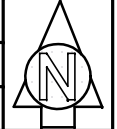
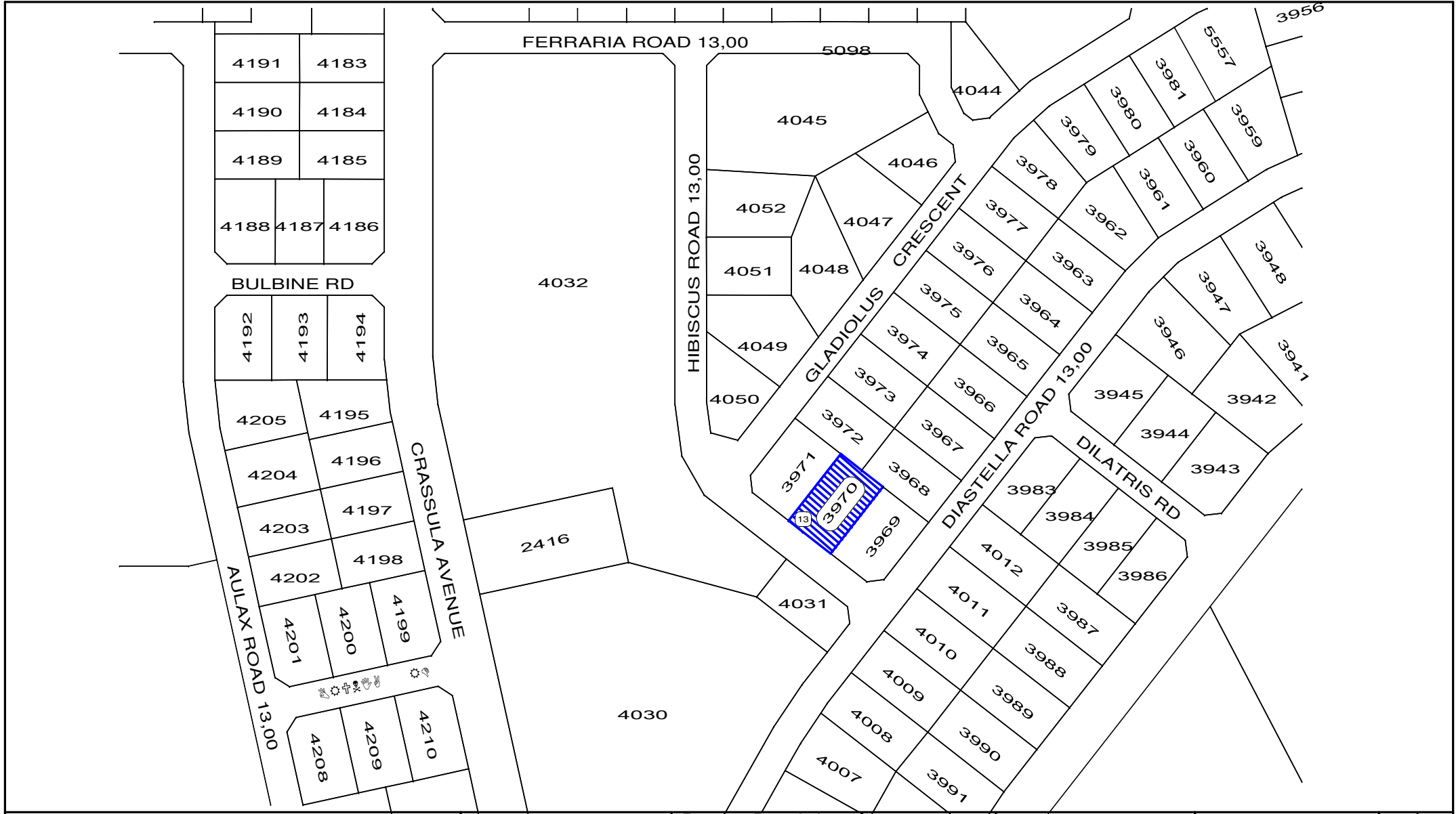


<p><b>OVERSTRAND MUNISIPALITEIT</b>  <b>ERF 3970, HIBISCUSWEG 13, BETTYSBAAI:</b>  <b>AANSOEK OM OPHEFFING VAN BEPERKENDE</b>  <b>TITELAKTEVOORWAARDE EN BEPALING VAN 'N</b>  <b>ADMINISTRATIEWE BOETE: PLAN ACTIVE STADS-</b>  <b>EN STREEKBEPLANNERS NAMENS SC</b>  <b>MARCOVECCHIO</b></p>	<p><b>OVERSTRAND MUNICIPALITY</b>  <b>ERF 3970, 13 HIBISCUS ROAD, BETTY'S BAY:</b>  <b>APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE</b>  <b>DEED CONDITIONS AND DETERMINATION OF AN</b>  <b>ADMINISTRATIVE PENALTY: PLAN ACTIVE TOWN &amp;</b>  <b>REGIONAL PLANNERS ON BEHALF OF SC</b>  <b>MARCOVECCHIO</b></p>	<p><b>UMASIPALA WASE-OVERSTRAND</b>  <b>ISIZA ESINGU-ERF 3970, 13 HIBISCUS ROAD, BETTY'S</b>  <b>BAY: ISICELO ESINGOKUSHENXISWA KWEEMEKO</b>  <b>EZIYIMIQOBO NENGIQELELO YOMDLIWO</b>  <b>WOBHALISO: NGABAKWAPLAN ACTIVE TOWN &amp;</b>  <b>REGIONAL PLANNERS EGAMENI LIKA- SC</b>  <b>MARCOVECCHIO</b></p>
<p>Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die onderstaande aansoeke van toepassing op Erf 3970, Bettysbaai (die eiendom), naamlik:</p> <p><b>Opheffing van Beperkende Titelaktevoorwaarde</b>  Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van beperkende titelaktevoorwaarde B.7.(i) en B.7.(ii) soos vervat in Titelakte T24576/2024 van die eiendom om die ongemagtigde gebruikverandering van die goedgekeurde onderdakstoep/balkon na 'n slaapkamer en sitkamer te akkommodeer en om 'n bestaande watertenk te akkommodeer wat die 3m titelakte syboullynbeperking oorskry.</p> <p><b>Bepaling van 'n Administratiewe Boete</b>  Aansoek ingevolge Artikel 16(2)(q) van die Verordening vir ongemagtigde grondgebruik en bouding oorskrying soos hierbo genoem.</p> <p>Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stads- en Streekbeplanning te Patersonstraat 16, Hermanus en by die Bettysbaai Biblioteek, Clarencerylaan, Bettysbaai.</p> <p>Enige kommentaar moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) <a href="mailto:loretta@overstrand.gov.za">loretta@overstrand.gov.za</a>) voor of op <b>25 Oktober 2024</b>, met u naam, adres, kontak besonderhede, belang in die aansoek en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die <b>Senior Stadsbeplanner, Me. H. van der Stoep</b> by 028-3138900. Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stads- en Streekbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.</p> <p><b>Dr. DGI O'Neill</b>  <b>MUNISIPALE BESTUURDER</b>  Overstrand Munisipaliteit  Posbus 20  <b>HERMANUS</b>  7200</p> <p>Kennisgewing nr. 149/2024</p>	<p>Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), of the following application applicable to Erf 3970, Betty's Bay (the property), namely:</p> <p><b>Removal of Restrictive Title Deed Condition</b>  Application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed condition B.7.(i) and B.7.(ii) as contained in Title Deed T24576/2024 of the property to accommodate the unlawful change of use of the approved covered veranda / balcony to a bedroom and lounge and to accommodate an existing water tank that encroaches the 3m title deed lateral building line restriction.</p> <p><b>Determination of an Administrative Penalty</b>  Application in terms of Section 16(2)(q) of the By-Law for the unauthorised land use and building line encroachment as mentioned above.</p> <p>Full details regarding the proposals above are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town and Spatial Planning, 16 Paterson Street, Hermanus and at the Betty's Bay Library, Clarence Drive, Betty's Bay.</p> <p>Any comments must be in writing and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) <a href="mailto:loretta@overstrand.gov.za">loretta@overstrand.gov.za</a>) on or before <b>25 October 2024</b>, with your name, address, contact details, interest in the application and the reasons for comment. Telephonic inquiries can be made to the <b>Senior Town Planner, Mrs. H. van der Stoep</b> at 028-3138900. The Municipality may refuse to accept comments after the closing date. Any person who cannot read or write can visit the Town and Spatial Planning Department where they will be assisted by a municipal official in formulating their comments.</p> <p><b>Dr. DGI O'Neill</b>  <b>MUNICIPAL MANAGER</b>  Overstrand Municipality  P O Box 20  <b>HERMANUS</b>  7200</p> <p><b>Notice No. 149/2024</b></p>	<p>Kukhutshwe isicelo esingemiba yeSoloty lama-47 nelama-48 loMthethwana kaMasipala wase-Overstrand ngoMthethwana Osisihlomelo ngezicwangciso Zokusetyenziswa koMhlaba kaMasipala ku2020 (Umthethwana), esi Siculo sisebenziseka kwiSiza esingu-Erf 3970, Betty's Bay (umhlaba), obizwa:</p> <p><b>Ukushenxiswa kweeMeko Eziyimiqobo kwiTayitile Yobunini</b>  Isicelo ngokwemiba yeSoloty le16(2)(f) loMthethwana ngokushenxiswa kweemeko eziyimiqobo kwitayitile yobunini uB.7.(i) noB.7.(ii) njengoko kuqulathwe kwiTayitile Yobunini T24576/2024 yesiza ukulungiselela ukutshintsha ngokungekho mthethweni iveranda evunyelweyo ngokusemthethweni ukuba ibe yiveranda/ibhalkhoni ibe ligumbi lokulala negumbi lokuhlala ukulungiselela itanki lamanzi esele likhona eliphumela ngaphaya komda omiselwe kwitayitile yobunini ngeemitha ezi-3m nelime ngokomqobo womgca wesakhiwo.</p> <p><b>Inggikelelo yoMdlwi Wobhaliso</b>  Isicelo esimayela nemiba yeSoloty le16(2)(q) loMthethwana ongokusetyenziswa komhlaba okungagunyaziswanga nangokungekho mthethweni nokuphumela komgca wesakhiwo ngaphaya komda womgca wesakhiwo ochazwe ngentla.</p> <p>linkcukacha eziphelelyo mayela nesi siphakamiso ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini phakathi kwentsimbi ye08:00 neye16:30 kwiSebe: Lezicwangciso zeDolophu neNdawo, 16 Paterson Street, Hermanus naseBetty's Bay Library, Clarence Drive, Betty's Bay.</p> <p>Naziphi na izimvo ezibhaliweyo mazifike kwaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) <a href="mailto:loretta@overstrand.gov.za">loretta@overstrand.gov.za</a>) ngomhla okanye ngaphambi komhla wama-<b>25 Okthibha 2024</b>, uchaze igama lakho, idilesi, neenkukacha ofumaneka kuzo, umdla wakho kwesi siculo nezizathu zakho zokuhlomla. Imibuzo ngefowuni ingathunyelwa ku<b>Mcwangcisi Omkhulu weDolophu, Nkskz. H. van der Stoep</b> ku-028-3138900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angahambela kwiSebe Lezicwangciso zeDolophu neNdawo apho igosa likamasipala liza kumnceda ukubhala uluvo lwakhe ngokusemthethweni.</p> <p><b>Dr. DGI O'Neill</b>  <b>UMPHATHI KAMASIPALA</b>  Overstrand Municipality  P O Box 20  <b>HERMANUS</b>  7200</p> <p><b>Inothisi Nomb. 149/2024</b></p>



**DETERMINATION OF AN ADMINISTRATIVE PENALTY &  
PROPOSED REMOVAL OF A RESTRICTIVE TITLE DEED**

**ERF 3970 BETTY'S BAY  
OVERSTRAND MUNICIPALITY**

**MOTIVATION REPORT**

**1. BACKGROUND**

Plan Active Town & Regional Planners has been appointed by Mrs. S.C. Marcovecchio, the owner of erf 3970 Betty's Bay, to apply for the determination of an administrative penalty and relaxation of a title deed condition of the subject property.

