



REPORT TO MUNICIPAL PLANNING TRIBUNAL

CASE ID	70473588			
CASE OFFICER	D Suttle			
CASE OFFICER PHONE NO	021 684 4369			
DISTRICT	Cape Flats			
REPORT DATE	4/10/2019			
INTERVIEW REQUESTED	APPLICANT OBJECTOR(S)	YES		NO

ITEM NO **MPTSW73/11/19**

WARD 43: APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL) IN RESPECT OF ERF 44466 MITCHELSS PLAIN, 5 ST FRANCIS PLACE STRANDFONTEIN VILLAGE

1 EXECUTIVE SUMMARY

Property description	Erf No, 44466 Mitchells Plain
Property address	5 St Frances Place, Strandfontein Village
Site extent	220m ²
Current zoning	Single Residential 1
Current land use	Dwelling House
Overlay zone applicable	None

Submission date	4/10/2019
Subject to PHRA / SAHRA	No
Any unauthorised land use / building work?	Unauthorised carport, tool shed and storeroom
Has owner applied for the determination of an administrative penalty	Yes
Has the City Manager applied to the MPT for an order that a person who is contravening the MPBL must pay an administrative penalty in an amount determined by the MPT	No
Has the City issued a demolition directive i.t.o section 128 of the MPBL? If yes, an administrative penalty may not be	No

applied for.	
Has the City served a notice on the owner or other person in respect of the unlawful land use or building work which required the owner or other person to apply for the determination of an administrative penalty?	No

2 DECISION AUTHORITY

For decision by the Municipal Planning Tribunal

3 BACKGROUND / SITE HISTORY

Erf 44466 is zoned Single Residential 1. Unauthorised building work exists in the form a carport, tool shed and storeroom. A portion of the storeroom contravenes item 22(d) of the Development Management Scheme (DMS) as this building is located within 3m from the common boundary building line after the 1st 12m from the street boundary and contravenes the permissible 60% linear distance calculation

4 SUMMARY OF APPLICANT'S MOTIVATION

The applicant's motivation of the proposed is attached as Annexure C and may be summarised as follows:

- The storeroom was built to store furniture due to a family member moving in to the main house.
- The owner regrets not seeking property advice for the unauthorized building work.

5 ASSESSMENT OF APPLICATION

- 5.1 As indicated above, a portion of the unauthorized storeroom is in contravention of the Development Management Scheme.
- 5.2 In terms of section 129(7)(a) of the By-Law, an administrative penalty for a building work contravention may not be more than 100% of the value of the building, construction and engineering work unlawfully carried out.

Administrative Penalty: Calculation**5.2.1 Unauthorised building work**

$$\text{Value per m}^2 \text{ (R4 450)} \times \text{Total Unlawful area (7m}^2\text{)} = \text{R31 150}$$

An amount which is not more than 100% of R31 150 may be imposed as administrative penalty

5.3 The following factors need to be considered when determining an appropriate administrative penalty, as contemplated by section 129(8) of the By-Law:

a) The nature, duration, gravity and extent of the contravention

Nature – The nature of the contravention is an unauthorized storeroom located 0m on the common boundary in lieu of 3m

Duration –According to the applicant and verified by aerial photography the storeroom was built in 2015. The duration of the unauthorized building work is considered to be long term.

Gravity - Gravity- It is unlikely that the unauthorised structure will threaten the health, safety and wellbeing of the community. The gravity is not considered serious

Extent – The portion of the storeroom that contravenes the Development Management Scheme measures approximately 7m² and this is considered to be of a minor extent.

b) The conduct of the person involved in the contravention

The owner has applied for an administrative penalty for the unauthorised building work.

c) Whether the unlawful conduct was stopped

The unauthorised storeroom is constructed.

d) Whether a person involved in the contravention has previously contravened by this By-Law or any other planning law

As far as can be ascertained, the owner of the property has not previously contravened this By-law or any other planning law

- 5.4 In view of the above considerations, this Department recommends an administrative penalty of R300.00 of the value of the unauthorised building work.

