

**MEMORANDUM IN SUPPORT OF THE APPLICATION
FOR DEPARTURES TO RELAX BUILDING LINES AND
ADMINISTRATOR'S CONSENT: ERF 226 BUFFALO BAY**



Prepared by: VBGD Town Planners
Address: P O Box 3506
KNYSNA
6571
Telephone: 0791586699
Email : lloydruce@mweb.co.za
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SUMMARY OF APPLICATION:

1. The application is for departures to relax the street and lateral building lines to accommodate a staff room, a pergola and retaining walls.
2. Administrator's consent is also requested to relax the street building line to 1,0m.
3. The deck is in existence and therefore a simultaneous application will be submitted to determine an administrative penalty.

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ANNEXURES

ANNEXURE A	Title Deeds
ANNEXURE B	Power of Attorney
ANNEXURE C	Site Survey Plan

ANNEXURE D

Previously approved building plans

PLANS:

Locality Plan

Zoning Plan

Site Plan

1. BACKGROUND INFORMATION

1.1 Pre- Application Consultation

No pre-Application consultation was necessary.

1.2 Application details:

Location:

The site is located in Elf Street Buffalo Bay, as shown in Figure 1 and the attached locality Plan.

Figure 1: Location



1.3. Applications in terms of By-Law

- 1.3.1. A **departure** in terms of Section 15(2)(b) of the Knysna Municipality Spatial Planning and Land Use Management By-Law (2021) to relax the street building line from 4,5m to 1,57m to accommodate an existing garage to be changed to a staff room and a pergola on the eastern side from 4,5m to 1,45m.
- 1.3.2. A **departure** in terms of Section 15(2)(b) to relax the lateral building lines on the northern and western boundaries from 2m to zero for a retaining wall.
- 1.3.3. **Administrator's consent** in terms of Section 15(2)(l), to relax the street building line from 5m to 1,45m as imposed in terms of Condition 6(b) in Title Deed T 38268/2018.

1.4. Property Details and Ownership:

1.4.1. The site is owned by PETER WILLIAM STEENKAMP and GERTRUIDA JACOMINA STEENKAMP in terms of Title Deed of Transfer T 38268/20-18 and is 508m² in extent.

1.5. Legal Matters:

1.5.1. Conditions of Title:

There are Conditions of Title imposed by the then Administrator, who no longer exists, however, the necessary consent is applied for.

1.5.2. Bond holders' consent:

The bondholder has issued consent for the application.

1.5.3. Legal Jurisdiction and zoning:

The property falls within the Knysna Municipal area and is zoned “**Single Residential Zone I**” in terms of the Knysna Municipality Zoning Scheme By-Law 2020.

2. APPLICATION AND DEVELOPMENT PROPOSALS

2.1 Existing Configuration of the site

As can be seen on the photograph and site plan below the site is developed with a house and which includes a deck on the street frontage entering the house.

Figure 2: Site Plan: (Attached ANNEXURE C)

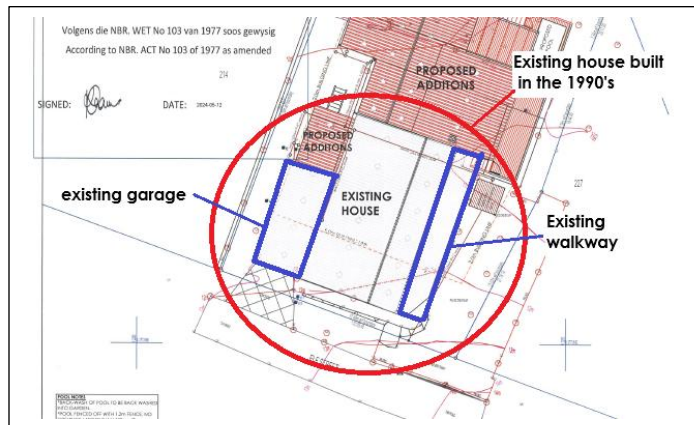


Figure 3: Walkway from the street:



3. SITE CONTEXT

3.1 Location:

In terms of site considerations, it can be noted that the property is a typical residential house within the Buffalo Bay area containing a well-constructed double storey house. The existing house dates back more than 30 years and has been added to and upgraded since original approval.

