MOTIVATION IN SUPPORT OF
ERF 49
PARADISE
KNYSNA

APPLICATION:
Departures in terms of Section 15(2)(b) of the Knysna Municipality Spatial Planning and Land Use Management By-Law (2021) for Permanent Departure, for the relaxation of Building lines.

BACKGROUND:
ERF 49 was purchased by the owners in October last year. They started to erect fencing around the back of property for safety reasons, not knowing that fencing and gabion walls need to be approved by the local authority first. The gabion retaining wall has encroached over the building line and therefore the Building Line relaxation application is needed to legalize the existing gabion wall structure / and proposed new additions. An administrative penalty application will accompany this application as well.

THE SUBJECT PROPERTY:
This application applies to ERF 49, in the suburb of Paradise, Knysna.
See Locality Plan.

The property is registered to Mr & Mrs White with Title Deed Number: T000048145/2025.
There are no title deed conditions restricting the proposed and existing encroachments.

The property is not bonded.

The property is zoned Single Residential Zone 1 and falls within the Knysna Municipal Area in terms of the Knysna Municipality Zoning Scheme By-Law 2020, and is situated on the edge of Knysna's "Urban Conservation Area"
See Zoning Certificate and Aesthetics Approval Letter.

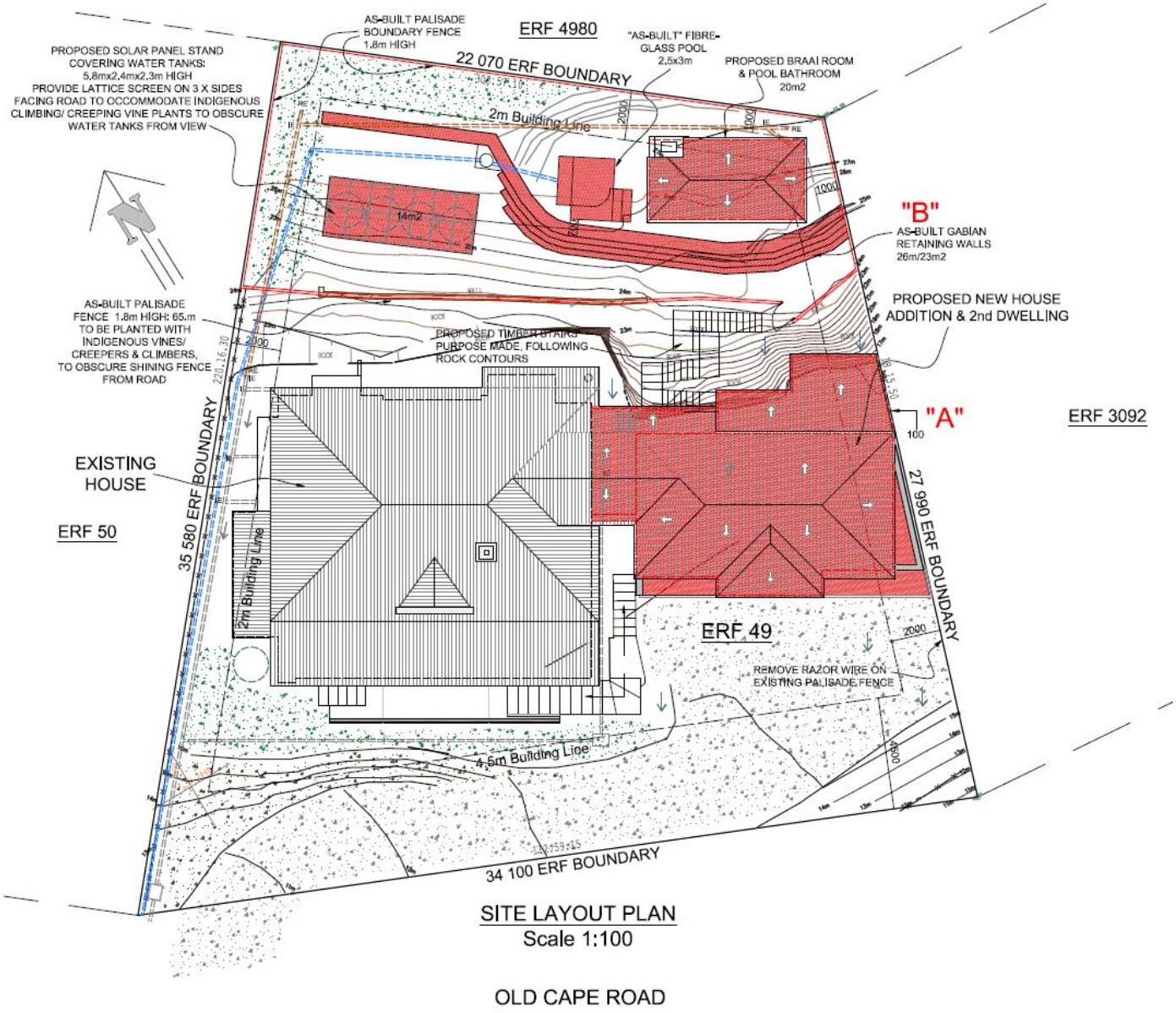
The topography of the site is the main reason for the Proposed and existing encroachments.

