



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500143136

**Erf 25017, 22 Maryland Street,
Windermere, Cape Town**

Development Management

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MOTIVATION REPORT

In respect of rezoning a portion of the subject erf to Local Business 2, for the consent use of a motor repair shop and departures.

**Erf 25017, 22 MARYLAND,
WINDERMERE**

Rev C: 11/12/2025

Property address:	Erf 25017, 22 Maryland Windermere
Site extent:	517.18m ²
Current zoning:	Conventional Housing (R1)
Current land use:	Residential and Vehicle spray painting
Bond:	None
Title Deed restrictions:	None
Property owner:	

1. INTRODUCTION

Application is hereby made on behalf of _____ who has appointed Joshua Conrad Architects under resolution and by power of attorney as agents to prepare and submit this application for the below mentioned - to the relevant local authority – Copy of power of Attorney attached as **(Annexure A)**. In terms of Section 42(a)(b)(i) of the City of Cape Town Municipal Planning By - law of 2025 (as amended).

- 1) Section 42(a): Rezoning from R1 to LB2.
- 2) Section 42(b):
 - (GB1) Relaxation of parking bays – 3 in lieu of 7.27.
 - Depart from boundary wall permeability – 0% in lieu of 25%.
 - Depart from Str. Setback 0 in lieu of 1.5m (Maryland street)
 - Depart from coverage 75% in lieu of 100%
- 3) Section 42(i): (LB2) Consent to permit a Motor repair Garage.

ATTACHMENTS AND AENUXTURES:

Annexure A: Power of Attorney

Annexure B: Application form

Annexure C: Building plans (As-Built)(SDP)

Annexure D: Previous approved building plans

Annexure E: Title deed

Annexure F: SG diagram

Annexure G: Images of Exiting 'Spray booth'

2. SITE CHARACTERISTICS

2.1 LOCALITY

The property is located at no.: 22 Maryland, Windermere. (Circled in red dash), It is an almost perfectly rectangular-shaped property situated on the corner of Factreton and Maryland Str. Encumbered by Erf 25016 North and Erf 22954 East. The location allows for much more 'breathable' atmosphere as not located far into the proximity of residential areas – situated among mostly open fields.



Figure 1: Locality Plan

2.2 PHYSICAL CONTEXT

The property has an abundant immediate texture of greenery and trees as well as close proximity – there is a generous street verge along factreton avenue, also planted with greenery. Most properties in the immediate context are just above 500sqm. The architecture of the residential houses are mostly single stories with Gable pitched roofs.



Figure 1: Aerial plan

2.3 LAND USE

The property is zoned as SR1 with majority further proximity also being as SR1. However the amalgamation of the SR1 properties are well punctured with LB2, GB1, GR4, OS2 and CO2 zonings. Along factreton avenue, apprx. 300m are the LB2 zonings, as well as approx. 350m GB1 zonings. East is the CO1 zone.

