

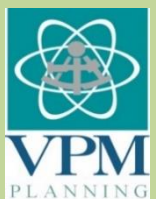
**ERF 11252  
PEZULA, KNYSNA**

**BUILDING LINE RELAXATION  
APPLICATION**



**Lundikazi Khuphiso**

10/26/2021



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Annexure B: Title Deed

Annexure C: General Plan

Annexure D: Approved Building Plans

Annexure E: HOA Consent

Annexure F: Sparrebosch Rezoning Approval

# INFORMATION REQUIRED IN TERMS OF SECTION 38. OF THE BY-LAW

## COMPULSORY INFORMATION AND DOCUMENTATION REQUIRED

	DEPARTURE	ANNEXURE REFERENCE
Completed & signed application form	√	T2
Power of Attorney / Owner's consent (1)	√	Annexure A
Resolution (2)	√	N/A
Proof of registered ownership (3)	√	Annexure B
Bondholder's consent (if any)	√	N/A
Written motivation (4)	√	Main document
S.G. diagram / Extract of general plan	√	Annexure C
Locality plan	√	Diagram 1
SDP / conceptual layout plan	√	Diagram 5
Subdivision plan [incl street name(s) &no]	-	Not required
Proof of payment of application fees	√	Attached
Copy of title deed	√	Annexure B
Conveyancer certificate (7)	√	Not required
Minutes of pre-application meeting (8)	√	Not available
Zoning plan	-	Diagram 3
Phasing plan	-	No Phasing required
Consolidation plan	-	Not required
Proof of lawful use right	-	Not required
Proof of failure of HOA (9)	-	Not required
Copy of original approval letter (s)	-	Not required
ADDITIONAL INFORMATION		
Approved Building Plans	√	Annexure D
HOA Consent	√	Annexure E
Sparrebosch Rezoning Approval	√	Annexure F

# 1. INTRODUCTION

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VPM Planning has been appointed by Friedrich Harald Groiss, the owner of Erf 11252 Knysna, to prepare and submit a Departure application in terms of Section 15 (2) (b) and Chapter IV of the Knysna Spatial Planning and Land Use Management By-law (2021), for a street building line relaxation from 4.5m to 3.6m to allow the encroaching existing Porte Cochere as indicated on the attached Site Plan Nr: K11252SP.1.

## 2. BACKGROUND

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- The subject property was created when Sparrebosch Golf Estate was established in 1997 and it forms part of Residential 8 (R8) Section.
- Sparrebosch development rezoning letter of approval dated 24 December 1997 has nothing which relates to R8 Section building lines (See Annexure F).
- There is an existing dwelling house on site.

## 3. PROPERTY INFORMATION

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### 3.1 LOCALITY

The subject property is situated in Pezula Golf Estate, just 10 minutes away from Knysna CBD. It is located in Nr. 09 Forecastle Road, as indicated on the attached Locality Plan.

