



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/15058

Our File Reference Number: 1525

Your Reference Number: 364.2022

Enquiries: Ulrich von Molendorff

Contact No: 021– 808 8682

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

PER E-MAIL: [REDACTED]

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Sir

APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME BYLAW (2023) FOR AN ADDITIONAL USE (SECOND DWELLING - TECHNICAL APPROVAL): ERF NO. 1525, STELLENBOSCH.

1. The above application refers.
2. The duly authorised decision maker hereby decides in accordance with the Categorisation Model Category (Category 1 Type F) and Delegation LUP85, dated 24 May 2023 and effective from 01 July 2023, on the above application as follows.
3. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Bylaw on Land Use Planning 2023,
 - 3.1. **Removal of restrictive Title Deed Conditions** in terms of Section 15(2)(f) of the said bylaw to remove title deed conditions G(b) and G(c) of title deed T11183/2007 and clause (b) and (c) of T5074/1942, in order to accommodate a second dwelling and to increase the permitted one-third coverage 33.3% to 35,4% on Erf 1525, Stellenbosch.;

3.2. **Additional Use (technical approval)**, in terms of Section 15(2)(g) for a permission in terms of the Zoning Scheme Bylaw (2023) to permit a second dwelling, by converting a section of an existing dwelling on Erf 1525, Stellenbosch.

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

4. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:
- 4.1. The approval only applies to the proposed application for removal of title deed conditions and permission in terms of the zoning scheme under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
 - 4.2. The development be undertaken generally in accordance with the site plan, floor plans and elevations plan, as referenced (Project No 363.2022, Plan B06 to B08 dated July 2022 and Project No 364.2022, Plan B09 & B10 dated July 2022) and attached as **ANNEXURE B**.
 - 4.3. Building plans be submitted for all changes of use in the existing buildings and must be generally in accordance with the site plan, floor plans and elevations plan, as referenced (Project No 363.2022, Plan B06 to B08 dated July 2022 and Project No 364.2022, Plan B09 & B10 dated July 2022) and attached as **ANNEXURE B**.
 - 4.4. 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.
 - 4.5. Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the approval of any building plans or as may be agreed on in writing with the Director Infrastructure Services.
 - 4.6. Sufficient on-site parking be provided in accordance with the provisions of the subject Zoning Scheme Bylaw.
 - 4.7. Apart from a second dwelling, only one additional use may be conducted on the property at any given time.
 - 4.8. Electricity supply to second dwelling should be fed from the main distribution board, which is situated outside the main dwelling.
 - 4.9. If the current electricity supply is not adequate, an application for an increase in electricity supply must be submitted to Stellenbosch Municipality: Electrical Engineering services.
 - 4.10. Appropriate caution shall be taken during construction, to prevent damage to existing electrical equipment in the vicinity. Should damage occur, the applicant will be liable for cost involved repairing damages.

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

- 5.1. The municipal services can accommodate the proposed second dwelling or be upgraded to the satisfaction of the municipal engineering department, which did not object to the application.
- 5.2. The removal of the title deed conditions and intended activities would not have a detrimental effect on the property, the neighbourhood and surrounding environments.
- 5.3. The proposed second dwelling conversion in an existing structure will not have a detrimental impact on the residential character of the area.

6. Matters to be noted:

- 6.1. Approval must be obtained from the competent heritage authorities for renovations and extension to buildings of historical significant.
- 6.2. 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.
- 6.3. The applicant, after publication of a notice in the Provincial Gazette to apply to the Registrar of Deeds to make appropriate entries in, and endorsements on, any relevant register or title deed to reflect the removal of the restrictive conditions.

7. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw 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.

8. 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:

8.1. The personal particulars of the Appellant, including:

- a) First names and surname
- b) ID number
- c) Company of Legal person's name (if applicable)
- d) Physical Address
- e) Contact details, including a Cell number and E-Mail address

8.2 Reference to this correspondence and the relevant property details on which the appeal is submitted.

8.3 The grounds of the appeal which may include the following grounds:

- a) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)
- b) 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.

8.4 Whether the appeal is lodged against the whole decision or a part of the decision.

8.5 If the appeal is lodged against a part of the decision, a description of the part.

8.6 If the appeal is lodged against a condition of approval, a description of the condition.

8.7 The factual or legal findings that the appellant relies on.

8.8 The relief sought by the appellant.

8.9 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.

8.10 That the appeal includes the following declaration by the Appellant:

- a) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
- b) 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.

9. 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

10. 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.

