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Application Number: LU/16877 (TP681/2024)

Our File Reference Number: Erf 224, Franschhoek

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 PERMISSION REQUIRED IN TERMS OF ZONING SCHEME AND PERMANENT DEPARTURE ON ERF 224, FRANSCHHOEK.

1. The above application refers.

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

2.1. That the application in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2023 on Erf 224, Franschhoek for:

- a. An application in terms of section 15 (2)(b) of the said By-Law for a departure to relax the street building line from 4m to 1.6m, 0m and 3m to accommodate the covered area, stoep, garden shed, verandah and swimming pool and to relax the common building line from 2.5m to 1m and 0m to accommodate the covered area.
- b. A permission/ technical approval in terms of section 15(2)(g) of the said By-law to allow 2 bedrooms in an existing house to be used for a bed and breakfast establishment.
- c. A permission/Technical approval in terms of 15(2)(g) of the said By-law to allow boundary wall heights within the Franschhoek Conservation Area to be 1.8m in lieu of 1m on the street boundary and 3.1m and 2.1m in lieu of 1m on the common boundaries.

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 the said Bylaw:

- i. The approval only applies to the proposed application 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.
- ii. 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.
- iii. The development be undertaken in accordance with building plan no P2-2-1200 revision 08 dated, 09/10/2024, drawn by avdw as **Annexure B**.
- iv. Building plans must be submitted for all work, as well as changes of use of the existing buildings / structures and which building plans(s) must be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.
- v. Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.
- vi. The conditions imposed by Infrastructure Services Department contained in memo dated 18 November 2024, attached as **Annexure A**, be complied with.

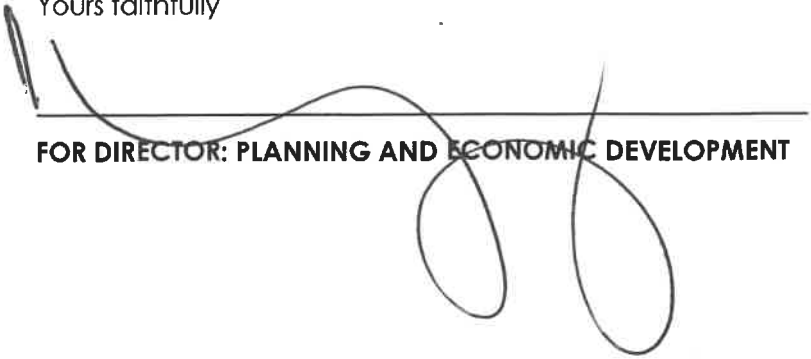
2.3. The **reasons** for the above decision are as follow:

- 2.3.1. The proposal is in keeping with the current residential land use of the subject property.
- 2.3.2. The encroachment of the building lines does not undermine the residential character of the area.
- 2.3.3. The proposed bed and breakfast will not have a negative impact on prevailing character of the area.

3. 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.

4. 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.
5. **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
6. 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.
7. 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.
8. 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.
9. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
10. 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

10/2/2025
DATE



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ANNEXURE A

COMMENTS FROM INFRASTRUCTURE SERVICES



STELLENBOSCH MUNICIPALITY

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MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To ▫ Aan: Director: Planning + Economic Development

Att Aandag: Nolusindiso Momoti

From ▫ Van: Principal Technician: Development (Infrastructure Services)

Author ▫ Skrywer: Ilze Fillies

Date ▫ Datum: 18 November 2024

Our Ref ▫ Ons Verw: Civil LU 2751

Town Planning Ref: LU/16877

Re ▫ Insake: Erf 224, Franschhoek: Application for additional use (technical approval) in terms of section 15(2)(g) of the Stellenbosch Municipal Planning By-Law, 2023 to allow 2 bedrooms in an existing dwelling house to be used for a bed and breakfast establishment on Erf 224, Franschhoek. Application for permission in terms of section 15(2)(g) of the Stellenbosch Municipal Planning By-Law, 2023 on Erf 224, Franschhoek to allow the boundary walls heights within the Franschhoek Conservation Area to be the following:- Street boundary wall (Berg and Wilhelmina Street) to be 1.8m high in lieu of 1m. Common boundary (adjacent to Erf 239) to be 3.1m in lieu of 1m.- Common boundary (adjacent to Erf 223) to be 2.1m in lieu of 1m. Application for permanent departure in terms of section 15(2)(b) of the Stellenbosch Municipal Planning By-Law, 2023 on Erf 224, Franschhoek to permit the following:- covered area to be 1m in lieu of 2.5m from the south-southeastern common boundary (adjacent to Erf 223).- covered area to be 0m in lieu of 2.5m from the east-northeastern common boundary (adjacent to Erf 239).

