

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

**5.
ERF 4498, 36 THIRD AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA :
PROPOSED DEPARTURE AND RELAXATION : J PIENAAR**

**4498 KKM (3057)
H van der Stoep
28 January 2016**

(028) 313 8900

Hermanus Administration

1. Executive Summary

An application has been received on 22 September 2015 from J Pienaar on Erf 4498, Kleinmond for a departure from the relevant Scheme Regulations in order to relax the eastern and western lateral building lines from 2m to 0m respectively, to accommodate the existing carport and garden shed.

An application has also been received for a relaxation of the Title Deed restriction to relax the street building line from 9,45m to 4,180m, in order to accommodate the existing carport 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 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)

6. Background/Discussion/Evaluation/Conclusion

Background

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

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

Discussion/Evaluation

The restrictive Title Deed condition C.12. reads as follows:

Page 3, Paragraph C.12.:

“that all outbuildings to be erected on the land herein sold, shall stand back at least 9,45m from the line of the street or the avenue on which the lot or lots herein mentioned may front”,

The application is for the relaxation of the Title Deed from 9,45m to 4,180m and the Scheme Regulations from 2m to 0m to accommodate an extension of an existing carport. The departure from the Scheme Regulations from 2m to 0m on the rear and lateral building lines are to accommodate an existing garden shed.

The applicant did motivate that the shed was there when the property was purchased and was under the impression that the extension of the carport was legal.

In terms of the Zoning Scheme Regulations both the garden shed and the carport is permissible with a departure application and consent from the neighbouring properties, respectively. The garden shed was approved in 1987 by the Municipality, but no record can be found that a departure application was lodged. In order to rectify the situation, the applicant addresses this issue with this application. The extension of the carport was done illegally, but can be accommodated with neighbours' consent. However, in this case the extension also triggers the Title Deed restriction pertaining to outbuildings under which a carport resorts.

The application is viewed in a positive light as it falls within the ambit of allowable structures and land uses of the Scheme Regulations.

Conclusion

The application is recommended.

7. Financial Implications

None

8. Staff Implications

None

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9. Comments from other Departments, Divisions and Administrations

Engineering Services Department

See Annexure D.

Building Control Department

No objection.

Fire Department

Boundary wall on both sides of the wendy garden shed must provide 60 minute fire resistance and be minimum height of 2,1m.

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 C.12. of Title Deed T037904/2009 of Erf 4498, Kleinmond for the relaxation of the street building line from 9,45m to 4,180m in order to accommodate the existing carport on the property concerned, **be approved**;
2. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 4498, Kleinmond for a departure from the Scheme Regulations in order to relax the eastern and western lateral building lines from 2m to 0m respectively, to accommodate the existing carport and garden shed, **be approved**;
3. that the approvals in 1. and 2. above are subject to the following conditions:
 - (a) that the relaxation only be applicable to the extension of the carport and no other structure or land use;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;

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- (d) that this approval is only for the relaxation of the Title Deed building line as indicated on Plan Numbers D.1075.K dated 14 September 2015, which was submitted with the application;
 - (e) 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
 - (f) 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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PROPOSED DEPARTURE AND RELAXATION : J PIENAAR**

