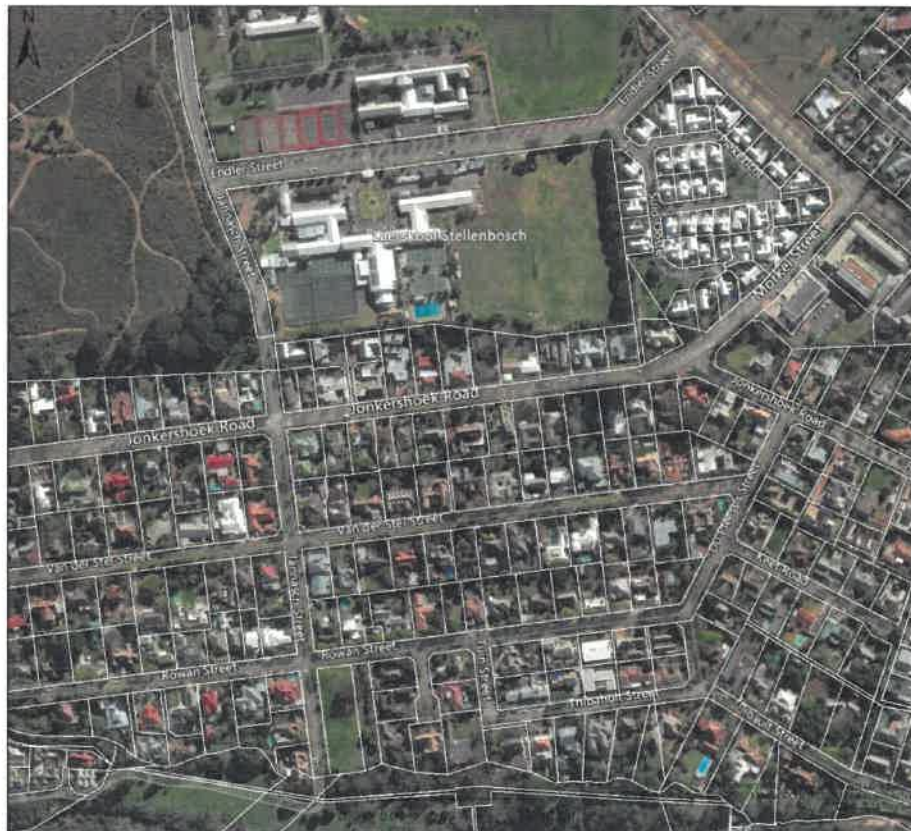


# BUILDING LINE DEPARTURE, CONSOLIDATION AND ADDITIONAL USE

ERVEN 1667 AND 1668, JONKERSHOEG WEG, STELLENBOSCH



**November 2021**

**SUBMITTED TO: STELLENBOSCH MUNICIPALITY**

**PREPARED AND SUBMITTED BY:**



**Postal Address:** 2<sup>ND</sup> Floor, Bakkershuis  
152 Dorp Street  
Stellenbosch, 7600

**Mobile:** +27 (0)72 480 5838

**Email:** [marike@archtownplanners.co.za](mailto:marike@archtownplanners.co.za)

**Website:** [www.archtownplanners.co.za](http://www.archtownplanners.co.za)

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# 1. Introduction

## 1.1 Background information

Erven 1667 and 1668 are both single residential erven located in Mostertsdrift, Stellenbosch. The owner of erf 1667 recently obtained land use approval to allow for a portion of the street building line to be relaxed to 0m and the building plans were subsequently approved. The new house is currently under construction. Upon review of the land use and building plan approvals, it seems that though the layouts clearly indicated the roof over the proposed access gate and walkway, running between the access gate and entrance to the house, it was never specifically included in the land use approval. This application seeks to amend the land use approval to specifically also include the above as to avoid any confusion in future.

The landowner is also in process to buy Erf 1668 with the intention to consolidate Erf 1668 and Erf 1667, Stellenbosch. If there two erven are consolidation into a new erf, then there would be two houses on the property, the house currently under construction of Erf 1668 and the existing house on Erf 1667. It is therefore required that this application also include a for an additional use to obtain a technical approval to allow for the existing house on Erf 1668, which will then be considered the second dwelling.

## 1.2 Planning Brief

In light of the above information, Arch Town Planners (Pty) LTD has been appointed by the Trustees for the time being of GA Familie Trust (owners of Erf 1667) and John Anthony Armstrong (owner of Erf 1668) to prepare and submit a building line departure and consolidation application to the Stellenbosch Municipality for their approval. Please refer to Annexures A and B for the Application Form and Power of Attorneys.

