



ERF 4401, 52 FOURTH AVENUE, KLEINMOND: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: SCHOONRAAD ARCHITECTS ON BEHALF OF THE TRUSTEES FOR THE TIME BEING OF FERDIE EN ESTELLE COLYN TRUST

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 lateral building line from 2m to 0,8m and the rear building line from 2m to 1,8m to accommodate the existing storage shed.
- **departure** in terms of Section 16(2)(b) to exceed the 9m restriction of a building on one specific boundary to 13,956m.
- **determination of an administrative penalty** in terms of Section 16(2)(q) for unauthorised building line encroachments on 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, 5th 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 **4 October 2024**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to the Senior Town Planner, **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 to formalize their comment.

ERF 4401, VIERDELAAN 52, KLEINMOND: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: SCHOONRAAD ARGITEKTE NAMENS DIE TRUSTEES VIR TYD EN WYL VAN FERDIE EN ESTELLE COLYN TRUST

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 syboullyn te verslap vanaf 2m na 0,8m en die agterboullyn vanaf 2m na 1,8m om die bestaande stoor te akkommodeer.
- **afwyking** ingevolge Artikel 16(2)(b) om die 9m beperking van 'n struktuur op een spesifieke grenslyn te oorskry tot 13,956m.
- **bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) vir ongemagtigde boulynoorskreidings op die eiendom.

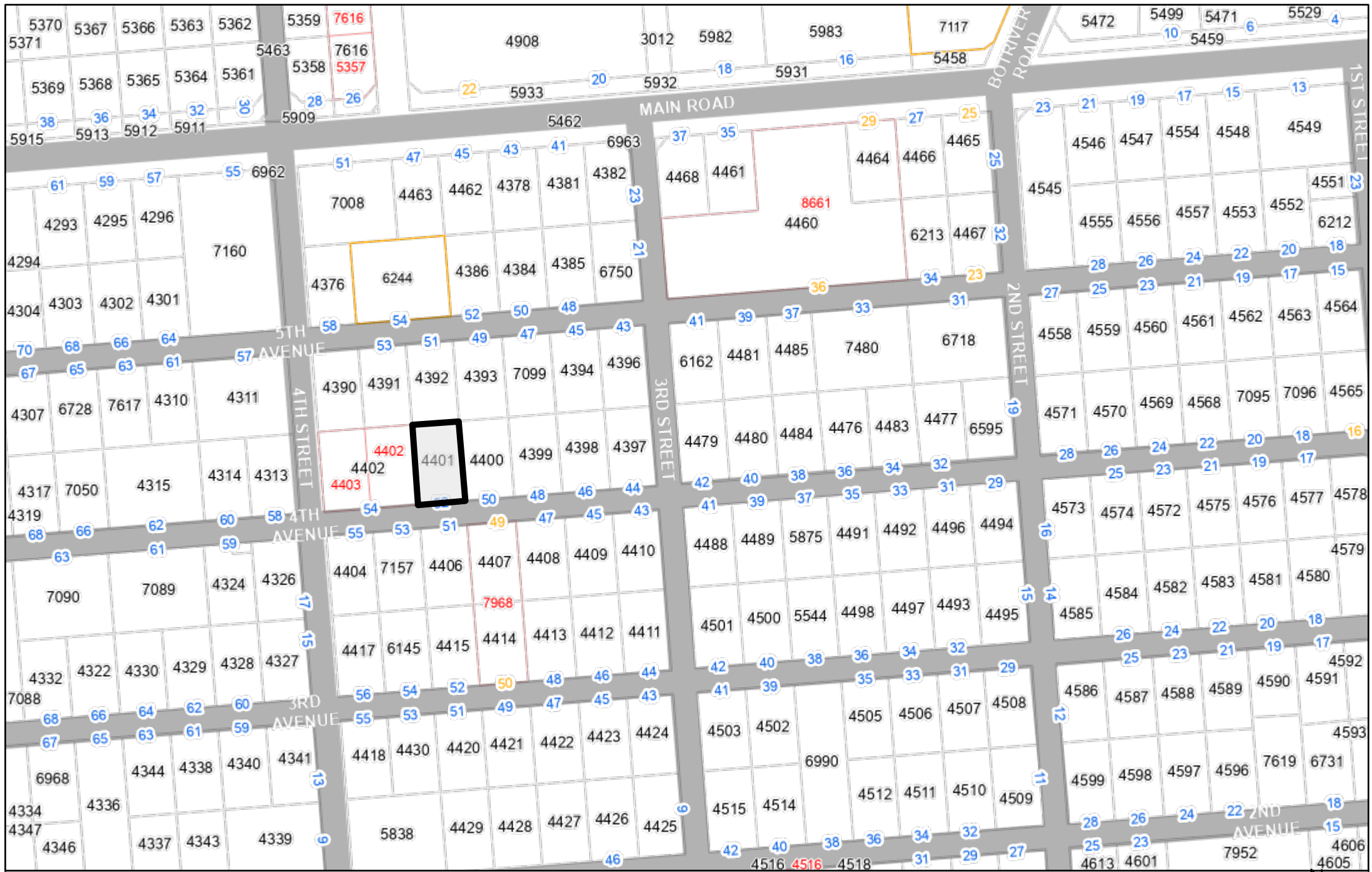
Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stads- en Streekbeplanning, Hermanus en by die Kleinmond Biblioteek, 5de Laan, Kleinmond. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / loretta@overstrand.gov.za) voor of op **4 Oktober 2024**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan die Stadsbeplanner, **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 Stads- en Streekbeplanning Departement besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

