



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/15481 (TP333/2023)

Our File Reference Number: Erf 9138, 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 DEPARTURE IN TERMS OF SECTIONS 15(2)(b) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW, 2023 ON ERF 9138, TENNANTVILLE, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-law, 2023 for a departure to relax the common building line from 1m to 0m to build a covered patio (adjacent to Erf 9137) on Erf 9138, Tennantville, Stellenbosch.

BE APPROVED in terms of Section 60 of the said By-law and subject to conditions of approval.

3. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said By-law:
 - 3.1 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 By-laws or Regulations that may be applicable.
 - 3.2 The development must be undertaken generally per the site plan as referenced in Drawing No: 2022-1237-C-01, Revision 8 Drawn by Van Heerden Architecture, dated 05/12/2022 attached as **Annexure B**.

- 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 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.
 - 3.5 All unauthorised buildings and structures be removed/demolished before occupation certificates are issued for any approved building plans.
 - 3.6 Building plans must be generally per the Site Plan/Floor layout plan as referenced in Drawing No: 2022-1237-C-01, Revision 8, drawn by Van Heerden Architecture, dated 05/12/2022 attached as **Annexure B**.
4. The reasons for the above decision are as follows:
- 4.2 The minor encroachment of the Zoning Scheme By-law building lines does not undermine the residential character of the area.
6. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw 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.
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:
 - a) First names and surname
 - b) ID number
 - c) Company of Legal person's name (if applicable)
 - d) Physical Address
 - e) Contact details, including a Cell number and E-Mail address
8. Reference to this correspondence and the relevant property details on which the appeal is submitted.
- 8.1 The grounds of the appeal which may include the following grounds:

- a) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)
- b) 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.

8.2 Whether the appeal is lodged against the whole decision or a part of the decision.

8.3 If the appeal is lodged against a part of the decision, a description of the part.

8.4 If the appeal is lodged against a condition of approval, a description of the condition.

8.5 The factual or legal findings that the appellant relies on.

8.6 The relief sought by the appellant.

8.7 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.

8.8 That the appeal includes the following declaration by the Appellant:

- a) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
- b) 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.

9. 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

10. 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.

11. The approved tariff structure and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at landuse.appeals@stellenbosch.gov.za

12. An applicant who lodges an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:

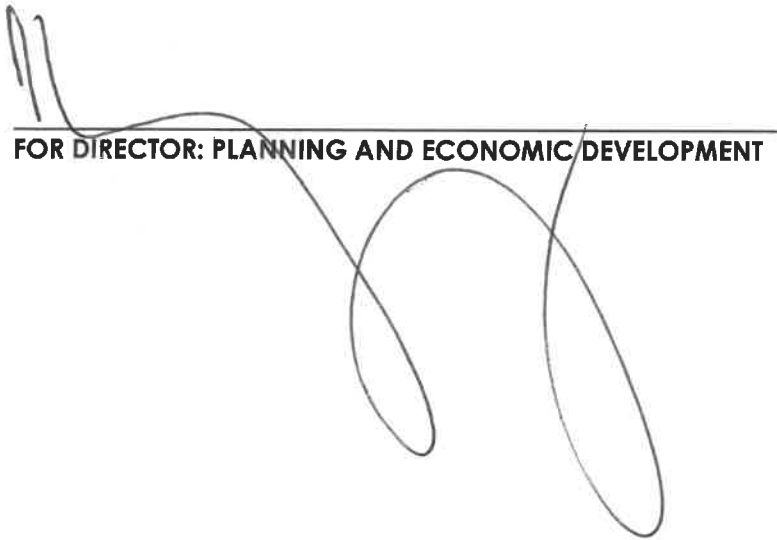
- (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
- (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
- (c) The notice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

13. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

14. Kindly note the above decision in the case of any approval, is suspended, and 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



A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

15/1/2024,
DATE

NO	REVISIONS	DATE
1	REVISIONS	DATE
2	REVISIONS	DATE

Legend

1. All products specified have to be installed as specified, after 5 years from date on plan.

2. Any other method of installation or deviation from the space will require approval of the relevant authority.

3. All products carry a manufacturer's guarantee, and can't be guaranteed by Van Heerden Architectural (Pty) Ltd. Any deviation from the plans has to be reported to Van Heerden Architectural (Pty) Ltd before such deviation is applied, and a written approval has to be obtained before any deviation may be made. Making any changes to this plan is an offence.

4. All building work has to comply with SANS10400 and NHBRC regulations.

REVISIONS

NO. REVISIONS DATE

PROJECT DETAILS

RECORD DRAWING FOR NEW ADDITIONS FOR MR. AND MRS. DE KOKER

PROPERTY DETAILS

ERF 9138, 43 TENNANT STREET, STELLENBOSCH



OWNER'S SIGNATURE

SAGAR T1004
SARAT 30302

DRAWING STATUS CODE:

ALL EXISTING CONSTRUCTION (MASONRY, MASONRY, MASONRY) IS TO BE MAINTAINED AS IS. ALL NEW CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS AND ALL APPLICABLE LAWS. THE DRAWING IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE AN OFFER OF ANY SERVICE. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS AND PERMITS FROM THE RELEVANT AUTHORITIES. THE DRAWING IS VALID FOR 12 MONTHS FROM THE DATE OF ISSUANCE.

DATE	27.05.2023
SCALE	AS SHOWN
PROJECT NO.	2022-1237-C-02
CLIENT	MR. AND MRS. DE KOKER
ARCHITECT	VAN HEERDEN ARCHITECTURE
REGISTERED	YES
REGISTERED NO.	123456789
REGISTERED TYPE	REGISTERED ARCHITECT
REGISTERED BODY	REGISTERED ARCHITECTS SOUTH AFRICA
REGISTERED ADDRESS	123456789
REGISTERED CONTACT	123456789
REGISTERED PHONE	123456789
REGISTERED EMAIL	123456789
REGISTERED WEBSITE	123456789
REGISTERED SOCIAL MEDIA	123456789
REGISTERED SIGNATURE	123456789
REGISTERED SEAL	123456789
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