



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13249

Our File Reference Number: Erf 3818, Stellenbosch

Your Reference Number: None

Enquiries: Ulrich von Molendorff

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

PER E-MAIL: [REDACTED]

Sir/Madam

APPLICATION FOR REMOVAL OF TITLE DEED CONDITIONS AND SUBDIVISION: ERF 3818, 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 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 3818 Stellenbosch, namely:
 - 2.1.1 **Removal of restrictive title deed conditions** D(6)(a) to D(6)(d) in terms of Section 15(2)(f) of the said by-law on Erf 3818, Stellenbosch to allow the subdivision of the property, the removal of the restriction on the construction of a second dwelling, the restriction of a 50% coverage and the title deed building lines for the property by removing the following title deed conditions:

D(6)(a)	It shall not be subdivided;
D(6)(b)	It shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith;
D(6)(c)	Not more than half of the area thereof may be built on.
D(6)(d)	No building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 6.3 metres to the street line which forms a boundary of this erf, nor within 4,72 metres of the rear or

3,15 metres of the lateral boundary common to any adjoining erf, provided that in the full discretion of the local authority it may permit an outbuilding not exceeding 3,05 metres in height, measured from the floor to the wall plate, to be erected within the above prescribed rear space and within the above prescribed lateral space for a distance of 9,45 metres reckoned from the rear boundary.

2.1.2 **Subdivision** in terms of Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the subdivision of Erf 3818, Stellenbosch into two portions, namely;

2.1.3 Portion 1 ($\pm 631\text{m}^2$) and

2.1.4 Portion 2 ($\pm 679\text{m}^2$).

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

3. **The reasons for the refusal are as follows:**

3.1 The applications to removal of the title deed conditions D(6)(b),(d) and (c) in the title deed, to allow the construction of a second dwelling and to relax the title deed building lines, contains no grounds or motivation for the proposed removal of the subject title restrictions with building plans, visual presentations and specific distances departing to. The application cannot subsequently be properly considered in the absence of the required detailed proposal associated with the application for removal of title restriction for the construction of new structures and which also impedes effective public participation.

3.2 The proposed subdivision is of irregular shape and sizes, which would not enable it to have a building of similar size to the surrounding properties being constructed within the required building lines, while the location of new structure to the rear of the property will impact on the privacy and enjoyment of the surrounding owner's backyard space.

3.3 The application does not conform to the subdivisional policy and will set a precedent to the detriment of the broader neighborhood.

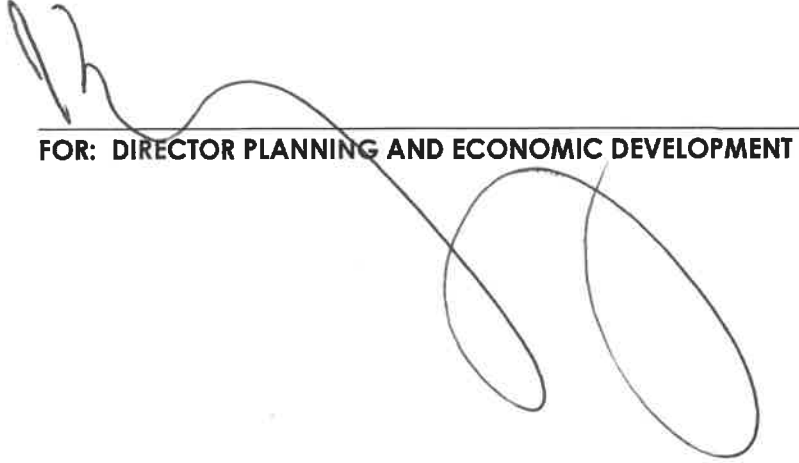
4. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of 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 large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke that extends across the text below.

FOR: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

1/12/2022.
DATE:

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