



### ERF 3472, 37 ALHEIT STREET, KLEINMOND: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: SCHOONRAAD ARCHITECTS ON BEHALF OF CR MCNALLY

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 eastern lateral building line from 2m to 0m to accommodate an existing single garage.
- **departure** in terms of Section 16(2)(b) to relax the western lateral building line from 2m to 1m to accommodate an existing external staircase.
- **determination of an administrative penalty** in terms of Section 16(2)(q) for unauthorised building line encroachments as mentioned above.

Full detail regarding the proposal is available for inspection during weekdays between 08:00 and 16:30 at the Department: Town and Spatial Planning at 16 Paterson Street, Hermanus and the Kleinmond Library, Fifth Avenue, Kleinmond. 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 / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) on or before **23 May 2025**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Mrs. H van der Stoep** 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 and Spatial Planning Department where a municipal official will assist them in order to formalize their comment.

### ERF 3472, ALHEITSTRAAT 37, KLEINMOND: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: SCHOONRAAD ARGITEKTE NAMENS CR MCNALLY

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 oostelike syboullyn vanaf 2m na 0m te verslap om 'n bestaande enkel motorhuis te akkommodeer.
- **afwyking** ingevolge Artikel 16(2)(b) om die westelike syboullyn vanaf 2m na 1m te verslap om 'n bestaande buitetrapp te akkommodeer.
- **bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) vir ongemagtigde boulynoorskredings soos bo genoem.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stads- en Streekbepanning, Patersonstraat 16, Hermanus en by die Kleinmond Biblioteek, Vyfdelaan, Kleinmond. 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 / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) voor of op **23 Mei 2025**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **Me. H van der Stoep** 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: Stads- en Streekbepanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

### ISIZA 3472, 37 ALHEIT STREET, E-KLEINMOND: ISICELO SOPHAMBUKO KUNYE NOKUMISELWA KWESOHLWAYO SOLAWULO: SCHOONRAAD ARCHITECTS EGAMENI LIKA CR MCNALLY

Isaziso siyanikezelwa ngokwemiqathango yeCandelo 48 loMthetho kaMasipala oLungisiweyo woMasipala wase-Overstrand ongoCwangciso lokuSetyenziswa koMhlaba kaMasipala, 2020 sokuba isicelo sifunyenwe soku kulandelayo:

- **uphambuko** ngokwemiqathango yeCandelo 16(2)(b) lokunyenisa umda wesakhiwo ukusuka kwii-mitha eziyi-2m ukuya kwi 0 mitha ukulungiselela igaraji
- **Uphambuko** ngokwemiqathango yeCandelo 16(2)(b) lokunyenisa umda wesakhiwo ecaleni ukusuka kwi 2mitha ukuya ku 1 mitha ukulungiselelela izinyuko ezingaphandle ezikhoyo
- **ukumiselwa kwesohlwayo solawulo** ngokwemigaqo yeCandelo 16(2)(q) longenelelo kumda wesakhiwo ngokungekho mthethweni njengoko kukhankanyiwe ngasentla.

linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ukuze zihlolwe ngeentsuku zokusebenza ngamaxesha okusebenza phakathi kwentsimbi yesi-08:00 neye-16:30 kwiSebe: UCwangciso lweDolophu, 16 Paterson Street, eHermanus kunye neThala leeNcwadi laseKleinmond, 5<sup>th</sup> Avenue, eKleinmond. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokuhambelana nezibonelelo zeCandelo lama-51 kunye nelama-52 alo Mthetho kaMasipala oxeliweyo kuMasipala (16 Paterson Street, e-Hermanus / [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) ngomhla okanye ngaphambi komhla wama-**23 uCanzibe 2025**, uchaze igama lakho, idilesi kunye neenkukacha zoqhagamshelwano, umda kwisicelo kunye nezizathu zezimvo. Imibuzo ngomnxeba ingenziwa kuMchwangcisi weDolophu, **UNksk. H van der Stoep** kule nombolo yomnxeba 028-313 8900. UMasipala unokwala ukwamkela izimvo ezifunyenwe emva komhla wokuvalwa. Nabani na ongakwaziyo ukufunda okanye ukubhala angandwendwela iSebe loCwangciso lweDolophu apho igosa likamasipala liya kuthi limncedise ukuze abhale ngokusesikweni izimvo zakhe.



12 13<sup>th</sup> Street Kleinmond 7195  
P O Box 29 Kleinmond 7195  
Cell 0828533770  
Tel 028 271 3479  
gideon@schoonraadarch.co.za

**Our ref:** 2024-302

**Your ref:**

**Date:** 16<sup>th</sup> February 2025

Att: Mrs. H. van der Stoep

**MOTIVATION : APPLICATION FOR DEPARTURE : SIDE BUILDING LINE WEST FROM 2 000mm TO 0mm & SIDE BUILDING LINE EAST FROM 2 000mm TO 1 000mm.**

**ALLOCATION OF AN ADMINISTRATIVE PENALTY : ERF 3472 KLEINMOND – 37 ALHEIT STREET ON BEHALF OF CHARLES RICHARD MCNALLY**

**PROPERTY DETAILS**

CONSULTANT	SCHOONRAAD ARCHITECTS
ERF NUMBER	ERF 3472 KLEINMOND
EXTENT	595m <sup>2</sup>
ZONING	RESIDENTIAL ZONE 1 : SINGLE RESIDENTIAL

**BACKGROUND**

Erf 3472 Kleinmond, hereafter referred to as the subject property, is located at 37 Alheit Street, Kleinmond. The property owner, Charles Richard McNally, referred to as the applicant, submitted plans for a new single garage with minor internal changes. The submitted plan also indicates an existing staircase in its current position, which is closer to the lateral boundary as shown on the previously approved plan. The intent is to rectify the plans with a view to put the property on the market for resale.

