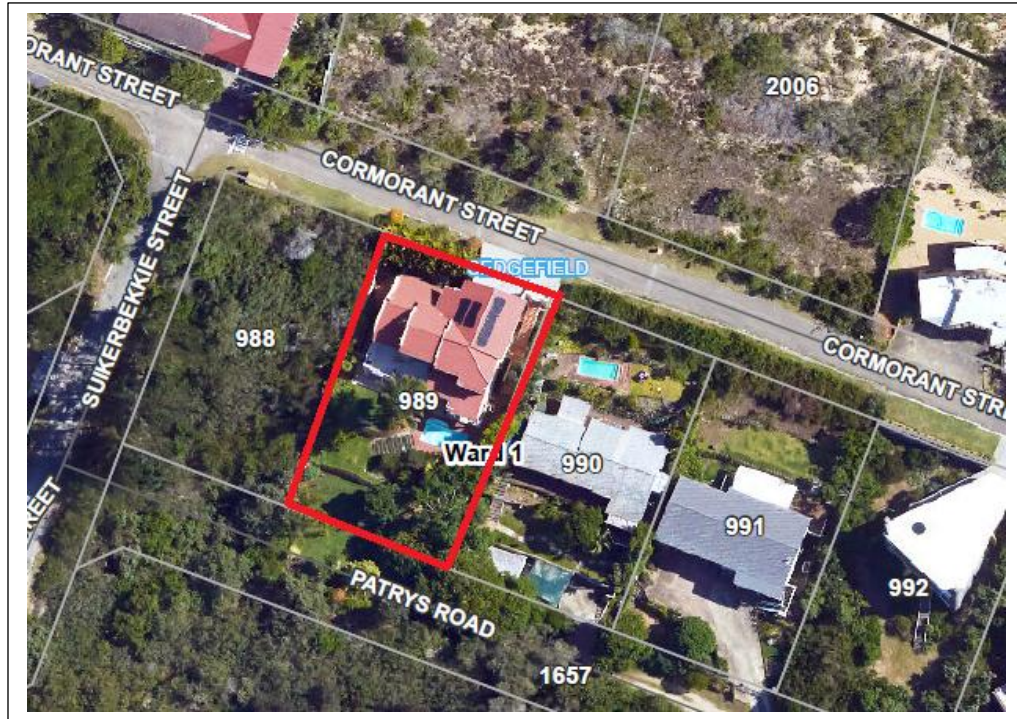


**MEMORANDUM IN SUPPORT OF APPLICATIONS
FOR A DEPARTURE AND APPROVAL IN TERMS OF ZONING SCHEME:
ERF 989 SEDGEFIELD**



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Reference:

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SUMMARY OF APPLICATION:

1. The application is to apply for departures to relax the street building line and to accommodate a retaining wall and structures over the street boundary.
2. A separate administrative penalty application is to be submitted as required in terms of the Knysna Zoning Scheme.
3. An encroachment agreement is also required as a separate process.

CONTENTS

1. BACKGROUND INFORMATION

- 1.1. Pre-application consultation.....3
- 1.2. Application Details..... 3
- 1.3. Property details and Ownership..... 4
- 1.4. Legal matters4

2. APPLICATION AND DEVELOPMENT PROPOSALS

- 2.1. Requirements of the applications.....5
 - 2.1.1. Departures building lines.....5
 - 2.1.2. Other on site structures.....5
 - 2.1.3. Zoning Scheme permission.....6

3. SITE CONTEXT

- 3.1. Location.....6
- 3.2. Road Encroachment.....7

4. POLICY FRAMEWORKS

- 4.1. Spatial Development Frameworks.....7

5. MOTIVATION OF APPLICATION

- 5.1. Reasons for the applications.....8
- 5.2. Specifications of the retaining walls.....8
- 5.3. Need and Desirability.....8
- 5.4. Impacts on surrounding area.....8

