



Application Number: LU/14211

Our File Reference Number: Erf 3520, 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 THE SUSPENSION AND REMOVAL OF THE RESTRICTIVE TITLE DEED CONDITIONS ON
ERF 3520, KARINDAL, 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 Municipal Land Use Planning Bylaw, 2023 on Erf 3520, Karindal, Stellenbosch, namely:
 - i. **Suspension of restrictive title deed condition** in terms of Section 15(2)(f) of the said Bylaw of Clause C.6(c) and Clause C.6.(d) as contained in Title Deed Nr. T37530/2019 to relax the title deed common building line (adjacent to Erf 3519, Stellenbosch) from **3,15m** to **0m** to permit a garage; and to exceed the permissible coverage from 33,3% to 39,6% to accommodate the additions as indicated on the subject site plan with referenced **151/A/001-002** and dated **May 2022**, attached as **ANNEXURE C**.
 - ii. **Removal of restrictive title deed condition** in terms of Section 15(2)(f) of the said Bylaw of Clause D.1 as contained in Title Deed Nr T37530/2019,

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

2.2. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:

- a. The approval only applies to the proposal under consideration, as indicated on the referenced (**151/A/001-002 and dated May 2022**) Site Plan, attached as **ANNEXURE C** 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.
- b. The development must be undertaken generally in accordance with the Site Plan as referenced **151/A/001-002 and dated May 2022** and attached as **ANNEXURE C**.
- c. 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.
- d. Building plans must be generally in accordance with the site plan as referenced **151/A/001-002 and dated May 2022** and attached as **ANNEXURE C**.

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

- 2.3.1 The proposal is of limited scale and will not have a detrimental impact on the prevailing character of the subject area and it is in keeping with the current land use of the subject property and the area.
- 2.3.2 The proposed suspension of the subject restrictive title condition applicable to the abovementioned property is supported as it relates to the prevailing context and will not have a negative impact on the residential character of the area.

2.4. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2023 on Erf 3520, Karindal, Stellenbosch, namely,

- 2.4.1 **Removal of restrictive title deed conditions** in terms of Section 15(2)(f) of the said Bylaw of Clause C.5; C.6.(a); C.6.(b); and C.6.(d) contained in Title Deed Nr T37530/2019;

NOT BE APPROVED in terms of Section 60 of the said Bylaw.

2.5. The **reason/s** for the **refusal** are as follows:

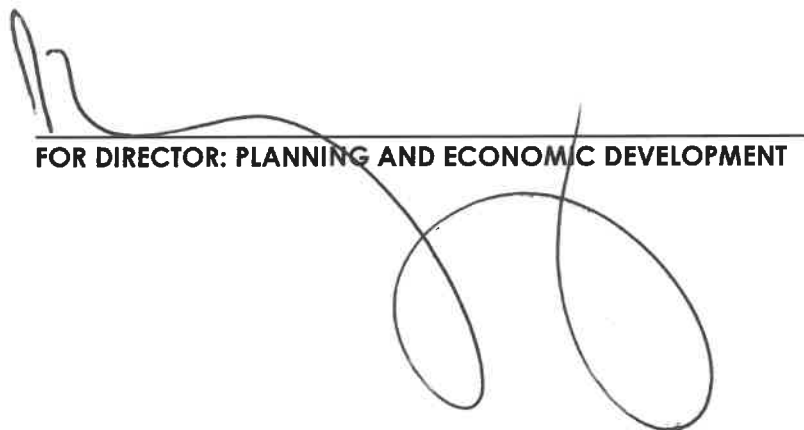
- a. The subject application contains no grounds or motivation for the proposed removal of the subject title restrictions which also impedes effective public participation, and consequently the application cannot be properly considered in the absence of a proposal associated with the required removal of title restriction and such effective public participation.

