



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/11575

Our File Reference Number: Erf 3357, Franschhoek

Your Reference Number:

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 REZONING AND DEPARTURES: ERF 3357, 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 for departure in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015:
    - (i) The under provision of onsite parking in order to allow 82 parking bays (including 70 vehicle parking bays, 25 motorcycle bays and 42 bicycle bays) in lieu of the required 87 parking bays.
    - (ii) Increase the permissible coverage from 50% to 54% on Erf 3357, Franschhoek as indicated on drawing no. SD-3467-M101-102 & M301-M302, dated 8 October 2020, drawn by S. Designs (see **Annexure C**).
    - (iii) Relax the common building lines (northern, eastern and western sides) from 4,5m to 3m in order to accommodate the ground and first floor of the proposed development on Erf 3357, Franschhoek as indicated on drawing no. SD-3467-M101-102 & M301-M302, dated 8 October 2020, drawn by S. Designs.
    - (iv) Relax the side building line (second floor building line) (north east from 6m) to 3m in order to accommodate the proposed block of flats on the second floor on Erf 3357, Franschhoek as indicated on drawing no. SD-3467-M101-102 & M301-M302, dated 8 October 2020, drawn by S. Designs.

(v) Relax the side building line (eastern and northern side) from 4,5m to 0m in order to accommodate the proposed basement storey on Erf 3357, Franschoek as indicated on drawing no. SD-3467-M101-102 & M301-M302, dated 8 October 2020, drawn by S. Designs.

**BE REFUSED** in terms of Section 60 of the said Bylaw for the following reasons:

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

3.1 The departures applied for in general would facilitate the over development of the property as additional floor space for onsite parking would be created resulting in a higher number of residential opportunities also being facilitated.

3.2 The fact that the required number of onsite parking bays could not be provided and the introduction and inclusion of none motorized facilities in the parking calculation even though the subject property is located in an area where there is no formal NMT facilities or formal public transport system is further evident of the fact that the proposal has not taken its surroundings into consideration and would result in the over development of the property.

3.3 The under provision of onsite parking would have a negative impact on the surrounding residential area as no facilities exist within the area to accommodate parking overflow due to the over development of the subject property.

3.4 The fact that the proposal included several departure applications, exacerbates the impact that the proposed building will have on the privacy of the adjoining properties, which further indicates that the proposal submitted has not taken note of its surroundings and tried to mitigate / minimize the impact that the building / residential units would have on the surrounding properties privacy and in general.

4. 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 3357, Franschoek, namely:

4.1 The **rezoning** of the subject property from Local Business Zone to Multi-unit Residential Zone in terms of Section 15(2)(a) of the said Bylaw in order to allow the construction of a block of flats on Erf 3357, Franschoek.

**BE APPROVED** in terms of Section 60 of the said Bylaw for the following reasons:

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

5.1 The subject property is located within the urban edge and in an area designated for "urban development" in the SDF.

5.2 The development of the subject property would ensure that the existing infrastructure is optimally used which is currently not the case as the property is vacant.

5.3 The proposed residential use of the property will not be out of character with its surroundings as the subject property is surrounded by residential developments of varying densities.

6. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:

6.1 The approval only applies to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.

6.2 A detailed site development plan as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2019 be submitted to the Municipality and be approved prior to the submission of any building plans, which site development plan must comply with all applicable development parameters in accordance with the prevailing zoning of the property as noted in the 2019 Stellenbosch Municipality Zoning Scheme Bylaw.

6.3 The provision of a mix of residential units (1-, 2- & 3-Bedroom units) be provided to cater for a wide range of income groups to the satisfaction of the Municipality.

6.4 The development be limited to a two storey building with a basement level.

6.5 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.

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

7.1 The proposal will develop underutilized land within the urban edge for urban development.

7.2 The proposed residential development constitutes infill development and is therefore in line with the principles of the SDF.

7.3 The scale and nature of the proposed development will be appropriate in terms of its locational context and thereby not compromise the existing character of the surrounding landscape.

7.4 The Stellenbosch Municipality Zoning Scheme By-Law, 2019 does not make provision for density requirements for flats and therefore the proposed development does not encroach on any density restrictions.

7.5 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.

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](mailto: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.

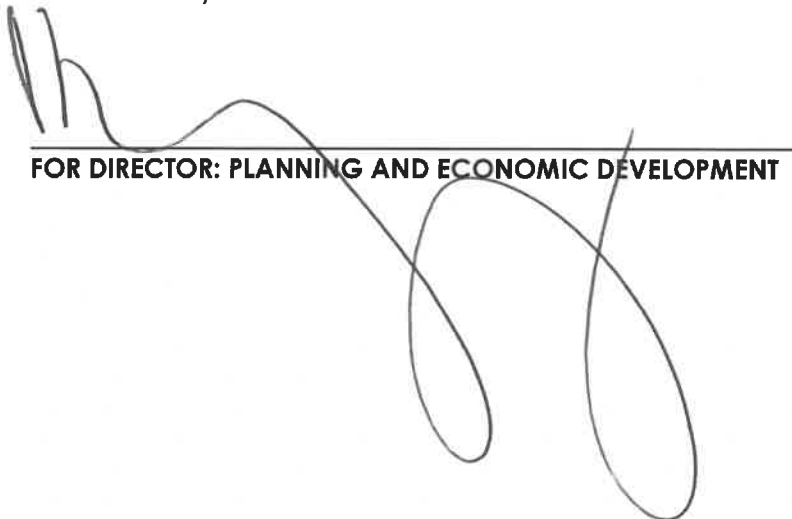
(c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.