6 REASONS FOR DECISION

Reasons for the recommended decision may be summarised as follows:

- 6.1 A portion of the unauthorised storeroom contravenes the Development Management Scheme.
- 6.2 The contravention is of a long term duration.
- 6.3 The contravention is of a low gravity and of minor extent.
- 6.4 As far as can be ascertained, the owner of the property has not previously contravened this By-law or any other planning law

7 RECOMMENDATION

In view of the above, it is recommended that:

- a) That an administrative penalty in the amount of R300.00 be determined in terms of section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Erf 44466 Mitchells Plain

ANNEXURES

Annexure A	Locality Plan
Annexure B	Building plan
Annexure C	Applicant's motivation

A McCann

3021

**Section Head : Land Use
Management**

Name A McCann

Tel no 021 6844341

Date 4 November 2019

Comment

Newman

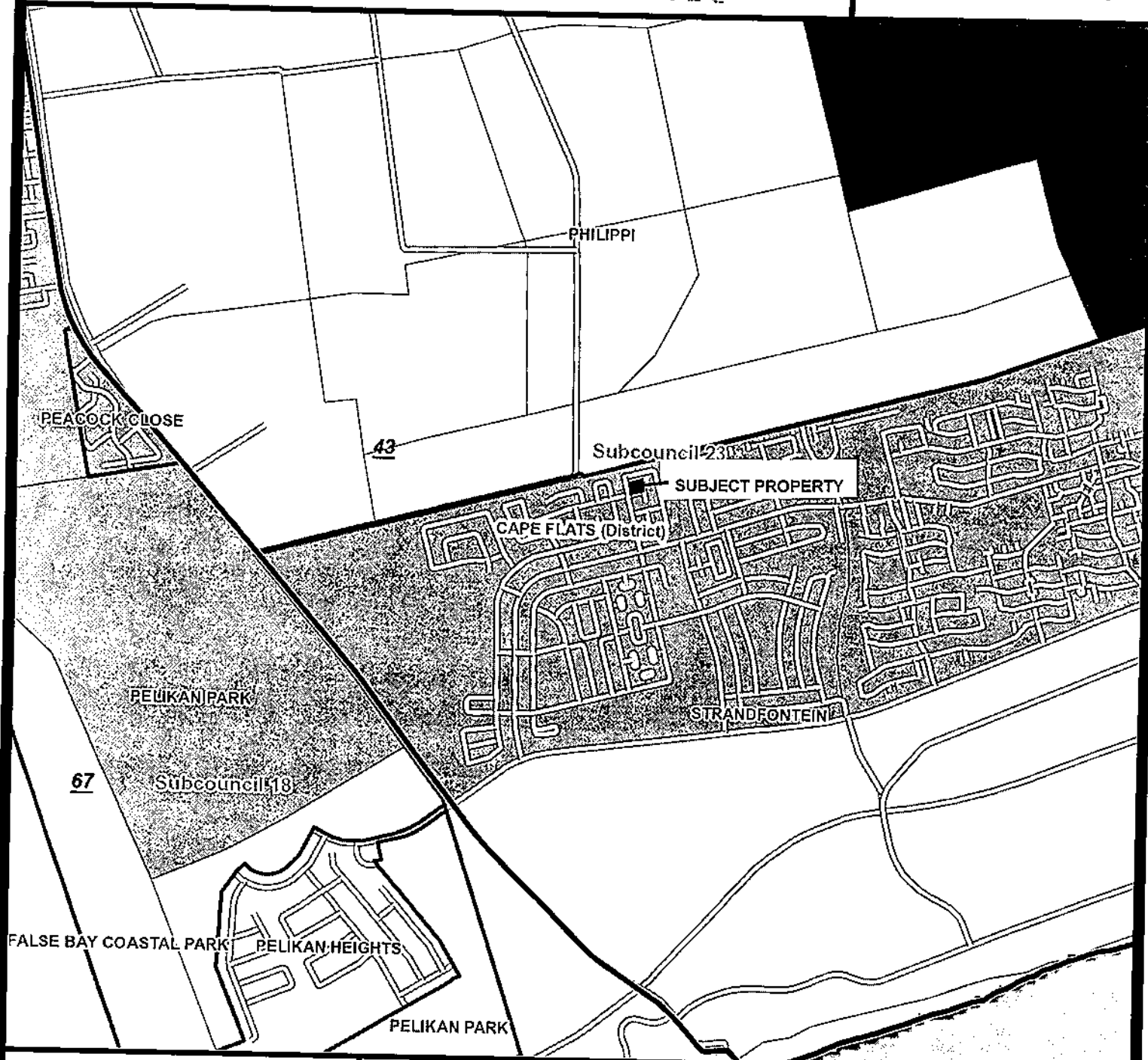
District Manager

Name Chad Newman

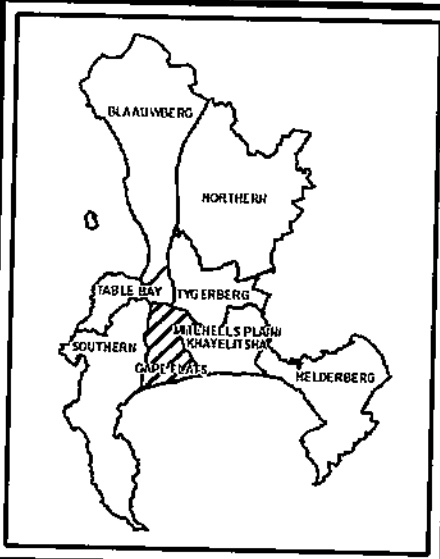
Tel no 021 684 4310

Date 5 November 2019

Comment



Overview



Erf: 44466

Allotment: MITCHELLS PLAIN

Ward: 43

District: CAPE FLATS

Suburb: STRANDFONTEIN

Sub Council: Subcouncil 23



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STAD KAAPSTAD

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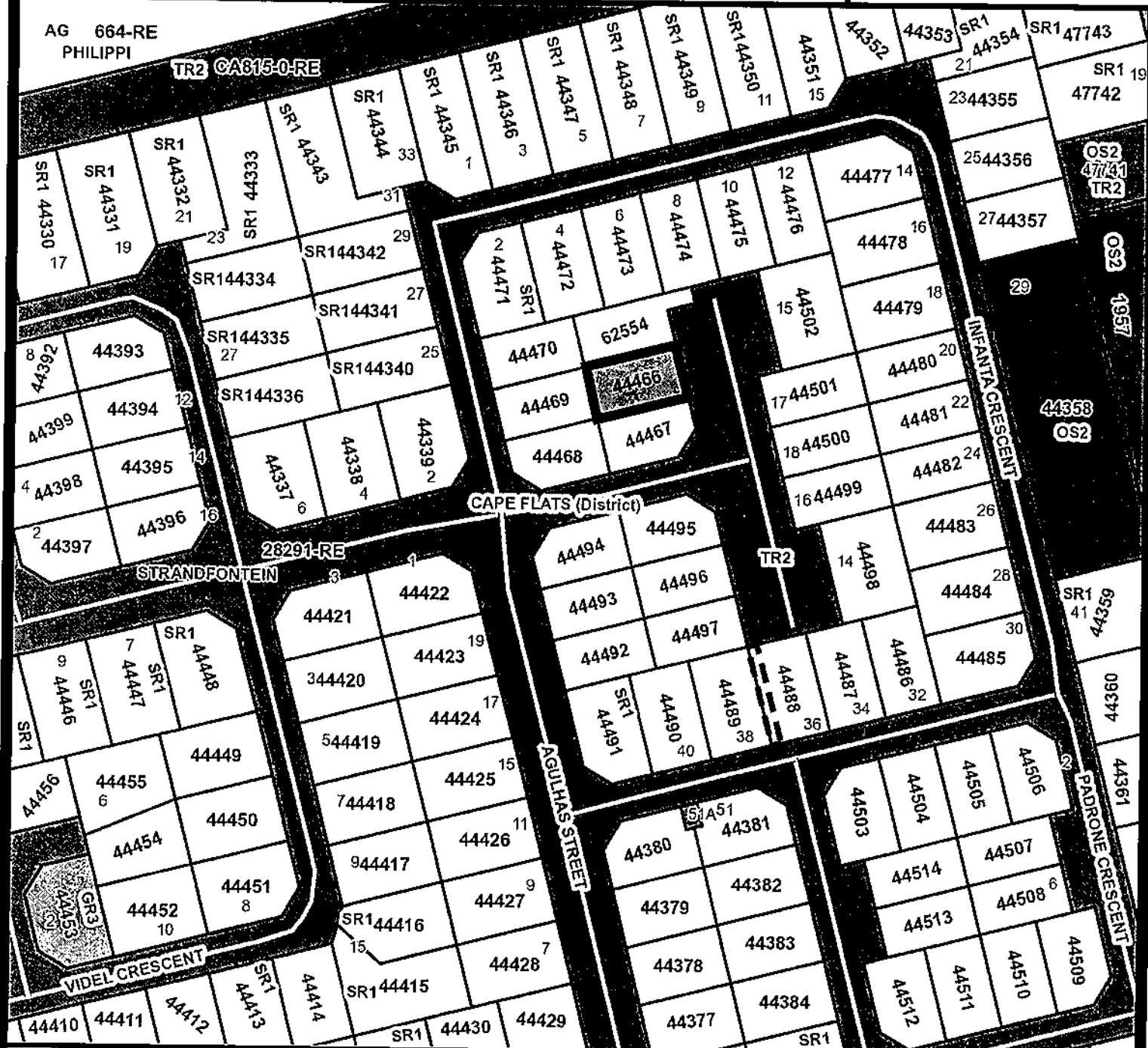
PLANNING AND BUILDING DEVELOPMENT MANAGEMENT LOCALITY MAP

