



PORTION 124 OF THE FARM BAARSCHERDERS BOSCH NO. 213, BREDASDORP DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF JF & A MILES

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

- **Departure** in terms of Section 16(2)(b) of the By-Law, to:
 - relax the eastern lateral building line from 4m to 2m, to accommodate the "As built" dwelling – a portion of the stoep, bedrooms and bathroom;
 - relax the rear building line from 4m to 2m, to accommodate the existing dwelling – a portion of the kitchen, en-suite bedroom, the proposed new garage and the wendy house in its new position; and
 - relax the western lateral building line from 4m to 2m, to accommodate the proposed garage.
- **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, to accommodate the existing "As Built" dwelling and wendy house encroaching the 4m lateral -and rear building lines.

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 and Gansbaai Library, Main Road, Gansbaai. Any written comments must be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) on or before **Friday, 22 November 2024**, quoting your name, address and contact details, interest in the application and reasons for comment. Telephonic enquiries can be made to **Senior Town Planner, Mr. SW van der Merwe** 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.

GEDEELTE 124 VAN DIE PLAAS BAARDSCHERDRS BOSCH NR. 213, AFDELING BREDASDORP, OVERSTRAND MUNISIPALE AREA: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: JF & A MILES

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

- **Afwyking** ingevolge Artikel 16(2)(b) van die Verordening, om:
 - die oostelike lateraleboulyn vanaf 4m na 2m te verslap, om die bestaande woning te akkommodeer – 'n gedeelte van die stoep, slaapkamers en badkamer;
 - die agterboulyn vanaf 4m na 2m te verslap, om die bestaande woning te akkommodeer – 'n gedeelte van die kombuis, en-suite slaapkamer, die voorgestelde nuwe motorhuis en die wendy-huis in sy nuwe posisie; en
 - die westelike lateraleboulyn vanaf 4m na 2m te verslap, om die voorgestelde motorhuis te akkommodeer.
- **Bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) van die Verordening, om die bestaande woning en wendy-huis te akkommodeer wat die 4m laterale -en agterboulyne.

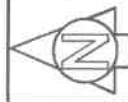
Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende woensdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus en Gansbaai Biblioteek, Hoofweg, Gansbaai. Enige skriftelike kommentaar moet ingevolge die bepalings van Artikels 51 en 52 van die Verordening ingedien word en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) bereik voor of op **Vrydag, 22 November 2024**, met u naam, adres en kontakbesonderhede, belang in die aansoek, sowel as die redes vir kommentaar. Telefoniese navrae kan gerig word aan **Senior Stadsbeplanner, Mnr SW van der Merwe** 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 Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

INXALENYE 124 YEFAMA EBIZWA I-FARM BAARSCHERDERS BOSCH NO. 213, BREDASDORP DIVISION, KUMMANDLA KAMASIPALA WASE-OVERSTRAND: ISICELO SOKWAHLULA NENGQIKELELO YOMDLIWO WOBHALISO: ABANUM BAKWAPLAN ACTIVE TOWN & REGIONAL PLANNERS EGAMENI LIKA- JF & A MILES

Kukhutshwe isaziso esingemiba emayela neSoloty lama-48 loMthethwana kaMasipala wase-Overstrand OngesiHlomelo NgeZicwangciso Zokusetyenziswa koMhlaba kaMasipala ku2020 (UMthethwana), esithi kufunyenwe isicelo esimayela nale miba ilandelayo:

- **Ukwahlula ngokwemiba yeSoloty le16(2)(b) loMthethwana, uku:**
 - nyenyisa umgca omelene nesakhiwo kwicala elisempuma ukusuka kwiimitha ezi-4m ukuya kwi-2m, ukulungiselela i"As built" eyindawo yokuhlala – eyinxalenye yestuphu, amagumbi okulala negumbi lokuhlambela;
 - ukunyenya umgca wesakhiwo ongasemva ukusuka kwiimitha ezi-4m ukuya kwezi-2m, ukulungiselela indawo yokuhlala aesele ikhona – inxalenye yekhitshi, igumbi lokulala eline-ensuti, igaraji ephakanyiswayo nendlu yokudlala abantwana kwindawo yayo entsha; noku
 - nyenyisa umgca omelene nesakhiwo kwicala elisentshona ukusuka kwiimitha ezi-4m ukuya kwi-2m, ukulungiselela igaraji ephakanyiswayo.
- **Ingqikelelo yomdliwo wobhaliso** ngokwemiba yeSoloty le16(2)(q) loMthethwana, ukulungiselela yokuhlala esele ikhona yokuhlala i "As Built" nendlu yokudlala abantwana eziphumela ngaphaya komgca omiselwe ngokusemthethweni ngeemitha ezi-4m ngokungqameneyo -nemigca yesakhiwo ongasemva.

linkcukacha ezipheleleyo mayela nesi siphakamiso ziyafumaneka ukuze zihlole ngokusemthethweni phakathi evekini kwiintsuku eziphakathi kwintsimbi ye-08:00 neye-16:30 kwiSebe: Izicwangciso zeDolophu, Paterson Street, Hermanus and Gansbaai Library, Main Road, Gansbaai. Naziphi na izimvo mazingeniswe ngokwezibonelelo zeSoloty lama-51 nelama-52 loMthethwana ufike kwaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngomhla okanye ngaphambi koLwesihlanu, **22 EyeNkanga 2024**, uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokuhlomla kwakho. Imibuzo ngefowuni ingabuzwa **Mcwangciso Omkhulu weDolophu, Mnu. SW van der Merwe** kwa-028-313 8900. UMasipala angala ukwamkela izimvo ezifunyenwe emva komhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angahambela kwiSebe LeziCwangciso ngeDolophu apho igosa likamasipala liza kumncedisa ukuhlomla ngokusemthethweni.



Scale: NTS
 Drawing Nr: farm213-124locality.drw
 Date: September 2024

Plan Description:
Aerial map:
Locality plan

Property Description:
PORION 124 OF FARM
BAARDSCHEEDERS
BOSCH NO. 213

All distances approximate
 and subject to survey.
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Stads- en Streeksbeplanners
 Town & Regional Planners



**DETERMINATION OF AN ADMINISTRATIVE
PENALTY AND PROPOSED BUILDING LINE
DEPARTURES**

**PORTION 124 OF THE FARM BAARDSSCHEERDERS
BOSCH NO. 213**

OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. BACKGROUND

Mr. J.F. Miles and Mrs. A. Miles, the owners of Portion 124 of the farm Baardscheerders Bosch No. 213, have engaged Plan Active Town and Regional Planners to apply for the determination of an administrative penalty and building line departures for the property.

The property in question includes a single-storey two-bedroom residence with a Wendy house and fire pit area. The original building plan for the dwelling was approved in 2000.

Mr. J.F. Miles and Mrs. A. Miles, the current owners of Portion 124 of the farm Baardscheerders Bosch No.213, took transfer of the property on 28 May 2024. An As Built and topographic survey was carried out to guide the compilation of an As Built site layout plan and they were informed that the dwelling on the property is encroaching on the lateral and rear building lines. These issues necessitate a departure application and the imposition of an administrative penalty.

Mr. and Mrs. Miles purchased the property in 2024, unaware that the house situated on Portion 124 of the farm Baardscheerders Bosch No. 213 encroaches the lateral and rear building lines and that the fire pit and Wendy house lacked building plan approval.

They now intend to obtain approved building plans. Upon review, and with the assistance of Ben Kunz Draughting Services, they discovered these discrepancies and now wish to address and formalize them.

The current proposal seeks to address the building line encroachments and requests approval to retain the existing dwelling and fire pit in their current positions and for their intended uses. The Wendy house will be repositioned on-site and will encroach on the rear building line. Additionally, the owners intend to expand the existing structures on the property. While the additions to the dwelling will comply with the building line requirements, the new garage will encroach on both the rear and lateral building lines, and this will also be addressed in the application.

2. APPLICATION DETAILS

The application is submitted in accordance with:

- Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the determination of an administrative penalty for Portion 124 of the farm Baardscheerders Bosch No. 213.
- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for building line departures applicable to Portion 124 of the farm Baardscheerders Bosch No. 213.

3. NEED AND DESIRABILITY

3.1 PROPERTY DESCRIPTION

Portion 124 of the farm Baardscheerders Bosch No.213 is located at 4 Die Tuine Street in Baardscheerdersbos. Refer to the attached locality plan and the map excerpt below.

