



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/11809

Our File Reference Number: Erf 228, Lanquedoc

Your Reference Number: None

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 A TEMPORARY DEPARTURE IN ORDER TO ALLOW THE SALE OF LIQUOR FOR OFF-SITE CONSUMPTION ON ERF 228, LANQUEDOC**

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
  - 2.1 That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Erf 228, Lanquedoc, namely:
    - 2.1.1 A temporary departure in order to allow the sale of liquor on Erf 228, Lanquedoc on Mondays to Fridays from 09h00am to 18h00pm, and Saturdays from 09h00am to 20h00pm in terms of Section 15(2)(c) of the said Bylaw.

**NOT BE APPROVED** in terms of Section 60 of the said Bylaw.

3. The reasons for the above decision are as follows:
  - 3.1 The proposed liquor outlet for off-site consumption is not compatible and fails to comply with the intent of the land use to be allowed on residential zoning properties, notwithstanding that application is made for a temporary departure.

- 3.2 The proposed structure, in which the temporary departure is envisaged to be operated from, do not have approved building plans in place.
- 3.3 The proposed temporary departure, as per the plan attached to the application (See **ANNEXURE B**) is also intended to be operated from permanent structural improvements which contradicts Section 18(5) of the Land Use Planning Bylaw (2015) and can therefore not be considered favourably.
- 3.4 The current parking provision onsite is not compliant with the requirements of a single dwelling of which a minimum of 2 parking bays needs to be provided onsite and only one (1) parking bay is provided onsite. The owner would therefore be unable to provided in the further parking requirements of the property.
- 3.5 A site inspection revealed that unauthorized building construction is not in line with the proposals submitted, to the effect that the owner's private vehicles are already parked off-site on surrounding properties not zoned for public parking purposes (See **ANNEXURE J** for site photos).
- 3.6 Should delivery trucks at any stage be used, it will obstruct pedestrian and vehicular movement, close to an intersection and on the narrow residential street.
- 3.7 Two appropriately zoned business premises do exist in Lanquedoc, one in close proximity to the subject site and one at the entrance to the town, where a liquor outlet could be operated from, as a consent use (to be applied for) and it is therefore not a case that no land is available in Lanquedoc for this kind of purely business activity not related to residential accommodation.
- 3.8 It is not deemed desirable to have a liquor outlet to be operated from a residential property and being located in a pure residential street.

4. Matters to be noted:

4.1 The illegal structures on the site needs to be rectified.


5. 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.

6. 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.
7. 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)
8. 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.
9. 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>).
10. 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.
11. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

12. 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 large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.

