



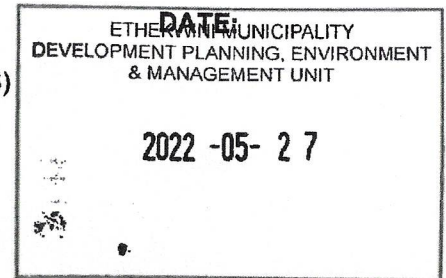
DEVELOPMENT PLANNING ENVIRONMENT & MANAGEMENT UNIT
Development Planning Department
Land Use Management Branch

166 K E Masinga Road
Durban, 4001
P O Box 680, Durban, 4000
Tel: 031 311 7164, Fax: 031 311 7776
www.durban.gov.za

REGISTERED MAIL

GCFP No : 21/7/11
Our Reference : LUMS202111150013/CN
Enquiries : Mr L. Bokwana
Telephone : (031) 3117164

EBRAHIM NABI (ACE PLANNING & ARCHITECTURAL SOLUTIONS)
C/O Abraham Ogbemudia Edokpolor
17 PROBLEM MKHIZE
DURBAN
4001



SPECIAL CONSENT APPLICATION DECISION NOTICE

APPLICATION NO. : LUMS202111150013/CN

PROPOSED DEVELOPMENT : Special Consent application for the following:

PART A:

The conversion of existing dwelling to a Short-Term Accommodation Establishment (Bed and Breakfast) with a maximum of 6 Guest rooms on Portion 33 of Erf 3084 Durban , situated at 17 Problem Mkhize, Durban

And

PART B:

Proposed relaxation of building line (northwest and south) from 5m to nil and relaxation of side space (north and south west) from 3m to 1,4m

CADASTRAL DESCRIPTION : Portion 33 of Erf 3084 Durban

STREET ADDRESS : 17 Problem Mkhize, Durban

OWNER : Abraham Ogbemudia Edokpolor

PART A: FOR A SHORT TERM ACCOMMODATION ESTABLISHMENT

In terms of Section 46(1)(b) of the eThekweni Municipality Planning and Land Use Management By-Law 2016 (Municipal Notice 114 of 2017) and in terms of Section 1.13.3 In terms of Section 1.13.3 of the eThekweni Municipal Land Use Scheme: Central Sub-Scheme the application for Special Consent for the conversion of existing dwelling to a Short Term Accommodation Establishment (bed and breakfast) on Portion 33 of Erf 3084 Durban, situated at 17 Problem Mkhize Road, on a site zoned medium density housing is **APPROVED** for the following reasons:

1. The proposed short term accommodation establishment is not anticipated to have a negative impact on the surrounding land uses and is expected to complement the surrounding land uses.
2. The proposal is located in an area close to multiple tourist attractions where the temporary accommodation of tourists is anticipated.
3. The proposed land use will add to the city's revenue base and will assist and contribute to the creation of new employment opportunities.
4. The proposal is located within a well-established urban area that is well serviced in terms of civil infrastructure thereby ensuring the optimisation of existing infrastructure.

Subject to the following conditions imposed in terms of Section 46(1) (b) of the eThekweni Municipality Planning and Land Use Management By-Law 2016 (Municipal Notice 114 of 2017):

1. PLANS
The development shall be in accordance with the plan (Drawing No (Plan Reference: 0007-03-95-4) submitted with the application. (Attached a copy of abovementioned digital approved plans).
2. SUBMISSION OF PLANS
Prior to the commencement of any development related to this approval, building plans of the proposed development shall be submitted to, and approved by, the Head: Development Planning Environment & Management.
3. FACILITIES
Uses incidental to the Accommodation Establishment shall be limited to the exclusive use of the patrons of the establishment
4. APPEARANCE OF DWELLING
The building shall, in the opinion of Council, conform to the appearance and definition of a dwelling house, so that upon the cessation of the use, the building shall be capable of reverting to the use as a dwelling house;
5. ADVERTISING
No external advertising shall be permitted on the site other than a maximum of one non-illuminated sign on each road frontage and each sign shall not exceed 0,20m² in area. Any signage larger than 0,2 m² will require an application to be made to the Signage Department.
6. NUMBER OF BEDROOMS
The Establishment shall not exceed six (6) bedrooms on the site.
7. AMENITY
The amenities of the area shall not be disturbed. The Head: Development Planning Environment & Management shall be responsible for the interpretation of this condition.

PART B: FOR THE RELAXATION OF BUILDING LINES AND SIDE SPACE

In terms of Section 29(1) and Section 46(1)(b) of the eThekweni Planning and Land Use Management By-Law 2016 (Municipal Notice 114 of 2017) and Clause 3 Section 3.1.3, 3.2.2 & 3.2.3 alteration and additions resulting in **relaxation of building line (north west and south) from 5m to nil and relaxation of side space (north and south west) from 3m to 1,4m** on Portion 33 of Erf 3084 Durban, situated at 17 Problem Mkhize Road, on a site zoned medium density housing is **APPROVED** for the following reasons:

1. The extent of the site and the topography of the site renders development unreasonably difficult for future expansion, and the proposed relaxation of side space and building line is for the purposes of accommodating parking along the existing garage which was already built during pre-scheme era, and in addition, the subject site has two road frontages.
2. The proposed relaxation will not have adverse impact on adjoining properties.

Subject to the following conditions imposed in terms of Section 47(1) of the eThekweni Municipality Planning and Land Use Management By-Law 2016 (Municipal Notice 114 of 2017):

1. PLANS

The development shall be in accordance with the plan (Drawing No (Plan Reference: 0007-03-95-4) submitted with the application. (Attached a copy of abovementioned digital approved plans).

2. EXTENT OF THE FRONT BUILDING LINE AND SIDE SPACES RELAXATION

The authorised relaxations shall apply only to those portions of the front building line and side space which are affected by the proposed development, as indicated on the plan.

3. COUNCIL INDEMNIFICATION

eThekweni Municipality shall be indemnified by the landowner against any claim for damages or compensation in respect of the authorised development in the case of the omnibus servitude being required for any purpose whatsoever.

4. LIABILITY

eThekweni Municipality accepts no liability or responsibility whatsoever for any damage to any encroaching structure that may occur, due to maintenance to or extension of Municipal infrastructure, carried out by itself or appointed agents

You are hereby advised that the approval of this application:

- a) does not absolve the applicant from any duties or responsibilities which may be imposed on the applicant by virtue of the title deeds of the property;
- b) does not bind the Council to issue or to authorise the issue of any licence, permit or further consent.
- c) does not constitute an approval in terms of the National Building Regulations or any other law.

Your attention is drawn to the following:

Effective Date of this authority:

This authority shall become effective upon –

- a) the expiry of the 21 business day period if no appeal was lodged against the decision of the municipality; or
- b) the finalisation of the appeal, if an appeal was lodged against the decision of the municipality.

It should be noted that in terms of Section 47 of the eThekweni Municipality: Planning and Land Use Management By-Law 2016 (Municipal Notice 114 of 2017), this application will have no force or effect

until such time as the above conditions have been complied with and the Compliance Certificate has been issued. The responsibility remains with the applicant/owner to provide proof of compliance and initiate the Compliance Certificate process.

The conditional approval of this application lapses if a condition is not complied with, within–

- a) a period of two years from date of this decision, if no period for compliance is specified in the conditions; or
- b) the period for compliance if specified in this approval, which, together with any extension which may be granted, may not exceed five years.

Rights of Appeal:

A person whose rights are affected, as set out in Section 60 of the eThekweni Municipality Planning and Land Use Management By-Law 2016 (Municipal Notice 114 of 2017), by this decision may appeal against such decision by giving written notice of the appeal and reasons to the **Municipal Manager, the Applicant, any person granted intervener status and any other person who has noted an appeal** within 21 business days of the date of notification (registry postdate/email/collection) of the Decision Notice, as set out in the eThekweni Municipality Planning and Land Use Management By-Law 2016 (Municipal Notice 114 of 2017).

An appeal may be lodged as follows:

The Municipal Manager

c/o

eThekweni Municipality SPLUMA Office

First Floor Room 117

166 K E Masinga Road

Durban

4001

or

PO Box 680

Durban

4000

Attention: Ms A Nkomonde

Email: anele.nkomonde@durban.gov.za

or

Ms Lungile Silangwe

Email: lungile.silangwe@durban.gov.za

Tel: 031 322 8269

Tel: 031 311 7862

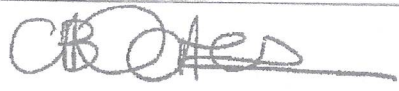
Note:


An appeal fee of R5 296.00 (incl. VAT) shall be payable on lodging of the memorandum with the eThekweni Municipality SPLUMA Office for the attention of the Municipal Manager. In the event of the fee not being paid, the appeal shall be deemed as not being lodged. Please request banking details for payment of the appeal fee from the SPLUMA Office.

Section 63(2)(1) of the eThekweni Municipality Planning and Land Use Management By-Law 2016 (Municipal Notice 114 of 2017) requires that a 'Complete' appeal be submitted. Any additional information required to form part of the submission must be requested within the 21 business days to the appeal period. The Municipality reserves its rights to use its discretion in granting extensions and the supplementing of information where the information requested is not made available within the 21day appeal period.

Should the Municipality not be notified within 21 business days of an Appeal lodged in terms Section 60 of the eThekweni Municipality Planning and Land Use Management By-Law 2016 (Municipal Notice 114 of 2017) then this approval shall be deemed to have come into force and effect.

