

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 September 2015
(Also the agenda for the Mayoral Committee Meeting : 30 September 2015)**

2.

REMAINDER ERF 2395, CNR OF SIXTH AND TENTH STREET, HERMANUS (VOËLKLIP), OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : JMF COUTTS ON BEHALF OF "DIE TRUSTEES VAN TYD TOT TYD VAN DIE JARE PROPERTY 2 TRUST"

Rem 2395 HVK (2891)

P Roux

5 August 2015

(028) 313 8900

Hermanus Administration

1. Executive Summary

An application has been received on 22 September 2014 from JMF Coutts on behalf of "Die Trustees van Tyd tot Tyd van die Jare Property 2 Trust", the owners of Remainder Erf 2395, Hermanus (Voëlklip), in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) in order to:

- relax the lateral building line from 2m to 0m in order to accommodate the proposed extension to the garage;
- relax the street building line from 3m to 0m in order to accommodate the proposed pergola; and
- exceed the height restriction of the boundary wall from 2,8m to 3,55m.

A Locality Plan of the property concerned is attached as Annexure A. The proposed Site Development Plan is attached as Annexure B, and 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 Priorities

Provision of democratic, accountable and ethical governance
Promotion of tourism, economic and social development

4. Delegated Authority

Executive Mayor

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5. Legal Requirements

Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)(LUPO)

6. Background/Evaluation/Conclusion

Background

The applicant submitted a building plan on 30 June 2014 and it was subsequently approved. The owner then decided to deviate from the approved building plan. The deviation would contravene upon the parameters as set out in the Overstrand Zoning Scheme Regulations and as such the applicant submitted an application for departure in advance.

The application for departure contains the following:

- the extension of the garage on the northern boundary;
- the positioning of a pergola on the western street boundary; and
- the addition to height on the southern boundary wall.

Notices were served on the potentially affected property owners. No objections were received. The application was also circulated to the relevant municipal departments. The building department indicated that the proposed pergola is not supported.

Evaluation

Erf 2395, is situated in Voëlklip and currently being developed. Upon a site inspection it was determined that the proposed changes and other additions have already been built. Furthermore, the applicant deviated from the approved plan without approval from Council. Thus the additions to the dwelling were illegally built.

As mentioned above the proposed pergola has already been constructed. The Building Department indicated that it does not support the pergola. According to the proposed building plan submitted with the application, the pergola will be approximately 3m in height and approximately 10m in length. In view of the aforesaid it is the opinion that the pergola will have a negative impact on the character of the streetscape and will not be in keeping with the character of the neighbourhood.

The Overstrand Zoning Scheme Regulations make provision for an outbuilding to encroach the side- and rear building lines, provided that the length of the structure does not exceed one third of the boundary concerned

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or 9m, whichever is the lesser distance. The proposed extension will allow both of the above mentioned parameters to be transgressed, thus the reason for the application. It should be noted that upon the site inspection it was determined that the garage was converted into a bedroom and includes two bunk beds and built in cupboard. The bedroom is considered a habitable room which will be on the property boundary, which is not allowed and this conversion is not indicated on the proposed building plans. Furthermore, if the garage is used for a bedroom the owner will not comply with the parking parameters.

Discrepancies between the approved building plan and the proposed building plan are also noted and include the following:

- coverage between the proposed building plan and the approved building plan is not consistent;
- sections of the dwelling which are indicated as inter leading on the approved building plan is not inter leading on the proposed plan, thus creating additional dwelling units which are not in line with the Overstrand Zoning Scheme Regulations;
- windows in the boundary wall of the garage were omitted on the approved plan but are shown on the proposed plan and are already built;
- a pergola was built on the eastern boundary; this pergola is not indicated on the proposed building plan or the approved plan; and
- the staff room on the proposed building plan does not include a kitchen; however on site, a kitchen is already built into the proposed storage facility. The staff room is not inter leading with the main dwelling and as such is seen as a second dwelling. In accordance with the Zoning Scheme a second dwelling will require an additional parking bay, which cannot be provided for on-site.

Considering the above, the opinion is held that the extent of the departure is not truly indicated and that the information which is presented is misleading, thus the application for the departure of the lateral- and street building lines cannot be properly evaluated.

One of the aspects of the application which can be considered is the departure for the relaxation of the height restriction for the boundary wall. The applicant motivates that the reason for the departure is due to privacy concerns. The common boundary wall forms part of a garage which is situated on Erf 2396. The owner of Erven 2396 and 2395 is in agreement that the extension of the wall will help to ensure the privacy of Erf 2396. Moreover only a section of the wall will exceed the height limit and will not be noticeable from the street or from the adjoining properties.

