



ERF 4093, 108 SECOND AVENUE, KLEINMOND: APPLICATION FOR DEPARTURE: J DOUGLAS ON BEHALF OF M SCHWAR

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 a **departure** in terms of Section 16(2)(b) to relax the rear and lateral building lines from 2m to 0m respectively to accommodate a proposed new garage and to exceed the 9m restriction of a building on one specific boundary to 11m on the northern lateral side of the property.

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) on or before **20 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 4093, TWEDELAAN 108, KLEINMOND: AANSOEK OM AFWYKING: J DOUGLAS NAMENS M SCHWAR

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 dat 'n aansoek ontvang is vir 'n **afwyking** ingevolge Artikel 16(2)(b) om die agter- en syboulyne onderskeidelik vanaf 2m na 0m te verslap om 'n voorgestelde nuwe motorhuis te akkommodeer, en om die 9m beperking van 'n gebou op een spesifieke grens te oorskry tot 11m aan die noordelike sykant van die eiendom.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende wekedae 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) voor of op **20 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 4093, 108 SECOND AVENUE, E-KLEINMOND: ISICELO SOPHAMBUKO: J DOUGLAS EGAMENI LIKA- M SCHWAR

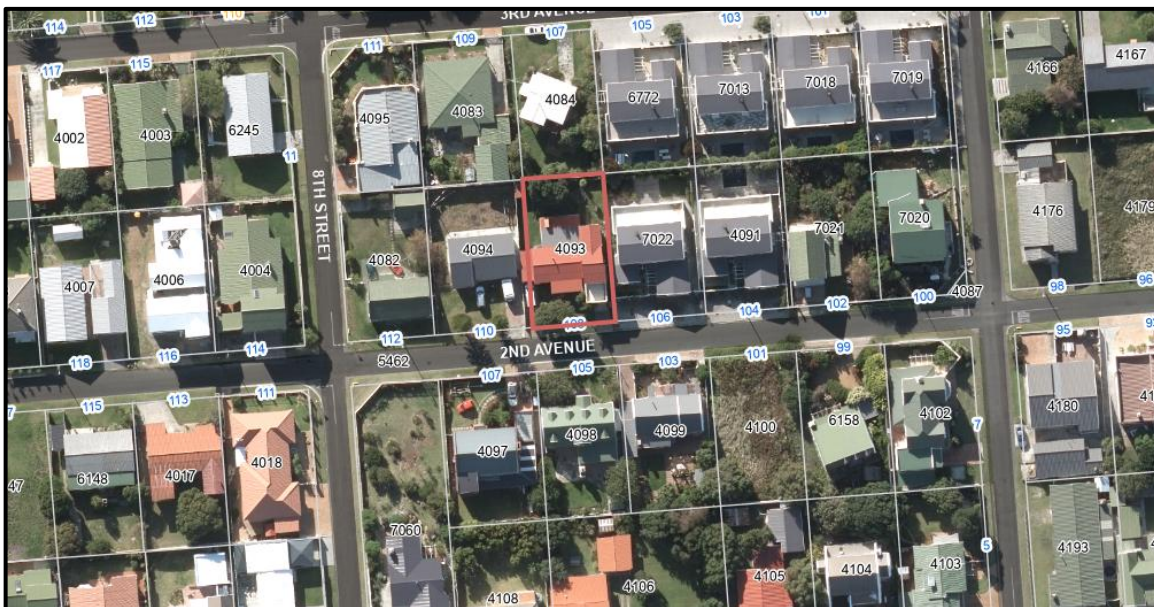
Isaziso sinikezelwa ngokwemiqathango yeCandelo 48 loMthetho kaMasipala oLungisiweyo woMasipala wase-Overstrand ongoCwangciso lokuSetyenziswa koMhlaba kaMasipala, 2020 sokuba isicelo sifunyenwe **sophambuko** ngokwemiqathango yeCandelo 16(2)(b) sokunyeniswa komda wesakhiwo ngasemva kunye nasecaleni ukusuka kwi 2 mitha ukuya ku 0 mitha ngokulandelelanayo ukulungiselela isiphakamiso se garaji entsha kunye nogqithiso kwisithintelo esingu 9 mitha kwisakhiwo kumda othile ukuya ku 11 mitha kwicala elingentla ecaleni kwi propati.

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, 5th 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) ngomhla okanye ngaphambi komhla wama-**20 eYokwindla 2025**, uchaze igama lakho, idilesi kunye neenkukacha zohagamshekwano, umdla kwisicelo kunye nezizathu zezimvo. Imibuzo ngomnxeba ingenziwa kuMwangcisi 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.



ERF 4093 KLEINMOND

MOTIVATIONAL REPORT: APPLICATION FOR DEPARTURE



ABSTRACT

Application for departure in order to accommodate a garage.

Application By: Jeane Douglas

Compiled for: Marlize Schwar

Table of Contents:

1. Background.....	1
2. Application.....	1
3. Locality.....	1
4. Land Use Environment	2
5. Land Use Scheme Parameters.....	3
6. Title Deed.....	3
7. Engineering Services	3
8. Policies and Regulations	3
Overstrand Municipal Spatial Development Framework, 2020 (MSDF).....	3
9. Planning Principles	4
Spatial Planning and Land Use Management Acr,2013 (Act 16 of 2013) (SPLUMA).....	4
10. Need and Desirability	5
11. Recommendations.....	6
APPENDIX A- APPLICATION FORM.....	7
APPENDIX B- POWER OF ATTORNEY	8
APPENDIX C- SITE DEVELOPMENT PLAN	9
APPENDIX D- SURROUNDING ZONING	10
APPENDIX E- TITLE DEED	11

1. Background

The subject property Erf 4093 is situated in the residential neighbourhood of Kleinmond and is located on along 2nd Avenue with an extent of 595m². According to the zoning map & Overstrand Municipal Land Use Scheme, 2020 the property is zoned as Residential Zone I: Single Residential (SRI). The property currently consists of a dwelling house a carport and a storage room. Access to the subject property is gained from 2nd Avenue.

