



ERF 11118, 77 BLUE CRANE STREET, HEMEL & AARDE ESTATE, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND THE DETERMINATION OF AN ADMINISTRATIVE PENALTY: SMART SOLUTION ARCHITECTURE ON BEHALF OF VITALITRY SA (PTY) LTD

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) that an application, applicable to Erf 11118, Hermanus has been received for the following:

- **Departure** in terms of Section 16(2)(b) of the By-Law for the:
 - relaxation of the north-western lateral building line from 1m to $\pm 0.457m$, to accommodate an existing outside timber staircase;
 - relaxation of the north-western lateral building line from 1m to 0m to accommodate an existing braai structure, and an existing combined covered braai area and covered porch;
 - relaxation of the rear building line from 3m to 0m to accommodate the existing covered porch;
 - relaxation of the maximum allowable height of filling within a building line, measured from natural ground level, from 1m to $\pm 2.383m$ to accommodate the existing filling within the north-western lateral building line;
 - relaxation of the south-eastern lateral building line from 1m to 0m, as well as the maximum allowable height of a structure within a building line from 1m to $\pm 1.2m$ to accommodate an existing planter box; and the
 - relaxation of the rear building line from 3m to 0m, as well as the maximum allowable height of a structure within a building line from 1m to $\pm 1.2m$ to accommodate the existing planter box.
- **Administrative penalty** application in terms of Section 16(2)(q) of the By-Law for the determination of an administrative penalty.

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 comments must be in writing in accordance with Sections 51 and 52 of the By-Law to reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / loretta@overstrand.gov.za) on or before **26 July 2024**, quoting your name, address and contact details, interest in the application, as well as the reasons for comment. Telephonic enquiries can be made to the Town Planner, **Mr. H Boshoff** 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 11118, BLUE CRANE STRAAT 77, HEMEL & AARDE ESTATE, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM AFWYKING EN DIE BEPALING VAN 'N ADMINISTRATIEWE BOETE: SMART SOLUTION ARCHITECTURE NAMENS VITALITRY SA (PTY) LTD

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) dat 'n aansoek, van toepassing op Erf 11118, Hermanus, ontvang is vir die volgende:

- **Afwyking** ingevolge Artikel 16(2)(b) van die Verordening vir die:
 - verslapping van die noordwestelike laterale boulyn vanaf 1.0m na $\pm 0.457m$ om 'n bestaande oop houttrap te akkommodeer;
 - verslapping van die noordwestelike laterale boulyn van 1.0m na 0m om 'n bestaande braaistruktuur, en 'n bestaande gekombineerde onderdak braai area en onderdak stoep, te akkommodeer;
 - verslapping van die agterboulyn vanaf 3.0m na 0m om die bestaande onderdak stoep te akkommodeer;
 - verslapping van die maksimum toelaatbare hoogte van vulling binne 'n boulyn, gemeet vanaf natuurlike grondvlak, vanaf 1m na $\pm 2.383m$ om die bestaande vulling binne die noordwestelike laterale boulyn, te akkommodeer;
 - verslapping van die suidoostelike laterale boulyn vanaf 1m na 0m, asook die maksimum toelaatbare hoogte van 'n struktuur binne 'n boulyn vanaf 1m na $\pm 1.2m$ om die bestaande plantehouer te akkommodeer; en die
 - verslapping van die agterboulyn vanaf 3m na 0m, asook die maksimum toelaatbare hoogte van 'n struktuur binne 'n boulyn vanaf 1m na $\pm 1.2m$ om die bestaande plantehouer te akkommodeer.
- **Administratiewe boete** aansoek ingevolge Artikel 16(2)(q) van die Verordening vir die bepaling van 'n administratiewe boete.

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 moet skriftelik wees in ooreenstemming met Artikels 51 en 52 van die Verordening en die Munisipaliteit bereik (Patersonstraat 16, Hermanus / (f) 0283132093 / loretta@overstrand.gov.za) voor of op **26 Julie 2024**, met u naam, adres en kontakbesonderhede, belang in die aansoek, sowel as die redes vir kommentaar. Telefoniese navrae kan gerig word aan die Stadsbeplanner, **Mnr. H Boshoff** by 028-313 8900. Die Munisipaliteit mag weier om kommentare wat na die sluitingsdatum ontvang word, te aanvaar. 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 11118, 77 BLUE CRANE STREET, HEMEL & AARDE ESTATE, HERMANUS, UMMANDLA WOMASIPALA WASE-OVERSTRAND: ISICELO SOPHAMBUKO NOKUMISELWA KWESOHLWAYO SOLAWULO: SMART SOLUTION ARCHITECTURE EGAMENI LE-VITALITRY SA (PTY) LTD

Isaziso sinikezelwe ngokwemiqathango yeCandelo 48 loMthetho kaMasipala oLungisiweyo woMasipala wase-Overstrand ongoCwangciso lokuSetyenziswa koMhlaba kaMasipala, 2000 (uMthetho kaMasipala) sokokuba isicelo, esisebenza kwiSiza 11118, eHermanus sifunyenwe sokulandelayo:

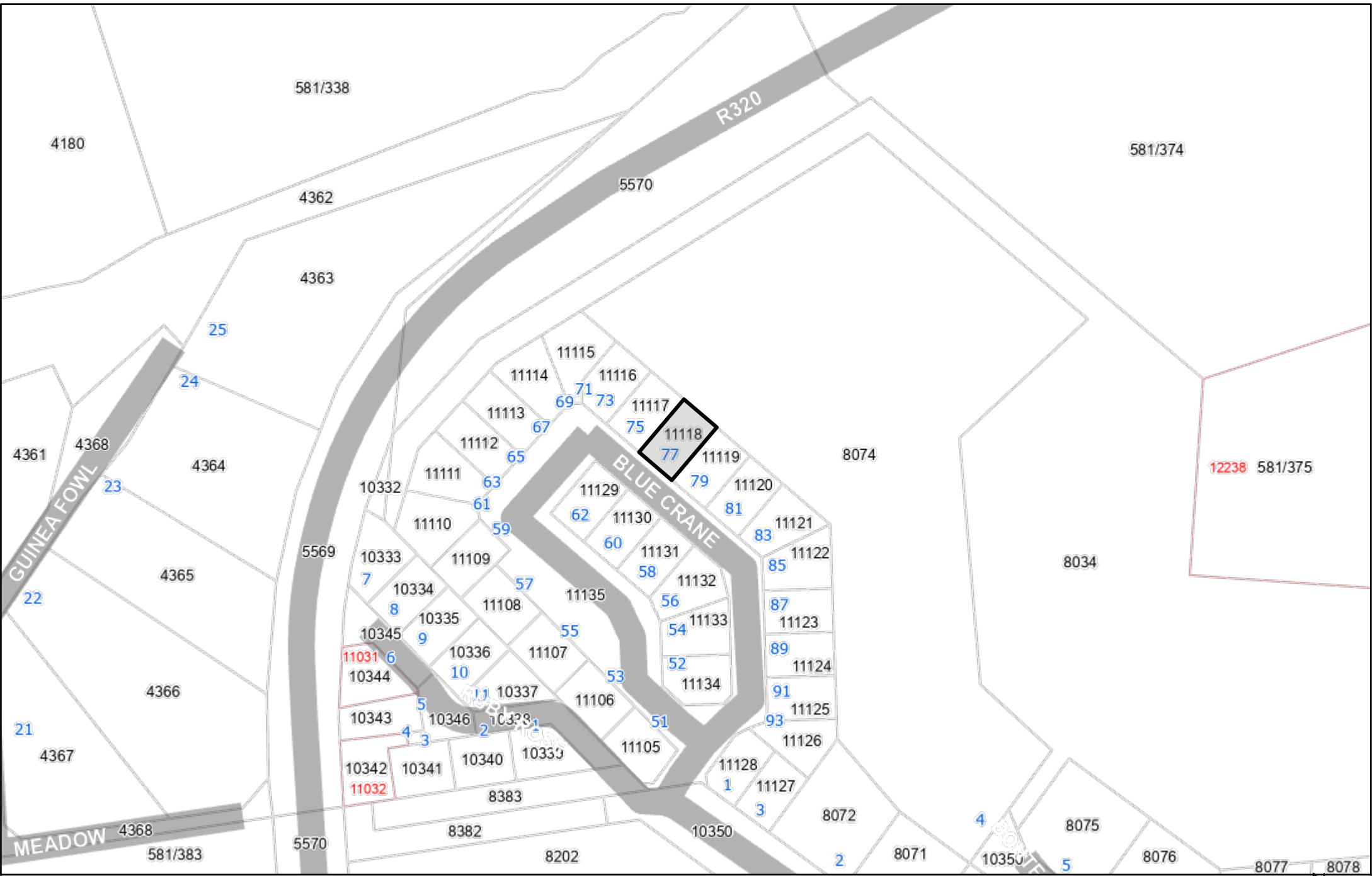
- **Uphambuko Departure** ngokwemiqathango yeCandelo 16(2)(b) loMthetho kaMasipala:
 - kukunyenysiswa komda wesakhiwo osecaleni ngasemntla-ntshona ukususela kwi-1m ukuya kwi- $\pm 0.457m$, ukulungiselela amanqanqwa omthi angaphandle asele ekho;
 - kukunyenysiswa komda wesakhiwo osecaleni ngasemntla-ntshona ukususela kwi-1m ukuya kwi-0m ukulungiselela isakhiwo sokoja inyama esele sikho, kunye nommandla ohlanganisiweyo onophahla osele ukho wokojiwa kwenyama kunye nevaranda enophahla;
 - kukunyenysiswa komda wesakhiwoongasemva ukususela kwi-3m ukuya kwi-0m ukulungiselela ivaranda enophahla esele ikho;
 - kukunyenysiswa komphakamo ovunyelweyo ophezulu ongaphazulu komda wesakhiwo, olinganiswe ukususela kwinqanaba lesiqhelo lomhlaba, ukususela kwi-1m ukuya kwi- $\pm 2.383m$ kulungiselelwa ufakelo osele lukho kumda osecaleni lesakhiwo kumntla-ntshona;
 - kukunyenysiswa komda wesakhiwo esisecaleni elingasemzantsi-mpuma ukususela kwi-1m ukuya kwi-0m, ngokunjalo nomphakamo ophezulu ovunyelweyo wesakhiwo okumda wesakhiwo ukususela kwi-1m ukuya kwi- $\pm 1.2m$ ukulungiselela ibhukisi ekutyalwe kuyo; kunye
 - nokunyenysiswa komda ongasemva wesakhiwo ukususela kwi-3m ukuya kwi-0m, ngokunjalo nomphakamo ophezulu ovunyelweyo wesakhiwo kumda wesakhiwo ukususela kwi-1m ukuya kwi- $\pm 1.2m$ ukulungiselela ibhukisi yokutyala esele ikho.
- **Isohlwayo solawulo** isicelo ngokwemiqathango yeCandelo 16(2)(q) loMthetho kaMasipala sokumiselwa kwesohlwayo solawulo.

