

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
22 March 2016
(Also the agenda for the Mayoral Committee Meeting: 30 March 2016)**

**4.
ERF 4493, 84 IXIA ROAD, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA :
PROPOSED RELAXATION AND DEPARTURE : LFB CORNELIUS**

**4493 KBB (3023)
H van der Stoep
22 January 2016**

(028) 313 8900

Hermanus Administration

1. Executive Summary

An application has been received on 24 August 2015 from LFB Cornelius on Erf 4493, Betty's Bay for a relaxation of the 3m lateral building line to 0m in terms of the Title Deed as well as a departure in terms of the Zoning Scheme to relax the 2m lateral building line to 0m to exceed the 9m restriction of a building on one specific boundary, in order to accommodate the proposed extension to the double garage on the property concerned.

An application has also been received for a relaxation of the lateral building line with Erf 4494 from 3m to 2,7m in terms of the Title Deed to accommodate the existing 0,3m roof overhang.

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 Priority

Provision of democratic, accountable and ethical governance

4. Delegated Authority

Executive Mayor

5. Legal Requirements

Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)

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6. Background/Discussion/Evaluation/Conclusion

Background

Registered letters were sent to surrounding possibly affected neighbours, and no objections were received against the application.

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

Discussion/Evaluation

The restrictive Title Deed condition read as follows:

Page 3, Paragraph B.7.

“(b). No building or structure or any portion thereof, except boundary walls and fences, shall, except with the consent of the Administrator, be erected nearer than 5m to the street line which forms a boundary of this erf, nor within 3m of the rear or 3m of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority -”

The applicant requests for the relaxation of the northern lateral building line to accommodate the extension of a garage, which has led to the exceeding of the restricted 9m build structure on a boundary line as per the Overstrand Zoning Scheme. The applicant did comply with the condition for the housing of vehicles in obtaining the neighbours' consent, however although the existing garage did not have the required approval in terms of the Title Deed, it was approved by the Municipality. This has come to light when the applicant submitted a building plan to extend the existing garage in line with the existing building. The Overstrand Zoning Scheme does make provision for structures on the 0m building line with neighbours' consent. In this case the applicant did obtain the necessary consents. With the extension of the garage, the requirement that structures on a 0m building line may not exceed 9m in length, has led to the departure application, which was distributed to all neighbouring erven. None of the neighbours objected to the building more than 9m on the boundary. The extension is in line with the existing garage and of similar style and thus is not to the detriment of the directly affected neighbour or the surrounding erven.

The relaxation of the roof overhang of 0,3m is being dealt with in terms of the Title Deed, however does not transgress the Overstrand Zoning Scheme building line of 2,0m. The overhang forms an integral part of the dwelling and does not affect the aesthetics or character of the surrounding area.

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Conclusion

The application is recommended.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Engineering Services Department

See Annexure D.

Building Control Department

Building to comply with the boundary height of 3,5m and to comply with SANS 10400. Supported.

Fire Department

No objection.

10. Annexures

- Annexure A: Locality Plan
- Annexure B: Site Development Plan
- Annexure C: Motivation
- Annexure D: Services Report

RECOMMENDATION:

1. that the relaxation of Title Deed Condition B.7. of Title Deed T59960/2014 of Erf 4493, Betty's Bay for the relaxation of the lateral building line with Erf 4494 from 3m to 2,7m in terms of the Title Deed to accommodate the existing 0,3m roof overhang, **be approved.**
2. that the relaxation of Title Deed Condition B.7. of Title Deed T59960/2014 of Erf 4493, Betty's Bay for the relaxation of the 3m lateral building line to 0m in terms of the Title Deed in order to accommodate the proposed extension to the double garage on the property concerned, **be approved.**

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3. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 4493, Betty's Bay for a departure from the Scheme Regulations in order to relax the 2m lateral building line to 0m to exceed the 9m restriction of a building on one specific boundary, in order to accommodate the proposed extension to the double garage on the property concerned, **be approved**, subject to the following conditions:
 - (a) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (c) that this approval is only for the relaxation of the Title Deed building line as indicated on Plan Numbers A101, A102, A103 and A104 dated 2 July 2015, which was submitted with the application;
 - (d) 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, and
 - (e) that all conditions imposed in the Services Report (attached as Annexure D), be complied with.

4. that the applicant be notified of its right of appeal in terms of the provisions of the Local Government Municipal Systems Act, 2000 (Section 62) with regard to the above decision.

