



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14814

Our File Reference Number: Erf 9580

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: [Ulrich.Vonmolendorff@stellenbosch.gov.za](mailto:Ulrich.Vonmolendorff@stellenbosch.gov.za)

PER E-MAIL: [REDACTED]

Sir / Madam

## APPLICATION FOR REMOVAL OF RESTRICTION AND A DEPARTURE ON ERF 9580, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker hereby decides in accordance with the Categorisation Model Category (F1 & B1) on the above applications as follows:

2.1 That the application in terms of Section 15(2)(f) of the Stellenbosch Municipality By-Law on Municipal Land Use Planning, 2023 for the removal of a restrictive title deed condition E.(a) as contained in deed of transfer number T. 23462 of 2019 in order to accommodate the proposed extension to the existing dwelling house and garage within 4,72m. The restrictive title deed condition to be removed read as follows:

*E.(a) That no building shall be erected within 4,72metres of any street line.*

3.2 That the application for a departure in terms of Section 15(2)(b) of the said By-Law to relax the common building line (adjacent to Erf 9579, Stellenbosch) from 1m to 0m in order to accommodate the proposed extension to the existing garage which is to be converted into a bedroom with en-suite on Erf 9580, Stellenbosch.

**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 applies only to the departure application under consideration 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 approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the use.

3.3 Building plans be generally in accordance with the site / floor layout plan as referenced A2118/C/101, dated 19 August 2022 and drawn by Jurgen Breuninger and attached as **Annexure A**.

3.4 Conditions as imposed by Engineering Services in their memo dated 20 September 2023, must be adhered to.

4. Matters to be noted:

The applicant after publication of a notice in the Provincial Gazette to apply to the Registrar of Deeds to make entries in, and endorsements on, any relevant register or title deed to reflect the removal of the restrictive condition.

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

5.1. The proposal is in line with the existing land use of the property thus will not have an impact on the 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:

7.1. 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

7.2. Reference to this correspondence and the relevant property details on which the appeal is submitted.

7.3. 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.

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

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

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

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

7.8. The relief sought by the appellant.

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

7.10. 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.

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: [landuse.appeals@stellenbosch.gov.za](mailto:landuse.appeals@stellenbosch.gov.za)
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 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](mailto:landuse.appeals@stellenbosch.gov.za)
11. 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.
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 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.

