DENNIS MOSS PARTNERSHIP
INTERDISCIPLINARY SUSTAINABILITY CONSULTANTS
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## NOTICE OF LAND DEVELOPMENT

## APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, PERMANENT DEPARTURE AND TECHNICAL APPROVAL: ERF 5085, STELLENBOSCH

**The following land use application in terms of the Stellenbosch Land Use Planning Bylaw, 2023, refers:**

| | |
|---|---|
| Application Property Address: | 9 Wege Street, Stellenbosch |
| Application Property Number: | Erf 5085, Stellenbosch |
| Applicant: | Dennis Moss Partnership / Jacques Volschenk<br>PO Box 371, Stellenbosch, 7599<br>Tel. 021 887 0124; Fax. 021 886 5393<br>Email: jacques@dmp.co.za |
| Owner: | Blitskor (Pty) Ltd.<br>9 Wege Street, Stellenbosch<br>Tel. 082 852 4595<br>Email. pietvrensburg@worldonline.co.za |
| Application Reference: | LU/16638 |

**Description of land development proposal:**

Application has been made for the Removal of Restrictive Conditions in terms of section 15(2)(f) of the Municipal Land Use Planning Bylaw, 2023 of the following restrictive conditions contained in title deed number T65420/98 on erf 5085, Stellenbosch:

Clause B.6(a) – This erf shall be solely used for the purpose of erecting thereon one dwelling or other buildings for such purpose as the Administrator may, from time to time after reference to the Township board and the local authority, approve, provided that if the erf is included within the area of a Town planning Scheme, the local authority may permit such other buildings as are permitted by the scheme subject to the conditions and restrictions stipulated by the scheme.

Clause B.6(b) – No building or structure or any portion thereof, except boundary walls and fences shall be erected nearer that 4.6 metres to the street line which forms a boundary of this erf, nor within 3 metres of the rear or 2.3 metres of the lateral boundary.

To permit the following:

- The braai lapa and terrace to be set back 0m in lieu of 3m from the rear (eastern boundary),
- The braai lapa to be set back 1.5m in lieu of 2.3m from the lateral boundary (northern boundary),
- The second dwelling to be set back 0m in lieu of 2.3m from the lateral boundary on erf 5085, Stellenbosch.

17 Market St • P.O. Box 371 • Stellenbosch 7599 • SOUTH AFRICA
Tel: +27 (0)21 887 0124 • Fax: +27 (0)21 886 5393 • email: info@dmp.co.za • website: www.dmp.co.za
Dennis Moss Planners & Architects (Pty) Ltd. Reg. No. 2003/007711/07
Directors: DF Moss, URP (SA) BA M (URP) M SAPI • GC de Klerk, URP (SA) B Econ M (URP) M SAPI • M Le Roux-Cilliers, Pr Arch, BAS, B Arch (UCT), MIArch, CIA • JMH Lackay, Pr S Arch, T MIArch
Associates: D Moss, BA M (URP) M SAPI • JL Volschenk, Pr Plan (TRP SA) • Tobus Louw Pr Arch, B Arch (UFS) • Hiram von Willingh, Dip Arch • Amanda du Plooy, Pr I Arch, BL

Application for a permanent departure in terms of section 15(2)(b) of the Municipal Land Use Planning Bylaw, 2023 for the relaxation of the following building lines on Erf 5085, Stellenbosch:

- Northern common building line (adjoining erf 5086) to be set back 1.5m in lieu of 2.5m for the construction of a braai lapa,
- Eastern common building line (adjoining Erf 5082 and 5083) to be set back 0m in lieu of 2.5m for the construction of a braai lapa and terrace,
- Eastern common building line (adjoining erf 5084) to be set back 0m in lieu of 2.5m for the construction of a terrace,
- Southern common building line (adjoining Erf 5060) to be set back 0m in lieu of 2.5m for the conversion of a studio into a second dwelling.

Application for a Technical Approval in terms of section 15(2)(g) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 to allow the additional use of a second dwelling on Erf 5085, Stellenbosch.

Notice is hereby given in terms of the provisions of Section 46 of the said By-Law that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address:

https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements.

If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said bylaw. Written comment, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person who submits the comment in the application, may be submitted to the Applicant by electronic mail as follows: Dennis Moss Partnership (Att.: Jacques Volschenk; jacques@dmp.co.za). By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **17 June 2024**.

The Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/ objection received after the closing date.

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at (082 821 6365 / 021 887 0124) during normal office hours.

Yours faithfully

**JL VOLSCHENK**
**DENNIS MOSS PARTNERSHIP**

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## KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK

## AANSOEK OM OPHEFFING VAN BEPERKENDE TITELAKTE VOORWAARDES, PERMANENTE AFWYKING EN TEGNIESE GOEDKEURING: ERF 5085, STELLENBOSCH

**Die volgende grondgebruiksaansoek in terme van Stellenbosch se Verordening op Grondgebruikbeplanning, 2023, verwys:**

| | |
|---|---|
| Adres van aansoek eiendom: | Wegestraat Nr. 9, Stellenbosch |
| Aansoek eiendom beskrywing: | Erf 5085, Stellenbosch |
| Aansoeker: | Dennis Moss Vennootskap / Jacques Volschenk<br>Posbus 371, Stellenbosch, 7599<br>Tel. 021 887 0124; Faks. 021 886 5393<br>Epos: jacques@dmp.co.za |
| Eienaar: | Blitskor (Edms) Bpk.<br>Wegestraat Nr. 9, Stellenbosch<br>Tel. 082 852 4595<br>Epos. pietvrensburg@worldonline.co.za |
| Aansoek Verwysing: | LU/16638 |

**Besonderhede van die grondgebruiksaansoek:**

Aansoek word gedoen vir die opheffing van beperkende titel voorwaardes ingevolge artikel 15(2)(f) van die Munisipale Grondgebruikbeplanningsverordening, 2023 van die volgende beperkende voorwaardes vervat in titelakte nommer T65420/98 op erf 5085, Stellenbosch:

Klousule B.6(a) – Hierdie erf sal uitsluitlik gebruik word vir die doel om daarop een woning of ander geboue op te rig vir sodanige doel as wat die Administrateur, van tyd tot tyd na verwysing na die Dorpsraad en die plaaslike bestuur, goedkeur, met dien verstande dat indien die erf binne die gebied van 'n Dorpsbeplanningskema ingesluit is, die plaaslike bestuur sodanige ander geboue as wat deur die skema toegelaat word, kan toelaat onderhewig aan die voorwaardes en beperkings wat deur die skema bepaal word.

Klousule B.6(b) – Geen gebou of struktuur of enige gedeelte daarvan nie, behalwe grensmure en heinings mag nader as 4.6 meter aan die straatlyn wat 'n grens van hierdie erf vorm opgerig word, en ook nie binne 3 meter van die agterkant of 2.3 meter van die laterale grens.

Om die volgende toe te laat:

- Die braai-lapa en terras moet 0m teruggesit word in plaas van 3m van die agterkant (oostelike grens),
- Die braailapa moet 1.5m teruggesit word in plaas van 2.3m van die sygrens (noordelike grens).

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Directors: DF Moss, URP (SA) BA M (URP) M SAPI • GC de Klerk, URP (SA) B Econ M (URP) M SAPI • M Le Roux-Cloete, Pr Arch, BAS, B Arch (UCT), MIArch, CIA • JMH Lackay, Pr S Arch, T MIArch
Associates: D J Moss, BA M (URP) M SAPI • JL Volschenk, Pr Plr. (TRP SA) • Tobus Louw, Pr Arch, B Arch (UFS) • Hiram von Willingh, Dip Arch • Amanda du Plooy, Pr LArch, BL

- Die tweede woning moet 0m teruggesit word in plaas van 2.3m van die sygrens op erf 5085, Stellenbosch.

Aansoek om 'n permanente afwyking ingevolge artikel 15(2)(b) van die Munisipale Grondgebruikbeplanningsverordening, 2023 vir die verslapping van die volgende boulyne op Erf 5085,:

- Noordelike gemeenskaplike boulyn (aangrensende erf 5086) moet 1.5m teruggesit word in plaas van 2.5m vir die bou van 'n braailapa,
- Oostelike gemeenskaplike boulyn (aangrensend aan Erf 5082 en 5083) moet 0m teruggesit word in plaas van 2.5m vir die bou van 'n braailapa en terras,
- Oostelike gemeenskaplike boulyn (aangrensende erf 5084) moet 0m teruggesit word in plaas van 2.5m vir die bou van 'n terras,
- Suidelike gemeenskaplike boulyn (aangrensend aan Erf 5060) moet 0m teruggesit word in plaas van 2.5m vir die omskepping van 'n ateljee in 'n tweede woning.