(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 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**

26/1/2022  
DATE



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK  
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

# ANNEXURE C

**(REZONING AND DEPARTURES ON ERF 3357, FRANSCHHOEK)**

**SITE PLAN**

**PROPOSED SCHEME FOR ERF 3357:**  
 BRIF SIZE: 6727m<sup>2</sup>  
 NUMBER OF UNITS: 55  
 Coverage Allowed: 211m<sup>2</sup> = 50%

Areas indicated orange indicates the portion of site that is not covered by the proposed ERF. Areas indicated blue indicates the portion of site that is covered by the proposed ERF. Areas indicated green indicates the portion of site that is covered by the proposed ERF. Areas indicated yellow indicates the portion of site that is covered by the proposed ERF.

**COVERAGE BY DEFINITION:**  
 132m<sup>2</sup> The area indicates the portion of site that is covered by the proposed ERF. The coverage is greater than the proposed ERF. The coverage is greater than the proposed ERF. The coverage is greater than the proposed ERF.

**TOTAL**  
 228m<sup>2</sup> = 54.49%  
**TOTAL COVERAGE OF BUILT STRUCTURE**  
 GROUND LEVEL SLAB (ROOF OF BASEMENT)  
 COVERAGE OF UNITS: 179m<sup>2</sup>  
 (The coverage includes Covered Entrance, Stairs, etc.)

**COVERAGE OF STAIRS:**  
 62m<sup>2</sup>  
 (The coverage includes Stair 1 & 2)

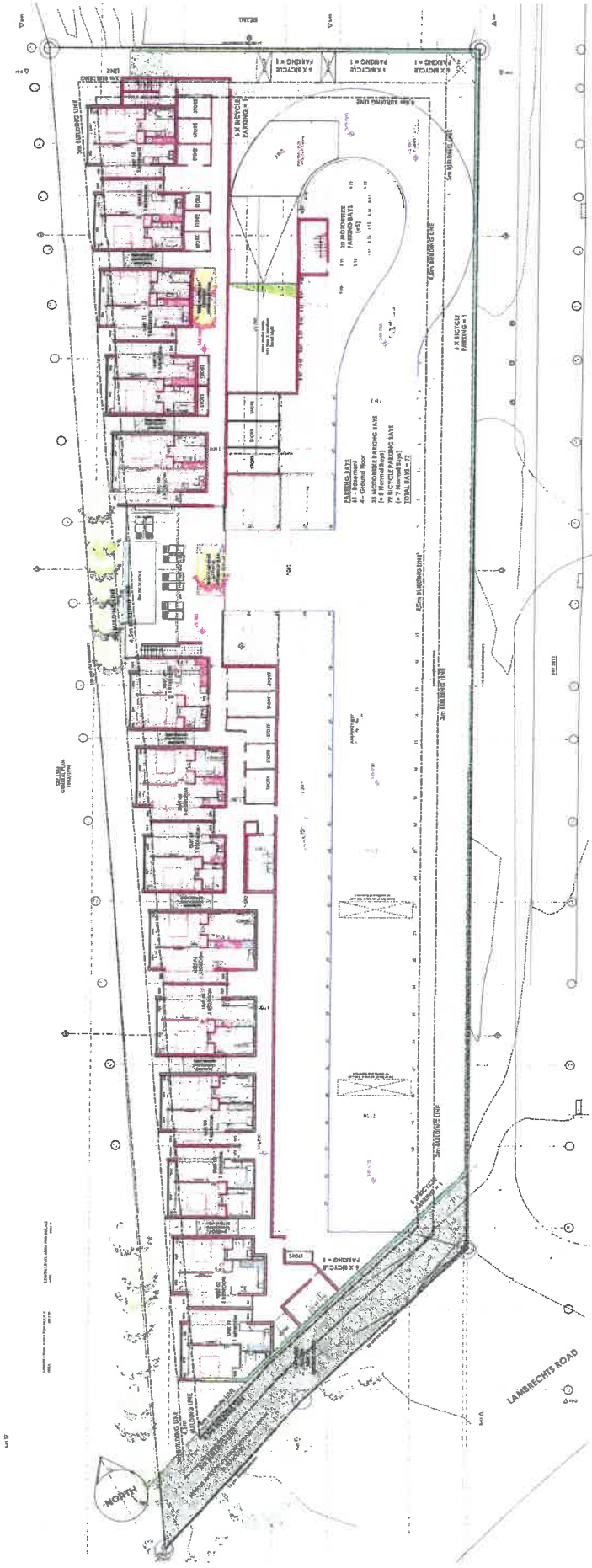
**TOTAL**  
 144m<sup>2</sup> = 38.9%  
**BULK ALLOWED** = 75%

**ACTUAL BULK:**  
 (The actual bulk is calculated based on the actual floor area of the building.)  
 GROUND LEVEL = 6727m<sup>2</sup>  
 FIRST LEVEL = 6727m<sup>2</sup>  
**TOTAL** = 6.63

