



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/12679

Our File Reference Number: Erf 498, Kylemore

Your Reference Number:

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 IN TERMS OF SECTION 15(2)(b) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW, 2015 ON ERF 498, KYLEMORE, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the application for a departure on Erf 498, Kylemore in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning Bylaw 2015 in order to depart from the Capolavoro Mountain Estate Architectural Guidelines, dated February 2006 to increase the allowable coverage from **50% to 55.96%** to cover and existing patio with roof sheeting on Erf 498, Kylemore (See **APPENDIX B**),

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

- a. The approval shall lapse if not acted upon within a period of five years from the date of approval;
- b. The approval shall be taken to cover only the departure applied for and shall not be construed as authority to depart from any other Council requirements or legal provisions;
- c. Building plans must be submitted to this Municipality for approval prior to any building work commencing on site.

2.2 The reasons for the above decision are as follows:

- a. The adjacent affected property owner(s) granted their written consent, and no further advertising was deemed necessary.
 - b. The proposed land use is in line with the zoning of the property.
 - c. All other land use parameters will still be complied with.
 - d. The proposed departure would not negatively affect the aesthetic appearance of the structure, property or surrounding environment in the estate.
- 3 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.
- 4 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.

5 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

6 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.

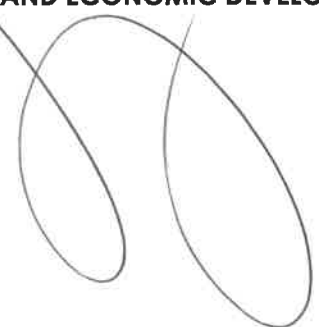
7 The approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).

- 8 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.
- 9 Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
- 10 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



