



ERF 3005, 83 ATLANTIC DRIVE, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: TV3 ARCHITECTS AND TOWN PLANNERS (PTY) LTD ON BEHALF OF AJ MACDONALD & VC HAGOOD

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

- **Departure** in terms of Section 16(2)(b) to relax the northern lateral building line from 2m to 1,550m to accommodate an existing balcony on first floor level.
- **Determination of an administrative penalty** in terms of Section 16(2)(q) for unauthorised encroaching structure as mentioned above.

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) loretta@overstrand.gov.za) on or before **05 July 2024**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Mr. H Olivier** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comment.

ERF 3005, ATLANTICRYLAAN 83, ONRUSTRIVIER, OVERSTRAND MUNISIPALE AREA: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: TV3 ARGITEKTE EN STADSBEPANNERS (PRT) LTD NAMENS AJ MACDONALD & VC HAGOOD

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

- **Afwyking** ingevolge Artikel 16(2)(b) om die noordelike syboullyn vanaf 2m na 1,550m te verslap om die bestaande balkon op eerstevloer vlak te akkommodeer.
- **Bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) vir ongemagtigde oorskrydende struktuur soos hierbo genoem.

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) loretta@overstrand.gov.za) voor of op **05 Julie 2024**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **Mnr. H Olivier** at 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 3005, 83 ATLANTIC DRIVE, ONRUSTRIVIER, UMMANDLA WOMASIPALA WASE-OVERSTRAND: ISICELO SOPHAMBUKO NOKUMISELWA KWESOHLWAYO SOLAWULO: TV3 ARCHITECTS AND TOWN PLANNERS (PTY) LTD EGAMENI LIKA-AJ MACDONALD & VC HAGOOD

Isiziso siyanikezelwa ngokwemiqathango yeCandelo 48 loMthetho kaMasipala oLungisiweyo woMasipala wase-Overstrand ongoCwangciso lokuSetyenziswa koMhlaba kaMasipala, 2020 (uMthetho kaMasipala), sokokuba isicelo sifunyenwe kulungiselelwa oku kulandelayo:

- **Uphambuko** ngokwemiqathango yeCandelo 16(2)(b) loMthetho kaMasipala, lokunyenyiswa komda wesakhiwo osecaleni elingasentla ukususela kwi-2m ukuya kwi-1,550m ukulungiselela ulwakhiwo lwebhalkhoni esele ikho kwinqanaba lomgangatho lokuqala.
- **Ukumiselwa kwesohlwayo solawulo** ngokwemiqathango yeCandelo 16(2)(q) kulungiselelwa ungenelelo okungagunyaziswanga kwesakhiwo njengoko kuchaziwe ngasentla.

linkcukacha ezipheleleyo mayela nesi sindululo ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini ukusukela phakathi kwentsimbi yesi-08:00 neye-16:30 kwiSebe: loCwangciso lweDolophu, 16 Paterson Street, Hermanus. Nabani na onezimvo ezibhaliweyo angazingenisa ngokwezibonelelo zeCandelo lama-51 nelama-52 loMthetho kaMasipala (16 Paterson Street, Hermanus / (f) 0283132093/ (e) loretta@overstrand.gov.za) ngomhla okanye phambi **05 EyeKhala 2024**, uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokuhlomla kwakho. Imibuzo ngefowuni ingathunyelwa kuMcwangcisi weDolophu, **Mnu H Olivier** kule nombolo 028-313 8900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvalwa. Nabani na ongakwazi ukufunda nokubhala angandwendwela kwiSebe loCwangciso lweDolophu apho igosa likamasipala liza kumnceda aqulunqe izimvo zakhe.



DATE: Monday, 26th February 2024
OUR REF.: 3763 | P HouseMacDonald | DesirabilityMotivation | 26022024

PA **OVERSTRAND MUNICIPALITY**
OFFICE OF THE DIRECTOR: Infrastructure & Planning | Town & Spatial Planning
PO Box 20
Hermanus
7200

Dear Madam

DEPARTURE APPLICATION:
MOTIVATION – DEPARTURE OF A SIDE BUILDING LINE
IN TERMS OF THE MOTIVATION GUIDELINES FOR THE OVERSTRAND MUNICIPALITY

ERF 3005, ONRUSRIVIER – 83 Atlantic Drive, Onrusrivier

Motivation for a departure of the north eastern side building line on first floor level, due to an architectural feature (balcony) that was constructed incorrectly.

BACKGROUND:

The dwelling in question, was erected and completed during 2023 and it included a street facing balcony facing south east as well as an architectural feature facing north east. The architectural feature was approved to extend 150.00mm past the north east side building line, however it was constructed incorrectly at 445.00mm past the building line. Therefore, this application is focussed on the relaxation of a 295.00mm (wide) X 3 096.00mm (long) portion of the north east side building line to accommodate the architectural feature.

The incorrect construction of the balcony and the subsequent application for relaxation was due to the following factors:

- The original design proposal (as submitted and supported by the Overstrand Heritage committee) did include the 445.00mm overhang.
- The original Municipal submission drawings included the 445.00mm overhang, but the plan was refused on this basis and the drawings were revised, re-submitted and subsequently approved.
- The appointed structural engineer worked off the original drawings submitted to the Overberg Municipality and did not adjust their documentation based on the later revisions, that reduced the overhang from 445.00mm to 150.00mm.
- Considering the Principal Contractor focusses on the erection of the superstructure first (in their construction process) the dwelling's setting out and initial construction was therefore based on the structural engineer's drawings. Unfortunately the Principal Contractor focussed on the structural engineer's drawings without consulting the architectural drawings creating the current dilemma.
- The Building Control Officer, of the Overstrand Municipality, inspected the Works upon completion and pointed out that the first floor balcony overhang on the north east boundary exceeds the 150.00mm as indicated on the approved building plan and suitable documentation should be submitted, for approval.

This motivation is based on the Municipal Motivation Guidelines (Annexure B):

GENERAL INFORMATION:

A. PROPOSED DEVELOPMENT:

This application is for an relaxation of a portion (295.00mm [wide] X 3 096.00mm [long]) of the north east property side building line to accommodate an architectural feature as an extension to the first floor balcony. The encroachment on first floor level of the side building line does not affect access to and from the property nor does it impact the current traffic flow in Atlantic Drive or Tuna Street.

- The 295.00mm wide encroachment of the north east property side building line does not affect the land use of the property nor the general residential use so rezoning will not be required.
- The total area created by the encroachment is 455.00mm wide and does not constitute a usable space on the balcony.
- The encroachment area is screened off from the remainder of the balcony.

