

# STRAIGHT TALKERS BRINGING BALANCE

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## Second and third dwellings on a property

May you run a bed and breakfast or creche from your home, or even decide to build a second or third dwelling on available space on your property? In most instances, the answers to these enquiries will be found in the zoning provisions that apply to the area in which the property is situated.

Where do zoning regulations come from? Municipalities, to control harmonised forward planning and development of residential, industrial and business areas in their jurisdictions, have bylaws that grant certain “use rights” to property owners. These are listed and described in a municipality’s zoning regulations.

A longstanding zoning provision imposed by the City of Cape Town

municipality (CCT) held that properties zoned SR1 (Single Residential 1) may (generally) erect only one dwelling on their properties. So, if you owned a large property and wished to build a second home thereon for an ageing parent, varsity-going children or for on-selling, this was problematic.

However, since July 2016, the By-Law allows SR1-zoned property owners to erect a second dwelling on such properties, and since 2 February 2020, even a third dwelling may be erected, subject to certain qualifications. This opens up novel possibilities to unlock value in properties.

But before embarking on this route, it is important to speak to a conveyancer to address:

- possible title deed restrictions prohibiting further dwellings;
- ascertaining what the applicable building regulations are; and
- if it is the owner’s intention to sell the additional residence, it will be necessary to either subdivide the property or establish a sectional title scheme thereon.

Whichever way a property owner chooses to make use of this opportunity, will depend on individual factors pertaining to his or her property.

It is considered crucial to have a town planner or architect and conveyancing attorney involved in the planning, from the word go.

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