## 1.3 Application to Stellenbosch Municipality

Arch Town Planners hereby officially applies for the following, in terms Sections 15(2)(b) (e) and (g) of the Stellenbosch Municipality Land Use By-Law (2015), to allow for the following:

- i) A **Permanent Departure** to allow a street building line of 0m in lieu of 4m to allow for the roofed entrance and walk-way (on Erf 1668, Stellenbosch).
- ii) **Consolidation** of Erf 1667 and 1668 Stellenbosch to be consolidated into one erf, proposed Erf 17719 Stellenbosch.
- iii) A **technical approval** to allow for a second dwelling (existing house on Erf 1668) on proposed Erf 17719, Stellenbosch.

## 1.4 Applications to Other Authorities

### 1.4.1 National Heritage Resources Act

The application site does not fall within the Stellenbosch Historical core and has no heritage ranking in terms of Phase III of the Stellenbosch Municipality Heritage Inventor Survey. It is thus considered that the site has no heritage significance in terms of the National Heritage Resources Act 25 of 1999.

## 2. Property details

### 2.1 Summary of Property Information

Application Site	Erven 1667 and 1668 Stellenbosch
Physical Address	64 and 66 Jonkershoekweg, Mostertsdrift, Stellenbosch
Property Size	Erf 1667: 1 169m <sup>2</sup> Erf 1668: 1 096m <sup>2</sup>
Current Ownership	<i>Erf 1667: Trustees for the time being of GA Familie Trust</i> <i>Erf 1668: John Anthony Armstrong</i>
Title Deed No & Date	Erf 1667: T24677/2019 Erf 1668: T61681/89
Restrictive Title Deed Conditions	<b>None</b>
Current Zoning	Conventional Res in terms of Stellenbosch Zoning Scheme By-Law (2019)
Locality	Please refer <i>Figures 1 &amp; 2</i> below

Table 1: Property Details

### 2.2 Locality of Application Site

The application site is situated on the southern side of Jonkeshoekweg, within the Mostersdrift suburb, situated within Stellenbosch. It lies opposite Stellenbosch Primary School, within walking distance from the Eersterivier and a public open space system which links this suburb with the Stellenbosch Mountains via the “hangbrug”. A summary of the history of Mostersdrift is provided below, via the Stellenbosch Heritage website:

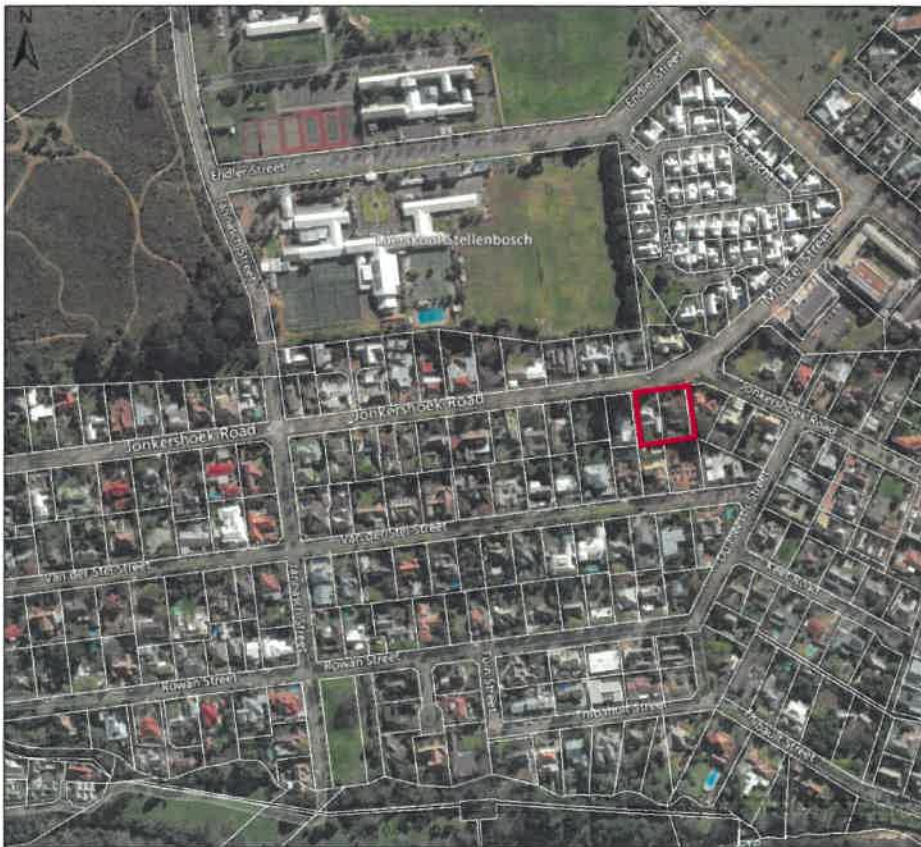
*Mostersdrift comprises many older, Victorian-era villa structures, as well as modernist and 21st century houses. The suburb was laid out in 1903, and the influence of the turn-of-the-century ‘Garden City’ approach to urban expansion is clear in its gridded layout, in the tree-lined streets that run through it, and in the expansive street-facing gardens that are so characteristic of the area. It remains an early, intact example of a ‘proto-suburb’ within the municipality. Its clear layout and ‘openness’ ensures a clear and sensitive transition between the built-up areas within the historic core of Stellenbosch and the unique landscape units of Jonkershoek.*

