

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
18 August 2015
(Also the agenda for the Mayoral Committee Meeting : 26 August 2015)**

**2.
ERF 7011, 277 FOURTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : CH CILLIE**

7011 HVK (2848)

P Roux

15 July 2015

(028) 313 8900

Hermanus Administration

1. Executive Summary

An application has been received from CH Cillie on Erf 7011, Voëlklip for a departure from the relevant Scheme Regulations in order to relax the lateral building line from 2m to 0m to add a proposed braai room on the property concerned.

A Locality Plan of the property concerned is attached as Annexure A. The proposed Site Development Plan is attached as Annexure B, while the Motivation Report from the applicant in support of the proposal 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)

6. Background/Discussion/Evaluation/Conclusion

Background

Erf 7011, Voëlklip is developed with an existing single storey dwelling and a garage with an existing store room. The property is zoned Residential Zone I and measures approximately 500m² in extent.

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The owner of the property wishes to extend the existing dwelling over the lateral building line. In the motivation the applicant states that the proposed addition will be built without walls and that it will only be used for the purpose of a braai room.

Notices were sent to the relevant adjacent property owners. The consent of the property owners of Erf 7012 was enclosed with the application. However during the notice period the property owners of Erf 7012 objected to the proposed application.

The application was circulated to all relevant municipal departments and several of the departments indicated that the proposed application cannot be supported.

Discussion

Objection received

The Marina Human Trust is in ownership of Erf 7012. HJ Human and M Human are the members of the trust. The objection is summarised as follows:

- the smoke of the chimney could in future have a negative impact on the adjoining property; and
- the value of Erf 7012 will be negatively affected.

Applicant's response

Response from the applicant is summarised as follows:

1. the chimney of the braai will be 2m above the roof as to mitigate any problems that the smoke may cause. If it is required the chimney will be raised 3m;
2. there is an existing braai on the same property boundary which is also situated next to the adjacent property's boundary. No formal complaint was received from the objector concerning the existing braai. The existing braai will be demolished if so required;
3. Voëlklip is currently mainly used for holiday homes. To braai is seen as a holiday pass time. The braai will only be used 3 weeks in the year and the braai purposes only lasts one hour on average; and
4. currently Erf 7012 is vacant with no indication from the owner of when construction on the property will take place. No real reason can be thought of for the proposed addition to have a negative impact on the adjacent property's value.

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Town Planner's response

Town Planning is inclined to agree with the objector seeing that the Town Planning Scheme is established to protect the amenity of all properties in the Overstrand Municipal Area.

Thus, the Town Planner's response is geared toward the applicant's response received.

1. the applicant suggests that having the chimney 2m above the roof will help mitigate the problems which may be caused by smoke coming from the braai. Although the owners of Erf 7012 have not yet constructed a dwelling on their property, in future the smoke arising from the chimney may have a negative effect on the enjoyment of the dwelling; by simply raising the chimney to 3m will not necessarily mitigate the effect;
2. no formal building plans are on record at the Building Department for the existing braai, thus the braai is seen as being constructed without the necessary authorisation. Although no formal complaint was received it does not necessarily point to the justification of the proposed braai room;
3. Hermanus is a well known holiday destination, however many of the holiday homes become permanent homes as the owners of the homes go in retirement. Although the applicant stated that the braai will only be used for 3 weeks during the year, nothing will prohibit the use of the braai in future if it is approved. Furthermore braai rooms/areas are used for recreational purposes; as such it is rarely used less than an hour.
4. braai areas in general are used for recreational purposes. The problem caused by braai areas which are situated on the property boundary is smoke and noise. Thus leading to a negative impact on the residential amenity of the adjoining property.

Comments received from the relevant departments will be discussed in the evaluation.

Evaluation

Erf 7011, Voëlklip is developed with a single dwelling and the relevant outbuildings. The applicant is proposing to add additions to the dwelling in order to create a braai room.

