

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 April 2016
(Also the agenda for the Mayoral Committee Meeting : 28 April 2016)**

**5.
ERF 170, 153 MARAIS STREET, FRANSKRAAL, OVERSTRAND MUNICIPAL
AREA : PROPOSED DEPARTURE : JF & LEJ WALSH**

170 FK (2993)

SW van der Merwe

(028) 313 8900

Hermanus Administration

14 March 2016

1. Executive Summary

To consider an application for departure received on 24 July 2015 from the owners of Erf 170 Franskraal, JF & LEJ Walsh, in order to relax the 2m lateral building line to 1,5m and 0,07m respectively in order to accommodate a braai room, chimney breast and shade cloth carport. The application also involves the relaxation of the 1,57m lateral Title Deed building line to 0,07m to accommodate the carport.

A Locality Plan is attached as Annexure A. The proposed Site Development Plan is attached as Annexure B and the Motivation Report is attached as Annexure C.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance
Promotion of tourism, economic and social development

4. Delegated Authority

Executive Mayor

5. Legal Requirements

Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)
(LUPO)
Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)
(SPLUMA)

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6. Background/Discussion/Evaluation/Conclusion

Background

Erf 170, Franskraal measures 644m² in extent and is developed with a single storey dwelling house and associated outbuildings. The previous owner erected a shade cloth carport in close proximity (0,07m) from the lateral property boundary as well as a braai room 1,50m from the aforementioned boundary. The braai room encroach the 1,57m Title Deed building line with 0,07m. The existing chimney breast is situated 0,75m from the lateral property boundary. The adjoining property owner did not provide consent for the relaxation of the Title Deed building line. Accordingly the applicant proposes to demolish the existing chimney in order to maintain a distance of 1,5m from the lateral property boundary as agreed with the adjoining property owner.

Discussion

Departure

Registered notices were served on interested and affected parties in the prescribed manner, including the Franskraal Ratepayers' Association. No objections were received.

Proposed title relaxation

The owner of the adjacent Erf 173, Franskraal provided written consent for the relaxation of the Title Deed building line to 0,07m and 1,5m respectively in order to accommodate the carport and braai room and chimney breast.

Evaluation

The current owner bought the property during 2014. As a result of a clearance inspection Building Control pointed out unauthorised additions to the property that resulted into an objection from the owner of the adjoining Erf 173. As a result the new owner submitted an application whereby the braai room and chimney breast will be situated 1,5m from the lateral boundary of Erf 173, whilst the carport will be retained at 0,07m from the aforementioned property boundary.

The braai room and chimney breast will encroach the 2m lateral building line to 1,5m, which is an improvement from the previous 0,75m. The flank elevation of the braai room is in line with the storage room that has been constructed 1,5m from the lateral property boundary and is set back 12m from the road. The retention of the braai room and relaxation of the chimney will

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not have an adverse impact on the street scene and is considered an improvement from a residential amenity point of view and is supported by the adjoining property owner.

The retention of the carport is supported as the 4,72m street building line is maintained. The carport, being a shade cloth structure is translucent and not considered to impact negatively on the character of the area, the visual amenity of the street scene or the residential amenity of the adjoining occupiers. The carport may not be enclosed, except for the construction of a boundary wall.

Pertaining to the relaxation of the restrictive Title Deed building lines, paragraph 20 of the Title Deed states:

“Hierdie erf is onderhewig aan die volgende voorwaardes met dien verstande dat indien die Administrateur na oorleg met die Dorpekommissie en die plaaslike owerheid dit raadsaam ag dat die beperking en enige sodanige voorwaarde te enige tyd opgeskort of versag behoort te word, hy die nodige opskorting of versagting kan goedkeur onderworpe aan sodanige voorwaardes as wat hy oplê.”

The Title Deed permits the administrator to grant a relaxation. The relaxation of the relevant restrictive title condition is supported as it will not adversely impact the safety and wellbeing of the local community or the amenity of the surrounding area. The adjoining affected property owner, namely Erf 173, Franskraal also provided a written consent letter pertaining to the relaxation of the 1,57m title deed building line to 1,5m.