Source: <http://www.stellenboschheritage.co.za/wp-content/uploads/Mostertsdrift-1542611335767.pdf>





**Figure 1: Locality Plan: Stellenbosch**



**Figure 2: Locality Plan: Mostertsdrift**







**Figure 5: Existing house and garden (Erf 1668 Stellenbosch)**

The surrounding land uses are predominantly single residential family houses. The application site is within walking/cycling distance to the Stellenbosch Mountains and the town centre, Stellenbosch Primary and Stellenbosch High Schools which makes it an ideal location for a family house. It should be noted that the proposed land use of the site would maintain the status quo of single-residential homes in the community.

## 2.4 Current Zoning

Both erven are zoned Conventional Residential in terms of the Stellenbosch Zoning By -Law (2019). As per the single residential zone the following common boundary and street building lines are applicable:

Erf 1668 and 1667 : street boundary = 4m, common boundary = 2.5m

The following land uses are permitted under Conventional Residential:

Primary Uses	Additional Uses (not exceeding threshold in this chapter and subject to technical approval)	Consent Uses (application required)
<ul style="list-style-type: none"> <li>• Dwelling house</li> </ul>	<ul style="list-style-type: none"> <li>• Bed and breakfast establishment</li> <li>• Home day care centre</li> <li>• Home occupation practice</li> <li>• Home lodging</li> <li>• Second dwelling</li> <li>• Occasional use (one event/year)</li> <li>• Private road</li> </ul>	<ul style="list-style-type: none"> <li>• Commune</li> <li>• Extramural facility</li> <li>• Group housing</li> <li>• Guest house</li> <li>• House shop</li> <li>• Occasional use (&gt;one event/year)</li> <li>• Tourist dwelling unit</li> <li>• Additional uses exceeding parameters in this chapter</li> </ul>

**Table 2: Land Uses for Conventional Residential**



## 2.5 SG Diagrams

Please refer to Annexure D for the SG diagram of each of the individual erven as well as the SG-diagram of proposed Erf 17719, Stellenbosch.

## 2.6 Title Deed Conditions

Please refer to Annexure C for a copy of the title deeds. There are no title deed restrictions which would prohibit the proposed consolidation and building line departure. All title deed restrictions currently applicable to the individual erven will be included in the title deed of the proposed new consolidated erf. The application therefore does not seek to amend or remove any title deed conditions.

## 3. Building Line Departure, Consolidation and Additional Use

It is important to note that this application does not include or allow for any new development, it is merely to accommodate that which is already there.

### 3.1 Building Line Departure

As mentioned above, approval was granted in April 2021 for a permanent departure to relax the street building line from 4m to 0m. Please see attached Annexure E for a copy of the approval letter and plans. It seems that the approval letter incorrectly only refers to the relaxation to allow for the garage, as the approved drawings (indicated below and attached to the approval letter) clearly indicates the roof over the entrance gate and walk-way (as an extension of the garage) extending beyond the 4m street building line.