There is nothing specific which identifies the site as anything other than a typical residential home within Buffalo Bay.

3.2 Existing and surrounding Land Uses:

The Buffalo Bay area is characterised by very small properties with large homes in many instances, which take up a large proportion of the site.

As can be seen on the aerial photograph below, the street scape is characterised by similar houses, which have utilised the full extent of the properties, due to the small size of properties in general. Many of the houses are built close to the street and many houses encroach on prescribed boundary building lines. This occurs in many streets in Buffalo Bay due to the history of the settlement which goes back more than 100 years. The Buffalo Bay township was only formally surveyed in the 1970's which means that houses have been positioned on plots more than 50 years ago, which explains the many discrepancies relating to positioning of older buildings.



4. POLICY FRAMEWORKS

4.1 Spatial Development Frameworks, SPLUMA and IDP's

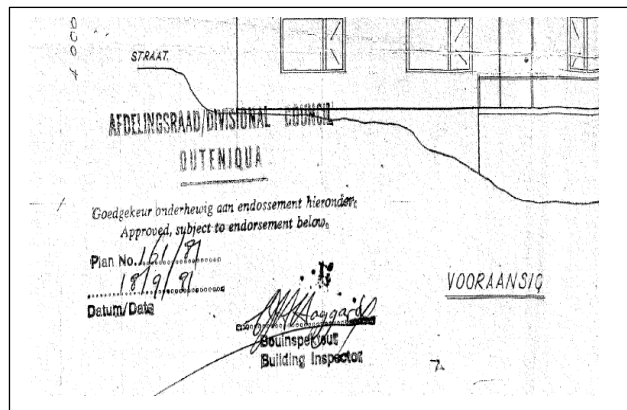
The nature of the area and the character of the existing structures confirm that development of Buffalo Bay is in line with the relevant policy frameworks and policies as it has been in existence for such a lengthy period of time, and precedes any formal policies. In any event, the guiding policy documents and Spatial Frameworks are higher level guides and do not pronounce on fine detail such as the relaxation of minor encroachments to building lines. Such matters are better dealt with on the site-specific merits, relating to considerations of detail and desirability.

It can nevertheless be stated that in the context of this detailed application, there are no conflicts with compliance regarding the principles embodied in SPLUMA and Spatial Development Frameworks. The houses in Buffalo Bay have been built in a manner conducive to very small properties and compact living. This existing environment is incorporated into the existing policies and spatial frameworks by default.

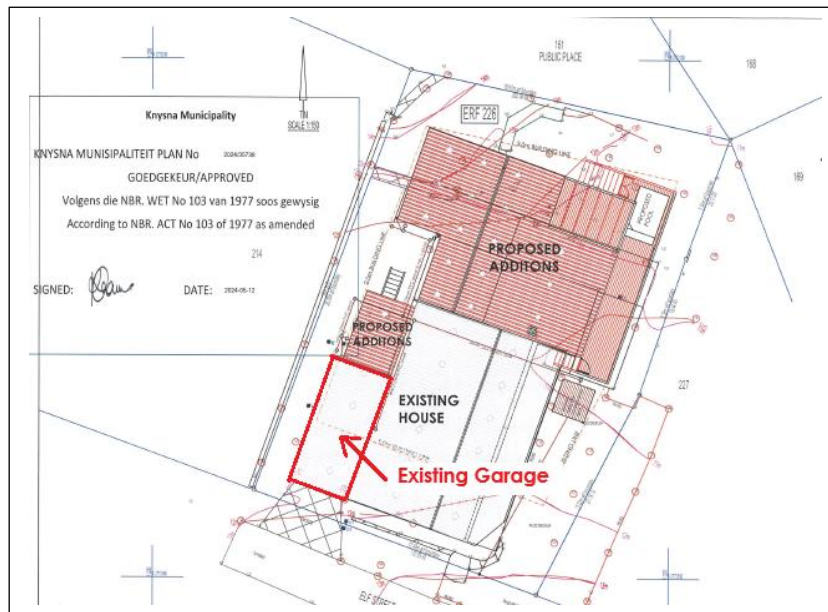
5. MOTIVATION OF APPLICATIONS

5.1 Reasons for the application:

We have not been able to source original plans but there are plans entitled “AANBOUINGS” dating back 45 years to the early 1980's which means that the original house predated this time.