The architectural draughtsperson, Ms. Ronika Chamier, submitted building plans for approval to Overstrand Municipality. The plans were previously approved with the covered veranda over the 3m eastern lateral building line. The covered veranda was however unlawfully changed to be part of the lounge and bedroom on first floor level. Since the use of the approved structure changed (the structure encroaches the applicable 3m title deed lateral building line), a title deed condition removal application must be submitted to Overstrand Municipality before the building plan can be approved. In addition, one of the water tanks is also positioned within the 3m eastern lateral title deed building line. Refer to a copy of the letter from Building Control Management dated 8 September 2023.

This application proposes to address the unlawful As Built addition / change of use of an approved structure. No new additions or alterations are proposed.



## **2. APPLICATION DETAILS**

Application is made in terms of:

- Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the determination of an **administrative penalty** of erf 3970 Betty's Bay;
- Chapter 4, Section 16(2)(f) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the **removal of a restrictive title deed condition** of erf 3970 Betty's Bay.

## **3. NEED AND DESIRABILITY**

### **3.1 PROPERTY DESCRIPTION**

Erf 3970 Betty's Bay is situated at 13 Hibiscus Road, Betty's Bay. Refer to the locality plan attached. The subject property is 770m<sup>2</sup> in extent and is held by title deed no. T24576/2024.

The subject property is level sloped and is characterized by a residential structure: double storey dwelling with double garage and a garden area. The existing structure has a footprint of 278,32m<sup>2</sup> in extent.

### **3.2 ZONING**

Erf 3970 Betty's Bay has the following land use rights:

<b>ERF NUMBER</b>	<b>ZONING</b>
Erf 3970 Betty's Bay	Residential Zone 1: Single Residential

Surrounding properties are zoned for single residential, local business, authority and public road purposes.

### 3.3 LAND USE

There is an existing double storey (ground and first floor) dwelling inclusive of a double garage situated on the subject property. The subject property is therefore used for single residential living purposes.

Land uses that surround the subject property are single residential dwellings, public open spaces, vacant properties and public roads.

### 3.4 PROPOSAL

The following is proposed:

1. The determination of an **administrative penalty** for erf 3970 Betty's Bay for the unlawful change of use of the covered veranda / balcony (positioned on the 2,085m eastern lateral building line) to bedroom and lounge on first floor level and for the water tank positioned on the 2m eastern lateral building line in terms of Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020;
2. The **removal of a restrictive title deed condition** of erf 3970 Betty's Bay in terms of Chapter 4, Section 16(2)(f) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, to remove the lateral building line condition on Page 3, paragraph B.7 of title deed no. T24576/2024 to accommodate the unlawful change of use of the approved covered veranda / balcony to a bedroom and lounge and one of the water tanks that encroach the 3m title deed lateral building line (all structures As Built and positioned on the 2,085m eastern lateral building line).

The potential of the subject property is discussed in detail in *Section 3.5 Potential of the property*.

The previous owner of the property, Mr.A.J. Marcovecchio passed away and his wife has inherited the property, they were married out of community of property. She

would like to obtain approved building plans for the subject property. The architectural draughtsperson, Ms. Ronika Chamier, submitted building plans for approval to the Overstrand Municipality. The plans were previously approved with the covered veranda over the 3m eastern lateral building line. The covered veranda was however unlawfully changed to be part of the lounge and bedroom on first floor level. Since the use of the approved structure changed (the structure encroaches the applicable 3m title deed lateral building line), a title deed condition removal application must be submitted to Overstrand Municipality before the building plans can be approved.

This application proposes to address the unlawful As Built addition / change of use and one of the water tanks. No new additions or alterations are proposed.

Detail of the proposed application for consideration:

#### **3.4.1 Rectification of contravention**

In terms of Chapter 5, Section 90(1) a person who is in contravention of the Municipal Planning Amended By-Law (2020), and submits an application to rectify the contravention, must apply to the Municipality for the determination of an administrative penalty, provided that the Municipality has not obtained and issued a demolition directive in terms of Section 85 in respect of the land or building or part thereof concerned.

As the application is for the rectification of a contravention of the By-Law (As Built approved covered veranda's / balcony's change of use to a bedroom and lounge use and water tank), an application is submitted for the determination of an administrative penalty fee in terms of Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020. However, the Municipal Planning Tribunal (MPT) has the authority not to impose such a fee.

In terms of Section 90(3) of the MPBL, the MPT must at least consider the following factors when determining an appropriate administrative penalty:



- **The nature, duration, gravity and extent of the contravention**

Mr A.J. Marcovecchio bought the subject property in 1993. He made additions to the subject property in 2004. These additions included a building line deviation to allow Mr Marcovecchio to construct up to the 1,5m eastern lateral building line. The neighbour (erf 3969 Bettys Bay) gave consent for the proposed additions to the existing structure at the time. The letter from Building Control Development dated 22 January 2004 and the neighbour's consent are attached. The addition at the time included the construction of the covered veranda / balcony of 28,95m<sup>2</sup> on the eastern erf boundary side. The covered veranda / balcony was not constructed up to the 1,5m eastern lateral building line, but only up to the 2,085m eastern lateral building line (therefore, meets the 2m land use scheme lateral building line requirement). However, a 3m title deed lateral building line applies to the subject property. The previous building plan approval gave no regard to the title deed building line and the approved structure encroaches the 3m title deed lateral building line.

Mr Marcovecchio however went on to include the balcony area (approved structure) in the bedroom and lounge area on the first floor. The approved structure therefore changed use without the necessary building plan and land use approvals.

The new owner since April 2024, Mrs. S.C. Marcovecchio was unaware that the permission (building plan approval) already obtained from the municipality, did not include the change of use from balcony to bedroom and lounge area. Mr Marcovecchio passed away in August 2023 and as part of his will the property transferred to Mrs.S.C. Marcovecchio and she would like to obtain approved building plans for the subject property.

The architectural draughtsperson, Ms. Ronika Chamier, submitted building plans for approval to Overstrand Municipality. The building plans were refused due to the change of use over the title deed lateral building line and since one of the water tanks with its raised base / foundation also encroach the same building line.

The covered veranda / balcony included in the bedroom and lounge area is 28,95m<sup>2</sup> in extent. As indicated on the site plan only 12,35m<sup>2</sup> of the As Built structure encroach the 3m eastern lateral title deed building line. That is 4,44% of the total footprint of the structure or 42,66% of the As Built (approved) balcony. A removal of

a restrictive title deed condition application is submitted simultaneously to address the building line encroachment.

The As Built bedroom and lounge form part of the first storey of the dwelling unit. It is therefore of utmost importance to our client that the structures be retained. No new additions and alterations are proposed. The water tank that encroaches the title deed building line has no impact on neighbouring properties due to its position next to the house (as an extension of the approved building).

The unlawful change of use from balcony to bedroom and lounge area is considered a habitable area but was constructed inside of the land use scheme building lines.

The position and nature of the As Built first storey bedroom and lounge area are unobtrusive in nature and do not impact negatively on the surrounding properties, as no complaint from surrounding property owners has been received up to date.

- **The conduct of the person involved in the contravention**

The As Built structure was constructed by the previous owner (the late Mr Marcovecchio) as set out above. The current owner has never contravened the land use planning By-law in the past. She addressed the matter related to the unlawful structure as soon as she was made aware of the fact and appointed the relevant consultants (architect and town planner) to assist her to obtain the necessary approvals.

- **Whether the unlawful conduct was stopped**

The previous owner (Mr. Marcovecchio) was unaware that the change of use of the approved structure required permission at the local authority. Our client was also only made aware of the unlawful structure when the building plans were submitted and rejected in 2023. The portion of the unlawful structure cannot be demolished since it is now an integral part of the dwelling. The owner now attempts to rectify the contravention by submitting the administration penalty application and subsequent



removal of restrictive title deed condition application to legalise the As Built structure on the subject property.

- **A report by a quantity surveyor in matters of unauthorised building / construction**

The owner is not familiar with construction costs, as this was handled by her late husband. In addition, these alterations were made during the building project and not after its completion. Therefore, the plans were adjusted as the construction progressed, after the latest approved building plans. Any expenses related to this matter were considered part of the construction costs at the time. No further changes have been made since then.

A report from QS+ Quantity Surveyors dated 27 July 2024 is attached showing the costs for the unauthorised building work at the current building rates. The QS made allowances for the finishes, looking at the actual finishes used. The cost for the additions to convert the balcony to living room and bedroom area was R 120 187.69 (refer to the QS report).

The costing is a bit obscured, as the changes were made during construction. Thus, there were no alterations done, but omission of work substituted for the new enclosed balcony. The QS has calculated the cost of the omission and indicated it as such.

- **Whether a person involved in the contravention has previously contravened this By-Law or a previous planning law**

To the best knowledge of the applicant and as confirmed by the landowner, Mrs Marcovecchio has ever previously contravened this By-Law or any other previous planning law.



- **Summary**

We appeal to the Overstrand Municipality to take into consideration the history of the change of use of the approved balcony structure. Also consider the low impact of the As Built structure on the surrounding area. The As Built structure has a minimal impact on the neighbouring properties since the footprint of the structure will remain unchanged and since all land use scheme regulations are met (the encroachment only applies to the title deed building line condition).

*It should also be taken into consideration that the building plans were previously approved with the covered veranda over the 3m eastern lateral building line.*

The current owner never hesitated to immediately give instruction to the consultants to assist in the matter to rectify the contravention by submitting a complete (and fully motivated) removal of a restrictive title deed condition application and submitting a determination of an administrative penalty application. We therefore respectfully request that no penalty fee be imposed on the current property owner for the reasons given above.

