



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/12422

Our File Reference Number: Erf 76, Franschhoek

Your Reference Number: None

Enquiries: Ulrich von Molendorff

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PER E-MAIL: [REDACTED]

Sir / Madam

**APPLICATION FOR REZONING, PERMANENT DEPARTURE AND PERMISSIONS I.T.O THE ZONING SCHEME:
ERF 76, FRANSCHHOEK**

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the following applications in terms of the Section 15(2) of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 76, Franschhoek, namely:
 - 2.1.1 The rezoning of Erf 76 in terms of Section 15(2)(a) of the By-Law from Conventional Residential Zone to Multi-Residential Zone to permit the development of flats (three dwelling units) on the property;
 - 2.1.2 The permanent departures in terms of Section 15(2)(b) of the By-Law to relax the street building line on Louis Botha Street from 4,5m to 1,25m; the street building line on Akademie Street from 4,5m to 1,75m; and the common building line (adjacent to Erf 658, Franschhoek) from 4,5m to 0m to accommodate existing structures and new building works;
 - 2.1.3 The permission in terms of Section 15(2)(g) of the By-Law to permit additions to the existing building as well as the removal of trees as stipulated in Section 246(1)(a) and (c) of the By-Law; and

2.1.4 The permission in terms of Section 15(2)(g) of the By-Law to exceed the height for the new dwelling unit (which is to be constructed on top of the existing cottage) from 8,5m to 9,2m as measured from the existing ground level to top of roof or top of parapet as stipulated in Section 252(2)(a) of the By-Law;

BE REFUSED in terms of Section 60 of the said Bylaw.

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

3.1 The proposed rezoning of the subject property from Conventional Residential Zone to Multi-Unit Residential Zone to densify the area is not considered context appropriate, and consideration is not given to the valued qualities of the specific area.

3.2 The proposal is incompatible with the use rights of the surrounding area and the character of the low-density residential area within the Franschoek Urban Conservation Area.

3.3 The permanent departures and permission in terms of the zoning scheme applications are auxiliary to the rezoning application and can therefore not be considered in isolation.

4. 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.

5. 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.
6. 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
7. 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.

8. 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>).
9. 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.
10. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
11. 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

22/7/2022

DATE:

Copies to Objectors

1. Susan & Sjaak Angenent ([REDACTED])

E-mail: [REDACTED]

2. T & SD Darlington ([REDACTED])

E-mail: [REDACTED]