ISIZA 4401, 52 FOURTH AVENUE, E-KLEINMOND: ISICELO SOPHAMBUKO NOKUMISELWA KWESOHLWAYO SOLAWULO: SCHOORNRAAD ARCHITECTS EGAMENI LE TRUSTEES NGEXESHA LIKA FERDIE EN ESTELLE COLYN TRUST

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

- **Utyeshelo lomda** ngokweCandelo le-16(2)(b) lokucuthwa komda wesakhiwo osecaleni ukusuka kwi-2m ukuya kwi-0,8m kunye nomda wesakhiwo ongasemva ukusuka kwi-2m ukuya kwi-1,8m ukulungiselela ishedi ekhoyo yokugcina.
- **Utyeshelo lomqathango** ngokweCandelo 16(2)(b) ukogqitha umda we-9m wesakhiwo kumda othile ukuya kwi-13,956m.
- **ukumiselwa kwesohlwayo solawulo** ngokwemiqaqo yeCandelo 16(2)(q) lokunyahsha komda wesakhiwo ngokungagunyaziswanga.

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, eHermanus / loretta@overstrand.gov.za) ngomhla okanye ngaphambi komhla wama-**4 Oktobha 2024**, 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.





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

Our ref: 2022-184

Your ref:

Date: 9th June 2024

Att: Mrs. H. van der Stoep

TP-A Theart
(Hild Stoep)

MOTIVATION : APPLICATION FOR DEPARTURE : SIDE BUILDING LINE WEST FROM 2 000mm TO 800mm & REAR BUILDING LINE FORM 2 000mm TO 1800mm.

DEPARTURE : IN TERMS OF 16 (C) (III) OF THE ZONING SCHEME TO EXCEED THE LENGTH OF THE COMBINED STRUCTURES OF ONE THIRD OF THE LATERAL BOUNDARY CONCERNED OR 9m – 13 956mm (6000mm and 7956mm)

AND ALLOCATION OF AN ADMINISTRATIVE PENALTY : ERF 4401 KLEINMOND – 52 4TH AVENUE ON BEHALF OF FERDIE & ESTELLE COLYN TRUST

PROPERTY DETAILS

CONSULTANT	SCHOONRAAD ARCHITECTS
ERF NUMBER	ERF 4401 KLEINMOND
EXTENT	595m ²
ZONING	RESIDENTIAL ZONE 1 : SINGLE RESIDENTIAL

BACKGROUND

Erf 4401 Kleinmond, hereafter referred to as the subject property, is located at 52 4th Avenue, Kleinmond. The property owner, Fedie & Estelle Colyn Trust, referred to as the applicant, submitted and approved plans for alterations and a new storage shed located at the back of the property. The shed encroached on the side and rear building line due to previously approved building plans indicating the existing house in an incorrect position, which made the intended placement of shed not practically and possible on site.