Aansoek om 'n Tegniese Goedkeuring ingevolge artikel 15(2)(g) van die Stellenbosch Munisipaliteit Grondgebruikbeplanningsverordening, 2023 om die bykomende gebruik van 'n tweede woning op Erf 5085, Stellenbosch toe te laat.

Kennis word hiermee gegee in terme van die voorskrifte van Artikel 46 van die genoemde Verordening dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplanningsportaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses by die volgende adres:

https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements.

Indien die webtuiste of tersaaklike dokumente nie toeganglik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terms van Artikel 50 van die tersaaklike Verordening. Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van de aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, by die Aansoeker ingedien word by wyse van elektroniese pos as volg: Dennis Moss Vennootskap (Vir Aandag: Jacques Volschenk, jacques@dmp.co.za). Deur 'n beswaar, kommentaar of vertoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **17 Junie 2024**.

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word.

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by (082 821 6365 / 021 887 0124) gedurende normale kantoor ure (of voorsien ure van toepassing).

Die uwe

**JL VOLSCHENK**
**DENNIS MOSS VENNOOTSKAP**

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# EXECUTIVE SUMMARY

## APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, PERMANENT DEPARTURE AND TECHNICAL APPROVAL: ERF 5085, STELLENBOSCH

This office has been appointed by Blitskor (Pty) Ltd., owners of the above-mentioned property, to prepare and submit, on their behalf, an application which would enable the proposed additions to the existing building and legalize the existing structures on the property.

In particular, application is made for the following:

a) Application has been made for the Removal of Restrictive Conditions in terms of section 15(2)(f) of the Municipal Land Use Planning Bylaw, 2023 of the following restrictive conditions contained in title deed number T65420/98 on erf 5085, Stellenbosch:

*Clause B.6(a) – This erf shall be solely used for the purpose of erecting thereon one dwelling or other buildings for such purpose as the Administrator may, from time to time after reference to the Township board and the local authority, approve, provided that if the erf is included within the area of a Town planning Scheme, the local authority may permit such other buildings as are permitted by the scheme subject to the conditions and restrictions stipulated by the scheme.*

*Clause B.6(b) – No building or structure or any portion thereof, except boundary walls and fences shall be erected nearer that 4.6 metres to the street line which forms a boundary of this erf, nor within 3 metres of the rear or 2.3 metres of the lateral boundary.*

To permit the following:

- The braai lapa and terrace to be set back 0m in lieu of 3m from the rear (eastern boundary),
- The braai lapa to be set back 1.5m in lieu of 2.3m from the lateral boundary (northern boundary),
- The second dwelling to be set back 0m in lieu of 2.3m from the lateral boundary on erf 5085, Stellenbosch.

b) Application for a permanent departure in terms of section 15(2)(b) of the Municipal Land Use Planning Bylaw, 2023 for the relaxation of the following building lines on Erf 5085, Stellenbosch:

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- Northern common building line (adjoining erf 5086) to be set back 1.5m in lieu of 2.5m for the construction of a braai lapa,
- Eastern common building line (adjoining Erf 5082 and 5083) to be set back 0m in lieu of 2.5m for the construction of a braai lapa and terrace,
- Eastern common building line (adjoining erf 5084) to be set back 0m in lieu of 2.5m for the construction of a terrace,
- Southern common building line (adjoining Erf 5060) to be set back 0m in lieu of 2.5m for the conversion of a studio into a second dwelling.

c) Application for a Technical Approval in terms of section 15(2)(g) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 to allow the additional use of a second dwelling on Erf 5085, Stellenbosch.

## 1 LOCATION AND CONTEXT

The property is situated at No. 9 Wege Road, a short cul-de-sac, in the neighbourhood of Brandwacht, Stellenbosch. The property forms part of Stellenbosch Extension No. 15. The township was established in 1973 when the General Plan was approved by the Surveyor-General on 1 January 1973.

The property boarders on residential erven of a similar nature along its eastern and northern boundaries. Located at the end of the cul-de-sac, the property boarders on a municipal property (Erf 5060) along its southern boundary. The municipal property is associated with Brandwacht River, a tributary of the Eerste River.

The property has a fall of approximately 3.0m from east to west over a distance of 30m. The main residential building is located in the southern extent of the property with the swimming pool and braai lapa along the northernmost common boundary. The remaining extent of the property is used for gardening and landscaping. No significant trees or vegetation are found on the property.

