

MEMORANDUM IN SUPPORT OF AN APPLICATION FOR “SPOT” REZONING OF ERF 543 BELVEDERE



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SUMMARY OF APPLICATION:

1. The application is to apply for a “spot” rezoning of a part of the site from GENERAL RESIDENTIAL ZONE V (HOTEL) to BUSINESS ZONE 1 with limited uses as described for ancillary offices.

CONTENTS

1. BACKGROUND INFORMATION	
1.1. Pre-application consultation/ Notice Served.....	3
1.2. Application Details.....	3
1.3. Property details and Ownership.....	4
1.4. Legal matters	4
2. APPLICATION AND DEVELOPMENT PROPOSALS	
2.1. Requirements of the applications.....	5
3. SITE CONTEXT	
3.1. Location and surroundings.....	6
4. HISTORY OF THE SITE	
4.1. Belvidere Estate.....	8
4.2. History of Erf 543.....	8
4.3. Current Use of the building.....	9
5. PROPOSED REVISED ZONING	
5.1. Status Quo.....	10
5.2. Proposed Alternative Zoning.....	11
5.3. Belvidere Design Manual.....	12
6. MERITS OF APPLICATION	
6.1. Existing vs proposed zoning.....	12
6.2. Allowable office component.....	12
6.3. Parking Facilities.....	13
6.4. Need and Desirability.....	14
6.5. Building Plans for the Manor.....	14
6.6. Conditions of Title.....	15
6.7. Engineering Services.....	15
7. POLICY FRAMEWORKS	
7.1. Spatial Development Frameworks/SPLUMA.....	15
8. SUMMARY AND CONCLUSIONS.....	15

ANNEXURES

ANNEXURE A	Title Deeds
ANNEXURE B	Power of Attorney
ANNEXURE C	Withdrawal of Notice Served
ANNEXURE D	Locality Plan
PLANS:	SG Diagram and Zoning Plan

1. BACKGROUND INFORMATION

1.1 Pre- Application Consultation/Notice Served

A pre-Application consultation was held with the Planning Department in March 2026 to discuss the proposal of a "Spot Zoning" for the Belvidere Manor main building to permit ancillary use of an office.

The discussion arose as a consequence of a notice served by the municipality dated 28 January 2026 but only received by the current owner at a later date. The notice cites the contravention of the zoning scheme for an "office", unlawfully operating from the building.

1.2 Application details:

Location: The site is located in the Belvidere Manor Hotel precinct at its entrance near the corner of Lower Duthie Avenue as shown below:



The Application:

The application is for **a rezoning** in terms of the Knysna Zoning Scheme 2020, from **GENERAL RESIDENTIAL V to BUSINESS ZONE 1**, however with limitations on the uses in terms of this zoning. The rezoning will not apply to the entire Erf 543 and will be for part of the site as is permitted in terms of Section 17(4) of the Knysna Planning By-Law 2021. The revised zoning **will only apply to the Belvidere Manor building**, which is the original homestead on the property, built approximately 170 years ago.

In terms of the Knysna Spatial Planning and Land Use Management By-Laws 2021 the intended use requires the following application:

- A **REZONING** in terms of **Section 15(2)(a)** read with **Section 17(4)** from **GENERAL RESIDENTIAL V to BUSINESS ZONE 1** with the following details and limitations:
 - **BUSINESS ZONE 1** permitting an hotel and limited offices only, as described.
 - **CONSENT USES** are to be an excluded option in terms of the revised zoning.

1.3 Property Details and Ownership:

The site is owned by BELVEDERE MANOR (PTY) LTD by virtue of the attached Deeds of Transfer T 59389/22 and is 3760m² in extent.

1.4 Legal Matters:

1.4.1 Conditions of Title: There are no restrictive Conditions of Title limiting the proposed use.

1.4.2 Bond holders' consent:

There is no bond registered over the property.

