

ERF 1824, 27 FOURTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: AGP BROWN

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) that an application has been received for the following:

- **departure** in terms of Section 16(2)(b) of the By-Law to relax the street building line from 4m to 0m and the western lateral building line from 2m to 0m, in order to accommodate the existing carport; and
- **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law to accommodate the existing carport.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, 16 Paterson Street, Hermanus. Any written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) on or before **31 March 2023**, quoting your name, address and contact details, interest in the application and reasons for comment. Telephonic enquiries can be made to the **Town Planner, Mr P Roux** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comment.

ERF 1824, VIERDESTRAAT 27, VOËLKLIP, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: AGP BROWN

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) dat 'n aansoek ontvang is vir die volgende:

- **afwyking** ingevolge Artikel 16(2)(b) van die Verordening om die straatboulyn vanaf 4m na 0m en die westelike laterale boulyn vanaf 2m na 0m te verslap, ten einde die bestaande motorafdak te akkommodeer; en
- **bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) van die Verordening om die bestaande motorafdak te akkommodeer.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) voor of op **31 Maart 2023**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, Mnr P Roux** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

ISIZA 1824, 27 FOURTH STREET, VOËLKLIP, HERMANUS, UMDA KAMASIPALA WASE-OVERSTRAND: ISICELO SOKUTUKA NOKUMISELWA KWESOHLWAYO SOLAWULO: A.G.P BROWN

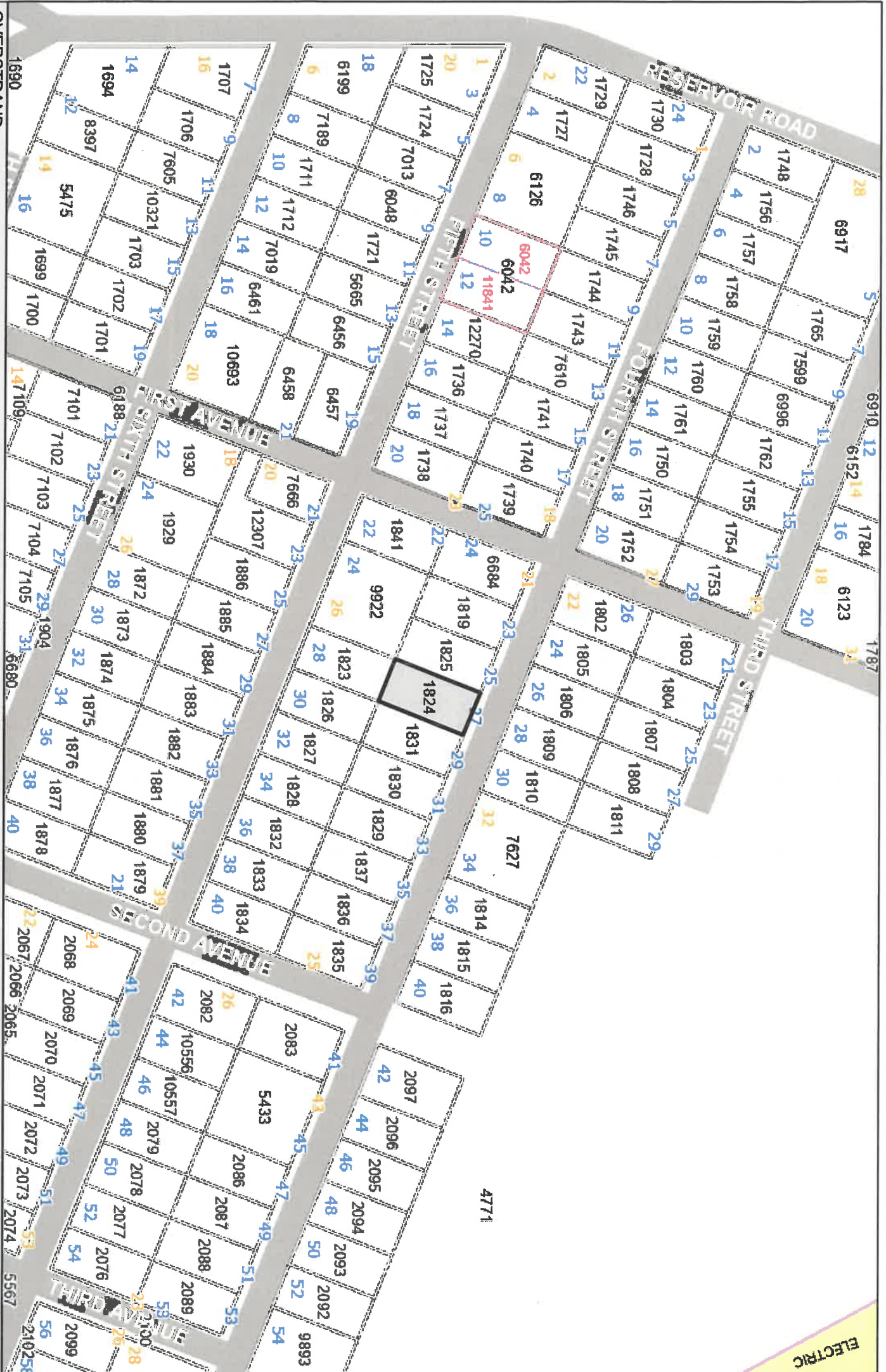
Isaziso siyanikezelwa ngokweCandelo lama-48 loMthetho kaMasipala woLungiso loMthetho kaMasipala kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala) sokuba isicelo sifunyenwe soku kulandelayo: Uphambuko ngokwemiqathango yeCandelo 16(2)(b) loMthetho laMasipala lokunyenysiswa kokulandelayo.

