

ERF 1245, 3 RIVERSIDE LANE, STANFORD, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF OF KEVIN ALAN KING

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amended By-Law on Municipal Land Use Planning, 2020 (By-Law), that an application has been received applicable to the above-mentioned property, namely:

- **departure** in terms of Section 16(2)(b) of the By-Law, to relax the northern lateral building line from 1m to 0m, to accommodate the proposed use change; and
- **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, 16 Paterson Street, Hermanus and at the Stanford Library, Queen Victoria Street, Stanford. Any written comments must be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) on or before **8 MARCH 2024**, quoting your name, address and contact details, interest in the application and the reasons for comment. Telephonic enquiries can be made to **Mr P Roux** 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 1245, RIVERSIDE LAAN 3, STANFORD, OVERSTRAND MUNISIPALE AREA: AANSOEK AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: MNRE WRAP PROJECT OFFICE NAMENS KEVIN ALAN KING

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

- **afwyking** in terme van Artikel 16(2)(b) van die Verordening, om die noordelike lateraleboulyn te verslap vanaf 1m na 0m, om die voorgestelde gebruiksverandering te akkommodeer; en
- **bepaling van 'n administratiewe boete** in terme van Artikel 16(2)(q) van die Verordening.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus en by Stanford Biblioteek, Queen Victoriastraat, Stanford. Enige kommentaar op die voorstel moet skriftelik ingedien word ingevolge die bepalings van Artikels 51 en 52 van die Verordening en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) bereik voor of op **8 MAART 2024**, met u naam, adres en kontakbesonderhede, belang in die aansoek sowel as die redes vir kommentaar. Telefoniese navrae kan gerig word aan **Mnr P Roux** 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 1245, RIVERSIDE LANE, STANFORD, KUMASIPALA WASE-OVERSTRAND: ISICELO SOKUNYENYISWA NOKUGQITYWA KWESOHLWAYO: WRAP PROJECT OFFICE EGAMENI LIKA KEVIN ALAN KING

Isaziso siyanikezelwa ngokweCandelo lama-48 loMthetho kaMasipala kaMasipala waseOverstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala) sokuba isicelo sifunyenwe soku kulandelayo:

- **Ukutenxa ngokuhambelana** malunga Candelo 16(2)(b) ukukhulula umda wesakhiwo osecaleni osemantla ukusuka kwi-1m ukuya ku-0m, ukulungiselela utshintsho losetyenziso olucetywayo; kwaye
- Ukumiselwa kwesohlwayo solawulo ngokweCandelo le-16(2)(q) loMthetho kaMasipala.

Inkcukacha mayela nesindululo siyafumaneka ukuze sihlolwe phakathi evekini ngamaxesha omsebenzi ukusuka kwintsimbi ye08:00 ukuya kweye16:30 kwiSebe: Izicwangciso Zedolophu kwanombolo 16 Paterson Street, eHermanus. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zamaCandelo 51 nelama-52 alo Mthetho uYilwayo yaye mazithunyelwe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngomhla okanye ngaphambi wama- **8 EYOKWINDLA 2024** unike igama lakho, idilesi neenkukacha zonxibelelwano nawe, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuza into malunga nesi saziso ungatsalela umnxeba Umcwangcisi **Wedolophu uMnu. P Roux** kule nombolo 028-313 8900. Umasipala angala ukuzamkela izimvo ezifike emva komhla wokuvalwa. Nabani na ongakwaziyo ukufunda okanye ukubhala makaye kwiSebe loYilo lweDolophu apho igosa likamasipala liya kumncedisa azibhalelizimvo zakhe.

