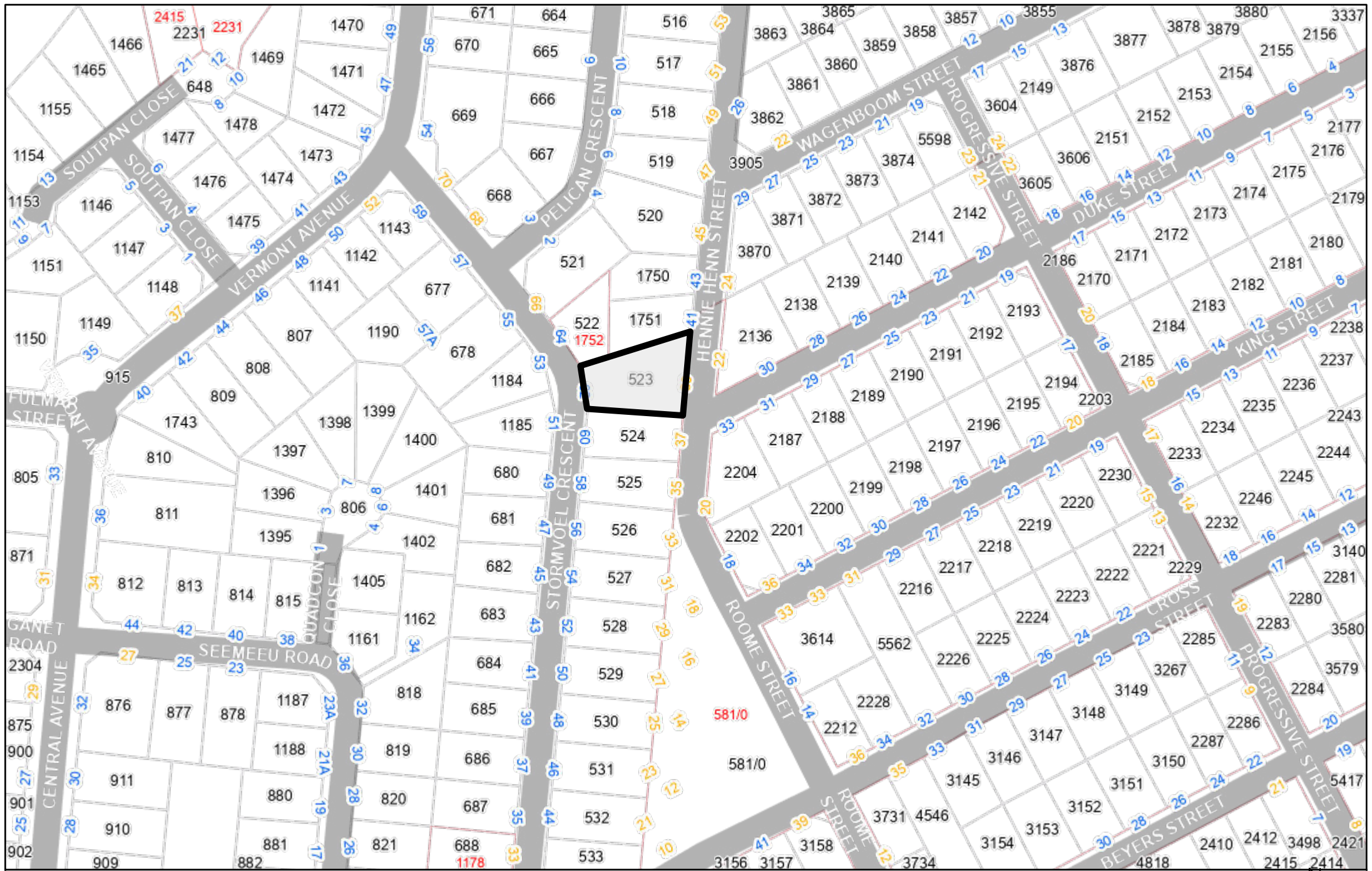


OVERSTRAND MUNICIPALITY	OVERSTRAND MUNISIPALITEIT	UMASIPALA WASE-OVERSTRAND
<p><u>ERF 523, 62 STORMVOEL CRESCENT, VERMONT: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION AND CONSENT USE: INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF M DE FEIJTER & JHC DE FEIJTER-SCALE</u></p>	<p><u>ERF 523, STORMVOELSINGEL 62, VERMONT: AANSOEK OM OPHEFFING VAN BEPERKENDE TITELAKTEVOORWAARDE EN VERGUNNINGSGEBRUIK: INTERACTIVE STADS- EN STREEKBEPANNING NAMENS M DE FEIJTER & JHC DE FEIJTER-SCALE</u></p>	<p><u>ISIZA 523, 62 STORMVOEL CRESCENT, VERMONT: ISICELO SOKUSUSWA KWEMIQATHANGO ENESITHINTELO KWITAYITILE NEMVUME YOKUSEBENZISA: ABAKWA-INTERACTIVE TOWN & REGIONAL PLANNING EGAMENI LIKA-M DE FEIJTER NO- JHC DE FEIJTER-SCALE</u></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 523, Vermont (the property), namely:</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 523, Vermont (die eiendom), naamlik:</p>	<p>Kukhutshwa isaziso ngokumayela neCandelo 47 neCandelo 48 loMthetho Otshintshiweyo woMasipala waseOverstrand ongokuSetyenziswa Nokucetywa koMhlaba kaMasipala, 2020 (uMthetho kaMasipala), ukuba kufunyenwe esi sicelo zilandelayo esimayela neSiza 523, Vermont (ipropathi), ukuba:</p>
<p><u>Removal of Restrictive Title Deed Conditions</u></p>	<p><u>Opheffing van Beperkende Titelaktevoorwaardes</u></p>	<p><u>Ukususwa Kwemiqathango Enezithintelo Kwitayitile</u></p>
<p>Application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions E.(b), E.(c) and E.(d) as contained in Title Deed T43776/2023 of the property in order to accommodate the proposed development and land use on the property.</p>	<p>Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van beperkende titelaktevoorwaardes E.(b), E.(c) en E.(d) soos vervat in Titelakte T43776/2023 van die eiendom om die voorgestelde ontwikkeling en grondgebruik op die eiendom toe te laat.</p>	<p>Isicelo ngokumayela neCandelo 16(2)(f) loMthetho kaMasipala ukuba kususwe umqathango onesithintelo E.(b), E.(c) no E.(d) njengoko uqulethwe kwiTayitile T43776/2023 yepropathi ukulungiselela uphuhliso olucetywayo kunye nokusetyenziswa komhlaba kwipropathi.</p>
<p><u>Consent use</u></p>	<p><u>Vergunningsgebruik</u></p>	<p><u>Imvume yosetyenziso</u></p>
<p>Application in terms of Section 16(2)(o) of the By-Law to accommodate a guesthouse on the property with 3 guest rooms in the main dwelling and a 2-bedroom self-catering unit from the second dwelling.</p>	<p>Aansoek ingevolge Artikel 16(2)(o) van die Verordening om 'n gastehuis op die eiendom te akkommodeer met 3 gastekamers in die hoofwoning en 'n 2-slaapkamer selfsorg-eenheid vanaf die tweede woning.</p>	<p>Isicelo ngokumayela neCandelo 16(2)(o) loMthetho kaMasipala ukulungiselela indlu yokuhlalisa abahambi kwipropathi. Indlu iza kuba namagumbi ama-3 kwindlu engundoqo kunye namagumbi ama-2 kwindlu yesibini abaza kuzenzela yonke into kuyo abahambi.</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.</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.</p>	<p>linkcukacha ezipheleleyo mayela noku kucetywayo ziyafumaneka ukuze zihlolwe phakathi evekini phakathi ko 08:00 no 16:30 kwiSebe: Town and Spatial Planning, 16 Paterson Street, Hermanus.</p>
<p>Any comments must be in writing and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) on or before 24 January 2025, with your name, address, contact details, interest in the application and the reasons for comment. Telephonic inquiries can be made to the Town Planner, Mr. H. Olivier 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>Enige kommentaar moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) voor of op 24 Januarie 2025, met u naam, adres, kontak besonderhede, belang in die aansoek en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die Stadsbeplanner, Mnr. H. Olivier 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>Naziphi na izimvo zimele zibhalwe zize zingeniswe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) ngaphambi okanye ingadlulanga 24 EyoMqungu 2025, ubhale igama lakho, idilesi yakho kunye neenkukacha zoqhagamshelwano, umdla wkaho kwisicelo nezizathu zokubhala izimvo zakho. Imibuzo ngefowuni ingabhekiswa kuTown Planner, uMnu. H. Olivier ku 028-3138900. UMasipala angangavumi ukwamkela amagqabaza okuhlomla afunyenwe emva komhla wokuvala. Nabani na ongakwazi kufunda okanye ukubhala angatyelela iSebe leTown and Spatial Planning apho igosa lakwamasipala liya kumnceda afake amagqabaza akhe okuhlomla.</p>
<p>Dr DGI O'Neill Municipal Manager / Munisipale Bestuurder / Umphathi Kamasipala PO Box / Posbus / Ibhokisi yePosi 20 HERMANUS 7200</p>		





InterActive Town & Regional Planning

P.O. Box 980

Hermanus

7200

Reference: Erf 523, Vermont, Hermanus

Date: 15 October 2024

ERF 523, VERMONT: CONSENT USE AND THE REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS

Please find attached the updated motivational report and plans for the above mentioned application.

Kind Regards

Andre Wiehahn Pr Pln A/927/1996

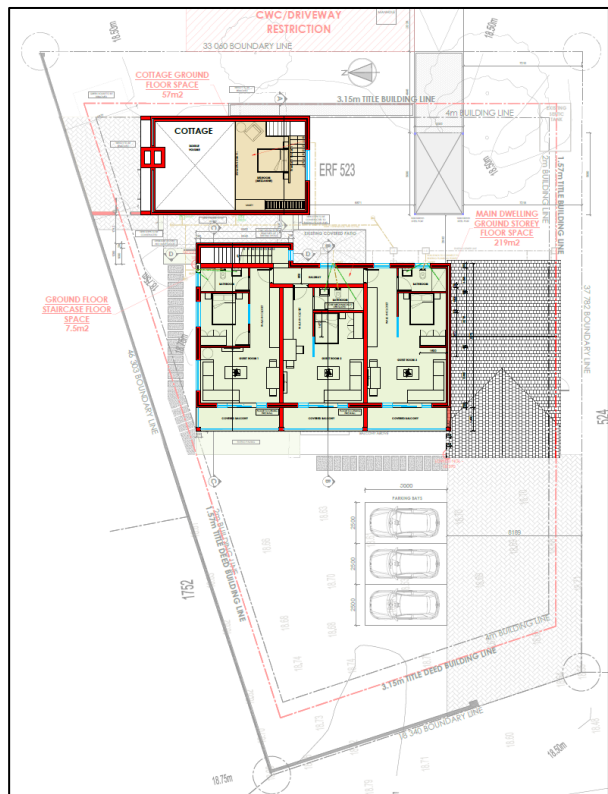
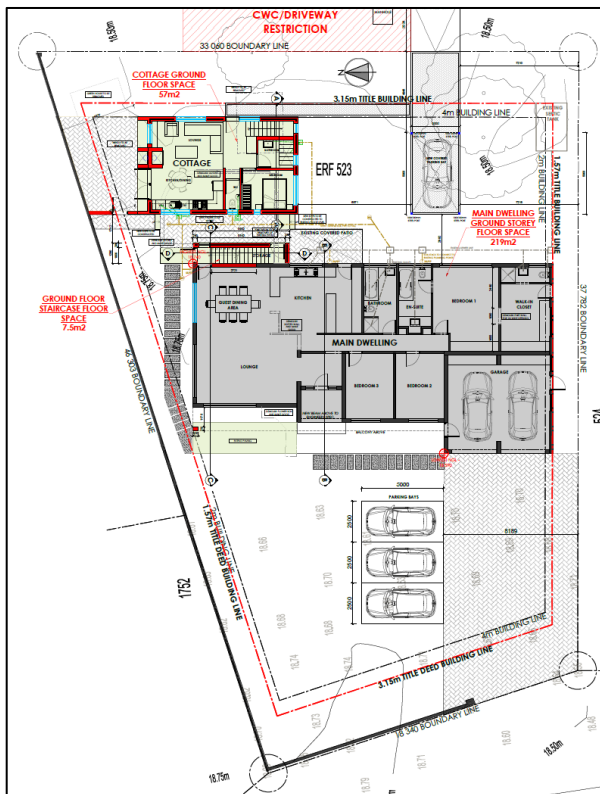
B Art et Sc (Town and Regional Planning)



ERF 523 VERMONT, HERMANUS

62 Stormvoel Crescent

Consent use and the removal of restrictive title deed conditions



Andre Wiehahn Pr Pln A/927/1996
B Art et Sc (Town and Regional Planning)
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Cell phone: 082 466 0490
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October 2024

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Annexure

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Notes

1. Introduction

a. Brief

Refer to **Annexure B** for the Power of Attorney.

Interactive Town and Regional Planning was appointed by the owners of the property, Marco De Feijter & Jacqueline De Feijter-Scale, to prepare and submit an application for the removal of restrictive title deed conditions and a consent use for a guest house on Erf 523, Vermont in terms of the relevant legislation.

b. Background, Development Objective & Application Proposal

The application area located on a single residential zoned property and accommodates an existing dwelling.

The property owners wish to extend the primary dwelling, add a second dwelling unit and use the property for guest house purposes.

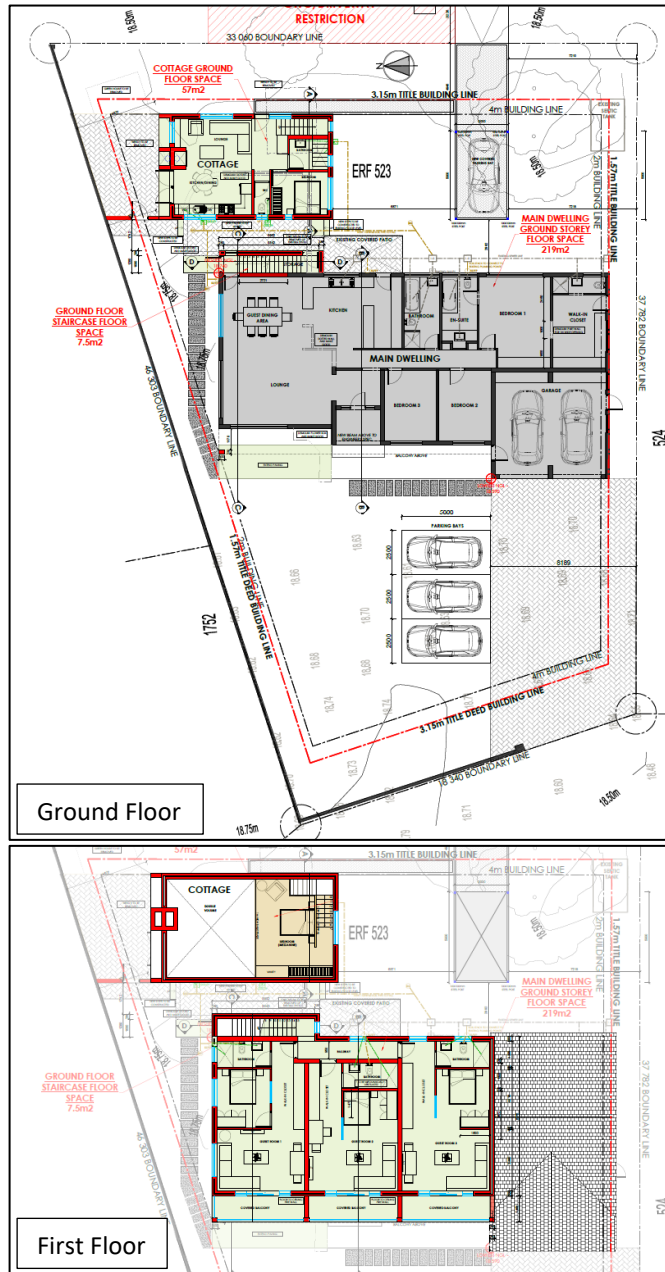


Figure 1: Building Plan extracts

Subsequently the **application proposal** is for:

- The removal of restrictive title deed conditions.
- A consent use for a guest house.

