



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/10227

Our File Reference Number: Erf 6223, Stellenbosch

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: zsmidt@gmail.com

Sir / Madam

APPLICATION FOR A PERMANENT DEPARTURE AND ADMINISTRATOR'S CONSENT IN TERMS OF THE TITLE DEED CONDITION: ERF 6223, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - (i) That the application for the **Administrator consent** to relax the restrictive title deed condition, Clause B(7), as contained in Title deed T7845/2006, in order to relax the restrictive title deed lateral building line from **3,5m** to **1,0m** to accommodate the proposed double garage on Erf 6233, 7 Klein Vallei Street, Onder-Papegaaiberg, Stellenbosch;
 - (ii) That the application for a **permanent departure** in terms of Section 15(2)(b) of the Stellenbosch Municipality Zoning Scheme By-Law, 2019 in order to relax the common building line (adjacent to Erf 6222, Stellenbosch) from **2,5m** to **1,0m** for purposes of a garage on Erf 6223, 7 Klein Vallei Street, Onder-Papegaaiberg Stellenbosch, as indicated on Drawing No.2452, Drawn by Ben Burger Architects, Dated 12/06/2019;

BE APPROVED in terms of Section 60 of the said Bylaw and subject conditions of approval in terms of Section 66 of the said Bylaw;

Conditions of Approval

- a. The approval applies only to the proposal in question and shall not be construed as authority to depart from any other Council requirements or legal provisions;
- b. Appropriate caution shall be taken during construction, to prevent damage to existing electrical equipment in the vicinity. Should damage occur, the applicant will be liable for the cost involved repairing damages; and
- c. Building plans must be submitted to this municipality for approval, prior to any building work commencing on site.

2.2 Reason for the above decision are as follows:

- a. The proposal is in keeping with the current land use of the subject property.
 - b. The proposal does not have a negative impact on the character of the area
 - c. The proposal is for a non-habitable structure only and will not have a detrimental impact on the adjacent property with regards to privacy.
 - d. It is a logical extension to the residential activity and will add value to the existing building.
2. 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.
3. 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.

4. 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

5. An applicant 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.
6. 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>).
7. 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.
8. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
9. 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

22/4/2021,
DATE:

strb Smith Tabata Buchanan Boyes Attorneys
1st Floor, Metropole Plaza
98 Beach Road
Strand
7140

Prepared by me

SEE
STAMP
SEELREG
DUTY R
GELD
FEE R 500,00

[Signature]
CONVEYANCER
VAN ROOYEN AE

[Handwritten signature]
15/3

T 000007845 / 2006

DEED OF TRANSFER

punch

BE IT HEREBY MADE KNOWN THAT

ELENE GROENEWALD

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 STRAND on 1 December 2005 granted to him by

CHRISTIAAN RUDOLF PIETERS
Identity Number 500111 5076 088
Married out of community of property

DATA / VERIFY
29 MAR 2006
VAN ROOYEN AE

And the appearer declared that his said principal had, on 10 September 2005, 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:

ANDRIE JULIANA SMIDT
Identity Number 370110 0015 080
Married out of community of property

her Heirs, Executors, Administrators or Assigns,

ERF 6223 STELLENBOSCH
IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH,
WESTERN CAPE PROVINCE;

IN EXTENT 855 (EIGHT HUNDRED AND FIFTY FIVE) SQUARE METRES

ORIGINALLY REGISTERED by Certificate of Consolidated Title No 10189 dated 25th July 1962 with General Plan T.P. 9288 relating thereto and held by Deed of Transfer No T 21457/1978

A. SUBJECT to the conditions referred to in Deed of Transfer No 2740 dated 9th April 1914.

B. SUBJECT FURTHER to the following new conditions imposed by the Administrator of the Cape of Good Hope by virtue of Ordinance No 33 of 1934, when approving of the establishment of Onder-Papagaaiberg Township Extension No. 2 namely:-

"1. Any words and expressions used in the following conditions shall have the same meaning as may have been assigned to them by the regulations under Provincial Notice No 623 dated 14th August 1970.

2. In the event of a Town Planning Scheme or any portion thereof applying or being made applicable to this erf, any provisions thereof which are more restrictive than any conditions of title applicable to this erf shall take precedence. Furthermore, nothing in these conditions shall be construed as overriding the provisions of Section 146 of Ordinance No 15 of 1952, as amended.