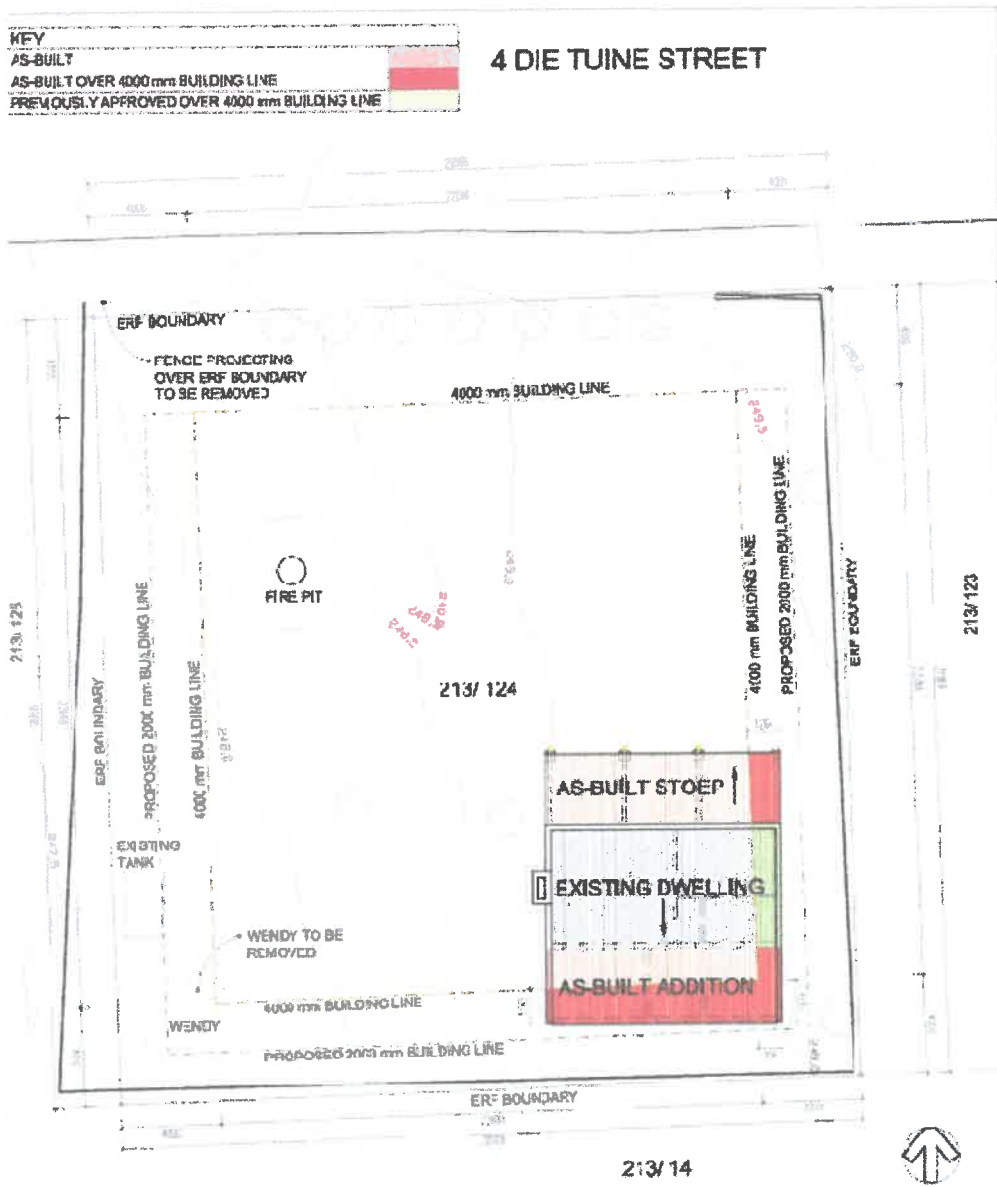


• LOCALITY PLAN SCALE NTS

Map 1: Aerial photograph / Locality plan

Portion 124 of the farm Baardscheerders Bosch No.213 spans an area of 960m² and is held under Title Deed No. T32163/2024.

The property features a single-storey residential structure with a Wendy house and fire pit in the garden area as illustrated in the building plan excerpt below.



Map 2: As Built plan

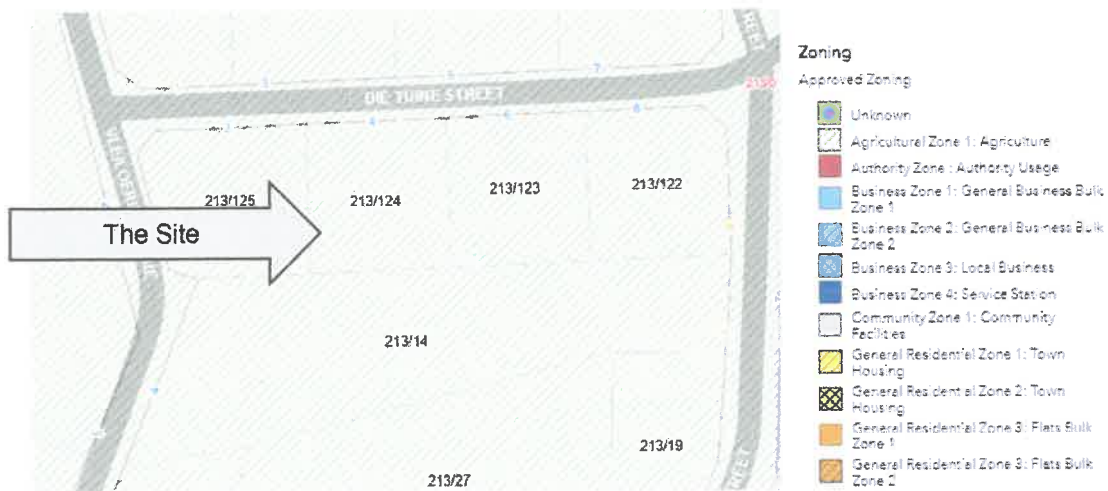
The total coverage of the site is 106,07m², which represents 11% of the property's total area.

3.2 ZONING

Portion 124 of the farm Baardscheeders Bosch No.213 has the following land use rights:

ERF NUMBER	ZONING
Portion 124 of the farm Baardscheeders Bosch No.213	Agricultural Zone 1: Agriculture

Surrounding properties are also zoned for roads and Agriculture purposes. Refer to the zoning map abstract below:



Map 3: Zoning Map

3.3 LAND USE

Portion 124 of the farm Baardscheeders Bosch No.213 features an established single storey, two-bedroom dwelling that includes a fire pit and Wendy house in the garden area. As mentioned, the dwelling comprises of two bedrooms, one bathroom, a kitchen, living area and covered stoep area. This configuration ensures a cohesive and functional living space. As a result, the property is utilized for residential purposes.

The fire pit situated in the garden area contributes to the property's overall functionality and organization. Its location ensures it is accessible while maintaining the aesthetic and operational integrity of the garden area. The Wendy house which is situated within the rear and lateral building lines will be repositioned on site.

The surrounding land uses are primarily characterized by residential dwellings, similar to the subject property. This creates a cohesive and harmonious living environment, fostering a sense of community and stability within the neighbourhood.

The property is also bordered by a public road, ensuring accessible transportation routes for residents. This access road facilitates convenient travel to and from the property, connecting it to the broader Baardskeedersbos area and beyond. The presence of well-maintained public roads supports the residential nature of the area by providing essential infrastructure for daily commuting, service deliveries, and emergency access.

3.4 PROPOSAL

The following is proposed:

1. The determination of an **administrative penalty** for Portion 124 of the farm Baardscheeders Bosch No.213 to accommodate the existing As Built dwelling and Wendy house encroaching the 4m lateral and rear building lines and unlawful fire pit in terms of Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020;
2. The **departure** of Portion 124 of the farm Baardscheeders Bosch No.213 in terms of Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, to:
 - relax the eastern lateral building line as follows:
 - from 4m to 2m to accommodate the As Built dwelling - a portion of the stoep, bedrooms and bathroom;
 - relax rear building line as follows:
 - from 4m to 2m to accommodate the existing dwelling - a portion of the kitchen and en-suite bedroom; and the proposed new garage and the Wendy house in its new position;
 - relax the western lateral building as follows:
 - from 4m to 2m to accommodate the proposed garage.

The potential of the subject property is discussed in detail in *Section 3.5 Potential of*

the property.

3.4.1 Rectification of contravention

In accordance with Chapter 5, Section 90(1) of the Municipal Planning Amended By-Law (2020), a person who is in contravention of the By-Law and submits an application to rectify the contravention must seek the determination of an administrative penalty from the Municipality, provided that the Municipality has not issued a demolition directive under Section 85 concerning the land, building, or any part thereof.

The current application seeks to rectify contraventions related to portions of the stoep, bedrooms, bathroom and kitchen that extend beyond the 4-meter lateral and rear building lines. In addition, the fire pit was also constructed unlawfully. Therefore, an application is made for the determination of an administrative penalty fee under Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-Law on Municipal Land Use Planning, 2020. It is important to note that the Municipal Planning Tribunal (MPT) has the discretion to decide whether to impose such a fee.

According to Section 90(3) of the Municipal Planning By-Law, the MPT must consider the following factors when determining an appropriate administrative penalty:

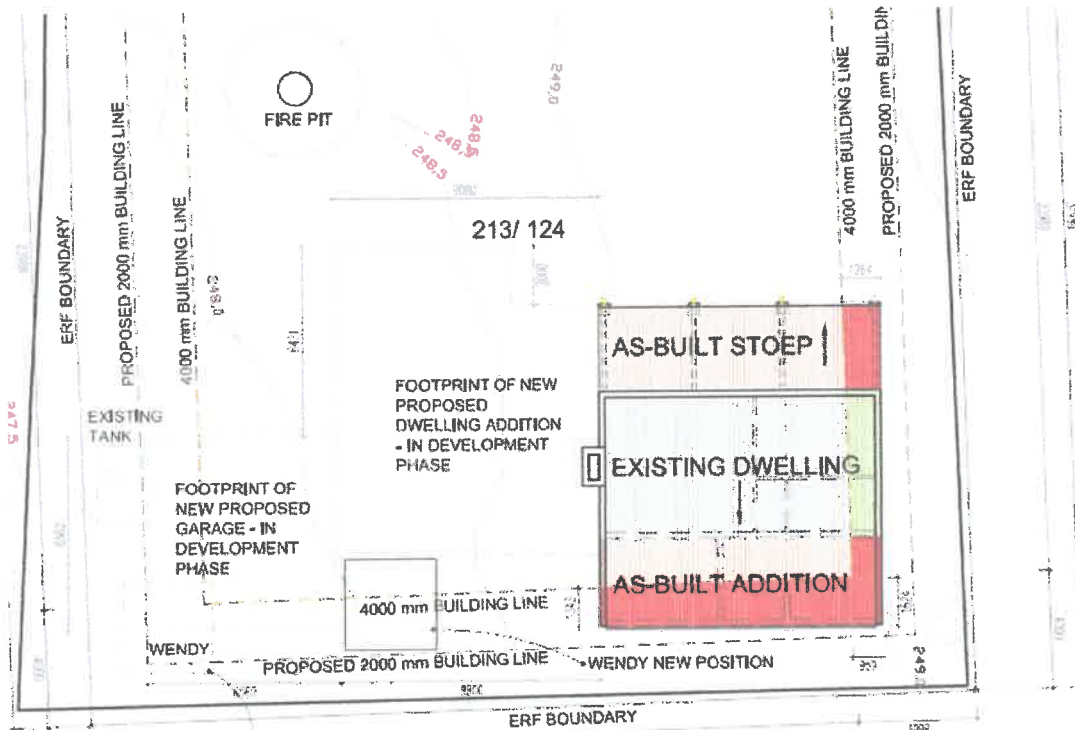
- **The nature, duration, gravity and extent of the contravention**

Mr. J.F. Miles and Mrs. A. Miles, the current owners of Portion 124 of the farm Baardscheerders Bosch No.213, took transfer of the property on 28 May 2024. An As Built and topographic survey was carried out to guide the compilation of an As Built site layout plan and they were informed that the dwelling and Wendy house on the property are encroaching on the lateral and rear building lines. These issues necessitate a departure application and the imposition of an administrative penalty.