The applicant motivates that the proposed addition will only consist of a roof and columns, this is in contradiction with the building plans that were submitted with the application. The east elevation on the building plans clearly indicate windows and the south elevation indicate that the wall of the braai room will be built closed. Comment received from building department is given to the above-mentioned effect. Furthermore the openings on the eastern elevation are not in line with the fire regulations which state that openings should at least be 1m away from the boundary - the fire department indicated this in their

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comment of the proposed application. The applicant states that the erection of a boundary wall will help mitigate the impact of the braai room; this in turn will still contribute to the structure not complying with fire and building regulations.

From a planning point of view the proposed addition as far as the encroachments of the building lines are concerned is not supported for the following reasons:

- the braai room will be used for recreational purposes which will be in close proximity to the property boundaries and it may adversely impact on the residential amenity of the occupiers of the adjoining property;
- the openings in the wall are in contradiction with fire safety standards;
- approval of the addition would set an undesirable precedent, the cumulative impact of which would be detrimental to the character of the area and amenity of adjoining properties;
- the adjoining property owners did object to the proposed addition. The opinion is held that future development and design of the dwelling on the adjoining property could be negatively affected by the proposed addition on Erf 7011.

It is therefore the opinion that the proposed additions not be supported.

It is recommended that the owner of Erf 7011 submit building plans and other necessary applications in order to legalise the existing structures. A condition to the aforementioned will be imposed.

Conclusion

The application for departure is not recommended for approval.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Building Control Department

“Not supported, east elevation incorrect.”

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Fire Department

“Brings development area onto boundary, openings on boundary do not comply with SANS 10400 – Not supported.”

Engineering Department

See Annexure F.

10. Annexures

- Annexure A: Locality Plan
- Annexure B: Site Development Plan
- Annexure C: Motivation
- Annexure D: Objection received
- Annexure E: Applicant’s response to objection
- Annexure F: Services report

RECOMMENDATION:

1. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 7011, Voëlklip, in order to relax the eastern lateral building line from 2m to 0m to add a proposed braai room on the property concerned, **be refused**, based on the following reasons:
 - (a) the close proximity of the proposed braai room to the property boundaries is likely to have a negative impact on the residential amenity of the occupiers of the adjoining property;
 - (b) the openings in the eastern wall do not comply with fire safety standards and as such will pose a fire risk to the adjoining property owners; and
 - (c) the approval of the addition would set an undesirable precedent, the cumulative impact of which would be detrimental to the character of the area.
2. the applicant to adhere to the following conditions:
 - (a) that a building plan be submitted within **60 days** in order to legalise the existing structures;
 - (b) that all other development parameters for a Residential Zone I erf as prescribed in the relevant Zoning Scheme, be complied with; and
 - (c) that all the conditions in the Services Report (attached as Annexure F) be complied with.

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3. 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 decision.

RESPONSIBLE OFFICIAL :

P ROUX

TARGET DATE FOR IMPLEMENTATION :

9 SEPTEMBER 2015

TARGET DATE TO INFORM APPLICANT :

9 SEPTEMBER 2015

TARGET DATE TO INFORM OBJECTOR :

9 SEPTEMBER 2015

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MUNICIPAL AREA : PROPOSED DEPARTURE : CH CILLIE**

7011 HVK (2848)

P Roux

(028) 313 8900

Hermanus Administration

15 July 2015

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
18 AUGUST 2015, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL :

P ROUX

TARGET DATE FOR IMPLEMENTATION :

9 SEPTEMBER 2015

TARGET DATE TO INFORM APPLICANT :