linkcukacha ezipheleleyo ngokubhekiselele kwisindululo ziyafumaneka ukuba zihlolwe ngeentsuku zaphakathi evekini ukususela kwintsimbi yesi-08:00 ukuya kweye-16:30 kwiSebe loCwangciso lweeDolophu, Paterson Street, Hermanus. Naziphi na izimvo kufuneka zibhalwe phantsi ngokuhambelana namaCandelo 51 nelama-52 loMthetho kaMasipala ze zifike kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / loretta@overstrand.gov.za) ngomhla okanye ngaphambi **26 EyeKhala 2024**, uchaze igama lakho, idilesi kunye neenkukacha zohagamshelelwano, umdla wakho kwesi sicelo, ngokunjalo nezizathu zokunika izimvo. Imibuzo ngemfononfono inokuthunyelwa kuMchwangciso weDolophu, **uMnu H. Boshoff** kule nombolo 028-313 8900. UMasipala angala ukzamkela izimvo ezifike emva komhla wokuvalwa. Nawuphi na umntu ongakwaziyo ukubhala okanye ukufunda unakho ukutyela iSebe loCwangciso lweDolophu apho igosa likamasipala liya kumnceda aqulunqe izimvo zabo.

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

PO Box 20 | **HERMANUS 7200**

www.overstrand.gov.za





15.05.2024 (REV 02)

OVERSTRAND MUNICIPALITY
16 PATERSON STREET
PO BOX 20
HERMANUS
7200

TO WHOM IT MAY CONCERN:

LETTER OF MOTIVATION

Pre-consultations	n/a
Property location:	Erf 11118 77 Blue Crane Street, Hemel & Aarde Estate Sandbaai 7200
Property size:	360.00m ²
Coverage permitted:	65.00%
Proposed coverage:	61.26% (220.526m ²)
Property zoning:	General residential zone 3: flats (GR3 and GR4) with consent use as General residential zone 1: Town housing (GR1).
Title Deed number:	T031831/22

A) PROPOSED DEVELOPMENT:

With reference to drawings (*dd. 11-10-2023*) attached to this application:

- I 0479/A3/01 - SG Diagram*
- I 0479/A3/02 - Locality Plan*
- I 0479/A1/03 - Site photos*
- I 0479/A1/04 - Lower ground and ground story layouts and elevations*
- I 0479/A3/05 - Site and roof plan layouts, elevations, and sections*
- I 0479/A3/06 - Legalize existing timber staircase.*
- I 0479/A3/07 - Legalize existing braai and covered braai area and stoep.*
- I 0479/A3/08 - Legalize existing planter box.*
- I 0479/A3/09 - Legalize filling height that exceeds 1.00m in height.*
- I 0479/A3/10 - Legalize existing building footprint position.*
- I 0479/A3/11 - Encroachment of existing building work over building lines*

Background:

The property is in a General residential zone 3: flats (GR3 and GR4) with consent use as General residential zone 1: town housing (GR1). The development of dwellings was constructed as town houses and do not comply with the Overstrand Municipal Land use scheme, 2020, for General residential zone 3: flats (GR3 and GR4), but rather General residential zone 1: town housing (GR1).

Furthermore, the previous owner has made alterations and additions to the existing structure, which was inspected by Overstrand municipality building inspector, Mr. B. Brink in June 2016. Mr. Brink requested a plan to be submitted showing the discrepancies. Hand-drawn plan was submitted to Mr. Brink, showing the braai and roof structure (roof structure only over the braai area), together with photographs. Mr. Brink confirmed with a clearance certificate, dated 20.06.2016 that all is in order and that no further documentation/plans needed to be submitted and that the existing dwelling was compliant. Refer to addendum A for copies of the previous correspondence between the previous owner and Mr. Brink.

The dwelling was purchased by Vitality SA Property Limited (12-07-2022) without any prior knowledge of the structure(s) / building work that is in contravention on the property. On behalf of the client, we would like to apply for all unauthorized building work to be legalized.

Firstly, access toward the North-eastern courtyard (backyard) behind the dwelling from the South-western side (driveway/street) was never taken into consideration with previous building plans (refer to Addendum B). The existing timber staircase was built with the housing development in 2011/2012 by Propfran 132CC (William B. Davis). Due to the immense fall on site the timber staircase provides the sole exterior(open-air) circulation route, from the North-eastern courtyard (backyard) of the dwelling to the South-western side (driveway/street). The timber staircase therefore provides an exterior circulation route which improves the building access and provides fire department access to the dwelling not only on ERF 11118 and the neighbouring property on ERF 11117.

The existing braai and covered braai area and stoep which are located on the North-western corner of the site, exceed the 1.0m zoning scheme lateral and 3.0m rear building lines of the property. The braai adjoins the boundary wall adjacent to the service yard of the neighbouring property ERF 11117. It can be assumed and concluded that the existing braai and covered braai area and stoep does not affect any exterior communal spaces of the neighbour. The ineffectual impact of existing braai and covered braai area on the social or economic wellbeing of others advocates the current position of the braai and covered braai area and stoep.

The existing planter box exceeds the 1.0m height permitted for structures over buildings lines. The planter box, which is located on the North-eastern corner of the property, is built against the rear and neighbouring lateral boundary wall of the property. It can be assumed and concluded that the planter box lends structural integrity to the neighbouring lateral boundary wall and its foundations.

The filling on site exceeds the 1m height restriction. Due to the site's immense slope, it can be assumed and concluded that the filling was done during construction to create a consistent floor level for the ground storey of the dwelling as reflected on the previously approved building plans (Addendum B).

Lastly, the current position of the dwelling as per drawing number I 0498/A3 /10 in the application illustrates, the deviation in footprint from previously approved building plans

(Addendum B). The deviation supports the application for the permanent relaxation on the property lateral building lines. The estate aggregate building lines were changed (still within compliance of the 4m aggregate) during construction under supervision of the property developer from 1.2m to 2.8 (NW) and from 2.8m to 1.2m (SE).

Records of previous building plans submitted and approved for Erf 11118, Hermanus.

(Refer to Addendum B)

1. Original approved plan number: 21314, dated 06.06.2011.
Rider approved plan number: 22768 (21.05.2012).

B) CHARACTER OF THE ENVIRONMENT:

Erf 11118 is a residential property situated within an estate (Hemel & Aarde Estate).

The building lines according to the related guidelines and municipal zoning scheme regulations:

Estate Guidelines:

Street building line	3.0m
Lateral building lines	2.8m and 1.2m (aggregate 4.0m)
Rear building line	3.0m
Height restriction	7.5 from mean NGL
Coverage permitted	50%
Title Deed restrictions:	n/a

Overstrand Municipality land use scheme 2020 (General residential zone 1: Town housing):

Street building line	1.0m
Lateral building lines	1.0m
Rear building line	3.0m
Height restriction	8m from base level
Coverage permitted:	65%
Title Deed restrictions:	n/a

The adjoining and surrounding dwellings are single and double story dwellings, with no heritage significance and have average erf sizes of 360m² - 900m².

With the imposed 65% coverage permitted (for town house properties) on most of the properties, the area is seen as a low to medium density area.

C) DESIRABILITY OF THE PROPOSED UTILISATION

The existing alterations and additions to the existing dwelling have no negative impact on any of the adjoining and surrounding properties.

The existing timber staircase provides the sole exterior (open-air) circulation route, from the North-eastern courtyard (backyard) of the dwelling to the South-western side (driveway/street). The exterior circulation route therefore improves the building access and provides fire department access to the dwelling not only on ERF 11118 and the neighbouring property on ERF 11117.

The existing braai and covered braai area and stoep which are located on the North-western corner of the site, adjoins the boundary wall adjacent to the service yard of the neighbouring property ERF 11117. It can be assumed and concluded that the existing braai and covered braai area and stoep does not affect any exterior communal spaces of the neighbour or surrounding buildings. The existing braai and covered braai area and stoep therefore has no impact on the social or economic wellbeing of others.

The planter box, which is built against the existing neighbouring boundary wall lends structural integrity to the adjoining rear boundary wall and foundations.

The filling was done during construction of the dwelling to create a consistent floor level for the ground floor of the dwelling as reflected on the previously approved building plans (Addendum B), under the supervision of the property developer (Propfran 132CC represented by William B. Davis).

The existing building footprint which differs from the original approved position (Plan 21314, dated 06.06.2011), is a result of the estate aggregate building lines being changed during construction under supervision of the property developer from 1.2m to 2.8 (NW) and from 2.8m to 1.2m (SE).

Please refer to the areas as marked on the drawings attached to the application.

- **Legalize unauthorized building work.**

Due to the immense fall on site the existing timber staircase was built during the construction of the building under the supervision of the property developer (Propfran 132CC represented by William B. Davis). The unauthorized building work in its current position provides the property with an exterior (open-air) circulation route, from the North-eastern courtyard (backyard) of the dwelling to the South-western side (driveway/street). The existing staircase improves the building accessibility and fire protection around the existing staircase is proposed on the South-western side of the dwelling not only on ERF 11118 and the neighbouring property on ERF 11117.