Mr. and Mrs. Miles purchased the property in 2024, unaware that the house situated on Portion 124 of the farm Baardscheerders Bosch No. 213 encroaches the lateral and rear building lines and that the fire pit and Wendy house lacked building plan approval. They do not have any history by whom or when the unlawful building work occurred on the subject property. Upon review, and with the assistance of Ben Kunz Draughting services, they discovered these discrepancies and now wish to address and formalize

them. They now intend to obtain approved building plans and add to the existing structures on the subject property.

The image below indicates the As Built encroachments (dwelling, stoep and Wendy house) and unlawful fire pit:



Map 4: Site development plan

The extent of the As Built structures is summarized below:

● AREAS:	
SITE	959,74 m ²
EXISTING DWELLING	49,12 m ²
AS-BUILT STOEP	28,43 m ²
AS-BUILT ADDITION	28,52 m ²
FOOTPRINT	106,07 m ²
COVERAGE	11 %
AS-BUILT STRUCTURES PROJECTING OVER 4000 mm BUILDING LINE:	
STOEP	3,6 m ²
ADDITION	15,6 m ²
TOTAL	19,2 m ²

The above table indicates that only 3,6m² of the total extent of the stoep encroaches the 4m eastern lateral building line. 15,6m² of the As Built addition to the dwelling

encroaches the 4m eastern lateral and rear building lines. The Wendy house of 9,3m² in extent also encroaches the rear and western lateral building line. The Wendy house will be repositioned on the site as indicated on the site plan to accommodate the proposed garage. The structure will however still be positioned on the 2m rear building line. The unlawful fire pit does not encroach any building lines.

The uses of the structures that were constructed unlawfully (stoep, portion of the existing dwelling, Wendy house and fire pit) will remain unchanged.

○ **The conduct of the person involved in the contravention**

The current owners, Mr. J.F. Miles and Mrs. A. Miles have not previously contravened the land use planning By-law. They purchased the property in good faith earlier this year, assuming that all structures complied with relevant legislation. At the time of purchase, the dwelling with stoep, the fire pit and the Wendy house were already established on the site. According to Google Earth imagery, the additions were not visible on the 2021 aerial photograph; however, the stoep and dwelling extension are evident in the 2022 aerial photograph. It is therefore assumed that the unlawful additions occurred between 2021 and 2022 and were carried out by the previous property owner.

Upon being made aware of the unlawful nature of these structures, the current owners took immediate steps to address the issue, seeking the assistance of an architect to rectify the situation, as previously stated.

○ **Whether the unlawful conduct was stopped**

The current owners were unaware that a portion of the dwelling and stoep had been constructed without the necessary approval. Since acquiring the property earlier this year, they have continued to utilize the house, stoep, fire pit and Wendy house, believing all was in order. Upon discovering these issues, the owners have taken steps to rectify the situation by submitting an application for an administrative penalty and a subsequent departure application to legalize the as-built structures they inherited.

- **A report by a quantity surveyor in matters of unauthorised building / construction**

Given the circumstances, we do not intend to appoint a qualified quantity surveyor to calculate the building costs of the existing unauthorised work. The unauthorised additions were carried out by the former owner without obtaining the necessary approval. A detailed report from a quantity surveyor or building contractor is deemed unnecessary due to the negligible impacts and well-documented existing conditions.

Should the Overstrand Municipality determine that an administrative penalty fee is necessary for these unauthorised building work, we propose that the submission of a detailed report be considered only if the penalty is definitively required. This approach aims to avoid unnecessary expenditure and effort, particularly as these violations were not caused by the current owners.

Given that the encroachment is minimal and has no significant impact on the surrounding properties, we respectfully recommend that no penalty fee be imposed in this instance.

- **Whether a person involved in the contravention has previously contravened this By-Law or a previous planning law**

To the best knowledge of the applicant and as confirmed by the landowners, they have never previously contravened this By-Law or any other previous planning law.

- **Summary**

We appeal to the Overstrand Municipality to consider the minimal impact of the As Built dwelling, stoep and Wendy house constructed over the lateral and rear building lines as described above and that no administrative penalty be imposed.

There are several compelling reasons why the Overstrand Municipality should consider not imposing an administrative penalty in this case:

- **Good faith acquisition by current owners:** Mr. J.F. Miles and Mrs. A. Miles, the current owners, purchased the property in 2024 in good faith, unaware of the unauthorised changes made by the previous owner. They believed that all

- structures were compliant with municipal regulations. They should not be penalized for actions they did not commit.
- **Responsibility lies with the former owner:** The unauthorized additions were all carried out by the former owner. The current owners inherited these issues and should not be held accountable for the previous owner's non-compliance.
 - **Immediate action taken by current owners:** Upon discovering the discrepancies, the current owners took immediate steps to rectify the situation. They sought assistance from an architectural draughtman, Mr. Ben Kunz, to address and formalize the issues. This demonstrates their commitment to resolving the matter in accordance with municipal regulations.
 - **Minimal impact on surrounding properties:** The encroachments caused by the unauthorized additions are minimal and have no significant impact on the surrounding properties. The additions to the dwelling and stoep do not negatively affect the neighbouring properties or the broader community.
 - **Avoidance of unnecessary costs:** The current owners prefer not to appoint a qualified quantity surveyor to assess the unauthorized work, as these changes were made by the former owner. Imposing a penalty would force the current owners to incur additional costs for issues they did not create, which would be an unjust burden on them.
 - **Absence of malicious intent:** There was no malicious intent or deliberate disregard for municipal regulations by the current owners. They have acted responsibly and transparently throughout the process, working to rectify the situation as soon as they became aware of it.

In light of these factors, it would be reasonable for the Overstrand Municipality to consider waiving the administrative penalty, acknowledging that the current owners have acted in good faith and are committed to bringing the property into compliance.

3.4.2 Departure

To rectify the building line encroachments on Portion 124 of the farm Baardscheerders Bosch No. 213, it would be necessary to apply for departures from the lateral and rear building lines concerning the following **As Built structures**:

- Dwelling: Since the addition to the dwelling was constructed closer to the eastern lateral and rear boundary, a departure would be required to legalize its current position.
- Stoep: The As Built stoep was constructed closer to the eastern lateral erf boundary.

Applying for these departures is a necessary step to ensure that all existing structures comply with municipal regulations, thereby rectifying any building line encroachments.

The new owners also intend to add to the existing property. The new addition to the dwelling will meet the building line requirements. However, it will be necessary to apply for departures from the lateral and rear building lines to accommodate the following new structures:

- Garage: The proposed garage will be positioned on the 2m western and 2m rear building lines;
- Wendy house: The Wendy house will be repositioned on the site to accommodate the new garage; however, it will be positioned on the 2m rear building line.

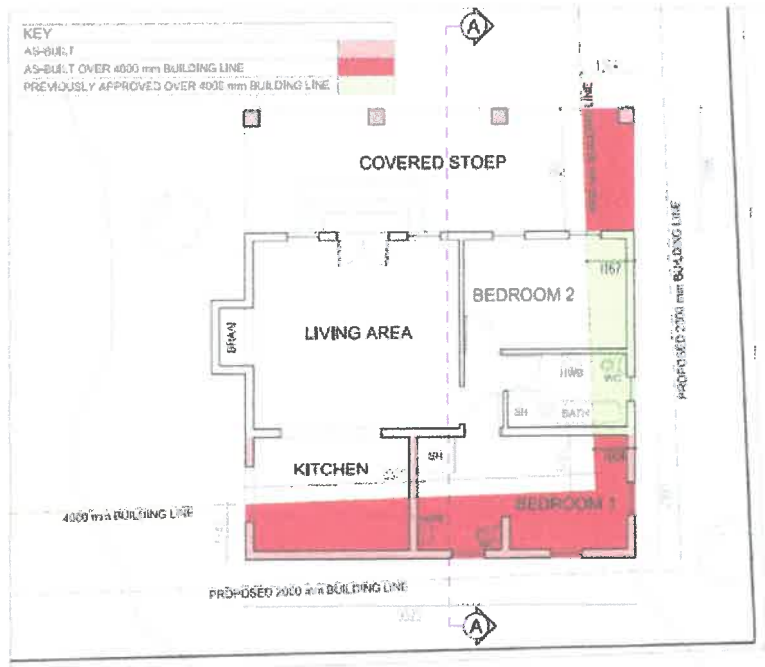
- **The As Built dwelling and stoep**

The previous owner made additions to the existing dwelling without the necessary land use or building plan approvals. The additions (the covered stoep, bedroom 1 and a portion of the kitchen) encroach the eastern lateral and rear building lines. An application is submitted for a departure to:

- relax the eastern lateral building line as follows:
 - from 4m to 2m to accommodate the existing dwelling - a portion of the stoep and bedroom 1.
- relax rear building line as follows:
 - from 4m to 2m to accommodate the existing dwelling - a portion of the kitchen and bedroom 1.

