



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13679

Our File Reference Number: Erf 590, Franschhoek

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 [REDACTED]

Sir

## APPLICATION FOR THE ADMINISTRATOR'S CONSENT IN TERMS OF THE TITLE DEED AND DEPARTURE IN TERMS OF SECTION 15(2)(B) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW, 2015

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
  - 2.1 Administrator's permission **BE GRANTED** in terms of the title deed (Title Deed T14636/2016) conditions on page 3, Section D(4), to allow for the following to be constructed on Erf 590, Franschhoek by:
    - 2.1.1 Relaxing the title deed street building line adjacent to Dahlia Street from 5m to 4m for the covered walk way.
    - 2.1.2 Relaxing the common title deed building line adjacent to Erf 591 from 1.5m to 1.0m and 0m for the proposed under cover braai area, pool and extension to kitchen.
    - 2.1.3 Relaxing the common title deed building line adjacent to Erf 54 from 1.5m to 0m for the proposed double garage and under cover braai area.
    - 2.1.4 Relaxing the street title deed building line adjacent to Zinnia Street from 5m to 1m, 2.0m and 4.0m respectively for the proposed double garage, bedroom with dressing room extension and covered stoep.

As indicated on drawing 075/101, drawn by Piet Dekker Architects, dated 2021/12/21 attached as **Annexure B.**

2.2 That the application for the Departures in terms of 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, on Erf 590, Franschhoek for the following:

- 2.2.1 To relax the common building line adjacent to Erf 591 for 2.5m to 1.0m and 0m for the proposed extension to kitchen and braai room.
- 2.2.2 To relax the common building line adjacent to Erf 54 from 2.5m to 0m for the proposed under cover braai area.
- 2.2.3 To relax the 4.0m street building line to 2.0m respectively for the proposed bedroom with dressing room extension.
- 2.2.4 To exceed the permissible coverage of 50% to 57% for the proposed additions to the existing dwelling.

As indicated on drawing 075/101, drawn by Piet Dekker Architects, dated 2021/12/21 attached as **Annexure B.**

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

2.3 The approval is subject to the following conditions imposed in terms of Section 66 of said Bylaw:

2.3.1 The approval will lapse if not implemented/confirmed within five years from the date of final notification of approval of the application.

2.3.2 The approval only applies to the proposed departure under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.

2.3.3 The development must be undertaken generally per the site plan as referenced in Drawing No. 075/101, drawn by Piet Dekker, dated 2021/12/21 and attached as **Annexure B.**

2.3.4 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.

2.3.5 The approval granted shall not be contradictory to any other legislation which has a bearing on the use of the property and that should any other legislation be applicable and be more restrictive then the most restrictive conditions will apply.

2.3.6 Building plans must be generally in accordance with the site plan/floor layout plan as referenced in Drawing No. 075/101, drawn by Piet Dekker, dated 2021/12/21 and attached as **Annexure B**.

2.4 The reasons for the above decision are as follows:

2.4.1 The proposal is in keeping with the current land use of the subject property.

2.4.2 The proposal is to facilitate logical extensions to the existing dwelling unit and the additions are not out of character with the surrounding area.

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](mailto: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**

  
\_\_\_\_\_  
**DATE:** 6/5/2022



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## **ANNEXURE B**





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## **ANNEXURE C**



C

53

8002658467401

Fee endorsement	
Amount	Office fee
Purchase price/Value: 650 000,00	R 74000
Mortgage capital Amount	R
Reason for exemption (s)	Exempt L.A. of

Prepared by me

CONVEYANCER  
LOUIS RUDOLPH LE ROUX

VERBIND MORTGAGES	
FOR R 650 000,00	
B 000006702 / 2016	
11 MAR 2016	REGISTRAR OF DEEDS

DATA / VERIFY  
2016 -04- 04  
NCAPALINDA

### DEED OF TRANSFER

00014636 / 2016

BE IT HEREBY MADE KNOWN THAT

LYNNE BOTHA

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at FRANSCHHOEK on 14 September 2015 granted to him by

- The Executor in the Estate Late  
RICHARD DICK GERHARDUS CLARKE  
Number 30319/2014
- The Representative in the Estate Late  
CAROLINA KATRINA CLARKE  
Number 2535/2015

DATA / CAPTURE  
30 MAR 2016  
KEILEN

And the appearer declared that his said principal had, on 21 April 2016, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

1. [REDACTED]
2. [REDACTED]

their Heirs, Executors, Administrators or Assigns, in full and free property

**ERF 590 LE ROUX**  
Situat in the **STELLENBOSCH MUNICIPALITY**  
In the Administrative District of **PAARL**  
**WESTERN CAPE PROVINCE**

**IN EXTENT 552 (FIVE HUNDRED AND FIFTY TWO) Square metres**

**FIRST TRANSFERRED and still held by Deed of Transfer Number T68318/1895 with Diagram S.G. No. 7808/1975 relating thereto.**

- A. **SUBJECT to the conditions referred to in Deeds of Transfer Nos. T4597/1898 and 4598/1898 both dated 9 June 1898.**
- B. **SUBJECT FURTHER and/or ENTITLED to the benefit of the servitude referred to in the endorsements dated 16 December 1901, 30 September 1936 and 22 November 1938 on Deeds of Transfer Nos. T4597/1898 and 4598/1898 both dated 9 June 1898, as amended by the subsequent endorsements dated 27 June 1935, which endorsements read as follows:**

"By Deed of Transfer No. T9243 dd.9XII.1901 the distribution of the water to which certain sixty erven forming part of this property is entitled is regulated as will more fully appear on reference to the copy of special conditions annexed to the said transfer."