3. No building on this erf shall be used or converted to use for any purpose other than that permitted in terms of these conditions.
4. The owner of this erf shall, without compensation, be obliged to allow electricity, telephone and television cables and/or wires and main and/or other waterpipes and the sewage and drainage including stormwater of any other erf or erven inside or outside this township to be conveyed across this erf, if deemed necessary by the local or any other statutory authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above.
5. The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf, as may be required to allow of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.
6. This erf shall be used solely for the purpose of erecting thereon one dwelling or other buildings for such purposes as the Administrator may from time to time after reference to the Townships Board and the local authority, approve, provided that if the erf is included within the area of a Town Planning Scheme, the local authority may permit such other buildings as are permitted by the sheme subject to the conditions and restrictions stipulated by the Scheme.
7. No building or structure or any portion thereof except boundary walls and fences, shall except with the consent of the Administrator, be erected nearer than 6,1 metres to the street line which forms a boundary of this erf, nor within 3,5 metres of the rear or 3,5 metres of the lateral boundary common to any adjoining erf.

8. On consolidation of this erf or any portion thereof with any abutting erf which is subject to the same conditions as herein set forth these conditions shall apply to the consolidated holding as if it was one erf.

9. In the event of this erf being subdivided each subdivided portion, other than any portion deducted for road or similar purposes, shall be subject to the conditions herein set forth as if it were the original erf.



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

CHRISTIAAN RUDOLF PIETERS, Married as aforesaid

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

ANDRIE JULIANA SMIDT, Married as aforesaid

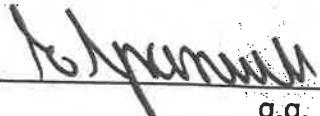
her Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R1 250 000,00 (ONE MILLION TWO HUNDRED AND FIFTY THOUSAND RAND).

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

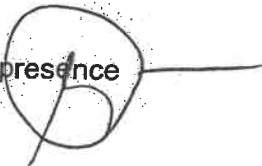
07 FEB 2006

2006



q.q.

In my presence



REGISTRAR OF DEEDS



Stellenbosch GIS Map

SCALE

1:564,25

Legend

- Street Address
- Erven
- Sectional Schemes
- Airfields
- Street
- Railway
- District Boundary
- Wards



Stellenbosch Municipality
Planning & Economic Development
Created by: Corporate GIS

Date: 2021/03/23



Author: Stellenbosch Municipality



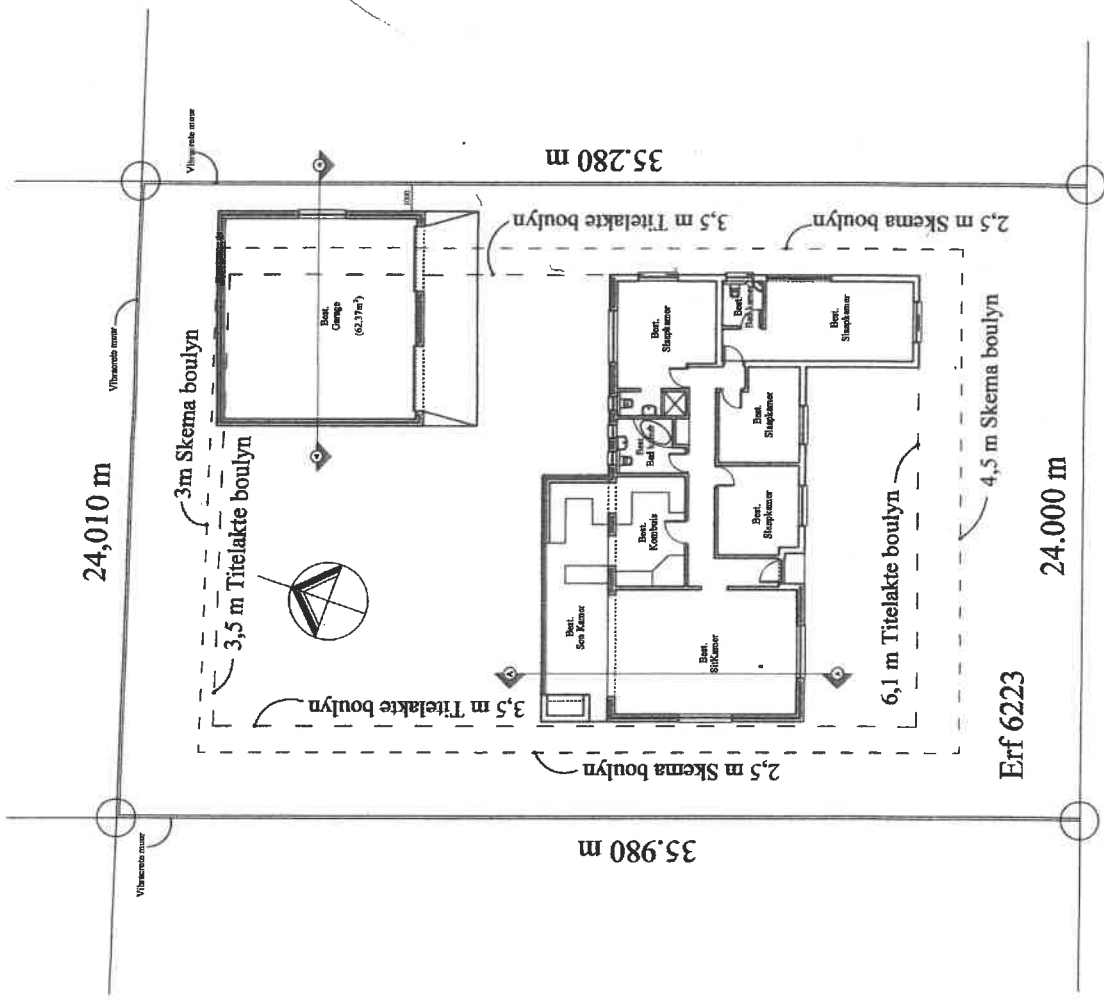
Stellenbosch Municipality
Street Address:
71 Plein Street, Stellenbosch, 7600
Tel: 021 808 8658