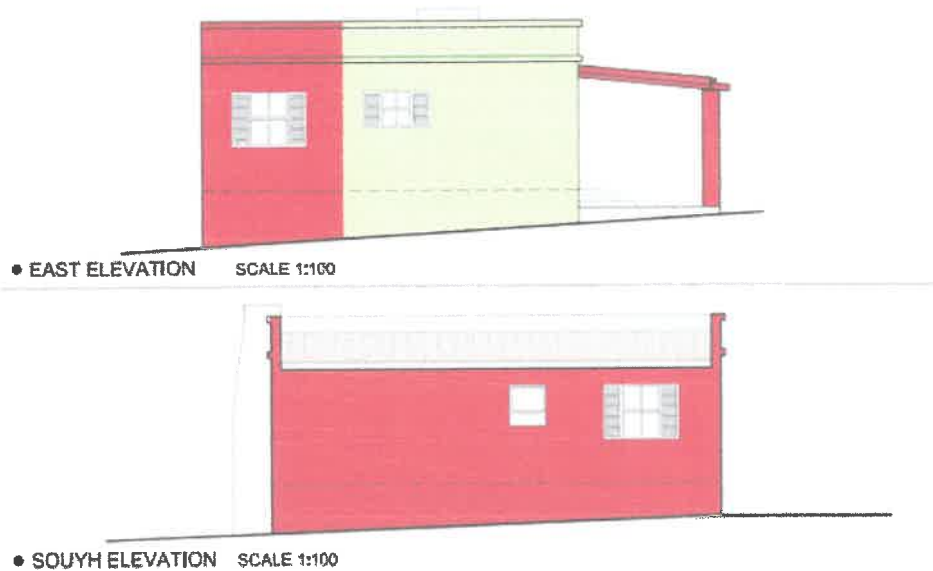
The approved dwelling is 49,12m² in extent and already encroaches the 4m eastern lateral building line. The additions to the structure followed the existing line of the

building. The As Built addition to the dwelling is 28,52m² and the As-Built stoep is 28,43m² in extent. Refer to the image below showing the floor layout of the As Built dwelling and stoep:



Map 5: As Built dwelling floor layout plan

There are windows situated in the As-Built dwelling addition on both the eastern and southern (rear) side of the dwelling as shown in the elevation plans below:



Map 6: The eastern and southern elevations of the As Built dwelling and stoep

- **Proposed garage and repositioned Wendy house**

The new property owners intend to add to the existing structure on the subject property. Firstly, the existing dwelling will be enlarged as shown on the site plan. The new extension to the dwelling will be 90m² in extent. The new addition to the dwelling will be done in accordance with the land use scheme regulations. Secondly, a garage will be constructed on the subject property. Currently there is no vehicle storage space on the premises. The land use scheme regulations determine that at least two parking bays must be provided for a dwelling unit. The proposed garage will be 41,9m² in extent and will meet this requirement. The new garage will be attached to the new addition to the dwelling as indicated on the site plan. As a result, the proposed garage will encroach the 4m western lateral and the rear building lines. Thirdly, to accommodate the garage it is proposed to reposition the Wendy house on the site. The rear erf boundary proves to be the best position for the Wendy house – to keep the structure close to the garage and out of sight from the street.

To accommodate the new garage addition and the Wendy house in its new position on site, a departure is submitted to:

- relax rear building line as follows:
 - from 4m to 2m to accommodate the proposed new garage and the Wendy house in its new position;
- relax the western lateral building as follows:
 - from 4m to 2m to accommodate the proposed garage.

The detailed plans (elevations and floor layout plans) for the new addition to the dwelling and the new garage are not available yet. The indicated tank on the site plan is a sewage tank at ground level.

Summary:

The proposed departures from the building lines for Portion 124 of the farm Baardscheerders Bosch No.213 should be approved due to the minor nature of the existing and proposed encroachments and their minimal impact on the surrounding area.

The proposed coverage of $\pm 237,97\text{m}^2$ / $\pm 24,8\%$ ($106,07\text{m}^2$ As Built floor area plus $131,9\text{m}^2$ proposed floor area) is within the maximum permissible coverage allowed for AGR1 zoned properties. The proposed application does not have any impact on the character or property values of the surrounding properties.

The existing structures on the subject property do not create an infringement to any passing traffic or public activity due to the position of the As Built and proposed structures on site. It is submitted that the massing and height of the existing structures are compatible with the character of the area, regardless of the departures being applied for.

The zoning of Portion 124 of the farm Baardscheerders Bosch No. 213 will remain unchanged (AGR1) as well as the primary land use (dwelling house). The As Built and proposed structures comply with all other land use scheme regulations and title deed parameters. Consequently, the proposed departures will not have a greater visual impact on the surrounding properties.

It is submitted that the existing and proposed structures are compatible with the character of the area, do not impact negatively on the rights of anyone else and that no good reason exists for not approving this application.

In summary, given that the encroachments for the As Built structures predate the current ownership, their minimal impact, and the low overall effect on the neighbourhood, approving the building line departures is justified and reasonable.

3.5 THE POTENTIAL OF THE PROPERTY

Portion 124 of the farm Baardscheerders Bosch No.213 is well-positioned to accommodate the proposed building line departures without impacting its value or the surrounding area's character. The zoning and primary land use of the property designated as AGR1 will remain unchanged, ensuring that the property's fundamental purpose remains intact. The requested departures are minor and address structures that were established prior to the current owners acquiring the property in 2024 and

the new structures encroaching the building lines are outbuildings (garage and Wendy house) that can be favourably considered within the lateral and rear building lines.

The As Built structures have not generated any complaints from neighbouring property owners, reflecting their minimal impact on the local environment. Consequently, the proposed departures will not hinder any potential future land use applications or developments. Overall, the subject property is well-suited for the requested building line adjustments, maintaining its residential functionality and contributing positively to the area's cohesion and aesthetic.

3.6 ECONOMIC IMPACT

The proposed building line departures for Portion 124 of the farm Baardscheeders Bosch No.213 are anticipated to have a minimal economic impact. By formalizing the existing structures, including the dwelling, stoep, fire pit and Wendy house, and allowing the future development of the property, the property will maintain its market value and utility, thereby safeguarding the owners' investment. The minor nature of the existing encroachments mean that the current and future value of the property is unlikely to be adversely affected. Additionally, approving these departures will prevent potential financial losses related to the need for costly alterations or legal disputes. The absence of any significant complaints from neighbours further underscores the property's integration into the community.

The proposed encroaching garage will provide additional utility and convenience, allowing for better use of space. The new garage will complement the design of the home and contribute positively to the property's curb appeal.

Thus, the economic impact of granting the proposed departures is expected to be positive, supporting both the property's value and its smooth operation within the existing residential context.

3.7 SOCIAL IMPACT

The proposed building line departures for Portion 124 of the farm Baardscheeders Bosch No.213 are expected to have a positive social impact on the property and its surrounding community. The adjustments pertain to structures that have been in place without generating any complaints from neighbours.

The integration of the existing dwelling, stoep, fire pit and Wendy house into the neighbourhood has proven to be harmonious, with no negative effects reported by nearby residents. By formalizing these existing structures, the property will contribute to maintaining the residential character and stability of the area.

The minimal nature of the new (garage) and existing encroachments ensures that they do not disrupt the visual or functional aspects of the neighbourhood. Furthermore, approving the building line departures will provide the current owners with the security of knowing their property is compliant, fostering a positive and supportive community environment. In summary, the proposed departures will enhance the property's integration within the neighbourhood, reinforcing social cohesion and contributing to a stable and pleasant residential area.

3.8 COMPATIBILITY WITH SURROUNDING LAND USES

The proposed building line departures for Portion 124 of the farm Baardscheeders Bosch No.213 are fully compatible with the surrounding land uses and the overall character of the neighbourhood. The property is situated within an agricultural zoned area, consistent with the zoning and land use of adjacent properties. The encroachments in question pertain to structures that have been in place since before 2002 and have not adversely affected the neighbouring properties or elicited complaints from residents.

The existing dwelling with stoep, fire pit, Wendy house and proposed new additions will seamlessly integrated into the residential fabric of the area, aligning with the predominant land use of single residential homes. The minor nature of the proposed departures from the lateral and rear building lines, to accommodate the existing structures ensures that these adjustments do not disrupt the visual or functional harmony of the neighbourhood.

Furthermore, the approval of these departures will formalize existing conditions without altering the property's residential function or affecting the broader community. This alignment with existing land use patterns supports the continuity and stability of the residential environment, ensuring that the property's integration remains consistent with the surrounding land uses.

3.9 IMPACT ON EXTERNAL ENGINEERING SERVICES

The proposed building line departures for Portion 124 of the farm Baardscheerders Bosch No.213 are expected to have no impact on external engineering services. The minor encroachments associated with the As Built and proposed structures do not interfere with or place additional strain on municipal infrastructure or services.

The property is adequately serviced by existing infrastructure, including water, sewage, and road networks, all of which are functioning within their designed capacities. The proposed adjustments to the building lines will not alter the usage or demand on these services. The As Built and proposed structures will not affect the surrounding utilities or infrastructure.

Given the minimal nature of the encroachments and the long-standing existence of the As Built structures, the proposal will have no impact on external engineering. The proposed departures are intended to formalize existing conditions and add efficiently to the property rather than introduce significant changes that could impact the provision or functionality of municipal services.

3.10 IMPACT ON SAFETY, HEALTH AND WELLBEING OF SURROUNDING COMMUNITY

The proposed building line departures for Portion 124 of the farm Baardscheerders Bosch No.213 are unlikely to have any adverse impact on the safety, health, or wellbeing of the surrounding community. The existing structures have been in place

for a few years and have not raised any safety or health concerns among neighbouring residents.

