



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/11261

Our File Reference Number: Erf 2235, Stellenbosch

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: emilevdm@adept.co.za

Sir / Madam

APPLICATION FOR REMOVAL OF TITLE DEED CONDITIONS, PERMISSION IN TERMS OF THE ZONING SCHEME AND DEPARTURE ON ERF 2235, 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 the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 2235, Stellenbosch, namely:
 - a. The **removal of the title deed condition IV (B) & (D)** in terms of Section 15(2)(f) of the said Bylaw in order to allow the construction of a second dwelling unit and to encroach the title deed building lines (see **Annexure C**).
 - b. The **permission in terms of the zoning scheme** in terms of Section 15(2) (g) of the said Bylaw in order to accommodate a second dwelling unit (see **Annexure C**).
 - c. The **Departure** in terms of section 15(2)(b) of the said bylaw in order to relax the lateral building line from 2m to 0.2m in order to accommodate the proposed new carport (see **Annexure C**).

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

- 2.2 That such approval **BE SUBJECT** to the following conditions in terms of Section 66 of the said Bylaw:

- a. The approval only applies to the proposed development in question, as indicated on attached **Site Development Plan (Drawing no. 201, dated February 2020)** and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
- b. The approval will lapse if not implemented within 5 years from the date of approval;
- c. The following conditions imposed by the **Manager: Electrical Services** as contained in their memo dated 05 August 2020, attached as **Annexure H** be complied with;
 - (i) 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 the cost involved repairing damages.
- d. The following conditions imposed by the **Director: Engineering Services** as contained in their memo dated 18 December 2019, attached as **ANNEXURE I** be complied with;
 - (i) No municipal services are affected by the building line encroachments.
- e. Building plans must be submitted for approved when all relevant conditions have been complied with.

2.3 Reasons for approval:

- a. The proposed residential development constitutes infill development and is therefore in line with the principles of the SDF.
 - b. The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape.
 - c. The proposed development conforms to the character of the area and is therefore considered appropriate within the given context.
 - d. There will be no material impact on the existing rights of the neighbouring properties with regards to views and privacy.
 - e. The increase in traffic in the area will be insignificant.
- 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 An applicant 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



FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT



4/3/2021
DATE

ANNEXURE C

SITE DEVELOPMENT PLAN



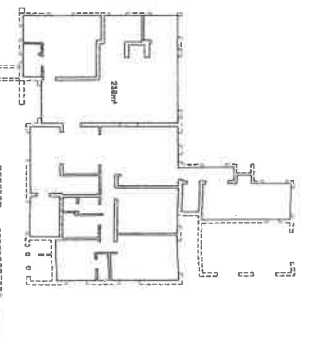
MAXIMUM ENERGY DEMAND FOR LIGHTING

Area (m²)	141.10
Power Density (W/m²)	1.00
Power (W)	141.10
Power (kW)	0.14
Power (kW)	0.14
Power (kW)	0.14
Power (kW)	0.14

