



ERF 4122, 104 BEACH ROAD, KLEINMOND: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: J MINNAAR ON BEHALF OF I ZWARTS

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

- ✚ **departure** in terms of Section 16(2)(b) of the By-Law to relax the rear building line from 2,0m to 1,5m to accommodate the existing bay window.
- ✚ **determination of an administrative penalty** in terms of Section 16(2)(q) for the unauthorised building line encroachment as mentioned above.

Full detail regarding the proposal is available for inspection during weekdays between 08:00 and 16:30 at the Division: Town and Spatial Planning at 16 Paterson Street, Hermanus, at the Kleinmond Library, 5th Avenue, Kleinmond and on the municipal webpage at the following link <https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/>. Any written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / (e) landuse@overstrand.gov.za) on or before **9 October 2026**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Mrs. H. van der Stoep** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Division: Town and Spatial Planning where a municipal official will assist them in order to formalize their comment.

Please note that in terms of the Protection of Personal Information Act (POPIA), you will be entering into a public process and as such agree and consent to your name, surname, contact details and comment(s) may be disclosed / used in the (application) process.

ERF 4122, KUSWEG 104, KLEINMOND: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: J MINNAAR NAMENS I ZWARTS

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

- ✚ **afwyking** ingevolge Artikel 16(2)(b) van die Verordening om die agterboulyn vanaf 2,0m na 1,5m te verslap om die bestaande erkvenster te akkommodeer.
- ✚ **bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) vir die ongemagtigde boulynoorskryding soos hierbo genoem.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Afdeling: Stads- en Streekbeplanning, Hermanus, by die Kleinmond Biblioteek, 5^{de} Laan, Kleinmond en op die munisipale webtuiste by die volgende skakel <https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/>. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (e) landuse@overstrand.gov.za) voor of op **9 Oktober 2026**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **Me. H. van der Stoep** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Afdeling: Stads- en Streekbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

U aandag word gevestig op die Bepalinge van die "POPI" Wet, en aangesien u opmerking deel sal uitmaak van 'n openbare deelname proses, u derhalwe toestem dat u naam, van en kontakbesonderhede openbaar gemaak mag word.

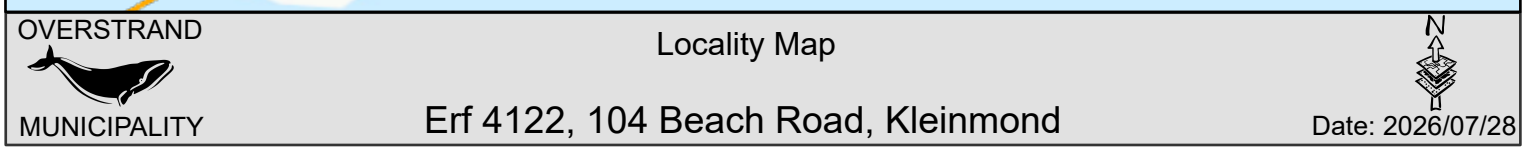
ISIZA 4122, 104 BEACH ROAD, KLEINMOND: ISICELO SOKUHAMBA KUNYE NOKUSETYENZISWA KWESOHLWAYO SOKULAWULA: J MINNAAR EGAMENI LE-I ZWARTS

Isaziso ngoko ke sinikezelwa ngokwemiqathango yeCandelo lama-48 loMthetho kaMasipala wase-Overstrand oLungisiweyo woCwangciso loSetyenziso loMhlaba kaMasipala, ka-2020 sokuba isicelo sifunyenwe kwezi zinto zilandelayo:

- ✚ **ukuhamba** ngokwemiqathango yeCandelo 16(2)(b) loMthetho kaMasipala ukuze kuncitshiswe umgca wesakhiwo ongasemva ukusuka ku-2,0m ukuya ku-1,5m ukuze kulungiselelwe ifestile ekhoyo.
- ✚ **ukumisewa kwesohlwayo solawulo** ngokwemiqathango yeCandelo 16(2)(q) ngenxa yokungena komgca wesakhiwo ongagunyaziswanga njengoko kuchaziwe ngasentla.

