



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/16887(TP669/2024)

Our File Reference Number: Erf 3672, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: [ulrich.vonmolendorff@ Stellenbosch.gov.za](mailto:ulrich.vonmolendorff@ Stellenbosch.gov.za)

**PER E-M**

Sir /Mada

## **APPLICATION FOR THE SUSPENSION AND REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS; CONSENT USE AND DEPARTURE ON ERF 3672, 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 applications in terms of Section 15(2) of the Stellenbosch Municipality By-Law on Municipal Land Use Planning 2023 for the following on Erf 3672, Stellenbosch:
    - i. Suspension of a restrictive title deed conditions C.(d) as contained in Deed of Transfer number T. 40598 of 2019 in terms of Section 15(2)(f) of the said Bylaw to relax the restrictive title deed rear and side building line (adjacent to Erf 3673) from 10 feet (3,048m) to 1m in order to accommodate the proposed second dwelling unit and the garage. The title deed condition to be suspended reads as follows:

*C.(d). geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heinings, mag binne 20 voet van die straatlyn wat 'n grens van hierdie erf vorm opgerig word nie ook nie binne 10 voet van die agtergrens of sygrens van 'n aangrensende erf nie.*
    - ii. Removal of restrictive title deed conditions C.(b) as contained in Deed of Transfer Number T. 40598 of 2019 in terms of Section 15(2)(f) of the said Bylaw in order to allow the owner of the property to construct a second dwelling unit. The title deed condition to be removed reads as follows:

*C.(b) Dit mag alleen gebruik word vir die doel om een woning, tesame met die buitegeboue wat gewoonlik in verband daarmee gebruik word daarop op te rig,*
    - iii. Consent Use in terms of Section 15(2)(o) of the said By-Law for additional use that exceeds the parameters of the zoning scheme in order to construct a second dwelling unit that exceeds the common building lines (adjacent to Erf 3673 & Erf 3733),

- iv. Departure application in terms of Section 15(2)(b) of the said By-Law to relax the common building line (adjacent to Erf 3673 & Erf 3733) from 2,5m to 1m in order to accommodate the proposed second dwelling unit,

**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 proposed additional use (technical approval) 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.
- b. 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.
- c. Building plans must be generally in accordance with the site plan / floor layout plan as referenced drawing no. 100, Revision 8 dated 19/01/2024 and drawn by dogged architects (attached as **Annexure A**), omitting the sliding door (adjacent to Erf 3673, Stellenbosch). Only high roof windows will be accepted.
- d. Conditions from Engineering Services as imposed in their memo dated 06 August 2024, must be adhered to, See **Annexure B**.
- e. 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.

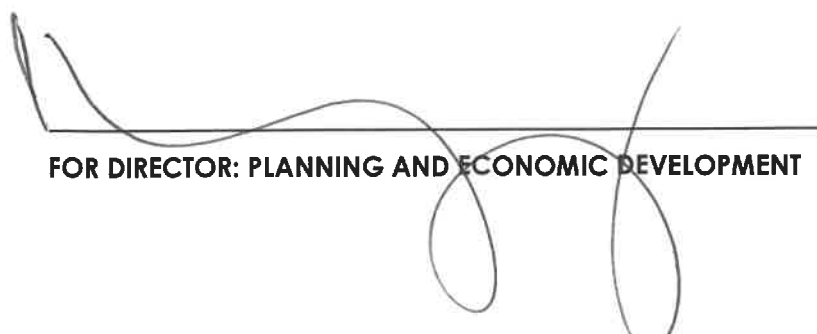
2.3. The **reasons** for the above decision are as follows:

- 2.3.1 The proposed second dwelling will be in line with the vision of the Stellenbosch Municipal Spatial Development Framework as second dwellings promote infill development and densification.
- 2.3.2 Sufficient on-site parking has been provided for the existing and proposed dwelling units.
- 2.3.3 The proposed second dwelling unit will still be setback from the common boundaries by at least 1m thus will have no impact on the adjoining properties.