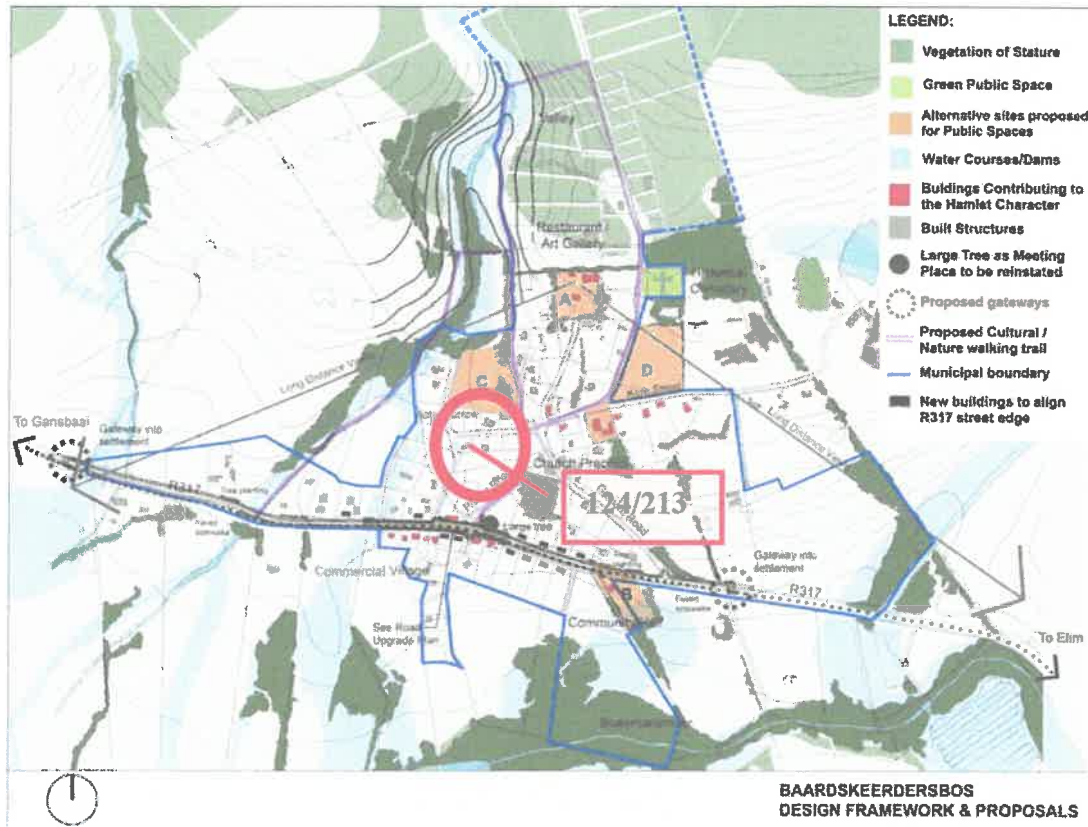
The minor encroachments associated with the As Built and new structures do not pose any hazards or risks to the public. The buildings are and will continue to be constructed in a manner that adheres to standard safety regulations. There have been no reported issues related to the presence or condition of the As Built structures. The continued use of the property as a single residential dwelling (rural-residential) ensures that the existing safety and health standards are maintained.

The proposed departures aim to formalize the existing and new structures without introducing any new elements that could impact the surrounding community. By ensuring compliance with land use regulations, the adjustments will support the ongoing safety and wellbeing of the area, contributing to a stable and secure residential environment. Overall, the proposed building line adjustments are designed to maintain, rather than compromise, the quality of life and safety for residents in the vicinity.

3.11 IMPACT ON HERITAGE

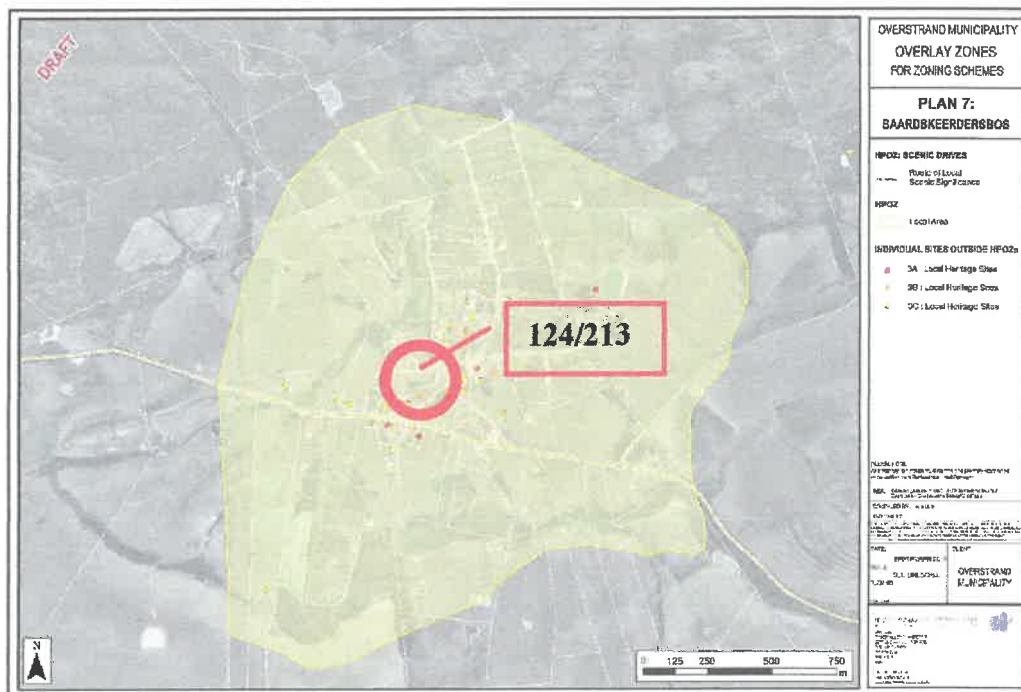
The application does not involve changing the character of a site larger than 5000m². Consequently, it is our opinion that the proposed departure does not trigger Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

According to the Baardskeerdersbos Precinct Plan (2015) forty-three conservation worthy heritage resources were identified within the settlement. The buildings marked red on the Heritage & Landscape Indicators Map form part of this resource and define the hamlet. From the map below it is evident that Portion 124 of the farm Baardscheerders Bosch no. 213 is not included in the hamlet.



*Map 7: Heritage and Landscape Indicators for Baardskeerdersbos
(Baardskeerdersbos Precinct Plan, 2015)*

The subject property falls within the Heritage Protection Overlay Zone (HPOZ): Local Area for Baardskeerdersbos as indicated on the map below:



*Map 8: Baardskeerdersbos Heritage Protection Overlay Zone
(Overstrand Municipality Land Use Scheme, 2020)*

The purposes of the HPOZ for Baardskeerdersbos is to ensure that any land use application resulting in additional rights complies with the existing character and contextual significance. The proposed departures to accommodate existing and proposed encroachments will retain the low-density rural quality of the village in its agricultural setting. The new additions, particularly in terms of height and massing and the use of materials, are considered appropriate in terms of the aesthetical vale and character of the area.

The proposed departure respects the urban edge and urban sprawl / encroachment of residential development into farmland is not proposed with this application. The proposal is sympathetic to the historically significant pattern of Baardskeerdersbos.

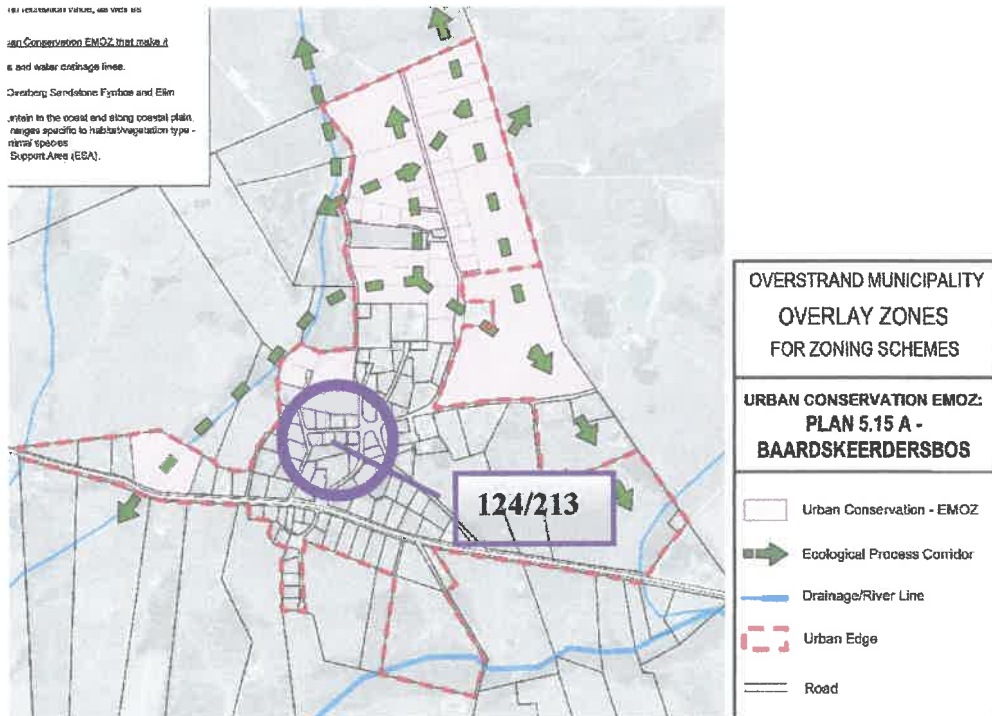
To our knowledge there are no archaeological remains on the subject property. The subject property is also not associated with slavery or any person / group of heritage significance.

There are no indications that these structures or their modifications affect any recognized historical or cultural heritage sites. As a result, the proposed building line departures for Portion 124 of the farm Baardscheeders Bosch No.213 are unlikely to have a significant impact on heritage values or assets. The proposed building line departures are designed to maintain the current use and appearance of the property while ensuring compliance with land use regulations. They are not expected to impact heritage resources or values, thereby preserving the historical and cultural context of the surrounding area.