1. Locality Plan Erf 1245 - Stanford

Plan prepared by: Thian Jansen

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Unit B, Standard House,
Corner of Royal and Dirkie Uys
Street Hermanus, 7200



Project Office
Town Planning & Project Management



Scale 1 : 1000



1. ABBREVIATIONS

OM	Overstrand Municipality
OMLUS	Overstrand Municipality Land Use Scheme, 2020
BY-LAW	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020
PSDF	Western Cape Provincial Spatial Development Framework, 2014
MSDF	Overstrand Spatial Development Framework, 2020
SR1	Residential Zone 1: Single Residential

2. PROPERTY DETAILS

Consultant	WRAP Project Office
Erf Number	Erf 1245 Stanford
Extent	345m ²
Zoning	General Residential Zone 2: Town Housing

3. BACKGROUND AND INTENT

The subject property, Erf 1245 Stanford, is located in Riverside Lane, Stanford, refer to **Plan 1 - Locality Plan**. The property owner appointed WRAP Project Office to submit a land use application on his behalf, refer **Annexure A - Power of Attorney**.

During the course of ownership, the property owner conducted several alterations to the dwelling. After the recent floods in the area, the property owner was forced to start the process again of renovating, adding, and reconstructing the dwelling unit. The owner has the intent to change the way the entire property functions and as a result has changed the use of the garage. Because this garage encroaches on the side 1m building line, municipal approval is required to allow this use change.

Approval of the following application is required:

- Permanent Departure from the side building line;
- Determination of an administrative penalty.

4. PROCEDURE TO ACHIEVE THE PROPERTY OWNER'S INTENT

WRAP compiled this report to ensure that the property owner's requirements are met.

The following is proposed:

4.1 Permanent Departure from the 1m northern side building line to 0m to allow the proposed use change in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

The property owner, as mentioned in section 3, is currently in the process of renovating, adding, and reconstructing the property after the damage caused by the recent floods.



MOTIVATION

The owner converted the existing approved garage, which is built on the boundary line, into a storage area solely for miscellaneous objects and items. Additionally, the property owner would like to add an extra staff bathroom.

The property owner owns a Ford Ranger LDV that does not fit into the garage, as the approved garage's length is only 5.12m, considering that a Ford Ranger LDV has a length of 5.359m excluding a tail hitch and bull bar. Instead of extending the garage length, the owner built a new carport at the front of the property. Increasing the garage length would have had a larger impact on the adjacent property than the current proposal. No external additions have been conducted except for removing the garage door and replacing it with a double swing door to match the property's aesthetic.

The current space was being used as a garage and converting it only to a storage area and staff bathroom is not predicted to have negative impact on the surrounding properties.

Having additional storage space on your property offers several practical advantages:

- **Organization and decluttering:** Additional storage space allows for better organisation of belongings, helping to declutter living spaces. This makes it easier to find things when needed and creates a more visually appealing environment.
- **Increased Functionality:** It enables you to utilize your living areas more effectively, as the property has a small extent, any space that can be utilised is being sought. By storing items properly, you free up space for other purposes, such as setting up a home office, exercise area, or a recreational space.
- **Preservation and protection:** Proper storage helps protect items from theft and damaging weather. This is especially crucial for valuable or sentimental items.
- **Seasonal storage:** It's convenient for storing seasonal items like holiday decorations, sports equipment, gardening tools, or winter/summer clothing, keeping them out of the way when not in use.
- **Home maintenance tools and equipment:** Space for tools and equipment needed for home maintenance tasks ensures easy access and encourages regular upkeep of the property.
- **Future needs and flexibility:** As lifestyles evolve, additional storage space allows for accommodating future needs without major renovations or changes.
- **Resale value:** Properties with ample storage space often attract more interest from potential buyers, increasing the resale value of the property in the future.
- **Personal preferences:** Some individuals simply prefer a more organized and clutter-free living space, making additional storage a priority to maintain a tidy environment.



4.2 Determination of an administrative penalty in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

The existing garage that was built on the boundary line's use was changed. To ensure compliance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 it is of importance to include an application for the determination of an administrative penalty. It is however requested that the administrative penalty be waived as this application serves as method to rectify the contraventions that occurred, and the impact is not predicted to have a negative effect on the surrounding properties as they have become accustomed to placement and position of the structure.

Section 90(3) of the By-law requires the following information:

The nature, duration, gravity and extent of the contravention

Section 4.1 indicates the nature and gravity of the additions that were constructed without prior approval. The total extent of the building lines encroachments is:

Existing garage's use change extent	±5,4m ²
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The conduct of the person (allegedly) involved in the contravention

The owner was responsible for ensuring that there were no contraventions in terms of the by-law; however, it is important to note that no malicious intent was found in their actions.

