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Application Number: LU/16019
Our File Reference Number: Erf 217, Franschhoek
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 IN TERMS OF SECTION 15(2)(G) OF THE STELLENBOSCH MUNICIPALITY BY-LAW ON MUNICIPAL LAND USE PLANNING 2023 FOR PERMISSION IN TERMS OF THE ZONING SCHEME FOR AN ADDITIONAL USE (TECHNICAL APPROVAL) AND IN TERMS OF SECTION 15(2)(B) FOR PERMANENT DEPARTURE ON ERF 217, FRANSCHHOEK

1. The above application refers.

2. The duly authorised decision maker has decided on the above application as follows:

   2.1 That the application for technical approval in terms of Section 15(2)(g) of the Stellenbosch Municipal Land Use Planning By-law, 2023 to permit the use of a portion of the existing main dwelling as a home occupational practice (hair salon) on Erf 217, Franschhoek.

   2.2 That the application for permanent departure in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-law, 2023 to exceed the permissible floor area for a home occupational practice (hair salon) on Erf 217, Franschhoek.

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 additional use under consideration, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or By-laws 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 home occupation practice be limited to **54m²** as indicated on the site plan / floor layout plan as referenced in drawing number; A3 - 04, attached as attached as **Annexure B.**

3.4 The dominant use of the property shall remain the operator's residents.

3.5 A maximum of two (2) employees in connection with this activity shall be permitted at any time.

3.6 No goods, material or equipment in connection with the activity shall be displayed or be visible from a public road.

3.7 No advertising sign may be displayed other than a single non-illuminated sign which does not project over a public road and which does not exceed 0.5m².

3.8 The activity may not 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 on-site or in a public road, or an excessive increase in the number and frequency of visitors to the land unit so as to be a nuisance.

3.9 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the approval of any building plans. See attached **Annexure E.**

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

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

4.2 The proposed activity complies with the technical requirements of a home occupation practice in terms of the Zoning Scheme By-law.

5. 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.

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:

a) First names and surname
b) ID number
c) Company of Legal person's name (if applicable)
d) Physical Address
e) Contact details, including a Cell number and E-Mail address

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

7.1 The grounds of the appeal which may include the following grounds:

a) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)
b) 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.

7.2 Whether the appeal is lodged against the whole decision or a part of the decision.
7.3 If the appeal is lodged against a part of the decision, a description of the part.
7.4 If the appeal is lodged against a condition of approval, a description of the condition.
7.5 The factual or legal findings that the appellant relies on.
7.6 The relief sought by the appellant.
7.7 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.
7.8 That the appeal includes the following declaration by the Appellant:

a) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
b) That the Appellant is aware that it is and 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.

8. 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

9. 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.

10. 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

11. 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.