### **3.4.2 Removal of restrictive title deed conditions**

It is proposed to remove the following restrictive title deed condition registered by the Administrator (now the Overstrand Municipality) to allow the owner to retain the As Built extended lounge and bedroom on first storey level. The approved covered veranda / balcony on first floor changed use and was altered to form part of the habitable space of the dwelling. A section thereof was included in the bedroom and the other section was included in the lounge area. The approved structure was altered, and the use changed without the necessary building plan approval. *Take note that the unlawful change of use of the covered veranda to a bedroom and lounge use within the approved structure does not encroach the Overstrand Municipality Land Use Scheme Regulations' (2020) lateral building line of 2m.* The bedroom and lounge structure are positioned 2,085m from the eastern lateral erf boundary. In addition, one of the existing water tanks are also positioned within the 3m eastern lateral title deed building line (also positioned 2,085m from the eastern erf boundary). The title deed has stricter 3m lateral building line and as a result the

change of use of the veranda to a bedroom and lounge use triggers a title deed building line removal.

No new additions / alterations are proposed – it is proposed to accommodate the As Built structure and water tank in its current position only.



*Image 1: As Built lounge and bedroom on first storey level and water tank positioned on the 2,085m eastern lateral building line.*

To accommodate the As Built lounge and bedroom on the first storey (approved covered veranda / balcony), it is proposed to remove the lateral building line condition on Page 3, paragraph B.7 i. & ii. of title deed no. T24576/2024 that reads as follow:

*"B. SUBJECT FURTHER to the conditions contained in Deed of Transfer No. T45069/1980 and imposed by the Administrator of the Province of the Cape of Good Hope in terms of Ordinance 33 of 1934 when approving of the establishment of BETTYS BAY TOWNSHIP EXTENSION NO 3 which conditions read:*

*7. No building or structure or any portion thereof except boundary walls and fences shall, except with the consent of the Administrator, be erected nearer than 5 metres*

*to the street line which forms a boundary of this erf, nor within 3 metres of the rear or 3 metres of the lateral boundary, common to any adjoining erf, provided that with the consent of the local authority:-...*

- i. An outbuilding used solely for the housing of motor vehicles and not exceeding 3 metres in height, measured from the ground floor of the outbuilding to the wall-plate thereof, may be erected within such side and rear spaces and any other outbuilding of the same height may be erected within the rear space and side space for a distance of 12 metres measured from the rear boundary of the erf, provided that in the case of a corner erf, the distance of 12 metres shall be measured from the point furthest from the streets abutting the erf;*
- ii. An outbuilding in terms of sub-paragraph (i) may only be erected nearer to a lateral or rear boundary of a site than the above prescribed spaces, if no windows or doors are inserted in any wall facing such a boundary;”*

The reason for the removal of the conditions specified above is as follows:

- The common boundary (lateral) building line condition is more restrictive (3m) than the land use restrictions prescribed in the Overstrand Municipality Land Use Scheme Regulations, 2020, which is 2m. The As Built extended bedroom and lounge (approved as covered veranda / balcony and changed use) and water tank were constructed on the 2,085m eastern lateral building line and therefore the 3m common boundary building line condition is more restrictive for the As Built dwelling and position of the water tank. It is proposed to remove the building line condition since the Overstrand Land Use Scheme Regulations (2020) now govern land use planning in Betty’s Bay and therefore the more restrictive building line condition is considered superfluous.
- There are approved garages on the subject property that does not meet the *“within the rear space and side space for a distance of 12 metres measured from the rear boundary of the erf”* title deed condition.

Section 39(5) of the Land Use Planning Act (LUPA), 2014, stipulates that a Municipality should have regard to the following factors when considering the “removal, suspension or amendment of a restrictive condition”:

- ***The financial or other value of the rights in terms of the restrictive conditions enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement***

The removal of the restrictive condition intends to increase the use rights of the property to permit the As Built dwelling house and water tank as described above. The value of the rights is vested in the owners of the Betty's Bay Township Extension No. 3 where erf 3970 Betty's Bay is situated.

Property owners not seeking that the title deed building line restriction should be in line with the zoning scheme regulations' restrictions will favour the restrictive title deed condition since the condition impedes the development of a residential property in line with the zoning scheme. The As Built dwelling house with double garage and water tanks meet the 2m and 4m Municipal land use scheme building lines requirement.

The As Built development (and its title deed encroachment) is not an unusually large-scale form of development that encroaches the lateral title deed building line. No municipal land use scheme building lines are encroached.

- ***The personal benefits which accrue to the holder of rights in terms of the restrictive conditions***

The condition was imposed by the Administrator for the benefit of a specific township extension of Betty's Bay. The personal benefit to each holder is that the property is more restricted in terms of developing the subject property. It should however be noted that no new development is proposed. The Administrator is now the Overstrand Municipality, who governs land use applications in line with the existing Land Use Scheme Regulations and relevant spatial planning policies. To keep the title deed building line condition will neither have any personal benefit to the Administrator / Overstrand Municipality nor the properties in whose favour the condition was registered. As previously explained the encroachment is on the eastern common erf boundary only, with no direct neighbour's views or privacy being threatened.

- ***The personal benefits which will accrue to the person seeking the removal of the restrictive conditions, if they are removed***

The removal of the restrictive title deed condition will bring about personal benefits to the landowner since it will allow her to retain the As Built dwelling on the subject property. The 5m and 3m street and common boundary building lines as stipulated in the title deed make the developable area of the property smaller. With this application proposal the 3m common boundary title deed building line prohibits approval of the As Built bedroom and lounge area on first storey level. The aforementioned structure meets the 2m lateral building line requirement in terms of the land use scheme regulations.

The property owner will be able to enjoy the personal benefits of the As Built structures without repositioning the water tanks on site or demolishing sections of the dwelling and / or reverting to the approved balcony use. To remove the title deed restriction will allow the property owner to retain the As Built dwelling and water tank that was developed in line with the land use scheme regulations.

- ***The social benefit of the restrictive conditions remaining in place in its existing form***

The social benefit if the title deed condition was to remain unchanged and enforced will be minimal. If the condition remains unchanged, the owner must adhere to the title deed's stricter building lines, and she will not be able to retain the As Built bedroom and lounge on first storey level and the water tank on ground storey level and subsequently obtain the required building plan approval. The impact on the neighbouring properties with regards to privacy, views, noise, etc. will be marginally lower since the title deed's building lines are more restrictive than the land use scheme regulations' building lines.

To keep the title deed building line will have no benefit to neither the property owner nor the adjacent properties since the position of the structure still adheres to the land use scheme's building lines and since the structure is already built. In addition, the

adjacent property on the eastern side where the encroachment of the title deed building line applies, is a vacant portion of land. The As Built bedroom and lounge area on first storey level and water tank on ground storey level will have a low impact on the adjacent properties. The garage was already approved at its current position.

- ***The social benefit of the removal or amendment of the restrictive conditions***

The removal of the restrictive title deed condition will allow the scheme regulations' building lines to set the rules for future development on the subject property. Any new development will have to adhere to the scheme regulations or alternatively a new land use application must be submitted to address any proposed encroachments. The social benefit will therefore only be to the property owner of erf 3970 Betty's Bay since it will allow her to retain the As Built dwelling and water tanks that already meet the land use scheme regulations' building lines requirement.

- ***Whether the removal, suspension or amendment of the restrictive conditions will completely remove all rights enjoyed by the beneficiary or only some of those rights***

The removal of the restrictive condition will not remove all rights enjoyed by the beneficiaries, but only some rights and will instead expand the value of these rights to accommodate the As Built structures. All other title deed conditions not mentioned in this report will be retained.

From the above as well as the motivation in Sections 3.4 and 3.5 of this report it is evident that the removal of the restrictive title deed condition can be favourably considered.

The following should be noted when considering the As Built structure:

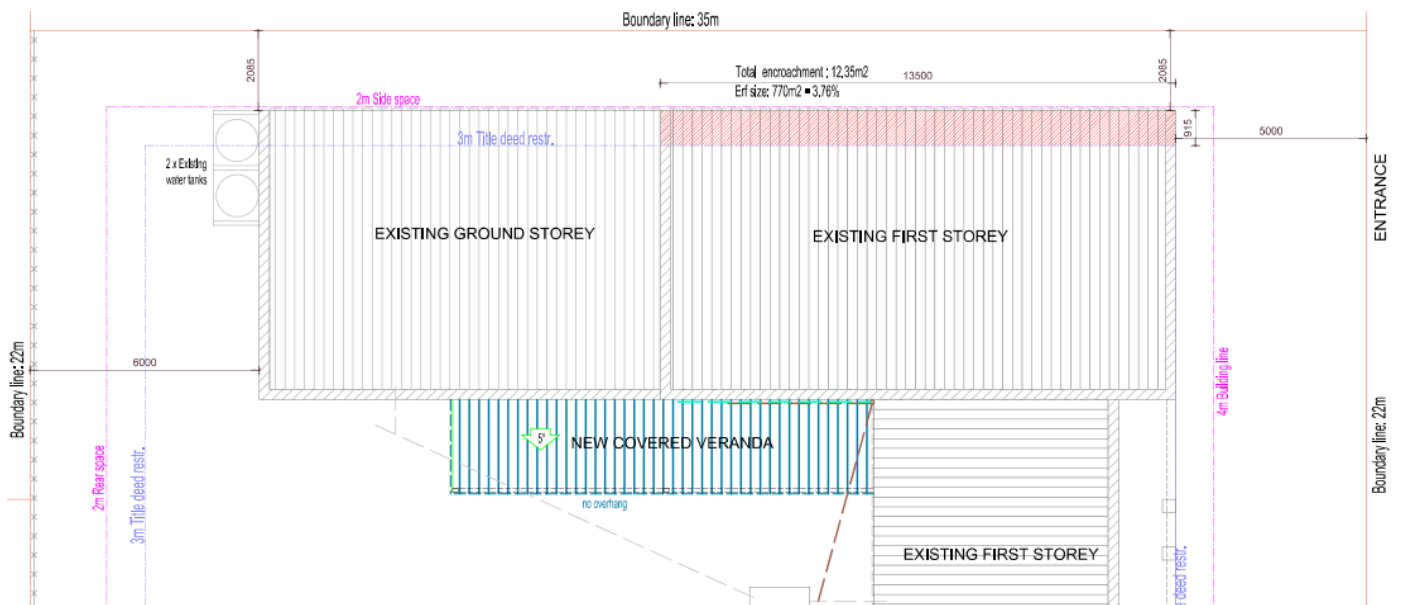
- The unlawful addition to the dwelling was not undertaken by our client, but by her late husband (they were married out of community of property).
- No new additions or alterations to the As Built structure are proposed with this application.
- The visual impact is considered minimal since the encroachment is only on



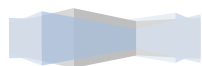
one erf boundary (eastern erf boundary; vacant neighbouring property) and still meets the land use scheme building line requirements.