**Figure 1:** Street elevation of the dwelling on erf 5085, Stellenbosch.

The building plans for the dwelling house was approved during 1977. The initial building plan of the dwelling house proposed a single storey dwelling comprising of 4 bedrooms with essential living, entertainment and service rooms.

The architectural style of the dwelling was influenced by Spanish colonial architecture which is most common in Latin America and the southwestern regions of America. Similarities between the house and Spanish colonial architecture are immediately evident from the approved building plans which illustrate small and narrow cavities (windows), with rounded corners and courtyards as one enters the premises before entering the building.

After approval of the main dwelling house, several additions and alterations took place over the years.

## 2 SITE DESCRIPTION AND DEVELOPMENT PARAMETERS

The property is referred to in the title deed as Erf 5085, Stellenbosch, situated in the Municipality and Division Stellenbosch, Western Cape Province.

The property details, as per the title deed and municipal records, are summarised in the table below.

| PROPERTY DESCRIPTION | SIZE | ZONING | TITLE DEED No. | OWNER |
|---|---|---|---|---|
| Erf 5085 Stellenbosch, In die Munisipaliteit en afdeling Stellenbosch Provinsie Wes-Kaap. | 1467m² | Conventional Residential Zone | T65420/1998 | Blitskor (Pty) Ltd. |

The property is held under Title Deed No. T65420/1998. In terms of the same there are a number of restrictive title conditions applicable to the property. Only two of the conditions are applicable to this application. These are as follows:

*B. Onderhewig verder aan die volgende voorwaardes soos vervat in Transportakte Nr. T11625/1975 opgelê deur die Administrateur van die Kaap die Goeie Hoop by die goedkeuring van Stellenbosch Dorp Uitbreiding Nr. 15 kragtens Ordonnansie 33 van 1934, naamlik;-*

*6.(a) This erf shall be used solely for the purpose of erecting thereon one dwelling or other buildings for such purpose as the Administrator may, from time to time after reference to the Township board and the local authority, approve, provided that if the erf is included within the area of a Town planning Scheme, the local authority may permit such other buildings as are permitted by the scheme subject to the conditions and restrictions stipulated by the scheme.*

*6.(b) No building or structure or any portion thereof, except boundary walls and fences shall be erected nearer that 4.6 metres to the street line which forms a boundary of this erf, nor within 3 metres of the rear or 2.3 metres of the lateral boundary.*

Having regard for the project proposal, the above conditions need to be removed/suspended as it might prevent the implementation of the project as proposed.

The property is zoned Conventional Residential Zone in terms of the Stellenbosch Municipality Zoning Scheme By-Law, 2023. This zoning provides for the current and future use of the property as intended. The zoning scheme By-Law also imposes certain building development parameters to adhere to. These include:

| DEVELOPMENT PARAMETER | ZONING SCHEME (2019) | TITLE RESTRICTION |
|---|---|---|
| **Zoning** | Conventional residential Zone | |
| **Primary Uses** | Dwelling House | One dwelling |
| **Additional Uses** | Second dwelling | |
| **Coverage** | The greater of 300m² or 60% | |
| **Height** | 2 Storeys | |
| **Street Building Line** | 4.0m | 4.6m |
| **Side Building Line** | 2.5m (common) | 2.3m |
| **Rear Building Line** | 2.5m (common) | 3.0m |
| **Parking** | 2 bays / dwelling house<br>1 bay / second dwelling | |

As stipulated in Condition B.2. of the title deed, the most restrictive condition shall take precedence. The green highlighted columns in the table above therefore illustrate the most restrictive conditions applicable to the property.

## 3 DESCRIPTION OF ACTIVITY

The project proposal entails additions to the first floor studio and the conversion thereof into a second dwelling. The proposal also includes the approval of a proposed covered indoor jacuzzi, balcony and the existing illegally covered braai (Lapa) and terrace.

The studio is located on top of the garage which is currently approximately 2.8 from the southern boundary of the property. This is consistent with both the zoning scheme and title deed building line prescriptions. The additions to the first floor studio includes a braai room and a bedroom. Internal minor works of the studio will occur to transform the studio into a second dwelling unit consisting of a bedroom, kitchen, lounge, study and braai room. The total extent of the additions to the studio amounts to ±38sqm. The additions will be built along the southern boundary (adjacent to erf 5060) up to the requested 0m building line.