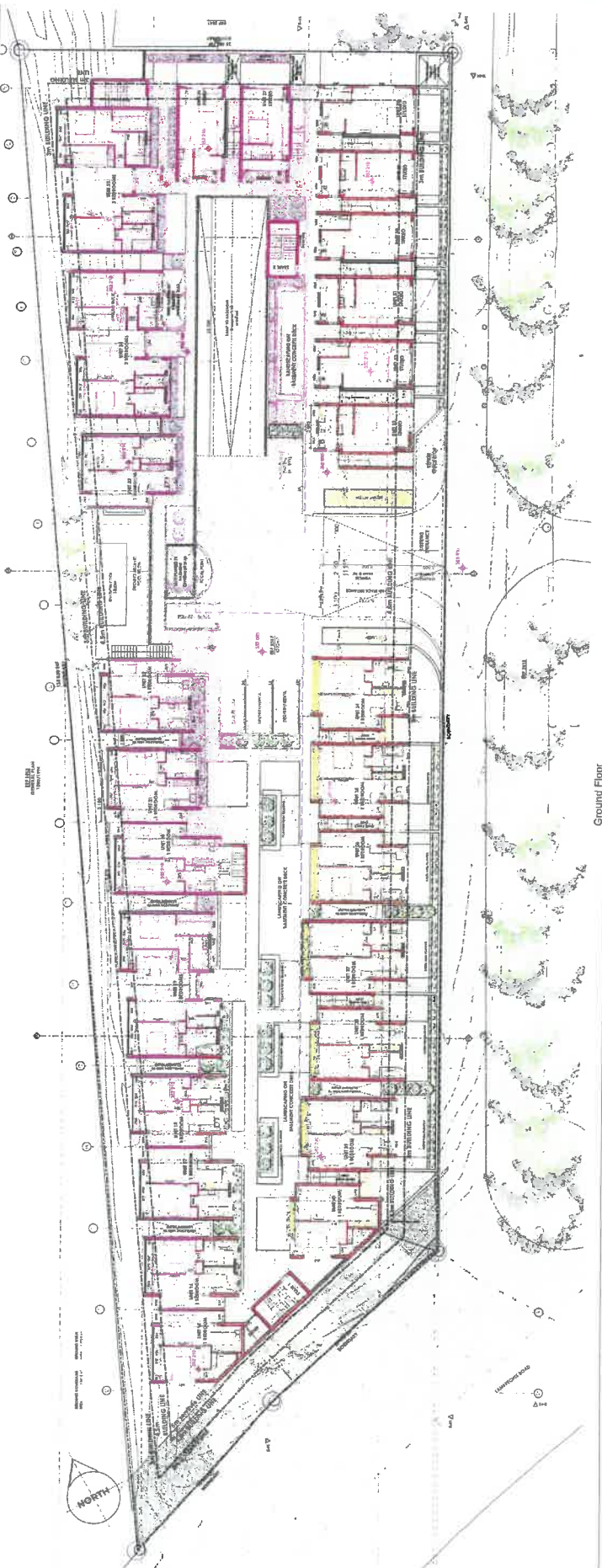
**PARKINGS REQUIRED:**  
 1.3 BAYS PER UNIT = 82.5 BAYS

**PARKINGS PROVIDED:**  
 - 45 BAYS  
 - 11 BAYS in Basement & 1 BAYS in Ground Floor  
 Bicycle Bays (42)  
 Motorcycle Bays (24)  
**TOTAL PARKING BAYS** = 78 BAYS

DATE: 2020-10-08  
 DRAWING NUMBER: SD-3467-M1011  
 REGION: 2  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
**BASEMENT/LOWER LEVEL & GROUND FLOOR**  
**MNK PROJECTS**  
 ERF 3357, Lamerechis Road,  
 PRETORIA  
**ERF 3357 - SDP SUBMISSION**



