



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/9902

Our File Reference Number: Erf 887, Stellenbosch

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: Wilhelm@archtownplanners.co.za

Sir

APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE AND PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME (TECHNICAL APPROVAL) ON ERF 887, 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 the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 887, Stellenbosch:
 - 2.1.1 Removal of restrictive title deed conditions in terms of Section 15(2)(f) of the said Bylaw in order to accommodate the proposed additional dwelling, additional uses and to exceed the title deed coverage, the restrictions to be removed read as follows:
 - B.A (a) *“This erf shall be used for residential purposes only”;*
 - B.A(b) *“Only one dwelling unit, together with such outbuilding as are ordinarily required to be used therewith shall be erected on this erf”;*
 - B.A. (c) *“Not more than one third of the area of this erf shall be built upon”;*

B.A.(d) "No building or structure or any portion thereof except for boundary walls and fences shall be erected nearer than 20 feet to the street line which forms part of this erf, nor within 10 feet of the lateral boundary or rear boundary common to any adjoining erf, no building, however, to exceed two storeys in height"

B.(l) "The roofs of all building on this erf must be uniform in regard to material and style. Flat roofs for outbuildings, garages etc. will only be permitted if the main building also has a flat roof".

2.1.2 Consent Use in terms of Section 15(2)(o) of the said Bylaw in order to utilise a minor portion of the main dwelling unit on the ground floor (64m²) for home occupation practise (physiotherapy); and

2.1.3 Technical approval in terms of Section 15(2)(g) of the said Bylaw in order to construct a second dwelling unit.

BE APPROVED in terms of Section 60 of the said Bylaw for the following reasons:

- The proposal will have no impact on the existing residential character of the area as the dominant use of the property will be retained;
- Enough onsite parking has been provided for the proposed use without impacting on the residential character of the property

That such approval **BE SUBJECT** to the following conditions in terms of Section 66 of the said Bylaw:

- a) That the approval applies only to the removal of restrictions, consent use and technical approval in question, as indicated on the site plan no. 03 – 01rev2; ground floor plan no. 03 – 04rev2 and first floor plan no. 03 – 05rev2 attached **ANNEXURE C** and shall not be construed as authority to depart from any other legal prescriptions or requirements nor further amendments to the attached constitution prior to Councils approval.
- b) The proposed land use shall not create a nuisance to the neighbourhood;
- c) The residential character and façade of the dwelling house shall not be altered;
- d) No name or advertising sign shall be erected on the property, except one which complies with the Council's approved signage policy;
- e) Not more than two (2) persons in total may be employed on the property in connection with such land use;

- f) Parking for the proposed land use must be provided on-site as per attached site plan No. 03 – 01rev2 dated 17 March 2020;
- g) The land use be limited to the area marked on the attached floor layout plan No. 03 – 04rev2;
- h) Solid waste must be removed from the site to lawful solid waste disposal site in accordance with the requirements of Section 26 of the National Environmental Management Waste Act, 2008 (Act 59 of 2008);
- i) The existing water and sewer connection must be utilized for the proposed development; no upgrade in the size of the connection will be allowed unless agreed to by the Water Services Department;
- j) Development charges is payable by the developer in accordance with and as at the time of the annually approved tariffs of this Municipality, and is payable prior to the approval of any building plan application.

3. 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.

4. 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.

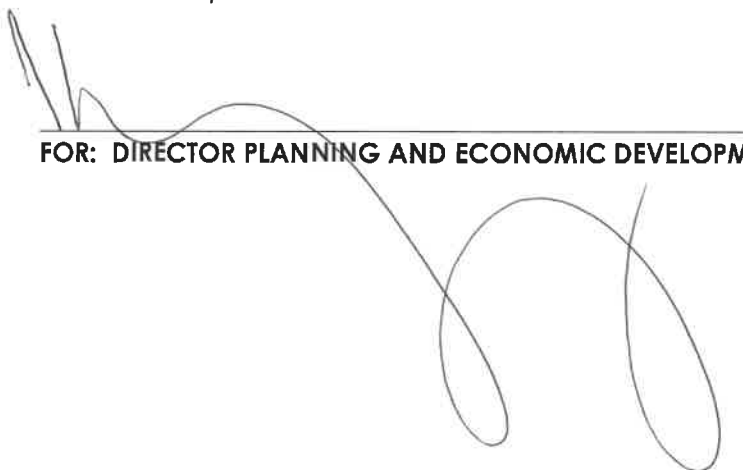
(c) The grounds of the appeal which may include the following grounds:

(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.
4. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: Lenacia.Kamineth@stellenbosch.gov.za
 5. An applicant 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.
 6. The approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).
 7. An applicant who lodge 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.
8. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
9. Kindly note the above decision is suspended, and in the case of any approval, 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

10/9/20

DATE:



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ANNEXURE C

**(REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE AND PERMISSION
REQUIRED IN TERMS OF THE ZONING SCHEME (TECHNICAL APPROVAL): ERF 887,
KRIGEVILLE, STELLENBOSCH)**

