



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14260

Our File Reference Number: Erf 3795, Stellenbosch

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: [REDACTED]

Sir / Madam

APPLICATION FOR THE ADMINISTRATOR'S CONSENT TO RELAX THE RESTRICTIVE TITLE DEED CONDITION: ERF 3795, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 **That the Administrator's consent** in terms of restrictive title deed condition C6(d) on page 4 of the Title Deed No. T67883/2013, to relax the common title deed building line from 3.15m to 0m (adjacent to Erf 3796, Stellenbosch) in order to accommodate the proposed single storey extension to the garage on Erf 3795, Stellenbosch as indicated on drawing no.110, dated 2022.01.10 and drawn by ArchtWorks **BE GRANTED**.
3. **The reasons for the above decision are as follows:**
 - 3.1 Written consent was obtained from the adjacent affected property owner of Erf 3796, Stellenbosch.
 - 3.2 The proposal is in line with the existing land use rights of the property and will not have a negative impact on the character of the surrounding area.

3.3 The proposed development would not negatively affect the aesthetic appearance of the structure, property or surrounding environment and the primary use of the property will remain residential.

4. 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.

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:

(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.
6. 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
7. 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.
8. 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>).
9. 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.

10. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

11. 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.

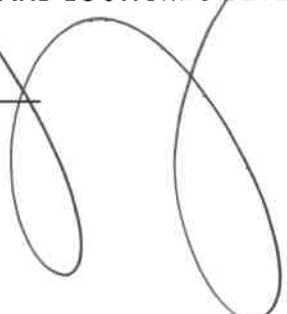
Yours faithfully

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

FOR: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

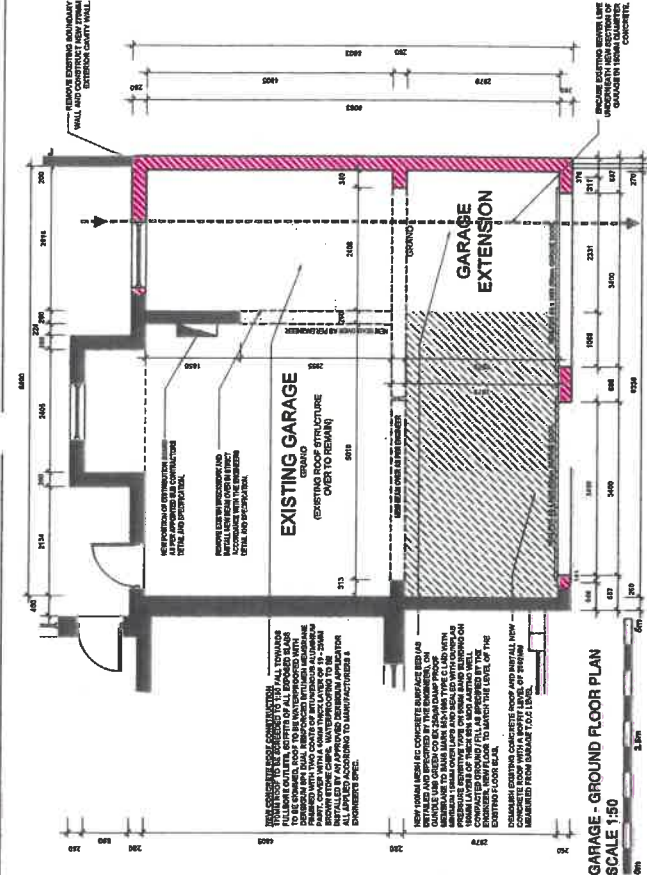
22/7/2022

DATE:

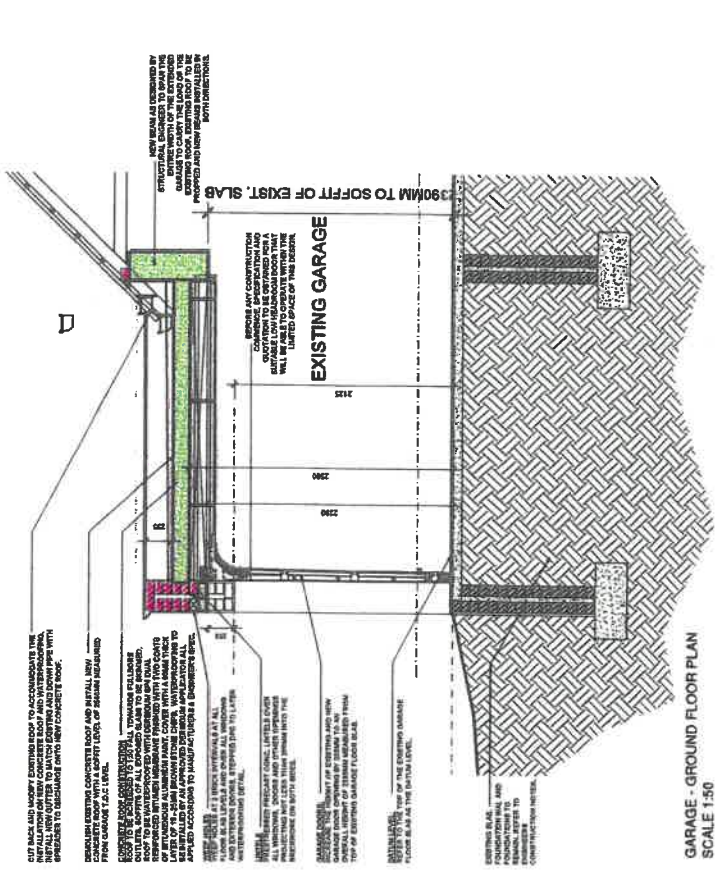
A large, stylized handwritten signature in black ink, featuring two large, overlapping loops, positioned below the date and extending across the bottom of the page.

