



## ERF 3933, 127 SECOND AVENUE, KLEINMOND: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: JH BLIGNAUT ON BEHALF OF RJ ERASMUS

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 western lateral building line from 2m to 0m to accommodate the existing garage and storeroom and to exceed the 9m restriction of a building on one specific boundary by 4,630mm.
- **departure** in terms of Section 16(2)(b) to relax the eastern lateral building line from 2m to 0,965m to accommodate the existing undercover patio and to exceed the 9m restriction of a building on one specific boundary by 5,030mm.
- **determination of an administrative penalty** in terms of Section 16(2)(q) for unauthorised land use as mentioned above.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town & Spatial Planning, Hermanus and at 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 / [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) on or before **14 March 2025**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Ms. 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 & Spatial Planning Department where a municipal official will assist them in order to formalize their comment.

## ERF 3933, TWEDELAAN 127, KLEINMOND: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: JH BLIGNAUT NAMENS RJ ERASMUS

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 westelike syboullyn vanaf 2m na 0m te verslap om die bestaande motorhuis en stoorkamer te akkommodeer, en om die 9m beperking van 'n gebou op een spesifieke grens te oorskry met 4,630mm.
- **Afwyking** ingevolge Artikel 16(2)(b) om die oostelike syboullyn vanaf 2m na 0,965m te verslap om die bestaande onderdak patio te akkommodeer, en om die 9m beperking van 'n gebou op een spesifieke grens te oorskry met 5,030mm.
- **Bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) vir ongemagtigde grondgebruik soos hierbo genoem.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stads- en Streekbeplanning, 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 / [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) voor of op **14 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 **Me. H van der Stoep** 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: Stads- en Streekbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

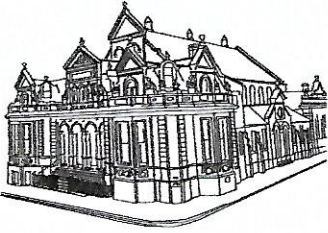
## ISIZA 3933,127, SECOND AVENUE, KLEINMOND: ISICELO SOPHAMBUKO KUNYE NOKUMISELWA KWESOHLWAYO SOLAWULO: JB BLIGNAUT EGAMENI LIA RJ ERASMUS

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

- **Uphambuko** ngokwecandelo 16(2)(b) ukunyenysiswa komda wesakhiwo esibucala ukusuka 2mitha ukuya 0mitha ukulungiselela igaraji ekhoyo kunye negumbi lokugcina izinto kunye nokugqithisa kumlinganiselo we 9mitha othintelweyo kwisakhiwo ukuphela kwi 4,630 milimitha..
- **Uphambuko** ngokwecandelo 16(2)(b) ukunyenysiswa umda wesakhiwo bucala ukusuka ku 2mitha ukuya 0,965 mitha ukulungiselela indawo yomthunzi ekhoyo kunye nokugqithisa kwisithintelo sika 9mitha kwisakhiwo esingenakugqitha ku5,030milimitha.
- **Ukumisewa kwesohlwayo solawulo** ngokwecandelo le 16(2)(q) ukusetyenziswa komhlaba ngokungagunyaziswanga ngenjoba 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, 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, Hermanus / [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) ngomhla okanye ngaphambi komhla wama-**14 uMatshi 2025**, uchaze igama lakho, idilesi kunye neenkukacha zoqhagamshelwano, umdla 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.





