

ERF 2621, 130 EIGHTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS MÖLLER ARGITEKTE ON BEHALF OF THE TRUSTEES FOR THE TIME BEING OF CROUS FAMILIE TRUST

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, to relax the southern street building line from 4m to 0m and the eastern lateral building line from 2m to 0m, to accommodate the existing carport; and
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, to accommodate the existing carport.

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 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 **Friday, 28 March 2025**, quoting your name, address and contact details, interest in the application and reasons for comment. 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 2621, AGTSTESTRAAT 130, VOËLKLIP, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: MNRE MÖLLER ARGITEKTE NAMENS "THE TRUSTEES FOR THE TIME BEING" VAN DIE CROUS FAMILIE TRUST

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

- ❖ **afwyking** ingevolge Artikel 16(2)(b) van die Verordening, om die suidelike straatboulyn vanaf 4m na 0m en die oostelike lateraleboulyn vanaf 2m na 0m te verslap, om die bestaande motorafdak te akkommodeer; en
- ❖ **bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) van die Verordening, om die bestaande motorafdak te akkommodeer.

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 skriftelike kommentaar moet ingevolge die bepaling van Artikels 51 en 52 van die Verordening ingedien word en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) bereik voor of op **Vrydag, 28 Maart 2025**, met u naam, adres en kontakbesonderhede, belang in die aansoek, sowel as die redes vir kommentaar. Telefoniese navrae kan gerig word aan **Stadsbeplanner, Mnr. P Roux** 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 2621, 130 EIGHTH STREET, VOËLKLIP, HERMANUS, KUMASIPALA WASE-OVERSTRAND: ISICELO SOKUTENXA KUNYE NOKUMISWELWA KWESOHLWAYO SOLAWULO: MESSRS MOLLER ARGITEKTE EGAMENI LE TRUSTEES FOR THE TIME BEING OF CROUS FAMILIE TRUST

Isaziso siyanikezelwa ngokwemiqathango yeCandelo lama-48 loMthetho kaMasipala oLungisiweyo we-Overstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, wowama-2020 (uMthetho kaMasipala), sokuba isicelo sifunyenwe soku kulandelayo:

- ❖ **Uphambuko** ngokwemiqathango yeCandelo 16(2)(b) waloMthetho, ukuze kunyenyiswe umda wesakhiwo ongezantsi ukusuka kwii mitha eziyi 4 ukuya kwi 0 mitha kunye nomad osecaleni kwisakhiwo ukusuka kwii mitha ezimbini(2) ukuya ku 0 mitha, ukulungiselela ikhapoti ekhoyo; kunye
- ❖ **Ukumiselwa Kwesohlwayo Solawulo** ngokwemiqathango yeCandelo 16(2)(q) waloMthetho, ukulungiselela ikhapoti ekhoyo.

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- **NgoLwesihlanu, 28 EyoKwindla 2025** unike igama lakho, idilesi neenkukacha zonxibelelwano nawe, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuza into malunga nesi saziso ungatsalela umnxeba Umchwangcisi **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.

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| OVERSTRAND MUNISIPALITEIT |
| REKORDBEHEER |
| 10 FEB 2025 |
| DOCUMENT CONTROL |
| OVERSTRAND MUNICIPALITY |

The Director:

Development Management

Overstrand Municipality

HERMANUS

8001

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| FILE NO. Erf 2621- HVK |
| |
| SCAN NO. |
| |
| COLLABORATOR NO. |
| 2605089 |

RE: PROPOSED DETERMINATION OF AN ADMINISTRATIVE PENALTY - DEPARTURE: Erf 2621, 130, 8th Street, VOËLKLIP. HERMANUS

Property Address: 130, 8 th Street, Voëlklip, HERMANUS. Erf Number 2621, Zoning Description: General Residential Area: Extent 594 sqm

1. BACKGROUND

Moller Architects have been appointed by the Crous Family Trust to apply for a building line departures on this property. The Crous Family Trust bought the property, Erf 2621 Voëlklip, HERMANUS, in 2013.