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	13 APRIL 2016
TARGET DATE TO INFORM APPLICANT :	13 APRIL 2016
TARGET DATE TO INFORM OBJECTOR :	N/A

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H van der Stoep
22 January 2016**

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Hermanus Administration

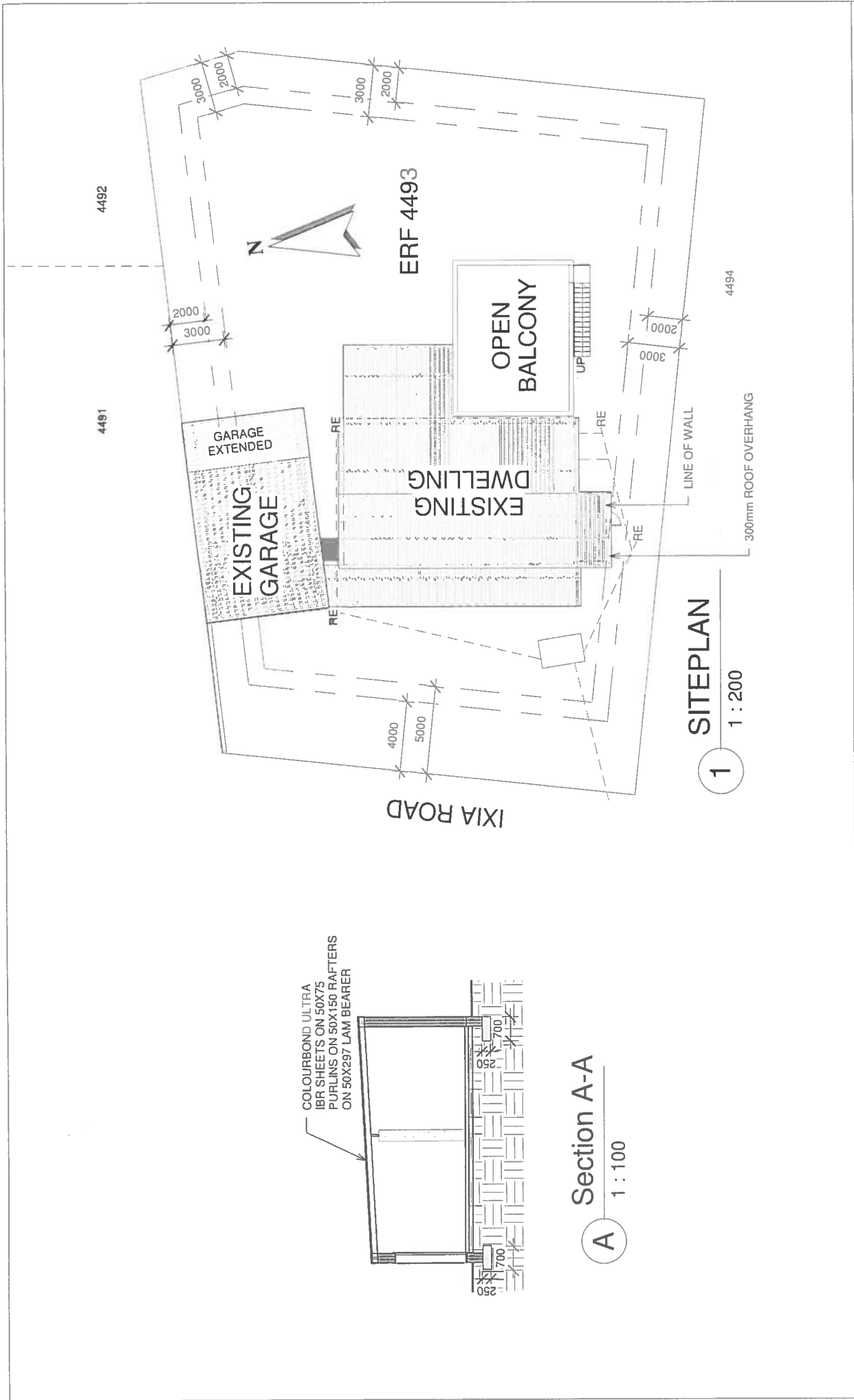
**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
22 MARCH 2016, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	13 APRIL 2016
TARGET DATE TO INFORM APPLICANT :	13 APRIL 2016
TARGET DATE TO INFORM OBJECTOR :	N/A



**LOCALITY PLAN
ERF 4493
BETTY'S BAY**





SITEPLAN	
Project number	BB4493/15
Date	02/07/2015
Drawn by	plm
Pro Arch D	20652
Scale	As indicated

