

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
17 June 2015  
(Also the agenda for the Mayoral Committee Meeting : 24 June 2015)**

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7.

**ERF 953, 57 ABNER STREET, STANFORD : OVERSTRAND MUNICIPAL AREA :  
APPLICATION FOR DEPARTURE : JP & LA OCKHUYS**

**953 SSN (2550)**

**P Roux**

**14 May 2015**

**(028) 313 8900**

**Hermanus Administration**

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**1. Executive Summary**

An application has been received on 11 April 2014 from Messrs Maureen Wolters Architect on behalf of JP and LA Ockhuys, on Erf 953, Stanford in terms of Section 15 of the Land Use Ordinance, 1985 (Ordinance 15 of 1985) for a departure from the relevant Scheme Regulations to relax the lateral building line from 2m to 0m in order to accommodate the existing outbuilding (pool room).

A Locality Plan of the property concerned is attached as Annexure A. The 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**

Application was lodged on 4 April 2014, for the departure from the 2m lateral building line in order to accommodate the existing pool lapa/room.

**AGENDA of the  
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Registered notices were sent to surrounding property owners and no objections were received.

The application was circulated to all relevant municipal departments. No objections were received.

**Discussion/Evaluation**

Upon site inspection it was established that the structures which encroach upon the lateral building line also include a braai. After scrutinising the approved building plans it was determined that the braai was never approved and not included (or mentioned) in the application. Notice of the breach in information was sent to the applicant. After some time a plan was received which indicated the braai, however no revised motivation was submitted. Notice was sent to the applicant that the application will not be evaluated without the relevant information. The applicant was given sufficient time to respond to the town planner's request and no response was received.

The initial application's notices were sent to the relevant departments and to the surrounding property owners, however the notices sent did not contain the correct information due to the fact that the motivation submitted by the applicant did not contain the correct details pertaining to the situation on site.

The braai and pool room are illegal structures and as such should not exist, the neglect of the applicant to lodge a complete application is evident and as such the application is not supported.

**Conclusion**

The departure of the Overstrand Zoning Scheme Regulations from 2m lateral building line to 0m is **not supported**, due to the fact that insufficient information was given.

**7. Financial Implications**

None

**8. Staff Implications**

None

**9. Comments from other Departments, Divisions and Administrations**

None

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**10. Annexures**

- Annexure A: Locality Plan  
Annexure B: Site Development Plan  
Annexure C: Motivation

**RECOMMENDATION:**

1. that, in terms of Section 15 of the Land Use Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 953, Stanford for a departure from the Scheme Regulations to relax the lateral building line from 2m to 0m in order to accommodate the existing outbuilding (pool room), **not be approved**;
2. that the braai and pool room be demolished within 60 days from the date of the decision;
3. that the refusal in paragraph 1. above is based on the following reasons:
  - (a) the motivation received did not describe the full extent of the application and as such an informed decision could not be made; and
  - (b) no revised notices could be sent to inform the adjacent property owners and the relevant departments.
4. that the applicants be notified of their 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.

<b>RESPONSIBLE OFFICIAL :</b>	<b>P ROUX</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>8 JULY 2015</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>8 JULY 2015</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>N/A</b>

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**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON  
17 JUNE 2015, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