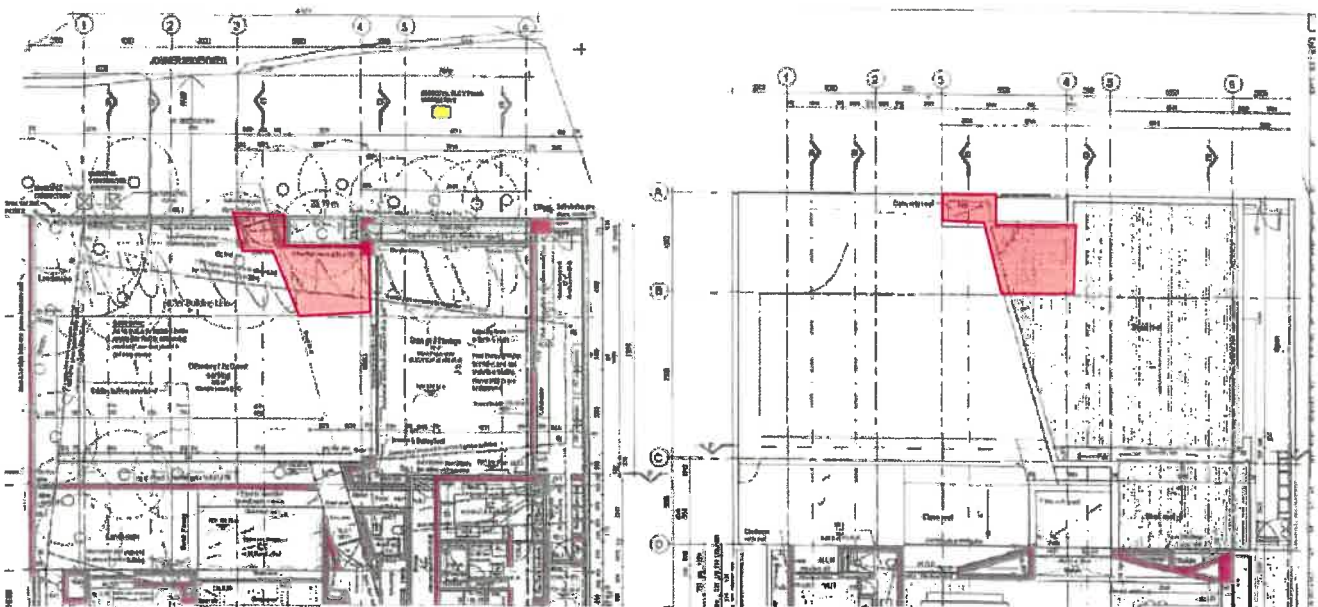


Figure 6: Roofed entrance and portion of covered walk-way falling within 4m street building line (extracted from previous land use approval, dated April 2012)



To avoid any confusion at a later stage, this application seeks to amend/correct to previous letter of approval to also include the building line departure to allow for the roofed entrance gate and walk-way (as an extension of the garage roof) to be within the 4m street building line.

For ease of reference we have attached the slightly amended ground and first floor layout plans which clearly shows the concrete roof over the entrance gate and as an extension of the garage roof which is also clearly indicated in the above and approved plans. Please note: The application does not seek to approve the amended ground and first floor layouts, it is purely included here for indicative purposes only. The previous letter of approval should be corrected with this application to also include for the areas indicated in red in Figure 6 above, as it is clear that this was wrongfully omitted from the previous approval.

### 3.2 Consolidation

Figure 7 below indicates the proposed consolidated erf, Erf 17719 Stellenbosch which will be formed by the consolidation of the Erf 1667 and 1668. The new consolidated erf will be 2 265m<sup>2</sup> in extend. Please refer to Annexure D for the proposed SG diagram.

