

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

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**6.  
ERF 4211, 28 CRASSULA AVENUE, BETTY'S BAY, OVERSTRAND MUNICIPAL  
AREA : PROPOSED RELAXATION AND DEPARTURE : E-U C NIEMANN AND  
CJ JAUSSAUD**

**4211 KBB (3058)**

**H van der Stoep**

**28 January 2016**

**(028) 313 8900**

**Hermanus Administration**

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**1. Executive Summary**

An application has been received on 22 September 2015 from E-U C Niemann and CJ Jaussaud on Erf 4211, 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 accommodate the proposed extension of the existing single garage to a double garage.

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 one (1) conditional approval letter was received from the Betty's Bay Ratepayers' Association.

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

**Discussion/Evaluation**

The restrictive Title Deed condition E.7. reads as follows:

Page 3, Paragraph E.7.

*“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 application is for the relaxation of the lateral building line from 3m to 0m and the departure of the Scheme Regulations from 2m to 0m. The applicant motivated that due to rock formations, it is impossible to extend the garage to the back of the existing garage.

The proposed extension of the garage towards the back of the property is not viable due to the geology of the erf. Should the garage be extended towards the back, it would entail blasting. The proposed garage will not be financially viable due to the cost of blasting and excavation costs. The groundwork will be extensive and will have no beneficial value for the owner and or the surrounding community. This is evident in the no response of the surrounding property owners in as far as the proposal submitted.

The proposed application is to extend the existing single garage towards the lateral building lines and does not infringe on the street building line. The Zoning Scheme makes provision for the housing of motor vehicles on a 0m building line with the consent of the neighbour. In this case due to the relaxation of the Title Deed restriction, all the surrounding owners were requested for comments via registered post and no objections were received. It is clear from the site inspection and the photographs that the present owner does have a geological challenge in extending the single garage towards the back of the property.

**Conclusion**

The application is recommended.

**7. Financial Implications**

None

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**8. Staff Implications**

None

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

**Engineering Services Department**

See Annexure D.

**Building Control Department**

No objection.

**Fire Department**

No objection.

**10. Annexures**

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

**RECOMMENDATION:**

1. that the relaxation of the Title Deed Condition E.7. of Title Deed T16008/2014 of Erf 4211, Betty's Bay for the relaxation of the 3m lateral building line to 0m to accommodate the proposed extension of the existing single garage to a double garage, **be approved**;
2. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 4211, Betty's Bay for a departure from the Scheme Regulations in order to relax the 2m lateral building line to 0m to accommodate the proposed extension of the existing single garage to a double garage, **be approved**, subject to the following conditions:
  - (a) that the relaxation of the lateral building line is only for the accommodation of the garage and no other structure or land use;
  - (b) that the structure be designed to accommodate a gutter that does not transgress the erf boundary;

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- (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
  - (e) that this approval is only for the relaxation of the building lines as indicated on Plan No C.564.B dated 18 September 2015 which was submitted with the application;
  - (f) 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
  - (g) that all conditions imposed in the Services Report (attached as Annexure D), be complied with.
3. that the applicant be notified of their right of appeal in terms of the provisions of the Local Government Municipal Systems Act, 2000 (Section 62) with regard to the above decision.