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

Due to the small-scale nature of the encroachment no quantity surveyor was involved.

Whether the unlawful conduct was stopped

The structure has already been converted.

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

To the knowledge of this office, the property owner has not previously contravened the By-Law.



5. APPLICATION

Considering the above, application is made for the following:

5.1 Permanent Departure from the 1m northern side building line to 0m to allow the proposed use change in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

5.2 Determination of an administrative penalty in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

6. LAND USE ENVIRONMENT

The subject property is located in Stanford, an established residential area in the Overstrand. The property is surrounded by other General Residential Zone 2: Town Housing properties, Public Streets and Public Open Space. The surrounding area's zonings are illustrated in **Plan 2** (zoning plan).

7. TITLE DEED

Title deed T17604/2023 (refer **Annexure B**) was perused and there are no restrictive conditions that prohibits the approval of the proposal being made.

8. ZONING

The following zoning parameters were assessed in conjunction with the GR2 OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law:



MOTIVATION

GENERAL RESIDENTIAL ZONE 2: TOWN HOUSING			
	Parameters	Proposal	Comply/ deviate
Primary use	Town Housing, Private Open Space and Private Road	Town Housing	Comply
Consent uses (that may be applied for)	Crèche, Day Care Centre, Dwelling House in accordance with 6.1.2, Flats, Green House, Home Occupation, Residential Building, Retirement Village and Tourist Accommodation.	N/A	N/A
Development parameters			
Density	(i) The maximum gross density in this zone is 50 units a hectare. (ii) A minimum erf size of 3000 m ² is applicable for densification.	Comply	Comply
Coverage	The maximum coverage for all buildings on the land unit is 65%.	Erf extent: 345m ² Total Coverage: 154.6m ² Proposed Coverage: 44,8%	Comply
Building Lines	Building lines on the perimeter of a town housing development (i) The building line on the perimeter of the property is 3,0 m, and (ii) The general building line exemptions of 16.1 apply.	Comply	Comply
Building Lines	Building lines within the town housing site The following building lines apply within a town housing site: (i) The street building lines on internal roads are 1,0 m, provided that garages must be set back at least 5,0 m from the road kerb; (ii) The lateral and rear building line is 1,0 m;	(i) Comply (ii) Permanent Departure from the 1m northern side building line to 0m to allow the proposed use change. (iii) Comply (iv) Comply	Deviate, applied for and motivated



MOTIVATION

	<p>(iii) A garage may be constructed at 0 m on one internal side boundary and 0 m on the internal rear boundary, provided that the building does not occupy more than 50% of such internal side or rear boundary; and (iv) The general building line exemptions of 16.1 apply.</p>		
<p>Parking</p>	<p>(i) Parking and access shall be provided on the land unit in accordance with 17.1; and (ii) Parking may be provided at the group house concerned, or form part of a communal parking or a combination of the two.</p>	<p>Comply</p>	<p>Comply</p>



9. SERVICES

The availability of services is a relevant consideration in terms of Section 42(1)(c)(v) of SPLUMA and is herewith illustrated.

Electricity, Water, Sewage and Solid Waste

The subject property is connected to the existing networks in the area, which include electricity, water and sewage. The proposal of this application is not anticipated to impact on existing services.

Solid waste is collected every week by the OM.

Access and Egress

Access and egress to the property is proposed to be gained from Riverside Lane.

10. NEED AND DESIRABILITY

The need and desirability of the approval and implementation of this proposal in accordance with Section 66 (1) (c) of the OM By-Law can be illustrated as follow:

Need and desirability.

The need for the land use application was a result of addressing all the land use requirements and ensuring the property meets the requirements of the property owner. To achieve this, the property owner is required to apply for a permanent departure from the building line.

