

ERF 12307, 23 FIFTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: PLAN ACTIVE TOWN & REGIONAL PLANNIERS ON BEHALF OF L.C.A. & J.A. SCHAILEE

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 in order to do the following:

- Departure in terms of Section 16(2)(b) of the By-Law to relax the following:
 - Southern lateral building line from 2m to 1m, to accommodate a utility room;
 - Southern lateral building line from 2m to 1.043m, to accommodate an en-suite bathroom.

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) and Gansbaai Library, Main Road, Gansbaai on or before **12 August 2022**, 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 12307, 23 VYFDESTRAAT, VOËLKLIP, HERMANUS, OVERSTRAND MUNISIPAL AREA: AANSOEK OM AFWYKING: PLAN ACTIVE TOWN & REGIONAL PLANNIERS NAMENS L.C.A. & J.A. SCHAILEE

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

- Afwyking ingevolge Artikel 16(2)(b) van die Verordening om verslapping van die volgende:
 - Suidelike syboullyn vanaf 2m na 1m, ten einde 'n nutskamer te akkommodeer; en
 - Suidelike syboullyn vanaf 2m na 1.043m, ten einde 'n badkamer 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) en Gansbaai Biblioteek, Hooweg, Gansbaai voor of op **12 Augustus 2022**, 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 ESINGU-ERF 12307, 23 FIFTH STREET, VOËLKLIP, HERMANUS, KUMMANDLA KAMASIPALA WASEOVERSTRAND: ISICELO SOKWAHLULA: NGABAKWAPLAN ACTIVE TOWN & REGIONAL PLANNIERS EGAMENI LIKA-C.A. & J.A. SCHAILEE

Kukhutshwe isaziso esimayela neSoloty lama-48 nguMasipala waseOverstrand elingoMthethwana Ongezicwangciso Zokuseteynzi swa koMhlaba kaMasipala ku2020 (Umthethwana) sicelo eso sithi, kufunyenwe isicelo esiphathelene nale miba ilandelayo efuna ukwenziwa:

- Ukwahlula ngokwemiba yeSoloty le16(2)(b) loMthethwana ukunyeniyisa oku kulandelayo:
 - Umgca wesakhiwo omelene nesakhiwo kwicala eliseMzantsi ukusuka kwiimitha ezingu2m ukuya 1m, ukulungiselela igumbi lokusebenzela;
 - Umgca wesakhiwo omelene nesakhiwo kwicala eliseMzantsi ukusuka kwiimitha ezingu-2m ukuya kwi1.043m, ukulungiselela igumbi lokuhlambela eliyi-ensuti.

Iinkcukacha ezipheleleyo mayela nezi zindululo ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini ukusukela kwixesha eliphakathi kwentsimbi ye08:00 neye16:30 kwiSebe:Izicwangciso zeDolophu, 16 Paterson Street, Hermanus naseGansbaai Library, Main Road, Gansbaai. Naziphi na izimvo ezibhaliweyo zingangeniswa kwaMasipala ngokwezibonelelo zeSoloty lama51 nelama52 loMthethwana kaMasipala ochazwe ngentla (16 Paterson Street, Hermanus / (f) 0283132093 / alida@overstrand.gov.za)naseGansbaai Library, Manin Road, Gansbaai ngomhla okanye ngaphambi komhla wama-**12 uAgasti 2022**, uchaze igama lakho, idilesi yakho neekcukacha zakho, umdla wakho kwesi sicelo nezizathu zakho zokuhlomla. Imibuzo ngefowuni ingathunyelwa kuMwangcisi weDolophu Oyintloko, **Mnu. P. Roux** kwa028-313 8900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvalela. Nabani na ongakwazi ukufunda nokubhala angahambela kwiSebe leziCwangciso ngeDolophu apho igosa likamasipala liza kumnceda ukufaka izimvo zakhe ngokusemthethweni



Scale: NTS
 Drawing Nr: 12307 hermanus-voelklip.dwg
 Date: JUNE 2022

Plan Description:
LOCALITY MAP

Property Description:
**ERF 12307
 HERMANUS**

All distances approximate
 and subject to survey.
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Stads- en Streksbeplanners
 Town & Regional Planners



PROPOSED BUILDING LINE
DEPARTURES

ERF 12307 HERMANUS

DIVISION: CALEDON
OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. BACKGROUND

The owners of Erf 12307 Hermanus, Mr. L.C.A & Mrs. J.A. Schailee have instructed the company Plan Active to apply for the proposed building line departures in order to make alterations and additions to the existing dwelling to construct an en-suite bathroom, utilities room, a portion of an indoor braai and pergola.