B. CHARACTER OF THE DEVELOPMENT:

This encroachment does not constitute a change in land use and it does not change the use of the adjacent balcony area. The additional 295.00mm does not detract from the overall aesthetic of the dwelling, considering it was always intended to enhance the horizontal appearance of the structure and to reduce the perceived height of the overall dwelling (therefore the set back main pitched roof).

C. DESIRABILITY OF THE PROPOSED UTILIZATION:

The additional area added to the balcony does not impact the neighbour to the north east, because the total width of the balcony (455.00mm) does not constitute usable seating space. Furthermore, this section of the balcony has always been screened with timber screens providing privacy to both land owners.

**D. INVESTIGATIONS CARRIED OUT IN TERMS OF OTHER LAWS:
(Which are relevant to the consideration of this Application)**

No additional and specialist investigations were done, because this encroachment does not impact any of the mentioned impact spheres.

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

The proposed encroachment does not impact the land use of the area nor does the additional area to the patio impact any of the Overstrand Municipal Engineering Services.

F. CONSIDERATION OF FORWARD PLANNING AND LAND USE DOCUMENTS:

Although the application is in support of a relaxation of a building line to accommodate an increase in an architectural feature | balcony, it does not impact any of the mentioned Municipal Spatial Planning frameworks and legislation.

G. PLANNING PRINCIPLES:

This encroachment was scrutinized and found not to impact any of the following mentioned planning principles.

G.1 Spatial Justice:

G.2 Spatial Sustainability:

G.3 Efficiency:

G.4 Spatial Resilience:

G.5 Good Administration:

Attached please find ANNEXURE A, issued in support of this motivation document.

We hope and trust that this motivation report provides suitable and adequate support to solicit your favourable consideration of this departure application.

Yours Faithfully

A handwritten signature in black ink, appearing to be a stylized name, possibly 'R. M. M.', written over a horizontal line.

TV3 ARCHITECTS AND TOWN PLANNERS (PTY) LTD.

ANNEXURE A:

DEPARTURE APPLICATION:

MOTIVATION – DEPARTURE OF A SIDE BUILDING LINE

ERF 3005, ONRUSRIVIER – 83 Atlantic Drive, Onrusrivier

Images and diagrams issued in support of the Motivation for the Relaxation of the north east side building line, Erf 3005, Onrusrivier.



IMAGE 01:

Front façade of the dwelling as viewed from Atlantic drive indicating the position of the patio and the position of the 295.00mm encroachment.



IMAGE 02:

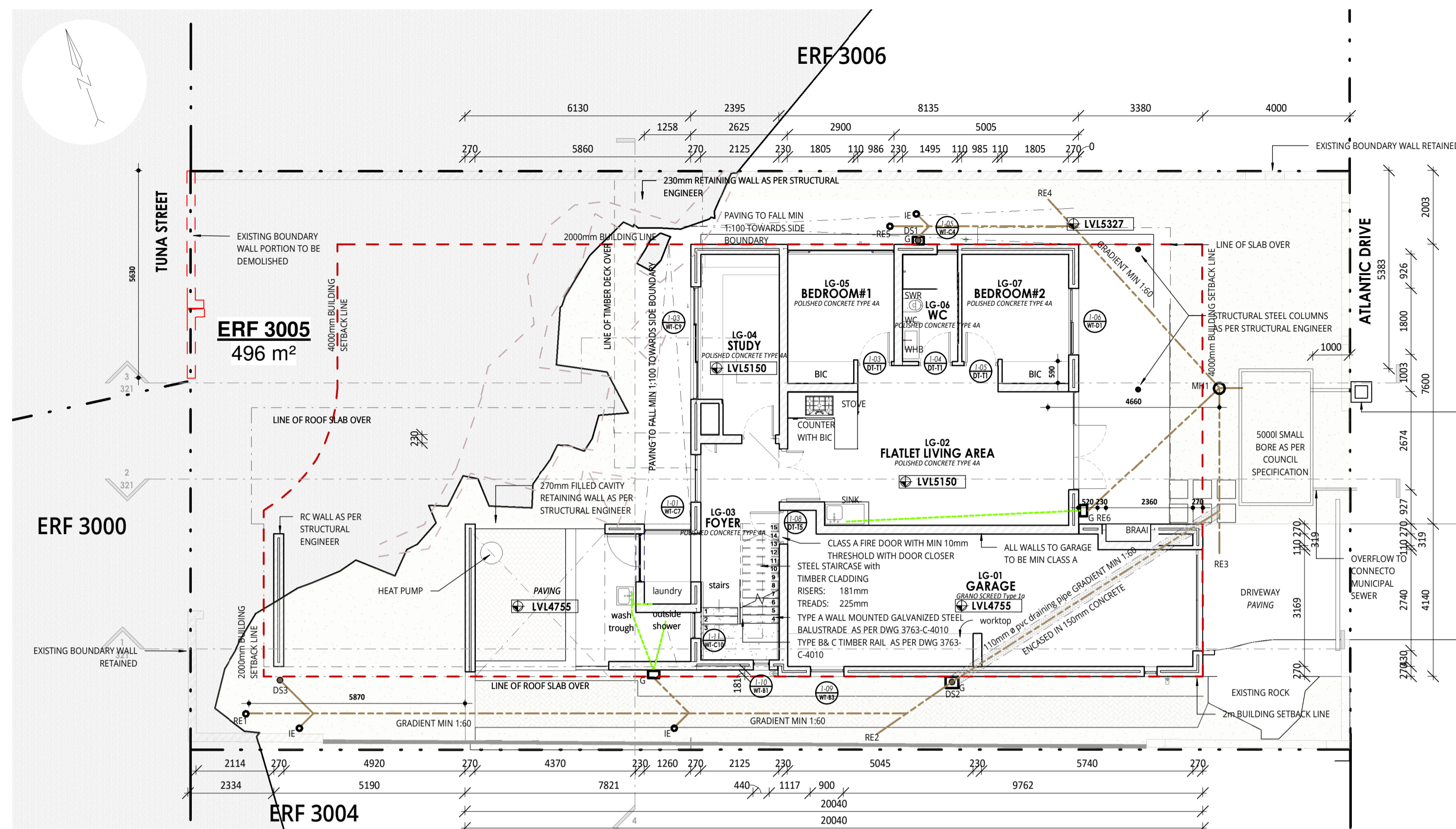
Side view of the balcony, as viewed from Atlantic Drive, now extending 295.00mm past the allowable set back. Also note the positioning of timber privacy screens “shielding” the two adjacent properties.



