STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/16888 (TP655/2024)
Our File Reference Number: Erf 509, Kylemore
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 FOR DEPARTURE IN TERMS OF SECTION 15(2)(B) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW, 2023 ON ERF 509, CAPOLAVORO MOUNTAIN ESTATE, KYLEMORE

1. The above application refers.

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

2.1 That the application made in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning Bylaw 2023 to:

2.1.1 To relax the common building line from 1.5m to 0m and the street building line from 2m to 0m for the proposed lean-to roof to cover the existing stoep on Erf 509, Capolavoro Estate - Kylemore.

2.1.2 To relax the street building line from 2m to 0m to construct a carport in front of the garage on Erf 509, Capolavoro Estate - Kylemore.

2.1.3 To increase the permissible coverage of 50% to 51% to accommodate the proposed additions on Erf 509, Capolavoro Estate - Kylemore.

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 said Bylaw:

2.2.1 The approval only applies to the proposed departure 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.

2.2.2 The development must be undertaken generally per the site plan as referenced in S4.1ILAI1000, Drawn by ATLJEE, dated 2022/10/25 attached as **Annexure B.**

2.2.3 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.

2.2.4 The approval granted shall not be contradictory to any other legislation which has a bearing on the use of the property and that should any other legislation be applicable and be more restrictive then the most restrictive conditions will apply.

2.2.5 Building plans must be generally per the site plan/floor layout plan as referenced in S4.1ILAI1000, Drawn by ATLJEE, dated 2022/10/25 attached as **Annexure B.**

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

3.1 The proposal is subsequently in line with the existing land use of the property and will not have a negative impact on the character of the surrounding area.

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 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:

a. 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

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

    a. 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.
    b. Whether the appeal is lodged against the whole decision or a part of the decision.
    c. If the appeal is lodged against a part of the decision, a description of the part.
    d. If the appeal is lodged against a condition of approval, a description of the condition.
    e. The factual or legal findings that the appellant relies on.
    f. The relief sought by the appellant.
    g. Any issue that the appellant wishes the Appeal Authority to consider in making its decision.
    h. 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.

7. 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

8. 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.

9. 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

10. 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.

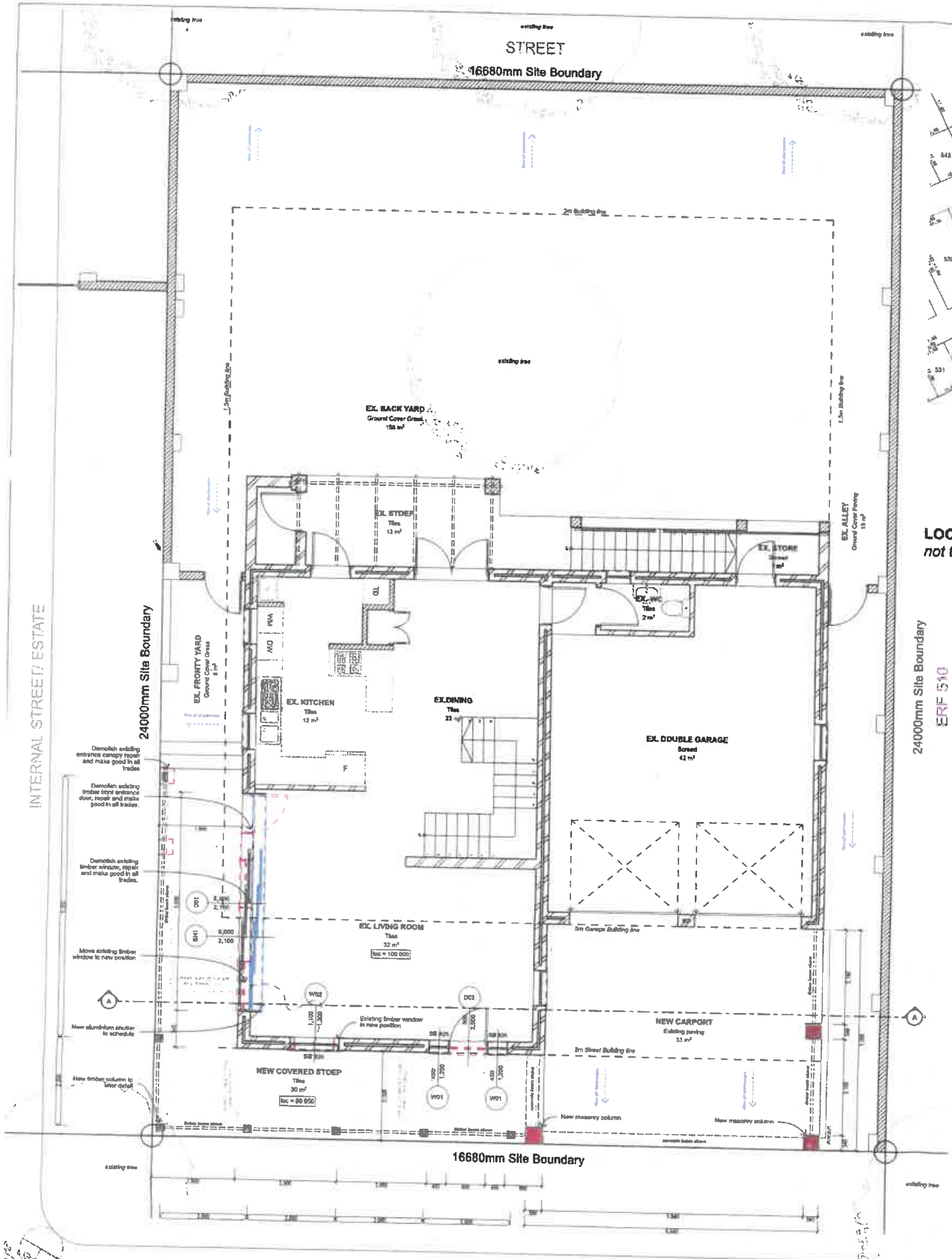
11. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