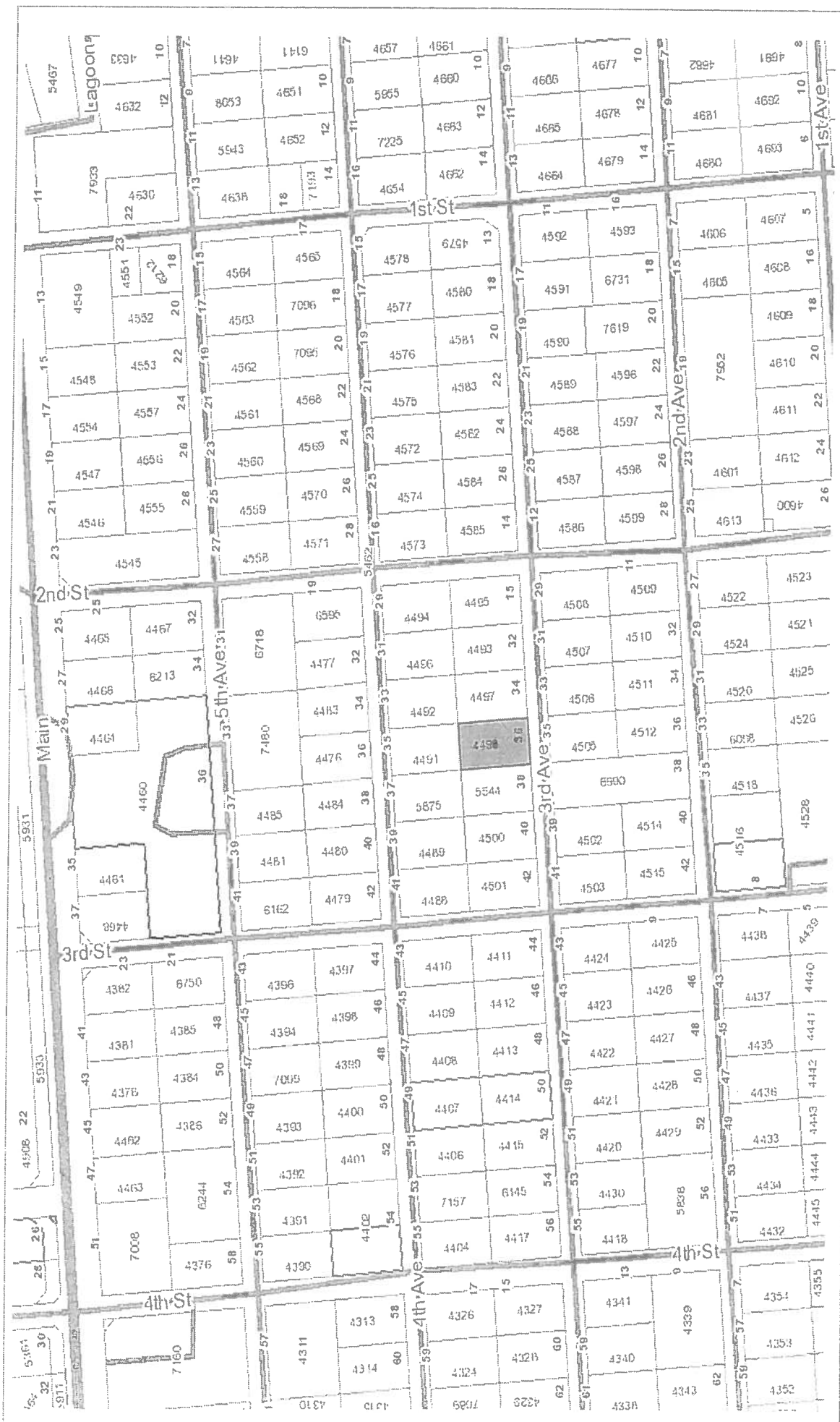
**4498 KKM (3057)
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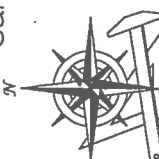
**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
22 MARCH 2016, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