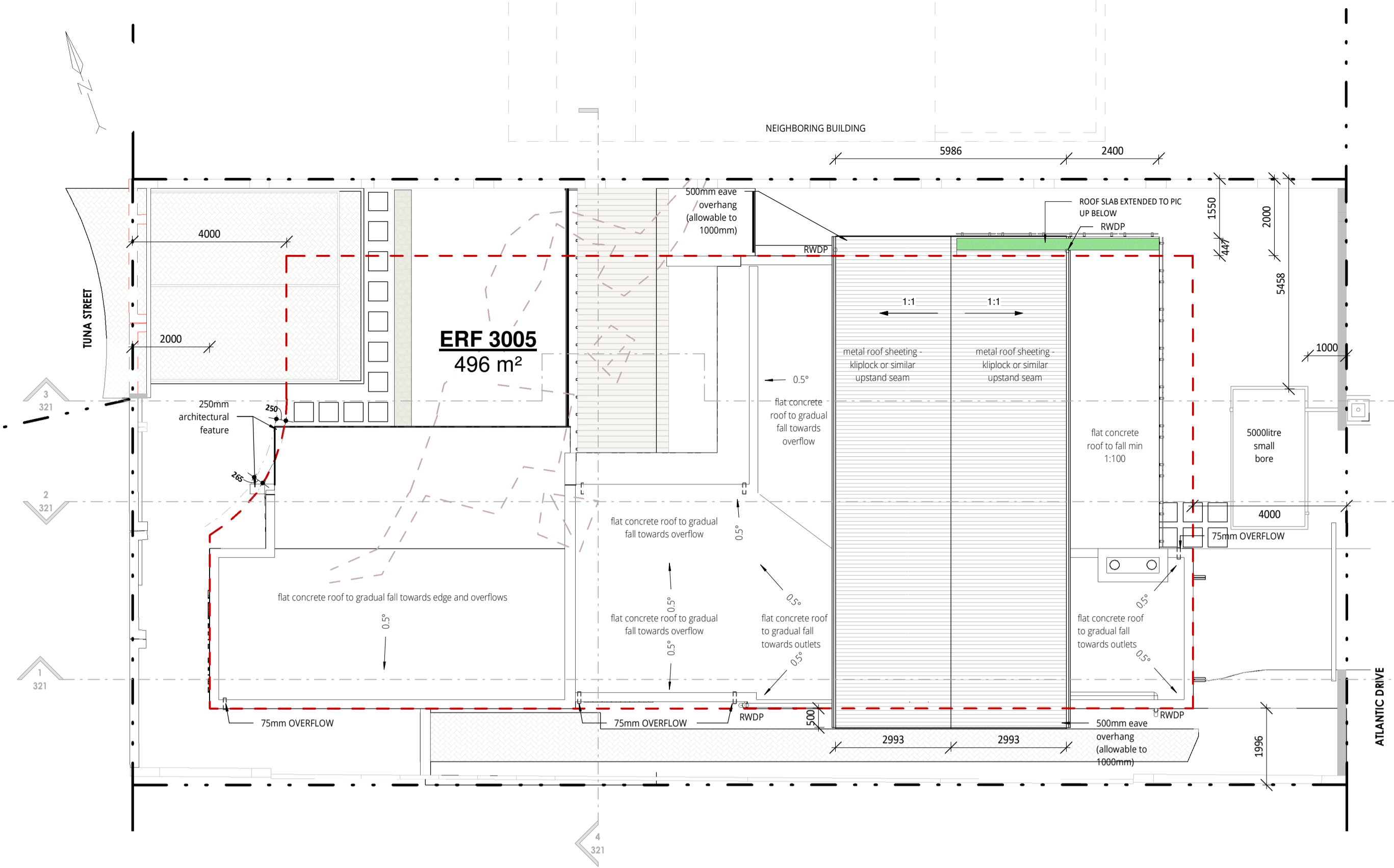
IMAGE 03: View of the balcony extension past the north east building line, as viewed from Tuna street. Also note the positioning of timber privacy screens “shielding” the two adjacent properties.



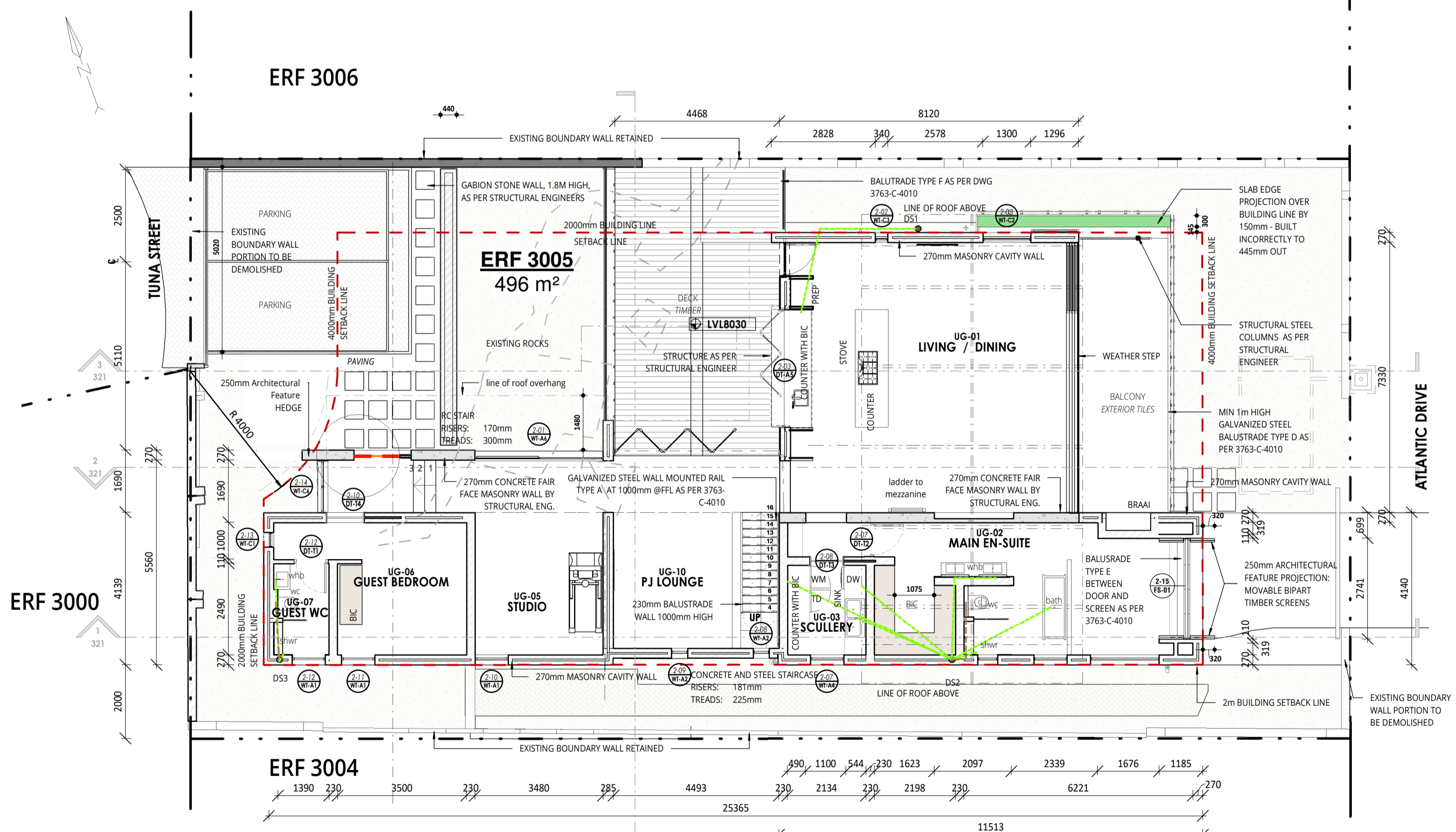
IMAGE 04: View of the balcony extension past the north east building line, as viewed from the remainder of the balcony.