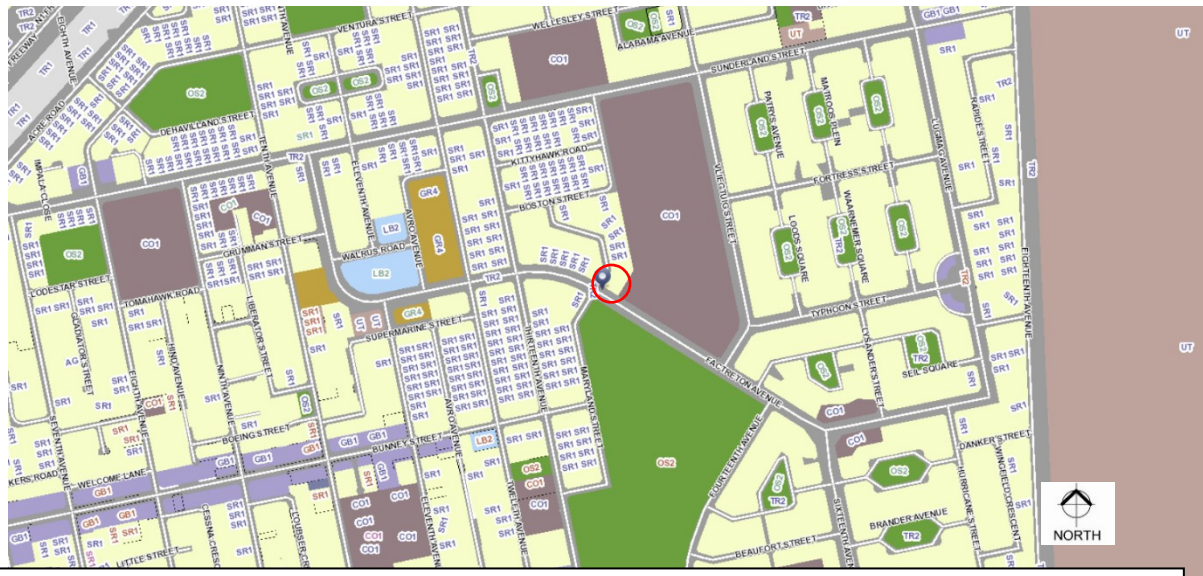


Figure 1: Zoning Plan

3. PROPOSAL

The main intention the owner of the property has, is to not have his breathing business, which is currently his families only means of income - shut down; thus, all efforts are being made to allow a continuation of the current usage of the Existing Garage (31.90m²) as a spray booth. Due to this need, a small portion (227.53m²) (Portion 1), of the entire property as depicted in the plan, is proposed to be rezoned to LB2, permitting a 'spray booth' to be within the regulations. As a result, the motor repair garage demands a parking count of 7.27. This portion of the property can only accommodate for 3. Therefore, a parking departure is also required.

The portion 2 – remainder SR1 zoning (289.09 m²), requires a street setback of 1.5m, and a departure from the street setback line is proposed for the existing and AP submitted verandahs/outbuilding (26m² and 14m² respectively). And lastly to permit a 0% permeability for the boundary walls, as well as 100% coverage for the LB2 portion. There are no title deed restrictions.

This LB2 rezoned portion will provide the City with an opportunity to stand behind the public, whose sole means of income can only be reaped through a rezoning and consent use. Apart from this, constrictive conditions can be imposed to allow the limiting of the use permitted, as well as any impact the rezoning might have. It is to be exaggerated that this is the clients only option. In terms of the scale of the operations - renting out a space is not a viable alternative.

4. PART 99

SECTION 1

1) B - Compliance/Consistency of the use/development OR deviation from the Municipal Spatial Development Framework must be permissible.

This proposed motor repair garage and rezoning forms part of the spatial strategic 3 of the MSDF – as it will integrate connectivity, diversify and densify the land.

