



ERF 4230, 4 DE CHATILLON CRESCENT, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: ENGELBRECHT & SCORGIE ARCHITECTURAL OFFICE ON BEHALF OF T ESTERHUYSE

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

Departure in terms of Section 16(2)(b) of the Bylaw for the following:

- Relaxation of the northern lateral building line from 2m to 0m to accommodate the existing as-built braai structure,
- Relaxation of the western rear building line from 2m to 1.83m to accommodate a portion of the existing dwelling that encroaches the subject building line.

Determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law for the for the existing additions to the property.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, Paterson Street, Hermanus. Any written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / loretta@overstrand.gov.za) on or before **03 May 2024**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to the **Town Planner, Mr. H. Olivier** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comment.

ERF 4230, DE CHATILLON SINGEL 88, ONRUSTRIVIER, OVERSTRAND MUNISIPALE GEBIED: AANSOEK VIR AFWYKING 4& BEPALING VAN 'N ADMINISTRATIEWE BOETE: ENGELBRECHT & SCORGIE ARCHITECTURAL OFFICE NAMENS T ESTERHUYSE

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) vir die:

Departure in terms of Section 16(2)(b) of the Bylaw for the following:

- Verslapping van die noordelike lateral bou lyn vanaf 2m to 0m om 'n bestaande braai struktuur te akkommodeer.
- Verslapping van die westelike agter bou lyn vanaf 2m to 1.83m om 'n bestaande gedeelte van die woning te akkommodeer.

Bepaling van Administratiewe Boete ingevolge Artikel 16(2)(q) van die Verordening vir die bepaling van 'n administratiewe boete vir die huidige aanbouings op die eiendom.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / loretta@overstrand.gov.za) voor of op **03 Mei 2024**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, Mnr. H. Olivier** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

ISIZA 4230, 4 DE CHATILLON CRESCENT, ONRUSTRIVIER, UMMANDLA WOMASIPALA WASE-OVERSTRAND: ISICELO SOPHAMBUKO NOKUMISELWA KWESOHLWAYO SOLAWULO: ENGELBRECHT & SCORGIE ARCHITECTURAL OFFICE EGAMENI LIKA-T ESTERHUYSE

Isaziso sinikwe ngokwemiqathango yeCandelo 48 loMthetho kaMasipala oLungisiweyo woMasipala wase-Overstrand ongoCwangciso lokuSetyenziswa koMhlaba kaMasipala, 2020 (uMthetho kaMasipala) kulungiselelwa okulandelayo:

Uphambuko ngokwemiqathango yeCandelo 16(2)(b) loMthetho kaMasipala kulungiselelwa okulandelayo:

- Ukunyeniswa komda ongasentla ecaleni lesakhiwo ukususela kwi-2m ukuya kwi-0m ukulungiselela isakhiwo esele sikho esinendawo yokoja inyama,
- Ukunyeniswa komda ongasentshona ngasemva kwisakhiwo ukususela kwi-2m ukuya kwi-1.83m ukulungiselela isahlulo sesakhiwo esele sikho esithi singenele umda wesakhiwo ekuthethwa ngaso.

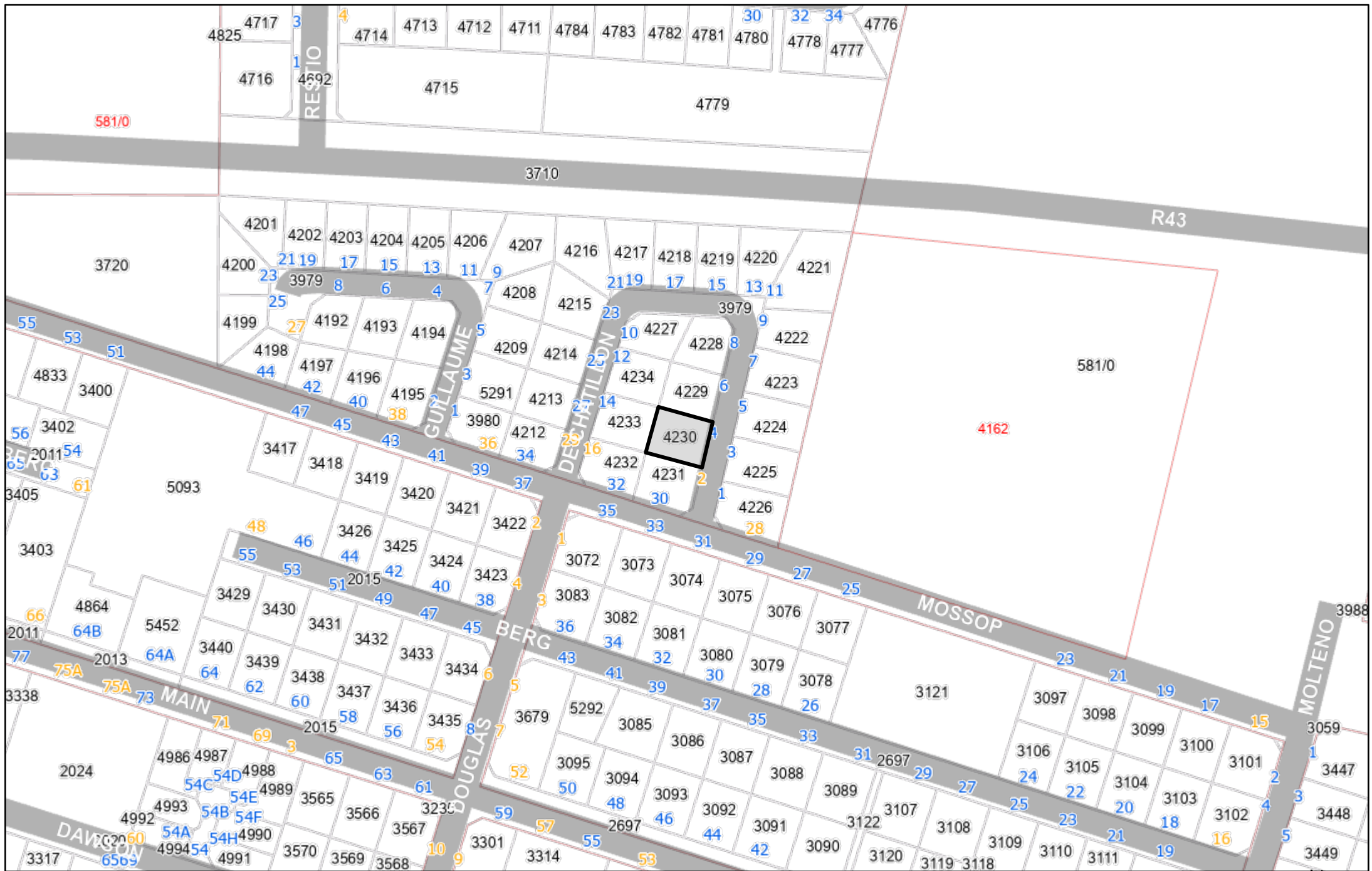
Ukumiselwa kwesoahlwayo solawulo ngokwemiqathango yeCandelo 16(2)(q) loMthetho kaMasipala kulungiselelwa izongezelelo esele zikho kwipropati.

linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ukuze zihlolwe ngeentsuku zokusebenza phakathi kwentsimbi yesi-08:00 naye-16:30 kwiSebe: UCwangciso lweDolophu, ePaterson Street, eHermanus. Naziphi na izimvo kufuneka zibhalwe ngokuhambelana nezibonelelo zamaCandelo 51 nelama-52 oMthetho kaMasipala ochazeiweyo ze zithunyelwe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / loretta@overstrand.gov.za) ngomhla okanye phambi komhla **03 Ucanzibe 2024**, unike igama lakho, idilesi kunye neenkukacha zoqhagamshelwano, umdla kwisicelo, ngokunjalo nezizathu zokunika izimvo. Imibuzo ngomnxebe inakho ukuthunyelwa kuMcwangcisi weDolophu. **uMnu H Olivier** kule nombolo 028-313 8900. UMasipala angala ukuzamkela izimbo ezifunyenwe emva komhla wokuvalwa. Nawuphi na umntu ongakwaziyo ukufunda nokubhala unakho ukutyelela iSebe loCwangciso lweDolophu apho igosa likamasipala liya kubanceda ukulungiselela ukuqulunqwa kwezimvo zabo

Tel: 028 313 8900 | Fax: 028 313 2093 | E-mail: loretta@overstrand.gov.za

PO Box 20 | **HERMANUS 7200**

www.overstrand.gov.za



Locality Map

ERF 4230, 4 DE CHATILLON CRESCENT, ONRUSTRIVIER

Date: 2024/02/23

1. **INTRODUCTION TO THE DEPARTURE APPLICATION:**

1.1 **BACKGROUND:**

The owner of the property, Mr. T. Esterhuyse has instructed Brandon Scorgie from the firm Engelbrecht & Scorgie Architectural office to apply for a building line departure from the Overstrand Municipality's Zoning Scheme Regulations. Refer to Annexure E for the enclosed Power of Attorney.

Erf 4230, referred to in this document as the application area, measures 511.89m² in extent and is held by Title Deed no. T000043631/2018. Refer to annexure C for the enclosed Title Deed.

1.2 **APPLICATION DETAIL:**

- 1.2.1 The Overstrand Municipality's By-Laws on Municipal Land Use Planning, Chapter 4, Section 16(2)(b), 2020, state that an owner of an erf may apply to the Overstrand Municipality for a permanent departure from the provisions as stated in the Overstrand Municipality's Zoning Scheme Regulations; therefore, an application is made in terms of;

Section 6.1.2 (b)(ii) of the Overstrand Municipality's Zoning Scheme Regulations for the permanent departure from the side and rear building lines applicable to the application area.

According to the Overstrand Municipality's Zoning Scheme Regulations, the side and rear building line is determined in accordance with the net erf area, as listed in the table below:

<u>Net erf area:</u>	<u>Side and rear building line</u>
400m ² and greater	2.0m

- 1.2.2 The Overstrand Municipality's amended By-laws on Municipal Land Use Planning, Chapter 10, Section 90, 2020, state that a person who is in contravention of this By-laws, and submits application to rectify the contravention, must apply to the Municipality for the determination of an administrative penalty; therefore, an application is made for the determination of an administrative penalty for the unauthorized, as-built structures constructed within the subject building line(s), as raised later in this departure application document.

1.3 **PROPERTY DESCRIPTION, ZONING AND PROPERTY ANALYSIS:**

1.3.1 **PROPERTY DESCRIPTION:**

The application area of 511.89m² in extent is situated at 4 De Chatillon Street, Onrust Rivier. Refer to Annexure H for the enclosed Locality plan.

The dwelling on Erf 4230, the application area, is characterized by residential structures comprising a typical family-type living accommodation with a double garage and a covered entrance. Refer to Annexures K and L for the enclosed drawings indicating the existing dwelling along with the as-built (indicated as new) and the new proposed structures.

