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Application Number: LU/14285
Our File Reference Number: Erf 551, Kylemore
Your Reference Number:
Enquiries: Ulrich von Molendorff
Contact No: 021 – 808 8682
Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: [redacted]

Sir / Madam

APPLICATION FOR DEPARTURE ON ERF 551, KYLEMORE

1. The above application refers.

2. The duly authorised decision maker hereby decides on the above application as follows.

2.1 That the application for a departure in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 to relax the common building line (adjacent to Erf 550) from 1,5m to 0m in order to accommodate the proposed enclosed braai area on Erf 551, Kylemore

BE REFUSED in terms of Section 60 of the said Bylaw and subject to conditions of approval.

2.2 The reasons for the above decision are as follows:

2.2.1 The proposed development would likely have an impact on the affected property owner due to increased noise levels associated with braai areas.

2.2.2 All habitable structures are subject to a 1,5m building line that enforces the intention of the Capolavoro Estate Homeowners Association which is to make provisions for non-habitable spaces on 0m on the common boundary between two properties.

3. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, 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.

4. 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:

4.1 The personal particulars of the Appellant, including:

i. First names and surname

ii. ID number

iii. Company of Legal person's name (if applicable)

iv. Physical Address

v. Contact details, including a Cell number and E-Mail address

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

4.3 The grounds of the appeal which may include the following grounds:

i. that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)

ii. 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.

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

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

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

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

4.8 The relief sought by the appellant.

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

4.10 That the appeal includes the following declaration by the Appellant:

i. The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct

ii. That the Appellant is aware that it is and 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

10. 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

FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

DATE: 26/4/2023

[redacted]