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The client also motivates that they plan to do landscaping and irrigation on Erf 4962 which is the road reserve situated north of the property. This property is owned by the Municipality and the proposal will only be allowed with approval from Property Administration. A condition will be imposed that approval must be obtained from Property Administration before commencement of any landscaping etc. is made.

Conclusion

Application for the proposed departure for the extension of the garage and the relaxation of the street building line is not recommended for approval.

The departure to exceed the height restriction of the existing boundary wall from 2,8m to 3,55m is recommended for approval.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Building Department

- *“storage tanks not to exceed 1m above N.G.L – supported*
- *pergola on street building line – impact unnecessary – not supported*
- *garage – limited impact as set back due to Erf 4962 – therefore supported*
- *wall to comply with SANS 10400 – Engineers Certificate Required – supported”*

Engineers Report

Annexure D.

10. Annexures

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

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RECOMMENDATION:

1. that the application for departure received from JMF Coutts on behalf of “Die Trustees van Tyd tot Tyd van die Jare Property 2 Trust”, the owners of Remainder Erf 2395, Hermanus (Voëlklip) in order to:
 - (i) relax the lateral building line from 2m to 0m in order to accommodate the proposed extension to the garage; and
 - (ii) relax the street building line from 3m to 0m in order to accommodate a pergola;

in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), **be refused**;
2. that the applicant be provided a period of **90 days** to revert back to the approved building plan from the date of the decision in paragraph 1. above;
3. that the refusal in paragraph 1. above is based on the following reasons:
 - (a) the pergola is a detraction of the current streetscape and not in character with the surrounding dwellings;
 - (b) discrepancies between the approved building plan and proposed building plan are misleading and do not truly reflect what is currently being built;
 - (c) more than three dwelling units will be created on the property which is not in line with the Overstrand Zoning Scheme Regulations; and
 - (d) sufficient parking cannot be provided on site;
4. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application to exceed the height restriction of the boundary wall from 2,8m to 3,55m, **be approved**, subject to the following conditions:
 - (a) that the approval only has reference to exceed the height restriction as shown on the building plan as submitted with the application;
 - (b) that building plans for the boundary wall be submitted to the Building Department for approval accompanied with an Engineers Certificate;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;

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- (d) that all conditions compiled in the Services Report be complied with;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with; and
 - (f) that the applicant submit a formal application to Property Administration before landscaping and irrigation on Erf 4962;
5. 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 conditions of approval.

RESPONSIBLE OFFICIAL :	P ROUX
TARGET DATE FOR IMPLEMENTATION :	14 OCTOBER 2015
TARGET DATE TO INFORM APPLICANT :	14 OCTOBER 2015
TARGET DATE TO INFORM OBJECTOR :	N/A

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2.

**REMAINDER ERF 2395, CNR OF SIXTH AVENUE AND TENTH STREET,
HERMANUS (VOËLKLIP), OVERSTRAND MUNICIPAL AREA : PROPOSED
DEPARTURE : JMF COUTTS ON BEHALF OF "DIE TRUSTEES VAN TYD TOT
TYD VAN DIE JARE PROPERTY 2 TRUST"**

Rem 2395 HVK (2891)

P Roux

(028) 313 8900

Hermanus Administration

5 August 2015

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
22 SEPTEMBER 2015, WHICH COMMITTEE SUPPORTED THE
RECOMMENDATION**

RESPONSIBLE OFFICIAL :

P ROUX

TARGET DATE FOR IMPLEMENTATION :

14 OCTOBER 2015

TARGET DATE TO INFORM APPLICANT :

14 OCTOBER 2015

TARGET DATE TO INFORM OBJECTOR :

N/A



LOCALITY PLAN / LIGGINGSPLAN
Erf 2395 Voelklip



NOTES

THIS DRAWING IS THE PROPERTY OF WYNAND WILSENACH ARCHITECTS. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF WYNAND WILSENACH ARCHITECTS. THIS DRAWING IS TO BE READ WITH ALL REFERENCED DETAILS.