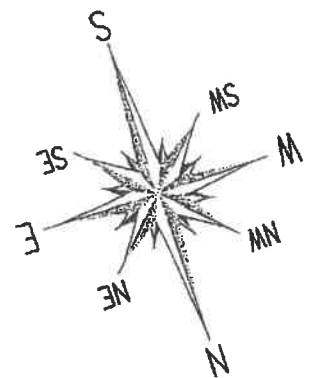
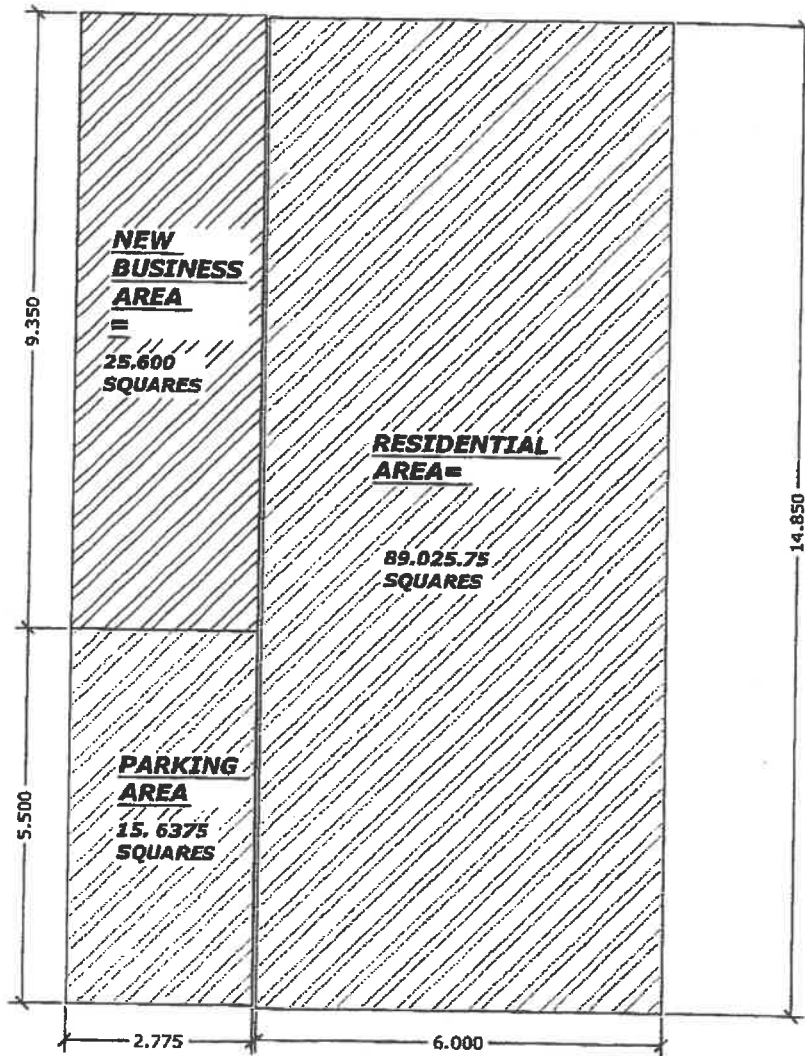
---

**FOR: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT**

29/7/2022.  
DATE:

**ANNEXURE B**  
Site Development Plan

# CHARLENE'S OFF CONSUMPTION LIQUORS STORE



## GROUND USE - LEGEND

**Revision notes:**

All work must comply with National Building Regulations and Local Authorities By-laws. Builder to work according 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.



(OLC CONSTRUCTION & EJS CONSULTANTS)



Client: CHARLENE'S OFF  
ERF : LQ 228  
MR. - MRS FISHER,  
228 LELLIE STREET  
LANQUEDOC  
GROOT DRAKENSTEIN

Drawing: .  
SITE AND -GROUND  
LAY-OUTS  
PLAN Nr. BF 228 002/2020

drawn by:  
EJS DRAUGHT  
C FORTUNE

Date:  
2020 - 07-17

Scale @ A3:  
1:100

SACAP registered  
D1550

LQ 226

LQ 229

LQ 227

ADJACENT DWELLING

228 LELIE STREET

LANQUEDOC

# PROPOSED SITE & GROUND FLOOR LAY-OUT, SCALE 1:100

**GENERAL:**

all dimensions in millimetres to check all dimensions & levels prior to commencing with construction. figured dimensions take preference over scaled drawings of works over all openings & heights as per clients choice and suppliers availability. drawings are prepared on visual surface inspection and observation of the site regardless of depths shown in sections excavations should be taken down to and into stable undisturbed soil for foundations

**OPEN LAND  
P.O.S**

DLC		E25
<b>[CF CONSULTANTS]</b>		
[REDACTED]		

<b>Client:</b> ERF : LQ 228 Mrs. C FISHER (WYNGAARD) 228 LELIE STREET LANQUEDOC 7681	<b>drawn by:</b> CF DRAUGHT
<b>Drawing:</b> SITE AND -GROUND LAY-OUTS	<b>Date:</b> 2020-08-25 <b>Scale @ A3:</b> 1:100
<b>PLAN Nr.</b> LQ228 (LW) 01-02	<b>SACAP registered</b> D1530



Tools



Mobile View



Share



PDF to DOC



## **ANNEXURE J**

Site photos.