**APPLICATION**

Herewith find notice and motivation for an application in terms of Section 48 of the Overstrand Amendment By-law on Municipal Land use Planning 2020 (By-law) on the abovementioned property.

Application is made for the following:

1. Departure - In terms of Section 16(2) (b) for an encroachment of the side building line from 2,0m to 0,0m for a single garage and a side building line from 2,0m to 1,0m on the Eastern boundary to facilitate an existing external staircase.
2. Determination of an Administrative penalty - In terms of Section 16(2) q for the determination of an administrative penalty for encroachment of the structures as described above.

**A. PROPOSED DEVELOPMENT**

The owner proceeded with submitting building plans for a single garage and minor alterations to the existing structure with a view of having approved plans to put the property on to the market for resale. The plans were submitted and subsequently scrutinized.

Neighbours consent was sought from the owner on the Western boundary for the single garage in line with the Overstrand Land use and Town planning requirements. After

numerous attempts, based on information on the Overstrand database and additional contact information available, no response was received. Attached is proof of attempts to contact the owner. Emails were marked as read, but no response was received.

It was advised that a departure is the only option available to finalise the application for decision and approval.

The staircase on the Eastern boundary was previously approved. It is however closer to the boundary than indicated on the previously approved plan. The departure is required to bring the positioning of the stair on the current plan in line with the actual position on site.

## 37 Alheit Street

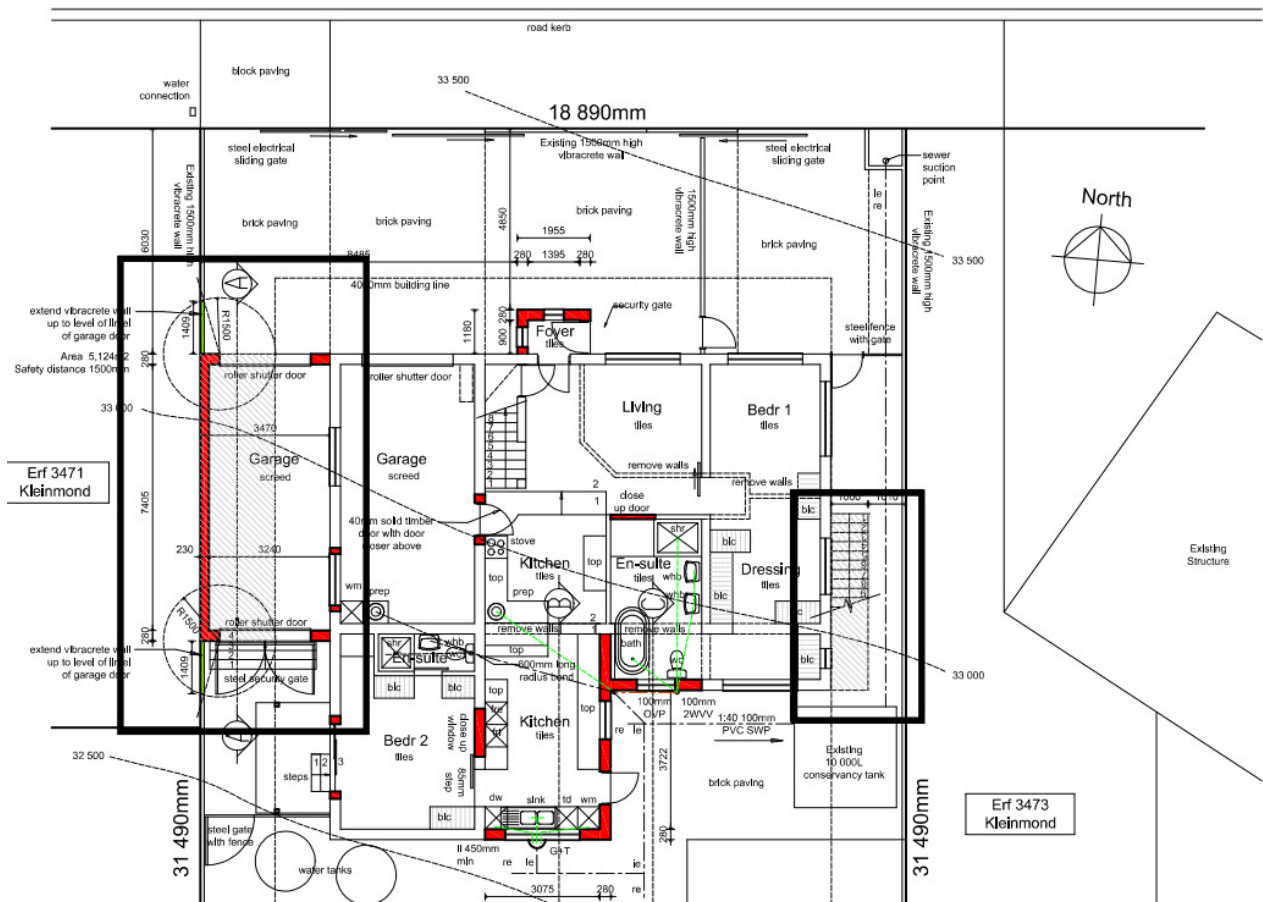


Fig 2. Ground floor plan layout

### B. CHARACTER OF THE ENVIRONMENT

The area is characterized by single and double-story residential properties. The scope of additions and alterations is in line with the grain of the existing urban framework. The surrounding properties are zoned for single residential purposes. These encroachments are not out of the ordinary and is allowed in terms of the OMLUS with the consent from the OM.

### C. DESIRABILITY OF THE PROPOSED UTILISATION

No changes to the land use are anticipated other than it to be utilized for residential purposes. No significant impact can be observed on views or access to sunlight of adjoining properties. The single storey garage is flanked by a double storey dwelling which mitigates the impact of views and sunlight being negatively affected. The staircase has no impact as it

was previously approved, except for the position which is closer than stated on the previously approved plan.