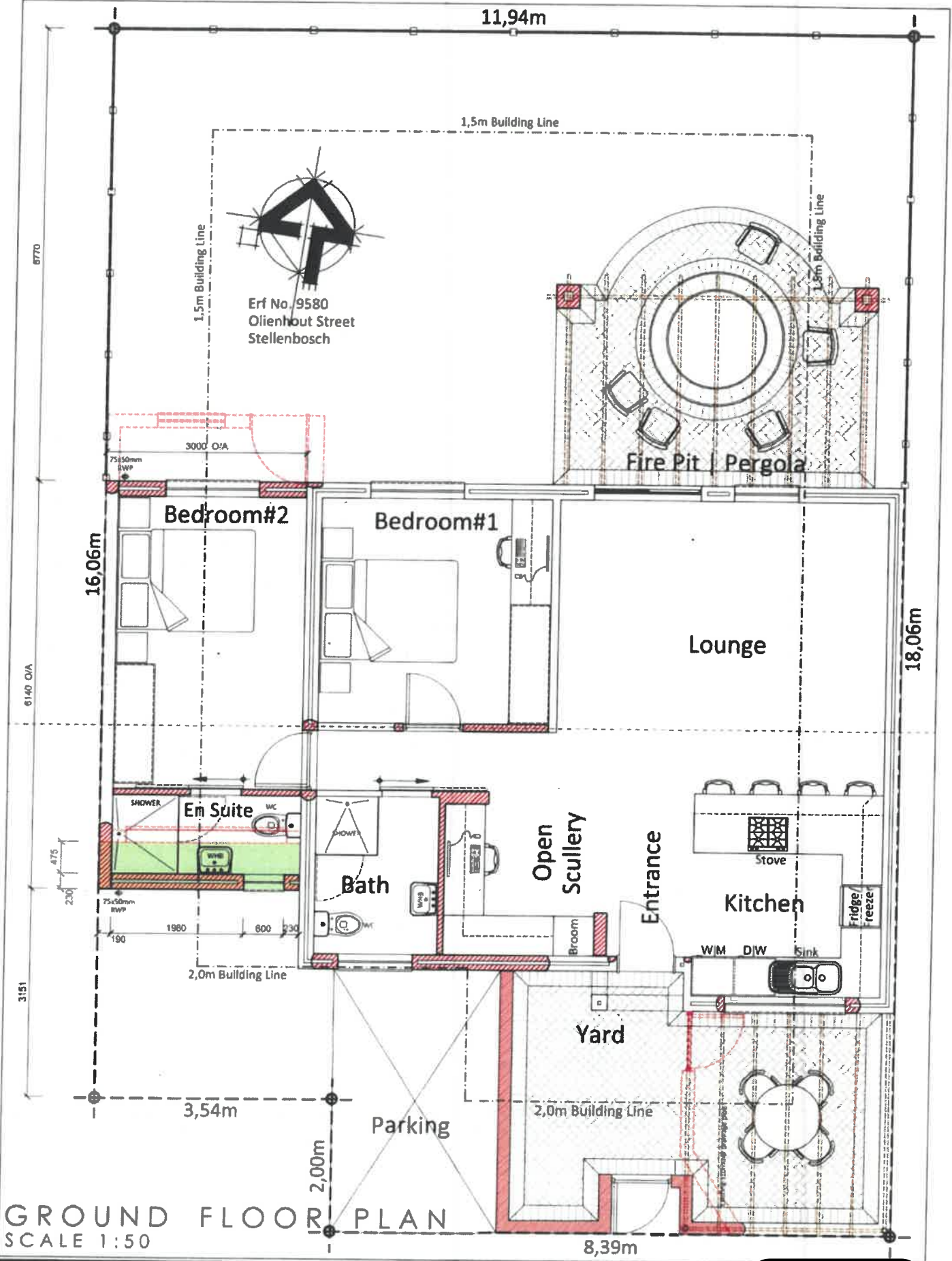
Yours faithfully



**MANAGER: LAND USE MANAGEMENT**

**DATE: 21-02-2024**

Annexure A  
Site/Floor plan



PROJECT DESCRIPTION  
 HOUSE van Jaarsveld  
 Erf No. 9580, Olienhout Street, Stellenbosch  
 DRAWING DESCRIPTION  
 CONCEPTUAL LAYOUT PLAN

DRAWN: [Redacted]  
 OWNER: [Redacted]  
 DATE: 19th August 2022 | SCALE/SHEET SIZE: 1:50/A3  
 DRAWING NO: A2118/C/101  
 REVISION: [Redacted]

Annexure B  
Comments from Engineering Services



**STELLENBOSCH MUNICIPALITY**  
STELLENBOSCH·PNIEL·FRANSCHHOEK

# MEMORANDUM

**DIREKTORAAT: INFRASTRUKTUURDIENSTE**  
**DIRECTORATE: INFRASTRUCTURE SERVICES**

**CIVIL ENGINEERING SERVICES**

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**To ▫ Aan:** Director: Planning + Economic Development

**Att Aandag:** Nolusindiso Momoti

**From ▫ Van:** Principal Technician: Development (Infrastructure Services)

**Author ▫ Skrywer:** Kurt Titus

**Date ▫ Datum:** 20 September 2023

**Our Ref ▫ Ons Verw:** Civil LU 2567

**Town Planning Ref:** LU/14814

**Re ▫ Insake:** Erf 9580, Stellenbosch: Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for a departure to relax the common building line (adjacent to Erf 9579, Stellenbosch) from 1m to 0m in order to accommodate the proposed extension to the existing garage which is to be converted into a bedroom with en-suite, on Erf 9580, Stellenbosch. Application is made in terms of Section 15(2)(f) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for removal of restrictive title deed condition E.(a) as contained in the Title Deed no. T. 23462/2019 in order to accommodate the proposed extension to the existing garage which is to be converted into a bedroom with en-suite, on Erf 9580, Stellenbosch.

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

1. When submitting for building plan approval ensure that all water (water meter) and sewer erf connections are visible on the layout plan.
2. Show the existing midblock sewer line running over the property at the back-end boundary (see attached as-built).
3. Ensure that the portion of the property where the midblock sewer line runs through is always kept open and accessible.
4. Parking bay dimensions must indicate and the correct number of parking to ensure compliance with Stellenbosch design guidelines and zoning scheme (Building plan stage).

*K Titus*

**Kurt Titus**  
**Principal Technician: Development (Infrastructure Services)**

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