2. The Application

a. Analysis: Title Deed	<p>The Conveyancer Amelia Galvin from Virtual Lawyers issued a certificate confirming that title deed conditions exists which restricts the development proposal on Erf 523 Vermont which reads as follows:</p> <p><u>Title Deed T43776/2023</u></p> <p><i>“E. SUBJECT FURTHER to the following conditions in favour of the TRANSFEROR COMPANY (SOUTH WESTERN DISTRICTS LAND AND FINANCE CORPORATION LIMITED) and their successors in title of the Remainder of the erf held by Deed of Transfer No 7023 dated 21 August 1935, which conditions as referred to in Deed of Transfer No. 16156 dated 30 September 1949, reading:</i></p> <p style="margin-left: 40px;"><i>(b) NO building shall be erected on the said property unless plans (including one showing siting of proposed buildings) and specifications have been previously submitted and are approved by the Transferor Company in writing in addition to the requirements of any Local Authority in control over the area of the Township;</i></p> <p style="margin-left: 40px;"><i>(c) NO canteen, hotel, restaurant, shop, factory, industry or place of business whatsoever shall be opened or conducted on the said property except with the consent in writing of the Transferor Company.</i></p> <p style="margin-left: 40px;"><i>(d) UNLESS the permission of the Transferor Company in writing to be obtained under condition (c) above, the said property shall be used for residential purposes only and only one dwelling together with such outbuildings as are ordinarily required for domestic purposes, shall be erected on any one lot, and in particular, subject to any permission granted as aforesaid, no structure of the type commonly known as "flats" shall be erected on the said property;”</i></p>				
b. Analysis: Development Criteria:	Parameters	Existing Zoning Scheme Requirements:	Proposed	Comments	
The development parameters for Erf 523 Vermont, Hermanus as per the Overstrand Zoning Scheme Regulations, 2020, read with the subject title deed are summarised as follows:	Zoning	Residential Zone 1: Single Residential (SR1)	Residential Zone 1: Single Residential (SR1)	Consistent	
	Primary Use	Day care centre, dwelling house, guest rooms, home occupation, second dwelling unit;	Dwelling house, second dwelling unit	Consistent	
	Consent Uses	Crèche, green house, guest house, house shop, institution, place of instruction, place of worship, residential building, tourist accommodation.	Guest house	Application is for a consent use	
	Coverage	50%	27.5%	Consistent	
	Height	8m	7.9m	Consistent	
	Building lines				
		Street	4m	4m	Consistent
		Side	2m	2m	Consistent
	Parking	Guest house: 2 bays per establishment plus 1 bay per bedroom/ two persons accommodated	6 bays required (4 guest house bedrooms) 6 bays provided	Consistent	
c. Definitions	<p>“guest house” means a dwelling house or second dwelling unit which is used for the purpose of lodging transient guests for compensation; may provide meals for guests; is occupied by the owner or occupant or manager of the property, may include associated facilities which are only for the use of the bona fide guests and are not accessible to the general public but does not include a hotel, guest rooms, residential building or boarding house;</p>				

<p>d. Application:</p> <p>The application form is attached as Annexure A.</p>	<p>Application is subsequently made in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, for:</p> <ul style="list-style-type: none">• A consent use for a guest house on Erf 523 Vermont in terms of Chapter IV, Section 16(2)(o).• The removal of restrictive title deed condition E.(b) from Title Deed T43776/2023 in terms of Chapter IV, Section 16(2)(f).• The removal of restrictive title deed condition E.(c) from Title Deed T43776/2023 in terms of Chapter IV, Section 16(2)(f).• The removal of restrictive title deed condition E.(d) from Title Deed T43776/2023 in terms of Chapter IV, Section 16(2)(f).
---	--

3. Contextual Site Information

a. Property Description

Property	Extent	Title Deed	Registered Owner
Erf 523 Vermont	1086m ²	T43776/2023	Marco De Feijter & Jacqueline De Feijter-Scale

Refer to **Annexure E** for the SG Diagrams, **Annexure C** for the Title Deed of Erf 523 Vermont.

The following Surveyor General Plans reflect the application site:

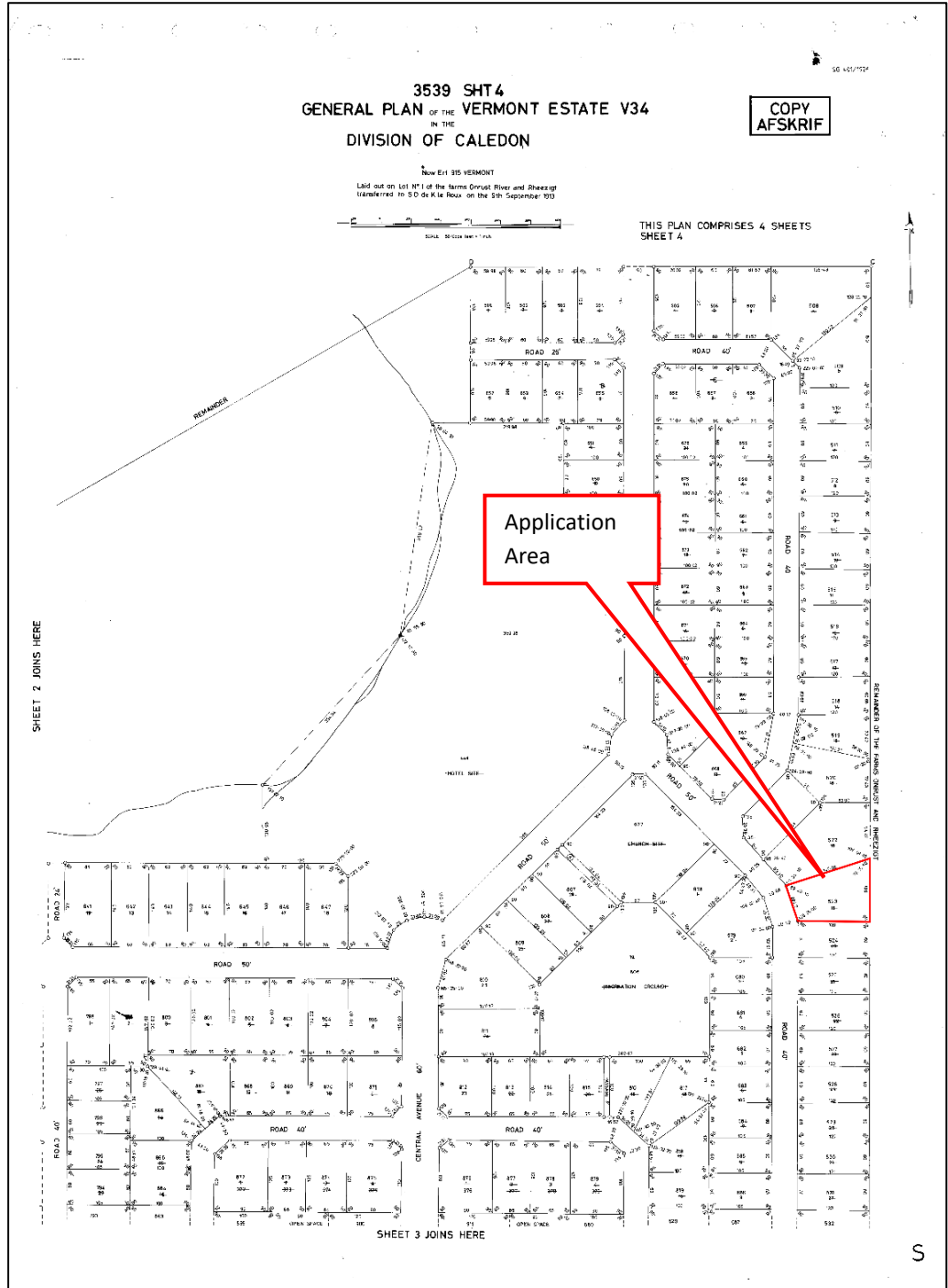


Figure 2: Extracts of the Surveyor General Plans of the application site

b. Location:

For the Locality Plans refer to Annexure F.

Regional Context:

Within the regional context, the application area is located within the Vermont residential suburb. Vermont is located approximately 7km west of the Hermanus CBD.

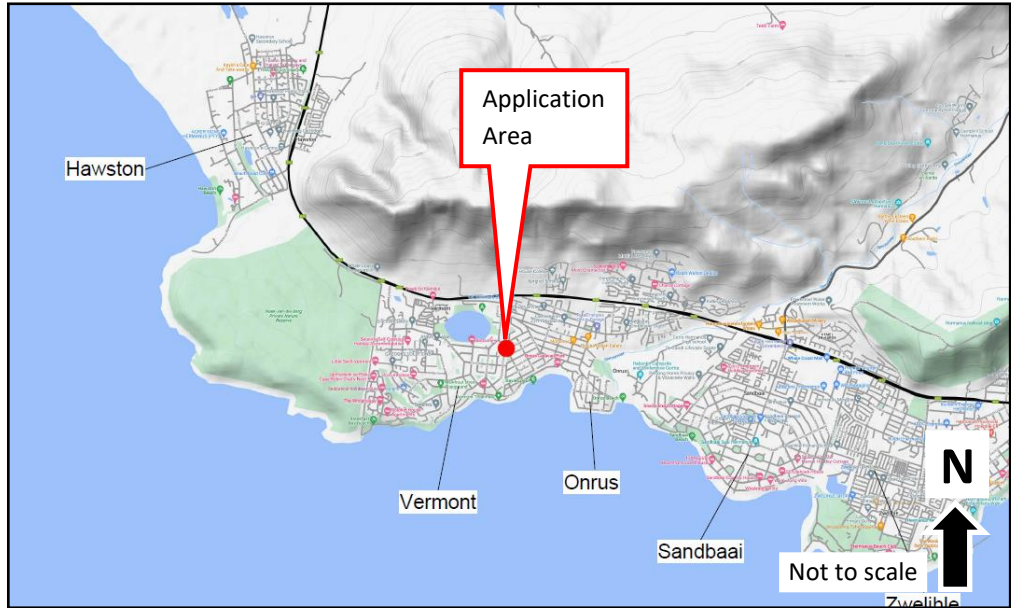


Figure 3: Locality Plan – Regional Context

Local Context:

Within the local context the application area accommodates a dwelling house on a residential erf within Vermont that forms part of the larger Hermanus West area. The application area is located at number 62 Stormvoël Crescent.



Figure 4: Locality Plan – Local Context

c. Land Use: The application area accommodates a dwelling house on the property. The surrounding land-uses consists of single residential land uses. The proposal is for a guest house. The application proposal is considered compatible with the land use and character of the area.

Refer to the Land Use Plan attached as **Annexure H**.



Figure 5: Aerial Image illustrating the residential land-use activities of the application area and surrounding properties

d. Zoning: The application area, Erf 523, Vermont is zoned Residential Zone 1: Single Residential. The surrounding erven are zoned Residential Zone 1 as well. No change in zoning is proposed. The application proposal is consistent with the zoning of the area.

Refer to the Extract of Hermanus Zoning plan attached as **Annexure G**.

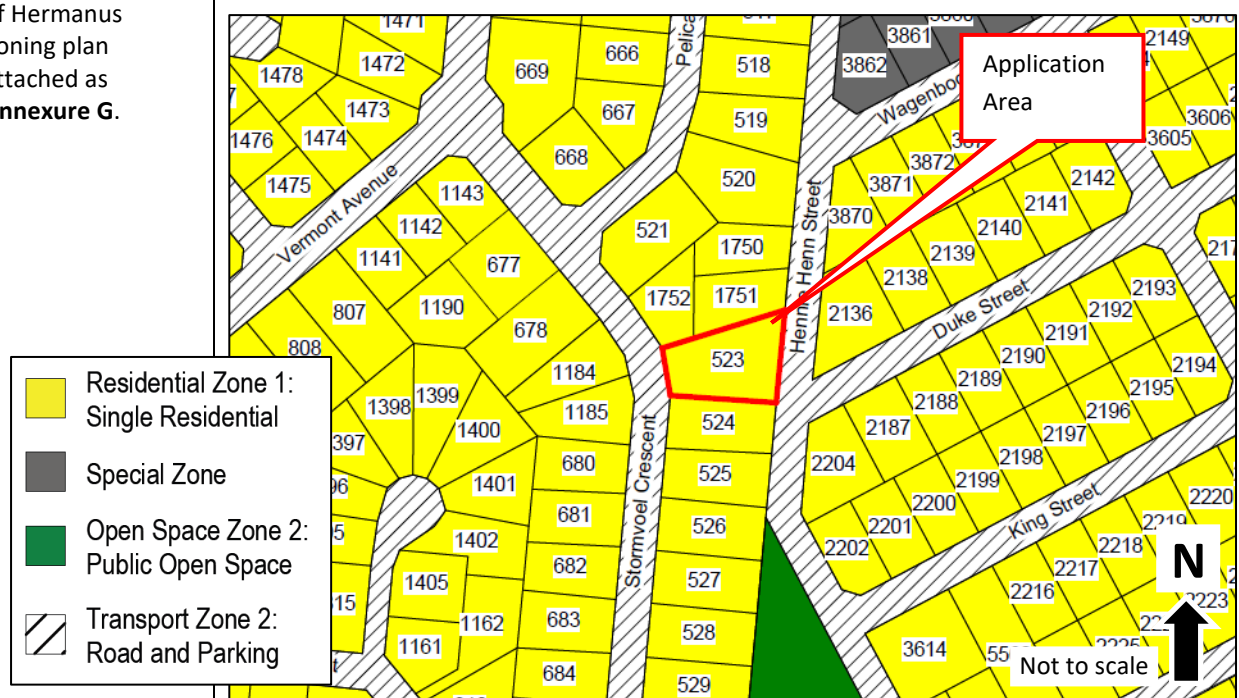
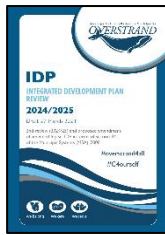


Figure 6: Extract from the Overstrand Municipality: Online zoning viewer

<p>e. Spatial Planning Policy</p>	<p>The following policy guidelines from the following relevant policy documents are <u>applicable</u> to the application area.</p> <p>i. Overstrand Municipal Spatial Development Framework, 2020</p> <p>“2.5 OUR ECONOMY</p> <p><i>a) Growth in GVA</i></p> <p><i>In the Overberg District, the transport, storage and communication sector achieved the highest annual growth rate of 5.7%, followed by the wholesale and retail trade, catering and accommodation sector at 4.8%.</i></p> <p><i>b) Growth in employment</i></p> <p><i>Employment growth for the Western Cape suggests that transport, finance, insurance, real estate and business services sectors as well as the transport, storage and communication sector had the highest growth of 2.9% per annum, followed by wholesale and retail trade, catering and accommodation (2.7% per annum).</i></p> <p>2.5.3. Real GVA and employment growth</p> <p><i>Tourism in Hermanus makes a considerable contribution to the economy, although difficult to quantify, especially at a local level. Notwithstanding, from a qualitative perspective, <u>tourism is an important sector for the economy of Overstrand</u> but is not recognised as a stand-alone sector in the Industrial Standards Classification (SIC).</i></p> <p><i>However, each economic sector contributes to the tourism sector due to its multidisciplinary nature of products and services. From the primary sectors such as agriculture to manufacturing and service-related industries, all contribute to the sector. The alignment that occurs is balancing demand for tourism products and services and the provision of the product or service, i.e. the supply side.</i></p> <p>5.8.3 Greater Hermanus 2020-2030 MSDF Spatial Proposals (West, Central, East)</p> <p>5.8.3.1 Local Spatial Development and Growth Management Principles</p> <p><i>Promote: Greater Hermanus as not only a significant tourism destination, but also a diverse regional urban node affecting diversification and spatially integrated expansion of its economy (Refer Part 2.5: Our Economy).”</i></p> <p>In terms of the Overstrand Municipal Spatial Development Framework, the application area is within an Urban Development area. The proposal is consistent with the Overstrand Municipal Spatial Development Framework, 2020.</p> <div data-bbox="199 1422 1444 1982"> </div> <p>Figure 7: Overstrand Municipal Spatial Development Framework, 2020 extract</p>
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ii. **Integrated Development Plan, 2024/2025**



“CHAPTER 5

Strategic Objective 5:

- Promotion of tourism, economic and social development

CHAPTER 9:

2. Status of the local economy

Trade, Manufacturing and Finance are the top performing sectors with double digit figures. There is strong indication that the Tourism industry plays a huge role in growth.

