

Application Number: LU/8769, LU/8078 & LU/8771

Our File Reference Number: Erven 1616, 3494 and 3747, Franschhoek

Your Reference Number: P3284/07(8)PP

Enquiries: Lenacia Kamineth / Robert Fooy

Contact No: 021 - 808 8697

Email address: Landuse.Appeals@stellenbosch.gov.za/ Robert.Fooy@stellenbosch.gov.za

Per email: david@dhaa.co.za

Dear Mr Hellig

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015):

APPLICATION FOR THE REZONING OF ERF 1616 AND 3494, FRANSCHHOEK

APPLICATION FOR A BUILDING LINE DEPARTURE ON ERF 3494, FRANSCHHOEK

APPLICATION FOR CONSENT USE AND TEMPORARY DEPARTURE ON ERF 3747, FRANSCHHOEK

TO FACILITATE THE USE OF THESE THREE PROPERTIES FOR GUEST HOUSE PURPOSES WITH A

FUNCTIONS VENUE

- This Municipality's decision letter dated 21 January 2021, refers. This letter is the final letter after the appeal process.
- 2. The appeal submitted against the approval of the Authorised Decision Maker on 21 January 2021 in respect of the Application for the rezoning of Erf 1616 and 3494, Franschhoek, Application for a building line departure on Erf 3494, Franschhoek and Application for consent use and temporary departure on Erf 3747 Franschhoek to facilitate the use of these three properties for Guest House purposes with a Functions Venue, BE DISMISSED and that the subject decision BE CONFIRMED in

Erven 1616, 3494 and 3747, Franschhoek

terms of section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law,

2015, as follows:

2.1 The application in terms of Section 15(2)(a) of the By-Law for the Rezoning of

Erf 1616, Franschhoek from Single Residential to General Residential to permit

the use of the existing dwelling on the subject property for Guest House

purposes;

2.2 The application in terms of Section 15(2)(a) of the By-Law for the Rezoning of

Erf 3494, Franschhoek from **Single Residential to General Residential** to permit

the use of the existing dwelling on the subject property for Guest House

purposes;

2.3 The application in terms of Section 15(2)(b) of the By-Law for Departure on Eff

3494, Franschhoek to relax the 4.6m side building line to 0m adjoining erf 877,

for the existing outbuildings already located on the subject property;

2.4 The application in terms of Section 15(2)(o) of the By-Law for a Consent Use

to utilise the Manor House, Cottage and Winery building footprints for Guest

House purposes on **Erf 3747**, **Franschhoek**;

2.5 The application in terms of Section 15(2)(o) of the By-Law for a Temporary

Land Use Departure on Erf 3747, Franschhoek, to utilise the existing Store for a

Function Venue to be utilised by the patrons of the Guest House only.

BE APPROVED SUBJECT TO CONDITIONS

3. The approval above **BE SUBJECT** to the following conditions in terms of Section 60

of the said Bylaw:

3.1 The approval only applies to the proposals in question, as indicated on the

following Site Development Plan drawn by: Eric Gobbler Architects, dated 18

May 2018, attached as Annexure 4 and shall not be construed as authority to

depart from any other legal prescriptions or requirements from Council;

Page 2 of 6

Erven 1616, 3494 and 3747, Franschhoek

3.1.1 Plan No: May 2018-Erf 1616, Franschhoek

3.1.2 Plan No: May 2018-Erf 3494, Franschhoek

3.1.3 Plan No: May 2018-Erf 3747, Franschhoek, Page 1 to 4

3.2 The development be undertaken in accordance with the Site Development

Plan drawn by: Eric Grobler Architects, dated 18 May 2018 and attached as

Annexure 4.

3.3 That the rezoning of Erf 1616 and Erf 3494, Franschhoek from Single Residential

to General Residential purposes is specifically only to facilitate the use of these

properties for guest house purposes only.

3.4 The total number of suites available to guests be limited as follows:

3.4.1 1 Suite on erf 1616: Franschhoek:

3.4.2 5 Suites on erf 3494, Franschhoek: and

3.4.3 8 Suites on erf 3747, Franschhoek;

3.5 The Function Venue is to be utilised only by the patrons of the Guest House and

is to be limited to 40 guests with a maximum of 6 functions per year.

3.6 All services to be provided in accordance with the engineering services report

attached to the applications by Norte & De Villiers Consulting Engineers for

each property and to the satisfaction of the Directorate:

Infrastructure Services.