2.6. Matters to be noted:

- a. Building plans be approved by the Municipality.
 - b. The applicant, after publication of a notice in the Provincial Gazette to apply to the Registrar of Deeds to make appropriate entries in, and endorsements on, any relevant register or title deed to reflect the removal, suspension or amendment of the restrictive conditions.
3. 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.
 4. 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.
 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 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.

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

15/10/2024
DATE

ANNEXURE C

**APPLICATION FOR THE REMOVAL OF THE
RESTRICTIVE TITLE DEED CONDITIONS ON ERF 3520,
KARINDAL, STELLENBOSCH**

SITE PLAN



GENERAL NOTES:
ALL MATERIALS AND CONSTRUCTION METHODS TO
COMPLY WITH THE NATIONAL BUILDING REGULATIONS
(ACT NO 103 OF 1977) INCLUDING ALL REVISIONS
AND ALL APPLICABLE BYLAWS OF THE CONCERNED
LOCAL AUTHORITY.
ALL DIMENSIONS TO BE VERIFIED ON SITE
AND NO DRAWING IS TO BE SCALED.
ANY DISCREPANCIES OR CONTRADICTIONS MUST
IMMEDIATELY BE POINTED OUT TO THE ARCHITECT
FOR CORRECTIONS OR EXPLANATIONS BEFORE ANY
CONSTRUCTION PROCEED

Revisions:
80002/002 -

ZWAANSWYK 1

Stellenbosch

Erf 3520

Existing Plans

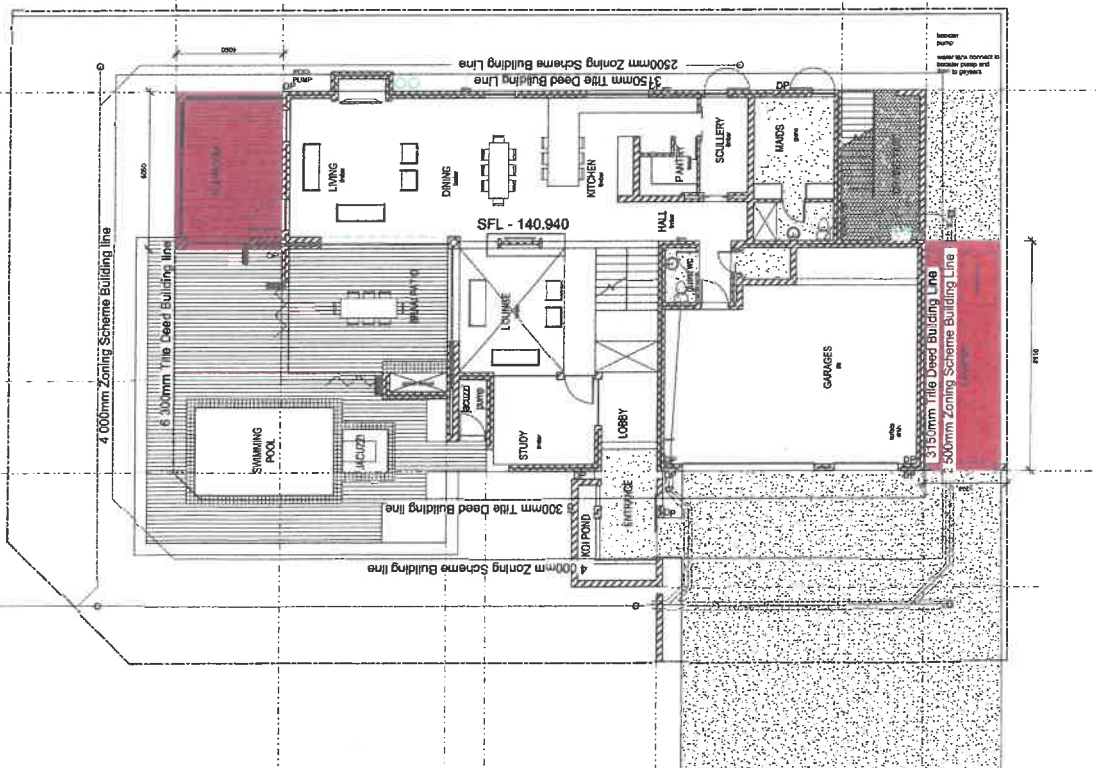
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151/ A / 001