3.12 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed departures do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

An Environmental Management Overlay Zone (EMOZ; 2020) applies to Baardskeedersbos. The subject property is not situated within an Urban Conservation area. Refer to the Urban Conservation EMOZ plan below:



*Map 9: Baardskeedersbos Environmental Management Overlay Zone
(Overstrand Municipality Land Use Scheme, 2020)*

The property is situated in an area with established infrastructure and land use patterns, and the minor encroachments associated with the proposed departures do not interfere with natural habitats or ecological systems. The areas impacted by the proposed adjustments are already developed, and the structures in question do not contribute to significant environmental degradation or disrupt local biodiversity.

The proposed adjustments to the building lines will not alter the existing landscape significantly or lead to increased impervious surfaces that could affect drainage or runoff patterns. There is no evidence suggesting that the proposed changes would negatively impact the natural environment or require additional environmental mitigation measures.

Overall, the proposed building line departures are designed to accommodate existing and new structures within the established residential framework and are not expected to have any notable adverse effects on the biophysical environment.

3.13 TRAFFIC IMPACT, PARKING AND ACCESS

The proposed building line departures for Portion 124 of the farm Baardscheeders Bosch No.213 are not anticipated to have a significant impact on traffic flow, parking, or access in the surrounding area. The adjustments primarily involve minor relaxations of building lines to accommodate existing and new structures, which are functioning within the current residential context.

The property's current use as a single residential dwelling does not generate traffic volumes that would significantly affect local road networks. The proposed departures will not alter the property's use or increase its traffic generation, and therefore, no additional traffic impact is expected.

The new garage will provide adequate parking space for the property's needs, ensuring that parking requirements are met on-site. The new garage ensures that vehicles are

accommodated within the property boundary, minimizing any potential spillover into the public road or surrounding areas.

The property is well-serviced by the existing road infrastructure, providing convenient access to and from the residence. The proposed building line adjustments do not impact the existing access arrangements or modify the driveway or road connections. The access to the property remains unchanged, ensuring that residents can continue to enter and exit the property without any disruption.

In summary, the proposed building line departures will not adversely affect traffic patterns, parking availability, or access to the property. The existing infrastructure adequately supports the current and anticipated needs of the property, maintaining smooth and efficient traffic and parking conditions in the area.

3.14 TITLE DEED

Title Deed No. T32163/2024 has no restrictive title deed conditions that need to be addressed with this application. A conveyancer's certificate is not included with this application since the Title Deed is uncomplicated. There is no bond registered against the subject property.

3.15 FORWARD PLANNING AND LAND USE DOCUMENTS

3.15.1 OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (2020)

The *Overstrand Spatial Development Framework (2020)* stipulates that Portion 124 of the farm Baardscheerders Bosch no. 213 is situated inside the urban edge of the Overstrand region demarcated for Baardskeerdersbos. The policy earmarks the subject property for urban development purposes. Refer to the SDF Plan (2020) for the Overstrand region below:



Plan 71: Baardskeerdersbos Spatial Proposal 2020

Map 10: Overstrand SDF: Baardskeerdersbos Spatial Proposal (2020)

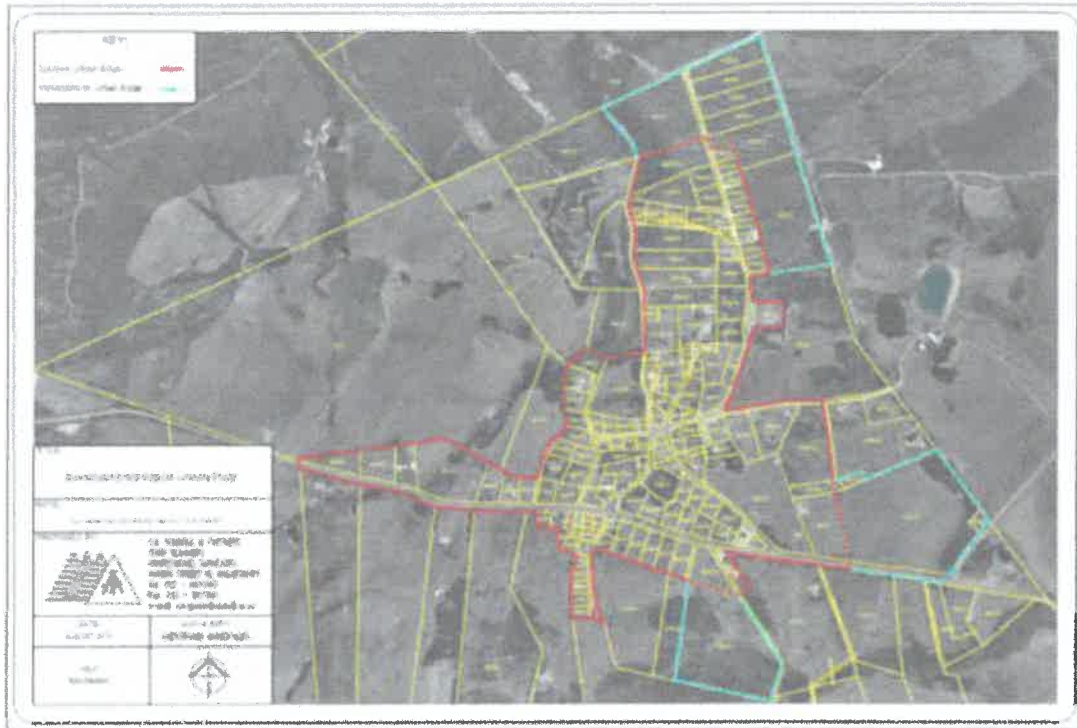
The Overstrand SDF (2020) stipulates that the unique village / rural character must be maintained with any new development proposals. The development footprint must be contained within the defined rural edge of the town. The zoning and use of the subject property will remain unchanged. As a result, the impact of the proposed departures on the spatial integrity of the area will be minimal and is therefore consistent with the Overstrand SDF (2020). The proposal is in line with the existing rural character of the area. The proposal will maintain the unique village / rural character of Baardskeerdersbos.

3.15.2 BAARDSKEERDERSBOS PRECINCT PLAN (2015)

Urban edge

Given the current urban edge, there is a need to contain development within some areas of expansion within the urban edge. There is also a need to include some outlying erven within the urban edge to ensure consistency of policy implementation. The settlement's growth is determined by business activities along the main road, scattered community activities (old and new), the historical subdivision pattern and the need to access municipal services. The proposed urban edge for Baardskeerdersbos

is illustrated by the Diagram below. The red line indicates the existing edge and the blue line the proposed expansions as supported by the public participation process conducted in July 2014.



*Map 11: Existing and expanded urban edge for Baardskeerdersbos
(Baardskeerdersbos Precinct Plan, 2015)*

Strategies and compliance

The Baardskeerdersbos Precinct Plan (2015) provides set parameters for development and defined spaces for the development of erven in the area. The subject property falls within the rural development edge and is and will continue to be developed within the urban fabric. The proposal is thus in line with the existing rural character of the area. The proposal will maintain the unique village / rural character of Baardskeerdersbos.

The proposal will promote land development in a location that is sustainable. The proposed departures are to an improved erf within an established rural-residential area and will not impact on urban sprawl or upon a sensitive environment.

The impact on the overall density of Baardskeerdersbos will be kept to a minimum since the proposed application still promotes a low-density residential area.

From the above it is evident that the proposed development **adheres and complies** with the relevant municipal spatial planning policies.

3.16 PLANNING PRINCIPLES

The planning principle of spatial resilience does not apply to this application.

Spatial justice: The proposed application will not further promote the spatial development imbalances. The proposed application is in character with the existing rural / village character of the area where similar applications have been approved in the past and therefore the approval of the proposed application will not be spatially biased.

Spatial sustainability: Spatial sustainability focuses on maintaining and enhancing the long-term viability of land use patterns and ensuring that developments support environmental, social, and economic sustainability. The proposed building line departures for Portion 124 of the farm Baardscheeders Bosch No.213 align with principles of spatial sustainability.

The proposed departures address minor encroachments of existing structures that have been in place for a few years as well as to accommodate new structures (outbuildings) encroaching the rear and lateral building lines. The adjustments are not anticipated to lead to significant environmental impacts or changes in land use. The property is already developed, and the proposed modifications do not increase impervious surfaces or disrupt natural ecosystems. The minor adjustments are intended to formalize existing conditions and introduce new additions, neither of which will impact the environment.

The adjustments aim to resolve discrepancies in the property's land use status that were inherited by the current owners. By regularizing the existing structures, the application supports social stability and fairness, ensuring that the property complies with regulations without displacing or negatively impacting surrounding residents. The

current use of the property after redevelopment / additions aligns with the residential character of the neighbourhood, promoting a sense of community cohesion.

The proposed adjustments are designed to ensure that the property remains compliant with land use regulations while minimizing any negative impacts. By addressing the existing and proposed encroachments, the application supports the long-term sustainability of the property within the residential context of the neighbourhood. The minor nature of the proposed departures ensures that they do not compromise the broader spatial sustainability of the area.

In summary, the proposed building line departures for Portion 124 of the farm Baardscheeders Bosch No.213 contribute to spatial sustainability by addressing existing conditions and proposed new additions in a manner that supports environmental protection, social equity, and economic stability. The adjustments ensure that the property remains integrated and functional within its residential setting, promoting long-term viability and harmony with the surrounding area.