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](mailto: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](mailto: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

29/11/2024,  
DATE

NOTES:

of connections, work shall be executed by the contractor in terms of the following requirements as per SANS 10400: Application of the National Building Regulations, unless otherwise stated:

- Part A - General Requirements; Part B - Structural; Part C - Services; Part D - Fire Safety; Part E - Electrical; Part F - Water Supply; Part G - Sanitation; Part H - Foundations; Part I - Floor; Part K - Walls; Part L - Roofs; Part M - Stairways; Part N - Cladding; Part O - Signage; Part P - Windows; Part Q - Staircases; Part R - Staircases; Part S - Accessible Buildings; Part T - Fire Protection; Part U - Space Heating; Part V - Ventilation; Part W - Mechanical Services; Part X - Energy Usage

Other relevant regulations shall comply with the National SAC of the National Building Regulations and approved amendments as per SANS 10400, SANS 10116, SANS 10127, SANS 10128, SANS 10129, SANS 10130, SANS 10131, SANS 10132, SANS 10133, SANS 10134, SANS 10135, SANS 10136, SANS 10137, SANS 10138, SANS 10139, SANS 10140, SANS 10141, SANS 10142, SANS 10143, SANS 10144, SANS 10145, SANS 10146, SANS 10147, SANS 10148, SANS 10149, SANS 10150, SANS 10151, SANS 10152, SANS 10153, SANS 10154, SANS 10155, SANS 10156, SANS 10157, SANS 10158, SANS 10159, SANS 10160, SANS 10161, SANS 10162, SANS 10163, SANS 10164, SANS 10165, SANS 10166, SANS 10167, SANS 10168, SANS 10169, SANS 10170, SANS 10171, SANS 10172, SANS 10173, SANS 10174, SANS 10175, SANS 10176, SANS 10177, SANS 10178, SANS 10179, SANS 10180, SANS 10181, SANS 10182, SANS 10183, SANS 10184, SANS 10185, SANS 10186, SANS 10187, SANS 10188, SANS 10189, SANS 10190, SANS 10191, SANS 10192, SANS 10193, SANS 10194, SANS 10195, SANS 10196, SANS 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if drawings, dimensions and levels to be checked by senior surveyor to existing out of the work. Architect to be notified of any discrepancies.

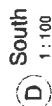
Structural work to be the responsibility of a structural engineer as structural steelwork

## Information

|         |                                                                                     |                             |                                           |                                                     |                                                                     |
|---------|-------------------------------------------------------------------------------------|-----------------------------|-------------------------------------------|-----------------------------------------------------|---------------------------------------------------------------------|
| Project | Name<br>Address<br>Number                                                           | Client<br>Name<br>Signature | Architect<br>Name<br>Seal no<br>Signature | Drawing<br>Scale (A1)<br>Sheet No.<br>Drawn<br>Date | Site Development Plan<br>As indicated<br>Hole B<br>NJ<br>2004.01.19 |
|         | Houze Kuyper - Erf 3672<br>8 Tonksd Street<br>Onderstepopburg<br>Gauteng<br>2003.01 | Adrian Kuypers              | Hannes Jacobs<br>2478675                  |                                                     |                                                                     |



**Ground Floor Plan**  
**1 : 100**





# STELLENBOSCH MUNICIPALITY

STELLENBOSCH · PNIEL · FRANSCHHOEK

## MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE  
DIRECTORATE: INFRASTRUCTURE SERVICES

### CIVIL ENGINEERING SERVICES

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| <b>To ▫ Aan:</b>           | <b>Director: Planning + Economic Development</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Att Aandag:</b>         | <b>Nicole Katts</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>From ▫ Van:</b>         | <b>Technician: Development (Infrastructure Services)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Author ▫ Skrywer:</b>   | <b>Xolani Tika</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Date ▫ Datum:</b>       | <b>06 August 2024</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Our Ref ▫ Ons Verw:</b> | <b>Civil LU 2721</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Town Planning Ref:</b>  | <b>LU/16887 – TP669/2024</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Re ▫ Insake:</b>        | <b>Erf 3672, Stellenbosch: Application is made in terms of Section 15(2)(f) of the Stellenbosch Municipality By-Law on Municipal Land Use Planning, 2023 for the removal of restrictive title deed conditions C.(b)&amp;(d) in order to allow the owner of the subject property to construct a second dwelling unit and to relax the restrictive title deed conditions in order to accommodate the proposed garage and second dwelling unit. Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipality By-Law on Municipal Land Use Planning, 2023 for a Consent Use in order to construct a second dwelling unit that exceeds the common building line adjacent to Erf 3673 &amp; 3733 (additional use that exceeds parameters).</b> |

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

- 1. Sewer connection**
  - 1.1 The existing municipal sewer connection must be used for the proposed second dwelling unit.

**2. Water connection**

- 2.1 The existing municipal water connection must be used for the proposed second dwelling unit on erf 3672.



**Xolani Tika**  
**Technician: Development (Infrastructure Services)**

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