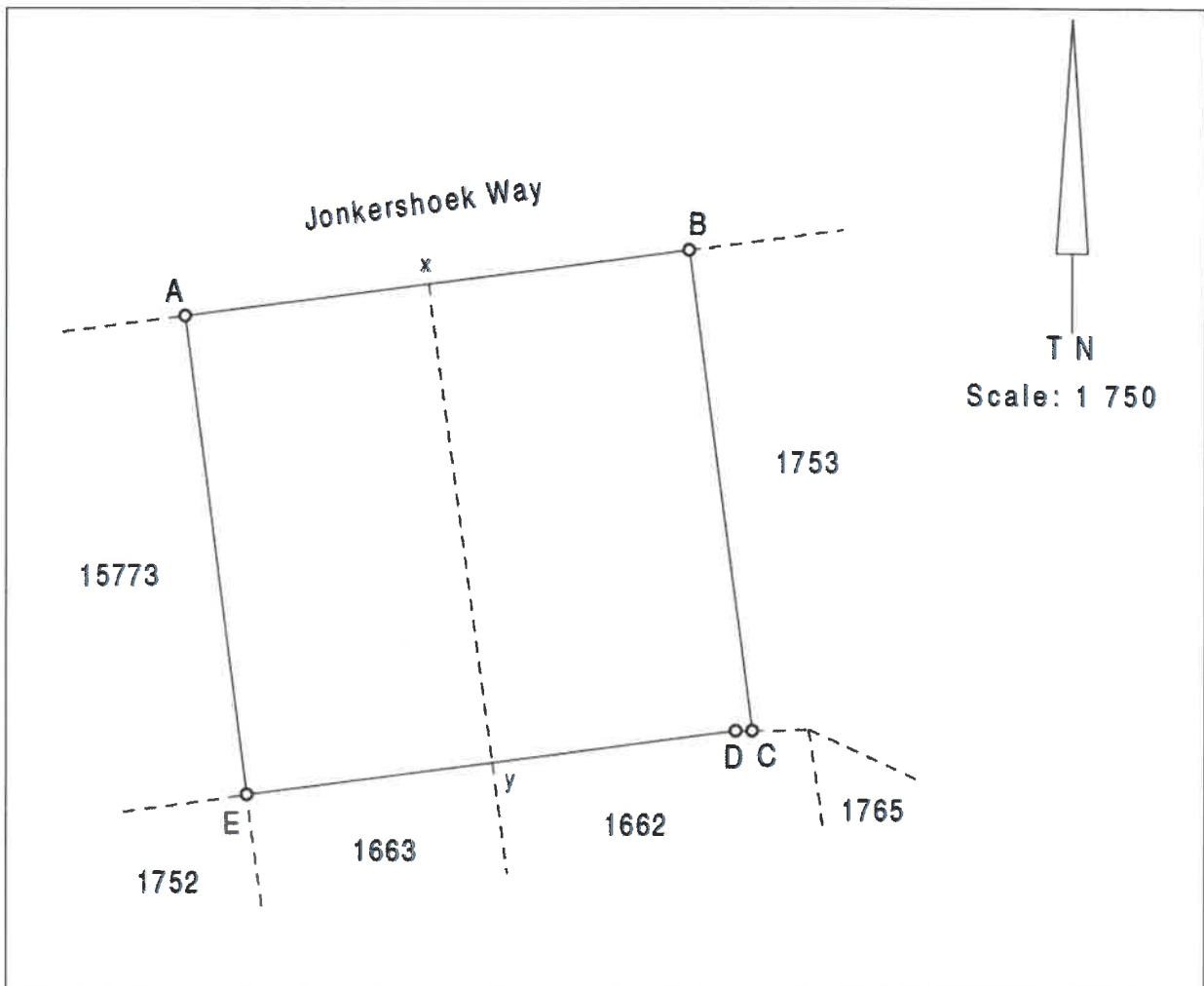


Figure 7: Proposed Consolidated Erf, Erf 17719, Stellenbosch

If the two erven are consolidation, the common boundary building lines applicable between Erf 1668 and 1667 will fall. This will allow for the house currently being constructed on Erf 1668 to extend beyond the current 2.5m common boundary building line.

### **3.3 Additional Use: Second Dwelling**

As explained under Section 1.1 above, the consolidation of the two erven will result in the newly created erf to have two dwelling units, which is not allowed for under the current land use rights, without obtaining a technical approval to allow for a second dwelling (existing house on Erf 1668). This application therefore seeks to obtain approval for a second dwelling unit, to ensure that the existing house on Erf 1668 can be retained. As stated above, it is important to note that this application does not allow for any new development.

## **4. Motivation**

Please note that the motivation is focused on the Consolidation application only as it seems that the building line departure has previously been considered and approved. As explained above, this application for the building line departure is purely to rectify the previous letter of approval. Also, the application for a Technical Approval is purely an administrative process as this will allow for the existing house on Erf 1668.

### **4.1 Precedent in the Area**

The Mostertsdrift area is characterized by large, single residential erven, with erf sizes ranging between 1 000m<sup>2</sup> - 4 400m<sup>2</sup>. Though the proposed consolidated erf will be larger than the immediate surrounding erven, it is not considered that it will be out of character of the larger Mostertsdrift and Karindal.

### **4.2 Impact on Surrounding Landowners**

The proposed consolidated erf will have the same building lines as those applicable to the individual Erf 1667 and Erf 1668. It is therefore considered that the proposed consolidation of these two erven will have no change in impact on the surrounding landowners to that already allowable.

The Conventional Residential zoning allows for an additional dwelling (as an Additional Use) on each erf, which means that if this is applied to the two individual erven, there is the potential for 4 single residential houses to be erected on the application site. By combining the two erven, the maximum number of units to be build will be reduced to two (as per the current status quo). It is motivated that there will be no impact on surrounding owners if this application is successful as it will merely be to accommodate that which is already there and currently under construction. As the owner is in the process of buying Erf 1668, it makes more sense from an administrative process to combine these two erven, which will allow the owners to combine the garden areas of the two properties. It will also result in the common boundary building lines between the two erven to fall, therefore future design or extension on these two buildings will be less restrictive.

It is motivated that the proposed application will be to the benefit of the surrounding landowners as it will only allow for a maximum of two dwelling units to be erected on the application site, which is in line with the character of the surrounding area.

In conclusion, it is motivated that the proposed applications, which does not include for any new development will have no negative effect on the surrounding landowners.

## 5. Conclusion

In light of the above information, Council is respectfully requested to favourably consider the application for in terms of the Stellenbosch Municipality Land Use By-Law to allow for the :

- i) A **Permanent Departure** to allow a street building line of 0m in lieu of 4m to allow for the roofed entrance and walk-way (on Erf 1668, Stellenbosch).
- ii) **Consolidation** of Erf 1667 and 1668 Stellenbosch to be consolidated into one erf, proposed Erf 17719 Stellenbosch.
- iii) A **technical approval** to allow for a second dwelling (existing house on Erf 1668) on proposed Erf 17719, Stellenbosch.