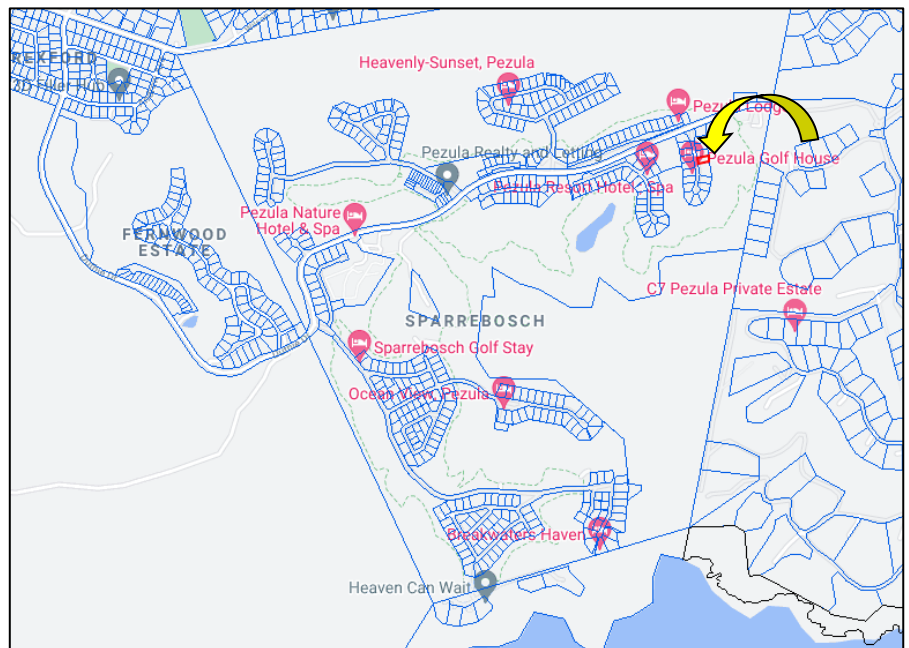


Figure1: Extract indicating locality of the subject property.

## 3.2 BIO-PHYSICAL SITE CONDITIONS

### 3.2.1 Topography

- The site has an even gradient and not prone to flooding.
- In terms of topography, there is nothing of relevance to this building line relaxation application.

### 3.2.2 Vegetation

- The property does not consist of any sensitive vegetation.
- In terms of vegetation, there is nothing of relevance to this building line relaxation application
- The site has no conservation value and does not serve a corridor function.
- Moreover, Erf 12252 has not been identified as a Critical Biodiversity Area (CBA) or an Ecological Support Area (ESA).



Figure 2 & 3: Pictures indicating topography and vegetation on site.

## 3.2 PROPERTY DETAIL

Title Deed Description:	Erf 11252, in the Municipality & Division of Knysna, Western Cape.
21 Digit code	C03900050001125200000
Title Deed Number:	T000046748/2014 (Attached as <b>Annexure B</b> )
S.G./GP Diagram Nr:	GP 3101/1999 (attached as <b>Annexure C</b> )
Title Deed Restrictions:	None
Property Size:	920m <sup>2</sup>
Property Owner:	Friedrich Harald Groiss
Bonds:	None
Land Use	Residential
Zoning:	Single Residential Zone I

## 4. PROPOSAL

The subject property consists of an existing dwelling house. It is zoned Single Residential Zone I in terms of the Knysna Zoning Scheme By-Law that is applicable to the area. Development parameters are prescribed in the Pezula Golf Estate Architectural Design Manual and Knysna Zoning Scheme By-Law for the property. Erf 11252 Knysna measures 920m<sup>2</sup> in extent. Building lines pertaining to the site are stipulated below.

BUILDING LINE	KNYSNA ZONING SCHEME BY-LAW	PEZULA GOLF ESTATE ARCHITECTURAL DESIGN MANUAL
Street	4.5m	4.5m (dwellings) and 5m (garages)
Lateral	2m	2m
Rear	2m	2m

On site, there is an existing Porte Cochere that is encroaching over the street building line as indicated on the Site Plan attached as Diagram 5.

Section 21 of the Knysna Zoning Scheme By-Law stipulates that “*notwithstanding the building line requirements set out in this By-law, the following structures or portions of structures may be erected within the prescribed building lines, provided they do not extend beyond the boundaries of a land unit and do not constitute an unreasonable nuisance to the neighbouring property owners—*

- (a) *boundary walls, screen walls, fences and gates;*
- (b) *open and uncovered stoeps and decks that are less than 500 millimetres in height above the natural level of the ground;*
- (c) *entrance steps, landings and entrance porches, excluding **Porte Cocheres**”.*

Prior to the construction of the existing structures on site, building plans were submitted and approved (see Annexure D). The approved building plans indicate that the Porte Cochere structure is within building lines. However, the structure slightly deviates from the approved building plans and that resulted to it being slightly over the street building line. The Porte Cochere structure measures 25m<sup>2</sup> in extent and only 4% (1m<sup>2</sup>) of the structure is encroaching over the street building line.