The coverage of the existing dwelling on the application area as it stands comprises the following;

Dwelling footprint = 137.32m²
 Double garage = 43.43m²
 Covered entrance = 1.42m²

Total covered area (m²) = 182.17m²
 Total covered area (%) = 35.59%

1.3.2 ZONING:

Erf 4230, the application area, has the following land use rights:

Erf number:	Zoning:
Erf 4230, Onrust River	Residential Zone 1: Single Residential

All erven directly surrounding the application area are also zoned as Residential Zone 1: Single Residential erven, with the exception of Erf 4162, which is located East of the application area and zoned as Open Space Zone 3: Private Open Space, and the surrounding roadway zoned as Transport Zone 2: Road and Parking. Please refer to the zoning map abstract provided below.

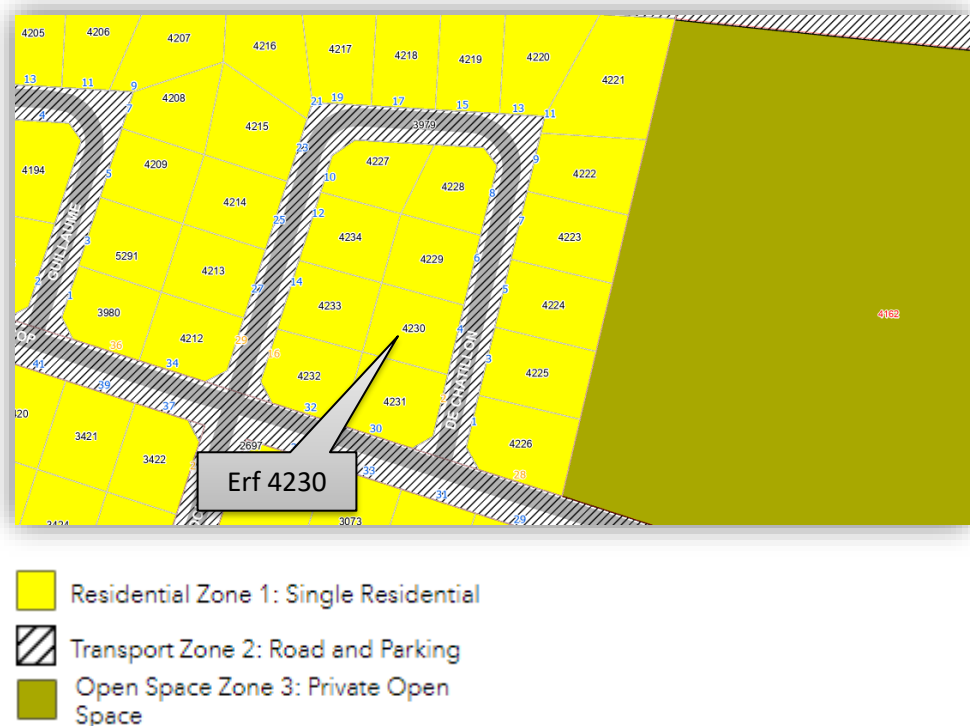


Figure 1: Zoning, an extract from the Overstand Public Viewer – NOT TO SCALE

1.3.3 **PROPERTY ANALYSIS AS PER THE OVERSTRAND MUNICIPALITY'S ZONING SCHEME REGULATIONS:**

The development parameters for the application area as per the Overstrand Municipality Land Use Scheme, 2020 can be summarized as follows:

Design parameters:		Overstrand Municipality's Zoning Scheme Regulations:	Proposal:	Comments:
Zoning		Residential Zone 1: Single Residential (SR1)	Residential Zone 1: Single Residential (SR1)	Unchanged
Primary Use		Crèche, dwelling house, guest rooms, home occupation, second dwelling unit and self - catering	Dwelling house	Unchanged
Consent Use		Day care centre, green house, guest house, house shop, institution, place of instruction, place of worship, residential building and intensive horticulture	None	Unchanged
Coverage		50%	35.59%	Unchanged
Height Restriction		8.0m	8.0m	Unchanged
Building lines	Street	4.0m	4.0m	Unchanged
	Side (North)	2.0m	0m	Application for a departure
	Side (South)	2.0m	2.0m	Unchanged
	Rear	2.0m	1.83m	Application for a departure
Parking		Dwelling house: 2 bays	Dwelling house: 2 bays	Unchanged

1.3.4 **PROPERTY ANALYSIS AS PER THE TITLE DEED OF THE APPLICATION AREA:**

Refer to Annexure C for the enclosed Title Deed for Erf 4230, Onrust River.

Title Deed No. T000043631/2018 was perused and there are no restrictive conditions that prohibits the proposals being made.

There is a bond registered against Erf 4230. Refer to Annexure D for the enclosed Bondholder's written consent.

2. CONTEXTUAL SITE INFORMATION:

2.1 LOCATION:

2.1.1 APPLICATION AREA WITHIN A REGIONAL CONTEXT:

Within a regional context, the application area is located in Onrust Rivier.

Refer to Annexure H for the enclosed Locality layout



Figure 2: Erf 4230 within a Regional Context, an extract from Google Maps – NOT TO SCALE

2.1.2 APPLICATION AREA WITHIN A LOCAL CONTEXT:

Within a local context, the application area consists of a residential erf within Onrust River. The application area is located at 4 De Chatillon Crescent, Onrust River.

