Dear Sir

PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITION AND PERMANENT DEPARTURE, ERF 945 PLETTEBERG BAY

The Manager: Land use management made the following decision under delegated authority on 13 October 2021. That approval be granted in terms of Section 60 of the Bitou By-law on Municipal Land Use Planning 2015 for:

1. Removal of title deed condition D.4 (d) that states "no building or structure or any portion thereof except boundary walls and fences, shall be erected neared than 4,72 meters to the street line which forms a boundary of this erf 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, an outbuilding not exceeding 3.05 meters in height, measured from the floor to the wall plate and no portion of which will be used for human habitation, may be erected within the prescribed rear space. On consolidation of any two or more erven this condition shall apply to the consolidated area as one erf".

2. Permanent departure from the parameters of the zoning scheme for the following:
   a) 4,5m street building line to 4,20m to regularise the minor encroachment of the house,
   b) 4,5m street building line to 0, to regularise a screen/retaining wall,
   c) 1,5m lateral building line to 1,06m, to regularise the encroachment of steps, slabs and shed, and
   d) 1,5m lateral building line to 0, regularise the encroachment of the garage extension (used as an office).
Conditions in terms of Section 66 of the Bitou Municipality: Land Use Planning Bylaw (2015)

1. That the approval applies only to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from council;
2. If any Municipal services are found to traverse the affected portions of the property, the services will have to be relocated at the cost of the applicant to the satisfaction of the Municipality.
3. That formal building plans must be submitted to the Council, in terms of Section 4 of the National Building Regulations and Building Standard Act (Act No. 103 of 1977 as amended)
4. Application approved as per structure on plan P945DP-1, dated April 2021

Reasons for decision

1. No objection was received from the affected neighbour.
2. To rectify the unlawful existing structures.
3. Formalizing the existing structures will not adversely affect the character of the surrounding area.

Appeals

1. You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) of the said legislation.
2. Such an appeal must be submitted in writing to the Municipal Manager, Bitou Municipality, Private Bag X1002, Plettenberg Bay, 6600, within 21 days of this emailed letter.
3. 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.
4. 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.
5. 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.
7. 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 this emailed letter.

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Chris Schliemann
Manager: Land Use Management