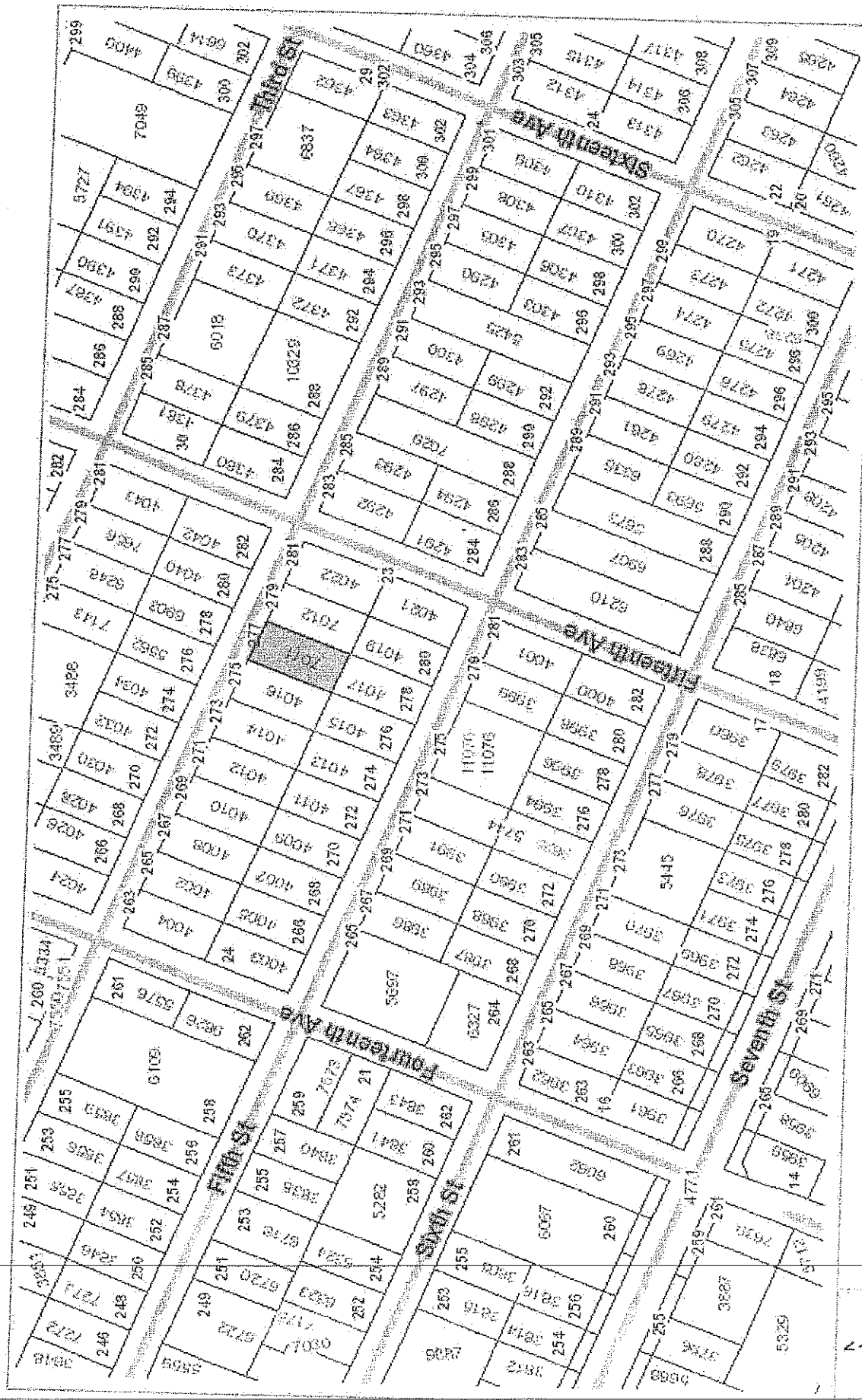
9 SEPTEMBER 2015

TARGET DATE TO INFORM OBJECTOR :

