



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/15360 (TP283/2023)

Our File Reference Number: Erf 234, Franschhoek

Your Reference Number:

Enquiries: Ulrich von Molendorff

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**PER E-MAIL:** [REDACTED]

Sir / Madam

## **APPLICATION FOR PERMANENT DEPARTURES ON ERF 234, FRANSCHHOEK**

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 Municipality Land Use Planning By-Law, October 2015 for permanent departure on Erf 234, Franschhoek, namely:
  - 2.2 The under provision of onsite parking to permit 0 parking bays in lieu of the required 10 parking bays as required for the proposed retail buildings and extension to the existing building;
  - 2.3 The relaxation of the 3m common building line to 1m in order to accommodate a proposed retail building;

**BE REFUSED** in terms of Section 60 of the said By-law.

3. The reasons for the above decision are as follow:
  - 3.1 The subject property is located in an area where the demand for public parking exceeds the current supply. A complete waiver of the onsite parking requirements as proposed will significantly increase the demand for public parking in the immediate area and the payment of a parking levy in lieu of providing onsite parking will be ineffective as the Municipality will

not be able to provide the shortfall as public parking due to the lack of suitable space to accommodate such additional parking.

3.2 The Zoning Scheme By-law development parameters determine the general developability of a property and the complete waiver of parameters such as onsite parking is an indication that the proposal constitutes the over-development of the property.

3.3 The layout of the proposed development does not make optimal use of the available space on the subject property and the positioning of the proposed buildings will prohibit any future access to the property and any possibility of providing onsite parking in the future.

3.4 The proposed layout was amended to comply with all the building lines and the relaxation of the of the building line is therefore not required.

4. 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.

5. 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:

5.1 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

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

6.1 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.

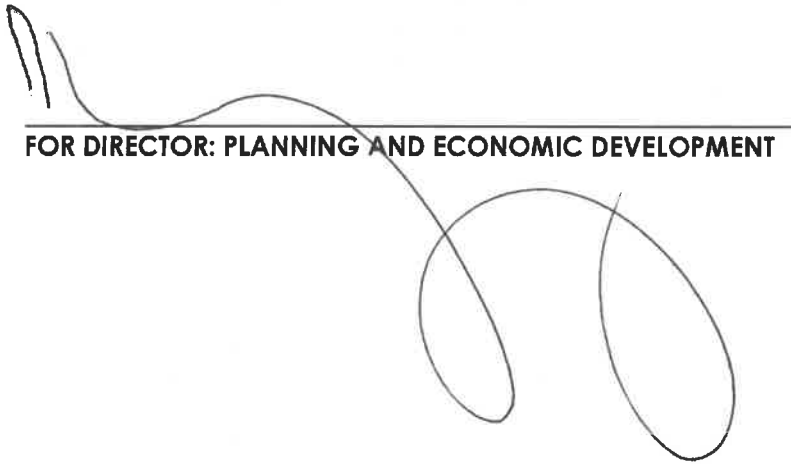
6.2 Whether the appeal is lodged against the whole decision or a part of the decision.

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

- 6.4 If the appeal is lodged against a condition of approval, a description of the condition.
- 6.5 The factual or legal findings that the appellant relies on.
- 6.6 The relief sought by the appellant.
- 6.7 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.
- 6.8 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.
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 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](mailto:landuse.appeals@ Stellenbosch.gov.za)
10. 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.
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 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



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

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**FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT**

32/4/2024  
DATE

[REDACTED]

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