



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/9002

Our File Reference Number: Erf 5794 Stellenbosch

Your Reference Number:3599P

Enquiries: Lenacia Kamineth /Robert Fooy

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**PER E-MAIL:** [clifford@tv3.co.za](mailto:clifford@tv3.co.za)

Clifford Heys  
1<sup>st</sup> Floor La Gratitude Offices  
97 Dorp Street  
Stellenbosch  
7600

Dear Mr Heys

**APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015): APPLICATION FOR REZONING AND PERMANENT DEPARTURE: ERF 5794, DIE BOORD, STELLENBOSCH**

1. This Municipality's decision letter dated 29 September 2020, refers. The appeal process has now been concluded.
2. The Appeal Authority resolved on 18 November 2021 that the appeal submitted against the refusal of the subject application by the Authorised Decision maker on 28 October 2020, **BE DISMISSED** and that the subject decision **BE CONFIRMED** in terms of section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law, 2015.
3. That the application in terms of the Stellenbosch Municipality's Planning By-Law (2015) on Erf 5794, Stellenbosch for:
  - 3.1 The rezoning in terms of Section 15. (2)(a) of the said Bylaw from Conventional Residential Zone to Local Business Zone to allow a mixed-use building; and
  - 3.2 A permanent departure in terms of Section 15. (2)(b) of the said Bylaw to allow a flat on the ground floor of the proposed building;

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

4. The reasons for the decision are as follows:

- (a) The building is much larger than the buildings located in the area on similar size properties and will therefore have an impact on the residential character of the area;
- (b) The building will only be occupied during working hours even though a small residential component has been provided;
- (c) The approval of the proposal will set a precedent for similar applications as now commercial activities have been allowed to be established within the existing residential area as the subject property cannot obtain direct access to Saffraan Avenue but must take access via Rokewood Street which is residential in nature;
- (d) The scale of the building will have an impact on the privacy of the adjoining residences as the proposed building will be much closer to the erf boundaries as a result of its scale than a dwelling unit which complies with the development parameters applicable to the subject property;
- (e) The building will not blend in with the surrounding residential character of the area due to its size / scale;
- (f) Commercial traffic will be drawn into the residential area thus having an impact on existing traffic volumes due to the location of the subject property and the existing residential character of the area;
- (g) The nature and scale of the proposed development on the subject property in the context of its location, will result in a detrimental impact on the predominantly residential nature of the area;
- (h) There are thus no justifiable grounds submitted by the appellant that refute these findings and that would warrant the review of the decision.

