

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

17.

ERF 81, 143 MARAIS STREET, FRANSKRAAL : PROPOSED DEPARTURE & RELAXATION OF RESTRICTIVE TITLE DEED CONDITION : AJ & L FOURIE

81 GFK (2884)

SW van der Merwe

(028) 313 8900

Hermanus Administration

7 August 2015

1. Executive Summary

To consider an application for departure and relaxation of restrictive title deed condition, received on 7 April 2015 from the owners of Erf 81, Franskraal, AJ & L Fourie for the following:

- relaxation of the 3,15m rear and 4,72m street building line contained in the Title Deed (T76909/08); and
- departure in order to encroach the 4m street building line with 0,55m to 3,45m and the 2m lateral building line with 0,43m to 1,57m respectively.

A Locality Plan is attached as Annexure A. The proposed Site Development Plan is attached as Annexure B and the Motivation Report 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

5. Legal Requirements

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

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

6. Background/Discussion/Evaluation

Background

The procedure for the relaxation of the restrictive conditions entails the consent from each identified interested and affected party as indicated by the Municipality. The adjacent owners of Erven 82, 83 and 85 has consented in writing to the relaxation and no objections were received. Erf 81, Franskraal is zoned for single residential purposes and is developed with a dwelling house and associated outbuildings situated on the former 1,57m building line. The property measures 595m² in extent.

The applicant proposes to extend the existing dwelling in line with the former 1,57m lateral building line and up to the 2m Zoning Scheme Regulations rear building line. It is also proposed to extend the existing garage further forward, resulting in the encroachment of the street building line with approximately 0,55m.

Discussion

Registered notices were served on interested and affected parties in the prescribed manner and no objections were received.

The affected adjoining property owners provided written consent for the relaxation of the restrictive title conditions.

Evaluation

Lateral building line

The subject property obtains access from Marais Street which has a 6m road reserve abutting the road surface (refer to the SDP per Annexure B). The adjoining Erf 85, Franskraal is a corner plot with access from Roberts Street. The dwelling on this property is orientated such that the rear elevation faces the lateral elevation of the application property. The opinion is held that the encroachment of the lateral building line will not unacceptably detract from the residential amenity of the adjoining occupiers whilst due to its location behind the existing dwelling would not affect the character and appearance of the street scene.

Street building line

Although street building line encroachments are normally not supported, the opinion is held that in this instance the location of the application property adjoining a corner plot, as well as the fact that it is situated adjacent Marais Street with a 6m wide road reserve, as well as the small scale of the proposed

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

encroachment (0,55m) the proposal will not have an adverse impact onto the visual amenity of the locality or the character and appearance of the surrounding area. Furthermore, a distance of 6m between the tar surface and the property boundary is available in line with the provisions of Section 16.1.2 (a) (ii) of the Overstrand Zoning Scheme Regulations requiring a distance of at least 5m between the kerb/road surfaces. Accordingly no adverse impact onto visibility or vehicle and pedestrian traffic safety would result.

Relaxation of restrictive title conditions

The Provincial Government Western Cape (PGWC) provided a letter stating that from 1 July 2015 as a result of the enactment of the Spatial Planning Land Use Management Act, 2013 the PGWC can no longer dispose of applications for relaxation of restrictive title conditions since municipalities are from the aforementioned date regarded as the administrator and is therefore the competent authority to decide on these matters.

Paragraph 4 of the Title Deed T76909/08 states:

“Hierdie erf is onderworpe aan die volgende voorwaardes met dien verstande dat die Administrateur na oorleg met die Dorpskommissie en die plaaslike owerheid, dit raadsaam ag dat die beperking in enige sodanige voorwaarde te eniger tyd opskorting of versagting kan goedkeur onderworpe aan sodanige voorwaardes as wat hy oplê-”

It is thus clear that the title deed permits the administrator to grant a relaxation. The relaxation of the relevant restrictive title condition, namely condition 4 (d) contained in the Title Deed T76909/08 imposing a 4,72m street building line and 3,15m rear building line, is supported as it would not adversely impact the safety and wellbeing of the local community, whilst written consent from the affected adjoining occupiers of Erven 82, 83 and 85 were obtained.