"Certain sixty erven sold subject to conditions similar to those referred to in above endorsements."

- C. **SUBJECT FURTHER to the endorsement dated 26 October 1976 on Certificate of Uniform Title No. T21950/1976, which endorsement reads as follows:**

"Servituut van Waterreëgte gesedeer aan Munisipaliteit van Franschoek deur Akte van Sessle Nr. K1084/76S."

- D. **SUBJECT to the following conditions contained in Deed of Transfer No. T29205/1984 imposed by the Administrator in terms of Section 9 of Ordinance 33 of 1934, which read as follows:**



- (1) Die eienaar van hierdie erf is verplig om sonder betaling van vergoeding toe te laat dat elektrisiteits-, telefoon-, en televisiekabels en/of -drade, hoof- en ander waterpype en die rioolvuil en dreinerings, insluitende stormwater van enige ander erf of erwe, oor hierdie erf gevoer word indien dit deur die plaaslike owerheid nodig geag word, en wel op die wyse en plek wat van tyd tot tyd redelikerwys vereis word. Dit sluit die reg op toegang te alle redelike tye tot die eiendom in met die doel om enige werke met betrekking tot bogenoemde aan te lê, te wysig, te verwyder of te inspekteer.
- (2) Die eienaar van hierdie erf is verplig om sonder vergoeding op die erf die materiaal te ontvang of uitgrawings op die erf toe te laat al na vereis word sodat die volle breedte van die straat gebruik kan word en die wal veilig en behoorlik skuins gemaak kan word weens die verskil tussen die hoogte van die straat soos finaal aangelê en die erf tensy hy verkies om steunmure te bou tot gans van en binne 'n tydperk wat die plaaslike owerheid bepaal.
- (3) Hierdie erf mag alleenlik gebruik word vir die oprigting daarop van een woning of ander geboue vir die doeleindes wat die Administrateur van tyd tot tyd, na oorleg met die Dorpekommissie 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 die skema bepaal word.
- (4) Geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag behalwe met die toestemming van die Administrateur nader as 5 meter van die straatlyn wat 'n grens van hierdie erf uitmaak, asook nie binne 3 meter van die agtergrens of 1,5 meter van die sygrens gemeen aan enige aangrensende erf opgerig word nie, met dien verstande dat met die toestemming van die plaaslike owerheid:
  - (i) 'n buitegebou wat uitsluitend vir die stalling van motorvoertuie gebruik word en hoogstens 3 meter hoog is, gemeet van die vloer van die buitegebou tot by die muurplaat daarvan, binne sodanige sy- en agterruimtes opgerig mag word, en enige ander buitegebou van dieselfde hoogte binne die agterruimte en syruimte opgerig mag word vir 'n afstand van 12 meter gemeet van die agtergrens van die erf, met dien verstande dat in geval van 'n hoek erf, die afstand van 12 meter gemeet moet word van die punt wat die verste is van die strate wat die erf begrens;
  - (ii) 'n buitegebou ingevolge sub-paragraaf (i) slegs nader aan 'n sygrens of agtergrens van 'n perseel as die afstand hierbo voorgeskryf, opgerig mag word indien geen vensters of deure in enige muur, wat op sodanige grens front, aangebring word nie.
- (5) By die konsolidasie van hierdie erf of enige gedeelte daarvan met enige aangrensende erf wat onderworpe is aan dieselfde voorwaardes as dié wat hierin uiteengesit word, is hierdie voorwaardes op die gekonsolideerde eiendom van toepassing asof dit een erf is.
- (6) Ingeval hierdie erf onderverdeel word, is elke onderverdeelde gedeelte, uitgesonderd 'n gedeelte afgesny vir pad-, openbare plek of dergelike doeleindes, onderworpe aan die voorwaardes hierin uitgeengesit asof dit die oorspronklike erf is.

WHEREFORE the said Appearer, renouncing all right and title which the said

1. Estate Late RICHARD DICK GERHARDUS CLARKE
2. Estate Late CAROLINA KATRINA CLARKE

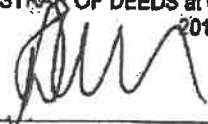
heretofore had to the premises, did in consequence also acknowledge them to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

1. 
2. 

their Heirs, Executors, Administrators or Assigns, now are and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R650 000,00 (SIX HUNDRED AND FIFTY THOUSAND RAND).

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on

11 March 2016. 

q.q.

In my presence

  
REGISTRAR OF DEEDS