

**Menslike Nedersettings, Beplanning en Ontwikkeling
Human Settlements, Planning and Development**

Collaborator No.: 2350297
Reference / Verwysing: Erf 6223, George
Date / Datum: 17 March 2023
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**APPLICATION FOR DEPARTURE (BUILDING LINE RELAXATION):
ERF 6223, 5 YSTERHOUT STREET, HEATHERPARK, GEORGE**

Your application in the above regard refers.

The Deputy Director: Planning (Authorised Official) has, under delegated authority, 4.1.17.1.17 of 30 June 2022 decided that the application for Departure in terms of Section 15(2)(b) of the Land Use Planning By-law for George Municipality, 2015 for the following on Erf 6223, George;

- (a) Relaxation of the eastern side boundary building line of Erf 6223, George from 3.0m to 0.0m for outbuildings;
- (b) Relaxation of the southern street (Ysterhout Avenue) boundary building line of Erf 6223, George from 5.0m to 0.0m for outbuildings;
- (c) Increase in the covered parking provision [development parameter (g) of 'dwelling house'] applicable to Erf 6223, George from 4 to 6 vehicles;

BE REFUSED in terms of Section 60 of said By-law for the following reasons:

REASONS FOR DECISION

- (i) Despite former approvals of building line encroachments in the area, these approvals endorsed structures of acceptable design and nature and permitted lawful activities which can be supported on residential properties.
- (ii) The departures applied for seek to regularise some outbuildings associated with illegal land uses occurring on the property and are not associated with a dwelling house. The carports and storage area are being used in relation to a workshop activity – being the restoration of multiple vehicles which does not constitute a “hobby” and is not reconcilable with a residential area.
- (iii) The keeping of poultry on this property also contradicts other municipal by-laws while the gazebo (plant nursery) cannot be approved on a building plan.



- (iv) It is also quite apparent that these structures were erected in areas where they have minimal impact on the owner's amenity and entertainment areas but disregards the rights, amenity, safety and welfare of surrounding neighbours.
- (v) The activities which these structures support, will have an adversely impact on neighbours' rights and amenity and the land use character of this area.
- (vi) The carport and storage area are visually intrusive and derogate the streetscape, and no intent or proposal is made to mitigate against visual impacts.
- (vii) There is no evidence submitted to confirm that the applicant followed the correct or a fair public participation process, nor does the applicant acknowledge the objections received and the process is regarded as being flawed and vulnerable to being regarded as unfair administrative procedure in terms of PAJA, making the application reviewable.

You have the right to appeal to the Appeal Authority against the decision of the Authorised Employee, in terms of Section 79(2) of the George Municipality's By-law on Municipal Land Use Planning.

A detailed motivated appeal with reasons should be directed to the Appeal Authority and received by the Director Planning and Development, P O Box 19, George, 6530 or Directorate: Planning, 5th floor, Civic Centre, York Street, George **on or before 07 April 2023** and simultaneously submit a copy of the appeal on any person who commented, made representations or objected to the application in the above regard. *Please also note that the appeal must be e-mailed to the administrative officer mentioned above.*

Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

Kindly note that in terms of Section 80(14) of the George Municipality's By-law on Municipal Land Use Planning, the above decision is suspended until such time as the period for lodging an appeal has lapsed, any appeal has been finalised and you have been advised accordingly

Yours faithfully



C. PETERSEN

SENIOR MANAGER: PLANNING

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