AREAS SCHEDULE:

SITE: 446.89m ²	SCALE: 1:100
EXISTING FLOOR AREA: 218.46m ²	DATE: 1995
NEW ADDITIONS: 228.36m ²	PROJECT: HOUSE KLOKKIES
TOTAL FLOOR AREA: 446.89m ²	
Site Area: 446.89m ² x 100	
TOTAL COVERAGE: 50.00%	
PERMISSIBLE COVERAGE: 50.00%	

WYNAND WILSENACH ARCHITECTS
1995
ISSUE

REVISIONS

CLIENT: Mr & Mrs Coultis

ARCHITECT: WYNAND WILSENACH ARCHITECTS

PROJECT: Additions to exist House on Erf 2595, Heilmannus

SITE, ROOF AND FLOOR PLANS

DRAWING

DATE: AUG 14 1995

PREPARED BY: LPO

CHECKED BY: JMS

SCALE: 1:100

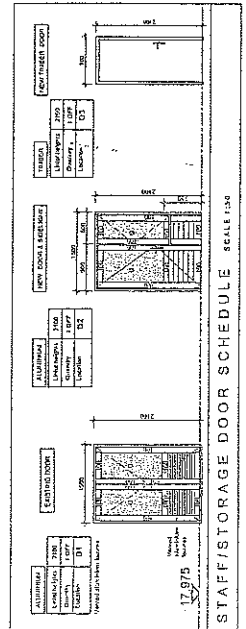
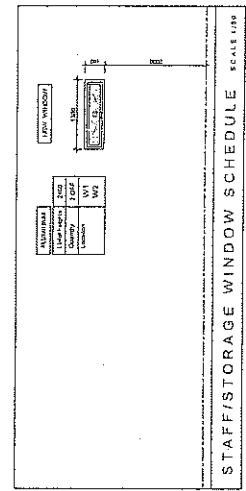
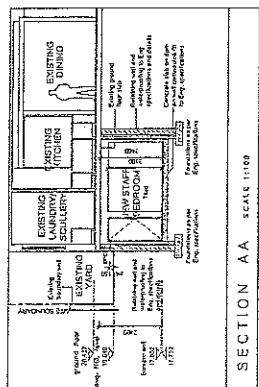
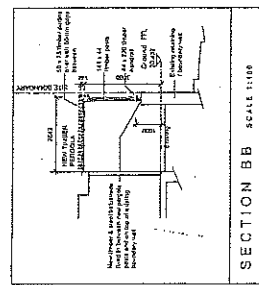
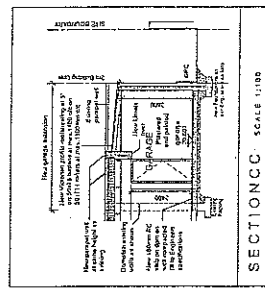
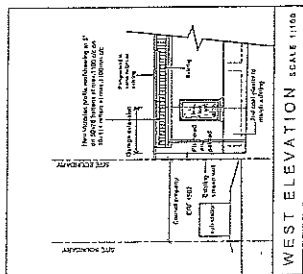
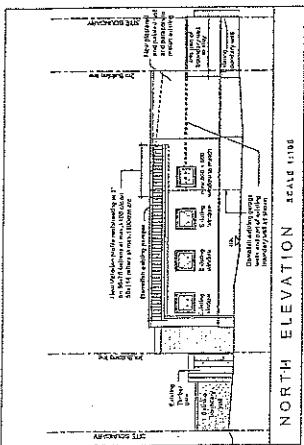
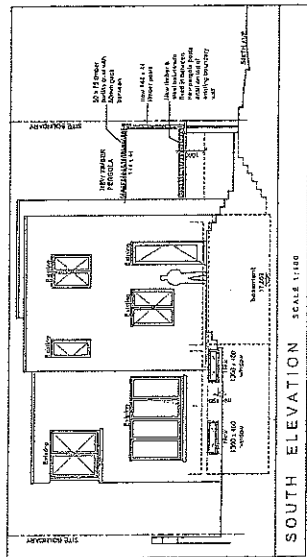
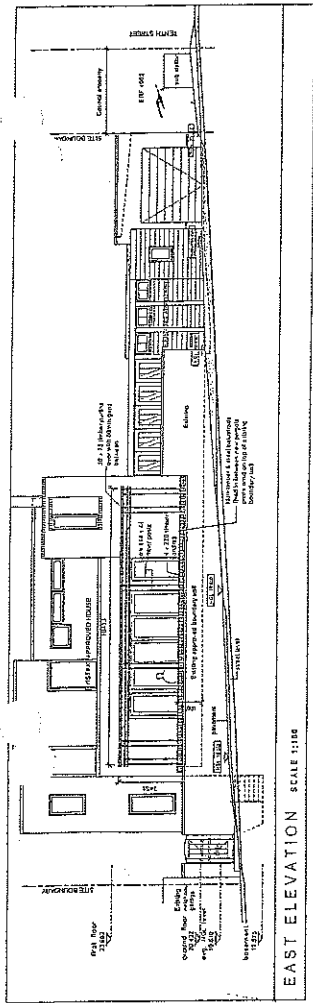
PROJECT NO: 11100280

CLIENT: CHAWAY

PROJECT: HOUSE KLOKKIES

we do it for the joy it brings!