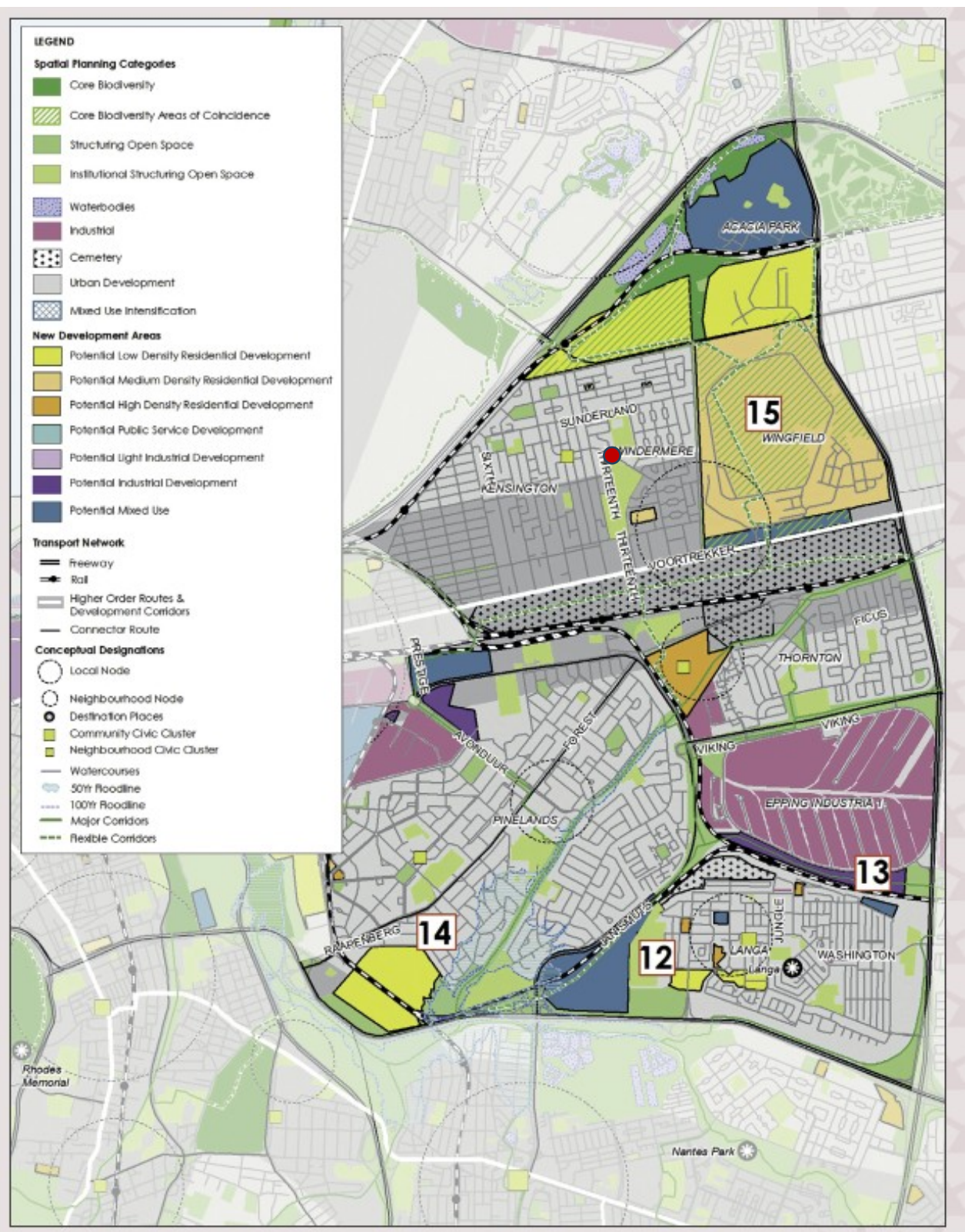
It achieves a moderate land use intensification which also promotes a further balance of land use throughout the area. This is achieved without interrupting the residential nature of the neighbourhood – as business hours are counter cyclical to living and the existing and proposed use has been in operation for 11 years. Additionally, such a well-located use far from the clustered residential fabric - it is in our belief that it is desirable for its spatial distribution and adds to the vision, goals and objectives of the MSDF.

It has a proximity of 350m from the existing GB and LB zonings, which means that the nature of a 'spray booth' (LB2) use currently experienced through the everyday of the neighbourhood close to the subject erf, would not be disruptive. Especially based on the limited small-scale use and the possible 'exposure' of activity being completely closed off. Generally, Windermere has already been devoid of local spatial intentions – as being one of the last neighbourhoods to have a local spatial development framework drafted.

As per the MSDF – apart from the proposed residential apartment developments, which aims to densify the use and assist in housing - in terms of amenities and access to services, the demand on local business within this overlooked and undeveloped area, would become a critical need for the community. Therefore, a 'vehicle repair' service provided to the community (which the census data indicates, based on income), the community cannot afford insurance for the repair of motor vehicles in the event of any damage. Thus, there's a slight alleviation on the community's economy – income of families, and a much suited 'informal' service provision.

The proposal does not affect the surrounding uses – as it's been in operation for 11 years – to which no complaints from the neighbours has been received. This directly speaks to the scale, and activity of the use – discrete. The subject properties proposed use, is approximately 1km from Voortrekker Rd – a high order development, public transport and activity route as per the MSDF. It is also located on the outskirts of the residential area and in close proximity to the proposed local district node in terms of public realm and residential intensification (public assisted housing) – aligning further with the MSDF.

