

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
17 May 2016
(Also the agenda for the Mayoral Committee Meeting: 25 May 2016)**

**4.
ERF 5849, 3 FIFTEENTH AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL
AREA : PROPOSED DEPARTURE AND TITLE DEED RELAXATION :
ISW BOONZAAIER**

5849 KKM (3070)

H van der Stoep

15 February 2016

(028) 313 8900

Hermanus Administration

1. Executive Summary

An application has been received on 1 October 2015 from ISW Boonzaaier on Erf 5849, Kleinmond for a departure from the relevant Scheme Regulations in order to relax the 4m street building line and 2m lateral building line with Er 5848 to 0m to accommodate a built structure over the entrance and a higher boundary wall on the property concerned.

An application has also been received for a relaxation of the Title Deed restriction to relax the street building line from 3,15m to 0m to accommodate a built structure over the entrance and a higher boundary wall 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)

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6. Background/Discussion/Evaluation/Conclusion

Background

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

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

Discussion/Evaluation

An application has been received for the departure and relaxation of the street building and lateral building lines to build an entrance façade on the property. The departure of the street building line from 4m to 0m in terms of the Overstrand Zoning Scheme, as well as the relaxation of the street building line of 3,15 m to 0m and the departure of the lateral building line of 2m to 0m in terms of the Overstrand Zoning Scheme Regulations. The application is motivated for a structure e.g. entrance façade to the property. The applicant uses the structure to decorate the erf during the Christmas Season. Simultaneously the application also entails the relaxation of the boundary wall height of 2,1m in terms of the Overstrand Zoning Scheme Regulations.

The structure is an existing structure, but transgresses the erf boundary. With the application part of the structure that transgresses the erf boundary is to be demolished, relocated and built on the erf boundary. The transgression was due to the fact that the applicant built in line with the surrounding erven and not realizing that the application erf is set back from the road. The proposed structure will not be roofed and is an open wall with a cross beam. In evaluation of the application, the structure will pose no infringement of the surrounding properties' views and is aesthetically pleasing.

It is noted that the coverage of the existing dwelling is transgressed with approved building plans. Although this aspect does not impede the present application, no more roofed structures will be allowed on the property.

Conclusion

The application is recommended for approval.

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

Application is supported. To comply with SANS 10400.

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 the Condition A of Title Deed T52402/1983 on Erf 5849, Kleinmond to relax the street building line from 3,15m to 0m to accommodate a built structure over the entrance and a higher boundary wall 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 for a departure from the relevant Scheme Regulations on Erf 5849, Kleinmond in order to relax the 4m street building line and 2m lateral building line with Erf 5848 to 0m to accommodate a built structure over the entrance and a higher boundary wall on the property concerned, **be approved**;
3. that the approvals in 1. and 2. above be subject to the following conditions:
 - (a) that this approval is only for the relaxation of building lines and existing structures indicated on Plan Numbers D.1081.K (1 and 2) dated 16 September 2015, which was submitted with the application;
 - (b) that no more roofed structures be allowed to be built on the property, except if the applicant demolish some of the existing structures and complies with the 50% coverage of a residential erf;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;

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- (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (e) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building – and Fire Department be complied with at that stage; and
 - (f) that all the 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 Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	8 JUNE 2016
TARGET DATE TO INFORM APPLICANT :	8 JUNE 2016
TARGET DATE TO INFORM OBJECTOR :	N/A



LOCALITY PLAN
ERF 5849
KLEINMOND



Boundary walls
 230 Brick walls on existing walls.
 380 Brick columns on existing columns.
 All brickwork to be stretcher bond.
 Brickforce every fourth course.
 Concrete beams and all foundations to Engineer's spec.
 Galvanised steel work by Specialist.
 All finishes to match existing.

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.