THE REQUIRED APPLICATIONS:
Departure of existing building lines as follows:

- in terms of Section 15(2)(b)

To relax the South-Eastern (lateral) Building line from 2m to 0m to allow for:

A) The proposed new addition to main house(2m to 0.1m)
B) The “as-built” gabion retaining wall (2m to 0m)



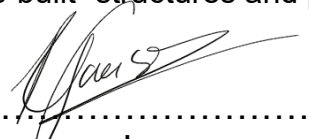
See applicable building lines and retaining structure Compliance in table below:

	APPLICABLE PARAMETERS/CONTROL	KNYSNA ZONING SCHEME BY-LAW	COMPLIANCE	PROPOSED APPLICATION
		Single Residential Zone 1		
	South-Eastern (Lateral)Building Line			
A	Additions: Height	max 8.5m above NGL 2nd dwelling is part of existing dwelling	The proposal complies	
	Second Dwelling: Area	max 60m2 allowed	The proposal complies	
	Additions: Encroachment	2m building line, encroaching with 1.9m	The proposal does not comply	Permanent Departure S.15(2)(b)
	South-Eastern & North-Eastern (Lateral & Rear) Building Lines			
	Braai Room: Encroachment	Chapter 7 - 21	The propasal complies	
		(2) (a) Garages, carports and outbuildings are permitted within side and rear boundary building line provided that the structures do not: (i) extend higher than 3,5 metres to the top of the roof; (ii) contain more than a double garage façade; 29 June 2020 Province of the Western Cape: Provincial Gazette Extraordinary 8258 17 (iii) exceed a width of 6,5 metres; and (iv) have doors or windows facing the side or rear boundary concerned.		
	South-Eastern (Lateral)Building Line			
B	Gabion Retaining wall: Height	Chapter 26 Earth Banks & Retaining Structures(clause 26)	The proposal complies	
		(a) no earth bank or retaining structure used for holding back earth or loose rock, weather associated with a building or not, may be constructed to a height of more than 2 metres above natural ground level; and		
	Gabion Retaining wall: encroachment	2m builing line, encroaching with 2m	The proposal does not comply	Permanent Departure S.15(2)(b)

ANTICIPATED IMPACTS:
Surrounding neighbouring properties will not be negatively influenced or compromised in any way. Several surrounding properties contain similar retaining structures and buildings, due to the typical sloped topography of the area. The proposed new additions do not exceed any height restrictions as per zoning scheme regulations and do not have a negative visual impact, again because of the topography of the site and the specific location of the site.
The use of the property will remain residential. The proposed building line relaxations will not affect or compromise traffic safety in any way.
No additional services will be required with granting the relaxation of building lines to allow the as-built structures and proposed new structures in this proposal.
All retaining structures to be signed off by the appointed Engineer.

CONCLUSION:
The main factor which contributes to the encroachment of the building lines, is the challenging slope of the site, which limits the building area.

Herewith the Application is made to relax the building lines as stated above to allow the existing “as-built” structures and proposed new Building Additions.



…….
Ramona Jansen
R&R Projects – 072 427 5276