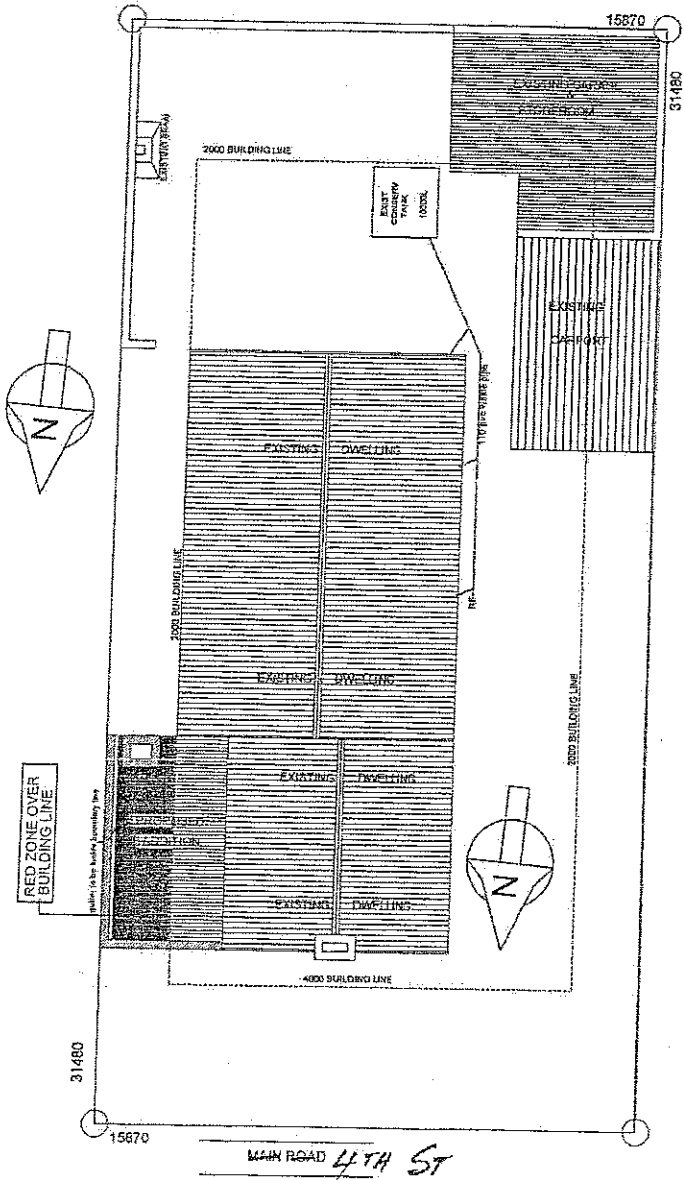
9 SEPTEMBER 2015



Erf 7011 Voelklip, Hermanus
Locality Map



9.49



OWNER
ERF
PLANNO

HOUSE CILLIE
7011 VOELKLIP
2014/1/40

SCALE : 1 : 200

PROJECT
RE-DRAW EXIST.
DWELLING / OUT-BUILDING & PROPOSED EXT STOEP WITH BRAAI

CAP - LON DESIGNS
REGNO : DO 993
cadesigns478@gmail.com
CELL : 0849051055

6.H.L

ROOF:
 Eaveboards completed shelling to 50mm x 75mm Purline @ 750 mm on 150mm x 50mm rafters at 1000mm centres @ 52.25% slope. All rafters to be sheathed with 12mm waterproofing. All rafters to be supported by 100mm x 100mm x 25mm timber posts. All rafters to be supported by 100mm x 100mm x 25mm timber posts. All rafters to be supported by 100mm x 100mm x 25mm timber posts.

WALLS:
 All masonry work to be 100mm x 100mm x 25mm concrete blocks. All masonry work to be 100mm x 100mm x 25mm concrete blocks. All masonry work to be 100mm x 100mm x 25mm concrete blocks.

DOORS:
 All doors to be 100mm x 100mm x 25mm timber. All doors to be 100mm x 100mm x 25mm timber. All doors to be 100mm x 100mm x 25mm timber.

WINDOWS:
 All windows to be 100mm x 100mm x 25mm timber. All windows to be 100mm x 100mm x 25mm timber. All windows to be 100mm x 100mm x 25mm timber.

FINISHES:
 All internal walls to be 100mm x 100mm x 25mm plaster. All internal walls to be 100mm x 100mm x 25mm plaster. All internal walls to be 100mm x 100mm x 25mm plaster.

ROOFING:
 All roof to be 100mm x 100mm x 25mm tiles. All roof to be 100mm x 100mm x 25mm tiles. All roof to be 100mm x 100mm x 25mm tiles.

PAINTS:
 All external walls to be 100mm x 100mm x 25mm paint. All external walls to be 100mm x 100mm x 25mm paint. All external walls to be 100mm x 100mm x 25mm paint.

GLAZING:
 All glazing to be 100mm x 100mm x 25mm glass. All glazing to be 100mm x 100mm x 25mm glass. All glazing to be 100mm x 100mm x 25mm glass.