The sectoral contribution in the Overstrand municipal area followed a similar trend in 2011 and 2020 with the finance sector contributing 30.8 per cent in 2011 and 31.2 per cent in 2020. This was followed by the trade sector, which contributed 15.5 per cent in 2020, and the manufacturing sector, with a 13.9 per cent contribution in the same year. The large trade sector is comprised mostly of the tourism industry in the municipal area.

2.1 Formal Economy

Quite a few sectors are expected to grow positively, and these are job creators such as manufacturing and some tourism industries. The municipality must work closely with growing sectors and support those that are struggling to ensure a fair balance towards recovery.

The sectoral contribution in the Overstrand municipal area followed a similar trend in 2011 and 2020 with the finance sector contributing 30.8 per cent in 2011 and 31.2 per cent in 2020. This was followed by the trade sector, which contributed 15.5 per cent in 2020, and the manufacturing sector, with a 13.9 per cent contribution in the same year. The large trade sector is comprised mostly of the tourism industry in the municipal area (MERO: 68: 2022-2023).

The major contributors to employment are mainly in the Tourism industry, significant of the area as a tourist destination, interesting to note, it not always the high GDP contribution that signifies high employment.

Agri-Tourism

Tourism is a key economic driver in the Overstrand area. The info graph below reflects that accommodation (61 establishments), restaurants (26), wine farms (26), hiking (22) and conference/ function venues (17) are the top 5 agri-tourism activities in Overstrand.



6. Tourism

Tourism Marketing Strategy

Reviving tourism sector growth includes:

- Promoting nature and gastronomy experiences to create positive online sentiment
- Development of cycling, biking and marine life viewing to attract more visitors
- Package and market uniqueness through lens of experiences – abalone, penguins, whales, sharks
- Leveraging event tourism
- Supporting film applications and discounting those with destination marketing impact.

The Cape Whale Coast strategy intent focussed on sustained growth through:

- Marketing the Overstrand as a preferred leisure and events destination
- Optimise tourism volume and yield in sustainable manner by expanding the events market
- Promote an environmentally responsible tourism offering to benefit all communities
- Improve visitor experiences.

Furthermore, the Overstrand Tourism has created a marketing strategy that is aimed at the following objectives:

- Attract more first time and more return visitors
- Encourage visitors to stay longer
- Develop and promote an event calendar.
- Facilitate strategic alignment of towns and industry – in support of the marketing of tourism.
- Improve the visitor experience.
- Broaden participation in tourism.
- Promote sustainable practices to develop as a responsible tourism destination.
- Continuously align efforts to support tourism growth; and
- Ensure the efficient utilisation of resources to deliver against the tourism strategy
- increased spending
- increased visitor experience.

To ensure economic recovery, Tourism has identified the following levers as a priority going forward:

- Reviving Supply
- Reigniting Demand
- Strengthening Capacity
- Destination connect (enhancing destinations in the Overberg).”

The tourism industry is a significant and important part of the economy of the Overstrand and tourism and related activities are therefore promoted. The application proposal is therefore consistent with the Integrated Development Plan, 2024/2025.

iii. Tourism and Local Economic Development document



According to the World Tourism Organization tourism contributes 10% to the global gross domestic product, thereby earning the status of being the world’s largest industry. Also being one of the most significant industries in the Overstrand economy, tourism has a vital role to play in terms of local economic development and can contribute significantly towards poverty alleviation in the area.

iv. Overstrand Municipality Spatial Growth Management Strategy 2010 and draft 2020 (OMSGMS)

In terms of the Overstrand Growth Management Strategy 2010, the application area falls within a “No densification zone”. In terms of the Draft Overstrand Growth Management Strategy 20120, the application area falls within a “10 – 20 Dwelling Units Per Hectare Densification Zone”. No densification is proposed. The application proposal is consistent with the Overstrand Municipality Spatial Growth Management Strategy, 2010 and draft 2020.

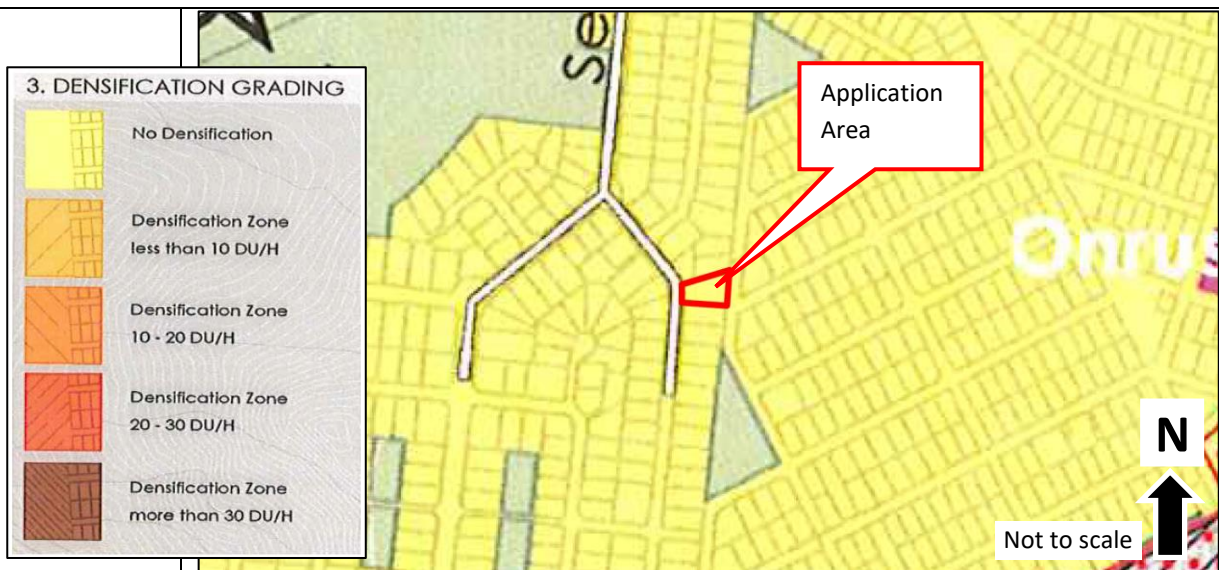


Figure 8: Extract of the Overstrand Municipality: Growth Management Strategy 2010

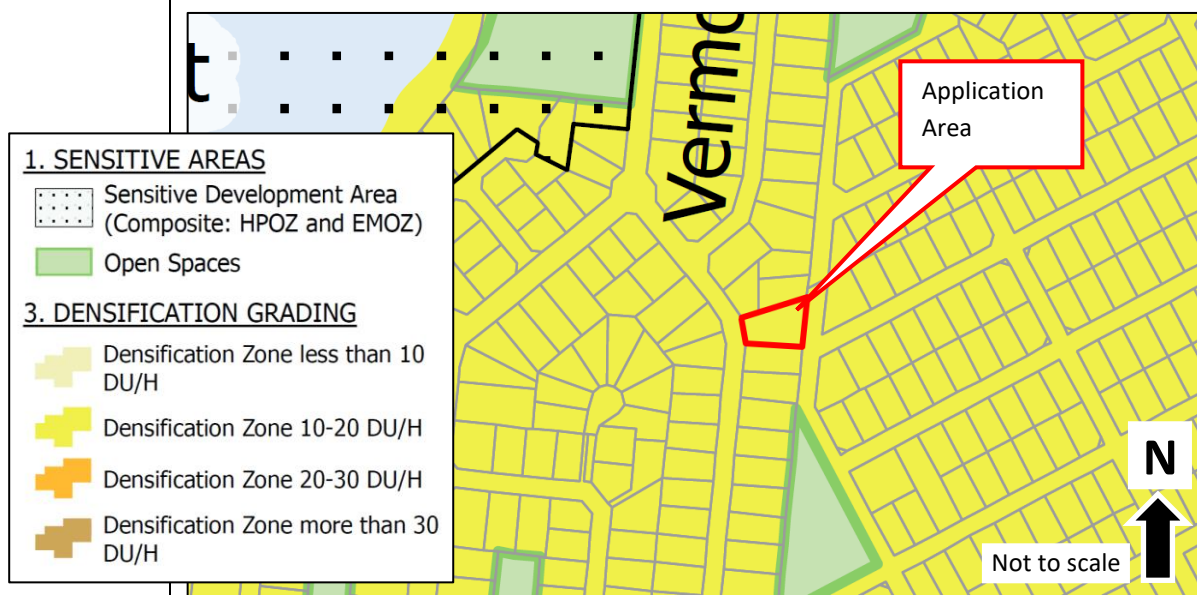


Figure 9: Extract from the Overstrand Municipality: Growth Management Strategy 2020

v. **Overstrand Municipal Land Use Planning By-Law 2020**

"35. Requirements for amendment, suspension or removal of restrictive conditions

(4) When the Municipality considers the removal, suspension or amendment of a restrictive condition, the Municipality must have regard to the following:

- (a) the financial or other value of the rights in terms of the restrictive condition 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;*
- (b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;*
- (c) the personal benefits which will accrue to the person seeking the removal of the restrictive condition, if it is removed;*
- (d) the social benefit of the restrictive condition remaining in place in its existing form;*
- (e) the social benefit of the removal or amendment of the restrictive condition; and*
- (f) whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights."*

f. Civil Services

The property is already provided with services and the extensions are foreseen to be accommodated by the existing access services access.

In terms of roads, access to the main property is currently obtained from Stormvoël Crescent, whilst access to the proposed second dwelling is proposed from Hennie Henn Street. The municipal engineering department commented that *“I have in principle no objection to the two entrances. The entrance in Hennie Henn Street should not be across the stop street (12 m metres should be allowed for two cars). The preferred locations for an entrance have been indicated in green.”*



The proposal is compliant as indicated in the following sketch:

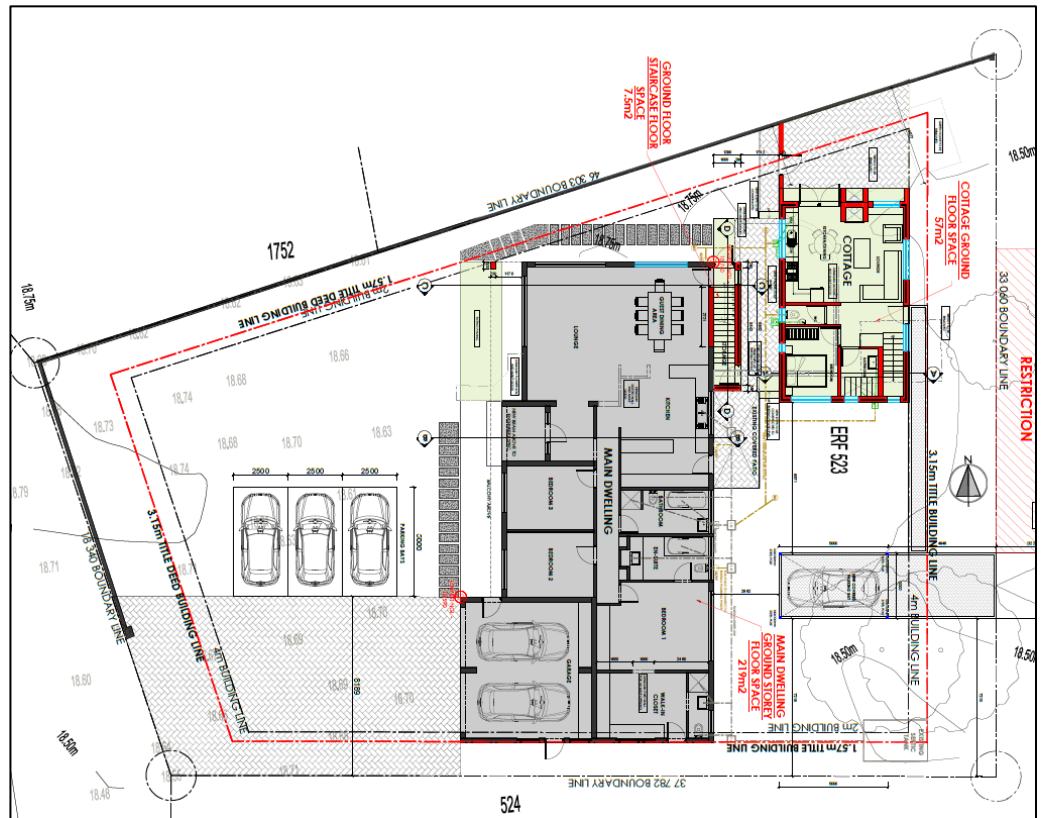


Figure 10: Building plan extract

4. Motivation

Motivation for the application:

Refer to **Annexure K** for the As-built building plan

a. Introduction and Background

The application area consists of a single residential property with an existing dwelling within the residential suburb of Vermont.

b. Proposal

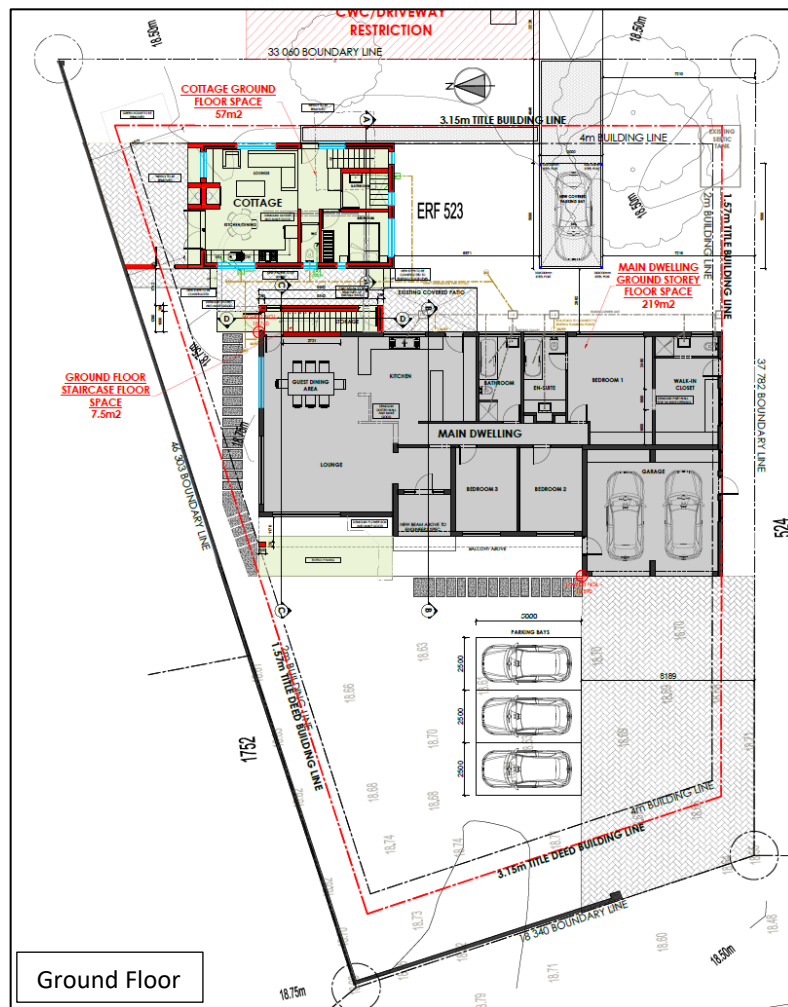
The property owners wish to expand the primary dwelling, add a second dwelling unit and use the property for guest house purposes.

Both the primary dwelling and second dwelling unit are proposed to be double storey buildings. The primary dwelling has 6 bedrooms and the second dwelling 2 bedrooms. The second dwelling is proposed to be rented out to transient guests as a single unit with 2 bedrooms. The three en-suite guest rooms on the second storey of the main dwelling are proposed to be rented out to transient guests. The owner/manager of the property will reside on the ground floor of the primary dwelling.