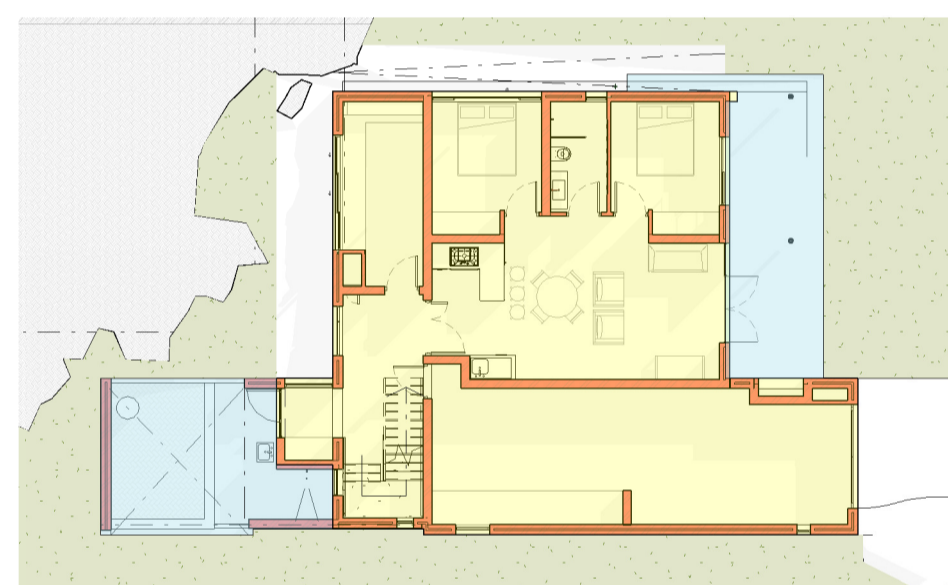
PLAN: GROUND FLOOR PLAN
SCALE: 1 : 100



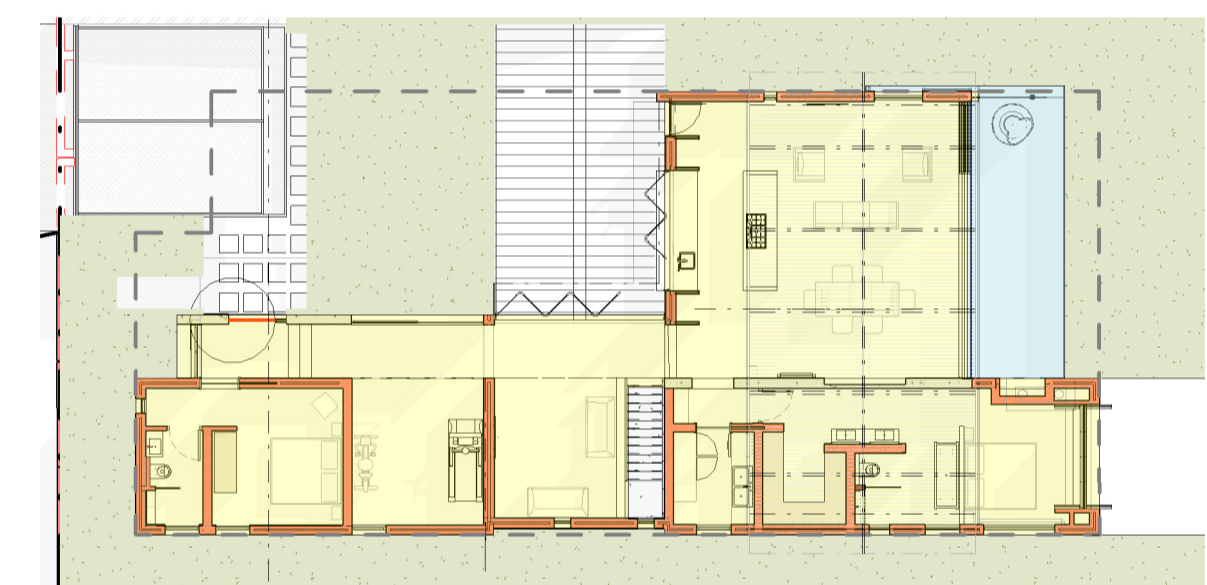
PLAN: ROOF PLAN
SCALE: 1 : 100



PLAN: FIRST FLOOR PLAN
SCALE: 1 : 100



PLAN: GROUND FLOOR PLAN
SCALE: 1 : 200



PLAN: FIRST FLOOR PLAN
SCALE: 1 : 200

CLIMATE ZONE	4 TEMPERATE COASTAL	
BUILDING CATEGORY	RESIDENTIAL ZONE 1: SINGLE RESIDENTIAL	
DEVELOPMENT PARAMETERS SR1		
HEIGHT	PERMISSIBLE	ACTUAL
	8.0m	7.39m
COVERAGE	50%	47.01%