Annexure B

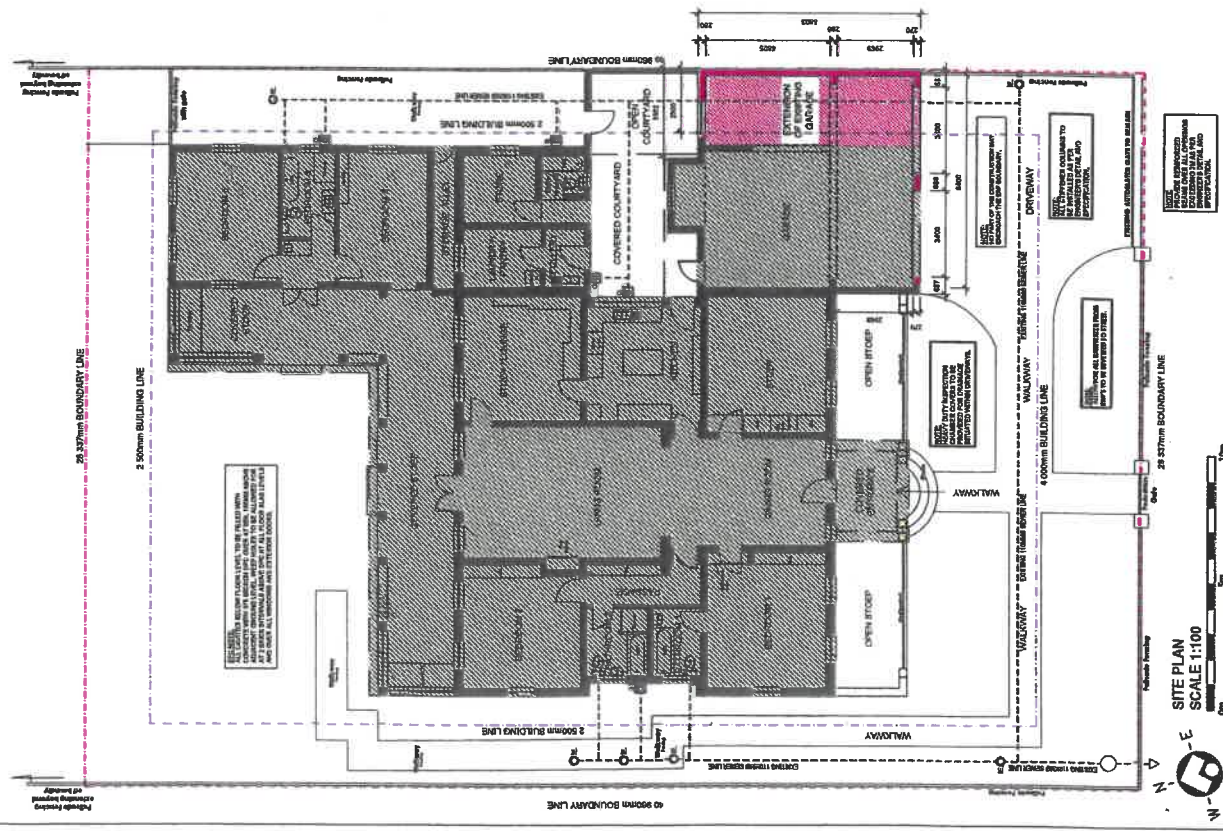
Building Plan



GARAGE - GROUND FLOOR PLAN
SCALE 1:50



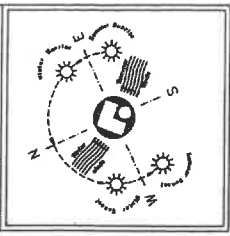
GARAGE - GROUND FLOOR PLAN
SCALE 1:50



SITE PLAN
SCALE 1:100

Revisions: (See circled areas)

No.	Date	Description



CLIENT: **HOUSE POTGIETER**

PROJECT TITLE: **ALTERATIONS AND ADDITIONS TO EXISTING DWELLING ON ERF 3795, (51) UNIE ROAD, UNIEPARK, STELLENBOSCH.**

DESIGN TITLE: **SITE PLAN, FLOOR PLAN AND SECTIONS**

PROJECT NO.	3795-2021	SCALE	AS DRAWN
DRAWING NO.	111	DATE	2022.01.10
REV.	00	DRAWN BY	JB

FOR SUBMISSION

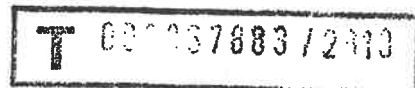
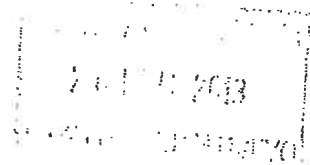
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Johan Durr Ingelyf
1ste Vloer
Oxford Huis
DURBANVILLE
7550

Fee endorsement		
	Amount	Office fee
Purchase price/Value <i>1/2</i>	R. 5 000 000,00	R. 1500,00
Mortgage capital Amount	R.	R.
Reason for exemption	Exempt i.t.o	
	Cat.	section. Act.

Opgestel deur my

TRANSPORTBESORGER
JOHAN DURR



TRANSPORTAKTE

HIERBY WORD BEKEND GEMAAK DAT

LYNNE BOTHA

voor my verskyn het, REGISTRATEUR VAN AKTES te Kaapstad, hy die genoemde komparant synde behoorlik daartoe gemagtig deur 'n Volmag aan hom verleen deur

Die Eksekuteur in die boedel wyle
STEFANUS JOHANNES DU TOIT POTGIETER
Nommer 5801/2011

geteken te STELLENBOSCH op 21 OKTOBER 2013



En genoemde Komparant het verklaar dat aangesien die oorledene, wie oorlede is op 17 Februarie 2011, in terme van sy Testament gedateer 30 Julie 2010 en geteken te Stellenbosch n bedrag van R3 500 000.00 (Drie Miljoen Vyf Honderd Duisend Rand) aan die SM Familietrust, nommer IT4996/1997 en die restant van sy boedel aan MARGUERITE POTGIETER, Identiteitsnommer 580210 0036 08 0 bemaak het;