Erf 12307 Hermanus is 647m² in extent and is held by Title Deed No.T19681/2020.

2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2020, for departures from the building lines.

3. DESIRABILITY

3.1 PROPERTY DESCRIPTION

The subject property is situated at 23 Fifth Street, Voëlklip, Hermanus. Please refer to the enclosed locality plan. Erf 12307 Hermanus is 647m² in extent and is situated in a predominantly single residential area.

3.2 ZONING

Erf 12307 Hermanus is zoned Residential Zone I and is utilized as such. A dwelling and garage that gains access from 1st Avenue are established on the said erf: Surrounding properties are also zoned for single residential purposes.

3.3 LAND USE

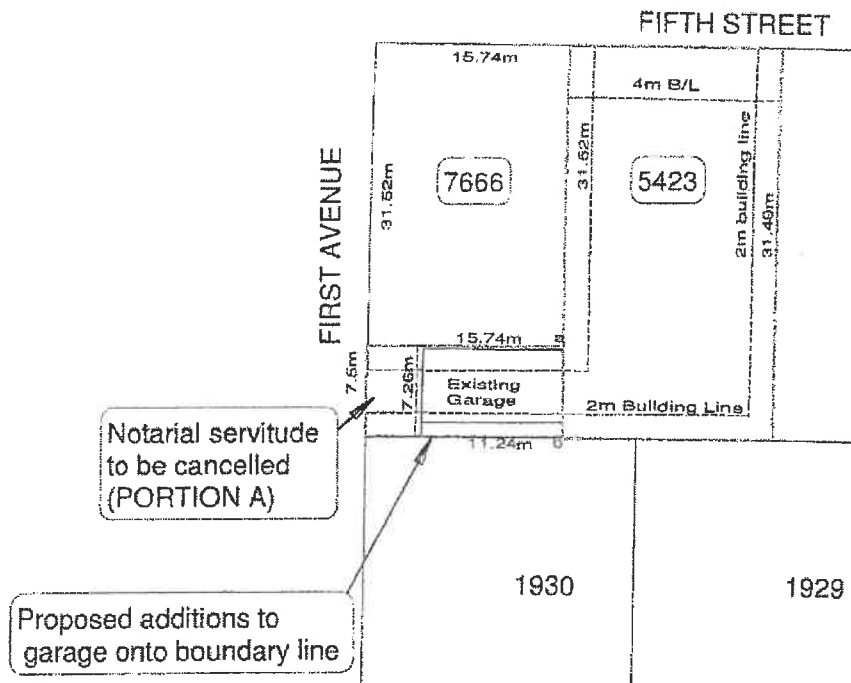
Erf 12307 Hermanus is used for residential purposes. A dwelling and garage are located on Erf 12307 Hermanus as mentioned above. Pedestrian access to Erf 12307 Hermanus is obtained from Fifth Street and the garage is accessed via 1st Avenue.

Land uses that surround Erf 12307 Hermanus are single dwellings, public roads and public open spaces. It is therefore evident that the subject property is situated within a predominantly single residential area.

3.4 PROPOSAL

- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2020, for departures from the building lines.

An application was lodged in 2019 for the removal of restrictive Title Deed conditions, subdivision, consolidation and departure applicable to Erf 12307 Hermanus, formerly known as Erf 5423 Hermanus. A portion of Erf 7666 Hermanus was subdivided and consolidated with Erf 5423 Hermanus to create Erf 12307 Hermanus. Simultaneously an application was also made for a departure from the southern lateral building line to extend the existing garage up to the southern lateral boundary that was also approved. Please refer to the letter of approval dated 19 July 2019 as **Annexure A**, and the abstract below from the approved subdivision and consolidation plan:



The attached building plans also indicate the proposed encroachment of the proposed extension of the garage up to the southern lateral boundary. With reference to the above mentioned approved departure for the extension of the garage we are not readdressing the matter with this application due to the fact that the former approval is still relevant and valid.