- covered area to be 1.65m in lieu of 4m from the street boundary (Berg Street).- stoep, garden shed and verandah to be 0m in lieu of 4m from the north-northwestern boundary (Berg Street) .- swimming pool to be 3m in lieu of 4m from the street boundary (Berg Street).

The application is recommended for approval, subject to the following conditions:

1. Civil Engineering services

1.1 None.

2. Development Charges (DCs)

2.1 The following DC's are payable: See **Development Charge Calculation** attached.

2.2 The DC's were calculated by using the 2024/2025 tariff structure. If DC's are paid after 30 June 2025 it will have to be recalculated by using the tariff structure and DC Policy principles applicable at date of payment.

2.3 The appropriate DC's are payable before the facility is put to its approved use.



Ilze Fillies

Principal Technician: Development (Infrastructure Services)

N:\2.0 DEVELOPMENT\01 Land Use applications\2751 (IF) Erf 224 Franschoek (LU-16877)\2751 Erf 224 Franschoek (LU-16877) - Copy.doc





Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number:	2751 (IF) Erf 224 Franschhoek (LU-16877)
Development Name:	
Date:	18 November 2024
Financial Year:	2024/2025
Erf Location (Select from 7 Locations):	Franschhoek
Erf Region (Select Urban or Rural):	Urban
Erf No. / Farm No.:	Erf 224
DC Parameters Reference:	Site, ground and ground floor plan REV 01 by Chris de Wet architect dated 2023/07

SUMMARY OF DC CALCULATION									
Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)	Community	Totals	
Unit(s):	kl/day	kl/day	ha°C	tl/week	trips/day		persons		
Total Increased Services Usage:	0,22	0,18	0,004	0,015	3		1		
Total Service Usage Reduction:	0	0	0	0	0,0		0		
Total Service Usage after Reduction:	0,22	0,18	0,00400	0,015	3,0		1		
Charges before adjusting for positive only, before Deductions	R 6 863,93	R 6 879,25	R 635,34	R 1 542,00	R 24 453,32	R 40 373,84	R 4 054,31	R	44 428,15
Charges adjusted for positive only, before Deductions	R 6 863,93	R 6 879,25	R 635,34	R 1 542,00	R 24 453,32	R 40 373,84	R 4 054,31	R	44 428,15
Total Deductions:	R -	R -	R -	R -	R -	R -	R -	R	-
Total Development Charges Payable (excluding VAT):	R 6 863,93	R 6 879,25	R 635,34	R 1 542,00	R 24 453,32	R 40 373,84	R 4 054,31	R	44 428,15
VAT:	R 1 029,59	R 1 031,89	R 95,30	R 231,30	R 3 668,00	R 6 056,08	R 608,15	R	6 664,22
Total Development Charges Payable (including VAT):	R 7 893,52	R 7 911,14	R 730,64	R 1 773,30	R 28 121,31	R 46 429,91	R 4 662,46	R	51 092,37

APPLICANT INFORMATION	
Application Processed by:	Iza Fillias
Signature:	
Notes:	

Franschhoek

Land Use Category		Unit Type	Existing Usage			Proposed New Usage			Increased Usage	Development Charge Levied (excl VAT)								Sub Total (Civil Eng Services)	Community		Total																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
			Area (m2)	Unit Amount	Result	Area (m2)	Unit Amount	Result		Amount	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Yes	Yes		Yes	Yes																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
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Charges before adjusting for positive only, before Deductions		R	6 863,93	R	6 879,25	R	635,34	R	1 542,00	R	24 453,32	R	40 373,84	R	4 054,31	R	44 428,15
Charges adjusted for positive only, before Deductions		R	6 863,93	R	6 879,25	R	635,34	R	1 542,00	R	24 453,32	R	40 373,84	R	4 054,31	R	44 428,15
Deductions per service (from usage reductions)		R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Discount Deduction (%)		R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Additional Deduction per service - from Service Agreement (sum)		R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Sub Total after Adjustments and Deductions (excluding VAT)		R	6 863,93	R	6 879,25	R	635,34	R	1 542,00	R	24 453,32	R	40 373,84	R	4 054,31	R	44 428,15
VAT		R	1 029,59	R	1 031,89	R	95,30	R	231,30	R	3 668,00	R	6 056,09	R	608,15	R	6 864,22
Total Development Charges		R	7 893,52	R	7 911,14	R	730,64	R	1 773,30	R	28 121,31	R	46 429,91	R	4 662,46	R	51 092,37