The property owner submitted building plans to receive approval for a new garage which will include the omission of the existing carport on the western side of the property abutting the existing dwelling house, the existing storage will be omitted to make provision for the new garage. Upon submission of the building plan the proposed garage triggered a departure application as the garage will be more than 9m long and it was requested, that the property owner apply for a departure application for the garage on the northern lateral side of the property.

Jeané Douglas is hereby duly appointed by the property owner (M Schwar) to submit a land use planning application in order to accommodate the proposed garage.

See Appendix-B for the Power of Attorney & Appendix- C for the Site Development Plan

2. Application

The following is proposed:

Application is hereby submitted in terms Section 16 (2)(b) and Section 16 (2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for departure for the following:

- Relaxation of the 9m development parameters in order to accommodate the proposed garage in terms of 16.1.1 (c) (iii) of the Overstrand Municipality Land Use Scheme 2020.
- Relaxation of the rear building line from 2m to 0m, in order to accommodate the new garage.
- Relaxation of the of the lateral building line from 2m to 0m, in order to accommodate the new garage

3. Locality

The subject property is situated within the Overstrand Municipality, located at 108 2nd Avenue, Kleinmond. The location of the property is shown in the figure below.



Figure 1: Locality Map

4. Land Use Environment

The property is situated in the residential neighbourhood of Kleinmond where the predominant use of the area is for residential purposes. The zoning of the subject erf and the surrounding properties are zoned Residential Zone 1: Single Residential Zone (SR1). The zoning in the area is shown below as Figure 2 and Appendix D.

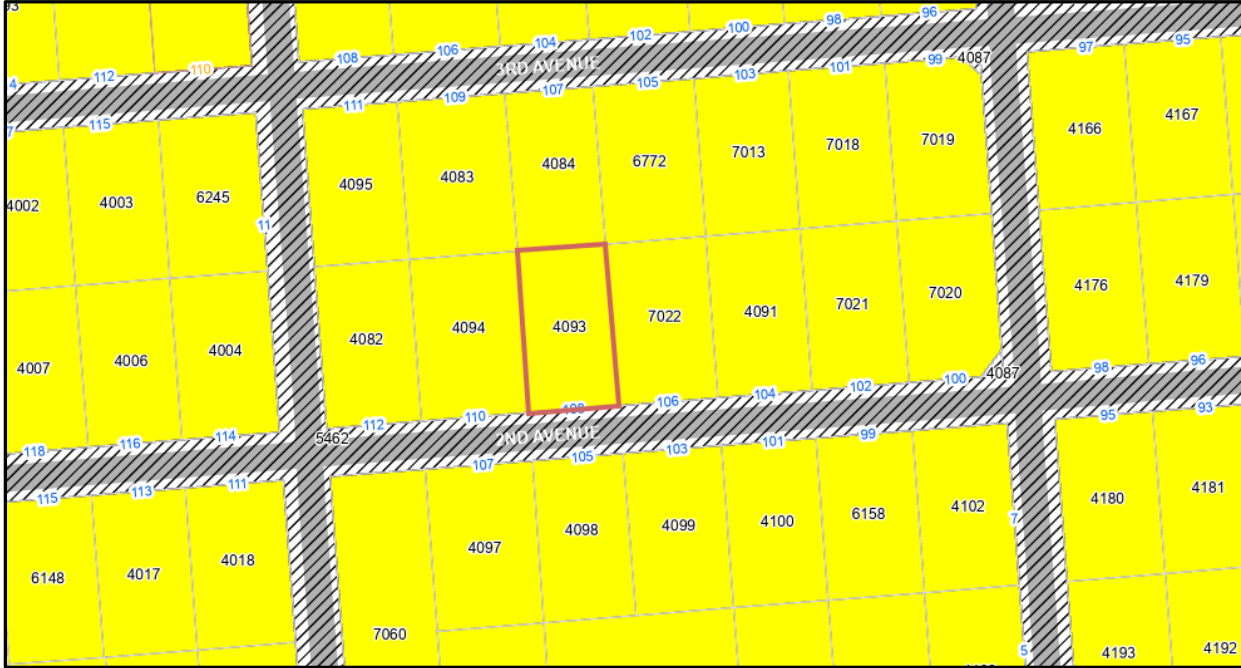


Figure 2: Surrounding Zoning

5. Land Use Scheme Parameters

The property is zoned Residential Zone 1: Single Residential Zone (SR1) in terms of the Overstrand Municipality Land Use Scheme, 2020. The table below indicates the applicable parameters in terms of the zoning and the proposed departure.

Note: The addition of the garage along the lateral boundary requires an increase in the boundary wall to be 2,5m in height due to the fire regulation (fire wall). The planning legislation makes provision for an increase in wall height due to fire safety regulations, therefore it is not a requirement for the departure for the applicable wall height increase.

