



Application Number: LU/15989 (TP439/2023)

Our File Reference Number: Erf 3567, Stellenbosch

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL [REDACTED]

Sir / Madam

**APPLICATION FOR A REMOVAL OF RESTRICTIVE TITLE DEED CONDITION, SUSPENSION OF BUILDING LINES
AND PERMISSION IN TERMS OF THE ZONING SCHEME : ERF 3567, 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 on Erf 3567, Stellenbosch for:
 - 2.1.1 the removal of restrictive title deed conditions, in terms of Section 15(2)(f) of the said By-law; Clauses E.6(b), "(b) It shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as ordinarily required to be used therewith", as contained in Deed of Transfer No. T2816/2023 on page 3, to permit the construction of a second dwelling,
 - 2.1.2 the suspension of the following building lines in terms of Section 15(2)(f) of the said By-law, in accordance with the restrictive title deed conditions in Section E.6(d) of the aforementioned title deed to relax the;
 - 2.1.2.1 street building line from 6.3m to 4.5m for the entrance structure and 5.3m for the garage, the common building line from 3.15m to:
 - (i) 2.5m for a staircase on the boundary adjacent to Erf 3568,
 - (ii) 2.8m for the swimming pool deck and 2.5m for bedroom and patio adjacent to Erf 3591, and
 - (iii) the rear building line from 4.72m to 2.5m for the patio adjacent to Farm No 1087, Stellenbosch.

- 2.1.3 a permission required in terms of the zoning scheme for a Technical Approval in terms of Section 15(2)(g) of the said Bylaw to allow for the development of a second dwelling.

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; removal of title deed conditions, permission in terms of the zoning scheme and suspension of title deed conditions 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 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 or as may be agreed on in writing with the Director Infrastructure Services.
- 3.4 Building plans be generally in accordance with the site plan / floor layout plan as referenced Drawing 100, 210, 230, 300 and 310 drawn by Luke Architect dated 10/05/2024 attached as **Annexure B**.
- 3.5 All required parking be provided onsite in accordance with the provisions of the Zoning Scheme Bylaw, as illustrated on the site plan to the satisfaction of the Municipality.
- 3.6 Conditions imposed by the Infrastructure Services Department as contained in the memorandum dated 22 November 2024 and attached as **Annexure C**, be complied with.

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

- 4.1 The proposed development is compatible with neighboring residential land uses and structures.
- 4.2 The building height reduction and adjusted building lines which aligned to the zoning scheme bylaw, addressed all concerns raised about visual impact and privacy.
- 4.3 Second dwellings are a moderate form of densification, promoted by the Spatial Development Framework.
- 4.4 The removal of the subject title deed condition only facilitates the construction of a second dwelling which is now provided for in the zoning scheme bylaw as an additional use.
- 4.5 The aesthetic appearance of a single dwelling will still be retained, considering the second dwelling has been incorporated into the design of the main dwelling.

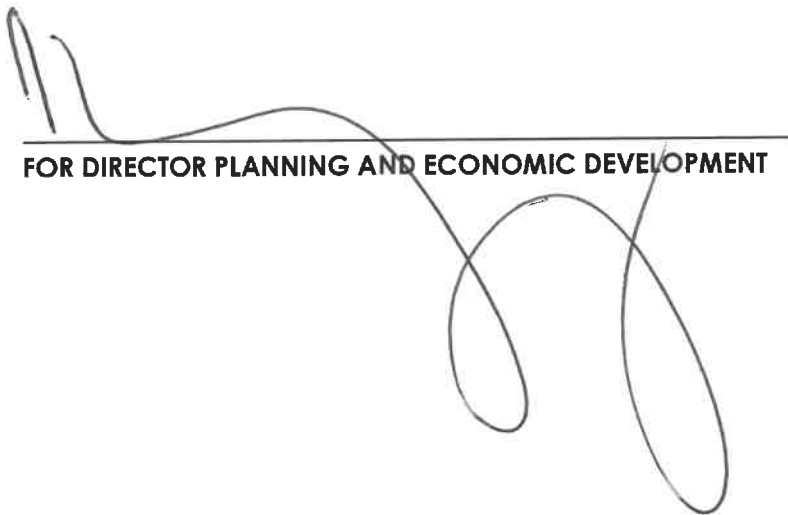
5. **Matters to be noted:**

- 5.1 Building plans be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.
 - 5.2 Appropriate caution shall be taken during demolition work. Should damage occur, the applicant will be liable for the cost involved repairing damages.
 - 5.3 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.
6. 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.
7. 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.
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 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.
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