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Erf opp.: 854m²
 Dekking opp.: 223.72m²
 Dekking %: 26%
 Huis opp.: 161.35m²
 Buite gebou opp.: 62.37m²



NO.	DATE	DESCRIPTION

FOR THE QUALITY OF SOIL TO BE CHECKED BY STRUCTURAL ENGINEER.
 THE DESIGN OF THE FOUNDATION IS COMPLETE AND REMAINS THE RESPONSIBILITY OF THE ARCHITECT.
 THE DESIGN OF THE ROOFING SYSTEM AND THE STRUCTURE TO BE CHECKED BY A REGISTERED STRUCTURAL ENGINEER. HOWEVER, THE DESIGNER IS NOT TO BE HELD RESPONSIBLE FOR THE DESIGN OF THE ROOFING SYSTEM.

BEN BURGER ARCHITECT
 DE STEENBERG CELL 081 796 0009
 BORNHANS CROSSING EMAIL: BEN@BENBURGER.COM
 STELLENBOSCH 805 076

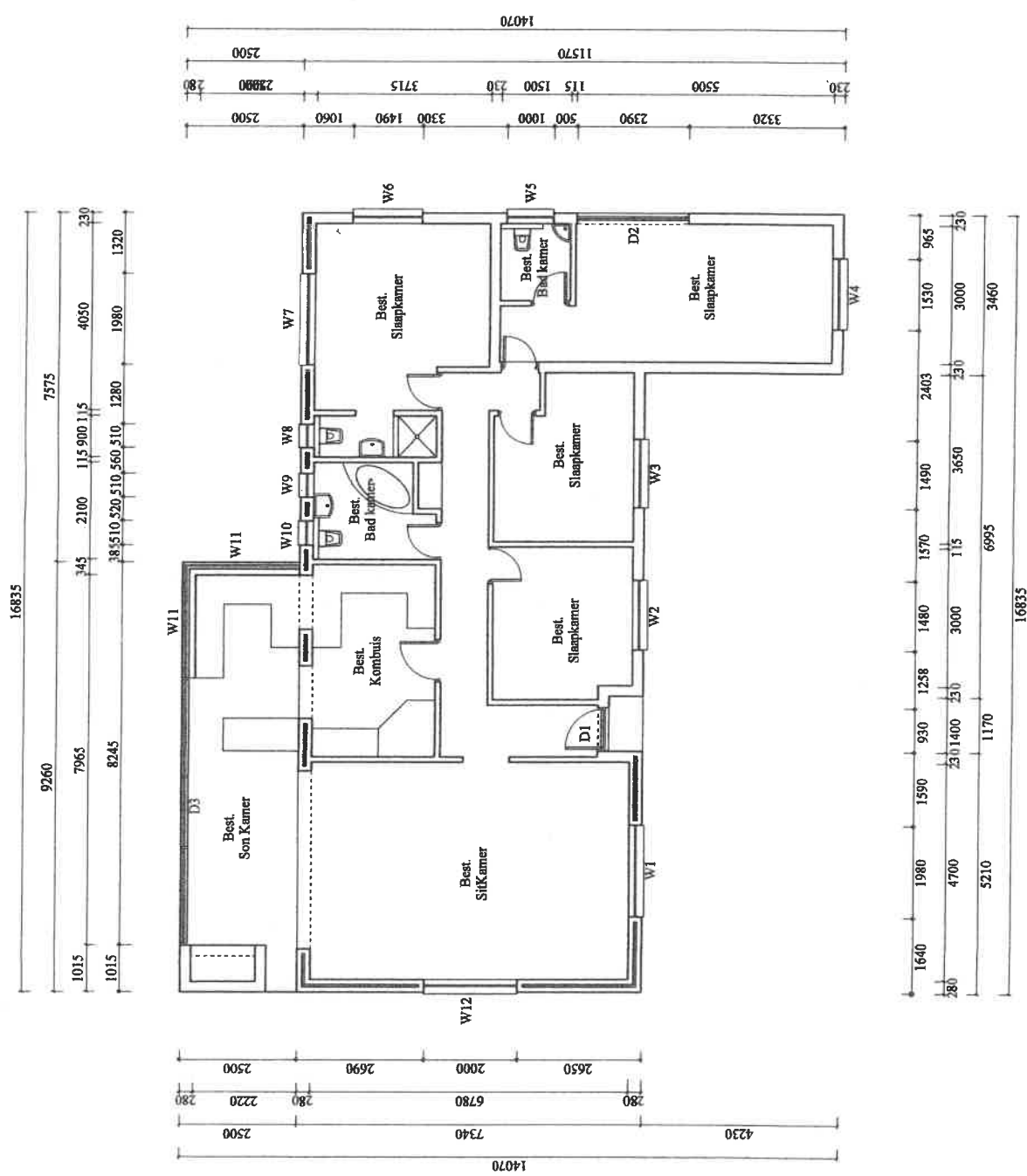
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PROJECT DESCRIPTION	Bestaande Huis en Buite gebou vir Mev AJ Smidt Erf 6223 Klein Vallei straat no. 7 Onder Papegaaiberg Stellenbosch
DESIGNED BY	Ben Burger
DATE	12/06/2019
SCALE	1:200
PROJECT NO.	2452
DATE	02 - 01