Conclusion

That the application for departure and relaxation of restrictive title conditions be supported as per the recommendation below.

7. Financial Implications

None

8. Staff Implications

None

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

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

- Annexure A: Locality Plan
- Annexure B: Site Development Plan
- Annexure C: Motivation Report
- Annexure D: Consent from adjacent property owners

RECOMMENDATION:

1. that the application for the relaxation of restrictive title conditions on Erf 81, Franskraal, in order to relax the 3,15 rear- and 4,72m street building lines, **be approved**;
2. that the application for departure in terms of the provisions of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) in order to relax the street building line from 4m to 3,45m and the lateral building line from 2m to 1,57m respectively, **be approved** subject to the following conditions:
 - (a) that the approval in paragraph 2 above be subject to the approval of the application for title relaxation in paragraph 1 above;
 - (b) that this approval only has reference to the relaxation of the building lines as indicated on the Site Development Plan attached as Annexure B;
 - (c) that building plans be submitted to the Building Department for approval;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
3. that the applicants be notified of their 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.

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

RESPONSIBLE OFFICIAL :	SW VAN DER MERWE
TARGET DATE FOR IMPLEMENTATION :	14 OCTOBER 2015
TARGET DATE TO INFORM APPLICANT :	14 OCTOBER 2015
TARGET DATE TO INFORM OBJECTOR :	N/A

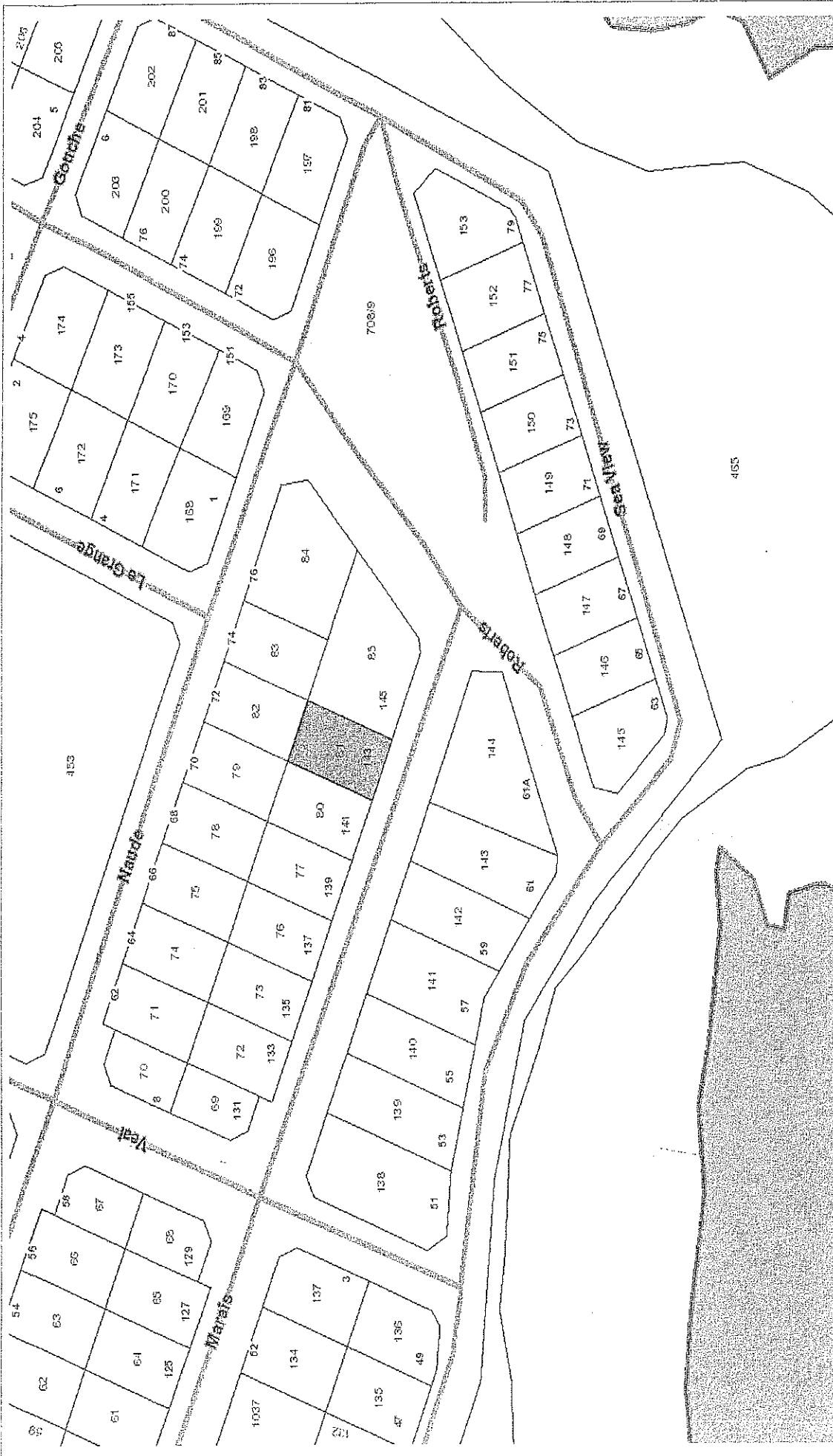
**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 September 2015
(Also the agenda for the Mayoral Committee Meeting : 30 September 2015)**

