

## **Executive Summary - Applications for Permanent Departures – Erf 234 Franschhoek.**

The property in question namely Erf 234 Franschhoek measures 1340m<sup>2</sup> and is located at 22 Huguenot Street, being on the main thoroughfare through Franschhoek. The property currently contains a building on the street front of approximately 132m<sup>2</sup> which previously served as a branch of First National Bank while the balance of the property is vacant.

The new owner intends to further develop the property by upgrading the current structure and adding new structures on the rear section of the property. Due to physical constraints, it is not possible to provide the required on-site parking.

In terms of the applicable Municipal Zoning Scheme By-law, any deviation from the required provision of on-site parking requires a departure application. This application serves to obtain such a departure.

The applicant wishes to pay a parking levy in lieu of the non-provision of onsite parking and to provide the equivalent of one parking bay in the form of six bicycle spaces. Vehicular access to the rear section of the property is not possible due the location of the heritage building on the street front and due to a stream with a pathway alongside it running along the western boundary of the property.

The application also entails the relaxation of a building line as follows:

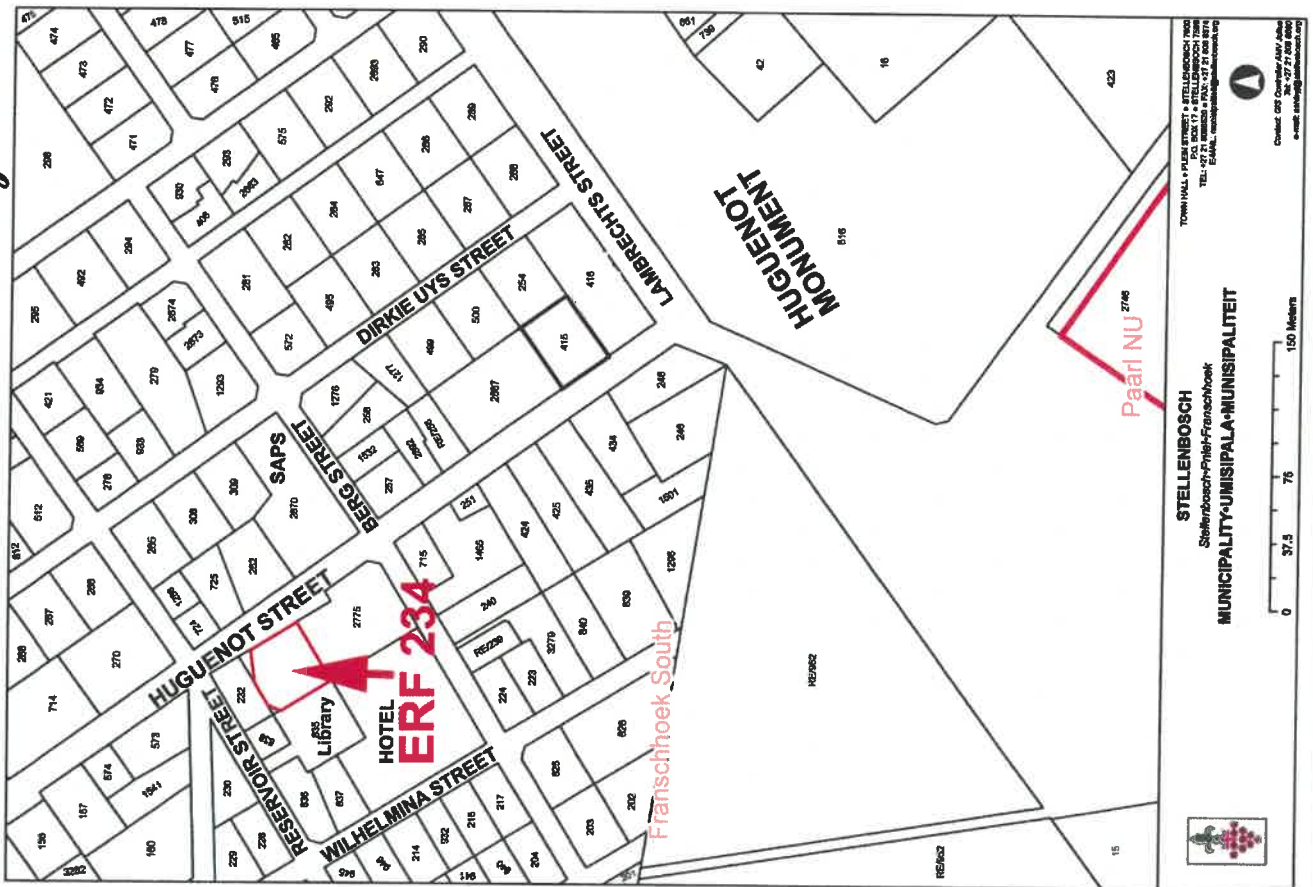
The proposal as presented in the project drawings depicts a new retail component located 1m from the common boundary with Erf 835, being the southwest boundary. Due to the fact that Erf 835 does not have a *general business (mixed-use) zoning, a 3m building line applies (Section 110.(2)(i))*. A building line departure is therefore required to relax the building line from 3m to 1m along the common boundary between erven 234 and 835 Franschhoek, to accommodate the proposed building. This relaxation is motivated as follows:

The development proposal shows a retail building of 128m<sup>2</sup> consisting of four stores all fronting onto a central landscaped area. All the activity is therefore focused on the central area away from the rear common boundary with Erf 835. The proposal represents a more efficient use of the space available on Erf 234, as the 3m space between the building and the boundary would not be utilized. It is concluded that the relaxation of the building line from 3m to 1m, along the common boundary is unlikely to have any adverse effect on the owner of Erf 835 and represents a more efficient use of the property.