6. SUMMARY9

ANNEXURES

ANNEXURE A	Title Deeds
ANNEXURE B	Power of Attorney
ANNEXURE C	Site Plans

ANNEXURE D: Engineers certification

PLANS:

Locality Plan

Zoning Plan

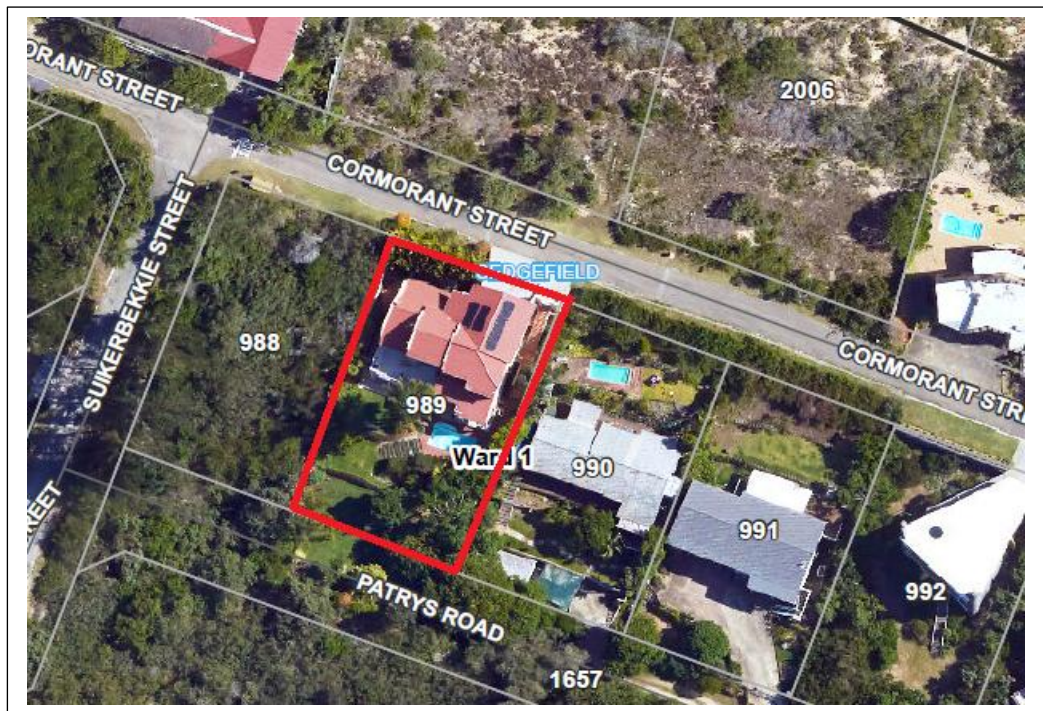
1. BACKGROUND INFORMATION

1.1 Pre- Application Consultation

No pre-Application consultation was held.

1.2 Application details:

Location: The site is located in Sedgefield in Cormorant St as shown below:



1.2.1. **The Applications:**

It is important to mention that the applications to be submitted are because of the site having been purchased in 2023 from owners who no longer reside in South Africa. It was discovered that, while there are approved plans for the house, there were discrepancies in the position of the house. Furthermore, in order to build the house, a retaining wall had been constructed which encroaches on the street boundary.

This **was not known at the time of purchase** and only came to the fore when additions were contemplated to the house.

Therefore, this application is to deal with the rectification of buildings which are positioned inside the building lines, and to allow the retaining wall which is not in compliance with the zoning scheme.

There are also separate applications, to apply for an encroachment agreement, and an administrative penalty. None of the above is because of the conduct of the current owners.

The applications are therefore as follows:

- A **Departure** in terms of **Section 15(2)(b)** from the street building lines in order to permit retaining walls. The building lines to be relax from **4,5m to 0m**
- A **Departure** in terms of **Section 15(2)(b)** to relax the street building line from **4,5m to 4,04m** for a brick retaining wall
- A **Departure** in terms of **Section 15(2)(b)** to relax the street building from **4,5m to 0,37m** for extensions to the house

1.3 **Property Details and Ownership:**

The site is owned by DICK MARIO CRAMER and LINDA CAROL CRAMER by virtue of the attached Deed of Transfer T 21594/2023 and is 929m² in extent.