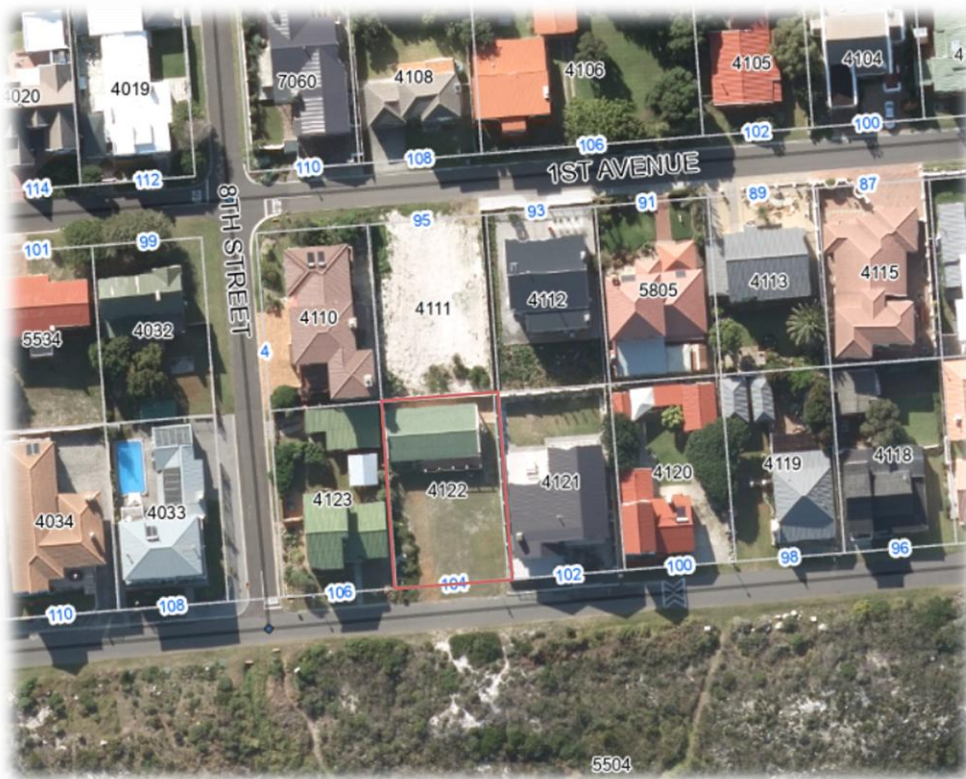
Iinkcukacha ezipheleleyo malunga nesindululo ziyafumaneka ukuze zihlolwe phakathi eveleni phakathi kwentsimbi ye-08:00 kunye ne-16:30 kwiCandelo: UCwangciso lweDolophu neSithuba e-16 Paterson Street, eHermanus kunye neThala leeNcwadi laseKleinmond, eFifth Avenue, eKleinmond nakwiphepha lewebhu likamasipala. ikhonkco elilandelayo <https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/>. Naziphi na izimvo ngesindululo mazingeniswe ngokubhaliweyo ngokwemigaqo yeCandelo lama-51 kunye nelama-52 loMthetho kaMasipala omiselweyo kuMasipala (16 Paterson Street, Hermanus / (e) landuse@overstrand.gov.za) ngaphambi okanye **9 EyeDwarha 2026**, ebonisa igama, idilesi neenkukacha zoqhagamshelwano, umdla kwisicelo kwakunye nezizathu zezimvo. Imibuzo ngomnxeba ingabhekiswa ku**Nksk. H van der Stoep** kule nombolo 028-313 8900. UMasipala unokwala ukwamkela izimvo emva komhla wokuvula. Nawuphi na umntu ongakwaziyo ukufunda okanye ukubhala angandwendwela iSebe: loCwangciso lweDolophu noMmandla apho aya kuthi ancediswe ligosa likamasipala ukuze anike izimvo zakhe ngokusesikweni.

Nceda uqaphele ukuba le miba imayela NoMthetho Okhusela Ingxalo Ngomntu(POPIA), uza kungena kwinkqubo yokawonkwonke ngolo hlobo ke uvumelana nokunika igama lakho nemvume yokusebenzisa igama lakho, ifani, iinkcukacha ofumaneka kuzo nokuhlomla izimvo eziza kudizwa/eziza kusetyenziswa kwinkqubo (yokufaka isicelo).



ERF 4122 KLEINMOND

MOTIVATIONAL REPORT: APPLICATION FOR DEPARTURE & ADMINISTRATIVE PENALTY



ABSTRACT

Application for departure
to accommodate the
existing bay window.

Application By: Jeane Minnaar

Compiled for: I Zwartz

July2026

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1. Background

The subject property Erf 4122 is situated in the residential neighbourhood of Kleinmond (104 Beach Road, Kleinmond) with an extent of 595m². According to the zoning map & Overstrand Municipal Land Use Scheme, 2020 the property is zoned as Residential Zone I: Single Residential (SRI). The property consists of a four-bedroom dwelling with a study, laundry and garage.

It is the intent of the property owner to legalise the bay window encroaching the 2m rear scheme building line.

Jeané Minnaar is hereby duly appointed by the property owner (Iwan Zwarts) to submit a land use planning application for the proposed development.

See Appendix-B for the Power of Attorney & Appendix- C for the Site Development Plan

2. Application

The following is proposed:

Application is hereby submitted in terms Section 16 (2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for departure for the following:

- Relaxation of the northern rear building line from 2m to 1.5m to accommodate the existing bay window.
- Application in terms Section 16(2)(q) of the By-Law for the determination of an administrative penalty to accommodate the existing bay window.