- The materials used are aesthetically pleasing.
- The As Built lounge and bedroom on first storey level are an integral part of the dwelling on the subject property thus to demolish the structure to make it compliant to the title deed eastern lateral building line, will diminish the aesthetic value and property value.

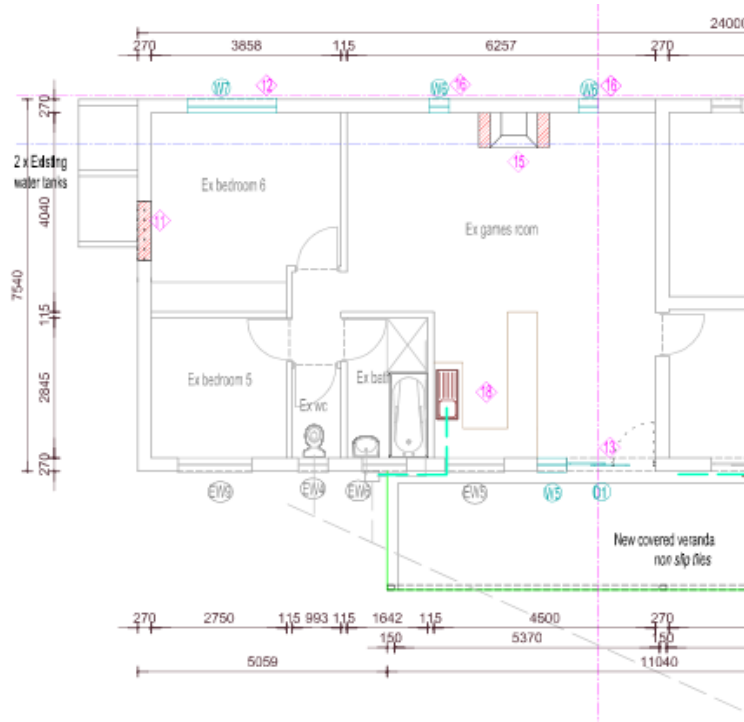
Refer to the attached site development plan, floor layout and elevations attached and included below:



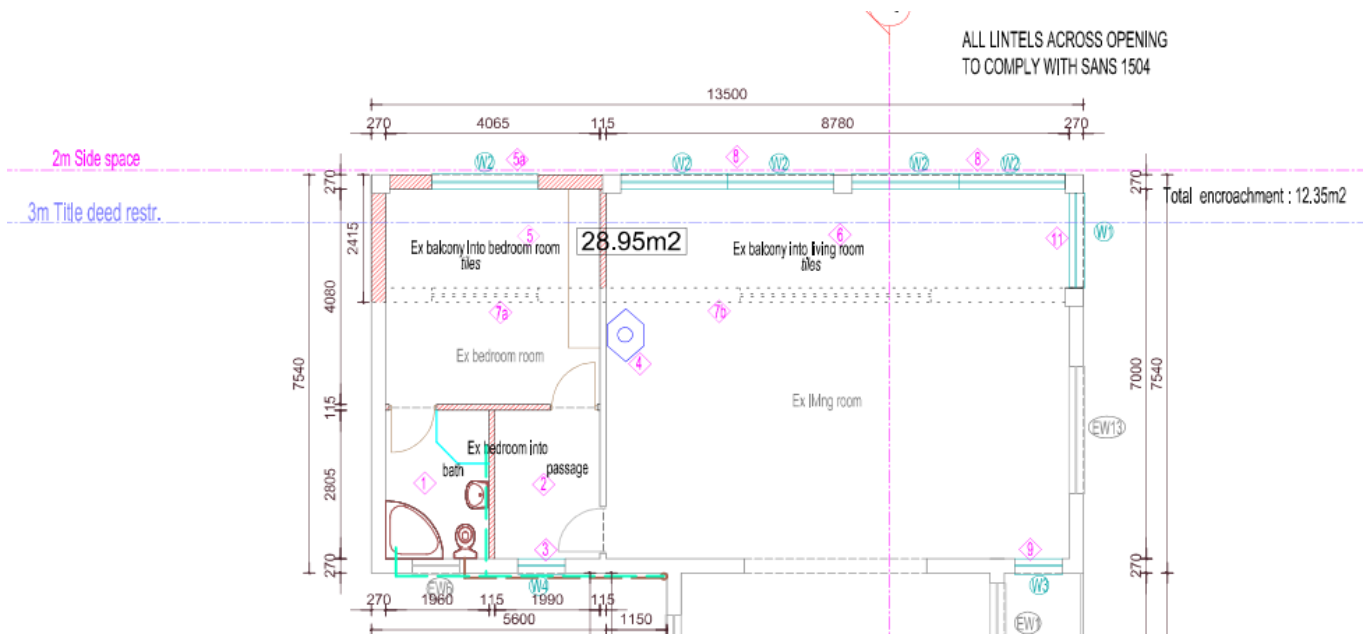
Map 1: Site plan



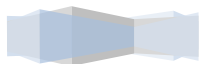


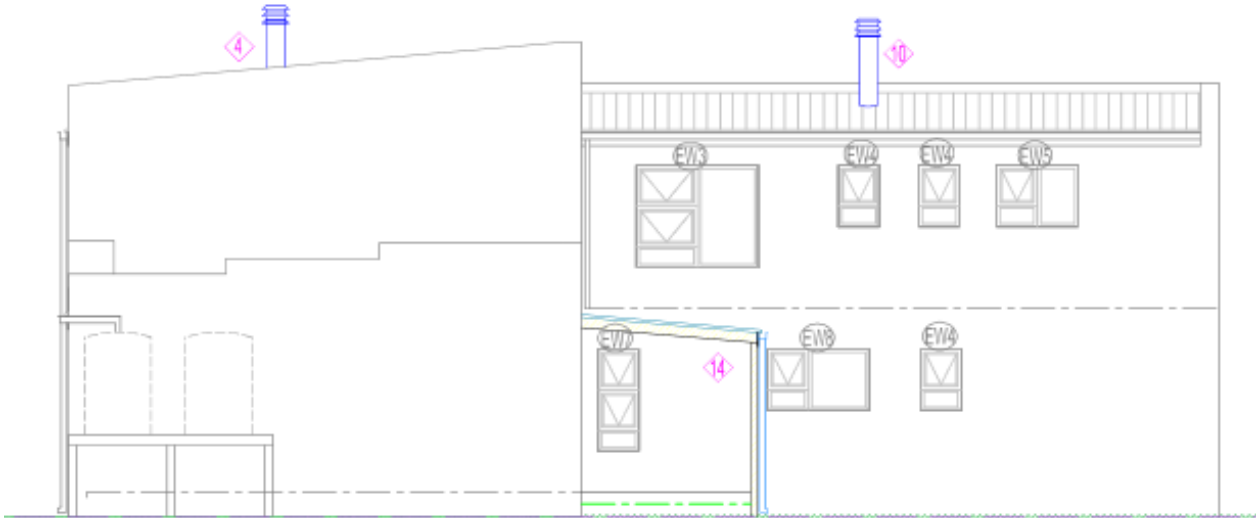


Map 2: Ground floor layout – position of water tanks base / foundation)



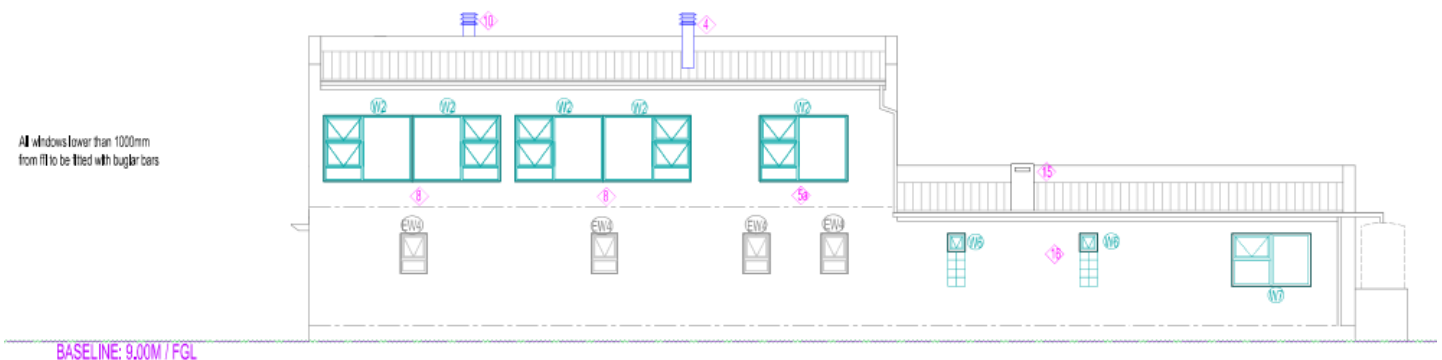
Map 3: First floor layout (As Built bedroom and lounge)





**NORTH EAST ELEVATION**  
SCALE 1:100

*Map 4: North-east elevation (water tanks)*



**SOUTH EAST ELEVATION**  
SCALE 1:100

*Map 5: South-east elevation (As Built bedroom and lounge on first floor level)*

The proposed application does not have any impact on the character or property values of the surrounding properties. The existing structures on the subject property do not create an infringement to any passing traffic or public activity due the position of the As Built structures on site in relation to the existing structures on the neighbouring properties and the compliance with the land use scheme regulations.



It is submitted that the massing and height of the existing structures are compatible with the character of the area, regardless of the departure being applied for.

The zoning of erf 3970 Betty's Bay will remain unchanged (Residential Zone I: Single Residential) as well as the primary land use (single residential purposes). The height of all the structures on the subject property complies with the permissible height requirements for SR1 zoned properties. The building and uses thereof that encroach the lateral title deed building line, as indicated on the site development plan, already exist and the application addresses existing structures that encroach the title deed lateral building line. Consequently, the proposed removal of the restrictive title deed condition will not have a greater visual impact on the surrounding properties. The impact on the adjacent property owners and the passers-by will therefore be marginally higher than if these structures did not exist.