12. 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

16/5/2024
DATE



INTERNAL STREET/ ESTATE

GROUND FLOOR PLAN

1:50

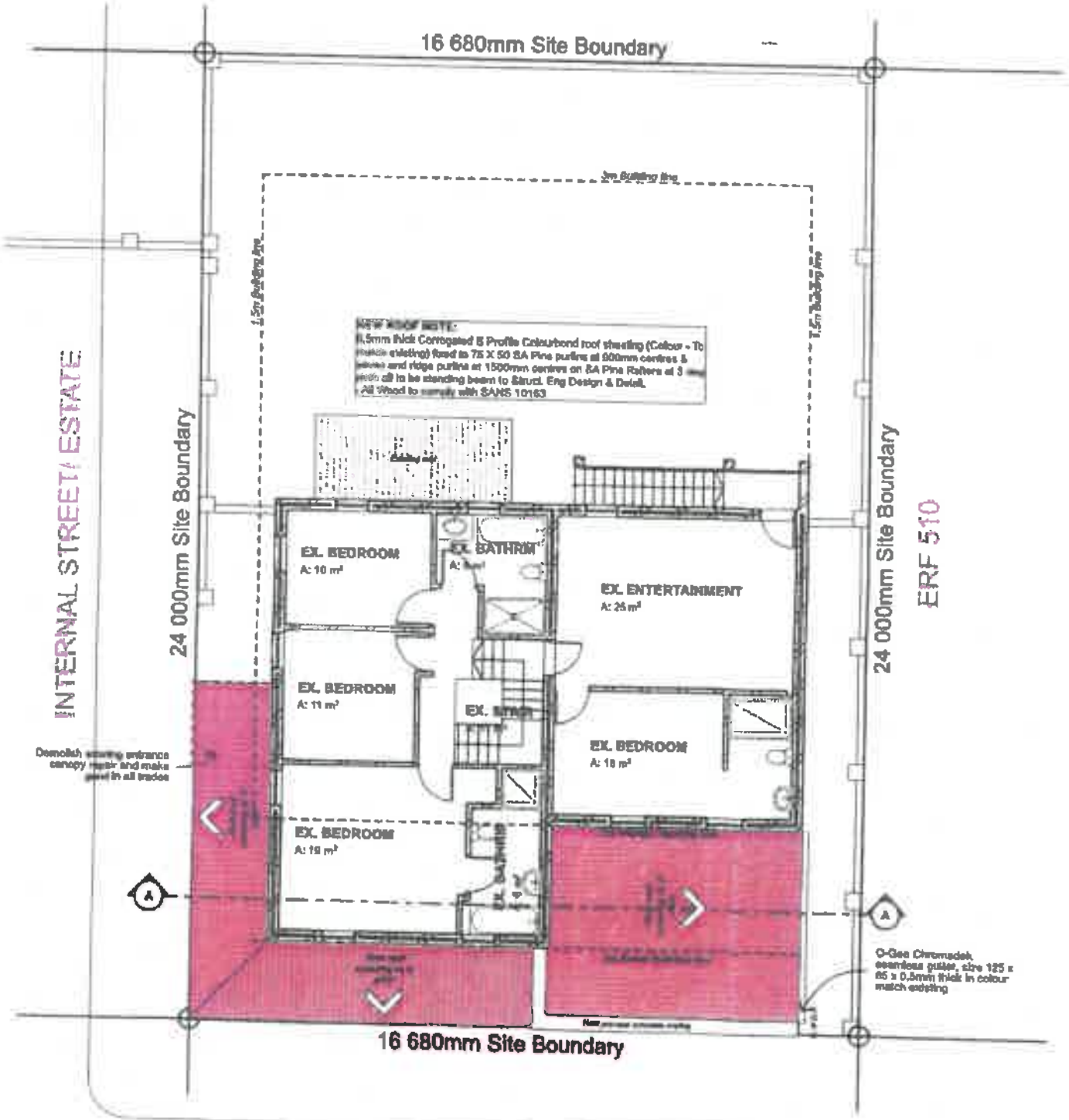
S3|DD|2101





LOCALITY PLAN
not to scale

S3|DD|1101



INTERNAL STREET/ ESTATE

1:100

FIRST FLOOR PLAN

S3|DD|2102

NOTES:

1. THE DESIGN ON THIS DRAWING IS COPYRIGHT AND REMAINS THE PROPERTY OF THE ARCHITECT.
2. ALL WORK IS TO BE CARRIED OUT IN ACCORDANCE WITH THE N.B.R, SANS 10400 AND LOCAL AUTHORITY REGULATIONS
3. THE DRAWING IS NOT TO BE SCALED
4. ANY DISCREPANCIES ARE TO BE IMMEDIATELY REPORTED TO THE ARCHITECT
5. ALL DIMENSIONS AND LEVELS ARE TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION.

NOTES:

BUILDING CLASSIFICATION: (SANS 10400 – Part A)
Occupancy - H4

STRUCTURAL DESIGN: (SANS 10400 – Part B)
A competent person, Structural Engineer, will design, specify and certify SANS Parts H, K, L.

DIMENSIONS: (SANS 10400 - Part C)
Minimum ceiling height to be 2.40m, Minimum Habitable Room size to be 6.00m2

SITE OPERATIONS AND PREPARATION OF SITE: (SANS 10400 - Part F)
Before any foundation is laid the area to be covered by any building shall be properly cleared of vegetable matter, tree stumps, timber and other cellulose material, debris or refuse and any material contaminated with faecal matter.
Any building that is situated on a site where water will drain naturally towards it, drainage shall be provided to direct such water away from such site or building to a stormwater drain or to dispose of it in some safe approved manner.

EXCAVATIONS: (SANS 10400 - Part G)
Where any excavation related to a building is carried out or is to be carried out on any site and such excavation may impair the safety or stability of any property or service, the owner of such site shall take adequate precautionary measures to ensure that the safety and stability of such property or service is maintained.
While any excavation remains open, and during the placing of any foundation within it, the excavation shall be maintained in a safe condition by the owner or person carrying out the excavation.

FOUNDATIONS: (SANS 10400 - Part H)
As per structural engineers detail design and specification. Min 600mm Below NGL

FLOOR CONSTRUCTION (SANS 10400 - Part J)
CONCRETE SURFACE BEDS:
25mm cement screed on concrete surface bed as per structural engineer on 40mm thick Thermoboard insulation on 250 micron DPM on compacted earth filling with ant + weed poison in accordance with SABS 1165 + 0124 all to structural engineer Design & specifications.