Also along the southern boundary, it is proposed to accommodate an indoor jacuzzi together with a breakfast room balcony. The jacuzzi will be installed within and along the existing retaining wall of the sunken terrace. The extent of both the jacuzzi and balcony are ±30sqm.

Next to the jacuzzi is the kitchen. It is proposed that an outdoor breakfast balcony be developed and access via the existing breakfast area.

Furthermore, the following additions on the property where improved unlawfully and is intended to be rectified with this application:

a) Along the eastern boundary of the property (adjacent to erven 5083 & 5084) a terrace has been covered.

b) The open braai area and swimming pool, located in the northern part of the property, was approved by the municipality during 1982. The owner, thereafter, proceeded to cover the braai area without the submission of building plans, thereby creating a lapa.

## 4 CONCLUSION

In conclusion, the following motivating factors should be considered during the adjudication of the application:

a) The application to be considered is not the first of its kind, similar applications within the Brandwacht neighbourhood have been submitted to relax the restrictive title deed parameters to allow for the property owners to further develop their properties.

b) The Stellenbosch Spatial Development Framework (SDF) does not provide any definitive guidelines on the specific development type. As a general principle, the SDF does support denser settlements and encourages dense developments inside the urban edge.

c) Proposal will not result in diminished rights of neighbouring properties.

d) No infrastructural/road upgrades will be required on approval of the application.

DENNIS MOSS PARTNERSHIP

CLIENT:
MNR. VAN RESNBURG

PROJECT NAME:
BUILDING LINE DEPAPRTURES ON ERF 5085 BRANDWACHT STELLENBOSCH

DRAWING NAME:
LOCALITY PLAN

| PROJECT NO. | DATE: | |
|---|---|---|
| M4345 | 06 SEPT 2023 | |
| REVISION NO | DRAWN BY: | CHECKED: |
| 000 | BBS | JL |