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

13. 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

4/3/2024
DATE

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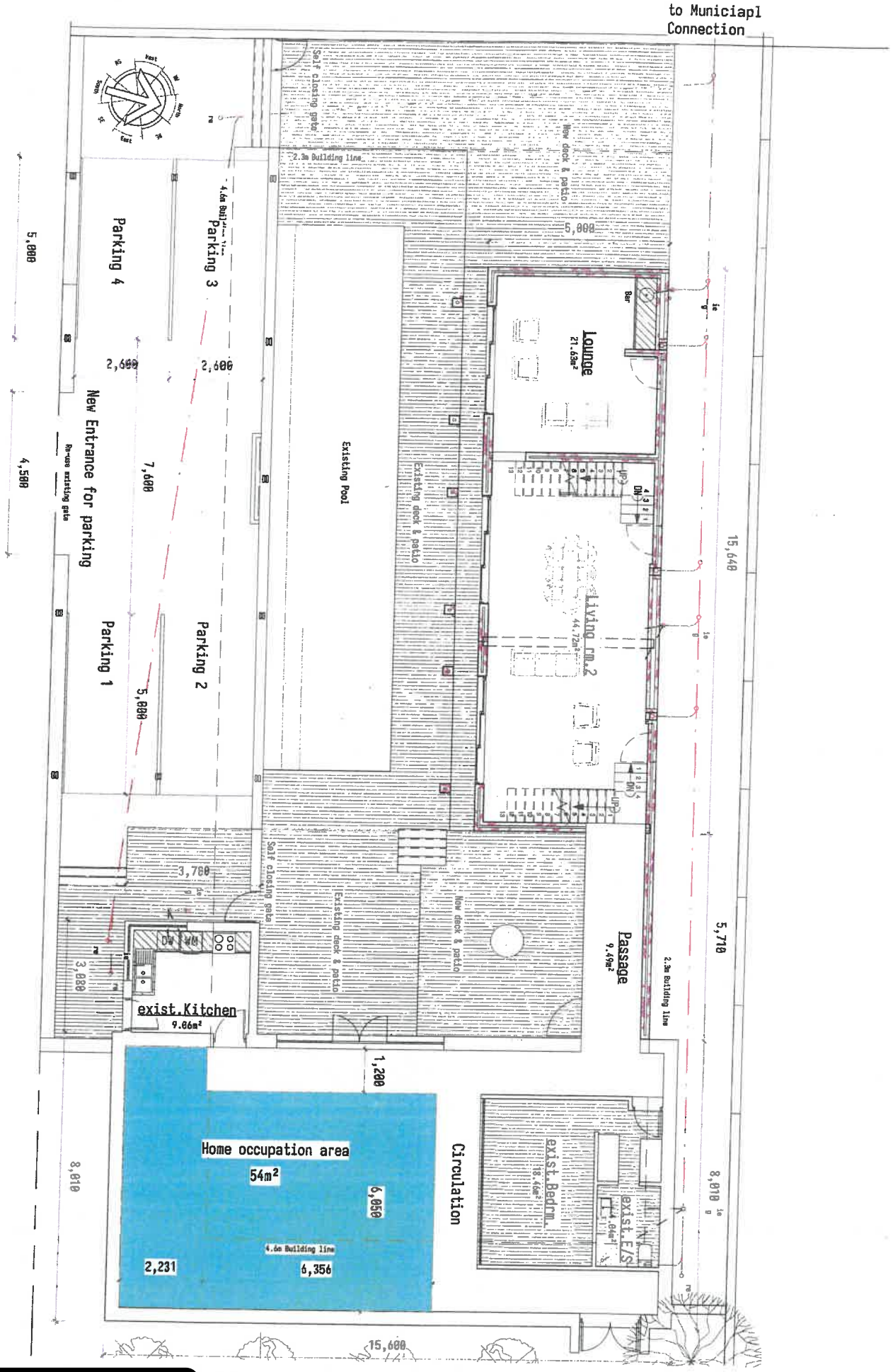
ANNEXURE B

SITE PLAN / FLOOR LAYOUT PLAN



[redacted]

A3-04	Checked by	Checker	No.	Description	Date
	Drawn by	Author			
	Date				
Parking layout	Project number	Epson 217			
	Scale on A3	1 : 100			

KYMRIC HALL

Existing Hall

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ANNEXURE E

COMMENT FROM THE DIRECTOR: ENGINEERING SERVICES

STELLENBOSCH MUNICIPALITY

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MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To ▫ Aan:	**Director: Planning + Economic Development**
Att Aandag:	**Salome Newman**
From ▫ Van:	**Manager: Development (Infrastructure Services)**
Author ▫ Skrywer:	**Tyrone King**
Date ▫ Datum:	**31 Oct 2023**
Our Ref ▫ Ons Verw:	**Civil LU 2608**
Town Planning Ref:	**LU/16019**
Re ▫ Insake:	**Erf 217, Franschhoek: Application for technical approval in terms of section 15(2)(g) of the Stellenbosch Municipal Land Use Planning By-Law, 2023 to allow a portion of the existing dwelling house to be used for home occupation practice (Hair Salon) on Erf 217, Franschhoek.**

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

1. Civil Engineering services

1.1 Parking to be indicated on building plan – in general accordance with the parking layout attached – Drawing No A3-04 Parking Layout

2. Development Charges (DCs)

2.1 The following DC's are payable: See **Development Charge Calculation** attached. Please note that this calculation is indicative at this stage and will be amended based on the detail information provided on subsequent applications ie building plans / A final calculation will be provided prior to payment.

