



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13337

Our File Reference Number: Erf 4374, Stellenbosch

Your Reference Number: N/A

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: [REDACTED]

Sir / Madam,

APPLICATION FOR SUSPENSION OF RESTRICTIONS AND DEPARTURE ON ERF 4374, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker hereby decides 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 4374, Stellenbosch, namely:
 - 2.1.1 **Suspension** of the Restrictive Title Deed Condition contained in Title Deed No. T035620/2017 and Clause D.(6)(b) in terms of Section 15(2)(f) of the said Bylaw to permit the new ground floor scullery with balcony on first floor within 2,5 m from the street boundary in lieu of the restrictive 6,3m street boundary line as proposed on Site Plan Drawing Number HS/8/2021/D/102 dated 18 September 2021 and drawn by Sense Architects.
 - 2.1.2 **Permanent Departure** in terms of Section 15(2)(b) of the said By-Law to relax the street building line of the Stellenbosch Municipal Zoning Scheme Bylaw, 2019 from 4m to 2,5m to permit the proposed new scullery on ground floor with balcony on first floor as proposed on Site Plan Drawing Number HS/8/2021/D/102 dated 18 September 2021 and drawn by Sense Architects.

BE APPROVED in terms of Section 60 of the said bylaw, subject to conditions in terms of Section 66 of the said Bylaw.

3. **Conditions of approval:**

- 3.1 The approval applies only to the subject removal of restrictive title deed restriction and permanent street building line departure in accordance with the subject site plan Drawing Number HS/8/2021/D/102 dated 18 September 2021 and drawn by Sense Architects and attached as **APPENDIX A** and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.
- 3.2 Building plans must be generally in accordance with the site plan Drawing Number HS/8/2021/D/102 dated 18 September 2021 and drawn by Sense Architects and attached as **APPENDIX A**.

4. **The reasons for the above decision are as follows:**

- 4.1 The removal of the restrictive title deed street building line will be limited to the proposed structure and the scale and nature thereof will not have a detrimental impact on the streetscape and the character of the area.
- 4.2 The extent of the proposed structure that will encroach on the zoning scheme street building line is minimal and will not have any detrimental impact on the streetscape and character of the area.

5. **Matters to be noted:**

- 5.1 Building plans must be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant conditions of approval have been complied with.

- 6. 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.

- 7. 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:

- 7.1 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;

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

7.3 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 concluding, it did.

7.4 whether the appeal is lodged against the whole decision or a part of the decision;

7.5 if the appeal is lodged against a part of the decision, a description of the part;

7.6 if the appeal is lodged against a condition of approval, a description of the condition;

7.7 the factual or legal findings that the appellant relies on;

7.8 the relief sought by the appellant; and

7.9 any issue that the appellant wishes the Appeal Authority to consider in making its decision;

7.10 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.

8. 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

9. 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.

10. 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>).
11. 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:
- 11.1 Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
- 11.2 The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
- 11.3 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.
- 11.4 Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.
12. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
13. 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



DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

19/6/2023

DATE:

APPENDIX A

[illegible]

ORIGINAL DOCUMENT DATE: 08/27/21	
NO	DATE DESCRIPTION
0	31/MAY/2021 First Submission
1	21-09-2021 alterations to plans and roof

Seneca Architects
(1111) 460-0000

CLIENT: [REDACTED]

**Alterations and
Additions to existing
dwelling
Erf 4374,
Stellenbosch**

**Site Plan - building
line departure**

PROJECT No:	HS/8/2021	SCALE	1:200 @ A3
Issued No:	HS/8/2021 @ 1/02	DATE	2021-09-18
No.	1	Quantity	One/each
		Author	Checker

This drawing and all the information contained therein is the property of Dacis Home Partnership and may not be copied or disclosed in any way without their written consent.

BUILDING LINE STREET	EXISTING	PROPOSED
COMMON SIDES	4,000m	FOR A DISTANCE OF 7.5m, 4.0m BUILDING LINE RELAXED TO 2.5m AS INDICATED ON SITE PLAN
COMMON REAR	2,500m	UNAFFECTED
	2,500m	UNAFFECTED

SINGLE STOREY NEW BUILD STRUCTURES
DOUBLE STOREY NEW BUILD STRUCTURE
ON PART EXISTING GROUND FLOOR
STRUCTURE

EXISTING BUILDING FOOTPRINT?