STRUCTURE:
 All structure to be 100mm x 100mm x 25mm concrete. All structure to be 100mm x 100mm x 25mm concrete. All structure to be 100mm x 100mm x 25mm concrete.

WEST ELEVATION

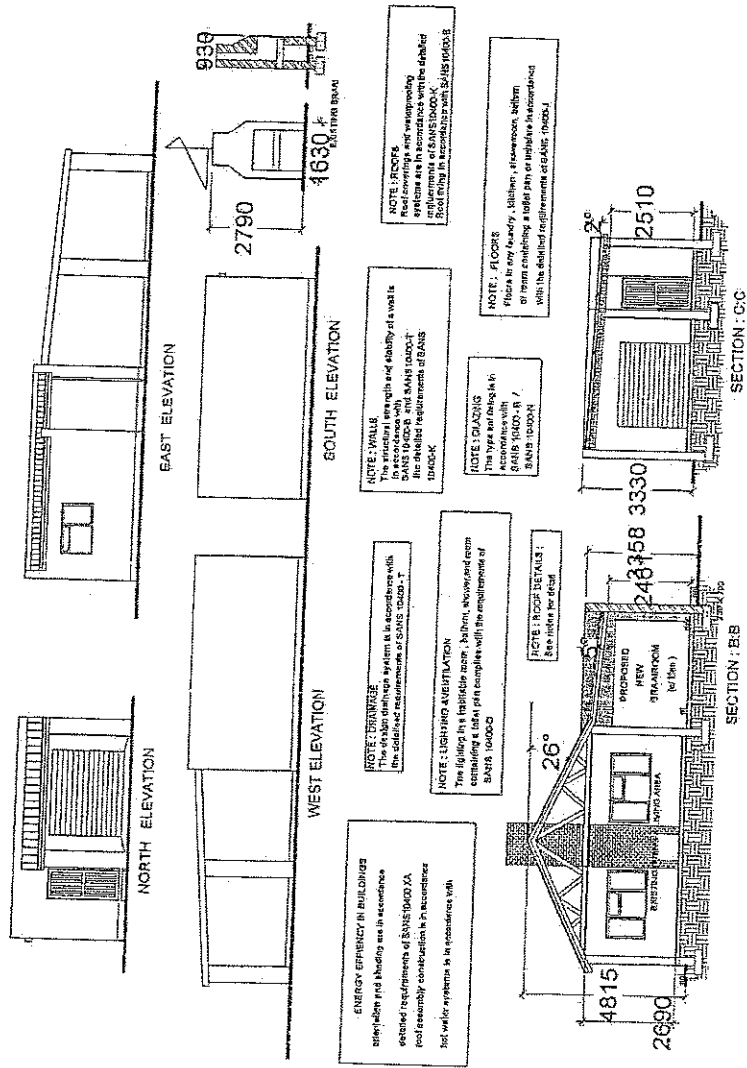
EAST ELEVATION

NORTH ELEVATION

SOUTH ELEVATION

<p>CAP - LON DESIGNS REGNO : DQ 993 cadesigns478@gmail.com CELL : 0849051055</p>	<p>PROJECT RE - DRAW EXIST. DWELLING / OUT-BUILDING PROPOSED EXT STEEP WITH BRAAI</p>	<p>SCALE : 1 : 200</p>	<p>OWNER ERF PLANNO</p>	<p>HOUSE CILLIE 7011 VOELKLIP 2014/11/40</p>
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B.H.K.



<p>CAP - LON DESIGNS REGNO : DO 993 cadesigns478@gmail.com CELL : 0849051055</p>	<p>PROJECT RE - DRAW EXIST. DWELLING / OUT-BUILDING PROPOSED EXT STORE WITH BRAAI</p>	<p>SCALE : 1 : 200</p>	<p>OWNER ERF PLANNO</p>	<p>HOUSE CILLIE 7011 VOELKLIP 2014/11/40</p>
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B.H.L

