



ERF 2142, 19 FOURTH AVENUE, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS ENGELBREGHT & SCORGIE ARCHITECTURAL OFFICE ON BEHALF OF S & HM PIENAAR

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 has been received for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law, in order to:
 - relax the northern street building line from 4m to 3.2m, to accommodate a single garage;
 - relax the western lateral building line from 2.0m to 0m, to accommodate the construction of a single garage and the enclosure of the south-facing patio/stoep;
 - relax the southern rear building line from 2m to 0m, to accommodate the existing store room; and
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, to accommodate the existing structures.

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 / (e) alida@overstrand.gov.za) on or before **Friday, 28 March 2025**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Town Planner, 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 2142, VIERDELAAN 19, VOËLKLIP, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE : MNRE ENGELBREGHT & SCORGIE ARCHITECTURAL OFFICE NAMENS S & HM PIENAAR

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

- ❖ **Afwyking** ingevolge Artikel 16(2)(b) van die Verordening, ten einde die:
 - noordelike straatboulyn vanaf 4m na 3.2m te verslap, om 'n enkel motorhuis te akkommodeer;
 - westelike lateraleboulyn vanaf 2.0m na 0 te verslap, om die konstruksie van 'n enkelmotorhuis en die toebou van die suidelike patio/stoep te akkommodeer;
 - suidelike agterboulyn vanaf 2m na 0m te verslap, om die bestaande stoorkamer te akkommodeer;
- ❖ **Bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) van die Verordening, om vorige oortredings reg te stel.

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 / (e) alida@overstrand.gov.za) voor of op **Vrydag, 28 Maart 2025** met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **Stadsbeplanner, 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 2142, 19 FOURTH AVENUE, VOËLKLIP, HERMANUS, UMMANDLA WOMASIPALA WASE-OVERSTRAND: ISICELO SOPHAMBUKO: MESSRS ENGELBREGHT & SCORGIE ARCHITECTURAL OFFICE EGAMENI LIKA-S & HM PIENAAR

Isaziso sinikwe ngokwemiqathango yeCandelo 48 loMthetho kaMasipala oLungisiweyo womasipala wase-Overstrand ongoCwangciso lokuSetyenziswa koMhlaba kaMasipala. 2020 (uMthetho kaMasipala), sokokuba isicelo sifunyenwe soku kulandelayo:

- ❖ **Uphambuko** ngokwemiqathango yeCandelo 16(2)(b) walo Mthetho,ukuze ku:
 - Kunyenyiswe umda wesakhiwo kwisitalato esisemantla ukusuka kwi 4 mitha ukuya kwii mitha eziyi 3.2 ukulungiselela igaraji enye.
 - Kunyenyiswe umda wesakhiwo osecaleni ukusuka kwi-2.0 mitha, ukuya kwi 0 mitha ukulungiselelela ukwakhiwa kwe garaji enye kunye nendawo ebiyelweyo ejonge ngasentla kwi pati
 - Kunyenyiswe umda wesakhiwo esingezantsi ngasemva ukusuka ku 2 mitha ukuya ku 0 mitha,ukulungiselelela indawo yocincino ekhoyo;kunye
- ❖ **Ukumiselwa kwesohlwayo Solawulo** ngokwemiqathango yeCandelo 16(2)(q) walo Mthetho,ukulungiselelela izakhiwo ezikhoyo

linkcukacha eziphelileyo malunga nesi sindululo ziyafumaneka ngeentsuku zomsebenzi phakathi kweyure-08:00 ne-16:30 kwiSebe: Town Planning, Paterson Street, Hermanus. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zamaCandelo 51 nelama-52 alo Mthetho kamasipala zithunyelwe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngolu suku okanye ngaphambi komhla ka**Lwesihlanu, 28 EyoKwindla 2025**, unike igama lakho, idilesi neenkukacha zonxibelelwano nawe, umda wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuza into malunga nesi saziso ungafonela **kuMnu. P Roux** kule nombolo yomnxeba 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 azibhale izimvo zakhe.

PROPOSED DEPARTURE FROM ZONING SCHEME REGULATIONS

ERF 2142 : C/o 4th Avenue & 6th Street

Subdivision : VOëLKLIP, OVERSTRAND MUNICIPALITY

1. MOTIVATION REPORT (revised 1 September 2024)

1.1 Background

The owners of the property, Mr & Ms Pienaar have instructed B Scorgie from the firm Engelbrecht & Scorgie Architectural Office to apply for a permanent Departure from the Overstrand Municipality's Zoning Scheme Regulations. Erf 2142 VK measures 495m² and is held by Title Deed no. T000077812/2016.