Conclusion

That the application be supported as per the recommendation below.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Operational Services

Attached as Annexure D.

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Fire Department

No objection.

Building Department

No objection to the departure of the lateral building lines.

Electro Technical Services

No objection.

Services Report

Attached as Annexure E.

10. Annexures

- Annexure A: Locality Plan
- Annexure B: Site Development Plan
- Annexure C: Motivation report
- Annexure D: Comment: Operational Services
- Annexure E: Services Report
- Annexure F: Consent from adjacent property owner

RECOMMENDATION:

1. that the application for the relaxation of restrictive title conditions contained in Title Deed T53015/2014 of Erf 170, Franskraal in order to relax the 1,57m lateral building line to 0,07m, **be approved**;
2. that, in terms of the provisions of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for departure applicable to Erf 170, Franskraal to relax the 2m lateral building line to 1,5m and 0,07m respectively, **be approved**;
3. that the approvals in paragraphs 1. and 2. above be subject to the following conditions:
 - (a) that this approval only has reference to the relaxation of the building lines as indicated on the Site Development Plan Project No. 153/JW/15 dated 11 June 2015 attached as Annexure B;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department, be complied with at that stage;

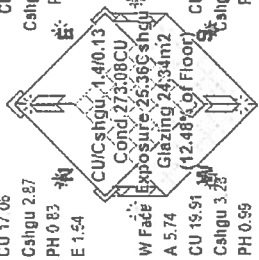
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- (c) that all the conditions imposed by the Operational Department and the Department of Environmental Affairs and Development Planning, (attached as Annexures F and G), be adhered to;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with;
4. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

RESPONSIBLE OFFICIAL :	SW VAN DER MERWE
TARGET DATE FOR IMPLEMENTATION :	12 MAY 2016
TARGET DATE TO INFORM APPLICANT :	12 MAY 2016
TARGET DATE TO INFORM OBJECTOR :	N/A

ENERGY SEAL™
House J Walsh Unit 1

N Face E Face
A 4.32 ZONE 4 Area 195.06m² A 9.36
CU 17.06 CU 17.06
PH 0.83 Cgltgu 3.12
E 1.54 PH 6.74
E 1.11



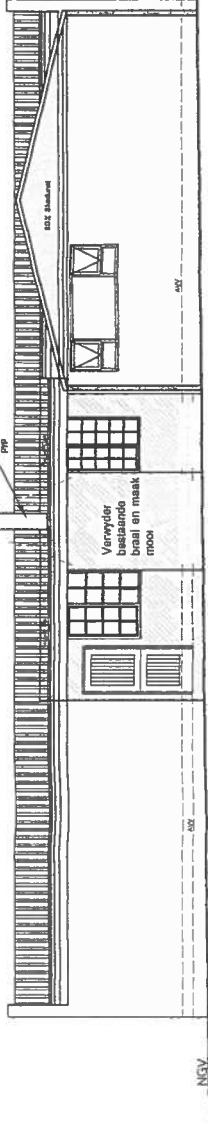
W Face E Face
A 5.74 Exposure=25.36Cshgu A 4.92
CU 14.91 (12.48% of Floor) CU 12.32
PH 0.55 Cgltgu 1.54 PH 2.03