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

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CJ JAUSSAUD**

**4211 KBB (3058)  
H van der Stoep  
28 January 2016**

**(028) 313 8900**

**Hermanus Administration**

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

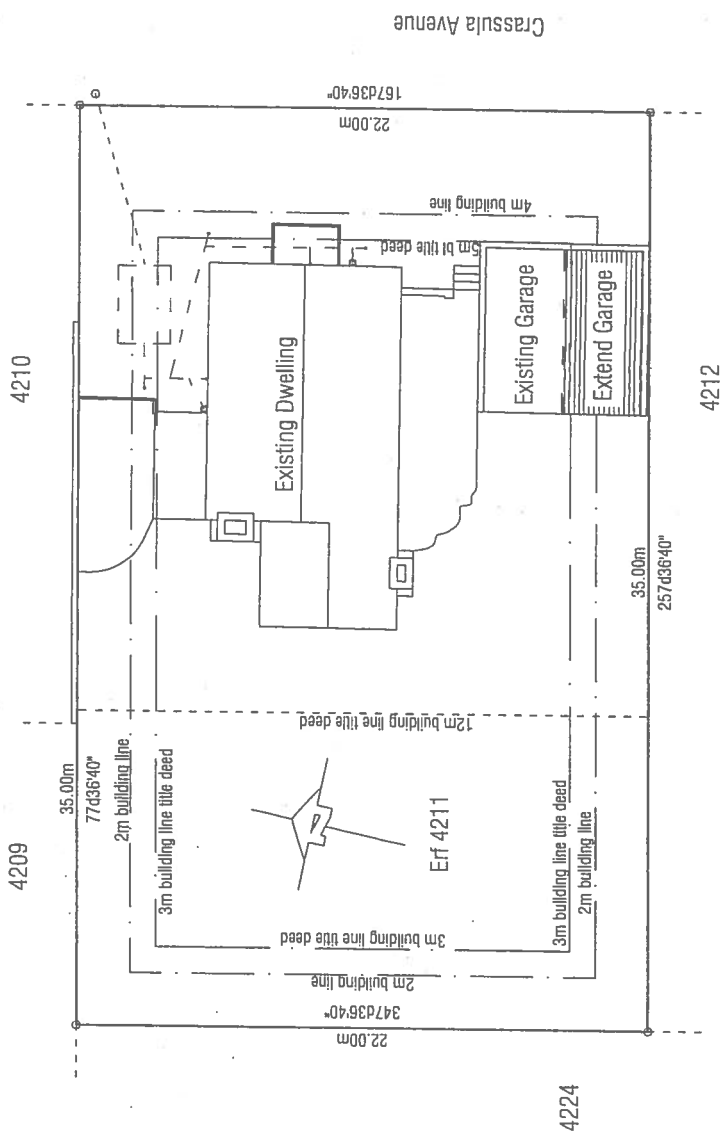
<b>RESPONSIBLE OFFICIAL :</b>	<b>H VAN DER STOEP</b>
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LOCALITY PLAN  
ERF 4211  
BETTY'S BAY



Areas:		19.56m <sup>2</sup>
Addition		
Footprint		147.22m <sup>2</sup>
Erf		770m <sup>2</sup>
Coverage		19%
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 must be reported to the Architect.		
		
<b>Sandra Schutte</b> B.Arch.(U.P.) Pr.Arch. IMArch.CA Tel & Fax 028 271 4238 121 Main Road PO Box 92 Kleinmond 7195 bruiwolkse@telkomsa.net		
SACAP Reg No: Pr Arch	21077	
Client	Niemann & Jaussaud	1202
Owner Signature		
Project Town Planning Application Proposed Garage Extension Erf No. 4211 Crassula Avenue Betty's Bay		
Drawing Site Plan Scale 1:200.		
Drawn	LS	Checked SS
Project No	Revision	Date
C.564.B	0	2015/09/18
	Sheet No	1 of 4

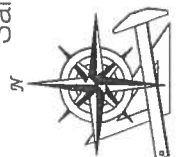


Site Plan  
Scale 1:200

**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-T 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 must be reported to the Architect.

