



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/17642 (TP797/2024)

Our File Reference Number: Erf 4764, Stellenbosch

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL

Sir / Madam

**APPLICATION FOR DEPARTURES, CONSENT USE AND THE ADMINISTRATOR'S CONSENT IN TERMS OF THE
TITLE DEED: ERF 4764, STELLENBOSCH**

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
3. That the following application (s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw 2023, on Erf 4764, Rozendal, Stellenbosch for the following:
 - 3.1 **Departure** in terms of Section 15(2)(b) of the said by law to relax the street building line from 4m to 1.452m to accommodate the proposed balcony above the double garage that will form part of the second dwelling unit;

BE REFUSED in terms of Section 60 of the said Bylaw.
4. The **reasons** for the above decision are as follows:
 - 4.1 The balcony above the double garage will negatively affect the neighbouring property in terms of privacy and potentially creating a nuisance.
5. **Administrators consent** to relax the restrictive title deed condition, Clause 6(b), as stated in Title Deed No: T33107/2023, on Erf 4764, Stellenbosch for the following;

- 5.1 to relax the restrictive title deed common building lines from 3.15m to 2.8m and 2.05m (adjacent to Erf 4765, Erf 4767 and Erf 4766) in order to allow for the extension of the dining room, swimming pool and outside staircases;
- 5.2 the street building line from 6.3m to 1.452m respectively in order to allow for the construction of a double garage and second dwelling unit;

BE GRANTED

6. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw 2023, on Erf 4764, Stellenbosch for the following;

- 6.1 **Departure** in terms of Section 15(2)(b) of the said by law for the following;

- a) to relax the common building line from 2.5m to 2.05m (adjacent to Erf 4766) to accommodate the proposed staircase, which will provide access to the second dwelling unit;
- b) to relax the street building line from 4m to 1.452m to accommodate the proposed double garage on the ground floor and a portion of the second dwelling unit above it;

- 6.2 **Consent use** in terms of Section 15(2)(o) of the said by law to exceed the threshold for additional use to permit the construction of the proposed second dwelling unit, extending beyond the designated building lines;

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.

7. The approval is subject to the following conditions imposed in terms of Section 66 of said Bylaw:

- 7.1 The approval only applies to the proposed applications under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from the Council or other legislation or Bylaws or Regulations that may be applicable.

- 7.2 The development with the omission of the balcony generally be in accordance with the site plan/floor layout plans as referenced in Drawing No. 2023-032-TP1-TP3, Drawn By Ulrich Bruwer Architects, Dated 2024 -06-07, and attached as **Annexure B. And that the balcony be omitted from the building plans to be submitted for approval.**

- 7.3 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.

- 7.4 Building plans be submitted for all the approved uses and related occupancy certificates be issued prior to the vesting of any of the related approvals.

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

8.1 The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape.

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

9. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, 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.

10. 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:

- (I) First names and surname;
- (II) ID number;
- (III) Company of Legal person's name (if applicable)
- (IV) Physical Address;
- (V) Contact details, including a Cell number and E-Mail address;

(b) Reference to this correspondence and the relevant property details on which the appeal is submitted.

(c) The grounds of the appeal which may include the following grounds:

- (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
- (ii) 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.

(d) whether the appeal is lodged against the whole decision or a part of the decision;

- (e) if the appeal is lodged against a part of the decision, a description of the part;
- (f) if the appeal is lodged against a condition of approval, a description of the condition;
- (g) the factual or legal findings that the appellant relies on;
- (h) the relief sought by the appellant; and
- (i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;
- (j) That the appeal includes the following declaration by the Appellant:

- (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
- (ii) 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.

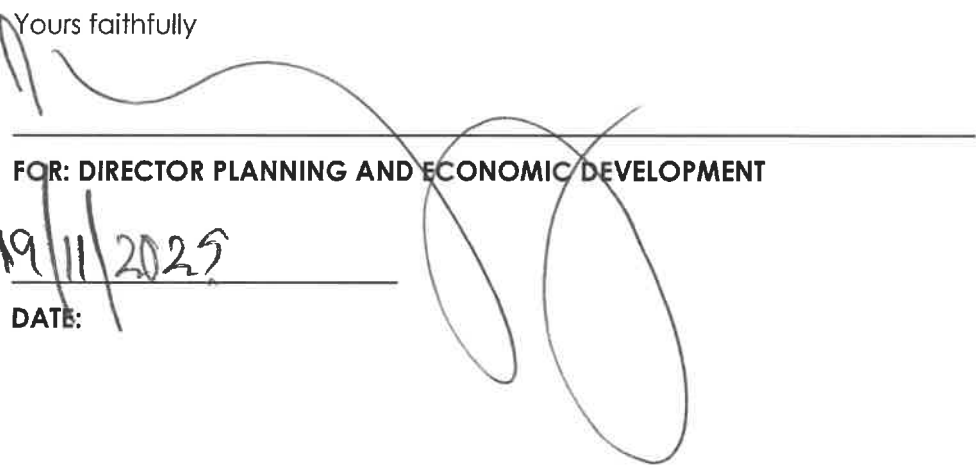
8. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of e-mail at the following address: landuse.appeals@stellenbosch.gov.za.
9. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal 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



