

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
17 November 2015  
(Also the agenda for the Mayoral Committee Meeting : 25 November 2015)**

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**10.**

**ERF 3417, 10 ALBERTYN DRIVE, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA : TITLE DEED RELAXATION AND PROPOSED DEPARTURE : JM KRUGER**

**3417 KBB (2687)**

**H van der Stoep**

**19 October 2015**

**(028) 313 8900**

**Hermanus Administration**

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**1. Executive Summary**

An application has been received on 3 September 2015 from JM Kruger on Erf 3417, Betty's Bay for a departure from the relevant Scheme Regulations in order to relax the street building line from 4m to 2,46m and the lateral building line with Erf 3418 from 2m to 0,94m to accommodate the covered entrance stoep and existing tool shed on the property concerned.

The application also includes a relaxation of the street building line from 4,72m to 2,46m as well as the lateral building line from 1,57m to 0m as stipulated in the Title Deed to accommodate the mentioned structures.

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 two (2) objections were received from Betty's Bay Ratepayers Association (BBRA) and Mr. W. Zybrands. One (1) objection (received from W. Zybrands) was subsequently withdrawn after discussion with the applicant.

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

### **Discussion**

The objection received from BBRA can be summarized as follows:

The objection is against the store room, and that it should comply with the Scheme Regulations and Title Deed. The objector did not elaborate on the aforementioned and can therefore not be discussed or deliberated.

Town Planner's comment on the objection:

The Overstrand Zoning Scheme does make provision for outbuildings on the 0m lateral and rear building lines through a departure process. The applicant has followed this route and no objections from neighbours were received in this regard. Consent letters were obtained by all the surrounding land owners before this application was lodged to ensure the correct placing of structures on the property and none of the land owners have objected to the application.

### **Evaluation**

The relaxation and departure of the street building line is to accommodate an existing stoep that has been enclosed. The enclosure of the stoep was to ensure that the entrance to the house is protected from adverse weather conditions. In terms of the Overstrand Zoning Scheme Regulations, gatehouses and entrance lobbies are provided for and viewed in a positive light. The stoep has been built with the original house and is part of the view scape of the street and has no detrimental influence on the surrounding properties. The enclosure thereof will make no difference to the residential character of the area, since it is surrounded by court yard walls on either sides of the stoep.

The store room was used during the construction of the house and has been used as a store room since the finalization of the built dwelling. The Title Deed does stipulate that no wood or iron may be used and the store room does not transgress this requirement. In terms of the Zoning Scheme Regulations, store rooms are defined as an outbuilding and may be erected with an application on

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the 0m rear and lateral building lines. The relaxation and departure is to accommodate the store room which is less than 10m<sup>2</sup> in extent and thus does not trigger the National Building requirements with regards to building plans for such a small structure.

The store room is part of the associated buildings on a Residential Zone 1 erf and thus is viewed in a positive light. A condition will be imposed that in future the structure may not be extended for the purpose of a second dwelling.

The building plans were approved in 2014 by the Municipality. The architect did use the same development parameters (previous plans information) of the original structure. The applicant requested a land surveyor to confirm the boundaries of the erf and has come to light that there are small discrepancies between the old plans and actual boundary lines. This has influenced the building lines and placement of the building. This has led to the application in order to address the rectification as indicated by the Land Surveyor. The rectifications are minor in relation to the approved building plans in 2014. Consents were obtained by all the surrounding land owners before this application was lodged to ensure the correct placing of structures on the property.

### **Conclusion**

The application will not have a negative effect on surrounding property owners or the character of this residential area.

The application is desirable and is supported.

### **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**

Very neatly erected tool shed (vibracrete walls).

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**Fire Department**

No objection. Application does not affect National Fire Protection Regulations SANS 10400T:2011.

**Traffic Department**

No objection.