E 2.32 E 0.7
Glazing Energy Efficiency (SAMS 204)
Cu=Pass Csglu=Pass Comply=Pass

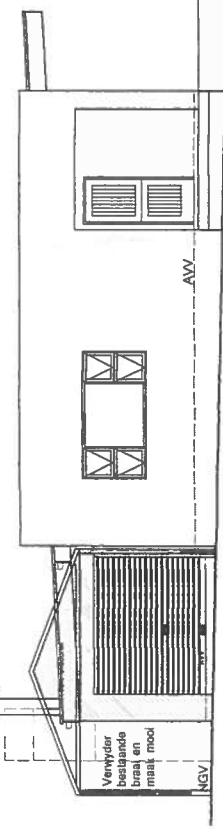
Description	Nw	Nw	Height	Width	Cu	Csglu	P	H	E
Window	1.2	1.8	7.9	8.1	1.0	1.2	4		
Window	1.2	1.8	7.9	8.1	0	1.2	1.24		
NW/NW TOTAL	Area=4.32	Cu=17.064	Cgltgu=2.86934	PH=0.8333333333	E=1.64				
Window	Sw	1.4	1.0	5.6	7.7	0.15	1.9	.81	
Window	Nw	1.4	1.3	5.6	7.7	0.15	1.9	.81	
Window	Sw	0.9	2.8	7.9	8.1	1	1.2	.5	
W/SW TOTAL	Area=5.74	Cu=19.908	Cgltgu=3.27684	PH=0.8333333333	E=2.32				
Window	So	1.2	2.8	7.9	8.1	1	1.7	.25	
Window	So	1.2	2.8	7.9	8.1	2.5	1.7	.25	
S/SO TOTAL	Area=4.92	Cu=12.324	Cgltgu=1.54682	PH=2.048225241	E=1.7				
Window	Nb	0.9	0.6	7.9	8.1	2	.8	0	
Window	Nb	1.2	2.4	7.9	8.1	2.5	1.2	0	
Door	No	2.1	1.9	7.9	8.1	2.5	2.8	.9	
Window	Nb	1.2	2.4	7.9	8.1	2.5	1.2	0	
EB/NW TOTAL	Area=9.36	Cu=17.064	Cgltgu=3.123038	PH=0.7378225249	E=1.11				

Unit Total
Conductance = 164.86 out of Maximum of 273.084 = 60.7% (Pass)
Solar Heat Gain = 10.90955 out of Maximum of 25.378 = 42.6% (Pass)
The glazing calculator has been developed by Ingego Studio to assist in better understanding of glazing energy efficiency parameters
While Ingego Studio believes that this Glazing Calculator, if used correctly, will produce accurate results, it is provided "As Is" and without any representation or warranty of any kind, including that it is fit for any purpose or of merchantable quality, or functions as intended or at all.
Your use of the Glazing Calculator is entirely at your own risk, and Ingego Studio accepts no liability of any kind.

Werklike Aanbouwing : 20.49m²



Suidwes Aansig
Skaal 1 : 100



Suidoos Aansig
Skaal 1 : 100

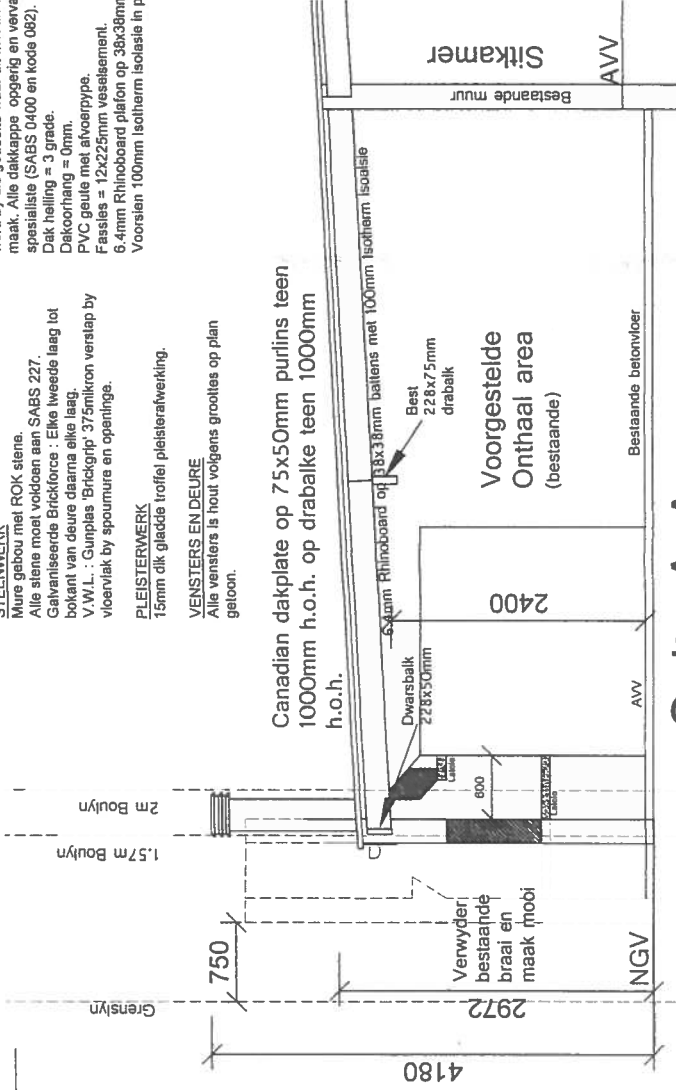
Oppervlakktes :	
Woning :	132.97m ²
Pakkamer :	24.14m ²
Stoepes :	45.50m ²
Onthaal area :	39.33m ²
Skadunet Afdak :	34.00m ²
Totaal :	241.94m ²
Erf :	644.00m ²
Dekking :	37.57%