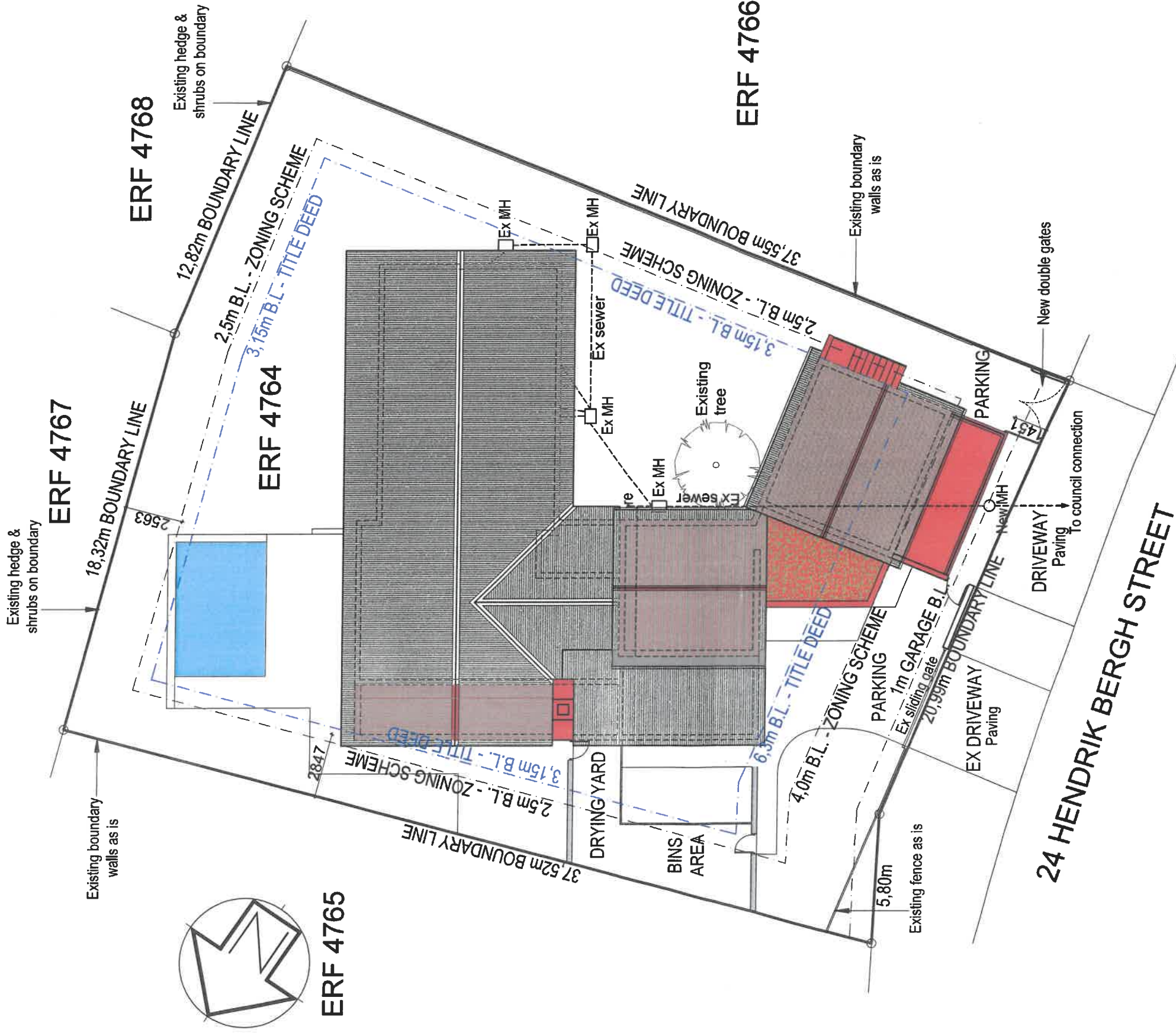
FOR: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

DATE:

19/11/2025

COPY TO OBJECTOR





AREA CALCULATIONS

EXISTING GROUND STOREY: HOUSE & D.Q.	200,5m ²
ADDITIONS GROUND STOREY: HOUSE & GARAGE LINK	125,6m ²
	117,2m ²
	8,4m ²
ADDITIONS FIRST STOREY: HOUSE	326,1m ²
	85,8m ²
TOTAL HOUSE & GARAGE	411,9m ²
BALCONY	18,9m ²
SWIMMING POOL	24,0m ²
ERF AREA:	1067,0m ²
COVERAGE: (326,1m ²)	30,5%
BULK: (411,9m ²)	0,38

HOUSE JORDAAN

ADDITIONS & ALTERATIONS
ERF 4764, 24 HENDRIK BERGH ST
ROZENDAL, STELLENBOSCH

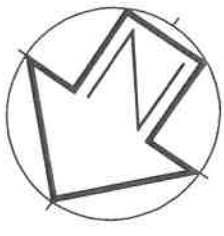
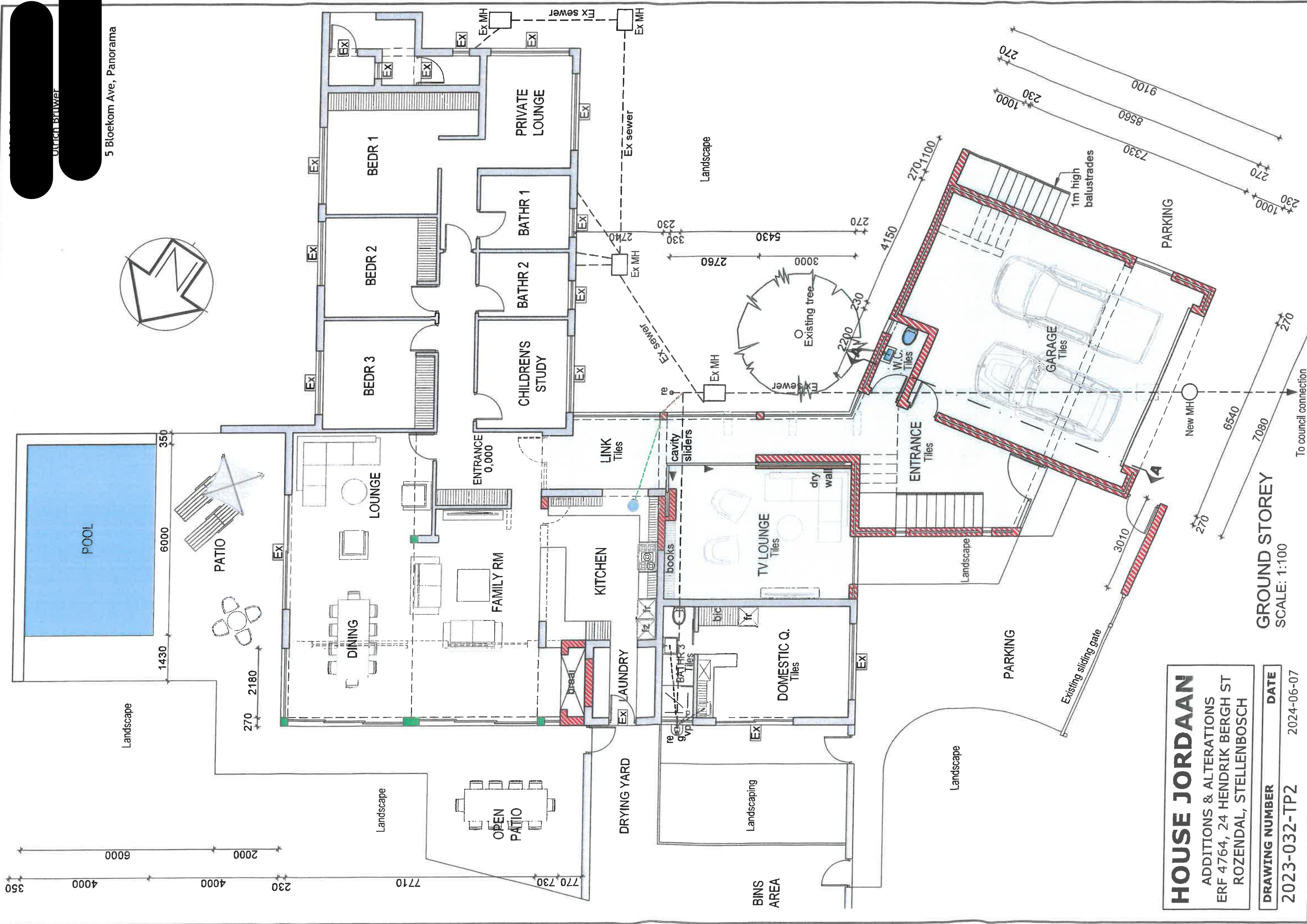
DRAWING NUMBER
2023-032-TP1