1.4.3 Legal Jurisdiction and zoning:

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

Zoning: General Residential Zone V: "Hotel"



In terms of this zoning a wide range of land uses are permitted under the definition of an Hotel, as indicated below:

Extracts from Knysna Zoning Scheme:

- (i) restaurants;
- (ii) conference and entertainment facilities and a chapel that are subservient and ancillary to the dominant use of the property as a hotel;
- (iii) premises that are licensed to sell alcoholic beverages for consumption on the property;
- (iv) flats and self-catering units;
- (v) a wellness centre; and
- (vi) a boarding house; and

In terms of this zoning however, it is relevant to note that there are omissions from the above, which are associated and /or subsidiary to the zoning of an hotel.

In this regard the use of offices is not mentioned, but which are an obvious component in any hotel to accommodate associated activities such as management and administration, accounts, reservations, housekeeping, coordination of hospitality-related activities etc.

As will be addressed in this memorandum, it is **the addition of a small component of offices** which requires the current application to accommodate the use.

2. APPLICATION AND DEVELOPMENT PROPOSALS

2.1 Requirements of the Application

2.1.1 Rezoning to BUSINESS ZONE 1 (with limitations):

The current zoning as described above has historical elements which identify the site as an hotel. However, it is to be noted that the origin of the site and the Belvidere Manor building have a history of more than 170 years and although part of the hotel precinct, has not been used as a traditional hotel with guest rooms, as is usually the case.

The building has been used as a support facility for the 34 hotel units, which occupy the hotel grounds, and known collectively as Belvidere Manor Hotel.

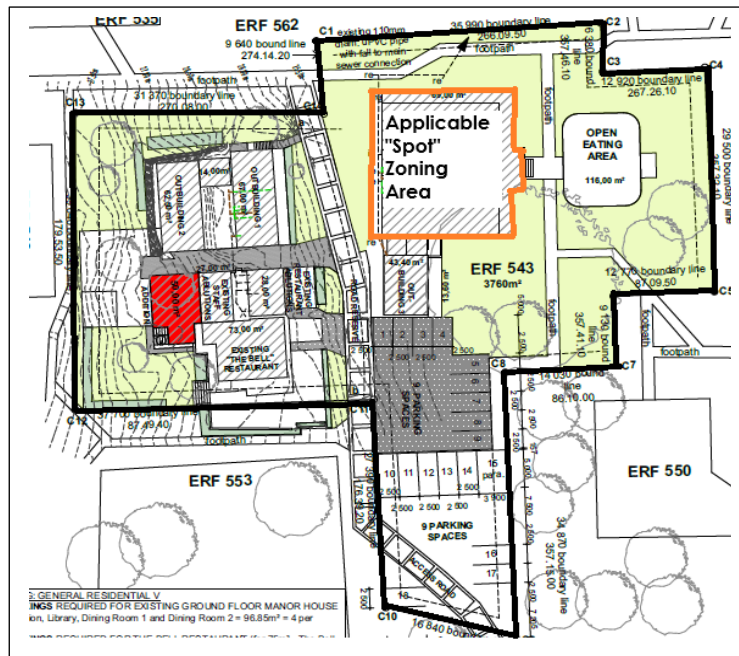
The building has **not been used as a traditional hotel but has played a supporting role** to the hotel units. It is therefore a misnomer to some extent that the site is zoned "hotel".

The intention is to retain a hotel zoning, but to add limited office use for a very small component within the building. This is an entirely compatible use.

The above requires an **application in terms of Section 15 (2) (a)** of the Knysna Spatial Planning and Land Use Management By-Law 2021 , **read with Section 17(4)** in order to rezone part of the erf, and in this case the Belvidere Manor building as follows:

REVISED ZONING: From **General Residential Zone V (Hotel)** to **Business Zone 1 (Business Premises)** with the following amendments:

- **Spot Zoning** implies that only the portion of land so described is subject to the revised zoning and is not bound by cadastral boundaries. In this instance only the Manor House is the subject of rezoning, and the remainder of Erf 543 remains as is currently the case with a General Residential Zone V zoning.
- **Business premises** allows for a wide range of business uses including an hotel and offices. Therefore, the standard zoning is amended to permit only **an hotel and offices**, for the spot zoning.
- The zoning of **Business Zone 1** also includes a number of options with a consent use, none of which are appropriate in this instance. Therefore, all **consent uses are excluded from the zoning**.
- The “spot zoning” will apply to the area shown in orange below, which is the Manor building