1.2 Application detail

Application is made in terms of the following:

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

Relevant sections in the Zoning Scheme Regulations applicable to the departure:

Chapter 6 : Residential Zones

6.1 Residential Zone 1 : Single Residential (SR1)

- Section 6.1.2 (b)(i) "Street Building Line". The street building line is determined in accordance with the net Erf area as listed in the table below :

Net erf area:	Side and rear building line
Less than 150m ²	1.0m
Less than 400m ²	2.0m
400m ² and greater	4.0m

- Section 6.1.2 (b)(ii) "Side and Rear Building Lines". The side and rear building line is determined in accordance with the net erf area, as listed in the table below:

Net erf area:	Side and rear building line
400m ² and greater	2.0m

Chapter 16 : General Provisions applicable to all Zones

16.1 General Encroachments



- Section 16.1.1 (c)(iii) “Encroachment of side and rear building lines”. To exceed the permitted length of 9.0m of building structures in the Western lateral building line zone.
- Section 16.1.2(a)(iii) The front elevation of the garage may not be closer than 5.0m to the road kerb or surface.

1.2.2 Determination of an administrative penalty

The Overstrand Municipality’s amended By-Laws on Municipal Land Use Planning, Chapter 10, Section 90, 2020, states that a person who is in contravention of these By-Laws and submits application to rectify the contravention, must apply to the Municipality for the determination of an administrative penalty for the unauthorized, “as-built” structures that currently encroach the 2,0m Municipal rear building line, as raised later in this departure application document

1.3 Need and desirability

Property description:

Erf 2142 is located on the corner of 4th Avenue and 6th Street, VOëLKLIP, Hermanus. Erf 2142 is surrounded by residential erven all of which have improvements on. The dwelling on Erf 2142 is a double storey dwelling comprising typical family type living accommodation.

Since purchasing the property in 2016, the owners have been renovating and improving the building. Plans for all the renovations and improvements were submitted to Council and approved.

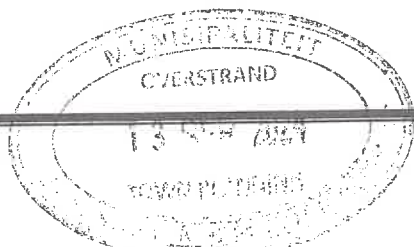
This property had only one garage located on the southern boundary. Due to the design of the original dwelling, the garage was extremely narrow as the space between the southern boundary and southern façade of the dwelling dictated the garage width which is far less than a standard single garage.

2. THE APPLICATION:

2.1 Analysis - Development Criteria as per the Overstrand Municipality

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%	45.2%	Coverage increase of 6.19%	
Height Restriction	8.0m	8.0m	Unchanged	
Building lines	Street	4.0m	3.20m	Application for a departure
	Side	2.0m	0.0m	Application for a departure
	Rear	2.0m	0.0m	Application for a departure
Parking	Dwelling house: 2 bays	Dwelling house: 2 bays	Unchanged	

2.2 Analysis – Development Criteria as per the Title Deed :

Refer to Annexure C for the included Title Deed.

The Title Deed no. T000077812/2016 refers to earlier title deed no. T1129/1935 (copy attached). A Conveyancer's Certificate is attached referring to restrictive title condition (d)(iii) "That all buildings shall stand back at least ten feet from the line of the street or avenue on which the lot or lots herein mentioned may front, that all outbuildings shall stand back at least thirty feet from any street or twenty feet from any avenue on which the lot or lots herein mentioned may front".

2.3 Application :

As stated earlier in this Departure Document :

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

Therefore, application is subsequently made in terms of the Overstrand Municipality Land-use Scheme



Chapter 6 : Section 6.1.2(b)(ii)

- A permanent departure to relax the northern street building line from 4.0m to 3.20m to allow for :
 - o The construction of an extra length single garage
- A permanent departure to relax the Western Municipal Lateral Building Line from 2.0m to 0.0m to allow for:
 - o the construction of an extra length single garage
 - o to allow the enclosure of the south-facing stoep by means of a stackaway door, which is within the Lateral Building Line Zone
- A permanent departure to relax the southern Municipal rear building line from 2.0m to 0.0m
 - o to legalize the existing garage, which has been converted into a store room

Chapter 16 : Section 16.1.1(c)(iii)

- A permanent departure to exceed the max permitted length of $\frac{1}{3}$ of the boundary or 9.0m for building structures within the Western lateral building line to accommodate:
 - o the single garage
 - o the stack-away door to enclose the ground floor stoep

2.3.2 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 over the 2.0m Municipal rear building line, as highlighted throughout this departure application document

2.3.2.1 Background summary of the contravention

As mentioned elsewhere in the departure application document, our firm, Engelbrecht & Scorgie Architectural office, was appointed to apply for the illegal conversion of the garage into a store as well as the following:

- a window for the store within the rear building line
- the enclosure of the south-facing stoep by means of a stackaway door, which is within the lateral building lines
- the construction of a new garage within the lateral and street building line

The mentioned garage was converted into a store room by removing the street-facing garage door and bricking the opening closed.