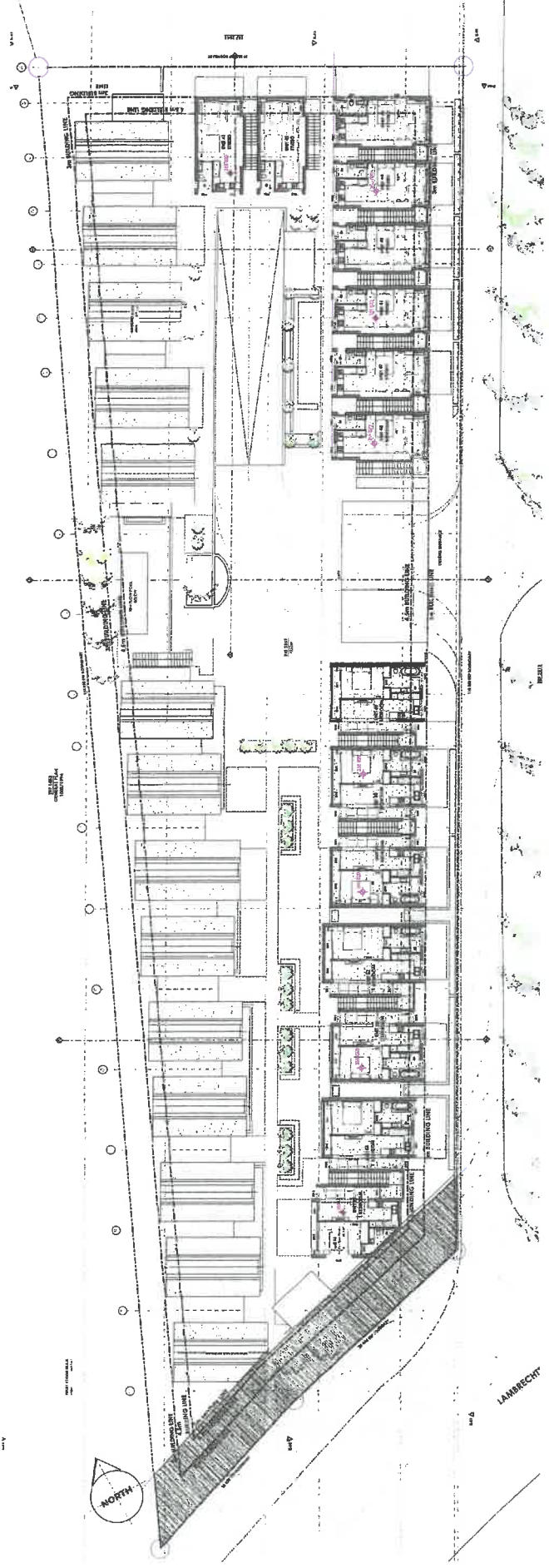
Basement Scale: 1:200



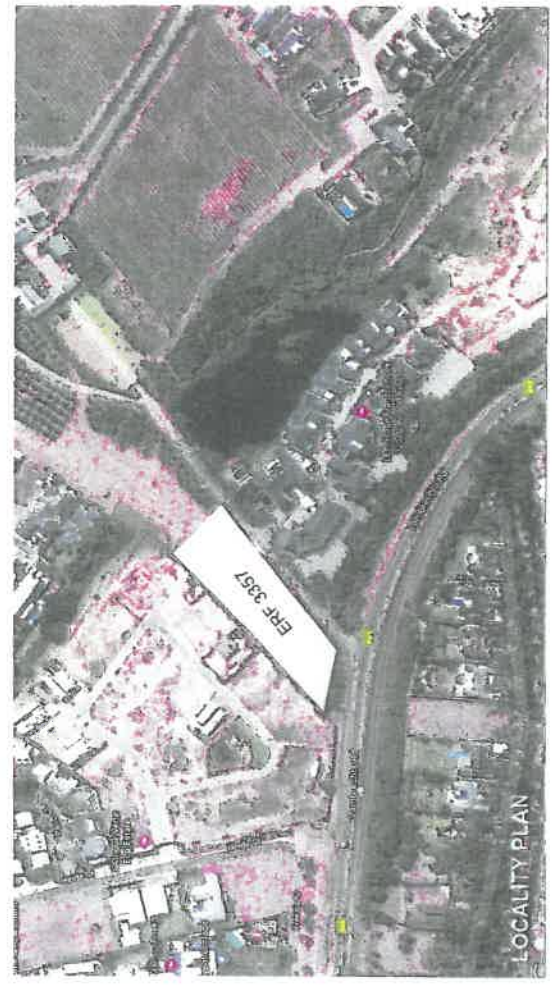
Ground Floor Scale: 1:200



PROJECT: LAMBECHT APARTMENTS  
 DATE: 2020-10-06  
 DRAWING NUMBER: SD-3447-M1021  
 SHEET: 2



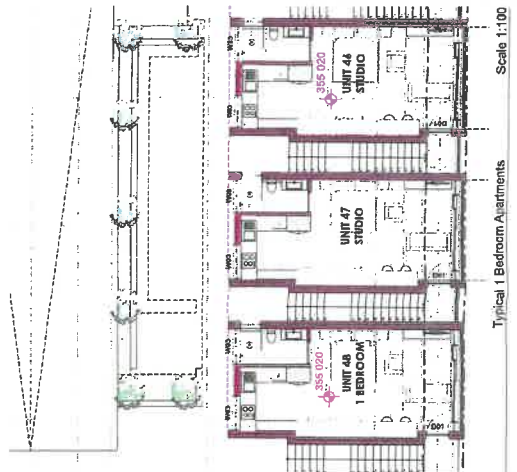
First Floor  
 Scale 1:200



LOCALITY PLAN



Typical 1 Bedroom Apartments  
 Scale 1:100  
**50.7 SQM PER UNIT**

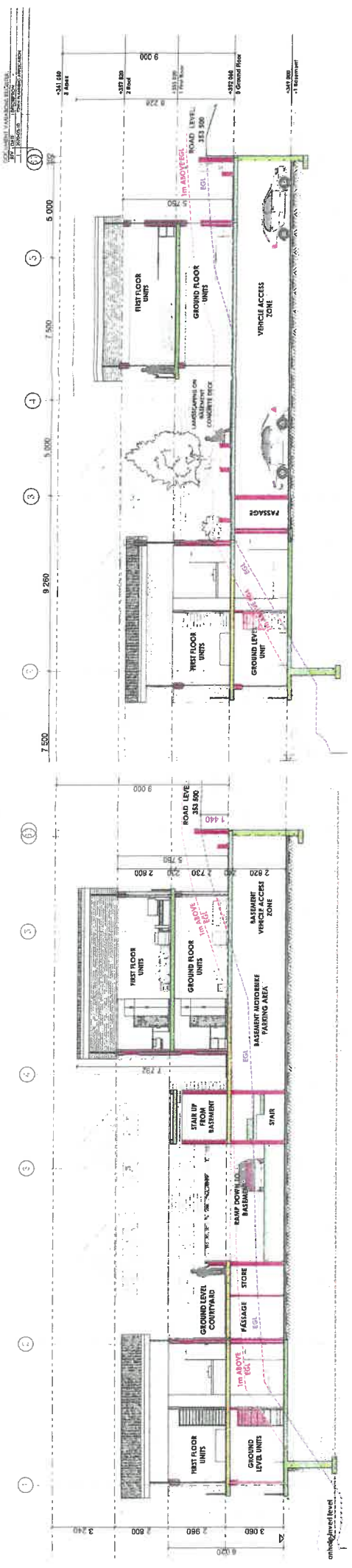


Typical 1 Bedroom Apartments  
 Scale 1:100  
**41.8 SQM PER UNIT**

DATE: 2020-10-06  