The primary dwelling is proposed to obtain access from Stormvoël Crescent in Vermont and the second dwelling unit is proposed to obtain access from Hennie Henn Street in Onrus. Eight parking bays are proposed for the guest house, which is consistent with the parking requirement.

In order to allow for the guest house, the application incorporates and application for the removal of restrictive title deed conditions to allow for a place of business (i.e. guest house) and a second dwelling unit.

The following images shows the floor plans and elevations of the proposed guest house.



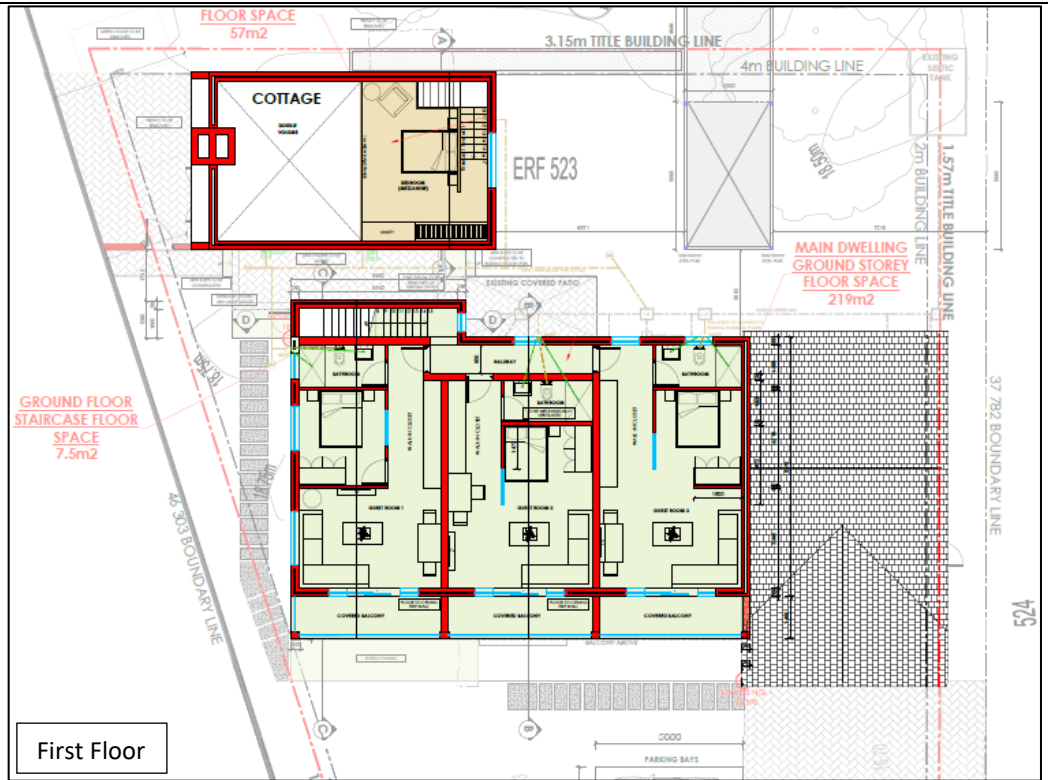
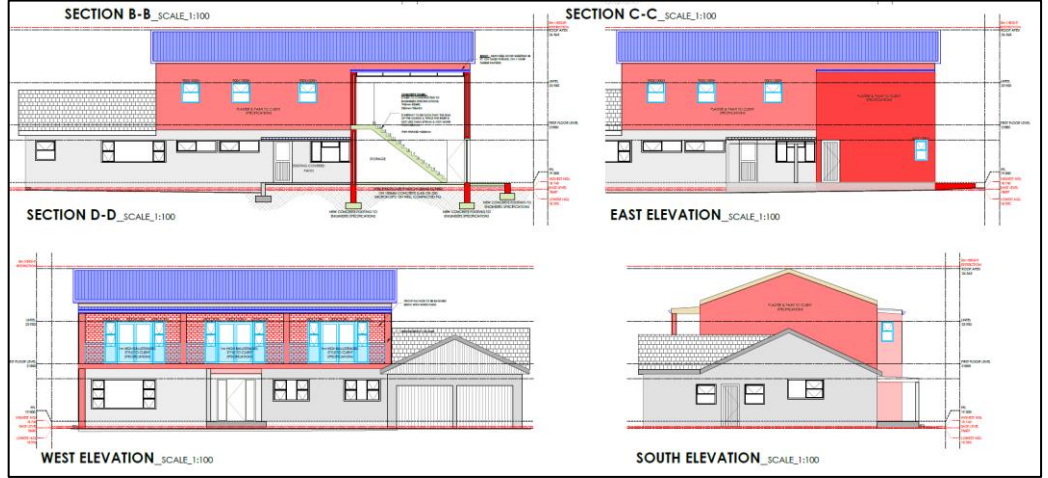
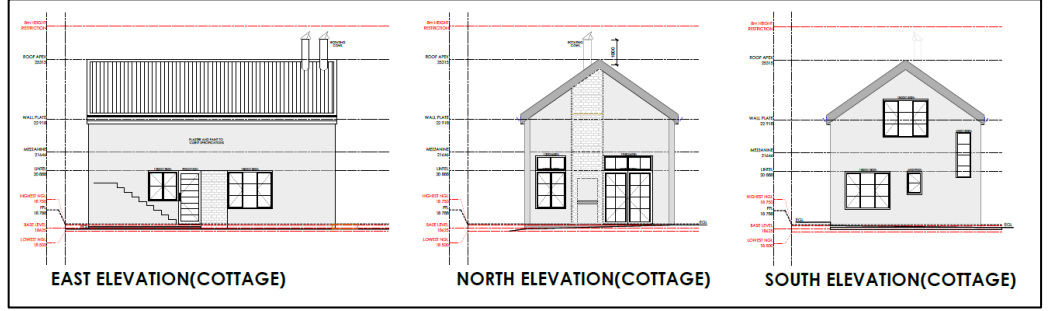


Figure 11: Building Plan extracts

Primary dwelling elevations



Outbuilding elevations



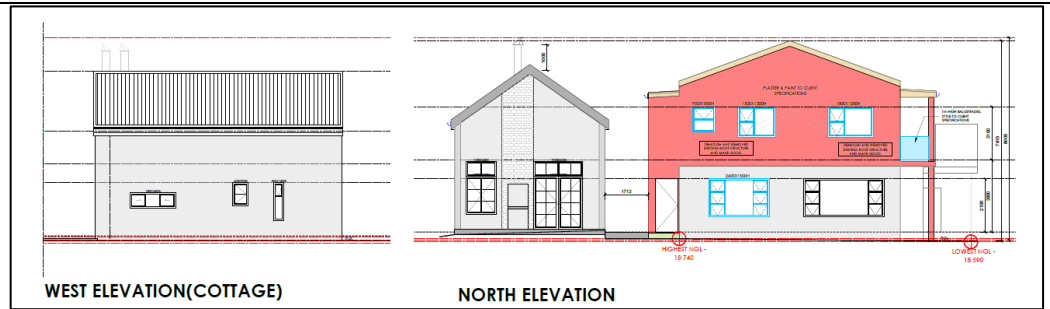


Figure 12: Elevations

Consent Use for a Guest House

The primary purpose of the application is to allow for a guest house.

The second dwelling is proposed to be rented out as a single unit and contains two bedrooms. The three en-suite rooms on the first floor of the main dwelling are proposed to be rented out as well.

The residential suburb of Vermont and the adjacent Onrus contains several guest houses and a guest house is residential in nature, thus the application proposal is considered consistent with the character of the area.

The removal of restrictive title deed conditions

Application includes the removal of restrictive title deed conditions E.(b),(c)&(d) from Title Deed T43776/2023.

The restrictive title deed conditions reads as follows:

“E. SUBJECT FURTHER to the following conditions in favour of the TRANSFEROR COMPANY (SOUTH WESTERN DISTRICTS LAND AND FINANCE CORPORATION LIMITED) and their successors in title of the Remainder of the erf held by Deed of Transfer No 7023 dated 21 August 1935, which conditions as referred to in Deed of Transfer No. 16156 dated 30 September 1949, reading:

(b) NO building shall be erected on the said property unless plans (including one showing siting of proposed buildings) and specifications have been previously submitted and are approved by the Transferor Company in writing in addition to the requirements of any Local Authority in control over the area of the Township;

(c) NO canteen, hotel, restaurant, shop, factory, industry or place of business whatsoever shall be opened or conducted on the said property except with the consent in writing of the Transferor Company.”

(d) UNLESS the permission of the Transferor Company in writing to be obtained under condition (c) above, the said property shall be used for residential purposes only and only one dwelling together with such outbuildings as are ordinarily required for domestic purposes, shall be erected on any one lot, and in particular, subject to any permission granted as aforesaid, no structure of the type commonly known as "flats" shall be erected on the said property;”

Clause E.(b), includes that permission from “the Transferor Company” be obtained for the construction of buildings. The Transferor Company (South Western Districts Land and Finance Corporation Limited) no longer exists and therefore consent cannot be obtained from the Transferor Company, thus making this clause and any other clause including the consent of the Transferor Company more restrictive than originally intended. The construction of buildings and associated land uses are regulated by the Municipality which will ensure that appropriate development occurs and therefore this clause is considered redundant.

Clause E.(c), restricts several land uses including business premises. The proposal is for a guest house which is considered a business. Even though the proposal for a guest house is a business, it is a small scale business with a residential nature (i.e. not like retail and offices where high daily activities take place) thus being consistent with the residential character of the area. The scale of the proposed guest house is consistent with the scale of many dwelling units within Vermont, thus considered being consistent with the character of the area in terms of scale.

Clause E.(d), limits the application area to a single dwelling with outbuildings. The proposal includes a second dwelling, thus this clause restricts the development proposal. A second dwelling unit is a primary use right in term of the Overstrand Zoning Scheme Regulations, 2020. Several properties within the surrounding area has second dwelling units and therefore the proposal for a second dwelling unit is consistent with the character of the area. Furthermore a second dwelling unit results in appropriate densification which improves spatial and service efficiency and reduces spatial expansion into natural areas.

The above mentioned title deed restrictions are historic title deed conditions and such title deed restrictions were at the time typically included into title deeds in absence of Municipal Zoning Scheme Regulations and to serve as zoning scheme regulations. Land Use is now regulated by the Overstrand Zoning Scheme Regulations, 2020 which is more comprehensive and up to date, thus making the title deed restriction dated and redundant.

Overstrand Municipal Land Use Planning By-Law 2020

“35. Requirements for amendment, suspension or removal of restrictive conditions.”

“(4) When the Municipality considers the removal, suspension or amendment of a restrictive condition, the Municipality must have regard to the following:”

“(a) the financial or other value of the rights in terms of the restrictive condition 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 value of the rights is not quantifiable as it relates to building and land use oversight and control measures.

“(b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;”

The title deed conditions proposed to be removed would have provided additional control regarding the buildings and land uses allowed, however the transferor company that has to provide consent no longer exists and therefore the restrictions no longer function as intended.

(c) the personal benefits which will accrue to the person seeking the removal of the restrictive condition, if it is removed;

The owners of the property will gain continuous rental income from transient guests and the value of the property will increase as well.

(d) the social benefit of the restrictive condition remaining in place in its existing form;

The character of the area will change less if the restrictive conditions remain.

(e) the social benefit of the removal or amendment of the restrictive condition; and

The removal of the restrictive title deed conditions will allow for the upgrading of the property, counteracting urban decay and improving the quality of character of the area. The removal of the restrictive title deed conditions will also contribute to the growth of the tourism industry of the Overstrand.

(f) whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.”

Restrictive title deed conditions E.(b),(c)&(d) are proposed to be removed in full.

	<p>The application proposal as motivated above is compatible with the character of the area, is consistent with the relevant policy documents and is compatible with the surrounding land uses of the area.</p> <p>The removal of the restrictive title deed conditions will allow for the owners of the property to earn an income, provide jobs and support the tourism industry of Hermanus as a whole.</p> <p>c. Desirability</p> <ul style="list-style-type: none"> • The application proposal is consistent with the relevant zoning criteria. • The application proposal is consistent with the relevant policy documents. • The application proposal will contribute to the tourism economy of greater Hermanus. • The application proposal is consistent with the character of the area. • The application proposal will provide an income for the guesthouse operators and work opportunities for additional staff and contribute to the Overstrand tourism economy as a whole. • Access to the property is acceptable.
	<p>d. Planning Principles</p> <p>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:</p> <p>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.</p> <p>Possible results of the development</p> <p>The proposal will not contribute to perpetuation of past apartheid spatial development imbalances since it only relates to the development of a single residential erf.</p> <p>The application proposal is consistent with spatial justice.</p> <p>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.</p> <p>Possible results of the development</p> <p>The relates to the development of a single residential erf and will not impact on valuable agricultural land, environmentally sensitive and biodiversity rich areas, or scenic and cultural landscapes.</p> <p>The application proposal can thus be deemed to be spatially sustainable.</p> <p>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.</p> <p>Possible results of the development</p> <p>The development proposal increases the use on an existing erf, thus increasing use density and improving spatial efficiency.</p> <p>The application proposal is consistent with the efficiency principle.</p> <p>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.</p>

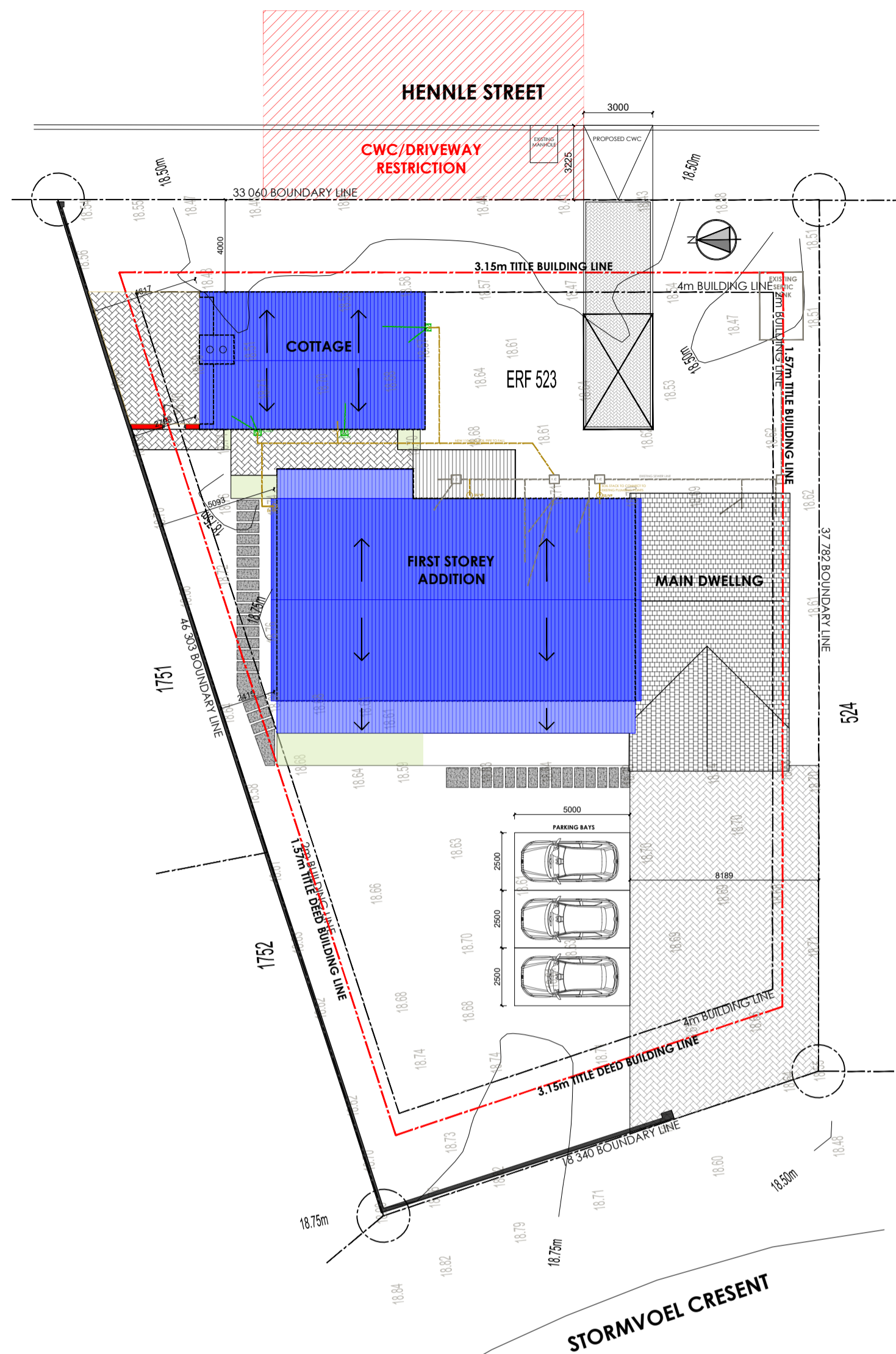
	<p>Possible results of the development The proposal will generate an income to the owners, improving the ability to accommodate economic shocks.</p> <p>The application proposal is consistent with the principle of spatial resilience.</p> <p>5) Good Administration which, in the context of land use planning 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.</p> <p>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.</p> <p>The application proposal is consistent with the principle of good administration.</p>
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5. Conclusion