3.7 Development Charges (DC's) are payable on all the applications under

consideration in terms of the approved tariff structure and the appropriate tariff

will be calculated using the tariff structure applicable at date of payment.

(attached as Annexure 6).

3.8 All DC's are payable before building plan approval or prior to the property /

building/s being put to the uses applied for.

Page 3 of 6

3.9 DC's will not be charged, for the Temporary Departure, which lapses after a

maximum of 5 years. Should a new application be submitted, DC's will be

charged as this would constitute a prolonged impact on the bulk services.

3.10 Building plans for all the buildings must be submitted to the Municipality for

approval prior to any building work commencing onsite and all building plans

are to be endorsed by Heritage Western Cape where applicable.

5. The above decision was made for the following reason(s) in terms of section

81(7)(c) of the said By-law:

5.1 The proposed building line relaxation is for existing buildings already located on the

subject property and thus the approval of this application will have no impact on

the adjoining property as these buildings are already located on the common

boundary line.

5.2 The proposal is not inconsistent with the principles of the Stellenbosch Integrated

Development Plan and the Municipal Spatial Development Framework.

5.3 The proposal supports the further development of the town's tourist infrastructure

and provides additional tourist accommodation.

5.4 The proposed land uses are compatible with the surrounding land uses as the

intended use is primarily residential in nature.

5.5 The proposal will have a positive impact on the local economy as it will create new

employment opportunities (temporary and permanent).

5.6 Approval of the proposal will increase the existing rates and taxes base of the

Municipality.

5.7 The approval granted for the General Residential Zone is linked to the use of the

property for guest house purposes only.

Page 4 of 6

- 5.8 The appellants did not provide any compelling arguments or new information that warrant an alternative decision on the matter.
- 6. Accordingly, the decision detailed in this letter may be implemented, subject to compliance with the conditions of approval.

Yours faithfully

FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

DATE: 28/02/2022

COPIES TO:

Brian Howard /Siegfried Schafer
 Franschhoek Heritage and Ratepayers Association
 Email

2. Matthew & Nicky Gordon Email:

3. Phillip Lund Email:

ANNEXURE 4

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SITE DEVELOPMENT PLAN LA CABRIERE

ERF 3494, FRANSCHHOEK **SCALE 1:200**



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ADJOINING ERF 3747

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ERF 3949

GROUND FLOOR PLAN SCALE 1:100

FIRST FLOOR PLAN SCALE 1:100



GUEST HOUSE: 5 GUEST SUITES ERF SIZE: 4477.0m2

398.0m2

PARKING: STANDARD BAYS: 05
DISABLED BAYS: 01
STAFF BAYS: 03
EXTRA BAYS: 05

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Drawn By: Eric Grobler Architects
Date: 18 May 2018
SDP - May 2018-Erf 3494, Franschhoek

2 LEXISTING WINERY

2 GLIEST SUITES (ENOSUITE BATHROOMS)

3. EXISTING HANGAR

ADDITIONS: STAFF QUARTERS

TOTAL GLA: 1983.0m2

TOTAL: STANDARD PARKING BAYS: 38
TOTAL: DISABLED PARKING BAYS: 04
TOTAL: ADDITIONAL PARKING: 05
TOTAL: LIVE IN STAFF PARKING: 02

r P AREA: 180,0m2

GLA:

257.0m2

STANDARD PARKING BAYS DISABLED PARKING BAYS ADDITIONAL PARKING BAYS

28 02 02 STAFF PARKING GLA:

581,0m2

STANDARD PARKING BAYS DISABLED PARKING BAYS ADDITIONAL PARKING BAYS

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1 .EXISTING MANOR HOUSE and COTTAGE