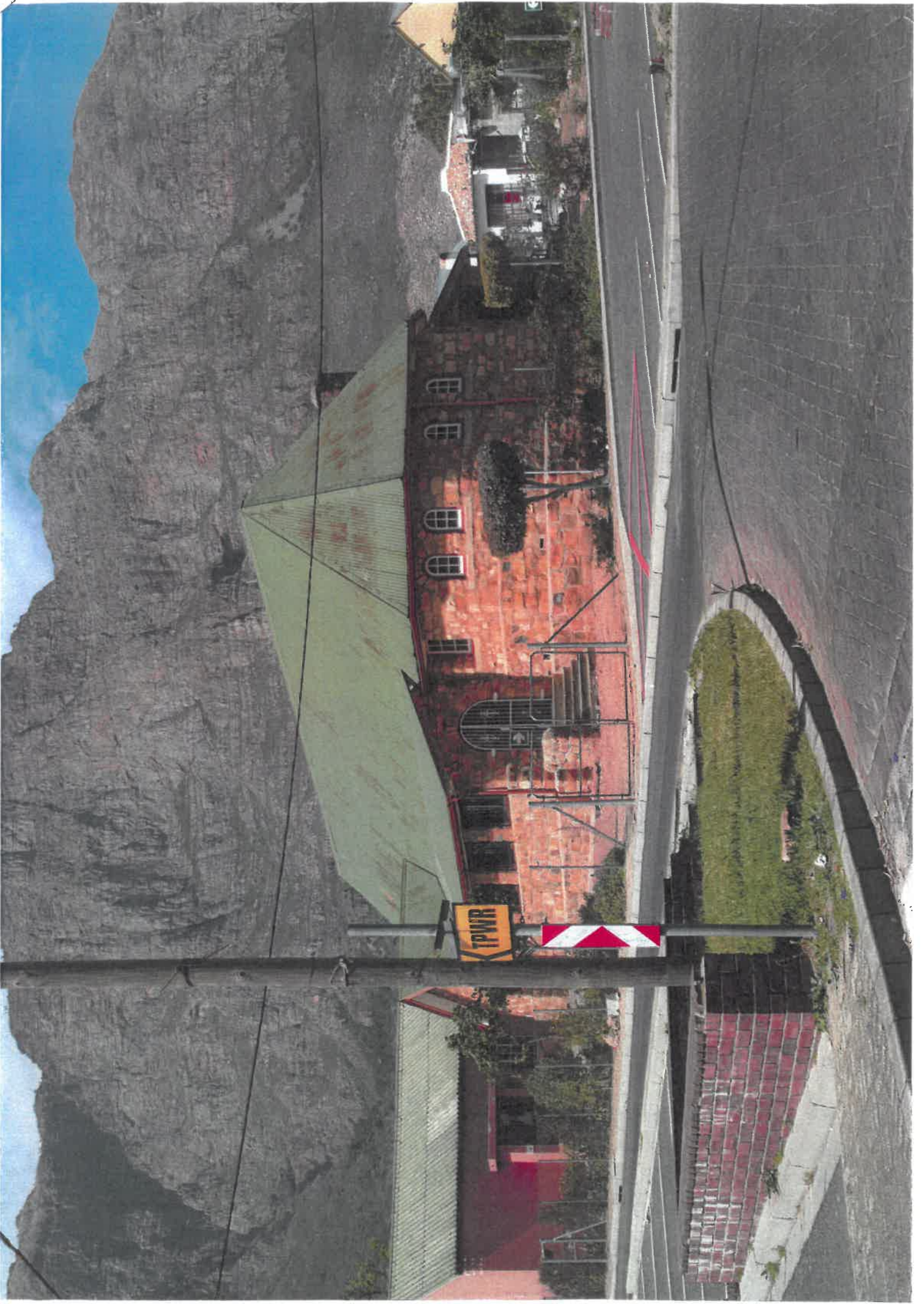


**Existing dwelling on Erf 228, Lanquedoc (Purple dwelling)**



**Proposed portion