Reasons for this being (as mentioned elsewhere in the departure document) :

- due to the original placement of the dwelling, the garage had a dimension of only 2300, which is less than a standard single garage door
- to enter and exit the garage was already quite difficult given the door width, not to mention getting in and out of the vehicle. This often resulted in the car door being bumped against the garage wall
- this resulted in the vehicle standing outside most of the year round

- the property owners decided to remove the garage door and use the space for storage not considering that there may be a difference in the Zoning Scheme Regulations and that permission may be required to build the opening closed only

The contravention can be summarized as follows :

- a usage change of the garage into a store room. *This usage change within the building line as unauthorized*

2.3.2.2 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 :

1. Nature of the unauthorized, as-built structures :

The nature of the unauthorized garage conversion into a store room, is highlighted throughout this departure application document, but can be summarized as follows :

- The garage as such was approved on the boundary line with its current footprint. There is no increase in size, proportion, other than the usage change within the 2m Municipal rear building line
 - Usage change from a garage to a store room

2. Duration of the unauthorized usage change :

- It is not 100% clear when the usage change occurred. The property owners have provided an approx. date of mid-February 2024
- The duration of the usage change is approx. 7 months

3. Gravity of the unauthorized usage change :

- The gravity of the unauthorized usage change is not considered serious
- There is no change to the size, proportion or height of the structure
- The only visual change, is the removal of the garage door facing the street and the bricking closed of the opening
- The garage (as approved), was impractical for its intended usage and was primarily used for the storage of bicycles and other outdoor entertainment items
- The only difference between the usage of the "garage", was the removal of the doors. By removing the doors, the garage could now no longer be classified as such, even though the proportions of said garage, rendered it impractical for its intended use as approved

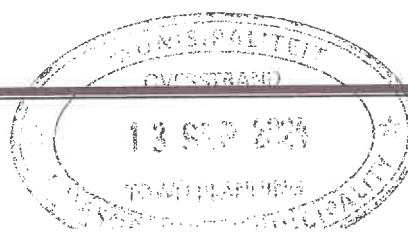
4. Extent of the unauthorized usage change :

- The extent of the building usage change, is a total of 24,13m²
- The garage as approved, is a total of 24,13m²
- The footprint of the structure has not changed in extent

5. Conduct of the person involved in the contravention :

As mentioned, and highlighted throughout this departure application document :

- The intended usage of the garage for the storage of a vehicle proved to be impractical and not fit for purpose
- This resulted in the garage been used to store bicycles and outdoor entertainment equipment



- The property owners did not realize by merely removing the garage door, bricking the opening closed and continue to use the space as described in this departure, this would give rise to a transgression in terms of the Zoning Scheme Regulations
- It is clear that the housing of their vehicle is of the utmost of importance, as part of this departure application if for the construction of a suitably sized garage on the western boundary
- The property owners are not in the building or planning industry and have little knowledge of the Zoning Scheme Regulations.
- When purchasing the property in 2016, Mr & Ms Pienaar went through a departure application to have all illegal structures, which they took ownership of approved and where relevant some structures were demolished

6. Whether the unlawful conduct was stopped :

- The unauthorized usage change, as highlighted throughout this departure application document, is limited to the garage being converted into storage
- The Overstrand Municipality did not stop the unlawful usage, nor did Building Control issue a notice with regards to this transgression
- Our clients are attempting to rectify this transgression by submitting the administrative penalty application and subsequent departure application in order to legalize this contravention

7. Whether the person involved in the contravention has previously contravened this By-Law or previous planning Law :

- Mr & Ms Pienaar have not previously contravened this By-Law or any other previous Planning Law

8. A report by a Quantity Surveyor in matters of the unauthorized usage change :

- Due to the minor scale of the contravention, no Quantity Surveyor was appointed. Engelbrecht & Scorgie Architectural office consulted with a local, reputable Contractor to provide us with an estimation cost report on the unauthorized usage change at current building rates
- o Refer to Annexure "M" for the enclosed costing report in matters of the unauthorized usage change/ construction work

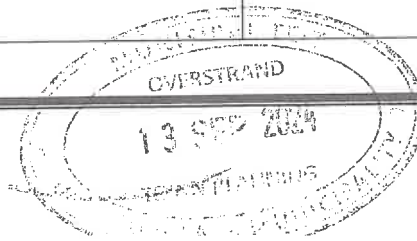
2.3.3.2 Recommendation for the determination of the administrative penalty :

- In light of the above assessment, it is requested that the administrative penalty, be waived
- The gravity of the usage change is minor with a minimal to zero impact on any of the adjoining properties