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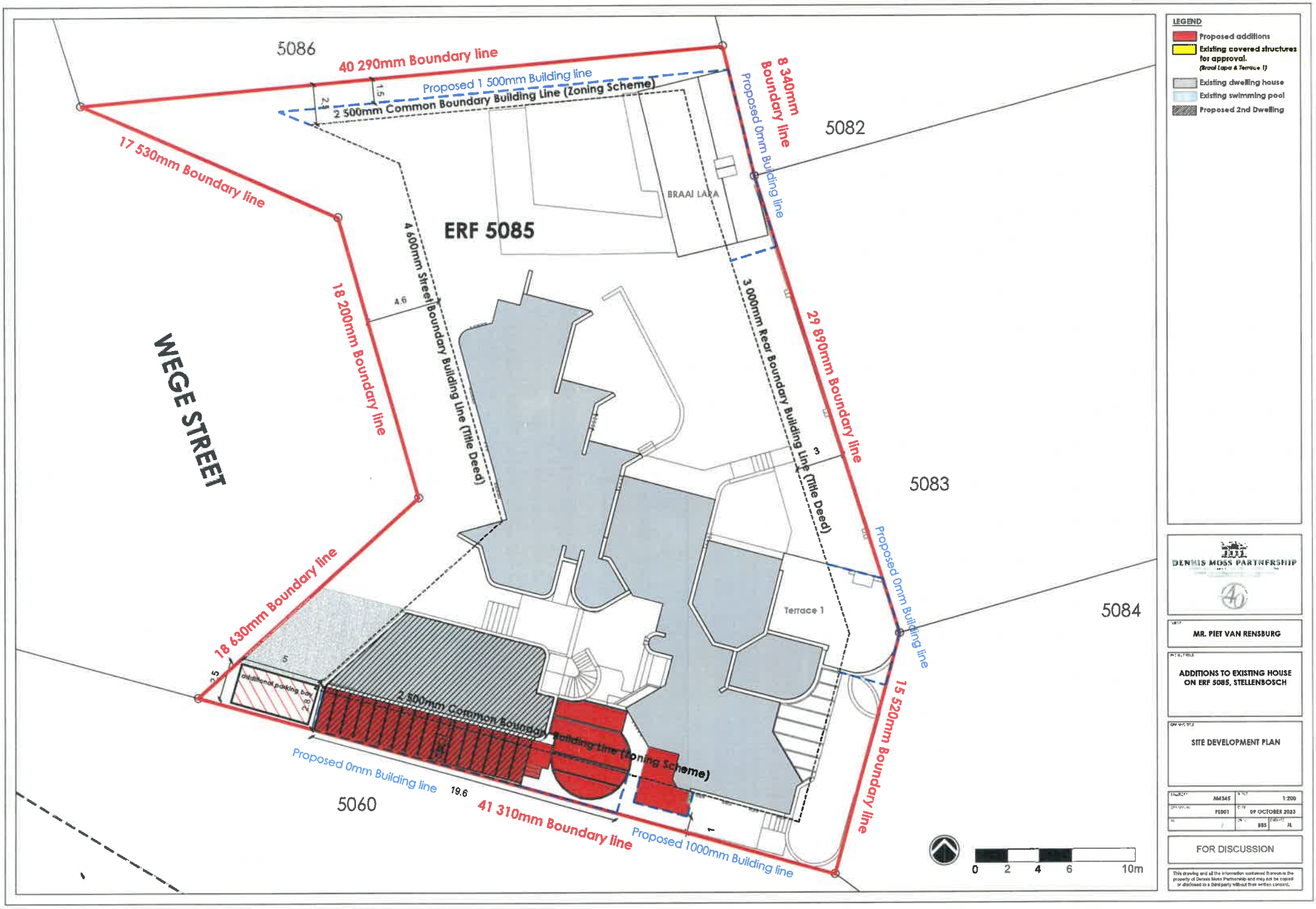
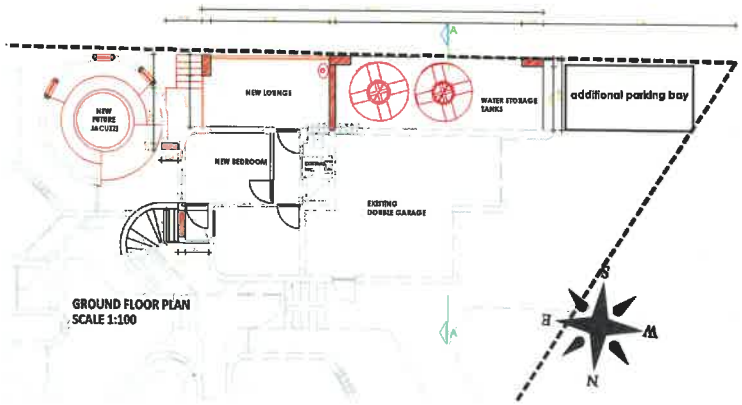
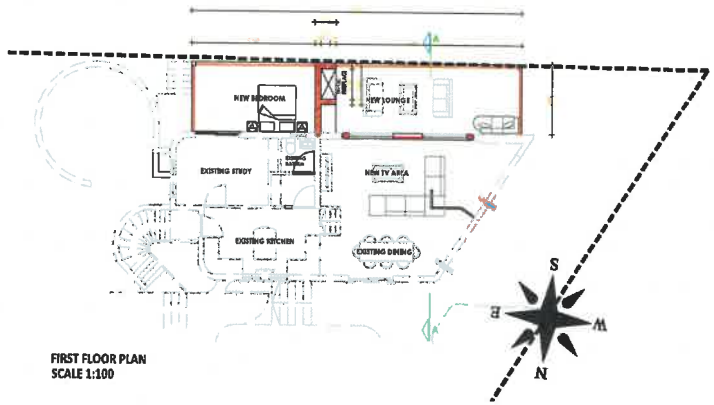
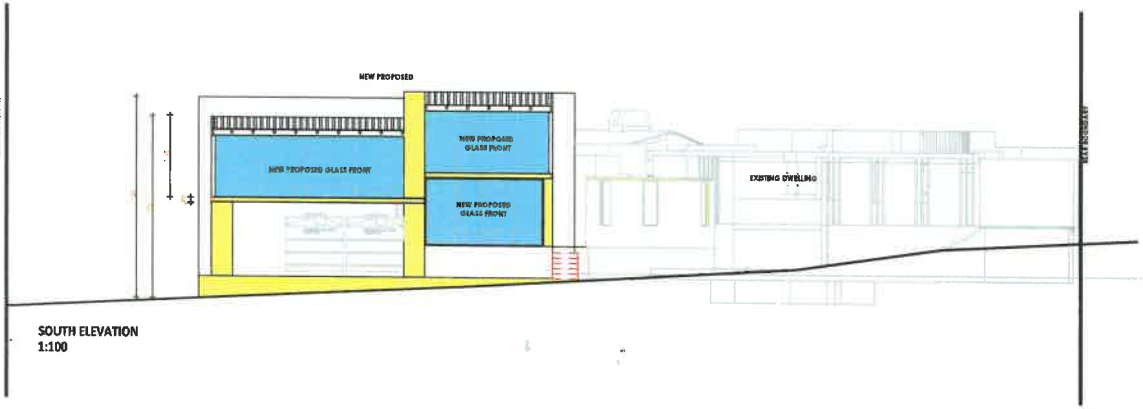

