



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/15373 (TP310/2023)

Our File Reference Number: Erf 5422, Stellenbosch

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: [REDACTED]

Sir / Madam

APPLICATION FOR THE PERMANENT DEPARTURE AND REMOVAL/SUSPENSION OF RESTRICTIVE TITLE DEED CONDITION: ERF 5422, 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 in terms of Section 15(2)(f) of the Stellenbosch Municipality Land Use Planning By-law, October 2015 for the suspension of restrictive title deed condition Clause B.21.(b) as contained in Deed of Transfer No. T3853/2023 to allow the suspension of the 4.6m street building line to 2.1m to accommodate a proposed extension to the existing garage on Erf 5422, Stellenbosch;
 - 2.2 Application in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning By-law, October 2015 for a permanent departure to relax the 4m street building line to 2.1m to permit a proposed extension to the existing garage, with entertainment area on the roof above the garage extension on Erf 5422, Stellenbosch;

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.

3. **The approval is subject to the following conditions imposed in terms of Section 66 of said By law:**

3.1 The approval only applies to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Stellenbosch Municipality or other legislation or by-laws or regulations that may be applicable.

3.2 The development must be undertaken in accordance with the referenced Site Development Plan with Drawing No. 2.01, and Floor Plan with Drawing No. 3.01, both drawn by IVNMC Design Studio and dated 13/05/2023, attached as **Annexure B**.

3.3 Building plans must be in accordance with the referenced Site Development Plan with Drawing No. 2.01, and Floor Plan with Drawing No. 3.01, both drawn by IVNMC Design Studio and dated 13/05/2023, attached as **Annexure B**.

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

4.1 The minor encroachment of the title deed and Zoning Scheme By-law building lines does not undermine the residential character of the area.

5. **Matters to note:**

5.1 Appropriate caution shall be taken during construction to prevent damage to existing service cables and electrical equipment in the vicinity. Should damage occur the applicant will be liable for the cost involved repairing the damages.

5.2 All electrical work to comply with SANS142 and Municipal electrical By-laws. If connected to a generator for backup, the generator needs to comply to SANS10142.

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:

(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.

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 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.
11. 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.
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 in the case of any approval, is suspended, and 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

17/10/2023

DATE:



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ANNEXURE B

SITE PLAN

NO.	REVISIONS	DATE
1	ISSUE FOR PERMIT	2023-05-13

SCALE DIMENSIONS: ALL DIMENSIONS TO CENTER UNLESS SPECIFIED OTHERWISE

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 WITH THE PROVISION OF ALL RIGHTS INCLUDING COPYRIGHTS IN THIS DRAWING, THE CLIENT ACCEPTS THE RESPONSIBILITY OF MATERIALS, CONTENT AND INFORMATION CONTAINED HEREIN. THE CLIENT'S USE OF THIS DRAWING FOR ANY PURPOSES OTHER THAN THAT AUTHORIZED BY THE CLIENT IS STRICTLY PROHIBITED. ANY REPRODUCTION OR TRANSMISSION OF THIS DRAWING WITHOUT THE WRITTEN APPROVAL OF WNMDC DESIGN STUDIO IS STRICTLY PROHIBITED.