3. SITE CONTEXT

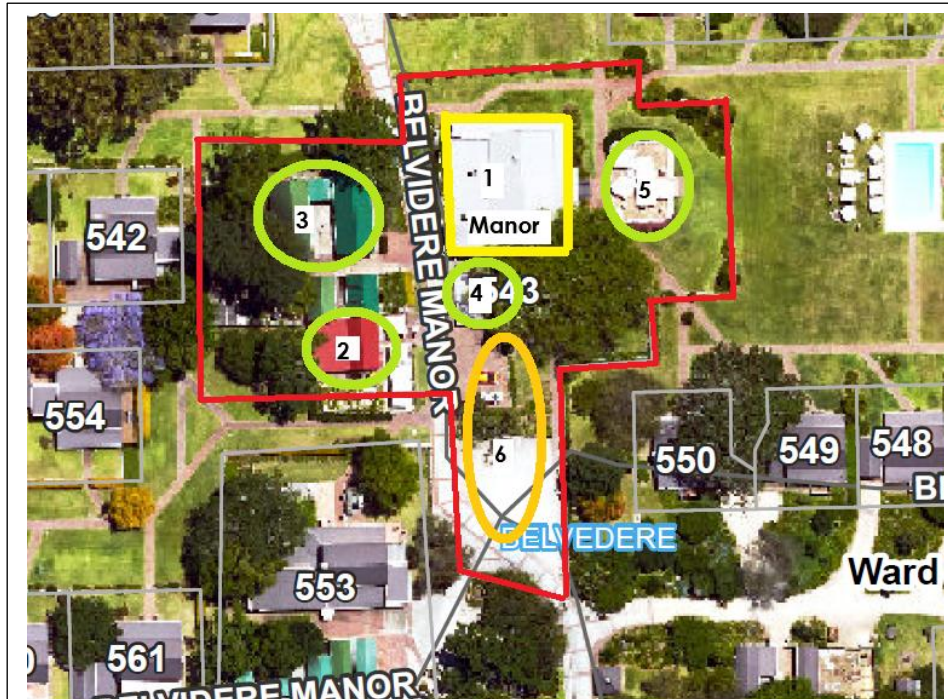
3.1 Location and surrounding uses:

In terms of site considerations, it can be noted that the site is located within the Hotel Precinct, and indeed is at the central location within the area.

The property and main building are within Belvidere Manor area, together with 34 cottages which are let out by the hotel, together with the Bell Restaurant, and other supporting services. The area is shown below:



The Belvidere Manor Hotel precinct is also centrally located in terms of the wider Belvidere Estate residential development, which include the Belvidere Park retirement complex. Closer detail of the components of the site is shown below:



1. The Manor Building (Subject of Rezoning)
2. The Bell Pub and Restaurant
3. Services and Maintenance
4. Bell Kitchen
5. Open patio
6. Parking

What is evident from the site layout above is that Erf 543 is a large core site, containing the facilities associated with the Belvidere Manor hotel, and surrounded by the accommodation component of the hotel, comprising 34 cottages which are the basis for the existence of the hotel.

The other core functions such as the restaurant, kitchen, parking and maintenance are all located within Erf 543.

4. HISTORY OF THE SITE:ERF 543

4.1 Belvidere Estate and surroundings:

The Belvidere area as a whole has historical significance dating back to the mid 1880's where some buildings such as the original Belvidere homestead and the Anglican church were constructed in the 1850's.

The Modern Belvidere Estate was commenced in the 1980's and three components were created for development of the estate, consisting of :

- Belvidere Estate a residential precinct ,
- Belvidere Park a retirement complex, and
- Belvidere Manor which transformed the original Belvidere House into Belvidere Manor Hotel together with the Bell pub. It included the 34 cottages which are part of the Hotel precinct, and as defined earlier, are all zoned "Hotel".

4.2 History of Erf 543

The Belvidere Manor also has a long history dating back to the mid 1880's with the original Manor house having been started in 1848 some 178 years ago and was the residence of the Duthie family at the time. The house appeared as below in 1849:



The residence remained in the family for many years, but in about 1974, the house became vacant and stood empty until the early 1980's when a plan was approved for the development of an estate. The plans incorporated the residence as a "country hotel" and which was retained as it is today within the overall Belvidere Estate.