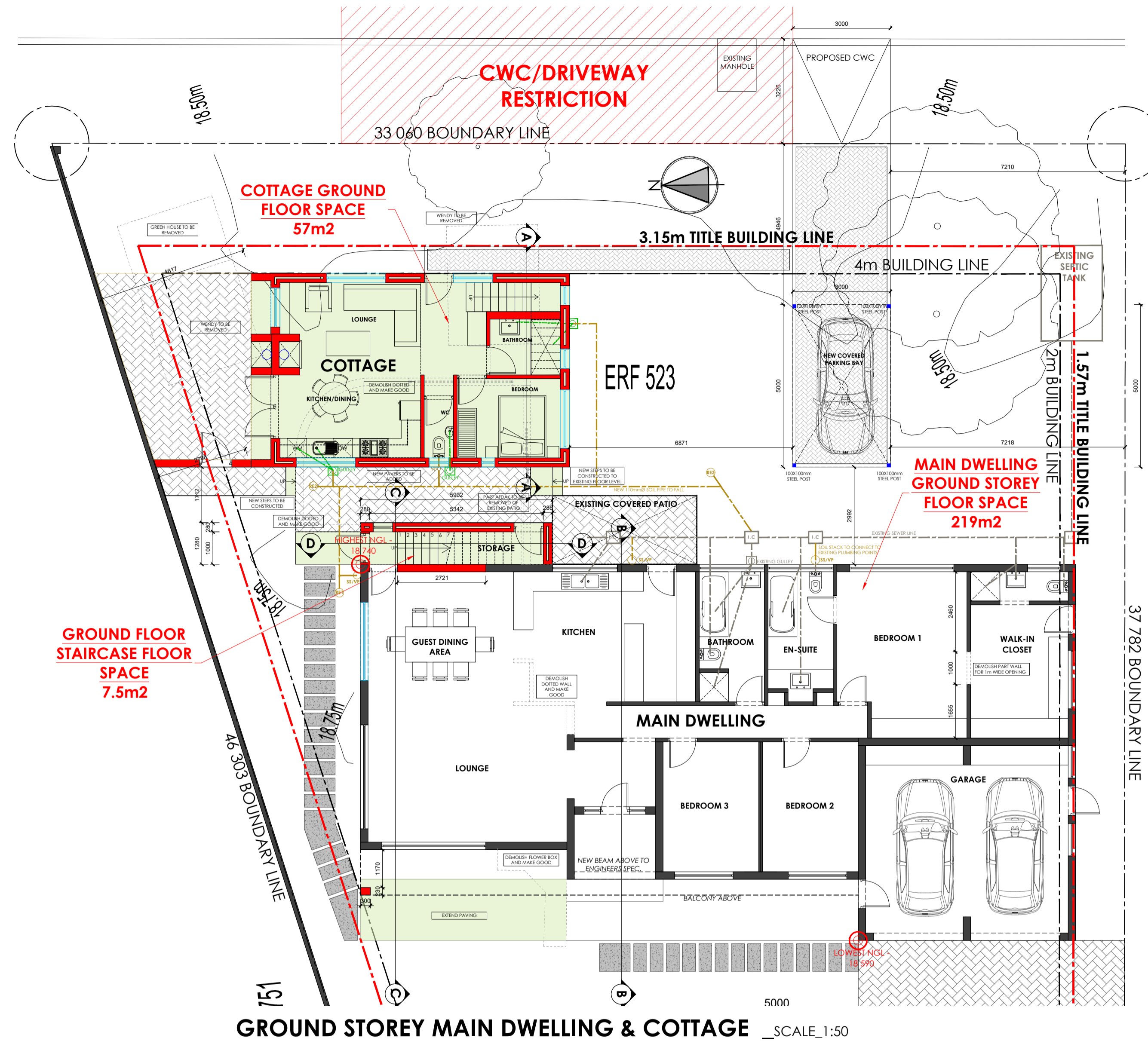
The application as motivated in this report is regarded **desirable** within its local context and well-integrated within the existing community land-use activities. The proposal improves the functionality of the property and no material impact on the neighbouring properties are foreseen.

It is therefore recommended that the application **be approved** in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, as follows:

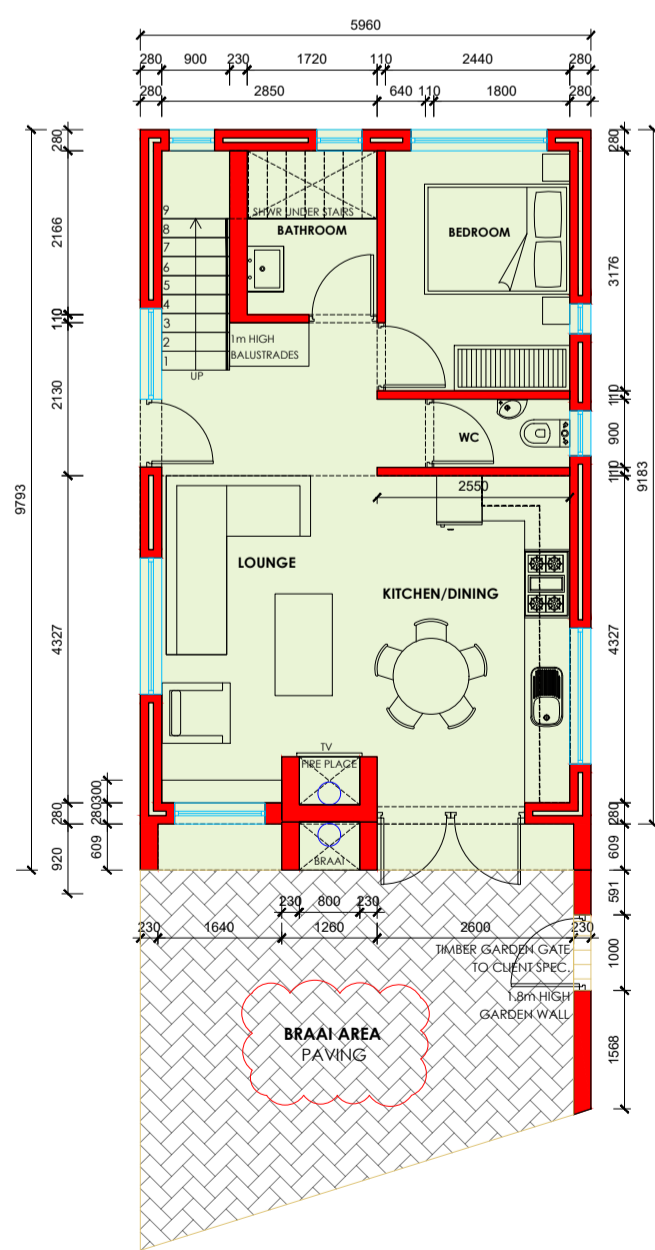
- A consent use for a guest house on Erf 523 Vermont in terms of Chapter IV, Section 16(2)(o).
- The removal of restrictive title deed condition E.(b) from Title Deed T43776/2023 in terms of Chapter IV, Section 16(2)(f).
- The removal of restrictive title deed condition E.(c) from Title Deed T43776/2023 in terms of Chapter IV, Section 16(2)(f).
- The removal of restrictive title deed condition E.(d) from Title Deed T43776/2023 in terms of Chapter IV, Section 16(2)(f).



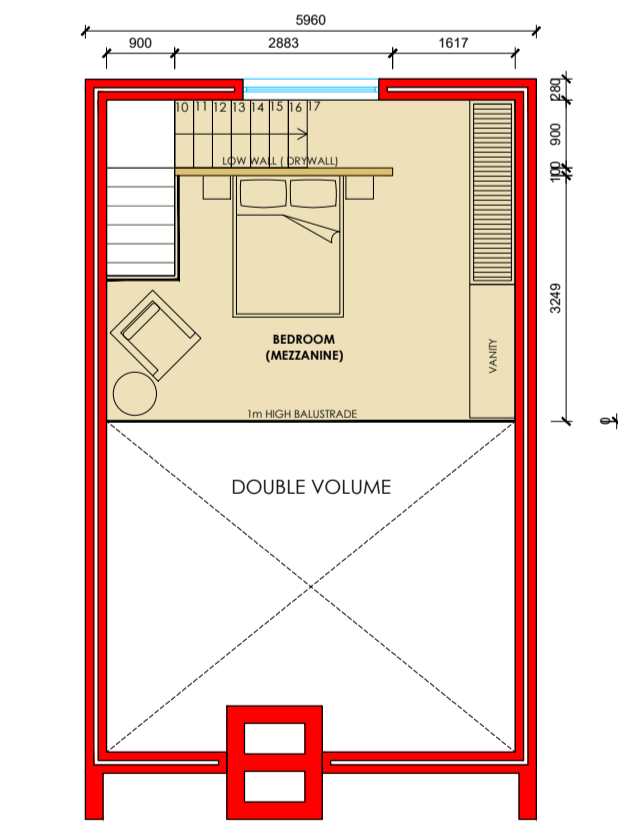
SITE/ ROOF PLAN _SCALE_1:200



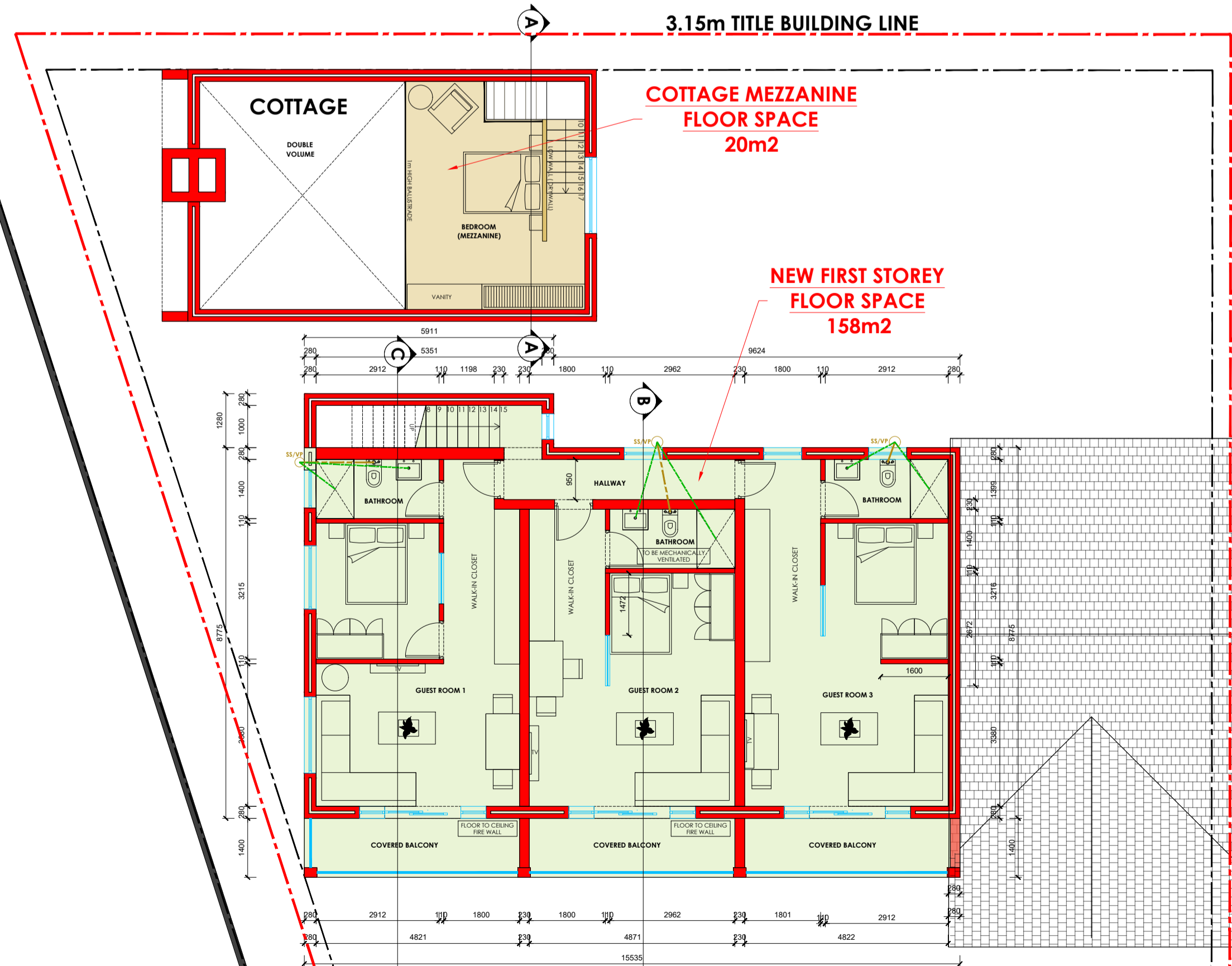
GROUND STOREY MAIN DWELLING & COTTAGE _SCALE_1:50



GROUND STOREY (COTTAGE) _SCALE_1:100



FIRST STOREY (COTTAGE) _SCALE_1:100



FIRST STOREY UNITS AND COTTAGE _SCALE_1:50

GENERAL NOTES:

ALL DIMENSIONS AND LEVELS TO BE CHECKED AND VERIFIED ON SITE BY THE CONTRACTOR PRIOR TO COMMENCING ANY WORKS

FIGURED DIMENSIONS ARE TO TAKE PREFERENCE TO SCALING. ALL DISCREPANCIES ON DRAWINGS OR INTENDED VARIATIONS FROM DRAWINGS ARE TO BE CLEARED WITH THE PROJECT MANAGER BEFORE COMMENCING

ALL WORKS TO BE CARRIED OUT IN STRICT ACCORDANCE WITH REGULATIONS AS LAID DOWN IN THE NATIONAL BUILDING REGULATIONS.

ALL EXISTING MATERIAL REMAINS THE PROPERTY OF THE OWNER UNLESS OTHERWISE STATED.

MUNICIPALITY - LAW		
SITE AREA		1086
ZONING		SR1
PERMITTED FLOOR SPACE		50%
MAXIMUM FLOOR SPACE		1500m ²
MAXIMUM HEIGHT		8m
STREET BUILDING LINE		3m
COMMON BUILDING LINE		2m
REAR BUILDING LINE		2m

PROPOSED		
EXISTING DWELLING GROUND FLOOR SPACE		219
STAIRCASE GROUND STOREY FLOOR SPACE		7.5
NEW FIRST STOREY (INCLUDING BALCONIES, EXCLUDING STAIRS)		158
TOTAL FLOOR SPACE FOR MAIN STRUCTURE		384.5
NEW COTTAGE FLOOR SPACE		57
COTTAGE MEZZANINE FLOOR AREA		20
TOTAL COTTAGE FLOOR AREA		77
CAR SHADING STRUCTURE		15
TOTAL FLOOR SPACE FOR SITE		461.5
TOTAL ADDITIONS		243
PROPOSED COVERAGE		27.49%

AREA CALCULATIONS

ISSUED FOR LUMS APPROVAL REV 05



ARCHITECTURE PROJECT MANAGEMENT

INFO@GROWARCHITECTURE.COM
WWW.GROWARCHITECTURE.COM

UNIT 15, CANAL EDGE 4, TYGER WATERFRONT, BELLVILLE
087 702 7619 | 082 681 4454

PROJECT:

HOUSE JACQUELINE DE FEIJTER

LOCATION:

62 STORMVOEL CRESCENT, VERMONT

ERF: 523

DRAWING:

ADDITIONS AND ALTERATIONS

DATE:

2024.10.04

SCALE:

AS INDICATED

OWNER'S SIGNATURE:

[Signature]

DRAWN:

DDV

DWG. No.