**10. Annexures**

- Annexure A: Locality Plan
- Annexure B: Site Development Plan
- Annexure C: Motivation
- Annexure D: Services Report
- Annexure E: Objection received
- Annexure F: Applicant's response on the objection received

**RECOMMENDATION:**

1. that the application for the relaxation of the street building line from 4,72m to 2,46m as well as the lateral building line from 1,57m to 0m as stipulated in Condition C.I.5(d) of the Title Deed of T22653/2014 of Erf 3417, Betty's Bay, **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 3417, Betty's Bay in order to relax the street building line from 4m to 2,46m and the lateral building line with Erf 3418 from 2m to 0,94m to accommodate the covered entrance stoep and existing tool shed on the property concerned, **be approved**, subject to the following conditions:
  - (a) that the store room may not in future be used as a habitable room;
  - (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;
  - (d) that this approval is only for the relaxation of building lines indicated on Plan Numbers 3417/06/2014 dated 4 June 2015 (1 to 3), which was submitted with the application; and

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- (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.
- 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.

<b>RESPONSIBLE OFFICIAL :</b>	<b>H VAN DER STOEP</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>9 DECEMBER 2015</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>9 DECEMBER 2015</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>9 DECEMBER 2015</b>

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AREA : TITLE DEED RELAXATION AND PROPOSED DEPARTURE : JM KRUGER**

**3417 KBB (2687)**

**H van der Stoep**

**19 October 2015**

**(028) 313 8900**

**Hermanus Administration**

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**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON  
17 NOVEMBER 2015, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

**RESPONSIBLE OFFICIAL :**

**H VAN DER STOEP**

**TARGET DATE FOR IMPLEMENTATION :**

**9 DECEMBER 2015**

**TARGET DATE TO INFORM APPLICANT :**

**9 DECEMBER 2015**

**TARGET DATE TO INFORM OBJECTOR :**

**9 DECEMBER 2015**



LIGGINGSPLAN / LOCALITY PLAN  
 ERF 3417  
 BETTY'S BAY









Motiverings brief en gepaardgaande aansoek tot verslapping en oorskryding van die boulyn regulasie van toepassing op erf 3417 Albertyn Rylaan, Bettiesbaai.

#### VIR WIE DIT MAG AANGAAN

Dit was met blye verwagting dat ek my eerste planne ingedien het sodat ek kon begin aanbou en verander by my nuwe tuiste te Bettiesbaai.

Die planne (25714) is goedgekeur (02 May 2014) en alles was op dreef!

Met die voltooiing van die projek, waarna ek aansoek gedoen het vir inspeksie om die nodige okkupasie sertifikaat vir die nuwe gedeelte aan te vra, het ek aangedui dat die gerealiseerde verbeterings kleiner is as op my aanvanklike aansoek. Een kamer is uitgelaat en die stoep vergroting is verminder, ook het ek nou verdere omheinings van Vibrecrete aan die sykkante beoog aangesien my erf omhein moet wees vir my honde.

Daar is aan my meegedeel dat ek dit op 'n wysigings-aansoek moet aantoon en net weer moet indien.

Ek het ook in my gesprek met Mnr. van Zyl van die Kleinmond/ Overstrand Bou Afdeling, gemeld dat ek die tydelike 9.6 m<sup>2</sup> konstruksie-struktuur (wat nodig was terwyl ons gebou het) van Vibrecrete en sement met 'n staal dakkie, wat netjies afgerond en geverf sal word in ooreenstemming met my titelvoorwaardes (wat stipuleer dat ek nie hout (Wendyhuis) of sink geboue mag oprig nie,) graag sal wil behou as tuin-stoortjie. Daar is aan my meegedeel dat ek die buitelyne daarvan, omdat dit minder as 10m<sup>2</sup> beslaan, ook op die gewysigde planne moet aantoon.

Dit het egter toe onder my aandag gekom dat die eienaar van die leë erf langs my 'n klagte (wat die klagte presies was behalwe dat dit nie sy estetiese goedkeuring wegdra nie) ingedien het oor hierdie tydelike konstruksie-struktuur wat ek opgerig het, sonder dat hy enigsins met my in gesprek getree het.

Omdat ek derhalwe nou bewus was van hierdie klagte, het ek gevoel om my kant skoon te hou en het ek Mnr. Cor v Rooyen as Landmeter genader om aan my, my erf bakens te kom uitwys. Ek het derhalwe die skets en opmetings wat hy aan my verskaf het, aan my argitek deurgegee sodat hy die nodige wysigings rakende my veranderings aan my goedgekeurde aanbouings, sowel as die lyne van die omheining en die stoorstruktuur kon aanbring. Die planne is derhalwe dienoreenkomstig ingedien.