The departures applied for are required due to the prevailing circumstances on the property.

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# Locality Plan



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

Affected person's Name

Affected persons Physical Address

Affected person's Title:

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

### APPLICATIONS FOR PERMANENT DEPARTURES: ERF 234 HUGENOT STREET FRANSCHHOEK

Application Property Address: 22 Huguenot Street, Franschhoek

Application Property Number: Erf 234 Franschhoek

Applicant: Peter Mons, Town Planning Consultant, P O Box 851, Robertson. 6705. Contact Number: 082 826 4000. Email: petergm@fibresky.co.za

Owner: Spitzkop Karoo Properties (Pty) Ltd, C/o Giancarlo Fareri, 90 Kloof Street, Gardens, Cape Town, 8001. Contact Number: 072 467 6170 Email: giancarlof70@hotmail.com

Application Reference: LU/ 15360

Application Type: Permanent Departures

Detailed description of land use or development proposal, including its intent and purpose:

Application has been made in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning Bylaw, October 2015, for a permanent departure to permit the under provision of onsite parking, to permit 0 parking bays in lieu of the required 10 parking bays for the proposed retail buildings and extension to the existing building on Erf 234 Franschhoek

Application has been made in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning Bylaw, October 2015, for a permanent departure to relax the 3m common building line to 1m in order to accommodate a proposed retail building on Erf 234, Franschhoek

Notice is hereby given in terms of the provisions of Section 46 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/land-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: Peter Mons e-mail address: [petergm@fibresky.co.za](mailto:petergm@fibresky.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.

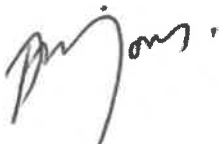
The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of 13 September 2023.

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 082 826 4000 during normal office hours.

Yours faithfully

**Peter Mons Pr. Pln**

A handwritten signature in black ink, appearing to read 'Peter Mons', with a small dot at the end.

14 August 2023

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

Naam van geaffekteerde persoon

Fisiese adres van geaffekteerde persoon

Titel van geaffekteerde persoon:

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

**PERMANENTE AFWYKINGS: ERF 234 HUGUENOTSTRAAT, FRANSCHHOEK**

Adres van aansoek eiendom: 22 Huguenotstraat, Franschhoek

Aansoek eiendom beskrywing: Erf 234, Franschhoek

Aansoeker: Peter Mons – Konsultant Stadsbeplanner. Posbus 851, Robertson, 6705. Kontak nommer: 082 826 4000. E-pos: petergm@fibresky.co.za

Eienaar: Spitzkop Karoo Properties (Pty) Ltd, C/o Giancarlo Fareri, 90 Kloof Street, Gardens, Cape Town, 8001. Kontak Nommer: 072 467 6170 Epos: giancarlof70@hotmail.com

Aansoek Verwysing: LU/ 15360

Tipe Aansoek: Permanente Afwykings

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

Aansoek word gedoen vir 'n permanente afwyking in terme van Artikel 15(2)(b) van die Stellenbosch Munisipaliteit Verordeninge op Grondgebruikbeplanning, 2015 vir die ondervoorsiening van op-perseel parkering, ten einde voorsiening te maak vir 0 parkeer plekke in stede van die 10 voorgeskrewe parkeerplekke vir die voorgestelde kleinhandel geboue en uitbreiding van die bestaande gebou op Erf 234, Franschhoek.

Aansoek word gedoen vir 'n permanente afwyking in terme van Artikel 15(2)(b) van die Stellenbosch Munisipaliteit Verordeninge op Grondgebruikbeplanning, 2015 vir die verslapping van die 3m boulyn tot 1m op die gemeenskaplike grens, ten einde 'n voorgestelde kleinhandelgebou te akkommodeer op Erf 234 Franschhoek

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydspan van die publieke deelname proses by die volgende adres:

<https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is

nie, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terms van Artikel 50 van die tersaaklike 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 opsite van die volgende aspekte:
  - Die feite en omstandighede aantoon wat die 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 geag word met enige relevante beleid;
  - Dat die insette voldoende inligting 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: Peter Mons Epos: petergm@fibresky.co.za. Deur 'n beswaar, kommentaar of versoë te rig, 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 13 September 2023.

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermeldde 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 geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermeldde elektroniese pos adres of telefonies by 082 826 4000 gedurende normale kantoor ure.

Die uwe

**PETER MONS**



**14v Augustus 2023**