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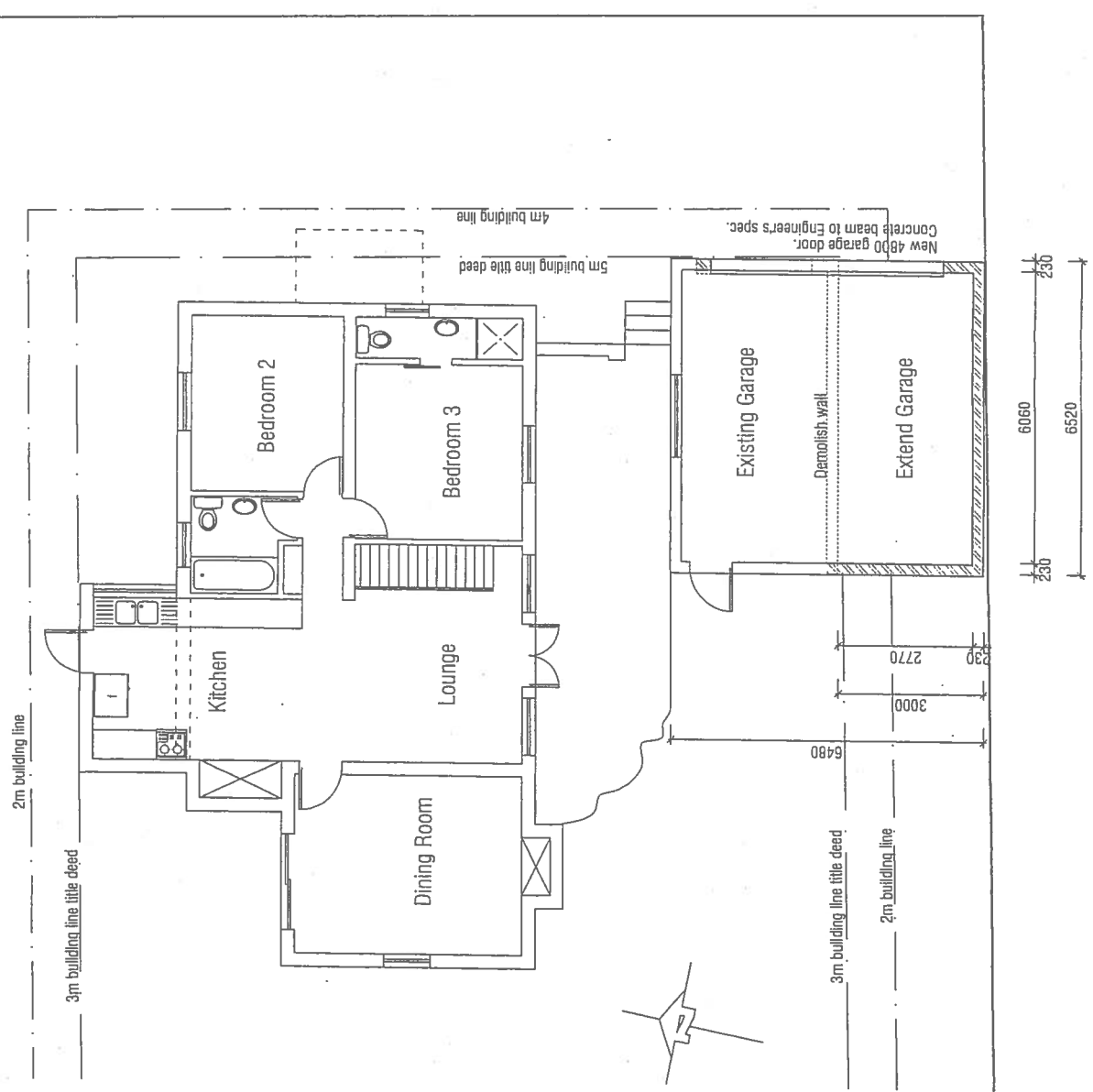
SACAP Reg No: Pr Arch 21077  
**Client**  
**Niemann & Jaussaud**  
**1202**

**Owner Signature**

**Project**  
**Town Planning Application**  
**Proposed Garage Extension**  
**Erf No. 4211**  
**Crassula Avenue**  
**Betty's Bay**

