



Application Number: LU/12944

Our File Reference Number: Erf 458, Jamestown

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: j

Sir/Madam

**APPLICATION FOR AN ADDITIONAL USE AND BUILDING LINE DEPARTURE ON ERF 458, JAMESTOWN**

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 in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 458, Jamestown, namely:
  - 2.2 That the application made in terms of Section 15(2)(g) of the said by-law for a permission required in terms of Section 13 of the Zoning Scheme By-law (2019) for an additional use (requiring a technical approval) on Erf 458, Jamestown to make provision for a second dwelling (See **ANNEXURE B**); and,
  - 2.3 The application made in terms of Section 15(2)(b) of the said by-law for a departure in order to relax the 2.5m building line to 1m to allow a second storey (See **ANNEXURE B**).

**BE APPROVED** in terms of Section 60 of the said Bylaw and subject to the following conditions of approval in terms of Section 66 of the said Bylaw:
3. The conditions of approval:

3.1 The approval applies only to the additional use (second dwelling) and departure in question (See **ANNEXURE B** for drawing number 001A, dated 19/01/2021 and drawn by Salt Architects) and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council and external authorities.

3.2 Three parking bays at all times be provided onsite.

3.3 The approval will lapse if not implemented within 5 years from the date of final notification.

3.4 Building Plans be submitted for approval to this municipality prior to construction commencing on site.

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

4.1 No municipal services will be impacted on and all required parking bays can be provided onsite.

4.2 Second dwellings and double storey structures are not foreign to the area and it is not envisaged that the proposed structures would negatively influence the aesthetic appearance of the street and surrounding area.

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.

6. 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.

7. 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)

8. 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.

9. 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>).
10. 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.
11. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
12. 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.

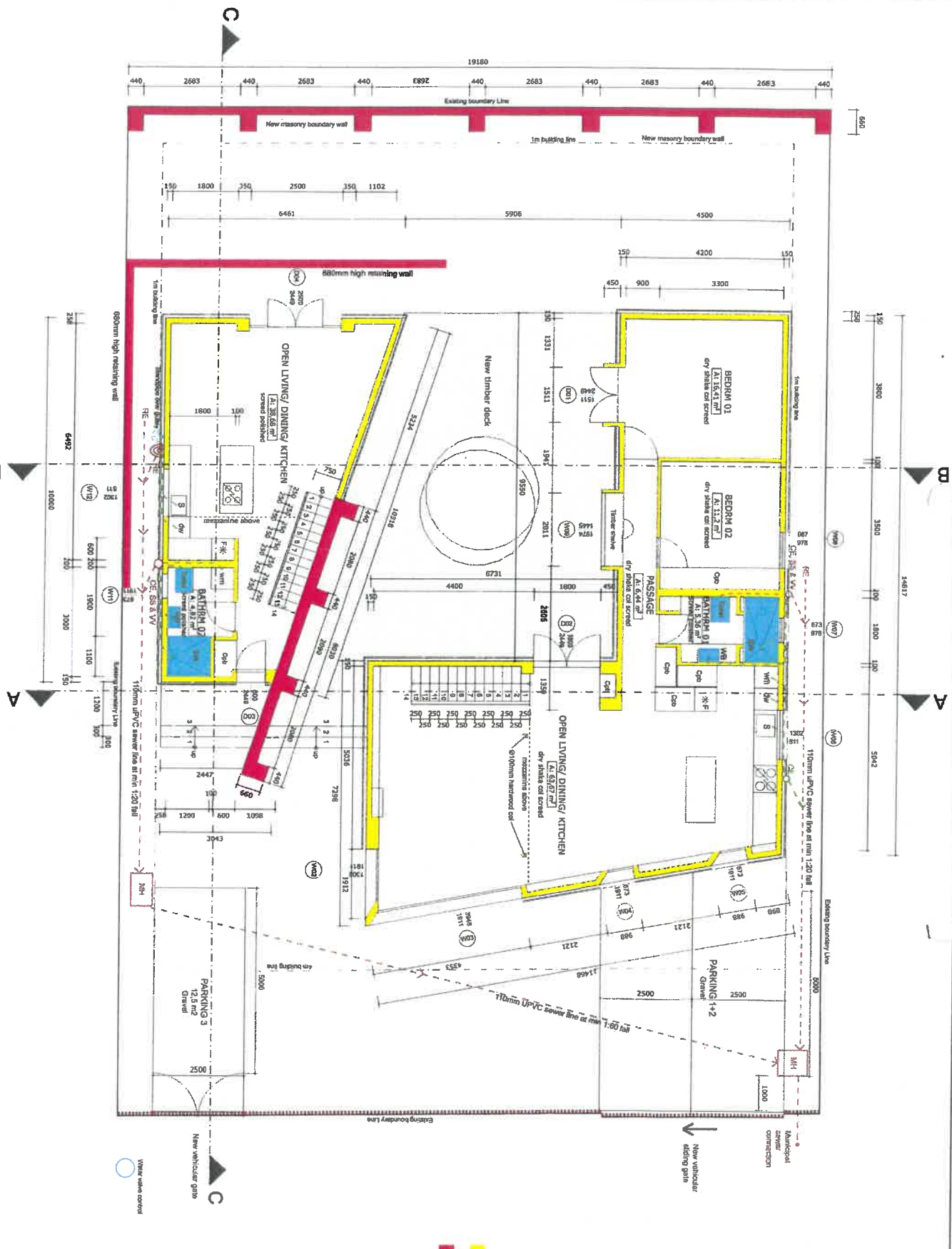
Yours faithfully

  
For: **DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT**

6/10/2021  
DATE:

# **Annexure B: Building Plan**

Ground Floor Plan



1:50

**GENERAL NOTES**

- ALL MATERIALS AND METHODS ARE TO COMPLY WITH THE REQUIREMENTS OF THE NATIONAL BUILDING REGULATIONS AND ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE BYLAWS OF THE RELEVANT LOCAL GOVERNMENT.
- ALL CONSTRUCTION WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS, LOCAL GOVERNMENT BYLAWS AND APPLICABLE STANDARDS.
- WHERE MATERIALS ARE SPECIFIED BY A REFERENTIAL CODE, THE CONTRACTOR SHALL CONSULT THE REFERENTIAL CODE TO IDENTIFY THE SPECIFIED MATERIALS AND METHODS.
- ALL OPERATIONS TO BE COMPLETED IN ACCORDANCE WITH THE REFERENTIAL CODE AND THE NATIONAL BUILDING REGULATIONS AND THE RELEVANT LOCAL GOVERNMENT BYLAWS.
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**Colour legend**

**Yellow with diagonal lines:** Color treated wall construction.

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**Red:** New masonry boundary wall.

**Blue:** Water values control.

**SALT ARCHITECTS**

10/15

Client: **Derek + JA Wether**

Address: **CJ Roberts Phway 2172B**

*Signature*

**PROJECT TITLE**

Proposed New Residence

E1/431, Perrine Street, Jamiesonville.

Ground Floor Plan

Documentation

Mayor or Chairman

Municipal Approval

SCALE	1:50, 1:100	DATE	15/01/2021
DESIGNER	M. Proffitt	CHECKED	GJ Roberts