101

ARCH. SIGNATURE:

NEIL BASSON
PAT 352 41444

CONSTRUCTION NOTES:
Only applicable where deemed necessary to the material and construction detail. All discrepancies to be listed and indicated, in writing, to the architect/designer prior to commencement of works.

AUTHORITIES:
Main Contractor and Sub Contractors to ensure that all work is done in strict accordance with the latest regulations and requirements of related authorities including:
a) National Building Regulations (NBR)
b) South African National Standards (SANS)
c) Local Municipal Authority (By-Laws)
d) CSIR - Technical Guide to Good House Construction
e) National House Building Registration Council (NH&RC)
f) Estate Architectural Guidelines & Regulations (House Only)
g) All other relevant Authorities GENERAL

DRAWING STATUS:
The Contractor to ensure that the latest drawings are used on site prior to the commencement of work.
Only the latest construction drawings issued by the Architect/Designer as "construction drawings" with a date may be used for construction of the works. All superseded drawings must be removed from the site. One set of the Local Authority Approved Plan/Drawings to be kept on site at all times.
One set of the latest construction drawings to be kept on site at all times, and available to the Architect/Designer/Consultants and other Authorities.

GENERAL:
Quality of materials and workmanship to comply with the latest relevant Codes & Specifications of SANS and the minimum standards of Standard Preliminaries (JBCC) and the Model Prelim for Trades (SAGS 2008) and where applicable Project Specifications and Bill of Materials. This drawing to be read in conjunction with other Project Drawings, Construction Documents and building contract / agreement documents. Contractors must view the site and work to allow for everything necessary to complete the works.

Contractor(s) to check the details on this drawing for compliance with standards of good building practice with particular reference as per Clause "Authorities" and report any discrepancies in writing to the Architect/Designer.

No setting out to commence before the site boundary pegs position are verified and pointed out by the Land Surveyor. The Contractor to ensure that the correct setting out, including that which is from the boundary and building lines is done prior to commencement of ANY work. The contractor to verify all local council, utility service providers and existing works which is the responsibility of the contractor. The contractor to verify all levels, heights and dimensions on site and check the same against drawings before any work commences.

Any errors, discrepancies or omissions as well as queries are to be immediately reported to the Architect/Designer for clarification before any work is taken in hand.

DRAINAGE:
Closed system to conform to national building regulations. First inspection eye (I.e) to be min. 450mm below ground level with a min.
Fall of all 110mm diameter pipes 1:40 and a max. fall of 1:40. (SANS 10400P)
Roading eyes (r.e) to join drain in direction of flow at maximum angle 45 degrees and to be continued up to ground level & adequately marked & protected.

BRICK TIES & REINFORCEMENT:
Approved SASS butterfly tie wires to be used in cavity wall. Where the cavity is greater than 50mm, but less than 100mm, or the height of the wall is greater than 3m, approved SASS galvanized drip wall tie, to minimum specifications, to be used. Brick-ties on parapets and gables and 1 or balustrade walls to be used at least every third course.

ELECTRICITY:
All electrical cables and wires in walls, floors, concrete soffits and ceilings shall run in SASS approved conduits and/or trunking and/or cable trays.
ENERGY DEMAND:
Allowed: 5w/m²

ENERGY CONSUMPTION:
Allowed: 5kwh/m².a or 5kwh/m² [a-1 (year)]

ENGINEERING & STRUCTURAL:
All structural works to be designed by a structural engineer, appointed by the Client. The engineer to specify all foundations, footings, retaining walls, masonry walls, columns, piers, concrete slabs, beams, and structural steel work.
All foundations specified on drawings to be verified by engineer. Provision to be made for reinforcement where the soil conditions require stability. All structural items to be inspected by, and have passed inspection by, the engineer, prior to closing up of the work.

EXTERNAL:
Hardwood frames to all external doors as supplied by Swartland or equally approved. Internal doors to be timber as selected by client.

FILLING MATERIAL:
Under floor slabs to consist of suitable material and to be compacted in 150mm layers, to a density of at least 90% Mod AASHO (SANS 10400 J2010 4.4.5-7)

FOUNDATIONS:
Foundations to be in accordance with appointed Engineer's details & specifications. Where Engineer is not appointed: Continuous strip foundation to be minimum 250mm thick, unless laid on solid rock, and minimum 750mm wide to load bearing or free standing walls and 400mm wide for non-load bearing masonry walls (SANS 10400 H). Foundations to boundary walls not to exceed property erf boundary.
GENERAL:
- If underfloor heating is installed, the floor slab must be insulated with insulation having a minimum r-value of 1.00
- Hot water supply requirements: Geysers are to be wrapped in insulation blanket with an r-value to satisfy part XA of SANS 10400.
- A minimum of 50 of the annual average heating requirement for hot water must be provided by means other than electric resistive heating or fossil fuels.
- Check with manufacturer, subject to:
SANS 1307, SANS 10106, SANS 6211-1, SANS 6211-2, SANS 10254, SANS 10252-1
- Where applicable, solar & heat pump installations are to be by specialists.
- All exposed hot water pipes <80mm in diameter must be insulated with a material that has a minimum r-value of 1.00

GEYSER:
300l Eskom approved solar geyser to be supplied, geyser cylinder to be wrapped in 80mm thick suitable insulation blanket. All specifications to be in accordance with SANS 10252-1 & SANS 10106.
GEYSER DRIP TRAY:
Drip tray to comply with SANS 11848 drip tray specification. Drip tray(s) to be supplied with adaptor for connecting the waste pipe to the tray.

WALLS:
All bricks to comply with SANS 227. All external walls to be 280mm cavity walls with clay bricks. All internal walls to be 110mm imperial clay bricks. Walls to comply with SANS 10400 K.
DPC 375um (or equally approved) damp proof course below all cills and above all slabs, openings and other bridges to cavity walls and vertical DPC to sides of all openings. Weep holes @ 600mm intervals. DPC under cavity wall must be 150mm above finished ground level and cavity beneath DPC must be filled with a mortar support fill.
WINDOWS & DOORS:
All windows and sliding fold-a-side doors to be aluminium framed.
All frames to be fixed to walls with galvanized hoop iron built into wall at 600mm c/c in 3:1 cement mix.

WINDOW CILLS:
Internal - Plastered window cills except in bathrooms. Interior cills tiled in bathrooms.
External - Window cills are plastered & painted brick on edge with DPC under.

GLAZING:
All glazing to comply to SANS 10400-N.
Glass panels lower than 500 mm from the FFL or greater than 1m2 to be minimum 6.38mm thick safety glass.
All safety glazing materials (individual panels) shall be Permanently marked. Such marking to be visible after installation and comply with SANS 1263.
Thickness of glazing subject to wind load expectation - to be in accordance with SANS 0137.
All glazed aluminium windows, residential sliding doors, shop fronts, entrances screens, window and curtain walling skylights and space enclosures should meet the minimum recommended performance requirements as set out by AANAASA in their general specification for Architectural Aluminium and Glass Products.
No glazed architectural aluminium products should be installed on site before relevant AANAASA Performance test certificates for the product have been provided.
Frosted / obscure glass to windows in bathrooms & toilets.

HEALTH & SAFETY:
The Client is to ensure that the Contractor, in terms of the Occupational Health and Safety Act, Act 85 of 1993, with specific reference to the Construction Regulations, complies with the minimum requirements.

HOT WATER DEMAND, STORAGE & HEATER POWER:
According to SANS 10252-1
As per attached XA schedule

HOT WATER REQUIREMENTS:
The 100l hot water cylinder is to be wrapped with a 80mm thick suitable insulation blanket and an Eskom approved solar geyser must be fitted. (min 100l or equal & approved).
Hot water demand as per SANS 10252-1.
All specifications & installations will be done in accordance with SANS 10106. 50% hot water from alternate source.

LIGHTING:
Energy saving CFLs to be used.
Lighting to be max 5w per sq/m per SANS 204.

NATURAL VENTILATION & LIGHTING:
Provide minimum of 10% of floor area or 2m² area of opening for natural lighting to all habitable rooms inclusive of frames & glazing bars.
Provide minimum of 5% of floor area or 2m² (whichever is greater) to each habitable room. (SANS 10400 D)
Buildings with up to 15% fenestration area to net floor area, per storey, to comply with the minimum energy performance requirements.
Buildings exceeding 15% per storey shall comply with requirements for fenestration as per SANS 204. Air leakage should comply with SANS 613.

PLASTER:
Cement plaster, consisting of 5:1 sand & lime and 10% cement.
Smooth wood trowelled finish internally, smooth plastered finish externally where indicated.
Stipple textured plaster to walls where applicable and indicated on elevations.

PREAMBLE:
All work will be constructed in compliance with the National Building Regulations.
SANS 10400 and the Energy Efficiency Act, SANS 204, and of Local Authority By-Laws.

PRECAST LINTELS:
Lintels over all openings exceeding 1.5m with DPC (375 micron) stepped over lintel.
Openings exceeding 4.8m in width to engineer's design.
All in accordance with the manufacturers recommendations.

RAINWATER GOODS:
150x12mm fibre cement fascias fixed with brass screws to roller ends.
125mm PVC gutters to 75mm diameter downpipes to catchpits. 110mm diameter underground PVC piping according to stormwater layout.

ROOF:
Zinc aluminium or aluzinc - detail to be confirmed by architectural professional. Indicated roofing material at specified pitch. Fixed in accordance with the manufacturer's recommendations. 38 x 38mm SA pine battens at 450mm c/c on 4x30 fire retardant aluminium foil insulation or similar insulation on 38 x 14 mm v6 grade SA pine rafters and/or SASS metal nail plate. Manufactured trusses, secured on 114x38mm SA pine w/plate anchored with 2 x 3 mm galvanized hoop iron built a minimum of 600mm into brickwork.
All in accordance with the manufacturers recommendations.

SANS 10400 XA REQUIREMENTS:
Roof overhang to remain at min. 300mm.
No doors & windows specs can be altered in any way without a recalculation.
All insulation to roof, pipework etc. to be strictly adhered to.

SURFACE BED:
Surface beds to be in accordance with appointed engineer's details & specifications.
Where engineer is not appointed: selected floor finish material on 30mm cement: sand screed on 80mm thick concrete surface bed in accordance with SANS 50 977-1:2002 cement Part 1: composition, specification and conformity criteria for common cements, stone and sand to conform to SANS 1083:2006.
Mesh ref no 193, to all surface beds where depth of fill exceeds 1000mm.
DPC 250um (or equally approved) damp proof membrane under concrete surface beds conforming to SANS 952-1:2011. Laid with minimum 250mm overlaps, to be turned up around perimeter of and at least for full thickness of surface bed and sealed pressure sensitive tape or equally approved sealant.
Clean compacted sand backfill - G7 quality 400mm minimum thick.
Clean compacted sand backfill - G7 quality back to natural soil strata.
50 mm clean sand binding layer. Trench to be cleaned and squared before casting of concrete. Binding layer to be compacted with mechanical compactor.
DPC 375um (or equally approved) damp proof course in solid walls conforming to sps 952-1:2011. Laid with minimum 250mm overlaps.

WALLS:
All bricks to comply with SANS 227. All external walls to be 280mm cavity walls with clay bricks. All internal walls to be 110mm imperial clay bricks. Walls to comply with SANS 10400 K.
DPC 375um (or equally approved) damp proof course below all cills and above all slabs, openings and other bridges to cavity walls and vertical DPC to sides of all openings. Weep holes @ 600mm intervals. DPC under cavity wall must be 150mm above finished ground level and cavity beneath DPC must be filled with a mortar support fill.

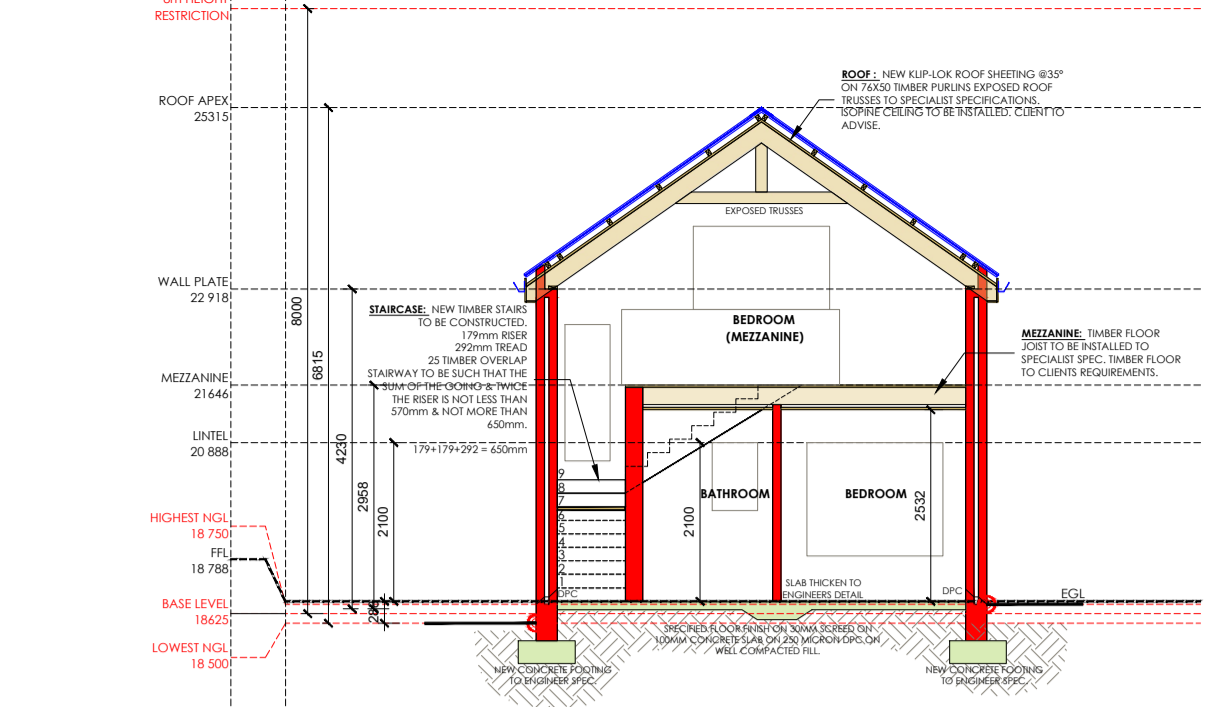
WINDOWS & DOORS:
All windows and sliding fold-a-side doors to be aluminium framed.
All frames to be fixed to walls with galvanized hoop iron built into wall at 600mm c/c in 3:1 cement mix.

WINDOW CILLS:
Internal - Plastered window cills except in bathrooms. Interior cills tiled in bathrooms.
External - Window cills are plastered & painted brick on edge with DPC under.