OPGEMETE TEKENINGE

Terreinplan Skaal 1:200

Klein Vallei straat 7

Erf 6223



NO	DATE	DESCRIPTION

FOUNDING QUALITY OF SOIL TO BE OBTAINED BY GEOTECHNICAL INVESTIGATION. THE FOUNDING IS TO BE CONFIRMED AND REVEALED BY THE ARCHITECT. ALL DIMENSIONS AND LEVELS TO BE SHOWN ON THIS DRAWING MUST BE TO BE CHECKED.

BENBURGER ARCHITECT
 DE STEENBOEC
 BOERNE CRUICK
 STELLENBOSCH
 EMAIL: ENTROOS@BENBURGER.COM
 021 481 776 0019
 021 481 776 0020

PROJECT TITLE	PROJECT DESCRIPTION
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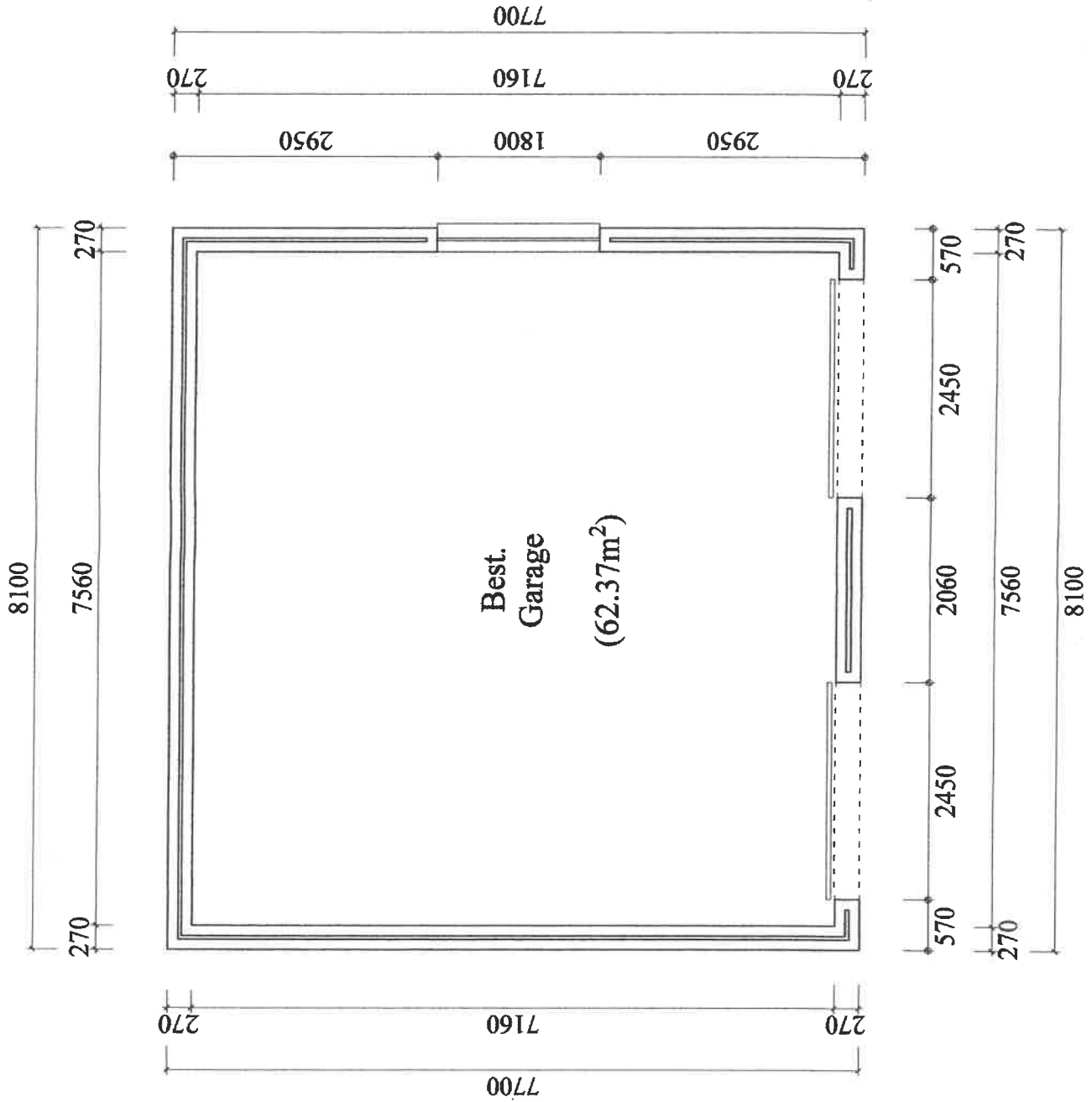
DRAWING DESCRIPTION	SCALE	DATE	NO
Vloer plan	1:100	12/06/2019	02 - 02