The layout of the 34 cottages followed, which became the accommodation component of the Belvidere Manor hotel, and the building was maintained and kept in its original state. It is a heritage building, and is an established part of the Belvidere precinct as shown below:

Current Belvidere Manor Building:

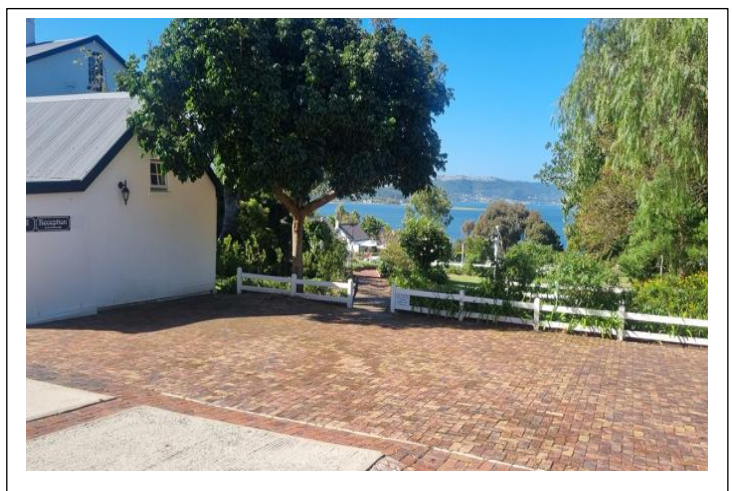
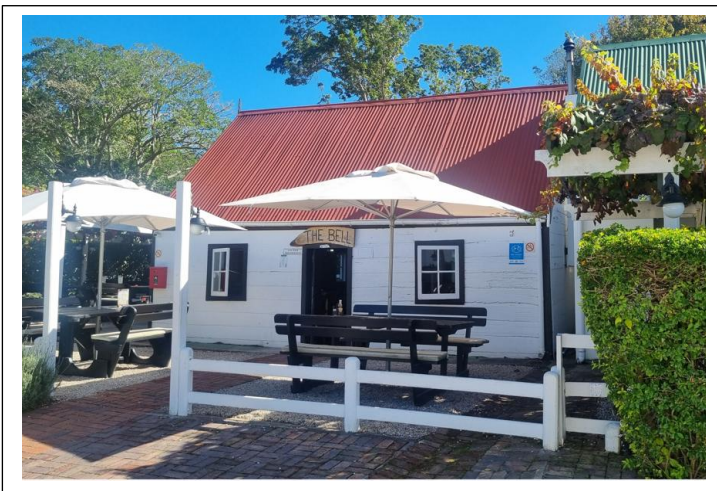


4.3. The use of Erf 543:

As mentioned above, the structures built in the late 1800's are still a core part of the Belvidere Manor, but it is worthy to note that while the Manor building is labelled and zoned as a hotel, it has served **as the supporting function to the rest of the site**, which contains the cottages. The other uses on site include the Bell pub, and extensive parking areas which serve the hotel complex, and any visitors to Belvidere Manor. Some of these uses are shown below:

The Bell Pub:

One Parking area:



Regarding the main building, the following is important to note in the context of the requested zoning. While the building is a two-storey structure and comprises of several separate rooms, this is due to the origin of the building as a residential home for a large family.

There are no approved building plans for the building due to its age, but the configuration would suggest that there were a number of bedrooms on the upper floor and living areas downstairs, which would have been the lounges, communal space, verandas, a dining room and kitchen.

As far as the uses are concerned since becoming the Belvidere Manor Hotel, **it can be noted that there were never any of the rooms rented out in the main building, as accommodation for the hotel.** The downstairs areas and remaining site were configured for the functions of the hotel, including reception, lounges, a meeting room and the kitchen for the Bell Pub. Upstairs the rooms were not readily used, but the building did accommodate offices of the Belvidere Homeowners Association, and used by the Belvidere Architectural Committee, while others were vacant, or for storage space.