Efficiency: Efficiency in land use and planning focuses on optimizing resource utilization, minimizing waste, and ensuring effective use of space while adhering to regulations. The proposed building line departures for Portion 124 of the farm Baardscheeders Bosch No.213 exemplify efficiency in the following ways:

- **Optimal Use of Existing Structures:** By regularizing these structures rather than requiring their modification or removal, the proposal makes efficient use of the already developed space, avoiding unnecessary redevelopment or reconstruction that would otherwise incur additional costs and resource use.
- **Minimization of Disruption:** The proposed adjustments are minor and address existing encroachments without requiring significant alterations to the property. The new additions encroaching on the building lines (Wendy house and garage) are outbuildings that are generally viewed positively. The approach to keep the As Built structures and add to the existing structures minimize disruption to the current use of the property and avoids the need for extensive new construction or substantial changes to the existing layout, thus ensuring efficient use of time and resources.

- **Cost-Effectiveness:** Addressing the encroachments through building line departures is a cost-effective solution compared to more extensive measures, such as demolishing and reconstructing portions of the structures. By formalizing the existing conditions, the proposal prevents potential future costs associated with penalties, legal disputes, or required modifications, thus offering a more efficient resolution.
- **Regulatory Compliance:** The proposed departures align with regulatory requirements and seek to bring the property into compliance with current land use standards. This efficient approach ensures that the property adheres to legal frameworks without imposing unnecessary burdens on the owner or creating additional administrative complexities.
- **Sustainable Land Use:** the proposal supports the sustainable use of land within the existing residential context. The adjustments help maintain the functional integrity of the property and ensure its continued compatibility with the surrounding area, promoting efficient and sustainable land management.

In summary, the proposed building line departures for Portion 124 of the farm Baardscheerders Bosch No.213 demonstrate efficiency by optimizing the use of existing structures, minimizing disruption, and offering a cost-effective solution for regulatory compliance. The approach ensures that the property remains functional and compliant while making efficient use of resources and adhering to sustainable land use practices.

Good administration: Our firm is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020.

4. RECOMMENDATION

When this application is evaluated, it is important to take note of the following:

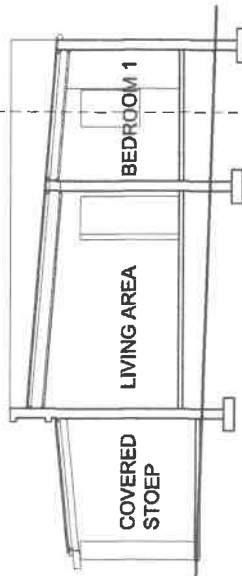
- Mr. and Mrs. Miles purchased the property in 2024, unaware that the house situated on Portion 124 of the farm Baardscheeders Bosch No. 213 encroaches the lateral and rear building lines and that the fire pit and Wendy house lacked building plan approval.
- The encroachments are minimal and involve minor deviations that do not significantly affect the surrounding properties or the character of the neighbourhood. The proposed departures will not alter the primary land use or zoning of the property.
- Approving the application will support the property's economic viability by formalizing existing conditions and preventing potential future disputes or penalties. Socially, it ensures fairness for the current owners.
- The proposal offers an efficient resolution by legalizing existing structures rather than requiring their modification or removal. This approach is cost-effective and avoids unnecessary redevelopment.
- The application supports spatial sustainability by addressing minor deviations while maintaining the property's functional and aesthetic value.
- All services on the subject property already exist, and no additional loading of the existing infrastructure is anticipated.
- The densification status quo of the area will remain unchanged, with no impact on traffic or heritage aspects.
- The proposal aligns with spatial planning strategies and is compliant with applicable planning principles described in the LUPA (2014) and SPLUMA (2013).

In summary, the approval of the application for building line departures for Portion 124 of the farm Baardscheeders Bosch No.213 is recommended due to the minor nature of the encroachments, the lack of negative impact on the community or environment, and the efficient resolution it provides for existing discrepancies.

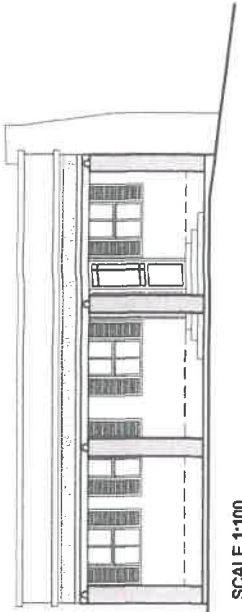
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● SECTION AA SCALE 1:100

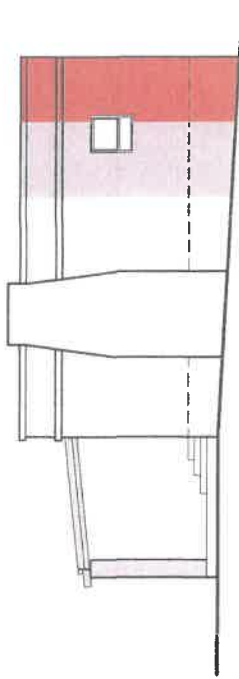
KEY
 AS-BUILT
 AS-BUILT OVER 4000 mm BUILDING LINE
 PREVIOUSLY APPROVED OVER 4000 mm BUILDING LINE



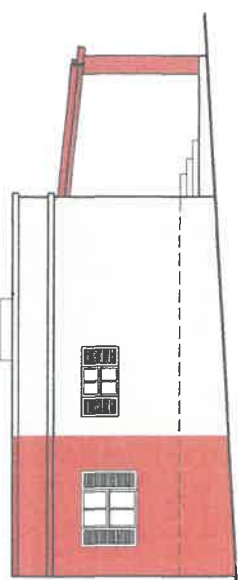
● NORTH ELEVATION SCALE 1:100



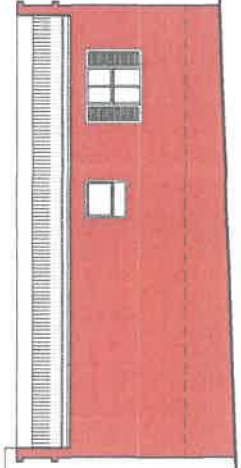
● WEST ELEVATION SCALE 1:100



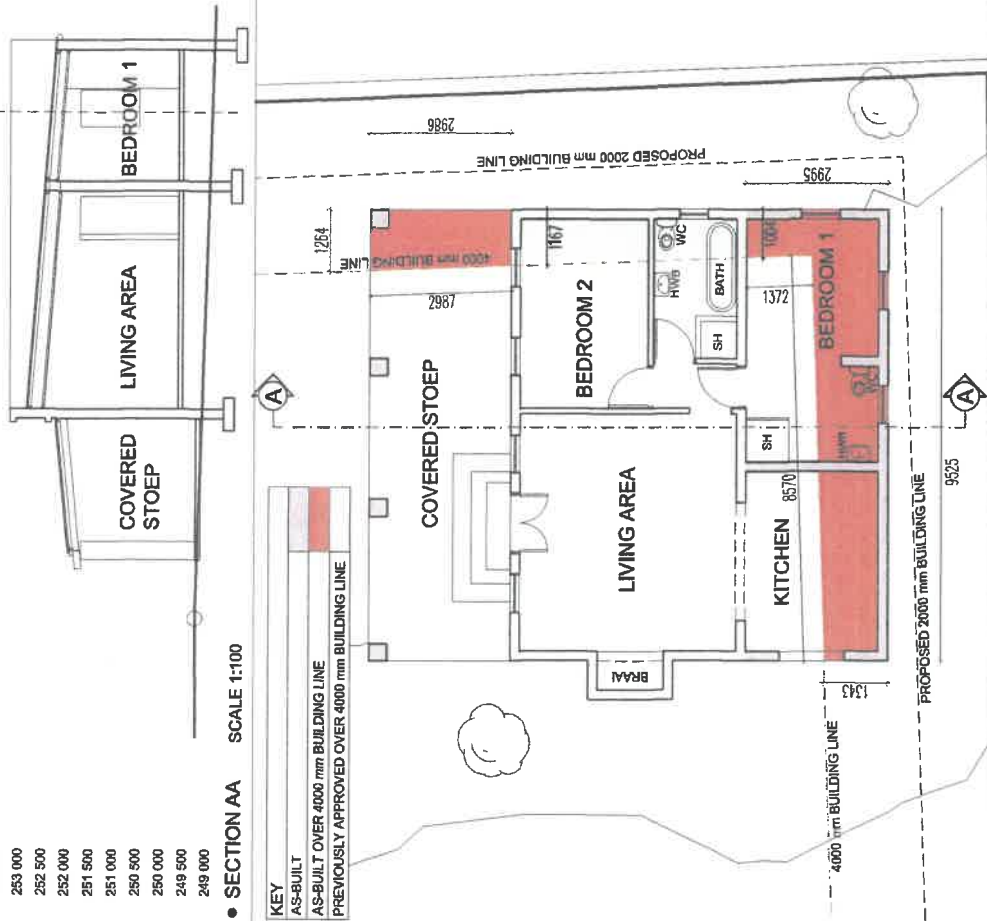
● EAST ELEVATION SCALE 1:100



● SOUTH ELEVATION SCALE 1:100



4000 mm BUILDING LINE ON SECTION LINE



● FLOOR PLAN SCALE 1:100

BenK
 draft

BEN KUNZ
 SACAP REGISTRATION: PAD 24750382
 073 317 3187

Project:
 APPLICATION FOR RELAXATION OF THE 4000 mm SIDE AND REAR BUILDING LINES TO 2000 mm ON PORTION 13A OF THE FARM 113, BAROSSA REGION