Socio-economic impact	The permanent departure is not predicted to have a socio-economic impact.
Compatibility with surrounding uses	The proposal to improve the property is in-line with the surrounding area and most properties have structures on the boundary line.
Impact on the external engineering services	Refer Section 9.
Impact on safety, health and wellbeing of the surrounding community	It is not predicted that the proposal will have an impact on safety, health, and wellbeing of the surrounding community.
Impact on heritage	The subject property is not listed in the OM Heritage Register.
Impact on the biophysical environment	It is not predicted that the proposal will have an impact on the biophysical environment.
Traffic impacts, parking, access and other transport related considerations	The proposal will not have an impact on traffic, parking or access.

Impact on views, sunlight and character of the area

The subject property is located in a residential setting and the structure is existing meaning that the adjacent property owners have become accustomed to the structure and the small change of use is not predicted to affect any owners. As motivated above the structure is not being drastically altered externally and only the existing garage door was replaced with two swing doors.



Economic impact

There will be capital expenditure through the construction/renovation phases. The proposal, however, does not have a long-term economic impact.

Opportunity cost

An opportunity cost in the context of land use planning refers to a development proposal that leads to the devaluation or foregoing of valued land use rights of interested and affected parties when an application is approved. The proposal is not predicted to have a negative impact on surrounding properties.

Environmental impact

The subject property is not located within an environmentally important area.

11. POLICIES AND REGULATIONS

11.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The property is located within the Coastal Protection Zone EMOZ, the purpose of which is to manage the integrity of coastal ecosystems, ecosystem services, coastal dynamic processes and biodiversity within Coastal Reserves. The small use change is not expected to have any impact on the Coastal Protection Zone EMOZ.

11.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

The property is not located within the HPOZ.

11.3 Spatial Planning Policies

This proposal is not in conflict with any provisions of the Western Cape Provincial Spatial Development Framework, 2014 or the Overstrand Spatial Development Framework, 2020.

12. PLANNING PRINCIPLES

Chapter 2 of SPLUMA contains 5 uncompromisable planning principles by which each development application must be guided by. Policy proposals in SPLUMA which are pertinent to this proposal are recorded below:

Spatial justice

Spatial justice refers to planning proposals that do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal to increase the functionality and aesthetic appeal of the property, it is not predicted to influence past spatial injustices.

Spatial sustainability

Spatial sustainability refers to planning proposals which result in communities that are viable. The proposed departure intends to ensure the subject property is utilised to its maximum capabilities.

Efficiency

This proposal is intended to maximise the usage of the subject property.



MOTIVATION

Spatial resilience

This proposal is not in conflict with any spatial planning policies or other OM regulations which is a hallmark of resilience.

Good administration

The OM has a credible track record of good administration regarding the method of public participation. Public participation forms an integral part of the land use planning process.

The public participation process provides people who may be affected by the proposal with an opportunity to provide comment and to raise issues of concern about the proposal or make possible suggestions that may result in an enhanced outcome of which both parties benefit. Comments will be reviewed and considered after which it will be addressed accordingly.



EVALUATION & RECOMMENDATION

13. EVALUATION

The purpose of submitting this application is to enable the owner to rebuild their ideal home, as the existing garage is insufficient to accommodate the owner's vehicle. Instead of expanding the garage, the owner plans to utilize the garage space solely for storage and add a new staff bathroom. This application aims to balance the functional necessity of providing adequate storage space while ensuring compliance with the required conditions outlined in the OMLUS, which include the length, height, and other specifications of the structure.

14. RECOMMENDATION

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

- 14.1 **Permanent Departure** from the 1m northern side building line to 0m to allow the proposed use change in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020; and
- 14.2 **Determination of an administrative penalty** in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

3. Aerial Plan
Erf 1245 - Stanford



Plan prepared by: Thian Jansen

All distances are approximate
and subject to a survey

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Corner of Royal and Dirkie Uys
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Project Office
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NTS

2. Zoning Plan Erf 1245 - Stanford

-  Residential Zone 1: Single Residential
-  Transport Zone 2: Road and Parking (Public)
-  Open Space Zone 1: Nature Reserve
-  General Residential Zone 2: Town Housing

Plan prepared by: Thian Jansen

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