



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14711(TP113/2022)

Our File Reference Number: Erf 3600, Stellenbosch

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, SUSPENSION OF RESTRICTIVE CONDITIONS AND TECHNICAL APPROVAL ON ERF 3600, 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 applications in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning By-Law, 2023 on Erf 3600, Stellenbosch:

2.2 **Permanent Departure** in terms of section 15(2)(b) of the Stellenbosch Municipality Planning By-law, 2023 for the relaxation of the following building lines:

- street building line (Van Coppenhagen Street) to be setback 0m in lieu of 4.5m for the construction of a entrance canopy.
- north-eastern common building line (adjoining Erf 4741) to be setback 2m and 0m in lieu of 2.5m for the construction of a meeting room and entrance canopy.
- South-western common building line (adjoining Erf 3599) to be setback 1.625m in lieu of 2.5m for the construction of a covered stoep with a braai area.
- north-western common building line (adjoining Erf 4741) to be setback 2m in lieu of 2.5m for the construction of a bedroom.

2.3 **Suspension of Restrictive Conditions** in terms of section 15(2)(f) of the Stellenbosch Municipality Planning By-law, 2023 for suspension of title deed condition B.4(d) of title deed T81562/08 for the following:

- street building line (Van Coppenhagen Street) to be setback 0m in lieu of 4.725m for the construction of a entrance canopy.
- north-eastern common building line (adjoining Erf 4741) to be setback 2m and 0m in lieu of 3.15m for the construction of a meeting room and entrance canopy.

- south-western common building line (adjoining Erf 3599) to be setback 1.625m in lieu of 3.15m for the construction of a covered stoep.
- north-western common building line (adjoining Erf 4741) to be setback 2m in lieu of 3.15m for the construction of a bedroom.

2.4 **Additional Use (Technical Approval)** in terms of section 15(2)(g) of the Stellenbosch Municipality Planning By-law, 2023 to allow portion of the proposed first floor dwelling extensions to be used for Home Occupation Practice (graphic design office) of 50m².

BE APPROVED in terms of Section 60 of the said By-Law 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 building line departure, title deed suspension and 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 Building plans must be generally in accordance with the site plan / floor layout plan as referenced 101 revision B and 102, elevations referenced 201 – 202, drawn by Will Hammers (wah), dated September 2022 attached as **Annexure B**.

3.3.1 The home occupation practice be limited to **50m²** as indicated on the floor layout plan as referenced in drawing number; 102, drawn by Will Hammers (wah), dated September 2022 attached as **Annexure B**.

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

3.3.3 The proprietor shall reside on the land unit which the activity will be undertaken, and the dominant use of the property shall remain the operator's residence.

3.3.4 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.

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

4.1 The proposal will not adversely impact on the surrounding environment, and the property will remain residential.

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:

- 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

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. The relief sought by the appellant.

7.6 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.

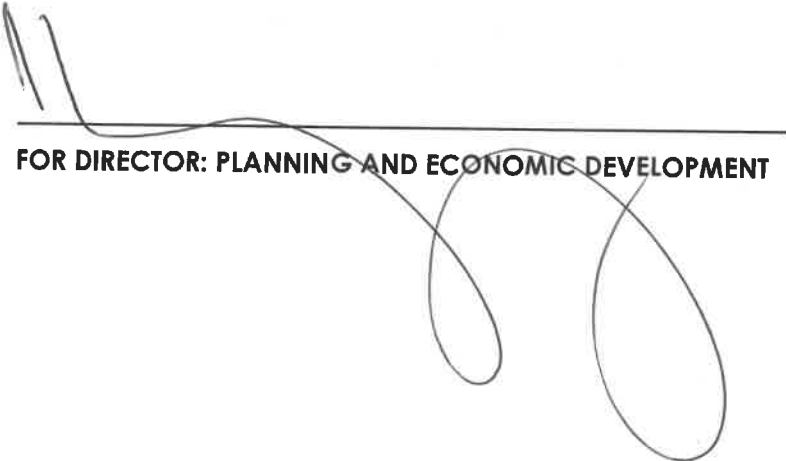
7.7 That the appeal includes the following declaration by the Appellant:

- 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 an 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