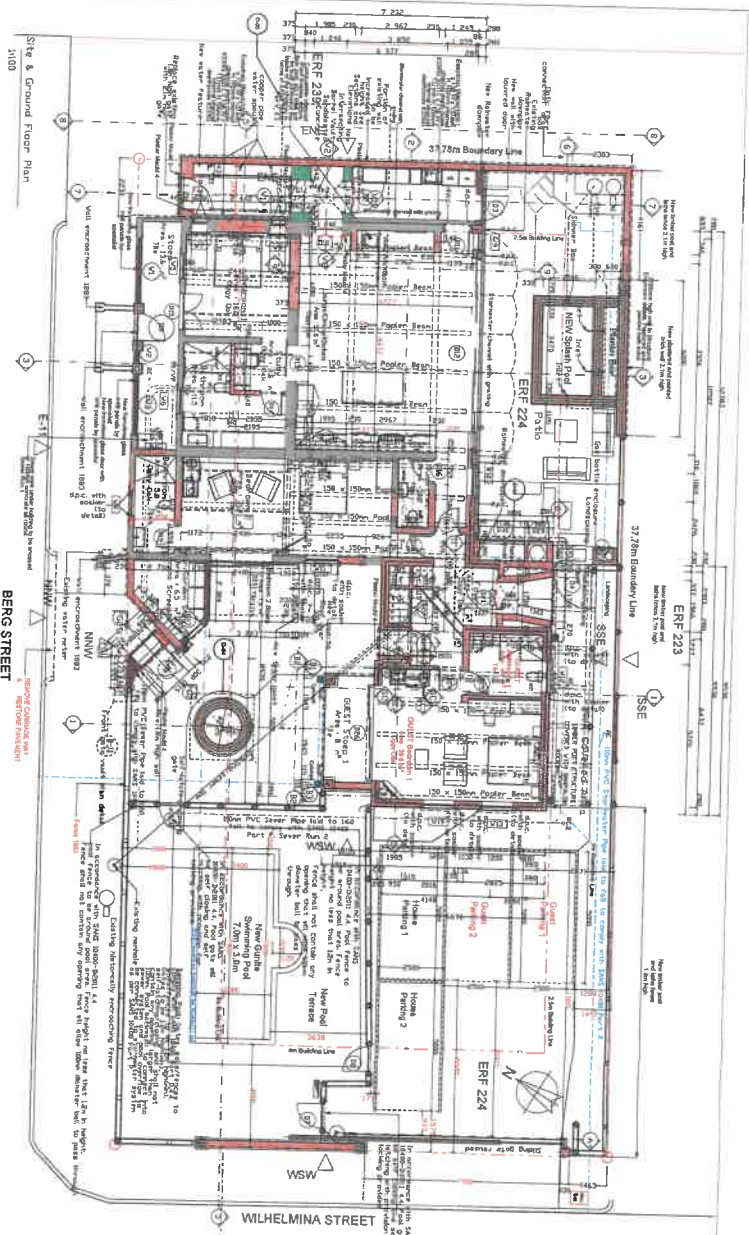


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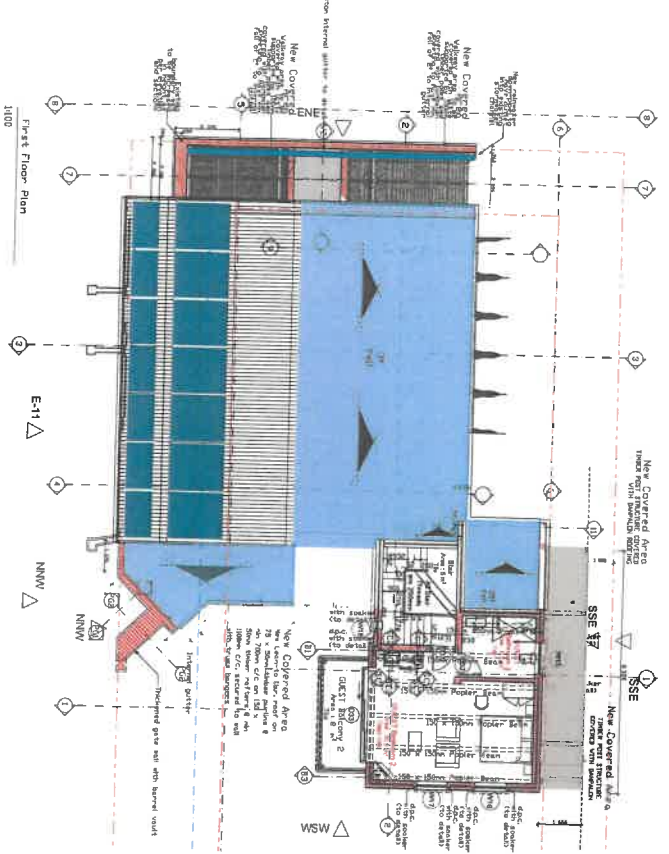
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ANNEXURE B