of outbuilding to dwelling to be used for the temporary departure.**





TPWR







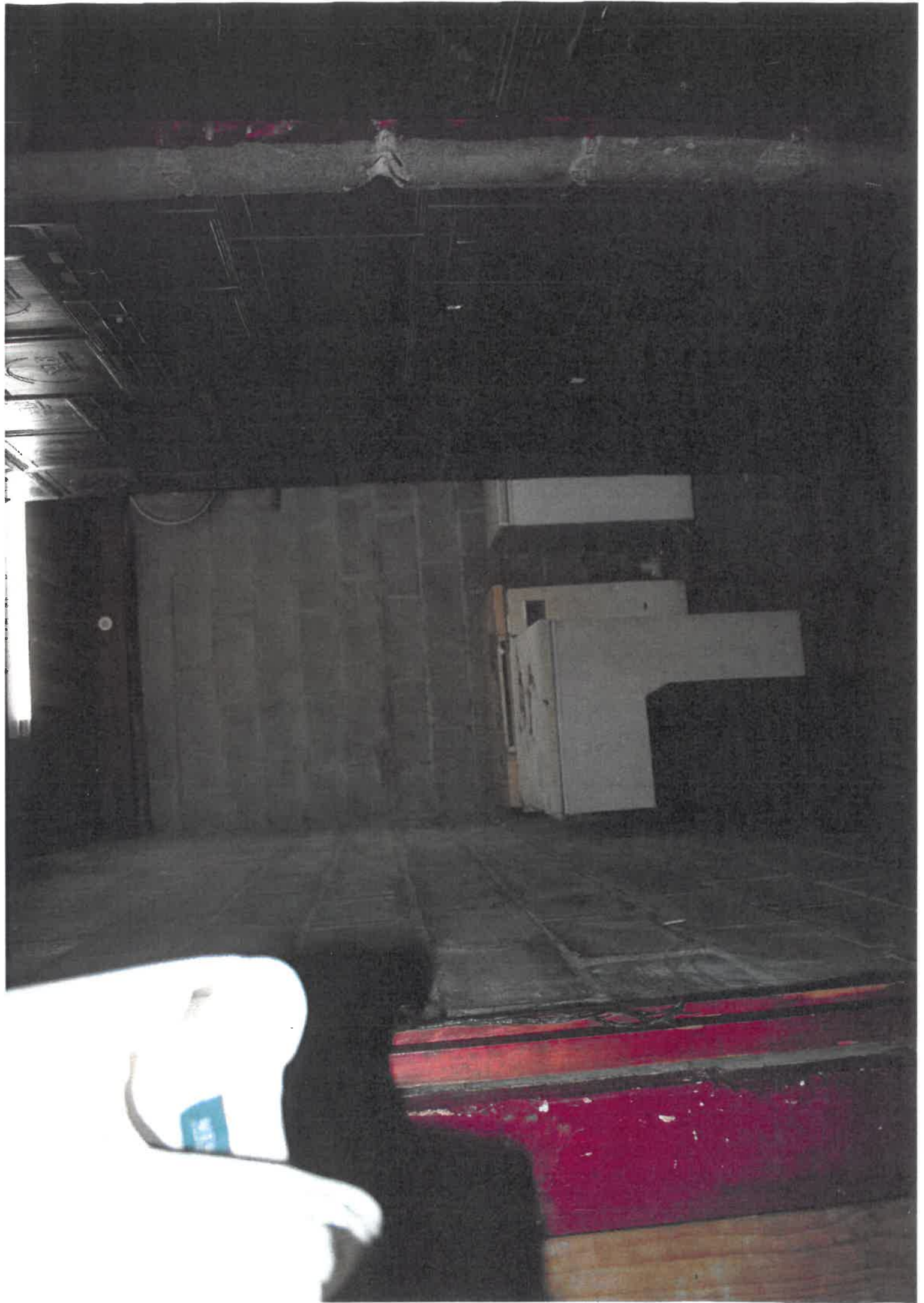