The dwelling was purchased without knowledge of the existing braai and covered braai area and stoep being illegally built. The unauthorized building work in its current position adjacent to the neighbours' service yard, does not impede any neighbouring social communal spaces. In view of the minimal impact of the braai and covered braai area in its current position the clients would like to have the position of the existing braai legalized.

The existing planter box lends structural support to the neighbouring lateral boundary wall. To ensure the structural integrity of the neighbouring boundary wall and its foundations, the clients would like to have the planter box legalized.

The filling was done during construction under supervision of the property developer (Propfran 132CC represented by William B. Davis). Changing the filling height of the site will have detrimental effects on the existing floor levels of the ground floor. The client would thus like to apply for the existing filling height to be legalized.

The existing footprint of the building is a result of the estate aggregate building lines being changed during construction under supervision of the property developer. The client would thus like to apply for the legalization of the existing building footprint.

D) INVESTIGATIONS CARRIED OUT IN TERMS OF OTHER LAWS WHICH ARE RELEVANT TO THE CONSIDERATION OF THE APPLICANT.

No other laws/regulations, other than the current Overstrand Zoning Scheme 2020, National building regulations and SANS10400 regulations are applicable to the current application.

E) THE IMPACT OF THE PROPOSED LAND DEVELOPMENT ON MUNICIPAL ENGINEERING SERVICES.

- No additional services will be required.
- No alterations to existing services supplied by the municipality to the dwelling are required.
- Alterations/additions have no impact on existing municipal services or future planning services.

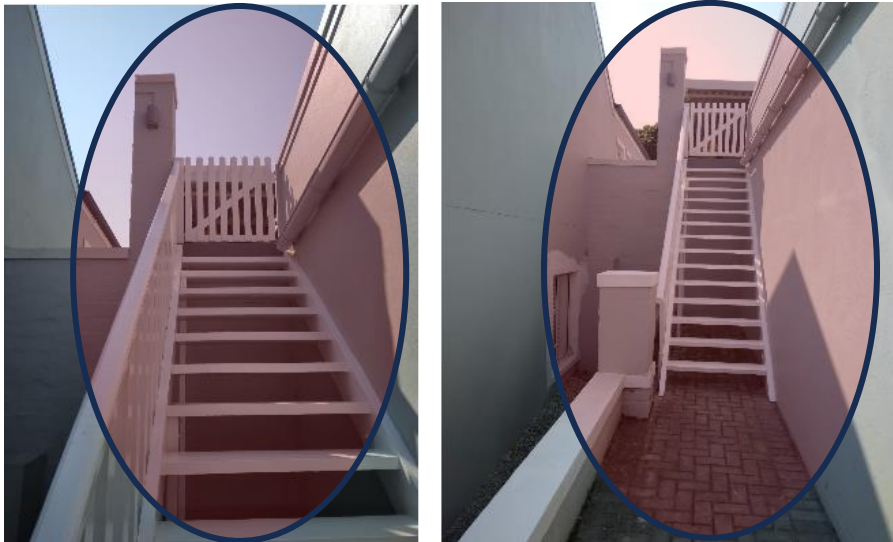
F) CONSIDERATION OF FORWARD PLANNING AND LAND USE DOCUMENTS

The current application has no influence on forward planning for the property and/or surrounding properties.

G) PLANNING PRINCIPLES

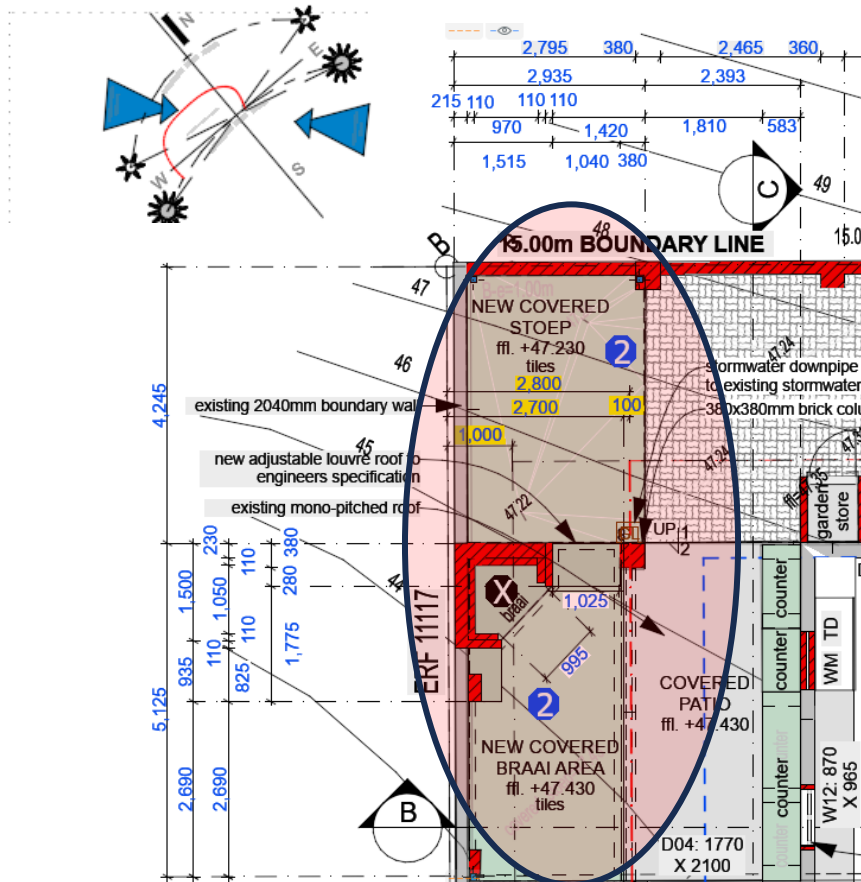
Not applicable to current application.

I / we would like to obtain approval and permission as required from Overstrand Town Planning Department to proceed with submission to Building Control Department for building plan approval for the building work as per drawings attached.

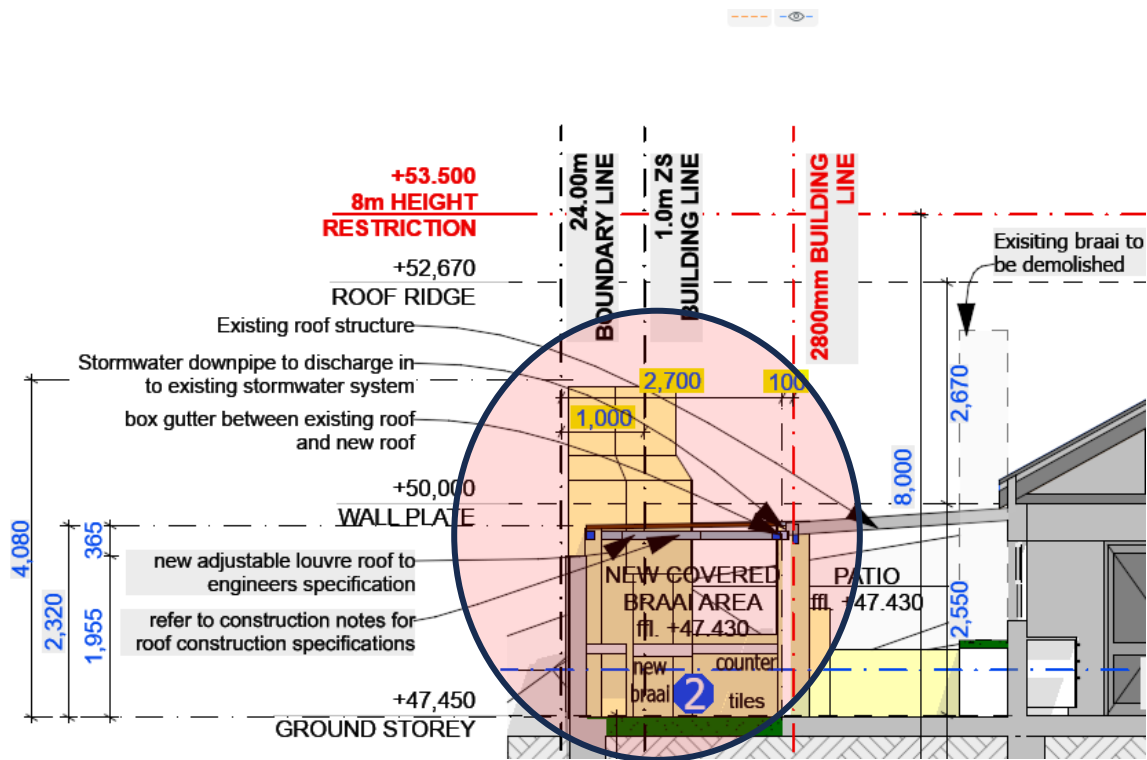


PHOTOS OF EXISTING STAIRCASE

2. Permanent relaxation on the 3.0m zoning scheme rear building line from 3.0m to 0.0m AND 1.0m North-western lateral zoning scheme building line from 1.0m to 0.0m to legalize the existing braai and covered braai area and covered stoep.



