

ERF 6174, Rexford, Knysna.

Application: Departure-Building Line Relaxation for Erf 6174, Knysna.



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1. Introduction/Application Details and Background:

1.1. Introduction:

DelaRey Ferreira has been appointed by Mariete Elizabeth Viviers, the owner of Erf 6174 Knysna (Annexure B and C), to prepare and submit the following application in terms of:

- Section 15 (2) (b): Application for a Permanent Departure from the provisions of the Knysna Spatial Planning and Land Use Management Bylaw 2021 for building line relaxation on the street boundary in order to retain the existing as-built garage as depicted on the as-built building plans, Annexure A.

This application seeks to address and obtain approval of the Land Use Management aspects in order for the building plans to be resubmitted for positive consideration, as per Annexure A. Please note that the as-built plans had been submitted to Knysna Municipality circa 2023 but could not be approved due to plans not conforming to the KM Zoning scheme parameters, as per Departmental comments.

1.2 Background:

The subject property is zoned for “Single Residential Zone 1” and is utilised as a 2 bedroom single family dwelling home. Alterations had been approved and made in 2006 to the veranda as well as the construction of an open carport adjacent to the garage. The owners at that time had deviated from the approved plan and filled in the veranda roof, as well as extending the carport in length. The carport had also been enclosed on all sides. The submitted as-built plan, Annexure A provides full details of the deviations, which will be elaborated within the contents of this report. A free standing roofed gazebo as well as moveable Wendy home was also erected without prior consent, as depicted on the attached as-built plans. The property is currently a deceased estate and in the process of transfer. The current application seeks to obtain the required Town Planning approval as noted in section 1.1. above, in order for the as-built building plans to be resubmitted for consideration and approval. Once completed, the property transfer should be able to proceed. The deviation at carport, by virtue of being enclosed and extended, has resulted in the as-built garage exceeding the parameters of the zoning scheme requirements and therefore forms the basis of this application.

2. Property Information:

2.1.1 Locality:

The property is situated at 24 Andrew Avenue, Rexford, within the greater Knysna Municipality district, as identified on Figure 1 below:

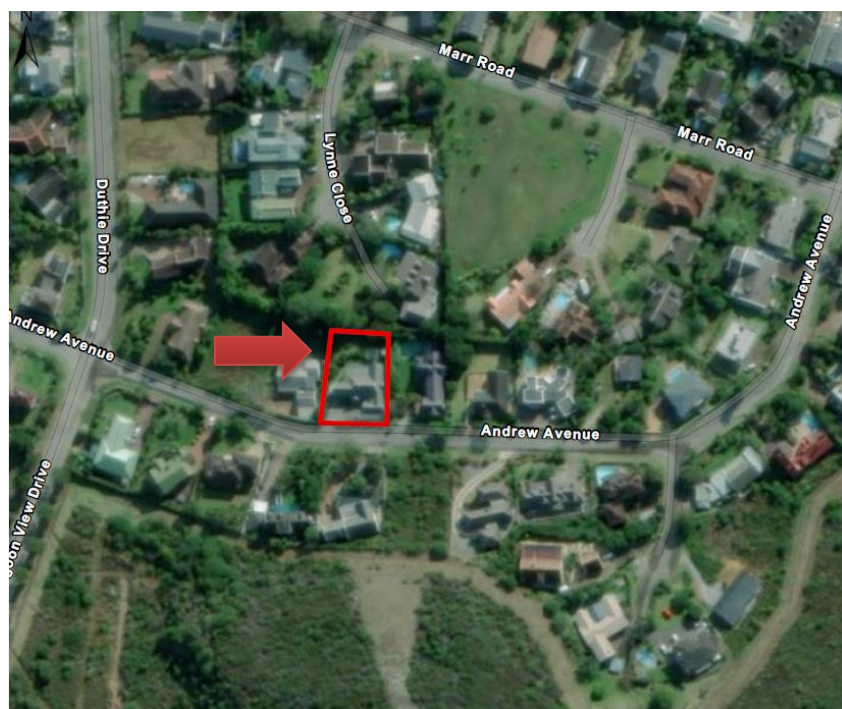


Figure 1: Application site Erf 6174, Knysna.