	Scheme Parameters	Proposed Development	Departure Required
Coverage	50%	44,47%	No
Street Building Line	4m	Not applicable	No
Street Title Deed Building Line	3.15m	Not applicable	No
Western Side Building Line	2m	Encroaching the lateral building line from 2m to 0m	Yes
Eastern Side Building Line	2m	Not applicable	No
Rear Building Line	2m	Encroaching the rear building line from 2m to 0m	Yes
9m Development Restriction	9m	11m	Yes

6. Title Deed

In terms of the Title Deed No T/ 69377/2017, Erf 4093 Kleinmond is registered in the name of (Marlize Schwar) with title deed conditions not restricting the proposed development. The Title Deed is attached hereto as Appendix E.

7. Engineering Services

The subject property is connected to the existing Overstrand Municipality services network which includes electricity, water, sewage, and solid waste. No problems are anticipated.

8. Policies and Regulations

Overstrand Municipal Spatial Development Framework, 2020 (MSDF)

The Municipal Spatial Development Framework is a sectoral component of the IDP that, in terms of the MSA, is aimed at providing general direction to guide decision making on an ongoing basis, aiming at the creation of integrated, sustainable, and habitable regions, cities, towns and residential areas.

The proposed application is located within the urban edge and is indicated as part of the “urban development area”. The proposed addition is a normal residential building associated within a residential neighbourhood. Therefore, the proposal is in line with the SDF since it does not trigger any form of deviation thereof.

[Overstrand Municipality Spatial Growth Management Strategy, 2010 \(OMSGMS\)](#)

The Growth Management Strategy promotes the longer-term sustainability of the municipal area and its sub-regions. The property falls within the planning unit 19 which promotes residential densification.

The proposed garage should be considered in line with the residential nature of the area since the property is already situated within the existing established residential neighbourhood. The proposal should therefore be deemed in line with this forward planning document.

9. Planning Principles

[Spatial Planning and Land Use Management Act, 2013 \(Act 16 of 2013\) \(SPLUMA\)](#)

Section 7 of the "Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)" list 5 development principles based on which any development application must be evaluated.

The principles referred to are as follows:

Spatial Justice

Spatial Justice refers to planning proposals which do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposed addition of a garage will not trigger the principle of spatial justice due to the normal residential nature of the structure. The proposal will therefore not perpetuate spatial justice.

Spatial Sustainability

Spatial sustainability refers to planning proposals which result in communities that are viable. The subject property is not located within any environmentally sensitive area or agriculturally sensitive land. The principle of spatial sustainability is therefore not applicable to the proposed addition of a garage.

Spatial resilience

The proposed addition of the garage is a normal addition to a residential property and is therefore not in conflict with any spatial planning policies or be susceptible to spatial or environmental shocks. The principle of spatial resilience is therefore not applicable to the proposal.

Efficiency

This proposal intends to maximize the utilisation of the resource (being the land) by accommodating a garage which is a normal structure proposed on residential properties. The principle of efficiency is therefore not applicable to the current proposal.

Good administration

The Overstrand Municipality has a credible track record of good administration regarding the method of public participation which invites and accepts comments from the public to make an informed decision as well as complying with the prescribed time frames pertaining to the processing of applications.

10. Need and Desirability

It is the intent of the property owner to erect a double garage on the property. The storage room will be omitted so that there is adequate space for an extended single garage.

In terms of the scheme, there is a 9m development restriction along the lateral building line which is applicable to the subject property along the eastern portion of the property. The rear of the property currently consists of a single carport which includes a storeroom that can only house one vehicle. The property owner decided to remove the storage room and erect an extended single garage so there is adequate parking as well as keeping the vehicle safe especially with the type of weather the area has.

From a town planning perspective, the garage should be considered for approval since a double garage is of a residential nature and would not be a nuisance to surrounding property owners.

With the above-mentioned stated, this proposal is in harmony with all relevant planning principles and forward planning documents and is therefore considered desirable from a town planning point of view.