**RESPONSIBLE OFFICIAL :**

**P ROUX**

**TARGET DATE FOR IMPLEMENTATION :**

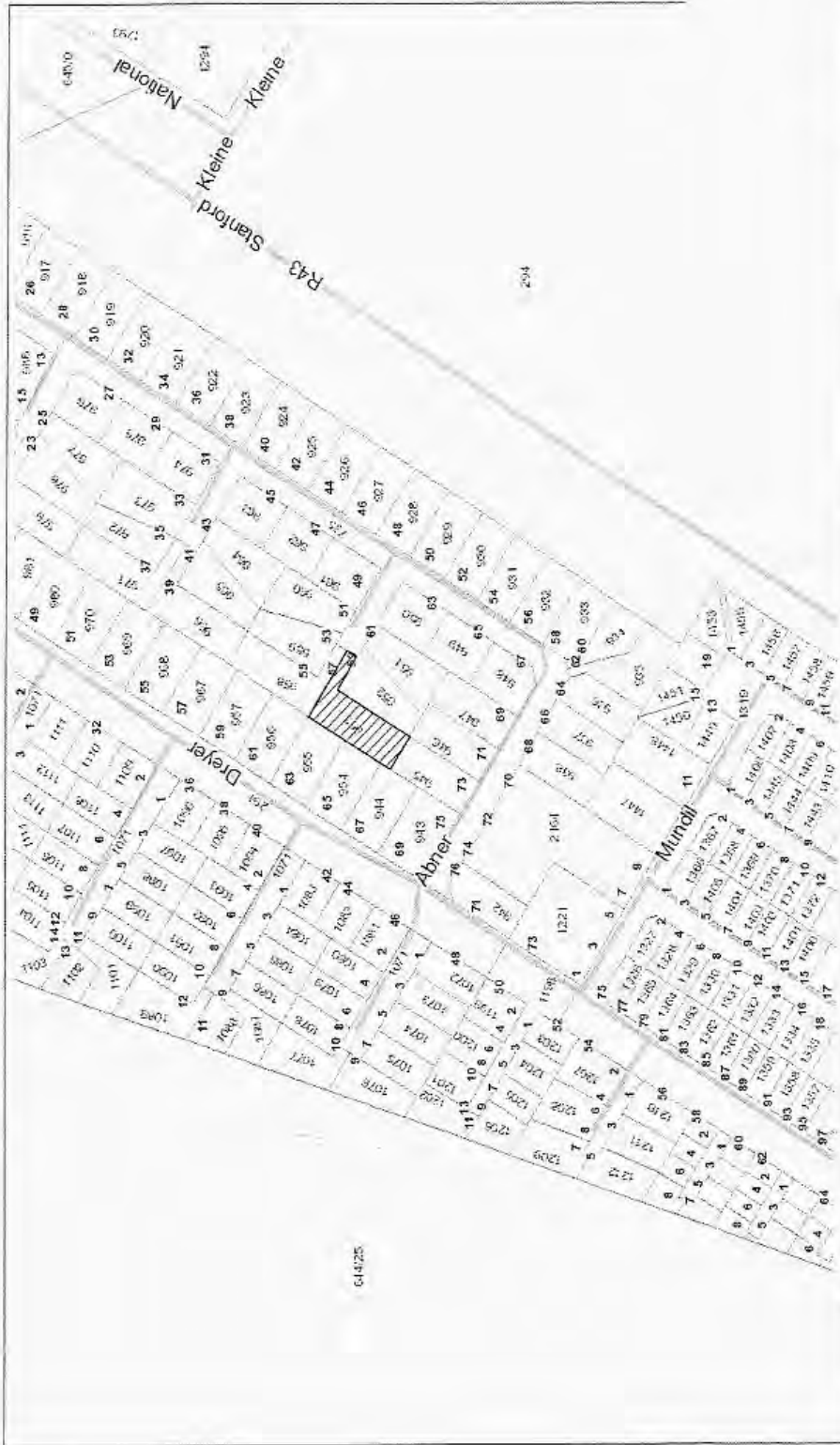
**8 JULY 2015**

**TARGET DATE TO INFORM APPLICANT :**

**8 JULY 2015**

**TARGET DATE TO INFORM OBJECTOR :**

**N/A**



**LOCALITY PLAN**  
**Ert 953, Stanford**





# Motivation Report

For a Departure over the Boundary Line for a Poolroom

## 3.1 Need and Desirability

The Poolroom was necessary for shade when using the pool and also to store deck chairs etc when not needed. To not overcrowd the piece of garden next to the pool it had to be built against the neighbour's boundary wall.

### 3.1.1 Physical Characteristics of the property:

The property is very narrow and at the end of a pan handle and it is surrounded by high walls and neighbours on all sides.

### 3.1.2 Existing Planning in the area

Building on boundary walls is a precedent that has already been set in the area.

### 3.1.3 Character of the surrounding area

The area surrounding the property is very built up and, as the erven are small, it is necessary to use the 2m space on the boundary.

### 3.1.4 The Potential of the property

The value of the property has been enhanced with the addition of the thatched poolroom. This is not affecting the neighbour's property at all.

### 3.1.5 The Location and Accessibility of the property

The property is on a pan handle so accessibility to the pool area is secured by pool gate

### 3.1.7 Construction Phase and Services

The Poolroom has already been constructed.  
There are no services except electricity