CLIENT	PROJECT NO
Ben Burger	7839

PROJECT NO	DATE	SCALE	NO
2452	12/06/2019	1:100	02 - 02

Vloer plan Skaal 1:100

OPGEMETE TEKENINGE



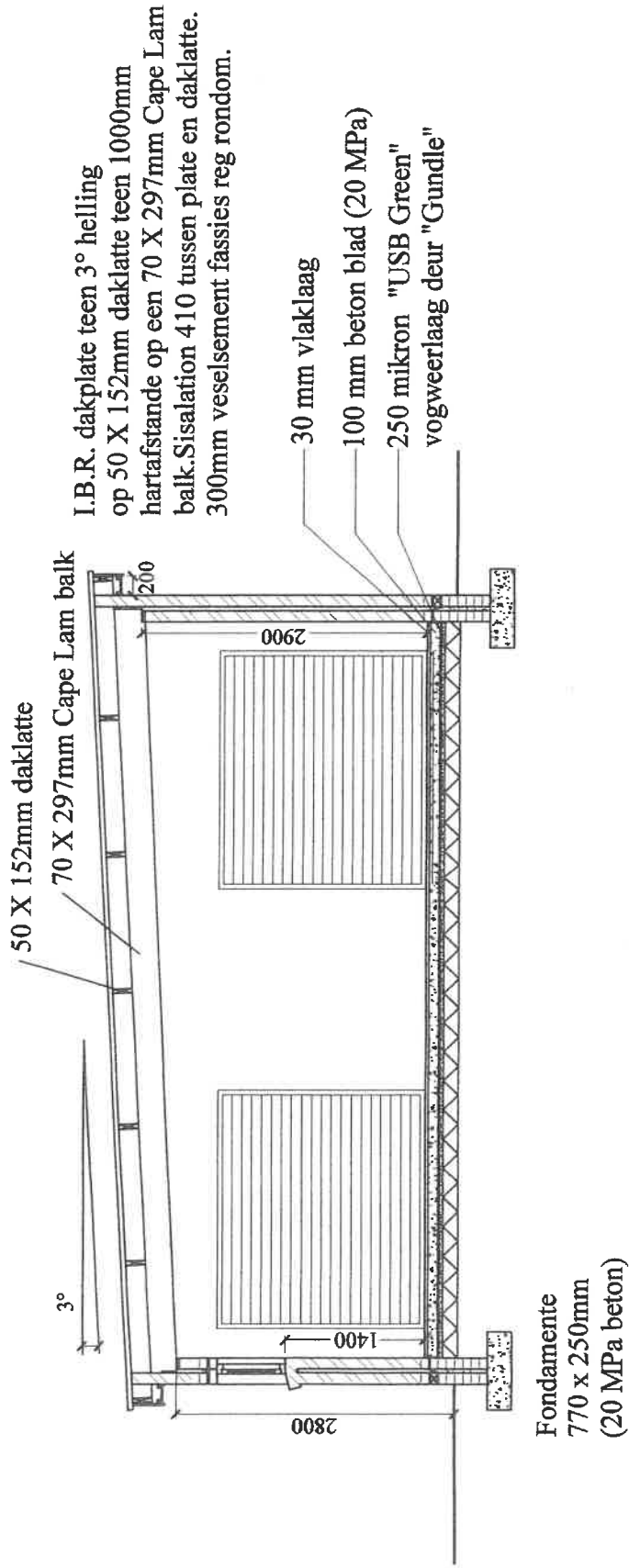
Garage vloerplan skaal 1:50

OPGEMETE TEKENINGE

REV	DATE	DESCRIPTION
<p>THE QUALITY OF SOIL TO BE CHECKED BY STRUCTURAL ENGINEER. THE DESIGN OF THE GARAGE IS DEPENDENT AND REMAINS THE RESPONSIBILITY OF THE CLIENT. THE CLIENT IS ADVISED TO BE CHECKED ON THE DESIGN WORK IS NOT FORWARDED. THIS DRAWING IS NOT FOR REUSE.</p>		

BEN BURGER ARCHITECT
 DE BUREAU: CELL 082 796 0389
 BOEKING: 082 796 0389
 E-MAIL: info@benburger.com
 STELLEBOECHE: BOEKEN

PROJECT	Huis Smidt
CLIENT	Bestaande Huis en Buite gebou vir Mey AJ Smidt Brf 6223 Klein Vallei straat no. 7 Onder Papegaatberg Stellenbosch
DATE	12/06/2019
SCALE	1:50
PROJECT NO.	2452
PROJECT NAME	Garage vloerplan
CLIENT NAME	Ben Burger
CLIENT ADDRESS	SACAP 7839
DATE	12/06/2019
PROJECT NO.	02 - 05



REV	DATE	DESCRIPTION

FOUNDING QUALITY OF SOIL TO BE CHECKED BY STRUCTURAL ENGINEER. FOR THIS DRAWING, CONTRACTOR AND SUPPLIER ARE RESPONSIBLE FOR THE ACCURACY, ALL DIMENSIONS AND LEVELS TO BE SHOWN ON THIS DRAWING MUST BE CHECKED BY THE DRAWING CONTRACTOR.