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FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

29/11/2024
DATE

[REDACTED]

1

[REDACTED]

2

[REDACTED]

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11

[REDACTED]

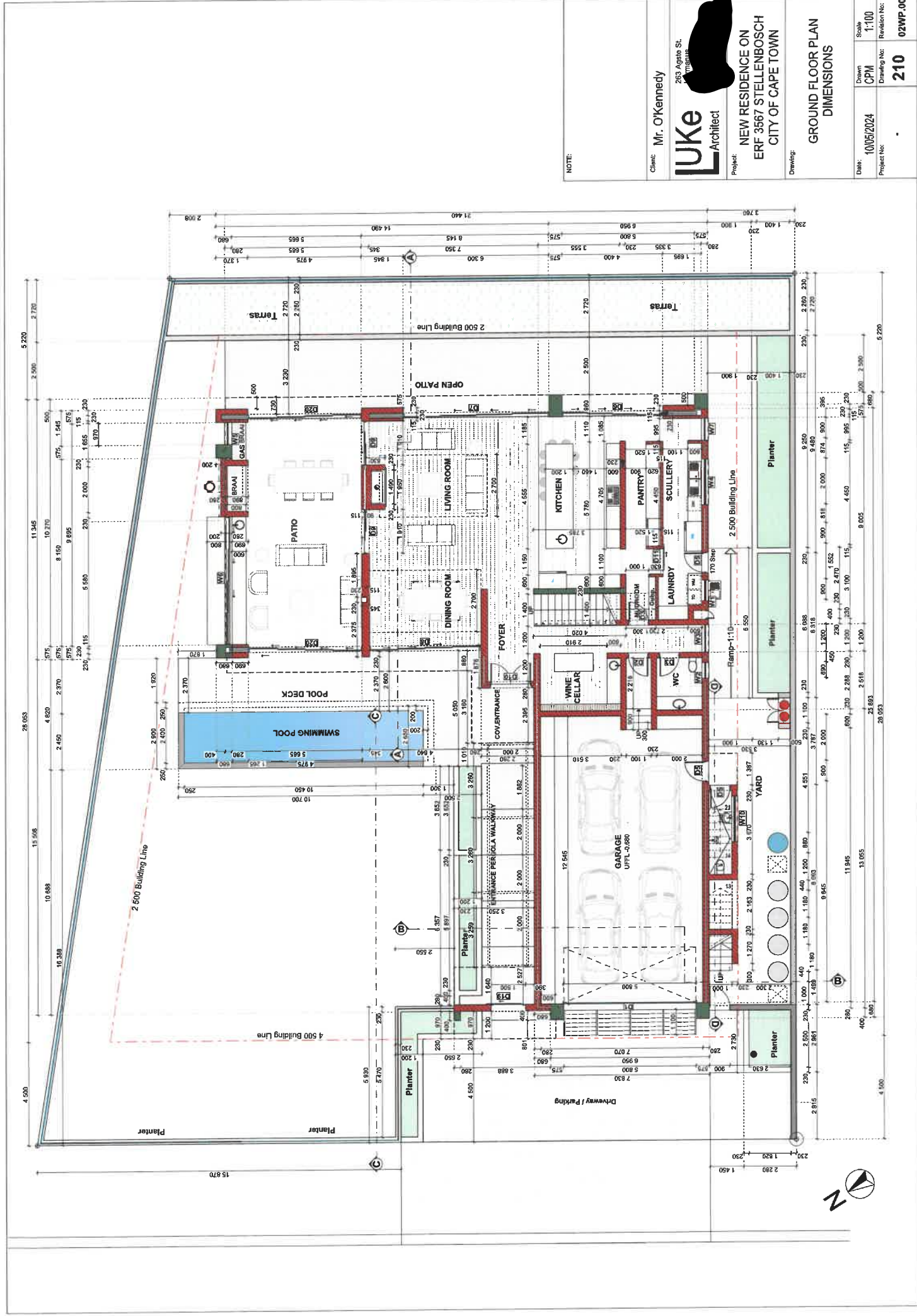
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ANNEXURE B



