



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13148 & LU/13630

Our File Reference Number: Erf 11437, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 808 8682

Email address: [Ulrich.Vonmolendorff@stellenbosch.gov.za](mailto:Ulrich.Vonmolendorff@stellenbosch.gov.za)

PER E-MAIL: [REDACTED]

Sir/Madam

**APPLICATION FOR CONSENT USE AND DELETION OF CONDITION OF APPROVAL: ERF 11437, DAVY STREET, IDAS VALLEY, STELLENBOSCH**

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
  - 2.1 That the application in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 for the following:
    - 2.1.1 **Consent Use** in terms of Section 15 (2) (o) of the Land Use Planning By-law to utilize the existing garage to accommodate a house shop on Erf 11437, Stellenbosch.
    - 2.1.2 **Deletion of condition of approval** in terms of Section 15 (2) (h) of the said bylaw in order to remove condition **ii)** which was imposed in approval letter dated 17 September 2015 (see **ANNEXURE D**) to be able to facilitate the proposed house shop on Erf 11437, Stellenbosch.

**BE APPROVED** subject to the following conditions in terms of Section 66 of the said Bylaw:

### 3. Conditions of approval

- 3.1 The approval applies only to the application in question as indicated on plan provided (See **Annexure C**) on Erf 11437, Stellenbosch attached and shall not be construed as authority to depart from any other legal prescriptions or requirements from council.
- 3.2 Building plans must be generally in accordance with the layout plans as referenced Plan No: 34/2020, dated 2020-08-31, drawn by Elton Swartz (EJS Consultants), and attached as **Annexure C**.
- 3.3 The house shop owner and/or owner of the Erf/Premises must apply for Certificate of Acceptability for the food premises on the Erf/Premises and comply fully with all applicable legislative requirements and issued with a valid certificate of acceptability.
- 3.4 No goods be stored in any room or container which has not been approved by the Municipality.
- 3.5 No house shop shall exceed an area of 25m<sup>2</sup>, excluding the store area.
- 3.6 No video games or pinball tables be permitted in the house shop.
- 3.7 A maximum of one employee, including the owner of the dwelling or residing family member, shall be employed in the house shop at any one time.
- 3.8 The Municipality reserves the right to withdraw the approval for the house shop should the conditions of approval not be complied with or in the event of the business creating a disturbance or nuisance to the adjacent property owners. The Municipality shall not be held responsible for any costs incurred by the applicant.

### 4. **Matters to be noted:**

- 4.1 Any person running a house shop shall obtain the relevant business license where required.

### 5. The reasons for the above decision are as follows:

- 5.1 The proposed application would not negatively affect the aesthetic appearance of the property or surrounding environment and the primary use of the property will still remain residential.
- 5.2 There will be limited impact on the existing dwelling house and limited additional traffic will be generated as most customers will be pedestrians.

6. 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.

7. 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;

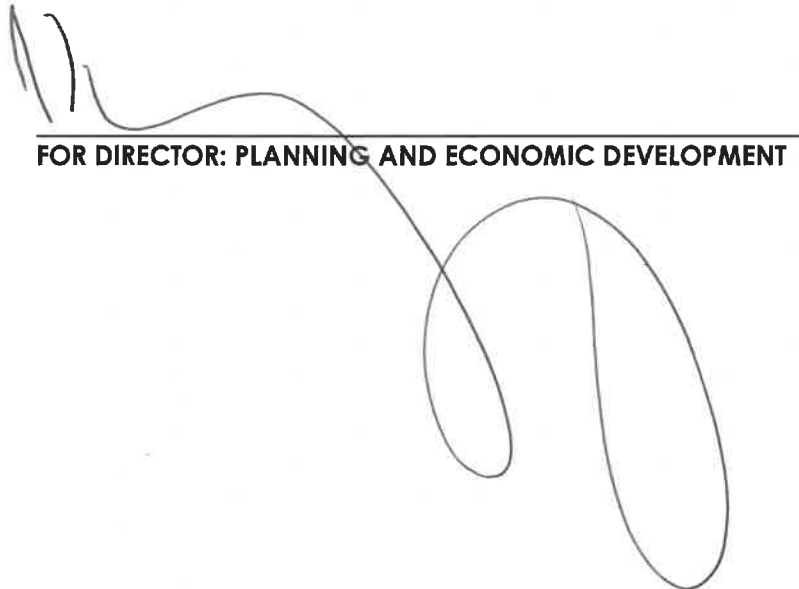
- (h) the relief sought by the appellant; and
  - (i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;
  - (j) That the appeal includes the following declaration by the Appellant:
    - (i) The Appellant confirms that the information contained in the subject 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.
8. 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](mailto:landuse.appeals@stellenbosch.gov.za)
9. 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.
10. 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>).
11. 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.

12. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

13. 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

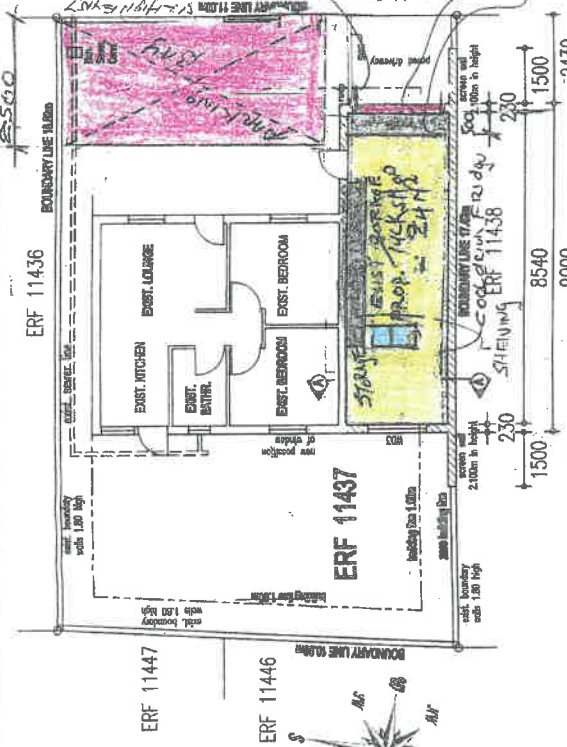


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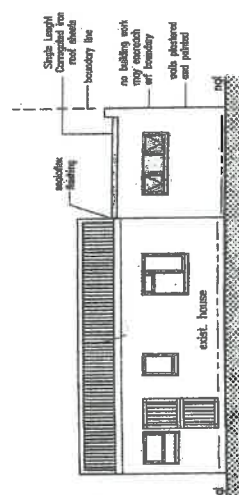
**FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT**

28/2/2022  
DATE

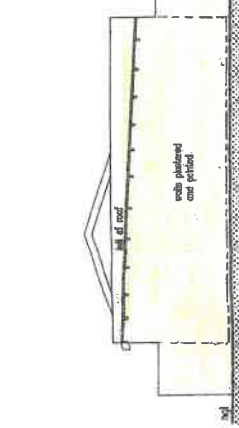
## **ANNEXURE C: SITE DEVELOPMENT PLAN**



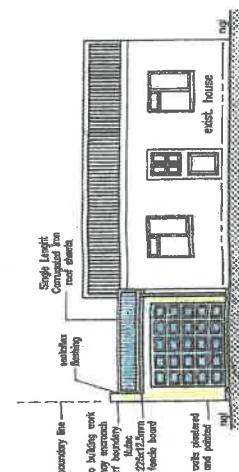
GROUND FLOOR PLAN & SITE PLAN SCALE 1:100



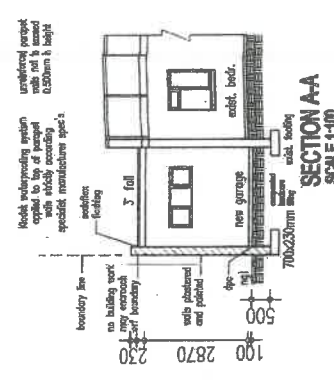
EAST ELEVATION SCALE 1:100



NORTH ELEVATION SCALE 1:100



WEST ELEVATION SCALE 1:100



SECTION AA SCALE 1:100

ERF	= 180.0m²
EXIST. HOUSE	= 42.6m²
NEW GARAGE	= 29.0m²
COVERAGE	= 71.6m²
	= 38%

WINDOWS SCHEDULE	
W03	180 x 600
DOORS SCHEDULE	
EXTERNAL	SOLID MERRID DOOR

**Revision Note**  
All work will comply with National Building Regulations and Local Authority By-laws. Builder to work according to plan and use own discretion where necessary. All levels and dimensions to be checked before any work commences. Preference to be given to written dimensions above scaling from plan.

REGULATIONS SCHEDULES SHOWN IN RED

- > Work to be done
- > High Level/Complex roof sheets
- > Building materials
- > Above 1.8m height
- > 4.5 Cornice/Chimney board
- > Work to be done in roof

DATE: 2024-09-21  
SCALE: 1:100

**FOUNDATION CONSTRUCTION (SANS 1008 PART 1)**  
Single level concrete slab on 200mm dia. cast in situ piles. Piles to be bored and grouted in situ. Piles to be bored and grouted in situ. Piles to be bored and grouted in situ.

**WALL CONSTRUCTION (SANS 1008 PART 2)**  
Walls to be constructed in 1:1 cement mortar with 20mm dia. bricks. Bricks to be laid in standard bond. Mortar to be 1:1 cement mortar with 20mm dia. bricks.

**FLOOR CONSTRUCTION (SANS 1008 PART 3)**  
Floors to be constructed in 1:1 cement mortar with 20mm dia. bricks. Bricks to be laid in standard bond. Mortar to be 1:1 cement mortar with 20mm dia. bricks.

**CONCRETE/PLASTER MIXTURES**  
Concrete to be 1:1 cement mortar with 20mm dia. bricks. Bricks to be laid in standard bond. Mortar to be 1:1 cement mortar with 20mm dia. bricks.