11. The approved tariff structure and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at landuse.appeals@ Stellenbosch.gov.za

12. An applicant who lodges 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.

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

14. Kindly note the above decision in the case of any approval, 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

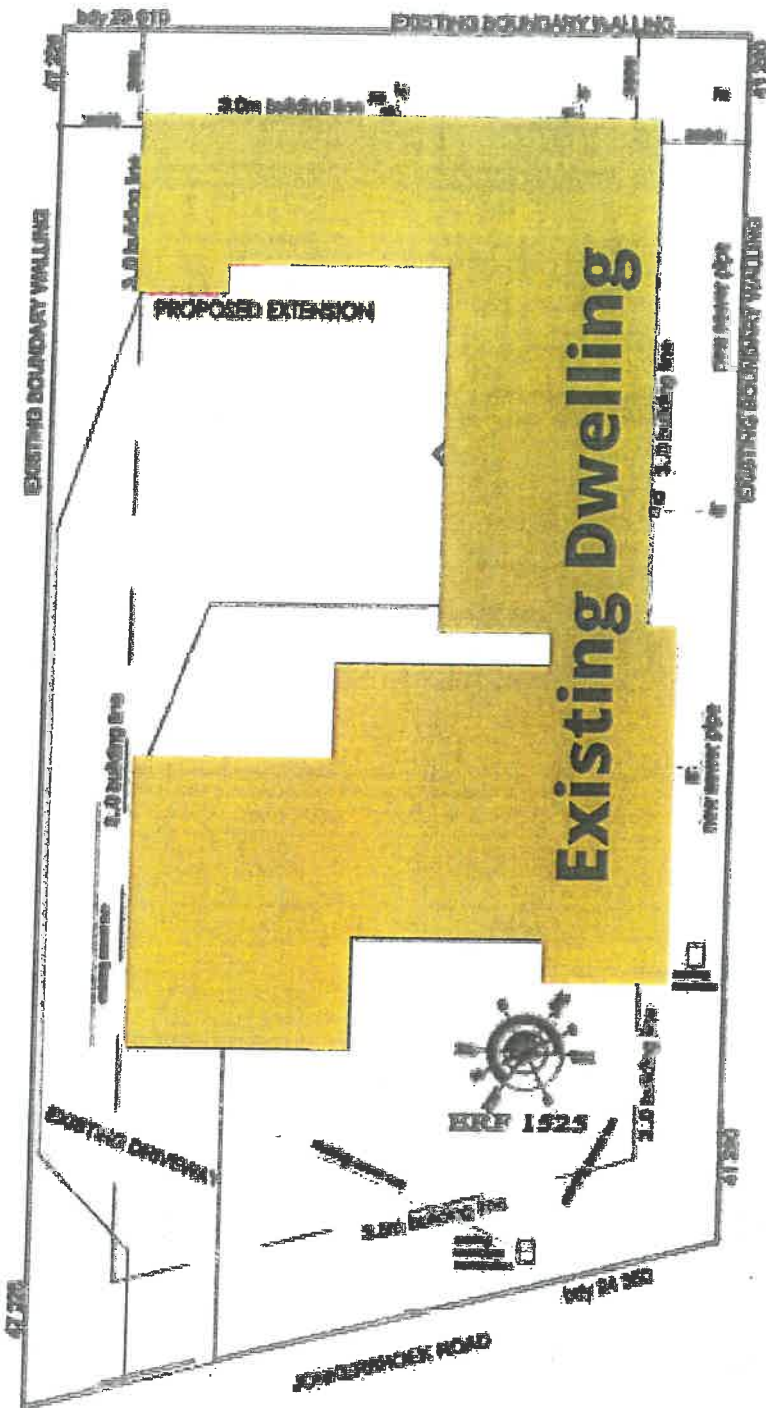


MANAGER: LAND USE MANGEMENT

DATE: 26-01-2024

APPENDIX 2

Building Plans



Existing Dwelling
369.70 sqm
 which will be divided into two dwellings

Footprint :
ORIGINAL HOUSE : 195.3 sqm
Second Dwelling : 174.4 sqm
TOTAL : 369.7 sqm

Erf Size : 1045 sqm
Coverage : 35.4%




*as per architectural drawings

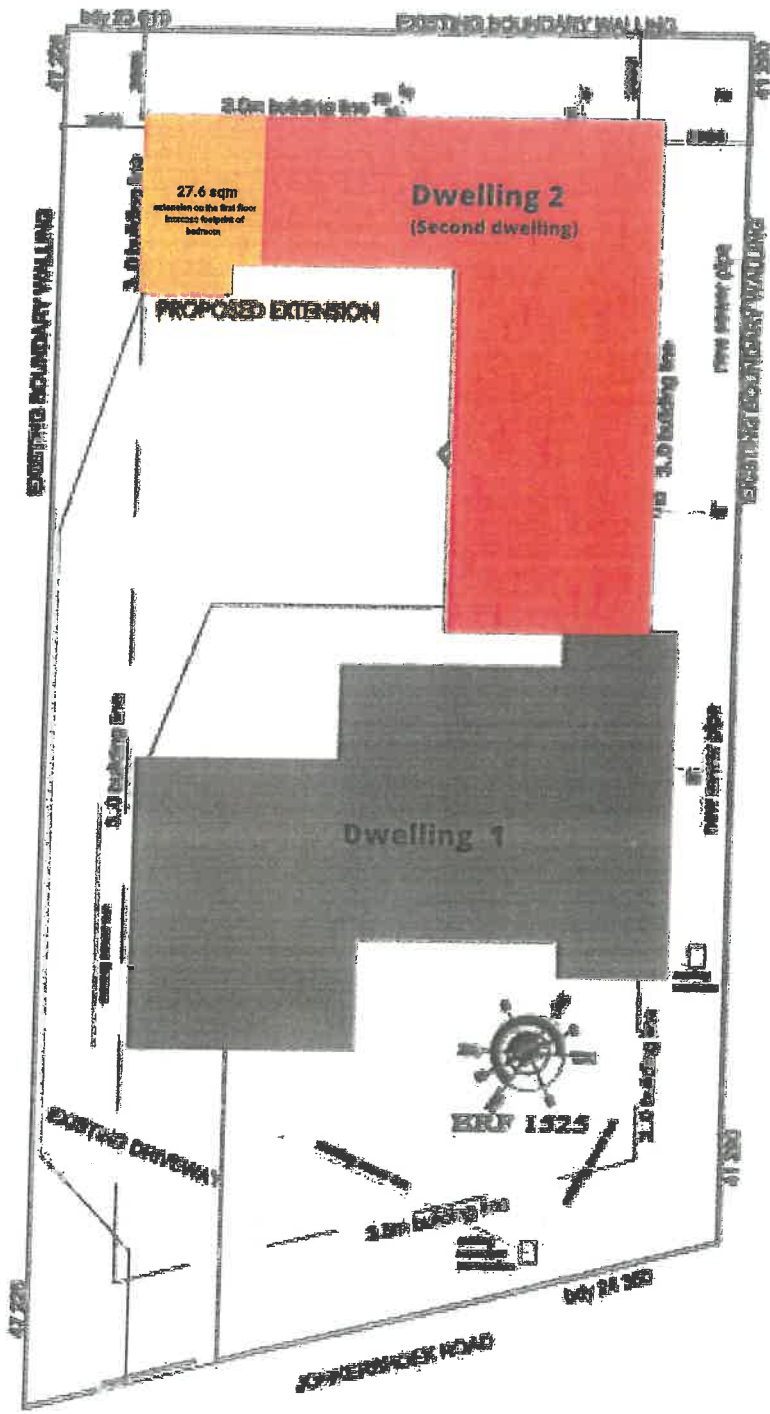
SCALE
AS INDICATED : SEE ATTACHED ARCHITECTURAL DRAWINGS

DESCRIPTION

SITE DEVELOPMENT PLAN



PROPERTY ERF 1525	APPLICATION ADDITIONAL USE + ROR	DATE JULY 2022	 	PLAN	
DIVISION STELLENBOSCH	UTILISATION SECOND DWELLING	SOURCE ARCHITECT - G EVANS			B06
MUNICIPALITY STELLENBOSCH	SCALE AS INDICATED	PROJECT NUMBER 363.2022			



DWELLING 2 : 348.8 sqm
 (Footprint 174.4 sqm)

SECOND DWELLING
 Ground Floor (including 2xGarages+ Store)
 174.4sqm

SECOND DWELLING
 First Floor (including patio)
 146.8sqm

+ Extension on First floor (27.6 sqm)

ORIGINAL HOUSE : 195.3 sqm

Footprint :
ORIGINAL HOUSE : 195.3 sqm
Second Dwelling : 174.4 sqm
TOTAL : 369.7 sqm

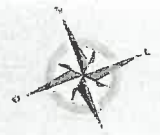
Erf Size : 1045 sqm
 Coverage : 35.4%



Total Floor Space : 544.1 sqm

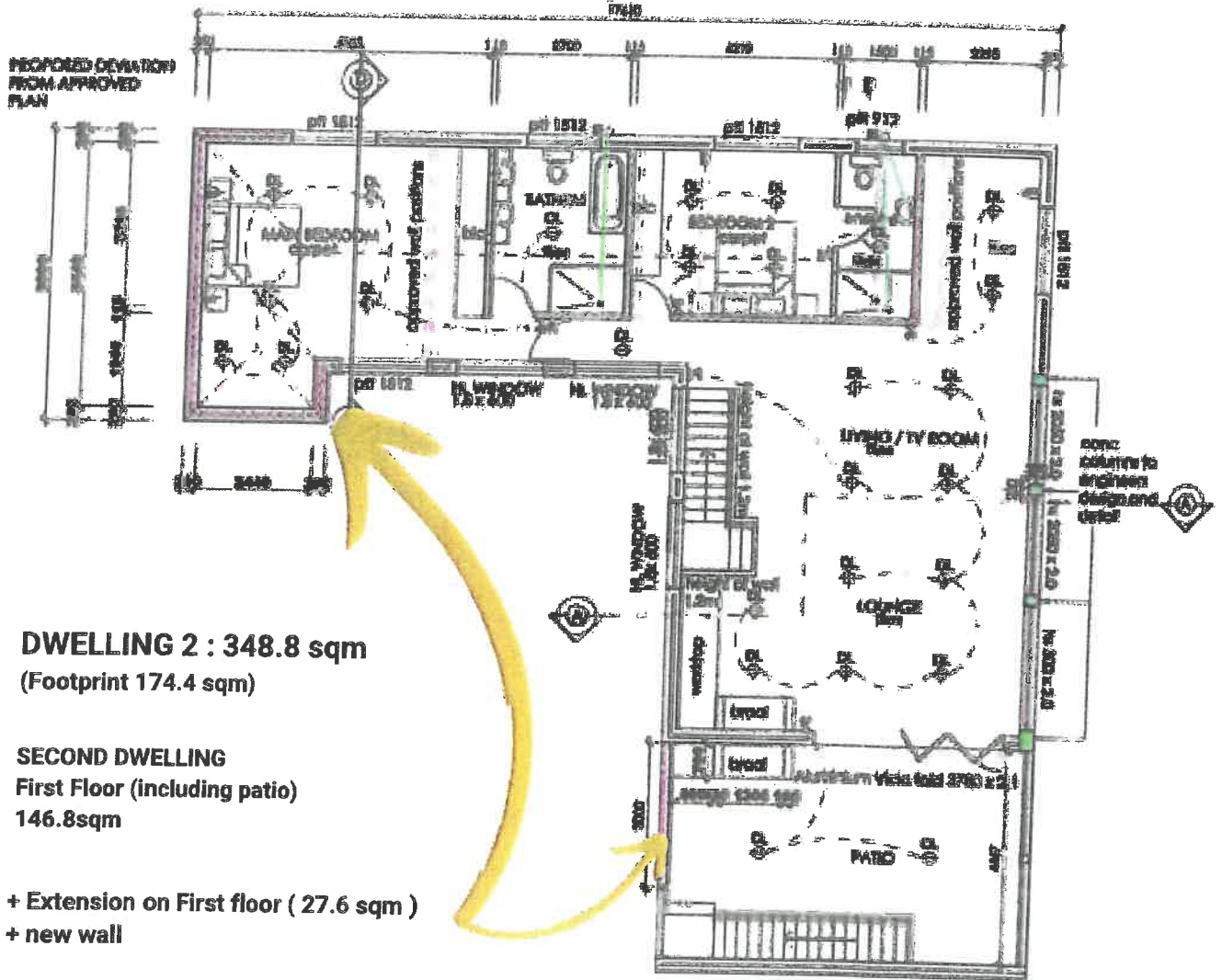
*as per architectural drawings

SCALE
 AS INDICATED : SEE ATTACHED ARCHITECTURAL DRAWINGS


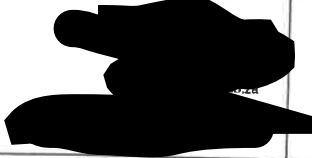
DESCRIPTION
SITE PLAN

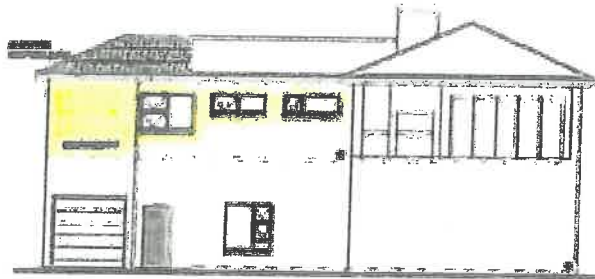


PROPERTY ERF 1525	APPLICATION ADDITIONAL USE + ROR	DATE JULY 2022	 PLAN  B07
DIVISION STELLENBOSCH	UTILISATION SECOND DWELLING	SOURCE ARCHITECT - G EVANS	
MUNICIPALITY STELLENBOSCH	SCALE AS INDICATED	PROJECT NUMBER 363.2022	

