



Application Number: LU/12313

Our File Reference Number: Erf 6782, Stellenbosch

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 A CONSENT USE ON ERF 6782, 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)(o) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 for the following:
 - 2.1.1 **Consent Use** in terms of Section 15(2)(o) of the Land Use Planning By-law to utilize a portion of the existing dwelling (30m²) to accommodate a house shop on Erf 6782, Stellenbosch.

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

2.2 Conditions of approval:

- 2.2.1 The approval applies only to the application in question as indicated on drawing no. 6782/101 dated 17 February 2017 (See **Annexure C**) and shall not be construed as authority to depart from any other legal prescriptions or requirements;
- 2.2.2 The hours of operation be limited between 06:00 – 21:00, everyday;
- 2.2.3 The house shop be limited to 30m²;

- 2.2.4 The dominant use of the property shall remain residential;
- 2.2.5 The residential character façade of the dwelling house shall not be altered;
- 2.2.6 No vehicles visiting the shop should park in front of the adjoining properties' driveway;
- 2.2.7 If the absence of dedicated parking does become an inconvenience to the general public, the owner of the property will have to provide a formal parking bay/s to the satisfaction of the Municipality;
- 2.2.8 House shop only serves customers by means of a serving hatch;
- 2.2.9 Operator of the shop to reside on the property
- 2.2.10 No more than 3 persons, including the owner of the dwelling or residing family member, shall be employed in the house shop;
- 2.2.11 A portable fire extinguisher be provided in the shop at all times;
- 2.2.12 No flammable materials or liquids (LP Gas) may be stored or sold;
- 2.2.13 No video games or pinball tables be permitted in the house shop;
- 2.2.14 The Municipality reserves the right to withdraw the approval for the house shop should the conditions of approval not be complied with or in the event of the business creating a disturbance or nuisance to the adjacent property owners, and in which case the Council shall not be held responsible for any costs incurred by the applicant;
- 2.2.15 Building plans must be submitted for all changes of use in the existing buildings and which building plan(s) must be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.

3. Matters to be noted

- 3.1 The house shop complies with the requirements of the National Building Regulations and Building Standards Act, Act No 103 of 1977.
- 3.2 Any person running a house shop shall obtain the relevant business license where required.
- 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 An application for the erection of advertising signs be submitted for approval to the municipality and that all signage on the property be erected to the satisfaction of the Municipality OR be in line with the signage policy of the Municipality.

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

- 4.1 The proposed application would not negatively affect the aesthetic appearance of the property or surrounding environment and the primary use of the property will still remain residential.
- 4.2 The house shop will not have a detrimental impact on the area as there will not be any alterations or additions to the existing building;
- 4.3 The proposed activity is low key and provides a service to the surrounding community.
- 4.4 No additional traffic will be generated as most customers will be pedestrians.

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:

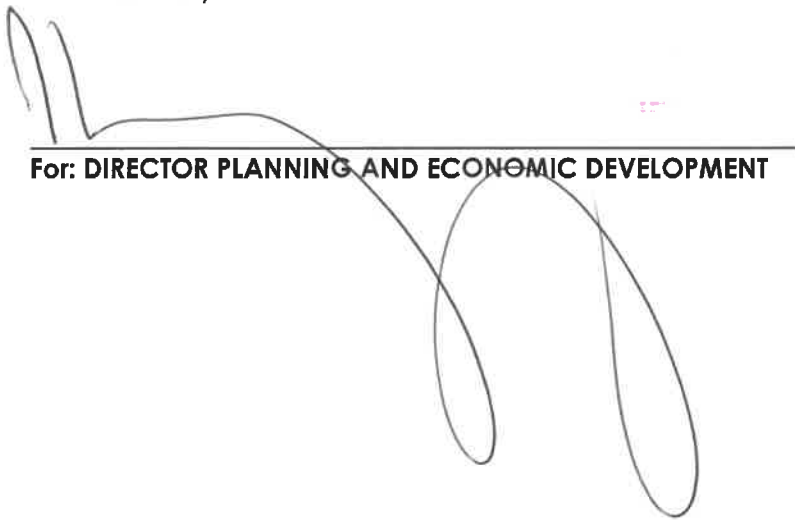
- (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
- (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
- (c) The notice 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