NOTE:

Client: Mr. O'Kennedy

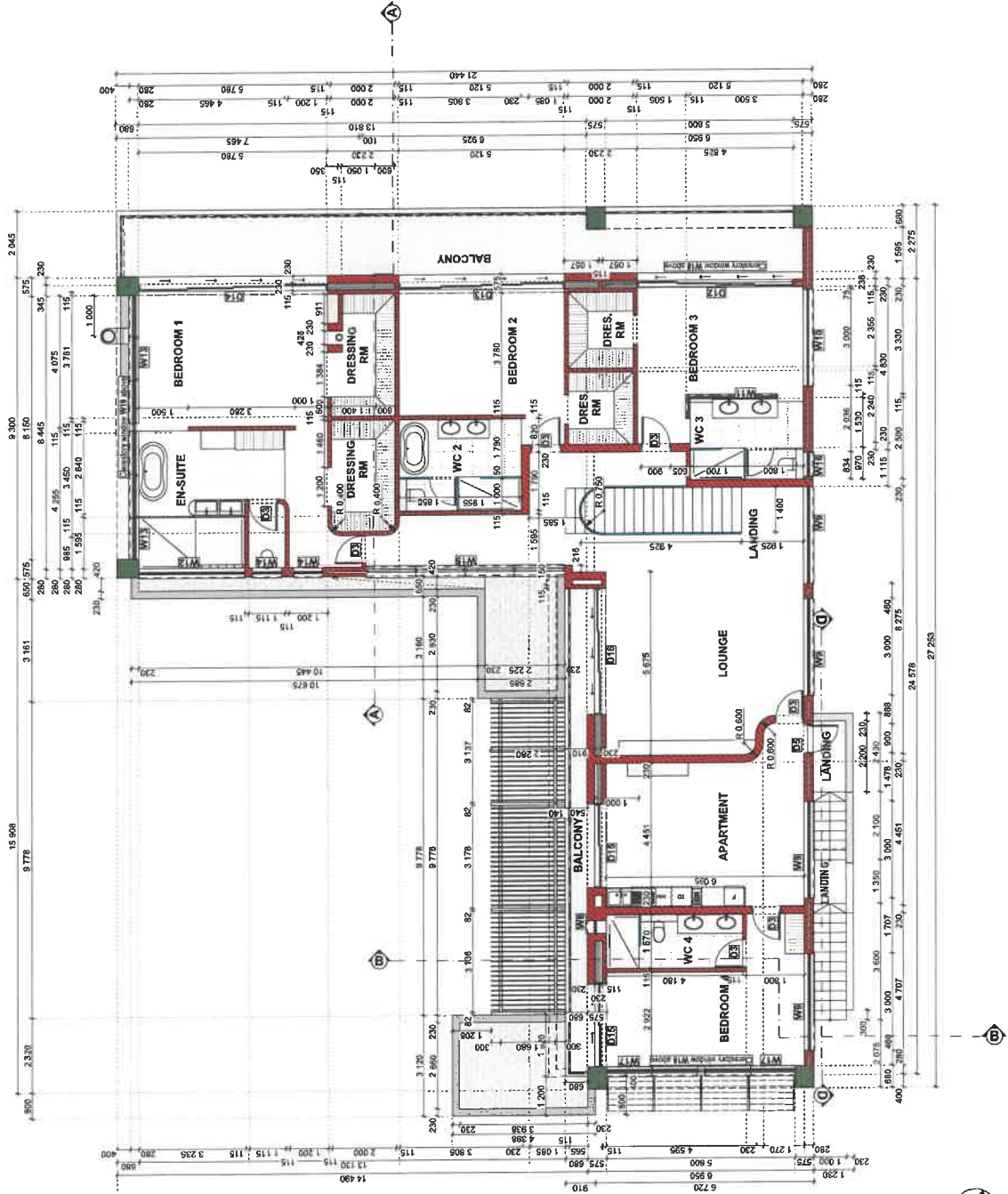


Project: NEW RESIDENCE ON
ERF 3567 STELLENBOSCH
CITY OF CAPE TOWN

Drawing:

GROUND FLOOR PLAN
DIMENSIONS

Date:	10/05/2024	Scale:	1:100
Project No:		Drawing No:	210
		Revision No:	02WP.00