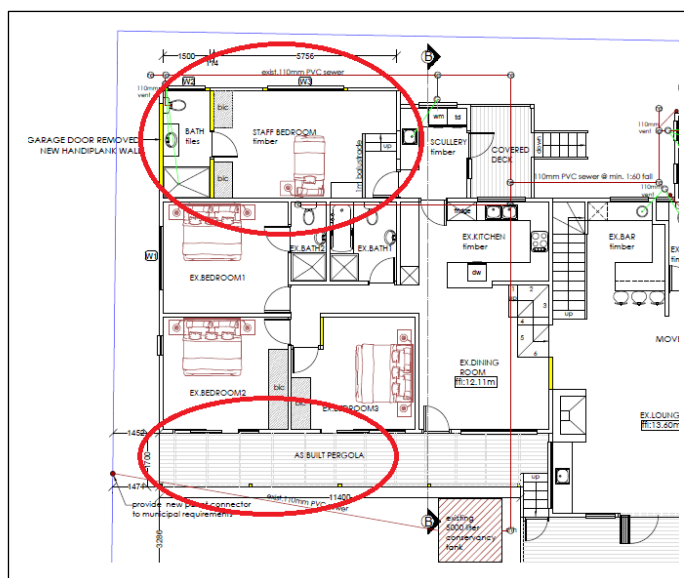
More recently additions were approved to the house on the northern side of the property, as per the attached plans and on these plans the buildings on the Elf Street side are confirmed as existing despite being within the building lines. These additions were approved in 2024.



The decision to change the existing garage to a staff room means that even though it is within an existing structure, the change of use to a staff room requires that the building lines need to be accommodated or relaxed. Therefore, the application is for a departure from the parameters of the Knysna Zoning Scheme, to relax the line from 4,5m to 1,45m accordingly.

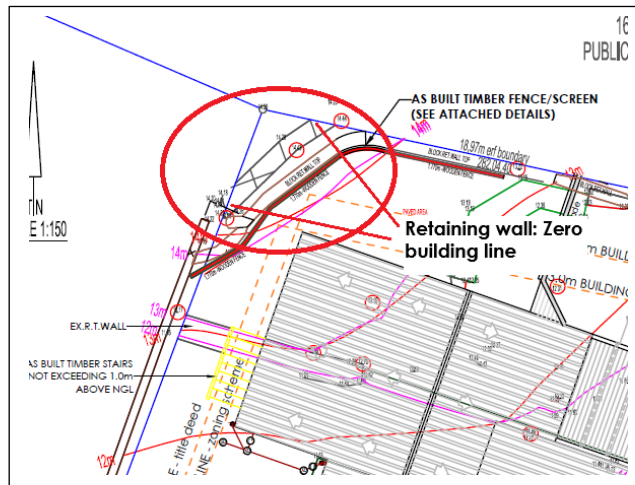
Similarly, the entrance walkway has been shown on previously approved plans, however adding a pergola which is largely for aesthetic reasons, The relaxation of the street boundary is required.

The revised plans showing the staff room and pergola are attached and as indicated below:



The existing retaining wall on the northern and western boundaries was shown on the approved building plans and built accordingly. They were not however labelled as such

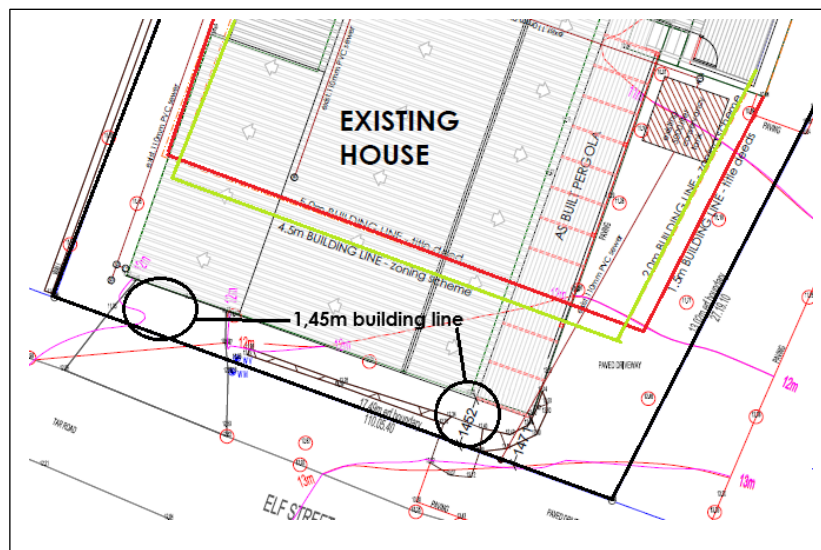
although being present on the approved plans. Therefore, the application now includes the retaining wall as a departure as shown below:



The application is for the departure from the standard building line of 2m to 0m.

5.2 The applicable building lines:

The applicable building lines are shown below:



The red line depicts the line imposed by the Title Deed condition, whereas the green line refers to the zoning scheme parameter.

In the instances of the new staff room and the pergola, the distance from the street boundary will be 1,45m and on the western lateral boundary the applicable building line will be 1,57m relaxed from the parameter provision of 2m.

5.3 Impacts on the surrounding area:

There will be no impacts on any surrounding properties as the structures have been in existence for many years, and will still be part of the current house.

The environment and streetscape are such that residents essentially live on the streets due to the size of properties, and which is evident throughout Buffalo Bay.

There is therefore nothing unique regarding the proposed alterations, and the converted garage will abut on the parking area of the neighbouring house. The structure remains a single storey and will not be intrusive in any way. The converted garage into a staff room, remains within the original title deed building line of 1,57m.

5.4 Need and Desirability:

The application components as requested are to allow for the conversion of a garage into a staff room, which is within the structure of the house. The garage is not used as such and therefore the conversion is needed alternative.

The alternative use of the structure does not impose any incompatible consequences on adjoining land and the pergola on the eastern side is primarily an aesthetic feature.

5.5 Services for the developments:

There are no implications as far as additional services are concerned as the structures make use of the current infrastructure available on the site.

5.6 Title Deed imposed Building lines:

- 5.6.1 Condition 6(b) in Title Deed T 38268/2018 contains conditions relating to street side space and rear building lines of 5m on the street boundary and 3 meters on the rear. The side boundary is 1,5m.
- 5.6.2 Building lines imposed in the Title Deeds are an obsolete practice, which was common in the period before the introduction of the Zoning Schemes which were introduced to, inter alia, impose development parameters for all land uses within municipalities. Zoning Schemes have controls for land development in relation to building lines, height, coverage and other relevant parameters and therefore the need for controls such as building lines in Title Deeds is redundant.
- 5.6.3 The building lines imposed in the Title Deeds were not cast in stone, because provision was made for relaxation of these building lines by the "Administrator" of the respective province within which the property was located. So-called "Administrator's Consent" has been superseded by Section 45(6) of the Spatial Planning and Land Use Management Act (SPLUMA), which vests references to the Administrator's approval with the municipality.
- 5.6.4 Nevertheless Section 33(4) of the Knysna Planning By-Law(2021), stipulates that where Title Deed restrictions are amended, consideration be given to, inter alia, the financial or other rights enjoyed by a person, the personal and other benefits to retain the condition, and whether the request is in the public interest.

- 5.6.5 It is to be noted that the relaxation of the Title Deed building line is not a removal of the condition, but rather a consent for the condition to be relaxed. Therefore, the same considerations are to be given to the relaxations, as required in the Zoning Scheme, and based on the merits thereof.

6. SUMMARY AND RECOMMENDATIONS

6.1 In summary the applications are for the following:

- A departure in terms of **15(2)(b)** from development parameters relating to building lines for the Elf Street building line to be relaxed from 4,50m to 1,45m, to accommodate the conversion of a garage into a staff room and a pergola.
- A departure on the lateral boundary to relax the building line from 2m to 1,57m for the staff room and for a retaining wall from 2m to 0m.
- The consent for the relaxation of the conditions imposed **by the Administrator** from 5,0 m to 1,45m respectively.

6.2 Recommendations

The applications as motivated and the implications of the above will facilitate the approval; of a new set of building plans and in doing so legalise the status quo.

Therefore, they should be recommended for approval.