The image attached below extracted from MSDF, represents the property location (in red) – approximately 200m from the proposed development corridor in which the Local node is also situated. From Voortrekker Road up until the subject property, along 16th Ave, into Factreton Road, the streets are activated with the public realm and has extensively large verges. That is, apart from the lack of funding to liven these roads – it does fall in line with the MSDF to accommodate urban development. Therefore, being 200m away from this threshold of urban planning the subject property has a great location. In addition, being situated on the corner, the activity does not 'face' any residential houses, and Factreton road receives multiple vehicle trips which engenders it as a busy interface.



2) SECTION 2 A – B – C – E – G –

Based on the above - providing a diversified use (local service), whilst needing minimal business support and stimulating investments. The use will alleviate the pressure of sourcing someone to repair car damage – for an area that is prioritised for residential development. Therefore, the greater the additional access available in this area would result in more valuable land and fixed assets in the area. Based on observation, the use already has encouraged connectivity, as 'passersby' are always greeting the owner. Apart from diversification, the current limitation of rights in this use zone is also enough to mitigate any adverse impact the motor repair might have. The rights of the adjacent properties will be unaffected as the only potential neighbour to be affected based on proximity is (Erf 25016) and there is a storage 'buffer zone' between these properties, allowing no activity noise – which again, based on the scale is minimal.

To sum, this controlled and cautioned small-scale motor repair use, provides 3 people with an income – an honest means to provide for themselves – valuable to the families of the men, and thus, lightly stimulating the local economy in the area. This trade is also the families only stream of income and above this, the services is available to the community at a considerable amount, as not all specific to the context has the leisure of insurance to cover car damage. (Census data of the Table Bay area - provides support that the median household income is between R 3021 to R6 6400.)

Small scale entrepreneurship; should be encouraged - corresponding with the immediate contextual challenges of the Windermere area. As per the LSDF of *Maitland* which is *adjacent* in terms of *certain criteria of neighbourhood analyses* to that of *Windermere* (LSDF to be drafted this year and concluded possibly in 2027) – **Which is to retain and strengthen the existing businesses within the area and enable access to entry for entrepreneurs - small medium enterprises.** It also encourages contextually appropriate land use transition, land use diversification in support of integrated inclusive economic opportunities.

LUPA and SPLUMA emphasis principles of Spatial justice in terms of access to and use of land. Based on this specific context/application, spatial justice would be achieved when the property owner could legally utilise his own land as done for 11 years in the past – as a 'spray booth'. Considering its location and the fact the owner relies on his trade works to generate a means of income – the rezoning should be encouraged. As the small business directly influences economic development and job creation at the neighbourhood level.

A refusal would drastically affect the livelihood and wellbeing of the owner – which could only be justified if the use deviates too far from the MSDF or impacts the neighbours and relative policies and regulations – which is not the case. The owner should be allowed the ability to adapt and use his land for purposes that help sustain their livelihood – and others. Thus, the rezoning facilitates inclusion of previously marginalised individuals in economic activities, leading to more equitable spatial landscapes – all in line with the MSDF objectives of local economic development and diversifying land use in appropriate areas.

