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02 March 2020

Keith Lurie
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Dear Sir

ASSESSMENT REPORT FOR THE PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND PERMANENT DEPARTURE FROM THE PARAMETERS OF THE ZONING SCHEME: ERF 1774 PLETtenberg Bay (44 Longships Avenue)

The Manager: Land use management made the following decision under delegated authority on 02 March 2020:

1. That approval be granted in terms of Section 60 of the Bitou By-law on Municipal Land Use Planning 2015 for:

   1.1 The removal of restrictive Title deed condition E(4)(d), “No building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4,72 meters to the street line which forms a boundary of this erf, nor within 3,15 meters of the rear or 1,57 meters of the lateral boundary common to any adjoining erf provided that with the consent of the local authority…”

   1.2 Street building line departure from 4.5m to 1.04m.

2. Conditions in terms of Section 66 of the Bitou By-law on Municipal Land Use Planning 2015

   1.3 This approval applies only to the application under consideration and should not be construed as authority to depart from any other legal prescriptions or requirements from Council.

   1.4 Any further encroachments over the title deed or Zoning Scheme building lines that are not indicated on the approved site plans will require further land use applications.
1.5 This approval will lapse after a period of five (5) years from the date that the approval comes into operation, if building plans for the proposed additions have not been approved, or if any of these conditions of approval have not been complied with.

1.6 No existing Municipal engineering services are to be affected by the proposed garage. Access to the Municipal street light cable running alongside the property’s street boundary should not be obstructed.

1.7 Please refer to section 34(1&2) of the Bitou By-Law Municipal Land Use Planning 2015 with regards to endorsement of the Title Deed.

3. Reasons for decision

3.1 The proposed garage should not detrimentally affect the character of the neighbourhood, as similar departures have been approved in the area.

3.2 It provide secure parking.

Appeals

a. You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) of the said legislation.

b. Such an appeal must be submitted in writing to the Municipal Manager, Bitou Municipality, Private Bag X1002, Plettenberg Bay, 6600, within 21 days of registration of this letter.

c. The attached appeal form must be completed and should be directed to the Municipal Manager, Bitou Municipality, Private Bag X1002, Plettenberg Bay, 6600, within 21 days of notification of this decision together with proof of payment of the appeal fee.

d. If you exercise your right to appeal, you are requested to simultaneously serve notice of the appeal on any person who commented on the application and any other persons as the Municipality may determine. Proof of serving the notification must be submitted to the Municipality, within 14 days of serving the notification.

e. The notice must be served in accordance with section 35 of the said legislation and in accordance with the additional requirements as may be determined by the Municipality. The notice must invite persons to comment on the appeal within 21 days from date of notification of the appeal.


g. A notification in terms of Section 61 of the Bitou Municipality Land Use Bylaw (2015) will confirm the coming into operation of the approval, if no appeals were received within 21 days of registration of this letter.

Chris Schliemann
Manager: Land Use Management