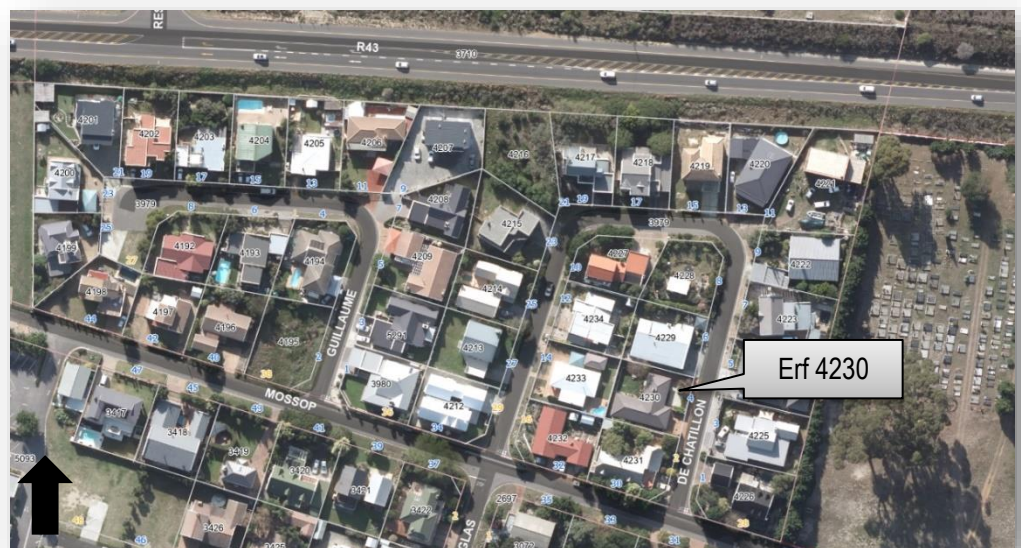


Figure 3: Erf 4230 within a Local Context, an extract from the Overstrand Public Viewer – NOT TO SCALE

3. BACKGROUND AND INTRODUCTION TO THE APPLICATION AND THE ACTUAL APPLICATION:

3.1 BACKGROUND AND INTRODUCTION TO THE APPLICATION:

Our firm, Engelbrecht & Scorgie Architectural Office, was appointed in October 2023 by Mr. T. Esterhuyse to prepare drawings for a new timber pergola structure. Refer to Annexure K and L for the enclosed drawings indicating the above-mentioned new proposed timber pergola structure along with the existing dwelling on the application area and the as-built unauthorized structure as highlighted throughout this Departure Application Document.

When copies of the previously approved drawings were obtained from the Overstrand Municipality's Building Control Department (to use mainly as a basis for measuring up the existing dwelling on the application area), it became clear that the approved drawings on file at the Building Control Department reflected a slight dissimilarity to the structures we measured up on site. These dissimilarities comprise an as-built braai structure with a worktop and seating area constructed over the Northern Municipal side building line.

Our above-mentioned finding was brought to our client's, Mr. Esterhuyse's, attention, who was quite surprised by our findings as he purchased the property with the as-built braai structure and was under the impression that the existing braai structure with its worktop and seating area was approved by the Overstrand Municipality.

In addition to the Council Submission drawings for the above-mentioned proposed timber pergola structure, our services were then further extended by:

- appointing van Dyk Land Surveyors to measure up the existing dwelling along with the exact placement of the existing unauthorized, as-built braai structure with its worktop and seating area,
- preparing and submitting a Departure Application to rectify the above-mentioned matter on behalf of our client, Mr. T. Esterhuyse,
- Preparing and submitting an application for the determination of an administrative penalty for the unauthorized, as-built braai structure.

Upon receipt of the Land Surveyor's survey diagram, it came to our attention that a small section of the existing dwelling on the application area has been constructed over the Western Municipal rear building line. We, as the appointed firm to handle this Departure Application made the **assumption** that this could have been the result of an honest setting-out mistake by the appointed contractor during the construction of the dwelling on the application area.

3.2 THE ACTUAL APPLICATION:

3.2.1 PERMANENT BUILDING LINE DEPARTURE:

As stated elsewhere in this Departure Application Document, the Overstrand Municipality's By-Laws on Municipal Land Use Planning, Chapter 4, Section 16(2)(b), 2020, state that an owner of an erf may apply to the Overstrand Municipality for a **permanent building line departure** from the provisions as stated in the Overstrand Municipality's Zoning Scheme Regulations; therefore, an application is made for:

- the relaxation of the Northern Municipal side building line from 2.0m to 0.0m to accommodate an unauthorized as-built braai structure that encroaches the subject building line, as highlighted in this Departure Application Document,
- the relaxation of the Western Municipal rear building line from 2.0m to 1.83m to accommodate a small section of the existing dwelling's footprint that was constructed over the subject building line, as highlighted in this Departure Application Document.

Refer to Annexure A for the enclosed Town Planning application form.

3.2.2 DETERMINATION OF AN ADMINISTRATIVE PENALTY:

The Overstrand Municipality's amended By-laws on Municipal Land Use Planning, Chapter 10, Section 90, 2020, state that a person who is in contravention of this By-laws, and submits application to rectify the contravention, must apply to the Municipality for the **determination of an administrative penalty**; therefore, an application is made for the determination of an administrative penalty for the unauthorized, as-built structures constructed within the subject building line(s), as highlighted throughout this Departure Application Document.

Refer to Annexure I for the enclosed administrative penalty application form.

3.2.2.1 BACKGROUND AND SUMMARY OF THE CONTRAVENTION:

As mentioned elsewhere in this Departure Application Document, our firm, Engelbrecht & Scorgie Architectural Office, was appointed in October 2023 by Mr. T. Esterhuyse to prepare drawings for a new timber pergola structure. When copies of the previously approved drawings were obtained from the Overstrand Municipality's Building Control Department, it became clear that the approved drawings on file at the Building Control Department reflected a slight dissimilarity to the structures we measured up on site.