PARTIAL GROUND STOREY LAYOUT (SHOWING BRAAI AND COVERED BRAAI AREA AND STOEP)

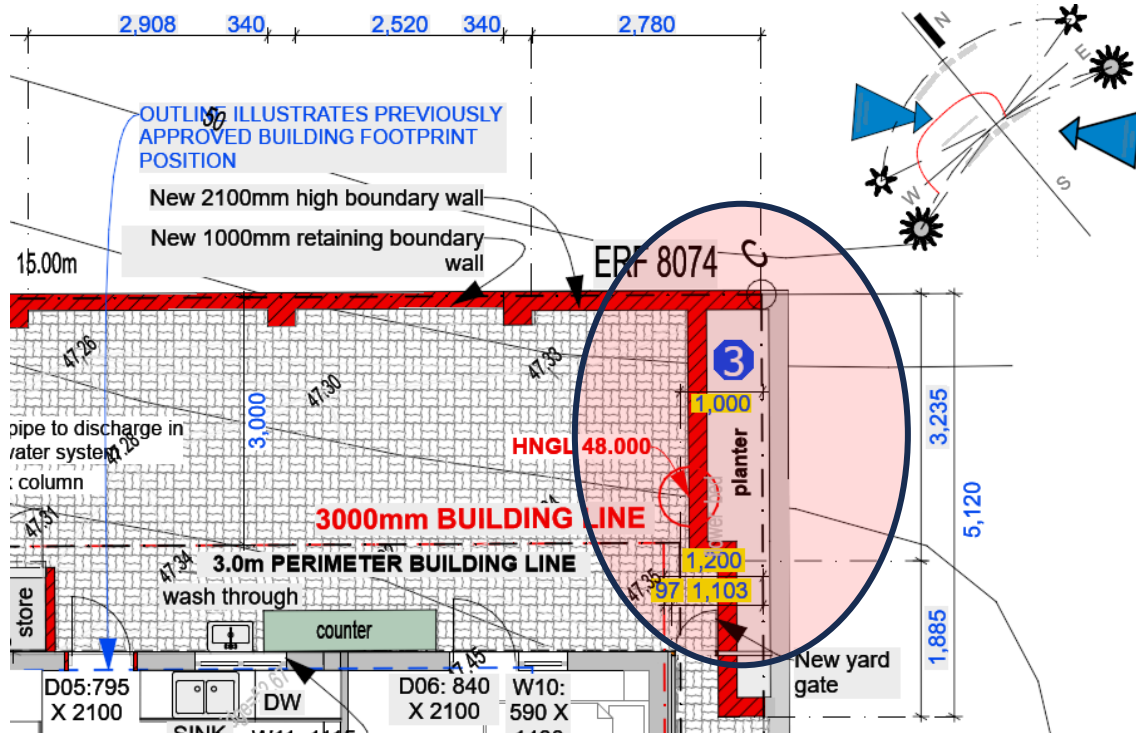


PARTIAL SECTION B-B (SHOWING BRAAI AND BRAAI AREA)

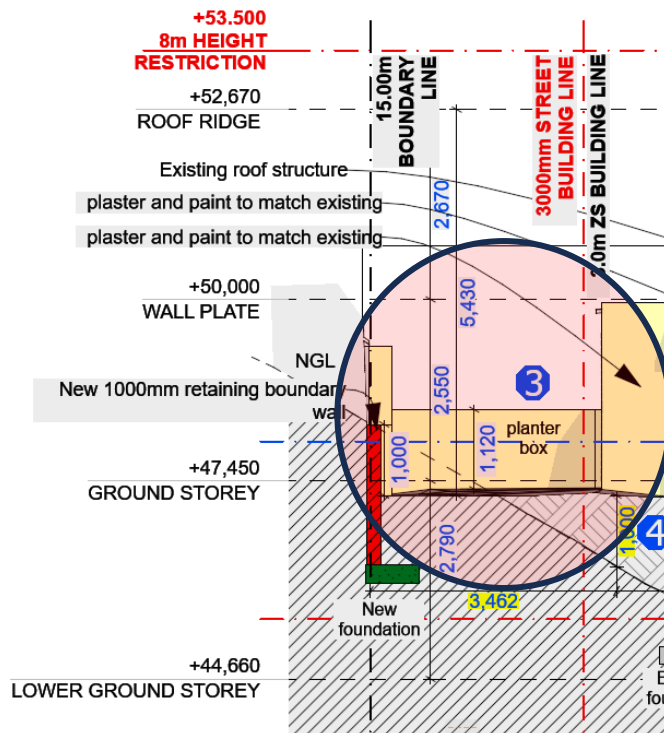


PHOTOS OF BRAAI AND COVERED BRAAI AREA AND STOEP

- Permanent relaxation on the 1.0m height restriction for any structure over the building line from 1.0m to 1.12m (refer to Overstrand Municipality land use scheme, 2020 clause 16.1.1 (a)). Permanent relaxation of South-Eastern lateral building line from 1.00m to 0.0m to accommodate an existing planter box. Permanent relaxation of rear building line from 3.00m to 0.00m to accommodate an existing planter box.



PARTIAL GROUND STOREY LAYOUT (SHOWING PLANTER BOX)

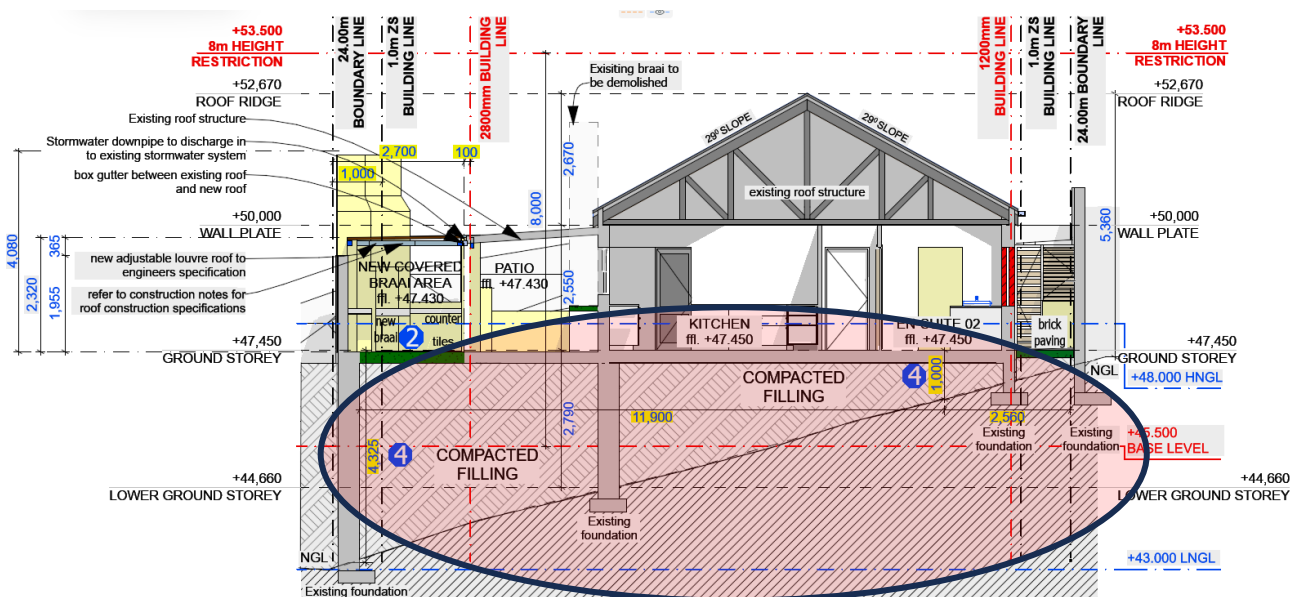


PARTIAL SECTION C-C (SHOWING PLANTER BOX)

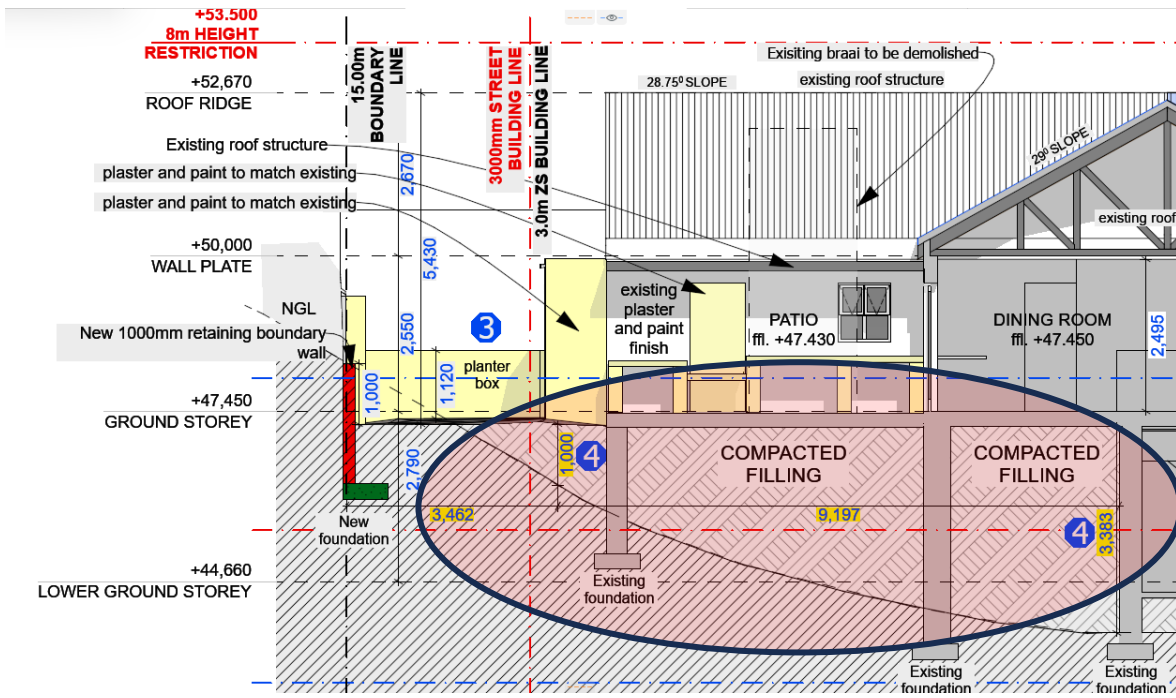


PHOTOS OF EXISTING PLANTER BOX

4. Legalize filling that exceeds 1.0m in height over the North-Western lateral building line from 1.0m to 2.383m (refer to Overstrand Municipality land use scheme, 2020 clause 16.1.1 (a)).

