

Application Number: LU/13208

Our File Reference Number: Erf 875, Stellenbosch

Your Reference Number: None Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: <u>Ulrich.Vonmolendorff@stellenbosch.gov.za</u>

PER E-MAIL:

Sir/Madam

# APPLICATION FOR REMOVAL OF RESTRICTIONS AND PERMISSION REQUIRES I.T.O THE ZONING SCHEME ON ERF 875, STELLENBOSCH

- 1. The above application refers.
- 2. The duly authorised decision maker has decided on the above application as follows:
  - 2.1That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Erf 875, Stellenbosch, namely:
  - 2.2 **Removal of restrictive title deed conditions** in terms of Section 15(2)(f) of the said Bylaw of Clauses B.I.(a); B.I.(b), B.I.(c); B.I.(d) and B.II.(l) as contained in Title Deed Nr 23999/2001 in order to allow for the proposed development. The restrictions to be removed read as follows:
    - Paragraph B.I.(a) "This erf shall be used for residential purposes only";
    - Paragraph B.I.(b) "Only one dwelling, together with such outbuildings as are ordinarily required to be used therewith shall be erected on this erf";
    - Paragraph B.I.(c) "Not more than one third of the area of this erf shall be built upon.

- Paragraph B.I.(d) "No building or structure or any portion thereof expect boundary walls and fences, shall be erected nearer than 6,30 meters to the street line which forms a boundary of this erf, nor within 3,15 meters of the lateral or rear boundary common to any adjoining erf, no building, however, to exceed two storeys in height".
- Paragraph B.II.(I): "The roofs of all buildings on this erf must be uniform in regard to material and style. Flat roofs for outbuildings, garages, etc will only be permitted if the main building also has a flat roof".
- 2.3 The permission required in terms of the zoning scheme for an additional use in terms of Section 15(2)(g) of the said Bylaw to allow for the construction of a second dwelling unit on top of the existing garage.

**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 the said Bylaw:
- 3.1 The approval only applies to the proposal under consideration, as indicated on the referenced (2021/14-001 rev 1; 2021/14-002; 2021/14-003; 2021/14-005; 2021/14-006, dated March 2021 and drawn by Andre Franzsen and Associates Consulting Engineering Services) Site Plan, attached as ANNEXURE C 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.
- 3.2 The development must be undertaken generally in accordance with the Site Plan as referenced 2021/14-001 rev 1; 2021/14-002; 2021/14-003; 2021/14-005; 2021/14-006, dated March 2021 and drawn by Andre Franzsen and Associates Consulting Engineering Services) and attached as ANNEXURE C.
- 3.3 The approval granted shall not exempt the applicant from complying with any other legal rescriptions or requirements that might have a bearing on the proposed use.
- 3.4 Building plans must be generally in accordance with the site plan as referenced (2021/14-001 rev 1; 2021/14-002; 2021/14-003; 2021/14-005; 2021/14-006, dated March 2021 and drawn by Andre Franzsen and Associates Consulting Engineering Services) and attached as ANNEXURE C.

- 3.5 The conditions imposed by the **Manager: Electrical Services** as contained in their memo dated 01 December 2021, be complied with (see **ANNEXURE G**);
- 3.6 The conditions imposed by the **Director: Engineering Services** as contained in their memo dated 01 December 2021, be complied with (see **ANNEXURE H**);
- 3.7 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services;
- 3.8 The applicant, after publication of a notice in the Provincial Gazette to apply to the Registrar of Deeds to make appropriate entries in, and endorsements on, any relevant register or title deed to reflect the removal, suspension or amendment of the restrictive conditions.

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

- 4.1 The proposal will have no detrimental impact on the character of the existing area as it is in keeping with the current land use of the subject property and the area.
- 4.2 The proposal will result in a sensible increase in density and will not alter the character of the area.
- 4.3 The proposal will also be of an appropriate scale that would relate to the surrounding townscape and land use character of the area.
- 4.4 Sufficient on-site parking will be available on the property.
- 4.5 The proposed removal of this restriction will not lead to a loss in property value or the quality of life in terms of the right to privacy.

#### 5 Matters to be noted:

- 5.1 Building plans be approved by the Municipality prior to any building work commencing.
- 5.2 Consent from Heritage Western Cape is to be obtained.