3. **CONTEXTUAL SITE INFORMATION**

3.1 **Property Description**

Property:	Extent:	Title Deed No:	Registered Owner:
Erf 2142, VOëLKLIP	495m ²	T000077812/2016	Stanley Pienaar & Helena Maria Pienaar

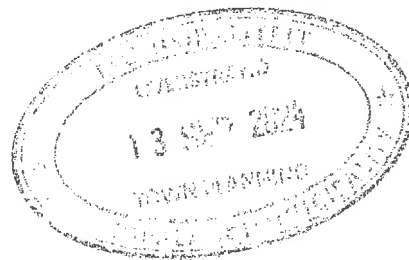


Refer to Annexure C for the Title Deed of Erf 2142, VOëLKLIP

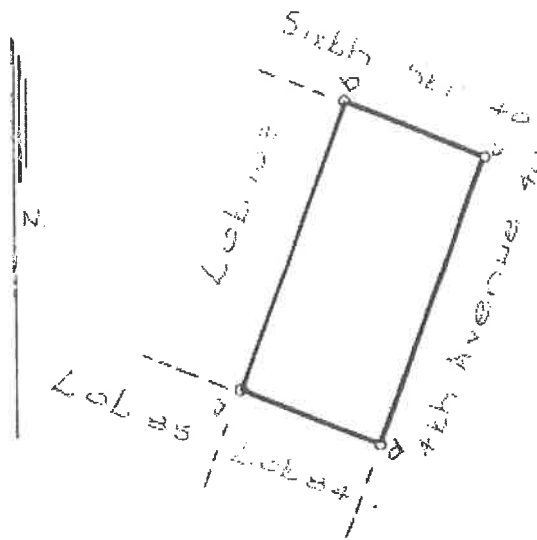
Refer to Annexure G for the Municipal Account of Erf 2142, VOëLKLIP

Refer to Annexure D for SG Diagram of Erf 2142, VOëLKLIP

The following Surveyor General Plans reflect to the application site (Annexure D) :



Approved.
 (Sgd) A. C. Parry.
 for Surveyor-General.
 19/2/1943.



Sides.	
ab	100 00
bc	50 00
cd	100 00
da	50 00
Angles.	
a	90 0 0
b	90 0 0
c	90 0 0
d	90 0 0

Scale: 50 Cape Feet - 1 Inch.

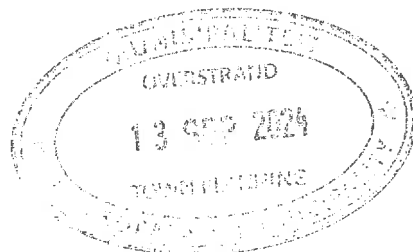
Now erf NO. 2142 HERMANUS.

The above figure a b c d represents 34 Square Rods 104 Square Feet of land, situate in the Municipality of Hermanus Division of Caledon, being Lot No. 103 Block T Mossel River, of Lots No. 84 to 103 Blk. T Mossel River transferred to Die Mossel-Rivier en Voëlklip Sindikaat on 20/2/1935. (D/T.1935-21-1129).

Bounded as indicated above.

Surveyed and Beaconsed by me according to Regulations.

(Sgd) H. L. Hill.
 Govt. Land Surveyor.
 May, 1906.



3.2 Location

A. Regional context

Within a regional context, the application area is located within the VOëLKLIP residential suburb.

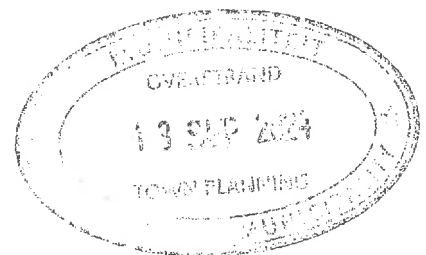
Refer to Annexure F1 for the locality layout



(Erf 2142 VK within a Regional context – NOT TO SCALE)

B. Local context

Within a local context, the application area consists of a residential Erf within VOëLKLIP. The application area is located at C/o 4th Street and 6th Avenue (Annexure F2).





(Local context, an extract from the Overstrand Public Viewer – NOT TO SCALE)

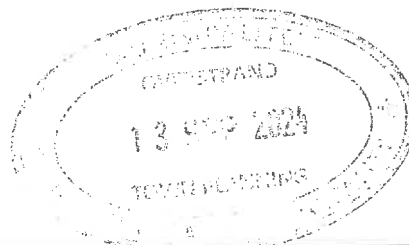
3.3 Land use:

The existing structures on the application area has a footprint of 193.36m². The areas of the dwelling as it stands (including the additions and alterations) comprise the following :

- Ground floor area	169.23m ² (as approved)
- Single garage converted into storage	24.13m ² (departure application)
- First floor area	149.47m ² (as approved)
- Open balcony	18.64m ² (as approved)
Total surface area	193.36m ²
Total coverage	39.06%
- Proposed garage	30.70m ² (departure application)
Total surface area incl. garage	224.06m ²
Total coverage incl. garage	45.2%

3.4 Zoning:

The application area is zoned Residential Zone 1 (SR1). All surrounding properties are zoned Residential Zone (SR1) as shown below (Annexure E).