HOUSE KLOKKIES



WYNÄND
WILSENACH
ARCHITECTS

Our Ref: 1332.Klokkies.Motivational.Letter
Monday, 20 October 2014

Dear Sir/Madam,

Updated Motivation for Garage : House Klokkies, ERF 2395 Hermanus

We liaised with the Town Planning Department at council level and confirmed that the principle of constructing the garage onto the boundary as per our current plan approval drawing is acceptable to council. Herewith a formal application and submission for approval of the Garage extension (the current approved garage length is to be extended by 4,5m). This makes the Garage longer than the '9m or one third of boundary' as specified in Scheme Regulations Chapter 16.1: 16.1.1(b)iii. The need for this is evident due to the very short property boundary of only 15,74m, as a Garage of only just over 5m in length will make it difficult to have enough space for parking cars and a garage work area with tools and workbenches.

Landscaping and Planting Approval

Our client will garden the councils land around the transformer room and incorporate irrigation and landscaping to the councils final approval. This will tidy up the entire corner.

The architects will submit a landscape plan prior to approval of landscape permutation for local authority approval.

Pergola To Sixth Avenue

Our client would like some sun control over the open stoep facing Sixth Avenue. This will encourage people to enjoy the space on the open patio with pergola over the eastern side and add to the life and character of the street. This structure is not a permanent structure and unroofed and we have made it 8,9m in length in order to comply with the '9m or one third of boundary' regulation (Chapter 16,1: 16.1.1 (b)iii). We trust that council will approve our application in the light of the positive urban impact that it will have. *We therefore request a departure for this pergola.*

Extended Basement

With the engineers inputs it became clear that we could extend the basement with very little cost to include a very large storage area of various depths for bicycles and sporting equipment, as well as introduce a small staffroom if required, or student pad or children's sleep over area.

Ventilation

We have achieved 5% ventilation and 10% light to the bathroom and the bedroom area.

We trust that the above meets with your approval and support.

Kind regards,

Wynänd Wilsenach
Architect and Principle Agent

*SOUTH BOUNDARY WALL
RAISED TO 3550 TO
CREATE PRIVACY FOR BOTH
NABOES. DOES NOT
AFFECT ANY OTHER NABOES
LISH? OR VIEWS.*

*WYNÄND
WILSENACH
18/02/2015*



WYNAND
WILSENACH
ARCHITECT

Our Ref.: 1332.Klokkies.Motivational.Letter
Wednesday, 12 November 2014

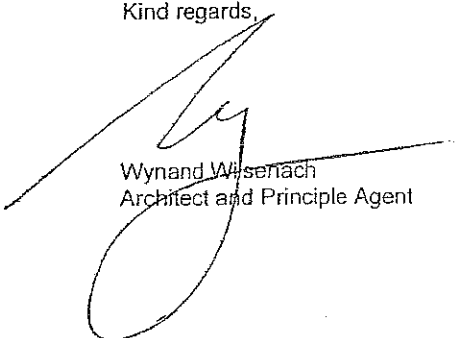
Dear Sir/Madam,

Motivation for Common Boundary Wall And Change Stairs : House Klokkies, ERF 2395 Hermanus

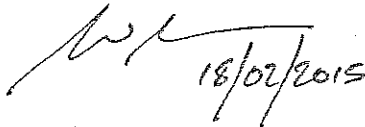
Our clients Mr Coutts, met with the neighbours to discuss mutual privacy and the common boundary wall. The common boundary wall is on the property of Mr and Mrs Coutts, ERF 2395. It was agreed by both parties that we will raise the wall to improve privacy to both parties as per the attached drawing. We also want to lower the pathway along the boundary by adding timber stairs to further enhance privacy and to prevent overlooking of private spaces.

We trust that his departure, agreed by both owners will meet with your approval.

Kind regards,


Wynand Wilsenach
Architect and Principle Agent

SEE AMENDED
DRAWING - WALL
NOW 3550 HIGH.


18/02/2015




**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 2395, VOELKLIP (2714)**

Electricity : In order
Water : In order
Sewer : In order
Stormwater : In order
Roads and traffic : In order

Conditions:

1. 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;
2. 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 owner's cost;
3. that stormwater be allowed to discharge through Erf 2395, Voelklip, unobstructed;
4. that no on-street parking be allowed.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

30/6/2015
DATE