



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/3730

Our File Reference Number: Erf 15486, 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 DEPARTURES: ERF 15486, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the following applications in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 15486, Stellenbosch, namely;
 - 2.2 Application for Departure on Erf 15486 Katbos Street, Welgevonden to allow for the under provision of 1 parking in lieu of 2 parking bays, as indicated on the building plan attached as **Appendix 4**;

BE REFUSED in terms of Section 60 of the said Bylaw.

3. Reasons for Refusal:
 - 3.1 Two onsite parking bays can be provided;
 - 3.2 The approval of the application for the under provision of onsite parking bays will set a precedent within the estate;
 - 3.3 The proposal will have an impact on the surrounding properties as any additional vehicles owned by the property owner will be required to be parked in the road reserve, having a negative impact on the movement of traffic within the street.

4. That the following applications in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 15486, Stellenbosch, namely:

4.1 Application for a Land Use Departure on Erf 15486, Katbos Street, Welgevonden to relax the 4m Street building line to 0m to construct a new carport, as indicated on the building plan attached as **Appendix 4**;

4.2 Application for a Land Use Departure on Erf 15486 Katbos Street, Welgevonden to exceed the allowed coverage of 50% to 59% to accommodate the carport on the property as indicated on the building plan attached as **Appendix 4**;

BE APPROVED in terms of Section 60 of the said Bylaw.

5. The approval granted above **BE SUBJECT** to the following conditions in terms of Section 66 of the said Bylaw:

5.1 The approval only applies to the approval under consideration as indicated on the Site Development Plan, Plan No 15486 -2016, attached as **Annexure 4** and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

5.2 That formal building plans are to be submitted to Council (Building Department) for approval to formalize the unauthorized building work in question;

6. Reasons for approval:

6.1 The proposal will have minimal visual impact on the surrounding properties and streetscape as the carport is a flat roof structure and is not the only structure located within the street building line in this street;

6.2 The relaxation of the street building line to accommodate the carport will not set a precedent within the estate as similar relaxations have been granted in the surrounding area;

6.3 The proposed additional coverage will have no visual impact on the scale of the dwelling unit as the carport is a flat roof structure attached to the double storey dwelling house.

7. 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.

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:

- (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.

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 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>).

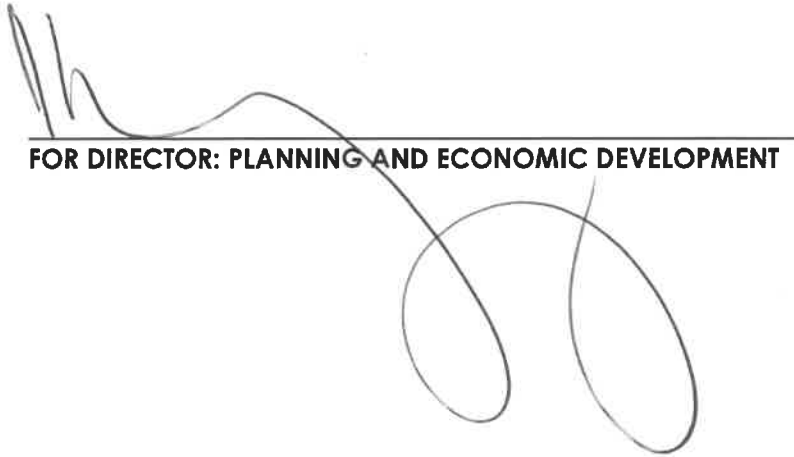
12. An applicant who lodge an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:

- (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.

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 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.

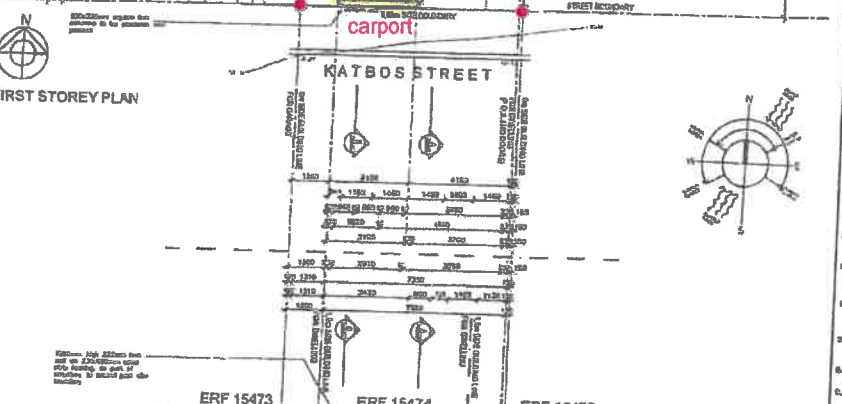
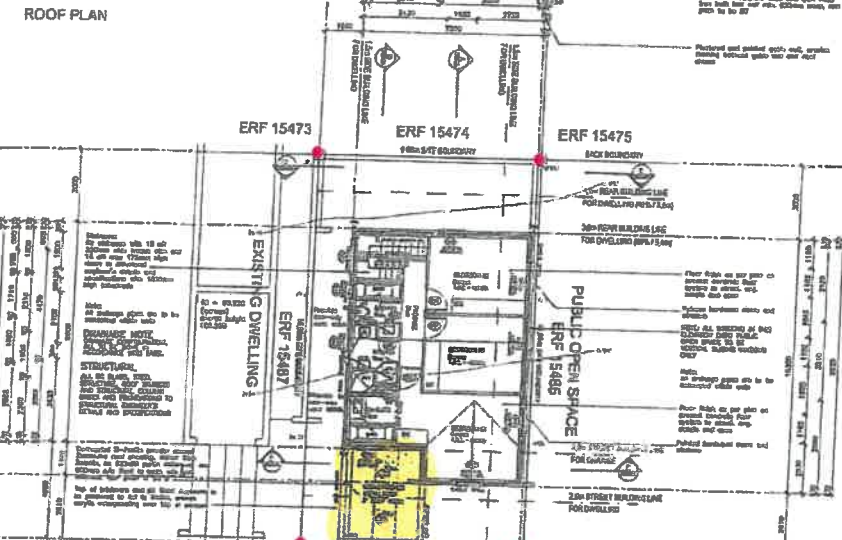
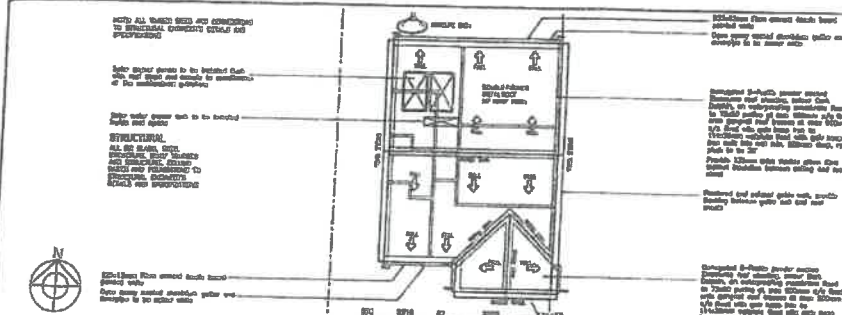
FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

19/10/2021
DATE:

COPIES TO:



ANNEXURE 4



SPECIFICATIONS

1. FOUNDATIONS: SEE THE SPECIFICATIONS ON SECTIONS 1.1 TO 1.3.
2. WALLS: ALL WALLS TO BE CONSTRUCTED IN ACCORDANCE WITH THE SPECIFICATIONS ON SECTIONS 1.4 TO 1.6.
3. ROOFING: ALL ROOFING TO BE CONSTRUCTED IN ACCORDANCE WITH THE SPECIFICATIONS ON SECTIONS 1.7 TO 1.9.
4. FLOORING: ALL FLOORING TO BE CONSTRUCTED IN ACCORDANCE WITH THE SPECIFICATIONS ON SECTIONS 1.10 TO 1.12.
5. DOORS AND WINDOWS: ALL DOORS AND WINDOWS TO BE CONSTRUCTED IN ACCORDANCE WITH THE SPECIFICATIONS ON SECTIONS 1.13 TO 1.15.
6. FINISHES: ALL FINISHES TO BE CONSTRUCTED IN ACCORDANCE WITH THE SPECIFICATIONS ON SECTIONS 1.16 TO 1.18.
7. SERVICES: ALL SERVICES TO BE CONSTRUCTED IN ACCORDANCE WITH THE SPECIFICATIONS ON SECTIONS 1.19 TO 1.21.
8. EXTERIOR: ALL EXTERIOR WORK TO BE CONSTRUCTED IN ACCORDANCE WITH THE SPECIFICATIONS ON SECTIONS 1.22 TO 1.24.
9. INTERIOR: ALL INTERIOR WORK TO BE CONSTRUCTED IN ACCORDANCE WITH THE SPECIFICATIONS ON SECTIONS 1.25 TO 1.27.
10. GENERAL: ALL GENERAL WORK TO BE CONSTRUCTED IN ACCORDANCE WITH THE SPECIFICATIONS ON SECTIONS 1.28 TO 1.30.

FINISHES SCHEDULE

1. WALLS: ALL WALLS TO BE CONSTRUCTED IN ACCORDANCE WITH THE SPECIFICATIONS ON SECTIONS 1.4 TO 1.6.
2. ROOFING: ALL ROOFING TO BE CONSTRUCTED IN ACCORDANCE WITH THE SPECIFICATIONS ON SECTIONS 1.7 TO 1.9.
3. FLOORING: ALL FLOORING TO BE CONSTRUCTED IN ACCORDANCE WITH THE SPECIFICATIONS ON SECTIONS 1.10 TO 1.12.
4. DOORS AND WINDOWS: ALL DOORS AND WINDOWS TO BE CONSTRUCTED IN ACCORDANCE WITH THE SPECIFICATIONS ON SECTIONS 1.13 TO 1.15.
5. FINISHES: ALL FINISHES TO BE CONSTRUCTED IN ACCORDANCE WITH THE SPECIFICATIONS ON SECTIONS 1.16 TO 1.18.
6. SERVICES: ALL SERVICES TO BE CONSTRUCTED IN ACCORDANCE WITH THE SPECIFICATIONS ON SECTIONS 1.19 TO 1.21.
7. EXTERIOR: ALL EXTERIOR WORK TO BE CONSTRUCTED IN ACCORDANCE WITH THE SPECIFICATIONS ON SECTIONS 1.22 TO 1.24.
8. INTERIOR: ALL INTERIOR WORK TO BE CONSTRUCTED IN ACCORDANCE WITH THE SPECIFICATIONS ON SECTIONS 1.25 TO 1.27.
9. GENERAL: ALL GENERAL WORK TO BE CONSTRUCTED IN ACCORDANCE WITH THE SPECIFICATIONS ON SECTIONS 1.28 TO 1.30.

AS-BUILT DWG

AREA SCHEDULE

SITE AREA (ERF 15488)	144,00 m ²
COVERABLE	
PERMISSIBLE - 60%	72,00 m ²
ACTUAL - 50,00 m ²	50,00 m ²
TOTAL FLOOR AREA	
GROUND STOREY	
MAIN DWELLING	65,49 m ²
COVERED PATIO	3,78 m ²
CARPORIT	13,16 m ²
TOTAL	82,63 m ²
FIRST STOREY	
MAIN DWELLING	71,85 m ²
NET FLOOR AREA	
GROUND STOREY	
MAIN DWELLING	62,37 m ²
FIRST STOREY	
MAIN DWELLING	61,87 m ²
BUILDING LINES	
GARAGE STREET	4,0m
DWELLING STREET	2,0m
DWELLING REAR	1,0m - 3,0m
DWELLING SIDE	1,0m
HEIGHT RESTRICTION	
MAXIMUM HEIGHT	2 STOREYS

WIZE

SIMON VON WIELLICH