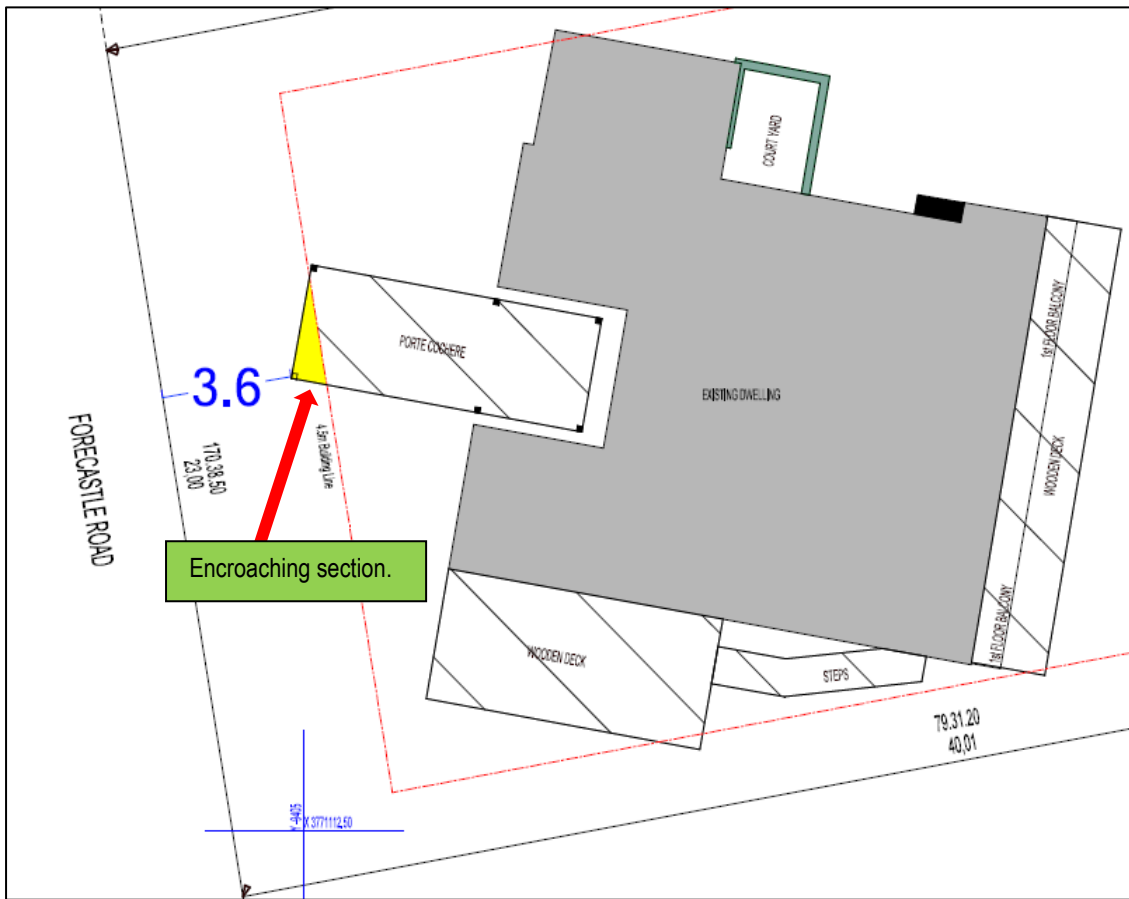


Figure 4: Extract from the proposed Site Plan.