NOTE:

Client: Mr. O'Kennedy

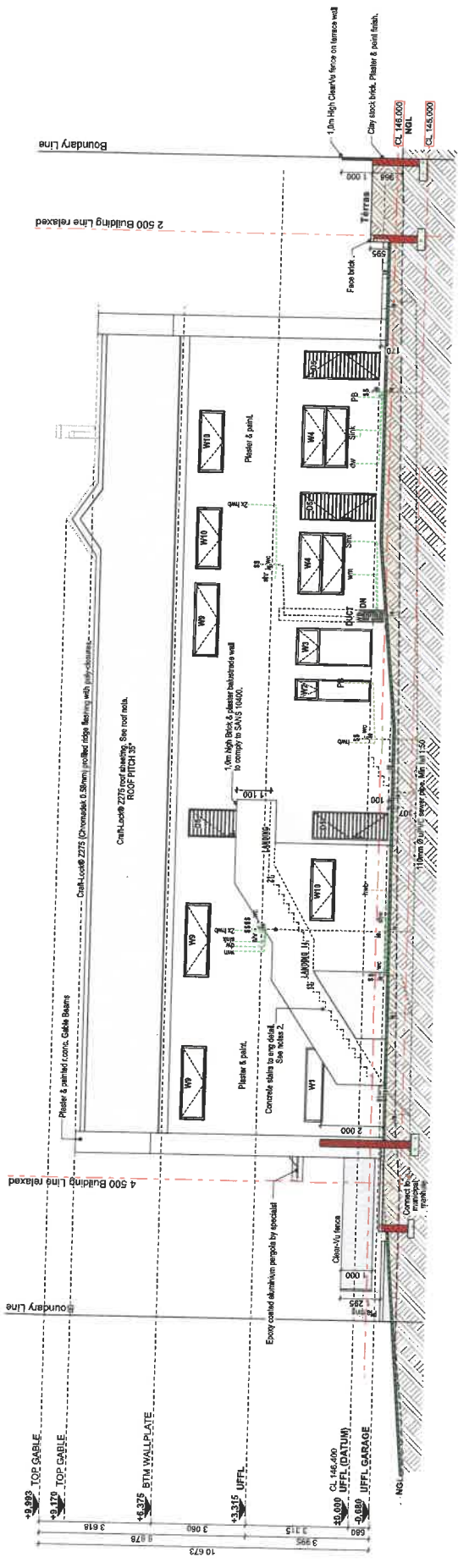
LUKE Architects
253 Argyle St
Durban

Project: NEW RESIDENCE ON
ERF 3567 STELLENBOSCH
CITY OF CAPE TOWN

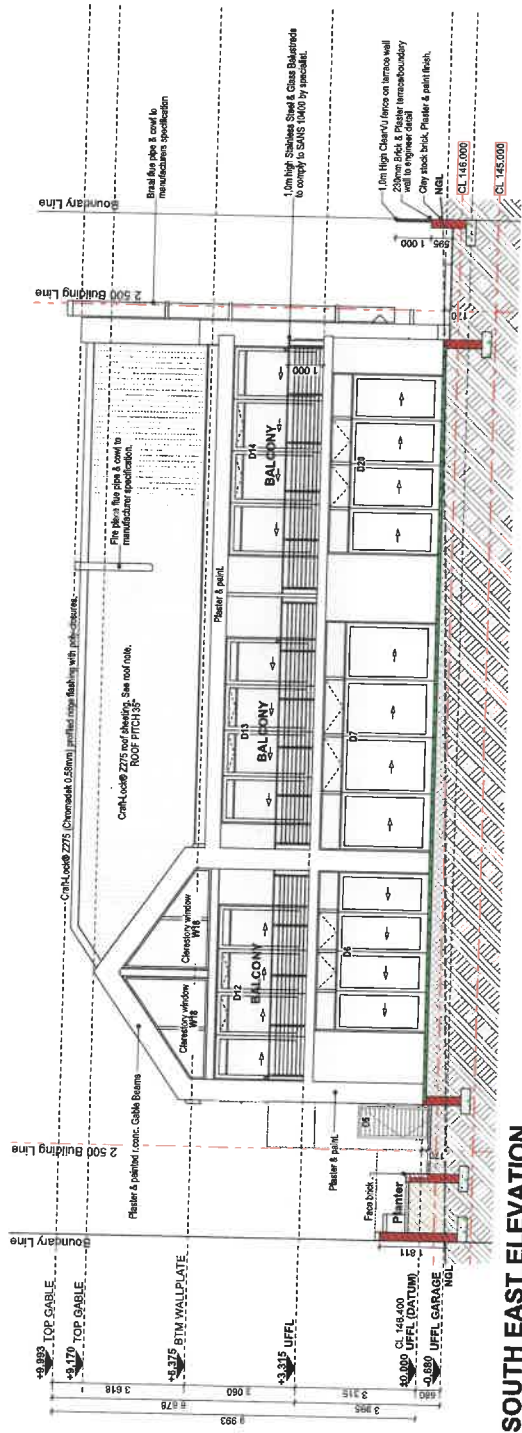
Drawing:

FIRST FLOOR PLAN
DIMENSIONS

Date:	10/05/2024	Drawn:	CPM	Scale:	1:100
Project No:	-	Drawing No:	230	Revision No:	02WP.00



SOUTH WEST ELEVATION
SCALE 1:100



SOUTH EAST ELEVATION
SCALE 1:100

NOTE:

Client: Mr. O'Kenedy

LUKE Architect
253 Aggie St.
STELLENBOSCH

Project: NEW RESIDENTIAL
ERF 3567 STELLENBOSCH
CITY OF CAPE TOWN

Drawing:

ELEVATIONS 2

Date:	10/05/2024	Drawn:	CPM	Scale:	1:100
Project No:	-	Drawing No:	310	Revision No:	WP.01

ANNEXURE C



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: Kurt Titus

Date ▫ Datum: 22 November 2024

Our Ref ▫ Ons Verw: Civil LU 2605

Town Planning Ref: LU/15989 – TP 439/2023

Re ▫ Insake: Erf 3567 Stellenbosch1. Application in terms of section 15(2)(f) of the Stellenbosch Municipal Land Use Planning By - Law, 2023 to remove the following restrictive title deed condition on Erf 3567, Stellenbosch: - clause E.6(b): It shall be used only for the purpose of erecting thereon one dwelling together with such outbuilding as ordinarily required to be used therewith.-To permit the construction of a second dwelling on Erf 3567, Stellenbosch 2. Application in terms of section 15(2)(f) of the Stellenbosch Municipal Land Use Planning By - Law, 2023 to suspend the following restrictive title deed conditions on Erf 3567, Stellenbosch:- clause E.6(c): No more than one-third of the area thereof shall be built upon. -clause E.6(d): No building or structure or any portion thereof except boundary walls and fences, shall be erected nearer than 6.30 metres to the street line which forms boundary of this Erf, nor within 4.72 metres of the rear or 3.15 metres of the lateral boundary common to any

adjoining erf provided that in the full discretion of the local authority it may permit an outbuilding not exceeding 3.05 metres in height, measured from the floor to the wall plate, to be erected within the above prescribed rear space and within the above prescribed lateral space for distance of 9.45 metres reckoned from the rear boundary.-To permit the following on Erf 3567, Stellenbosch: -Dwelling house footprint to be 529.06sqm in lieu of 379.41sqm.- Dwelling house to be 4m in lieu of 6.3m from the street; 2.5m and 2.8m in lieu of 3.15m from the common boundary and 2.52m in lieu of 4.72m from the rear.3. Application for technical approval in terms of section 15(2)(g) of the Stellenbosch Municipal Land Use Planning By-Law, 2023 to permit the construction of a second dwelling on Erf 3567, Stellenbosch.4.Application for permanent departure in terms of section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law, 2023 to permit a portion of the dwelling house to be three storeys on Erf 3567, Stellenbosch.

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

1. Water and Sewer Services.

- 1.1 No additional water or sewer erf connections will be allowed for the proposed second dwelling. Provision of these services to the proposed second dwelling must be obtained by connecting to the existing internal services.
- 1.2 Indicate the precise location for both water and sewer municipal erf connections on the site layout plan when submitting for building plan approval.

2. Parking

- 2.1 Indicate the correct provision of parking as per the municipal zoning scheme on a site layout plan at building plan approval stage.

Ktitus

Kurt Titus

Principal Technician: Development (Infrastructure Services)

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