- 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. <u>Please note</u> 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:
    - 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 and offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or aniswers 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: <a href="mailto:landuse.appeals@stellenbosch.gov.za">landuse.appeals@stellenbosch.gov.za</a>
- 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 may be accessed and viewed on the municipal website (<a href="https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs">https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs</a>) and the banking details for the General Account can also be accessed on the municipal website (<a href="https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file">https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file</a>).
- 11. 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.
- 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 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

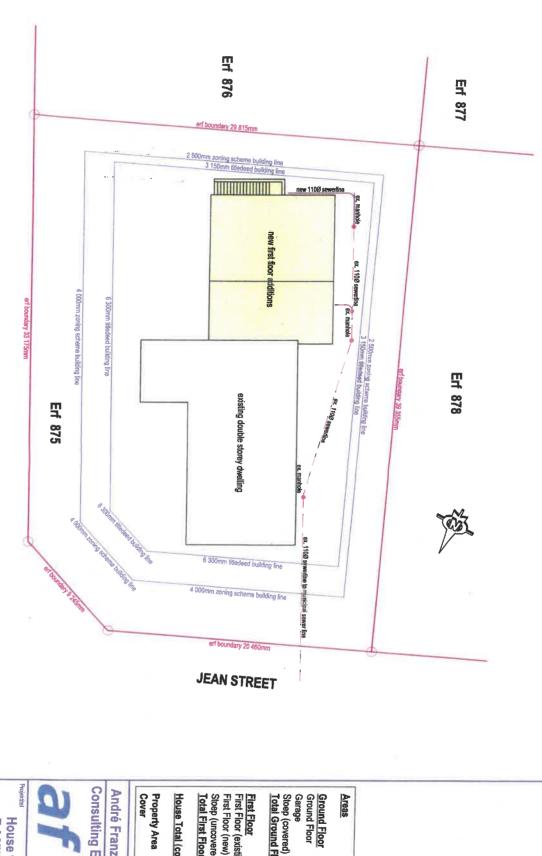
FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

1872022.

### ANNEXURE C

APPLICATION FOR REMOVAL OF RESTRICTIONS AND PERMISSION REQUIRES I.T.O THE ZONING SCHEME: ERF 875, KRIGEVILLE, STELLENBOSCH

SITE PLAN



2021/14 - 001 rev 1 1:200 Date March 2021 House van der Merwe Erf 875, Stellenbosch Site Layout

SITE LAYOUT 1:200

PIET RETIEF STREET

Alterations and Additions Service Title

First Floor (existing)
First Floor (new)
Stoep (uncovered)
Total First Floor (covered) House Total (covered)

Stoep (covered)
Total Ground Floor (covered)

199m² 43m² 18m² **260m**²

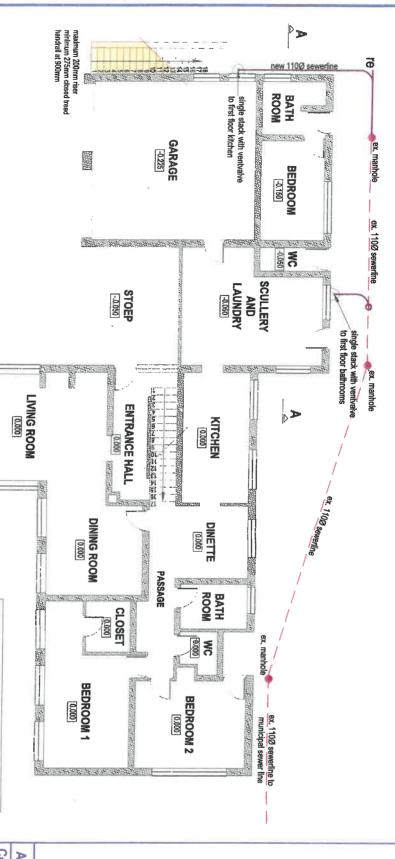
Garage

151m² 92m² 17m² **243m²** 

503m<sup>2</sup>

1095m² 23.75%

**Consulting Engineering Services** André Franzsen and Associates



**GROUND FLOOR LAYOUT 1:100** 

André Franzsen and Associates
Consulting Engineering Services



House van der Merwe Erf 875, Stellenbosch

All demotitions must be done to ensure the shuctural integrity of the remaining brickwork. All damaged brickwork must be repaired to the satisfaction of the structural engineer

