



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14381

Our File Reference Number: Erf 14948, 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 DEPARTURE IN TERMS OF SECTION 15(2)(B) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW, 2015: ERF 14948, HONEYSUCKLE STREET, WELGEVONDEN, 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 for a building line departure on Erf 14948, Honeysuckle Street, Welgevonden Estate - Stellenbosch in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning Bylaw 2015 to:
    - 2.1.1 Relax of the lateral and rear building lines from 1.5m to 0,7m (Adjacent to Erf 14947 and Erf 14829) respectively for the proposed jacuzzi with a timber deck as well as both lateral building lines and the rear building line from 1,5m to 0m respectively to construct a pergola as indicated on drawing no. 21-03/01, drawn by Small & Tall Fix it all, dated APR 2021 attached as **Annexure B**

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

- 2.2 The approval is subject to the following conditions imposed in terms of Section 66 of said Bylaw:
  - 2.2.1 The approval will lapse if not implemented/confirmed within five years from the date of final notification of approval of the application.

- 2.2.2 The approval only applies to the proposed departure under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.
- 2.2.3 The development must be undertaken generally in accordance with the site plan as referenced in Drawing no. 21-03/01, drawn by Small & Tall Fix it, dated APR 2021, and attached as **Annexure B**.
- 2.2.4 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.
- 2.2.5 The approval granted shall not be contradictory to any other legislation which has a bearing on the use of the property and that should any other legislation be applicable and be more restrictive then the most restrictive conditions will apply.
- 2.2.6 Building plans must be generally in accordance with the site plan/floor layout plan as referenced in Drawing No. 21-03/01, drawn by Small & Tall Fix it all, dated APR 2021 and attached as **Annexure B**.

2.3 The reasons for the above decision are as follows:

2.3.1 The proposed development can be regarded as desirable as it is a logical extension of the house and will not impact negatively to the character of the area.

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:

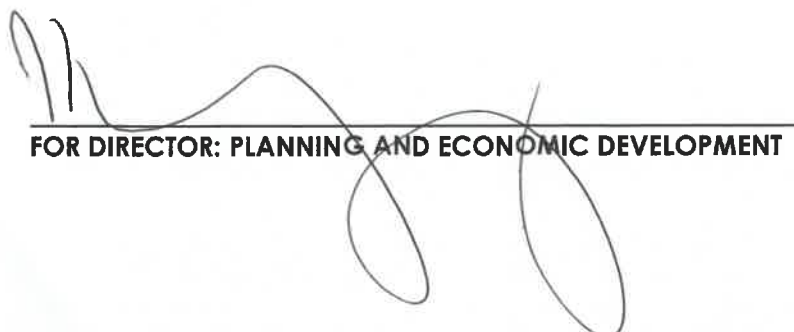
(i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct

(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.

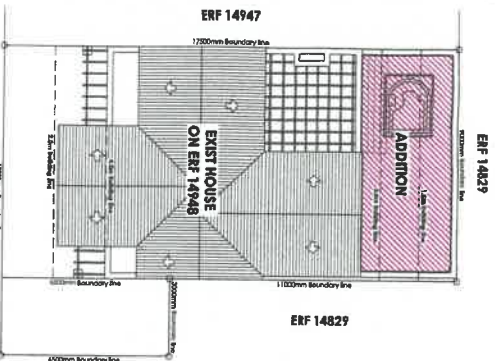
5. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: [landuse.appeals@stellenbosch.gov.za](mailto:landuse.appeals@stellenbosch.gov.za)

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.

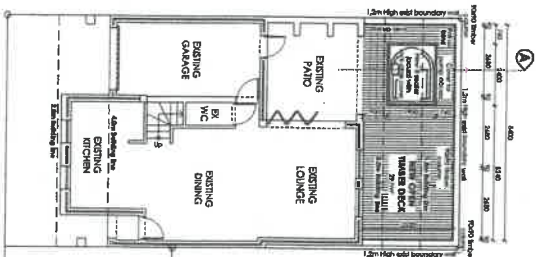
Yours faithfully

  
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**FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT**

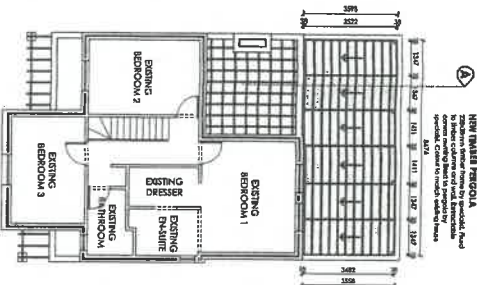
16/9/2022  
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**DATE:**