GLAZING SOLAR HEAT GAIN

ELEVATION	GLAZING	Solar exposure Factor			TOTAL
		SHROD	P/H	E	
WEST	7.8m ²	0.05	0	1.4	7.1
NORTH	4.8m ²	0.05	0	0.84	3.1
SOUTH	2.4m ²	0.05	0	0.61	3.3
EAST	12.2m ²	0.05	0	1.10	5.4
TOTAL	27.2m ²	Grand total	Target	20.5	compliance

PANELS VERSUS SHADING DESCRIPTION

PANEL	FACING DIRECTION	AREA (sqm)	SHADING DESCRIPTION
1	WEST	7.8m ²	Unshaded
2	NORTH	4.8m ²	Unshaded
3	SOUTH	2.4m ²	Unshaded
4	EAST	12.2m ²	Unshaded
	TOTAL	27.2m ²	

DEFAULT WINDOW CONDUCTIVITY & SIZE

Orientation	U-value	Total Area
WEST	2.50	9.3
NORTH	4.00	28.2
SOUTH	2.60	51.4
EAST	12.2m ²	63.3
TOTAL	27.2m ²	148

Item	Value
U-value	2.5
Roof U-value	0.25
Roof Area	0.75
Roof Heat Loss	1.60
Total	2.44
Required by normy	1.25

NET FLOOR AREA: 195m²
 195 x 100 x 10 = 22.8m²
GLAZING AREA TO MEET 60% SHROD
 net floor area = 22.8m²
 glazing area = 22.8m²
 glazing area > net floor area = 1

Minimum R-value of rain headings:

Minimum R-value	Minimum R-value
1.00	1.00
> 80mm	1.00
Minimum R-value in roof surface being 0.00	
Minimum R-value of 1.00	

For Information and Permissibility
 Air Leakage 0.3 per SANS204
 The air leakage coefficient is determined by the number of joints and the size of the joints. The air leakage coefficient is determined by the number of joints and the size of the joints. The air leakage coefficient is determined by the number of joints and the size of the joints.

REQUIREMENTS FOR CHIMNEYS
 The chimney or flue shall be constructed of masonry or concrete. The chimney or flue shall be constructed of masonry or concrete. The chimney or flue shall be constructed of masonry or concrete.

Minimum R-value of pipe insulation:

Minimum R-value	Minimum R-value
1.00	1.00
> 80mm	1.50
Minimum R-value in hot surface being 0.00	
Minimum R-value of 1.00	

ROOF COVERAGE
 wind direction: 130mm
 substructure: 60mm
 insulation: 20mm
 roof tiles: 20mm
 roof finish: 1.00mm
 coverage: 1.00mm

OWNER
 HOUSE CILLIE
 7011 VOELKLIP
 2014/1/40

OWNER
 ERF
 PLANNO

SCALE : 1: 200

PROJECT
 DWELLING / OUT-
 BUILDING
 PROPOSED EXT
 STOEP WITH BRAAI

CAP - LONI DESIGNS
 REGNO : DO 993
 cadesigns478@gmail.com
 CELL : 0849051055

64

Mev. G. Hillie

Epos : g.hillie@bfm.co.za4de Straat no 277

Voelklip

Hermanus

7200

27 Februarie 2015

Die Stadsbeplanning

Overstrand Munisipaliteit

Posbus 20

Hermanus

7200

Die Stadsbeplanner

Motivering : Erf no 7011 Voelklip : Verslapping van boulyn :

Hiermee doen ek aansoek om die verslapping van die sy boulyn op die bogenoemde erf vanaf 2meter na 0 meter om die volgende redes: dat die

1. voorgestelde braai area 'n oop ruimte sonder mure is met slegs 'n dak, en dit vir geen ander doel gebruik kan word nie.
2. uitleg van die huis dit onmoontlik maak om die braai area enige ander plek in te rig.
3. die afwyking geen noemenswaardige impak op die bure en omliggende bure het nie.
4. oprigting van 'n grensmuur moontlik sal help om dit te verskans van die bure.
5. visuele impak wat dit hê nie die buurt versteur nie
6. ek bereid is om gehoor te gee na voorstelle van die stadsbeplanner en uitvoering daaraan te gee

Ek hoop dat u my motivering goedgunstiglik sal aanvaar.