The property is not affected by a Heritage Overlay Protection Zone and is not listed in the Overstrand Municipality Heritage register.

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

#### **D. INVESTIGATIONS CARRIED OUT IN TERMS OF OTHER LAWS WHICH ARE RELEVANT TO THE CONSIDERATION OF THE APPLICATION**

The title deed T 5957 / 2023 was perused and there are no restrictive conditions that prohibit the departures sought by the applicant.

#### **E. THE IMPACT OF THE PROPOSED DEVELOPMENT ON MUNICIPAL ENGINEERING SERVICES**

The property is connected to the municipal networks which include water, sewer and electricity. No municipal services are affected. Access to the property is gained by Alheit Street. No engineering services will be impacted.

#### **F. CONSIDERATION OF FORWARD PLANNING AND LAND USE DOCUMENTS**

The proposed development will not be affected by any forward planning policies.

#### **G. PLANNING PRICIPLES**

The proposed changes are in line with sustainable practice of creating efficient use of space by using existing built form in a more appropriate and economically viable way.

The proposal or departure will not contribute to any spatial injustices. The proposal is not in conflict with any spatial planning policies. In line with good administration we invite and accept any comments from the public to make an informed decision on the proposal presented. The land use is not out of character with the surrounding environment.

Primary use	Dwelling house	Comply
Coverage	Allowed – 50% Actual – 31%	Comply
Building lines	Street 4m Actual 6,03m	Comply
Building lines West Side	2m Actual 0,0m	Applied for
Building lines East	Side 2m Actual 1,0m	Applied for
Height	8m Height	Comply

#### **DETERMINATION OF AN ADMINISTRATIVE PENALTY**

Compliance with the Overstrand Municipality By-law on Municipal Land Use and Planning 2020 as amended, is required. As the construction is existing on site it is required and necessary to include an application for the determination of an administrative penalty. We however request that the administrative penalty be waived as the encroachment is not intrusive and do not pose any significant influence on adjoining property owners of the immediate area. No complaints have been received from any adjoining property owners.

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

A garage with certain limitations is allowed within the Overstrand Town Planning Scheme on the lateral boundary with consent from the affected neighbour. The application is required due to the difficulty in contacting the affected neighbour on the Western side to gain consent for the construction for the single garage. Construction of the single garage took place during 2024.

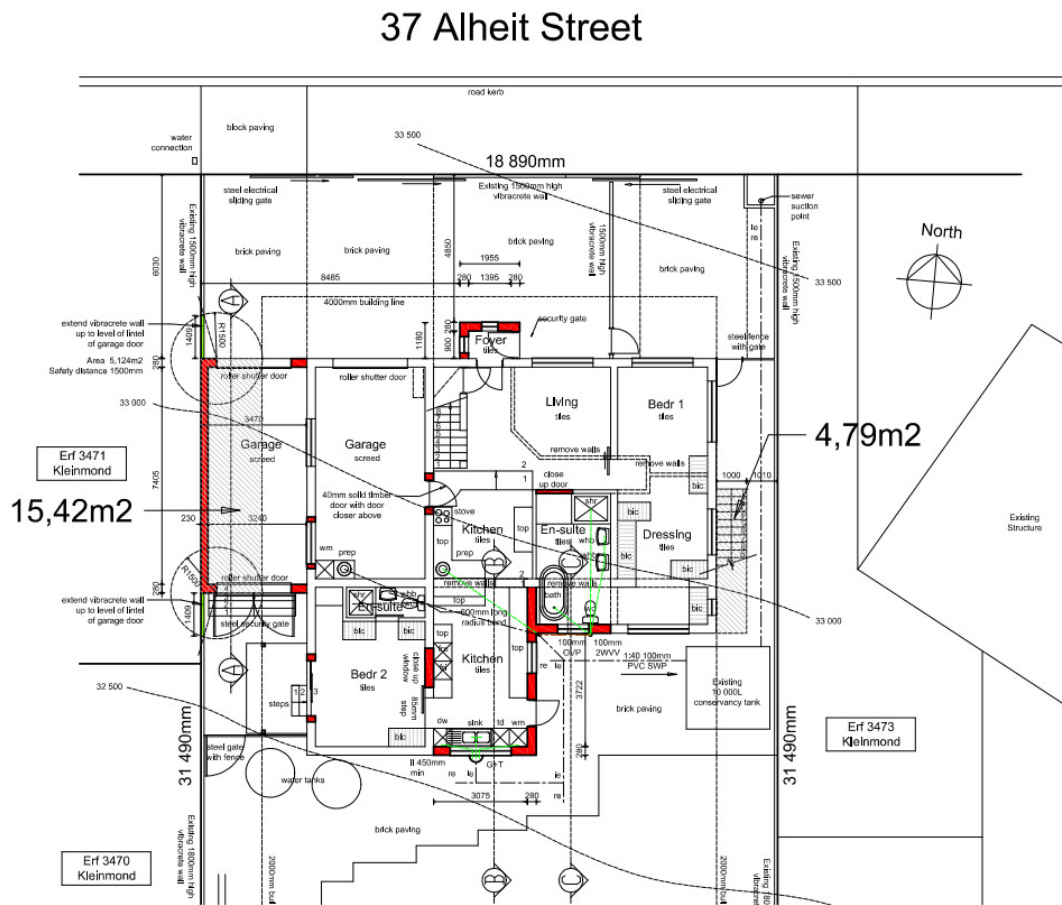
The positioning of the existing external staircase only became apparent at the time when the updated plans were drawn, which requires a departure application to rectify. Consent have been received from the adjoining owner on the Eastern side.