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 form 2,0m to 0,8m and rear building line from 2,0m building line to 1,8m on the Northern boundary to facilitate and single storey storage shed.
2. Departure in terms of 16 (c) (iii) of the zoning schemes to exceed the length of the combined structures of one third of the lateral boundary concerned or 9m – 13 956mm

FILE NO.	Erf 4401-KM
SCAN NO.	KM 4401
COLLABORATOR NO.	2084005

16 JUL 2024

3. Determination of an Administrative penalty - In terms of Section 16(2) q for the determination of an administrative penalty for encroachment of freestanding structure as described above.

A. PROPOSED DEVELOPMENT

The owner proceeded with submitting building plans for additions and alterations to the structure including the proposed shed. The plans were subsequently approved. When the shed was to be placed the owner realised that the position of the existing residence differs on the actual site from the position indicated on the previously approved plan. This necessitated him to place the shed closer to the boundaries as originally intended. This was brought to the attention of the council who was requested to apply for a departure to legalize the encroachment.

The shed is located 1800mm from the Northern boundary and 800mm from the Western side boundary. The area that encroaches onto both boundaries amounts to 6,04m².

Both the shed and existing dwelling encroach onto the lateral boundary West. The length of the shed on the lateral boundary comprises 6 000mm. The length of the existing residence encroaching on the lateral western boundary is 7 956mm. The total length adds up to 13 956mm. This exceeds the 9m restriction as well as the maximum length of a third of the boundary, 31 490mm, amounting to 10 497mm.

There are no other areas available to place the shed as the position of the existing house limits the options for the functional placement of the shed.