 DRAWING NUMBER: SD-3447-M1021  
 SHEET: 2

PROJECT: MNK PROJECTS  
 ERF 3937 Lambecht Road,  
 FRANCHHOEK  
 ERF 3937 - SDP SUBMISSION



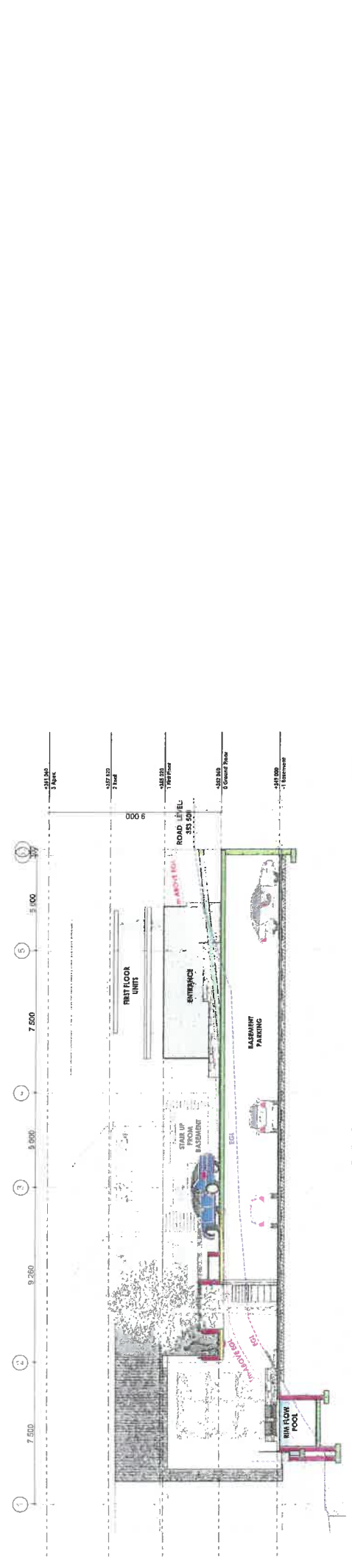


Section B

Scale 1:100

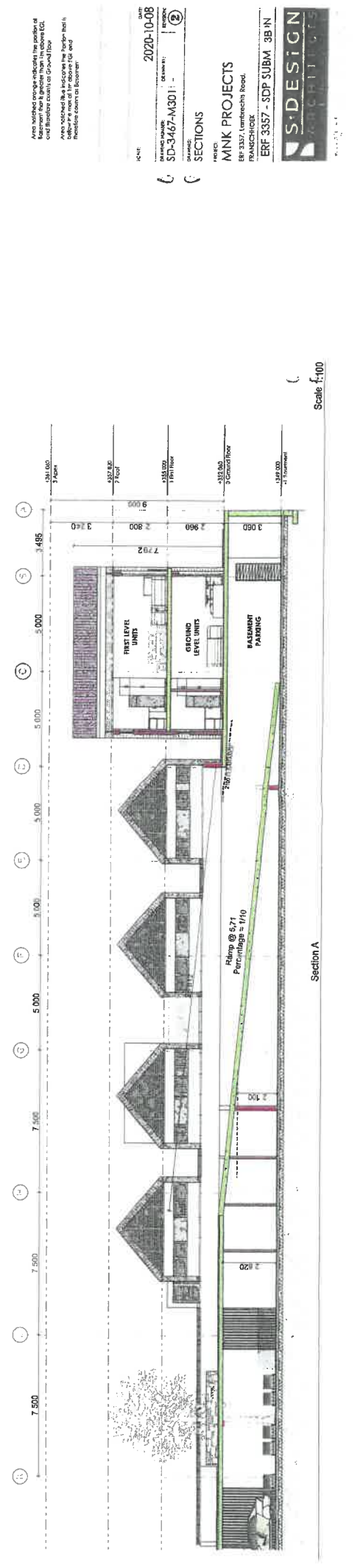
Section D

Scale 1:100



Section C

Scale 1:100



Section A

Scale 1:100

Area hatched inside indicates the marker of basement floor is greater than 1m above EOL and therefore outside of ground floor.

Area hatched like indicates the marker that is therefore count as basement.