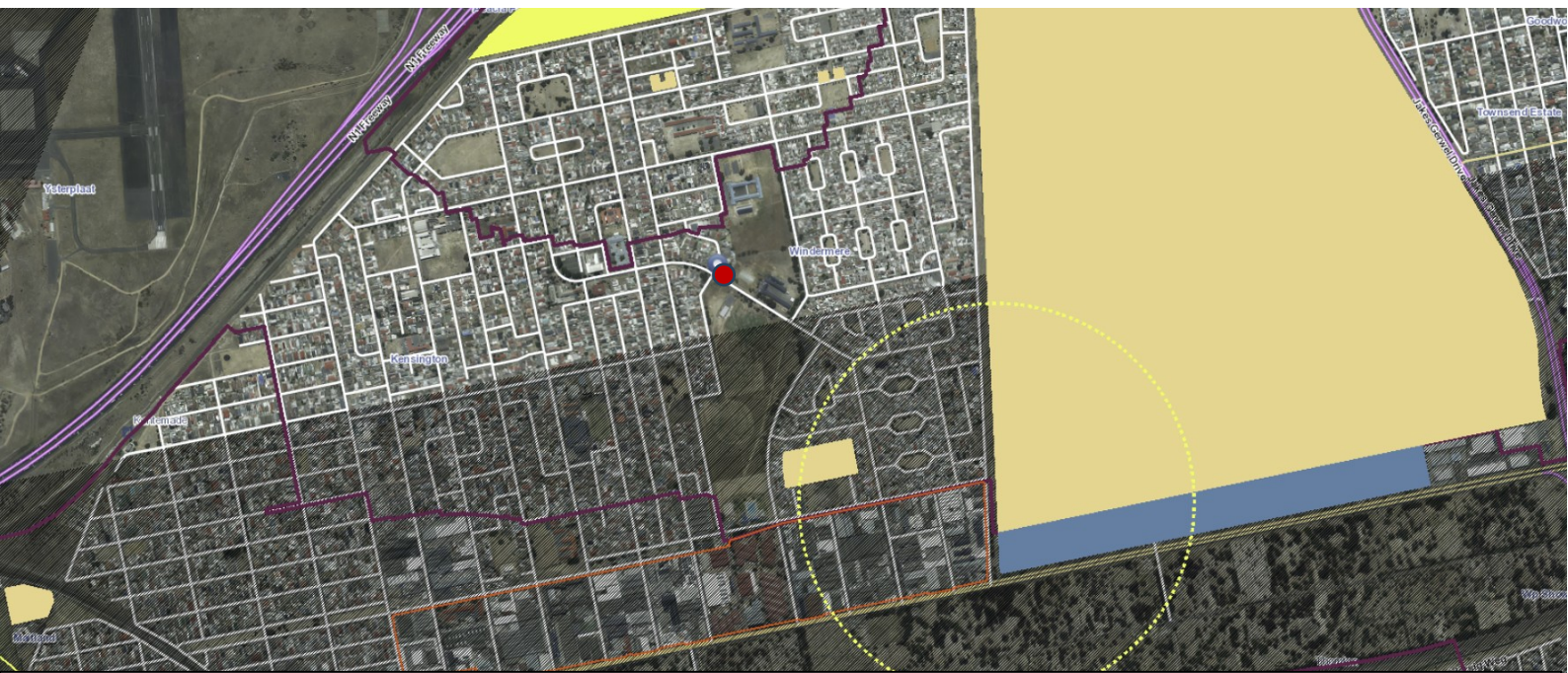


Figure 4: Locality and MSDF overlay.

These images represent the desirable location contributing to the area's economic volatility. Just 200m from the development corridor(hatching) along Facreton avenue – which receives high traffic counts – with generous verges. Closely located to the local node (Circle). On the outskirts of the residential living. In addition, the proposed low density residential areas (yellow), planning suggests that there will be a great demand on the need for local services and amenities. In addition, below we can clearly see that the Windermere area has punctures of LB and GB zonings, meaning that the area has been in need of diversified uses, to meet the communities need of access to these services.