Area Schedule

[redacted]

[redacted]

PLANS

BUILDING CLASSIFICATION: H4

CLIMATIC ZONE: Zone 4

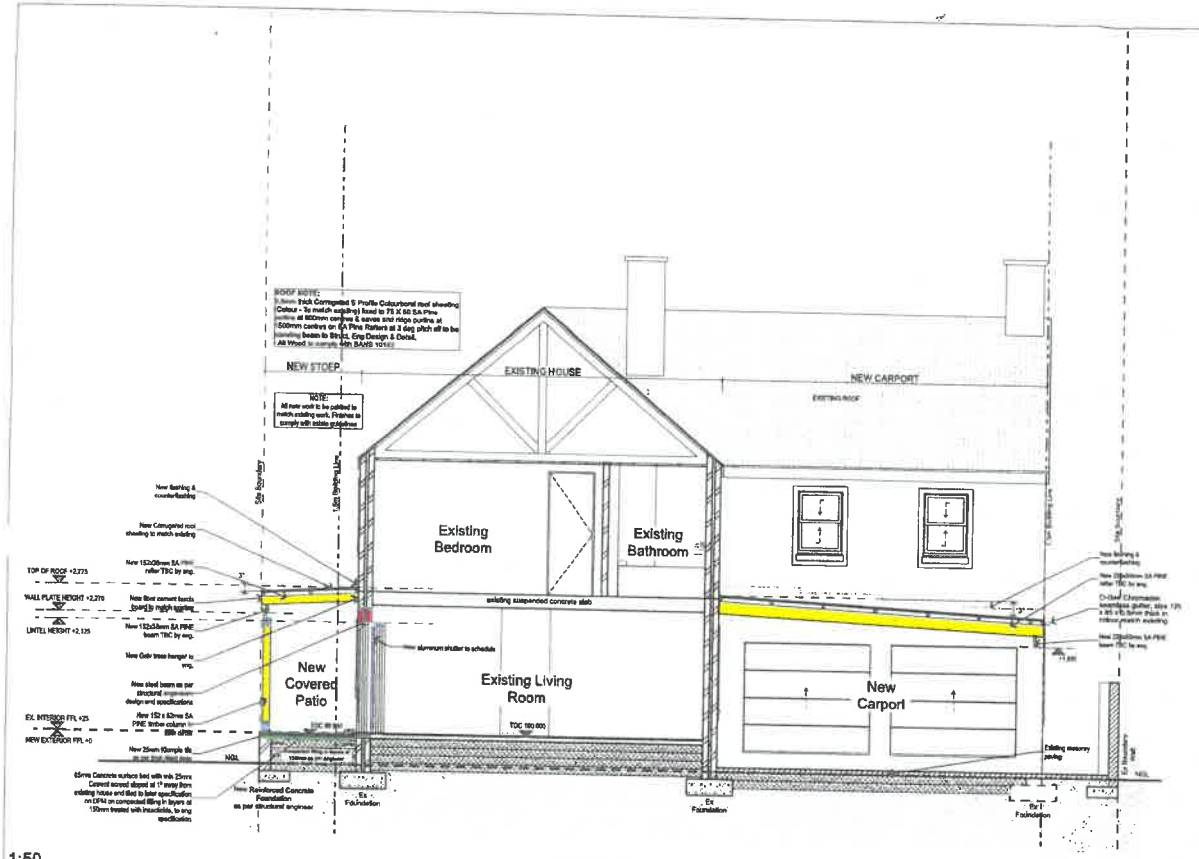
[redacted]