Yours faithfully

RECOMMENDED BY:	
	Date: 26/05/2022
Signature:	
CB NORTON SENIOR MANAGER: LAND USE MANAGEMENT	

APPROVED BY:	
Signature: 	Date: 27/05/2022
M PHEWA HEAD: DEVELOPMENT PLANNING, ENVIRONMENT & MANAGEMENT UNIT	

COPIES TO:

- Valuations
- Senior Manager: Information Systems

TOWN OF WESTMONTAGUE MANAGEMENT DEPARTMENT
 LAND USE CONSENT
 GRANTED / NOT GRANTED
 CHAIRMAN: Sub-committee on Land Use
 17700: Development Planning and Management
 Town Planning Appeals Committee

1. THE APPLICANT HAS SUBMITTED A COMPLETE SET OF PLANS AND SPECIFICATIONS FOR THE PROPOSED DEVELOPMENT.
 2. THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE ZONING BY-LAW AND THE LAND USE PLAN.
 3. THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE ENVIRONMENTAL PROTECTION ACT AND THE ENVIRONMENTAL PROTECTION REGULATIONS.
 4. THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE HISTORIC PRESERVATION ACT AND THE HISTORIC PRESERVATION REGULATIONS.
 5. THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE MUNICIPALITY'S POLICY ON LAND USE.
 6. THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE MUNICIPALITY'S POLICY ON ENVIRONMENTAL PROTECTION.
 7. THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE MUNICIPALITY'S POLICY ON HISTORIC PRESERVATION.
 8. THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE MUNICIPALITY'S POLICY ON LAND USE, ENVIRONMENTAL PROTECTION AND HISTORIC PRESERVATION.
 9. THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE MUNICIPALITY'S POLICY ON LAND USE, ENVIRONMENTAL PROTECTION AND HISTORIC PRESERVATION.
 10. THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE MUNICIPALITY'S POLICY ON LAND USE, ENVIRONMENTAL PROTECTION AND HISTORIC PRESERVATION.

1. PROPOSED DEVELOPMENT
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 10. PROPOSED DEVELOPMENT

SECTIONS / ELEVATIONS



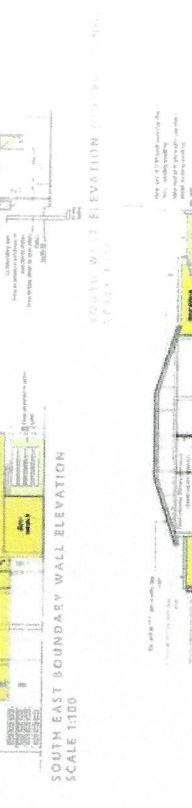
NORTH EAST SECTIONAL ELEVATION
SCALE 1:100



NORTH EAST SECTIONAL ELEVATION
SCALE 1:100



SOUTH EAST ELEVATION
SCALE 1:100



SOUTH EAST BOUNDARY WALL ELEVATION
SCALE 1:100

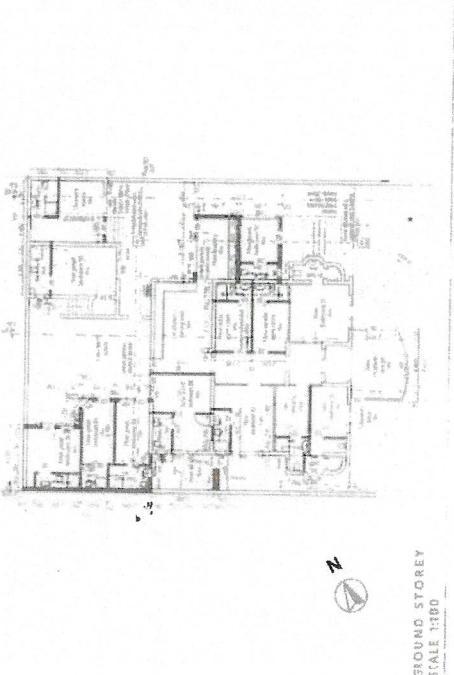


NORTH EAST SECTIONAL ELEVATION
SCALE 1:100

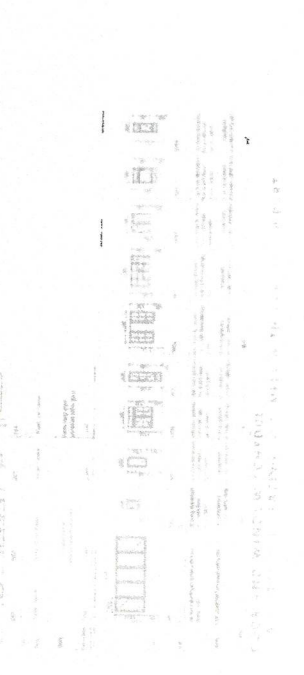
NORTH WEST SECTIONAL ELEVATION
SCALE 1:100



SITE PLAN
SCALE 1:100



GROUND STOREY
SCALE 1:100



WATER RETENTION BASIN
SCALE 1:100