**B E N
B U R G E R** ARCHITECT

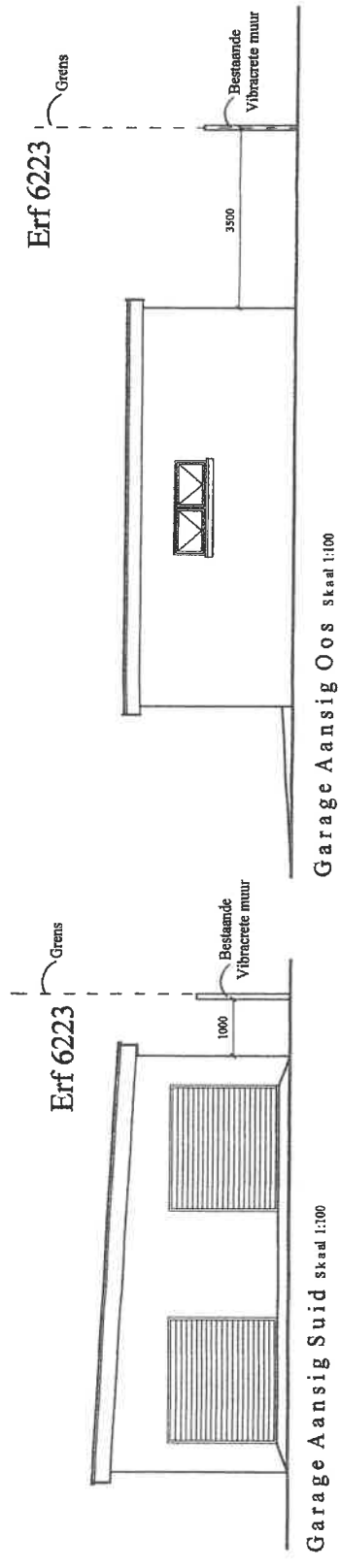
06 STEENBERG
HUISANS CHURCH
STELLENBOSCH

CELL OF 794 0049
EMAIL: INFO@BURGERARCH.COM
BOX 874

PROJECT NAME	Huis Smidt
PROJECT DESCRIPTION	Bestaande Huis en Buite gebou vir Mev AJ Smidt Erf 6223 Klein Vallei straat no. 7 Onder Papegaaienberg Stellenbosch
DRAWING DESCRIPTION	Tipiese Smit B-B
CLIENT	Ben Burger
SCALE	1:50
DATE	12/06/2019
DRAWING NO.	2452
PROJECT NO.	02 - 06