COUNCIL APPROVAL

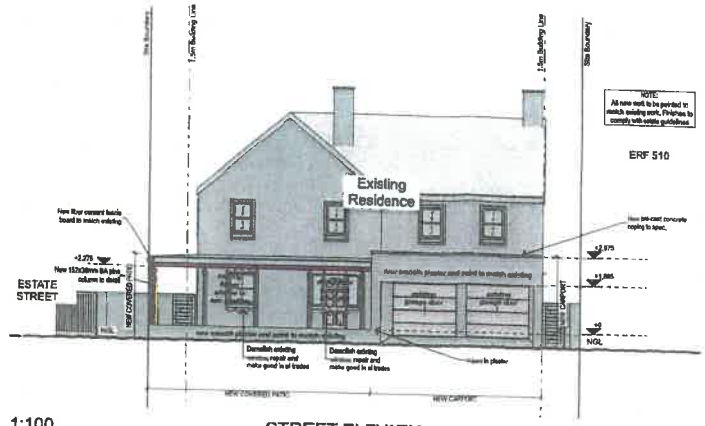
SCALE: 1:50, 1:100

SHEET SIZE: A1

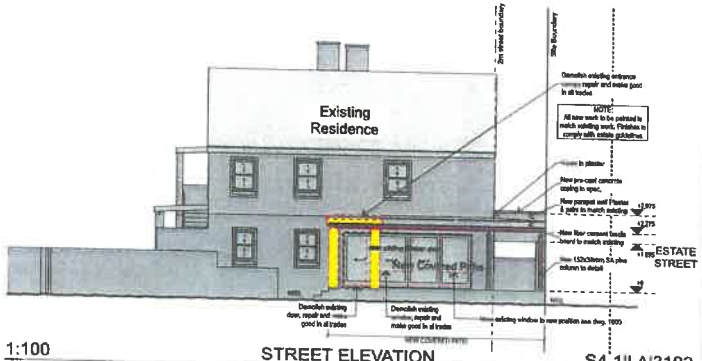
PROJECT No. | DRAWING NUMBER | REVISION



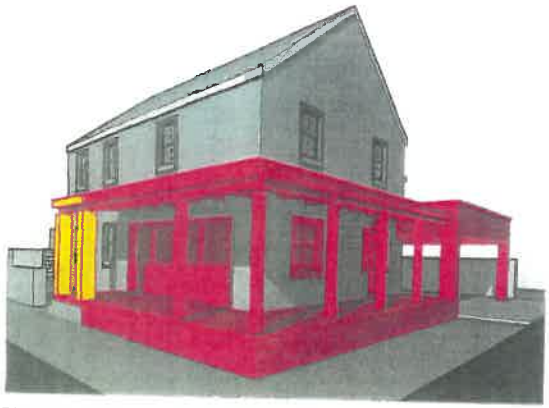
1:50 Section A-A S4.1|LA|4101



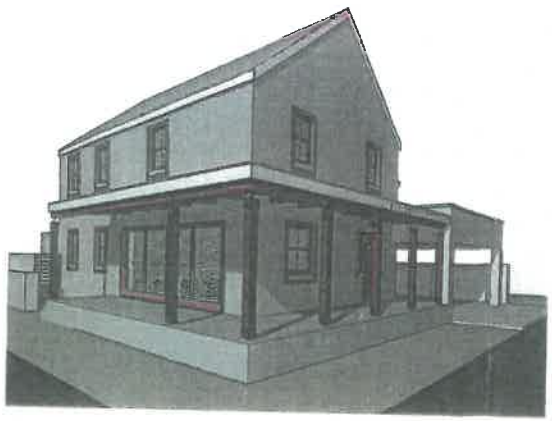
1:100 STREET ELEVATION S4.1|LA|3101



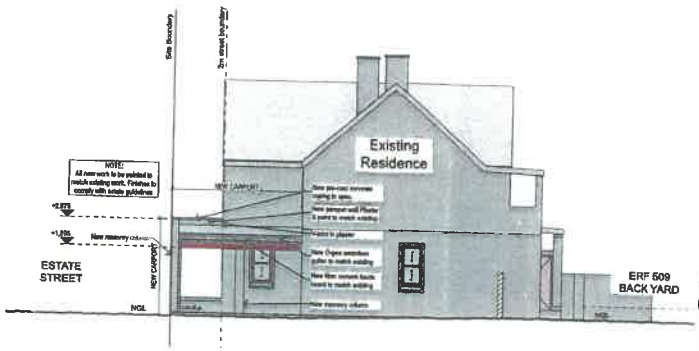
1:100 STREET ELEVATION S4.1|LA|3102



PERSPECTIVE - NEW CONSTRUCTION S4.1|LA|6101



PERSPECTIVE - NEW CONSTRUCTION S4.1|LA|6102



1:100 SIDE ELEVATION S4.1|LA|31013

NOTES:

1. THE DESIGN ON THIS DRAWING IS COPYRIGHT AND REMAINS THE PROPERTY OF THE ARCHITECT.
2. ALL WORK IS TO BE CARRIED OUT IN ACCORDANCE WITH THE N.B.R. SANS 10400 AND LOCAL AUTHORITY REGULATIONS
3. THE DRAWING IS NOT TO BE SCALED
4. ANY DISCREPANCIES ARE TO BE IMMEDIATELY REPORTED TO THE ARCHITECT
5. ALL DIMENSIONS AND LEVELS ARE TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION.

NOTES:

BUILDING CLASSIFICATION: (SANS 10400 – Part A)
Occupancy – H4

STRUCTURAL DESIGN: (SANS 10400 – Part B)
A competent person, Structural Engineer, will design, identify and certify SANS Parts H, K, L

DIMENSIONS: (SANS 10400 – Part C)
Habitable Rooms: 2.40m Minimum Habitable Room size to be 8.00m2
SA-room ceiling height to be 2.40m.