Our above-mentioned finding was brought to our client, Mr. Esterhuyse's, attention, who was quite surprised by our findings as he bought the property with the unauthorized, as-built braai structure and was under the impression that the existing braai structure with its worktop and seating area was approved by the Overstrand Municipality.

Our firm's services were then further expanded by appointing a Land Surveyor to measure up the existing dwelling along with the exact placement of the existing as-

built braai structure and preparing and submitting a Departure Application to rectify the above-mentioned matter on behalf of our client, Mr. T. Esterhuysen.

Upon receipt of the Land Surveyor's survey diagram, it came to our attention that a small section of the existing dwelling on the application area has been constructed over the Western Municipal rear building line.

In line with the above-mentioned background of the contraventions, the contraventions can be summarized as follows:

- an unauthorized, as-built braai structure with a worktop and seating area constructed over the 2.0m Northern side building line,
- a small section of the existing dwelling's footprint was constructed over the 2.0m Western Municipal rear building line.

3.2.2.2 NATURE, DURATION, GRAVITY AND EXTENT OF THE CONTRAVENTION:

As contemplated in the Overstrand Municipality's amended By-laws on Municipal Land Use Planning, Chapter 10, Section 90, 2020, the following factors must be considered when determining an appropriate administrative penalty:

3.2.2.2.1 Nature of the unauthorized, as-built structures;

The nature of the unauthorized, as-built structures is highlighted throughout this Departure Application Document, but can be summarized as follows:

- an unauthorized, as-built braai structure with a worktop and seating area constructed over the 2.0m Northern side building line,
- a small section of the existing dwelling's footprint was constructed over the 2.0m Western Municipal rear building line.

3.2.2.2.2 Duration of the unauthorized, as-built structures;

The exact duration of the unauthorized, as-built braai structure is not known. As mentioned elsewhere in this Departure Application Document, our client, Mr. T. Esterhuysen bought the property with the subject as-built braai structure.

The exact duration of the small section of the existing dwelling's footprint that encroaches over the 2.0m Municipal rear building line, as mentioned elsewhere in the Departure Application Document, could have been the result of an honest setting-out mistake by the contractor who was appointed to build the original dwelling on the application area. With this being said, it is unknown when the original dwelling on the Application area was built.

3.2.2.2.3 Gravity of the unauthorized, as-built structures;

The gravity of the contravention is not considered serious insofar as its extent is limited to a footprint of 8.39m², see calculation provided below. The unauthorized structures form part of common residential components one would find in any typical residential property and do not have a greater impact than the existing dwelling on the application area, and therefore the gravity of the unauthorized structures is not considered to cause any negative impact on the character of the area, the environment, the streetscape, or any of the surrounding property owners.

3.2.2.2.4 Extent of the unauthorized, as-built structures;

The extent of the unauthorized, as-built structures calculates to a total of 8.39m², refer to the calculation below:

- As-built braai structure	= 2.90m ²
<i>incl. only the section encroaching the 2.0m Municipal side building line</i>	
- Section of dwelling's footprint	= 5.49m ²
<i>incl. only the section encroaching the 2.0m Municipal side building line</i>	
Total	= 8.39m ²

3.2.2.2.5 Conduct of the person involved in the contravention:

It is unknown to this office how many previous owners have owned the property; therefore, we cannot speculate and say exactly who is responsible for the contraventions.

3.2.2.2.6 Whether the unlawful conduct was stopped:

The unauthorized structures, as highlighted throughout this Departure Application Document, are as-built structures. The Overstrand Municipality did not stop the building work and have also not issued a notice with regards to the transgression.

Our client, Mr. T. Esterhuyse is attempting to rectify the contravention by submitting the administration penalty application and subsequent departure application in order to legalize the contraventions, which, as mentioned elsewhere in this Departure Application, were not the wrongdoing of him but rather the wrongdoing of one of the previous owners of the application area.

3.2.2.2.7 Whether the person involved in the contravention has previously contravened this By-law or previous planning law:

To the knowledge of this office, our client, Mr. T. Esterhuyse, has not previously contravened this By-Law or any other previous planning law.

3.2.2.2.8A report by a quantity surveyor in matters of the unauthorized building / construction work:

Due to the small-scale nature of the encroachment, no quantity surveyor was involved. Our firm, Engelbrecht & Scorgie Architectural Office, consulted with a local, reputable contractor to provide us an estimating cost report on the unauthorized structures, at current building rates.

Refer to Annexure O for the enclosed costing report in matters of the unauthorized building / construction work.

3.2.2.3 RECOMMENDATION FOR THE DETERMINATION OF THE ADMINISTRATIVE PENALTY:

In light of the above assessment, it is requested that the administrative penalty be waived, as this application serves as a method to rectify the contraventions, which were not the wrongdoing of our client, Mr. T. Esterhuyse, but rather the wrongdoing of one of the previous owners of the application area.

4 GENERAL:

4.1 CHARACTER OF THE ENVIRONMENT:

- The application area is situated at 4 De Chatillon Crescent, Onrust River.
- Onrust River is known for its multitude of different Architectural styles and designs.
- De Chatillon Crescent is relatively far from the sea, and the erven to the North and South of the application area have very little gradient, allowing for only mountain views to some of the properties.
- The surrounding properties are developed with either single- or double- storey dwelling, and the use of the surrounding properties is for permanent residence and holiday houses.
- The scale of the dwelling and the unauthorized, as-built structures merge well with the scale of the surrounding dwellings in the immediate area of the application area.