# **J H BLIGNAUT**

## **PROFESIONELE SENIOR ARGITEKSTEGNOLOOG**

VYFDELAAN 107  
KLEINMOND  
7195  
TEL. 082 732 2732  
FAKS 086 502 2456  
E-POS [janblignaut@axxess.co.za](mailto:janblignaut@axxess.co.za)

REGISTRASIE NR. ST2385

107 FIFTH AVENUE  
KLEINMOND  
7195  
TEL. 082 732 2732  
FAX 086 502 2456  
EMAIL [janblignaut@axxess.co.za](mailto:janblignaut@axxess.co.za)

10 September 2024

The Area Manager  
Overstrand Municipality  
Private Bag X3  
Kleinmond  
7195

Dear Sir

**MOTIVATION FOR THE DEPARTURE APPLICATION - ERF 3933, 127 SECOND AVENUE, KLEINMOND.**

The approved plan dated 20214.11.03 of Erf 3933, Kleinmond, shows the garage and store room at a distance of 10,97 metres along the western boundary. A previous owner of Erf 3933, Ms. Maksie Liebenberg, extended the garage to line up with the front facade of the other garage entrance and the main dwelling. The total length of the garage and store room on the western boundary is now 13,63 metres.

The previous owner, Ms. Liebenberg, also built columns with a roof over the approved patio on the eastern side of the dwelling. The new roof is extending over the 2,0 metre lateral building line by 1,035mm.

The new owner of Erf 3933, Mr. Raymond Erasmus, wants to get proper approval for all the structures on his property.

We apply for a departure: (1) for the additional area of the garage over the lateral building line. (2) For the full length of the garage and store room that exceeds the allowed 9,0metre restriction over the 2,0 metre lateral building line on the western side by 4,63 metres.

(3) To encroach the 2,0 metre lateral building line on the eastern side by 1,035 metres with a roof over an open patio, and (4) for a total distance of 14,03 metres that exceeds the allowed 9,0 metre restriction by 5,03 metres.

The changes to the dwelling have improved the aesthetics of the dwelling. The garage entrances that now lines up with street front of the dwelling makes the elevation less busy and more pleasing. The roof on the eastern side is not very noticeable and should not offend anybody, at the same time it provides a better connection between the house and the outside.

### **DEVELOPMENT**

The property forms part of the existing urban development of Kleinmond. It is serviced by the existing road network, and other infrastructure. No additional traffic will be created.

### **CHARACTER OF THE ENVIRONMENT**

The changes to the property are compatible with the development of the surrounding area.

The accommodation density remains the same. There are no historical architectural or conservation worthy properties in the immediate area. The development will have a minimum affect to the privacy of the neighbours, and the street scenes.

#### DESIRABILITY OF THE PROPOSED UTILISATION

The property will only be used as a domestic dwelling which is in line with the zoning applicable to the property.

#### OTHER LAWS WHICH ARE RELEVANT TO THE CONSIDERATION OF THE APPLICATION

We believe that the development does not involve other laws.

#### THE IMPACT ON MUNICIPAL ENGINEERING SERVICES

The structure should have no effect on engineering services.

#### CONSIDERATION OF FORWARD PLANNING AND LAND USE DOCUMENTS

The structure has no effect on forward planning and land use.

#### PLANNING PRINCIPLES

The structure should have little or no effect on the policies, principles of planning, development norms and criteria.

I believe the development will help to optimise the use of space, energy, infrastructure, resources and land. It also contributes to spatial resilience where it refers to the requirement for flexibility in spatial plans, policies and land use management systems to ensure sustainable livelihoods in communities.

On behalf of Raymond Erasmus.