3. Locality

The subject property is situated within the Overstrand Municipality, located at 104 Beach Road, Kleinmond. The location of the property is shown in the figure below.



4. Land Use Environment

The property is situated in the residential neighbourhood of Kleinmond where the predominant use of the area is for residential purposes. The zoning of the subject erf and the surrounding properties are zoned for residential purposes and Open Space Zone 1-Nature Reserve due to it being along the sea side. The zoning in the area is shown below as Figure 2 and Appendix D.



5. Land Use Scheme Parameters

The property is zoned Residential Zone 1: Single Residential Zone (SR1) in terms of the Overstrand Municipality Land Use Scheme, 2020. The table below indicates the applicable parameters in terms of the zoning and the proposed departure.

	Scheme Parameters	Proposed Development	Departure Required
Coverage	50%	44.6%	N/a
Northern Rear Building Line	2m	Bay window encroaching rear building line from 2m to 1.5m	Yes
Eastern Side Building Line	2m	Compliant	N/a
Western Street Building Line	4m	Compliant	N/a
Western Street Title Deed Building Line	3.15m	Compliant	N/a
Southern Lateral Building Line	2m	Compliant	N/a

6. Title Deed

In terms of the Title Deed No T/ 38591/2023, Erf 4122 Kleinmond is registered in the name of Iwan Zwarts. The proposed development is not restricted by the development parameters in terms of the title deed. The Title Deed is attached hereto as Appendix E.

7. Engineering Services

The subject property is connected to the existing Overstrand Municipality services network which includes electricity, water, sewage, and solid waste. No problems are anticipated.

8. Policies and Regulations

Overstrand Municipal Spatial Development Framework, 2020 (MSDF)

The Municipal Spatial Development Framework is a sectoral component of the IDP that, in terms of the MSA, is aimed at providing general direction to guide decision making on an ongoing basis, aiming at the creation of integrated, sustainable and habitable regions, cities, towns and residential areas.

The proposed application is located within the urban edge and is indicated as part of the “urban development area”. The proposed addition to the residential zoned property is therefore in line with this forward planning document.

Overstrand Municipality Spatial Growth Management Strategy, 2010 (OMSGMS)

The Growth Management Strategy promotes the longer-term sustainability of the municipal area and its sub-regions. The property falls within the planning unit 19 which promotes residential densification.

The proposal to accommodate a bay window should be considered in line with the residential nature of the area since the property is already situated within the existing established residential neighbourhood. The proposal should therefore be deemed in line with this forward planning document.

9. Planning Principles

Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)

Section 7 of the "Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)" list 5 development principles based on which any development application must be evaluated.

The principles referred to are as follows:

1. Spatial Justice

The existing bay window will not trigger the principle due to a window being a normal residential addition to an existing dwelling house. The principle of spatial justice is not applicable since the property will not perpetuate spatial injustice.

2. Spatial Sustainability

The bay window will enable increased natural daylight and ventilation within the dwelling, reducing reliance on artificial lighting and improving energy efficiency.

3. Spatial resilience

The existing bay window is a normal addition to a residential property and enhances occupant comfort and adaptability by providing additional usable space without increasing the building footprint.

4. Efficiency

The bay window optimises the use of available internal floor space without requiring a larger building footprint. Improved natural lighting can also reduce electricity consumption.

5. Good administration

The Overstrand Municipality has a credible track record of good administration regarding the method of public participation which invites and accepts comments from the public to make an informed decision as well as complying with the prescribed time frames pertaining to the processing of applications.

10. Administrative Penalty

In term of Section 90 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020 the following is applicable: "A person who is in contravention of this By-Law, 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 land or building or part thereof concerned."

The administrative penalty applicable to the property is evaluated in terms of section 90 (3) (a-e), as follows:

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

The existing bay window has an extent of 1.78m². The bay window was erected by the property owner in 2025.

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

The property owner is responsible for the illegal bay window.

(c) a report by a quantity surveyor in matter of unauthorised building/construction.

No quotes have been submitted due to the minor nature of the existing window bay. The municipal tariff of 2026/2027 can be used in order to calculate the penalty for the existing bay window.

(d) whether the unlaw conduct was stopped.

The existing window has already been built, and the construction has been completed.

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

To the best of my knowledge, the property owner has not previously contravened this By-Law or any other By-Law.

With reference to the above, the property owners seek to rectify the unauthorised building work of the existing bay window.

11. Need and Desirability

The existing bay window serves a functional and aesthetic purpose by providing additional usable floor area within the dwelling without increasing the overall building footprint. The structure improves the quality of the indoor living environment through increased natural light penetration, enhanced ventilation, and improved views, contributing to the comfort and wellbeing of property owner.