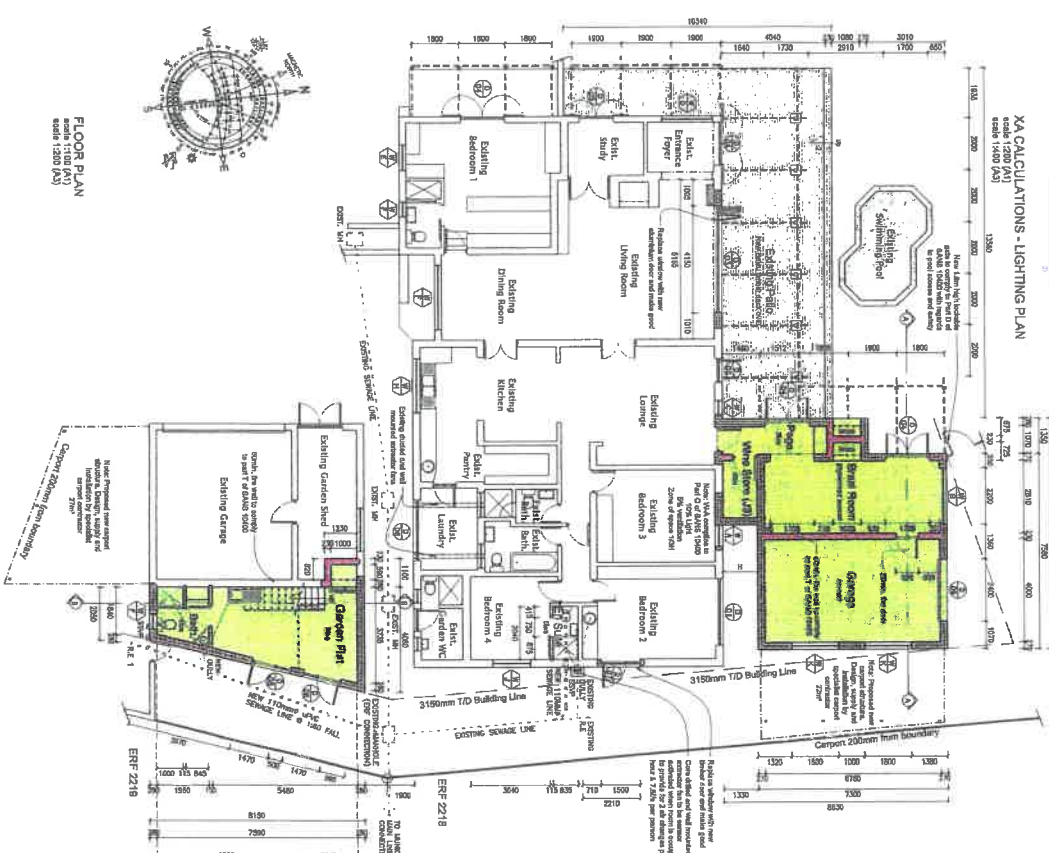
MAXIMUM ENERGY DEMAND FOR LIGHTING

Area (m²)	141.10
Power Density (W/m²)	1.00
Power (W)	141.10
Power (kW)	0.14
Power (kW)	0.14
Power (kW)	0.14
Power (kW)	0.14

YA CALCULATIONS - LIGHTING PLAN
scale 1:200 (A1)
scale 1:400 (A3)



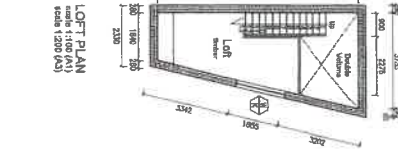
YA CALCULATIONS - NET FLOOR AREA
scale 1:200 (A1)
scale 1:400 (A3)



FLOOR PLAN
scale 1:200 (A1)
scale 1:300 (A3)



LOFT PLAN
scale 1:100 (A1)
scale 1:300 (A3)

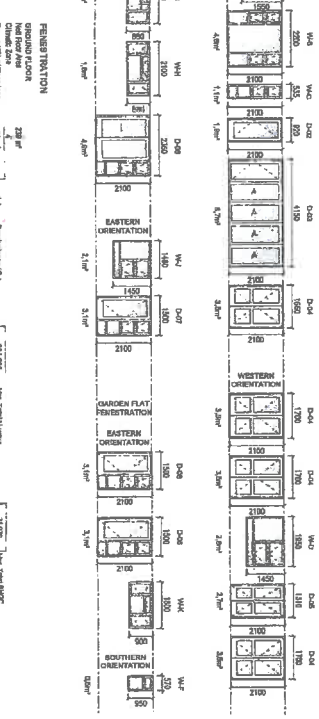


FENESTRATION - YA

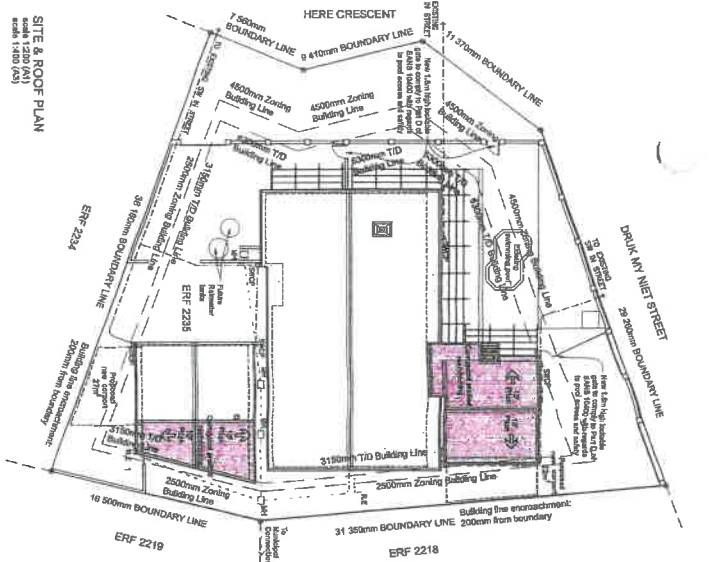
Room	Orientation	Area (m²)	Height (m)	Volume (m³)
Living Room	Western	20.00	2.40	48.00
Dining Room	Western	15.00	2.40	36.00
Kitchen	Western	10.00	2.40	24.00
Bedroom 1	Western	12.00	2.40	28.80
Bedroom 2	Western	12.00	2.40	28.80
Bedroom 3	Western	12.00	2.40	28.80
Bedroom 4	Western	12.00	2.40	28.80
Bathroom	Western	5.00	2.40	12.00
Laundry	Western	3.00	2.40	7.20
Garage	Western	20.00	2.40	48.00

FENESTRATION

Room	Orientation	Area (m²)	Height (m)	Volume (m³)
Living Room	Western	20.00	2.40	48.00
Dining Room	Western	15.00	2.40	36.00
Kitchen	Western	10.00	2.40	24.00
Bedroom 1	Western	12.00	2.40	28.80
Bedroom 2	Western	12.00	2.40	28.80
Bedroom 3	Western	12.00	2.40	28.80
Bedroom 4	Western	12.00	2.40	28.80
Bathroom	Western	5.00	2.40	12.00
Laundry	Western	3.00	2.40	7.20
Garage	Western	20.00	2.40	48.00



SITE & ROOF PLAN
scale 1:200 (A1)
scale 1:300 (A3)



SITE & ROOF PLAN
scale 1:200 (A1)
scale 1:300 (A3)

NOTES

THE DRAWING IS THE PROPERTY OF THE ARCHITECTS AND ENGINEERS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED IN THE TITLE BLOCK. ANY REUSE OR MODIFICATION OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECTS AND ENGINEERS IS STRICTLY PROHIBITED.

AREA SCHEDULE

Room	Area (m²)
Living Room	20.00
Dining Room	15.00
Kitchen	10.00
Bedroom 1	12.00
Bedroom 2	12.00
Bedroom 3	12.00
Bedroom 4	12.00
Bathroom	5.00
Laundry	3.00
Garage	20.00
Total	141.10

Roof Assembly

Roof Type	Area (m²)
Roof 1	141.10
Total	141.10

Hot Water Services

Service Type	Area (m²)
Hot Water 1	141.10
Total	141.10

Fenestration

Orientation	Area (m²)
Western	141.10
Total	141.10

Site & Roof Plan

Site Area	141.10
Roof Area	141.10
Total	282.20

Area of New Work

Area	141.10
Total	141.10

Area of Addition if a.k.