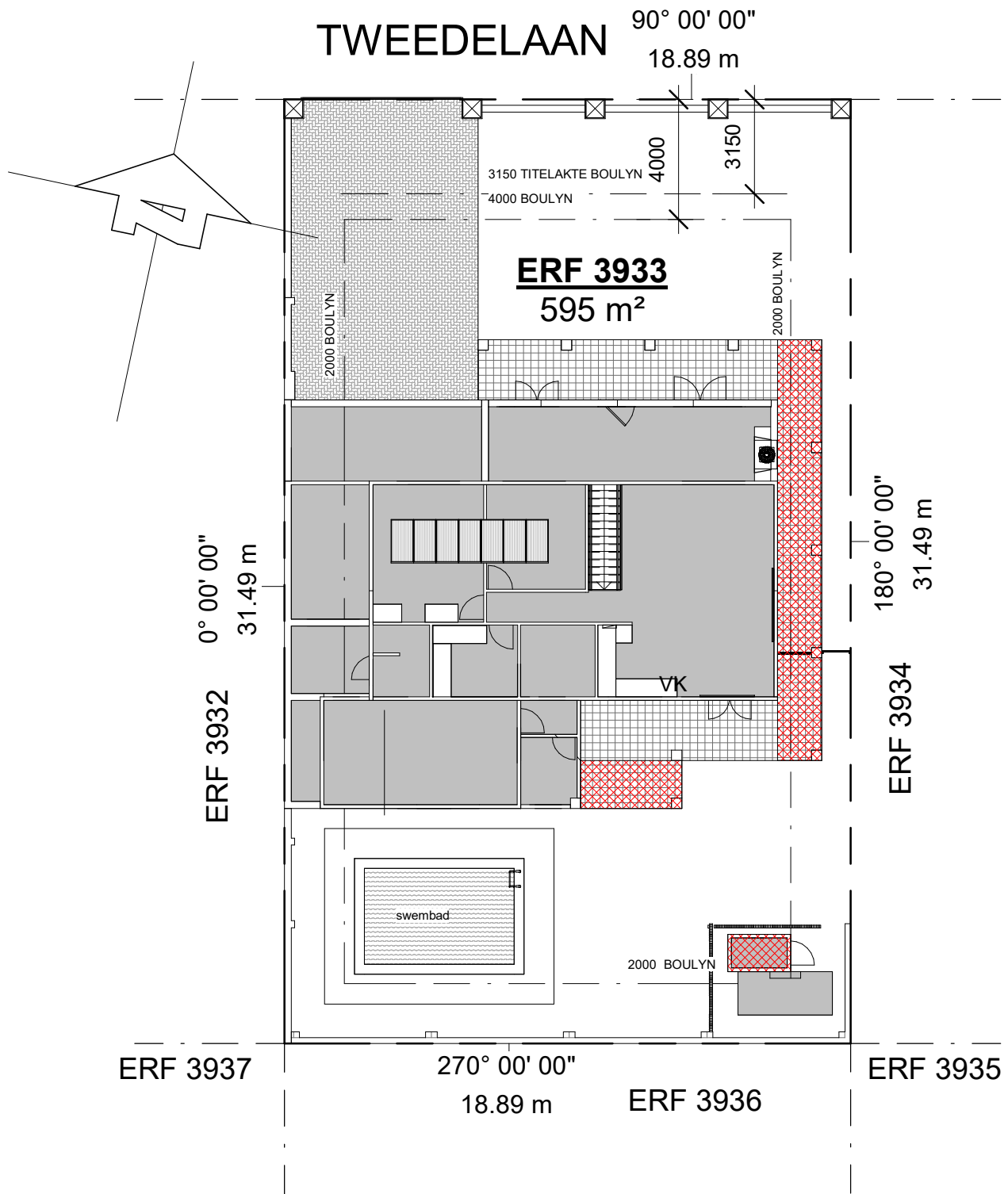
Yours sincerely



**JH Blignaut** – Professional Senior Architectural Technologist – ST2385







**TERREINPLAN - A3**  
1 : 200



**NOORDAANSIG - A3**  
1 : 100



**SUIDAANSIG - A3**  
1 : 100

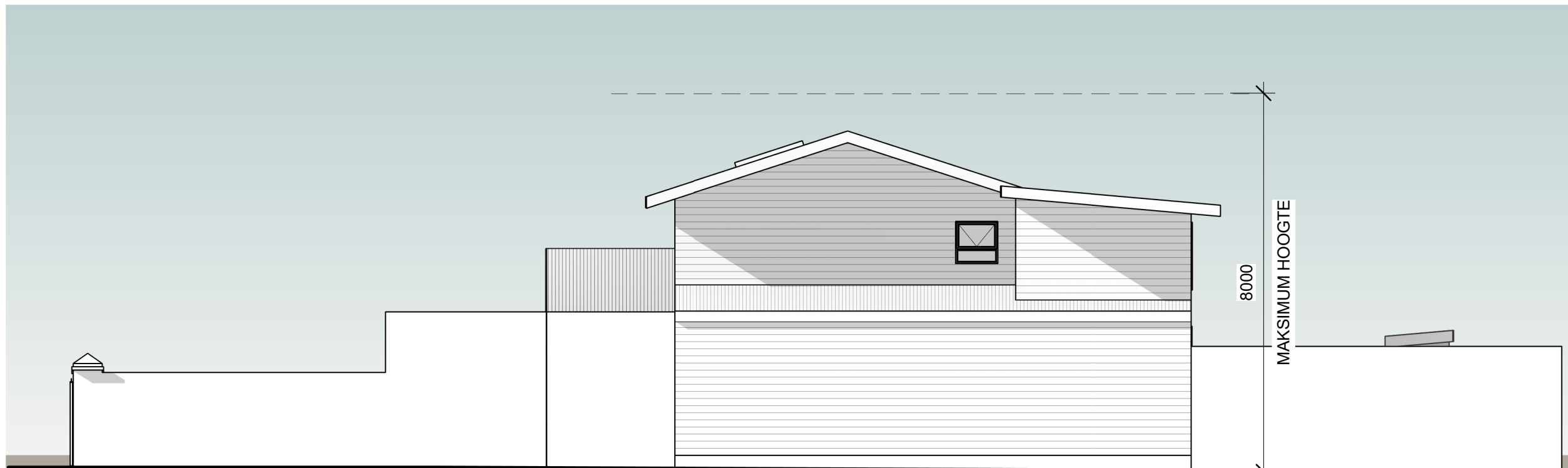
PROF. SENIOR ARGITEKSTEGNOLOOG  
**J H B LIGNAUT**  
KUSWEG 42  
KLEINMOND  
7195

SAARP REG. NR. ST2385  
SELFOON 082 7322732  
TELEFOON 028 2713796  
EPOS janbignaut@axxess.co.za