30/5/2024
DATE:

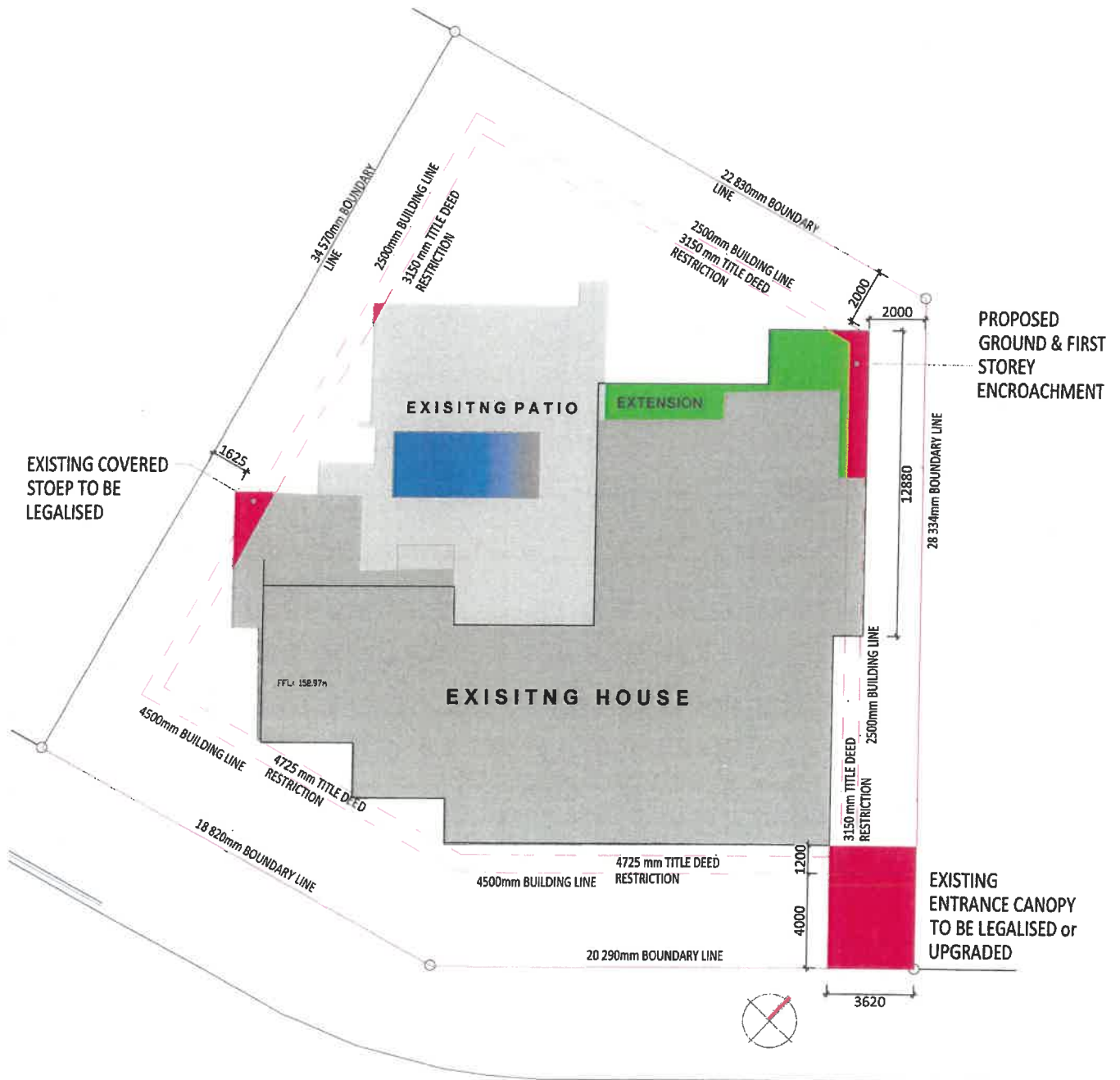


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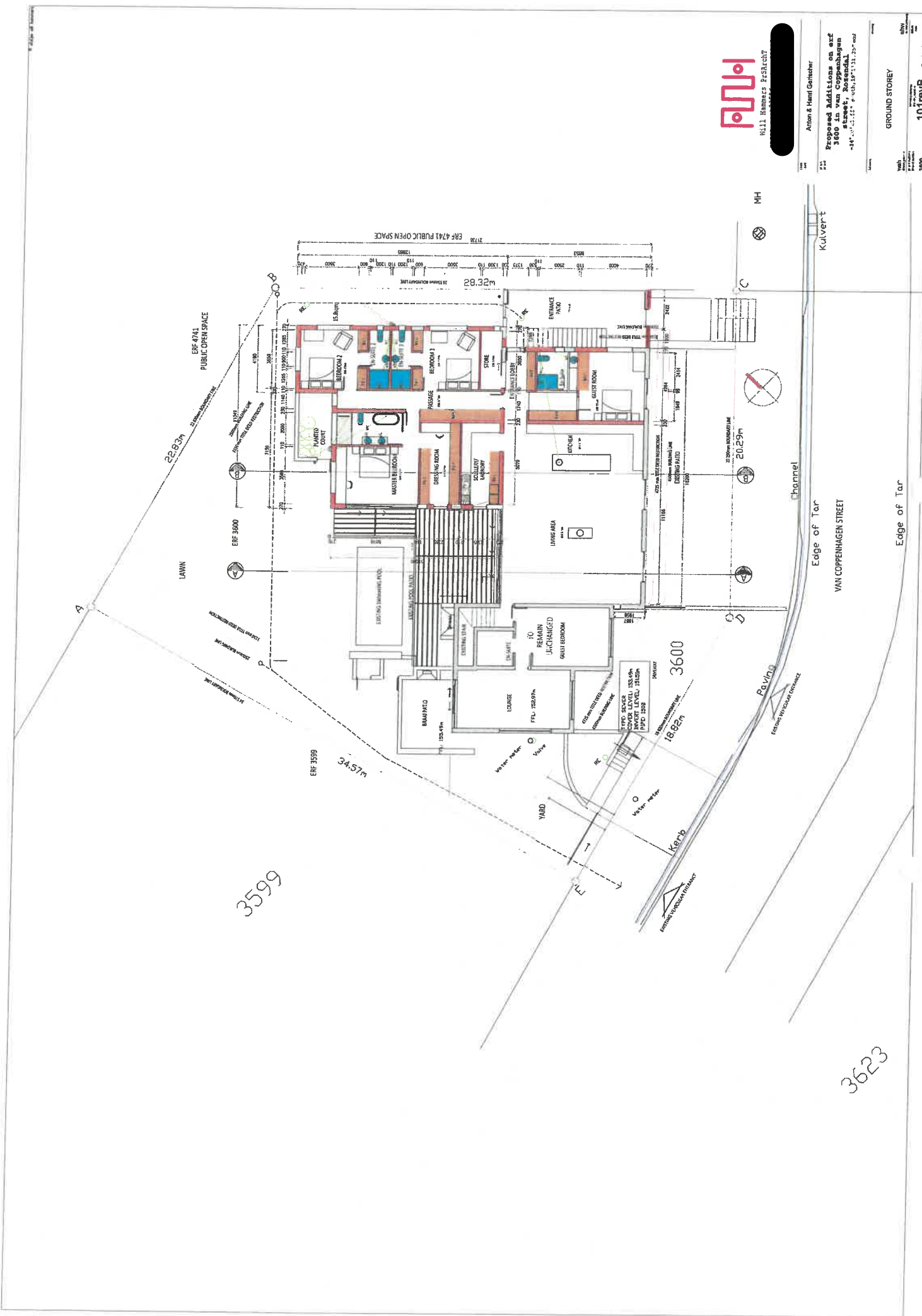
ANNEXURE B

SITE PLAN / FLOOR LAYOUT PLAN



3599

3623



Will Hammers Projects

Arthur & Hani Gershter

Proposed Additions on erf
3600 in van Coppenhagen
street, Rosendal
-41° 22' 11" S 18° 13' 29" E