**b. The conduct of the person involved in the contravention**

Plans were submitted for the additions and alterations with a view to rectify all matters to put the property onto the market. The owners proactively undertook to rectify all changes on plan. They were unaware of the encroachment of the staircase as they acquired the property in its current format. It was done without any malintent.

**c. A report by a quantity surveyor in matters of unauthorized building / construction**

Due to the extent of the contravention, a report from a quantity surveyor was not obtained. The area affected by the building lines is 15,42m<sup>2</sup> for the single garage and 4,79m<sup>2</sup> for the staircase.



**d. Whether or not unlawful conduct was stopped**

The constructed has taken place but the owner is aware of the process that they need to engage to get compliance. No further building work has taken place.

**e. Whether the person allegedly involved in the contravention has previously contravened this by-law or a previous by-law**

To the knowledge of the applicant, the owners have not previously contravened the by-law

Considering the above, application is made for the following:

1. Departure - In terms of Section 16(2) (b) for an encroachment of the side building line West from 2,0m to 0,0m for a single garage and side building line East from 2,0m to 1,0m to legalize a previously approved external staircase.

2. Determination of an Administrative penalty - In terms of Section 16(2) q for the determination of an administrative penalty for a single garage encroachment on the side boundary and existing staircase as described above.

### **RECCOMENDATION**

Based on the motivation and information supplied it is recommended that the following be approved

1. Departure - In terms of Section 16(2) (b) for an encroachment of the 2,0m side building line to 0,0m on the Western boundary for an existing single storey garage and from 2,0m to 1,0m on the Eastern boundary to legalize and external stair in line with Overstrand Municipality By-law on Municipal Land Use Planning, 2020 as amended.
2. Determination of an Administrative penalty - In terms of Section 16(2) q for the determination of an administrative penalty for encroachment of the storage shed structure in line with Overstrand Municipality By-law on Municipal Land Use Planning, 2020 as amended.