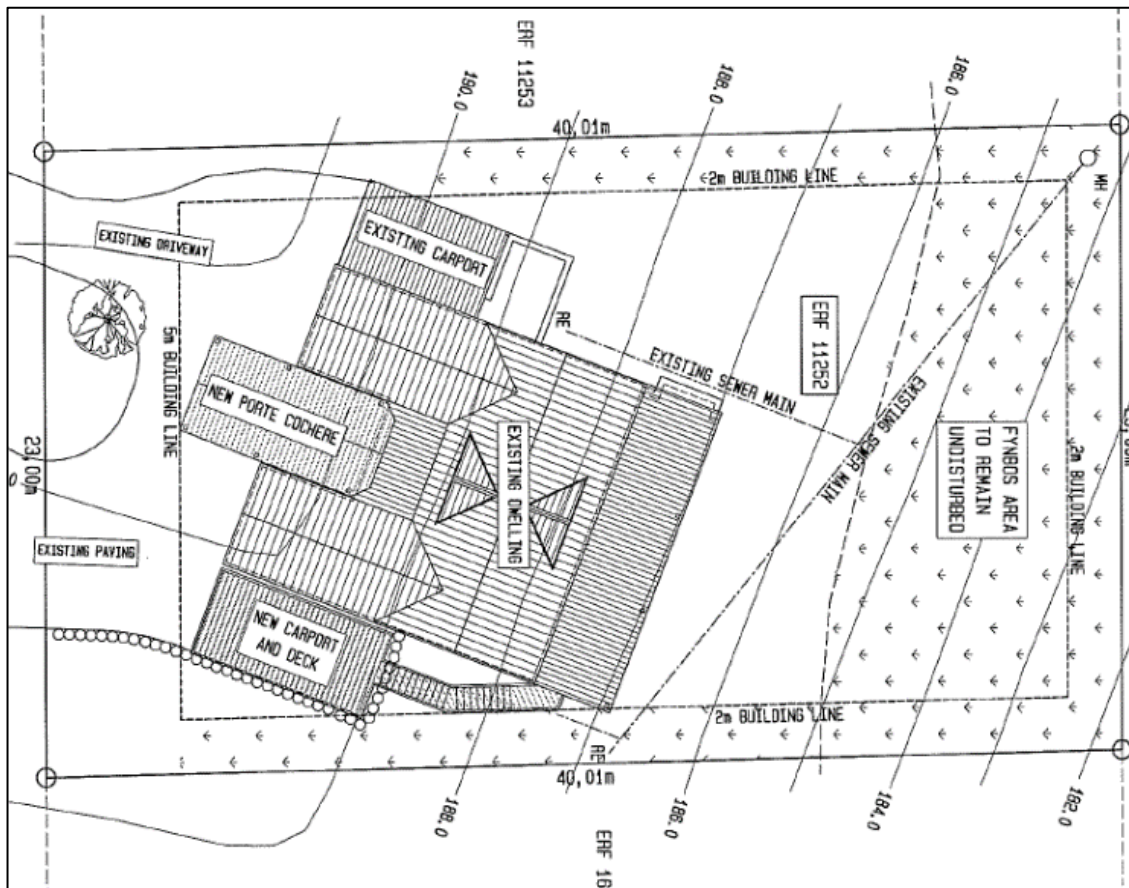


Figure 5: Extract from the approved building plans.



The owner intends to resolve the matter by submitting the required departure application instead of demolishing and rebuilding the structure. Therefore, an application for a Departure from the provisions of the Knysna Zoning Scheme By-Law (2020) is being submitted to the Council to relax the street building line from 4.5m to 3.6m in order to allow the existing encroaching Porte Cochere.



Figure 6: Encroaching Porte Cochere.

## 5. FACTORS TO CONSIDER

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### 5.1 EXISTING STRUCTURES

The structures on site comply with building line restrictions except for the Porte Cochere as it encroaches over the 4.5m street building line. The existing carport encroaches over the northern side rear building line as indicated on the attached Site Plan and it was previously approved as such (see Annexure D: Approved Building Plans).

According to Section 21 (2) (a) of the Knysna Zoning Scheme By-Law, **carports** are permitted within side and rear boundary building lines provided that the structures do not:

- extend higher than 3,5 metres to the top of the roof;
- contain more than a double garage facade;
- exceed a width of 6,5 metres; and
- have doors or windows facing the side or rear boundary concerned.

Also, there is an existing wooden deck that is encroaching over the southern rear building line on the property but has been permitted in terms of Knysna Zoning Scheme By-Law as decks lower than 500mm from the ground level in height are allowed. The existing carport and deck comply with the aforementioned provisions and are also indicated as such on the approved Building Plans (see Annexure D).

The owner did not intentionally deviate from the approved Building Plans, nor did he plan to violate or contravene any of the Single Residential Zone I development parameters. The Porte Cochere in front was incorrectly built by the contractor. The owner realised later that the structure has been incorrectly built. Demolishing and rebuilding the

existing Porte Cochere will be a costly exercise for such a minor deviation. The purpose of this application is to resolve the matter of encroachment by applying for a departure.