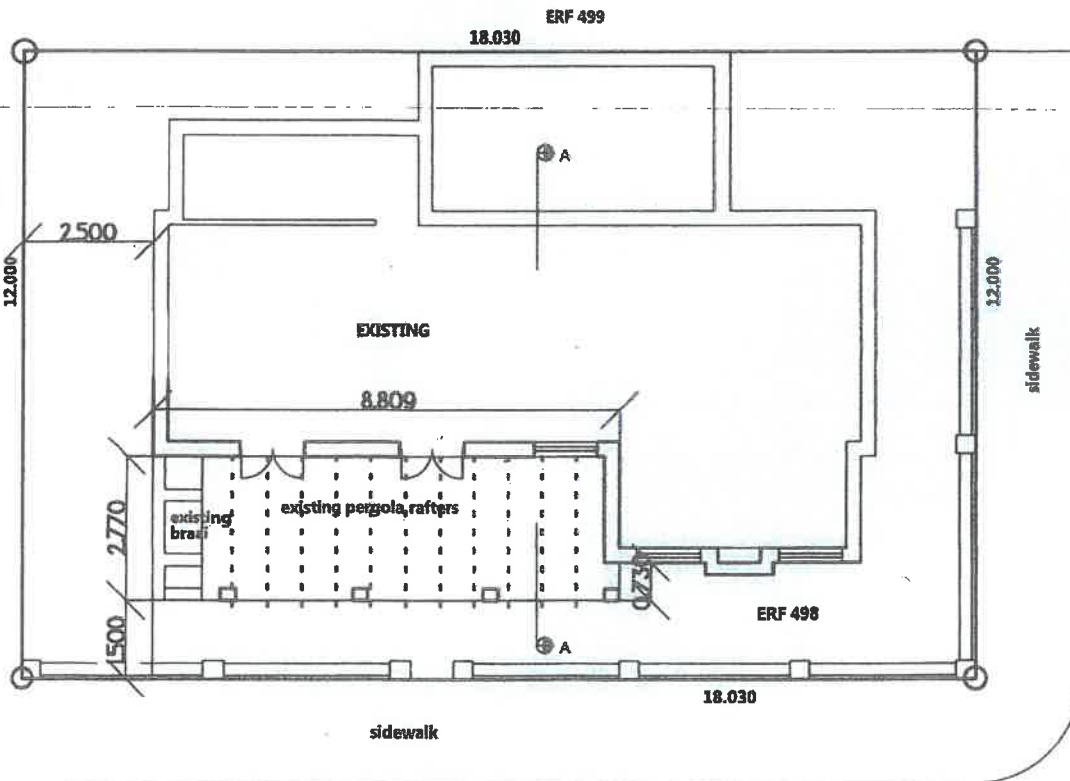
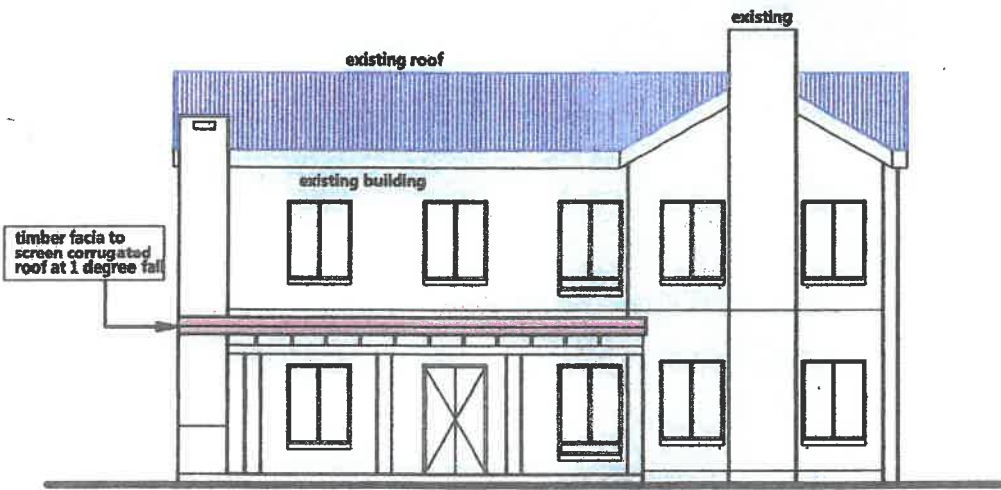
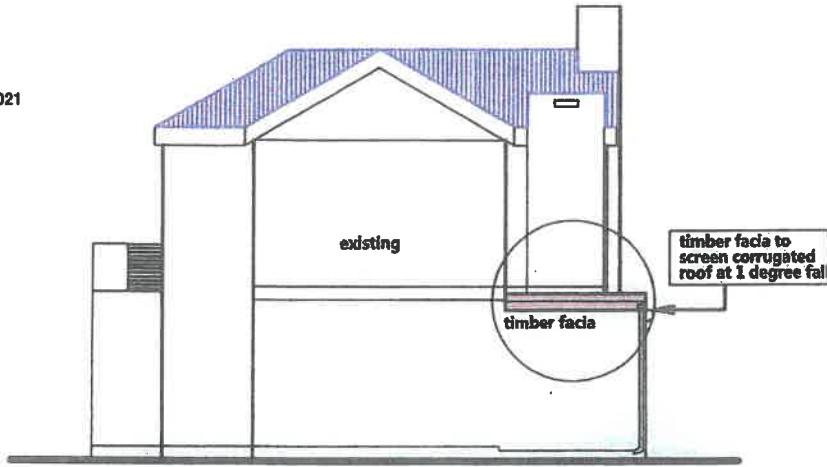
23/9/2021
DATE:

APPENDIX B

Site/Building Plan



APPROVED 26/01/2021



FLOOR PLAN ELEVATIONS

NOTES:

- all dimensions to be checked on site.
- all timber structures to be erected in accordance with the SABS code of practice 082 1988
- engineers dep soil tests to be carried out before construction commences
- all external and load bearing walls to be 36 x 10 with studs at 400mm c/c
- rust resistant nails etc. to be used throughout
- all structural concrete work where indicated on plan to be designed by engineers
- all work to conform to local authority and SANS regulations