Kind Regards,

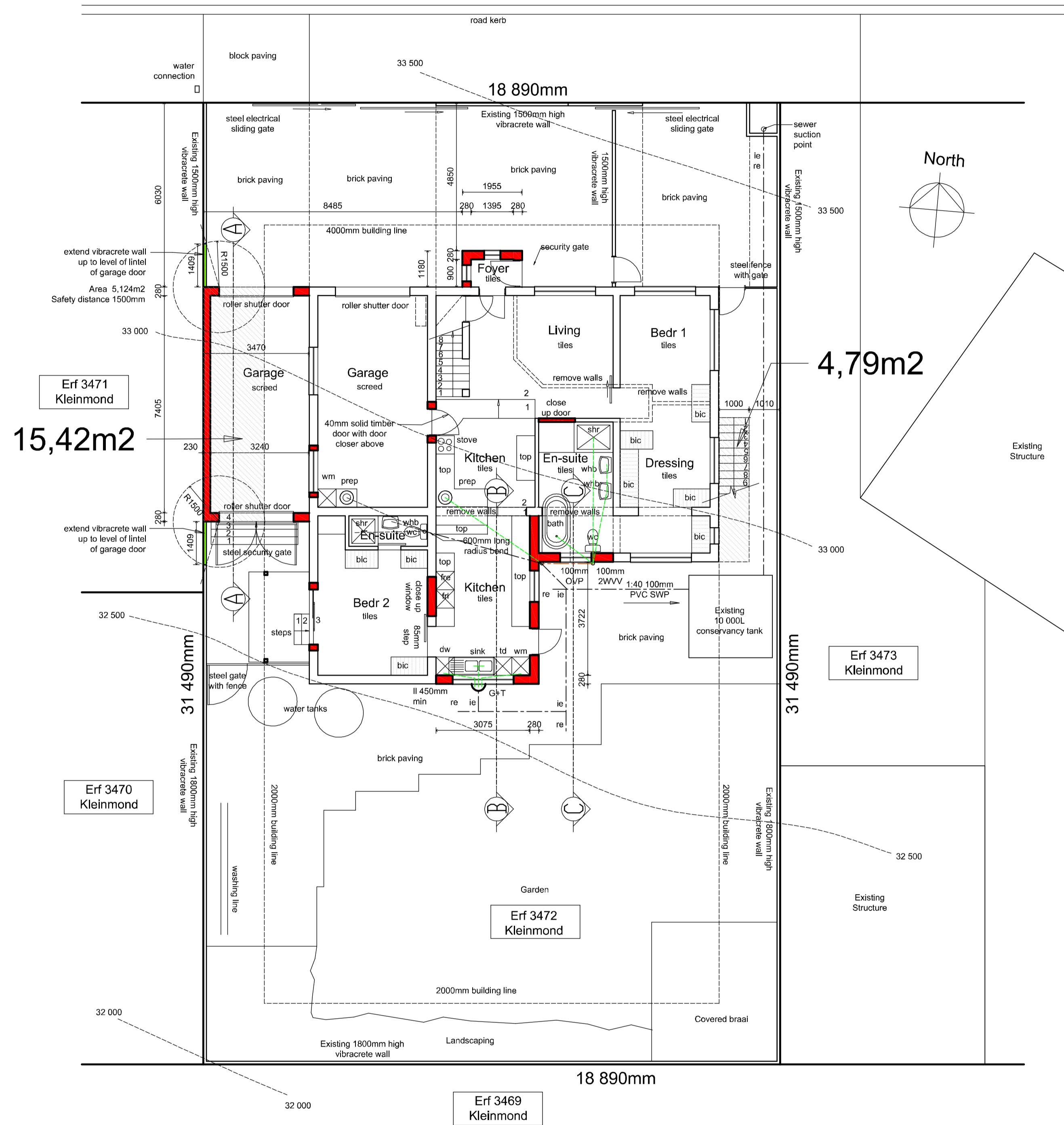


G J SCHOONRAAD

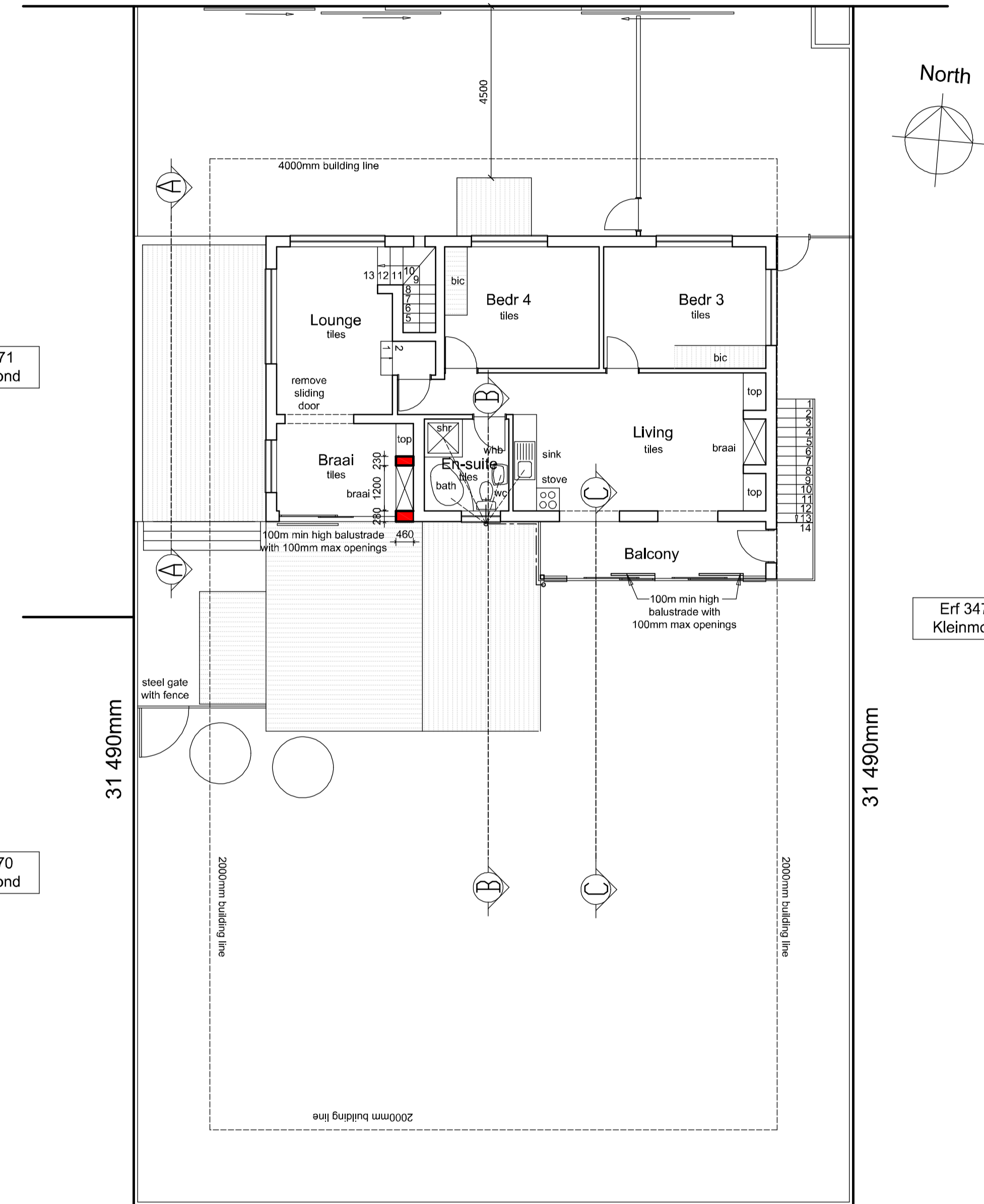
SCHOONRAAD ARCHITECTS

082 853 3770

# 37 Alheit Street



Ground floor 1:100



First floor 1:100

Erf 3472 Kleinmond  
 Existing house  
 Ground 151m²  
 First 108m²  
 Stair 5m²

Area of additions  
 Garage 27m²  
 Foyer 2m²

Total area 293m²

Coverage  
 185m² / 595m² = 31%

**General:**  
 All materials and construction methods to comply with the National Building Regulations, all applicable Local Authority bylaws as well as SABS set standards. All dimensions to be verified on site and discrepancies to be pointed out immediately before construction commences. No measurements to be scaled directly from drawing. Position of boundary pegs to be verified on site and visually marked before any construction commences.

All levels, dimensions and steps to be confirmed on site and discrepancies to be reported immediately to architect.

**Foundations:**  
 230mm Walls: 600 x 250mm Concrete strip foundations.  
 115mm Walls: 450 x 250mm Concrete strip foundations.  
 Minimum strength: 20 MPa, Class 2 after 28 days.  
 Foundation walls: Minimum strength 7 MPa, Class 2.  
 Foundation not to be less than 300mm below NGL.  
 Foundations not to encroach stand boundaries.  
 General foundation specifications to be read in conjunction with engineer's details where applicable.

**Floors:**  
 Foundation trenches & filling to be treated with anti-pion and conform to SABS 024.  
 75mm Concrete Surface bed (30MPa, 19mm stone) on well compacted & watered backfill layers of not more than 150mm, DPM underneath surface bed.  
 25mm Cement Screed with finish as per drawing. FFL to be at least 150mm above finished ground level.  
 Concrete floor or slabs to engineers design and specification. Antiruns or enclosed yards to be fitted with stormwater outlets.