## **5.2 TITLE DEED RESTRICTIVE CONDITIONS**

Certain additional building restrictions apply to Erf 12252 Knysna as a result of conditions of approval incorporated into the relevant Title Deed.

Condition C (4) relates to building lines. However, this condition is only pertaining to Erf 2275 not the subject property.

## **5.3 ANTICIPATED IMPACTS OF THE BUILDING LINE RELAXATION**

It is believed that the building line relaxation will have no detrimental negative impact to the surrounding properties. The deviation is of such a minor portion, it is not easy to detect with a naked eye. It is therefore submitted that this deviation will no have real impact to the streetscape or the character of the area. The Porte Cochere will have no impact on road safety as it will not hinder view lines or maneuvering space for vehicles.

## **5.4 COMPATIBILITY WITH THE KNYSNA SPATIAL DEVELOPMENT FRAMEWORK.**

Building line relaxation is a matter that is not addressed in Spatial Planning documentation. This by nature is very site specific and the application will have to be considered on its own merit.

## **5.5 COMPLIANCE WITH PEZULA GOLF ESTATE RULES & ARCHITECTURAL DESIGN MANUAL**

The proposal is not in conflict with Homeowner's Association Rules. However, it does not comply with Pezula Golf Estate Architectural Design Manual. The Design Manual stipulates that the street building line is 4.5m. Pezula Golf Estate HOA is responsible to condone any deviations from the Architectural Design Manual. The Homeowner's Association has provided their consent for the departure (see Annexure E). The municipality only deals with departures from the parameters of the Zoning Scheme.

The existing wooden deck that is encroaching over the southern rear building line on site complies with Architectural Design Manual as decks lower than 2m from the ground level in height are allowed by the document.

## **5.6 POLICIES, PRINCIPLES AND PLANNING AND DEVELOPMENT NORMS AND CRITERIA SET BY THE NATIONAL AND PROVINCIAL GOVERNMENT**

In considering the application, the decision-maker needs to be guided by the DEVELOPMENT PRINCIPLES contained in (Chapter II) of Spatial Planning and land Use Management Act 2013 (Act no 16 of 2013) SPLUMA and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA).

Section 7 of the Act describes a set of development principles that need to be considered when evaluating any development application. These principles include the following:

### **5.6.1 Spatial Justice:**

The principle of spatial justice requires that past spatial and other development imbalances must be redressed through improved access to and use of land. The proposal cannot directly contribute to spatial reform. These matters are best addressed through spatial development frameworks and zoning schemes and other management systems.

### **5.6.2 Spatial Sustainability:**

The proposal supports this principle of spatial sustainability in the sense that it would not cause any negative detrimental impact on natural assets.

### **5.6.3 Spatial Efficiency:**

The proposal supports the efficient use of existing resources and infrastructure where decision-making procedures are designed to minimise negative financial, social, economic, or environmental impacts. The positive consideration of the application will contribute to the efficient use of serviced urban land with minimal negative impact.

### **5.6.4 Spatial Resilience and Good Administration:**

The proposal supports the principle of good governance and administration by submitting the required town planning application after discovering encroachment of the existing Porte Cochere structure.

## 6. CONCLUSION

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Council is humbly requested to consider the application for street building line relaxation in order to allow the existing encroaching Porte Cochere.

The reasons for approving the development are summarised as follow:

- The proposal is not in conflict with Spatial Planning Policies, and it will not have any detrimental impact on the surrounding properties.
- Street building line relaxation will allow ratification of the existing encroaching Porte Cochere structure that was incorrectly built by the contractor.
- The proposal is in line with the development principles set out in Section 7 of SPLUMA.
- Pezula Golf Estate HOA consented to the building line relaxation.
- Demolishing and rebuilding the existing Porte Cochere will be a costly exercise for a minor deviation.
- The Porte Cochere will have no impact on road safety as it will not hinder view lines or maneuvering space for vehicles.