The area schedule and coverage for the subject property are as follows:

SINGLE RESIDENTIAL OCCUPATION CLASSIFICATION : H 4			
TOWN PLANNING REQUIREMENTS			
	NEW	EXISTING	COVERAGE
GROUND STOREY		240.95m <sup>2</sup>	240.95m <sup>2</sup>
COVERED VERANDA		10.7m <sup>2</sup>	10.7m <sup>2</sup>
NEW COVERED VERANDA	25.58m <sup>2</sup>		26.58m <sup>2</sup>
FIRST STOREY		132.84m <sup>2</sup>	
EXISTING BALCONY INTO BEDROOM / LIVING AREA		28.95m <sup>2</sup>	
BALCONY		10.7m <sup>2</sup>	
<b>TOTAL</b>	<b>25.58m<sup>2</sup></b>	<b>424.14m<sup>2</sup></b>	<b>278.23m<sup>2</sup></b>
<b>ERF SIZE : 770M<sup>2</sup></b>			<b>36%</b>

The total coverage of 36% does not exceed the maximum permissible coverage of 50% for SR1 zoned properties.

It is submitted that the existing structures are compatible with the character of the area, do not impact negatively on the rights of anyone else and that no good reason exists for not approving this application. When considering the proposed removal of the restrictive title deed condition, the point of departure is the need to discourage the phenomenon of urban sprawl and to encourage densification and more compact towns and cities, all of which relates to more responsible resource use or sustainable development.

The proposed removal of the restrictive title deed condition is not in contrast to the existing land use tendencies in the surrounding environment and we therefore do not foresee any problems with the proposed application.

### **3.5 THE POTENTIAL OF THE PROPERTY**

The zoning and primary land use of the subject property will remain unchanged. The location of the subject property within a single residential area allows the property to be developed for low impact land uses only (such as bed-and-breakfast establishments, day care, second dwelling, guest house and home occupation uses). The proposed removal of the restrictive building line title deed condition will not hinder any possible future land use applications on erf 3970 Betty's Bay.

The subject property has the potential and allows for the deviations being applied for since the As Built structures have been on the subject property for a considerable period without any complaints to the municipality from neighbours. All existing structures meet the maximum of 8m height requirement for SR1 zoned properties as depicted on the site development plan.

The following should be noted when considering the potential of the site:

- The visual impact will be kept to a minimum since the structures have been on the property for a few years now and no new additions / alterations are proposed.
- The massing and scale of the As Built structures are compatible with the area.
- Except for the title deed lateral building line encroachment, all other land use parameters are met.
- The As Built bedroom and lounge on first storey level are an integral part of the dwelling on the subject property, thus to demolish the structure to make it compliant to the title deed building line, will diminish the aesthetic value and property value.



The scale of the surrounding built environment and the low impact on the streetscape are also factors that must be considered when contemplating the potential of the property to accommodate the removal of the building line title deed condition. The following factors confirm the potential of the property to accommodate the proposed application:

- good quality materials were used when the existing structures were built;
- the height of the As Built and approved structures will remain unchanged;
- The As Built unlawful structures have been in existence for a few years, with no complaints from neighbours. No alterations or additions to these structures are proposed;
- The As Built structures add value to the subject property.

### **3.6 ECONOMIC IMPACT**

The proposed removal of a restrictive title deed condition is to accommodate existing structures and uses thereof. The proposed application will allow the legalisation of the existing structures on the subject property.

The approval of the existing structures will save our client the cost of demolishing these structures. The proposed removal of the restrictive title deed building line condition will have a low but positive impact on the local economy.

### **3.7 SOCIAL IMPACT**

The proposed application will have no impact on the social status quo of the area. The removal of the restrictive title deed building line condition will however allow the owner to keep the existing As Built structures and water tanks in its current position on the subject property.



No negative impact on the social wellbeing of the surrounding community is anticipated. It is submitted that the existing developed property is compatible with the character of the area and does not impact negatively on the rights of anyone else.

### **3.8 COMPATIBILITY WITH SURROUNDING LAND USES**

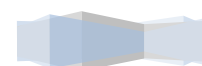
The subject property is situated in an existing low-density residential area. The application does not propose to change the zoning or land use of the subject property and therefore the proposal is compatible with the surrounding land uses.

The surrounding properties are developed with dwellings and the use of the developed surrounding properties is for permanent residences and holiday houses. There is a vacant property situated adjacent to erf 3970 Betty's Bay and there are also other vacant erven in the surrounding area. The scale of the structures on erf 3970 Bettys Bay (and the respective uses thereof) merges well with the scale of the surrounding dwellings in the immediate area.

In addition, to accommodate (legalise) the existing As Built structure and water tank that encroach the eastern lateral title deed building line will contribute towards the value of the subject property and consequently have a positive impact on the area. The As Built addition, that complies with existing zoning regulations, will not disrupt the social fabric of the neighbourhood. The existing developed property seamlessly integrate into the existing community without causing any significant social upheaval.

### **3.9 IMPACT ON EXTERNAL ENGINEERING SERVICES**

All services on the subject property already exist. The As Built structures will have no impact on the scale and usage of the existing available services since no additional loading of the existing civil infrastructure is anticipated.



### **3.10 IMPACT ON SAFETY, HEALTH AND WELLBEING OF SURROUNDING COMMUNITY**

The proposed removal of a restrictive title deed condition will have no impact on the general safety and wellbeing of the surrounding community. It is anticipated that a maximum of one family (primary dwelling) will continue to occupy the subject property.

Since the proposed removal of a restrictive title deed condition is not associated with a noxious trade with polluting air emissions the impact on the health of the community will be kept to a minimum.

### **3.11 IMPACT ON HERITAGE**

The application does not involve changing the character of a site larger than 5 000m<sup>2</sup>. Consequently, the proposed application for the removal of a restrictive title deed condition does not trigger Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

Erf 3970 Betty's Bay is not situated within the Heritage Protection Overlay Zone as determined by the Overstrand Municipality's Zoning Scheme (2020). The subject property is also not earmarked for heritage conservation purposes with reference to the Overstrand Municipal Growth Management Strategy (2010).

The dwelling on the subject property is not older than 60 years. 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 application will not have a negative impact on the heritage value of the Betty's Bay area.



### **3.12 IMPACT ON THE BIOPHYSICAL ENVIRONMENT**

The proposed removal of a restrictive title deed condition does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

The subject property is not situated within the Overstrand Municipality's Zoning Scheme Environmental Management Overlay Zone (2020).

### **3.13 TRAFFIC IMPACT, PARKING AND ACCESS**

Access to erf 3970 Betty's Bay will remain unchanged and will be from Hibiscus Road. Refer to the site development plan. No new access points are proposed.

The Overstrand Municipality Land Use Scheme (2020) stipulates that a minimum of two parking bays are required for a dwelling house (main dwelling). There is an approved double garage on ground floor level on erf 3970 Betty's Bay that provides parking for the main dwelling. Considering the above the main dwelling on erf 3970 Betty's Bay therefore complies with the minimum parking requirements for SR1 zoned properties.

The subject property will still be used primarily for single residential purposes and therefore the impact on the traffic flow in the area will remain unchanged.

### **3.14 TITLE DEED**

Title Deed No. T24576/2024 has a restriction that needs to be removed to accommodate the As Built change of use of the approved covered veranda / balcony to bedroom and lounge and to accommodate one of the water tanks in its current position on erf 3970 Betty's Bay. A conveyancer's certificate that was compiled by



Mr H.L. van Zyl at Van Zyl Kruger Attorneys is attached. The removal of the restrictive title deed condition application is described in detail in Section 3.5 of the report.

There is no bond registered against the subject property.

### **3.15 FORWARD PLANNING AND LAND USE DOCUMENTS**

The *Overstrand Spatial Development Framework (2020)* earmarks the area where erf 3970 Betty's Bay is situated, for urban development purposes. The zoning and use of the subject property will remain unchanged (Residential Zone 1: Single Residential). As a result, the impact of the proposed removal of the restrictive title deed building line condition on the spatial integrity of the area will be minimal and is therefore consistent with the Overstrand SDF (2020).

The *Overstrand Municipal Growth Management Strategy (OMGMS, 2010)* specifies that erf 3970 Betty's Bay forms part of Planning Unit no. 3. This planning unit stipulates that the status quo of the area (i.e. single residential) must be maintained.

With this application no new development is proposed. The erf size will be retained and no densification in the form of a second dwelling unit or subdivision is proposed. The proposal will therefore have no impact on the density of the area while still retaining the status quo. The proposal will promote land development in a location that is sustainable. The proposed removal of a restrictive title deed condition is to an improved erf within an established residential area and will not impact on urban sprawl or upon a sensitive environment.

From the above it is evident that the proposed development **adheres and complies** with the relevant municipal spatial planning policies.



### 3.16 PLANNING PRINCIPLES

The planning principle of spatial resilience does not apply to this application.

Spatial justice: The proposed land use application ties in with the existing character of the area and will not have a negative impact on the surrounding neighbours. The impact on the biophysical environment will be low as the subject property has been in existence since 1971. The proposed application will not promote spatial development imbalances. This application is for an erf as per the establishment of the existing Betty's Bay Township. The proposed application is in character with the existing area where similar applications have been approved in the past and therefore, the approval of the proposed application will not be spatially biased.

Spatial sustainability: The proposed removal of a restrictive title deed condition will have no impact on the visual elements of the subject property and surroundings since the structures that encroach the eastern lateral building line already exist. It is submitted that the proposed application is compatible with the character of the area (as motivated in previous sections of this report). The encroachment of the building line has no impact on the massing of the building and the impact on the streetscape or passers-by. The As-Built unlawful structures merge well with the approved structures. The impact on the biophysical environment will also be kept to a minimum since the structures already exist.

Factors such as the good quality materials used, the overall layout of the structures on the subject property, the scale of the surrounding built environment, the low impact on the streetscape, the compliance with the land use scheme building lines, etc. allow for the consideration and approval of the proposed removal of a title deed condition application without having an adverse impact on the spatial sustainability of the area. To accommodate the As Built structures is to an improved erf within an established residential area will not impact on urban sprawl, or upon a sensitive environment.



The application is considered spatially sustainable as the existing property will be more optimally utilised without affecting natural vegetation. The property is compatible with the character of the area and do not impact negatively on the rights of any adjacent property owners.

Efficiency: The subject property is easily accessible and conveniently located in close proximity to major routes. The massing, height and building lines are in line with the relevant land use scheme regulations. It proofs to be resourceful to approve the As Built structures with the respective uses thereof on the subject property since it is compatible with the existing built environment and the way the change of use of the approved structure was done is aesthetically pleasing.

It proofs to be efficient to accommodate the existing structures and its current uses by approving the proposed removal of restrictive title deed condition of erf 3970 Betty's Bay instead of demolishing the structures and as a result negatively impact on the whole look and feel of the subject property.

The proposed application proofs to be efficient since it discourages the phenomenon of urban sprawl, encourages densification and more compact towns and cities, all of which relates to more responsible resource and infrastructure use and sustainable development. Furthermore, the proposal is efficient in that it optimizes existing resources and infrastructure and continues the existing suburban development typology.

Good administration: Our firm 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 Amendment By-law on Municipal Land Use Planning, 2020.