GROUND STOREY	
Yield	3000
Area	1011 m ²
Volume	1011 m ³
Sept	September 2022

AREAS

SITE AREA	1009 m ²
BASMENT GARAGE	67.14 m ²
GROUND STOREY	337.23 m ²
ADDITIONS TO GROUND STOREY	23.54 m ²
EXISTING ENTRANCE CANOPY	18.84 m ²
NEW STAIRCASE & LANDING	15.41 m ²
NEW FIRST STOREY	92.89 m ²
NEW DECKS	55.51 m ²
TOTAL AREA	610.56 m ²
COVERED AREA	395.02 m ²
COVERAGE	39.15%

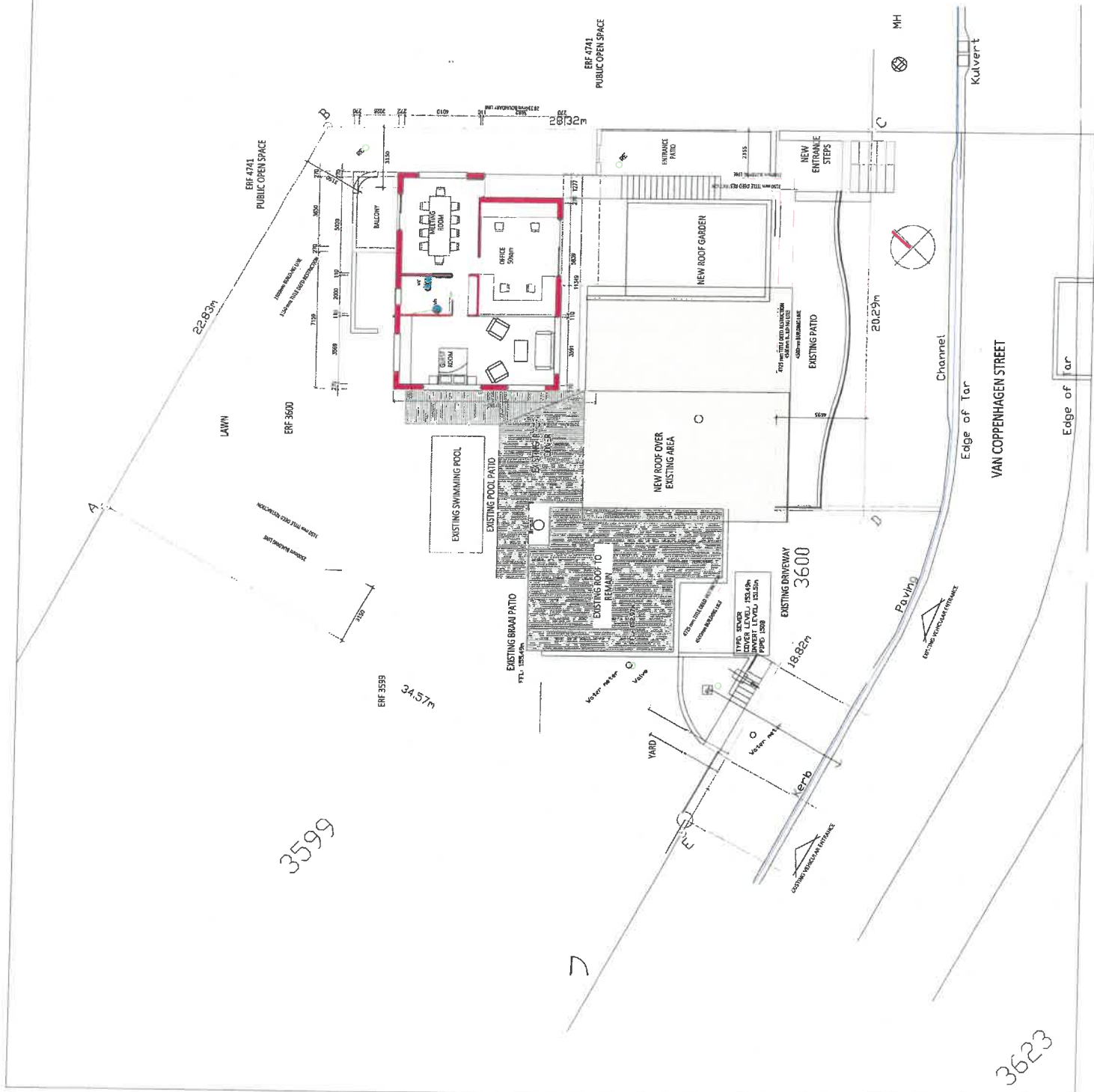


Will Hammers Praesicht