**Drawing**  
**Ground Storey Plan**  
**Scale 1:100**

Drawn	LS	Checked	SS
Project No	Revision	Date	2015/09/18
C.564.B	0	Sheet No	2 of 4



Ground Storey Plan  
 Scale 1:100

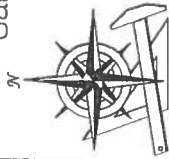
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SACAP Reg No: Pr Arch 21077

Client **Niemann & Jaussaud** 1202

Owner Signature

Project  
**Town Planning Application  
Proposed Garage Extension  
Erf No. 4211  
Crassula Avenue  
Betty's Bay**

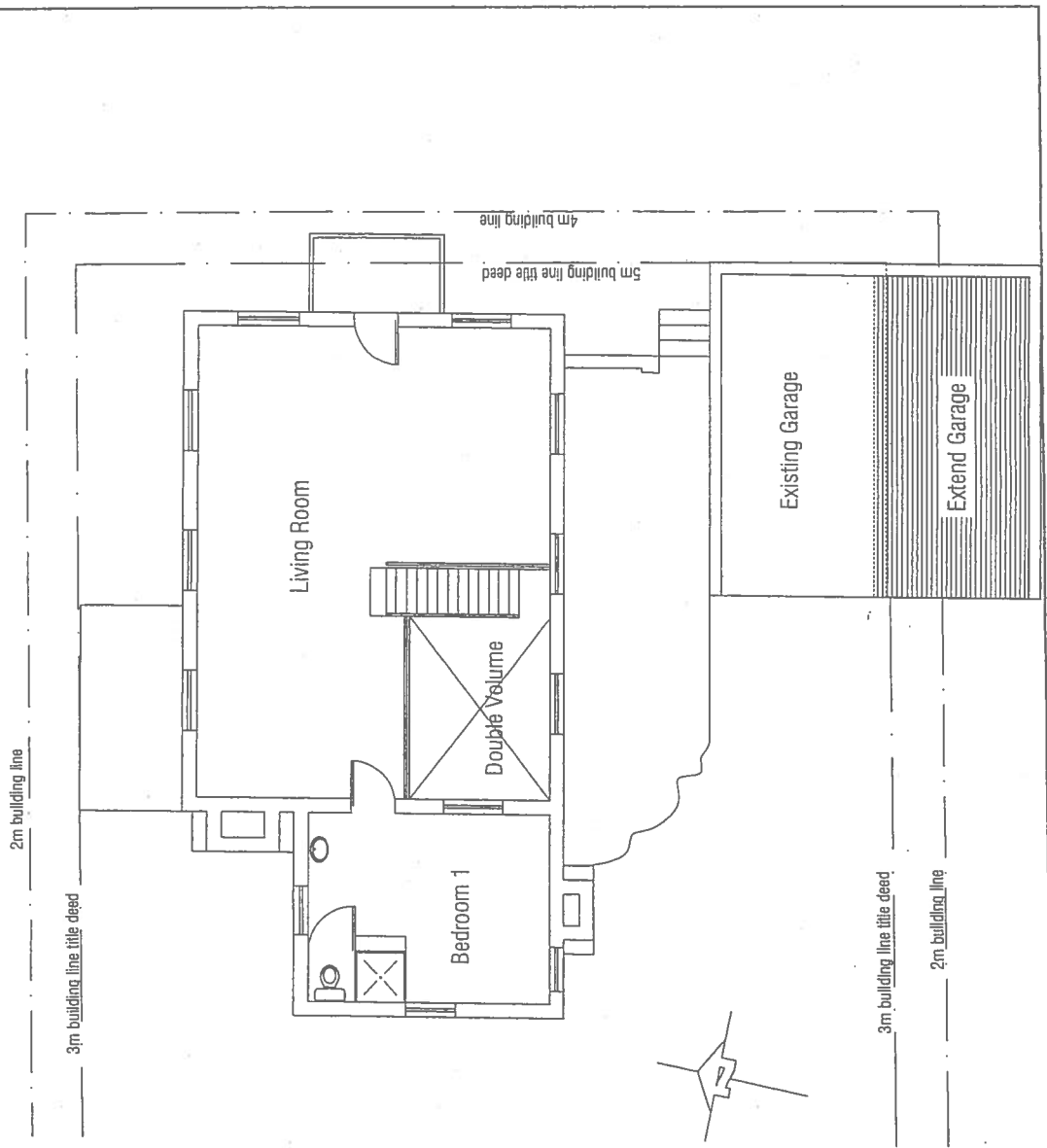
