



Application Number: LU/16647

Our File Reference Number: None

Your Reference Number: Erf 4425, Stellenbosch

Enquiries: Ulrich von Molendorff

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PER E-MAIL: [REDACTED]

Sir / Madam

APPLICATION FOR THE DELETION OF A CONDITION OF APPROVAL AND ADMINISTRATOR'S CONSENT TO RELAX A RESTRICTIVE TITLE DEED CONDITION ON ERF 4425, STELLENBOSCH.

1. The above application refers.
2. The duly authorised decision maker hereby decides on the above application as follows:
 - 2.1 The Administrator's consent to relax the restrictive title deed condition as contained in Title Deed No. T. 50344/2023, Clause B.(g) in order to relax the title deed street and side building line (adjacent to Erf 8372, Stellenbosch) from 4,72m to 3m and from 3,15m to 0m, respectively to allow the conversion of the existing double garage into a domestic quarters and pool change room. on Erf 4425, Stellenbosch.
 - 2.2 That the application in terms of Section 15(2)(h) of the Stellenbosch Municipality By-law on Municipal Land Use Planning 2023 for deletion of conditions (c)(ii) as imposed in the approval letter dated 15 April 1997 in order to convert the existing double garage into a domestic quarters and pool change room on Erf 4425, Stellenbosch.

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

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

3.1 According to Section 10 of the Zoning Scheme By-law the Municipality may refuse any application in terms of the scheme if in its opinion the application facilitates or constitutes an

evasion of the intent of the scheme or any of its provisions. The subject property is not utilised according to its zoning ie. accommodation of a single family as it is currently operated as a commune without the necessary permission.

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
 - 5.2 Reference to this correspondence and the relevant property details on which the appeal is submitted.
 - 5.3 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.
 - 5.4 Whether the appeal is lodged against the whole decision or a part of the decision.
 - 5.5 If the appeal is lodged against a part of the decision, a description of the part.
 - 5.6 If the appeal is lodged against a condition of approval, a description of the condition.
 - 5.7 The factual or legal findings that the appellant relies on.
 - 5.8 The relief sought by the appellant.
 - 5.9 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.
 - 5.10 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.
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 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
9. 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.
10. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

Yours faithfully



SENIOR MANAGER: DEVELOPMENT MANAGEMENT

16/9/2024
DATE