1.4 **Legal Matters:**

1.4.1 Conditions of Title: There are conditions of Title which require consent from the transferor SEDGEFIELD HOLDINGS (PTY)LTD, for reducing the building lines. The necessary consent has been obtained and is attached as an ANNEXURE. There are no other conditions of Title relevant to this application.

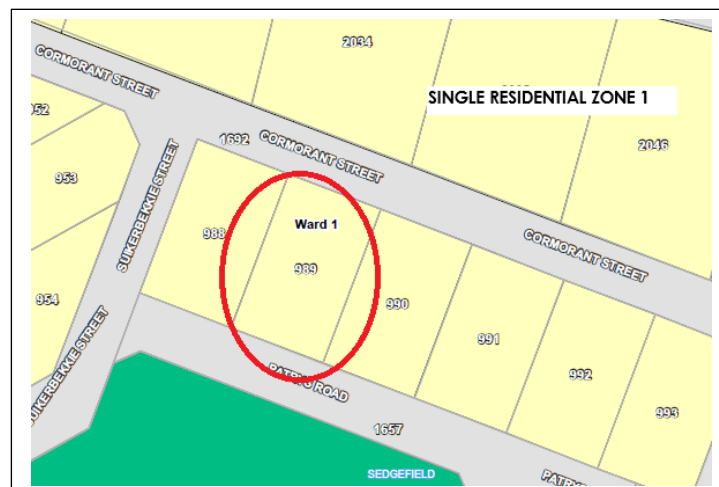
1.4.2 Bond holders' consent:

There are no bonds registered over the property.

1.4.3 Legal Jurisdiction and zoning:

The property falls within Sedgefield area and is zoned "**SINGLE RESIDENTIAL ZONE I**" in terms of the Knysna Municipality Zoning Scheme By-Law 2020. See attached Zoning Plan and below:

ZONING: SINGLE RESIDENTIAL ZONE 1

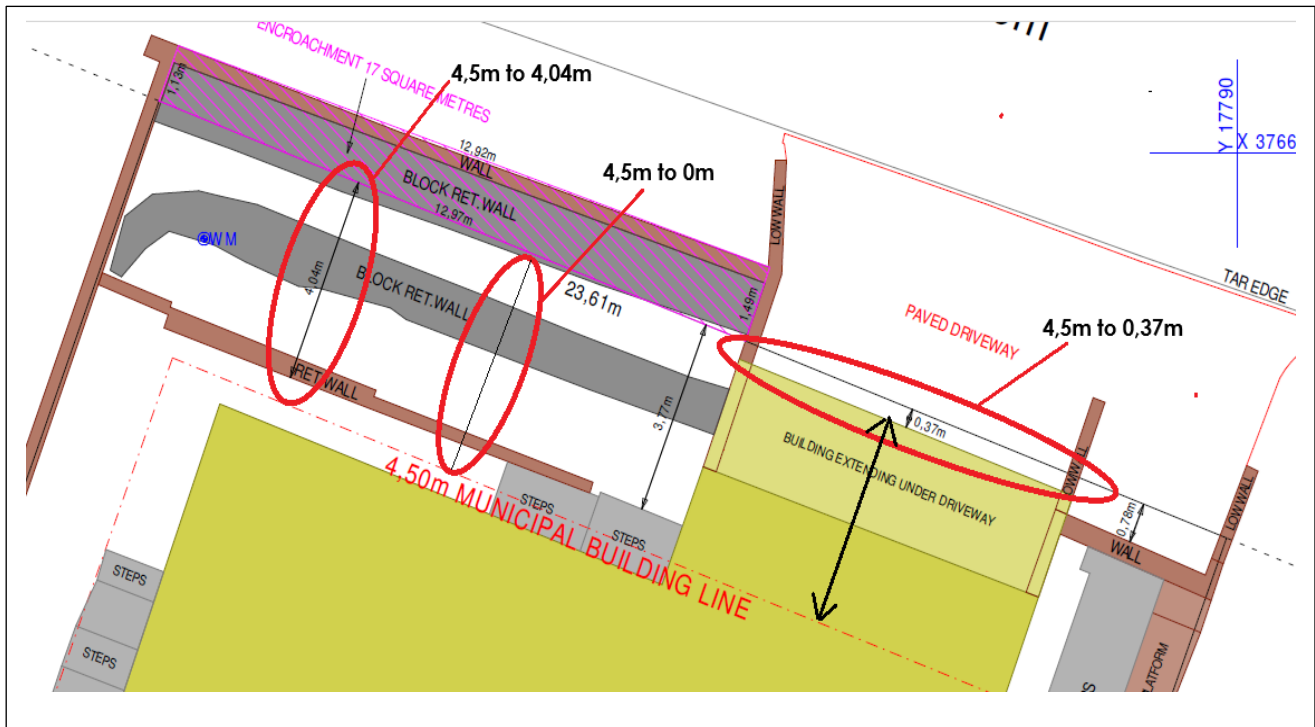


2. APPLICATION AND DEVELOPMENT PROPOSALS

2.1 Requirements of the Application

2.1.1 Departures from Building Lines:

The departures requested in terms of **Section 15(2)(b)** and permission in terms of Section **15(2)(g)** are indicated on the attached site plan and as follows:



2.1.2 Other on-site structures:

As can be seen on the attached surveyed site plan, there are other structures shown on both the western and the eastern building lines, which are constructed retaining walls and open steps. The site is on very steep terrain and therefore the use of retaining walls was an inevitable intervention whenever the site was developed.

It is difficult to say exactly when these walls were erected, however they would be at least 27 to 30 years ago. The walls appear on historic aerial photos around 2009, but would have been necessary when the original house was built in the early 1990's. These walls are erected within the current building lines, however, there were no prescriptions in the applicable zoning scheme at the time, and none of the retaining walls were ever shown on any approved building plans. Therefore, they must be accepted as not being in contravention of the current zoning scheme for structures within the lateral building lines.

2.1.3 Zoning Permission :

In terms of Clause 26 of the Knysna Zoning Scheme a retaining wall may not be constructed higher than 2m above ground level and must be constructed with a series of retaining structures to a cumulative height of 2,5m unless a level area of 2m is incorporated between the successive structures.

This is the requirement unless approval is obtained from the Municipality.

It is to be noted that while the walls were all erected a very long time ago, they do not contravene the above requirements, and in any event were in existence before the requirements of Clause 26 came into effect. For the sake of correctness we attach an engineers report confirming the walls are sound.

3. SITE CONTEXT

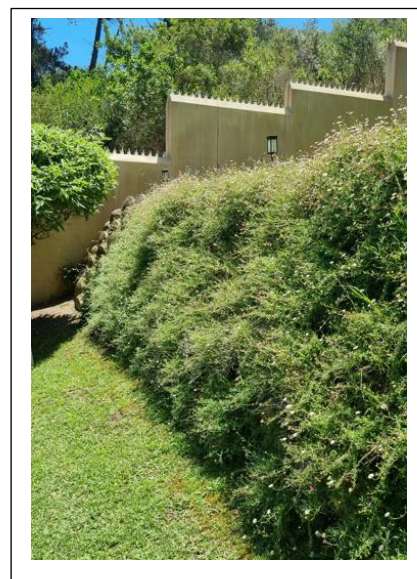
3.1 Location and surrounding uses:

In terms of site considerations, it can be noted that the site is a regular residential property in Sedgefield which is an established neighbourhood, characterised by a variety of homes, some average and others large and/or of a high-quality. The house on the site is a large home, built on a steep terrain and there are no extraordinary features of the house which conflict with the surrounding uses.