The detail of the departure application can be described as follows:

3.4.1 Proposed Departures

The intend is to extend the existing dwelling, linking the dwelling with the existing garage and to construct a pergola. Due to the positioning and use of the various rooms inside the dwelling some of the extensions could only take place in a southern direction encroaching the southern lateral building line.

3.4.1.1 Proposed Garage Link

The kitchen is located on the south western corner of the existing dwelling. It is proposed that the area between the kitchen and the existing garage be utilised as a utilities room linking the existing garage with the existing dwelling. The proposed southern external wall of the proposed utility room is located $\pm 1.00\text{m}$ from the lateral boundary and is a single storey structure. The height of the mono pitch roof of the proposed utility room measured from natural ground level to the top of the roof is $\pm 3.2\text{m}$. Please refer to the East Elevation of the enclosed copy of the building plans. The proposed utilities room has no windows or doors facing the southern lateral boundary. In order to accommodate the proposed utilities room we are applying for a building line relaxation from 2m to 1m of the southern lateral building line.

3.4.1.2 Proposed En-Suite Bathroom

The third bedroom of the existing dwelling is located in the south-eastern corner, $\pm 2.819\text{m}$ from the southern lateral boundary. The owners want to upgrade the bedroom by adding an en-suite bathroom and to then utilise the existing bathroom as a guest bathroom. The proposed addition of the en-suite bathroom is $\pm 1.539\text{m}$ wide and has a length of $\pm 5.195\text{m}$. The proposed en-suite bathroom consists of a shower, toilet, his and hers basins and a dressing section. The style of the extension is similar to that of the proposed utilities room and also has a mono pitch roof and is of similar height of $\pm 3.2\text{m}$. The proposed outer wall of the en-suite bathroom is $\pm 1.043\text{m}$ from the southern lateral boundary. In order to accommodate the proposed en-suite bathroom we are applying for a building line relaxation from 2m to $\pm 1.043\text{m}$ of the southern building line. A small window will be constricted right above the toilet facing the southern boundary.

The window is located $\pm 1.043\text{m}$ from the said lateral boundary and should not pose a problem to the neighbouring land owner being a small window located on the ground floor.

3.4.1.3 Proposed Braai (Approval not required)

A new entertainment area is proposed on the northern side of the property that is attached to the existing dwelling. The majority of the entertainment area is outside the 2m eastern lateral building line except for the braai. With reference to the ground floor plan it is only the braai that protrudes into the building line. The protrusion of the braai was discussed with the Overstrand Municipality, and being just the braai not protruding into the building line by more than 500mm from the wall it can be accommodated without an application for a departure from the lateral building line. The braai also qualifies as a chimney breast in terms of Chapter 16 Section 16.1.1(a)(vi) that read as follows:

"Notwithstanding the building line requirements set out in Part 2, the following structures or portions of structures may be erected over the prescribed building lines, provided that they do not extend beyond the boundaries of the land unit:

(vi) chimney breasts, flower boxes, water pipes and drain pipes not projecting more than 500mm from the wall of the building;"

The proposed braai (chimney breast) complies with the above parameters and is 500mm measure from the outside wall and can be approved as such.

3.4.1.4 Proposed Pergola (Approval not required)

A pergola is proposed north of the proposed entertainment area mentioned above. Please take note that the pergola is supported by posts. The posts on the eastern side supporting the pergola are located up to the 2m lateral building line and do not encroach the lateral building line. The pergola cantilevers and has an overhang into the eastern lateral building line that is 1m. Subsequently the overhang conforms to Chapter 16 Section 16.1.1(a)(v) that read as follows:

"Notwithstanding the building line requirements set out in Part 2, the following structures or portions of structures may be erected over the prescribed building lines, provided that they do not extend beyond the boundaries of the land unit:

(v) eaves, awnings and canopies projecting no more than 1.0m from the wall of a building.”

The overhang of the pergola complies with the above parameters and the overhang does not extend beyond the prescribed 1.0m measure from the pergola’s eastern supporting posts and can be approved as such.