- **Utyeshelo** lwemiqathango yeCandelo 16(2)(b) loMthetho kaMasipala ukucuthwa komda wesakhiwo ukusuka kwi-4m ukuya ku-0m kunye nomda wesakhiwo osecaleni ongasentshona ukusuka kwi-2m ukuya ku-0m, ukuze kulungiselelwe indawo yekhapoti ekhoyo; kwaye
- **ukumiselwa kwesohlwayo solawulo** ngokwemiqathango yeCandelo le-16(2)(q) loMthetho kaMasipala ukulungiselela indawo esele ikho yekhapoti.

linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ngeentsuku zomsebenzi phakathi kweyure-08:00 ne-16:30 kwiSebe: Town Planning, Paterson Street, Hermanus. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zamaCandelo 51 nelama-52 alo Mthetho kamasipala zithunyelwe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngolu suku okanye ngaphambi komhla **31 EyoKwindla 2023**, unike igama lakho, idilesi neenkukacha zonxibelelwano nawe, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuza into malunga nesi saziso ungapheleli **Mnu. P Roux** kule nombolo yomnxeba 028-313 8900. UMasipala angala ukuzamkela izimvo ezifike emva komhla wokuvalwa. Nabani na ongakwaziyo ukufunda okanye ukubhala makaye kwiSebe loYilo lweDolophu apho igosa likamasipala liya kumncedisa azibhale izimvo zakhe.



Locality Map
Erf 1824, 27 Fourth Street, Voëlklip, Hermanus



Introduction

A carport has been erected on the street and side boundaries of Erf 1824 Voëlklip without the necessary approvals. The objective of this application is therefore to legalise the existing carport.

Nature of the development

The existing carport, light grey in colour, is located on the street and western side property boundaries. The existing parking on the application site consists of a single garage and two parking bays below the carport. The existing carport was built over the existing paved driveway and is 6m wide and 4.3m deep.

The height of the carport is 2.15m on the street boundary, 2.25m at the garage and 2.95m in the centre with a slope of approximately 15 degrees and 20 degrees and will not have an impact on any views.

The coverage on the dwelling including the carport is less than 50%.

There is no gate between the carport and the road.

The carport is made of a steel structure covered with shade cloth.

With the exception of the garage on the application area, there are no structures or trees adjacent to the carport.