Area	141.10
Total	141.10

Area of Substitution

Area	141.10
Total	141.10

Area of Reduction

Area	141.10
Total	141.10

Area of Deletion

Area	141.10
Total	141.10

Area of Replacement

Area	141.10
Total	141.10

Area of Extension

Area	141.10
Total	141.10

Area of Alteration

Area	141.10
Total	141.10

Area of Modification

Area	141.10
Total	141.10

Area of Reconstruction

Area	141.10
Total	141.10

Area of Renovation

Area	141.10
Total	141.10

Area of Restoration

Area	141.10
Total	141.10

Area of Rehabilitation

Area	141.10
Total	141.10

Area of Refurbishment

Area	141.10
Total	141.10

Area of Refinement

Area	141.10
Total	141.10

Area of Refinement

Area	141.10
Total	141.10

Area of Refinement

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Total	141.10

Area of Refinement

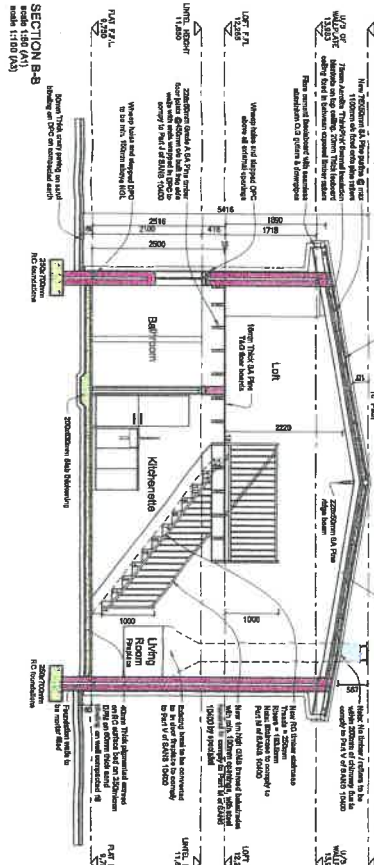
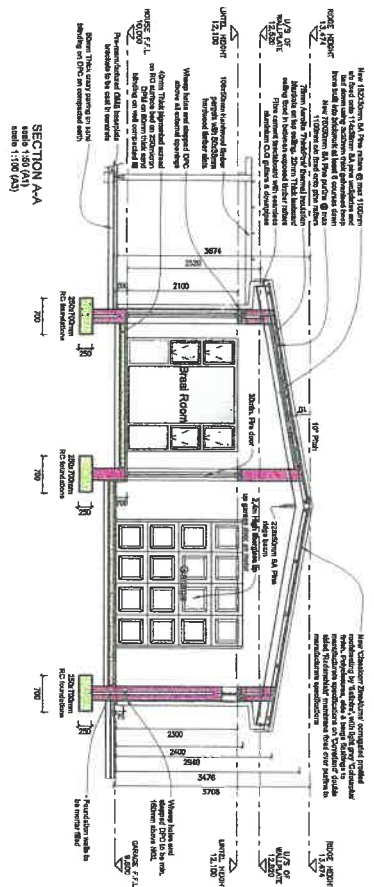
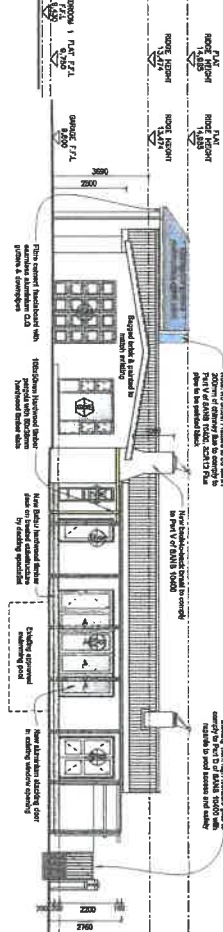
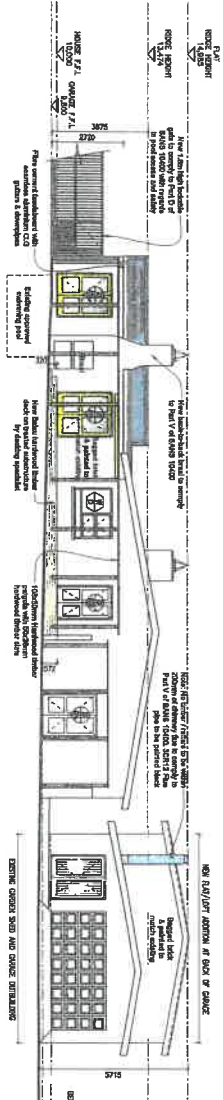
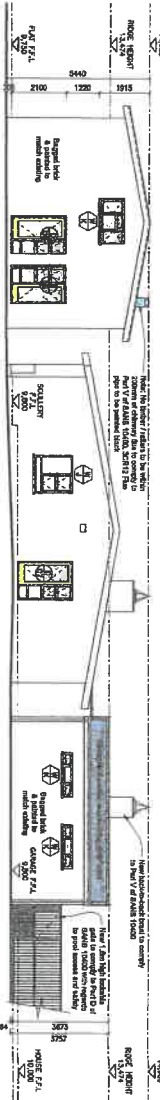
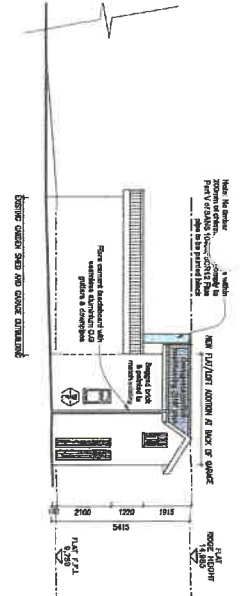
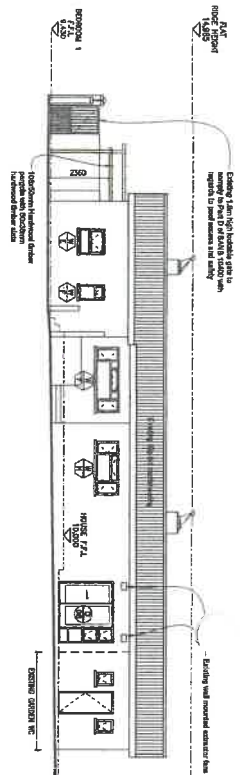
Area	141.10
Total	141.10