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Report compiled by:



Marike Bolz (Pr. Plan A/060/2008)  
for Arch Town Planners (Pty) Ltd



**KENNISGEWING VAN GROND ONTWIKKELINGS AANSOEK AAN GETRESEERDE EN  
GEAFFEKTEERDE PARTYE VIR KOMMENTAAR.**

Beste Mnr. en/of Mev

Die volgende grondgebruiksaansoek in terme van Stellenbosch se Verordeninge op  
Grondgebruikbeplanning, 2015, verwys:

**Adres van aansoek eiendom:** 64 en 66 Jonkershoekweg, Stellenbosch

**Aansoek eiendom beskrywing:** Erwe 1667 en 1668, Stellenbosch

**Aansoeker:** Arch Town Planners (Pty) Ltd – Marike Bolz  
Kontakbesonderhede: 072 480 5838

**Eienaar:** Erf 1667: Trustees of the firm being GA  
Famillie Trust  
Erf 1668: John Anthony Armstrong

Kontakbesonderhede: 082 451 0444

**Verwysingsnommer:** LU/13696

**Tipe Aansoek:** Boulyn-afwyking, Konsolidasie en Addisionele Gebruik (tweede  
woning)

**Beskrywing van aansoek**

Die aansoek vir aanwag is 'n aansoek ingevolge artikel 15(2)(b)(e) en (g) van die  
Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning vir:

- a) Boulyn-afwyking om 'n siraadboulyn van 0m in plaas van 4m toe te laat op Erf 1667  
Stellenbosch (om toe te laat vir die dak oor die voetganger-ingangstrek en paadjie na  
huis.
- b) Konsolidasie van Erf 1667 en 1668 Stellenbosch, om nuwe Erf 17719 Stellenbosch te vorm.
- c) Tegnieuse Goedkeuring vir 'n tweede woonhuis, (om toe te laat vir die bestaande huis op  
Erf 1668 Stellenbosch ) op Erf 17719 Stellenbosch.

Kennis word hiermee gegee in terme van die genoemde Verordeninge dat bovermelde  
aansoek by die Stellenbosch Munisipaliteit ingedien is vir aanwag. Die aansoek is  
beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se  
Webtuiste vir die tydskedule van die publieke deelname proses by die volgende adres:  
[https://www.stellenbosch.gov.za/planning/documents/planning-notices/and-use-](https://www.stellenbosch.gov.za/planning/documents/planning-notices/and-use-applications-advertisements)

[applications-advertisements](https://www.stellenbosch.gov.za/planning/documents/planning-notices/and-use-applications-advertisements). Indien die webtuiste of tersaklike dokumente nie toeganklik is  
nie, kan die Aansoeker versoek word om 'n elektroniese kopie beskikbaar te stel.

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terme van Artikel  
50 van die tersaklike Verordening wat die volgende vereistes en besonderhede moet bevat:

- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- Die naam van die persoon wat die kommentaar lewer;
- Die fisiese adres en kontak besonderhede van die persoon wat die kommentaar  
lewer.
- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.
- Die redes vir die kommentaar wat gelewer word, welke redes genoegsame  
besonderhede moet bevat ten opsigte van die volgende aspekte:
  - Die feite en omstandighede aantoon wat die kommentaar toelig;
  - Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die  
aansoek goedgekeur word;
  - Waar toepaslik moet aangetoon word indien enige aspek van die aansoek  
strydig gegag word met enige relevante beleid;
  - Dat die insette voldoende ingelig sal gee wat die aansoeker in staat sal stel  
om kommentaar daarop te lewer.

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as  
volg: Arch Town Planners (Pty) Ltd, marike@archtownplanners.co.za. Deur 'n beswaar,  
kommentaar of verhoë te lig, erken die persoon wat dit doen dat inligting aan die publiek en  
aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur  
word en moet ontvang word voor of op die laaste dag van die sluitings datum van **18 April  
2022**.

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die  
vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na  
die sluitingsdatum ontvang word.

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van  
kommentaar is, of indien dit nie moontlik is om gestrewe kommentaar te lewer of die  
kommentaar op die wyse te lewer soos voorsienning gemaak is nie, kan die Aansoeker  
geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by: 072 480  
5838 gedurende normale kantoor ure

Die uwe



Marike Bolz (Direkteur)  
Vir Arch Town Planners (Pty) Ltd

**NOTICE OF LAND DEVELOPMENT APPLICATION TO INTERESTED AND AFFECTED PARTIES FOR COMMENT**

Dear Sir and/or Madam

The following land use application in terms of the Stellenbosch Land Use Planning Bylaw, 2015, refers:

**Application Property Address:** 64 and 66 Jonkershoekweg, Stellenbosch

**Application Property Number:** Erf 1667 and 1668

**Applicant:** Arch Town Planners (Pty) Ltd – Marike Balz  
Contact Number: 072 480 5838.  
e-mail: [marike@archtownplanners.co.za](mailto:marike@archtownplanners.co.za)

**Owner:** Erf 1667: Trustees of the time being GA  
Familie Trust

Erf 1668: John Anthony Armstrong  
Contact Number: 082 451 0444

**Application Reference:** LU/13696

**Application Type:** Building Line Departure, Consolidation and Additional Use

**Description of proposal:**

Application is made in terms Sections 15(2)(b) (e) and (g) of the Stellenbosch Municipality Land Use By-Law (2015), to allow for the following:

- a) A **Permanent Departure** to allow a street building line of 0m in lieu of 4m to allow for the roofed entrance and walk-way (on Erf 1667, Stellenbosch).
- b) **Consolidation** of Erf 1667 and 1668 Stellenbosch to be consolidated into one erf (new erf 17719).
- c) A **technical approval** to allow for a second dwelling (existing house on Erf 1668) on proposed Erf 17719, Stellenbosch.

Notice is hereby given in terms of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is

available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/and-use-applications-advertisements>. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said bylaw with the following requirements and particulars:

- The comments must be made in writing;
- The comments must refer to the Application Reference Number and Address.
- The name of the person that submits the comments;
- The physical address and contact details of the person submitting the comments;
- The interest that the person has in the subject application;
- The reasons for the comments, which must be set out in sufficient detail in order to:
  - Indicate the facts and circumstances that explain the comments;
  - Where relevant demonstrate the undesirable effect that the application will have if approved;
  - Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
  - Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows: **Arch Town Planners (Pty) Ltd – [marike@archtownplanners.co.za](mailto:marike@archtownplanners.co.za)**. By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **18 April 2022**.

It should be noted that the Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/ objection received after the closing date.

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at 072 480 5838 during normal office hours.

Yours faithfully



Marike Balz (Director)  
For Arch Town Planners (Pty) Ltd

**FOR CONSTRUCTION**

**PROJECT TITLE**  
NEW RESIDENCE FOR OPA PARIKH/THURST  
68, JONKERSHOFWEG - GRP 1607 Meerbusch  
Stühnenbach  
drawing title

**DATE**  
08/07/2010

**NO. OF SHEETS**  
1

**SCALE**  
1:100

**PROJECT NO.**  
101010101

**CLIENT**  
OPPA PARIKH/THURST

**DESIGNER**  
SOLATION

**DATE**  
08/07/2010

**NO. OF SHEETS**  
1

**SCALE**  
1:100

**PROJECT NO.**  
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**CLIENT**  
OPPA PARIKH/THURST

**DESIGNER**  
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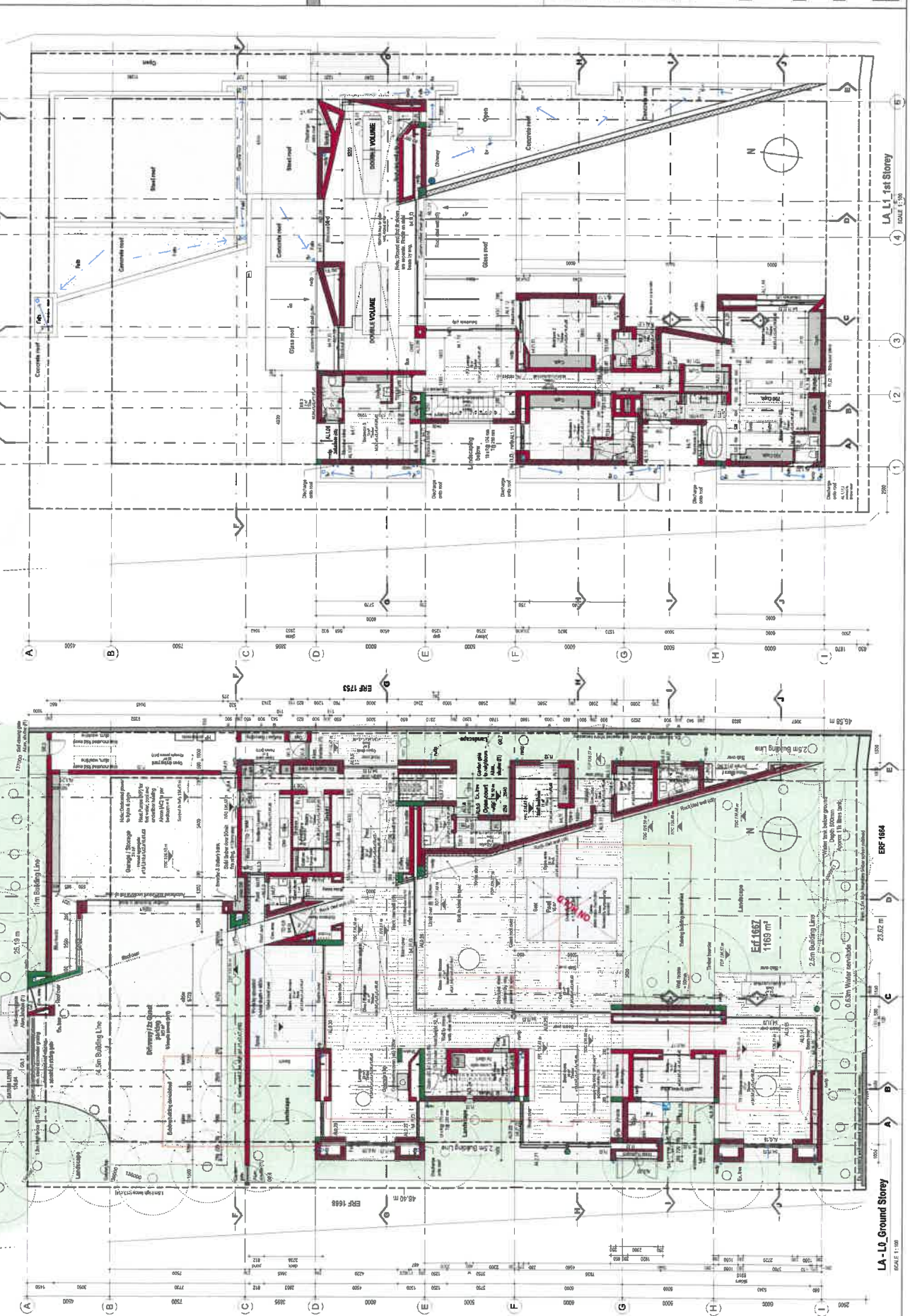
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1