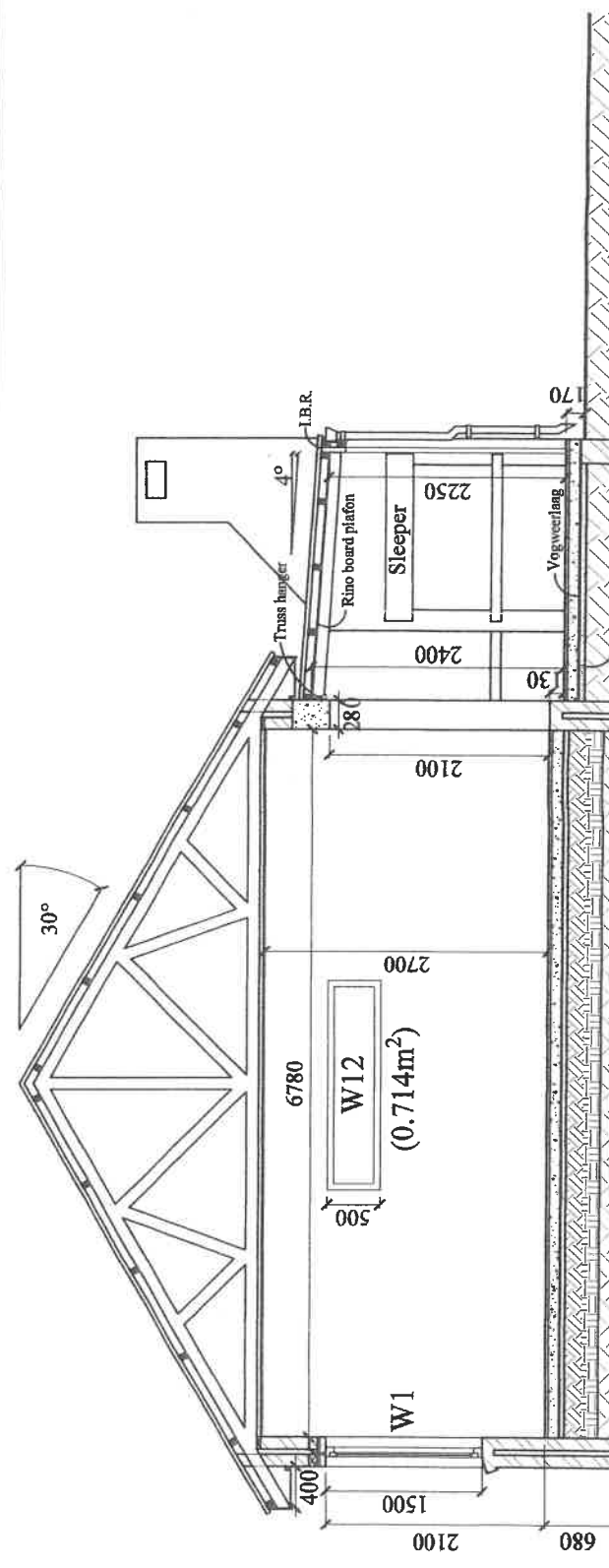
Tipiese Smit B-B Skaal 1:50

OPGEMETE TEKENINGE



Garage Aansig Suid skaal 1:100

Garage Aansig Oos skaal 1:100



Tipiese Snit A-A Skaal 1:50

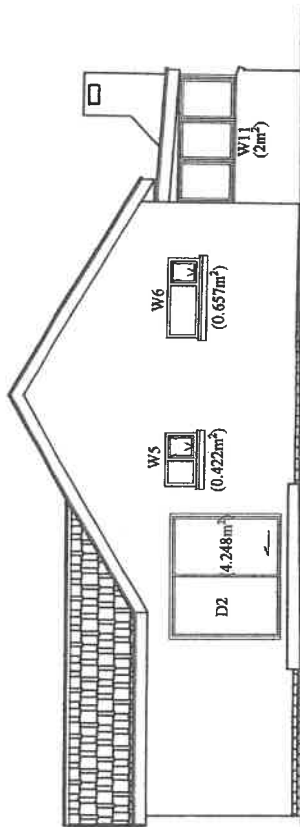
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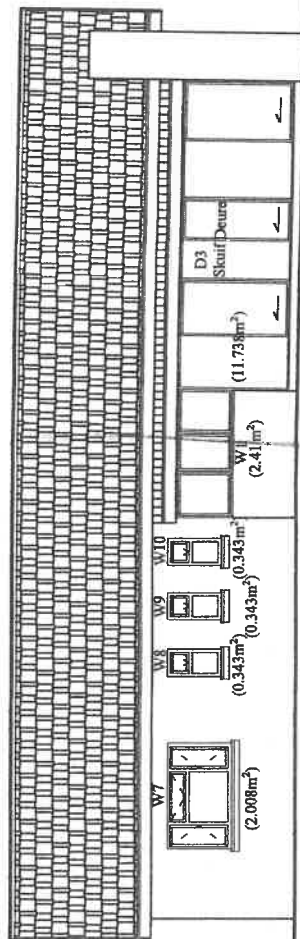
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 THIS DRAWING IS NOT TO BE SCALED.

BEN BURGER ARCHITECT
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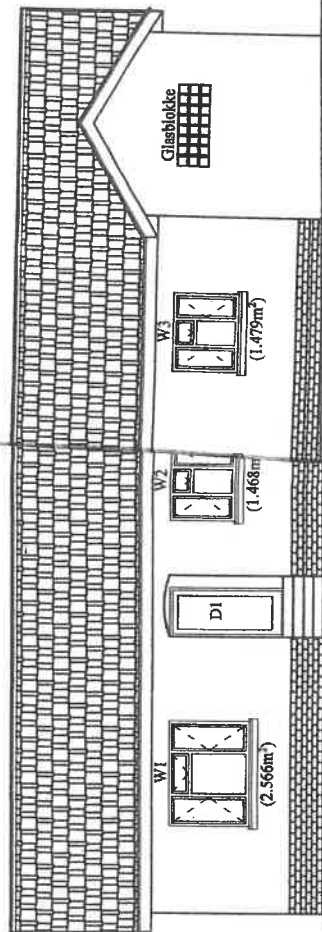
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PROJECT DESCRIPTION	Bestaande Huis en Buite gebou vir Mev AJ Smidt Erf 6223 Klein Vallei straat no. 7 Onder Papegaaiberg Stellenbosch
OWNER / CONSULTANT	Tipiese Snit A-A en Garage aansigte
DRAWN	Ben Burger
CHECKED	SACAP 7839
SCALE	1:50 1:100
DATE	Ereth 12/06/2019