#### **4. RECOMMENDATION**

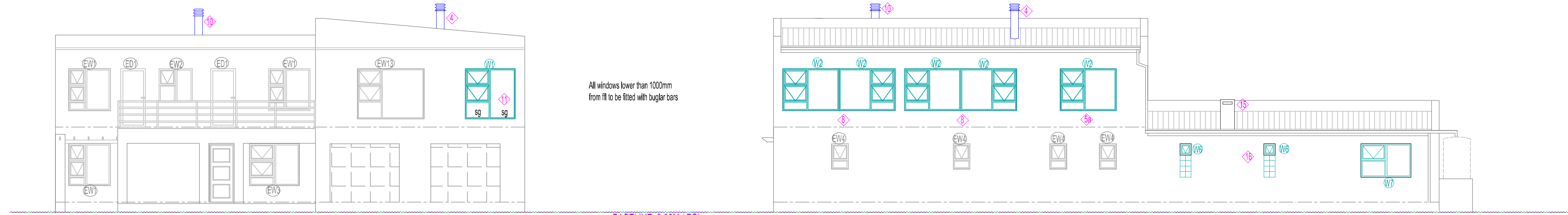
When this application is evaluated, it is important to take note of the following:

- All services on the subject property already exist and no additional loading of the existing infrastructure is anticipated;
- The zoning and primary land use of the subject property will remain unchanged;
- The As Built structures meet the 2m eastern lateral land use scheme regulations' building line requirement;
- The proposal is to accommodate As Built structures only. No new development is proposed;
- The proposal is compatible with the existing built character of the area;
- Impact on the traffic will be kept to a minimum;
- There are no heritage aspects that will negatively impact the application;
- There are no environmental aspects that will negatively impact the application and the application will not have a negative impact on any environmental factors;
- The proposal is compatible with the spatial planning strategies for the area;
- The application is fully compliant with the applicable planning principles described in the LUPA (2014) and SPLUMA (2013);
- We request that a penalty fee not be imposed.

The application can be supported for your favourable evaluation. The opinion is held that this application will have no negative impact on the land values, privacy, built environment and character of the area.

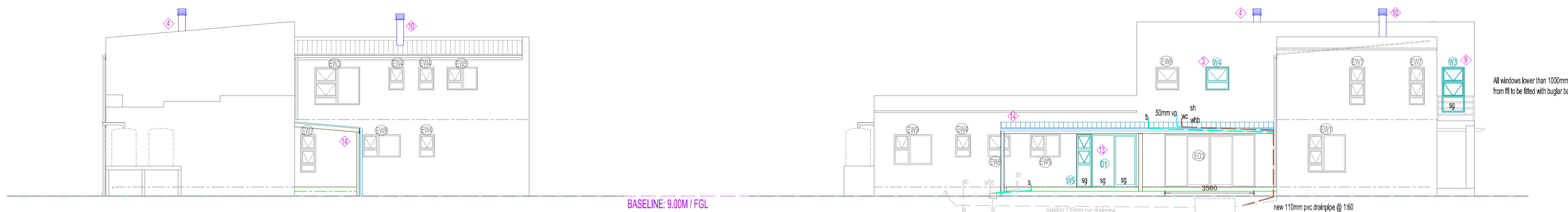


**GENERAL NOTES**  
 THIS PLAN REFLECTS "AS BUILT" DEVIATIONS FROM APPROVED PLAN DD 15/05/2001.  
 NO NEW CONSTRUCTION TO BE DONE  
 BOUNDARY BEACONS TO BE EXPOSED & DEMARKED



**SOUTH WEST ELEVATION**  
 SCALE 1:100

**SOUTH EAST ELEVATION**  
 SCALE 1:100



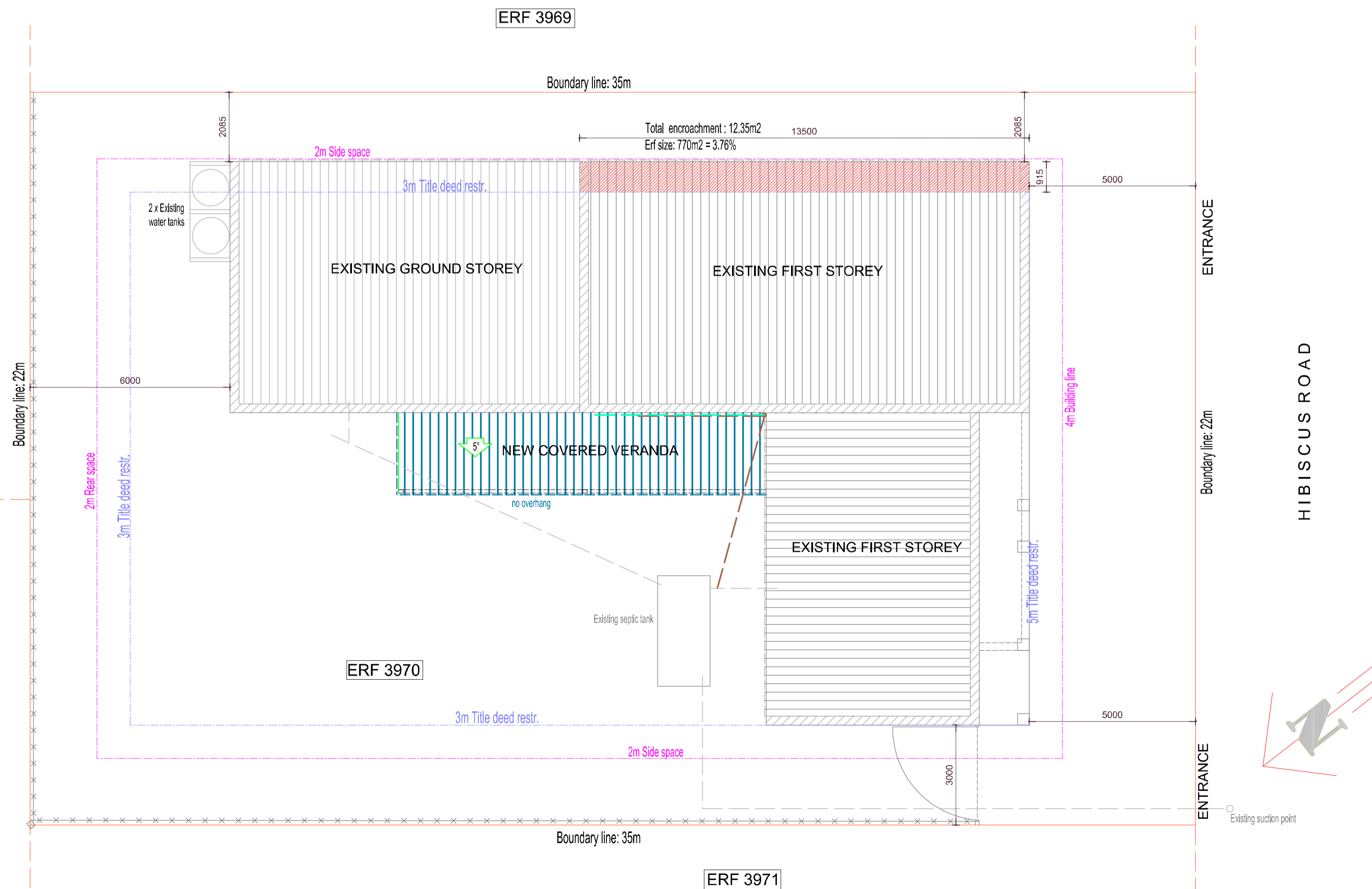
**NORTH EAST ELEVATION**  
 SCALE 1:100

**NORTH WEST ELEVATION**  
 SCALE 1:100

**SITE OPERATIONS**

This plan reflect "as built" deviations from approved plan. No new work is to be done. No site operations required

PROPERTY IS BASICALLY FLAT  
 L'NGL: 9.00M  
 H'NGL: 9.00M  
 BASELINE: 9.00M  
 8M HEIGHT REST: 17M



**SITE PLAN & ROOF LAY-OUT**  
 SCALE 1:100

**INDEMNITY NOTICE:**  
 This plan reflect "as built" deviations from approved plan dd 15/05/2001. The author of this drawing is not the designer of the additions & alterations and therefore indemnify itself from the compliance with SANS 10400 and any other applicable regulations and cannot be held responsible for any non-compliance that might result in any damages or failure in the structure.

**SINGLE RESIDENTIAL**  
**OCCUPATION CLASSIFICATION : H 4**

**TOWN PLANNING REQUIREMENTS**

	NEW	EXISTING	COVERAGE
GROUND STOREY		240.95m2	240.95m2
COVERED VERANDA		10.7m2	10.7m2
NEW COVERED VERANDA	25.58m2		26.58m2
FIRST STOREY		132.84m2	
EXISTING BALCONY INTO BEDROOM / LIVING AREA		28.95m2	
BALCONY		10.7m2	
<b>TOTAL</b>	<b>25.58m2</b>	<b>424.14m2</b>	<b>278.23m2</b>
ERF SIZE : 770M2			36%