4.2 EFFECTS ON THE CHARACTER OF THE AREA, THE ENVIRONMENT, THE STREETScape AND SURROUNDING PROPERTIES:

The unauthorized, as-built structures, as highlighted throughout this Departure Application Document, are relatively minor in nature, do not have a greater visual impact than the existing dwelling on the application area, and form part of common residential components one would find on any typical residential property.

With the above being said, it can be assured that the unauthorized, as-built structures;

- is unnoticeable to adjacent property owners and any passersby,

- do not have a negative impact on the character of the area,
- do not have a negative impact on the environment,
- do not have a negative impact on the streetscape,
- do not have a negative impact on any of the surrounding properties,
- do not have any economic impact

The surrounding properties that have reference to the unauthorized, as-built structures, as highlighted throughout this departure application, are the following:

4.2.1 Erf 4231, 2 De Chatillon Crescent, Onrust River.

A. Location and placement in relation to the application area:

Erf 4231 lies South of the application area. Please refer to the figure below.



Figure 3: Erf 4231, an extract from the Overstrand Public Viewer – NOT TO SCALE

B. Impact of the unauthorized as-built braai structure:

The unauthorized, as-built braai structure with its worktop and seating area is not visible from Erf 4231 because of the placement of the existing dwelling on the application area.

C. Impact of the dwelling's footprint that encroaches the 2.0m Municipal rear building line:

The section of the existing dwelling's footprint that encroaches the 2.0m Municipal rear building line is visible from Erf 4231, but as this footprint section that encroaches the subject building line forms part of the existing dwelling on the application area, is relatively minor in nature, and does not have a greater visual impact than the existing dwelling on the application area, the impact of this is negligible to Erf 4231.

4.2.2 Erf 4232, 32 Mossop Street, Onrust River.

A. Location and placement in relation to the application area:

Erf 4232 lies South West of the application area. Please refer to the figure below.



Figure 4: Erf 4232, an extract from the Overstrand Public Viewer – NOT TO SCALE

B. Impact of the unauthorized as-built braai structure:

The unauthorized, as-built braai structure with its worktop and seating area is not visible from Erf 4232 because of the placement of the existing dwelling on the application area.

C. Impact of the dwelling's footprint that encroaches the 2.0m Municipal rear building line:

The section of the existing dwelling's footprint that encroaches the 2.0m Municipal rear building line is visible from Erf 4232, but as this footprint section that encroaches the subject building line forms part of the existing dwelling on the application area, is relatively minor in nature, and does not have a greater visual impact than the existing dwelling on the application area, the impact of this is negligible to Erf 4232.

4.2.3 Erf 4233, 14 De Chatillon Crescent, Onrus River.

A. Location and placement in relation to the application area:

Erf 4233 lies West of the application area. Please refer to the figure below.



Figure 5: Erf 4233, an extract from the Overstrand Public Viewer – NOT TO SCALE

B. Impact of the unauthorized as-built braai structure:

The unauthorized, as-built braai structure is visible from Erf 4233, but is screened by the existing tree (as shown on the above-provided aerial photo) on the application area.

Should the owner of the application area, Mr. T. Esterhuyse, decide to trim or remove the existing tree, which, as mentioned above, creates a sense of screening, the unauthorized, as-built braai structure will have no effect on the owner of Erf 4233 as the subject structure does not have a greater visual impact than the existing dwelling on the application area and forms part of common residential components one would find on any typical residential property.

With this being said, it can be summarized that the impact of the unauthorized as-built braai structure on Erf 4233 is negligible.

C. Impact of the dwelling's footprint that encroaches the 2.0m Municipal rear building line:

The section of the existing dwelling's footprint that encroaches the 2.0m Municipal rear building line is visible from Erf 4233, but as this footprint section forms part of the existing dwelling on the application area, is relatively minor in nature and does not have a greater visual impact than the existing dwelling on the application area, the impact of this is negligible to Erf 4233.

4.2.4 Erf 4234, 12 De Chatillon Crescent, Onrust River.

A. Location and placement in relation to the application area:

Erf 4234 lies North West of the application area. Please refer to the figure below.



Figure 6: Erf 4234, an extract from the Overstrand Public Viewer – NOT TO SCALE

B. Impact of the unauthorized as-built braai structure:

The unauthorized as-built braai structure with its worktop and seating area is hardly visible from Erf 4234 as it is screened by the existing dwelling on Erf 4229 (No. 6 De Chatillon Crescent) and the existing tree on the application area as shown on the above-provided aerial photo.

Should the owner of the application area, Mr. T. Esterhuyse, decide to trim or remove the existing tree, which, as mentioned above, creates a sense of screening, the unauthorized as-built braai structure will have no effect on the owner of Erf 4234 as the subject structure will still be screened by the existing dwelling on Erf 4229, does not have a greater visual impact than the existing dwelling on the application area and forms part of common residential components one would find on any typical residential property.

C. Impact of the dwelling's footprint that encroaches the 2.0m Municipal rear building line:

The section of the existing dwelling's footprint that encroaches the 2.0m Municipal rear building line is visible from Erf 4234, but as this footprint section forms part of the existing dwelling on the application area, is relatively minor in nature and does not have a greater visual impact than the existing dwelling on the application area, the impact of this is negligible to Erf 4234.

4.2.5 Erf 4229, 6 De Chatillon Crescent, Onrust River

A. Location and placement in relation to the application area:

Erf 4229 lies North of the application area. Please refer to the figure below.