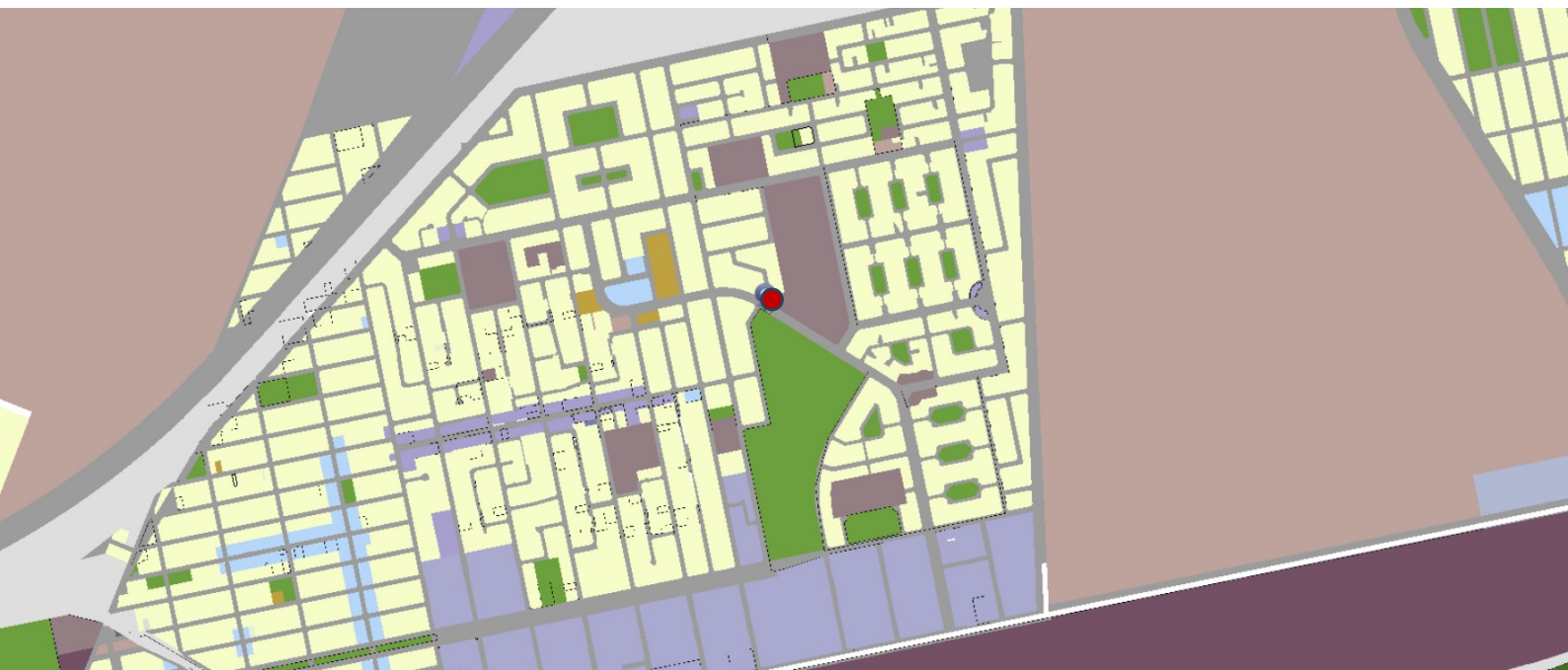


Figure 4: Zoning.

Air Quality by-law 2016 –

Objective specifications to factor, in terms of the activity/ scale of operations and possible environmental impact – as well as socio-economic conditions:

At max 4 cars parks on the premises, with only 1 of them acquiring the main attention of being prepped while the remainder might receive minor attention. Prepping involves, stripping down of the car – that is removing all interior and exterior body parts. The body of the car is then straightened if needed and application of primer and thereafter sprayed. That is to say, majority of the activity – is the prepping of the body works, and not the spraying per say. So, on average, if a car is done in 1 month. It takes 3-5 days of spraying out of the entire month. **In other words, the Air quality is hardly impacted, that is, not at all frequent emissions being produced.**

Additionally, one should take cognisance of the limited space available, which in turn, limits the activity too. The business, therefore, is by no means of scale to those operating in the industrial areas. The operation hours are from Monday to Saturday 8am to 5pm and counter cyclical to residential living – that is no nuisances being caused nor disruptions to residential living. Therefore, no complaints received, on top of receiving support signages from neighbours. For information purposes, the client has always instructed the employees to wear masks, showing caution to health regulations. It is also the case, that the environment the spray painting and ancillary works are conducted in are controlled with minimum external exposure. As conditions need to be controlled for proper spray work. **The Ex. garage thus, ensures almost up to no external exposure** - as well the mechanical ventilation installed, controlling pollutants. The property is also located on a corner and far from the residential density within the Windermere community– in fact it is on the shoreline of the residential zonings. There is no impact on the open fields bordering the property – as its too far to be affected.

SECTION 3

(a) Socio-economic impact

The application is structured and scaled in such a way to have the best solution in terms of spatial justice. As well as to not socially have an impact in terms of the surrounding context.