Die uwe

G. Hillie

Vergadering van die Marina Human Truste gehou te Varslug op 22 April 2015

Teenwoordig H.J. Human, M Human

Doel van Vergadering:


Versoek is van eienaars van Erf 7011 te Voëlkip Hermanus ontvang om die boulyn vir voorgestede afdak te verleng tot teen erf 7012.

Na bespreking besluit trustees dat so versoek nie goedgekeur kan word nie. Om die volgende redes.

1. Die rook van die skoorsteen kan in toekoms te na aan voorgenome bou van huis op erf 7012 wees.
2. Dit sal die waarde van erf 7012 verminder.

Hiermee word die versoek dus amptelik teengestaan.

Verder besluit die trustees dat H.J. Human die nodige dokumente van die beswaar namens trustees mag onderteken.

H.J. Human

M. Human

Vir aandag Mnr P RouxTP-A Theart
CH Olivier)

22 April 2015

Marina Human Trust

Posbus 179

RIVIERSONDEREND

7250

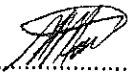
AANSOEK VERLENGING BOULYN ERF 7011 TOT TEEN ERF 7012

Lêerverwysing 7011,hvk (2848)

Aan wie dit mag benodig

Op vergadering van trustees van die Marina Human Trust is besluit om die voorgename verandering aan boulyn teen te staan.

Namens trustees



H.J. Human

0835563980



FILE NO:	EL 7011-VIKUP
SCAN NO:	72
COLLABORATOR NO:	778576

23 APR 2015

26 APR 2015 ✓

Alida Calitz - FW: Beswaar teen aansoek om verslapping van die boulyn.

From: "ccillie" <ccillie@bfn.co.za>
To: <alida@overstrand.gov.za>
Date: 2015/05/19 07:09 AM
Subject: FW: Beswaar teen aansoek om verslapping van die boulyn.

From: ccillie [ccillie@bfn.co.za]
Sent: 18 May 2015 10:29 PM
To: 'aida@overstrand.gov.za'
Subject: Beswaar teen aansoek om verslapping van die boulyn.

Aan: Die Direkteur Infrastruktuur en Beplanning.
U verwysing :P Roux
Leër No 7011 H.V.K. (2848)

i/s Aansoek om verslapping boulyn erf 7011 Voëlklip

Ek antwoord as volg op die ge-opperde beswaar:

- 1 Die skoorsteen wat die rook uitlaat sal 2 meter bo die dak uitsteek. Dit behoort enige rookprobleme op te los. Indien u oordeel dat die skoorsteen nog hoër moet wees is ek bereid om dit as n voorwaarde te aanvaar.
- 2 Daar is reeds n bestaande braaiplek binne die boulyn op die erf en wel aan die grens van die beswaarmaker se erf. Daar was nog nooit enige klagtes oor rook uit hierdie braaiplek nie. Hierdie braaiplek sal nou nie meer gebruik word nie. Ek sal bereid wees om dit af te breek indien vereis. Daardie braaiplek is ongerieflik geleë.
- 3 Voëlklip bestaan hoofsaaklik uit vakansiehuise. Dit is tog deel van vakansie hou om te braai. Ek meen dat hierdie gebruik nie onredelik aan bande gelê behoort te word nie. Ek en my gesin is van die Vrystaat en is maar hoogstens 3 weke aan die einde van die jaar daar met vakansie. Die braaiproses neem ook maar ongeveer n uur.
- 4 Die beswaarmaker dui nie aan wanneer en of hy ooit van voorneme is om op erf 7012 te bou nie. Ek kan ook werklik nie insien hoe die voorgenome braaiplek die waarde van erf 7012 sal verminder nie.

Dit word gevolglik versoek dat u die beswaar sal afwys.

Met dank

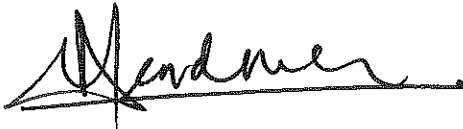
C.H.Cillie

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 7011, VOELKLIP (2848)**

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 7011, Voelklip, unobstructed;
4. that no on-street parking be allowed.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

30/6/2015
DATE