The important consideration is that despite the hotel zoning, the building **was not used for a conventional hotel**, with hotel guest rooms. It has **always had a service function** not a residential one. The proposed office component is therefore a compatible use.

5. THE PROPOSED REVISED ZONING OF THE SITE

5.1. The Status Quo:

The zoning of an hotel allows for a range of uses, but which does not mention or place any limits on associated/subsidiary land uses.

Therefore, it is within the current zoning that certain offices space would be allocated for supporting activities, which include executive management, bookkeeping and accounts, housekeeping, general administration and reservations, IT, guest experience advice, etc. Currently, the space on the upper floor is used for these uses in the form of 5 rooms, 4 of which are directly required for the functioning of the hotel. It is to be mentioned that these activities manage the Belvidere Manor jointly with an hotel in Sedgfield, however whether there are one or more than one hotel being managed, it makes no difference as far as staff complement is concerned.

There is an office space which is part of the hotel owner's activities, but unrelated to the Belvidere Manor or Sedgfield hotel, which is approximately 30m² in extent.

This space is used by a maximum of 3 persons and represents an office function related to the business interests of the owners of the Belvidere Manor, but not directly associated with the hotel's functions.

This room is approximately 30m² in extent and places no additional strain on the functioning of the hotel services. The space is available for use and there is no logical reason to disallow this small component.

Plans prepared for Heritage approval indicate that the Belvidere Manor building has a floor area of approximately 540m² and therefore the use of one room or 30m² would amount to 5% of the utilised space in the building.

5.2. The Proposed alternative zoning:

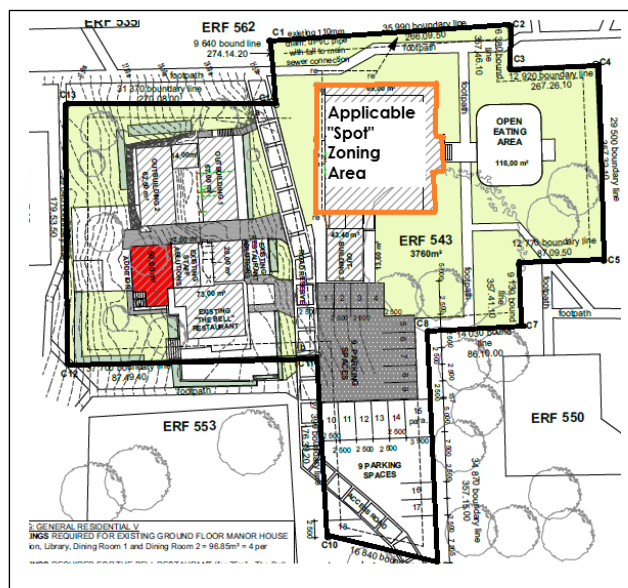
In order to accommodate the uses as proposed on the site it would not be appropriate to rezone the entire site, as the other uses such as the Bell restaurant may be affected.

Therefore, a "Spot zoning" as permitted in terms of Section 17(4) of the By-Law is appropriate, which allows for the rezoning of part of a site, unrelated to cadastral boundaries.

The zoning of the Manor Building is therefore to be :

Business Zone 1: (Applicable to the building only)	
Primary Use	Consent Use
"Business Premises" limited to hotel and offices only	None permitted
Development Parameters: Coverage: Equal to existing building Floor Factor: Equal to the floor area of the building with a limit of 30m ² for offices. Height: Two storeys as per existing building	

The position of the "Spot" Zoning on Erf 543 is shown in orange below:



5.3. Belvidere Building Design Manual 2024

The Belvidere Manor complex is guided by the Belvidere Design Manual, which seeks to maintain a style throughout the area, and in particular to respect the heritage status of the Manor buildings. These buildings to a certain degree set the style of old English architecture for the Belvedere Estate, embodied in the Manor building, the Bell pub, and the Anglican church.

The use of a small part of the Manor building in the region of 5% and within existing space, can have no impact on the Design Manual Guidelines.

6. THE MERITS OF THE APPLICATION

6.1 The Existing vs the Proposed Zoning:

The existing zoning is for an hotel which is historical in relation to the establishment of the Belvidere Manor Hotel complex.

