STELLENBOSCH
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Application Number: LU/18575 (TP1076/2025)
Our File Reference Number: Farm 490/2 (ERF 18745), Stellenbosch
Your Reference Number: None
Enquiries: Ulrich von Molendorff
Contact No: 021 – 808 8682
Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-M [redacted]

Sir / Madam

APPLICATION FOR A DEPARTURES: FARM 490/2 (ERF 18745), 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 Farm 490/2, Botmanskop Development, Stellenbosch for:

      2.1.1 Departure in terms of Section 15(2)(b) of the said Bylaw to permit the ***Projecting eaves of the proposed dwelling*** on a residential erf with two street boundaries to be construct 1m from the lower street boundary of a residential erf, within the Botmanskop Development.

      2.1.2 Departure in terms of Section 15(2)(b) of the said Bylaw to permit ***buildings on the first storey*** (the storey above the lower / ground storey not defined as a basement), to be 1.0m from the boundary line in lieu of the required 2.5m building line on the common boundary adjoining open space / common property erven on one side of the residential erf, where properties have very steep slopes, but the structure may not be longer than 7,5 linear meters.

BE REFUSED in terms of Section 60 of the said Bylaw.

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

3.1 As the property proposals and details are not yet available, the potential impact on the streetscape and adjoining property owners, particularly in terms of scale, remains unknown, and the effect on surrounding properties may vary.

3.2 The proposals need to be evaluated on a case-by-case basis as each property will have unique reasons for applying for the relaxation of the applicable building line.

4. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw on Farm 490/2, Stellenbosch for:

4.1 Departure in terms of Section 15(2)(b) of the said Bylaw to permit a ***swimming pool, open terraces and ponds / water features*** to be constructed 1.0m from the street boundary line in lieu of the prescribed 4m building line on the lower portion of a residential erf.

4.2 Departure in terms of Section 15(2)(b) of the said Bylaw to permit ***Garages and pergolas*** to be 0.0m from the common boundary provided that the wall on the common boundary is no higher than 4,5m to top and the pergola may not exceed a height of 2.1m and the boundary wall may not exceed a height of 2.1m, excluding the pergola, which may not be higher than 3m in total.

4.3 Departure in terms of Section 15(2)(b) of the said Bylaw to permit ***3-storey dwelling units*** to be constructed.

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

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

5.1 The approval only applies to the applications under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from the Municipality or other legislation or By-laws or Regulations that may be applicable.

5.2 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.

5.3 The 3rd storey must comply with the development parameters applicable to the subject property in terms of the design guidelines, inclusive of the height restriction.

5.4 The covered portion of the 3rd storey must be setback a minimum of 3m from the street front of the storey below it (2nd Storey) and must be interleading with the rest of the dwelling unit.

5.5 Planter boxes must be provided as required in the design guidelines to mitigate any visual impact that this portion of the building may have on its surroundings.

5.6 The uncovered portion / open deck of the 3rd storey may only be used as an entertainment area with a sunken swimming pool forming part of the open deck.

5.7 Building plans must be submitted for all work, and which building plan(s) must be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.

5.8 Design Guidelines to be amended in accordance with the decision and to be submitted for approval by the Municipality.

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

6.1 The proposed departures will allow the properties on the very steep slopes within the development to be optimally developed.

6.2 The proposed departures are expected to have minimal negative impact on the surrounding area.

7. 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.

8. 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.

9. **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**

10. 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.

11. 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.

12. 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.

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

14. 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

25-04-2025

DATE: