



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14584 (TP50/2022)

Our File Reference Number: Erf 1049, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL [REDACTED]

Sir/Madam

APPLICATION FOR DEPARTURE IN TERMS OF SECTION 15(2)(B) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW, 2015 FOR THE RELAXATION OF THE STREET BUILDING LINE AND BOUNDARY WALL HEIGHT, INCLUDING APPLICATION FOR THE RELAXATION OF TITLE DEED STREET BUILDING LINE ON ERF 1049, STELLENBOSCH

1. The above application refers.

2. The duly authorised decision maker has decided on the above application as follows:

2.1 Permission in terms of title deed for the relaxation of restrictive condition, Clause D(iii)(d) of title deed no. T60361/2021 to relax the 6,3m street building line to 0m in order to accommodate a proposed pool with deck, pergola and fireplace on Erf 1049, Stellenbosch
BE GRANTED.

2.2 The application in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015, for permanent departure on Erf 1049, Stellenbosch for the following:

- a) To relax the 4m building line to 0m in order to accommodate a proposed pool with deck, pergola and fireplace;
- b) To permit a proposed street boundary wall of 2,49m (1,98m + 0,51m) in lieu of the permitted 1,8m height;

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.

2.3 The approval is subject to the following conditions imposed in terms of Section 66 of said Bylaw:

2.3.1 The approval only applies to the application under consideration, as indicated on the Ground Storey Plan referenced Project Number 08-01, Sheet Number 22-03-02, drawn by cvdw and dated 2022/08/29 and Section, Elevations & 3d Perspectives referenced Project Number 08-01, Sheet Number 22-03-03, drawn by cvdw and dated 2022/08/29, attached as **Annexure A** and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or By-laws or Regulations that may be applicable.

2.3.2 The development must be undertaken generally in accordance with Ground Storey Plan referenced Project Number 08-01, Sheet Number 22-03-02, drawn by cvdw and dated 2022/08/29 and Section, Elevations & 3d Perspectives referenced Project Number 08-01, Sheet Number 22-03-03, drawn by cvdw and dated 2022/08/29, attached as **Annexure A**.

2.3.3 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.

2.3.4 Building plans must be generally in accordance with Ground Storey Plan referenced Project Number 08-01, Sheet Number 22-03-02, drawn by cvdw and dated 2022/08/29 and Section, Elevations & 3d Perspectives referenced Project Number 08-01, Sheet Number 22-03-03, drawn by cvdw and dated 2022/08/29, attached as **Annexure A**.

2.4 The reasons for the above decision are as follows:

2.4.1 The proposal does not undermine the residential character of the area or the street scene of Skadu Street.

2.4.2 The adjoining property owner's consent was obtained, and no objections were received from internal departments.

3. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.

4. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:

(a) The personal particulars of the Appellant, including:

- (I) First names and surname;
- (II) ID number;
- (III) Company of Legal person's name (if applicable)
- (IV) Physical Address;
- (V) Contact details, including a Cell number and E-Mail address;

(b) Reference to this correspondence and the relevant property details on which the appeal is submitted.

(c) The grounds of the appeal which may include the following grounds:

- (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
- (ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.

(d) whether the appeal is lodged against the whole decision or a part of the decision;

(e) if the appeal is lodged against a part of the decision, a description of the part;

(f) if the appeal is lodged against a condition of approval, a description of the condition;

(g) the factual or legal findings that the appellant relies on;

(h) the relief sought by the appellant; and

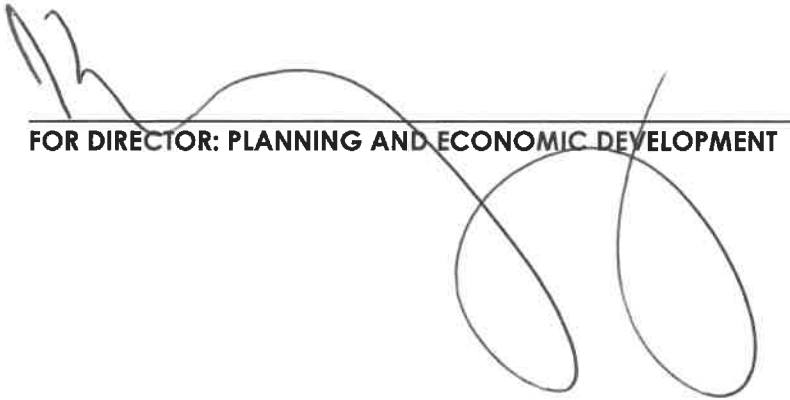
(i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;

(j) That the appeal includes the following declaration by the Appellant:

- (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
 - (ii) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.
5. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: landuse.appeals@ Stellenbosch.gov.za
 6. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.
 7. The approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).
 8. An applicant who lodge an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:
 - (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
 - (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
 - (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
 - (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.
 9. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

10. Kindly note the above decision is suspended, and in the case of any approval, may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully



A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

10/1/2023
DATE:



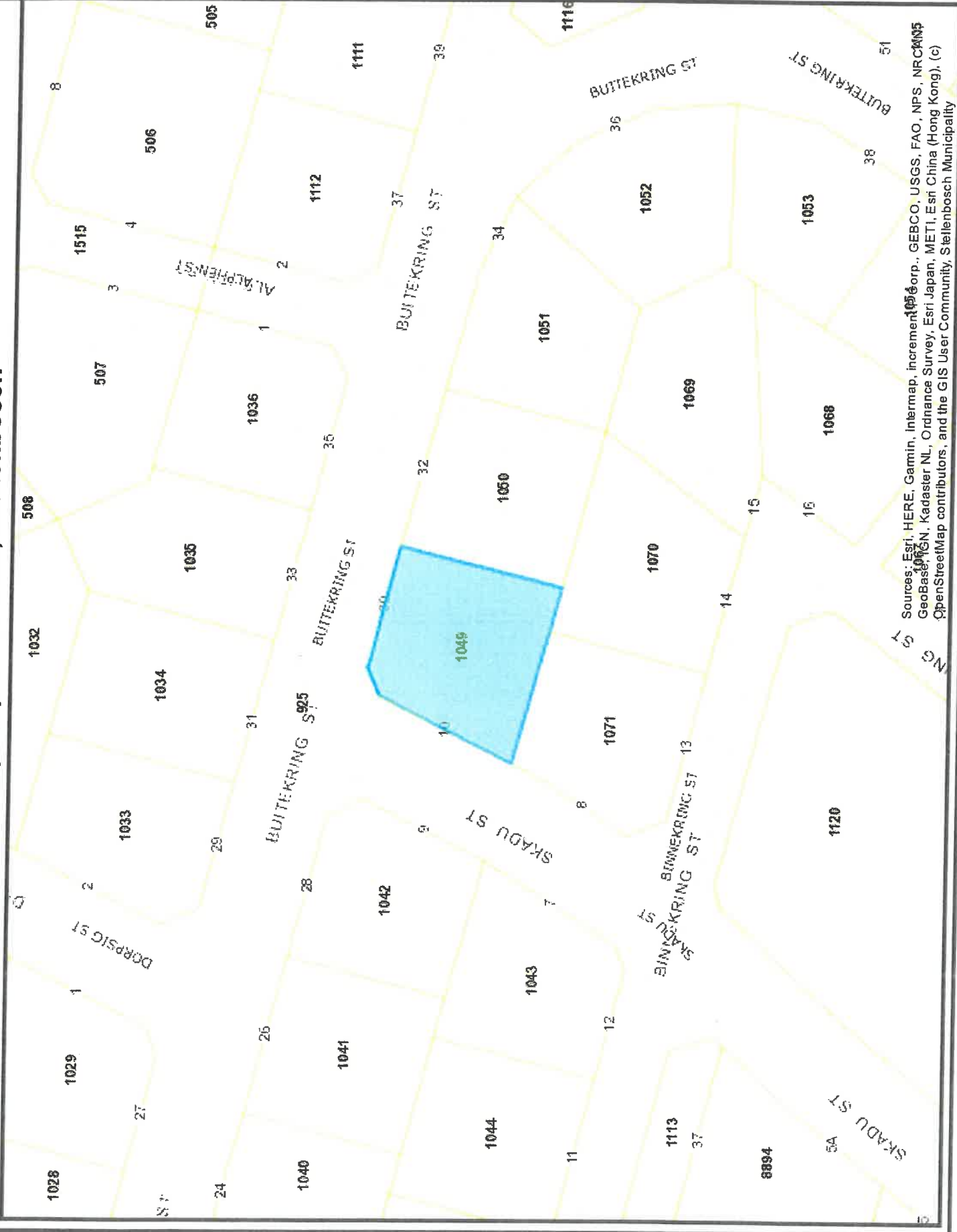
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ANNEXURE A

LOCALITY PLAN AND SITE PLAN

Locality Map of Erf 1049, Stellenbosch



Sources: Esri, HERE, Garmin, Intermap, increment corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Stellenbosch Municipality

SCALE
1:1 128,5

Legend



Stellenbosch Municipality
Planning & Economic Development
Created by: Corporate GIS
Date: 2022/1/2019