From a land use management perspective, the bay window represents an efficient utilisation of residential property. The encroachment is minor in nature and does not alter the primary residential character of the property or surrounding neighbourhood.

The bay window is compatible with the scale and form of the existing dwelling and does not create significant adverse impacts on adjoining properties in terms of privacy, overshadowing, visual intrusion, or access to light. The structure is therefore considered desirable as it enhances the functionality and architectural appearance of the dwelling while maintaining the amenity of the surrounding area.

Furthermore, the retention of the existing bay window supports orderly development by recognising an established improvement that has become integrated into the built form of the property. The proposal is consistent with the objectives of sound spatial planning, promotes efficient use of land, and is unlikely to prejudice the rights or reasonable expectations of neighbouring property owners. Neighbours consent has not been provided, and the normal public participation process can proceed.

With the above-mentioned stated, this proposal is in harmony with all relevant planning principles and forward planning documents and is therefore considered desirable from a town planning point of view.

12. Recommendations

Based on the abovementioned motivation, it is recommended that the following be approved:

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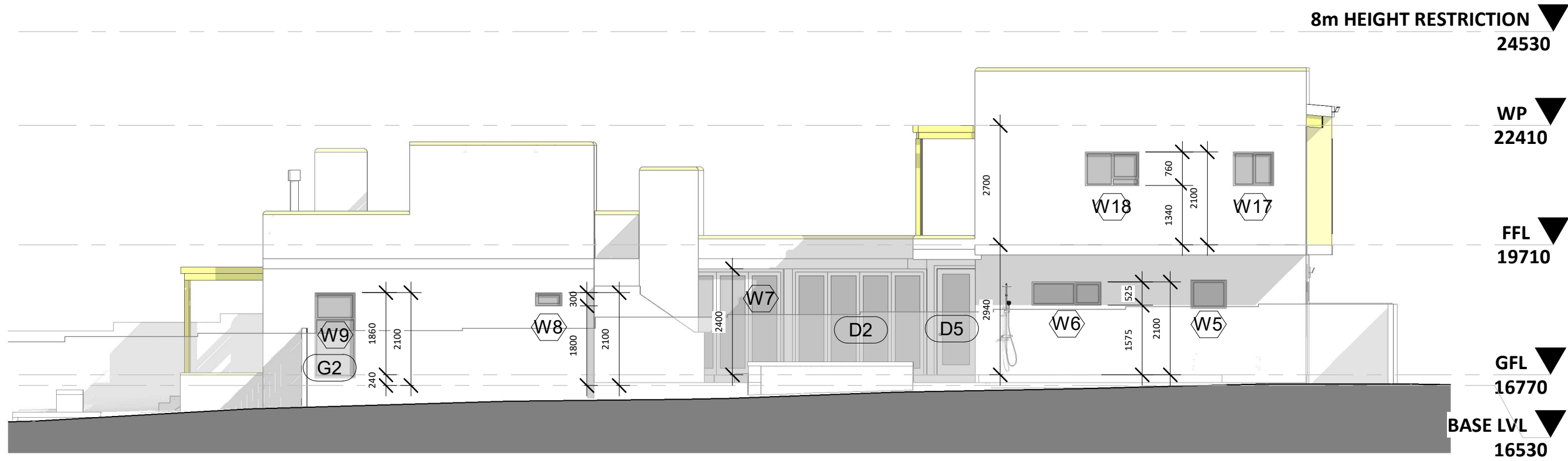
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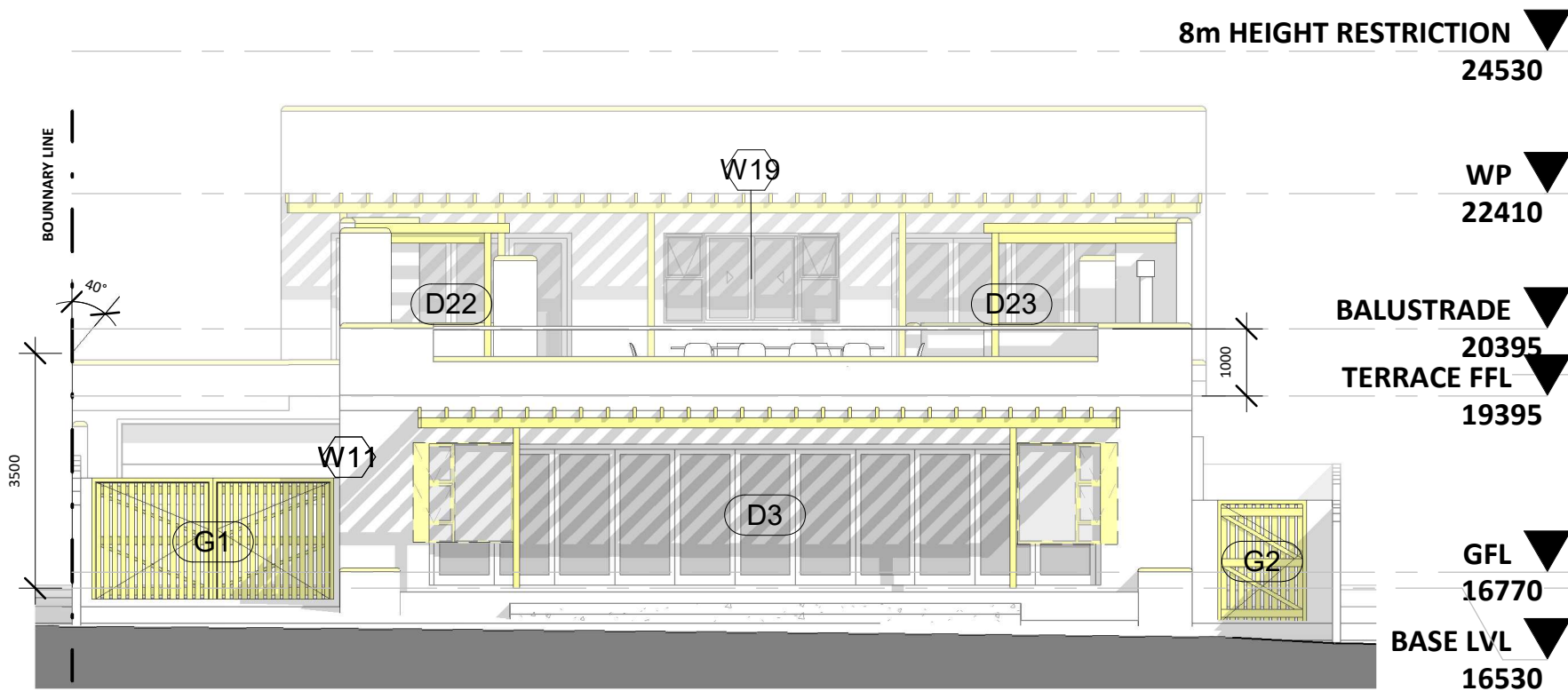
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REVISION
VAN ZYL