**17.
ERF 81, 143 MARAIS STREET, FRANSKRAAL : PROPOSED DEPARTURE &
RELAXATION OF RESTRICTIVE TITLE DEED CONDITION : AJ & L FOURIE**

**81 GFK (2884)
SW van der Merwe (028) 313 8900 Hermanus Administration
7 August 2015**

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

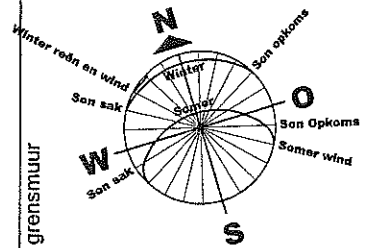
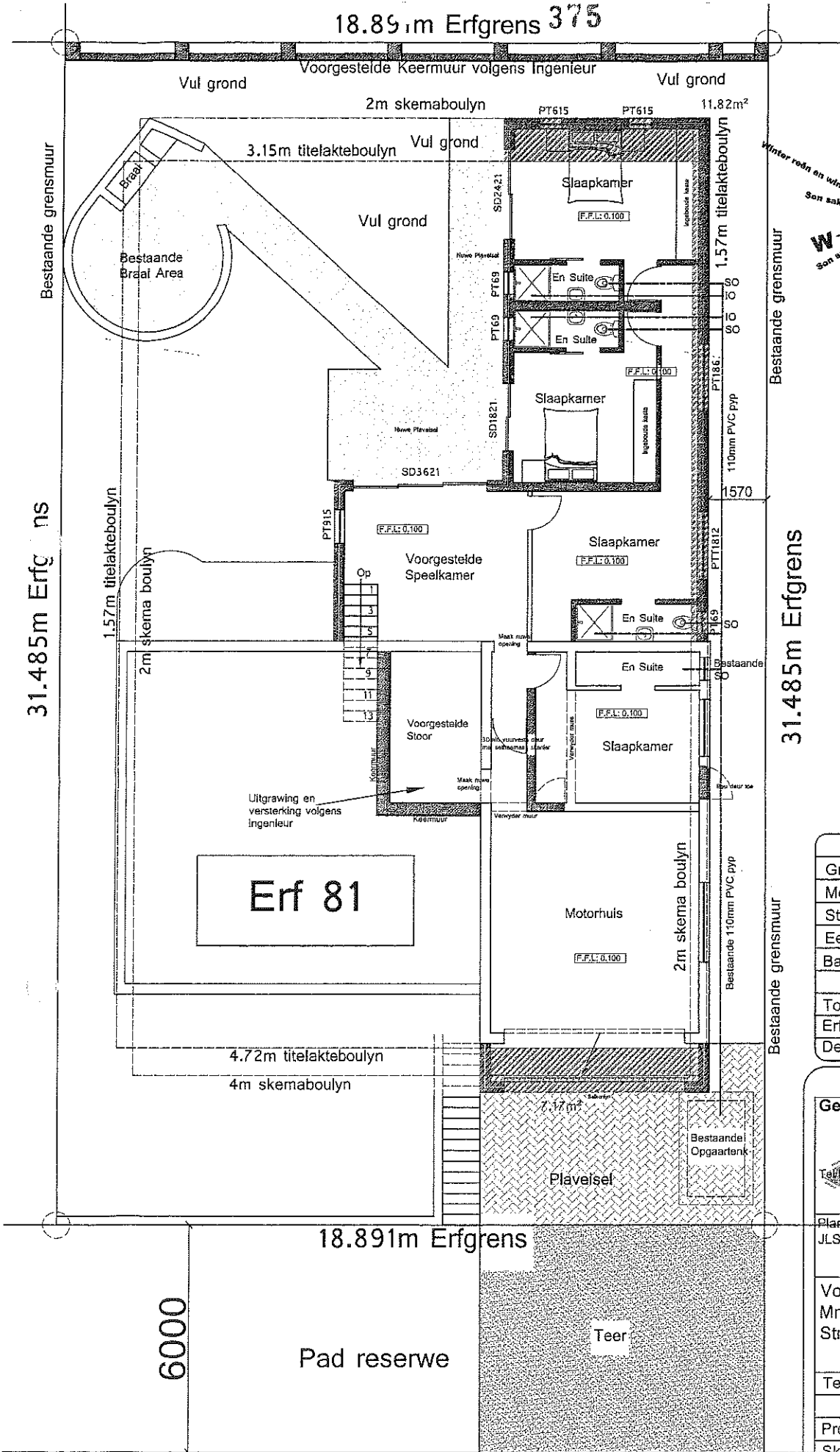
RESPONSIBLE OFFICIAL :	SW VAN DER MERWE
TARGET DATE FOR IMPLEMENTATION :	14 OCTOBER 2015
TARGET DATE TO INFORM APPLICANT :	14 OCTOBER 2015
TARGET DATE TO INFORM OBJECTOR :	N/A