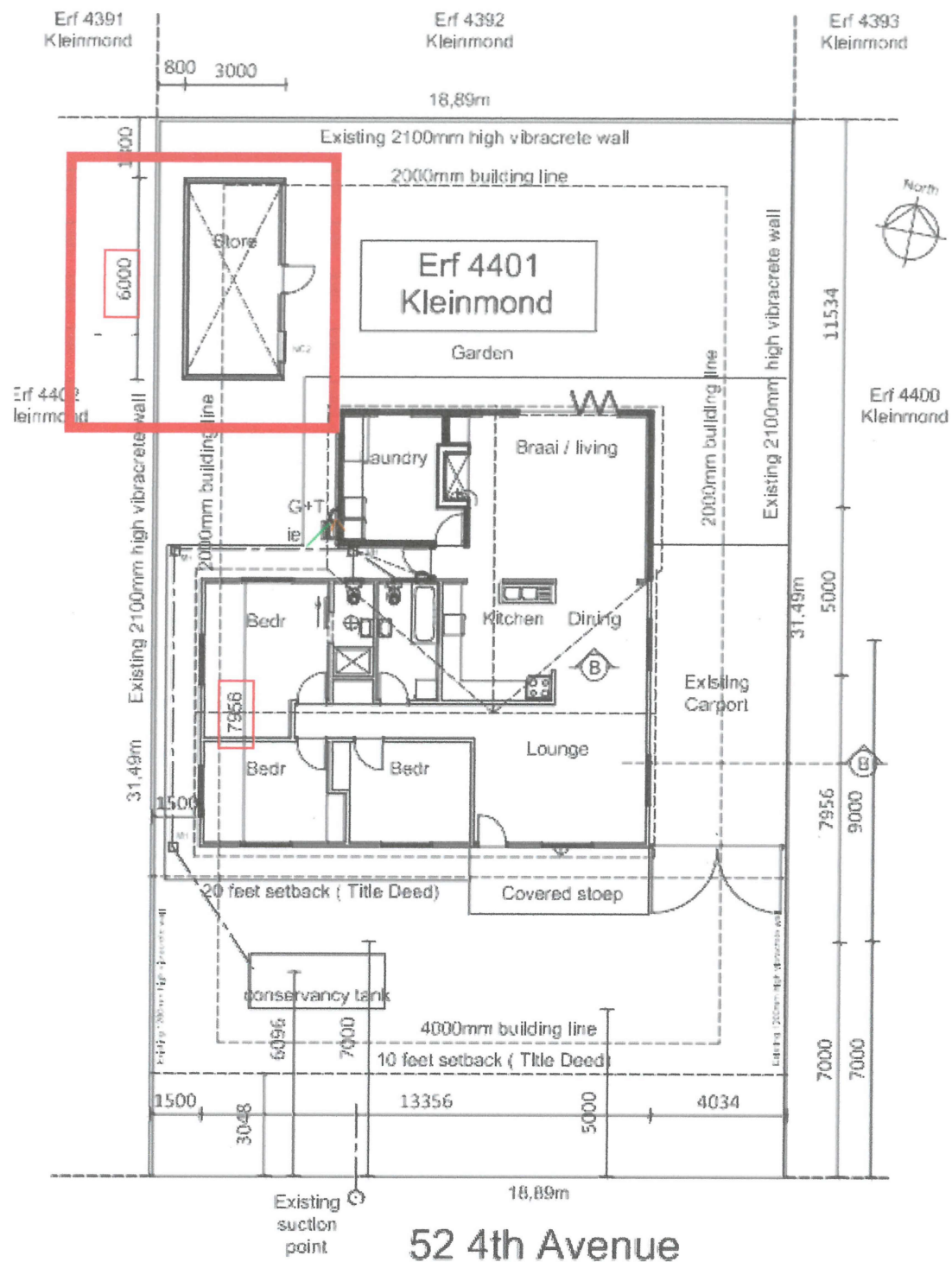


Fig 2. Ground floor plan layout

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 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 34000 / 2020 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 through the existing Amin Road. The proposal will not affect it.

F. CONSIDERATION OF FORWARD PLANNING AND LAND USE DOCUMENTS

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

G. PLANNING PRINCIPLES

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 – 36%	Comply
Building lines	Street 4m Actual 4m	Comply
Building lines	Side 2m Actual 0,8m	Applied for
Building lines	Rear 2m Actual 1,8m	Applied for
Height	8m Height	Comply
Garages/carports	As per approved plans	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

The encroachment only became apparent at the time of the request for the issuing of the occupation certificate.

b. The conduct of the person involved in the contravention

Plans were submitted and approved for the additions and alterations. The owners were unaware of the encroachment until such time as the building inspector requested that the plans be amended to reflect the current position of the shed. 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.

d. Whether or not unlawful conduct was stopped

The construction 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 has 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 rear building line North from 2,0m to 1,8m and side building line West from 2,0m to 0,8m to legalize an existing single storey storage structure
2. Departure in terms of 16 (c) (iii) of the zoning scheme to exceed the length of the combined structures of one third of the lateral boundary concerned or 9m – 13 956mm
3. Determination of an Administrative penalty - In terms of Section 16(2) q for the determination of an administrative penalty for encroachment of a storage structure as described above.

RECOMMENDATION

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 rear building line to 1,8m on the Northern boundary and from 2,0m to 0,8m on the Western boundary to legalize an existing single storey storage shed in line with Overstrand Municipality By-law on Municipal Land Use Planning, 2020 as amended.
2. Departure in terms of 16 (c) (iii) of the zoning scheme to exceed the length of the combined structures of one third of the lateral boundary concerned or 9m – 13 956mm
3. 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.