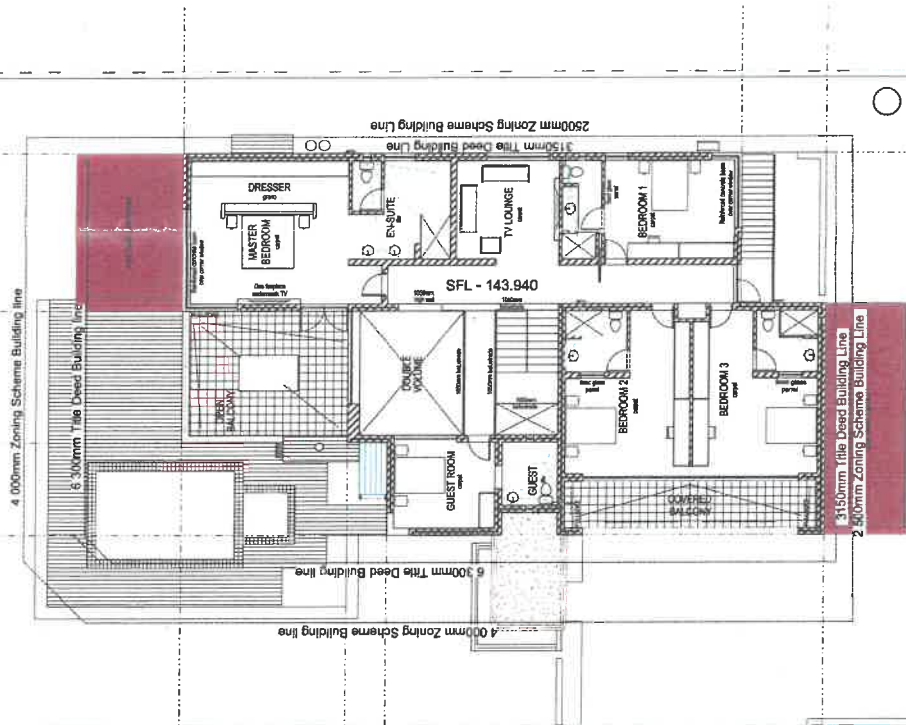
Datum/Date	Getekend/Drawn	Wysigting/ Revision
MAY 2022	HB	00
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EXIST AS APPROVED 316m²
EXIST AS BUILD 375m²
(incl. playroom
& carport)

COVERAGE



ground floor plan 1:100



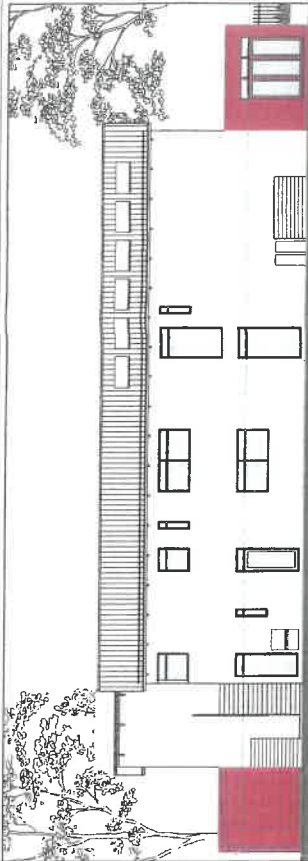
first floor plan 1:100

GENERAL NOTES:
ALL MATERIALS AND CONSTRUCTION METHODS TO COMPLY WITH THE NATIONAL BUILDING REGULATIONS (ACT No 103 OF 1977) INCLUDING ALL REVISIONS AND ALL APPLICABLE EDITIONS OF THE CONCERNED LOCAL AUTHORITY.
ALL DIMENSIONS TO BE VERIFIED ON SITE AND NO DRAWING IS TO BE SCALED.
ANY DISCREPANCIES OR CONTRADICTIONS MUST IMMEDIATELY BE POINTED OUT TO THE ARCHITECT FOR CORRECTIONS OR EXPLANATIONS BEFORE ANY CONSTRUCTION PROCEEDS