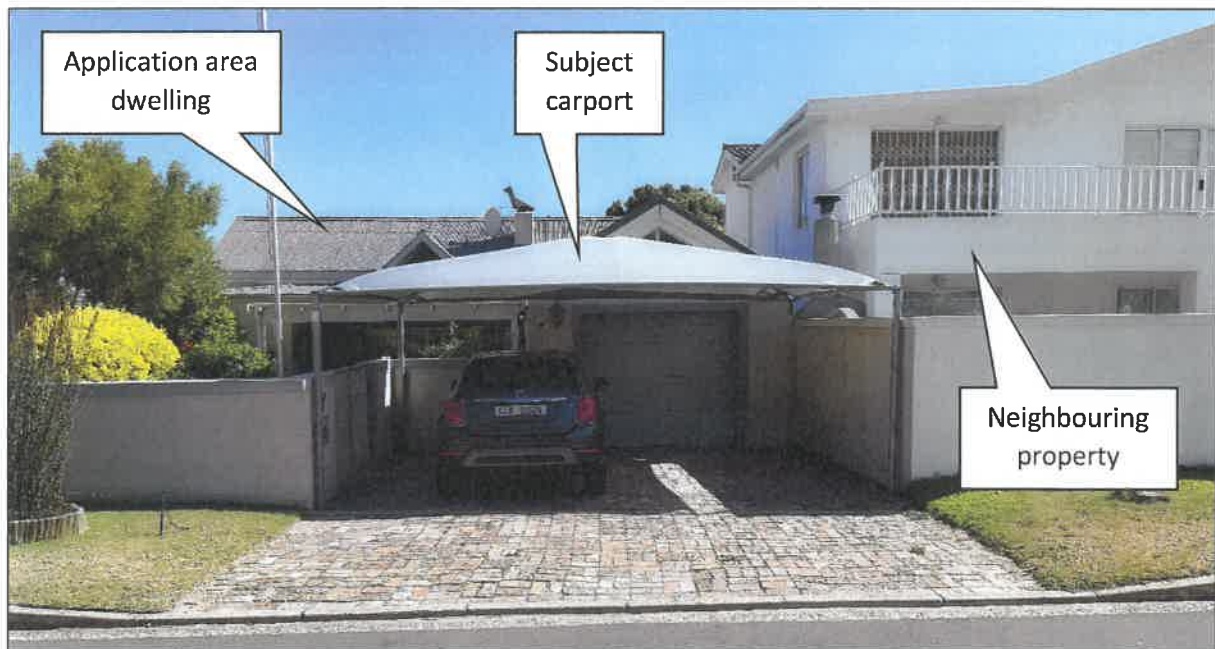


Figure 1: Photo of the subject carport

Character of the environment

The character of the area is single residential in nature with various architectural styles and includes single and double storey dwellings.

There are three other properties with carports in addition to the application site / area carport within the same street and within 80m from the application area. The application proposal will not have a negative effect on the character of the area.

Desirability and Impact on the adjacent properties and area

The structure has been discussed with the following home owners resident on both sides of road :

- Mr and Mrs Herman Steyn (Erf 1825)(Written consent)
- Mr and Mrs J Jensen (Erf 1831)
- Mr and Mrs Stuart
- Mr and Mrs Ezio Tuniz (Erf 1805)
- Mr and Mrs Lionel Hennessey (Erf 1819)
- Mr Hans Sauer (Erven 1809 & 1814)

The above property owners indicated that they are in support of the existing carport.

The carport does not have a negative effect on the neighbouring properties, the character of the area, civil services and improves the functionality of the application area.

The above statement is based on the fact that the existing double carport of 6m wide and 4.3m deep on the street and western side boundaries, in front of the original single garage and built over the existing paved driveway, will not have any additional impact in terms of number of vehicles accommodated, vehicle manoeuvring or width of the access driveway to the street.

The height of the carport (2.15m on the street boundary, 2.25m at the garage and 2.95m in the centre with a slope of approximately 15 degrees and 20 degrees), being less than a single storey dwelling, will not have an impact on any views to and from the neighbouring properties.

The coverage on the dwelling including the carport is less than 50%, thus being consistent with the zoning scheme coverage requirements.

There is no gate between the carport and the road and will therefore not cause any traffic obstruction when entering or departing the application area.

The carport does also not affect access to the driveway and will not have an impact on services.

The carport being light grey is a neutral colour and the colour and design blends in with the adjacent structures and the surrounding environment and will therefore not have any negative visual impact on the subject or surrounding properties.

The existing carport improves the functionality of the application area, since it protects vehicles from sun, reducing wear and keeps the vehicles cooler for more comfortable use. The carport also provides protection from rain when entering and exiting the vehicles and for people waiting to enter the front gate at the carport.

Laws and policies

Apart from being located approximately 3,5m from the kerb of 4th Street in Voëlklip, the existing carport is compliant with the following requirements from the Overstrand Municipality Land Use Scheme, 2020 Clauses 16.1.1 and 16.1.2.