2.1.2 Property Detail and Description

Table 1 below summarizes the property information:

Title Deed Description	Erf 6174, in the Municipality and Division of Knysna, Province Western Cape.
Title Deed Number(s):	T38079/2012
SG/GP Diagram No:	GP no: TP-10956
Registered Owner	Mariette Elizabeth Viviers
Property size/extent	997m ²
Applicable Zoning Scheme	Knysna Spatial Planning and Land Use Management Bylaw 2021; Knysna Zoning Scheme Bylaw 2020
Current Land Use	Single residential family home
Current Zoning	Single Residential Zone 1
Property Bond, if applicable	No Bond

Table 1: Property Information and summary

3. Proposal and Application Details:

3.1. Proposal:

No new construction/alteration work is proposed as part of this application. The application seeks to obtain the Land Use approvals in accordance with the parameters of the Zoning Scheme/SPLUMA Bylaws that require a Departure approval, as set out in section 3.2.1. below, in order for as-built

building plans to be resubmitted to KM Building Control Department for consideration and approval thereof.

3.2. Application Details:

3.2.1. Section 15 (2) (b): Application for a Permanent Departure from the provisions of the Knysna Spatial Planning and Land Use Management Bylaw 2021 for building line relaxation along the:

- Street building line from 4.5m to 1.43m: in order to retain existing as-built garage as depicted on the as-built building plan, Annexure A.

3.3. Departure: Building Line Relaxation: Statutory Context and Motivation

3.3.1. Statutory Context:

Statutory requirements have been considered for this Departure application and it is noted that the Spatial Development Framework does not address Departure applications, and that these would therefore have to be considered on individual merit, and assessed against the local Zoning Scheme criteria. This document supports optimal use of land within an urban edge, to which the application property resides within. The proposal represents urban densification on the property whilst still adhering to zoning scheme parameters such as maximum value coverage/floor area etc. The proposed alterations align with the objective of the SDF by means of promoting more effective useage of urban land, without compromise to adjoining amenity and/or environment. No noteworthy planning implications pertaining to Departure applications reside within the Integrated Development Plans, and/or SPLUMA 2013/LUPA2014.

The Departure application should therefore be assessed on its own merits in accordance with the local zoning scheme, which is provided below.

3.3.2. Motivation:

The as-built plan (Annexure A) represents and depicts the plan deviations from the 2006 approved plan (veranda roof and carport), as well as showing the freestanding gazebo and Wendy House which had been erected and installed without prior consent.

Both the Gazebo and Wendy House are deemed structures, but these do not exceed any Zoning Scheme parameters. Their overall footprint is represented in the area calculations for the property which is confirmed on the 2022 as-built architectural drawings. The section of infill roof at the veranda is also shown and quantified, but is also within the parameters of the Zoning Scheme. The overall coverage of the property is confirmed as 28.38%, where the Zoning Scheme makes provision for 50% as maximum. These listed plan deviations therefore do not constitute non-compliance with the Zoning Scheme Bylaw. Please see Table 2 below for confirmation over property compliance.

Building lines are utilised in urban design principles to establish attractive streetscapes, establish uniform areas, to assist with control of development densities as well as to create private living conditions if/where required. In 2006 plans had been approved for an open carport (within the 4.5m street building line) adjacent to the existing single garage, which at that stage complied with the Knysna Zoning scheme Regulations 1992, which was exempt from further planning control.

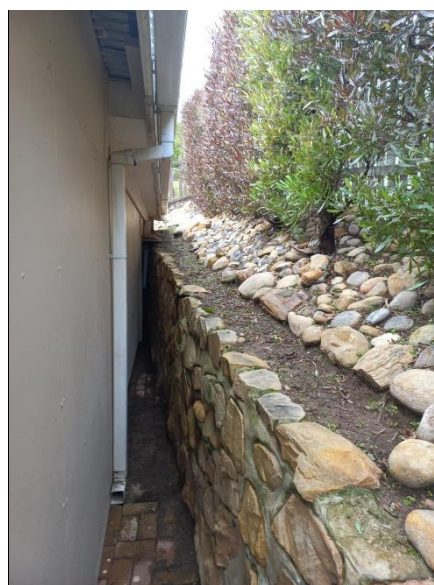
The carport over time had been extended, without prior consent, as well as being closed in on all sides. The current Knysna Zoning Scheme Regulations 2020 defines a carport as “a structure for the storage of one or more vehicles that is covered by a roof, provided that not more than two sides may be permanently closed”.

The current as-built structure therefore technically does not qualify as a carport, due to the deviation from the approved plan, being enclosed on all sides. It therefore now represents a garage, as defined in the Zoning Scheme.

Section 21(2)(c) asserts that “For land units exceeding 650m², a garage or carport may not be closer than 4.5m from the street boundary, notwithstanding the street building line; (d): a garage or carport may be erected within the street boundary building line if, in the opinion of the Municipality, compliance with the street building line is not practical due to the steep slopes of the ground between the road and the property concerned.