PROJECT
NEW ALTERATIONS

LOCALITY
ERF 498
CAPOLAVORO
MOUNTAIN ESTATE

CLIENT
[REDACTED]

Scale
1:100

Date
JAN 2021

Howard Shaw
home design studio
conventional, interior and fabric houses
contact - Howard Shaw
cell: +27 082 870 8677
email: h.shaw@shawshaw.com
SACAP member, reg.no. ST 1085

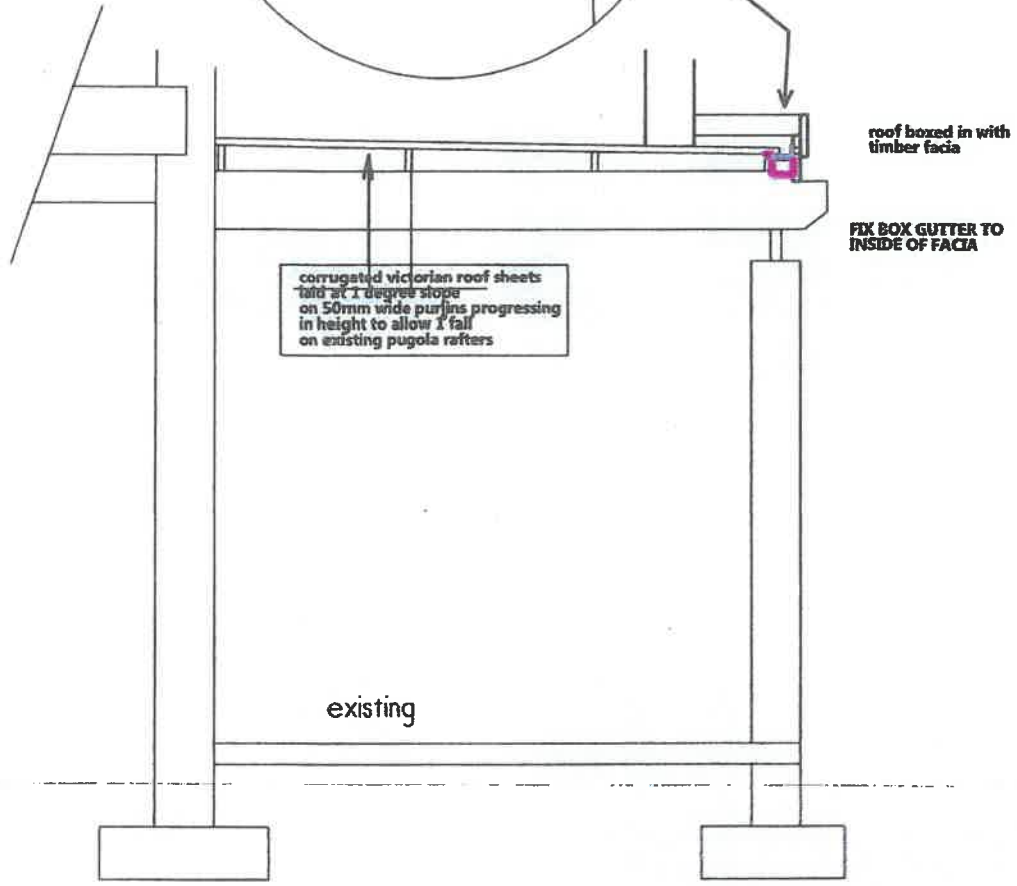
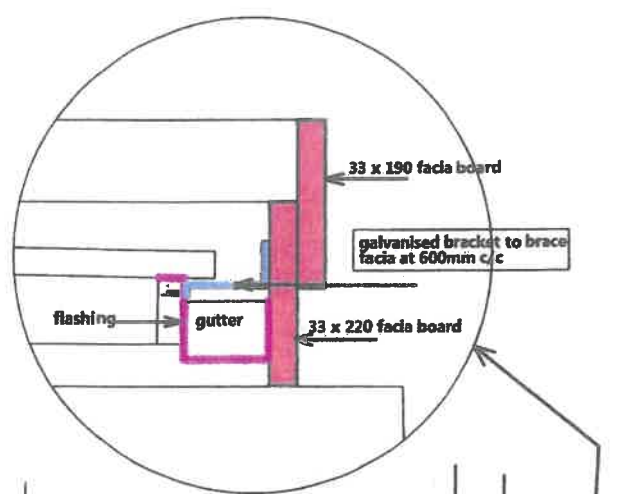
SOUTH AFRICAN COUNCIL
FOR THE ARCHITECTURAL
PROFESSION