DATE
2024-06-07

350 4000 4000 2000 6000

5 Bloekom Ave, Panorama

Urban Brewster

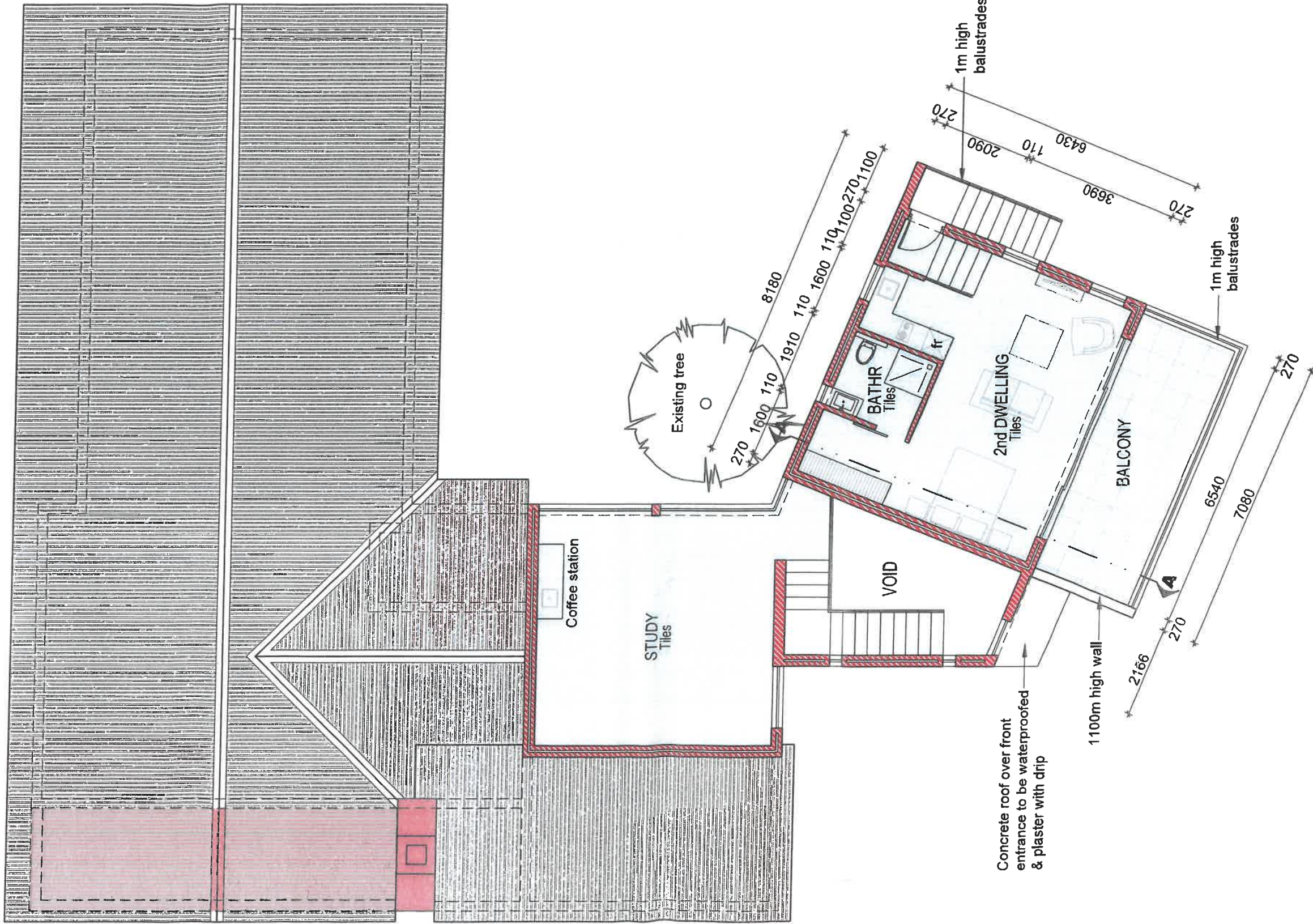


HOUSE JORDAAN

ADDITIONS & ALTERATIONS
ERF 4764, 24 HENDRIK BERGH ST
ROZENDAL, STELLENBOSCH

DRAWING NUMBER	DATE
2023-032-TP2	2024-06-07

GROUND STOREY
SCALE: 1:100



FIRST STOREY
SCALE: 1:100

HOUSE JORDAAN

ADDITIONS & ALTERATIONS
ERF 4764, 24 HENDRIK BERGH ST
ROZENDAL, STELLENBOSCH

DRAWING NUMBER
2023-032-TP3

DATE
2024-06-07