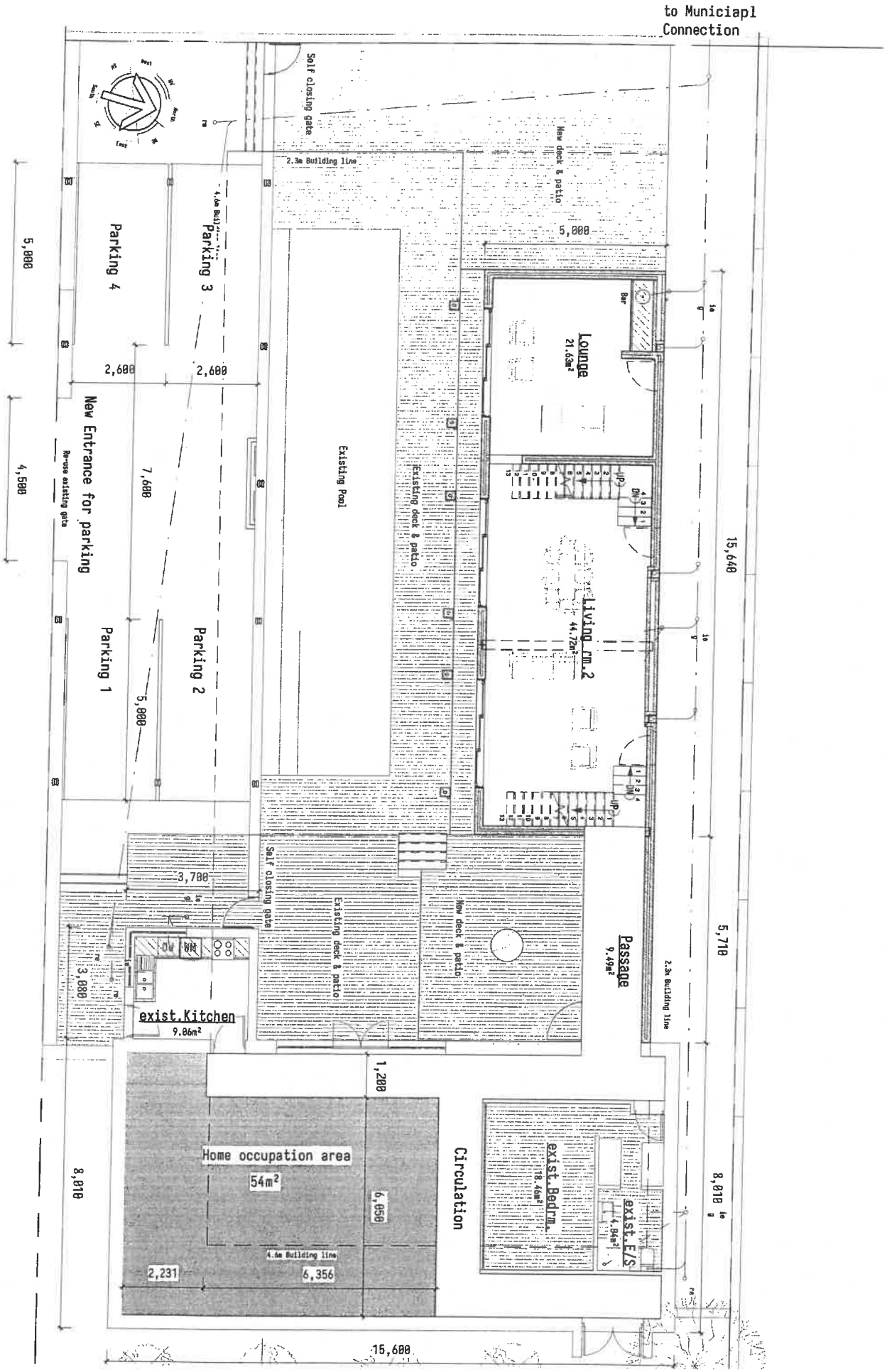
2.2 The DC's were calculated by using the 2023/2024 tariff structure. If DC's are paid after 30 June 2024 it will have to be recalculated by using the tariff structure and DC Policy principles applicable at date of payment.

2.3 The appropriate DC's are payable before building plan approval (where subdivision clearance is not applicable).

2.4 The appropriate DC's are payable before the facility is put to its approved use (where building plans are not applicable).

Tyrone King Pr Tech Eng
Manager: Development (Infrastructure Services)

W:\2.0 DEVELOPMENT\01 Land Use applications\2608 (TK) Erf 217 Franschhoek (LU-16019)\2608 () Erf 217 Franschhoek (LU-16019).doc



A3-04	Checked by	Checker	No.	Description	Date	KYMRIC HALL
	Drawn by	Author				
	Date					
Parking layout	Project number	Epson 217				Existing Hall
	Scale on A3	1 : 100				

Stellenbosch Municipality

Development Charge Calculation

APPLICATION INFORMATION	
Application Number:	DC 2608 () Erf 217 Franschhoek (LU-16019)
Development Name:	
Date:	27 October 2023
Financial Year:	2023/2024
Erf Location (Select from 7 Locations):	Franschhoek
Erf Region (Select Urban or Rural):	Urban
Erf No. / Farm No.:	Erf 217
DC Parameters Reference:	Plan No A3-03 Ground Floor - Home Occupation