DAK
Canadian dakplaat op 75x50mm purfins @ 1000mm s/s op drabalk @ 1000mm s/s volgens dakspesialiste.
Heg balkke aan 228x50mm dwarsbalk. Alle dak houtse wat in mure in gebou word, moet met VML bedek word by die gedeelte waar dit met die muur kontak maak. Alle dakkaptes opperig en vervaardig deur spesialiste (SABS 0400 en kode 082).
Dak helling = 3 grade.
Dakoorhang = Umm.
PVC geuite met alveolepyp.
Fassies = 12x225mm veselcement.
6.4mm Rhinoboard plafon op 38x36mm ballens.
Voorstel 100mm Isotherm isolasie in plafon.

FONDASIES
230mm mure - 600x250mm beton strookfondasies.
BETONVLOERE
Bestaande.
STEENWERK
Mure gebou met ROK stene.
Alle stene moet voldoen aan SABS 227.
Galvaniseerde Brickforce : Elke tweede laag tot bokant van deure daarna elke laag.
V.W.L. : Gumpas 'Bridgrip' 375mikron verstep by vloer/vlak by spoumure en openinge.
PLEISTERWERK
15mm dik gladde troifer pleisterafwerking.
VENSTERS EN DEURE
Alle vensters is hout volgens grootte op plan getoon.