Sandra Schutte

B.Arch (U.P.)
 Pr Arch, MArch, CA



Tel & Fax
 028 271 4288
 121 Main Road
 PO Box 92
 Kleinmond
 7195

brinvolksle@telkomsa.net

SACAP Reg No: Pr Arch 21077

Client **Boonzaaier** 1347

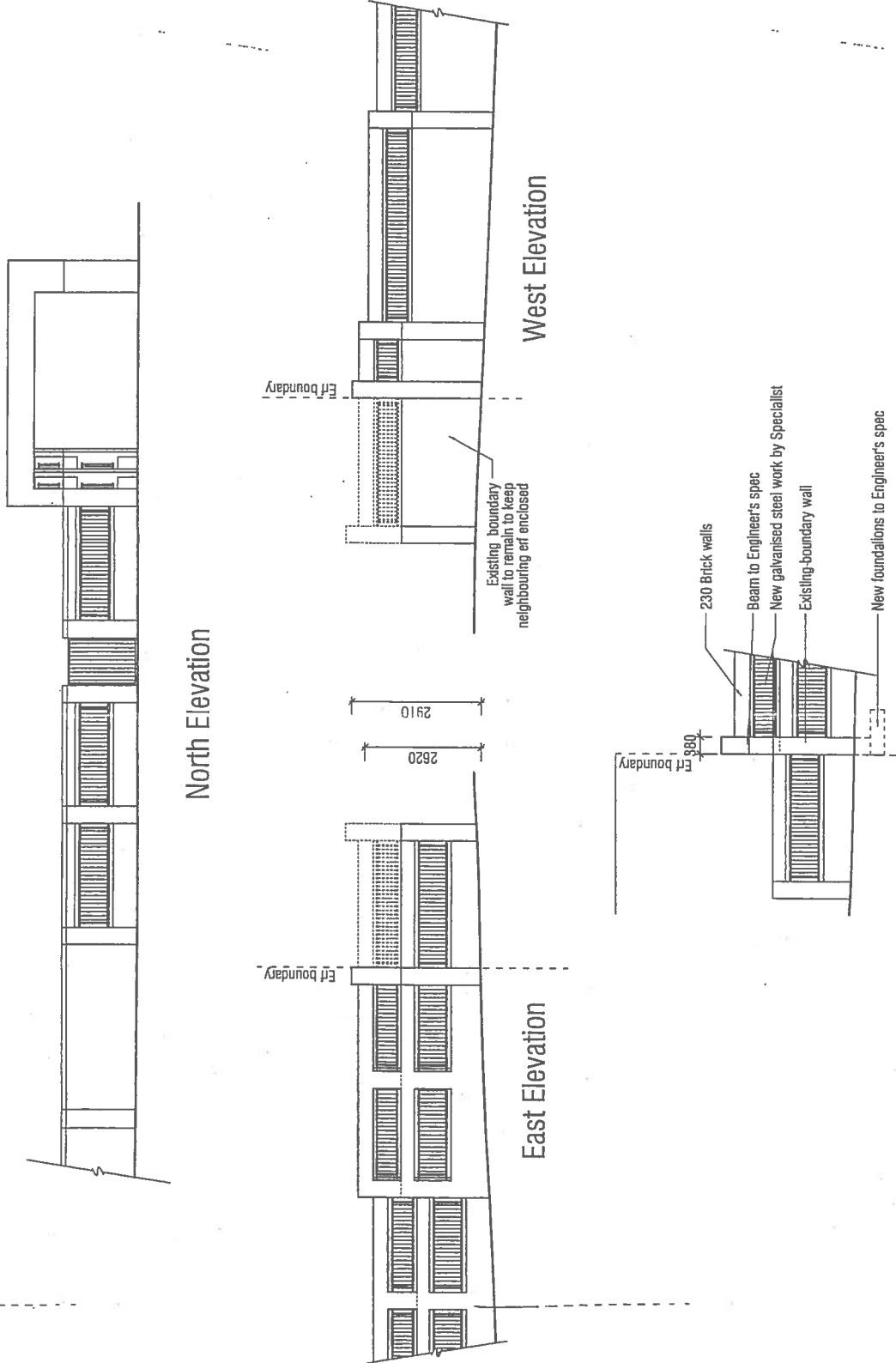
Owner Signature

Project
Building Plans for Municipal Approval
Raise existing boundary walls
 Erf No. 5849
 3 Fifteenth Avenue
 Kleinmond

Drawing
Elevations, Section

Scale 1:100

Drawn	LS	Checked	SS
Project No	Revision	Date	2015/09/16
D.1081.K	2	Sheet No	2 of 2



Section A-A
 Scale 1:100

Posbus 59

Kleinmond

7195

29 September 2015

Die Stadsbeplanner

Overstrand Munisipaliteit

Posbus 20

Hermanus

7200

Hanneen van der Stoep

Aansoek vir boulynoorskryding erf 5849 Kleinmond

Graag doen ek hiermee aansoek vir oorskryding van boulyne om my toe te laat om my grensmuur te verhoog en 'n balk oor die motoringang te bou. Die struktuur word benodig om my kersfeesliggies gedurende Desember vakansie aan vas te heg.

Die 3.15m titelkate straatboulyn word oorkry sowel as die 4m Munisipale straatboulyn en die 2m Munisipale syboulyn.

By voorbaat dankie

Schalk Boonzaaier

028 271 3215

INSAKE: VERHOOGING VAN GRENSMURE 15de LAAN 3

Vir die afgelope 10 jaar versier ek elke Kersfees my huis met kersliggies. Dit het nou al 'n jaarlikse instelling vir die vakansiegangers geword om na die liggies te kom kyk. Oupas, Oumas, Ma's, Pa's, kinders oud en jonk kom besigtig die kersliggies. Ek probeer elke jaar iets nuuts byvoeg, maar my idees raak op. Ek het opgemerk dat die ou heel klein kindertjies nie oor die grensmure die kersliggies sien nie tensy iemand hulle optel. Ek het toe daaraan begin dink om my oprit na my garage in 'n tipe tunnel met kersliggies te versier spesifiek vir die kleintjies. My groot probleem was egter waaraan ek die 30 kabeltjies van 14meter elk aan 15de laan se grensmuur gaan vasmaak. Ek het aan 'n dwarspyp gedink wat aan 2 verwyderbare pyp pilare gemonteer word, maar die trekkrag buig die pyp. Dit is toe dat ek 'n idee kry van 'n grensmuur wat ek by 'n huis in 10de laan gesien het. Ek het dadelik besluit dat dit die oplossing is, maar nooit gedink dat ek planne moet hê nie.

Ek doen al die veranderinge net om die kindertjies gelukkig te maak en vir geen ander rede nie. Almal put soveel vreugde elke jaar uit die kersliggies dat ek besef dat ek nie kan ophou met die versierings nie aangesien dit elke jaar 'n hoogtepunt is veral vir die kindertjies.

Ek wil 'n ernstige beroep op u doen om dit in so 'n lig te sien en dit ernstig sal oorweeg om die aansoek vir die verhoging van die grensmuur goed te keur.

Groete


Schalk Boonzaier

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & RELAXATION: ERF 5849, KLEINMOND
(3070)**

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 a water pipe is situated approximately 1m from the proposed structure and the Municipality cannot be held liable for any damage to the structure in the event of a water pipe burst;
4. that stormwater be allowed to discharge through Erf 5849, Kleinmond, unobstructed;
5. that no on-street parking be allowed.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

18/12/2015

DATE