(Zoning, an extract from the Overstrand Public Viewer – NOT TO SCALE)

4. **PROPOSAL**

4.1 **Background and introduction to the proposal:**

As mentioned earlier in the document, the current owners purchased the property in 2016. The property has since then been renovated and improved to form the current dwelling as reflected on the attached drawings.

Garage converted into store

Suitable garage space has always been an issue on this property due to the placement of the originally constructed dwelling in relation to the southern boundary line.

The carport between the southern boundary and western dwelling façade was converted into a garage (with approved plans).

The internal width of this garage being only 2300m was extremely difficult to navigate, i.e.:

- For entering and exiting
- To get in and out of the vehicle

The garage could in essence only be used to house bicycles, motorcycle and garden tools due to its narrow width, although it could with extreme difficulty be used to park a vehicle. To enter and exit the car, one had to squeeze in and out of the car door and at the same time try not to bump the door against the garage wall.

Due to the difficulty to navigate the garage for its intended use, the vehicle was parked outside almost permanently.

The property owners then removed the garage doors and built the opening closed, not realizing that there would be a huge difference between a garage and a store in terms of the Zoning Scheme Regulations.

The store room has access from the western-side of the Erf and as a store room, it made Sense to not have a vulnerable door facing the street.

At the time, they decided to convert the impractical garage into a store room, they had already initiated the process to apply for a suitably sized garage (mentioned elsewhere in this departure application).

Garage

It is clear when viewing the site and layout plan, that there are limited options where placement of a garage can be considered. The only logical place to consider, is on the western side of the property taking access from 6th Street. If a double garage could be accommodated, this would ideally be first prize, but due to the location of the deck/ patio and stairs, this would not be achievable without severely compromising and affecting bedroom 1 and the living areas. It would also necessitate a total re-design of the patio/ deck and stairs.

Considering all the limiting criteria balanced against the desperate need for at least 1 functional garage has resulted in the motivation for this departure application.

Enclosure of ground floor stoep

The existing small walk-out ground floor stoep is wasted space as it is open to the weather and due to its proportions cannot be utilized for anything functional. By enclosing this space with a stack away door, it offers a protected area separate from the house, but warm and secure for the dogs to sleep at night.

Store room window

The store room window is quite dark and the owner would like to install a window facing west.

Due to the store room window being on the southern lateral boundary, the window falls within the 2m lateral building line zone. All necessary Fire Regulations will be complied with and are reflected on the attached drawings

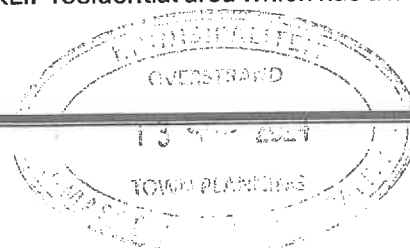
4.2 **Proposal and its details:**

The departures that would be required for the application area, include:

- The relaxation of the 2.0m Municipal Western lateral building line to 0.0m that is affected by the :
 - o Proposed garage
 - o Enclosure of the ground floor stoep
- The relaxation of the 2.0m Municipal southern rear building line to 0.0m that is affected by :
 - o The garage, which has been converted into a store room
 - o The new window giving light to the store room
- The relaxation of the 4,0m Municipal northern street building line to 3.20m that is affected by the proposed garage
- The relaxation of the permitted length of 9.0m for building structures within the Western lateral building line

4.3 **Character of the environment:**

The property is situated in the VOËLKLIP residential area which has a multitude of different architectural Styles.



The erf is the typical VOëLKLIP sized erf being 31,49m x 15,74 and the dwelling is positioned 1,2m from the Western lateral boundary (this being the applicable building line in VOëLKLIP prior to the implementation of the current Zoning Scheme Regulations)

Most of the surrounding erven are similar in size with similar type dwellings constructed on them.

4.4 **Desirability of the proposal:**

Effects on nature/ environment, street scape and surrounding properties:

ERF 2144

The dwelling on this property has not been constructed up to the building line on 6th Street and has a staggered design along the Eastern façade.

The outdoor patio will not look onto the Westerly wall of the garage structure on Erf 2142, as it is set back from the position of the proposed garage.

The dwelling has views towards the mountain and, also the sea i.e., North and South. None of these will be affected.

The enclosure of the stoep and the proposed store room windows will also have no impact on this property.

The conversion of the garage into a store room will not affect this property in any way

ERF 2141

This dwelling to the South of Erf 2142 is set back further than 1.2m from the Western lateral building line. This property has no mountain view and faces South.