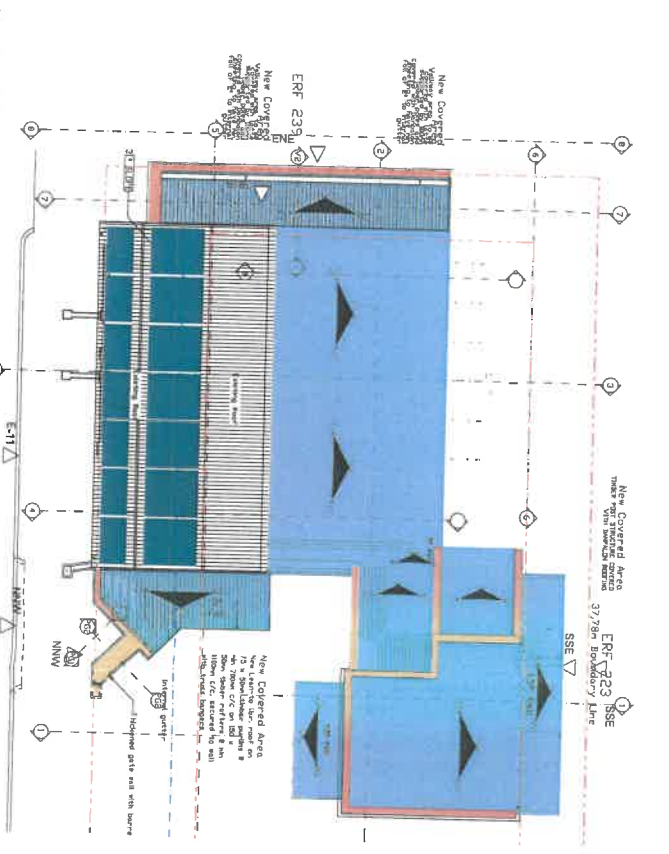
SITE PLANS



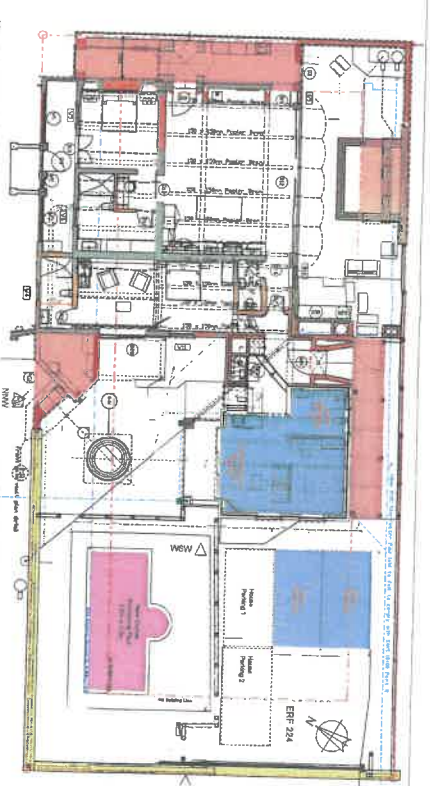
Site & Ground Floor Plan
1:100



First Floor Plan
1:100



Roof Plan - Phase 2
1:100



Site Plan for Encroachment Zones
& New Additions

ADDITIONAL AREA FOR
RECALCULATION OF
SCRUTINY FEE:

AREA SCHEDULE

ITEM	DESCRIPTION	AREA (m²)
1	HOUSE	121
2	NEW ADDITION	19
3	NEW ADDITION	19
4	NEW ADDITION	19
5	NEW ADDITION	19
6	NEW ADDITION	19
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93	NEW ADDITION	19
94	NEW ADDITION	19
95	NEW ADDITION	19
96	NEW ADDITION	19
97	NEW ADDITION	19
98	NEW ADDITION	19
99	NEW ADDITION	19
100	NEW ADDITION	19

COUNCIL SUBMISSION

REVISION

NO.	REVISION	DATE
1	Initial design	2023/07
2	Revised design	2023/07
3	Final design	2023/07

OWNER: [Signature]

ARCHITECT: [Signature]

DATE: 2023

PROJECT: [Project Name]

PROPOSED ALTERATIONS & ADDITIONS ON

SITE GROUND AND FIRST FLOOR PLANS

Drawn by: [Name]

Checked by: [Name]

Scale: 1:100

Project No: P2-2-1200

Client: [Client Name]

Address: [Address]

City: [City]

Country: [Country]

Phone: [Phone Number]

Email: [Email Address]

Website: [Website]

2023/07 P2-2-1200