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

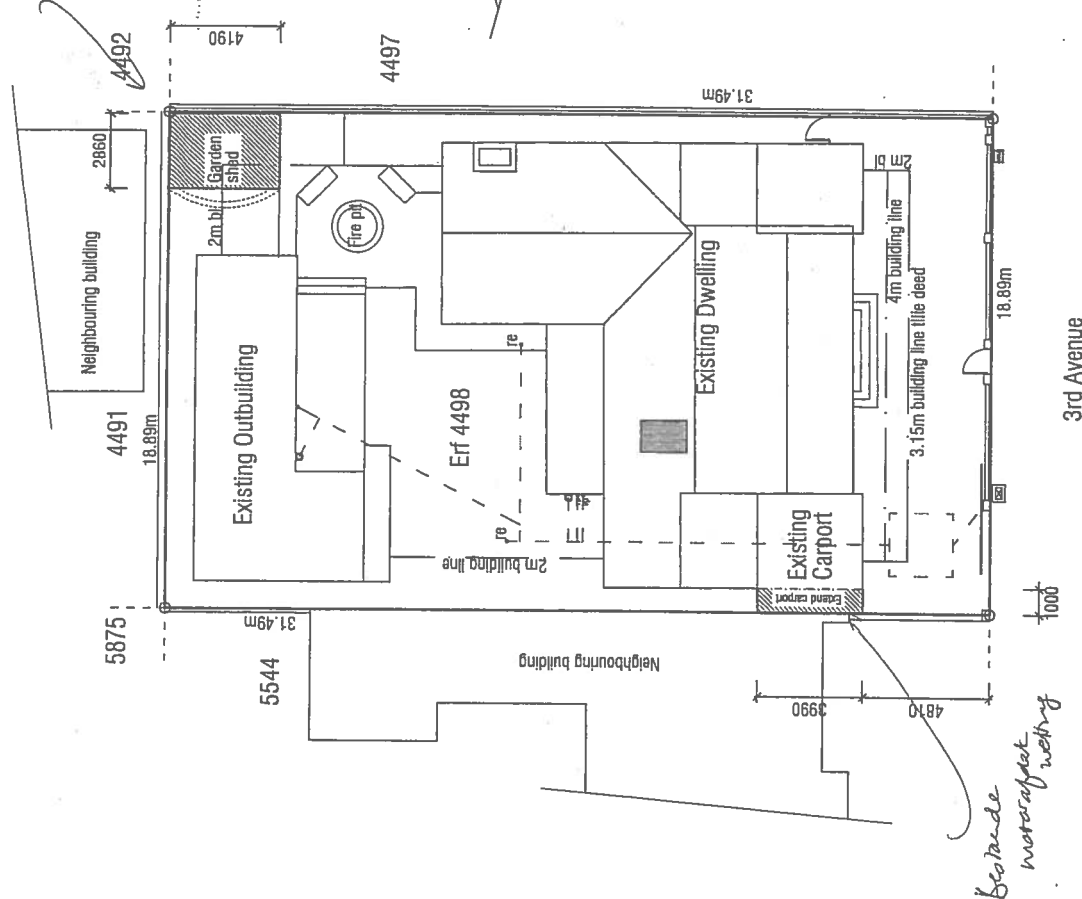


LOCALITY PLAN
 ERF 4498
 KLEINMOND



Areas:		Carport extension 3,99m ²
Garden shed 11,98m ²		
Footprint 296,29m ²		
Erf Coverage 595m ² 49,8%		
Class of occupancy of building H4		
Occupancy Dwelling House		
Population 6		
Orientation North		
Climatic Zone 4 - Temperate Coastal		
Scaled dimensions invalid. All measurements have to be checked on site before work can commence. Copyright reserved. Any discrepancies or errors to be reported to the Architect.		
 <p>Sandra Schutte B.Arch.(O.P.) Pr Arch. MArch, CIA Tel & Fax 028 271 4238 121 Main Road PO Box 92 Kleinmond 7195 bruinvoikse@telkomisa.net</p>		
Client	Pienaar	1338
Owner Signature		
Project Town Planning Application Carport extension and garden shed Erf No. 4498 3rd Avenue Kleinmond		
Drawing Site Plan		
Scale 1:200		
Drawn	LS	Checked SS
Project No	Revision	Date
D.1075.K	0	2015/09/14
		Sheet No 1 of 4

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al van 1987 wethj*



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wethj*

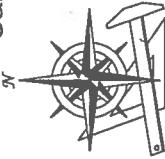
Site Plan
Scale 1:200

General Specifications
 All building work in accordance with the National Building Regulations and the South African Standard Code of Practice SANS 10400.
 Sewer work in accordance with the National Building Regulations and Municipal by-laws.
 All structural concrete work to Engineer's design and specification.
 All changes in level, the design of ramps and driveways in accordance with the detailed requirements of SANS 10400-D.
 Builders toilet and site operations to be in accordance with SANS 10400-F.
 Fire safety to comply with SANS 10400-1 and the Overstrand Fire Safety By-law PN 6454 - 2006.
 All materials and fittings used to be SABS approved. It is the responsibility of the Owner to appoint a Land Surveyor to confirm erf boundaries.
 It is the responsibility of the Owner to appoint a Health and Safety Agent to comply with the Construction Regulations 2014 and the Occupational Health and Safety Act.
 Gas installation plan to be submitted by installer if required.

Scaled dimensions invalid. All measurements have to be checked on site before work can commence. Copyright reserved. Any discrepancies or errors to be reported to the Architect.