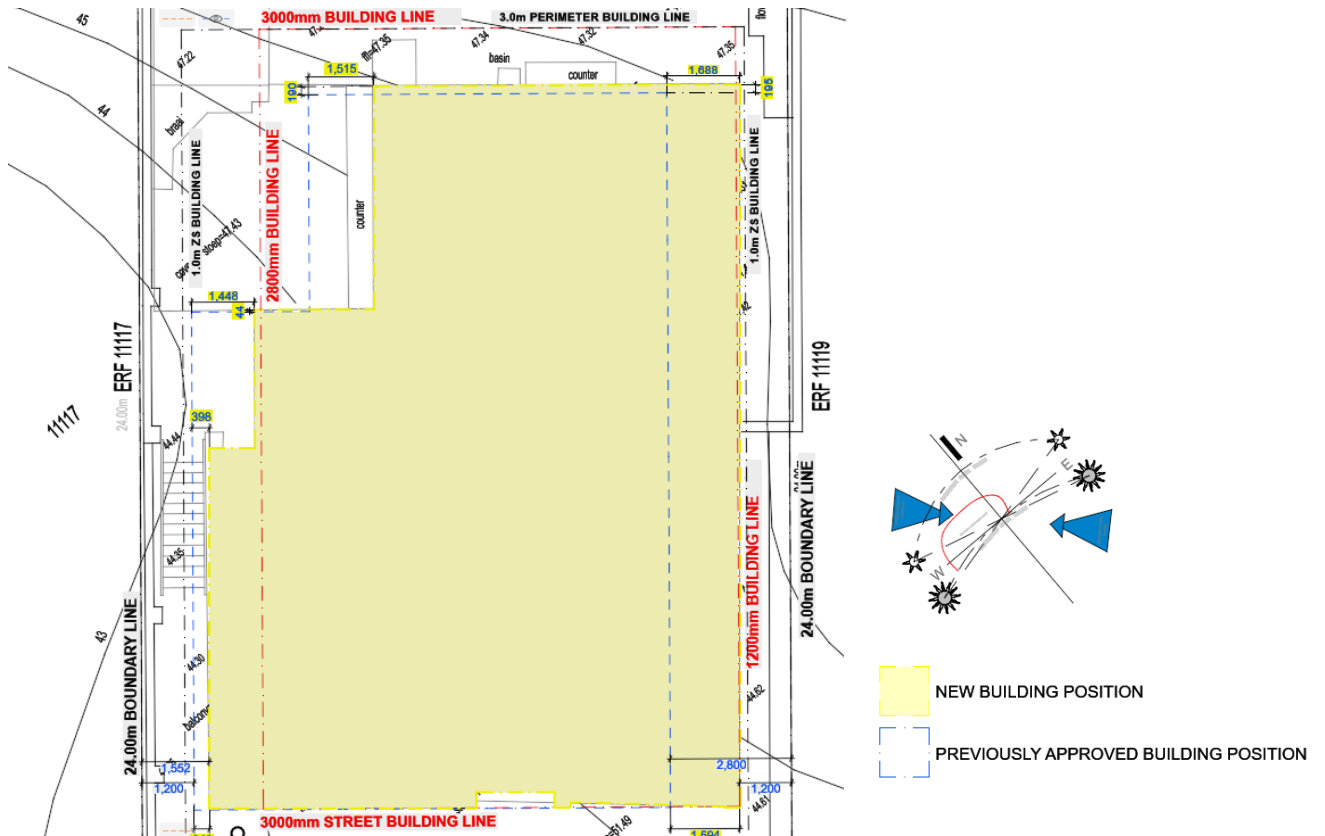


SECTION B-B (SHOWING EXISTING FILLING THAT EXCEEDS 1.00M)



PARTIAL SECTION C-C (SHOWING EXISTING FILLING THAT EXCEEDS 1.00M)

5. Legalize existing building footprint position.



EXISTING BUILDING POSITION (SHOWING EXISTING POSITION IN RELATION TO PREVIOUSLY APPROVED POSITION)

6. Application for administrative penalty on Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 – Article 90, clause (3):

(a) *Nature, duration, gravity, and extent of the contravention;*

1. Unauthorized building work.
 - Existing timber staircase exceed the North-western building line and to be legalized.
 - There is an existing braai and covered braai area and stoep that exceeds the rear and North-western lateral building line of the property.
 - An existing planter box also exceeds the 1.0m height restriction over a building line (it exceeds the rear and South-eastern lateral building line).
 - The filling on site exceeds the 1m in height over a building line.
 - Lastly the existing building footprint is unauthorized and needs to be legalized.

Construction cost calculation:

1. Timber staircase:
Construction cost:
R 10,000.00 (inc. VAT)
2. Braai and roof structure for covered braai area and
Construction cost:
R 65,000.00 (Inc. VAT)
3. Roof structure for covered stoep:
Construction cost:
R 35,000.00 (Inc. VAT)

The above fees are market related fees based on projects completed in 2023. (Original application submitted October 2023)

4. Filling, retaining wall and floor slab:
 - G6 filling - 50m³ (30m²) @ R 600.00 p/m³
R 30,000.00 (Inc. VAT)
 - Retaining wall - 11.4 linear meter @ R 3,250.00
R 37,050.00 (Inc. VAT)
 - Floor slab - 20m² @ R 750.00 p/m³
R 15,000.00 (Inc. VAT)

Total construction cost for unauthorized building work = R192 050 (Inc. VAT)

(b) The conduct of the person (allegedly) involved in the contravention:

The property is situated General residential zone 3: flats (GR3 and GR4) with consent use for General residential zone 1: Town housing (GR1). The developers (Propfran 132CC represented by William B. Davis) proceeded with a development of dwellings that were constructed as town houses and do not comply with the regulations for General residential zone 3: flats (GR3 and GR4) Furthermore, with consent use the previous owners made alterations and additions to the house.

The dwelling was purchased by Mr. Günter von Ketelhodt in 12-07-2022, without any prior knowledge of the structure(s) / building work that are in contravention on the property.

Under the supervision of the property developer (Propfran 132CC represented by William B. Davis) the following unauthorized building work was constructed:

- The existing timber staircase
- The existing planter box.
- The filling which exceeds 1.0m in height
- The existing building footprint that differs from the previously approved position.

Under the supervision of the previous owners of the property the following unauthorized building work was constructed:

- A braai and roof structure were constructed for the covered braai area and covered stoep, where it is currently exceeding 1.0m zoning scheme lateral building line on the North-western boundary and 3.0m rear building line. Refer to Addendum A showcasing the correspondence between Overstrand Municipal building inspector Mr. Brink with the previous owner. a Clearance certificate, dated 20.06.2016 for the braai and roof structure over the covered braai area by the property developer Willian B. Davis without following due procedure of municipal applications for building work.
- A roof structure was also added over the covered stoep area without due municipal procedure being followed.

(c) A report by a quantity surveyor in matters of authorized building/construction.

n/a – Construction cost as given above (2(a)) has been calculated according to current construction costs with similar specifications.

(d) Whether the unlawful conduct was stopped; and

1. No, the building works were done between, (2011- 2016)
2. No, our client purchased the structures as is, they were only made aware of the unauthorized building on the position of the existing structures after they

had received the survey done by land surveyor. They had no knowledge of unauthorized building work.

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

Unknown, as our clients purchased the dwelling and unauthorized building work as is.

Since the building has been purchased this way, without any prior knowledge of the structure's illegality, we would like to apply for the legalization of all unauthorized building work. We, on behalf of the clients, would kindly like to apply for an **exemption** on any administrative penalties related to unauthorized building work and the deviation on the existing footprint / structure positions, done by the property developer (Propfran 132CC represented by William B. Davis), and previous owners.

On behalf of our client, we hope you find the application favourable.

Yours truly,



I SMIT / T: 028 125 0019 / C: 082 879 6749

ian@ssarc.co.za / www.ssarc.co.za

BOUNDARY WALLS & STRUCTURES: NOTE: NO WALL FOUNDATION OR BUILDING WORK WILL PROTRUDE OVER ERF BOUNDARY LINE.

ALL WATERPROOFING TO BE OVERSEEN BY A REGISTERED AND APPROVED WATERPROOFING SPECIALIST CONTRACTOR. ALL TO BE DONE ACCORDING TO MANUFACTURER'S SPECIFICATIONS AND DETAILS, DEPENDING ON WATERPROOFING METHOD/PRODUCT USED.

INSULATION NOTE: CONTRACTOR TO INSTALL INSULATION IN CEILING WITH AN R-VALUE OF 3.7 MIN. CONTRACTOR TO PROVIDE ARCHITECT WITH CERTIFICATE OF COMPLIANCE AFTER INSTALLATION.

ALL SERVICES, DUCTS, CONDUITS AND/OR SLEEVES (PLUMBING, ELECTRICAL, AIR CONDITIONING, WATER SUPPLY, POOL HEATING) MAY NOT BE VISIBLE AND MUST BE CONCEALED IN THE WALLS OR IN DUCTS.

MINIMUM HEIGHT FROM GROUND TO FLOOR LEVEL MUST COMPLY WITH PART K OF SANS 10400.

BOUNDARY AND YARD WALLS TO COMPLY WITH PART K OF SANS 10400.

COLD AND HOT WATER SUPPLY PIPE LINES MUST BE PROPERLY PLANNED. PIPES MUST BE MAINLY ACCOMMODATED WITHIN CONCRETE SLABS AND EXTERNAL CAVITY WALLS AS FAR AS POSSIBLE. HOT WATER PIPES IN CAVITY WALLS AND FLOOR SLABS TO RECEIVE LAGGING AS PER ENERGY REPORT.

HEALTH & SAFETY: Principal contractor to make adequate provision for health and safety measures for the duration of the construction process. Principal contractor to comply with the health and safety act (Act 85 of 1989) and Construction Regulations G.N.R. 1010 of Feb 2014. Principal contractor to provide client with health and safety plan before construction work begins.