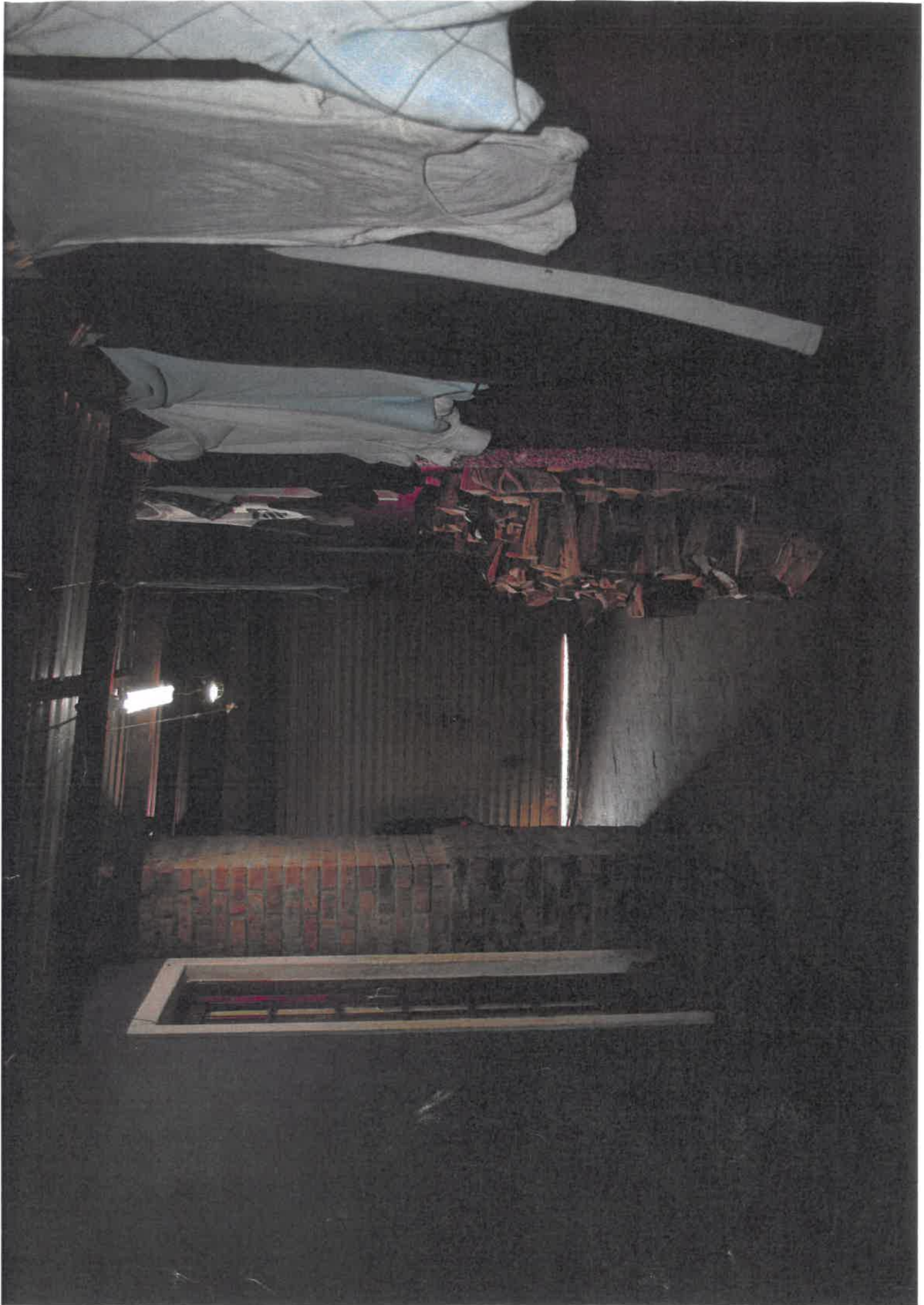




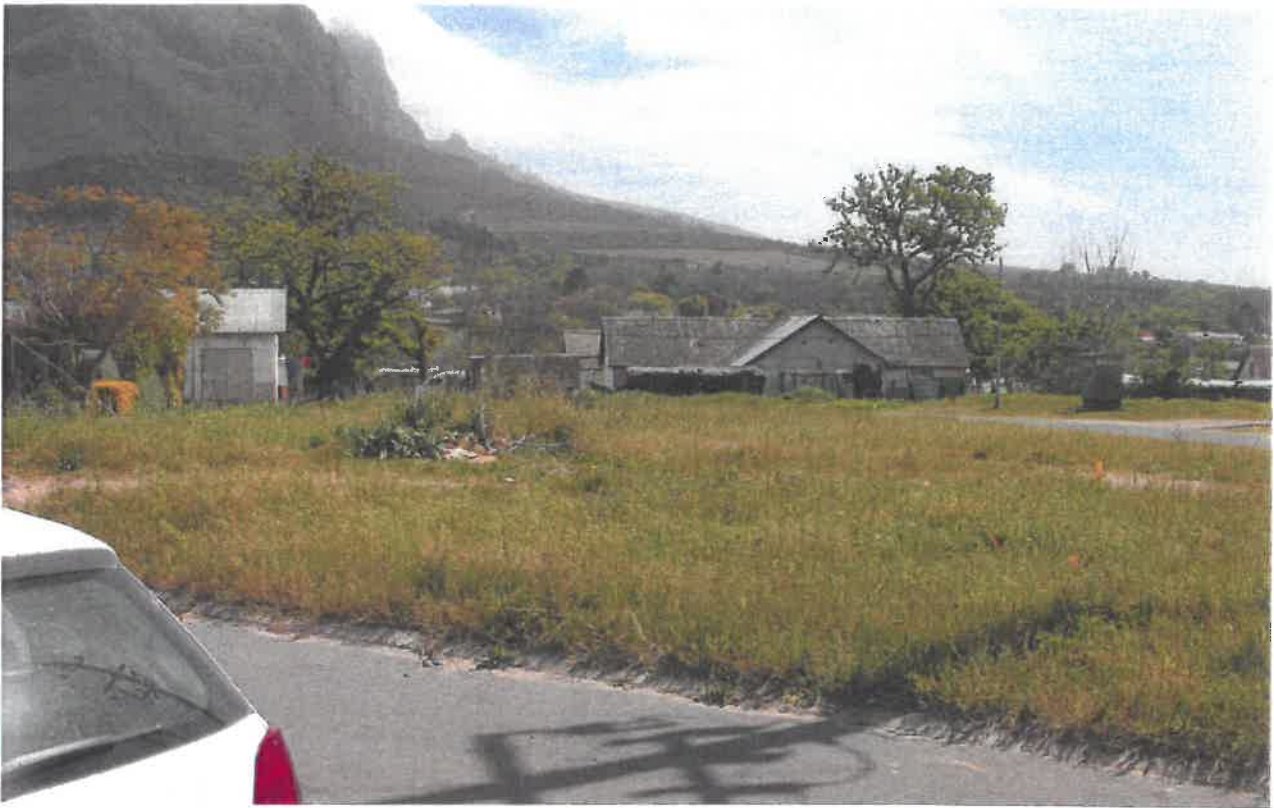












**Vacant Mixed-Use site in Lanquedoc: Erf 120, Lanquedoc.**



**Dilapidated building on a Mixed-Use site in Lanquedoc: Erf. 32 Lanquedoc**