3.4.1.5 Proposed covered pedestrian access (Approval not required)

A 5m² covered pedestrian walkway is proposed within the northern street building line as indicated on the enclosed set of building plans. The covered walkway is 5m² in extent and will be constructed up to a height of ±2.4m that might vary as indicated on the attached building plans. It will however not exceed a height of 3m. The roof will be a rc slab roof over, as per the engineers designs and will be supported on gms posts. The pedestrian entrance gates will be self-closing and self-latching. Being a covered entrance located on the street boundary within the street building line not exceeding 5m² in extent, the building line encroachment does not require an approval.

The proposed covered pedestrian access complies with Chapter 16 Section 16.1.1(a)(iv) that read as follows:

“Notwithstanding the building line requirements set out in Part 2, the following structures or portions of structures may be erected over the prescribed building lines, provided that they do not extend beyond the boundaries of the land unit:

(iv) a covered and uncovered pedestrian entrance or gatehouse constructed on the street boundary and has a footprint and / or roof area not exceeding 5.0m² and a height not exceeding 3.0m from natural ground level to the highest point of the structure.”

The proposed covered pedestrian access does not exceed an area of 5.0m² and does not exceed the 3.0m height restriction. The covered pedestrian access therefore complies with the above parameters and can be approved as such.

With reference to the proposed additions mentioned above an approval is only required for the proposed link between the existing kitchen and existing garage, and the proposed addition of an en-suite bathroom. A 0.957m and 1m building line will be maintained on the south western boundary. The use of the proposed extensions consisting of the link between the existing kitchen and existing garage, and the

proposed addition of an en-suite bathroom are low impact uses and will not have a negative impact on the neighbouring land owners.

3.5 ACCESS

Vehicular access to Erf 12307 Hermanus for the existing dwelling and outbuilding are gained from 1st Avenue. Pedestrian access to Erf 12307 Hermanus is gained from 5th Street.

With the proposal both the vehicular access from 1st Avenue and the pedestrian access from 5th Street will remain the same.

3.6 SERVICES

All services on the subject property already exist. Additional services are not required and therefore the proposal will not have a negative impact on existing services provided by the Overstrand Municipality.

3.7 TITLE DEED

The Title Deed No. T19681/2020 in respect of Erf 12307 Hermanus has no restrictions that need to be addressed.

3.8 FORWARD PLANNING

Overstrand Municipal Wide Spatial Development Framework

In terms of the **Overstrand Wide Spatial Development Framework** the subject property is earmarked for residential purposes. The residential zoning of the subject property will be retained, this application is only for the building line departures.

Overstrand Growth Management Strategy

With reference to the **Overstrand Growth Management Strategy** the subject erf falls within Planning Unit 6 that consists of the existing pristine high income, low density northern section of the Voëklip residential area above Main Road.

Incremental development through subdivision to allow second and third dwelling units is proposed for an assumed 20% of this planning unit.

Our application is for building line departures and subsequently the Growth Management Strategy does not apply to this application.

Overstrand Spatial Development Framework (2020)

The **Overstrand Spatial Development Framework (2020)** earmarks the area where Erf 12307 Hermanus is situated, for Urban development purposes.

This application constitutes an application for building line departures, the zoning and land use will remain single residential. The density will also not increase if the application is approved. It is therefore our opinion that the application is in line with the forward planning legislation and that it is compatible with the residential area and can be supported.

3.9 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

3.9.1 HERITAGE VALUE

Erf 12307 Hermanus is not situated within the Heritage Overlay Zone as determined by the Overstrand Municipality Growth Management Strategy (2010). The existing dwelling and outbuilding situated on Erf 12307 Hermanus are not earmarked for heritage conservation purposes in terms of the Overstrand Heritage Survey Report (2009).

The subject property is not associated with any important persons or groups or important events and activities. The subject property has no association with the history of slavery and is not used for living heritage.

In the light of the above mentioned it is evident that the proposed building line departures will not have a negative impact on the heritage value of the subject property or the greater area of Hermanus.

3.9.2. IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed building line departures do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

3.10 PLANNING PRINCIPLES

The planning principles of spatial justice, spatial sustainability, efficiency and spatial resilience of this application can be described as follows:

Spatial Justice: The main goal of this application is for the owners of 12307 Hermanus to make extensions and alterations to the current dwelling and outbuilding that will enhance the value of the property without having a detrimental impact on the neighbouring land owners. Due to the location of the current dwelling and outbuilding on the subject erf and the layout of the internal uses of the dwelling, the owners do not have another choice as to partially encroach the southern lateral building line. The coverage of the dwelling, garage and proposed extensions are 46% that is less than the prescribed allowable 50%.