Sandra Schutte

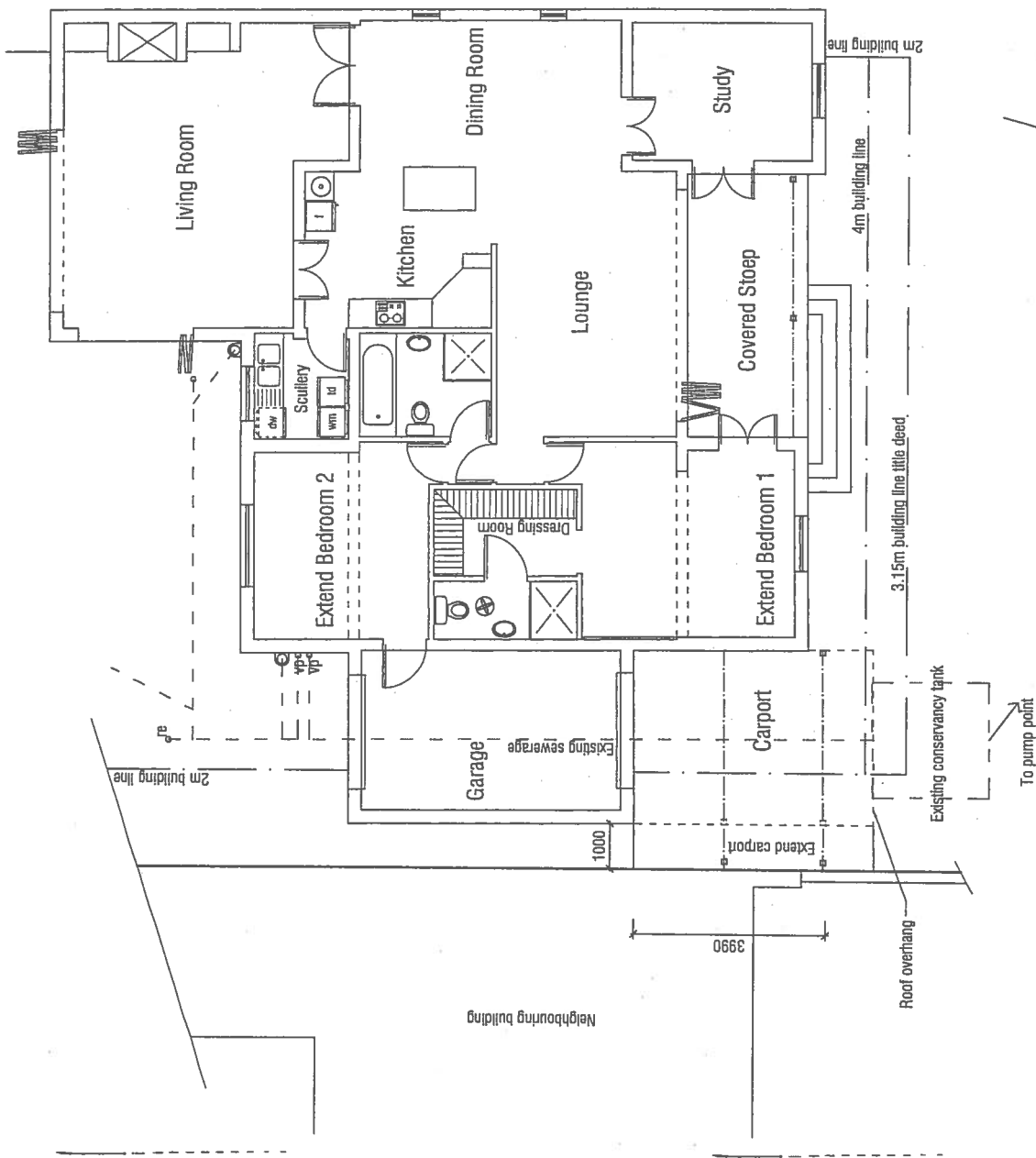
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 PO Box 92
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 7195
 bruinvolkste@telkomsa.net



SACAP Reg No: Pr Arch 21077
 Client **Pienaar** 1338
 Owner Signature

Project
**Town Planning Application
 Carport extension and garden shed
 Erf No. 4498
 3rd Avenue
 Kleinmond**

Drawing
Ground Storey Plan - Carport
 Scale 1:100
 Drawn LS Checked SS
 Project No D.1075.K Revision 0 Date 2015/09/14 Sheet No 2 of 4