AREAS SCHEDULE	
- SITE AREA	496.0m ²
- TOTAL FOOTPRINT	236.17m ²
- GROUND FLOOR (incl. Staircase)	140.65m ²
- FIRST FLOOR (Excluding Staircase)	184.39m ²
TOTAL INTERNAL AREA	325.04m ²
- COVERED BALCONIES & PATIOS	65.33m ²

CONSTRUCTION KEY

New Concrete Structure as per Structural Engineer	Drain	G - Gully
New Masonry Structure	STUB STACK	DS - Discharge Stack
New steel as per Structural Engineer	Soil Pipe	MH - Man Hole
Existing Structure	Waste Water Pipe	RE - Rodding Eye IE - Inspection Eye

GENERAL NOTES

MUNICIPAL NOTES

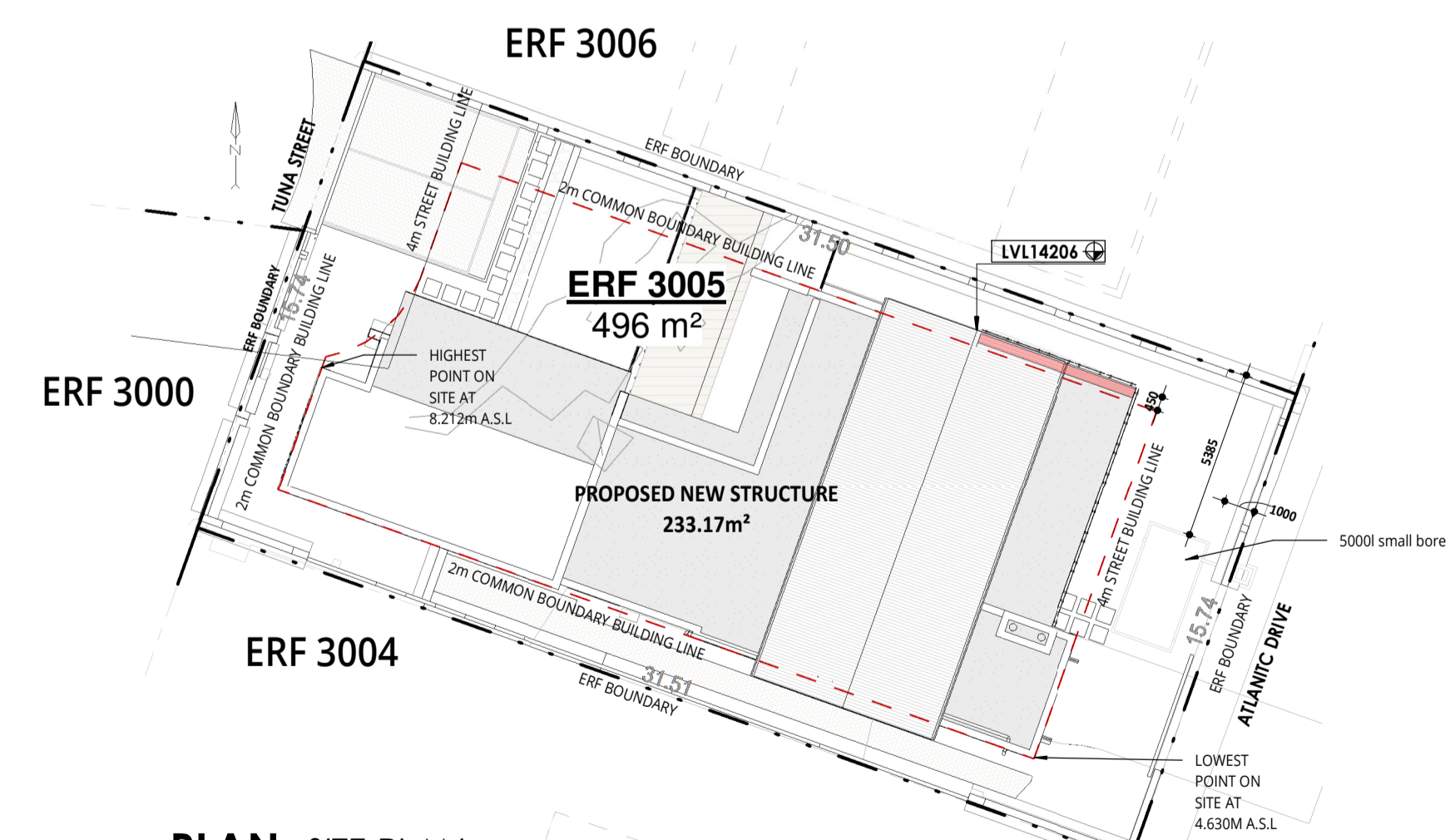
- 1.1 ALL GLAZING TO BE IN ACCORDANCE WITH SABS1037 AND SABS 1263 & PART 'N' OF NBR'S.
- 1.2 ALL LIGHTING AND VENTILATION TO BE IN ACCORDANCE WITH PART 'O' OF THE NBR.
- 1.3 D.P.C.'S TO PROTECT ALL WALLS ABOVE GROUND LEVEL AND TO BE STEPPED WHERE NECESSARY.
- 1.4 BEAM FILLING TO BE COMPLETED SOLID UP TO UNDERSIDE OF ROOF COVER.
- 1.5 ALL PIPING WHERE CAST INTO OR THROUGH R.C. SLABS AND BEAMS TO BE SLEEVED AND HAVE CLEANING EYES.
- 1.6 ALL WORK TO BE DONE IN ACCORDANCE WITH LOCAL AUTHORITY BYE-LAWS AND TO CONFORM WITH THE WITH PART 'P' OF THE NBR'S.

DRAINAGE AND HEALTH NOTES

- 2.1 ALL I.E.'S TO BE MARKED AT GROUND LEVEL BY AN APPROVED CONCRETE MARKER.
- 2.2 ACCESS TO DRAINS TO BE MARKED AT EVERY CHANGE OF DIRECTION, GRADIENT AND AT JUNCTIONS WITH OTHER DRAINS.
- 2.3 75mm WATER SEALS TO ALL WASTE FITTINGS.
- 2.4 ALL VENT PIPES TO EXTEND A MINIMUM OF 200mm ABOVE NEAREST WINDOW HEADS.
- 2.5 ALL WASTE FIXTURE BRANCHES TO BE 50 Ø P.V.C.
- 2.6 ALL SOIL BRANCHES TO BE 100 Ø (110 OD)
- 2.7 300mm MIN. RADIUS AT FOOT OF DISCHARGE STACKS.
- 2.8 500mm MIN. DISTANCE BETWEEN DISCHARGE STACK CONNECTION TO DRAIN AT LOWEST BRANCH DISCHARGE PIPE CONNECTION
- 2.9 200mm MIN. BELOW SOIL BRANCH OF WASTE PIPE.
- 2.10 ALL WASTE AND SOIL PIPES TO BE ACCESSIBLE FOR CLEANING AND REPAIR.
- 2.11 NO CHANGE IN DIRECTION TO SOIL OR WASTE PIPES IN BUILDINGS
- 2.12 ALL DRAINAGE TO BE IN ACCORDANCE WITH LOCAL BYE-LAWS AND TO CONFORM WITH PART 'P' OF THE NBR'S.