Figure 7: Erf 4229, an extract from the Overstrand Public Viewer – NOT TO SCALE

B. Impact of the unauthorized as-built braai structure:

The ground level on Erf 4230 was excavated quite extensively. A considerable portion of the braai sits below the natural ground level. Due to this, only a minor section of the chimney of the unauthorized, as-built braai structure will be visible from Erf 4229 due to the existing boundary wall on Erf 4229. Please refer to the braai face elevation provided below, which indicates the existing boundary wall between Erf 4229 and Erf 4230 and the minor section of the chimney that will be visible from Erf 4229.

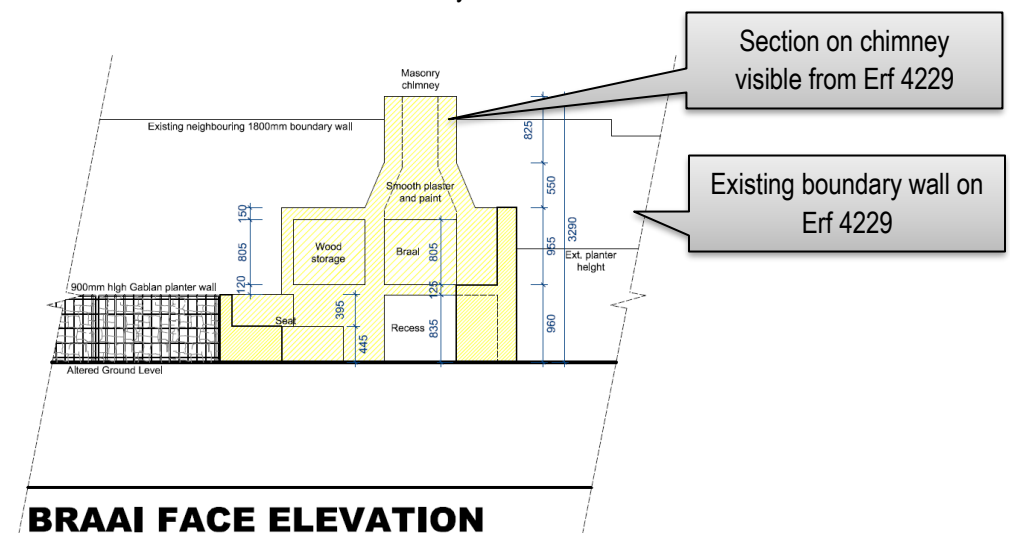


Figure 8: Braai face elevation – NOT TO SCALE

The unauthorized, as-built braai structure on the application area does not pose any fire risk to the existing dwelling on Erf 4229 as the subject dwelling is constructed 2.0m away from the lateral 24.59m Erf boundary line separating the two subject dwellings.

The section of the existing dwelling's footprint that encroaches the 2.0m Municipal rear building line is visible from Erf 4229, but as this footprint section forms part of the existing dwelling on the application area, is relatively minor in nature and does not have a greater visual impact than the existing dwelling on the application area, the impact of this is negligible to Erf 4229.

A. Location and placement in relation to the application area:

B. Impact of the unauthorized as-built braai structure:

C. Impact of the dwelling's footprint that encroaches the 2.0m Municipal rear building line:

The section of the existing dwelling's footprint that encroaches the 2.0m Municipal rear building line is not visible from Erf 4226 because of the placement of the existing dwelling on the application area as well as the existing dwelling on Erf 4231.

4.2.7 Erf 4225, 3 De Chatillon Crescent, Onrus River

A. Location and placement in relation to the application area:

Erf 4230 lies East of the application area. Please refer to the figure below.



Figure 10: Erf 4225, an extract from the Overstrand Public Viewer – NOT TO SCALE

B. Impact of the unauthorized as-built braai structure:

The unauthorized as-built braai structure with its worktop and seating area is not visible from Erf 4225 because of the placement of the existing dwelling on the application area.

C. Impact of the dwelling's footprint that encroaches the 2.0m Municipal rear building line:

The section of the existing dwelling's footprint that encroaches the 2.0m Municipal rear building line is not visible from Erf 4225 because of the placement of the existing dwelling on the application area.

4.2.8 Erf 4224, 5 De Chatillon Crescent, Onrus River

A. Location and placement in relation to the application area:

Erf 4224 lies North East of the application area. Please refer to the figure below.



Figure 11: Erf 4224, an extract from the Overstrand Public Viewer – NOT TO SCALE

B. Impact of the unauthorized as-built braai structure:

The unauthorized as-built braai structure is visible from Erf 4224, but as mentioned elsewhere in the Departure Application Document, the unauthorized as-built braai structure will have no effect on the owner of Erf 4224 as the subject structure does not have a greater visual impact than the existing dwelling on the application area and forms part of common residential components one would find on any typical residential property.

With this being said, it can be summarized that the impact of the unauthorized, as-built braai structure on Erf 4224 is negligible.

C. Impact of the dwelling's footprint that encroaches the 2.0m Municipal rear building line:

The section of the existing dwelling's footprint that encroaches the 2.0m Municipal rear building line is not visible from Erf 4224 because of the placement of the existing dwelling on the application area.

4.3 IMPACT OF THE UNAUTHORISED, AS-BUILT STRUCTURES:

4.3.1 Economic impact:

The Overstrand Municipality's Land Zoning Scheme Regulations govern structures, and the uses thereof on properties. The unauthorized, as-built structures, as highlighted throughout this Departure Application Document, form part of common residential components one would find on any typical residential erf. With this being said, the unauthorized, as-built structure adds value to the property on the application area as well as the area in which it is located.