ALL DRAWINGS TO BE READ IN CONJUNCTION WITH 'ENERGY USAGE ASSESSMENT REPORT'. NOTE: ALL LEVELS SHOWN ON THIS DRAWING MAY VARY ACCORDING TO SITE CONDITIONS.

NOTE: ALL DRAWINGS MUST BE READ IN CONJUNCTION WITH EACH OTHER.

GENERAL ENERGY USAGE IN BUILDING NOTES

HOT WATER: Hot water heating requirement: at least 50% of the annual average hot water heating requirement shall be provided by means other than electrical resistance heating including but not limited to solar heating, heat pumps, heat recovery from other systems or processes and renewable combustible fuel in accordance with SANS 10400-PA:2021 Ed 2.

HOT WATER PIPING INSULATION: Provide and install Armaflex piping insulation on all hot water services pipes in accordance with SANS 10400-PART KA:2021 Ed 2. Install Armaflex pipe insulation of 25mm thickness for Nominal ID of 15mm with an R-Value of 1.32 (A minimum R-Value of 1.00 is required for internal dia. = 60mm).

GLAZING: Building fenestration to comply with requirements in accordance with SANS 10400-XA:2021 Ed 2. All doors and windows to be powder coated aluminium unless otherwise specified elsewhere.

FLOORS: Provide and install 30mm boardwalk with an R-Value of 1.00 around the vertical edge of the dwelling house in accordance with SANS 10400-XA:2021 Ed 2.

THERMAL INSULATION: All Thermal Insulations to be in accordance with SANS 10400-XA:2021 Ed 2. Reflective insulation shall be installed with the necessary airspace and in accordance with Table 6.

LIGHTING AND POWER: The minimum lighting levels shall be determined in accordance with the requirements of SANS 10400-XA:2021 Ed 2, TABLE 12.

BUILDING SEALING: Building sealing shall be done in accordance with SANS 10400-XA:2021 Ed 2. External doors shall be sealed in accordance with SANS 10400-XA:2021 Ed 2. Air leakage for glazing shall be in accordance with SANS 10400-XA:2021 Ed 2. Chimneys and flues shall be sealed in accordance with SANS 10400-XA:2021 Ed 2. Roof underlay of radiant barriers shall be sealed in accordance with SANS 10400-XA:2021 Ed 2. Beams/filling shall be in accordance with SANS 10400-XA:2021 Ed 2.