En aangesien gemelde SM Familietrust en Marguerite Potgieter n Herverdelingsooreenkoms aangegaan het gedateer 15 Junie 2013, 16 Junie 2013, 15 Julie 2013 en 16 Julie 2013 in terme waarvan die eiendom aan die ondergemelde transportnemer oorgedra moet word

En dat hy, in sy voorgenoemde hoedanigheid hierby sedeer en transporteer aan en ten gunste van

MARGUERITE POTGIETER
Identiteitsnommer 580210 0036 08 0
Ongetroud

Haar Erfgename, Eksekuteurs, Administrateurs of Regverkrygendes in volkome en vrye eiendom,

ERF 3795 STELLENBOSCH ,
IN DIE MUNISIPALITEIT EN AFDELING VAN STELLENBOSCH,
PROVINSIE WES-KAAP

GROOT 1 161 (EEN DUISEND EENHONDERD EEN EN SESTIG) Vierkante
Meter

AANVANKLIK OORGEDRA KRAGTENS TRANSPORTAKTE NOMMER
T13733/1966 MET KAART NOMMER 2244/1966 DAARBY AANGEHEG EN
GEHOU KRAGTENS TRANSPORTAKTE NOMMER T93144/1993

- A. ONDERHEWIG aan die volgende spesial voorwaarde gemerk II vervat in Grondbrief uitgereik kragtens die bepalinge van Artikel XIII van Wet Nummer 14 van 1878 op 24 Maart 1887 (Stellenbosch Eiendomsbriewe Boekdeel 5 Nummer 36) wat as volg lui:
- II. That all roads and thoroughfares existing over the land hereby granted, whether they are described in the diagram or not shall remain free and uninterrupted, the land thus granted being further subject to all such duties and regulations as are either already or shall in future be established with regard to such lands."
- B. GEREKTIG op die voordeel van die voorwaarde waarna verwys word in die endossement gedateer 22 Maart 1955 op gemelde Grondbrief welke endossement as volg lui:



"ENDORSEMENT (REMAINDER)

By Deed of Transfer Number T34840/1955 dated this day, portion 9 of Lot LIII, Portion 10 of Lot LIII and Portion 8 of Lots XXVI to XXXVII thereby transferred, are subject to conditions relative to use thereof for accommodation of buses, erection of buildings, value thereof, restoration or damages in lieu, restraint against sale of said land, fences, etc the construction and maintenance of water, sewerage and drain pipes, electric way-leves et over the said land and maintenance of cleanliness of the land which conditions are in favour of the remainder of Lots XXVI to XXXVII in extent as such 220 mgm. 43,594 sq feet held hereunder and other land. As will more fully appear from said Deed of Transfer."