LIGGINGPLAN / LOCALITY PLAN
Erf 81 Franckraal



18.89m Erfgrens 375



Okkupasie Klas : H4 Woonenheid
Populasie : 4 persone per huis 24/7

Oppervlakktes :	
Grondverdieping :	121.01m ²
Motorhuise + Stoor:	60.45m ²
Stoepe :	18.50m ²
Eerste verdieping :	170.48m ²
Balkon :	100.68m ²
Totaal :	471.12m ²
Erf :	557.00m ²
Dekking :	49.72%

Gericka Argitektoniese Dienste
Johan Gericke
 P:Arch Draught (02969)
 Posbus 292, Transvaal, 7220
 Tel/Faks: 028 384 1659 Sel: 082 433 8554
 joh@gericka.co.za
 Lid van SAAT - S07028

Plan nagesien deur:	JLS Gericke	Datum:	
Voorgestelde Aanbouing vir Mnr A Fourie te erf 81, Marais Straat 143, Franskraal.			
Tekening :	Terreinplan		
Projek No :	143/AF/14		
Skaal :	1:100		
Bladsy :	1 van 1		
Datum :	06 Oktober 2014		

Marais Straat 143

06 Januarie 2015

ERF 81, FRANSKRAAL : AANSOEK OM TITELVERSLAPPINGS EN AFWYKINGS.

Erf 81, Franskraal is vir enkel residensiële doeleindes gesoneer en 557m² groot. Die eiendom is ontwikkel met 'n woonhuis en gepaardgaarde buitegebou (motorhuis).

Hiermee word aansoek vir die volgende gedoen (sien uitlegplanne):

Motivering vir voorgestelde aanbouing wat die toepaslike noordelike agterboulyn, oostelike syboulyn en suidelike straatboulyn oorskry.

Die voorgestelde aanbouing oorskry die 2.00m syboulyn en 3.15m agterboulyn met met 0.43m en 1.15m onderskeidelik wat tesame 11.82m² is. Die motorhuisvegrotting oorskry ook die suidelike straatboulyn met 1.17m (titelakte) en 0.45m (skema) en dit is 7.17m².

Die rede vir die agterboulyn oorskryding is eenvoudig om die aanbouing 'n gerieflike grootte te kon kry en om alles ingepas te kon kry en vir die blote feit dat die spasie agter die aanbouing onbenut sal word.