In terms of Clauses 16.1.1 and 16.1.2 it should be noted that:

- Consent have been granted from the adjacent neighbour for the carport.
- The existing carport is lower than the prescribed height restrictions and within the prescribed dimensions of Section 16 of the Overstrand Municipality Land Use Scheme 2020.
- The coverage of the structures on the property including the carport which is consistent with the zoning scheme requirements.

The Overstrand Municipality Land Use Scheme 2020 allows for carports to exceed side and street building lines with permission via an application.

Impact of the development on municipal services

The existing carport will not impact access to services nor will it require any services.

Administrative penalty

The following information with regards to the administrative penalty is provided as required according to Chapter X, Section 90(3):

(a) The nature, duration, gravity and extent of the contravention

A carport with the footprint of 25.8m² was constructed in March 2018 on the street and western side property boundaries.

(b) The conduct of the person (allegedly) involved in the contravention

The current owner of the property had the carport built but was unaware of approvals required. The current owner has now been made aware of the relevant regulations and procedures, is transparent and cooperative and wants to rectify the matter through the relevant statutory procedures.

(c) Report by a quantity surveyor in matters of unauthorised building/construction

Building cost of the carport including labour cost was R11 200.

(d) Whether the unlawful conduct was stopped

The carport is current. The purpose of this application is to legalise the existing carport.

(e) Whether the person allegedly involved in the contravention has previously contravened this By-Law or a previous planning law

The property owner has not previously contravened this By-Law or a previous planning law according to information.

Planning principles

In terms of Chapter VI of the Spatial Planning and Land Use Management Act, 2013 the following Planning Principles have been applied to the application site:

- 1) **Spatial Justice** which refers to the need for redressing the past apartheid spatial development imbalances and aims for equity in the provision of access opportunities, facilities, services and land.

Possible results of the development

The application does not have an impact on spatial justice since it is only for the legalisation of an existing carport.

The application proposal is consistent with spatial justice.

- 2) **Spatial Sustainability** which refers to the fact that a spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl.

Possible results of the development

Since the application is to legalise an existing carport, it will not have an impact on spatial sustainability.

The application proposal can thus be deemed to be spatially sustainable.

- 3) **Spatial Efficiency** which refers to the manner in which settlements themselves are designed to function in such a way that there will be a minimum need to travel long distances to access services, facilities and opportunities.

Possible results of the development

The application for the legalisation of an existing carport will not have an impact on spatial efficiency.

The application proposal is consistent with the efficiency principle.

- 4) **Spatial Resilience** which, in the context of land use planning, refers to spatial plans, policies and land use management systems which should enable communities to be able to resist, absorb and accommodate any economic and environmental shocks which might occur in a timely and efficient manner.

Possible results of the development

The application will not have an impact on spatial resilience, since it will only allow for an existing carport.

The application proposal is consistent with the principle of spatial resilience.

- 5) **Good Administration** which, in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure that a joint planning approach is pursued.