11. Recommendations

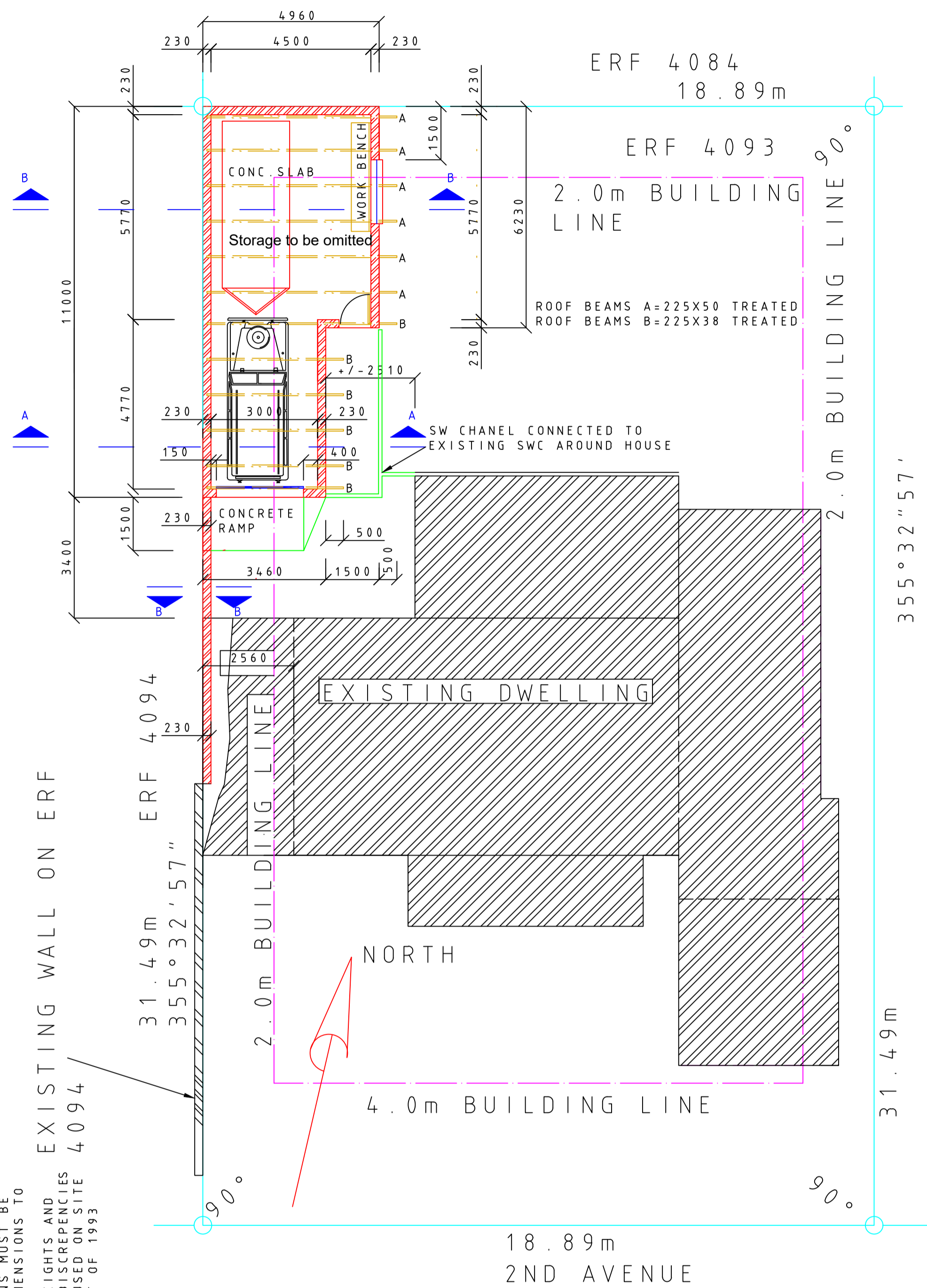
Based on the abovementioned motivation, it is recommended that the following be approved:

Application is hereby submitted in terms Section 16 (2)(b) and Section 16 (2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for departure for the following:

- Relaxation of the 9m development parameters in order to accommodate the proposed garage in terms of 16.1.1 (c) (iii) of the Overstrand Municipality Land Use Scheme 2020.
- Relaxation of the rear building line from 2m to 0m, in order to accommodate the new garage.
- Relaxation of the of the lateral building line from 2m to 0m, in order to accommodate the new garage.

WHERE APPLICABLE, ALL CIVIL AND STRUCTURAL DESIGNS MUST BE CERTIFIED BY A PROFESSIONAL ENGINEER. FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALING. THE CONTRACTOR MUST CONTROL ALL MEASUREMENTS, HEIGHTS AND AREAS ON SITE BEFORE ANY WORK CAN COMMENCE. ANY DISCREPANCIES MUST BE REPORTED TO THE DESIGNER. ANY MACHINERY USED ON SITE MUST CONFORM WITH THE OCCUPATIONAL AND SAFETY ACT OF 1993 AND ANY ADDITIONS TO THAT ACT.