The property was purchased with and existing carport on the 0m Street Boundary and the 0m Eastern Common Boundary, as indicated in **Image 1**. The 2003 Approved Buildings plans indicate a 6mx3m steel carport and a 6mx 2,7m pergola structure on 0m street, and 0m eastern common boundary, as indicated in **Image 2**.

The need has developed to upgrade the existing aging carport with a more sustainable galvanised steel structure. The corrosive effects of time and exposure to the elements weakened the structural materials, leading to reduced load-bearing capacity and increased maintenance. The carport was demolished in October 2024 and is currently in the process of being upgraded. During the process of upgrading, it came to our attention that a Chapter 4, Section 16(2)(b) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2020, for departures from the building lines application must be submitted. A site survey was conducted and verifies the positioning of the dwelling and identified carport.

The subject property is 495m² in extent and is held by Title Deed Number T34940/2013.

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Image 1 (Indicating the carport on the 0m Street and 0m Common Boundary)

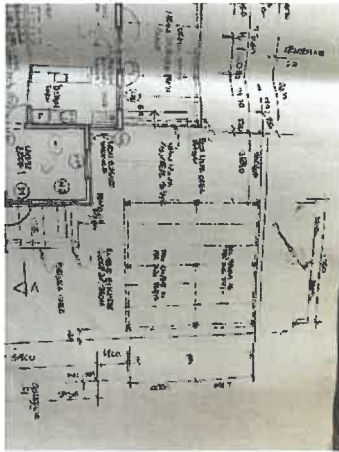


Image 2 (Indicating the approved plan with carport and pergola in 2003)



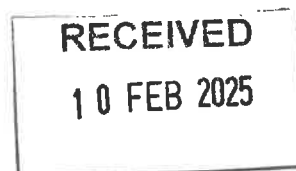
Image 3 (Indicating the upgrade of the carport on the 0m Street and 0m Common Boundary)

2. APPLICATION DETAILS

Application is made in terms of:

Chapter 4, Section 16(2)(b) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2020, for the determination of an **Administrative Penalty** for Erf 2621, Voëlklip, Hermanus. departures from the building lines.

Chapter 4, Section 16(2)(b) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2020, for the **Departure** of Erf 2621, Voëlklip, Hermanus in terms of the street and common building line.



3. DESIRABILITY

3.1 PROPERTY DESCRIPTION

The subject property is situated at 130 8th Street, Erf 2621 Voëlklip, HERMANUS. The erf is 495m² in extent and is situated in a predominantly single residential area. Please refer to the enclosed locality plan and the aerial photograph below.



Image 4 Aerial View, Locatlity Plan Erf 2621, Voëlklip, Hermanus



Image 5 Locatlity Plan Erf 2621, Voëlklip, Hermanus



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Image 6 Locatlity Plan Erf 2621, Voëlklip, Hermanus

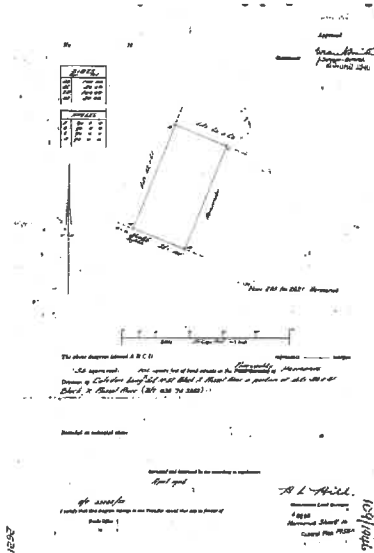


Image 7 LG Diagram - Erf 2621, Voëlklip, Hermanus

3.3 LAND USE

Erf 2621 HERMANUS is zoned Residential Zone 1 and is used as such. The surrounding properties are also zoned for single residential purposes and public roads.:

Erf 2621 HERMANUS serves as a residential property, hosting a well-established double-storey dwelling. This residence includes four bedrooms, a lounge, kitchen, three bathrooms, and a single garage. The surrounding area of Erf 2621 Voëlklip, HERMANUS, is characterized by single and double storey family homes and public roads. The property is located within an established residential neighbourhood.