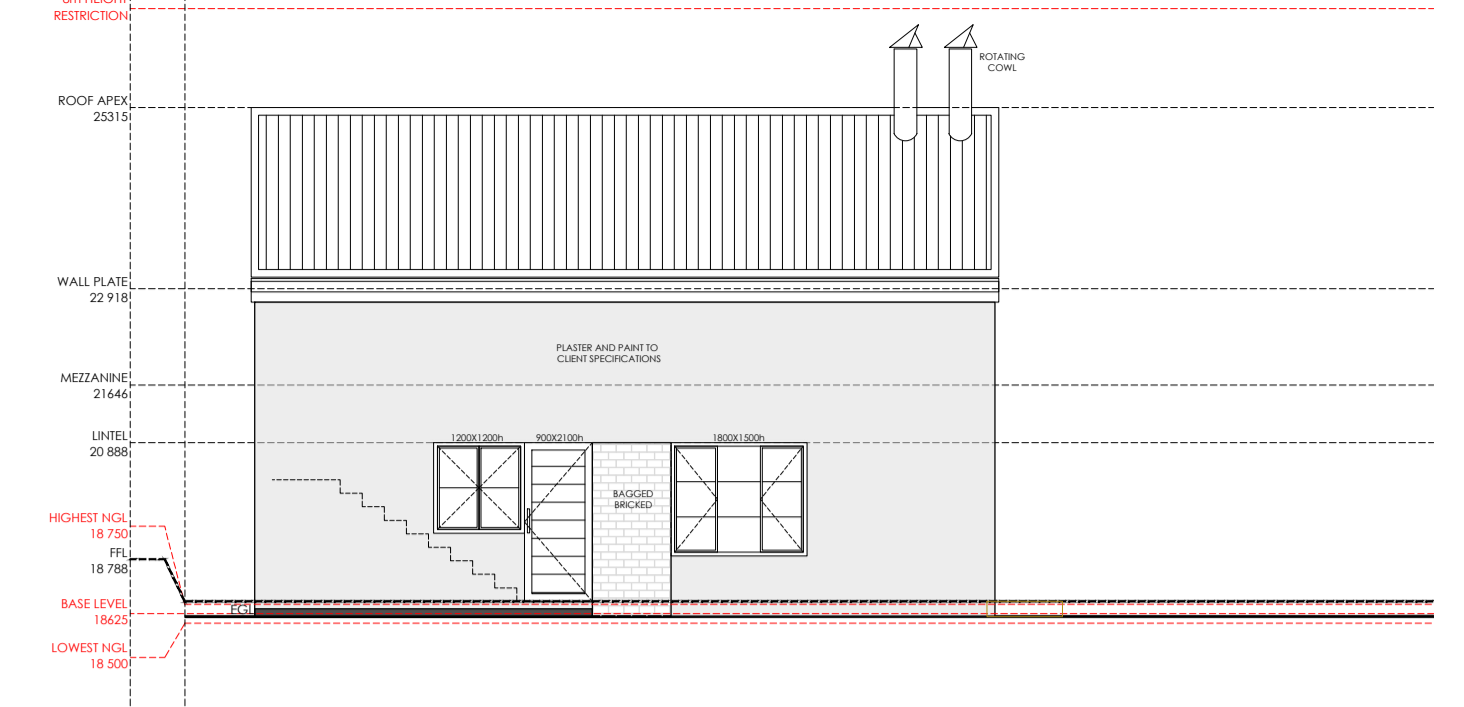
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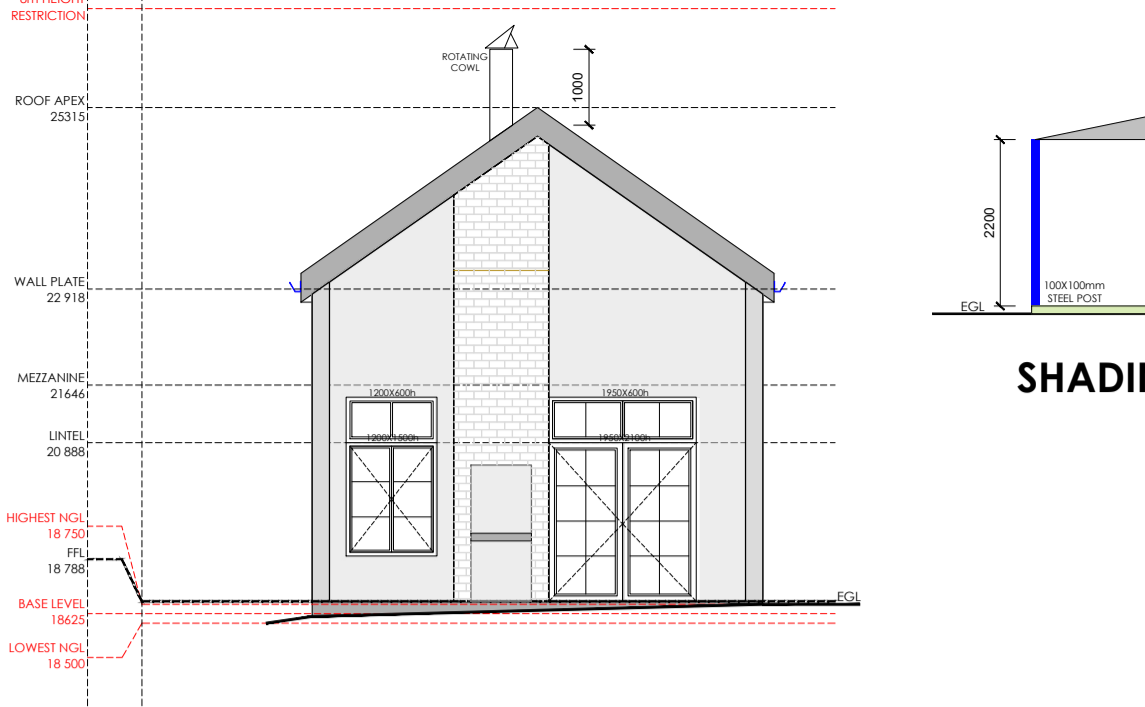
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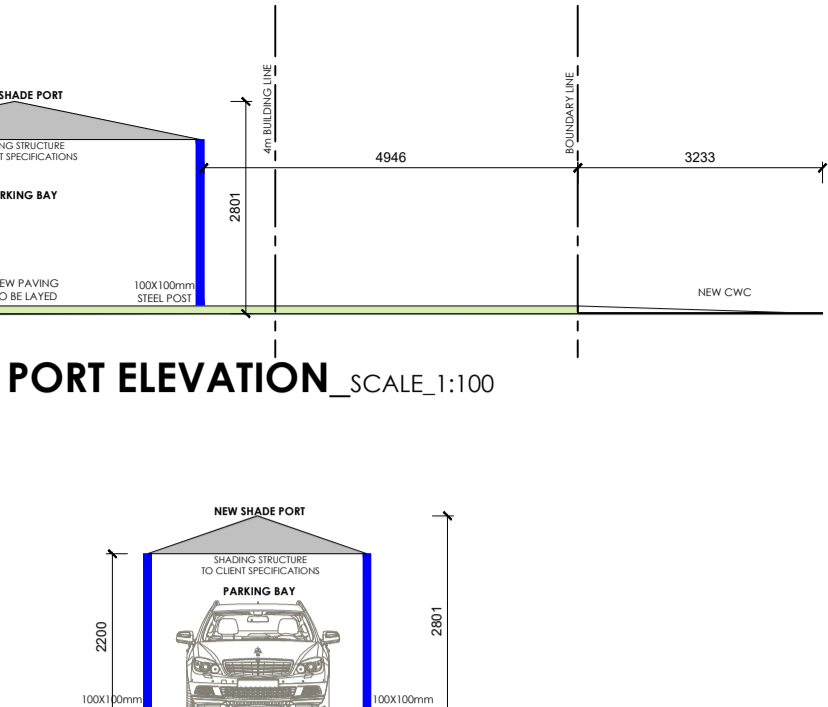
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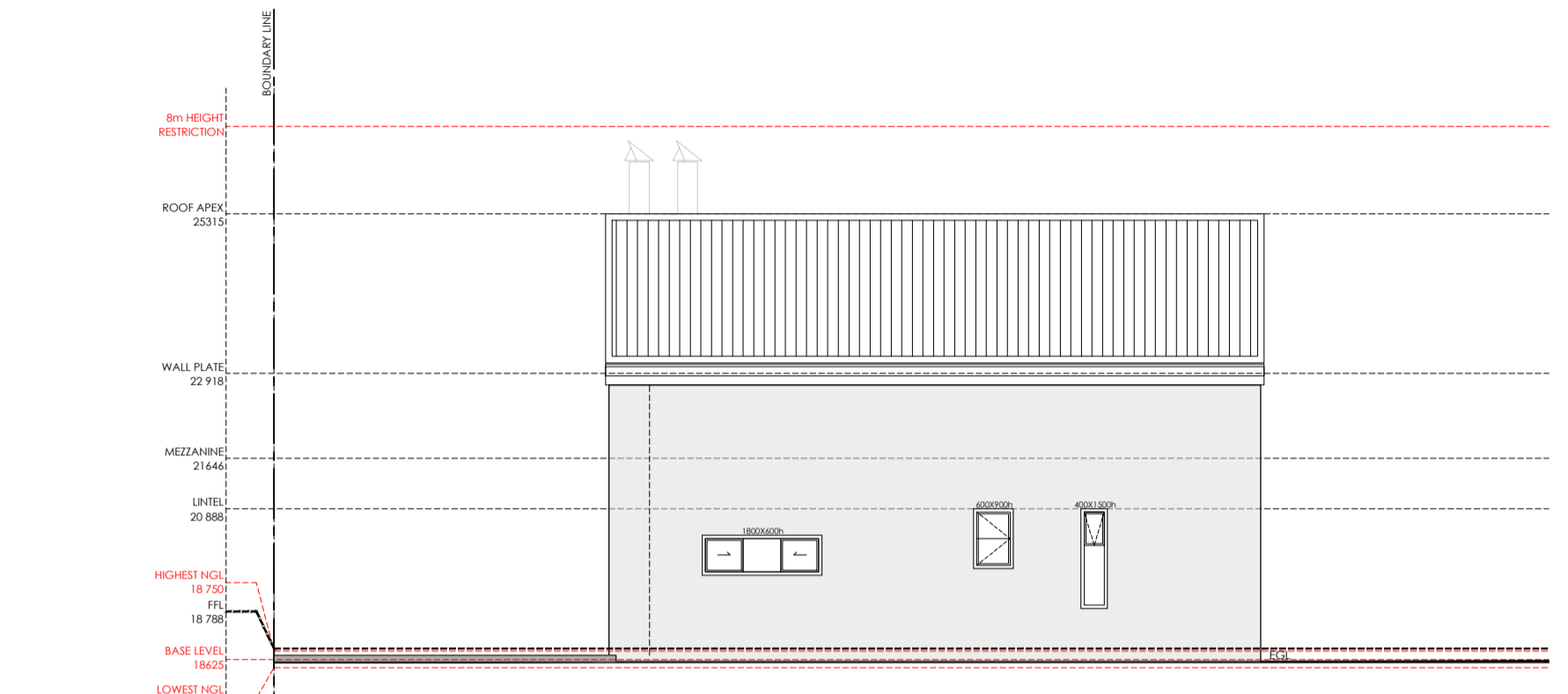
EAST ELEVATION(COTTAGE)_SCALE_1:100