**PROJECT**  
PROPOSED NEW GARAGE  
AT EXIST. HOUSE AT ERF 11437,  
DAVY STREET, DAVY VALLEY

**Client:** MRS. E. JANSSEN  
**Drawn by:** ELTON SWARTZ  
**Scale:** 1:100



**ANNEXURE D: CONDITION OF APPROVAL TO BE DELETED**



Enquiries  
Our ref  
Application no  
Date  
Telephone  
Fax

R Fooy / S Newman  
Erf 11437 Stellenbosch  
LU/3655  
2015-09-17  
021-8088680 / 8659  
021-886 6899

**REGISTERED MAIL**

E.J. Jansen  
88 Davy Street  
Idasvalley  
**STELLENBOSCH**  
7600

FILE NR:	OUTGOING POST:
E.F. 11437 SB	LU/3655
SCAN NR:	
COLLABORATOR NR:	

Dear Sir / Madam

**APPLICATION FOR DEPARTURE ON ERF 11437, STELLENBOSCH**

Your application in the above regard, received on 2014-08-13, refers

The Planning and Economic Development Committee Meeting dated 2015-09-01 resolved as follows:

That the application for a departure on Erf 11437, Idasvalley Stellenbosch to relax the common building line from 1.5m to 0m in order to accommodate the existing garage, be approved in terms of Section 15(1)(b) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), as shown on the Drawing attached as **APPENDIX 3**.

Kindly note, this regulation departure approval will lapse if not exercised within a period of 2 years from the date of Council's final notification letter, which is to follow in due course.

Kindly also note where applicable, the above approval does not guarantee approval of any related building plan application in terms of the National Building Regulations and Building Standards Act, No 103 of 1977 and that building work may therefore only commence once such plans are formally approved.

Kindly note, you are advised in terms of Section 5 of the Promotion of Administrative Justice Act, No 3 of 2000 that you are entitled to request in writing reasons for the above decision.

Kindly be advised that you may appeal to the Municipal Manager against the above Council decision (including any conditions imposed in case of approval) by giving written notice of such appeal in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000 ("MSA"), and/or the internal appeal process approved by Council at its meeting held on 29 October 2014. In terms of the aforesaid Council decision, an applicant or objector aggrieved by a decision of Council in respect of an application in terms of the Ordinance, Zoning Scheme Regulations or applicable By-Law, may appeal against such

stating in terms of which legislation it is made, as well as payment of the appeal fee to the amount of R 800.00, should be directed to and received by the Municipal Manager, Stellenbosch Municipality, P O Box 17, Stellenbosch, 7599, or if hand delivered, to the Advice office, Land Use Management, Ground floor, municipal building, Plein Street, Stellenbosch, or faxed to fax number 021 886 6899 within 21 days of the date of registration at the Post Office of this notification letter (with such registration day not included in the appeal period), provided where the last day for lodging an appeal falls either on a Saturday, Sunday or public holiday, it shall be deemed to be the next working day thereafter. Where this letter is collected by hand, the above appeal period will be similarly calculated from the next day after collection. Failure to comply with the above requirements may result in the appeal being ruled invalid by the Appeal Authority. **Kindly be advised that no appeal will be accepted via email.**

Notwithstanding the above, kindly note, you are not permitted to submit a revised proposal as part of such an appeal. Should this be the case, your submission will not be regarded as an appeal, but rather a new application which should be submitted in the normal manner, as only the above decision can be appealed at this stage.

Kindly be advised that objectors (if any) are granted a simultaneous right of appeal in terms of the internal appeal process approved by Council at its meeting held on 29 October 2014.

Please note, appellants are not permitted to canvass the Municipal Manager or members of Council before or after the matter is heard.

**Important note: Rights of appeal in terms of Section 44(1)(a), (b), (c) or (d) of the Land Use Planning Ordinance, No 15 of 1985 no longer exist, as such an appeal to the Minister of Local Government, Environmental Affairs and Development Planning, Western Cape has been declared unconstitutional by the Constitutional Court in its unanimous judgment on 4 April 2014, as such matters fall within the exclusive functions of a municipality in terms of the Constitution.**

Kindly note the above Council decision is suspended and 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



for DIRECTOR : PLANNING & ECONOMIC DEVELOPMENT

[Chairperson: Councillor JP Serdyn (Ms)]  
[Portfolio: Planning and Economic Development]

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**APPENDIX 1**

**FILE NO: 11437**

In this approval document:

"Council" means the Stellenbosch Municipality

"the owner" means the registered owner of the property.

"the site" means Erf 11437, Ida's Valley, Stellenbosch

"scheme regulation" has the meaning assigned thereto by Ordinance 15 of 1985.

**EXTENT OF APPROVAL:** Departure on Erf 11437, Ida's Valley, Stellenbosch for the relaxation of the common building line from 1,5m to 0m in order to accommodate the existing garage on the property.

**CONDITIONS IMPOSED:**

- i) That the approval applies only to the departure in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
- ii) That the garage may not be used as a habitable room, it may only be used for storage purposes.
- iii) That building plans must be submitted to this municipality for approval, prior to any building work commencing on site.
- iv) That Council reserves the right to impose further conditions if deemed necessary.