PROJECT NUMBER	2452
DATE	02 - 04



Oos Aansig Skaal 1:100



Noord Aansig Skaal 1:100



Suid Aansig (straat aansig) Skaal 1:100

NO	GAAT	DESKripsie

FOUNDING QUALITY OF WORK TO BE CHECKED BY STRUCTURAL ENGINEER. ON THE BASIS OF THIS CHECK THE ENGINEER MUST SIGN OFF THE PROJECT OF THIS ARCHITECT. ALL DIMENSIONS AND LEVELS TO BE TAKEN FROM FINISHED FLOOR LEVEL UNLESS SPECIFIED OTHERWISE. THE DRAWING IS NOT TO BE SCALE.

BEN BÜRGER ARCHITECT
 DE STEENBERG
 DOMAINS CROSSING
 STELLENBOSCH
 0681 LESTRAATSKAALLOOP
 7839 EN
 02 - 03

PROJECT NAME	PROJECT DESCRIPTION	PROJECT NUMBER	SCALE	DATE	PROJECT NUMBER	DATE
Huis Smidt	Bestaande Huis en Buite gebou vir Mev AJ Smidt Erf 6223 Klein Vallei straat no. 7 Onder Papegaalberg Stellenbosch		1:100	12/06/2019	2452	02 - 03
DESIGNER	Aansigte	BEN BÜRGER				
CHECKED	Ben Burger	SACAP				
		7839				

OPGEMETE TEKENINGE