SITE OPERATIONS AND PREPARATION OF SITE: (SANS 10400 – Part F)
Before any foundation is laid the area to be covered by any building shall be properly cleared of vegetable matter, tree stumps, timber and other deliterious material, debris or refuse and any material contaminated with faecal matter.
Any building that is situated on a site where water will drain naturally towards it, drainage shall be provided to direct such water away from each site or building to a stormwater drain or to a depths of it in some safe approved manner.

EXCAVATIONS: (SANS 10400 – Part G)
Where any excavation related to a building is carried out or is to be carried out on any site and such excavation may impair the safety or stability of any property or services, the owner of such site shall take adequate precautionary measures to ensure that the safety and stability of such property or services is maintained.
While any excavation remains open, and during the altering of any foundation within it, the excavation shall be maintained in a safe condition by the owner or person carrying out the excavation.

FOUNDATIONS: (SANS 10400 – Part H)
As per structural engineers detail design and specification. Min 800mm Below NGL

FLOOR CONSTRUCTION (SANS 10400 – Part J)
CONCRETE SURFACE BEDS:
25mm cement screed on concrete surface bed as per structural engineer on 40mm thick Thermoboard Insulation on 200 micron DPM on compacted earth 50kg with anti reed poison in accordance with SABS 1163 – 91/2 all to structural engineer Design & specifications.

Area Schedule

Floor Areas	
Ground Floor	127m2
First Floor	0.0m2
Total	271m2
Coverage Areas	
Existing House	0m2
New Carport	31m2
New Patio	28m2
Sub Total	59m2
Total	271.7m2
Site Area	400m2
Coverage	51%
FAR	0.51

ARCHITECT: Ritus Engelbrecht ATLJEE 101

ATLJEE

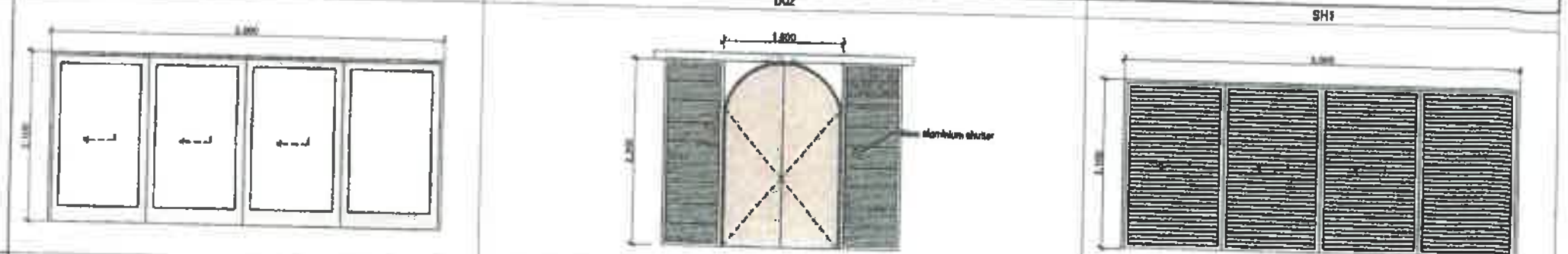
[redacted]

BUILDING CLASSIFICATION	CLIMATIC ZONE
H4	Zone 4

RESPONSIBLE PERSON	DATE	APPROVED
[redacted]		

SCALE: 1:50, 1:100
SHEET SIZE: A1
PROJECT No

DOOR SCHEDULE



ID		D01	D02	SH1
ELEVATION				
TYPE		Timber Sliding Door	Timber Hinged Double Door	Aluminium shutter
QUANTITY		1	1	1
SIZE		5,000×2,100	1,500×2,300	5,000×2,100
DOOR	Material	Solid hardwood frame with glass pane,	Solid Hardwood Timber Door	Extruded aluminium frame with aluminium louvres to specialist.
	Finish	Painted to match existing doors & windows	Varnished to match existing doors & windows	Powdercoated: Charcoal
FRAME	Material	Solid hardwood	Solid hardwood	Extruded aluminium
	Finish	Painted to match existing doors & windows	Varnished to match existing doors & windows	Powdercoated: Charcoal
IRONMONGERY		By supplier	By Supplier	By supplier

SMARTGLASS

Glazing Calculator

[illegible]	Zone 4	
[illegible]	2	1,4
[illegible]	254 m²	0,13

	Total	Ration/Allowance
Net glazed area	23,2 m²	9,1%
Solar Heat Gain	3,0	33,0
Conductance	125,3	355,6