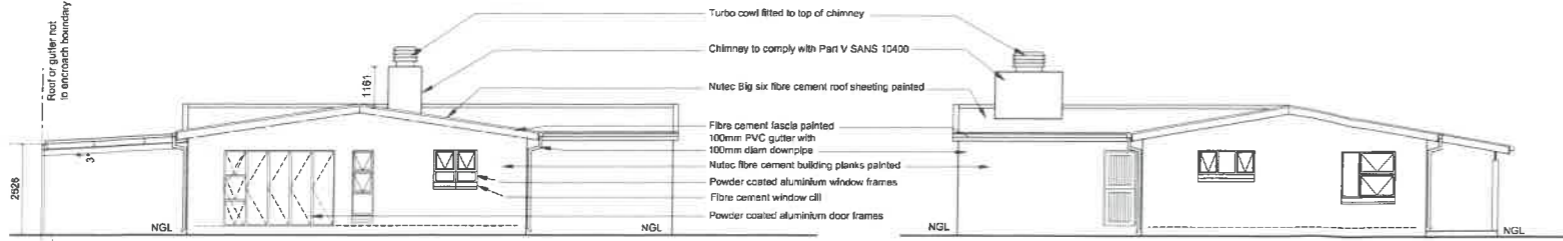
Kind Regards,



G J SCHOONRAAD

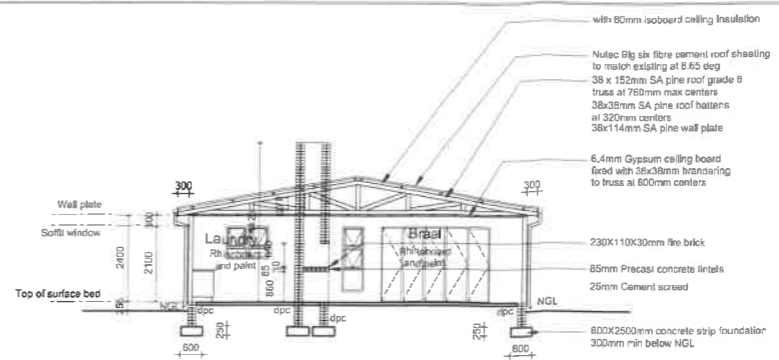
SCHOONRAAD ARCHITECTS

082 853 3770

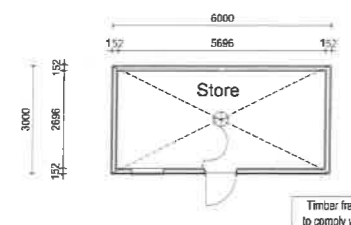


North elevation 1:100

West elevation 1:100



Section A-A 1:100

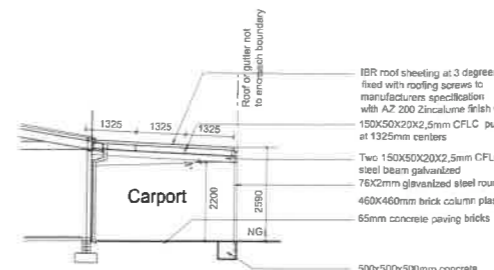


Floor plan 1:100

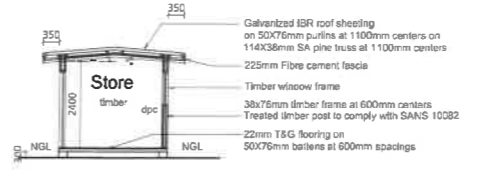


South elevation Store 1:100

East elevation Store 1:100



Section B-B 1:100



Section C-C 1:100

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.

Foundations:
230mm Walls: 800 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, 15mm 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. All Jans or enclosed yards to be filled with stormwater outlets.

Walls:
2400x1200mm wall panels of 114x38mm sa pine timber framework constructed to SANS standards with stud centers of 450mm fixing with galvanized 10mm diam connector bolts. Internal skin - Rhinoboard. External skin - Everite Nu-loc fibre cement.