EXISTING WALL ON ERF 4094

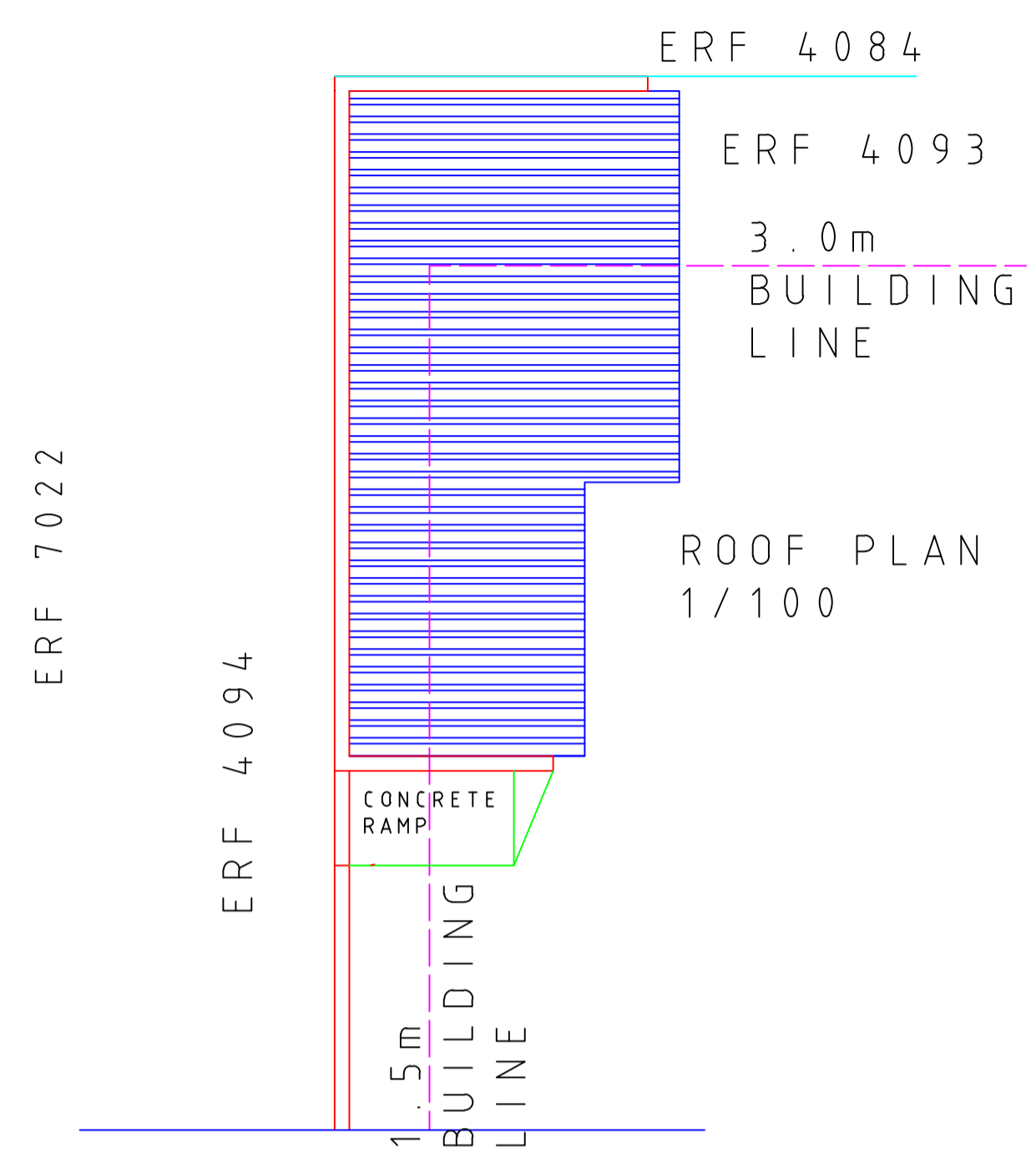


355° 32' 57"