Control Panel · Print preview · Next window · Climate map

#	Window description							Glass	Frame
1	D01	2,1 m	5, m	1,90	2,27	South Eas	Single-glazed	6 mm ClearVue	Timber/uPVC
2	D02	,35 m	3 m	2,00	0,35	North Eas	Single-glazed	6 mm ClearVue	Timber/uPVC
3									
4									
5									
6									
7	EXW01	1,2 m	8 m	0,10	1,20	South Eas	Single-glazed	4 mm ClearVue	Timber/uPVC
8	EXW02	1,2 m	,3 m	0,10	1,20	South Eas	Single-glazed	4 mm ClearVue	Timber/uPVC
9	EXW03	1,2 m	,55 m	0,10	1,20	South We	Single-glazed	4 mm ClearVue	Timber/uPVC
10	EXW04	1,2 m	,8 m	0,10	1,20	North Wes	Single-glazed	4 mm ClearVue	Timber/uPVC
11	EXW05	1,5 m	,8 m	6,28	1,50	North Wes	Single-glazed	4 mm ClearVue	Timber/uPVC
12	EXW06	,8 m	,8 m	0,10	0,80	North Eas	Single-glazed	4 mm ClearVue	Timber/uPVC
13	EXW07	,8 m	,8 m	0,10	0,80	North Eas	Single-glazed	4 mm ClearVue	Timber/uPVC
14	EXW08	,8 m	,8 m	0,10	0,80	North Eas	Single-glazed	4 mm ClearVue	Timber/uPVC
15	EXW09	,8 m	,5 m	0,10	0,60	North Eas	Single-glazed	4 mm ClearVue	Timber/uPVC
16	EXW10	,8 m	,8 m	0,10	0,60	South Eas	Single-glazed	4 mm ClearVue	Timber/uPVC
17	EXW11	,8 m	,8 m	0,10	0,80	South Eas	Single-glazed	4 mm ClearVue	Timber/uPVC
18	EXW12	,8 m	,8 m	0,10	0,80	South Eas	Single-glazed	4 mm ClearVue	Timber/uPVC
19	EXW13	,8 m	,8 m	0,10	0,80	South We	Single-glazed	4 mm ClearVue	Timber/uPVC
20	EXW14	,8 m	,8 m	0,10	0,80	South We	Single-glazed	4 mm ClearVue	Timber/uPVC
21	EXW15	,8 m	,8 m	0,10	0,80	South We	Single-glazed	4 mm ClearVue	Timber/uPVC
22	EXW16	,8 m	,8 m	0,10	0,80	South We	Single-glazed	4 mm ClearVue	Timber/uPVC
23	EXW17	,8 m	,8 m	0,10	0,80	South We	Single-glazed	4 mm ClearVue	Timber/uPVC

#	Area									
1	[illegible]	0,79	0,1	0,85	1,51	5,9	0,95	0,90	[illegible]	[illegible]
2	[illegible]	[illegible]	0,4	Err	Err	5,9	0,90	0,90	[illegible]	[illegible]
3		Err		Err	Err	Err	Err	Err		
4		Err		Err	Err	Err	Err	Err		
5		Err		Err	Err	Err	Err	Err		
6		Err		Err	Err	Err	Err	Err		
7	0,98 m²	0,01	0,1	0,79	0,01	5,9	[illegible]	0,90	[illegible]	[illegible]
8	0,98 m²	0,01	0,1	0,79	0,01	5,9	0,90	0,90	[illegible]	[illegible]
9	0,98 m²	0,01	0,1	[illegible]	0,00	5,9	[illegible]	0,90	[illegible]	[illegible]
10	0,98 m²	0,01	0,1	[illegible]	0,01	5,9	[illegible]	0,90	[illegible]	[illegible]
11	7,2 m²	0,01	[illegible]			5,9	[illegible]	0,90	[illegible]	[illegible]
12	0,64 m²	0,00	0,1	[illegible]		[illegible]	[illegible]	0,90		
13	0,64 m²	0,01	0,1	[illegible]	0,00	5,9	[illegible]	0,90	[illegible]	3,58
14	0,64 m²	0,01	0,1	[illegible]	0,00	5,9	[illegible]	0,90	[illegible]	3,58
15	0,64 m²	0,01	0,1	[illegible]	0,00	5,9	[illegible]	0,90	[illegible]	3,58
16	0,64 m²	0,01	0,1	0,79	0,00	5,9	[illegible]	0,90	[illegible]	3,58
17	0,64 m²	0,01	0,1	0,79	0,00	5,9	[illegible]	0,90	[illegible]	3,58
18	0,64 m²	0,01	0,1	0,79	0,00	5,9	[illegible]	0,90	[illegible]	3,58
19	0,64 m²	0,01	0,1	[illegible]	0,00	5,9	[illegible]	0,90	[illegible]	3,58
20	0,64 m²	0,01	0,1	[illegible]	0,00	5,9	[illegible]	0,90	[illegible]	3,58
21	0,64 m²	0,01	0,1	[illegible]	0,00	5,9	[illegible]	0,90	[illegible]	3,58
22	0,64 m²	0,01	0,1	[illegible]	0,00	5,9	[illegible]	0,90	[illegible]	3,58
23	0,64 m²	0,01	[illegible]	[illegible]	0,00	5,9	[illegible]	[illegible]	[illegible]	[illegible]