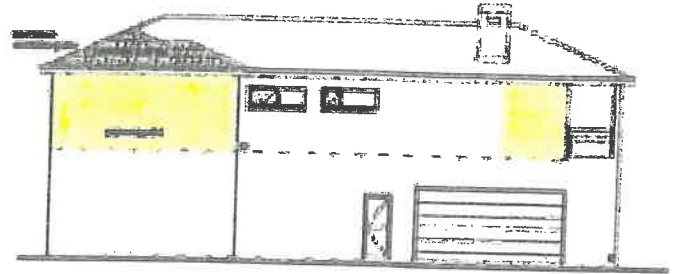


First Floor : Second Dwelling

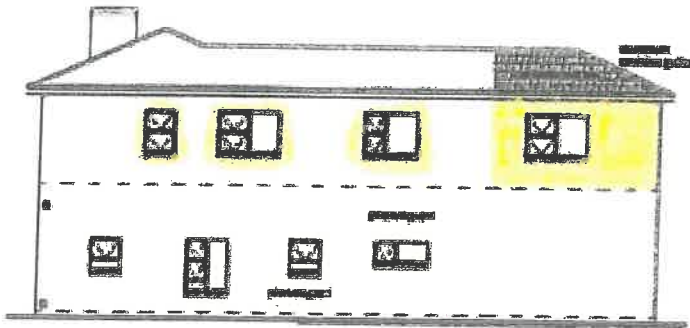
DESCRIPTION			FLOOR PLAN SECOND DWELLING		
PROPERTY ERF 1525	APPLICATION ADDITIONAL USE + ROR	DATE JULY 2022	 urbh URBAN RURAL SA	PLAN	
DIVISION STELLENBOSCH	UTILISATION SECOND DWELLING	SOURCE ARCHITECT - G EVANS			B09
MUNICIPALITY STELLENBOSCH	SCALE AS INDICATED	PROJECT NUMBER 364.2022			



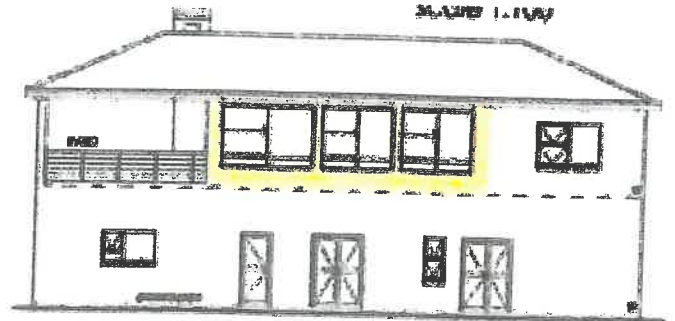
SOUTH WEST ELEVATION
 scale 1:100



NORTH WEST ELEVATION
 scale 1:100



NORTH EAST ELEVATION
 scale 1:100



SOUTH EAST ELEVATION
 scale 1:100

ELEVATION PLANS

THE STRUCTURE AS INDICATED ABOVE HAS ALREADY BEEN APPROVED DURING A PREVIOUS BUILDING PLAN APPROVAL PROCESS. THE PROPOSED CHANGES TO THE EXISTING BUILDING ARE INDICATED IN YELLOW. DUE TO SOME INTERNAL CHANGES, SOME WINDOW OPENINGS HAVE BEEN ADJUSTED TO LINE UP WITH SMALL CHANGES MADE TO INTERNAL WALLS.


SCALE

AS INDICATED : NOT TO BE MEASURED ON PLAN

DESCRIPTION

ELEVATION PLAN



PROPERTY ERF 1525	APPLICATION ADDITIONAL USE + ROR	DATE JULY 2022		PLAN
DIVISION STELLENBOSCH	UTILISATION SECOND DWELLING	SOURCE ARCHITECT - G EVANS		B10
MUNICIPALITY STELLENBOSCH	SCALE AS INDICATED	PROJECT NUMBER 364.2022		