No.	Description	Date

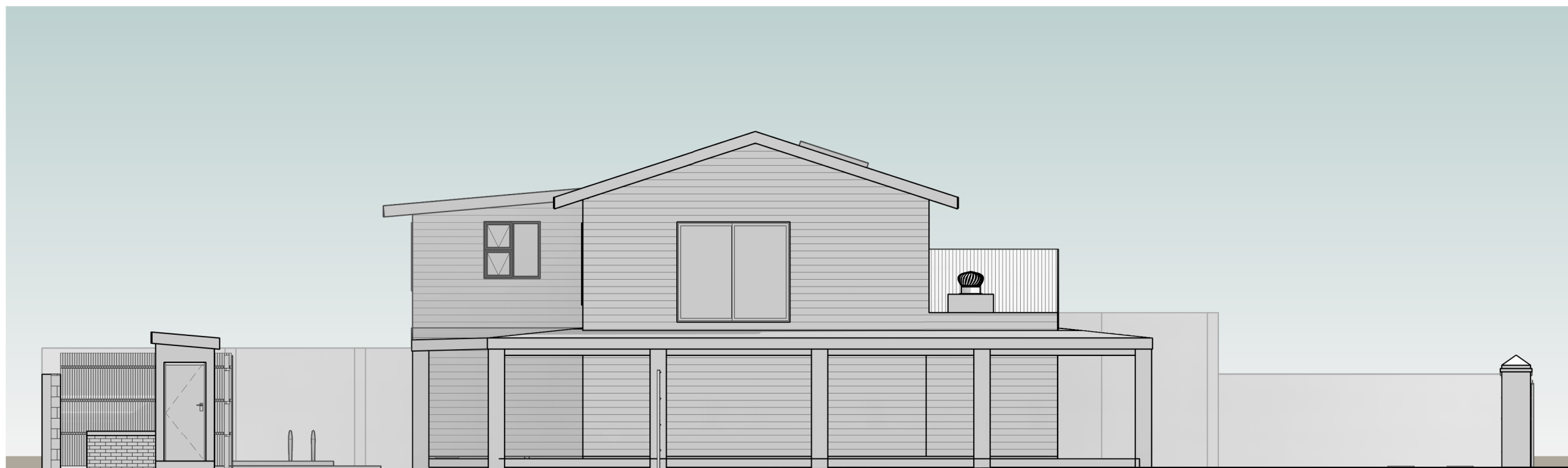
VERANDERINGE AAN WOONHUIS  
VIR RAYMOND ERASMUS

TERREINPLAN		09	Skaal	As indicated
Projeknommer	G0016			
Datum	2024.07.17			
Geteken deur	JHB			
Nagesien deur	JHB			



**WESAANSIG - A3**

1 : 100



**OOSAANSIG - A3**

1 : 100

PROF. SENIOR ARGITEKSTEGNOLOOG

SAARP REG. NR. ST2385

**J H BLIGNAUT**

KUSWEG 42  
KLEINMOND  
7195

SELFOON 082 7322732  
TELEFOON 028 2713796  
EPOS janblignaut@axxess.co.za

No.	Description	Date

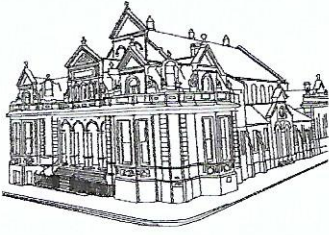
VERANDERINGE AAN WOONHUIS  
VIR RAYMOND ERASMUS

**AANSIGTE**

Projeknommer	G0016
Datum	2024.07.17
Geteken deur	Author
Nagesien deur	Checker

10

1 : 100



# J H BLIGNAUT

**PROFESIONELE SENIOR ARGITEKSTEGNOLOOG**

VYFDELAAN 107  
KLEINMOND  
7195  
TEL. 082 732 2732  
FAKS 086 502 2456  
E-POS [janblignaut@axxess.co.za](mailto:janblignaut@axxess.co.za)

REGISTRASIE NR. ST2385

107 FIFTH AVENUE  
KLEINMOND  
7195  
TEL. 082 732 2732  
FAX 086 502 2456  
EMAIL [janblignaut@axxess.co.za](mailto:janblignaut@axxess.co.za)

28 November 2024

The Area Manager  
Overstrand Municipality  
Private Bag X3  
Kleinmond  
7195

Dear Sir

MOTIVATION ADMINISTRATIVE PENALTY - ERF 3933, 127 SECOND AVENUE,  
KLEINMOND.

I refer to your letter to me dated 9 October 2024 requesting additional information.

In my motivation for the administrative penalty dated 9 September 2024 it was clearly stated that the structures in question were already built in September 2018. See the sentences marked in red on the copy of my letter of 9 September attached.

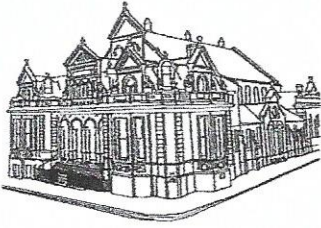
Together with the documents sent to the town planning department on 10 September 2024 a copy with photographs of the before, and buildings already existing in September 2018 was sent to you.

In answer you your request. Yes, the building work in question has been completed in 2018 already by Ms. Liebenberg a before last owner.

Yours sincerely

**JH Blignaut**

Professional Senior Architectural Technologist – ST2385



# J H BLIGNAUT

## PROFESIONELE SENIOR ARGITEKSTEGNOLOOG

VYFDELAAN 107  
KLEINMOND  
7195  
TEL. 082 732 2732  
FAKS 086 502 2456  
E-POS [janblignaut@axxess.co.za](mailto:janblignaut@axxess.co.za)

REGISTRASIE NR. ST2385

107 FIFTH AVENUE  
KLEINMOND  
7195  
TEL. 082 732 2732  
FAX 086 502 2456  
EMAIL [janblignaut@axxess.co.za](mailto:janblignaut@axxess.co.za)

9 September 2024

The Area Manager  
Overstrand Municipality  
Private Bag X3  
Kleinmond  
7195

Dear Sir

MOTIVATION ADMINISTRATIVE PENALTY - ERF 3933, 127 SECOND AVENUE,  
KLEINMOND.