REFER TO ENERGY USAGE IN BUILDING REPORT FOR CALCULATIONS

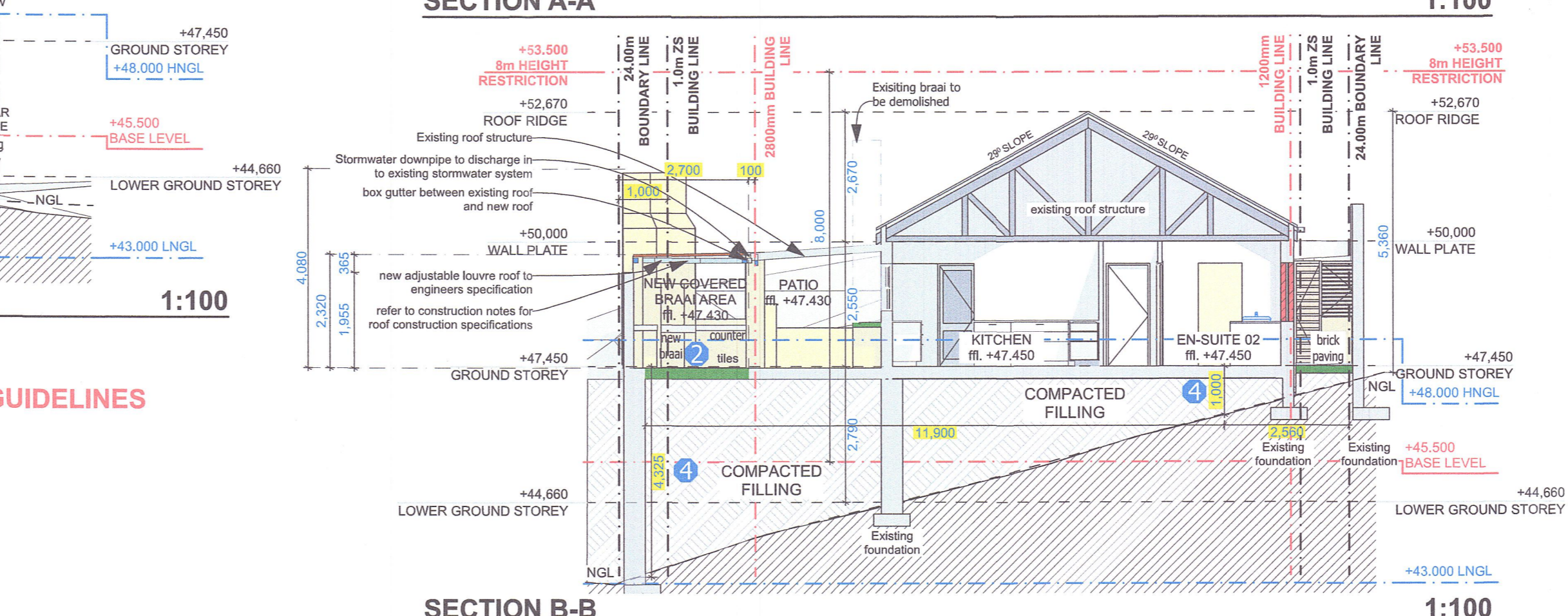
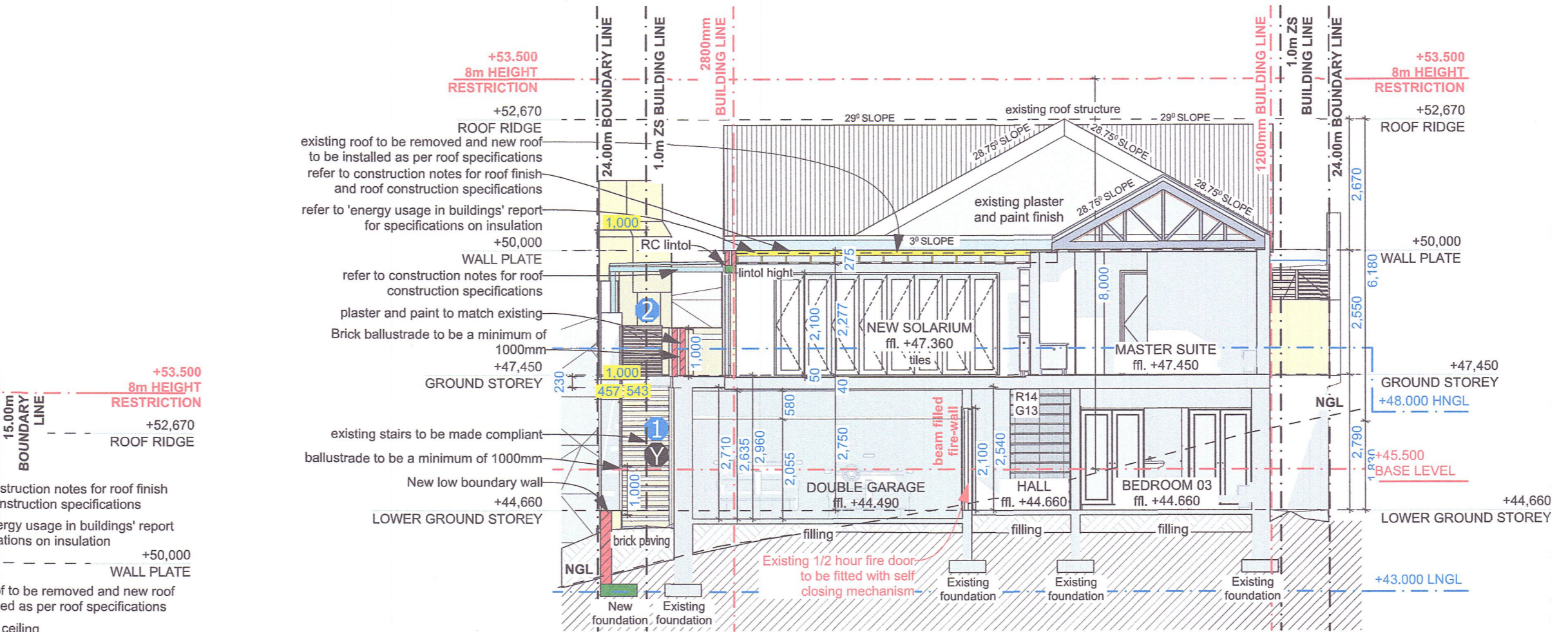
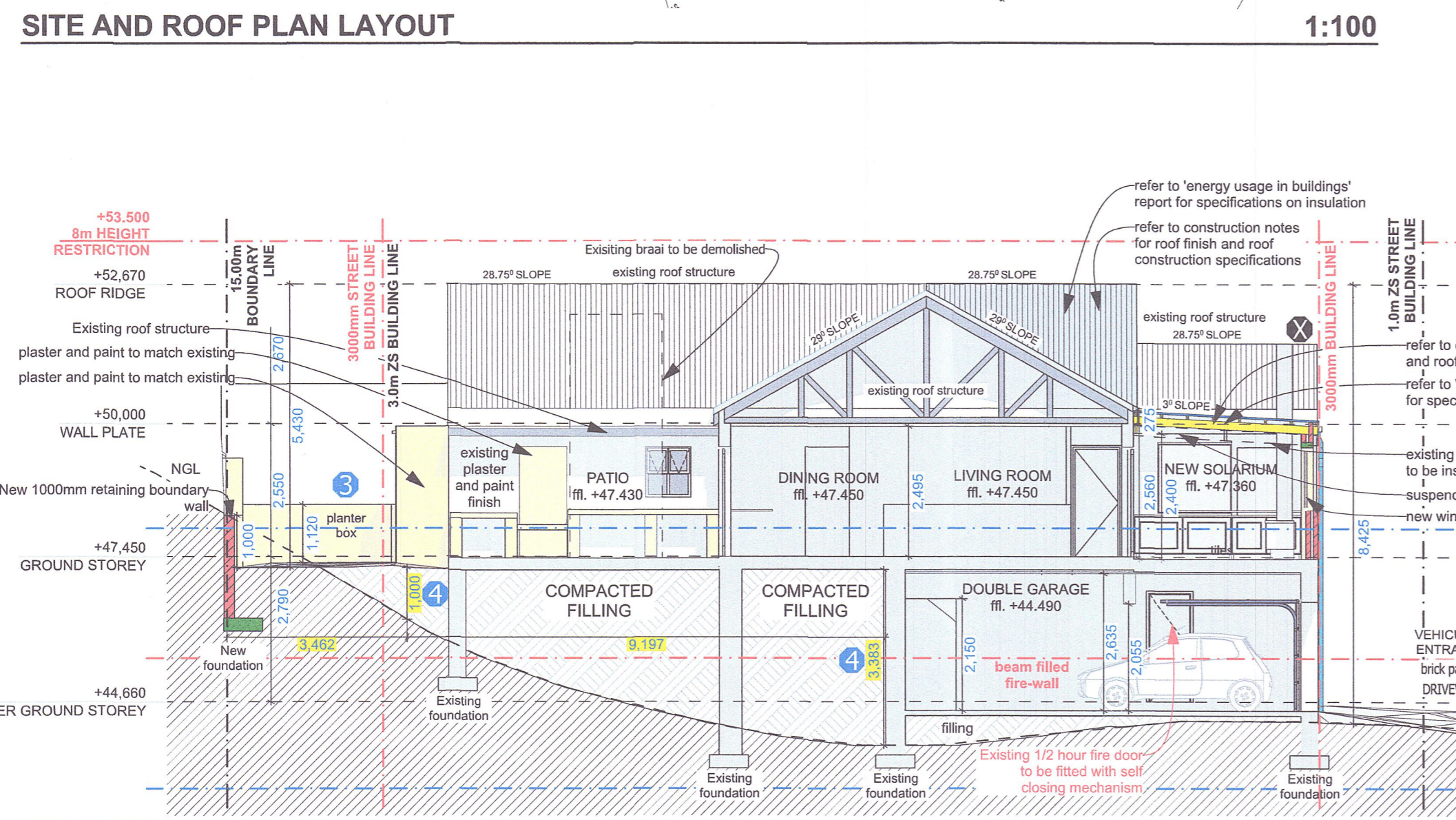
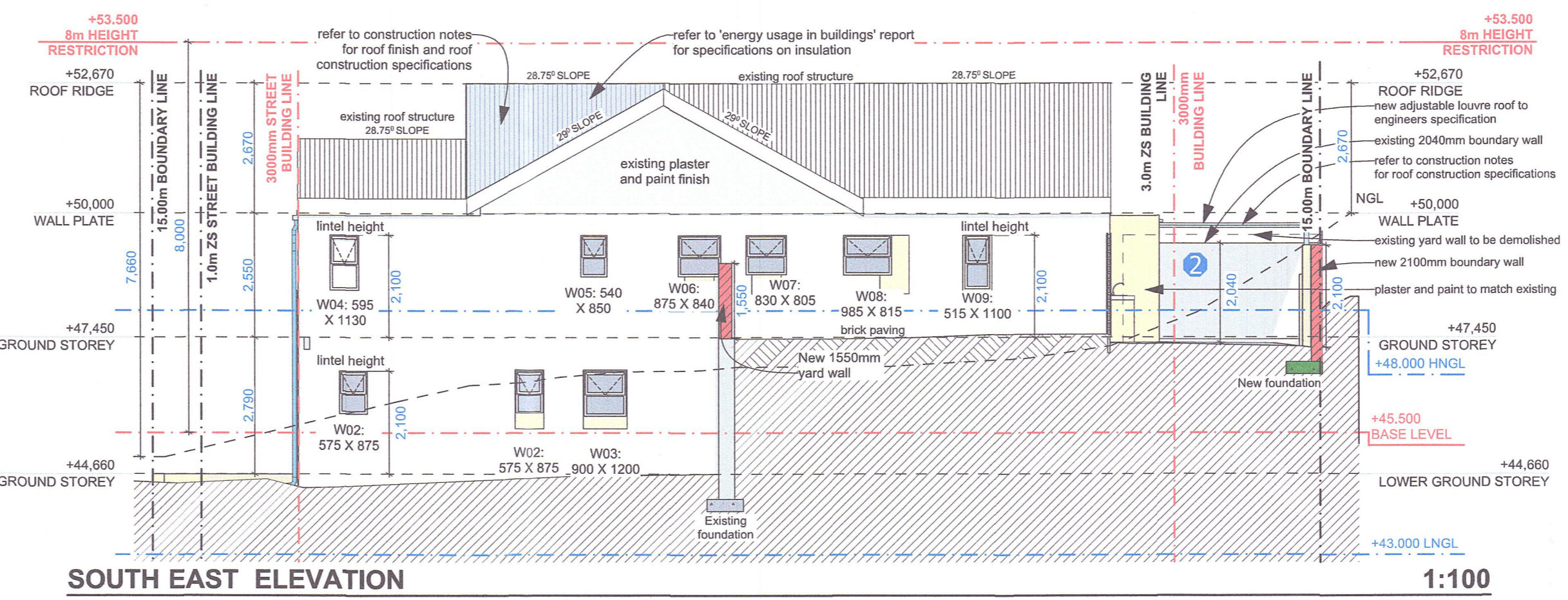
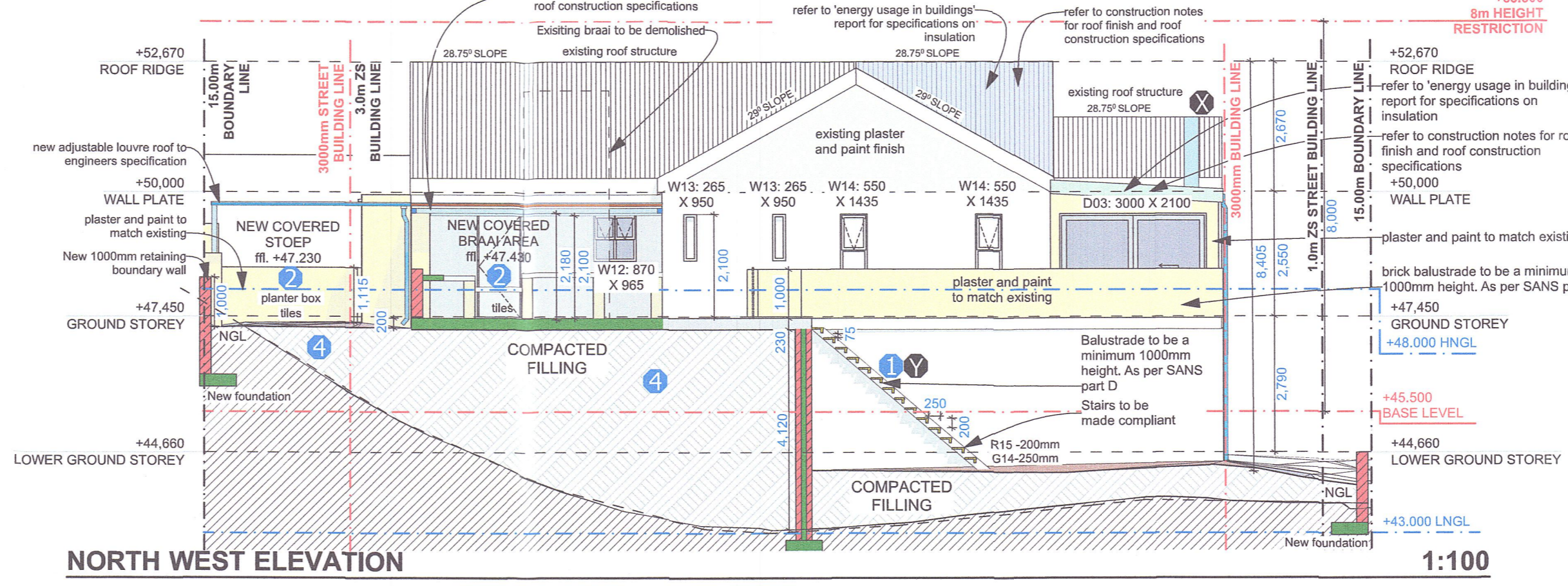
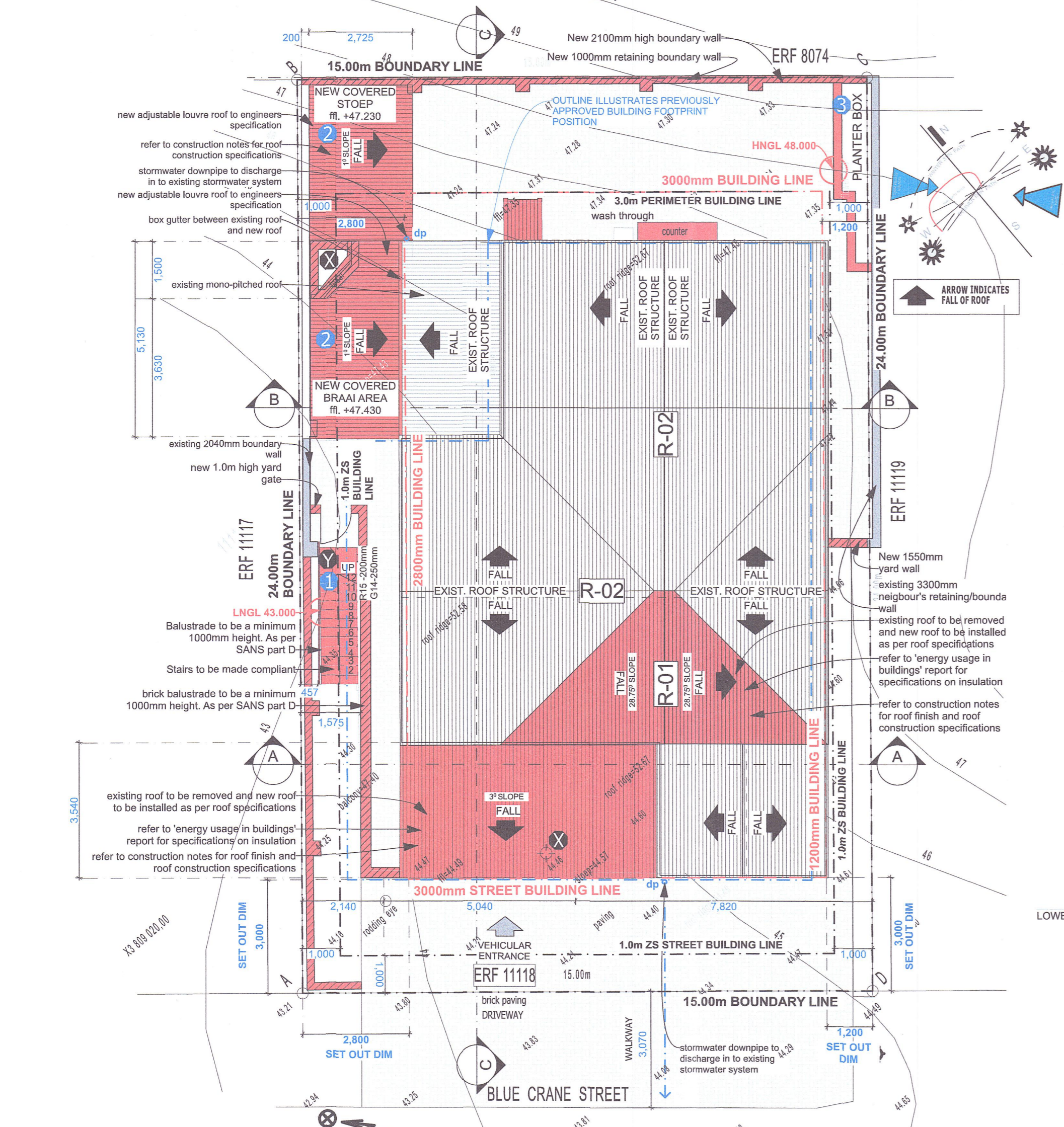
MUNICIPAL REQUIREMENTS AND THOSE OF OTHER AUTHORITIES MUST BE ADHERED TO. CONTRACTORS AND SUB-CONTRACTORS ARE TO CHECK ALL DIMENSIONS AND SCALE DETAILS SUPERSEDE SMALL SCALE DRAWINGS. WORK FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED MEASUREMENTS AND LARGE SCALE DETAILS SUPERSEDE SMALL SCALE DRAWINGS. THE DESIGN ON THIS DRAWING IS THE PROPERTY OF SMART SOLUTION ARCHITECTURE AND ARCHITECTURAL CONSULTANTS AND COPYRIGHT THEREOF IS RESERVED BY THEM.