Drawing  
**First Storey Plan**

Scale 1:100

Drawn LS Checked SS

Project No C.564.B Revision 0 Date 2015/09/18

Sheet No 3 of 4



First Storey Plan  
Scale 1:100

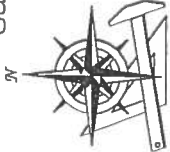
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SACAP Reg No: Pr Arch 21077

Client **Niemann & Jaussaud** 1202

Owner Signature

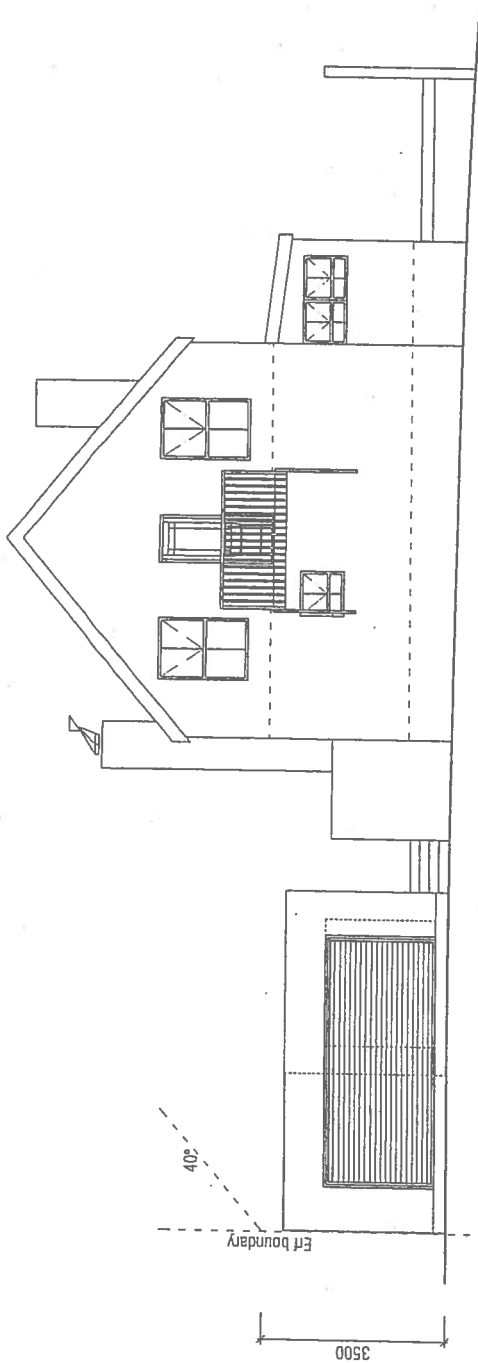
Project

Town Planning Application  
Proposed Garage Extension  
Erf No. 4211  
Crassula Avenue  
Betty's Bay