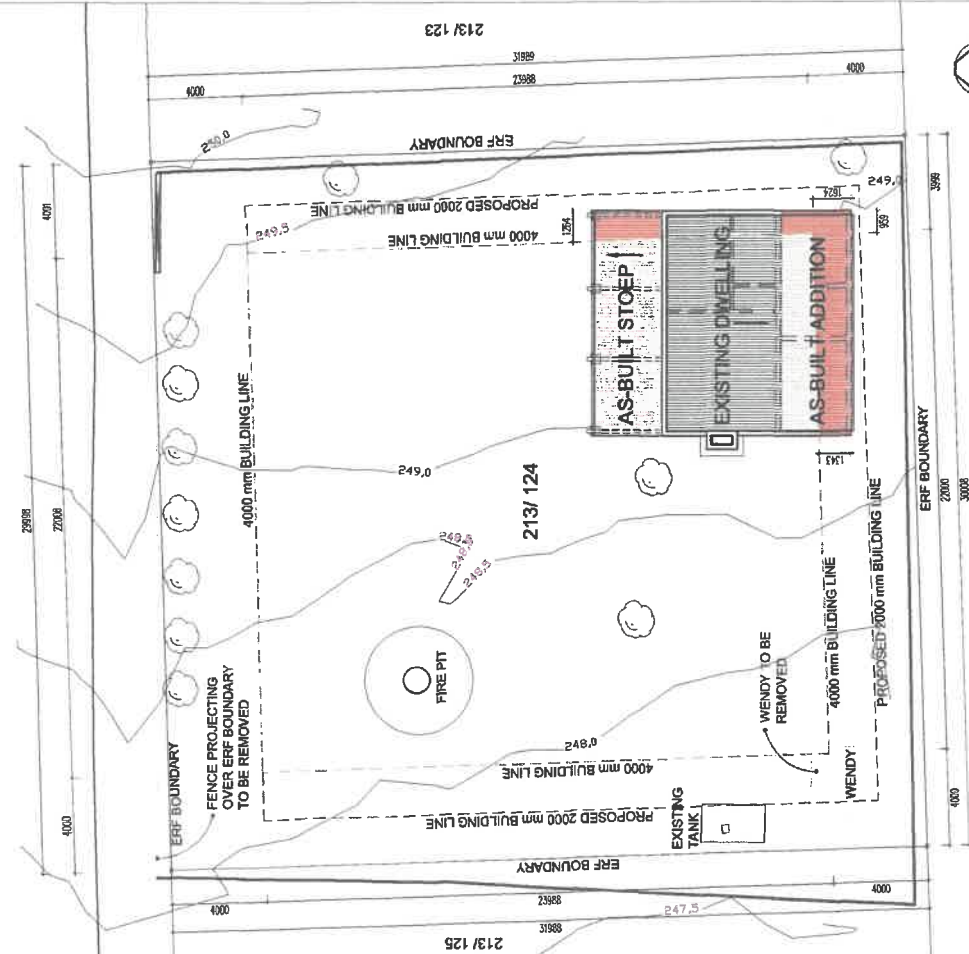
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 Date AUGUST 2024
 SACAP registration: PAD 24750382

Drawn B.K.
 Date AUGUST 2024
 2 OF 3
 21/1/24, MILES, A3/10-2024-DEP
 (Drawing No)

GENERAL NOTES:
 - ALL DIMENSIONS AND SITE BOUNDARY PEGS ARE TO BE VERIFIED ON SITE BY THE CONTRACTOR/LAND SURVEYOR PRIOR TO COMMENCING SETTING OUT OF CONSTRUCTION.
 - PEARED DIMENSIONS ONLY TO BE USED.
 - ALL MATERIALS AND PRACTICES ARE TO BE REPORTED TO THE REGULATORS IMMEDIATELY AFTER THEY BECOME EVIDENT.
 - ALL MATERIALS AND PRACTICES TO COMPLY WITH NATIONAL BUILDING REGULATIONS, GRAS STANDARDS.
 - THE CONTRACTOR MUST ENSURE THAT THE DIMENSIONS SHOWN ON DETAILS CORRESPOND WITH THE DIMENSIONS OF ANY WORK ALREADY BUILT WHICH GOVERNS THE SIZES.
 - THE CONTRACTOR MUST COMPLY WITH ALL MUNICIPAL, BY-LAWS, ORDINANCES AND LOCAL ACTS.
 - ALL DRAWINGS TO BE READ TOGETHER AND CORRELATED BEFORE WORK COMMENCES.
 - IT IS THE SOLE RESPONSIBILITY OF THE CLIENT CONTRACTOR TO HAVE A SOIL INVESTIGATION DONE BY A COMPETENT PERSON (GEOLOGIST AND ENGINEER) SHOULD THE CLIENT CONTRACTOR BE RESPONSIBLE FOR CONVENTIONAL STEP FOUNDATIONS AS PER DRAWINGS. IT IS THE CLIENTS RESPONSIBILITY TO APPOINT A STRUCTURAL ENGINEER TO DESIGN FOUNDATION FOOTINGS.

KEY	
	AS-BUILT
	AS-BUILT OVER 4000 mm BUILDING LINE
	PREVIOUSLY APPROVED OVER 4000 mm BUILDING LINE

4 DIE TUINE STREET



213/ 14

• SITE & ROOF LAYOUT PLAN SCALE 1:200

Project
 APPLICATION FOR RELAXATION OF THE 4000 mm SIDE AND REAR BUILDING LINES TO 2000 mm ON PORTION 124 OF THE FARM 213, BAARDSKERPERBOS05

Scale
 AS SHOWN ON A3

Checked
 B. KUNZ

Drawn
 B.L.

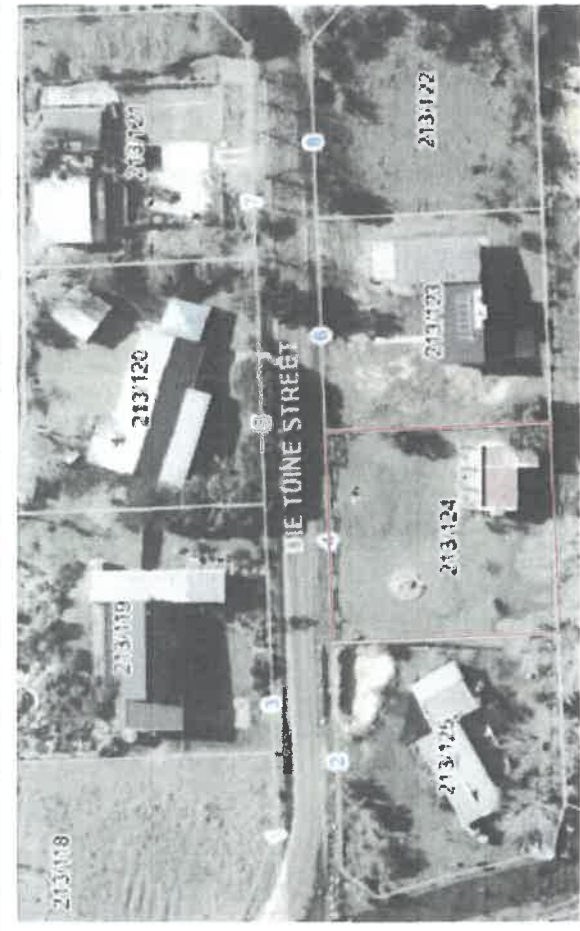
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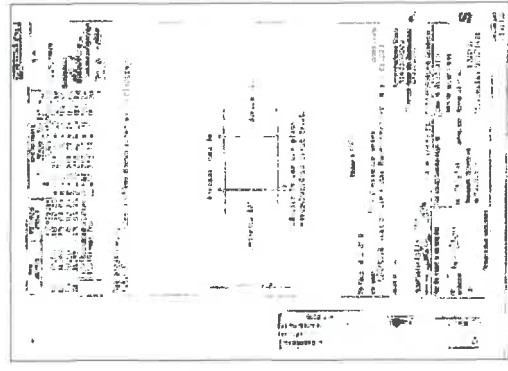
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213/14, JILES 240-204-DEP 1 OF 3

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• LOCALITY PLAN SCALE NTS



• AREAS:

SITE	959.74 m ²
EXISTING DWELLING	48.12 m ²
AS-BUILT STOEP	28.43 m ²
AS-BUILT ADDITION	28.52 m ²
FOOTPRINT	106.07 m ²
COVERAGE	11 %
AS-BUILT STRUCTURES PROJECTING OVER 4000 mm BUILDING LINE:	
STOEP	3.6 m ²
ADDITION	15.6 m ²
TOTAL	19.2 m ²

• CSG DIAGRAM

GENERAL NOTES:

- ALL DIMENSIONS AND SITE BOUNDARY MEASUREMENTS TO BE VERIFIED ON SITE BY THE CONTRACTOR/LAND SURVEYOR PRIOR TO COMMENCING SETTING OUT OF CONSTRUCTION.
- DISCREPANCIES, ERRORS AND OMISSIONS ARE TO BE REPORTED TO THE DRAUGHTSMAN IMMEDIATELY AFTER THEY BECOME EVIDENT.
- ALL MATERIALS AND PRACTICES TO COMPLY WITH NATIONAL BUILDING REGULATIONS, SARS STANDARDS.
- THE CONTRACTOR MUST CORRECT ANY DISCREPANCIES OR DISCREPANCIES WITH THE DIMENSIONS OF ANY WORK SUBJECT TO WHICH GOVERNS THE SIZES OF THE WORK FOR WHICH THE DETAILS IS GIVEN.
- THE CONTRACTOR MUST COMPLY WITH ALL MUNICIPAL BY-LAWS, ORDINANCES AND REGULATIONS.
- ALL DEVIATIONS FROM THE DRAWING OR SPECIFICATIONS THE RESULTING WORK WILL BE THE SOLE RESPONSIBILITY OF THE CLIENT/CONTRACTOR.
- IT IS THE SOLE RESPONSIBILITY OF THE CLIENT/CONTRACTOR TO HAVE A QUALIFIED INVESTIGATION DONE BY A COMPETENT PERSON (GEOLOGIST AND ENGINEER) SHOULD THE SITE BE FOUND TO BE UNFIT FOR CONSTRUCTION. THE FOUNDATIONS AS PER DRAWINGS, IT IS THE CLIENT'S RESPONSIBILITY TO OBTAIN A STRUCTURAL ENGINEER TO DESIGN SUCH FOUNDATIONS.