Area of Refinement

Area	141.10
Total	141.10

Area of Refinement

Area	141.10
Total	141.10



NO.	DESCRIPTION	DATE
1	Issue for Planning	10/11/2019
2	Issue for Building Control	10/11/2019
3	Issue for Construction	10/11/2019
4	Issue for Completion	10/11/2019
5	Issue for Final Sign-off	10/11/2019

PIETER WYNDHAM
 Architect
 10001 100th Ave, Richmond, BC V6V 2G9
 Tel: 604-273-1185
 Fax: 604-273-1186
 Email: pieter@malherberust.com

Huls Herрман
 Architect and Additions to Existing House
 2225 14th Ave, Vancouver, BC V6L 2K6
 Tel: 604-273-1185
 Fax: 604-273-1186
 Email: huls@malherberust.com

November 2019
 Date: 202
 Scale: A3
 Project: 1695

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MALHERBE RUST ARCHITECTS
 10001 100th Ave, Richmond, BC V6V 2G9
 Tel: 604-273-1185
 Fax: 604-273-1186
 Email: pieter@malherberust.com

ERF 2235

GENERAL COMMENT:

. No Comment

1.

CONDITIONS:

2. 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 the cost involved repairing damages.

Bradley Williams

DATE 05/08/2020

SIGNATURE 

ANNEXURE I

COMMENT FROM THE DIRECTOR: ENGINEERING SERVICES



STELLENBOSCH MUNICIPALITY
STELLENBOSCH·PNIEL·FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag	Nolusindiso Momoti
From ▫ Van:	Manager: Development (Infrastructure Services)
Author ▫ Skrywer:	Tyrone King
Date ▫ Datum:	20 July 2020
Our Ref ▫ Ons Verw:	Civil LU 2011
Your Ref:	LU/11261
Re ▫ Insake:	Erf 2235: Second dwelling and building line encroachments

The application is recommended for approval, subject to the following:

- 1. Civil Engineering Services**
 - 1.1 No objection, no municipal services are affected by the building line encroachments.
 - 1.2 A minimum of three parking bays must be provided on the erf.

- 2. Electrical Engineering**
 - 2.1 Refer to Annexure: Electrical Engineering

Tyrone King Pr Tech Eng
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)