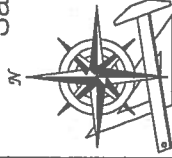


**Ground Storey Plan
 Scale 1:100**

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Owner Signature

Project

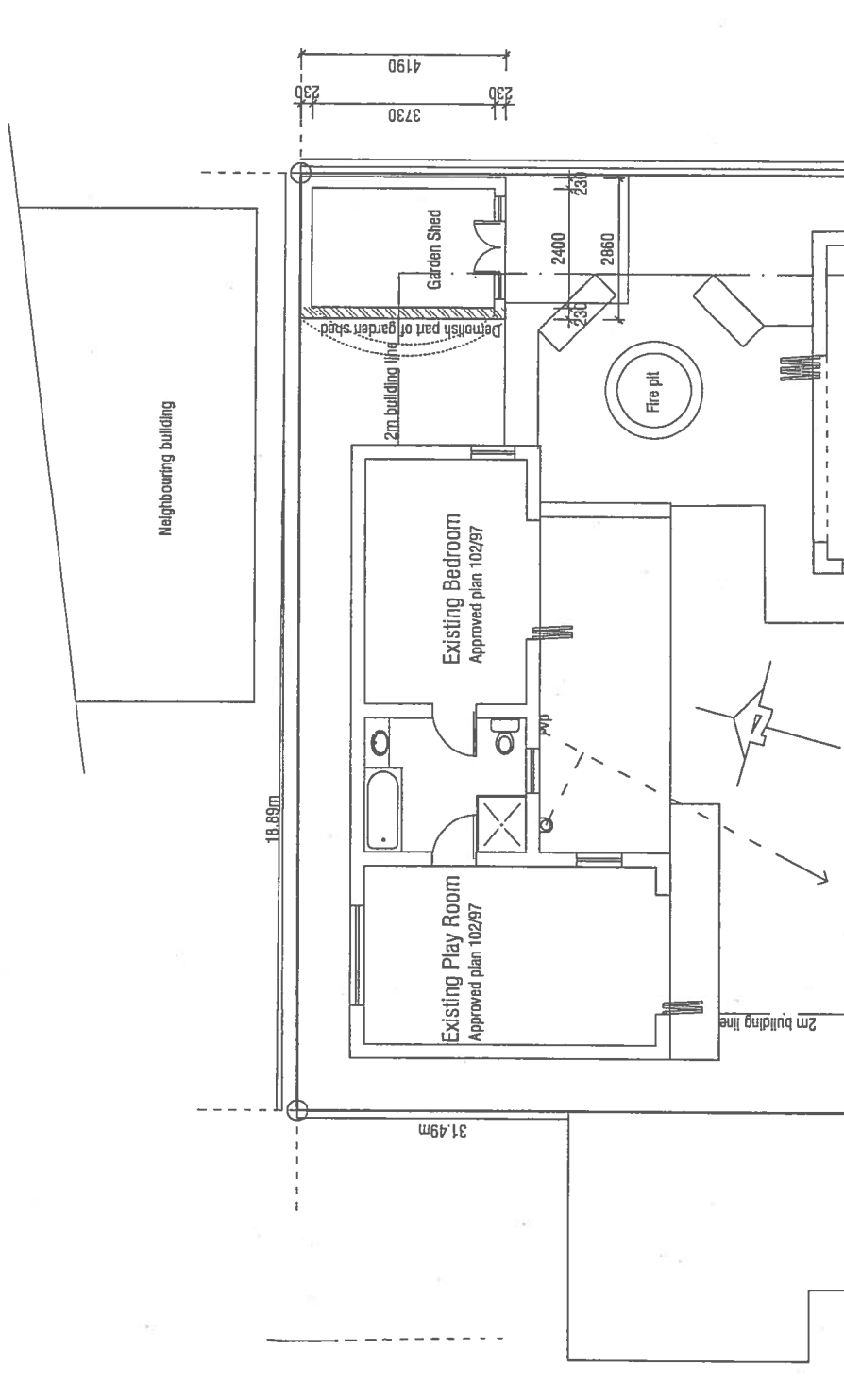
Town Planning Application
Carport extension and garden shed
Erf No. 4498
3rd Avenue
Kleinmond

Drawing

Ground Storey Plan - Garden Shed

Scale 1:100

Drawn	LS	Checked	SS
Project No	Revision	Date	2015/09/14
D.1075.K	0	Sheet No	3 of 4