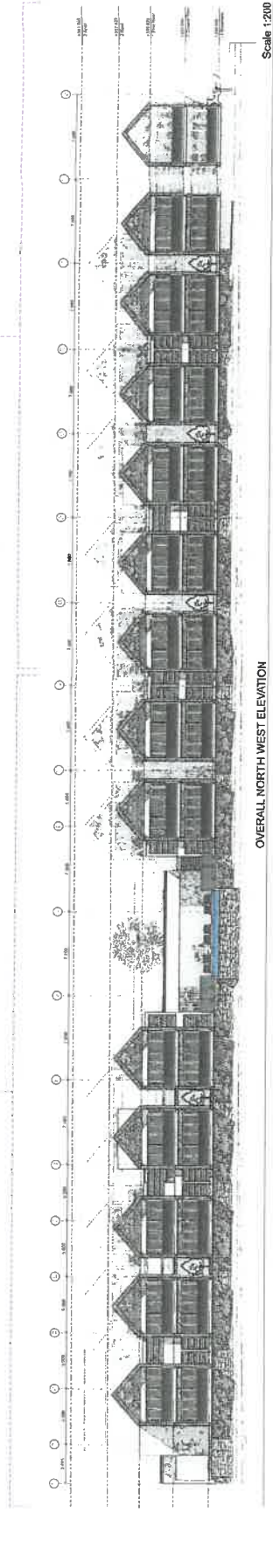
DATE: 2020-10-08  
 PROJECT NAME: SD-3467-M301  
 SHEET NO: 2  
 SECTIONS

PROJECT: MNK PROJECTS  
 ERF 3357, Lumbachi Road,  
 FRANCHISEK  
 ERF 3357 - SDF SUBM - 3B IN



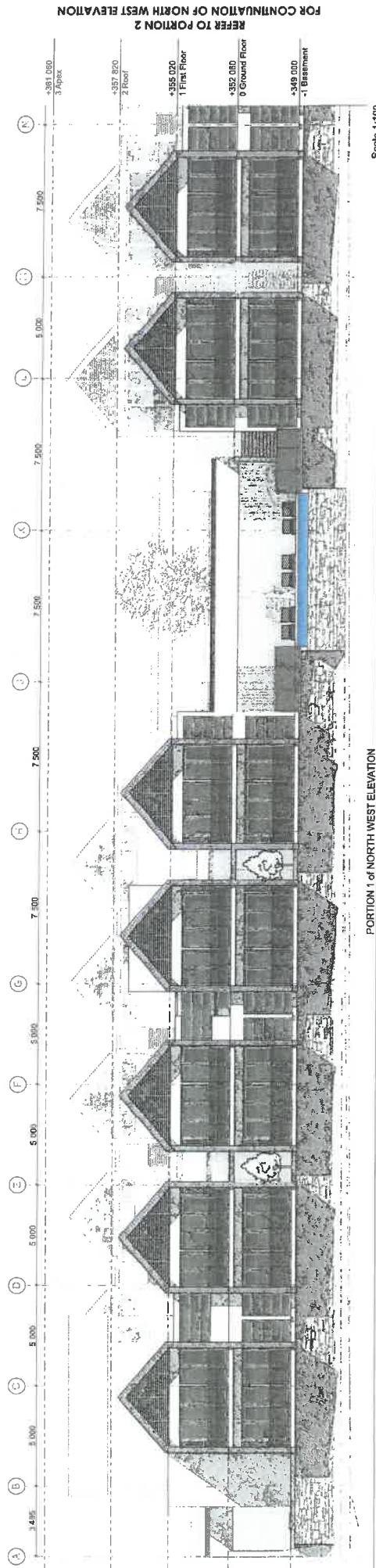
PORZION 1 of NORTH WEST ELEVATION

PORZION 2 of NORTH WEST ELEVATION



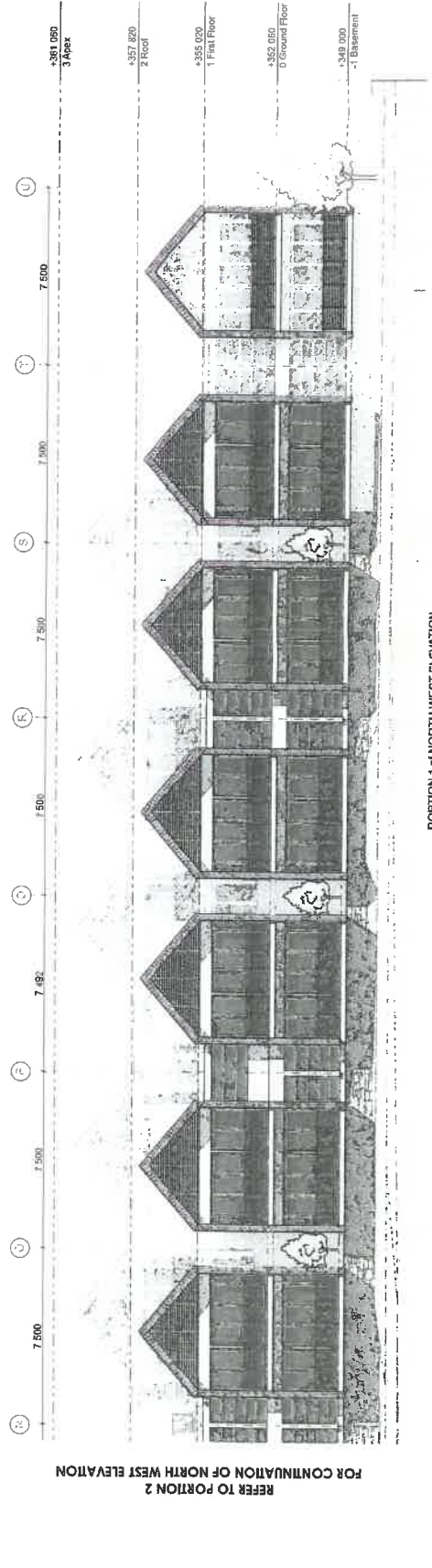
OVERALL NORTH WEST ELEVATION

Scale 1:200



PORZION 1 of NORTH WEST ELEVATION

Scale 1:100



PORZION 1 of NORTH WEST ELEVATION

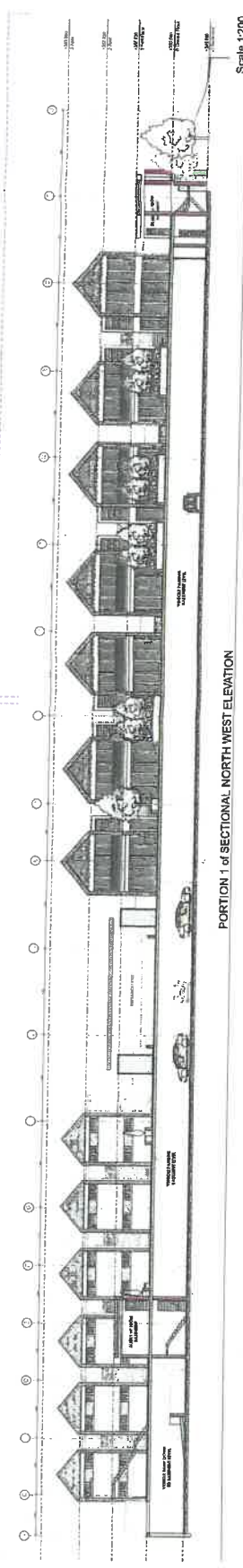
Scale 1:100

DATE: 2020-10-08  
 DRAWING NUMBER: SD-3467-M3021  
 PROJECT: ELEVATIONS 1 of 3  
 CLIENT: MNK PROJECTS  
 ADDRESS: 3357 Lombrecht Road, BRANCHBURGH  
 DRAWING TYPE: S-DP SUBMISSION