WNMDC Design Studio

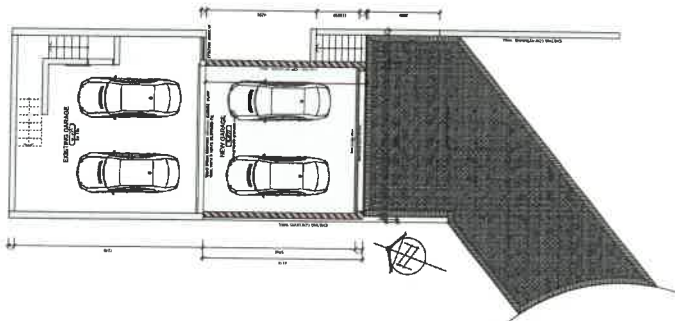
tel: (072) 7433194
 SACAP: PR000270

MOLENVLJET (PTY) LTD
 9 Van Jaack Street
 Stellenbosch
 7462

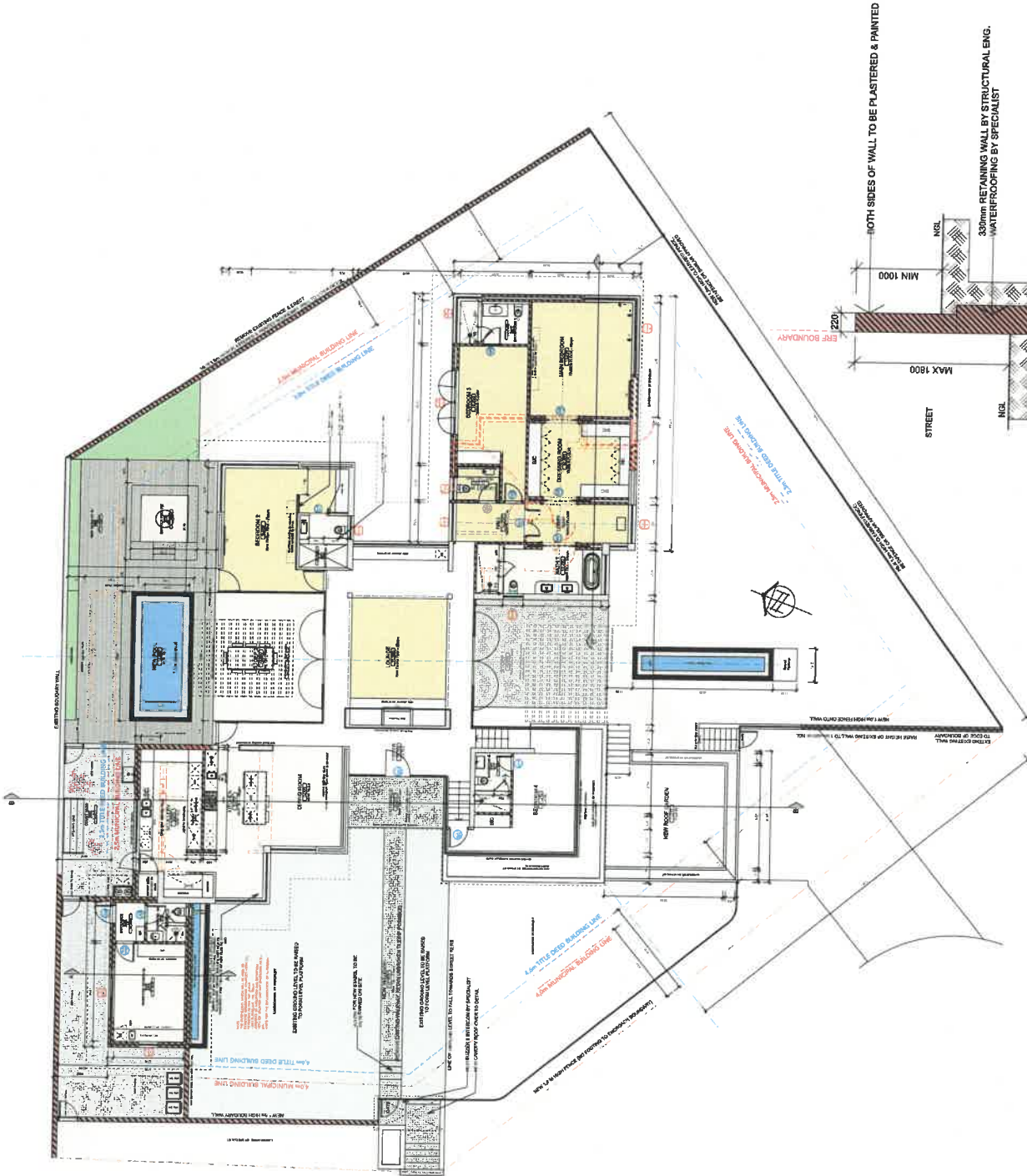
FLOORPLAN

PROJECT NO.	TAAACK23/01	DATE	2023-05-13
SCALE	3:01	DESIGNER	IMP
DATE OF PERMIT	0	PROJECT NO.	IMP
NO.	0	DATE	IMP

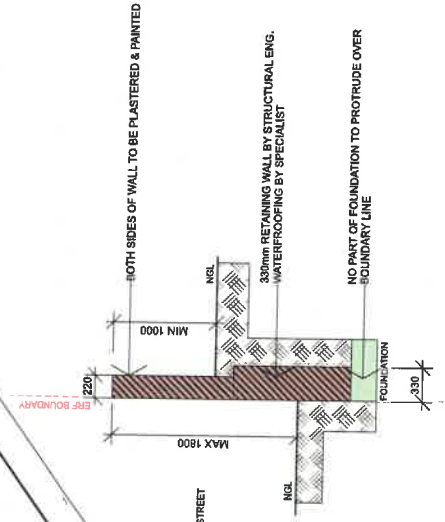
- NOTE:**
- ALL EXISTING TIMBER DOORS & WINDOWS TO BE REFINISHED & PAINTED DOWN & FINISHED WITH A COAT OF BARNWOOD OIL.
 - ALL BROKEN GLASS PANELS TO BE REPLACED WITH SAFETY GLASS.
 - EXISTING EXTERIOR WALLS TO BE REPAIRED & FINISHED WITH A COAT OF BARNWOOD OIL.
 - NEW EXTERIOR BRICKWORK TO MATCH EXISTING.
 - ALLOW FOR GROUND SETTLEMENT & WINDLOADS.



1 LOWER GROUND FLOOR PLAN
 Scale 1:100



2 GROUND FLOOR PLAN
 Scale 1:100



3 BOUNDARY WALL DETAIL
 Scale 1:25