5086
40 290mm Boundary line
Proposed 1 500mm Building line
2 500mm Common Boundary Building Line (Zoning Scheme)
1.5
2.1
8 340mm Boundary line
Proposed 0mm Building line
5082
17 530mm Boundary line
BRAAI LAPA
ERF 5085
4 600mm Street Boundary Building Line (Title Deed)
3 000mm Rear Boundary Building Line (Title Deed)
4.6
3
18 200mm Boundary line
29 890mm Boundary line
WEGE STREET
5083
Proposed 0mm Building line
Terrace 1
5084
18 630mm Boundary line
5
2.5
2.2
additional parking bay
2 500mm Common Boundary Building Line (Zoning Scheme)
15 520mm Boundary line
Proposed 0mm Building line
19.6
5060
41 310mm Boundary line
Proposed 1000mm Building line
0 2 4 6 10m
LEGEND
Proposed additions
Existing covered structures for approval.
(Braai Lapa & Terrace 1)
Existing dwelling house
Existing swimming pool
Proposed 2nd Dwelling
DENNIS MOSS PARTNERSHIP
MR. PIET VAN RENSBURG
ADDITIONS TO EXISTING HOUSE ON ERF 5085, STELLENBOSCH
SITE DEVELOPMENT PLAN
A4345
1:200
PE001
09 OCTOBER 2023
BBS
JL
FOR DISCUSSION
This drawing and all the information contained thereon is the property of Dennis Moss Partnership and may not be copied or disclosed to a third party without their written consent.




GROUND FLOOR PLAN
SCALE 1:100




FIRST FLOOR PLAN
SCALE 1:100




SOUTH ELEVATION
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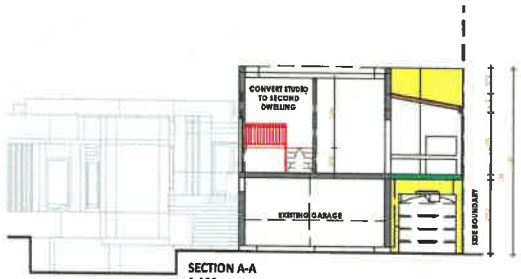
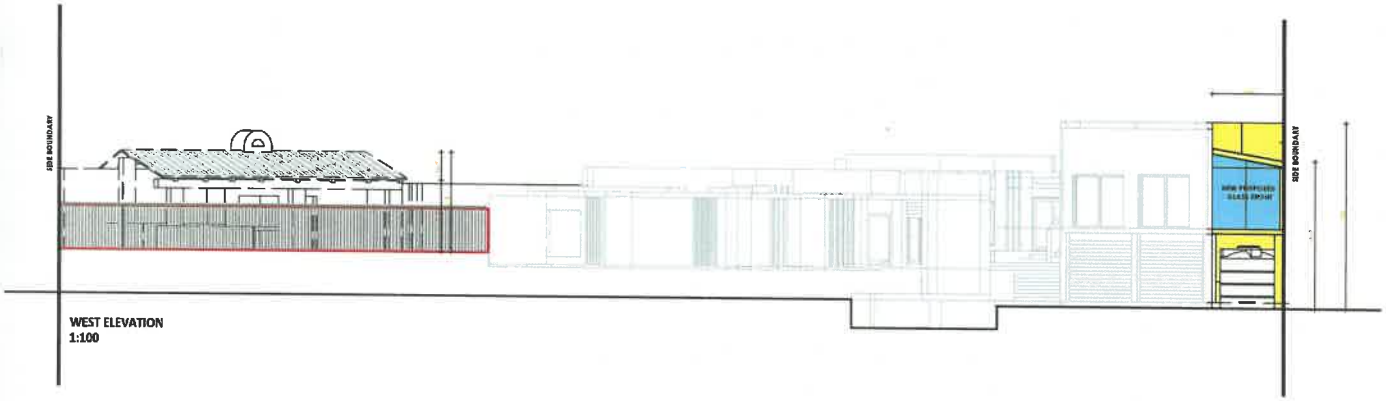