4.3.2 Social impact:

The unauthorized, as-built structures will have no impact on the social status of the area in which the application area is located, as no negative impact on the social wellbeing of the surrounding properties was anticipated. As mentioned elsewhere in the Departure Application Document, the as-built structures are compatible with the character of the area and do not negatively impact the rights of any of the adjacent properties in the area.

4.3.3 Compatibility with surrounding land uses:

The application area is situated in an existing low-density residential area. The Departure Application does not pose to change the current zoning or the current land use of the application area, and therefore the current land use is compatible with the surrounding land uses.

As mentioned above, the surrounding properties are developed with single and double storey dwelling and the use of the surrounding properties is for permanent residences and holiday houses. The scale of the existing dwelling on the application area as well as the unauthorized, as-built structures merges well with the scale of the surrounding dwelling in the immediate area.

4.3.4 Impact on Municipal Engineering services:

All services on the application area already exist.

The unauthorized, as-built structures have no negative impact on the usage of the existing available municipal services, such as electricity, water, or sewerage, since no additional loading of the existing municipal services is needed.

4.3.5 Impact on health, safety and the wellbeing on the surrounding community:

The unauthorized, as-built structures have no impact on the general safety and wellbeing of the surrounding community.

4.3.6 Impact on heritage and heritage value:

Erf 4230, the application area is not situated within the Heritage Overlay Zone as determined by the Overstrand Municipality's Heritage Overlay Zone, has no grading, and has no heritage value.

4.3.7 Impact on traffic, parking and access:

Access to the existing garages established on the application area will remain unchanged.

The land use of the property will remain the same and therefore the impact on the traffic flow and parking in the area will remain unchanged.

5 **FORWARD PLANNING**

The Overstrand Spatial Development Framework, 2020, earmarks the area where Erf 4230, the application area, is situated, for urban development purposes. The unauthorized, as-built structures for which the Departure Application is required, form part of any typical residential component and the Overstrand Municipality's Zoning Scheme Regulations make provision for departure procedures to incorporate structures within the building line zones.

The character and zoning of the application area will remain unchanged and therefore the property falls within the existing planning of the Onrus River area.

With the above being said, it is therefore recommended that the application be approved in terms of the Overstrand Municipality's Amende By-Lay on Municipal Land Use Planning, 2020.

Your sincerely



BRANDON SCORGIE

for Engelbrecht & Scorgie Architectural Office.

GENERAL:
 All portions of any boundary wall not to project beyond boundary line.
 F.F. of house to be 30mm above N.G.L.
 All work to comply to SANS 10400 and National Building Regulations.
 All work to be in accordance to Local Authorities regulations and by-laws.
 All work to be done in accordance to the following to scaled dimensions.
 All levels and dimensions to be checked on site before building work commences.
 Contractor shall be deemed to have acquainted themselves with the site conditions and make allowances in their tenders for all site development work.

LEVELS AND DIMENSIONS:

The building to be laid out and erected in the position and to the levels as indicated on the site layout plan.

All top soil to be removed from the area to be built upon, including roads and paving areas.

Excavate where necessary to reduce levels as shown on drawings.

Gravel to be used for all foundations if suitable and can also be used for all other works.

All grading and leveling of grounds will be done by qualified civil contractor.

Gravel filling to be done by Contractor.

Where large tree stumps and stones are to be removed in the area, the holder of the title shall be responsible for the removal and well compacted in layers of max. 150mm before being built upon.

FOUNDATIONS:

Foundation must be concrete in-situ 1:4:5 nominal mix having a compressive strength of 15MPa at 28 days or 20MPa if there is any steel reinforcing. Refer to sections for foundation size.

Min. requirements, load bearing walls min 600 x 250mm and non-load bearing wall min. 450 x 200mm.

Foundation walls higher than 1m to be 340mm thick as per engineer.

Foundation walls higher than 1.5m to be in accordance with engineers specification.

WALL CONSTRUCTION:

EXTERNAL - 280mm cavity wall construction - Smooth Plaster & Paint colour as per client.
INTERNAL - 110mm walls plastered and painted - colour as per client.
 Cavities in foundation walls to be filled with concrete.
 Weepholes left on outside skin of cavity tray at 900mm C/C at floor level and above lintels.
 All walls built in 1:2 concrete third course cast at 2.5m² wall face area.
 375mmcon DPC (brickspig) stepped down into cavity tray at floor level.
 Load bearing walls exceeding 5500mm in clear span length with no adjoining/butting walls to have lateral support by means of a concrete stiffener as per engineer or buttress wall.

SECTION B-B
Scale 1:50

SECTION C-C
Scale 1:50

BRAAI FACE ELEVATION

Scale 1:50



EXISTING AREA CALCULATIONS:	
Ground Storey area -	137.32m ²
Garage area -	43.43m ²
Covered Entrance area -	1.42m ²
Total area:	182.17m²
ERF -	511.89m ²
Coverage -	35.59%



ENGELBRECHT & SCORGIE
ARCHITECTURAL OFFICE

48 Main Road, Onrust River • PO Box 181 • Onrust River
Tel 028 316 3294 • Fax 028 316 2200 • archoffice@maxilec.co.za

Members: G Engelbrecht & B Scorgie
0283163294

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DRAWN BY: Kyle Wentzel

CHECKED BY: **Brandon Scorgie ST 1939**

PROJECT DESCRIPTION:	Proposed additions and alterations

PAGE CONTENT:	Site Plan Floor Plan Sections Elevations Notes
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CLIENT:	Tiaan Esterhuyse
ADDRESS:	4 De Chatillon Crescent, Onrus
ERF:	4230
DRAWING No.:	4230_mun_01

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PROJECT NUMBER & PAGE No. J1259 - 02	REV .
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