Anton & Hans Götlicher

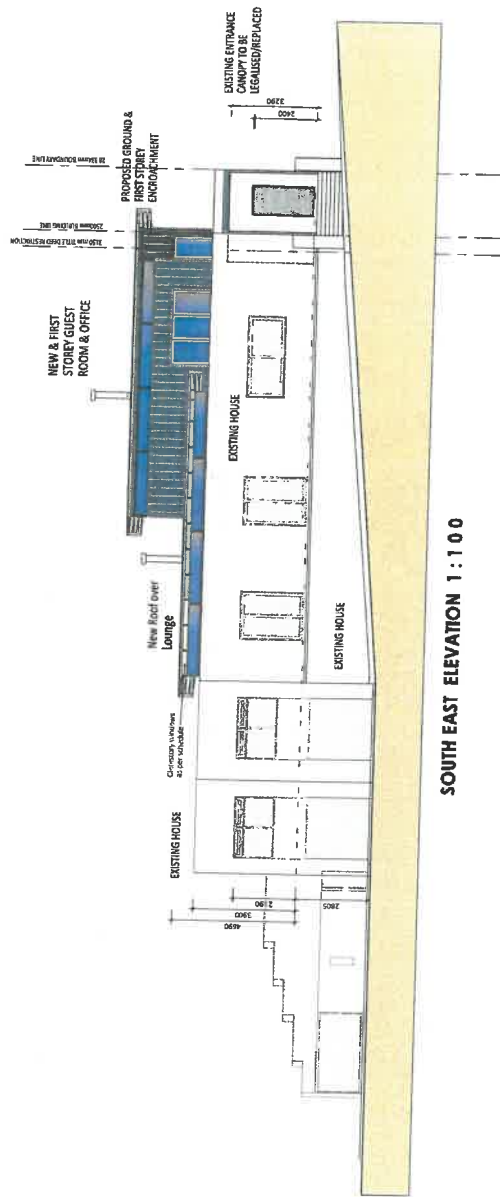
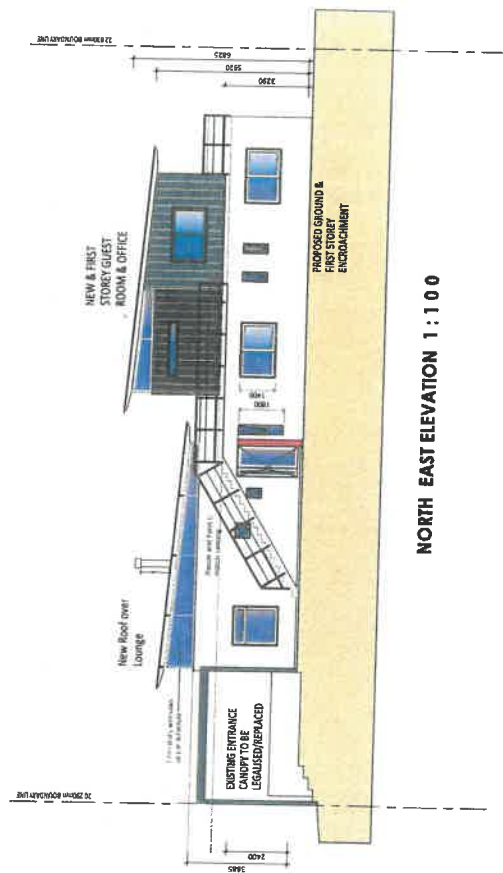
Proposed Additions on erf
3000 m² van Coppenhagen
Erven 3599
-34° 11' 1.12" E 137° 25' 1.25" W

FIRST STOREY



3599

3623



Will Hammers E-Struct

Arden & Henri Gertischer

Proposed Additions on erf
3600 in van Coppenhagen
street, Mossdal
-24° 11' 11" S 31° 13' 15" E

ELEVATIONS

Sheet
201
September 2022