5 GUEST SUITES (EN-SUITE BATHROOMS)

1149.0m2

STANDARD PARKING BAYS DISABLED PARKING BAYS ADDITIONAL PARKING BAYS

228

BREAKDOWN FOR GUZST HOUSE CONSENT USE APPLICATION

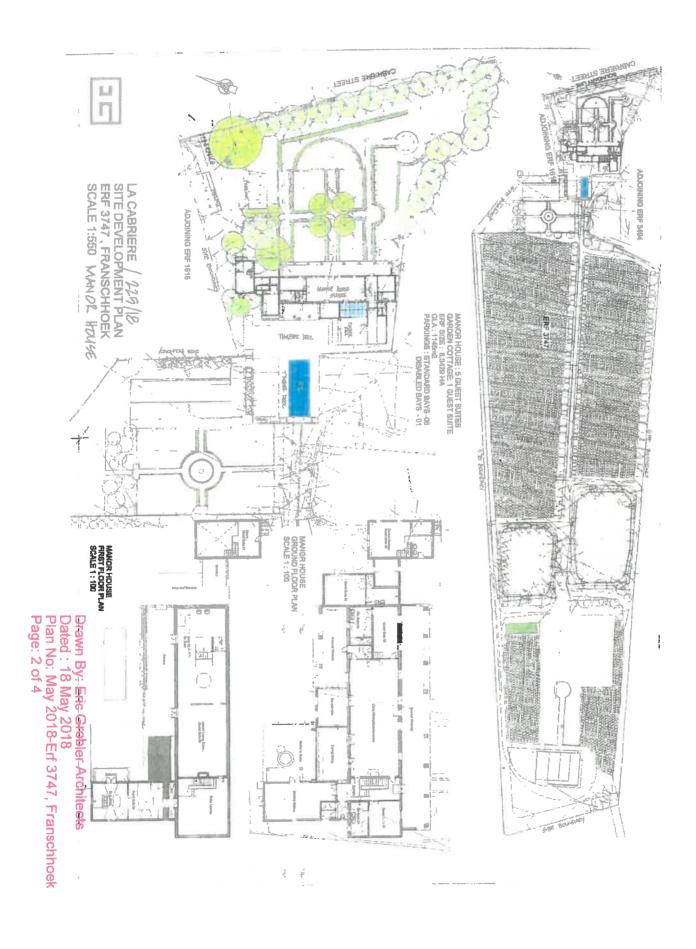
LA CABRIERE 225/18

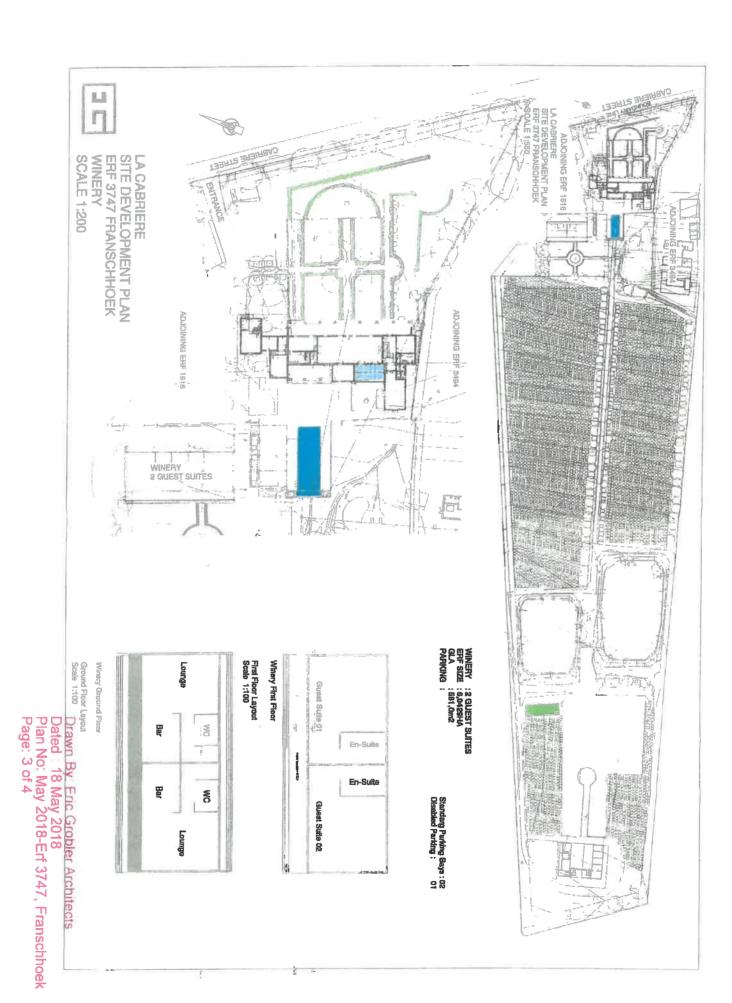


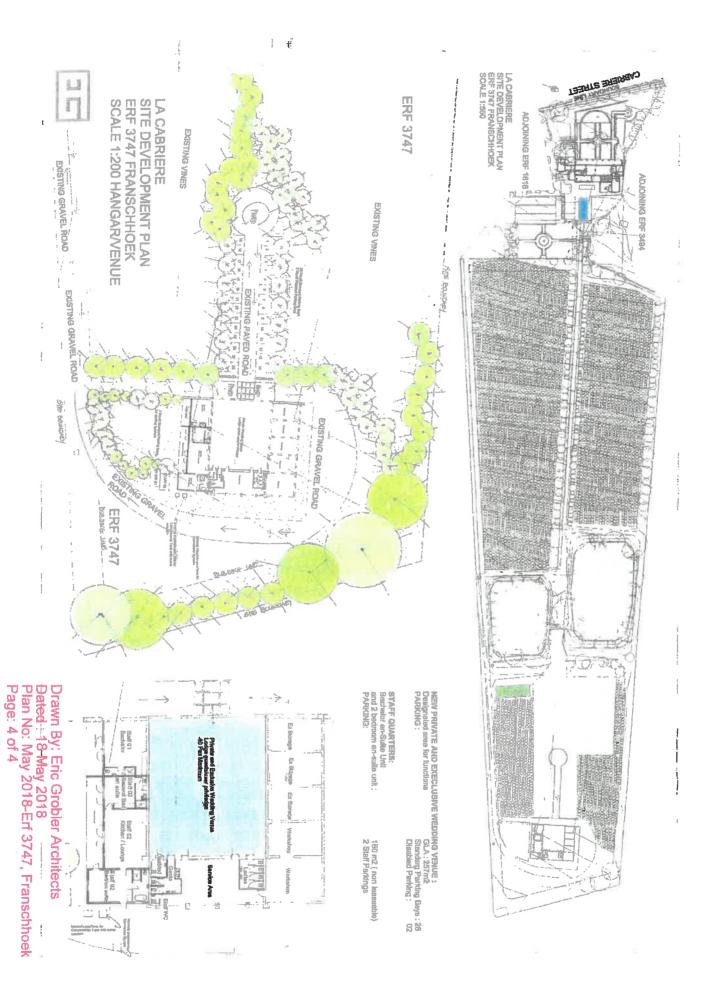
LA CABRIERE 225/18 SITE DEVELOPMENT PLAN : ERF 3747 - OVERALL LAYOUT SCALE 1:550

Drawn By: Eric Grobler Architects Dated : 18 May 2018 Plan No: May 2018-Erf 3747, Franschhoek Page: 1 of 4

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ANNEXURE 6

INTERDEPARTMENTAL CIRCULATION FORM



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Chief Financia	Il Officer		
Manager: Loc	al Economic Development	\$***	T
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Aansoek Datum		ANNOGE	Alles .
Application Date	24 July 2018	*	O DEC 7018
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STELLENBOSCH MUNICIPALITY

STELLENBOSCH:PNIEL:FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE DIRECTORATE: INFRASTRUCTURE SERVICES

To . Aan:

Director: Planning + Economic Development

Att Aandag

A Hardouin

From • Van:

Manager: Development (infrastructure Services)

Author • Skrywer:

Tyrone King

Date - Datum:

5 December 2018

Our Ref o Ons Verw:

Civil LU 1744

Re - Insake:

Erf 1616, FH: Rezoning

The application entails the following:

- i. Rezoning of Erf 1616 Franschhoek from Single Residential to General Residential form the purposes of utilizing the land unit for the operation of a Guest House establishment for tourist accommodation. The existing cottage situated on Erf 1616 Franschhoek is to be converted into one guest suite.
- ii. Approval of the SDP

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

- 1. Provision of civil engineering services
- 1.1 All services to be provided as per the engineering services report dated 2018-06-19 by Nortje & De Villiers Consulting Engineers (Ref 18114/SR3).
- 2. Development Charges (DCs)
- 2.1 The following DC's are payable: See Development Charge Calculation attached.

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Erf No	1646	
Erf Size (m²)	1,512	

Applicant Approved Building Plan No.

Suburb

			SUBMISSION OF CALCULATION	.			
	Water	Sewer	Storm-water	Solid-Waste	Roads	Community Facilities	Totale
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