It is relevant to note that prior to the transition to the new Knysna Zoning Scheme 2020, the site as a whole was zoned "RESORT"

The existing zoning has served its purpose in the context of the Belvidere Manor development, however, it is also relevant that the service nature of the site, containing the various uses as described, should possibly have been given an alternative zoning when the zoning was transitioned from the original "RESORT" zoning to the current zoning of General Residential zone V.

The proposed rezoning is a minor adjustment to the zoning, because although amended from Hotel to Business premises, the revised zoning is only applicable to the existing Manor building and does not interfere with the remainder of Erf 543.

It is worth noting that the site as a whole has a "Hotel" zoning which permits a range of uses, including uses such as restaurants, wellness centre, licenced premises etc, and would include ancillary offices and these uses will remain, because the definition of "business premises" includes an hotel.

6.2 The allowable Office component:

As has been mentioned, the building has always been used as a service function for the hotel units and the associated uses, which have included offices related to the functioning of the hotel.

For a considerable period **the building has accommodated the administration of the Belvidere Homeowners Association and the Belvidere Architectural Committee.** These are both entities which have nothing to do with the running of the hotel as they serve the whole Belvidere Estate and are for all practical purposes normal office space. There is consequently

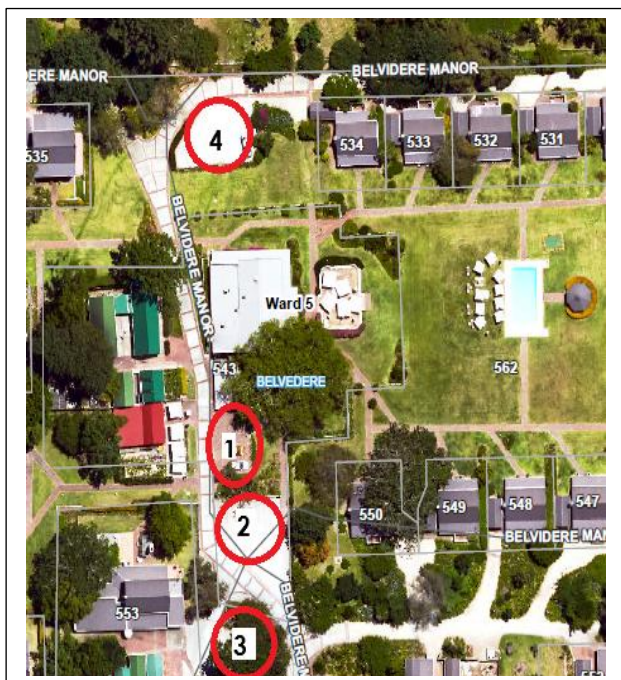
a history of office space which is unrelated to the running of the hotel, operating from the building. This was also the case when the site was owned by the previous owners.

The upstairs space is 160m² representing approximately 30% of the floor space in the building, and comprises of 5 rooms, 4 of which are used for the management, administration and normal functioning of the hotel and includes reservations, accounts, IT and media, and associated hospitality administration.

The small component of 30m², or a single room, does not impact on any other functions of the hotel, the Belvidere Manor units or the wider Belvidere Estate. It is to be used by associated business activities, comprising three individuals who share the space with others who are directly associated with the hotel hospitality functions.

6.3 Parking facilities:

As is required in terms of the zoning scheme there are parking ratios applicable to specific land uses, which in the case of business/offices is 4 bays per 100m². To accommodate the 30m² of ordinary only 1 additional bay would be required. The following is however relevant: On the Belvidere manor site, Erf 543, there are four parking areas, two of which are on Erf 543 and are more than adequate for parking requirements at the hotel. They are in fact underutilised. These are indicated below:



The above parking is essentially for visitors to the hotel and restaurant because all cottages have their own parking spaces by way of closed garages and visitor's bays.

It is important to conclude that the small office space can be accommodated on the erf, without impact on parking.

6.4 Need and Desirability:

It is important to stay in touch with changing circumstances and requirements, because the nature of any urban area is that there are continual changes and or circumstances which alter the status quo.

This site represents a case in point because the building was constructed more than 170 years ago and had an entirely different function. It is a heritage building as a declared National Monument which means the way it was built and the rooms within the building are essentially as they were when the building was a residence.