**PROJECT**  
 "AS BUILT" DEVIATIONS FROM APPROVED PLAN DD 15/05/2001 ON ERF 3970, 13 HIBISCUS ROAD, BETTYS BAY

**CLIENT**  
 AJ MARCOVECCHIO

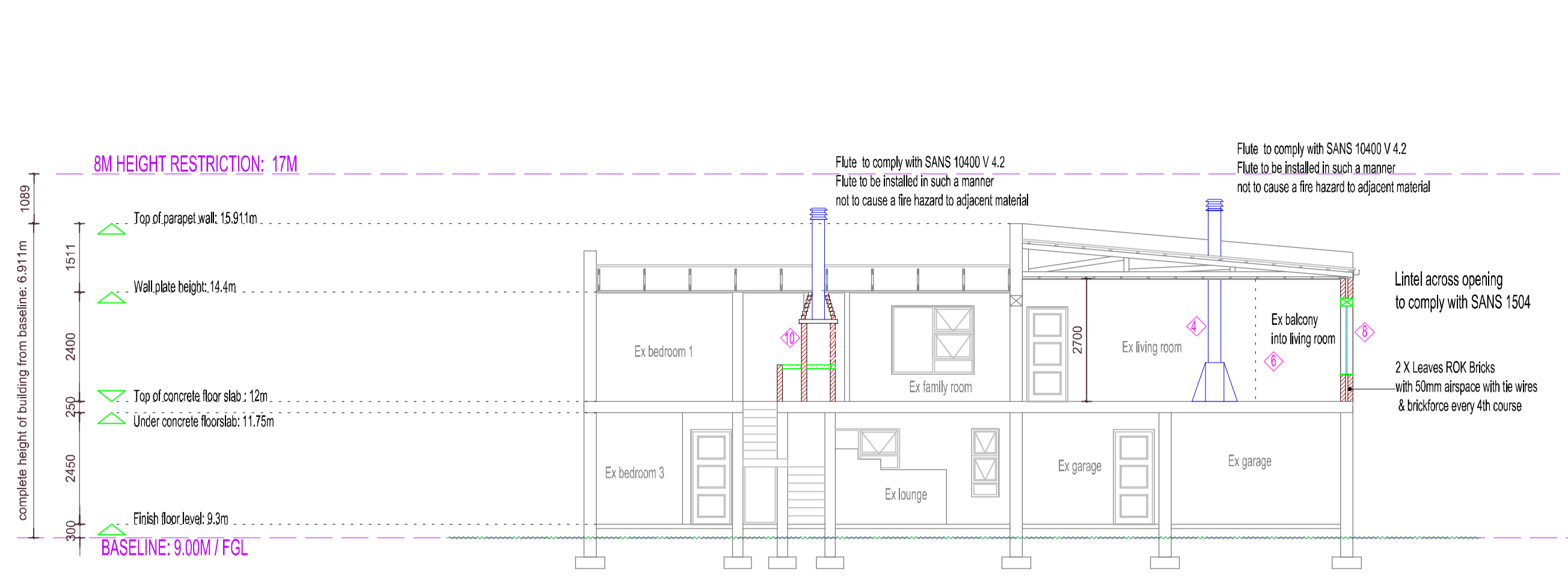
**DRAWING :**  
 ELEVATIONS  
 SITE PLAN & ROOF LAY-OUT

DATE: 03/09/2023 PLAN NO: BB3970/2023  
 REVISED: SHEET NO: 1 OF 2

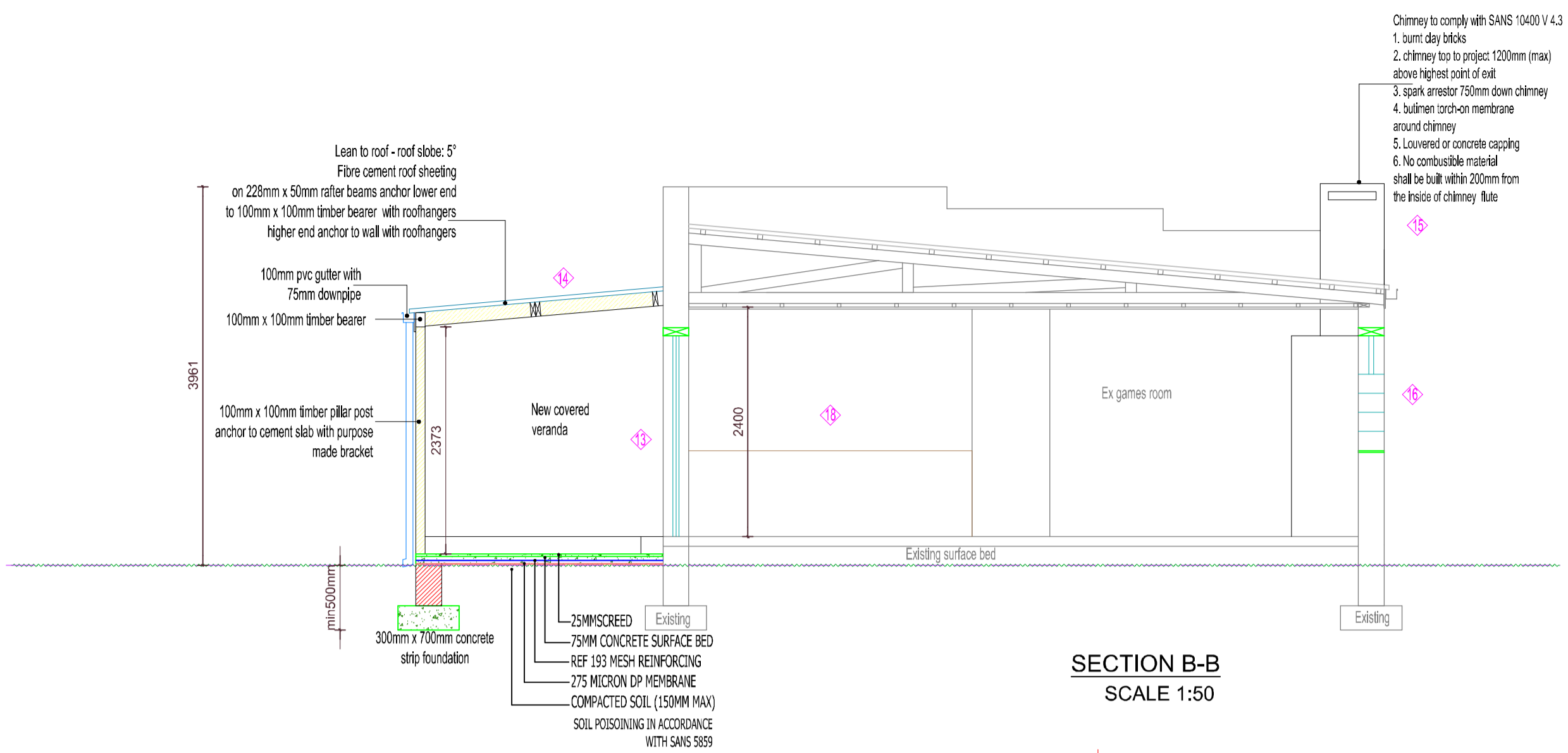


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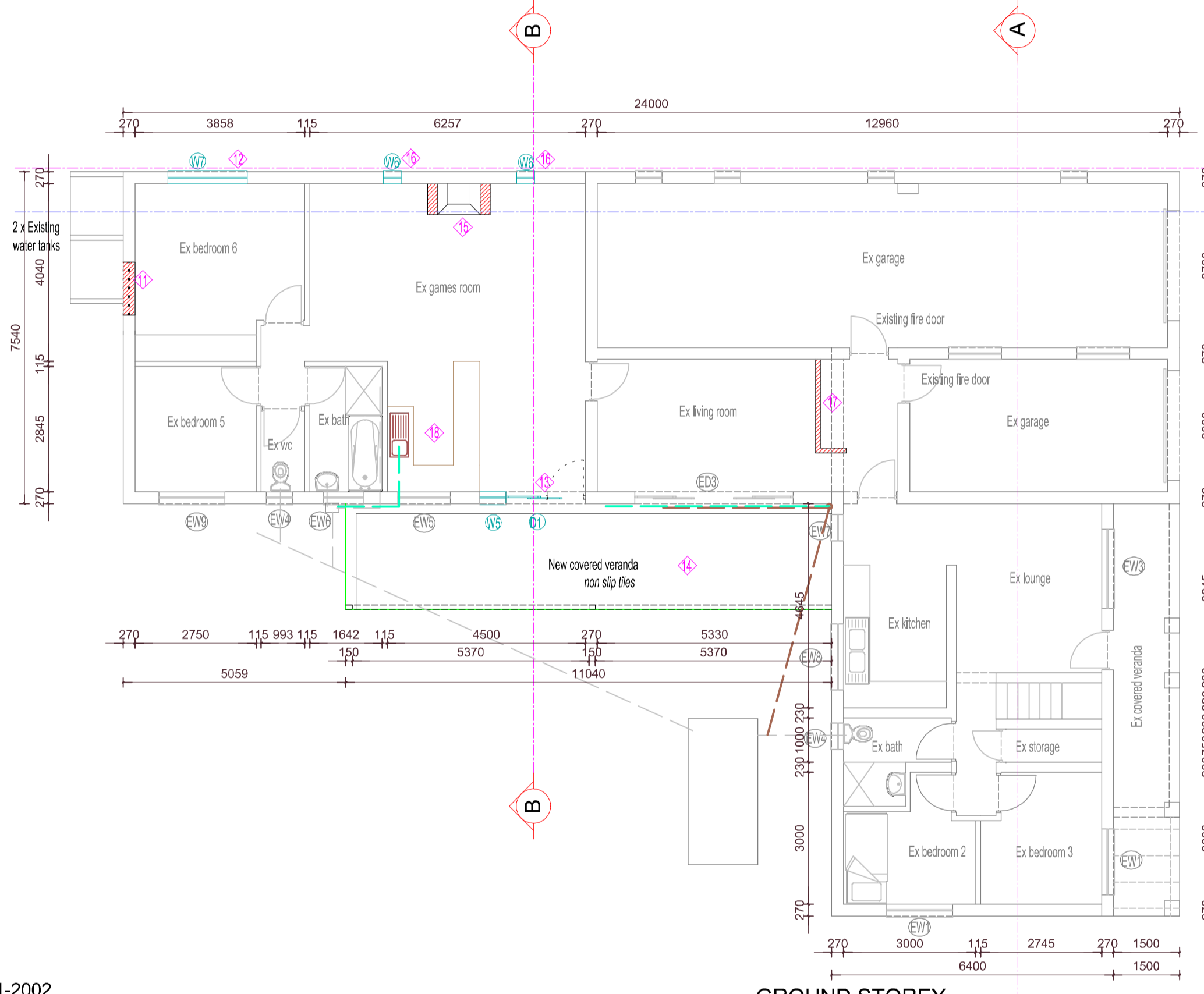