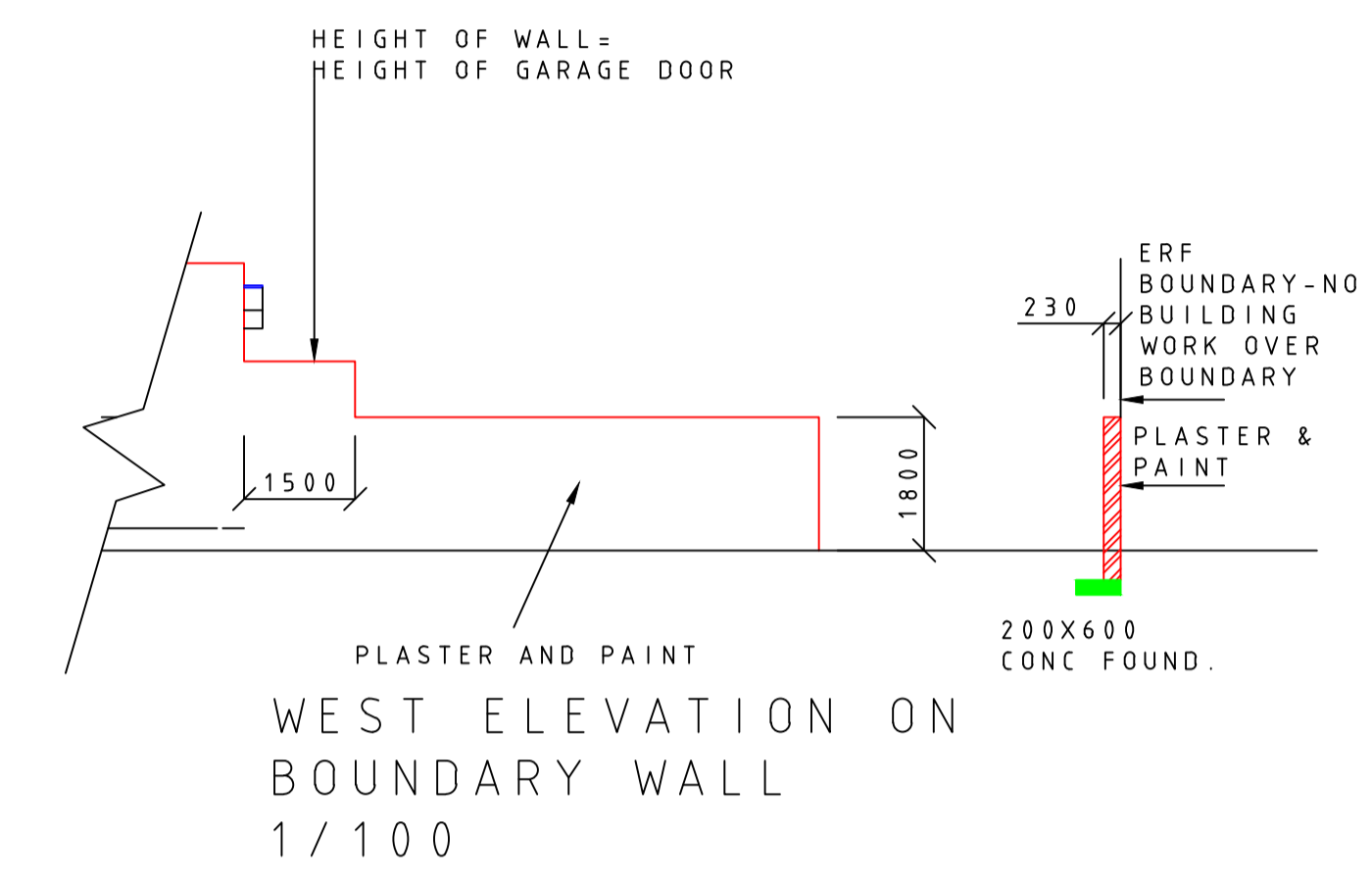
ERF 7022

31.49m

18.89m
2ND AVENUE

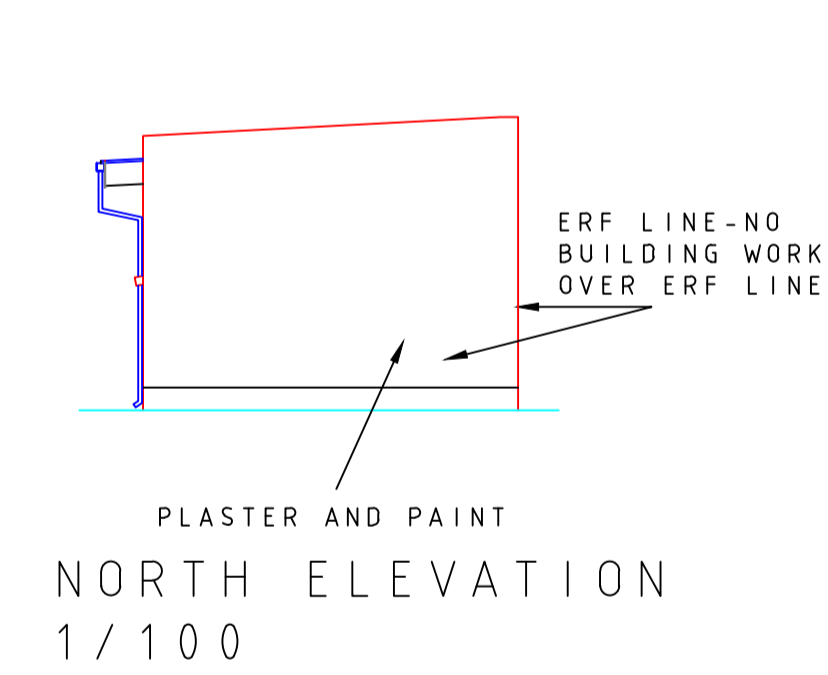


ROOF PLAN
1/100

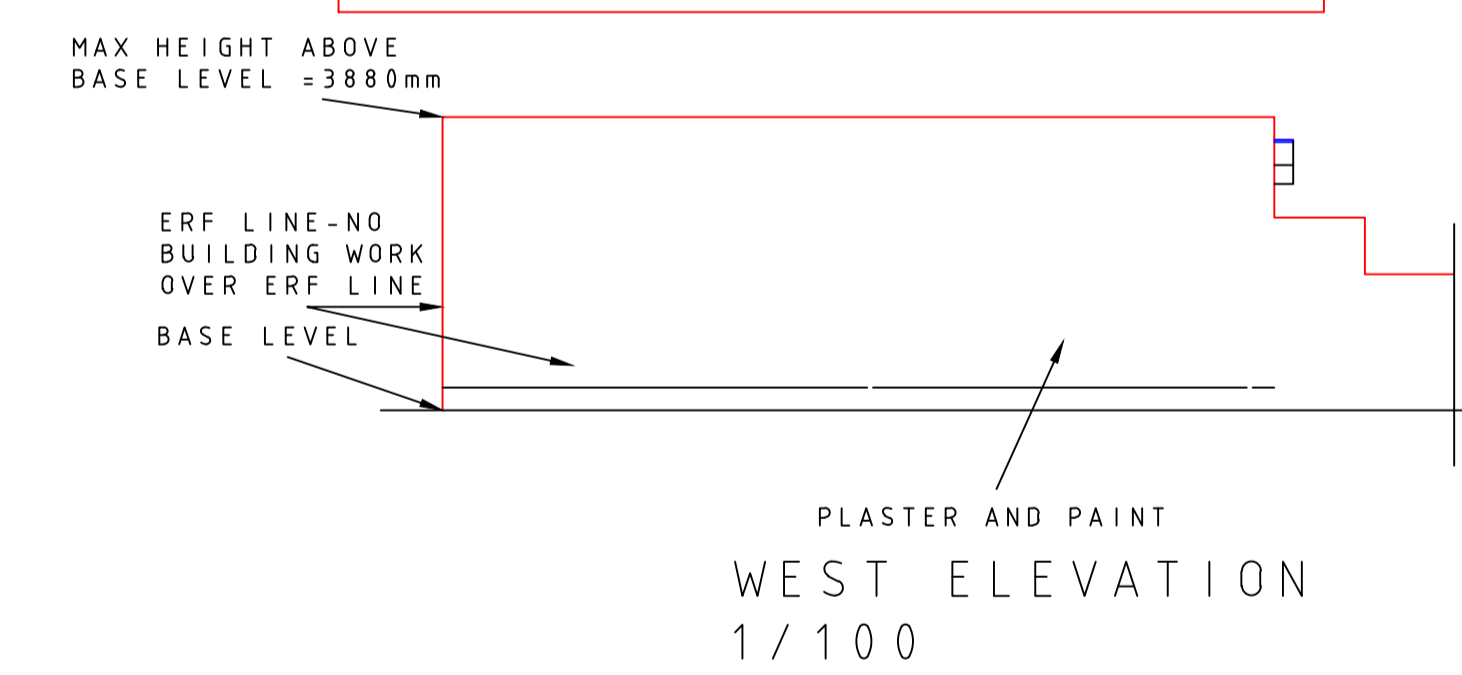


WEST ELEVATION ON