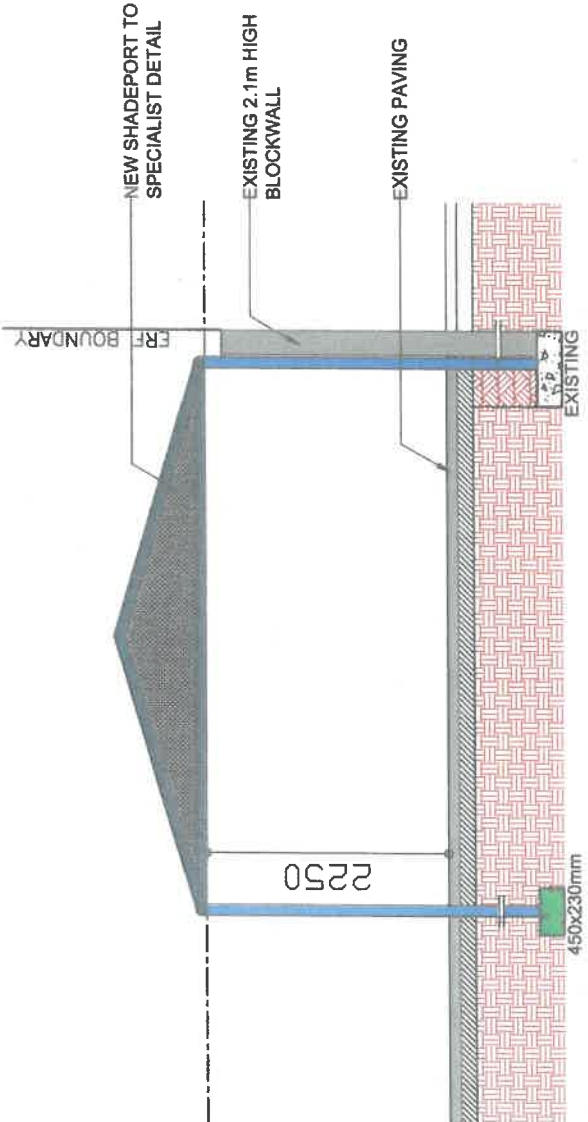
Possible results of the development

Consultative practices are being followed in this application as it is done in consultation with the Planning Department of the Municipality who will also advertise the application in such a manner as to enable the relevant government tiers and the general public to participate in the eventual decision-making process.

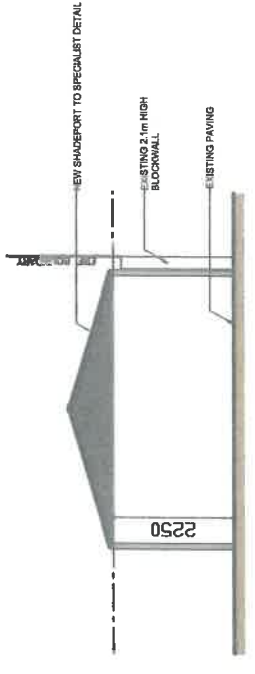
The application proposal is consistent with the principle of good administration.

Conclusion:

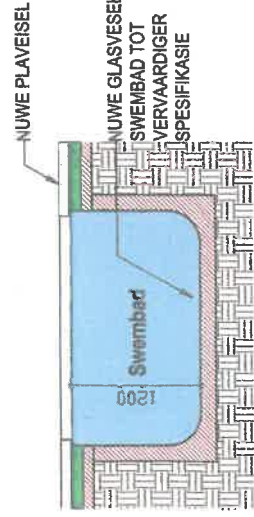
The existing carport improves the functionality of the property without having a negative effect on the character of the area, views, services or safety and is considered desirable and it is therefore recommended that building line departures to allow for the existing carport on Erf 1824 Voëklip be approved.