Yours faithfully

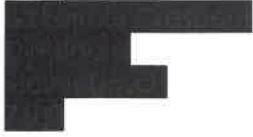


**FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT**

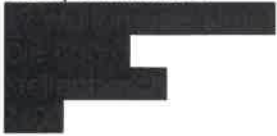
**DATE:** 24/11/2021

**COPIES:**

Nicky Palmer



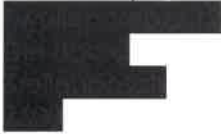
Nicky Malherbe



N Louwrens



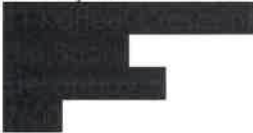
M.S Van Zyl



ML Heyns



JP Heyns



MM Reyneke



M Greener



Michael and Lynn Fell



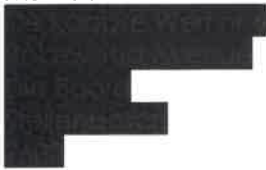
MC Carinus



Martinette Van Der Merwe



MJ Roux



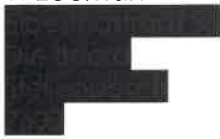
Zahn Munch



Yvonne De Wet



W Zeeman



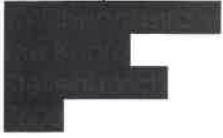
Willem Van Wyk



Councillor Groenewald



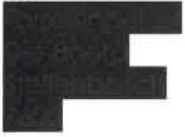
VDP Reyneke



Tyron & Bianca Coote



GJ Blanckenberg



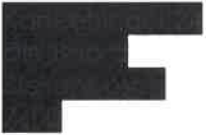
Dr C Muller



JHD du Plessis



Dr Marten Gründlingh



Teuns Kok



Tertius Carinus



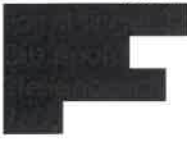
Tertia Steyn



G & S Laning



Susanne Rall-Willemse



Susan Van Wyk



Dr JHS Ferreira



Steve Kroon



Stellenbosch Ratepayers Association



Stellenbosch Interest Group



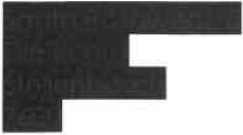
Sonya Olivier



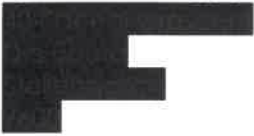
Stephen Yallop



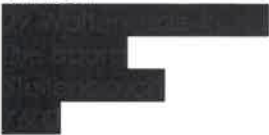
JS Du Toit



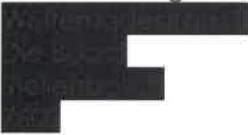
SJA & M Van Eeden



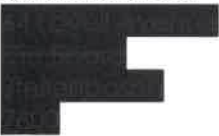
Sharon Nel



Scott Mcnaughton



Sarah Johanna de Koker



Samantha Jooste



Ryan Schefermann



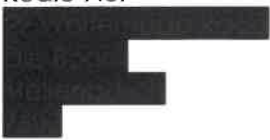
Ryan Coldman



Rufus H. Gouws



Rudie Nel



Rudie Krüger



RT Meyer



R Kriel



HR Koegelenberg



Rochelle Ueckermann

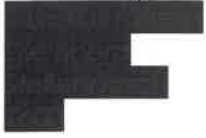


Rob Rivera





Riana Berry



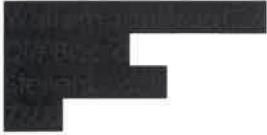
Rhenish Primary School



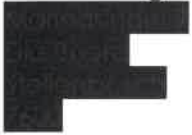
Hendrik Retief Gerber



R Schoch



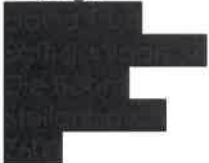
Quintus Kruger



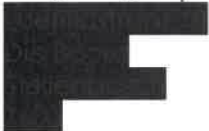
Dr PD Fick



PJ Jager



Pieter Aucamp



Philip Micklewood



Peter & Laura Alderman



Nine Broodryk



N Hefer



Dr Nicola Bredenkamp



Nicky Palmer



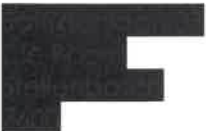
Marlize De Villiers



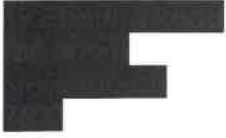
Marlet Basson



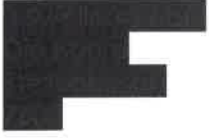
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Marius Van Der Merwe



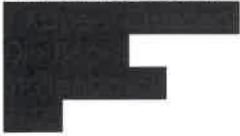
Marius & Alna Lategan



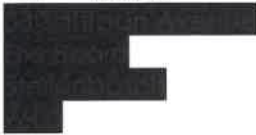
Marieta Moller



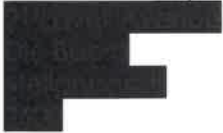
Marianne Theron



MBH Webster



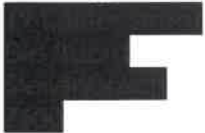
Marcel Broodryk



M Spence



Dr M Basson



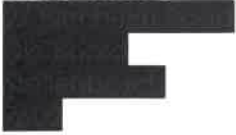
Marion & David Sinclair



Lynn Lorenzen



Luther Jooste



Dr HL & Mrs SA Botha



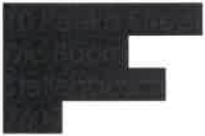
Louise en Jan Botha



LC Koch



Dr LJ Du Plessis



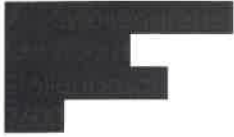
Lente Botha



Dr NL Motimer



Lelani Maree



Leila Louise Goedhals-Gerber



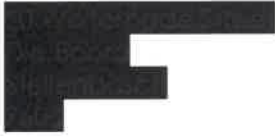
Laura Alderman



Lance Setzer



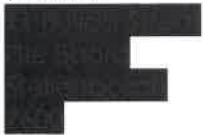
LH Fick



Laerskool Eikestad



J Starke



Jean-Pierre Marais



Jonathan Wooldridge



JMK Yip



JC Leuvenink



Johan Olivier



Johann Kistner



Joan-Mari Barendse & James Pryke



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CJ Torrance



JJ Coetzee



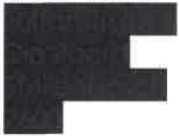
J Steenkamp



Jennifer Buhrmann



JE Lambrechts



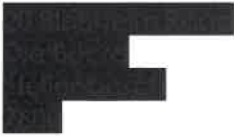
JH de Beer



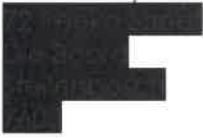
Jan de Munck Incorporated Attorneys



Jan Basson



James Hayes



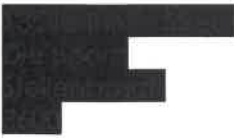
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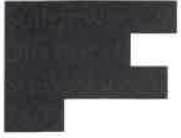
Jacolet Van Heerden



