ERF 1378, THE ISLAND, SEDGEFIELD:
APPLICATION FOR DEPARTURE AND REMOVEL OF TITLE DEED RESTRICTIONS.

We are applying for a removal of a building line restriction (Permanent departure section 15(2)(b) of the By-Law) and (Removal of Title deed restriction Section 15(2)(f) of the By-Law).

We would like to apply for a permanent departure for a carport and garden shed and we would like to apply for a removal of a Title deed restriction from 1.57m to 0.2m from the side boundary. Refer to (D.4) in the title deeds.

MOTIVATION REPORT:

BACKGROUND: - The original house was built as per the then applicable lines namely 4.72m street building line and 1.57m lateral and rear building lines. The previous owners erected a carport and garden shed without permission. The purpose of the application is to rectify this by applying for building line relaxation.

CONSISTANCY WITH SPLUMA PRINCIPLES: - The application falls within an area with a Zoning scheme (Sedgefield) that allows the municipality to decide on matter relating to building line relaxations as described in Chapter 2 of the Act (Act no 16 of 2013).

CONSISTENCY WITH THE SDF: - The application is entirely consistent with the SDF. It falls within the urban edge and is subject to the Sedgefield Zoning Scheme as regards to single residential.

IMPACT ON MUNICIPAL ENGINEERING SERVICES: - It will not impact on the Municipal Engineering services. There is no municipal sewerage system in this area. A septic tank is in place to cater for sewerage. Water and electricity (40amp) have already been provided.

DESIRABILITY: - The application, in part, consist of rectifying the transgression that took place many years ago. Carport provides housing for a second vehicle as there is only a single garage on the property. This will uplift the value of the property as family’s like to have two garages for their two vehicles for safety and to protect them from the weather. Garden sheds are handy for gardeners to store their garden tools in for safety and protection from the weather.

ACCESS: - The access to the carport EXISTS, easy and safe as it makes use of the already approved access to the approved garage.

IMPACT ON THE BIOPHYSICAL ENVIRONMENT: - There in no impact on the biophysical environment. The property has been terraced and landscaped with mostly non-indigenous plants.
**IMPACT ON PROPERTY RIGHTS OF NEIGBOURING OWNERS:** The buildings have very little impact on the neighbours, the garden shed can barely be seen from the street and due to the vibracrete wall the adjacent neighbours cannot see the garden shed. The carport is visible from the street but it doesn’t detract from carports in the area that are built within the building line. The adjacent neighbour (ERF 1379) has a similar structure erected over the building line in the same position as the said carport on ERF 1378.

**CONCLUSION**

**PRACTICAL ASPECT:** We became the owners of this property in late 2004. We come for the Netherlands and we were not aware of the process of approval drawings from the Municipality for all structures on a property when purchasing it. We have subsequently found out from a neighbour selling their house that some of the structures on their property did not have approved plans from the Municipality and they have now had to apply to have these structures approved by the Municipality. For this reason we are now undertaking to obtain approval for the carport and garden shed so that all our structures on the property have Municipal approval.

**GENERAL IMPACT:** As previously described, the garden shed can barely be seen from the road and due to the vibracrete wall the adjacent neighbours cannot see the garden shed. The carport is visible for the street but it doesn’t detract from carports in the area that are built within the building line. The adjacent neighbour (ERF 1379) has a similar structure erected over the building line in the same position as the said carport on ERF 1378. The two structures are well maintained and in keeping with the existing structures on the property.

**LEGISLATION AND POLICY COMPLIANCE:** With reference to the Knysna Municipality: Standard Municipality Land use planning by-law, Section 38(f), I believe that legalizing the buildings will only improve the value of the property and have a positive influence on the neighbourhood. The approval of these buildings will not have a negative impact on social, economic or environmental concerns.

The application is in line with the Knysna Spatial Development Framework (2017), the Municipal Vision Statement (3.2.1) as well as the Spatial Strategies described in said document.

The application complies to all principles as laid down in the Spatial Planning and Land Use Management Act (SPLUMA).
BACKGROUND AND HISTORY:- In 1948 the dormant township (proclaimed as a town in 1929) that would become Sedgefield was sold by the Thesens to Blanckenberg Watney. Watney called his company Sedgefield Investments (Pty) Ltd and when he died in 1952, his wife Elaine took control of the township. She sold one lot to Ferdie Van Niekerk and this became known as Sedgefield Island. The other two became what is now known at The Village. A village Management board was created in 1956.

F. van Niekerk en Seuns (Eiendoms) Beperk no longer exists which is the area that Erf 1378 falls under.

NEIGHBORHOOD:- The property is in a quiet street and is well situated as it is in walking distance to the lagoon. The original house was built in 1986. The carport and garden shed referred to in the application were built by the previous owners without planning permission.

LOCATION:- The property is situated on The Island in Sedgefield. Refer to the locality plan.

SITE:- Erf 1378, The Island, Sedgefield is zoned single residential as per the Sedgefield Zoning Scheme of 1980 and is currently used for single residential purposes. A copy of the Title deeds is attached with the plans.

PROPERTY DETAILS:-
Erf number: 1378
Title deed number: T000079199/2004
Property owner: Petrus Lambertus Kerckhoffs and Anita Maria De Rooij
Property size: 1115M2
Title deed restriction: Section D.4 of the title deed.
Servitudes: There are no servitudes registered over the property.
Bond: The property is not bonded.

APPLICATION FOR A PERMANENT DEPARTURE:- Lateral building line departure from 3.0m to 200mm on the south boundary to legalize the existing carport and garden shed.
According to the Sedgefield Zoning Scheme of 1980, the property is zoned as single residential and subject to building line limitations of 5.0m on the street and 3.0m on the rear and lateral boundaries (see items 3.2.1.1 of the Zoning Scheme).
The Sedgefield Zoning Scheme does not specifically define a building line but the general definition of “a line delimiting a distance measured from the boundary with which no building or structure may be erected” is accepted. The existing structures (carport and garden shed) encroach on the lateral boundary, as described above. This application is therefore made in terms of Section 15(2)(b) of the Knysna Standard By-law on Municipal Land Use Planning (2016) to allow legalize the existing buildings. This is also in line with item 3.2.1.2 of the Sedgefield Zoning Scheme.

Please refer to the plans, locality plan, Title deeds and application documentation that was already been submitted.

P.L. Kerckhoffs and A.M. de Rooij
Phone 044 3431094
Email peterkerckhoffs@gmail.com