ROOF NOTES

- 3.1 PORTAL FRAME STRUCTURE TO LATER DETAIL. ALL STRUCTURAL COMPONENTS SIZE, CENTRES AND FIXINGS AS PER STRUCTURAL ENGINEERS DETAILS AND SPECIFICATIONS
- 3.2 KURP (K406) PROFILE ROLL-FORMED IN CONTINUOUS LENGTHS FROM 0.58mm METAL ROOF SHEETING WITH CHROMADEK Z200 COATING COATING TO APPROVED COLOUR SAMPLE ON TIMBER PURLINS ON SUITABLE INSULATION ON TIMBER ROOF TRUSSES AS PER STRUCTURAL ENGINEERS SPECIFICATION. ROOF ASSEMBLY AND PITCH TO COMPLY WITH SANS10400, IN ACCORDANCE WITH THE MANUFACTURERS SPECIFICATIONS
- 3.3 WATER-TIGHT ALUMINIUM EXTRUDED GLITTER, OVERALL SIZE: 125mm x 85mm x 0.6mm THICK. FIXED AT 600mm C/C AND TO BE FINISHED AS PER MANUFACTURERS SPECIFICATIONS TO ARCHITECTS APPROVED SAMPLE
- 3.4 75mm x 75mm x 2mm THICK ALUMINIUM DOWNPIPE TO BE FIXED TO WALL WITH STAPLS
- 3.5 2.4m x 0.4mm THICK GALVANISED MILD STEEL RIDGE CAP FLASHING



PLAN: SITE PLAN
SCALE: 1 : 200

ORIGINAL DOCUMENT DATE: Project Issue Date

NO	DATE	DESCRIPTION
0	03.05.2022	ISSUED FOR CONSTRUCTION
A	01.08.2023	ADDITIONS ISSUED TO COUNCIL

GENERAL NOTES

DRAINAGE AND HEALTH NOTES

- 2.1 ALL I.E.'S TO BE MARKED AT GROUND LEVEL BY AN APPROVED CONCRETE MARKER.
- 2.2 ACCESS TO DRAINS TO BE MARKED AT EVERY CHANGE OF DIRECTION, GRADIENT AND AT JUNCTIONS WITH OTHER DRAINS.
- 2.3 75mm WATER SEALS TO ALL WASTE FITTINGS.
- 2.4 ALL VENT PIPES TO EXTEND A MINIMUM OF 200mm ABOVE NEAREST WINDOW HEADS.
- 2.5 ALL WASTE FIXTURE BRANCHES TO BE 50 Ø P.V.C.
- 2.6 ALL SOIL BRANCHES TO BE 100 Ø (110 OD)
- 2.7 300mm MIN. RADIUS AT FOOT OF DISCHARGE STACKS.
- 2.8 500mm MIN. DISTANCE BETWEEN DISCHARGE STACK CONNECTION TO DRAIN AT LOWEST BRANCH DISCHARGE PIPE CONNECTION
- 2.9 200mm MIN. BELOW SOIL BRANCH OF WASTE PIPE.
- 2.10 ALL WASTE AND SOIL PIPES TO BE ACCESSIBLE FOR CLEANING AND REPAIR.
- 2.11 NO CHANGE IN DIRECTION TO SOIL OR WASTE PIPES IN BUILDINGS
- 2.12 ALL DRAINAGE TO BE IN ACCORDANCE WITH LOCAL BYE-LAWS AND TO CONFORM WITH PART 'P' OF THE NBR'S.