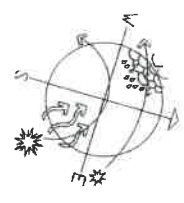
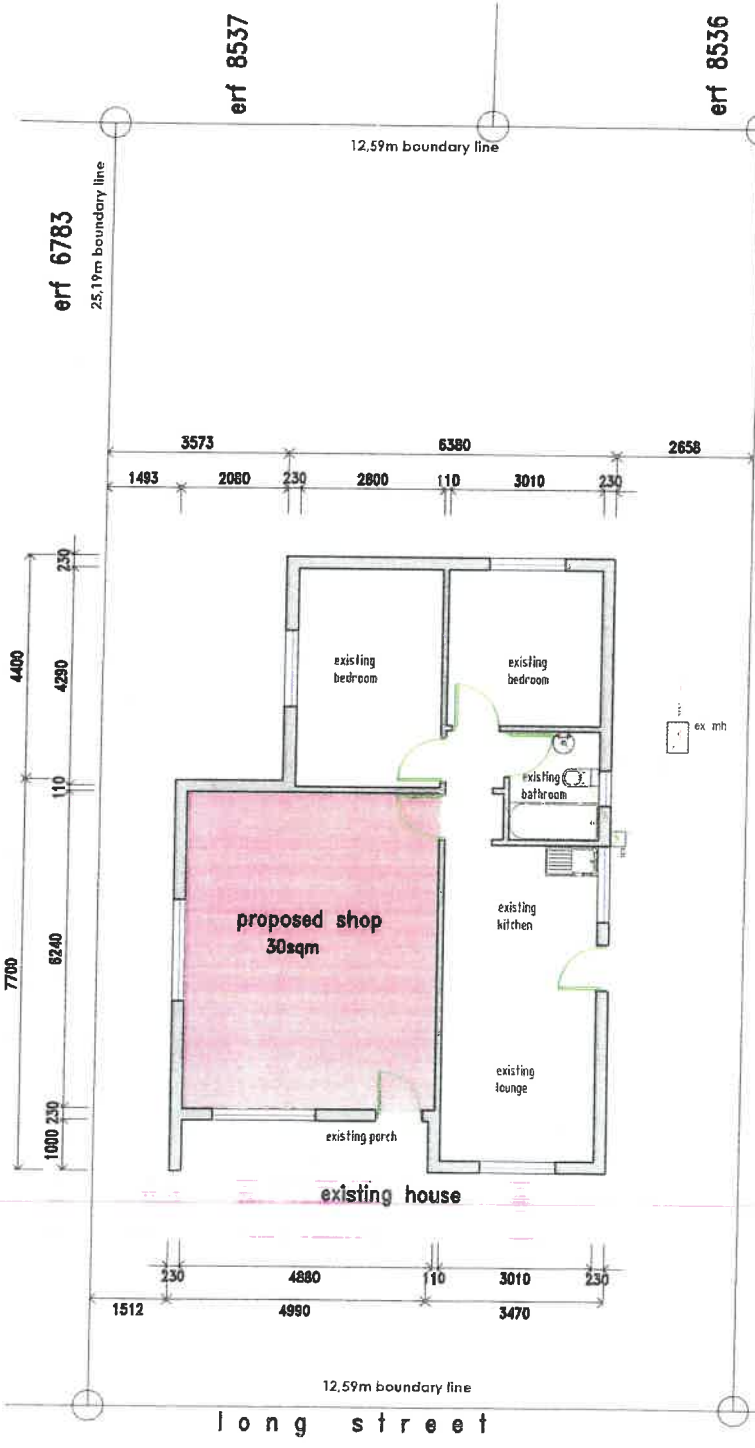


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For: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

9/5/2022
DATE:

ANNEXURE C: SITE DEVELOPMENT PLAN



New House shop on erf 6782, 53 Long street Cloetesville for Mr. AM Ali	date: 17.02.2017 scale: 1:100	drawing number: 6182/01	revision -
	for council approval		

wa hammers