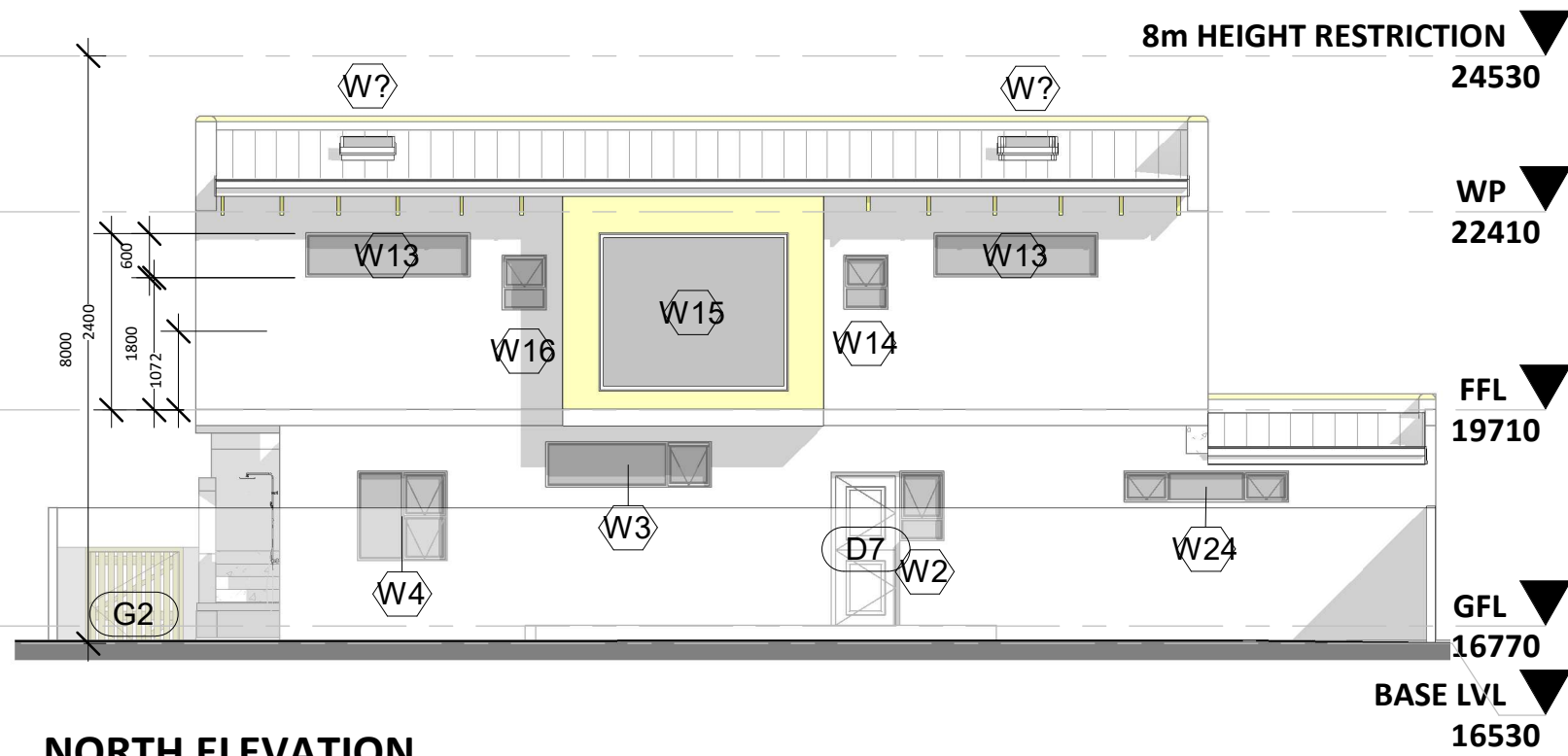
COPYRIGHT RESERVED



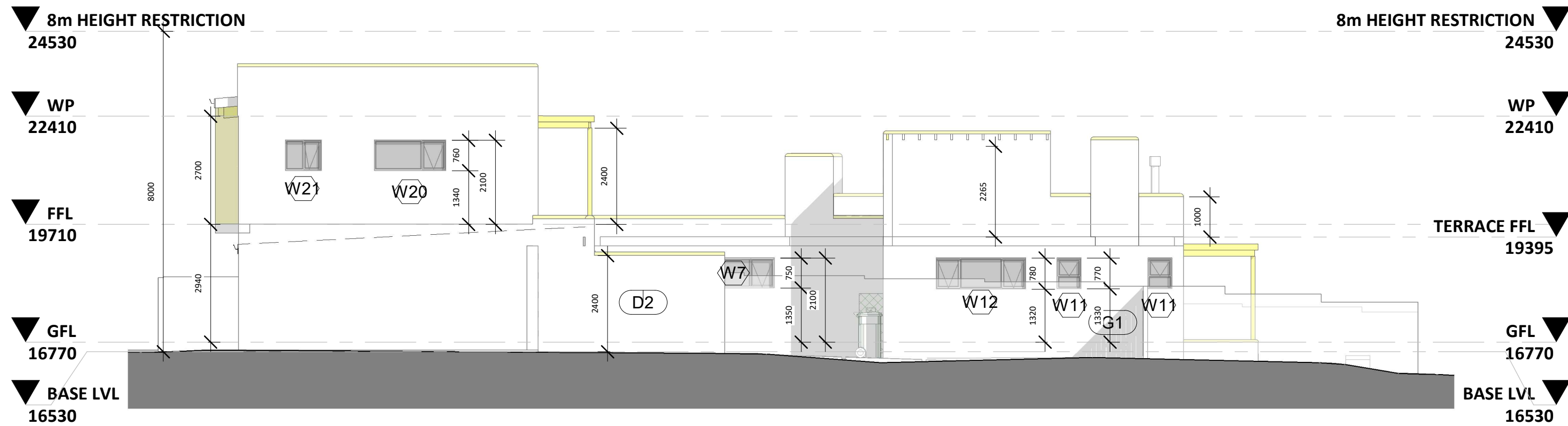
EAST ELEVATION
1:100



SOUTH ELEVATION
1:100



NORTH ELEVATION
1:100



WEST ELEVATION
1:100

- NOTES:**
- ALL WORK DONE IN ACC WITH SANS 10400.
 - ALL QUERIES TO BE DIRECTED TO THE ARCHITECT.
 - ALL DIMENSIONS AND HEIGHTS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION.
 - WRITTEN DIMENSIONS TO BE REFERRED TO - DRAWING NOT TO BE SCALED.
 - LARGER SCALE DRAWINGS TO SUPERCEDE SMALLER SCALE DRAWINGS.
 - PC CONCRETE LINTOLS WITH 4 COURSES BRICKWORK WITH BRICKFORCE OVER ALL OPENINGS LESS THAN 3M.
 - TIMBER GRADE V5 OR V7.
 - ALL STRUCTURAL TIMBER BUILT INTO WALLS ARE TO BE COVERED WITH DPC.
 - SABS APPROVED FLASHING WHERE ROOF PROFILE MEETS EXISTING WALL - ALL TO MANUFACTURER'S SPECIFICATIONS.
 - DAMP PROOF MEMBRANE TO BE BLACK POLYTHENE BRICKGRIP TO ALL WALLS STEPPED DOWN TO OUTER LEAF ACROSS CAVITIES, AND USE STD BLACK POLYTHENE AROUND ALL OPENING IN EXTERNAL WALLS & UNDER ALL WINDOW CILLS. TO BE MIN 150 ABOVE GROUND LEVEL.