Die syboulyn oorskryding word gevorm omdat ons die aanbouing gelyk met die bestaande woning wil bou om sodoende nie 'n laslap effek wil skep nie en eweredigheid wil behou.

Die motorhuisvegrotting is voorgestel deur die Ingenieur omrede die bestaande balkonoorhang besig is om te kraak en te sak. Ondersteuning moet voorsien word en dus het ons dit goed gedink om die motorhuis te vegroot soos getoon. Motorhuise kan tog nooit groot genoeg wees nie.

Dus kan gesien word dat geen drastiese oorskrydings verlang word nie, maar slegs tot op die "ou" boulyne voor die nuwe skema in werking getree het.

Titelverslapping

In terme van die wet op opheffing van beperkende titelvoorwaardes word aansoek gedoen om die 3.15m noordelike agterboulyn asook die 4.72m suidelike straatboulyn, soos voorgeskryf in die titelaktevoorwaardes, te oorskry met 1.15m en 1.17m onderskeidelik deur die voorgestelde aanbouing. Aansoek om titelverslapping is vir dieselfde redes soos hierbo genoem.

Slotsom.

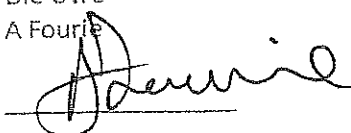
Voldoende parkering kan op die eiendom voorsien word.

Die aansoeke hierbo sal na mening nie 'n negatiewe impak op die karakter van die omgewing of die bestaande regte van die omliggende grondeienaars inhou nie, aangesien die struktuur agter die bestaande woning geplaas sal word en steeds die 2m skemaboulyn agter en die 1.57m titelakte syboulyn sal handhaaf. Geen hoogte sal oorskry word nie.

Die omliggende grondeienaars het skriftelik aangedui dat hul geen beswaar teen die voorstelle het nie.

Dit sal waardeer word indien my aansoek gunstig oorweeg sal word.

Die Uwe
A Fourie



377

MUNISIPALITEIT OVERSTRAND MUNICIPALITY

Die eienaar van onderstaande erf beoog om uitbreidings aan sy woonhuis te doen/woonhuis op te rig/grensmure op te rig wat die boulyne oorskry (soos per bygaande plan). Die instemming/kommentaar van die aanliggende erfeienaars word vereis.

BESONDERHEDE VAN EIENAAR(S) WAT AANSOEK DOEN VIR VERSLAPPING VAN BOULYNE	
ERF NO	81
STRAATADRES	Marais Straat 143, Franskraal
NAAM EN VAN	A Fourie
TEL NO	082 497 0619
POSADRES	Villierstraat 43
	Bredasdorp
	POSKODE 7280


BESONDERHEDE VAN AANSOEK (voltooi waar van toepassing)			
VERSLAPPING VAN:	MERK (✓)	BOULYN VOLGENS TITELAKTE/SKEMAREGULASIES:	VERSLAPPING TOT:
SYBOULYN	✓	2.00m	1.57m
AGTERBOULYN	✓	3.15m	2.00m
STRAATBOULYN	✓	4.72m en 4.00m	3.550m
OPRIGTING VAN GRENSMUUR			

BESONDERHEDE VAN EIENAAR(S) VAN OMLIGGENDE ERF	
ERF NO	82
STRAATADRES	Naudestraat 72, Franskraal
NAAM EN VAN	MARLETTE D. HESSE
TEL NO	021 - 939 0608 / 082 3459926
POSADRES	LEERDAMSTRAAT 24
	PAROW 7500
	POSKODE 7500

NB: INSTEMMING TOT VERSLAPPING IS ONVOLLEDIG INDIEN NIE VERGESEL VAN TERREINPLAN WAT ONDERTEKEN IS DEUR EIENAAR(S) VAN AANLIGGENDE ERF NIE.

Hiermee stem ek/ons in tot die bogenoemde verslapping.

Ek/ons gee toestemming tot die betreding van my/ons erf vir die uitvoering van bg oorskryding/oprigting van grensmuur.