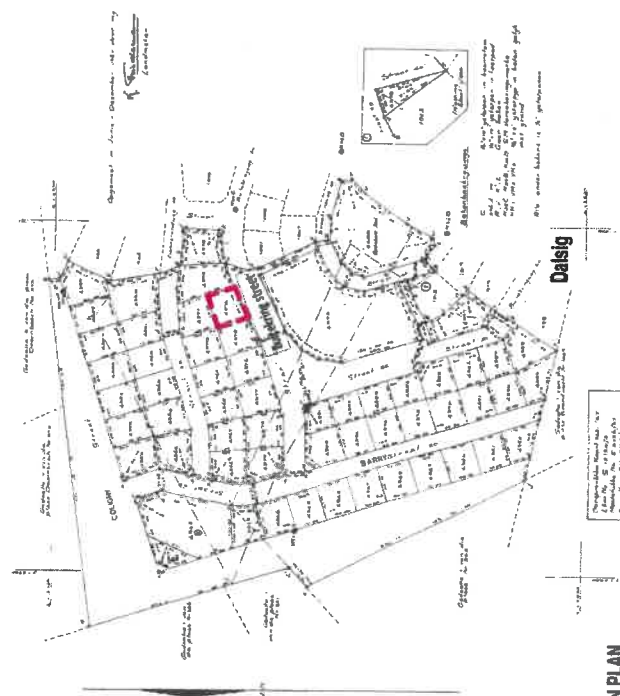
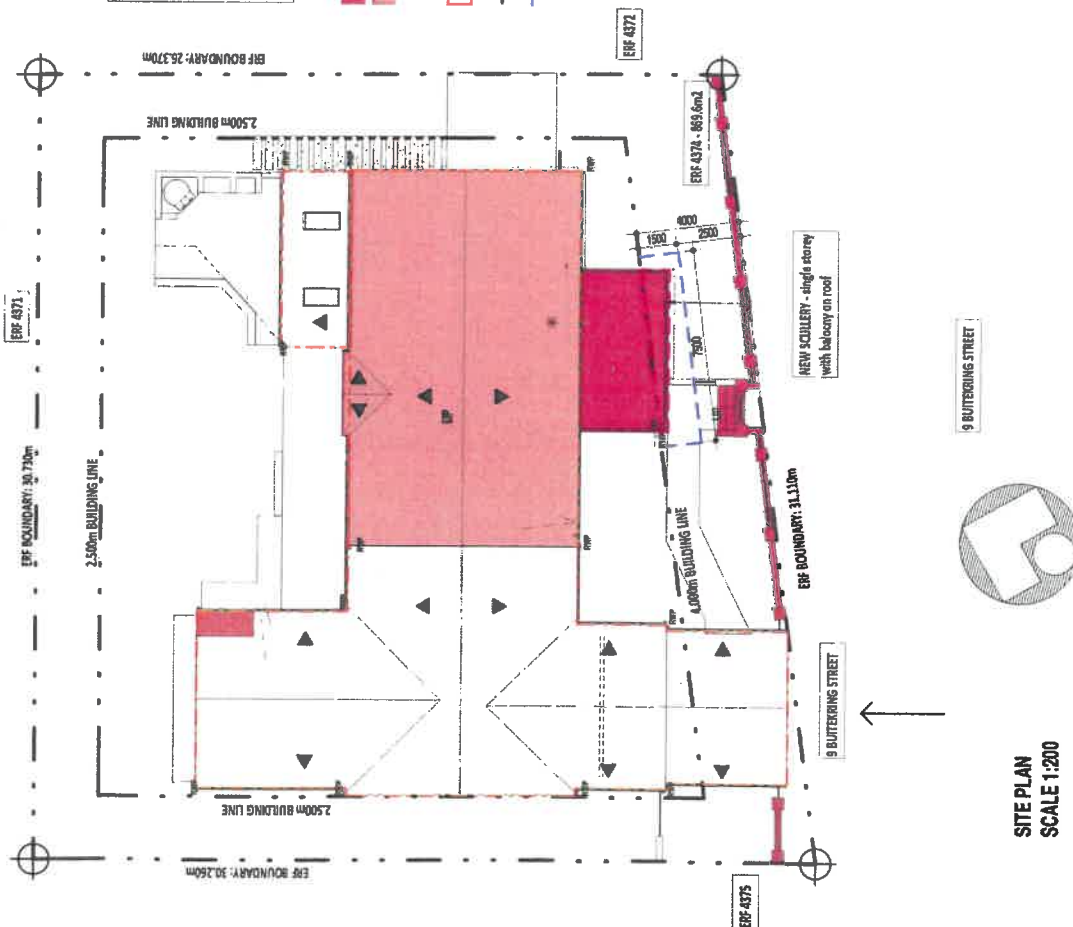
EXISTING BUILDING LINE - 4m
NEW PROPOSED BUILDING LINE

T.P.
ALGEMENE PLAN N^o 1860
DALSIG UITBREIDING N^o 1

Karlsruhe zu dem ja immer mehr als ein gutes Erfolge im Wettbewerb von Steinbock der neue Kopf des Gemeindegewerks

auch die Stelle gewissermaßen eine administrative Dienstleistung ist

2

LOCATION PLAN
N.T.S.

SITE PLAN
SCALE 1:200