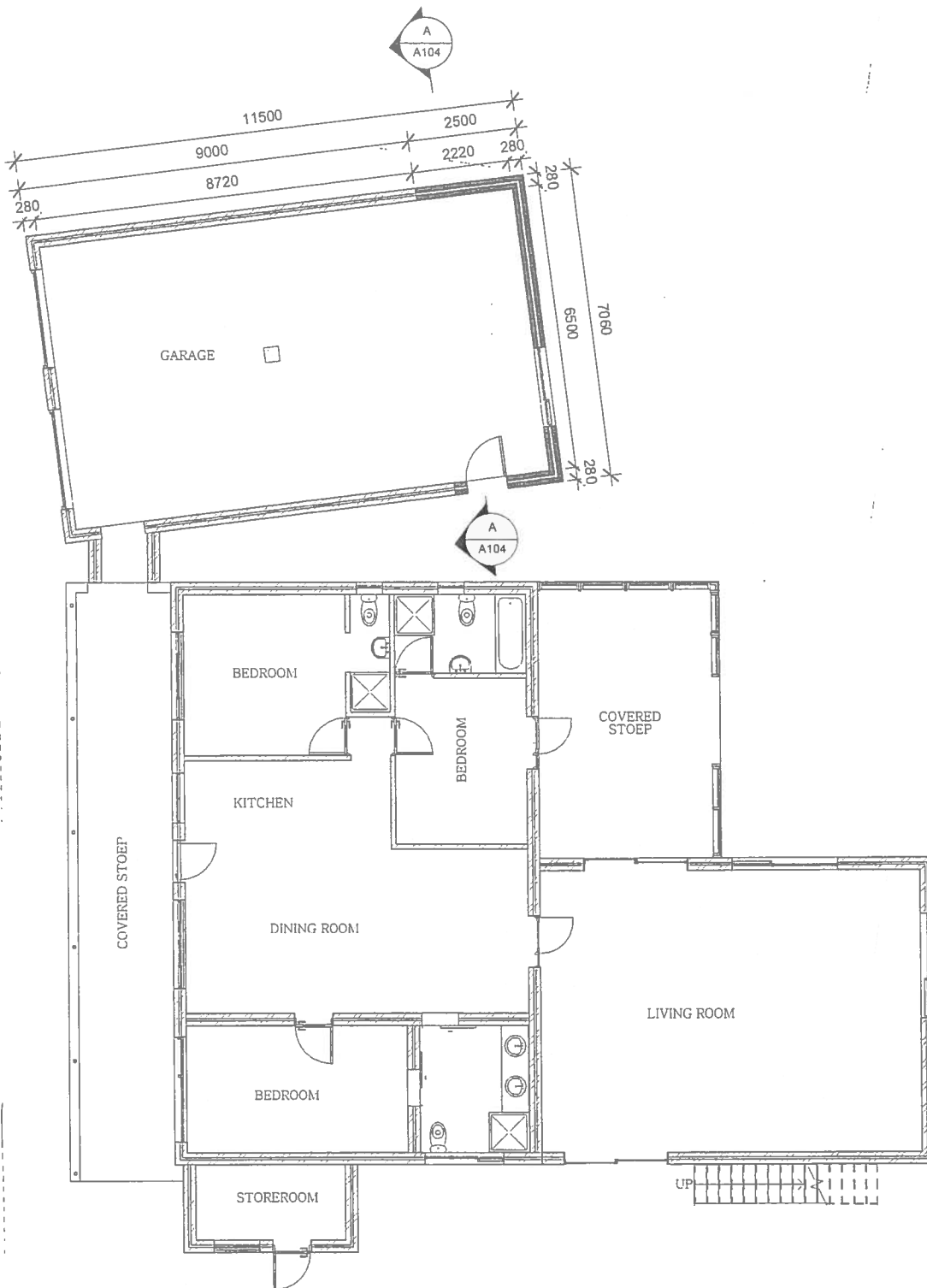
MR.L.CORNELIUS
 ERF 4493
 IXIA ROAD
 BETTY'S BAY

**AS BUILT
 GARAGE EXTENSION**

A.H.D
 philip.mattheus@gmail.com

1 SITEPLAN
 1 : 200

A Section A-A
 1 : 100



1 GROUND STOREY
1 : 100

SIROPLA

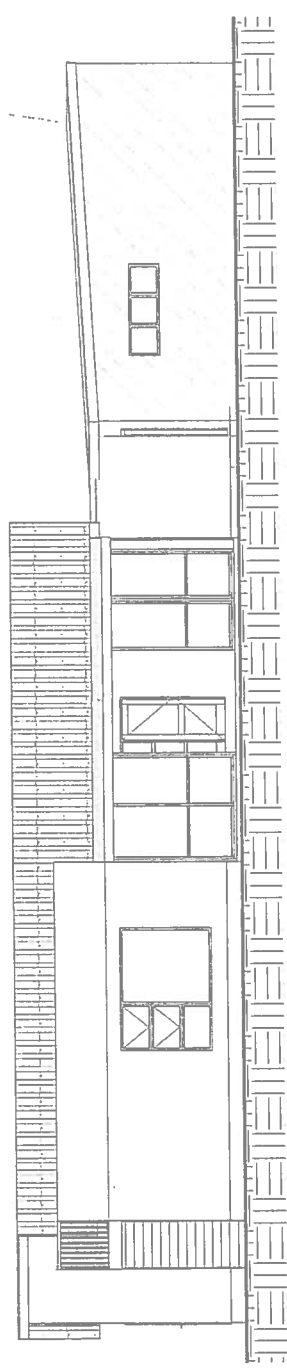
Project nu	BB4493/1
Date	02/07/2011
Drawn by	pjm
Pro Arch D	20652
Scale	1 : 100