**SCALE**  
1:100

**PROJECT NO.**  
101010101

**CLIENT**  
OPPA PARIKH/THURST

**DESIGNER**  
SOLATION





COMPONENTS

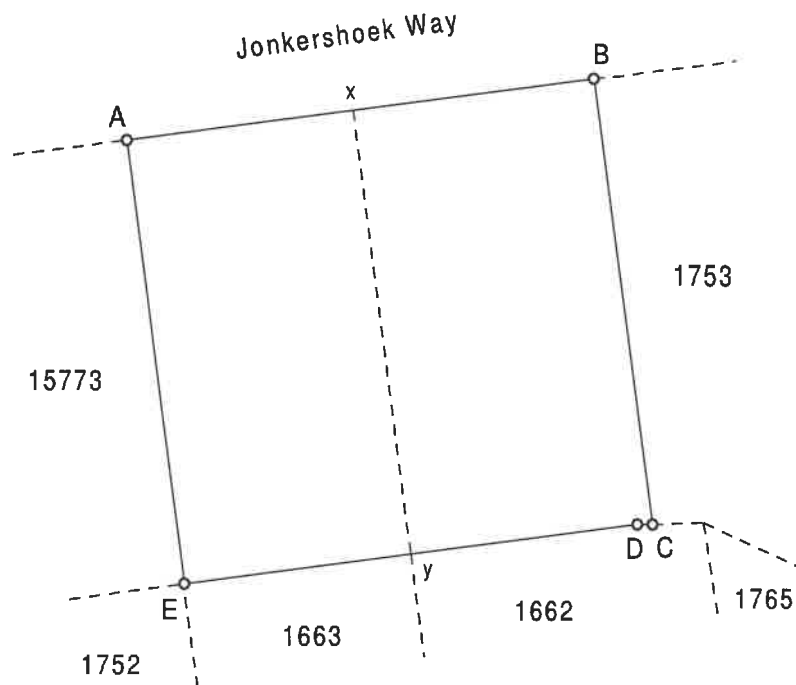
1. The figure AxyE represents Erf 1668 Vide S.G. Diagram No. 4286/1947, D/T
2. The figure xBCDy represents Erf 1667 Vide S.G. Diagram No. 3840/1947, D/T

SG No.

approved

for  
Surveyor-General

Date:



The figure A B C D E represents 2 265 square metres of land being

**Erf 17719 Stellenbosch**

and comprises components 1 and 2 as shown above

Situate in the Stellenbosch Municipality  
Administrative District of Stellenbosch

Province of the Western Cape

Compiled in September 2021  
by me

AJH van Brakel (GPr. LS1329)  
Professional Land Surveyor

This Diagram is annexed to No. dated i.f.o  Registrar of Deeds	The original diagrams are as listed above.	File: S.R. No. .  Comp BHSZ-1461 (M2775)  LPI C0670022
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Erf 17719 Stellenbosch