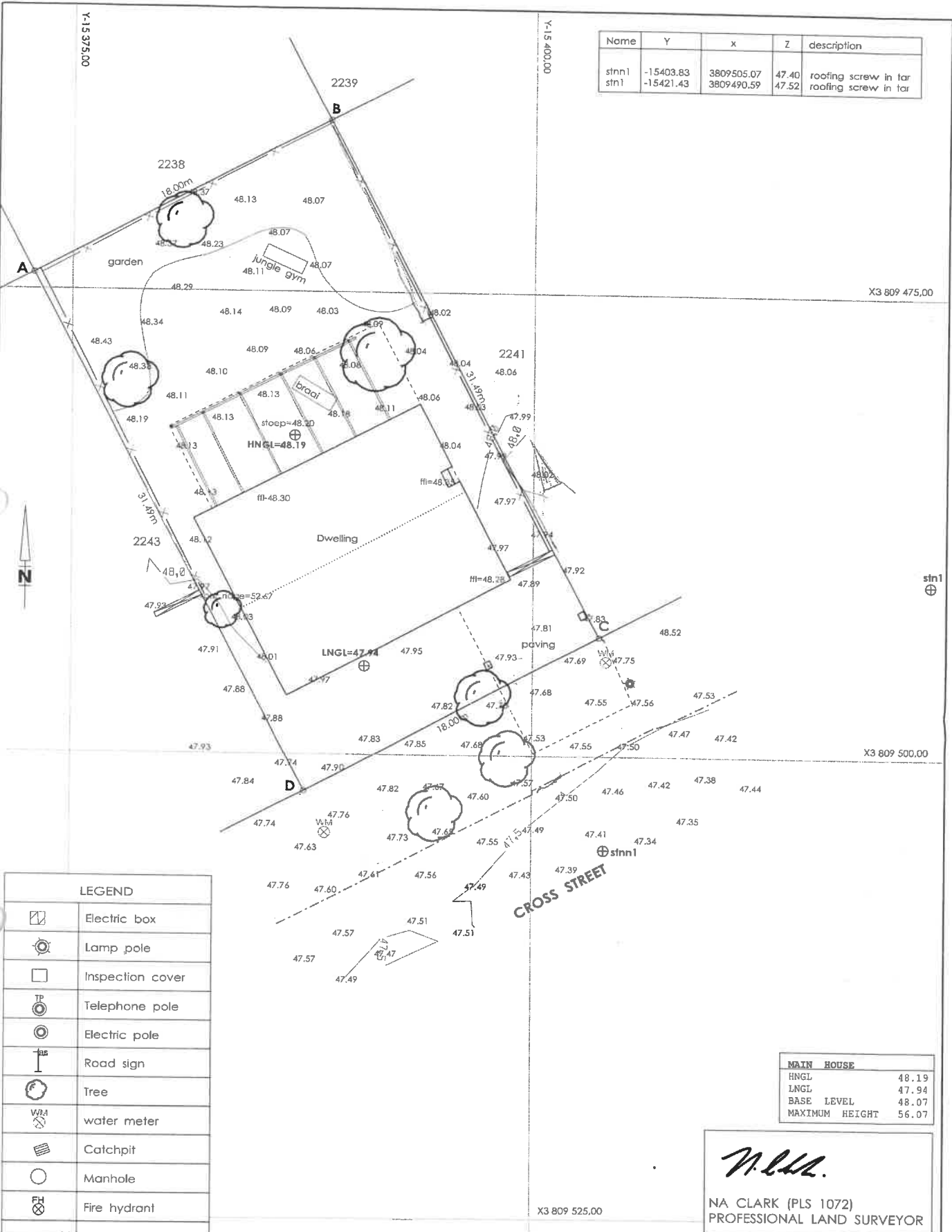
It is therefore recommended that the application be approved in terms of the Overstrand Amendment By-Lay on Municipal Land – use Planning, 2020.

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

Yours sincerely



Gerhard Engelbrecht
for Engelbrecht & Scorgie



| Name | Y | x | Z | description |
|------|-----------|------------|-------|----------------------|
| stn1 | -15403.83 | 3809505.07 | 47.40 | roofing screw in tar |
| stn1 | -15421.43 | 3809490.59 | 47.52 | roofing screw in tar |

| LEGEND | |
|--------|--------------------|
| | Electric box |
| | Lamp pole |
| | Inspection cover |
| | Telephone pole |
| | Electric pole |
| | Road sign |
| | Tree |
| | water meter |
| | Catchpit |
| | Manhole |
| | Fire hydrant |
| | Fence |
| | Wall |
| | Kerb |
| | Kerb and channel |
| | Cadastral boundary |
| | Edge of tar |

| MAIN HOUSE | |
|----------------|-------|
| HNGI | 48.19 |
| LNGI | 47.94 |
| BASE LEVEL | 48.07 |
| MAXIMUM HEIGHT | 56.07 |

N. Clark
 NA CLARK (PLS 1072)
 PROFESSIONAL LAND SURVEYOR

| | | | |
|---|--|-----------------------------------|-----------------------------|
| Project TOPOGRAPHIC SURVEY ERF 2242 ONRUSTRIVIER | Client E HIERSE | Constants Y 0.00 X 0.00 | |
| | Architect | Height Datum | System WGS84 |
| | Notes | Project No | Drawing No ON2242 |
| | Scale 1:200 Date March 2022 | | |

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