



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13791

Our File Reference Number: Erf 4769, Stellenbosch

Your Reference Number: J028

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: [REDACTED]

Sir/Madam

APPLICATION FOR DEPARTURE & REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS ON ERF 4769, 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 applications in terms of Section 15 (2) of the Stellenbosch Municipality Land Use Planning By-law, promulgated by notice number 354/2015, dated October 2015:
 - 2.1.1 **Removal of Restrictive Title Conditions** in terms of Section 15(2)(f) of the said by-law, in order to accommodate the existing garage and second dwelling. The restrictive title deed conditions as held in the Title Deed No. T041202/2017 reads as follows:
 - a) B.6.(a) – Hierdie erf mag alleenlik gebruik word vir die oprigting daarop van een woning of ander geboue vir die doeleindes wat die Dorpkommissie en die plaaslike owerheid goedkeur, met dien verstande dat indien die erf in die gebied van 'n dorpsaanlegskema ingesluit is, die plaaslike owerheid enige ander geboue wat deur die skema toegelaat word, kan toelaat, onderworpe aan die voorwaardes en beperkings wat in the skema bepaal word.
 - b) B.6. (b) – Geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag behalwe die toestemming van die Administrateur nader as 6,30 meter van die straatlyn wat 'n grents van hierdie

erf uitmaak, asook nie binnie 3,15 meter van enige ander grens opgerig word nie.

BE REFUSED in terms of Section 60 of the said Bylaw for the following reasons:

- (i) The removal of the restrictive title deed condition is not required as the title deed conditions are not restrictive.
- (ii) The application to remove the restriction for the second dwelling contains no grounds or motivation for removal and is not supported by an application for a technical approval with proposed building plan or visual indication.

2.1.2 **That Consent required in terms of restrictive title deed condition B.6.(a)** on page 3 of Title Deed No T041202/2017, to relax the restrictive title deed condition street building line from 6.30m to 0m in order to accommodate the existing garage.

BE GRANTED.

2.2 That the following application in terms of Section 15 (2) of the Stellenbosch Municipality Land Use Planning By-law, promulgated by notice number 354/2015, dated October 2015:

2.2.1 **Permanent Departure** in terms of Section 15 (2) (b) of the said by-law, to relax the street building line from 1m to 0m in order to accommodate the existing garage as indicated on drawing no: 01 (project no: 1286), drawn by TZ (Tim Ziehl), dated 2021-08-25.

BE APPROVED in terms of Section 60 of the by law and subject to the following conditions in terms of Section 66 of the said Bylaw:

3. Conditions of approval

3.1 The approval applies only to the application under consideration as indicated on Drawing No: 01, Project No: 1286, dated 2021-08-25 & drawn by Tim Ziehl Architects, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.

3.2 The development shall be implemented substantially in accordance with the Site Development Plan referenced as Drawing No: 01, Project No: 1286, dated 2021-08-25 & drawn by Tim Ziehl Architects and attached as **Annexure C**.

3.3 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.

3.4 The garage door may not encroach onto the road reserve when opened (must be of the roll up type).

3.5 Building plans must be generally in accordance with the layout plans as referenced Drawing No: 01, Project No: 1286, dated 2021-08-25 & drawn by Tim Ziehl Architects, and attached as **Annexure C**.

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

4.1 The proposed application to allow the construction of a garage would not negatively affect the aesthetic appearance of the structure, property or surrounding environment.

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

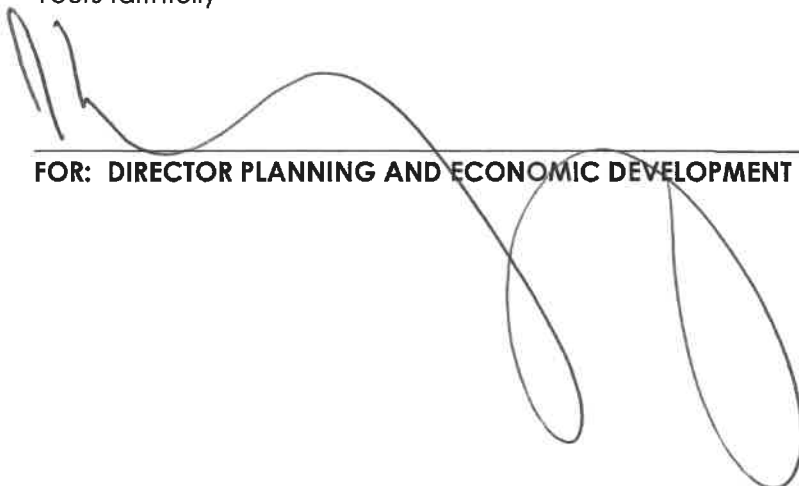
8. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference 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

30/11/2022.
DATE:

COPIES TO:

1) [Redacted]

2) [Redacted]

ANNEXURE C: SITE DEVELOPMENT PLAN

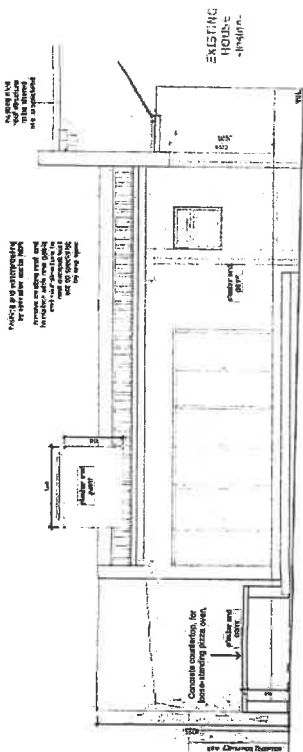
GENERAL NOTES (ALSO SEE PAGE 001)