HANDTEKENING/E

08 Januarie 2015
DATUM

OPMERKINGS/VOORWAARDES

MUNISIPALITEIT OVERSTRAND MUNICIPALITY

Die eienaar van onderstaande erf beoog om uitbreidings aan sy woonhuis te doen/woonhuis op te rig/grensmure op te rig wat die boulyne oorskry (soos per bygaande plan). Die instemming/kommentaar van die aanliggende erfeienaars word vereis.

BESONDERHEDE VAN EIENAAR(S) WAT AANSOEK DOEN VIR VERSLAPPING VAN BOULYNE	
ERF NO	81
STRAATADRES	Marais Straat 143, Franskraal
NAAM EN VAN	A Fourie
TEL NO	082 497 0619
POSADRES	Villiersstraat 43
	Bredasdorp
	POSKODE 7280

BESONDERHEDE VAN AANSOEK (voltooi waar van toepassing)			
VERSLAPPING VAN:	MERK (✓)	BOULYN VOLGENS TITELAKTE/SKEMAREGULASIES:	VERSLAPPING TOT:
SYBOULYN	✓	2.00m	1.57m
AGTERBOULYN	✓	3.15m	2.00m
STRAATBOULYN	✓	4.72m en 4.00m	3.550m
OPRIGTING VAN GRENSMUUR			

BESONDERHEDE VAN EIENAAR(S) VAN OMLIGGENDE ERF	
ERF NO	83
STRAATADRES	Naudestraat 72, Franskraal
NAAM EN VAN	Bernhard Hesse
TEL NO	083 460 3492
POSADRES	41 Simone Straat
	Parow
	POSKODE 7500

NB: INSTEMMING TOT VERSLAPPING IS ONVOLLEDIG INDIEN NIE VERGESEL VAN TERREINPLAN WAT ONDERTEKEN IS DEUR EIENAAR(S) VAN AANLIGGENDE ERF NIE.

Hiermee stem ek/ons in tot die bogenoemde verslapping.

Ek/ons gee toestemming tot die betreding van my/ons erf vir die uitvoering van bg oorskryding/oprigting van grensmuur.


HANDTEKENING/E

26/1/2015
DATUM

OPMERKINGS/VOORWAARDES

Om nie dubbel verdieping te gaan bo-op die slaap kamers nie

379

MUNISIPALITEIT OVERSTRAND MUNICIPALITY

Die eienaar van onderstaande erf beoog om uitbreidings aan sy woonhuis te doen/woonhuis op te rig/grensmure op te rig wat die boulyne oorskry (soos per bygaande plan). Die instemming/kommentaar van die aanliggende erfeienaars word vereis.

BESONDERHEDE VAN EIENAAR(S) WAT AANSOEK DOEN VIR VERSLAPPING VAN BOULYNE	
ERF NO	81
STRAATADRES	Marais Straat 143, Franskraal
NAAM EN VAN	A Fourie
TEL NO	082 497 0619
POSADRES	Villiesstraat 43 Dreledorp
	POSKODE 7280

BESONDERHEDE VAN AANSOEK (voltooi waar van toepassing)			
VERSLAPPING VAN:	MERK (✓)	BOULYN VOLGENS TITELAKTE/SKEMAREGULASIES:	VERSLAPPING TOT:
SYBOULYN	✓	2.00m	1.57m
AGTERBOULYN	✓	3.15m	2.00m
STRAATBOULYN	✓	4.72m en 4.00m	3.550m
OPRIGTING VAN GRENSMUUR			

BESONDERHEDE VAN EIENAAR(S) VAN OMLIGGENDE ERF	
ERF NO	85
STRAATADRES	Marais Straat
NAAM EN VAN	Stuart Lambley
TEL NO	082 600 1820
POSADRES	
	POSKODE

NB: INSTEMMING TOT VERSLAPPING IS ONVOLLEDIG INDIEN NIE VERGESEL VAN TERREINPLAN WAT ONDERTEKEN IS DEUR EIENAAR(S) VAN AANLIGGENDE ERF NIE.

Hiermee stem ek/ons in tot die bogenoemde verslapping.

Ek/ons gee toestemming tot die betreding van my/ons erf vir die uitvoering van bg oorskryding/oprigting van grensmuur.


HÅNDEKENING/E

23/1/2015
DATUM

OPMERKINGS/VOORWAARDES