The contractor must verify all dimensions and levels shown on this drawing on site. All discrepancies must immediately be reported to the architect for verification

IMPORTANT

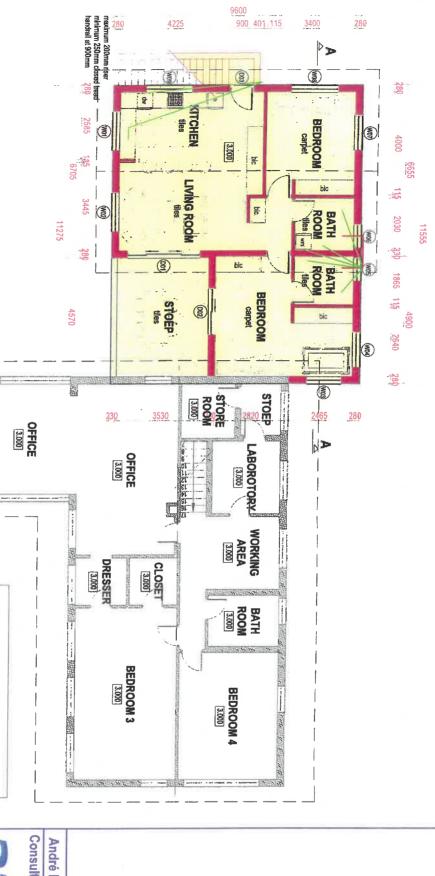
**Alterations and Additions** 

Service Title

Ground Floor Layout

Drawing Number Onwing Designed O21/14 - 002

2021/14 - 002 Crawn af 1:100 Date March 2021 Register af checked af conditing telephone (Conditing telephone)



FIRST FLOOR LAYOUT 1:100

# Consulting Engineering Service André Franzsen and Associates

Erf 875, Stellenbosch House van der Merwe

**Alterations and Additions** 

All demoltions must be done to ensure the structural integrity of the remaining brickwork. All damaged brickwopk must be repaired to the satisfaction of the structural engineer

The contractor must verify all dimensions and levels shown on this drawing on site. All discrepancies must immediately be reported to the architect for verification

IMPORTANT

First Floor Layout

2021/14 - 003 OD3

Drawing Number Chlery
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1:100

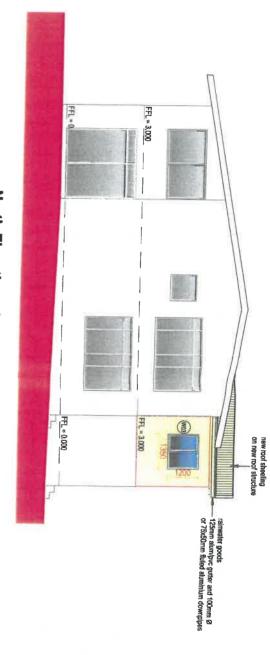
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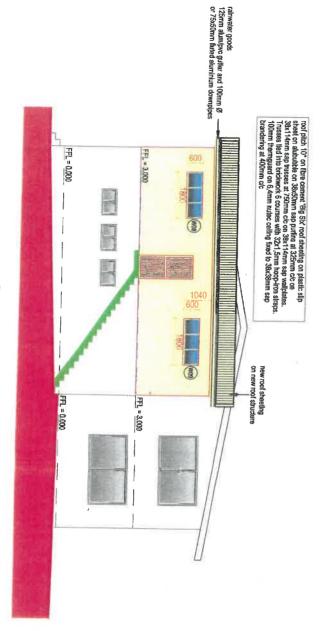
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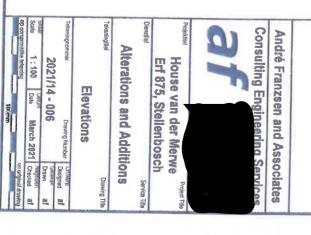
2021/14 - 005



North Elevation 1:100



South Elevation 1:100



# ANNEXURE G

APPLICATION FOR REMOVAL OF RESTRICTIONS AND PERMISSION REQUIRES I.T.O THE ZONING SCHEME: ERF 875, KRIGEVILLE, STELLENBOSCH

# COMMENT FROM THE MANAGER: ELECTRICAL SERVICES

#### Annexure A

#### GENERAL COMMENT:

. No Comment

1.