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

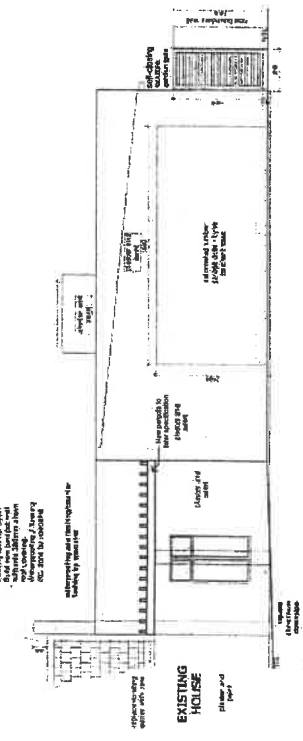
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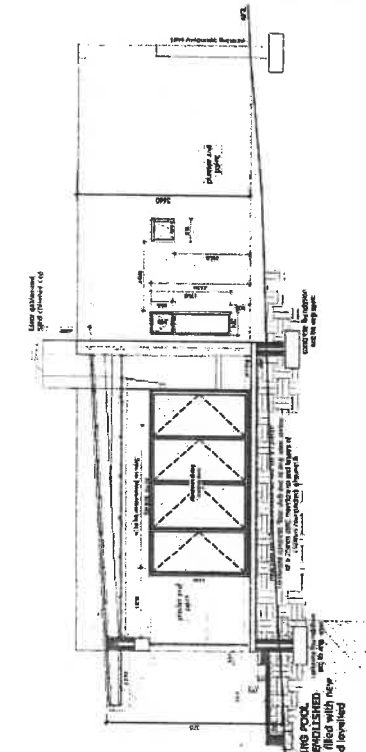
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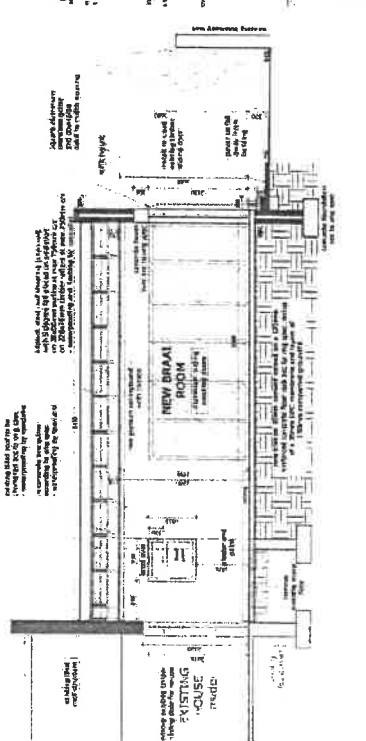
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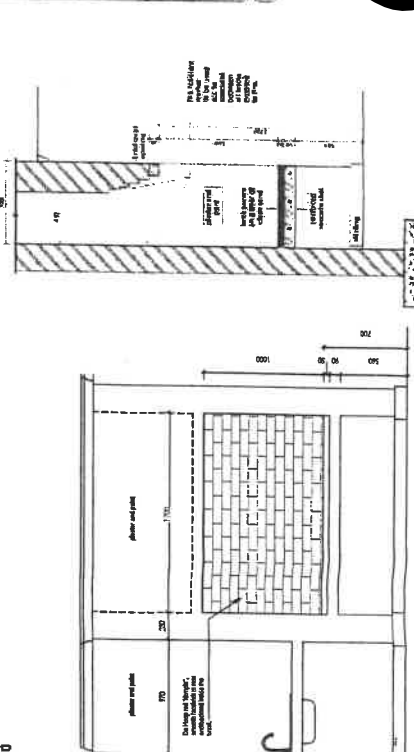
EAST ELEVATION
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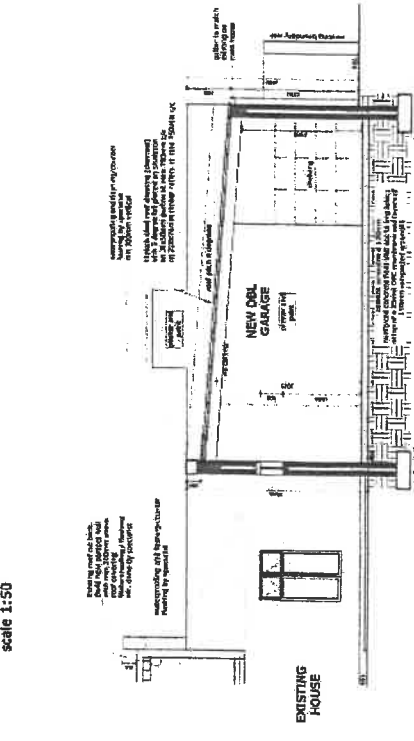
SECTION B-B
scale 1:50



SECTION A-A
scale 1:50



FRONT ELEVATION: BRAAI
scale 1:20



SECTION C-C
scale 1:50

DATE: _____

PROJECT: _____

SCALE: _____

1286

2021-08-25

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