Die planne is egter nou voorwaardelik afgekeur. Dit is nooit skriftelik aan my gekommunikeer waarom nie, slegs in gesprek aan my aangedui dat dit gaan oor boulyn oorskryding.

Daar bestaan dus nou 'n dilemma buite my beheer.

1. Die aanvanklike goedgekeurde planne is deur die argitek opgetrek op grond van die gegewens wat ek van my munisipale owerheid verkry het en daarvolgens opgetrek en op die erf geplaas.

Hierdie planne is so deur die plaaslike owerheid as korrek aanvaar en daarvolgens het ek dus binne regulasies gebou.

2. Nou, nadat ons die landmeters gegewens in berekening gebring het, is daar 'n minimale verskil t.o.v. die ou bestaande woning se getekende en ware boulyne, en derhalwe staan my uiters klein stoortjie nou oor my een sykant se boulyn en die bestaande oorspronklike voorstoepie wat ek volgens die goedgekeurde planne nou toegebou het, staan nou ook buite my boulyn aan die straatkant. Die stoepie mag daar wees maar die dilemma lê klaarblyklik daarin dat die voordeur nou buite die boulyn val.
3. Die omheinings, sowel as die verkleinde aanbouings, is – volgens wat aan my meegedeel is-voorwaardelik goedgekeur onderhewig aan die goedkeuring van hierdie verslappings aansoek vir die stoortjie en die voordeur, en sodra dit deur u kantoor aanvaar en bekragtig is, kan aan my 'n okkupasie sertifikaat uitgereik word vir my verbeterings.
4. Die huis is 15 jaar gelede al gebou en op die planne aangedui en dit is so aanvaar deur die owerhede. Die erf-bakens is totaal korrek, maar die aanvanklike huis se ware boulyne is nou volgens die landmeters verslag nie in ooreenstemming nie. Op grond van hierdie landmeters verslag is die huis se boulyne dus anders aangebring as op die aanvanklike en goedgekeurde planne, vandaar die tersaaklike verskille.
5. Ek voel derhalwe dat ek nie gepenaliseer kan word vir die klein afwykings wat my stoortjie en voordeur nou buite die boulyn plaas nie, omdat ek in goedertrou en terwille van sekerheid vanweë 'n ongegronde klagte gehandel het om my kant skoon te hou.

In ooreenstemming met my titelakte het ek van meet af gepoog om 'n netjiese struktuur, minder as 10m<sup>2</sup>, as stoor vir die konstruksie fase op te rig, en dit wil ek nou behou en aanwend vir tuin toerusting en vir die stoor van my vuurmaakhout, en my onderneming is steeds dat ek die struktuur esteties sal afrond, sodra die dak geverf kan word en sodra die vibrecrete genoegsaam droog is vir verf sodat dit immers nie kan afdop nie. Aangesien daar 'n vibrecrete muur aan die sy daarvan is, glo ek werklik nie dat dit tot enige aanstoot kan dien tot 'n potensiële buurman (tans 'n leë erf) nie en verder plaas dit geen belemmering op die estetiese waarde of uitsig waarde van enige van my direkte bure nie.

Ek dank u vir die geleentheid om hierdie motivering voor te lê en vertrou op u goedgunstige uitspraak in hierdie verband en goedkeuring van die gewysigde planne met die nodige verslappings.

Met dank

Die uwe

JM Kruger (eienaar, 3417 Albertyn Rylaan, Bettiesbaai.)

Aantekeninge by aangehegte foto's.

Foto 1

Sy aansig aan bure se kant.

Die dak sowel as die sykant panele gaan dienooreenkomstig die huidige woning se kleurskemas geverf word en sal dus esteties netjies vertoon. Die struktuur plaas ook geen belemmering op enige moontlike bure se uitsig tot die see of berg nie en het ook geen invloed t.o.v. brandgevaar of toegang tot die voor of agterkant van die erf nie of kan enige belemmering veroorsaak vir enige moontlike bure nie.

Foto 2

Vooraansig vanaf straat.

Die voorkant van stoortjie is in dieselfde vibrecrete afwerking as die omheinings gedoen sodat dit netjies kan vertoon.