Further to, - incrementally stimulate local businesses, contributing to the economic vitality of the area. Encouraging or supporting the local tradition of hands-on skills in undervalued communities will aid well with the City support.

No objections or complaints have been made from neighbours - demonstrating that the activity is **not disruptive to the surrounding residential character**. It Increases property surveillance and security in the surrounding area during the week. The owner's work is supported by the community and provides an essential service. It supports the integration of a small-scale local businesses/mixed use intensification within residential areas to promote local economic development.

Capitalizing on local community trades work to provide proper place making. 3 employees, which recently 2 employed last year – as the client no longer physically participates, has an honest means of income.

(b) n/a

(c) n/a

(d) Compatibility with the surrounding uses

The proposal does not affect the surrounding uses as is counter cyclical. The operation is approximately 1km from Vootrekker Rd – a high order development, public transport and activity route. On the outskirts of the residential area. Close proximity to the proposed local district node in terms of public realm and residential intensification (public assisted housing) – aligning with human needs.

The entire property is not being rezoned, therefore there is still some room for slight mediation and balancing, in terms of surrounding use compatibly of residential use. There are numerous LB and GB zonings approx 350m from the subject property. Realistically it is only the Ex-garage in which the spray work is done in other words, only 31.90m² of the full property extent (517.18m²) is being utilised as a diversified use.

(e) Impact on existing engineering services

There will be no negligible impact on the existing engineering services – in terms of demand of the existing capacities as no new additions are proposed.

(f) Impact on safety, health and well-being of the surrounding community

As previously mentioned, no impact on health nor safety further than the site boundaries. However, one could argue that more time spent on the property in relation to the employees has an additional presence resulting in a safer feeling, as opposed to the property being left unattended during the week. The activity does not generate **industrial levels of emissions** and utilizes a *High-Volume Low-Pressure spray system*, reducing overspray, thus – no extensive emissions.

The activity is **not close to a full-scale commercial operation**—work is conducted on a **limited basis** and counter cyclical to residential living. The garage is an **enclosed and controlled environment, not open to public exposure** and **not in proximity to direct neighbours**, as being located on the corner. Therefore, no infringement upon neighbours' rights or resulting in overall property decreases. Providing a service to the community at a considerable rate.

Aerial photography on the following page, indicates the limited exposure the current spray booth has in relation to its neighbouring properties. As well as images taken, representing the limitations on activity as well as full closure of activities. It is clear that the client has not been negligent in terms of the use.