Figure 2: Application site Erf 6174, Knysna. Change in level from application site to Andrew Avenue



Andrew Avenue
road level

Figure 3: Approved retaining wall between garage and Andrew Avenue

Site access 3m wide to south west corner of erf 6174



Outer edge of existing garage

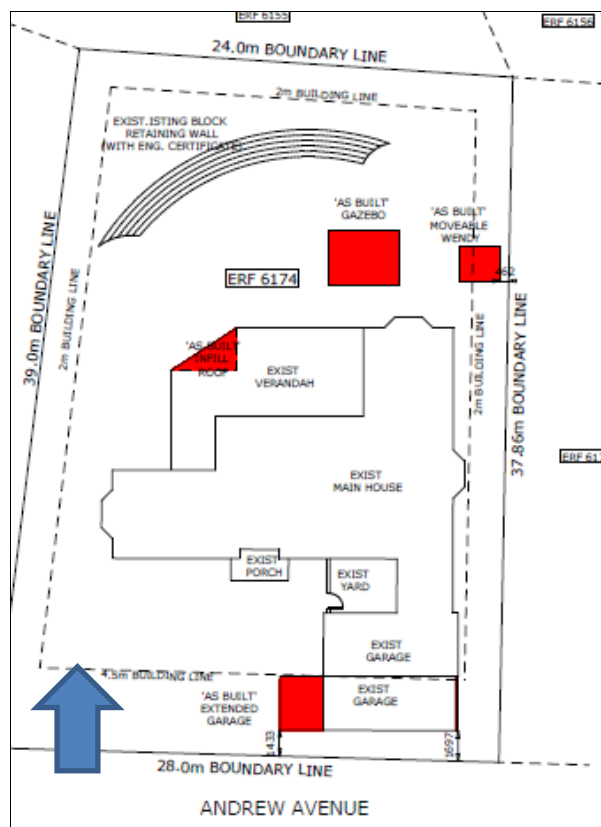


Figure 4: Vehicular site access/egress to Andrew Avenue

Due to the layout of the primary dwelling, position of original garage as well as setting out of soft and hard landscaped areas it is not considered viable to demolish the existing garage (approved as carport) and relocating it to be outside of the street building line. The different heights between the road and site provide a further technical challenge with regards to designing additional parking on this property, and it is thereby considered a reasonable request to apply for the Departure application to request the Municipality to assess this historical plan deviation on its merits and approve the as-built garage structure within the street building line. By approving the Departure request, the urban design principles will remain by virtue of reinforcing the designated parking area on the property and fragmenting these spaces. The garage is positioned along the street embankment and does not represent any nuisance to any adjoining property.

The site access arrangement is still as originally approved and there are no changes with regards to access to Andrew Avenue. The as-built garage (prior carport) does not constitute an aesthetical concern due to its lower level and is screened by virtue of an established hedgerow and fence and therefore does not detract from the streetscape or the architectural appearance of the main house due to its complementary design matching that of the approved garage, see figure 5 below.



Figure 5: Approved garage and unapproved garage (carport)

Parameter	Proposal	Description	Zoning Scheme SR1	Proposal Compliance
Building Lines	1.43m	Street	4.5m	Not Compliant
	2m	Side/Lateral	2m	Complies
	na	Rear	2m	Complies
Height of Structure(s)	Not specified on approved plans.	Single story structure only.	8.5m	Complies
Coverage	28.38%		50%	Complies
Parking	2x spaces	Garage and carport	2x spaces	Complies
Access width	3m	single	2.7m – 4m	Complies

Table 2: Proposal Compliance with Zoning scheme requirements demonstrated

The proposal furthermore as a minor extension of the existing dwelling house creates additional parking space but will not significantly impact/alter any existing Municipal service infrastructure, so therefore would have no detrimental impact thereon.

4. Conclusion:

It is hereby respectfully requested that Knysna Municipality favourably consider this application in terms of Section 1.1 of this report to allow the relaxation of the Street building line from 4.5m to 1.43m: in order to retain the existing garage.

The proposal will not change the property's land use or the area's character, nor will it adversely affect the public, or highway/traffic services given the proposal's small-scale nature and location. No undue or detrimental impact is therefore expected on any existing rights.

The proposal complies with the Zoning parameters of the Zoning scheme, apart from the applied for street building line relaxation sought in this application. The proposal further aligns with the development principles outlined in SPLUMA, LUPA, KSDF, KSPLUM Bylaw 2021.

Concluding the assessment and hopeful approval of this application, revised building plans will be submitted to the KM for consideration and approval, as per Annexure A.

As per motivation provided within this report it is hereby concluded that the writer trusts that all required aspects of Land Use Management have been addressed and provided and that the application can be duly approved.