 - ALL STAIRCASES TO NBR M5 (MAX OPENING 100MM). TREADS MINIMUM 250MM AND RISERS MAXIMUM 200MM. HANDRAILS TO BE 1000MM HIGH.
 - GLAZING:**
 - ALL GLASS TYPES AND SIZES TO ADHERE TO SABS 0137 & SANS 10400 PART N REGULATIONS AND STANDARDS.
 - ALL ACCESS DOORS AND SIDE LIGHTS TO HAVE SAFETY GLASS.
 - ALL WINDOWS LOWER THAN 500MM FROM FINISHED FLOOR LEVEL TO HAVE SAFETY GLASS.
 - ALL WINDOWS LOWER THAN 1800MM ABOVE PITCH LINE OF STAIRS AND SHOP FRONTS TO BE SAFETY GLASS AND CLEARLY INDICATE AS SUCH ON GLASS AT EYE LEVEL.
 - ALL WINDOWS AS PER WINDOW SCHEDULE.
 - ALL WINDOWS TO HAVE A LIGHT AREA OF 10% OF FLOOR AREA AND NOT LESS THAN 5% VENTILATION OF FLOOR AREA.

die ontwerp-ateljee
SACAP Reg No. PAD2120
Architectural Drafting Services
082-410-5564 / (028) 271-3143
daniel.jz@ontwerp-ateeljee.co.za

PROFESSIONAL ARCHITECTURAL
DRAFTSPERSON
DANIEL JACOBUS VAN ZYL
15:58 PM (Africa/Johannesburg) on 10 Aug 2022

IN ASSOCIATION WITH
LYNXDESIGNS
customwork
2016/374878/07
SACAP NO. PAD42744779

CLIENT			
ZWARTS			
PROJECT			
AS-BUILT ADDITIONS & ALTERATIONS			
ERF 4122			
104 BEACH ROAD			
KLEINMOND			
SHEET NAME			
ELEVATIONS			