Until present, the building has been used as a service facility to the hotel cottages and public, and has accommodated office space for non-hotel users, such as the Belvedere Estate Homeowners Association which is an entity with no links to the hotel.

The fact that there are 5 rooms on the upper floor means they are available for suitable use, and while the 4 other rooms accommodate staff for the hotel administration and management, the fifth office is available for an alternative use. As there are no other residential rooms in the Manor building, it makes sense to use the space for non-residential purposes, and an office is a compatible use.

As we have already described, the 30m² does not have any negative impacts and therefore there should be no valid reason not to use it as an office.

The "spot" zoning is very specific and will only allow this space as described herein to be used for non-hotel related offices. The proposed spot zoning is therefore both necessary and desirable.

6.5 Building Plans for the Manor buildings:

The Belvedere Manor house was built a long time ago, and there are no records of any building plans available from the municipality or the owners of the erf.

Recently, a notice was served on the owners for undertaking unauthorised building works, however, upon inspection by the municipality, the notice was withdrawn.

The letter of withdrawal is attached as an ANNEXURE and requests that a set of "as built" drawings be prepared and submitted by the landowner.

These plans will be prepared and submitted in due course.

6.6 Conditions of Title:

There are no restrictive conditions of title which would impact on the proposed zoning and land use.

Furthermore, unlike other Title Deeds in the Belvidere Manor and Belvidere Estate areas, there is no clause which establishes a link to the Belvidere Homeowners Association. Therefore, the proposed rezoning is not impeded by any requirements of the homeowner's association and can be evaluated on its merit. Needless to say, the building and its heritage status binds the building to remain as it is, being an important landmark. The additional office space has no impact on this or the Title Deeds.

6.7 Engineering Services:

The proposed revised zoning will have no implications as far as services are concerned. All services are in existence and are being utilised on the site as is the case with all other properties in the Belvidere Estate.

7. POLICY FRAMEWORKS

7.1 Spatial Development Frameworks, SPLUMA and IDP's

The zoning to be implemented is a very minor adjustment to the existing zoning and is not impacted by any policy or spatial directives for the Knysna area. It is therefore correct to state that the new zoning has no direct implications as far as policy pronouncements are concerned.

In the case of SPLUMA, there are overall guiding principles contained in Chapter 2 of the Act, such as spatial sustainability and spatial efficiency, however the use is to be accommodated in terms of a revised and appropriate zoning which will not be in conflict with these principles. Similarly, there are no conflicts with policy pronouncements such as the Knysna Spatial Development Frameworks for the area, which accept that an area such as Belvidere is a well-established precinct with guiding principles for development such as those contained in the Design Guidelines. The proposed revised zoning is simply done to create a more appropriate zoning for a small component of offices, within an existing building. .

9. SUMMARY AND CONCLUSIONS

- 9.1** The site is within the Belvidere Manor Hotel complex and currently has a zoning of "Hotel" in terms of the Knysna Zoning Scheme
- 9.2** The proposed "spot zoning" only affects the Manor building and will add a very small component of offices, approximately 5% of the available space in the building.
- 9.3** The site has a unique history, being a heritage building and formerly a large residence, which has a fixed configuration within the building. The building is zoned "Hotel" but has never been used for guest accommodation and has fulfilled a service role for the other 34 guest cottages and the restaurant, which make up the hotel.
- 9.4** The upper floor consists of 5 rooms none of which are used as guest rooms and have been used for office space unrelated to the hotel for a number of years, that being for the Belvidere Estate Homeowners Association and the Belvidere Architects Committee. Four of the rooms are used for hotel administration and the 5th is available for use as well. As there are no residential uses in the building, it makes sense to use this underutilised space for the proposed office. The space is approximately 30m² and only 5% of the total floor space.
- 9.5** The new zoning will not create any undue conflicts and does not affect the remainder of the site which will retain the hotel zoning.
- 9.6** There are no physical implications of the 30m² office space such as parking because this area would require 1 additional bay and which already exists on site.
- 9.7** The utilisation of an available room for offices as proposed is a resourceful response to utilisation of a space already in existence which would otherwise not have a rational alternative.