MARNICIUS
BOFF 4
DAADR
BEEY

BUILT
BY
SIRANG

A.H.D

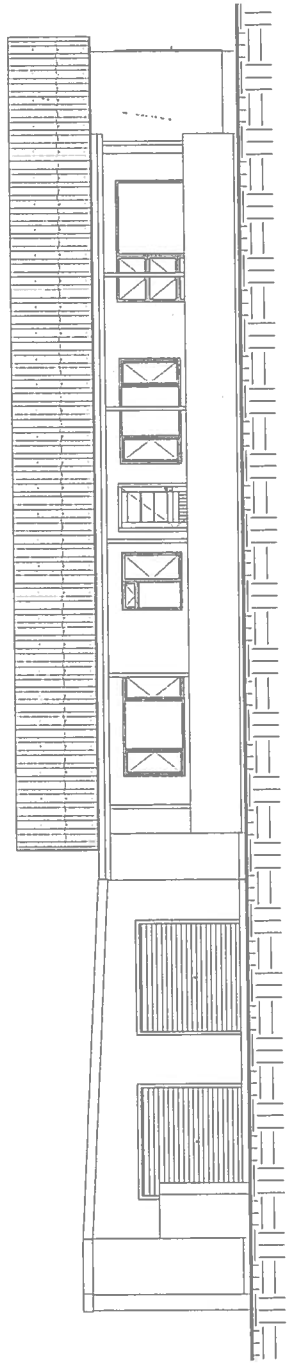
ahd@ahd.com



East Elevation

1 : 100

1



West Elevation

1 : 100

2

MR. L. CORNELIUS
ERF 4493
IXIA ROAD
BETTY'S BAY

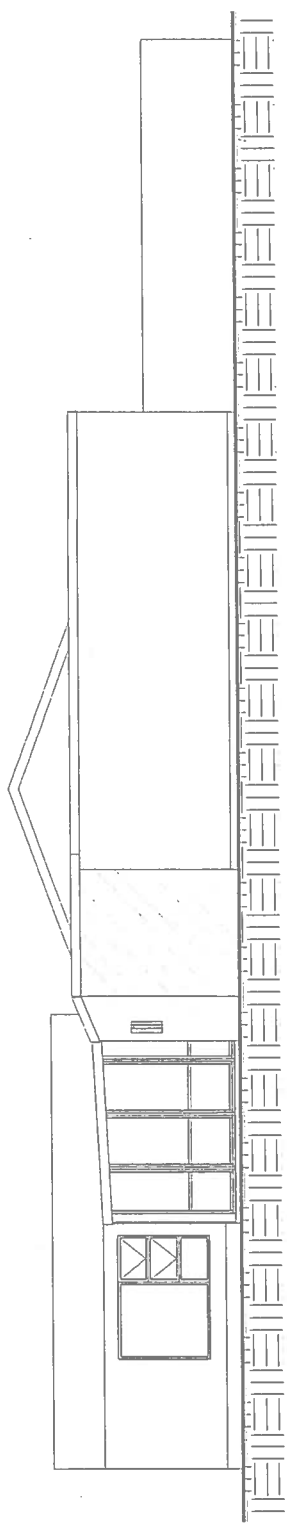
ELEVATIONS

Project number	BB493/15	A102	Scale 1 : 100
Date	02/07/2015		
Drawn by	pjm		
Pro Arch D	20652		