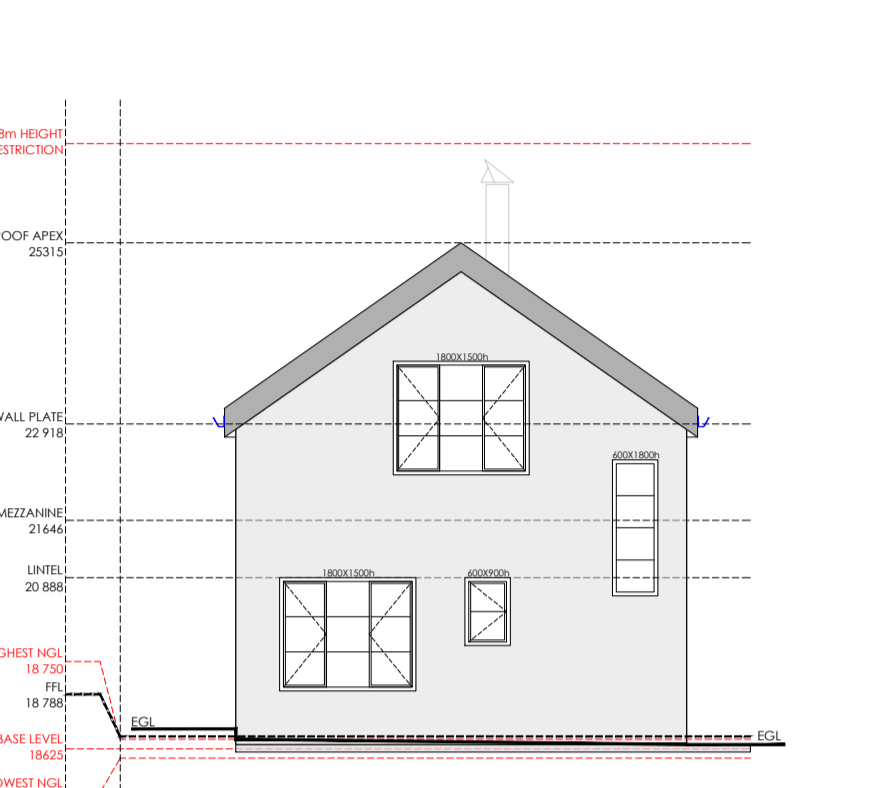
NORTH ELEVATION(COTTAGE)_SCALE_1:100



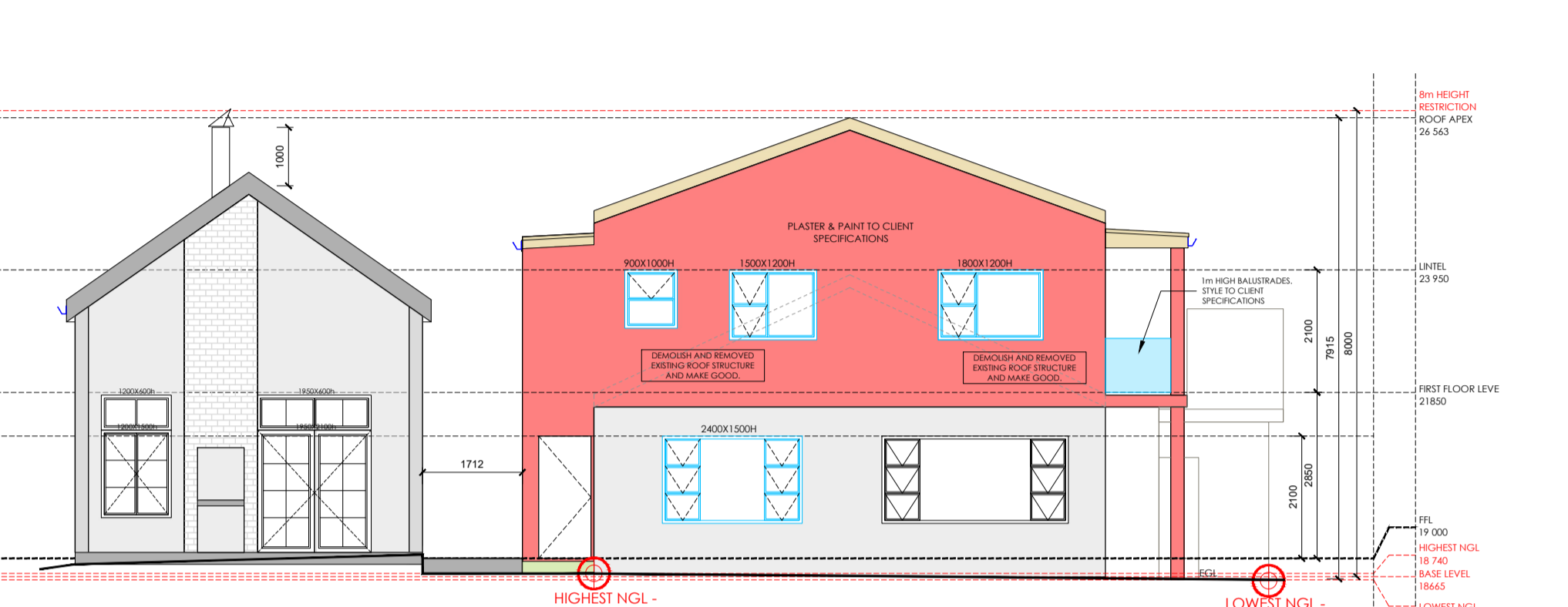
SHADING PORT ELEVATION_SCALE_1:100



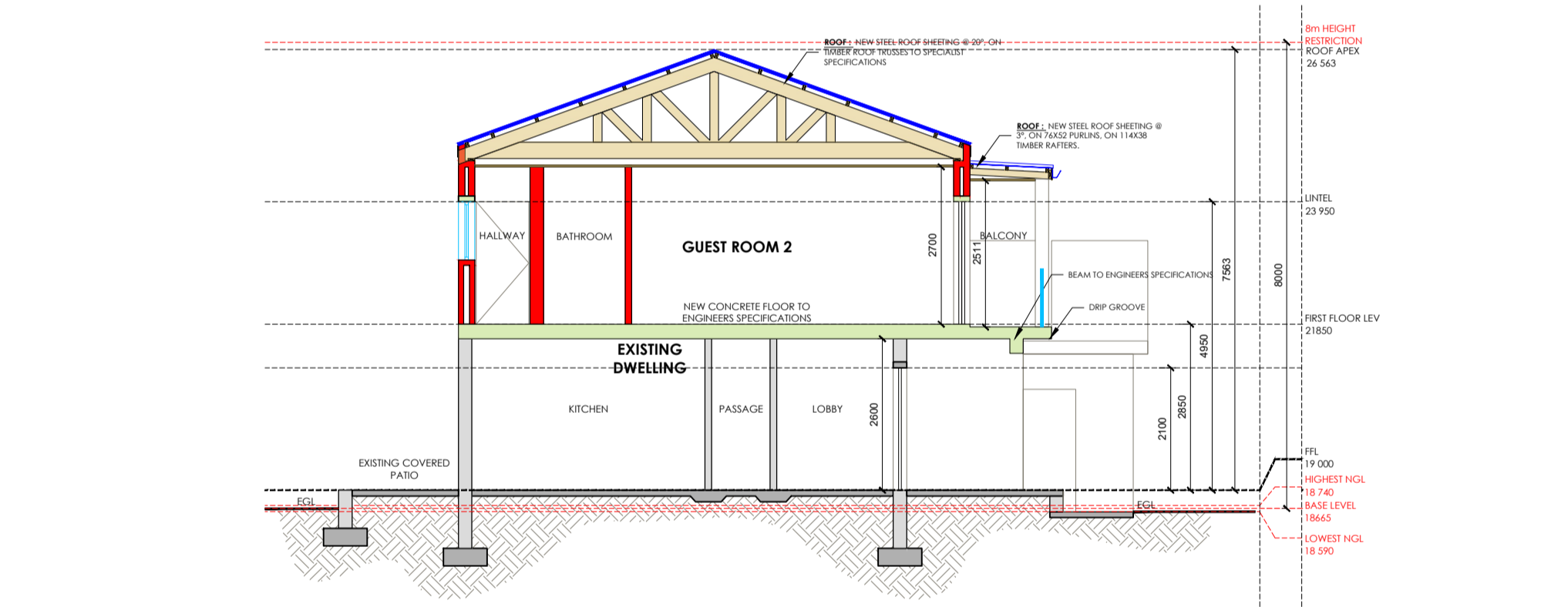
WEST ELEVATION(COTTAGE)_SCALE_1:100



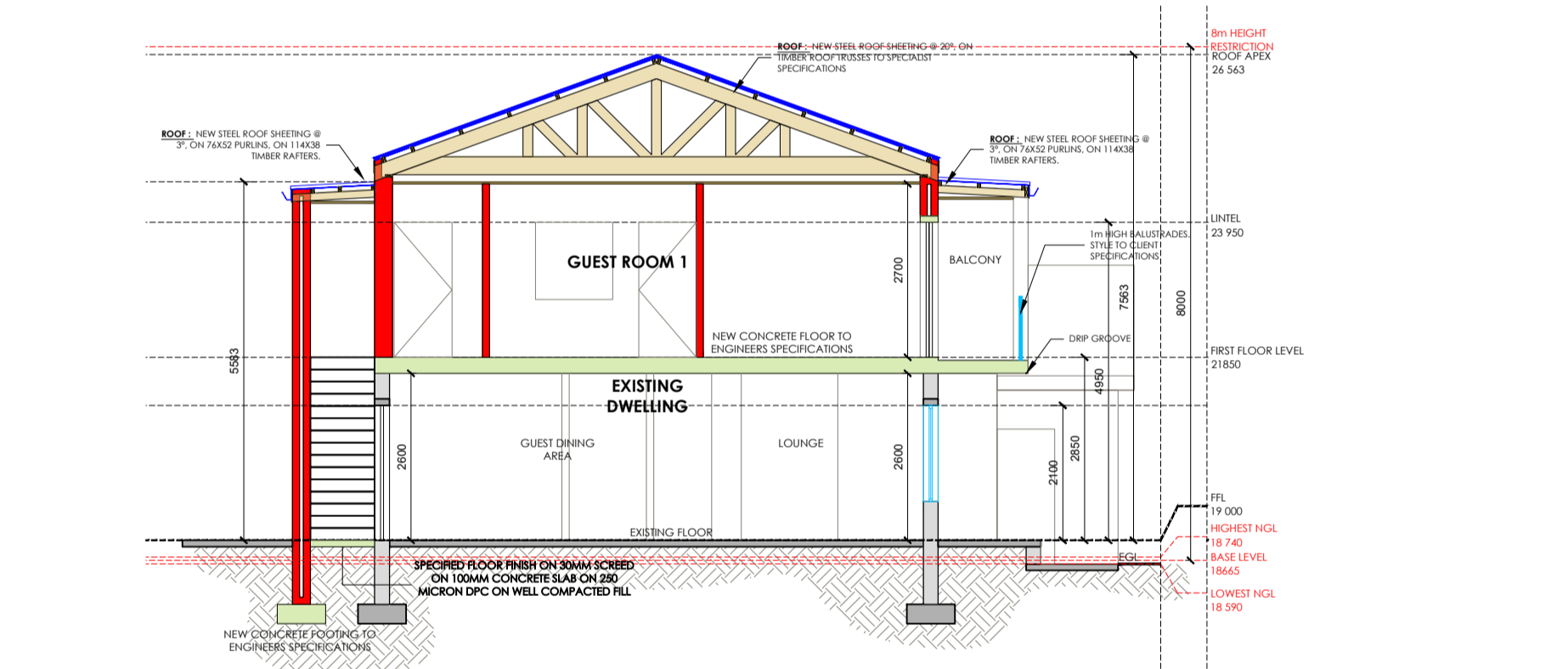
SOUTH ELEVATION(COTTAGE)_SCALE_1:100



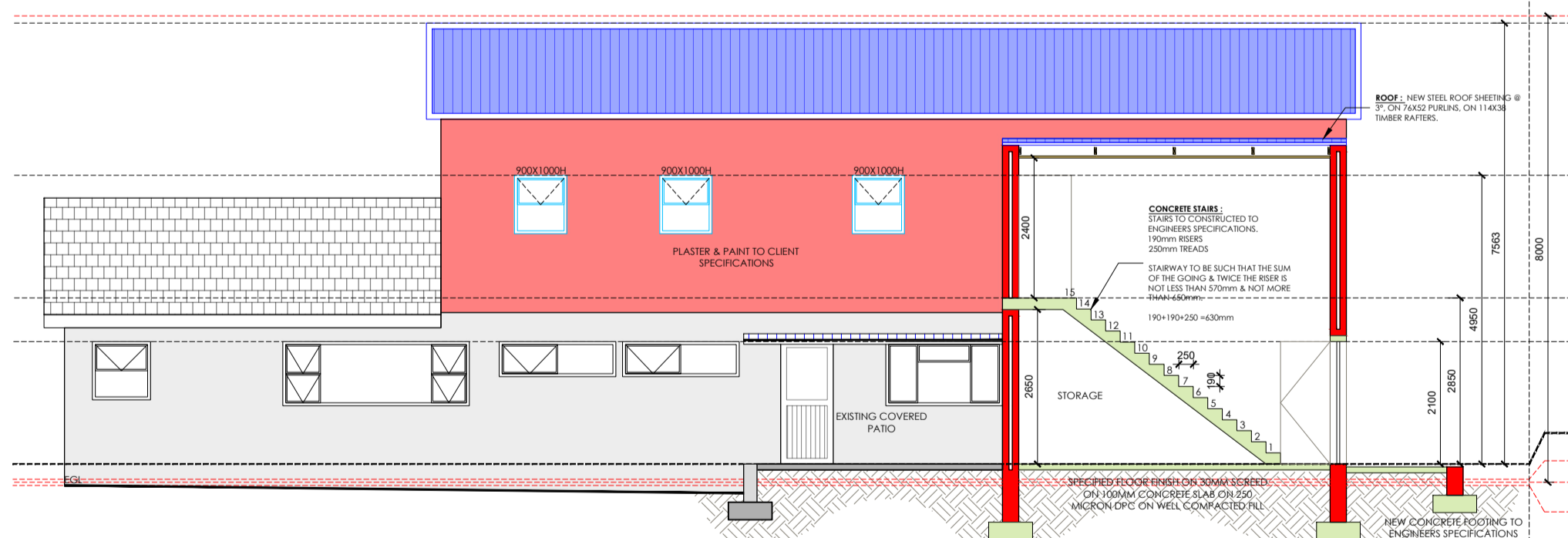
NORTH ELEVATION_SCALE_1:100



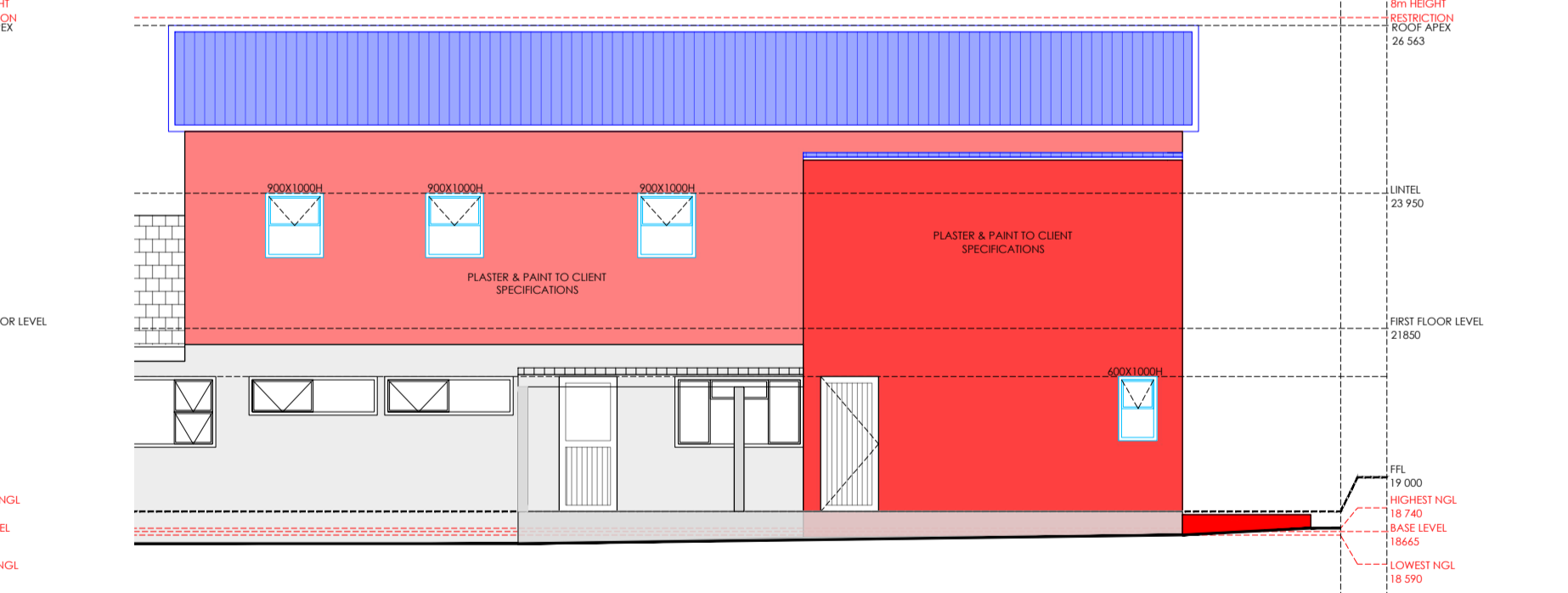
SECTION B-B_SCALE_1:100



SECTION C-C_SCALE_1:100



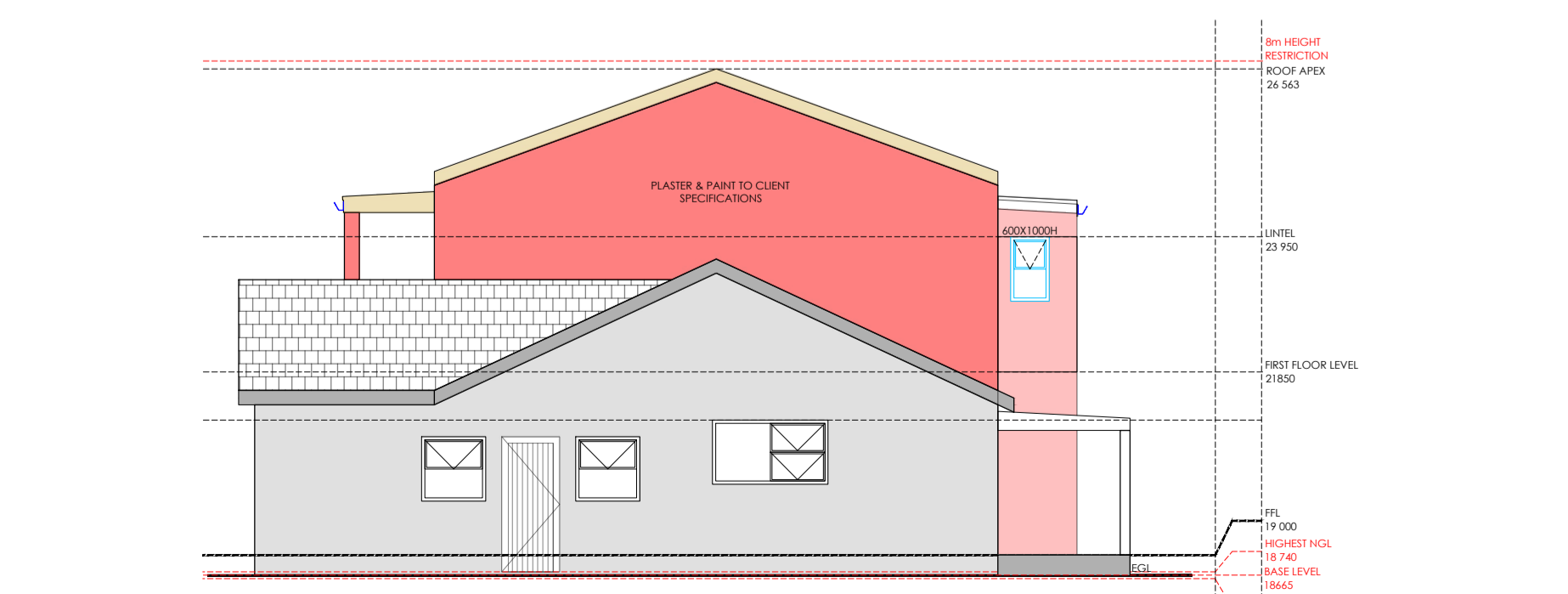
SECTION D-D_SCALE_1:100



EAST ELEVATION_SCALE_1:100



WEST ELEVATION_SCALE_1:100



SOUTH ELEVATION_SCALE_1:100

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APPROVAL REV 05

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architecture

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PROJECT MANAGEMENT

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PROJECT:
HOUSE JACQUELINE DE
FEIJTER

LOCATION:
62 STORMVOEL CRESCENT,
VERMONT

ERF: 523

DRAWING:
ADDITIONS AND
ALTERATIONS

DATE:
2024.10.04

DRAWN:
DDV

SCALE:
AS INDICATED

DWG. No.
102

OWNER'S SIGNATURE:
[Signature]

ARCH. SIGNATURE:
[Signature]
NEIL BASSON
PAT 352 41444