BOUNDARY WALL
1/100

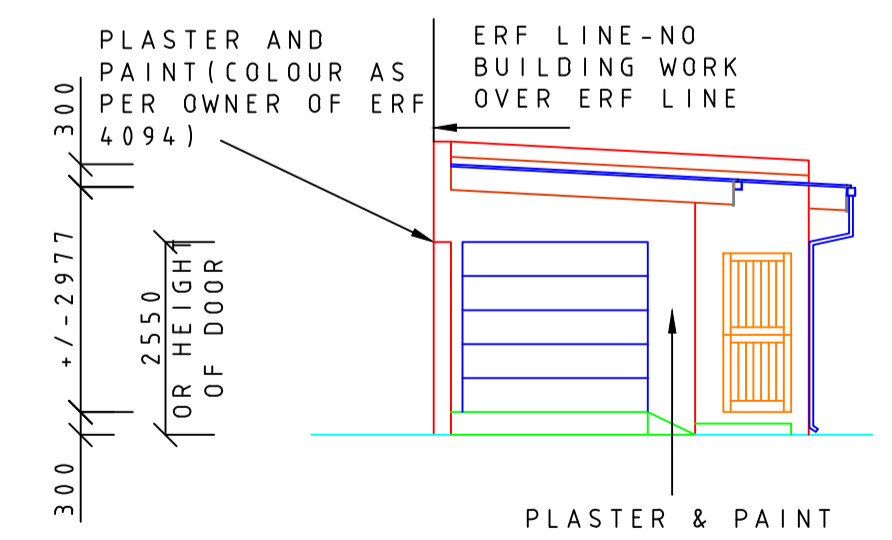
AREA ERF	= 594.94m ²
AREA EXIST.	= 198.64m ²
NEW GARAGE	= 47.40m ²
NEW WALL	= 18.53m ²
TOTAL ON ERF	= 264.57m ²
%FOOTPRINT	= 44.47%



