



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: TP1190/2025

Our File Reference Number: Erf 13013, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

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

PER E-MAIL

Sir/Madam

**APPLICATION FOR PERMANENT DEPARTURE AND SUSPENSION OF RESTRICTIVE TITLE DEED CONDITION:
ERF 13013, DIE BOORD, 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 Land Use Planning Bylaw 2023, on Erf 13013 Stellenbosch for:

2.1.1 **Suspension of restrictive title deed condition** in terms of Section 15(2)(f) of the said Bylaw in order to allow the proposed lounge extension and carport on the common building line (adjacent to Erf 13012) from 2.3m to 0m. The restrictive title deed conditions (as held on page 3 in the title deed No. T14235/2024) to be suspended is conditions B.5(b) which reads as follows:

a) Conditions B.5(b) – Geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings mag nader as 4,6 meter van die straatlyn wat 'n grens van hierdie erf uitmaak, asook nie binne 3 meter van agtergrens of 2,3 meter van die sygrens gemeen aan enige aangrensende erf opgerig word nie.

2.2 **Permanent departure** in terms of Section 15(2)(b) of the said Bylaw, for the relaxation of the common building line (adjacent to Erf 13012) from 2.5m to 0m in order to accommodate the proposed lounge extension.

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

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

3.1 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.

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 The development and building plans be generally in accordance with the Site Development Plan & Floor Plans referenced as Drawing No: CS101, Revision No. 00, dated: 2025/10/09 and drawn by Newton Fincham Architects (Pty) Ltd, attached as **Annexure A**.

3.4 A contravention penalty in accordance with the prevailing and applicable Council Tariffs in respect of the unlawful utilisation of land is payable within 30 days from the date of final notification that the approval comes into operation and prior to the approval of any building plan.

3.5 Building plans must be submitted for all work, as well as changes of use of the existing buildings / structures and which building plan(s) must be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.

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

4.1 The proposed additions (lounge extension and carport) are residential in nature and consistent with the primary use of the property.

4.2 The encroachment of the building lines does not undermine the character of the area due to the use and the small scale thereof.

4.3 The development will not adversely affect neighbors' privacy, amenities, or property values.

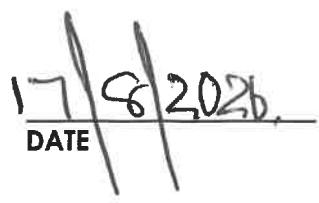
5. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.

6. Appeals must be submitted 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.

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 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.
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


DATE