SECTION A-A
1:100




WEST ELEVATION
1:100

| ERF AND BUILDING CALCULATIONS | |
|---|---|
| EXISTING BUILDING AREA: | 444m² |
| PROPOSED ADDITIONS: | 61m² |
| TOTAL BUILDING AREA: | 505m² |
| COVERAGE: | 34% |
| ALLOWABLE COVERAGE: | 300m or 50% |
| PARKING PROVIDED | 3 BAYS |
| PARKING REQUIRED: | 3 BAYS |

DENNIS MOSS PARTNERSHIP

CLIENT
MR. PIET VAN RENSBURG

PROJECT TITLE
ADDITIONS TO EXISTING HOUSE ON ERF 5085, STELLENBOSCH

DRAWING TITLE
FLOOR, ELEVATION AND SECTION PLAN

| | | | |
|---|---|---|---|
| JOB NO. | M4345 | SCALE | 1:200 |
| DRG. NO. | P1003 | DATE | 03/05/2024 |
| REV. | | DRAWN | BBS |
| | | CHECKED | JL |

FOR DISCUSSION

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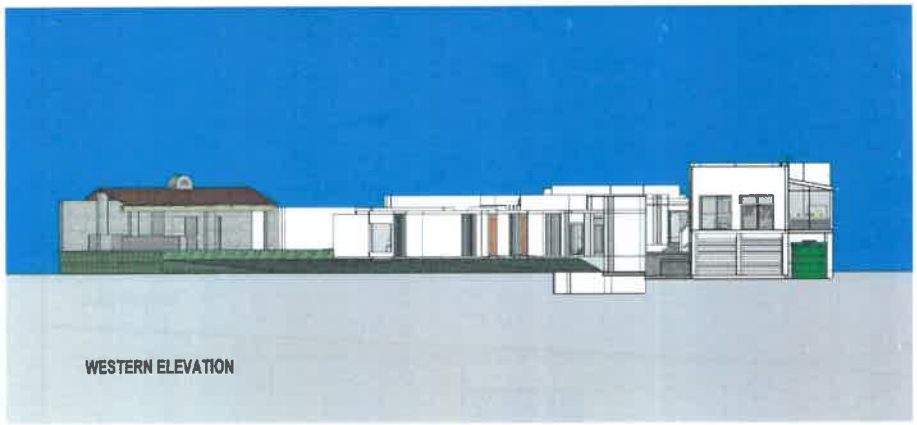
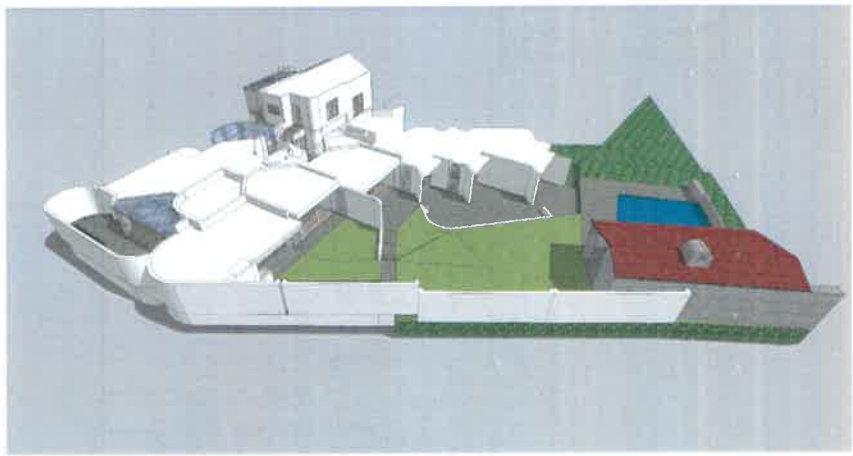


WESTERN ELEVATION

NORTHERN ELEVATION

3D VIEW OF ADDITIONS



NORTH-EASTERN PERSPECTIVE

DENNIS MOSS PARTNERSHIP

CLIENT

MR. PIET VAN RENSBURG

ADDITIONS TO EXISTING HOUSE ON ERF 5085, STELLENBOSCH

ELEVATIONS AND 3Ds

| | | | |
|---|---|---|---|
| | M4345 | | 1:200 |
| | P1004 | | 03/05/2024 |
| | / | DRN: BBS | CHK: JL |

FOR DISCUSSION

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