There is no room or area in this dwelling which has a view up the building line corridor on Erf 2142, towards the mountain, so no view will be compromised.

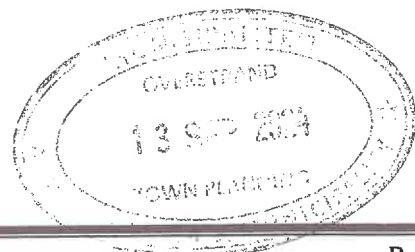
The proposed garage is positioned on the Northern part of the property quite a distance from the dwelling on Erf 2141.

The proposed stack away door to enclose the stoep will have no effect on this property.

The proposed window for the store room will be screened by a 2.1m high firewall also not affecting the property in any way.

The conversion of the garage into a store room will not affect this property in any way.

All Fire Regulations will be complied with.



ERF 2143

This dwelling is set back from the Eastern lateral building line.

The proposed ground floor garage on Erf 2142 will have no affect on any view lines of any aspect of this dwelling.

The enclosure of the stoep and new store room window will also have no impact on this property.

The conversion of the garage into a store room, will not affect this property in any way.

ERF 2138

The dwelling on this property is slightly rotated off a parallel axis to the side and rear boundaries. Should this dwelling have any sea view, it will only be at first floor level between the structures built on Erf 2142 and 2144. There is nothing that will be influenced by the position of the proposed garage.

The rest of the surrounding properties are not influenced in any way.

5. CONCLUSION:

5.1 Heritage value

The property is not situated within a heritage overlay zone and has no grading.

5.2 Impact on Municipal Engineering Services

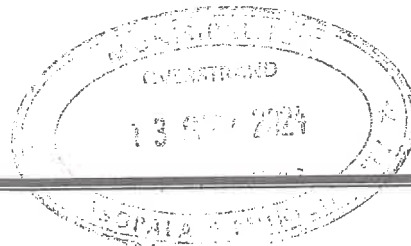
No additional electrical, water or sewerage will be required. The current Municipal provision is adequate to supply the main dwelling

5.3 Forward planning

The Overstrand Spatial Development Framework (SDF) 2006 earmarks the area where Erf 2142 is situated for residential purposes. The structures, for which the departure is required, form part of any typical residential component and the Zoning Scheme Regulations make provision for departure procedures to incorporate structures within the building line zone. The character and zoning of the property will remain unchanged and therefore, the property falls within the existing planning for the VOëLKLIP area.

6. PLANNING PRINCIPLES

Policies, principles, planning, development norms, and criteria as set out in Section 42 of the Spatial Planning and Land Use management Act (SPLUMA) and Chapter VI of the Land Use Planning Act (LUPA) were considered and the proposed Departure Application is in compliance with this. The principles are defined and recorded below:



6.1 Spatial justice

Spatial justice refers to the need to redress the past apartheid spatial development imbalances and aim for equity in the provision of access to opportunities, facilities, services, and land. In the broadest sense, it seeks to promote the integration of communities and the creation of settlements that allow the poorest of the poor to access opportunities.

The primary objective of this application, is to enable the owners of Erf 2142, the application area, the following :

- To legalize the unauthorized usage change of the garage into a store
- To apply for a window within the 2.0m Municipal rear building line
- To apply for the enclosure of the stoep within the 2.0m Municipal lateral building line
- To apply for the construction of a garage within the 2.0m Municipal lateral building line and the 4.0m Municipal street building line

With this being said, it is important to note that it is not predicted that the unauthorized, as-built structures along with the proposed new development on the application area is set to influence past spatial injustices.

6.2 Spatial sustainability

Spatial sustainability refers to a sustainable form of development. This means promoting less resource consuming development typologies that promote compaction, pedestrianization and mixed-use urban environments which allow for the development of a functional public transport system and space economy.

The proposed Departure Application intends to ensure that the property on the application area is utilized to its maximum capabilities.

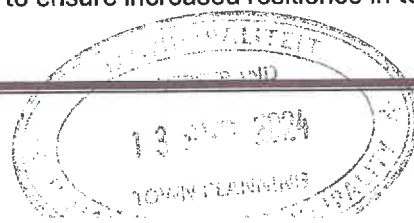
6.3 Efficiency

Efficiency refers to the need to create settlements that optimize the use of space, energy, infrastructure, resources, and land.

The proposed Departure Application, as mentioned above, is intended to logically maximize the use of space of the subject property within a developed residential area.

6.4 Spatial resilience

Spatial resilience in the context of land use planning refers to the need to promote the development of sustainable livelihoods for the poor (i.e. communities that are more likely to suffer the impacts of economic and environmental shocks). Spatial resilience also refers to the requirement for flexibility in spatial plans, policies, and land use management systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks. The spatial plans, policies and land use management systems should enable the communities to be able to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner, which includes the preservation and restoration of essential basic infrastructure and functions, but also adaption in order to ensure increased resilience in terms of future shocks.