Roofs:
Fibre cement roof sheeting at 8.5 degree angle. 50mmx75mm Sa-pine roof rafters at 1100mm centres. 152mmx38mm Grade 6 Sa-pine trusses to comply with SABS at 1100mm centres max. 114mmx38mm Wall plates. Two strings 4mm diam, galvanized roof ties built five layers into walls with 10mm steel rod at end. Road around truss endpoints. Flashings to all parapets and roof level changes.

Stairs:
Stairs to be 100mm wide, tread 250mm, riser 170mm with 5mm max deviation, 100mm min high balustrade 2100mm Minimum noseroom measured from platform.

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 SANS 10400 D4 and SANS 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 to be fully accessible. Provide one gully at lowest point per block. Invert level to be 450mm min below natural ground level. RE's to have marked covers at Natural ground level. RE'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 per block. Provide all showers, tubs with 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 dispense to open area.

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S.A. SCHOONRAAD ARCHITECTS
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124 2nd Avenue Kleinmond 7155

Drawn	SACAP	Date	Rev
Gideon	5846	14 Jul 2015	A

Client: **Ferdie en Estelle Colyn Trust**

Project Description: **Alterations to Residence Colyn**

Drawing Description: **Plans Site Sections Elevations Details**

Revision description: **A**

Signed Owner	Drawing Number
[Signature]	100.01
Signed Engineer	Project Number
[Signature]	2021-184
Signed Architect	
[Signature]	

R-value external walls
Resistance required R-value 1.9
R-value outside air film 0.05
R-value Nu-tec board 0.19
R-value insulation 1.2
R-value 40mm Isoform 0.82
R-value 80mm air space 0.28
R-value 12.5mm Rhinoboard 0.059
Total R value 2.509
R value roof
Fibre cement roof sheeting at 8.5 degrees
Roof assembly 3.1 up
R value outside air film 0.05
R value fibre cement sheet 0.056
R value insulation 1.2
R-value air space 0.28
Total R value 1.936
3.7 - 1.936 = 2.104
R value 60mm Isoform 2.14
Therefore complies

Allowed (Table 12 - SANS 204): 5 W/m²
5W/m² x 150m² = 750W
11 x 12W lamps = 132 Watts
2 x 20W lamps = 40 Watts
Total wattage 172 Watts
172 Watts is less than 750 Watts ok
172 Watts / 150m² = 1.15 W/m² which is less than 5 W/m²
Allowed: 5kWh/m²a or 5 kWh/m² [a = 1 year]
5kWh/m² x 150m² = 750 kWh/a
Assume lights are on from 18:00 - 22:00 each day/year, that is 4h/day
22 (hours) x 7 (days) x 0.5 (hours) = 154 kWh/a
Lamps 172 Watt or 1.72kW
1.72 kW x 150m² = 313.34 kWh/a
313.34 kWh/a which is less than 750kWh/a
NOT WATER
Not applicable

Area schedule
Erf 4401 Kleinmond
Area of erf 595m²
House 150m²
Covered stoep 11m²
Carport 36m²
Store 18m²
Total area 215m²
Coverage 215m² / 595 m² = 36%
FSR not applicable

ELECTRICAL KEY

⊕	100 LITER 20W GEYSER CONNECTION	1
⚡	WALL MOUNTED LIGHT FITTING 12 WATT	1
⊕	CEILING LIGHT 12 WATT	2
⚡	FLUORESCENT LIGHT 20 WATT	

Project Name: **MOORSE COLYN**
Stand Number: **4401 KLEINMOND**
Address: **52 4TH AVENUE KLEINMOND**