Spatial sustainability: The proposed building line departures are in line with the current character of the established residential area. The proposed application will have no impact on the conservation worthy areas of Voëlklip. Spatially the land use of Erf 12307 Hermanus will be in line with the residential character of the area and as mentioned

above the lateral building lines are partially encroached and that the coverage is below the prescribed 50% being at 46%.

Efficiency: The proposed application for the building line departures will promote the logical optimisation of the use of space of the subject erf within a developed residential area.

Spatial Resilience: Spatial resilience is not applicable to this application.

Good administration: Our Company is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's By-law on Municipal Land Use Planning, 2020.

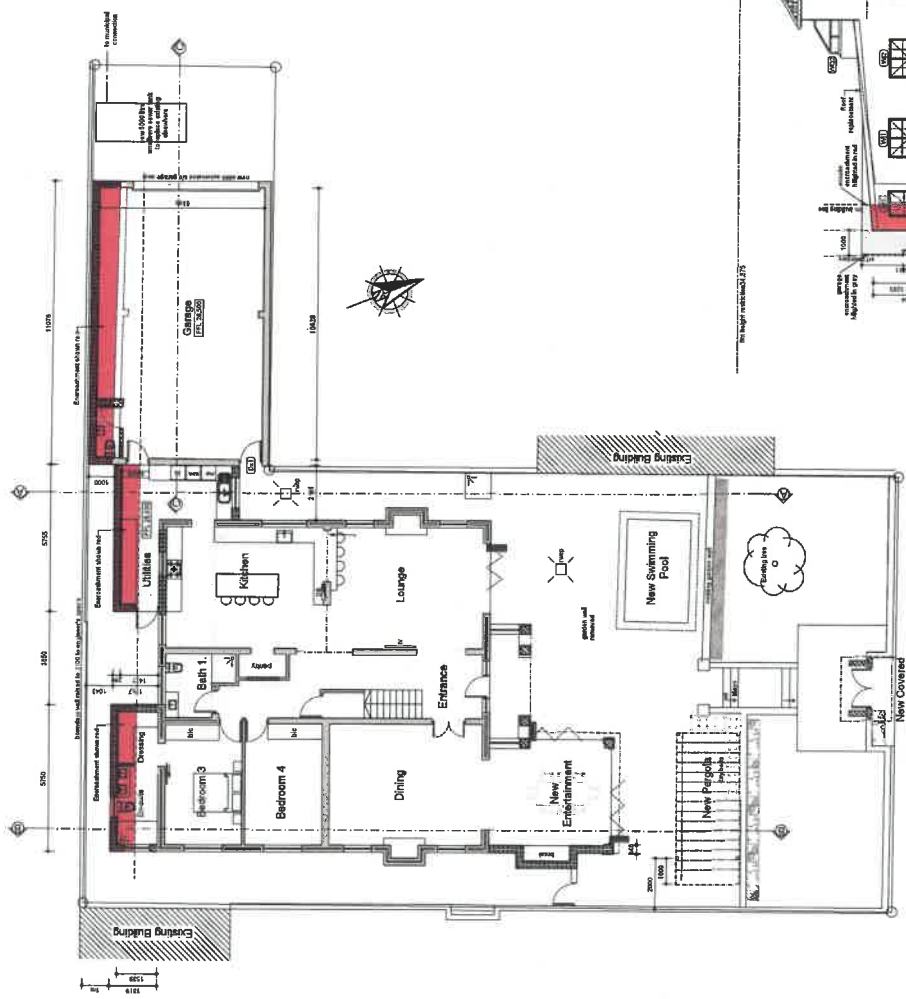
4. RECOMMENDATION

When this application is evaluated, it is important to take note of the following:

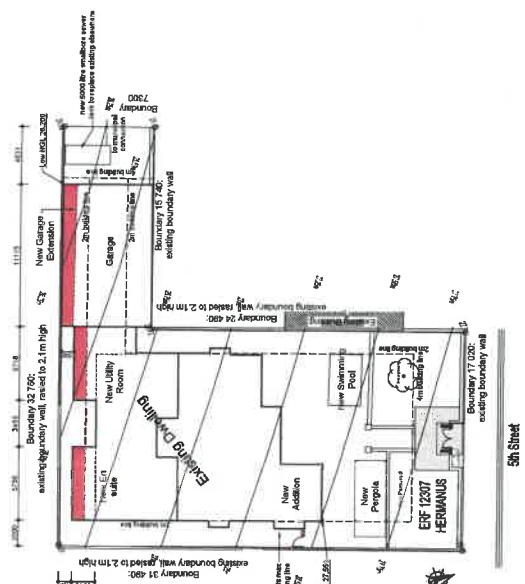
- The proposed building line departures of Erf 12307 Hermanus fall within the existing land use tendencies in the area;
- The proposal is compatible with the existing character of the area;
- The proposal has no impact on services;
- The proposed application will not have a negative impact on the current land values of the surrounding erven;
- The proposed application will not have any negative impact on the adjoining property owners;

Motivation report

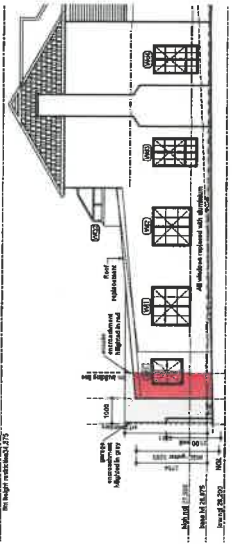
With regards to the above mentioned application it would be appreciated if Council would consider the application favourably for the building line departures of Erf 12307 Hermanus.



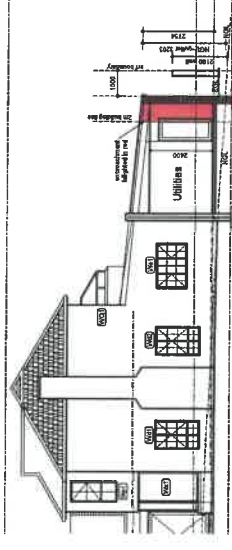
GROUND FLOOR PLAN
SCALE 1:100



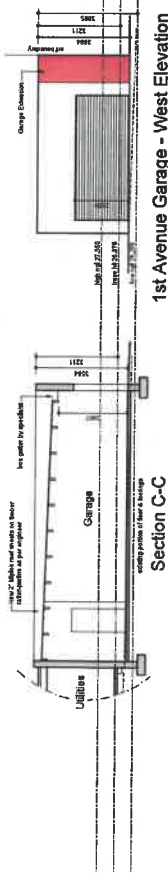
SITE PLAN
SCALE 1:300



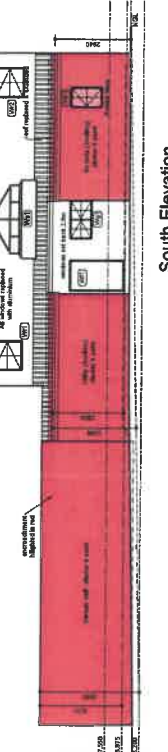
East Elevation
SCALE 1:100



West Elevation (Section A-A)
SCALE 1:100



Section C-C
SCALE 1:100



South Elevation
SCALE 1:100

GENERAL:
Figure dimensions to be used in preference to text dimensions.
All dimensions are in millimeters unless otherwise stated.
Check and verify before any work commences.
The contractor shall be responsible for the accuracy and number of days in the schedule.
The contractor shall be responsible for the accuracy of the drawings.
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Areas:
This plan shows the property of the site.
The contractor shall be responsible for the accuracy of the drawings.
The contractor shall be responsible for the accuracy of the schedule.

General Notes:
This plan shows the property of the site.
The contractor shall be responsible for the accuracy of the drawings.
The contractor shall be responsible for the accuracy of the schedule.

Do not make any alterations without the consent of the architect.
Do not make any alterations without the consent of the architect.

Project:	House Schallia Alterations to Existing Departure Application
Address:	23 Fifth St. ERF 12307 Vereker, Hermanus
Date:	3 May 2022
Drawn by:	DR. H. J. VAN DER MERWE
Checked by:	DR. H. J. VAN DER MERWE