Foto 3

Vooraansig van binne die omheining geneem. Dit is netjies afgewerk soos genome en het ook 'n netjiese deur. Die spasie tussen die buitemuur en die stoortjie se buitelyn word aangedui op die plan en dit is hier waar die stoortjie die 'gangetjie' wat oor die boulyn loop, met 43 cm oorskry.

Foto 3.

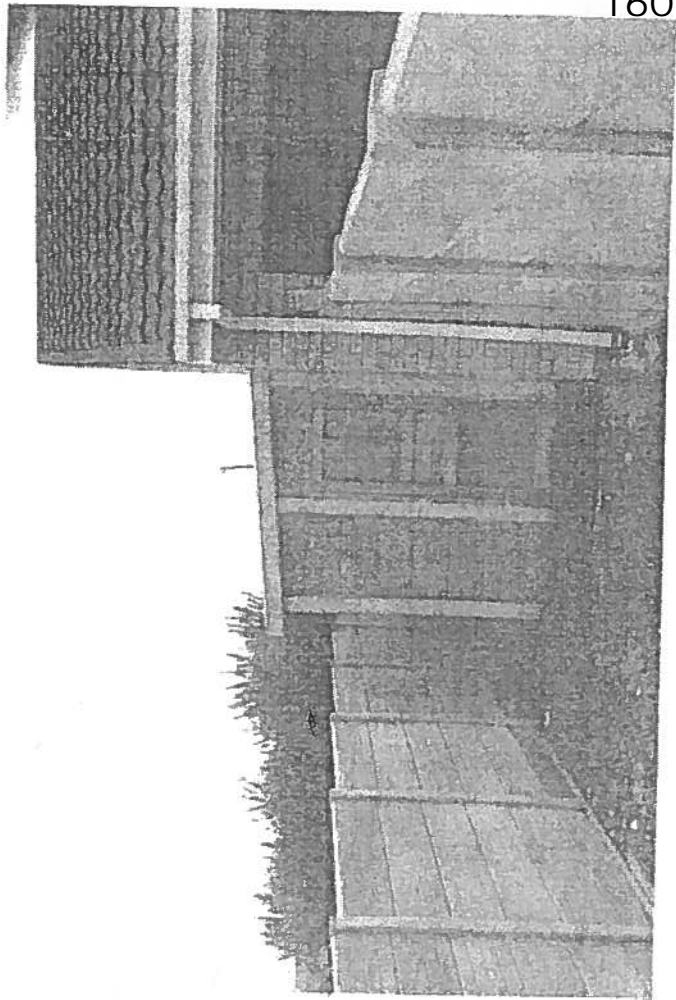
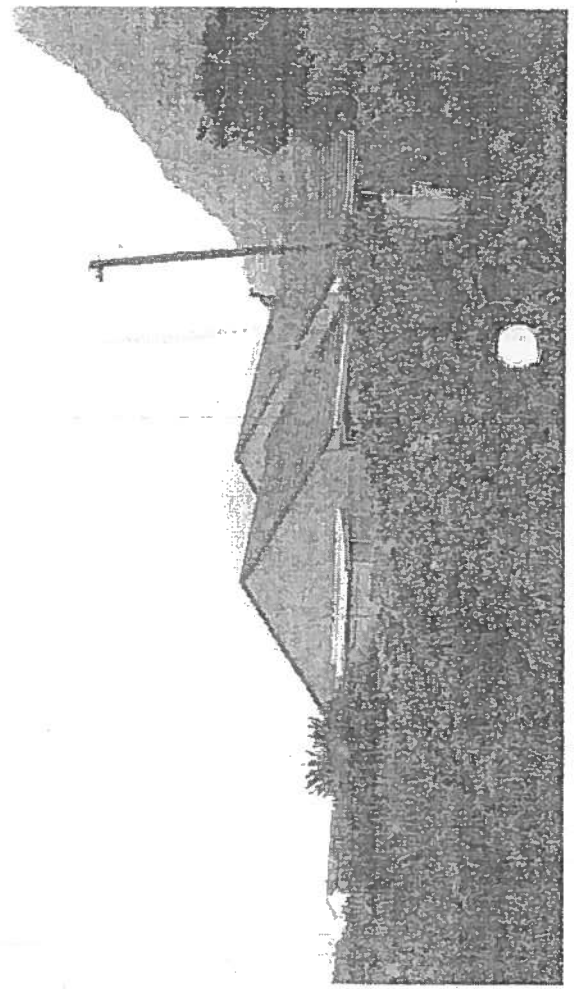


Foto 2.