VARIATIONS:

REV NO	DATE	DESCRIPTION	DEPARTMENT APPLICATION
00	11.10.2023		

Departure application sections

1. Legalize existing timber staircase
2. Legalize existing braai and roof structure for braai area and covered stoep
3. Legalize existing planter box
4. Legalize filling height that exceeds 1.00m in height
5. Legalize new building footprint position



TIMBER STAIR SPEC.:

EXISTING TIMBER STAIRS TO BE MADE COMPLIANT AS PER SANS 10400-M:2011.

4.2.3 No flight of stairs shall have a vertical rise greater than 3 m between landings.

4.2.4 No door shall open onto a stairway unless such door opens onto a landing and the width of such landing is not less than that of such door. The position of the door relative to the landing and its direction of opening shall be such that it does not obstruct the flow of persons on the stairway when in the fully open position.

4.2.5 The rise of any step shall not exceed 200 mm.

4.2.6 The going and width of any tread shall be not less than 250 mm, provided that where the stairway does not have solid risers, each tread shall overlap the next lower tread by not less than 25 mm (see figure 2).

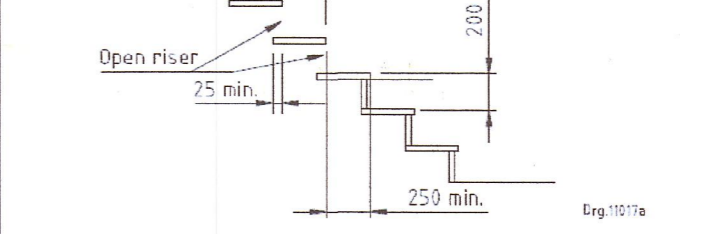


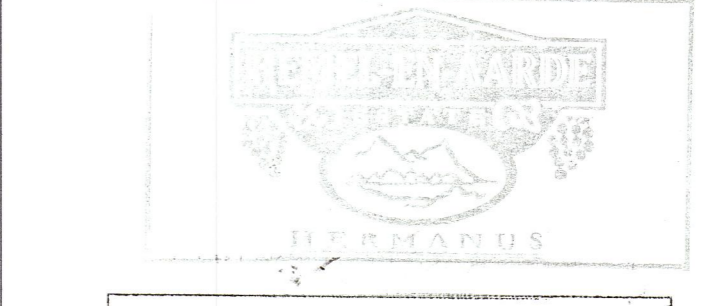
Figure 2 - Dimensions of treads and risers on a stairway

4.5 Timber stairways

4.5.1 Timber stringer beams to support timber treads in stairway construction that does not exceed 1.2 m in width in occupancies classified as H3 and H4 in single-storey and double-storey buildings, shall be of minimum size 48 mm x 225 mm, of grade 5, comply with the requirements of SANS 1460 or SANS 1783-2, and be sufficiently free of warp in any direction to be fit for purpose.

4.5.2 Timber treads shall be a minimum of 38 mm thick. Timber treads may be built into masonry walls with a minimum end bearing of 90 mm, or be supported on a steel angle cleat that has minimum dimensions of 50 mm x 50 mm x 4 mm, and is bolted to a wall with two masonry anchors per cleat in accordance with the manufacturer's instructions. Such anchors, when embedded in grade 20 concrete, shall have a safe working load in shear of not less than 1.25 kN, certified by the manufacturer. Such certification shall be substantiated by test reports or certificates from recognized local or international accredited testing laboratories.

4.5.3 All timber (see subregulation A13(b)) used in timber stairways shall be preservative treated in accordance with SANS 10005, as relevant.



BASE LEVEL CALCULATIONS

LOWEST LEVEL	43.000
HIGHEST LEVEL	48.000
BASE LEVEL	45.500
8.0m HEIGHT RESTRICTION	53.500

- ⊗ Space heating: all braais & fireplaces to comply with SANS 10400 - V:2010
- ⊙ min. 1000mm high balustrade & handrail, all openings to be less than 100mm in dia. All to comply with SANS 10400 - Part M:2011

DRAWING STAGE:

COUNCIL SUBMISSION	<input type="checkbox"/>
DEPARTMENT APPLICATION	<input checked="" type="checkbox"/>
SKETCH PROPOSAL	<input type="checkbox"/>
TENDER DRAWING	<input type="checkbox"/>
WORKING DRAWING	<input type="checkbox"/>

SITE RESTRICTIONS:

STREET BUILDING LINE	1.000m
LATERAL BUILDING LINE	1.000m
REAR BUILDING LINE	3.000m
HEIGHT RESTRICTION	8.000m

TITLE DEED BUILDING LINES (see drawings) n/a

ZONE APPLICABLE:

GROUP HOUSING 3 & 4 (GR 3 AND 4) WITH CONSENT USE AS SINGLE RESIDENTIAL (SR1)

SMART SOLUTION ARCHITECTURE
 and Architectural Consultants
 Members of SACAP / CIA / and SAIAI
 PRE-CIPRA, An SIDA / SA Smart Solution Architecture

Office 028 125 0019 admin@ssarc.co.za
 1 Smart 082 879 6749 ian@ssarc.co.za
 D Swart 079 694 1728 dian@ssarc.co.za
 Mail Collection 104, Hemel & Aarde Estate, Hermanus, 7200

PROJECT NAME:
 ALTERATIONS AND ADDITIONS FOR PROPOSED EXISTING DWELLING FOR VITALITY SA PROPERTY LIMITED
 ERF 11118
 77 BLUE CRANE STREET
 HEMEL AND AARDE ESTATE
 SANDBAAI
 7200

DWG TITLE:
 SITE AND ROOF LAYOUTS, ELEVATIONS AND SECTIONS

DATE:
 11/10/2023

DRAWN BY:
 RUCHELLE TAJAARD

CHECKED BY:
 I SMIT

SACAP REG. T 0174

DRAWING SCALE
 AS SHOWN

PRINT A1 LANDSCAPE

DRAWING NO.
 10498 / A1 / 05

REV NO.
 00

ALL EXTERNAL MATERIALS AND FINISHES TO COMPLY WITH HEMEL & AARDE ESTATE'S ARCHITECTURAL GUIDELINES

ALL CONCRETE WORKS TO ENGINEER'S DETAILS AND SPECIFICATIONS. ENGINEERS' DRAWINGS SUPERSEDE THESE DRAWINGS AND SPECIFICATIONS

STRUCTURES SET-OUT: BOUNDARY/ PROPERTY PEGS TO BE CONFIRMED PRIOR TO DIGGING OF TRENCHES FOR BOTH BOUNDARY WALL AND DWELLING FOUNDATIONS. ALL TO BE DONE BY AN APPROVED AND REGISTERED LAND SURVEYOR.