### **Nature, duration, gravity and extent:**

The existing approved drawings of Erf 3933, Kleinmond are dated 3 November 2014. In September 2018 the then owner Ms. Maksie Liebenberg of Erf 3933 submitted drawings to the municipality showing the deviations from the approved drawings that had already been built at that time. On the 25 February 2019 a town planning application (reference number 2963/2019) was submitted by Ms. Liebenberg to get approval for the deviations from the approved plan. For unknown reasons Ms. Liebenberg decided not to proceed with the applications for approval. There were four items that had already been built in September 2018 that required approval. (1) The store room that was fitted out as a bathroom against the western property boundary. (2) The second garage on the western boundary that was extended to line up with the other garage front. (3) The open stoep that was provided with columns and a roof over the eastern side building line. (4) A braai chimney in the south eastern corner.

The braai chimney has been removed, only the slab is still remaining. The structure is no longer used as a braai. At the moment it conforms to the town planning regulations.

Ms Maksie Liebenberg sold the property to Mr. Helgaard Petrus Marais. Mr. Raymond Johannes Erasmus became the owner of Erf 3933, Kleinmond on 23 June 2023. Mr. Erasmus started the process to get approval for the structures on the property.

The bathroom is being converted to a store room as per the approved drawing. Mr. Erasmus would like to keep the garage as it is, as well as the roof over the open stoep.

### **The conduct of the persons involved:**

We do not know what the motivation was for Ms. Liebenberg to make the changes to the approved plan without getting municipal approval beforehand. We do not know if Mr. Marais tried to get approval for the building work not conforming to the approved plan.

### **Quantity surveyor report:**

We shall be submitting a quote from a contractor for the changes to the garage and the pillars and roof over the open stoep.

**Was unlawful conduct stopped?**

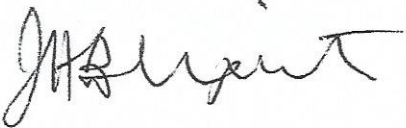
The braai chimney has been removed. The unlawful bathroom will be changed into a store room as previously approved.

**Whether person involved has previously contravened the By-Law?**

We are not aware that Ms. Liebenberg or Mr. Marais has previously contravened the By-law. We are unable to give a satisfactory answer to this question.

On behalf of Mr. Raymond Erasmus.

Yours sincerely

A handwritten signature in black ink, appearing to read 'JH Blignaut', written in a cursive style.