**Walls:**  
 230mm & 115mm Brickwalls (Minimum strength 7MPa)  
 Stretcher course, Class 3 mortar (5MPa)  
 DPC underneath walls & windowsills and vertical DPC at all floor level changes.  
 Brickwork every four courses, each course for foundation walls & each course for four courses above all openings in wall planes.  
 Parapet walls min 300mm high and max 500mm with brickwork every course, top to be waterproofed. Lintels to be supported 150mm in openings up to 3m and 230mm for openings up to 600mm.

**Roofs:**  
 Corrugated roof sheeting at 122 degree angle.  
 50mmx78mm SA-pine roof battens at 320mm centres.  
 152mmx38mm Grade 6 SA-pine trusses to comply with SABS at 760mm centres max.  
 114mmx38mm Wall plates.  
 Two strings 4mm diam. galvanised roof ties built five layers into walls with 10mm steel rod at end, fixed around truss endpoints.  
 Flashings to all parapets and roof level changes.

**Stairs:**  
 Stairs to be 1100mm Wide, tread 250mm, riser 200mm with 5mm max deviation, 1000mm min high balustrade 2100mm Minimum headroom measured from pitchline.

**Glazing:**  
 All glazing to comply with SABS 0137 and Part N SABS 0400.  
 All doors containing glass panes to be fitted with safetyglass.  
 Safety markers to be fixed to all sliding doors panes.  
 Safety glazing to be fitted to all shower and bath enclosures.

**Pools:**  
 All pools to comply with SABS 0400 DD4 and SABS 1390.  
 1,2m Minimum high fence or wall to be erected to prevent direct access from public to pool and fitted with self closing locking gate. Vertical openings in fence wall or gate to be 100mm max and non climbable. Backwash to garden.

**Drainage:**  
 All drainage to comply with NBR and be fully accessible. Provide one gully at lowest point or per block. Invert level to be 450mm min below natural ground level. RE's to have marked covers at Natural ground level. IE's to all changes of direction and joints. Soil pipes to have minimum fall of 1:40. Foundations to be reinforced at points where drainage passes underneath construction. No change of direction or junctions allowed underneath structure. All wastepipes to be minimum 50mm diameter and fitted with water traps and anti vacuum traps. Provide 100mm dia open vent pipe at highest point or per block. Provide all showers outlet with brass traps. Waterproof shower trays at all first floor applications. Waste pipes should connect minimum 200mm apart. Geyser to comply with SABS 0254.  
 All water from gutters to disperse to open area.

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 Email gideon@schoonraadarch.co.za

Drawn	SACAP	Date	Rev
Gideon	5846	11 Mar 2025	A

Client  
**Mr. C. R. McNally**

Project Description  
**Additions and alterations to Erf 3472 Kleinmond**

Drawing Description  
**Elevations Sections**

Revision description

Rev	Description
A	

Drawing Number	
Signed Owner	3472KM.dwg
Signed Engineer	Project Number
Signed Architect	2024-302