Net glazed area: 23,2 m²
Nett glazed area to floor area ration: 9,1%
Aggregate solar heat gain of design: 3,0
Solar heat gain allowance: 33,0
Aggregate conductance of design: 125,3
Conductance allowance: 355,6

NOTES:

1. THE DESIGN ON THIS DRAWING IS COPYRIGHT AND REMAINS THE PROPERTY OF THE ARCHITECT.
2. ALL WORK IS TO BE CARRIED OUT IN ACCORDANCE WITH THE N.B.R. SANS 10400 AND LOCAL AUTHORITY REGULATIONS.
3. THE DRAWING IS NOT TO BE SCALED
4. ANY DISCREPANCIES ARE TO BE IMMEDIATELY REPORTED TO THE ARCHITECT
5. ALL DIMENSIONS AND LEVELS ARE TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION.

NOTES:

BUILDING CLASSIFICATION: (SANS 10400 – Part A)
Occupancy – H4

STRUCTURAL DESIGN: (SANS 10400 - Part B)
A competent person, Structural Engineer, will design, specify and certify SANS Parts H, K, L.

DIMENSIONS: (SANS 10400 - Part C)
Minimum ceiling height to be 2.40m. Minimum Habitable Room size to be 6.00m2

SITE OPERATIONS AND PREPARATION OF SITE: (SANS 10400 - Part F)
Before any foundation is laid the area to be covered by any building shall be properly cleared of vegetable matter, tree stumps, timber and other cellulose material, debris or refuse and any material contaminated with faecal matter.
Any building that is situated on a site where water will drain naturally towards it, drainage shall be provided to direct such water away from such site or building to a stormwater drain or to dispose of it in some safe approved manner.

EXCAVATIONS: (SANS 10400 - Part G)
Where any excavation related to a building is carried out or is to be carried out on any site and such excavation may impair the safety or stability of any property or service, the owner of such site shall take adequate precautionary measures to ensure that the safety and stability of such property or service is maintained.
While any excavation remains open, and during the placing of any foundation within it, the excavation shall be maintained in a safe condition by the owner or person carrying out the excavation.

FOUNDATIONS: (SANS 10400 - Part H)
As per structural engineers detail design and specification. Min 600mm Below NGL

FLOOR CONSTRUCTION (SANS 10400 - Part J)
CONCRETE SURFACE BEDS:
25mm cement screed on concrete surface bed as per structural engineer on 40mm thick Thermoboard Insulation on 250 micron DPM on compacted earth filling with ant + weed poison in accordance with SANS 1165 + 0124 all to structural engineer Design & specifications.

Area Schedule

Floor Areas	
Ground Floor	[illegible]
First Floor	[illegible]
Total	[illegible]
Covered Areas	
Existing [illegible]	[illegible]
New [illegible]	[illegible]
New [illegible]	[illegible]
Sub Total	[illegible]
Total	[illegible]
Site Area	400m2
Coverage	[illegible]
FSR	[illegible]

ARCHITECTS
Rinus Engelbrecht
ATLJEE 101
ATLJEE [redacted]

[redacted]

BUILDING CLASSIFICATION	CLIMATIC ZONE
H4	Zone 4

[redacted] ...2/10/25 | APPROVED

COUNCIL APPROVAL

SCALE	SHEET SIZE
1:1, 1:100	A1

PROJECT No