**JH Blignaut – Professional Senior Architectural Technologist – ST2385**



# Huis Liebenberg

Erf 3933, Tweedelaan 127, Kleinmond

Vergelyking van toe en nou



STRAATAANSIG IN  
2014



SUIDAANSIG IN 2014

NOORDAANSIG VAN HUIS  
EN MOTORHUIS IN 2014



NOORDAANSIG 2018

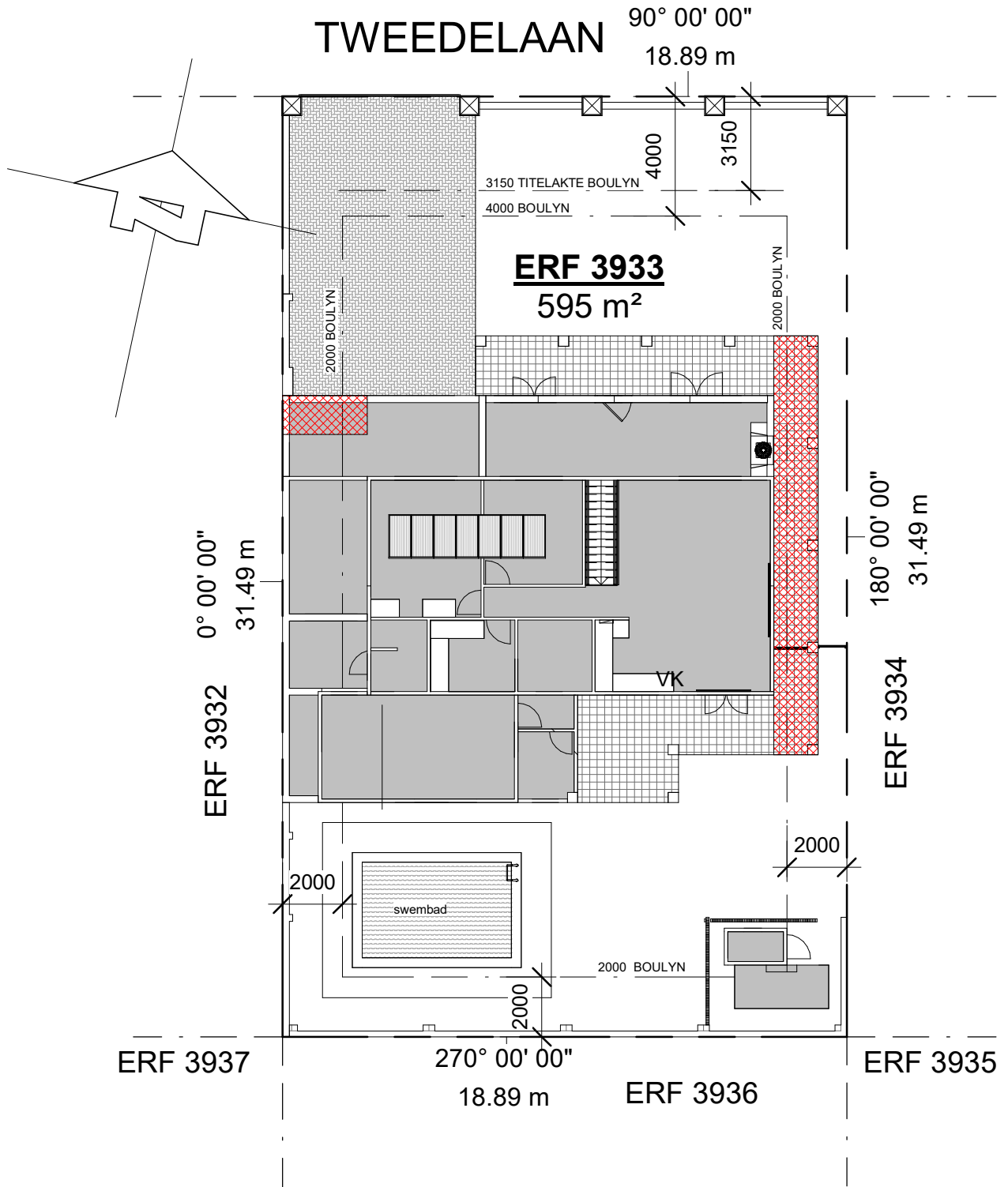


NOORDAANSIG VAN  
MOTORHUIS IN 2018



SUIDAANSIG IN 2018  
OPGEKNAPTE BADKAMER  
VERANDA AAN OOSTEKANT





1

# TERREINPLAN 1

1 : 200

PROF. SENIOR ARGITEKSTEGNOLOOG SAARP REG. NR. ST2385

**J H BLIGNAUT**

KUSWEG 42  
KLEINMOND  
7195

SELFOON 082 7322732  
TELEFOON 028 2713796  
EPOS janblignaut@axxess.co.za

VERANDERINGE AAN  
WOONHUIS

VIR RAYMOND  
ERASMUS

TERREINPLAN - ADMIN. BOETE

Projektnommer G0016

Datum 2024.07.17

Geteken deur JHB

Nagesien deur JHB

11

Skaal 1 : 200