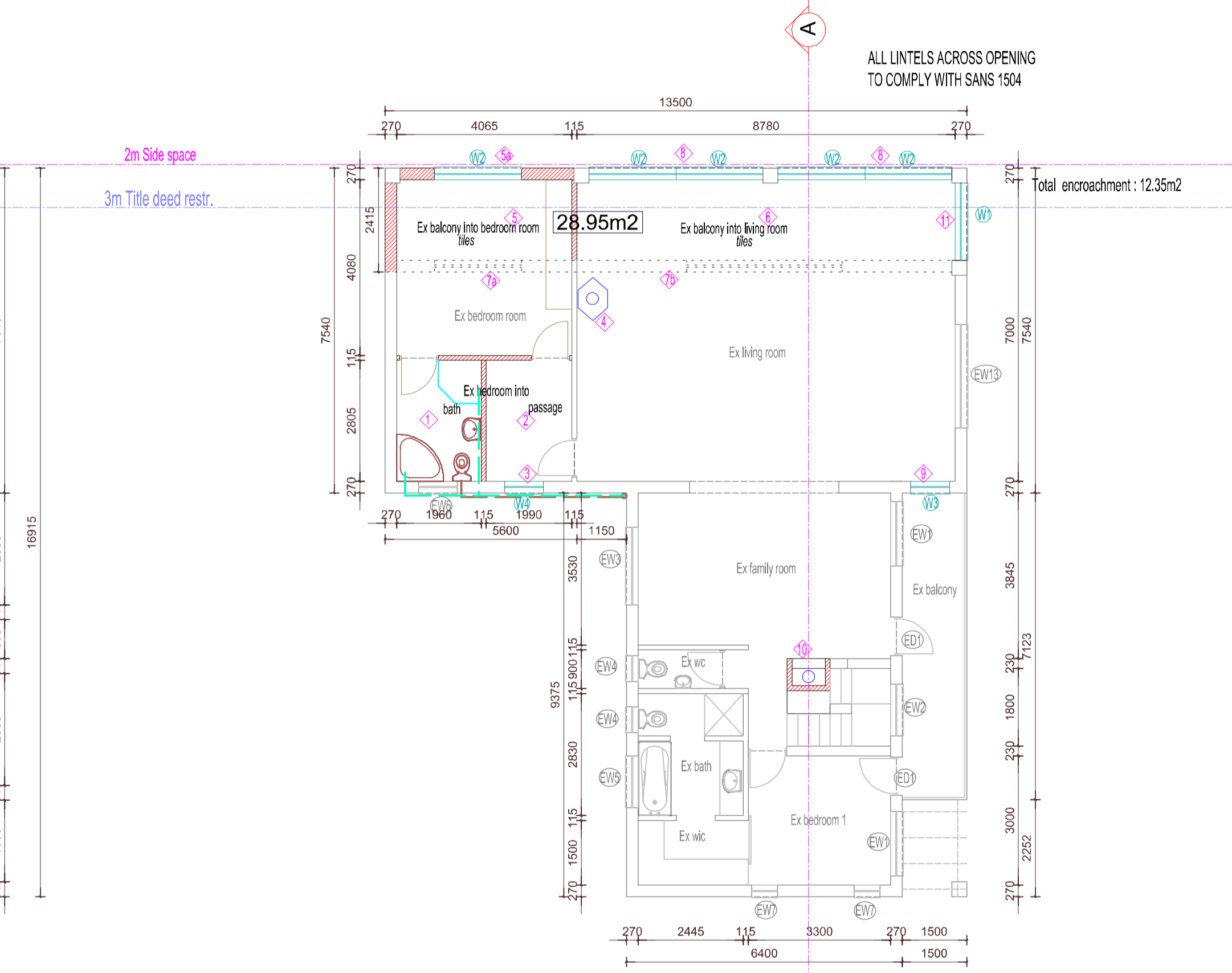
SECTION A-A  
SCALE 1:100



SECTION B-B  
SCALE 1:50



GROUND STOREY  
SCALE 1:100



FIRST STOREY  
SCALE 1:100

- DEVIATION FROM APPROVED PLAN DD 15/05/2001**
- Existing bedroom into new bathroom
  - Existing bedroom into new passage
  - New window in study
  - New fire place installed
  - Existing balcony into bedroom
  - New position for window
  - Existing balcony into living room
  - Wall & sliding door removed
  - New windows - refer to window schedule
  - New window - refer to window schedule
  - New braai built with chimney
  - Existing window removed
  - New position for window - refer to window schedule
  - Existing door replaced with sliding door & sidelight - refer to window schedule
  - New covered veranda
  - New braai built with chimney
  - New window & glass bricks
  - New laundry area created with 115mm screen wall
  - New kitchen fitted

DEVIATION OCCUR WHEN THE ADDITIONS WAS DONE IN 2001-2002  
SANS 10400 XA NOT APPLICABLE

WINDOW & DOOR SCHEDULE & FENESTRATION CALCULATION - ALUMINIUM FRAMING

Storey	Glazing Elements			Glazing Elements size			Sector	SHADING					GLAZING ELEMENT PERFORMANCES			SCCP	
	No	Type	Qty	Width	Height	Area		Orientation	(P)	(H)	LATITUDE (S)	MULTIPLIER	Hm-M-P	SHGC	SHGC-NO SHADING		U-Value
FIRST	EW1	EXISTING	2	1.5	1.5	4.50	SOUTH WEST	0.00	0.00	34.34	0.54	0.00	0.77	5.6	0.00	SINGLE CLEAR	YES
FIRST	ED1	EXISTING GLASS DOOR	2	0.85	2.1	3.57	SOUTH WEST	0.00	0.00	34.34	0.54	0.00	0.77	5.6	0.00	SINGLE CLEAR	YES
FIRST	EW2	EXISTING	1	1.2	1.2	1.44	SOUTH WEST	0.00	0.00	34.34	0.54	0.00	0.77	5.6	0.00	SINGLE CLEAR	YES
FIRST	EW13	EXISTING	1	2.4	1.8	4.32	SOUTH WEST	0.00	0.00	34.34	0.54	0.00	0.77	5.6	0.00	SINGLE CLEAR	YES
FIRST	W1	PT1818	1	1.8	1.8	3.24	SOUTH WEST	0.00	0.00	34.34	0.54	0.00	0.77	5.6	0.00	SINGLE CLEAR	YES
FIRST	W2	PT2015	5	2	1.5	15.00	SOUTH EAST	0.00	0.00	34.34	0.54	0.00	0.77	5.6	0.00	SINGLE CLEAR	YES
FIRST	EW3	EXISTING	1	1.8	1.5	2.70	NORTH EAST	0.00	0.00	34.34	0.54	0.00	0.77	5.6	0.00	SINGLE CLEAR	YES
FIRST	EW4	EXISTING	2	0.6	0.9	1.08	NORTH EAST	0.00	0.00	34.34	0.54	0.00	0.77	5.6	0.00	SINGLE CLEAR	YES
FIRST	EW5	EXISTING	1	1.2	0.9	1.08	NORTH EAST	0.00	0.00	34.34	0.54	0.00	0.77	5.6	0.00	SINGLE CLEAR	YES
FIRST	W4	PT99	1	0.9	0.9	0.81	NORTH WEST	0.00	0.00	34.34	0.54	0.00	0.77	5.6	0.00	SINGLE CLEAR	YES
FIRST	EW6	EXISTING	1	0.9	0.9	0.81	NORTH WEST	0.00	0.00	34.34	0.54	0.00	0.77	5.6	0.00	SINGLE CLEAR	YES
FIRST	EW7	EXISTING	2	0.6	1.5	1.80	NORTH WEST	0.00	0.00	34.34	0.54	0.00	0.77	5.6	0.00	SINGLE CLEAR	YES
FIRST	W3	PT918	1	0.9	1.8	1.62	NORTH WEST	0.00	0.00	34.34	0.54	0.00	0.77	5.6	0.00	SINGLE CLEAR	YES
TOTAL FENESTRATION AREA			21	41.97			m2										
TOTAL NETT FLOOR AREA						145.6	m2										
AREA WEIGHTED AVERAGE (SANS 10400 XA: TABLE 4)						28.83%	<20%										

Storey	Glazing Elements			Glazing Elements size			Sector	SHADING					GLAZING ELEMENT PERFORMANCES			SCCP	
	No	Type	Qty	Width	Height	Area		Orientation	(P)	(H)	LATITUDE (S)	MULTIPLIER	Hm-M-P	SHGC	SHGC-NO SHADING		U-Value
GROUND	EW1	EXISTING	1	1.5	1.5	2.25	SOUTH WEST	0.00	0.00	34.34	0.54	0.00	0.77	5.6	0.00	SINGLE CLEAR	YES
GROUND	EW3	EXISTING	1	1.8	1.5	2.70	SOUTH WEST	0.00	0.00	34.34	0.54	0.00	0.77	5.6	0.00	SINGLE CLEAR	YES
GROUND	W6	PT44	2	0.4	0.4	0.32	SOUTH EAST	0.00	0.00	34.34	0.54	0.00	0.77	5.6	0.00	SINGLE CLEAR	YES
GROUND	W7	PT1812	1	1.8	1.2	2.16	SOUTH EAST	0.00	0.00	34.34	0.54	0.00	0.77	5.6	0.00	SINGLE CLEAR	YES
GROUND	EW7	EXISTING	1	0.6	1.5	0.90	NORTH EAST	0.00	0.00	34.34	0.54	0.00	0.77	5.6	0.00	SINGLE CLEAR	YES
GROUND	EW8	EXISTING	1	1.5	0.9	1.35	NORTH EAST	0.00	0.00	34.34	0.54	0.00	0.77	5.6	0.00	SINGLE CLEAR	YES
GROUND	EW4	EXISTING	1	0.6	0.9	0.54	NORTH EAST	0.00	0.00	34.34	0.54	0.00	0.77	5.6	0.00	SINGLE CLEAR	YES
GROUND	EW9	EXISTING	1	1.5	1.2	1.80	NORTH WEST	0.00	0.00	34.34	0.54	0.00	0.77	5.6	0.00	SINGLE CLEAR	YES
GROUND	EW4	EXISTING	1	0.6	0.9	0.54	NORTH WEST	0.00	0.00	34.34	0.54	0.00	0.77	5.6	0.00	SINGLE CLEAR	YES
GROUND	EW6	EXISTING	1	0.9	0.9	0.81	NORTH WEST	0.00	0.00	34.34	0.54	0.00	0.77	5.6	0.00	SINGLE CLEAR	YES
GROUND	EW5	EXISTING	1	1.2	0.9	1.08	NORTH WEST	0.00	0.00	34.34	0.54	0.00	0.77	5.6	0.00	SINGLE CLEAR	YES
GROUND	W5	PT621	1	0.6	2.1	1.26	NORTH WEST	0.00	0.00	34.34	0.54	0.00	0.77	5.6	0.00	SINGLE CLEAR	YES
GROUND	D1	2PANEL SLIDING DOOR	1	1.8	2.1	3.78	NORTH WEST	0.00	0.00	34.34	0.54	0.00	0.77	5.6	0.00	SINGLE CLEAR	YES
GROUND	ED3	EXISTING 4 PANEL S/DOOR	1	3.6	2.1	7.56	NORTH WEST	0.00	0.00	34.34	0.54	0.00	0.77	5.6	0.00	SINGLE CLEAR	YES
GROUND	EW1	EXISTING	1	1.5	1.5	2.25	NORTH WEST	0.00	0.00	34.34	0.54	0.00	0.77	5.6	0.00	SINGLE CLEAR	YES
TOTAL FENESTRATION AREA			16	29.30			m2										
TOTAL NETT FLOOR AREA						146.2	m2										
AREA WEIGHTED AVERAGE (SANS 10400 XA: TABLE 4)						20.04%	<20%										

**PROJECT**  
"AS BUILT" DEVIATIONS FROM APPROVED PLAN DD 15/05/2001 ON ERF 3970, 13 HIBISCUS ROAD, BETTYS BAY

**CLIENT**  
AJ MARCOVECCHIO

**DRAWING :**  
GROUND STOREY LAY-OUT  
FIRST STOREY LAY-OUT  
SECTION A-A & B-B

DATE: 03/09/2023 PLAN NO: BB3970/2023  
REVISED: SHEET NO: 2 OF 2

PROFESSIONAL ARCHITECTURAL DRAUGHTSPERSON  
**RONIKA CHAMIER**  
13-14 AM (A/N)Rivonia/Burgundy on 21 Apr 2023  
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