3023

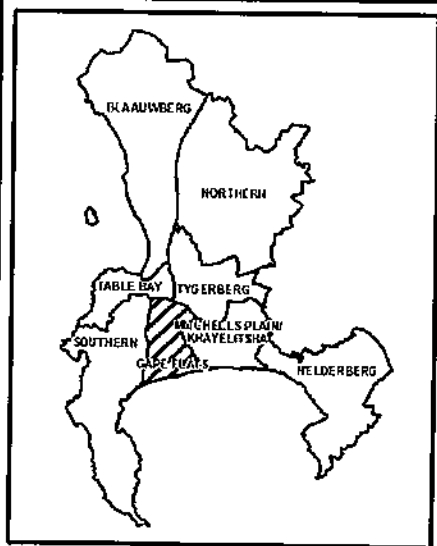
ANNEXURE A1

AG 664-RE
PHILIPPI

TR2 CA815-0-RE



Overview



Erf: 44466

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1:1 200

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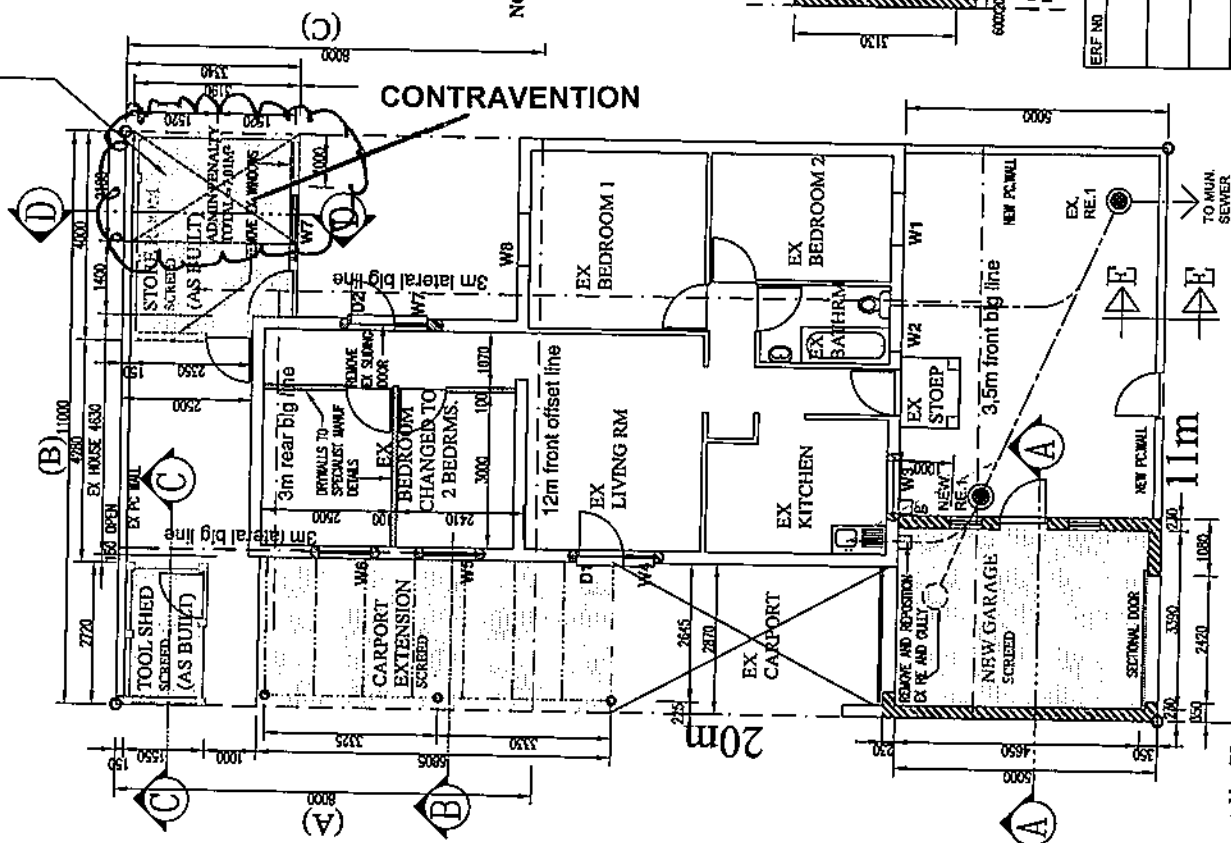
File Reference:



CITY OF CAPE TOWN
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STAD KAAPSTAD

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TOTAL OF 7.01M² (2.1M X 3.34M)
OF THE UNAUTHORISED
STOREROOM DOES NOT
COMPLY WITH THE
DEVELOPMENT MANAGEMENT
SCHEME



SPECIFICATIONS:
FLOORS
FINISH AS SHOWN ON 20mm SPORED ON 75mm CONCRETE
ON 250 MILLION DPC ON 50mm SANDFILL ON WELL
COMPACTED AND CLEAN SAND FILL

WINDOW & DOOR OPENINGS
PRECAST RC LINTOLS OVER ALL NEW WINDOW, DOOR
AND ARCH OPENINGS UP TO 3m MAX SPAN UNLESS
OTHERWISE SPECIFIED
MIN FOUR COURSES BRICKWORK & BRICKWORK OVER LINTOLS
WINDOWS & DOOR TO MATCHES OR EQUALLY APPROVED.

ROOF - 3rd GARAGE (GRADE-45 TIMBER)
SINGLE LENGTH GUTTER SHEETING ON 50x150mm PURLINS
@ 900mm C/C'S ON 50x150mm RAFTERS @ 1050mm C/C'S
@ 550mm C/C'S ON 50x150mm RAFTERS @ 1050mm C/C'S
WITH HIGHER RAFTER-ENDS HELD IN GAS HANG-BRACKETS 210mm
RAIL BOLTED TO WALL UNDER RATER-ENDS SUPPORTED ON 30x114mm
WALPLATE TIED DOWN TO WALL WITH 1.2m x 50mm WIDE OR
STRAPS EMBEDDED MIN 600mm INTO WALL

ROOF - 3rd CARPORT (GRADE-45 TIMBER)
65x CLEAR SINGLE LENGTH POLYCARBONATE SHEETING ON
50x150mm PURLINS @ 900mm C/C'S ON 50x150mm RAFTERS
@ 900mm C/C'S WITH HIGHER RAFTER-ENDS HELD IN GAS HANG-
BRACKETS 210mm RAIL BOLTED TO WALL UNDER RATER
ENDS FIXED TO DETAIL-X

ROOF - 3rd TOOLSHED (GRADE-45 TIMBER)
SINGLE LENGTH ER SHEETING ON 50x114mm PURLIN-RAFTERS
550mm C/C'S WITH ENDS HELD IN GAS TIEDO BRACKETS AND
FIXED WITH 210mm # NUTS AND BOLTS TO 50x150mm DEEBEAM
WITH 210mm # RAIL BOLTS

ROOF - 3rd STORE RM (GRADE-45 TIMBER)
SINGLE LENGTH GUTTER SHEETING ON 50x150mm PURLIN-RAFTERS
@ 900mm C/C'S WITH ENDS HELD IN GAS TIEDO BRACKETS AND
FIXED WITH 210mm # NUTS AND BOLTS TO 50x150mm DEEBEAM
EXTEREAMS FIXED TO C/C'S OF EACH PC POST WITH 210mm
RAIL BOLTS

