

## PERSONALISED LEGAL ASSISTANCE

Professional legal and property consulting

### SONNENBERG & ASSOCIATES PROPERTY AND LEGAL ADVICE NEWSLETTER #66

#### 1. Legal Quotes

"Good men must not obey the laws too much." [Ralph Waldo Emerson]

"Hard cases, it is said, make bad law." [Lord John Campbell]

"It may be true that the law cannot make a man love me, but it can keep him from lynching me, and I think that's pretty important." [Martin Luther King, Jr]

#### 2. Legal short

A local charity organisation realized that it had never received a donation from the town's most successful lawyer. A charity worker called the lawyer to ask for a donation, saying "our research shows that even though your annual income is over R5 million, you do not give one penny to charity. Wouldn't you like to give back to your community?"

The lawyer thinks for a moment and says: "First, did your research show that my mother is dying after a long, painful illness and has huge medical bills far beyond her ability to pay?"

Embarrassed, the charity worker mumbles, "Uh, no."

"Secondly, that my brother, a disabled veteran, is blind and confined to a wheelchair and is unable to support his wife and six children?"

The charity worker begins to stammer an apology but is cut off.

"Thirdly, that my sister's husband died in a dreadful traffic accident", the lawyer's voice rising in indignation, "leaving her penniless with a mortgage and three children?"

The humiliated charity worker, completely beaten, says simply, "I had no idea."

The lawyer then says: "...and if I don't give any money to THEM, why should I give any to you?"

#### 3. Inspiring quotes

"Keep smiling because life's a beautiful thing and there is so much to smile about." [Marilyn Monroe]

"Always give 110% ... it's the extra 10% that everyone remembers." [Frank Sonnenberg]

"You'll learn, as you get older, that rules are made to be broken. Be bold enough to live life on your terms, and never, ever apologize for it. Go against the grain, refuse to conform, take the road less traveled instead of the well-beaten path. Laugh in the face of adversity, and leap before you look. Dance as though everybody is watching. March to the beat of your own drummer. And stubbornly refuse to fit in." [Mandy Hale]

#### 4. Types of applications relating to property

##### 1. Rezoning

Application is required to obtain approval for a **change of use rights to permit a land use not allowed in terms of the current zoning** for a particular land unit (eg. residential to commercial zoning).

##### 2. Departure

Application is required to obtain:

(a) **changes to the zoning provisions or development rules** which set out the permitted extent of development on a land unit (such as building lines or coverage), **without rezoning the land** unit; or

(b) **permission for a temporary use right that is not otherwise provided for in the zone concerned.**

##### 3. Consent use

**Application is required to obtain approval for a land use listed as a "consent use" in the applicable zone.**

##### 4. Subdivision

Application is required to **subdivide a defined property (land unit) into two or more land units, capable of being registered in the Deeds Registry.**

##### 5. Approval

Required for specified activities in terms of the National Heritage Resources Act, including demolition and

changes to buildings over 60 years old.

**6. Removal or amendment of restrictive title conditions**

**Required where there is a conflict between title deed conditions and an application under the Planning Law or the applicable zoning scheme in which the relevant property is situated** (eg where the title deed prevents the erection of a second dwelling on the property).

**7. Amendment of condition of approval**

This is needed to change a condition or conditions imposed by Council in terms of the planning law or zoning scheme.

**8. Approval or amendment of plans** (such as site development plans)

Required in order to obtain approval for applications submitted under the planning law or zoning scheme.

**9. Building plan approval**

In terms of the National Building Regulations and Building Standards Act, building plan approval is required before construction of buildings is permitted, and Council will not approve building plans which do not comply with the zoning scheme.

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**Sonnenberg Property Services (Pty) Ltd is a registered estate agency.**

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