Name: Howard Shaw
Reg. No. ST 1085
Reg. CATEGORY:
Professional senior
Architectural technologist

Signature

revision date

DWNG No: STAN-001




SECTION DETAILS

NOTES:
 all dimensions to be checked on site.
 all timber structures to be erected in accordance with the SABS code of practice 082 1988
 engineers dep soil tests to be carried out before construction commences
 all external and load bearing walls to be 36 x 110 with studs at 400mm c/c
 rust resistant nails etc, to be used throughout
 all structural concrete work where indicated on plan to be designed by engineers
 all work to conform to local authority and SANS regulations

PROJECT
 NEW ALTERATIONS

LOCALITY
 ERF 498
 CAPOLAVORO
 MOUNTAIN ESTATE

CLIENT


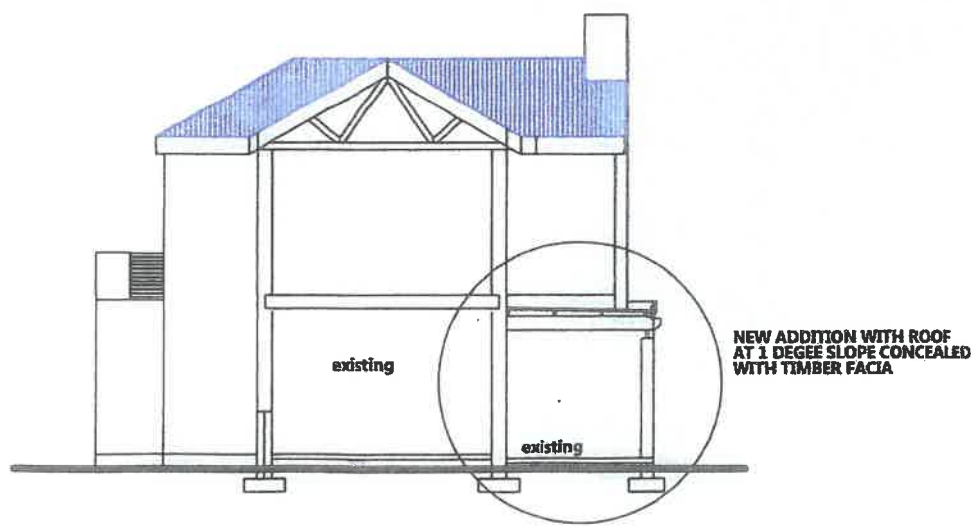
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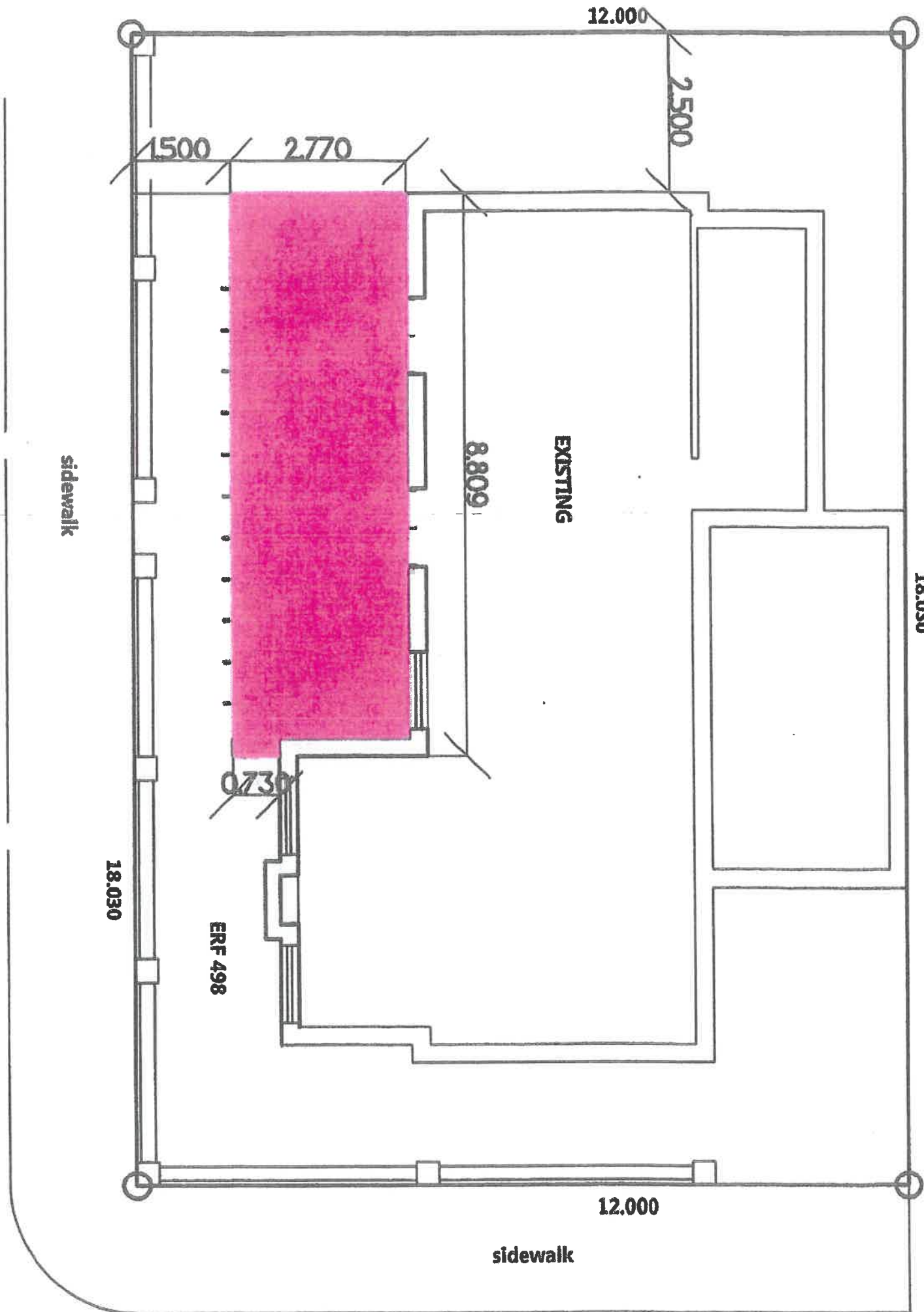


 home design studio
 conventional, industrial and timber houses
 contact - Howard Shaw
 cell: 082 820 0677
 email: h.shaw@hshawdesign.com
 SACAP member: regno. ST 1085

SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION
 Name: Howard Shaw
 Reg. No. ST 1085
 Reg. CATEGORY: Professional senior Architectural technologist
 Signature

revision date
 DWNG No: STAN-002





12.000

2.500

1.500

2.770

8.809

0.730

sidewalk

EXISTING

18.030

ERF 499

18.030

ERF 498

12.000

sidewalk