#### CONDITIONS:

- 2. Electricity Supply to new Additional Dwelling should be fed from the main Distribution Board, which is situated outside the main building.
- 3. If the current electricity supply is not adequate, an application for an increase in electricity supply must be submitted to Stellenbosch Municipality: Electrical Engineering Services.

4.

- . All new developments and upgrades of supplies to existing projects are subject to SANS 10400-XA energy savings and efficiency implementations such as:
  - Solar water Heating or Heat Pumps in Dwellings

- Energy efficient lighting systems

- Roof insulation with right R-value calculations .

- In large building developments;

- -Control Air condition equipment tied to alternative efficiency systems \*
- -Preheat at least 50% of hotwater with alternative energy saving sourse
- -All hot water pipes to be clad with insulation with R-value of 1
- -Provide a professional engineer's certificate to proof that energy saving measures is not feasible.
- 6. 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?

ERF 875 Date 22/2/201



### **ANNEXURE H**

APPLICATION FOR REMOVAL OF RESTRICTIONS AND PERMISSION REQUIRES I.T.O THE ZONING SCHEME: ERF 875, KRIGEVILLE, STELLENBOSCH

# COMMENT FROM THE DIRECTOR: ENGINEERING SERVICES



#### STELLENBOSCH MUNICIPALITY

#### STELLENBOSCH-PNIEL-FRANSCHHOEK

# **MEMORANDUM**

DIREKTEUR: INGENIEURSDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To • Aan:

**Director: Planning + Economic Development** 

Att Aandag

Salome Newman

From - Van:

**Colin Taylor (Development)** 

Date • Datum:

1/12/2021

Our Ref • Ons Verw:

Civil Lu 2229

Your Ref:

Lu/13208

Re - Insake:

Application is made in terms of section 15(2) (f) of the

Stellenbosch Municipal Land Use Planning By-Law dated 20

October 2015 for a removal of restrictive conditions B.I.(a):

B.I.(b); B.I.(c); B.I.(d) and B.II.(l) of Title Deed Nr. T23999/2001 in

respect of Erf 875, Stellenbosch. Application is made in terms of

Section 15(2)(g) of the Stellenbosch Municipality Land Use

Planning By-Law, October 2015 for permission required in terms

of the zoning scheme for an additional use to allow for a second

dwelling unit on Erf 875, Stellenbosch.

The application is recommended for approval, subject to the following conditions:

#### 1. Water

1.1 The existing water connection must be utilized for the proposed development: no upgrade in the size of the connection will be allowed, unless agreed to by our Water Services Department.

#### 2. Waste Water and Sewage

2.1 The existing sewer connection must be utilized for the proposed development: no upgrade in the size of the connection will be allowed, unless agreed to by our Water Services Department.

#### 3. Solid Waste

3.1 Please note: Solid waste must be removed from the site to a lawful solid waste disposal site in accordance with the requirements of section 26 of the National Environmental Management Waste Act 2008 (Act 59 of 2008).

- 4. Roads
- 4.1 Sufficient parking must be provided and indicated on the SDP at building plan submission stage.
- 5. Development Charges (DCs)
- 5.1 The following DC's are payable: See Development Charge Calculation attached.
- 5.2 The DC's were calculated by using the 2021/2022 tariff structure. If DC's are paid after 30 June 2022 it will have to be recalculated by using the tariff structure applicable at date of payment.
- 5.3 The DC's are payable before building plan approval.
- 6. Electrical

6.1 See annexure A for electrical comments.

**COLIN TAYLOR Pr Tech Eng** 

PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)

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	APPLICATION INFORMATION
Application Number	
Date	Wednesday, 01/bec/2021
Financial Year	202/222
Erf Location	Stefansborn Fluor
Erf No	Erf 875
Erf Size (m²)	1.094
Suburb	Piet Retief Street
Applicant	Pieterhuizen Planning (PTY) LTD
Approved Building Plan No.	SITE LAVOUT Drawing Number: 2021/14-001 Rev 1

		SUMMAR	SUMMARY OF DC CALCULATION				
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Total Payable (including VAT)	R 11 237,53	R 8 981,53	R 940,38	R 1 832,80	R 18 804,62	R 7.715.44	D 40 612 10
							17.40 014.00

	APPLICANT INFORMATION
Application Processed by:	Colin Taylor
Signature	Waylor
Date	As above
Amount Paid:	
Date Payment Received	
Receipt Number	

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