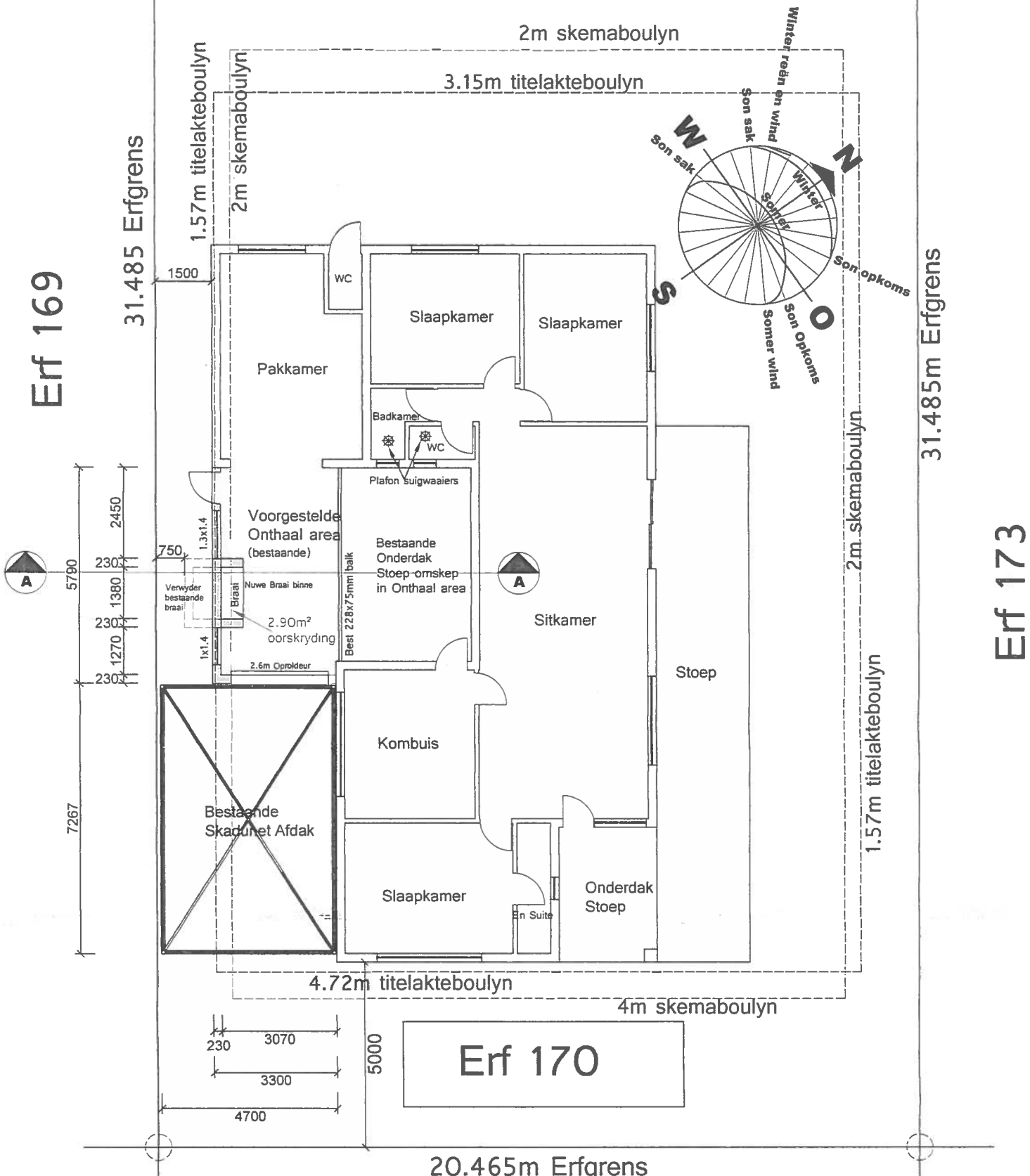
Gericke Argitektoniese Dienste
Johan Gericke
Pr. Arch. Draught. (D2869)
Hoofstraat 64 / Posbus 392, Gansbaai, 7220
Tel/Faks : 028 384 1659 Sel : 082 463 8654
gad@axcess.co.za
Lid van SAIT : S07023

Plan nagesien deur : JLS Gericke Datum :
Voorgestelde aanbouing (bestaande) vir Mnr JF Walsh, te erf 170, Marais Straat 153, Franskraal.
Tekening : Volledige Bouplan
Projek No : 153/JW/15
Skaal : Spos Getoon
Bladsy : 2 van 2
Datum : 11 Junie 2015



Snit A-A Skaal 1 : 50

Hierdie Bouplan is opgetrek volgens die standaard vir boutekeninge : SABS 0143



Okkupasie Klas : H4 Woonenheid
 Populasie : 4 persone per huis 24/7

Marais Straat 153

Oppervlaktes :	
Woning :	132.97m ²
Pakkamer :	24.14m ²
Stoepe :	45.50m ²
Onthaal area :	39.33m ²
Skadunet Afdak :	34.00m ²
Totaal :	241.94m ²
Erf :	644.00m ²
Dekking :	37.57%

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 Tel/Faks : 028 384 1659 Sel. 082 453 8554
 gad@axcess.co.za
 Lid van SAIT S07023

Voorgestelde aanbouing (bestaande) vir Mnr JF Walsh, te erf 170, Marais Straat 153, Franskraal.	
Tekening :	Terreinplan
Projek No :	153/JW/15
Skaal :	1:100
Bladsy :	1 van 2
Datum :	11 Junie 2015

Die Munisipale Bestuurder
 Posbus 26
 GANSBAAI
 7220

11 Junie 2015

ERF 170, FRANSKRAAL : AANSOEK OM AFWYKINGS EN TITELVERSLAPPINGS.