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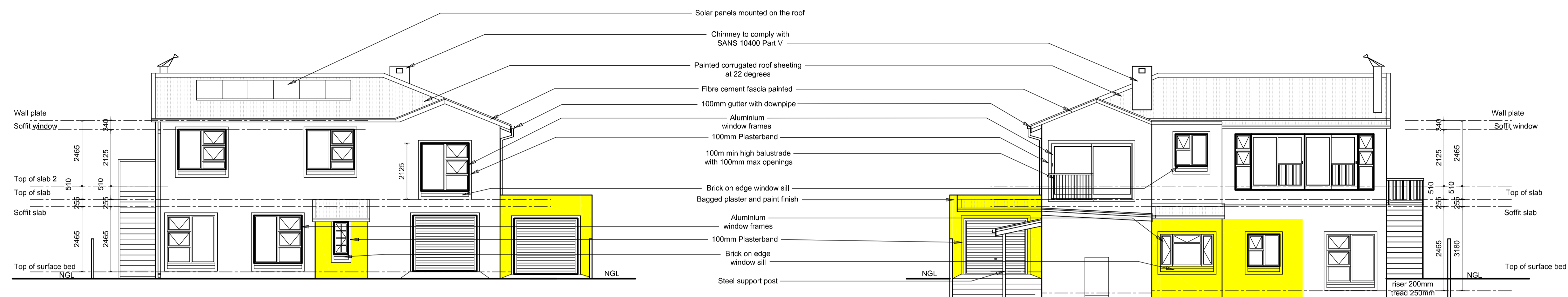
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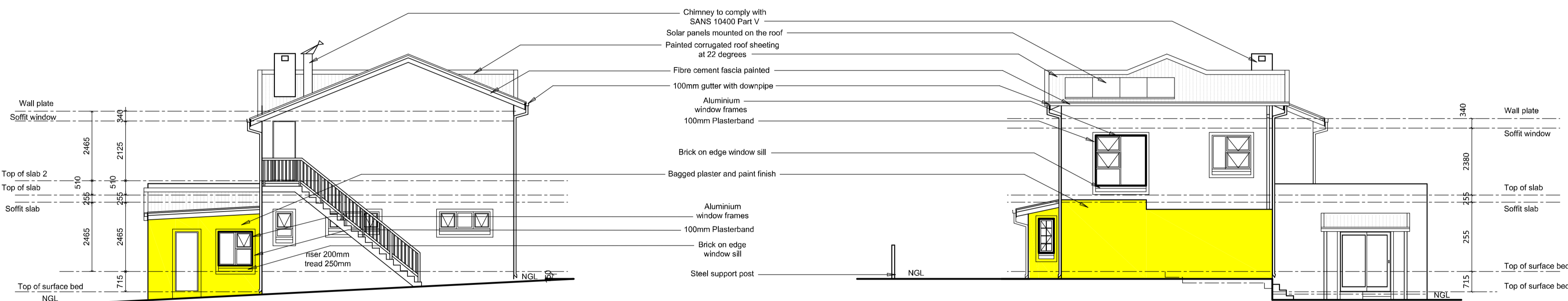
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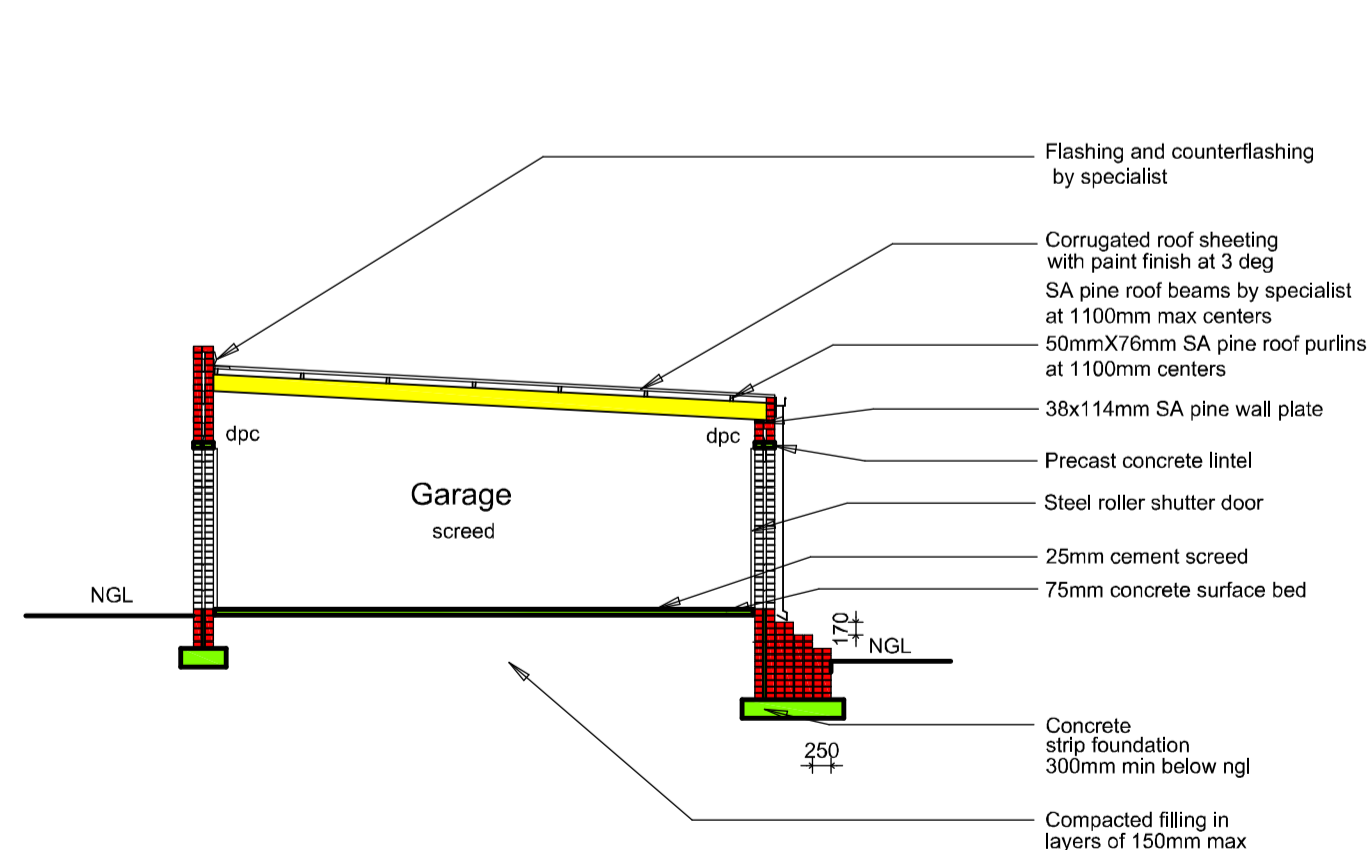
North elevation 1:100