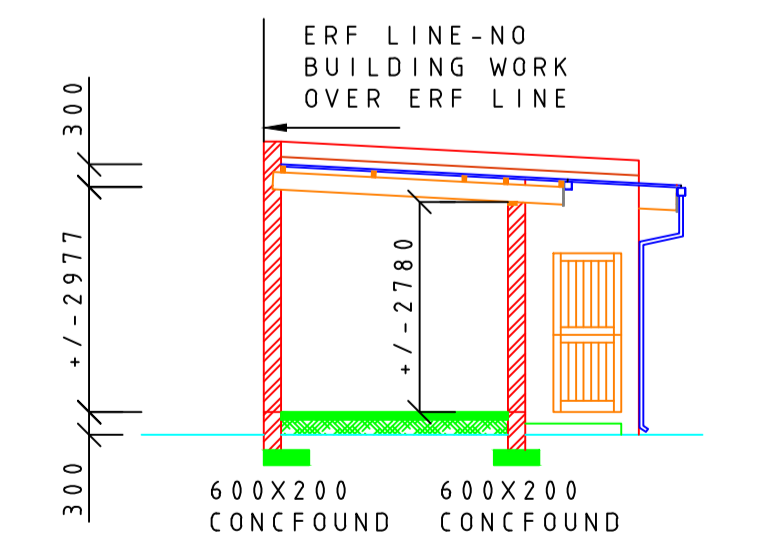
NORTH ELEVATION
1/100



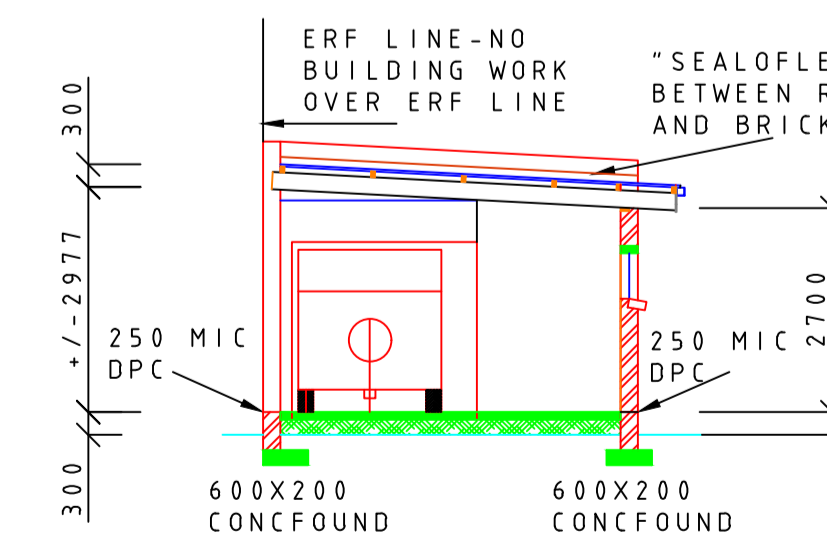
WEST ELEVATION
1/100



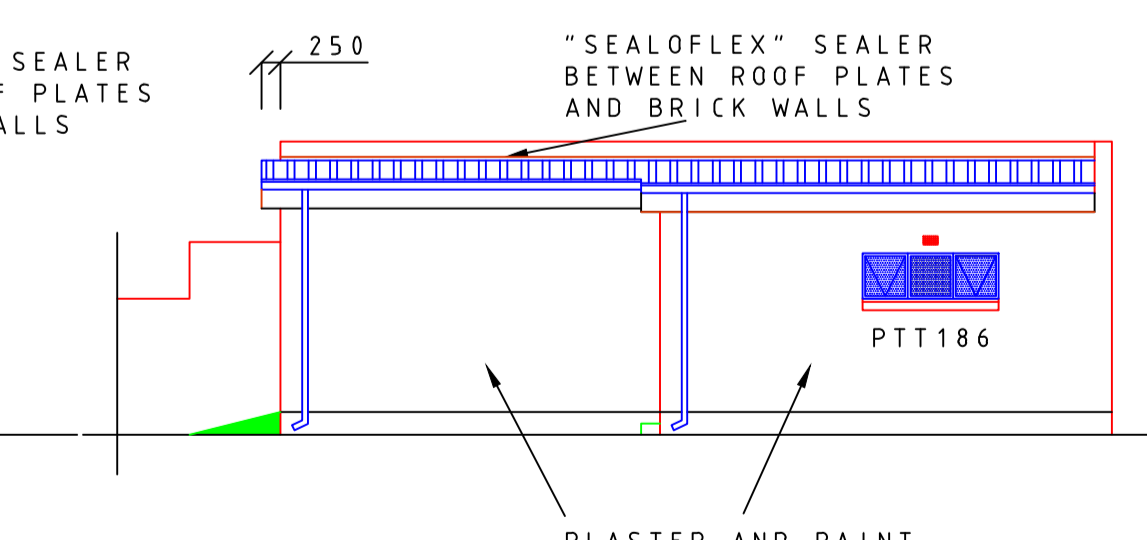
SOUTH ELEVATION
1/100



SECTION A-A
1/100



SECTION B-B
1/100



EAST ELEVATION
1/100

GENERAL NOTES;
ALL BUILDING WORK MUST COMPLY WITH NATIONAL BUILDING REGULATIONS, BYLAWS AND LOCAL REGULATIONS.

- 01) ROOF CONSTRUCTION -SANS10400-L
- 02) WALL CONSTRUCTION -SANS10400-K
- 03) FLOOR CONSTRUCTION -SANS10400-J
- 04) EXCAVATIONS -SANS10400-G
- 05) DIMENSIONS -SANS10400-C
- 06) PUBLIC SAFETY -SANS10400-D
- 07) SITE OPERATIONS -SANS10400-F
- 08) STAIRWAYS -SANS10400-M
- 09) GLAZING -SANS10400-N
- 10) LIGHTING AND VENTILATION -SANS10400-O
- 11) DRAINAGE -SANS10400-P
- 12) STORM WATER DISPOSAL -SANS10400-R

13) THE BUILDER MUST CONTROL ALL MEASUREMENTS, AREAS AND HEIGHTS BEFORE WORK CAN BEGIN. ANY DISCREPANCIES MUST BE REPORTED TO THE DESIGNER BEFORE WORK CAN BEGIN.

14) USE WRITTEN DIMENSIONS. DO NOT SCALE THE DRAWINGS.

15) APPROVED DAMP COARSE MATERIAL TO BE USED UNDER WALLS AT FLOOR LEVELS, UNDER ALL WINDOW LEVELS AND CHANGES TO FLOOR LEVELS.

16) THE DESIGN OF THIS DRAWING IS THE PROPERTY OF MICHEL REZE PROJECTS AND CONTAINS INFORMATION PROPRIETARY TO MICHEL REZE PROJECTS. ACCORDINGLY THIS DRAWING IS FURNISHED WITH THE CONDITION THAT IT, AND THE INFORMATION CONTAINED IN IT, WILL BE MAINTAINED IN THE STRICTEST CONFIDENCE AND ON THE UNDERSTANDING THAT IT WILL NOT BE REPRODUCED OR COPIED IN PART OR IN WHOLE, NOR SHOWN OR ANY CONTENTS DEVOLVED TO A THIRD PARTY, WITHOUT THE PRIOR WRITTEN APPROVAL OF MICHEL REZE PROJECTS, NOR IN ANY WAY USED TO THE DETRIMENT OF MICHEL REZE PROJECTS.

BUILDING NOTES
ALL EXCAVATIONS IN SOLID GROUND

CONCRETE: 1 PART CEMENT TO 4 PARTS FINE AGGREGATE TO 5 PARTS ROUGH AGGREGATE WITH PRESSURE STRENGTH OF AT LEAST 10MPa AFTER 28 DAYS.

TIMBER: ALL TIMBER USED TO BE TREATED AND TO BE GRADE 5

MORTAR: 1 PART CEMENT TO 5 PART FINE AGGREGATE TO 1/2 PART BUILDING LIME.

PLASTER: 1 PART CEMENT TO 1 PART BUILDING LIME TO 5 PARTS FINE AGGREGATE.

ROOF DETAIL:
A2200 LONGSPAN ROOF SHEETS FIXED ON 75X50 PURLINS CTC 1200 MAX ON 225X50 FOR "A" AND 225X38 FOR "B" BEAMS CTC 1000 MAX (SEE DETAIL NEXT TO PLAN OF GARAGE).
BEAMS ARE BUILT INTO WESTERN WALL AND SUPPORTED ON EASTERN WALLS ON 114X38 WALL PLATE ANCHORED 600mm DEEP INTO WALLS WITH 30mm GALVANISED STEEL STRAPS WHERE BEAMS ARE BUILT INTO WALLS FIX 250 micron DPC AROUND BEAMS WHERE THEY MAKE CONTACT WITH THE MASONRY. WHERE THE ROOF SHEETS ABUT THE PARAPET WALLS, SEALOFLEX MUST BE USED TO SEAL THE CONNECTION.

MR MICHEL REZE PROJECTS
5 LORRAINE STREET PORT OWEN
7365
TEL 0712031761

DATE	SCALE	DRAWING No.	FINAL PLAN
20240601	1/100	20241016	

TITLE: PROPOSED NEW GARAGE AND BOUNDARY WALL ON ERF 4093 KLEINMOND FOR MRS SCHWAR