With the above being said, we are of the opinion that the principle of Spatial Resilience is not applicable to this Departure Application.

6.5 **Good administration**

Good administration in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role-players ensure a joint planning approach is pursued. Furthermore, it is critical that decisions made in terms of land use planning seek to minimize the negative financial, social, economic, and environmental impacts of a development. Furthermore, good administration in the context of land use planning, refers to a system which is efficient, well run, and where the timeframe requirements are adhered to.

Engelbrecht & Scorgie Architectural Office:

Our Company is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The Departure Application will follow due process as stipulated in the relevant Municipal By-Laws and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's By-Laws on Municipal Land Use Planning, 2020.

Overstrand Municipality:

The Overstrand Municipality has a credible track record of good administration regarding the method of public participation, as this forms an integral part of the land use planning process. This process provides people who may be affected by the proposal with an opportunity to provide their comments and to raise any possible issues of concern about the proposal or make possible suggestions that may result in an enhanced outcome of which both the affected parties will benefit from as these comments will be reviewed and considered after which it will be addressed accordingly.

7. **FORWARD PLANNING**

The Overstrand Spatial Development Framework, 2020, earmarks the area where Erf 2142, the application area, is situated, for urban development purposes. The unauthorized, as-built structures, along with the proposed new 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.



NOTES:

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13 DEC 2024

AREA CALCULATIONS:

Ground Storey Area -	188,23m ²
First Storey Area -	148,47m ²
Garage convert to Store Room -	24,13m ²
Open Balcony -	16,54m ²
Sub-Total:	342,83m²
New Garage Area -	30,70m ²
Total Area:	373,53m²
ERF:	485,66m ²
Coverage:	45,2%



