

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

**5.
ERF 6376, 130 ROOS STREET, MOUNT PLEASANT, OVERSTRAND MUNICIPAL
AREA: PROPOSED DEPARTURE : CCC WILKINSON**

6376 HMP (3038)

H Olivier

(028) 313 8900

Hermanus Administration

11 April 2016

1. Executive Summary

Application has been received on 8 September 2015 from CCC Wilkinson on Erf 6376, Mount Pleasant for a departure from the relevant Scheme Regulations in order to relax the 2m north eastern lateral building line to 0m to accommodate a caregiver/domestic unit (second dwelling) on the property.

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 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/Discussion

Erf 6376, Mount Pleasant measures approximately 396m² in extend. The erf is zoned Residential Zone I and is developed with a dwelling and the proposed building has also partially been developed.

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The property owner now applied for the relaxation of the north eastern lateral building line to accommodate the proposed caretaker/domestic unit. It is considered a second dwelling as it contains a kitchen.

Consent letters were obtained from all relevant surrounding property owners in support of the proposal.

The application was also circulated to all relevant municipal departments and institutions. No objections were received against the application.

Evaluation

Erf 6376, Mount Pleasant is situated in Roos Street, in the southern side of Mount Pleasant.

The applicant motivates that a caretaker/domestic unit is required to attend to the elderly couple living on the property. The building work has however been started without the necessary approval.

Some of the extensions is over the north eastern lateral building line onto the lateral boundary. Although mention is made of a caretaker/domestic unit, it is still considered a second dwelling as it contains a kitchen.

The property is zoned Residential Zone I and is not developed with a semi-detached unit. Development of habitable areas such as portions of the dwelling, second dwelling and domestic quarters are not supported onto property boundaries. Considering the placement of the approved buildings other options for the placement of the new extensions were available.

It is the opinion that the second dwelling onto the lateral boundary cannot be supported. The fact that the erf is smaller than 400m², only a 1m lateral building line is applicable. The owner should demolish the portion of the building that traverse the lateral building line.

Conclusion

No objections were received against this application.

The placement of habitable buildings (dwelling, second dwelling, domestic quarters, etc.) onto property boundaries on Residential I erven is not supported and is not desirable.

The portion of the building traversing the lateral building line should be demolished.

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7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Engineering Services

Attached as Annexure F.

Fire Department

No objection – subject that application is in compliance with National Fire Protection Regulations SANS 10400 T : 2011 – 60 minute fire wall in place on boundary.

Building Department

Supported.

Operational Services

No objection.

10. Annexures

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

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RECOMMENDATION:

1. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for departure on Erf 6376, Mount Pleasant to relax the 2m north eastern lateral building line to 0m to accommodate a proposed caretaker/domestic unit (second dwelling), **not be approved**, for the following reasons:
 - The property is zoned Residential Zone I and not developed with a semi-detached unit, and development of habitable areas (dwelling, second dwelling, domestic quarters, etc.) onto property boundaries cannot be supported;
 - There is sufficient space on the property to accommodate extensions to the dwelling and even a second dwelling without traversing building lines;
 - By allowing habitable structures/buildings onto property boundaries it could create negative impacts on neighbours and also impact on the character of the area.
2. that the portion of the illegal building traversing the 1m eastern lateral building line should be demolished, and building plans should be submitted to the Building Department for approval showing the rectification of the situation; and
3. 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 OLIVIER
TARGET DATE FOR IMPLEMENTATION :	8 JUNE 2016
TARGET DATE TO INFORM APPLICANT :	8 JUNE 2016
TARGET DATE TO INFORM OBJECTOR :	N/A

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AREA: PROPOSED DEPARTURE : CCC WILKINSON**

6376 HMP (3038)

H Olivier

(028) 313 8900

Hermanus Administration

11 April 2016

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
17 MAY 2016, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL :

H OLIVIER

TARGET DATE FOR IMPLEMENTATION :

8 JUNE 2016

TARGET DATE TO INFORM APPLICANT :

8 JUNE 2016

TARGET DATE TO INFORM OBJECTOR :

N/A


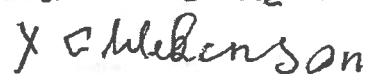
Motivation

08/09/2015

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We hereby wish to extend to accommodate our caregiver / domestic independantly from main house.

Given our ages we are pensioners and hope our application will be considered. Some of the work has started without our knowledge that no plans ever were submitted and the guy has vanished. Trusting an application will be approved.

Thanking you.
 Charles Wilfred Williams.
 X 
~~Ms~~ Carolina Marie Williams
 X  C. Melanson

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 6376, MOUNT PLEASANT (3038)**

Water : In order
Electricity : In order
Stormwater : In order
Roads & Traffic : In order
Sewer : In order

Conditions:

1. that only the existing electricity connection will be available and that, should additional capacity be required, an investigation be conducted with regard to the capacity required and that available, at the owner'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 owner's cost,
3. that stormwater be allowed to discharge through Erf 6376, Mount Pleasant, unobstructed;
4. that no on-street parking be allowed.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

18 | 01 | 2016
DATE



TP-A Theat
(H Oliver)

OVERSTRAND MUNICIPALITY
P.O. Box 20
HERMANUS
7200

Date:
02.12.2015

Enquiries:
Ms Lianne Muller
Tel: 021 980 3023
Fax: 021 980 3053

Attention: Charlene Pieters

ERF 6376, 130 ROOS STREET, MOUNT PLEASANT, OVERSTRAND MUNICIPAL AREA:
PROPOSED DEPARTUR: C & C WILKINSON
YOUR REF: 6376, HMP (3038)
OUR REF: 03728/15

Your request dated 01 December 2015 refers.

1. Eskom Distribution has no objection to the proposal and would like to comment as follows:
 - (i) The proposed construction, is not affected by Eskom services and should be referred to the Local Authority
2. **NOTE:** (i) Not in Eskom area of supply as confirmed by our Geographic mapping office.

Yours faithfully

pp.

LIANNE MULLER
LAND DEVELOPMENT - BRACKENFELL

FILE NO:	E2 6376-MtP
SCAN NO:	04
COLLABORATOR NO:	861276

Western Region
Eskom Road Brackenfell 7560 PO Box 222 Brackenfell 7561 SA

Eskom Holdings SOC Limited Reg No 2002/015527/30



TP

03 DEC 2015