South elevation 1:100

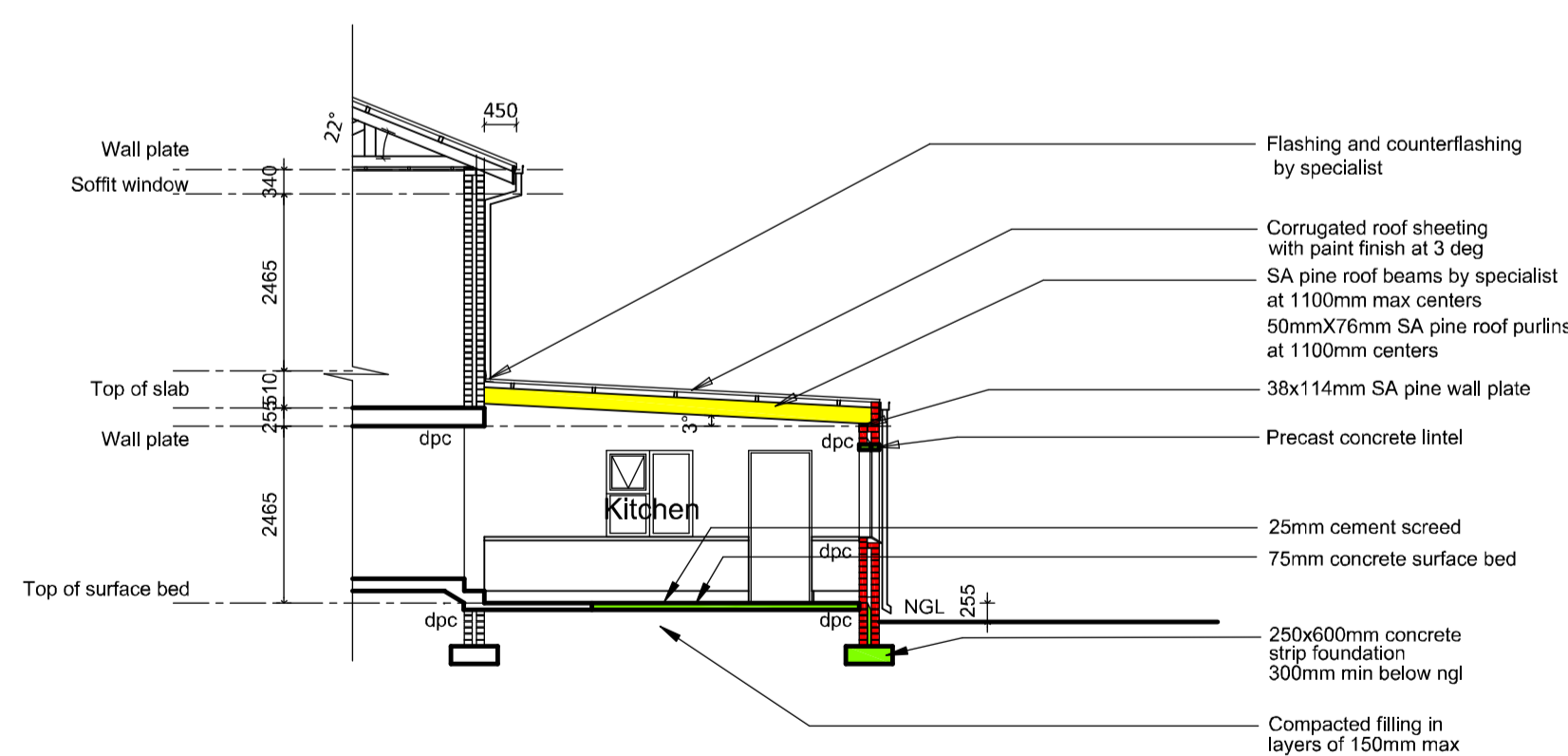


East elevation 1:100

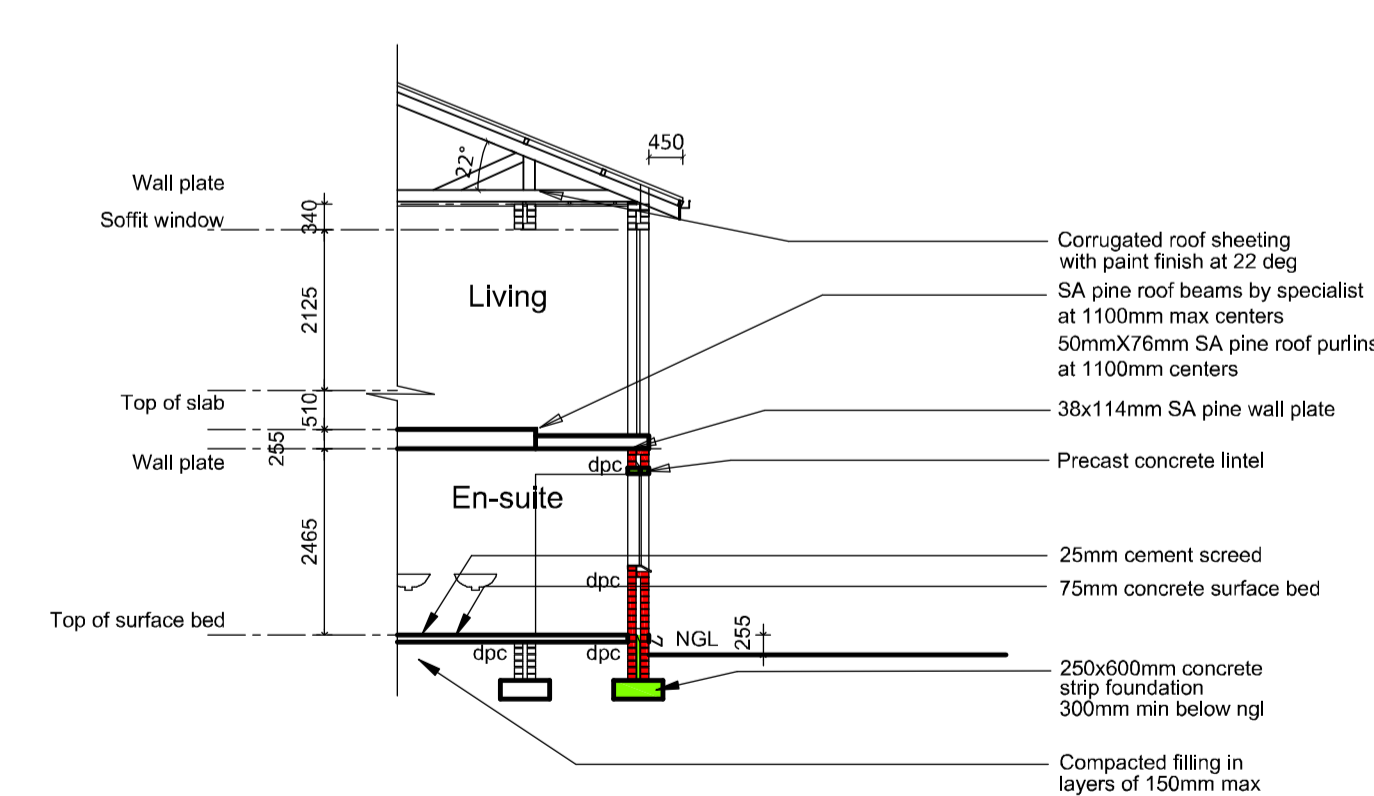
West elevation 1:100



Section A-A 1:100



Section B-B 1:100



Section C-C 1:100

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Gideon	5846	11 Mar 2025	A

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