**S·DESIGN**  
 ARCHITECTS

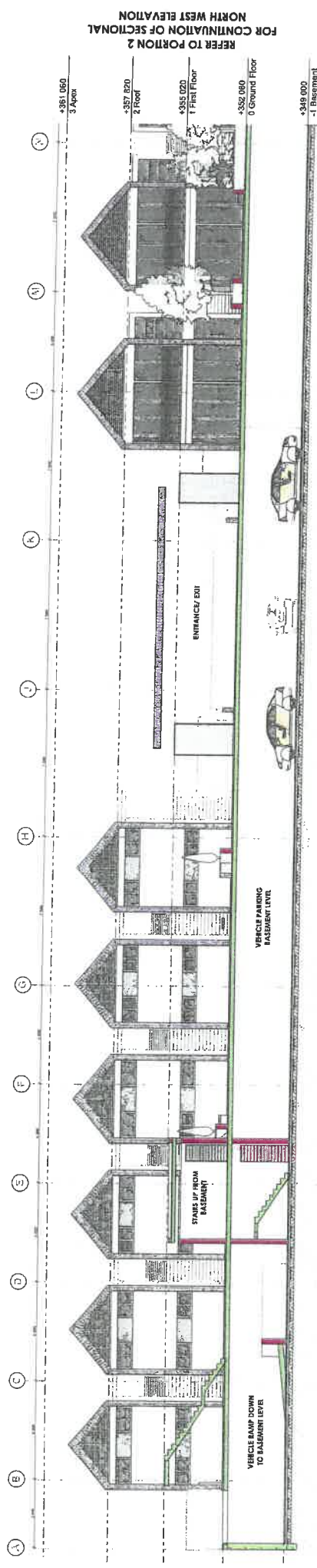
**PORTRION 1 of SECTIONAL NORTH WEST ELEVATION**

**PORTRION 2 of SECTIONAL NORTH WEST ELEVATION**



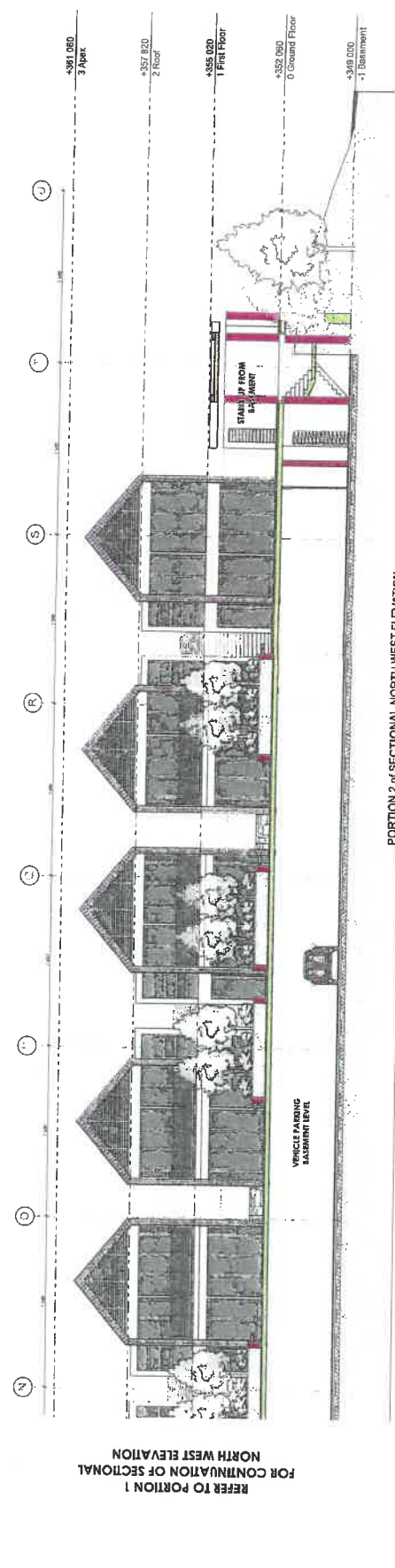
**PORTRION 1 of SECTIONAL NORTH WEST ELEVATION**