SNIT B - B
SKAAL 1:50



NOORD AANSIG
SKAAL 1:100



SNIT A - A
SKAAL 1:50

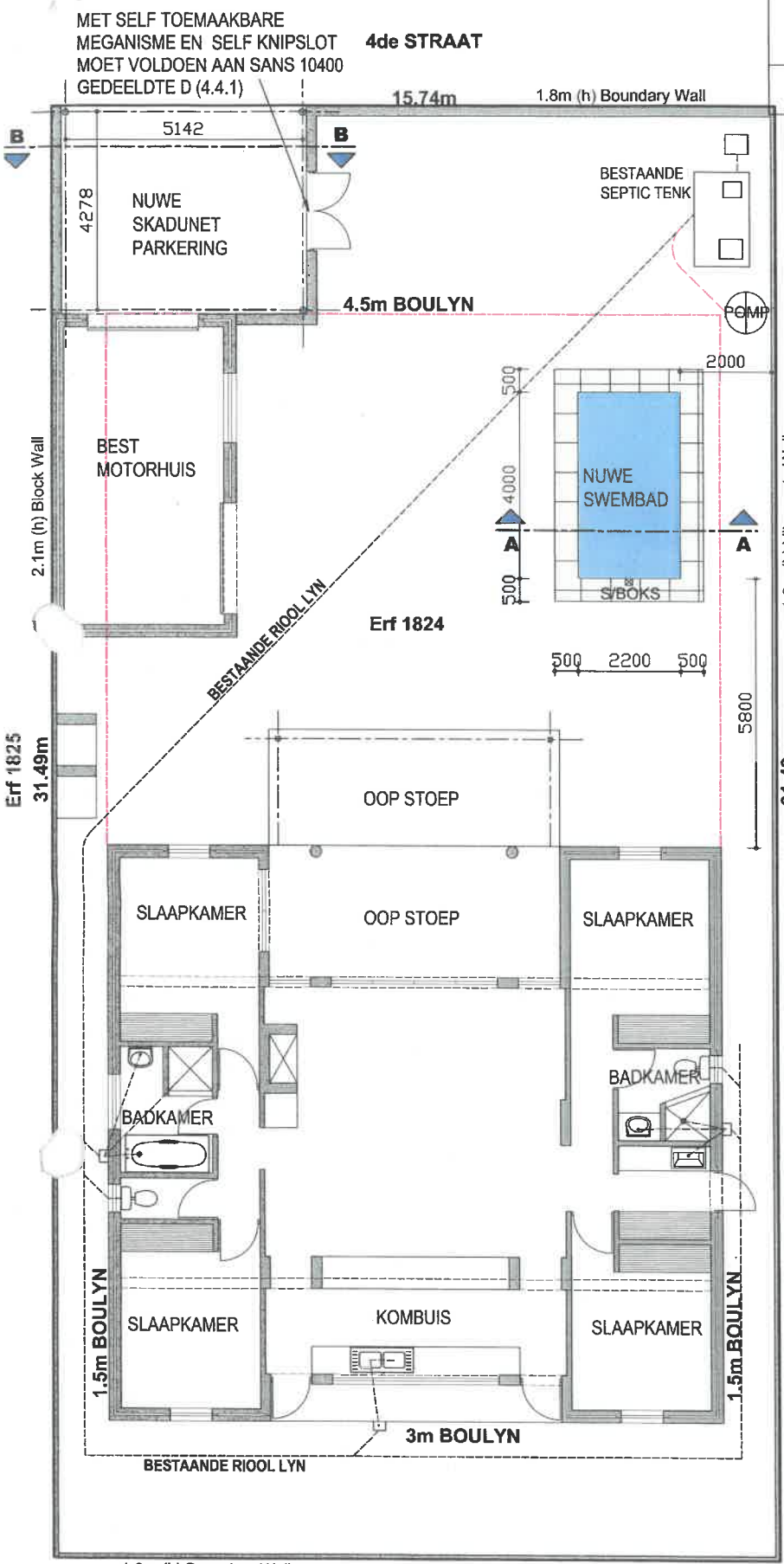
HANNES VAN JAARSVELDT
ARCHITECTURAL DESIGNS

WE BORROW FROM NATURE THE SPACE UPON WHICH WE BUILD - Tjebbe Ando

Nr: 082 897 7602
Address: 17 Carletta Street, Paarl
hannesjaarsveldt@gmail.com

JOBWERK:	A. G. P. BROWN	VOORGESTELDE SWEMBAD VIR MNR BROWN OP ERF 1824
TEKENING / DRAWING:	AANSIG, SNITTE	
RAADGEWENDE INGENIEUR:		NAGESIEN / CHECKED:
DATUM / DATE:	24/02/2022	SKAAL / SCALE: 1:100 - 1:50
GETEKEN / DRAWN:	Coenle Laubscher	ONTWEEPS / DESIGN: HVJ
TEK. NO. / DWG NO.:		239

VO	DATE	REVISIONS



SWEMBAD TERUG-
SPOEL SORMWATER
SISTEEM OF IN TUIN
SWEMBAD POMP NIE
MEER AS 1m HOOG

AREA:
EXISTING BUILDING : 181m²
UNDERCOVER STOEPS: 23m²
NEW SWIMMINGPOOL: 8.8m²
TOTAL: 212.8m²
ERF : 495.65m²
COVERAGE : 42.93%

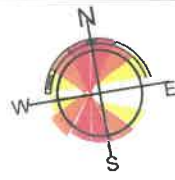
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 hannesjaarsveldt@gmail.com

1.8m (h) Boundary Wall

15.74m

Erf 1823

GRONDVLOER PLAN
 SKAAL 1:100



JOBWERK: A. G. P. BROWN	VOORGESTELDE SWEMBAD VIR MNR BROWN OP ERF 1824
TEKENING / DRAWING: SITE/VLOERPLAN	
RAADGEWENDE INGENIEUR:	NAGESIEN / CHECKED:
DATUM / DATE: 24/02/2022	SKAAL / SCALE: 1:100 - 1:50
GETEKEN / DRAWN: Coenie Laubscher	ONTWERP / DESIGN: HVJ
TEK.NO / DWG NO: 239	