Ground Storey Plan
Scale 1:100

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Client **Pienaar** 1338

Owner Signature

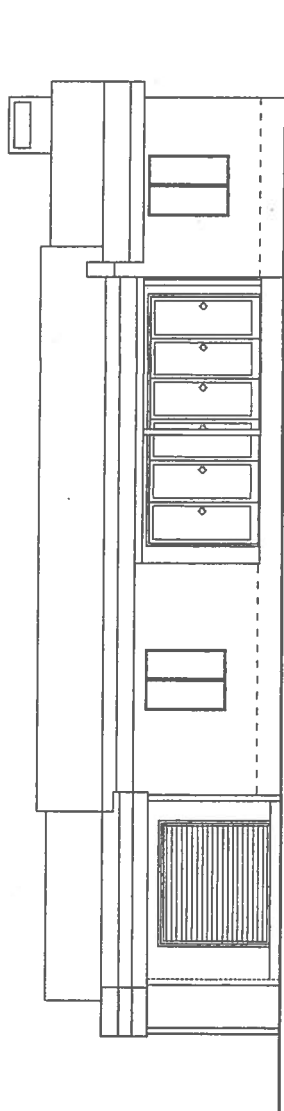
Project

Town Planning Application
Carport extension and garden shed
Erf No. 4498
3rd Avenue
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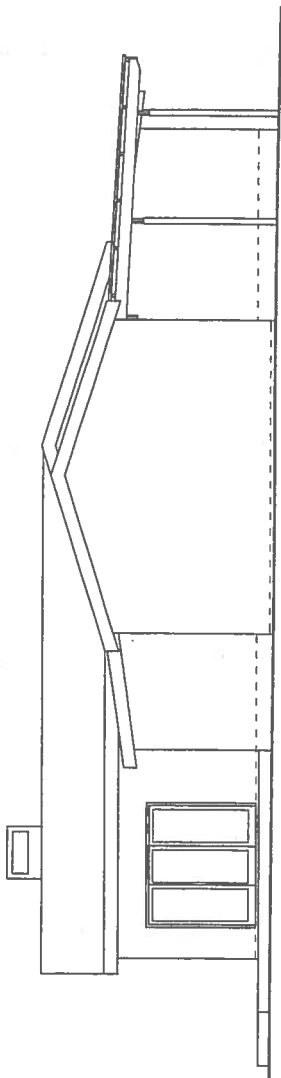
Drawing Elevations

Scale 1:100

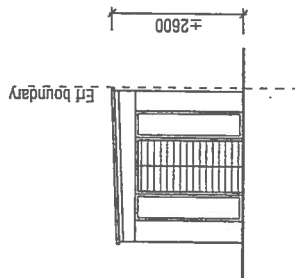
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Project No	Revision	Date	
D.1075.K	0	2015/09/14	4 of 4
	Sheet No		



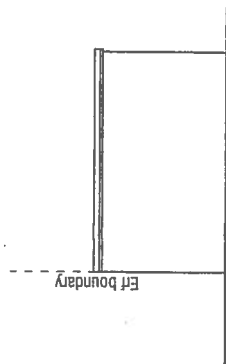
South Elevation



West Elevation



South Elevation



West Elevation

4 September 2015

Aan wie dit mag aangaan

INSAKE: AANSOEK VIR BOULYN OORSKRYDING, 3 DE LAAN 36, KLEINMOND

Hiermee bevestig ek dat ek glad nie bewus was dat die afdak by ons woonhuis te 3 de laan 36, Kleinmond groter gebou was as wat die plan aangedui het nie.

Ek bevestig verder hiermee dat die stoorkamer reeds daar was toe ons die huis aangekoop het.

Die uwe,

A handwritten signature in black ink, appearing to read 'Pienaar', enclosed within a hand-drawn oval border.

Jan Pienaar

3 de Laan 36
Kleinmond
7195

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & RELAXATION: ERF 4498, KLEINMOND
(3057)**

Stormwater (SW) : In order
Electricity : In order
Water : In order
Sewer : In order
Roads and traffic : In order

1. 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 developer's cost;
2. 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 developer's cost;
3. that stormwater be allowed to discharge through Erf 4498, Kleinmond, unobstructed.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

6 / 11 / 2015

DATE