**Scale 1:200**



**PORTRION 1 of SECTIONAL NORTH WEST ELEVATION**

**Scale 1:100**



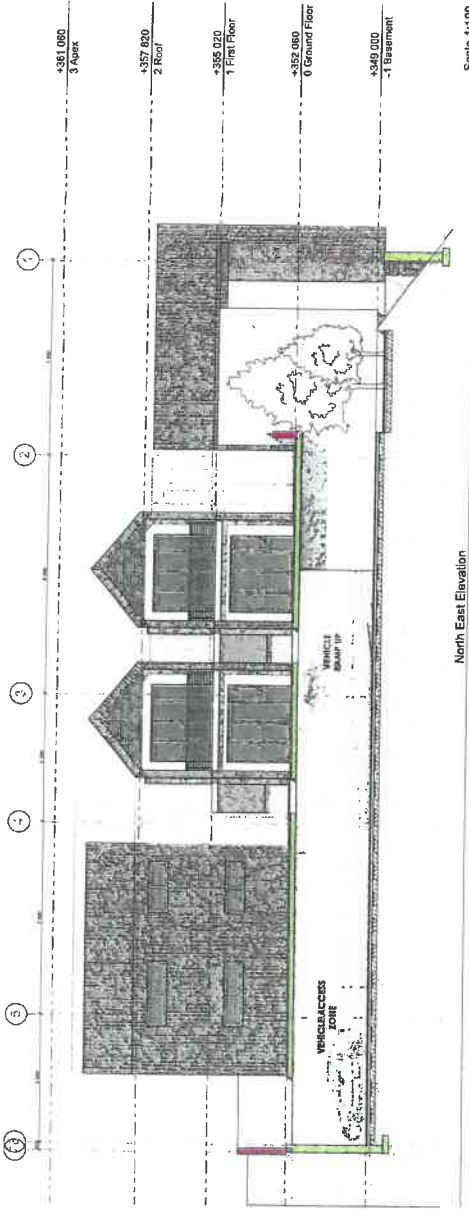
**PORTRION 2 of SECTIONAL NORTH WEST ELEVATION**

**Scale 1:100**

PROJECT: MINK PROJECTS  
 REF: 2357 - Lombardsville Road,  
 MANICHOHOEK  
 ERF: 3357 - SDP SUBMISSION

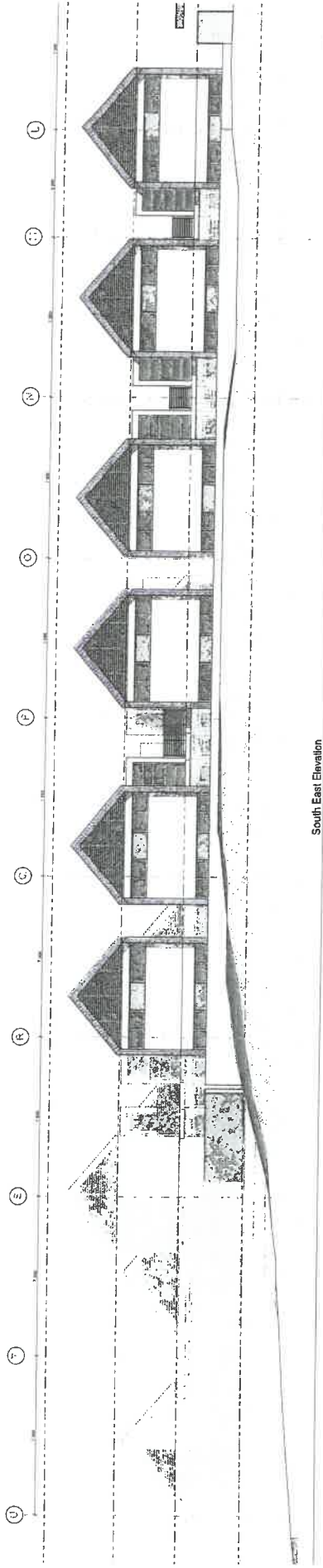
DATE: 2020-10-08  
 DRAWING NUMBER: SD-3467-M303  
 PROJECT: MINK PROJECTS  
 REF: 2357 - Lombardsville Road,  
 MANICHOHOEK  
 ERF: 3357 - SDP SUBMISSION

**S:DESIGN**  
 ARCHITECT



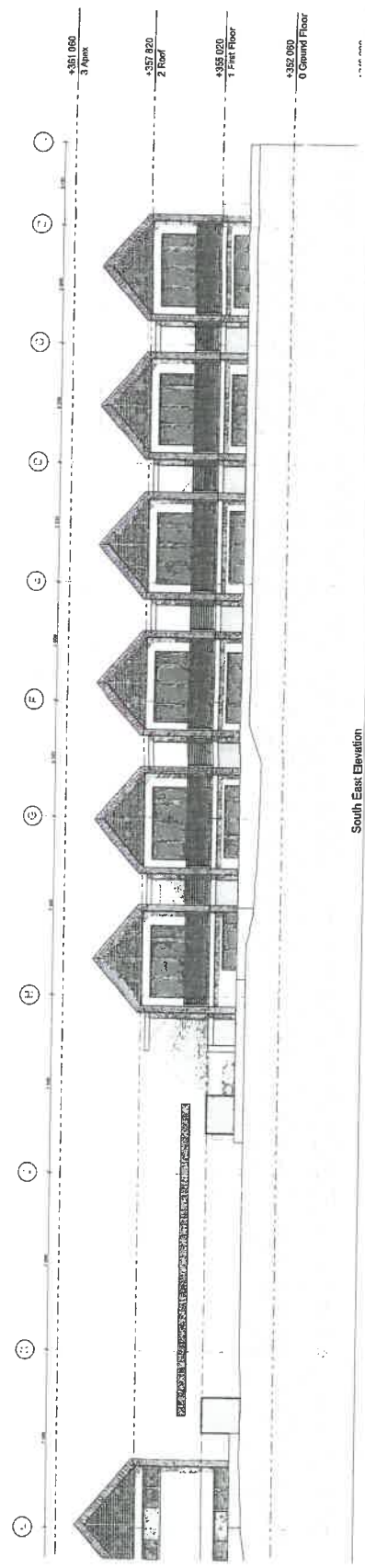
North East Elevation  
 Scale 1:100

REFER TO PORTION 2  
 FOR CONTINUATION OF SOUTH EAST ELEVATION



South East Elevation  
 Scale 1:100

REFER TO PORTION 1  
 FOR CONTINUATION OF SOUTH EAST ELEVATION



South East Elevation  
 Scale 1:100