3.4 PROPOSAL

The following is proposed in terms of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2020: _____

The determination of an **Administrative Penalty** on Erf 2621 HERMANUS , to accommodate the existing steel/carpport structure in terms of Chapter 4, Section 16(2)(q)of the Overstrand Municipality Amended By-law on Municipal Land Use Planning.

The **Departure** of Erf 2621 HERMANUS, in terms of Chapter 4, Section 16(2)(b) of the Overstrand Municipality Amended By-law on Municipal Land Use Planning Scheme 2020, to accommodate the relaxation of the southern street building line from 4m to 0m and the eastern common building line from 2m to 0m, to accommodate the existing steel carpport structure.

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3.4.1 Rectification of the Contravention (Administrative Penalty)

In terms of Chapter 5, Section 90(1), a person who is in contravention of the Municipal Planning Amended By-law and submits an application to rectify the contravention, must apply to the Municipality for the determination of an administrative penalty, provided that the municipality has not issued a demolition directive in terms of Section 85.

An application is submitted for the determination of an administrative penalty fee in terms of Chapter 4, Section 16(2) (q) of the Overstrand Municipality Amended By-law on Municipal Land Use Planning, 2020.

In terms of Section 90(3) of the Municipal Planning By-law, the following factors must be considered when determining an appropriate administrative penalty:

- **The nature duration, gravity and extent of the contravention.**

The property was purchased with an existing carport on the 0m Street Boundary and the 0m Eastern Common Boundary. The 2003 Approved Buildings plans indicate a 6mx3m steel carport and a 6mx 2,7m pergola structure on 0m street, and 0m eastern common boundary. The need has developed to upgrade the existing aging carport with a more sustainable galvanised steel structure

The structures in question, (carport/pergola structure) constructed in 2003, have been in place and actively used since their construction dates. These structures have become integral parts of the property and contribute positively to its functionality and liveability.

The position and nature of the carport and proposed building line departures, do not have a negative impact on property values or the current residential character of the greater Voëlklip, Hermanus area. Additionally, these departures will have no adverse effects on surrounding properties.

No complaints have been received from any neighbouring property owners.

- **The conduct of the person involved in the contravention**

The current owners have never been involved in any previous contravention of the land use planning by-law.

- **Whether the unlawful conduct was stopped**

The owner attempts to rectify the contravention by submitting the administrative penalty application and subsequent departure application in order to legalise the carport steel structure.

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

To the best of my knowledge the applicant has never previously contravened this By-law or any other planning law.

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- **Summary**

We appeal to the Overstrand Municipality to consider the minimal impact of the steel carport structure.

3.4.2 Building Line Departure

A Building Line Departure is requested on Erf 2621 HERMANUS, in terms of Chapter 4, Section 16(2)(b) of the Overstrand Municipality Amended By-law on Municipal Land Use Planning Scheme 2020, to accommodate the relaxation of the southern street building line from 4m to 0m and the eastern common building line from 2m to 0m, to accommodate the existing steel carport.

The 4m street building line and a 2m lateral and rear building lines are applicable to Residential Zone 1: Single Residential properties larger than 400m² in extent.

The Overstrand Scheme Regulations stipulate a 4m street building line and a 2m lateral and rear building lines applicable to Residential Zone 1: Single Residential properties larger than 400m² in extent.

Please refer to the site plan below, **Image 8**, clearly indicating the existing building line encroachments listed above.