DRAWING NO		SHEET NO	
240503		002	
SCALE	DATE	DRAWN BY	REVISION
1 : 100	2025-02-18	JCB	D VAN ZYL
COPYRIGHT RESERVED			

DOOR SCHEDULE
1:100

NOTE:
ALL DIMENSIONS & HEIGHTS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION

Architectural drawings of various door and window units (D1-D29) with dimensions and specifications. Includes stack doors (D26-D28, D22-D23, D29), exterior doors (D2, D5, D16, D24, D5+13), interior doors (D1, D8-11, D15, D17-21), and fire/stable doors (D6, D7). Dimensions are provided for each unit.

SANS 10400-XA:2021 REQUIREMENTS - CALCULATION & SPECIFICATION

Table with 4 columns: Category, R-Value, Construction Details, and R-Value. Rows include Roof Assemblies, Timber Wall Construction, Timber Floor Construction, Piping Insulation, Cylinder Insulation, Water Heating, and Fenestration calculations.

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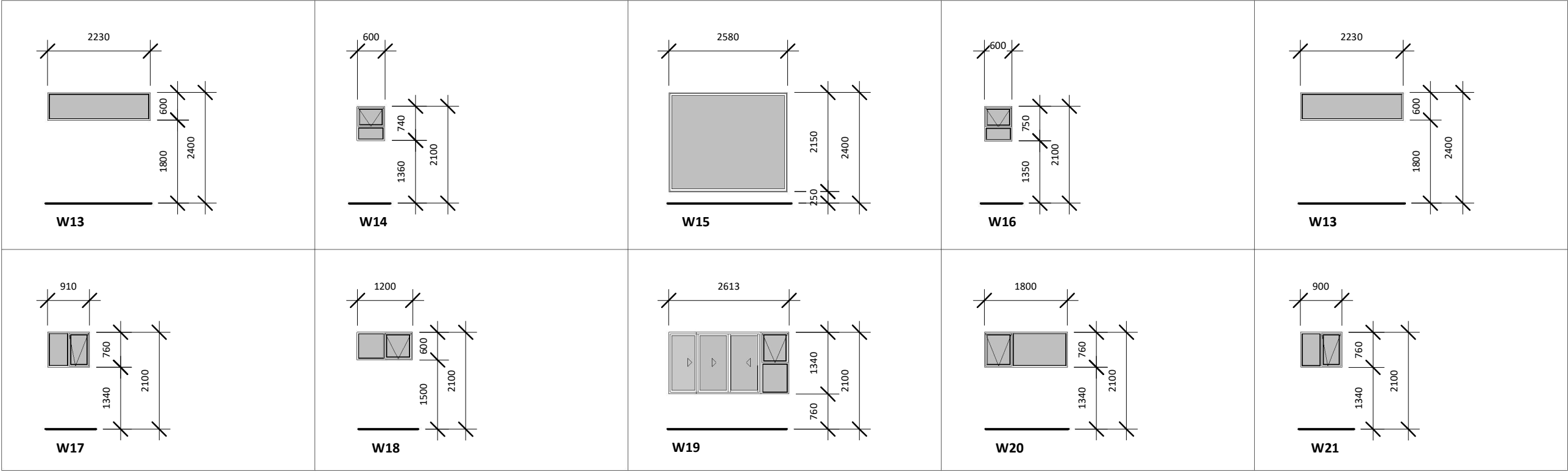
LYNXDESIGNS logo and professional architectural draughtsperson information for DANIEL JACOBUS VAN ZYL, including a QR code and registration details.