SUMMARY OF DC CALCULATION

Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)	Community	Totals
Unit(s):	kl/day	kl/day	ha*C	t/week	trips/day		persons	
Total Increased Services Usage:	0.216	0.189	0.0081	0.0108	2.7		0.54	
Total Service Usage Reduction:	0	0	0	0	0.0		0	
Total Service Usage after Reduction:	0.22	0.19	0.00810	0.011	2.7		1	
Charges before adjusting for positive only, before Deductions	R 6 412.12	R 6 872.70	R -	R 1 056.37	R 23 266.71	R 37 607.90	R -	R 37 607.90
Charges adjusted for positive only, before Deductions	R 6 412.12	R 6 872.70	R -	R 1 056.37	R 23 266.71	R 37 607.90	R -	R 37 607.90
Total Deductions:	R -	R -	R -	R -	R -	R -	R -	R -
Total Development Charges Payable (excluding VAT):	R 6 412.12	R 6 872.70	R -	R 1 056.37	R 23 266.71	R 37 607.90	R -	R 37 607.90
VAT:	R 961.82	R 1 030.91	R -	R 158.45	R 3 490.01	R 5 641.18	R -	R 5 641.18
Total Development Charges Payable (including VAT):	R 7 373.93	R 7 903.61	R -	R 1 214.82	R 26 756.72	R 43 249.08	R -	R 43 249.08

APPLICANT INFORMATION	
Application Processed by:	Tyrone King
Signature:	
Notes:	to allow a portion of the existing dwelling house to be used for home occupation practice (Hair Salon) on Erf 217. Plan No A3-03 Ground Floor - Home Occupation : indiates Home occupation area as 54m2 (18% oftotal building floor area. SW and Community - no new additions.

Franschhoek

	Land Use Category	Unit Type	Existing Usage			Proposed New Usage			Increased Usage	Development Charge Levied (excl VAT)							
	Description	Unit	Area (m2)	Unit Amount	Result	Area (m2)	Unit Amount	Result	Amount	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)	Community	Total
										Yes	Yes	No	Yes	Yes		No	
Residential	Single Residential >1000m2	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Single Residential >500m2	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Single Residential >250m2	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Single Residential <250m2	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Second Dwelling	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Less Formal Residential	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Group Residential	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Apartments	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Retirement Village	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Old age home	du							0	R -	R -	R -	R -	R -	R -	R -	R -
Accommodation	Student Accommodation/Commune/Hostels	rooms							0	R -	R -	R -	R -	R -	R -	R -	R -
	Guest House	rooms							0	R -	R -	R -	R -	R -	R -	R -	R -
	Converted Guest House	rooms							0	R -	R -	R -	R -	R -	R -	R -	R -
	Hotel, Residential	rooms							0	R -	R -	R -	R -	R -	R -	R -	R -
Commercial	General Business	m2 GLA					54		54	R 6 412,12	R 6 872,70	R -	R 1 056,37	R 23 266,71	R 37 607,90	R -	R 37 607,90
	Office	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Retail/Shop	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Restaurant	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Outdoor Function / Picnic Area	persons							0	R -	R -	R -	R -	R -	R -	R -	R -
	Conference Facility/Place of assembly	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Hospital/Clinic/Medical Rooms	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	University/College	student							0	R -	R -	R -	R -	R -	R -	R -	R -
	School/Day Care	student							0	R -	R -	R -	R -	R -	R -	R -	R -
Industrial	Industrial - light	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Industrial - heavy	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Warehousing/Light Manufacturing	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Storage Facilities	unit							0	R -	R -	R -	R -	R -	R -	R -	R -
Non demand	Open Space/Natural Environment/Utility Site	ha							0	R -	R -	R -	R -	R -	R -	R -	R -
	Roads and Parking	ha							0.0000	R -	R -	R -	R -	R -	R -	R -	R -
Other	To be calculated	n/a							0.0000	R -	R -	R -	R -	R -	R -	R -	R -
	(Based on equivalent demands)	n/a							0	R -	R -	R -	R -	R -	R -	R -	R -
		Total Area:	0		Total Area:	0											

	Charges before adjusting for positive only, before Deductions	R 6 412,12	R 6 872,70	R -	R 1 056,37	R 23 266,71	R 37 607,90	R -	R 37 607,90
Deduct	Charges adjusted for positive only, before Deductions	R 6 412,12	R 6 872,70	R -	R 1 056,37	R 23 266,71	R 37 607,90	R -	R 37 607,90
	Deductions per service (from usage reductions)	R -	R -	R -	R -	R -	R -	R -	R -
	Discount Deduction (%) Percentage: 0,00%	R -	R -	R -	R -	R -	R -	R -	R -
	Additional Deduction per service - from Service Agreement (sum)	R -		R -	R -	R -	R -	R -	R -
Totals	Sub Total after Ajustments and Deductions (excluding VAT)	R 6 412,12	R 6 872,70	R -	R 1 056,37	R 23 266,71	R 37 607,90	R -	R 37 607,90
	VAT	R 961,82	R 1 030,91	R -	R 158,45	R 3 490,01	R 5 641,18	R -	R 5 641,18
	Total Development Charges	R 7 373,93	R 7 903,61	R -	R 1 214,82	R 26 756,72	R 43 249,08	R -	R 43 249,08