Climatic Zone: **4**

GROUND FLOOR Floor Area: 150.00 m²

Window Code	No of Glazed	Glass description code	Enter field code from Table 1 on the right	Length (m)	Height (m)	P-factors horizontal (m)	H - Vertical distance to base of glazing element (m)	Orientation (N, S, SW, etc)	Type of Window Frame	Revised Factor
DS	1	I	1	3.000	2.100	0.150	2.100	W	1	1
PT518	1	I	1	0.600	2.100	0.50	2.100	N	1	1
PT129	1	I	1	2.300	0.900	0.150	0.900	N	1	1
WA	1	I	1	0.900	0.900	1.000	1.300	N	1	1
WS	1	I	1	0.600	0.600	1.000	1.300	N	1	1
WE	1	I	1	1.500	1.500	0.150	1.500	N	1	1
WF	1	I	1	1.500	1.500	0.150	1.500	E	1	1
WB	1	I	1	1.200	1.500	0.150	1.500	S	1	1
WP	1	I	1	1.200	1.500	0.150	1.500	S	1	1
W10	1	I	1	1.800	1.800	2.000	1.800	S	1	1
W11	1	I	1	0.800	1.500	0.150	0.600	W	1	1
W12	1	I	1	7.300	1.500	0.150	1.500	W	1	1

PLEASE NOTE:
If window size not rectangular enter Length and Width/Area

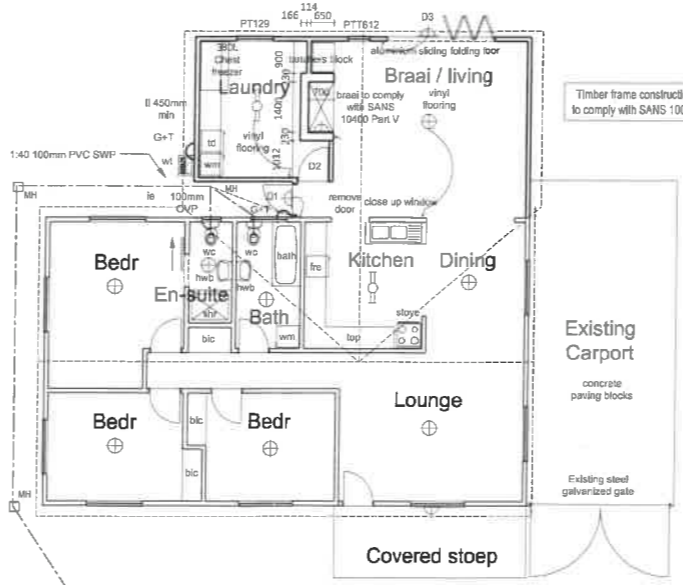
TABLE 1

Glass Description	Revised Factor
Single - clear	1
Single - tinted	2
Single - low E	3
Clear double (3/5/7)	4
Tinted double	5
Clear double low E	6
Tinted double low E	7

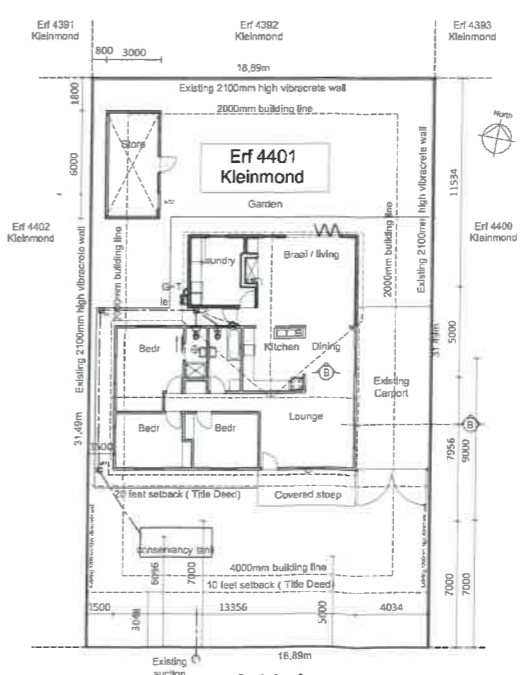
TABLE 2

Window Frame	Revised Factor
Aluminium	1
Wooden	1

S.A.
124 2nd Avenue Kleinmond 7155
Tel (082) 85 23 770
gideon@schoonraad.co.za



Floor plan 1:100



Site plan 1:200