AS BUILT
GARAGE EXTENSION

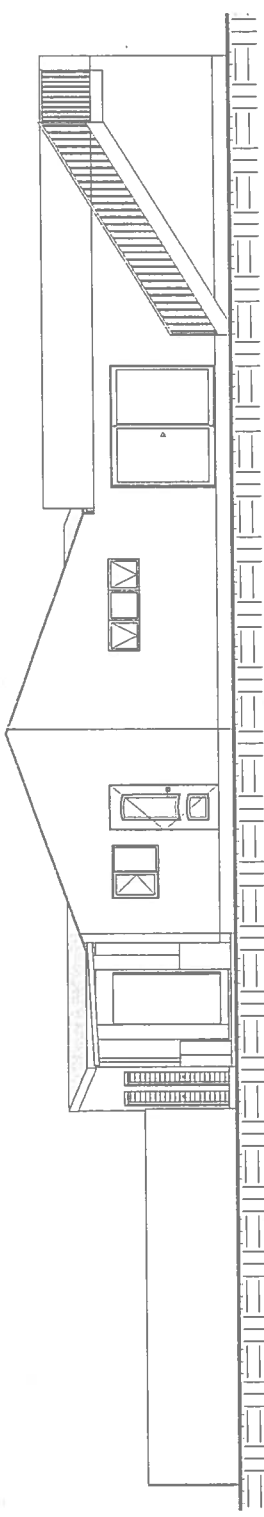
A.H.D

phillip.mattheus@gmail.com



North Elevation

1 1 : 100



South Elevation

2 1 : 100

A.H.D

phillip.mattheus@gmail.com

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AS BUILT GARAGE EXTENSION

MR.L.CORNELIUS
ERF 4493
IXIA ROAD
BETTY'S BAY

ELEVATIONS

Project number	BB4493/15	A103	Scale 1 : 100
Date	02072015		
Drawn by	phm		
Pro Arch D	20652		

14 Julie 2015
LFB Cornelius
Erf 4493
BETTYS BAAI

Die Persoon in Beheer
Dorpsbeplanning

Ek is 72 jaar oud en het 4 omvattende opknappings van woonhuise agter die rug. Die bou van die motorhuis waarom nou kondonering gevra word, was 'n nagmerrie ondervinding wat my 'n draai in die hospitaal laat maak het.

Ek het 'n goedgekeurde plan vir o.a. 'n motorhuis op erf 4493 Bettys Baai. Die motorhuis is gebou op die grens met een van my bure. Die toestemming om die motorhuis op die grens te bou is gegee op voorwaarde dat die muur van die gebou dieselfde hoogte sou wees tot op die betrokke grens. Die ander buurvrou se grens is nie op gebou nie.

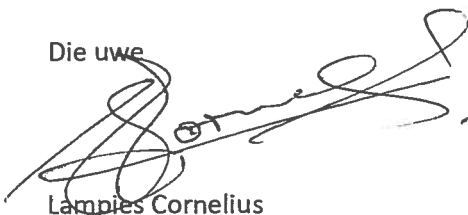
Die bou-aannemer het voorgestel dat ek die motorhuis verleng tot op die hoek van die grens betrokke en dat die gebruik is om net 'n gewysigde plan vir goedkeuring in te dien. Ek het hom daarop gewys dat dit lang en moeisame pad was om te kom tot by die goedgekeurde plan. Ek is verseker dat dit geen probleem sou wees nie. Aangesien Volkwyn Bouers reeds meer as 15 woonhuise en talle aanbouings in die Overstrand voltooi het, het ek ingestem, nadat die bure geraadpleeg is.

Dit het sowat 13 weke geneem vir die aannemer om tot dakhoogte te vorder en ons is toe deur die bouinspekteur verbied om verder te gaan a.g.v. die verlengde motorhuis. Volgens alle navrae is hierdie 'n ongekende strafaksie. Die saak is tussen die bouaannemer en die bouinspekteur geskik. Die motorhuis is na sowat 18 weke voltooi.

Aangeheg is twee briewe van die betrokke bure. Beide het geen probleme met die verlengde struktuur nie, intendeel in beide gevalle word die verlenging verwelkom.

Ek versoek hiermee dat die oortreding van die betrokke regulasies gekondoneer word sonder enige verdere verpligtinge van my kant.

Die uwe



Lampies Cornelius

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Posbus 638
Bettys Baai
7141

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 4493, BETTY'S BAY (3023)**

Electricity : Escom Area
Stormwater : In Order
Water : In Order
Sewer : In Order
Roads and traffic : In Order

Conditions:

1. that only the standard 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 developer's cost;
2. that stormwater be allowed to discharge through Erf 4493, Betty's Bay, unobstructed;
3. that no on-street parking be allowed.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

10/12/2015

DATE