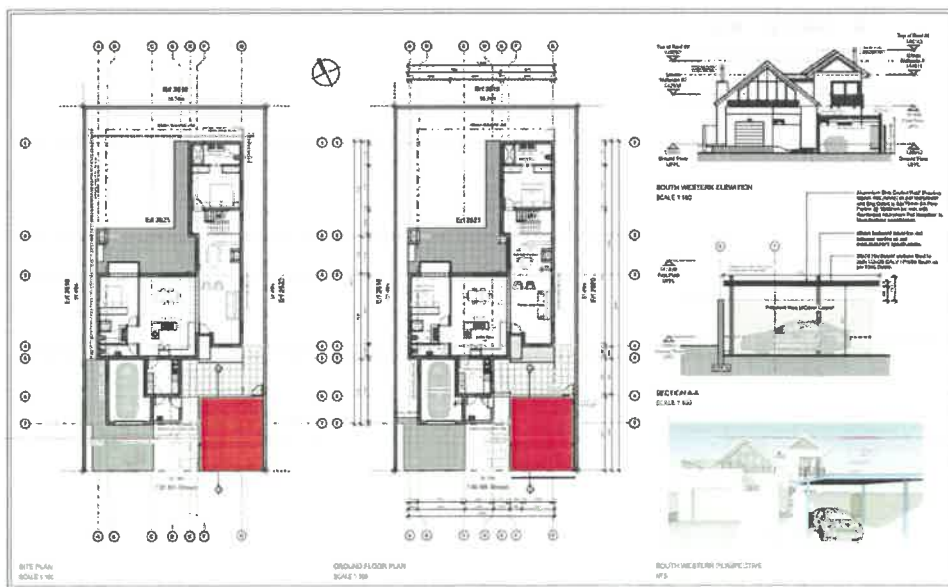


Image 8 Site and GF Plan - Erf 2621, Voëlklip, Hermanus

The length and width of the carport does not exceed one third of the lateral boundary concerned. The carport is not higher than 3m above the existing ground level on the

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common and street boundaries. The carport can be accommodated on the 0m common boundary building line

Based on the information provided regarding the existing building line encroachments, we recommend approval for the requested relaxations from a planning perspective.

The structures in question, (carport/ pergola structure) constructed in 2003, have been in place and actively used since their construction dates. These structures have become integral parts of the property and contribute positively to its functionality and liveability.

The proposed building line departures do not have a negative impact on property values or the current residential character of the greater Voëlklip, Hermanus area. Additionally, these departures will have no adverse effects on surrounding properties.

Economic Impact: The proposed steel carport has no negative economic impact. The legalization of the structure will also favour the resale of the property in the future.

Social Impact: The proposed departure will have no impact on the social status quo of the area.

Compatibility with surrounding land uses: The subject property is located within an established low-density residential area. The proposed application maintains the current zoning and land use of the property, ensuring compatibility with its surroundings. Legalizing the steel carport will enhance the value of the subject property. The primary use of the subject property will continue to be residential, featuring a dwelling with a carport and will maintain the harmony with the existing fabric of the neighbourhood.

Impact on external engineering services: All services on the subject property already exist. The encroachment of the as-built portion of the carport will have no impact on the scale and usage of the existing available services since no additional loading of the existing civil infrastructure is anticipated.

Impact on safety, health and wellbeing of surrounding communities: The proposed departure will have no impact on the general safety and wellbeing of the surrounding community.

Impact on Heritage: The application does not involve changing the character of the site. The proposed application for the departure does not trigger Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999). Erf 2621 Hermanus is not situated within the Heritage Protection Overlay Zone as determined by the Overstrand Municipality's Zoning Scheme (2020). The subject property is also not earmarked for heritage conservation.

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purposes. In the light of the above mentioned it is evident that the proposed departure will not have a negative impact on the heritage value of the Greater Hermanus area.

Impact on biophysical Environment: The proposed departure does not trigger any of the listed activities under the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998).

Impact on Traffic, Parking and Access: Access to Erf 2621 Hermanus will remain unchanged.

Title Deed: Title Deed Number T34940/2013. has no restrictive Title Deed conditions that need to be addressed with this application. A conveyancer's certificate is not included with this application since the Title Deed is uncomplicated. There is no bond registered against the subject property.

Summary

We appeal to the Overstrand Municipality to consider the minimal impact of the steel carport structure and to consider the departure application to legalize the existing structure. The opinion is held that the existing carport structure will have no negative impact on the land values, privacy, built environment and character of the area.

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