- C. ONDERHEWIG VERDER aan die volgende spesiale voorwaardes opgeelê deur die Administrateur kragtens die bepalings van Artikel 18(3) van Ordonnansie Nommer 33 van 1934 en vervat in Transportakte Nommer T13711/1966:
1. Alle woorde en uitdrukkings wat in die volgende voorwaardes gebesig word, het dieselfde betekenis as wat daaraan geheg word by die regulasies afgekondig by Provinsiale Kennisgewing Nommer 383 van 13 Junie 1958.
 2. Ingeval 'n dorpsaanlegskema of enige gedeelte daarvan op hierdie erf van toepassing is of daarop van toepassing gemaak word, sal enige bepalings daarvan wat meer beperkend is as enige voorwaardes van eiendomsreg wat op hierdie erf van toepassing is voorkeur geniet. Enige bepaling van hierdie voorwaardes moet nie opgevat word as sou dit die bepalings van Artikel 145 van Ordonnansie Nommer 15 van 1952, soos gewysig, vervang nie.
 3. Die eienaar van hierdie erf is verplig om sonder betaling van vergoeding, toe te laat dat elektrisiteitskabels of -drade, hoof- en ander waterpype en die rioolvuil en dreinerings, insluitende stormwater van enige ander erf of erwe, binne of buite hierdie onderverdeling, oor hierdie erf gevoer word indien dit deur die plaaslike owerheid nodig geag word en wel op die wyse en plek wat van tyd tot tyd redelikerwys vereis word. Dit sluit die reg op toegang te alle redelike tye tot die eiendom in met die doel om riolerings, mangate, vore, waterleidings en ander werke wat daarmee in verband staan, aan te lê, te onderhou, te verander, te verwyder of te ondersoek.
 4. Die eienaar van hierdie erf is verplig om sonder vergoeding op die erf die materiaal te ontvang of uitgrawings op die erf toe te laat al na vereis word, sodat die volle breedte van die straat gebruik kan word en die wal veilig en behoorlik skuins gemaak kan word omrede van die verskil tussen die hoogte van die straat soos finaal aangelê en die erf tensy hy verkies om steunmure te bou tot genoeë van en binne 'n tydperk wat die plaaslike owerheid bepaal.
 5. Geen gebou op hierdie erf mag gebruik word of van gebruik verander word vir 'n ander doel as wat in hierdie voorwaardes bepaal word nie.
 6. Hierdie erf is onderworpe aan die volgende verdere voorwaardes, met dien verstande dat, wanneer enige twee of meer erwe gekonsolideer word, hierdie voorwaardes op die gekonsolideerde oppervlakte as een erf van toepassing is, en voorts met dien verstande dat indien die Administrateur, na oorleg met die Dorpekommissie en die plaaslike owerheid, dit

raadsaam ag dat die beperking in enige sodanige voorwaarde te eniger tyd opgeskort of versag behoort te owrd, hy die nodige opskorting of versagting kan goedkeur onderworpe aan die voorwaardes wat hy oplee:

- (a) dit mag nie ondervereel word nie
- (b) slegs een woning, tesame met die buitegeboue wat gewoonlik in verband daarmee gebruik word mag op die erf opgerig word;
- (c) nie meer as helfte van die ooppervlakte daarvan mag behou word nie;
- (d) geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings mag nader as 6,30 meter van die straatlyn wat een of meer grense van hierdie erf uitmaak, opgerig word nie, asook nie binne 3,15 meter van die agtergrens of sygrens gemeen daaraan en aan 'n aangresnende erf nie.



WESHALWE die komparant afstand doen van al die regte en titel wat

**Boedel wyle STEFANUS JOHANNES DU TOIT POTGIETER, nommer
5801/2011**

voorheen op genoemde eiendom gehad het, en gevolglik ook erken het dat sy geheel en al van die besit daarvan onthef en nie meer daartoe geregtig is nie en dat, kragtens hierdie akte, bogenoemde

MARGUERITE POTGIETER, Ongetroud

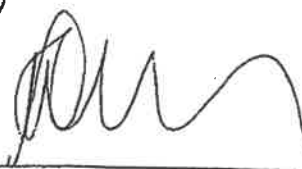
Hulle Erfgename, Eksekuteurs, Administrateurs of Regverkrygendes tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat en ten slotte erken hulle dat die waarde van die eiendom **R5 000 000.00 (Vyf Miljoen Rand)** is.

TEN BEWYSE WAARVAN ek, genoemde Registrateur, tesame met die Komparant hierdie Akte onderteken en dit met die ampseël bekragtig het.

ALDUS GEDOEN EN VERLY op die Kantoor van die REGISTRATEUR VAN AKTES te Kaapstad op

12 Desember

2013.



q.q.

In my teenwoordigheid



REGISTRATEUR VAN AKTES



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