ENGBRECHT & SOORBIE
ARCHITECTURAL OFFICE

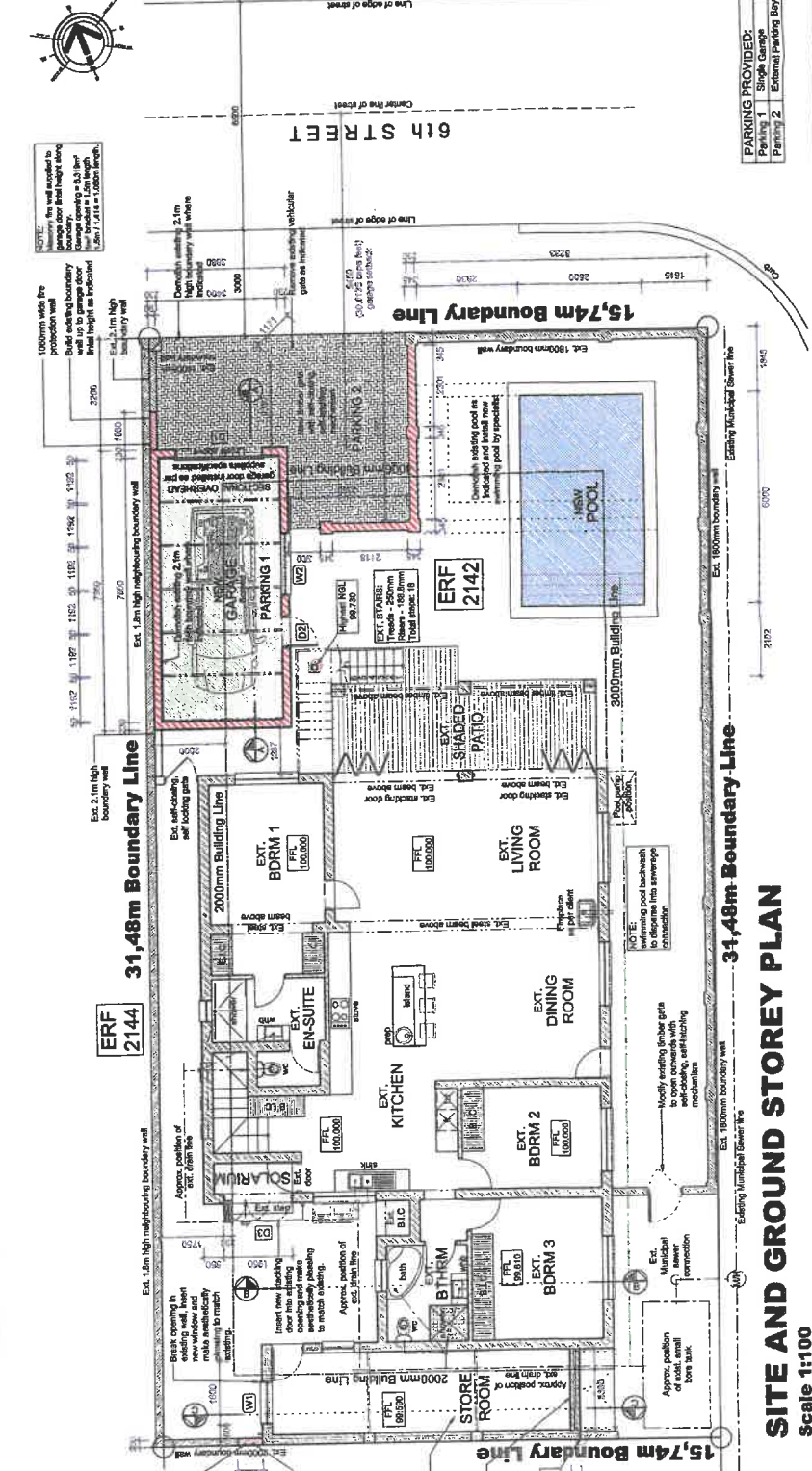
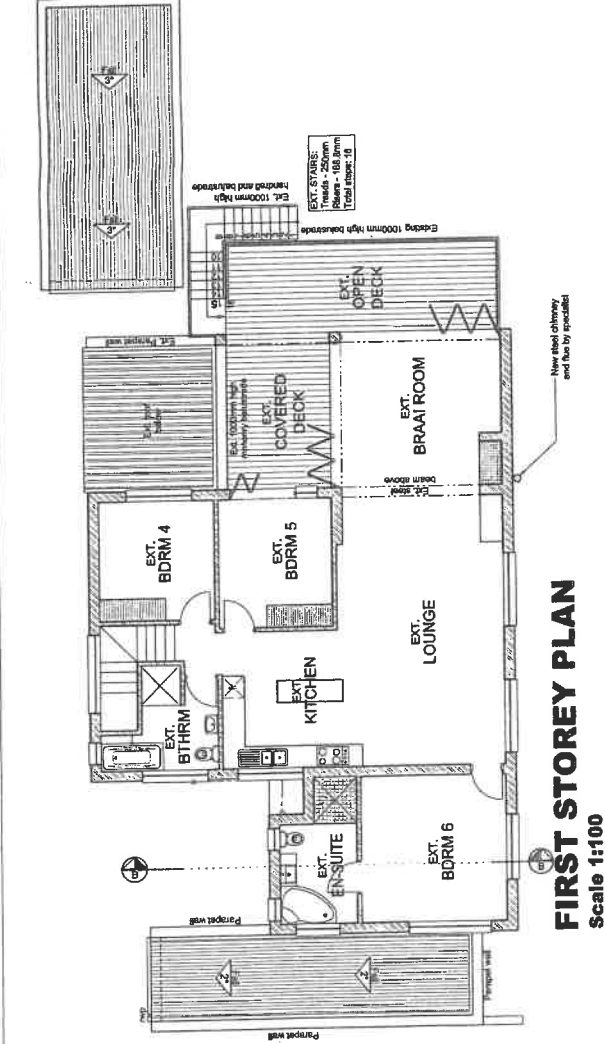
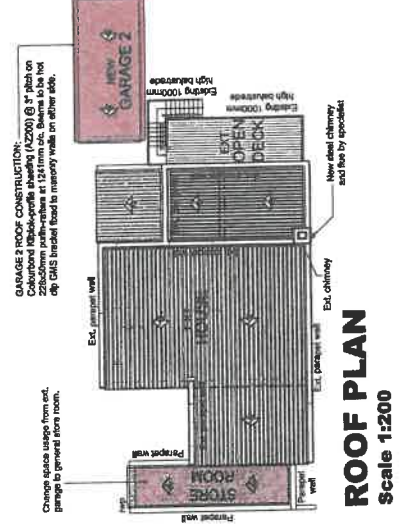
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DRAWN BY:	Kyle Verbeek
CHECKED BY:	Brandon Scrymgeour BT 1888
SHEET DESCRIPTION:	Proposed new sections and elevations
PAGE CONTENT:	Site Plan Floor Plans Roof Plan
CLIENT ADDRESS:	Phenax 18 4th Avenue Voorbich
ERF:	2142
DRAWING NO.:	2142_04C_02_05
PROJECT NUMBER:	1110111000
SCALE:	1:1000
PAGE SIZE:	A4
DATE:	21 November 2024
PAGE NO.:	01
REV:	



GARAGE 2 ROOF CONSTRUCTION:
Cablebraced fibrous-profile sheeting (AZ100) @ 3° pitch on 40mm x 40mm timber joists. 40mm x 40mm timber rafters @ 1200mm centres. 40mm GIBS bonded boards to masonry walls on either side.



PARKING PROVIDED:

Parking 1	7500mm x 5400mm
Parking 2	6250mm x 3300mm

