



Application Number: LU/16766 (TP553/2023)

Our File Reference Number: Erf 14963, Stellenbosch

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL

Sir / Madam

APPLICATION FOR A CONSENT USE AND A DEPARTURE: ERF 14963, STELLENBOSCH

1. The above application refers.
 2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipality By-law on Municipal Land Use Planning, 2023 on Erf 14963, Stellenbosch for:
 - 2.1.1 A consent use in terms of Section 15(2)(o) in order to use an existing dwelling house as a three (3) bedroom commune
- BE APPROVED** in terms of Section 60 of the said Bylaw and subject to conditions of approval.
3. **The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:**
 - 3.1 The approval only applies to the proposed applications under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.
 - 3.2 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
 - 3.3 The establishment may not cause public nuisance (traffic) to the adjacent and adjoining property owners.

3.4 The number of bedrooms available to boarders be restricted to 3 bedrooms and the number of boarders may not exceed 3 individuals.

3.5 Conditions from the Directorate: Infrastructure Services as imposed in their memo dated 22 July 2024 (See **Annexure D**) must be complied with.

3.6 Parking should be provided in accordance with the endorsed site plan on Drawing No: 0091/03, dated 10 May 2004 and drawn by Alex Ferreira.

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

4.1 The number of boarders (3) is the same, or even less than the number of members that usually form part of a single family. The potential negative impacts that the combined activities of 3 boarders may have on surrounding property owners are comparable to that of the combined activities of a single family.

4.2 The proposal is supported by the Welgevonden HOA.

5. A departure in terms of Section 15(2)(b) for the under-provision of parking in order to provide three (3) on-site parking bay in lieu of four (4) parking bays

BE REFUSED in terms of Section 60 of the said By-law

6. The **reasons** for the above decision are as follows:

6.1 Only three (3) fully on-site parking bays can be provided, and any additional parking bays will either be partly in the road reserve or impractical.

7. Matters to be **noted**:

7.1 The authorised official of the Municipality will, after following due process exercise his/her discretion in terms of Section 90(c) of the Stellenbosch Municipal By-law on Land Use Planning to withdraw the subject consent approval granted and revert the use of the property to its original use as a family residence should the following be the case; -

7.1.1 The subject approval for the commune remains in breach of complying with any of the conditions of approval, and/ Or

7.1.2 The operational use of the commune be in breach of any of the conditions of approval or becomes a nuisance to any neighbouring property, and/ or

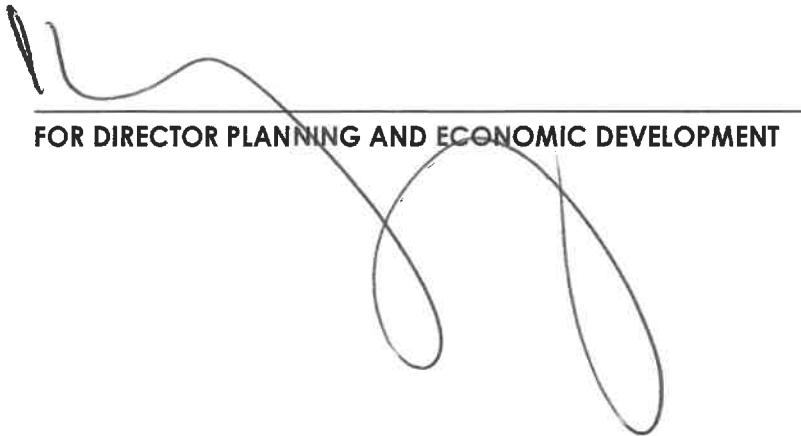
7.1.3 The parking is not restricted to the property and is a nuisance or safety hazard, and/ or

7.1.4 The commune be used for any unauthorised uses not permitted in terms of this approval.

8. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw 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.
9. Appeals must be submitted by completing the required form 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.
10. **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**
11. 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.
12. The appeal form and 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 or 021 – 808 8684.
13. 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.
14. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

15. 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



A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.

FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

2/12/2024
DATE

COPIES TO OBJECTORS





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ANNEXURE A

SITE PLANS



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ANNEXURE D

COMMENT FROM: INFRASTRUCTURE
SERVICES DEPARTMENT

RE: [EX] Fwd: Erf 14963 Stellenbosch- Additional Information

From Ilze Fillies <Ilze.Fillies@stellenbosch.gov.za>

Date Wed 9/11/2024 12:14 PM

To Mbalentle Fikeni <Mbalentle.Fikeni@stellenbosch.gov.za>

Cc Pedro April <Pedro.April@stellenbosch.gov.za>; Charne Williams <Charne.Williams@stellenbosch.gov.za>

Good day Mbalentle

I trust you are well.

If the 3rd parking bay is in the erf boundary, I will support the application. Please note that no parking bays are allowed in the road reserve.



Kind regards

Ilze Fillies

Principal Technician: Development
Infrastructure Services

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From: Mbalentle Fikeni <Mbalentle.Fikeni@stellenbosch.gov.za>

Sent: Monday, 09 September 2024 13:38

To: Ilze Fillies <Ilze.Fillies@stellenbosch.gov.za>

Cc: Pedro April <Pedro.April@stellenbosch.gov.za>

Subject: Fw: [EX] Fwd: Erf 14963 Stellenbosch- Additional Information

Good day Ilze

As per telecommunication, kindly see attached additional information which has the visual presentation of the site.

The owner has also proposed some mitigation measures as well.

We would like to confirm whether the third parking bay will be sufficient.

Regards

Mbalentle



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag:	Nicole Katts
From ▫ Van:	Principal Technician: Development (Infrastructure Services)
Author ▫ Skrywer:	Ilze Fillies
Date ▫ Datum:	22 July 2024
Our Ref ▫ Ons Verw:	Civil LU 2735
Town Planning Ref:	LU/16766 – TP553/2023
Re ▫ Insake:	Erf 14963, Stellenbosch: Application for consent use in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law, 2023, to allow an existing dwelling house to be used as a four (4) bedroom commune on Erf 14963, Stellenbosch. Application for permanent departure in terms of section 15(2)(b) of the Stellenbosch Municipality Land Use Planning By-Law, 2023 to permit the under provision of on-site parking to be 3 on-site parking bays in lieu of 4 on-site parking bays on Erf 14963, Stellenbosch.

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

1. Civil Engineering services

- 1.1 All required parking bays must be within the erf boundary. No parking bays allowed in the road reserve.

Ilze Fillies

Principal Technician: Development (Infrastructure Services)

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