RAINWATER DISPOSAL
2200mm BACKFILL FASCA DRAINAGE
100mm PVC INLET-ROUND DIFFUSERS
75mm # PVC DOWN PIPES

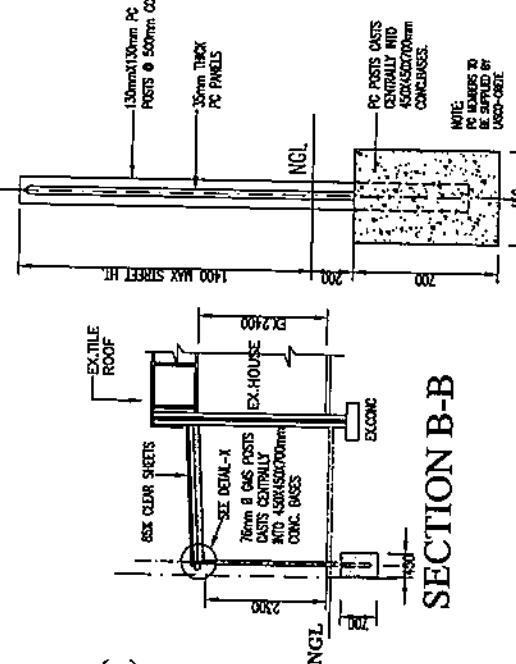
Note:
Check all dimensions and levels on
site before commencing work.
Walls: all internal 90mm dove leadbearing walls on min
600x200mm thickening in concrete bed
All plaster in excess of 10mm to be removed
above finished floor level to be safety gazed.
No point of building to project beyond
boundary lines.

RALPH SMITH
DESIGNER / ARCH. T
IN ASSOCIATION WITH ANTHONY SARGA
REGISTRATION NO: ST0518
021 393 5932 37 COLUMBINE ROAD,
084 900 1765 BAYVIEW
STRANDFONTEIN 7798

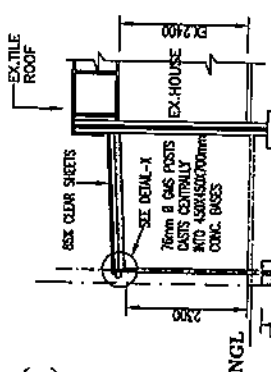
PROPOSED ALTERATIONS FOR
MR. & MRS. R. SCHROEDER
5 ST FRANCIS PLACE
WAVECREST, STRANDFONTEIN.
ERF NO : 44466

COUNCIL SUBMISSION. PAGE: 1 OF 3
Date: MAY, 2019 Dwg. No: **1607**
Scale: 1:100 1:25
Drawn: R. Smith

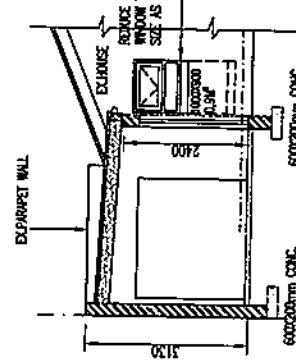
SECTION E-E
(SCALE 1:25)



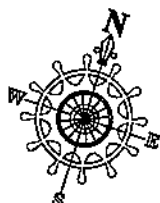
SECTION B-B



SECTION A-A



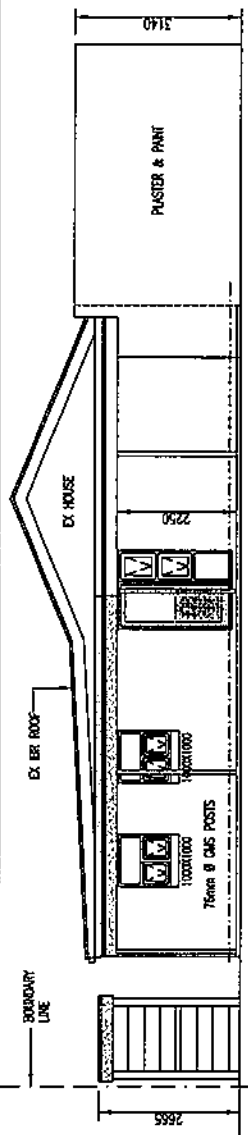
ERF NO	HUSBAND	WIFE	DATE:



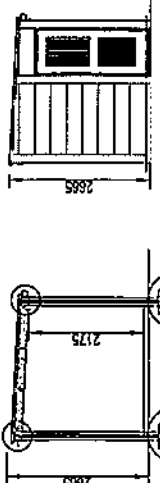
FLOOR & SITE PLAN SCALE 1:100

ST. FRANCIS PLACE

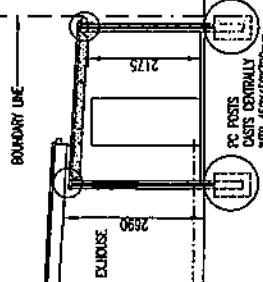
± 11m TO ST. FRANCIS PLACE



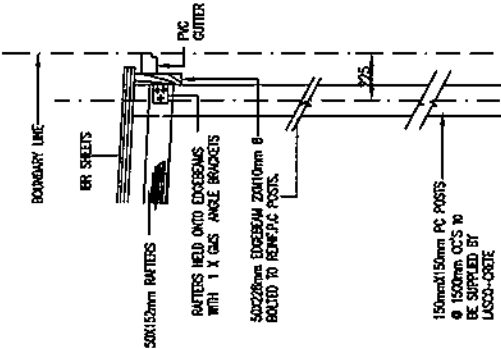
SOUTH ELEVATION



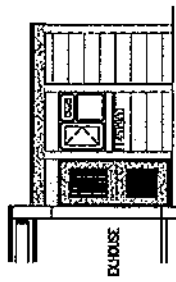
ELEVATION C-C



SECTION D-D



**DETAIL-Y
(SCALE 1:25)**



**DETAIL-X
(SCALE 1:25)**

STORE RM ELEV.

COVERAGE CALCULATIONS

EX HOUSE	=64.83m ²
EX STOEP	=1.54m ²
EX CARPORT	=15.78m ²
TOTAL EXISTING	=102.15m²
NEW GARAGE	=19.25m ²
CARPORT EXTENSION	=19.78m ²
STORE ROOM	=12.34m ²
TOOLSHED	=4.22m ²
TOTAL COVERAGE	=157.74m²
SITE AREA	=220m ²
CLEAR	=62.26m ²
% CLEAR	=28.3%

LINEAR CALCULATIONS

(A) = 8m	(B) = 11m	(C) = 8m
A + B + C = 27m		

ACTUAL CALCULATIONS

(A) = 7m	(B) = 11m	(C) = 3.79m
A + B + C = 21.79m		

LINEAR COVER = 60.7%

MAX LINEAR CALCULATION = 60% OF 27m = 16.2m

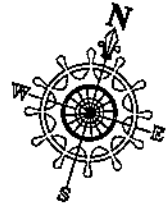
TOTAL OF 7.01M² (2.1M X 3.34M) OF THE UNAUTHORISED STORE ROOM DOES NOT COMPLY WITH THE DEVELOPMENT MANAGEMENT SCHEME

Note:
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Walls: all internal 90mm none loadbearing walls on min 600x200mm thickening in conc surface bed.
All glazing in excess of 1sqm or less than 500mm above finished floor level to be safety glazed.
No part of building to project beyond boundary line.

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COUNCIL SUBMISSION. PAGE: 2 OF 3
Date: MAY. 2019
Scale: 1:100 1:25
Drawn: R Smith
Dwg. No: **1607**



To The City of Cape Town**Motivation letter**

I, Rodney Schroeder and my wife Anita Schroeder are the owners of the property situated at no 5, St. Francis Place, Wavecrest, Strandfontein, Erf No: 44466. It has been brought to our attention that a motivation letter has to be drawn up and must be submitted with the proposed building plans where departures are required for certain aspects of the proposed as-built, building alterations.

1. Garage 0,0m on Street Boundary

Our yard is very small in front, due to unforeseen circumstances we would like to build a garage in front of our property for our son who has his own vehicle and due to the cramped up situation parks his car after work in the front driveway very close to the street boundary. The current parking condition is not very ideal as my son sometimes arrive late at night from work. The situation with regard to crime, especially car burglaries has increased in our area in recent years, due increased drug abuse amongst youth in the surrounding areas.

2. Storeroom (As built) 0.0m ilio 3m from the common boundaries.

In 2015 my mother in law sold her house to come stay with us because of her continued illness and living alone. We had to act quickly and built structures at the back which we used as a store room to store some of our furniture in order to clear an existing bedroom for my mother in-laws furniture.

3. Toolshed (As built) 0.0m ilio 3m from the common boundaries.

Later on that same year a small Toolshed was built in the yard for my tools that was standing outside and getting rusted very quickly as we are living in close proximity to the sea.

4. Carport Extension (As built) 0.0m ilio 3m from the common boundary.

We extended our Existing Carport about a year ago as our other vehicle was standing in the rain and the colour of the car started fading, the body started showing signs of rust. We received advice from various people including the builder and were under the impression that the structures and carport extension did not require plans.

WE regret not seeking proper advice and hope you will receive this letter favourable and in good faith as an acknowledgement of our mistake.