die ontwerp-ateljee logo and contact information for Architectural Drafting Services, including phone numbers and email address.

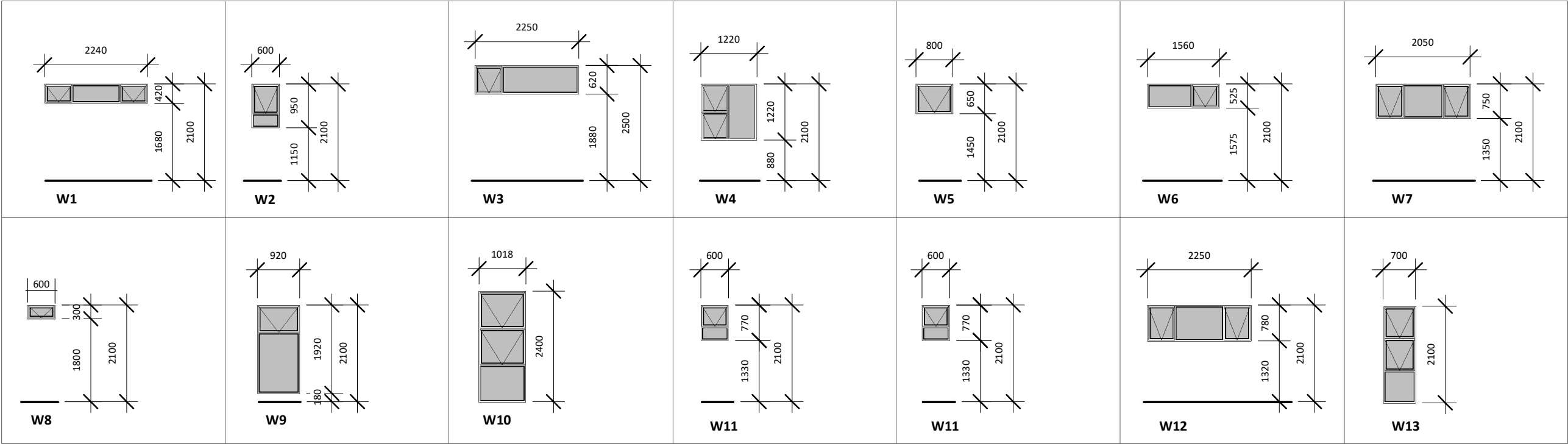
ZWARTS AS-BUILT ADDITIONS & ALTERATIONS contact information, including address (ERF 4122, 104 BEACH ROAD, KLEINMOND).

DOOR SCHEDULE header and project details table including Project Number (240503), Date (2025-02-08), Drawn By (JCB), Revision (D VAN ZYL), and Scale (1 : 100).

FIRST FLOOR PLAN WINDOWS



GROUND FLOOR PLAN WINDOWS



WINDOW SCHEDULE
1:100

NOTE:
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ON SITE PRIOR TO CONSTRUCTION

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LYNXDESIGNS
2016/037487/007

IN ASSOCIATION WITH die ontwerp-ateljee



PROFESSIONAL ARCHITECTURAL
DRAUGHTSPERSON

DANIËL JACOBUS VAN ZYL

15:58 PM (Africa/Johannesburg) on 10 Aug 2022



die ontwerp-ateljee

SACAP Reg. No. PAD2120

Architectural Drafting Services
082 410-5564 / (026) 271-3143
daniel.jz@ontwerp-ateljee.co.za



ZWARTS

AS-BUILT ADDITIONS & ALTERATIONS

ERF 4122

104 BEACH ROAD

KLEINMOND

WINDOW SCHEDULE

PROJECT NUMBER	240503	004
DATE	2025-02-08	
DRAWN BY	JCB	
REVISION	D VAN ZYL	SCALE 1 : 100