



Application Number: LU/16061 (TP398/2023)

Our File Reference Number: Erf 638, Klapmuts

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL

Sir / Madam

APPLICATION FOR TEMPORARY DEPARTURE, PERMANENT DEPARTURE AND PERMISSION I.T.O THE SCHEME ON ERF 638, KLAPMUTS

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 the Section 15(2) of the Stellenbosch Municipal Land Use Planning By-law, 2023 on Erf 638, Klapmuts; namely:

- 2.1.1 The temporary departure in terms of Section 15(2)(c) of the said By-law to permit the operation of a liquor store from a portion of the existing dwelling house, including a shipping container used for associated storage (total extent of $\pm 57\text{m}^2$) on the property,
- 2.1.2 The permanent departure in terms of Section 15(2)(b) of the said By-law for the relaxation of the street building line from 2m to 0m in order to accommodate the shipping container on the property,
- 2.1.3 The permanent departure in terms of Section 15(2)(b) of the said By-law for the under provision of onsite parking (0 bays provided) required for the liquor store on the property,
- 2.1.4 Permission in terms of the zoning scheme in terms of Section 15(2)(g) of the said By-law to permit a shipping container which is visible from a public road on the property,

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

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

3.1 The proposal under consideration does not differ materially from the proposal that was previously refused.

3.2 The type of business activity (the sale of liquor) is incompatible with the residential character of the surrounding area.

3.3 The visual appearance of the property's street façade detracts from the residential character of the area as it resembles that of a business property rather than a residential one.

4. 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.

5. 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.

6. **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**

7. 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.

8. 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.

9. 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:

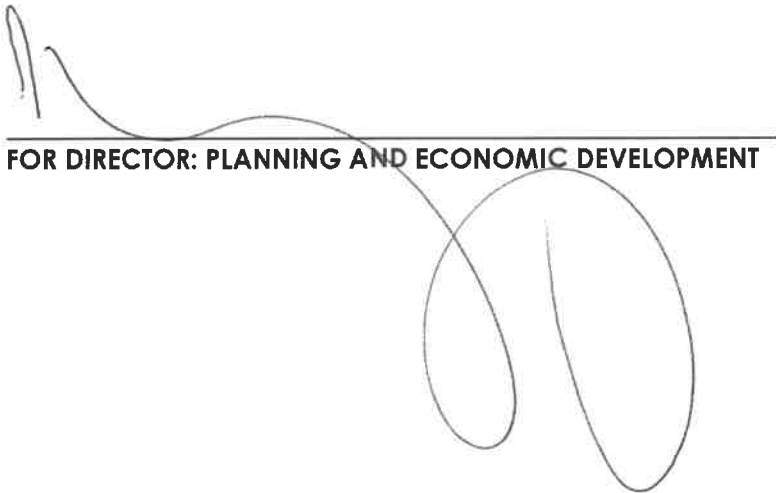
(a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.

- (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.

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

11. 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

17/7/2024
DATE