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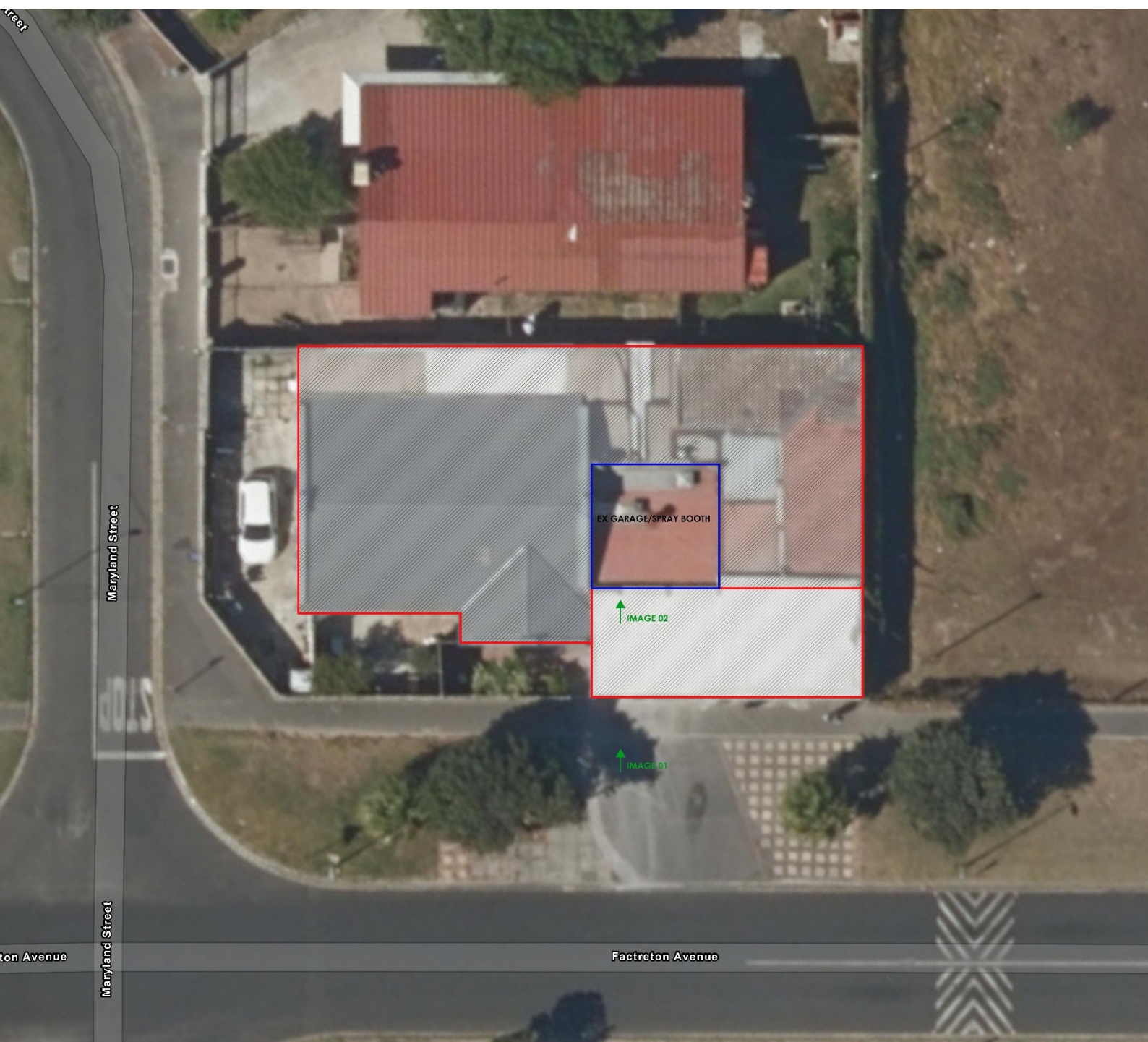


Figure 6: Aerial plan indicating Spray booth and buffer zones/exposure limitations and image locations.



Figure 7: Image 01 – Taken from Facticeon Road facing the property



Figure 8: Image 02- Taken within the property facing the Spray booth.

In terms of the verandahs, they are located not close to any neighbours and therefore do not obstruct or cause any harm, nor impact the architectural character of the streetscape – as being built at the minimum permissible height. The Verandah 05 of 14m² could be considered as an 'outbuilding' as it encloses a Water storage tank. Therefore a departure from the 1.5m street building setback should be supported. In terms of the 0% permeability for the boundary wall. This assist in covering the properties activities. The property across street also has 0% permeability therefore it doesn't negatively impact the streetscape. The greenery along the extensive verges also allows to soften the boundary wall thresholds.

(a) Impact on Heritage

We are not altering the current physical fabric and there is no Heritage significance.

(b) Impact on the biophysical environment

There will be no impact on the biophysical environment. As motivated in part (f).

(c) Traffic impacts, parking, access and other transport related considerations

A parking bay departure of 4.27 is required. This however only comes from the MPBL requirements of a motor repair shop – and it does not account of the scale business. Therefore, at this scale there are no access and traffic impacts. The property in any regard, accommodates for 4 cars maximum and the client cannot take on new customers if there is no space to work.

(d) Whether the imposition of conditions can mitigate an adverse impact of the Proposed Use or development of land.

The DMS provisions leads us to believe that the current limitation of rights in this use zone is enough to mitigate any adverse impact the approval of the consent use will permit on this site.

Based on this, as well as the careful assessment of the operation's scale, its minimal environmental impact and the broader community context, it becomes evident the rezoning to LB2 and consent use is desirable and should be supported.