Foto 1.



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR RELAXATION & DEPARTURE: ERF 3417, BETTY'S  
BAY (2687)**

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 3417, Betty's Bay, unobstructed;
3. that no on-street parking be allowed.



**DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES**

1<sup>st</sup> August 2015  
DATE

TP- A Theart  
(H id stoep) 162

Loretta Gillion - ERF 3417, 10 ALBERTYN DRIVE, BETTYS BAY - PROPOSED RELAXATION AND DEPARTURE: JM KRUGER

From: "Rudi Perold" <rudi@perold.co>  
To: <loretta@overstrand.gov.za>  
Date: 05/08/2015 03:03 PM  
Subject: ERF 3417, 10 ALBERTYN DRIVE, BETTYS BAY - PROPOSED RELAXATION AND DEPARTURE: JM KRUGER



Dear Sir/Madam,

Your letter dated 3 July 2015, sent by registered mail and received on 8 July refers.

I have studied the plan and motivation of Mr Kruger and also viewed the dwelling.

The view of the BBRA is as follows:

1. Regarding exceeding the Street Building Line –  
If the additions were indeed initially approved by the municipality, as Mr Kruger claims, and he made the additions to the stoep according to the approved plan, his exceeding of the Street Building Line should be condoned and the relaxation of the Street Building line approved.
2. Regarding the store exceeding the lateral building line with erf 3418—  
As this was not indicated on the approved plan and utilised as a building shed, the owner should adhere to the Building lines as in terms of the Title Deed erf 3417 and or the Planning Ordinance 2013 for single RESIDENTIAL ZONE 1.

Regards,  
Rudi Perold  
(CHAIRPERSON BBRA)

FILE NO:	EL 3417-BB
SCAN NO:	24
COLLABORATOR NO:	826936

TP - 5 AUG 2015

TP-A Theat  
C H Jd stoep

Loretta Gillion - Re: Erf 3417, Betty's Bay - Objections/Comments

**From:** Retha Kruger <rethajm@gmail.com>  
**To:** Loretta Gillion <lpage@overstrand.gov.za>, <rudi@perold.co>  
**Date:** 18/08/2015 09:34 AM  
**Subject:** Re: Erf 3417, Betty's Bay - Objections/Comments



Beste Loretta en S Müller,

Baie Dankie vir die epos, ek waardeer die terugvoer.

Terwille van goeie buurmenskap is tegemoetkoming van selfsprekend ten opsigte van mnr W Zybrandts se oulike idee van 'n latstruktuur, aangesien hy die heel eerste van die bure was om my aansoek met geen beswaar te onderteken nie. Dit was geensins nodig om sy voorstel op hierdie wyse te kommunikeer nie, hy kon slegs met my kom gesels het, ek het werklik geen beswaar teen sy voorstel of om R3000.00 by te dra nie. As hy so vriendelik sal wees om sy rekening besonderhede vir my te bring sal ek dit sommer dadelik vir hom kan bydra.

Ek waardeer die Betty's Bay Belastingbetalers Vereniging / BBRA se terugvoer ook in hierdie verband, vertrou egter dat bostaande welwillendheid tussen bure hul goedkeuring sal wegdra.

Ek vertrou ook dat ons hiermee die aansoek sonder enige verdere besware sal kan afhandel?  
 Vriendelike groete

Retha Kruger.

On Mon, Aug 17, 2015 at 12:41 PM, Loretta Gillion <lpage@overstrand.gov.za> wrote:

Dear Retha  
 Attached please find a self-explanatory letter for your attention.  
 Regards

*Loretta Gillion*

Administrator: Town Planning  
 Hermanus Administration  
 Overstrand Municipality  
 Tel: 028 3138900  
 Fax: 028 3132093  
[loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)

FILE NO:	EL 3417BB
SCAN NO:	20
COLLABORATOR NO:	829603

TP 18 AUG 2015

10:49:06 AM

18 AUG 2015