Jaco du Toit



Prof I J Grovè



Jacomien Mouton



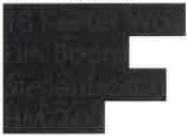
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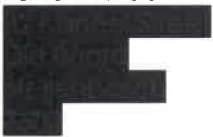
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Ilse Gouws



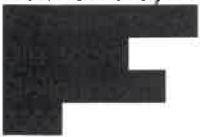
Ilana Maree



HM Scholtz



Herman Steyn

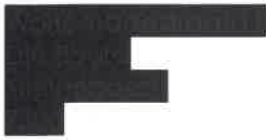




JH Burger



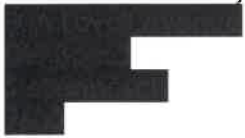
H Boucher



H Fourie



Prof. Heidi Prozesky



HB Ekron



Hannelore Berg



Hannelie Jonker



GV Spence



Graham H Webster



Graham Walker



Gisela Harms



Karen Jonas



GD Roos



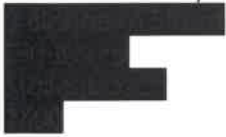
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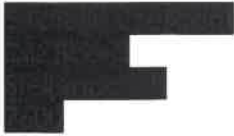
Gary Burhmann



Gerhard & Tanya Mulder



Freddie Ellis



Franziska Bestbier



Frans Immelman



H F Moller



FA & C Fouche



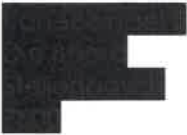
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E Muller



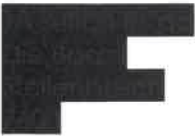
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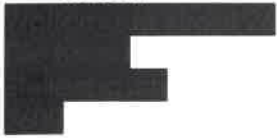
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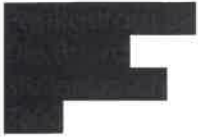
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WH Schoch



Elmari Roos



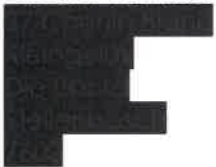
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Edwin & Santie Bredenhand



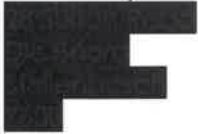
Eduard Hamman



Elke & Anke Dunaiski



Douw Steyn



Douglas Prain



DJ Van Niekerk



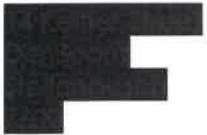
David Hunter



David Farquharson



Dave Liu



Daniel Rossouw



Danie Theron



Dalene de Beer



CM du Toit



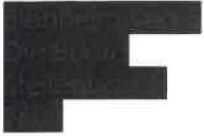
CS & CA van der Waal



Coenraad Hendrik Basson



CB Janse Van Vuuren



Ciska Marais



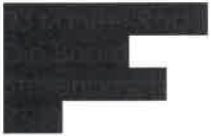
Jan & Christy Momberg



Chris Van Wyk



Charl Pienaar



Celene F D Hunter



Cecile Van Wyk



Cecile Van Der Walt



[Redacted]

Cecil Munch

[Redacted]

CAJ Botha

[Redacted]

Carla Masson

[Redacted]

Carla Coetzee

[Redacted]

Carl de Kock

[Redacted]

Cari Van Schalkwyk

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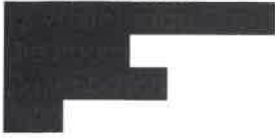
Carel Bestbier

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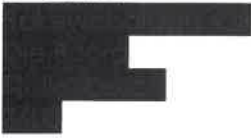
Christiaan & Cornè Lamprecht

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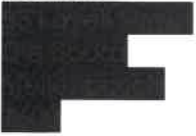
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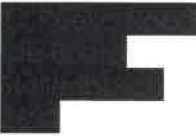
BF Carinus



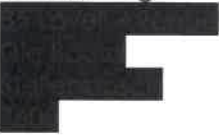
Bernice du Plessis



Peet & Ansie vd Walt



Anri Dorfling



Adriaan & Annemarie Visagie



Annette Augustyn



APC Niewoudt



Andrew Drummond





Andre Coetzee



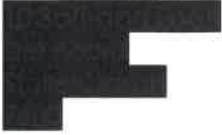
A VN Carinus



A Norton



AMS du Plessis



LA (Almero) Steenkamp



AJ Badenhorst



Adene Koch



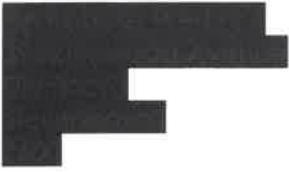
John & Adele Wilson



Dr Marten Gründlingh



MJ Roux



L Webster