Erf 170, Franskraal is vir enkel residensiële doeleindes gesoneer en 644.00m² groot. Die eiendom is ontwikkel met 'n woonhuis en gepaardgeerde buitegebou (motorhuis).

Hiermee word aansoek vir die volgende gedoen (sien uitlegplanne):

Motivering vir bestaande Onthaal area en skadunet motorafdak wat die toepaslike suidwestelike syboulyn oorskry.

Soos u reeds weet sloer die saak al vanaf einde 2013. Ek het die woning gekoop in 2014 met die indruk dat die vorige eienaar, Mnr G Basson, die planne reggestel het. Onlangs het dit uitgekóm dat die planne glad nie ingedien was nie soos opdrag van vorige eienaar Mnr G Basson en dus is die strukture wat die boulyne oorskry steeds onwettig.

Die bestaande strukture wat nie deur die Munisipaliteit goedgekeur was nie oorskry reeds die 2m syboulyn met 500mm (muur), 1.9m (Skadunet motorafdak) en 1250mm (Braai) onderskeidelik.

Ek, as nuwe eienaar van eiendom kan nie namens die vorige eienaar motiveer waarom die strukture opgerig is nie en nog minder hoekom hy nie die regte proses gevolg het nie. Wat ek wil doen is om die planne met my eie tyd en koste die regte proses sover moontlik te volg vir my eie gerusstelling en word ek genoodsaak om aansoek te doen vir die verskillende oorskrydings.

Ek het ook met buurman kontak gemaak en gehoor of ek van my kant af iets kan doen om sy behoeftes te ontmoet soos byvoorbeeld die skoorsteen hoër maak, maar weereens staan sy beswaar. Ek verstaan ook dat ander betrokke persone met hom gesles het ivm die beswaar om hom tegemoed te kom, maar weereens is dit van die hand gewys. Wat meer om te doen weet ek nie. Ek voel dat die buurman sy beswaar 20 jaar terug moes ingedien het. Dus het ek die volgende moontlike oplossing probeer kry en dit is om die braai/skoorsteen te skuif tot gelyk met die bestaande muur wat op die goedgekeurde 1.5m lyn is. Die braai/skoorsteen was die primêre beswaar van Mnr A Roux. Ons het met Mnr Roux dit bespreek alvorens ek onnodige ekstra kostes moet aangaan en hy vind dit ten gunste.

Die vorige eienaar, Mnr G Basson, het dit goedgegedink om die dak te verleng tot op die 1.5m syboulyn, soos wat oorspronklike goedgekeurde bouplan aandui, en dat hy sekerlik onder die indruk was dat dit die wettige boulyn was.

Titelverslapping

In terme van die wet op opheffing van beperkende titelvoorwaardes oorskry die bestaande strukture die suidwestelike 1.57m syboulyn, soos voorgeskryf in die titelakteenvoorwaardes. Die Onthaal area se muur oorskry met 70mm en 1.470m (Skadunet motorafdak) onderskeidelik.

Slotsom.

Voldoende parkering kan op die eiendom voorsien word.

Die aansoeke hierbo sal na mening nie 'n negatiewe impak op die karakter van die omgewing of die bestaande regte van die omliggende grondeienaars inhou nie, aangesien die strukture reeds op die eiendom bestaan vir meer as 20 jaar en dat dit nie die buurman enigins in die verlede gesteur het nie. Dit is met die buurman ooreengekom dat die braai/skoorsteen afgebreek en geskuif gaan word en met buurman,

Mnr A Roux, bespreek en dit is aanvaarbaar aangedui. Mnr A Roux het ook geen beswaar aangedui teenoor die ander strukture nie.