The use of retaining walls in on the site are simply to ensure stabilisation of the ground for the construction of the house, and its gardens including a pool.

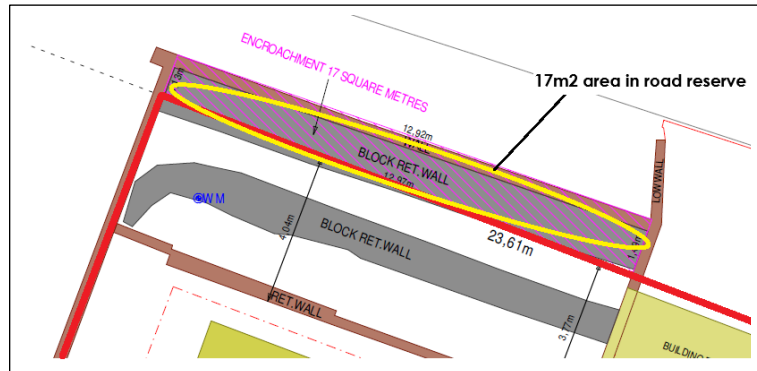
As mentioned, there have been approved plans since at least 1999 , however it is apparent that, while the house was built according to plan, it was not positioned on the site as per the plans and was moved closer to the road when built. This is the cause of the contraventions to the building lines and the encroachment onto the road boundary. The walls along the street boundary are shown below:

Views of the retaining walls:



3.2 The Road encroachment:

The encroachment onto the road reserve is an area of 17m² as indicated below:



Encroachment area on pavement:



The encroachment area is small and has no material impact on how the road functions. It is simply a landscaped area with a fence above the retaining wall as shown above.

Cormorant Street is a quiet street and there is no impact whatsoever.

4. POLICY FRAMEWORKS

4.1 Spatial Development Frameworks, SPLUMA and IDP's

4.1.1 Current Policy Implications

The required departures for retaining walls on the street and lateral boundaries are detailed components for the erection of a new house. As such, there are no implications as far as policy pronouncements are concerned. Similarly, with regard to SPLUMA, the overall guiding principles contained in Chapter 2 of the Act, do not pronounce on matters as detailed as this, and consequently, the intended departures and permissions are not in conflict with these principles.

5. MOTIVATION OF APPLICATIONS

5.1 Reasons for the application:

The reasons for the components of this application arise because of the nature of the site in physical terms, due to the need to stabilise the soil on the boundaries to accommodate the house in an appropriate manner. This was done many years ago and the possible reason for moving the position of the approved house closer to the street was to make access easier from the street. The driveway and garage have level access from the street which would not have been possible if built further from the street.

As mentioned, the structures have been in existence for many years, but due to additions required for the house, it is necessary to rectify the building lines and walls as per this application.

5.2 Specifications of the retaining walls:

It is not known how the encroachment into the road reserve came about, which accommodates the wall on the property boundary, however the 17m² encroachment requires an agreement with the municipality, which will be submitted simultaneously with this application.

The walls have been certified by a civil engineer, as per the attached ANNEXURE D.

5.3 Need and Desirability:

The required departures are necessary to facilitate the approval of "as built" plans for the house, including recent additions. The new plans have been approved as per the attached certificate.

5.4 Impacts on the surrounding area::

The walls and structures have been in existence for a considerable time and are not visible from surrounding properties or the street. Due to the steepness of the sites in this area, access to other houses has been from the lower Patrys Street as shown below, however Patrys Street is unconstructed below Erf 989.



6. SUMMARY

- 6.1** In summary the applications as detailed above are for practical reasons to facilitate the rectification of previously constructed structures to the retaining walls and the house.
- 6.2** The buildings were positioned closer to the street when built many years ago, to assist with better level access from Cormorant Street.
- 6.3** The structures were not constructed by the current owners who have taken it upon themselves to rectify the status quo, in order to have a clean record of as-built building plans. The previous owners do not reside in the country and therefore the initiative is necessary by the current owners.