DRAWING DESCRIPTION:
Erf 3005, Onrus

PROJECT / CLIENT:
HOUSE MACDONALD

tv3 ARCHITECTS
TOWN PLANNERS
URBAN DESIGNERS

FIRST FLOOR | LA GRATITUDE OFFICE BUILDING | 97 DORP STREET
STELLENBOSCH 7600 | TEL +27 (21) 861 3800 | www.tv3.co.za

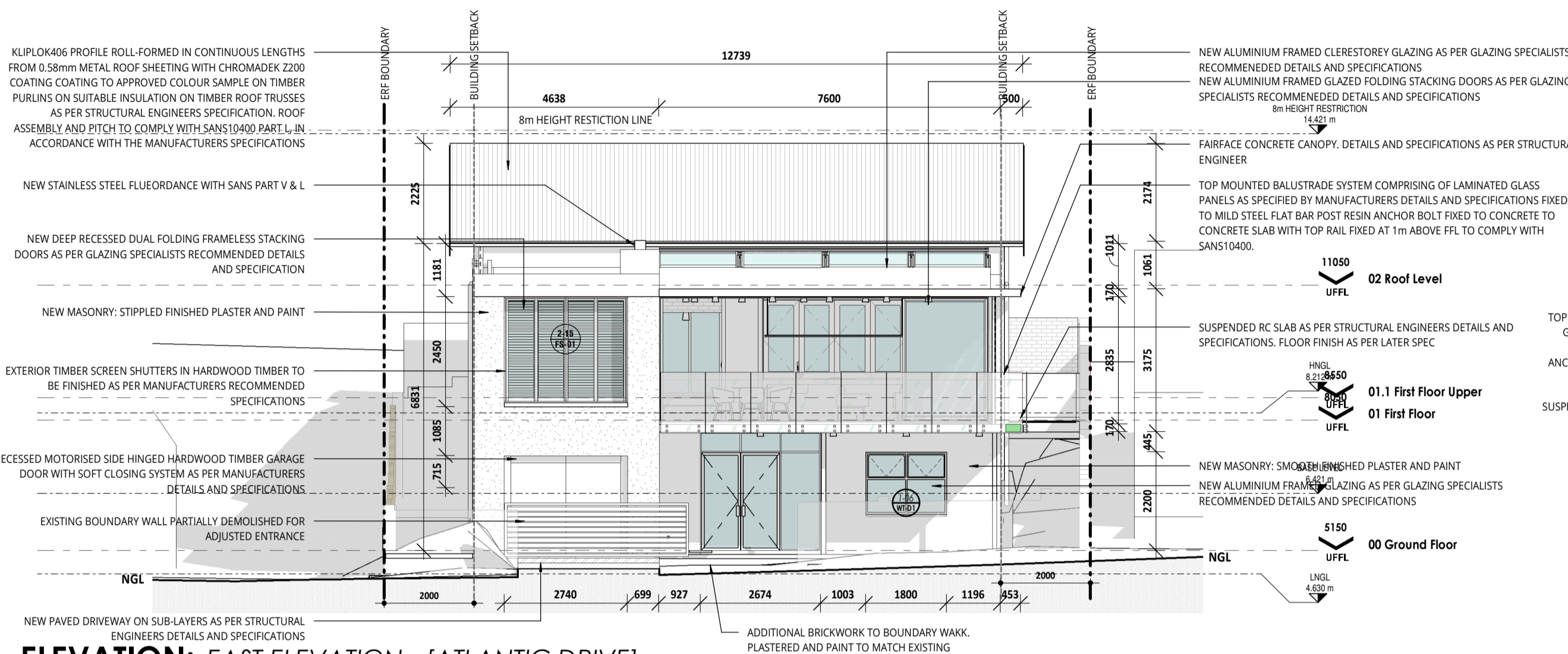
PROJECT DESCRIPTION:
FLOOR PLANS

DRAWING STATUS CODES:
A: Design • B: Marketing • C: Municipal • D: Tender • E: Construction • F: As Built

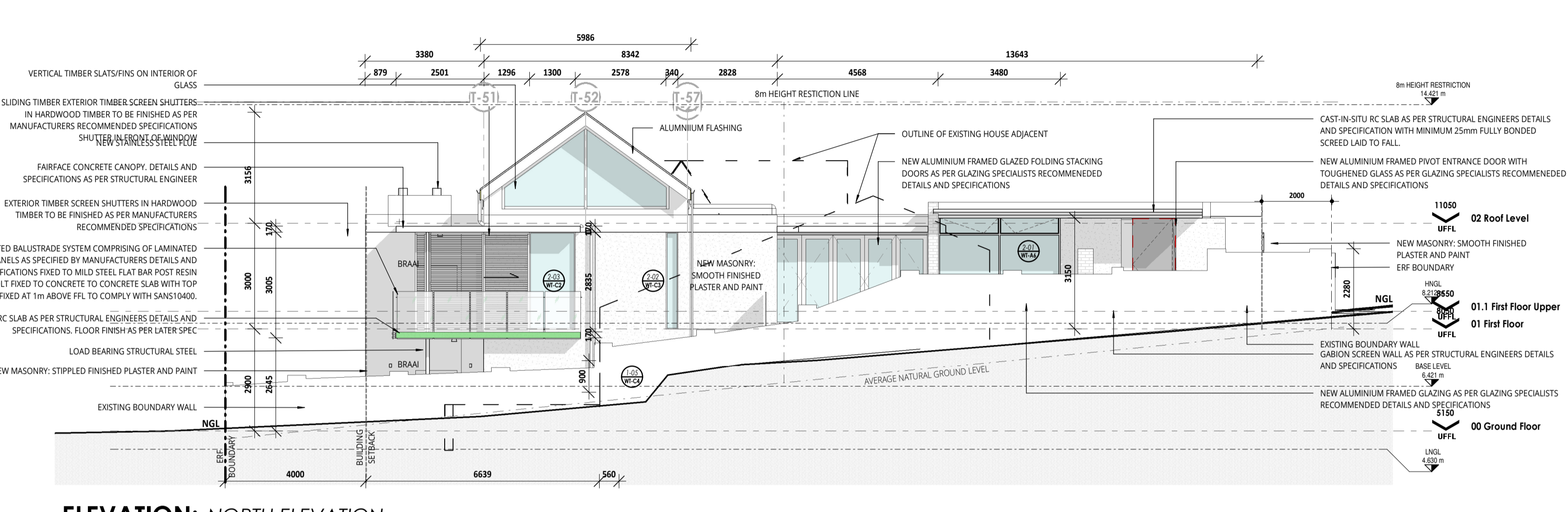
ALL STATUTORY REQUIREMENTS, NATIONAL BUILDING REGULATIONS AND MUNICIPAL BY-LAWS MUST BE ADHERED TO. CONTRACTORS ARE TO CHECK AND VERIFY ALL DIMENSIONS AND LEVELS ON THE BUILDING SITE BEFORE WORK COMMENCES. FIGURED DIMENSIONS AND LARGE SCALE DETAILS TAKE PREFERENCE OVER SCALED DIMENSIONS. REFER ANY AND ALL CONFLICTING INFORMATION TO THE ARCHITECT AND OTHER RESPONSIBLE OVERSEASERS THE DESIGN AND DETAIL ON THESE DRAWINGS IS THE PROPERTY OF TV3 ARCHITECTS AND TOWNPLANNERS AND COPYRIGHT IS RESERVED.

DATE: 01.08.2023
DRAWN: G Jones - PSAT30376532
CHECKED: M-L MacIntyre P.Arch 209556
SIZE / SCALE: A1 / As indicated
DRAWING NO: **3763/E/200**
MUNICIPAL
REV A

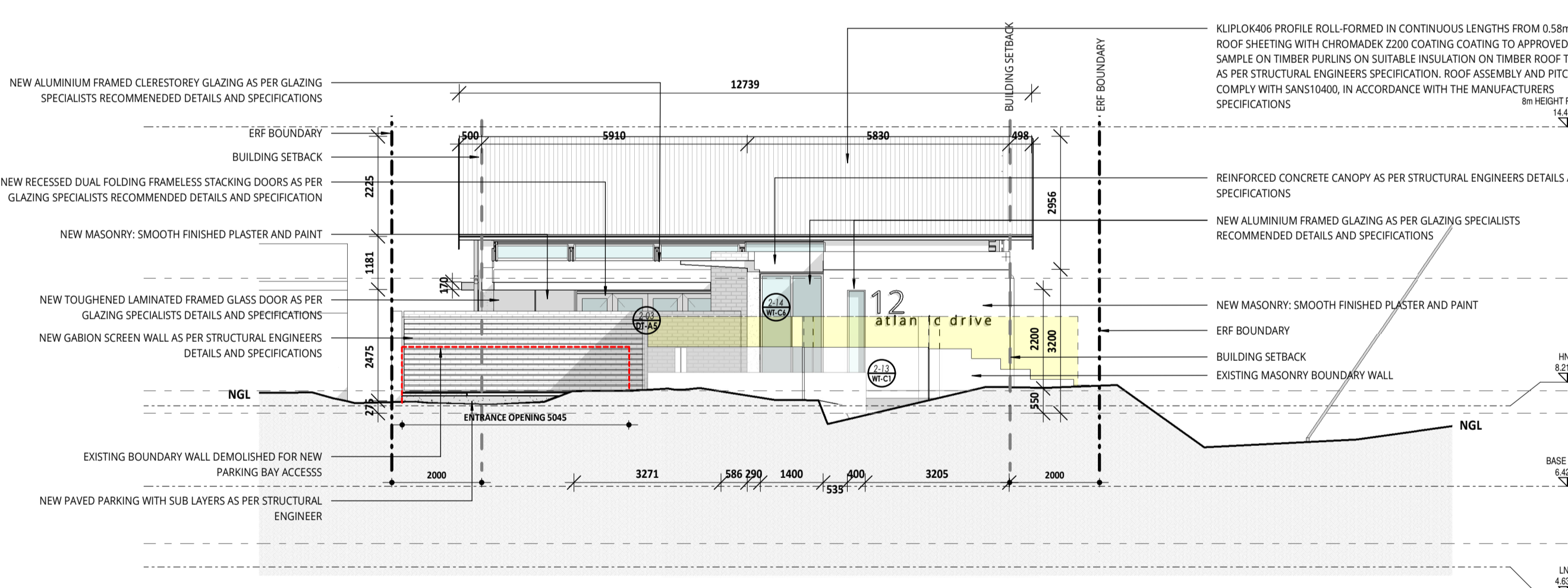
NJ (KALLA) SMIT SACAP NUMBER 6256



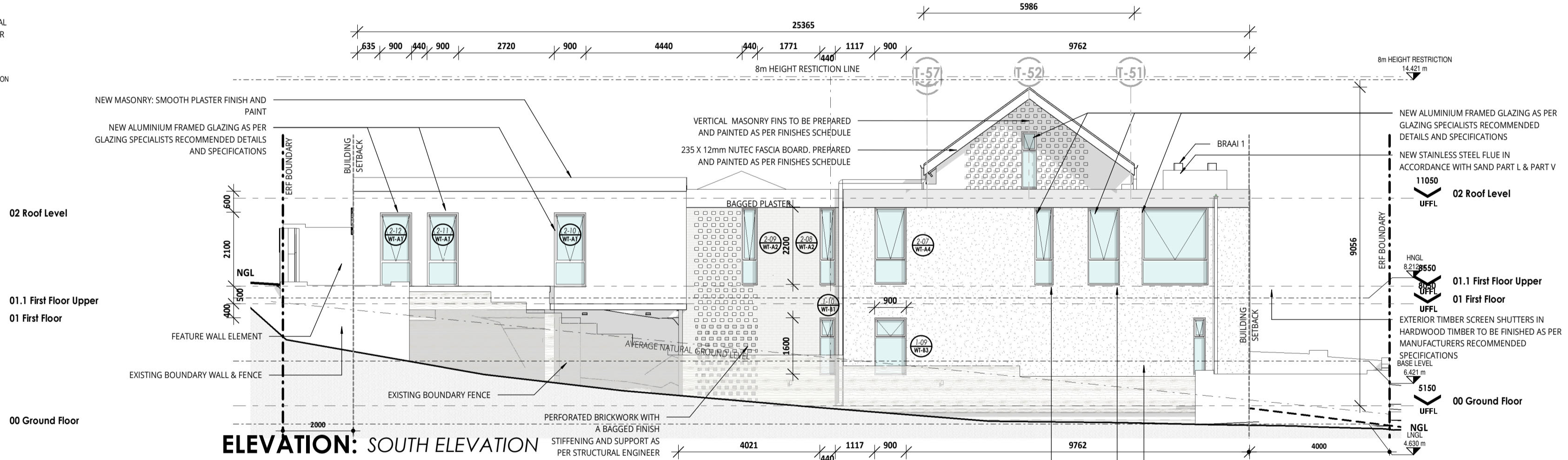
ELEVATION: EAST ELEVATION - [ATLANTIC DRIVE]
SCALE: 1 : 100



ELEVATION: NORTH ELEVATION
SCALE: 1 : 100



ELEVATION: WEST ELEVATION - [TUNA STREET]
SCALE: 1 : 100



ELEVATION: SOUTH ELEVATION
SCALE: 1 : 100

ORIGINAL DOCUMENT DATE: Project Issue Date

NO	DATE	DESCRIPTION
A	01.08.2023	ADDITIONS ISSUED TO COUNCIL

CONSTRUCTION KEY

■ New Concrete Structure as per Structural Engineer	— Drain	G - Gully
■ New Masonry Structure	— Stack Vent	DS - Discharge Stack
■ New steel as per Structural Engineer	— Soil Pipe	MH - Man Hole
■ Existing Structure	— Waste Water Pipe	RE - Rodding Eye IE - Inspection Eye

DRAWING DESCRIPTION:
Erf 3005, Onrus

PROJECT / CLIENT:
HOUSE MACDONALD



PROJECT DESCRIPTION:
ELEVATIONS

DRAWING STATUS CODES:
A: Design • B: Marketing • C: Municipal • D: Tender • E: Construction • F: As Built

ALL STATUTORY REQUIREMENTS, NATIONAL BUILDING REGULATIONS AND MUNICIPAL BY-LAWS MUST BE ADHERED TO. CONTRACTORS ARE TO CHECK AND VERIFY ALL DIMENSIONS AND LEVELS ON THE BUILDING SITE BEFORE WORK COMMENCES. FIGURED DIMENSIONS AND LARGE SCALE DETAILS TAKE PREFERENCE OVER SCALED DIMENSIONS. REFER ANY AND ALL CONFLICTING INFORMATION TO THE ARCHITECT AND OTHER RESPONSIBLE CONSULTANTS THE DESIGN AND DETAIL ON THESE DRAWINGS IS THE PROPERTY OF TV3 ARCHITECTS AND TOWNPLANNERS AND COPYRIGHT IS RESERVED.

DATE: 01.08.2023
DRAWN: G Jones - PSAT30376532
CHECKED: M-L MacIntyre P.Arch 20956
SIZE / SCALE: A1 / As indicated
DRAWING NO: **3763/E/301**

REV **A**

MUNICIPAL

NJ (KALLA) SMIT SACAP NUMBER 6256