Author: Stellenbosch Municipality

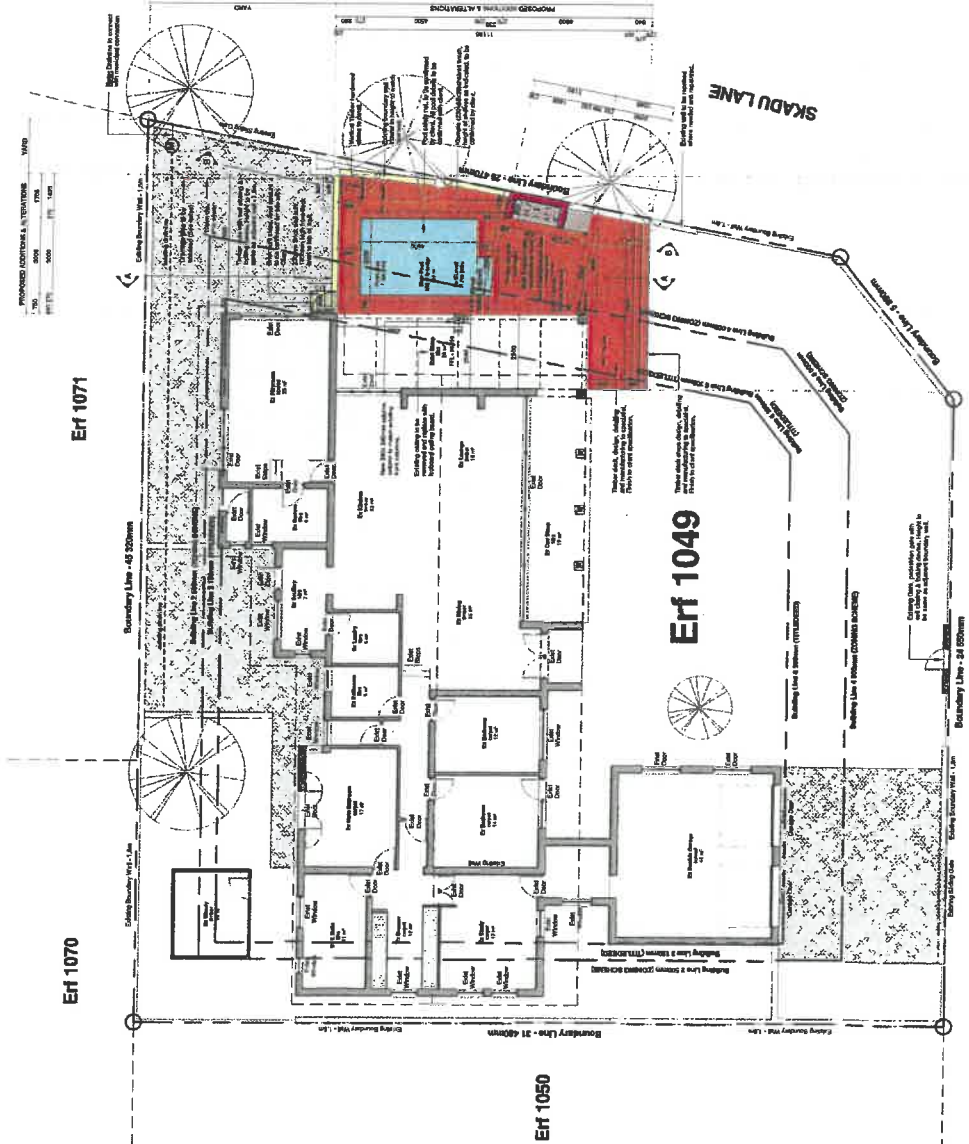


Stellenbosch Municipality
Street Address:
71 Plein Street, Stellenbosch, 7600
Tel: 021 808 8659

This map is a derivative of the information contained in the Stellenbosch Municipality GIS database. It is not intended to be used for any purpose other than the one for which it was created. The user of this map is advised to verify the accuracy of the information contained in this map with the Stellenbosch Municipality GIS department.



NOTICE: This plan is a preliminary drawing and is not to be used for construction. It is subject to change without notice. The client is responsible for ensuring that all information provided is accurate and complete. The architect is not responsible for any errors or omissions in this plan. The architect is not responsible for any construction defects or delays. The architect is not responsible for any other matters related to the construction of the building.



PROPOSED CONTROLS & TOLERANCES

FINISH	± 10mm
CONCRETE	± 15mm
STEEL	± 10mm
GLASS	± 10mm



INFORMATION NOTICE: All drawings and documents are the property of the architect. They are not to be used for any other purpose without the written consent of the architect. The architect is not responsible for any errors or omissions in this plan. The architect is not responsible for any construction defects or delays. The architect is not responsible for any other matters related to the construction of the building.

Council Approval Stamp

Client Approval Signature
 Architect Signature

DEVELOPMENTAL DATA

Site Area: 984.76 sqm

Building Footprint: 500.00 sqm
 - Carport: 200.00 sqm
 - Total: 500.00 sqm

Site Coverage: 50.00%
 - E-Cover: 50.00%
 - E-Wind: 50.00%

Approved: 14.00 sqm
 - New: 14.00 sqm
 - Total: 14.00 sqm

Structural: 200.00 sqm
 - Total: 200.00 sqm

Building Lines (METERS):
 - Side boundary: 2.5
 - Front boundary: 3.15
 - Rear boundary: 3.15

Building Lines (METERS):
 - Side boundary: 2.5
 - Front boundary: 3.15
 - Rear boundary: 3.15

ARCHITECTURE
 MEGA PLANT
 883 543 8777
 charlie@megaarchitect.co.za
 www.megaarchitect.co.za

Project description:
 Proposed Addition & Alteration Erf 1049, Buitekring, STELLENBOSCH

Project number: 08-01
Project status: 23.03.20
Project code: 2022-07-20
Drawn by: [Name]
Issue Date: 2022-07-20 08:11:03 PM

Scale: 1:100

Ground Storey Plan
 Scale: 1:100

