



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/12046

Our File Reference Number: Erf 7022, Stellenbosch

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 CONSENT USE ON ERF 7022, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the application in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2023 for the following:
 - 2.1.1 Consent Use in terms of Section 15(2)(o) of the said by-law to utilize the existing garage to accommodate a house shop on Erf 7022, Stellenbosch.

BE APPROVED subject to the following conditions in terms of Section 66 of the said Bylaw:

2.2 Conditions of approval:

- 2.2.1 The approval applies only to the application in question as indicated on plan provided (See **Annexure C**) on Erf 7022, Stellenbosch attached and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
- 2.2.2 Building plans must be generally in accordance with the layout plans as referenced Plan No: 44/2023, dated 2023-09-25, drawn by Elton Swartz (EJS Draughting), and attached as **Annexure C**.

- 2.2.3 The premises must comply with the health regulations at all times.
- 2.2.4 The house shop shall not exceed an area of 25.20m², including the storage area.
- 2.2.5 The proposed use may not cause any excessive fumes or smell to be emitted, cause any noise disturbance, be harmful or a disturbance to the neighbours, may not cause excessive congregation of people, disturbing after-hours activity, excessive parking in the public road or an excessive increase in the number of frequency of visitors to land unit so as to be a nuisance.
- 2.2.6 The proprietor of the house shop shall reside on the land unit from which the house shop is conducted, and the dominant use of the property shall remain residential.
- 2.2.7 No goods, material or equipment in connection with the proposed use shall be displayed or be visible from a public road. Any such goods, materials or equipment to be stored on the land unit shall be within an enclosed structure which forms part of the dwelling house. No goods be stored in any room or container which has not been approved by the Municipality.
- 2.2.8 No directional or advertising signage may be erected without the prior approval of the Provincial Roads Engineer and the Municipality.
- 2.2.9 No video games or pinball tables be permitted in the house shop.
- 2.2.10 No animals be permitted or kept in the house shop.
- 2.2.11 The Municipality reserves the right to withdraw the approval for the house shop should the conditions of approval not be complied with or in the event of the business creating a disturbance or nuisance to the adjacent property owners. The Municipality shall not be held responsible for any costs incurred by the applicant.

3. Matters to be noted:

- 3.1 Any person running a house shop shall obtain the relevant business license where required.
- 3.2 The house shop owner and/or owner of the Erf/Premises must apply for Certificate of Acceptability for the food premises on the Erf/Premises and comply fully with all applicable legislative requirements and issued with a valid certificate of acceptability.

4. The reasons for the above decision are as follows:

4.1 The proposed application would not negatively affect the aesthetic appearance of the property or surrounding environment and the primary use of the property will still remain residential.

4.2 There will be limited impact on the existing dwelling house and limited additional traffic will be generated as most customers will be pedestrians.

5. 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.

6. 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:

6.1 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

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

6.3 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.

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

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

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

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

6.8 The relief sought by the appellant.

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

6.10 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 an 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.

7. 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

8. 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.

9. 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

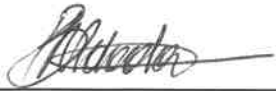
10. An applicant who lodges an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:

- (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.

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

12. 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.

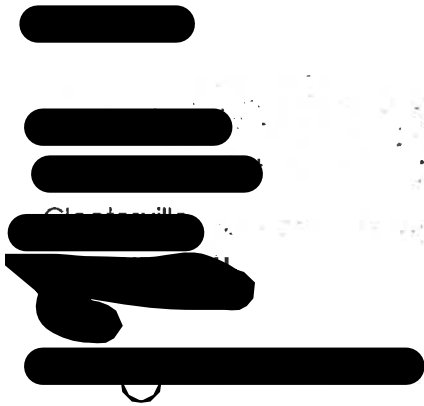
Yours faithfully



FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

16/10/2023

DATE:



ANNEXURE C:
SITE DEVELOPMENT PLAN