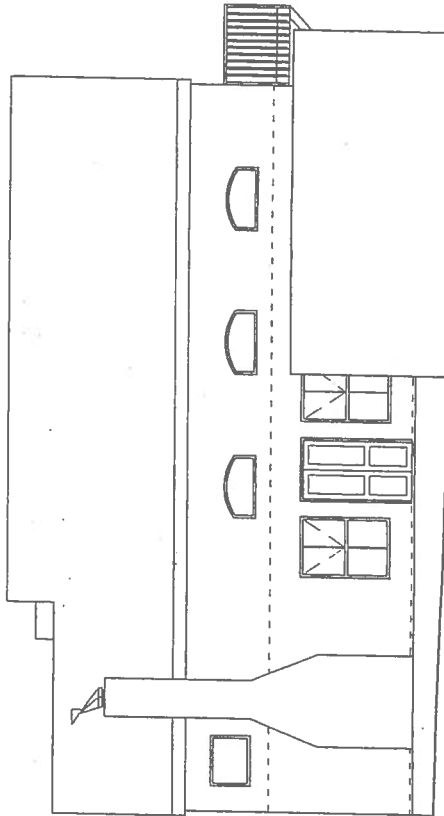
Drawing  
Elevations

Scale 1:100

Drawn	LS	Checked	SS
Project No	Revision	Date	2015/09/18
C.564.B	0	Sheet No	4 of 4



East Elevation



South Elevation

20/09/2015

Mrs Sandra Schutte  
121 Main Road  
P.O. Box 92  
7195 Kleinmond

By e-mail

E-U C Niemann  
4211 Crassula Avenue  
7141 Betty's Bay  
P.O.Box 446  
082 373 6935  
ulliniemann14@gmail.com

Re: "Motivation letter why we request for Relaxation and Departure of Building Line to extend existing Garage".

Dear Mrs Schutte,

We refer to our meeting of Friday 18/09/2015 with the respected Town planer and herewith submit requested letter as follows.

My wife Mrs. Catherine J Jaussaud as well as I, E-U C Niemann are the owners of Plot 4211 Crassula Avenue, 7141 Betty's Bay. We bought this property in 2013 with the wish to retire in Betty's Bay.

We have now June 2015 moved to Betty's Bay and would kindly request that we will be allowed to extend our Garage as per submitted Plan.

To remove the rocks at the back of the existing Garage (see attached photo) would create a series environmental distress.

We would appreciative if you would be so kind and forward this request to the right authority.

With kind regards

E-U C Niemann  
082 373 6935


**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR RELAXATION & DEPARTURE: ERF 4211, BETTY'S  
BAY (3058)**

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 4211, Betty's Bay, unobstructed;
3. that no on-street parking be allowed.

  
\_\_\_\_\_  
**DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES**

  
\_\_\_\_\_  
**DATE**



**BBRA / BBBV**

Betty's Bay Ratepayers' Association  
Bettysbaaise Belastingbetalersvereniging

*TP A Theart  
(Hvbl Stop)*



File Ref: 4211KBB (3058)

Telephone: 028 272 9054

Betty's Bay Ratepayers Association  
PO Box 48  
Betty's Bay  
7141

11 November 2015

Director Infrastructure and Planning  
Overstrand Municipality  
PO Box 20  
Hermanus  
7200

Dear Sir/Madam,

**ERF 4211, 28 CRASSULA AVE, BETTY'S BAY:  
PROPOSED RELAXATION AND DEPARTURE: E.U.C NIEMANN**

The details regarding the proposal were studied and an onsite inspection conducted.

In order to accommodate the proposed extension of the single garage to a double garage, the relaxation of the south eastern lateral building line with erf 4212 from 3m to 0m, is supported on condition that no roof water is discharged on the adjacent property.

**W.R.B. PEROLD  
CHAIRPERSON BETTY'S BAY RATEPAYERS ASSOCIATION**

FILE NO:	EL 4211 BB
SCAN NO:	
COLLABORATOR NO:	855966

Chairman: Rudi Perold  
028 272 9054

Treasurer: Adrian de Kock  
082 940 4619

Secretary: Adrian de Kock  
0282729998

BBRA, P O Box 48, Betty's Bay, 7141 / BBBV, Posbus 48, Bettysbaai, 7141

*TP* 11 NOV 2015