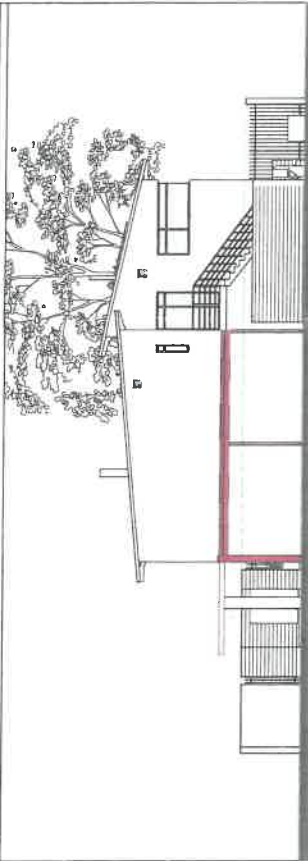
Revisions:
A 00/00/2022

ZWAANSWYK 1
Stellenbosch
Erf 3520, Karindal
Roofplan & Elevations

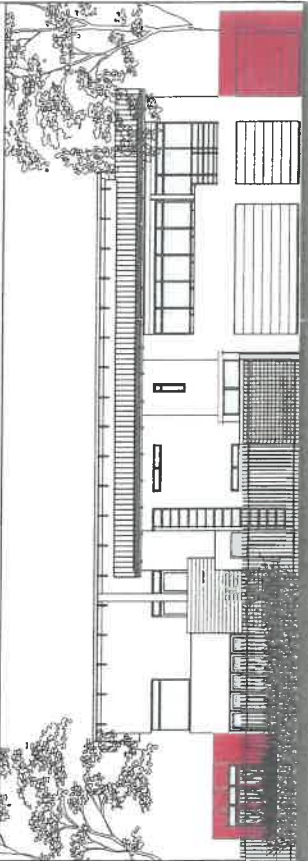
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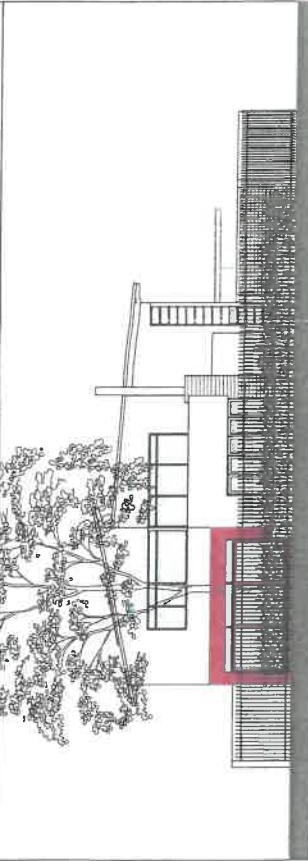
north elevation 1:100



east elevation 1:100



south elevation 1:100



west elevation 1:100

MEERLUST STRAAT

20 470mm Boundary Line

4 000mm Zoning Scheme Building Line

15 300mm Tile Deed Building Line

ZWAANSWYK STRAAT

33 400 mm Boundary Line

4 000mm Zoning Scheme Building Line

15 300mm Tile Deed Building Line

2500mm Zoning Scheme Building Line

37 940mm Boundary Line

ERF 3520

3150mm Tile Deed Building Line

2 500mm Zoning Scheme Building Line

25 190mm Boundary Line



site & roof plan 1:100