Geen verkeers-siginpak impakte sal voorkom nie.

Dit sal waardeer word indien my aansoek gunstig oorweeg sal word.



Mnr JF Walsh

Munisipaliteit – U-Masipala – Municipality
OVERSTRAND

INTERNAL MEMORANDUM

Aandag / For Attention:	Town Planning department: S. van der Merwe	Van / From:	J. de Villiers
Afskrif / Copy:		Datum / Date:	23 November 2015

15/3/10/1

RE: APPLICATION FOR DEPARTURE (BUILDING LINES) ON ERF 170, FRANSKRAAL

The request for comment from the Department: Operations (Gansbaai) dated 11 September 2015 with regard to the abovementioned proposal refers.

The Department: Operations (Gansbaai) has no objection to the application for departure with regard to building lines on Erf 170, Franskraal as indicated in the application, subject to the following conditions:

1. The applicant must comply with all statutory requirements that may be applicable to the undertaking of the proposed development on Erf 170, Franskraal.

Yours faithfully



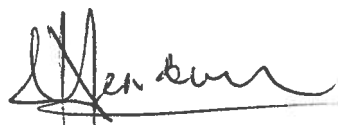
J. de Villiers Pr. Eng.
 Senior Manager: Operations
 Gansbaai

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 170, FRANSKRAAL (2993)**

Electricity : In order
Water : In order
Sewer : In order
Stormwater : In order
Roads and traffic : In order

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that stormwater be allowed to discharge through Erf 170, Franskraal, unobstructed;
4. that any additional and / or extended vehicle entrances will be for the owner's account;
5. that no on-street parking be allowed.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

10/12/2015

DATE

MUNISIPALITEIT OVERSTRAND MUNICIPALITY

Die eienaar van onderstaande erf beoog om uitbreidings aan sy woonhuis te doen/woonhuis op te rig/grensmure op te rig wat die boulyne oorskry (soos per bygaande plan). Die instemming/kommentaar van die aanliggende erfeienaars word vereis.

BESONDERHEDE VAN EIENAAR(S) WAT AANSOEK DOEN VIR VERSLAPPING VAN BOULYNE			
ERF NO	170		
STRAATADRES	Marais Straat 153, Franskraal		
NAAM EN VAN	JF Walsh		
TEL NO	072 198 6007		
POSADRES	Marais Straat 153, Franskraal		
		POSKODE	7220

BESONDERHEDE VAN AANSOEK (voltooi waar van toepassing)			
VERSLAPPING VAN:	MERK (√)	BOULYN VOLGENS TITELAKTE/SKEMAREGULASIES:	VERSLAPPING TOT:
SYBOULYN - Woning	√	1.57m en 2.00m	1.50m
SYBOULYN - Skadunet MA	√	1.57m en 2.00m	100mm
STRAATBOULYN		m	m
OPRIGTING VAN GRENSMUUR			

BESONDERHEDE VAN EIENAAR(S) VAN OMLIGGENDE ERF			
ERF NO	169		
STRAATADRES	Marais Straat 151, Franskraal		
NAAM EN VAN	A.J.G. Roux		
TEL NO	0834410296		
POSADRES	Posbus 577		
		POSKODE	7220

NB: INSTEMMING TOT VERSLAPPING IS ONVOLLEDIG INDIEN NIE VERGESEL VAN TERREINPLAN WAT ONDERTEKEN IS DEUR EIENAAR(S) VAN AANLIGGENDE ERF NIE.

Hiermee stem ek/ons in tot die bogenoemde verslapping.

Ek/ons gee toestemming tot die betreding van my/ons erf vir die uitvoering van bg oorskryding/oprigting van grensmuur.

A. J. G. Roux
HANDTEKENING/E

14 Julie 2015
DATUM

OPMERKINGS/VOORWAARDES geen bewaar teen harsende planne
vir mnr. Walsh; Maraisstraat 153