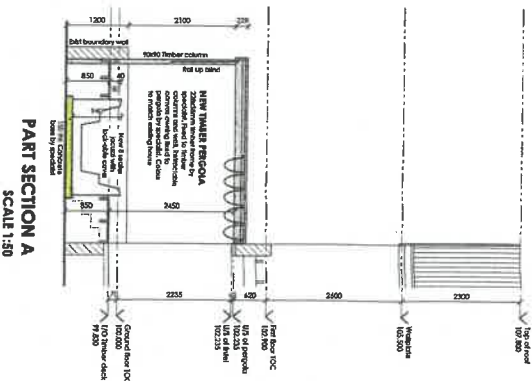
**SITE AND ROOF PLAN**  
SCALE 1:100



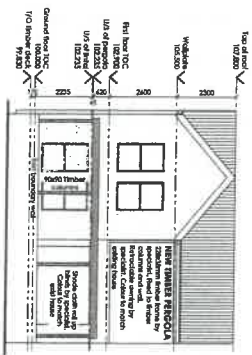
**GROUND FLOOR LAYOUT**  
SCALE 1:100



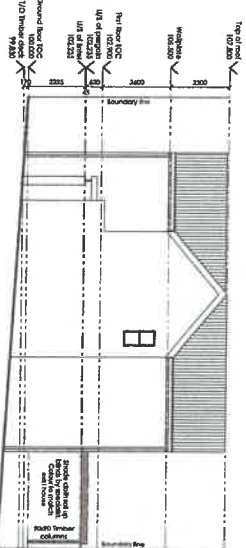
**FIRST FLOOR LAYOUT**  
SCALE 1:100



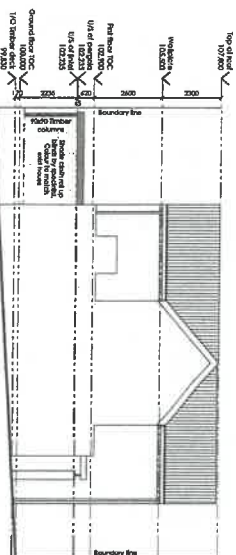
**PART SECTION A**  
SCALE 1:50



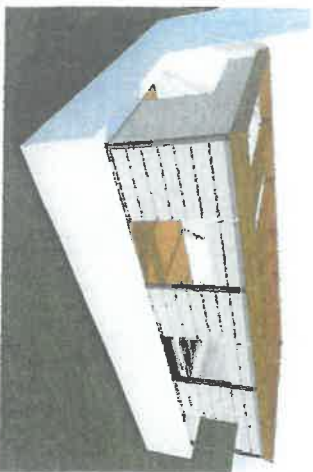
**NORTH ELEVATION**  
SCALE 1:100



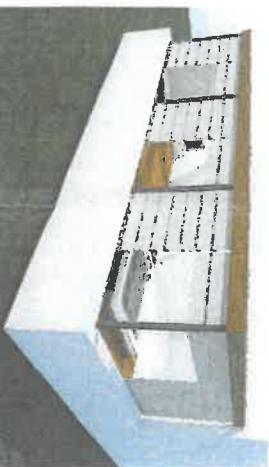
**EAST ELEVATION**  
SCALE 1:100



**WEST ELEVATION**  
SCALE 1:100



**NORTH-EASTERN 3D VIEW**



**NORTH-WESTERN 3D VIEW**

**AREA SCHEDULE**

Exclosure to be removed and area replaced	79.25 m <sup>2</sup>
Existing ground floor dwelling	13.00 m <sup>2</sup>
Existing first floor dwelling	123.00 m <sup>2</sup>
<b>TOTAL EXISTING DWELLINGS</b>	<b>136.00 m<sup>2</sup></b>
Proposed ground floor open deck	21.77 m <sup>2</sup>

**COVERAGE:**

COVER AREA x 100	17728
COVER AREA x 100	17728
COVER AREA x 100	497 (SEE ALLOWANCE)



Checked 12/11/21

- 1. The drawing forms part of a set of drawings and must not be used independently. It should be read in conjunction with the following:
  - Site plan and engineering drawings.
  - Contract documents and specifications.
  - Construction detailing schedule.
  - Report.
- 2. The drawing is intended for the design and construction of the proposed building and is not to be used for any other purpose.
- 3. No work by contractors and installers should be undertaken until the relevant drawings have been approved by the relevant authority.
- 4. It is the responsibility of the contractor to ensure that the building is constructed in accordance with the approved building regulations and the relevant codes of practice.
- 5. At no stage in the build approach, the contractor should be held responsible for any errors or omissions in the drawings.
- 6. The contractor is responsible for obtaining all necessary permits and approvals from the relevant authority.
- 7. The contractor is responsible for ensuring that the building is constructed in accordance with the approved building regulations and the relevant codes of practice.
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- 20. The contractor is responsible for ensuring that the building is constructed in accordance with the approved building regulations and the relevant codes of practice.

Rev	Circle	Description	By
1	A	Issue for construction	MB

**MR MILANI**  
 Architect  
**PROPOSED TIMBER DECK AND PERGOLA ON ERF 14948 WELGEVONDEN ESTATE STEILENSOCH**  
 Drawing No: **Small & Tall Fix it all**  
**HOA SUBMISSION**  
 LAYOUTS, SECTIONS & ELEVATIONS