SITE DEVELOPMENT PLAN

Erf opp.: 1119 m²
 Dekking opp.: 421,5 m²
 Dekking %: 37,66%
 Grondvloer opp.: 356,06 m²
 Eerste vloer opp.: 171,04 m²
 Totaal opp.: 527,1 m²
 Toelaatbare dekking volgens Skema regulasies is 50%
 Toelaatbare dekking volgens Titelakte is 33,34%

HOME OCCUPATION
 PRACTICE
 (PHYSIOTHERAPIST)
 41 m²

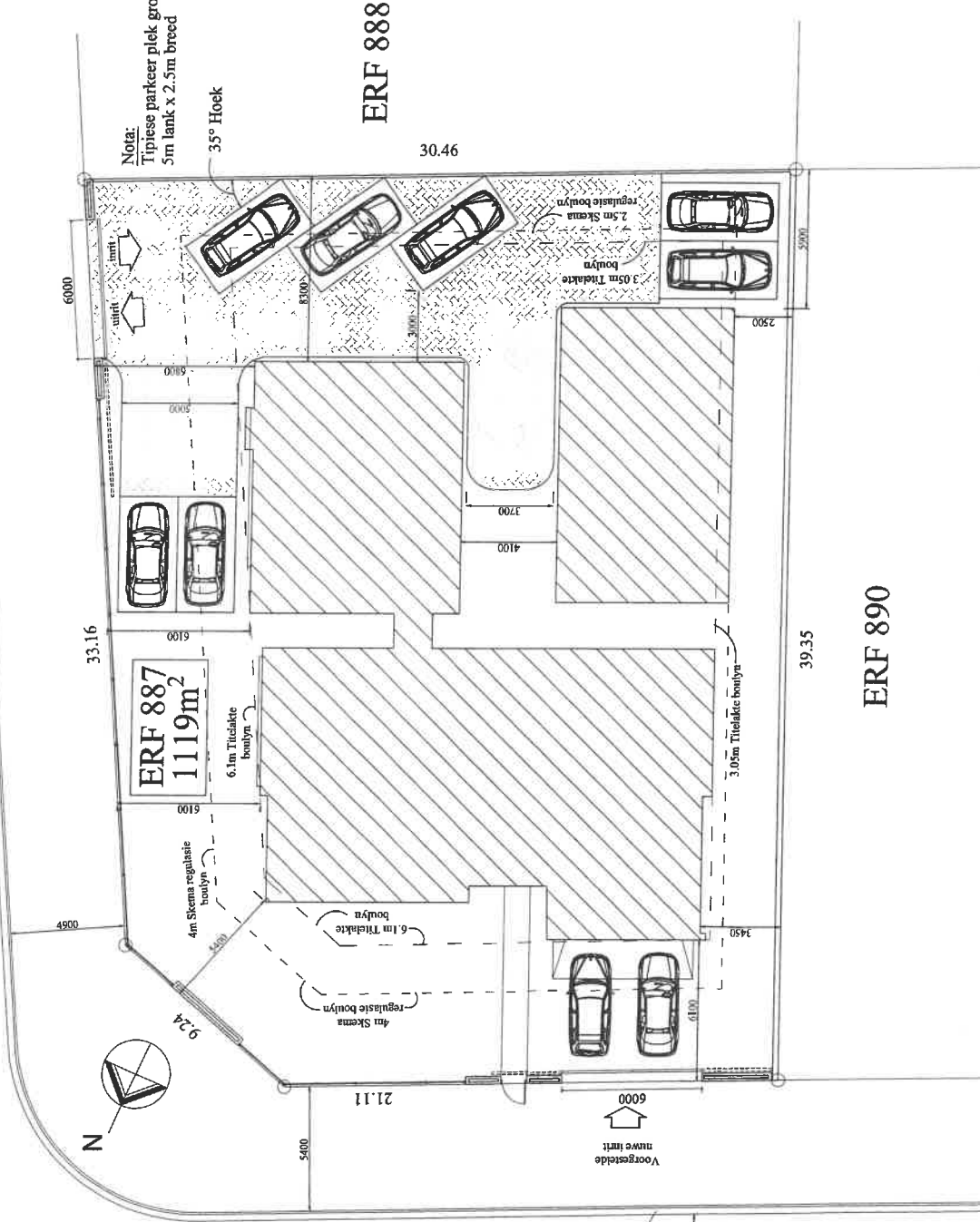
Nota:
 Tipiese parkeer plek grootte
 5m lank x 2,5m breed

35° Hoek

ERF 888

30.46

Piet Retiefstraat



Cruse straat
 (Best. teer oppervlakte)

Best. randsteen

7500

Terreinplan Skaal 1:100

VIR MUNISIPALE GOEDKEURING

REF	DATE	DESCRIPTION
1		100% final drawings approved and ready for construction
2	27/11/2019	Veranderinge aan versie en deur draaiende swak-afleesbare plan

STRUCTURAL QUALITY OF SOIL TO BE CHECKED BY STRUCTURAL ENGINEER.
 THE DESIGN AND DRAWINGS IS COPYRIGHT AND REMAINS THE PROPERTY OF THE ARCHITECT.
 ALL CHECKS ON SITE BEFORE WORKS START IN HAND.
 THIS DRAWING IS NOT TO BE SCALED.

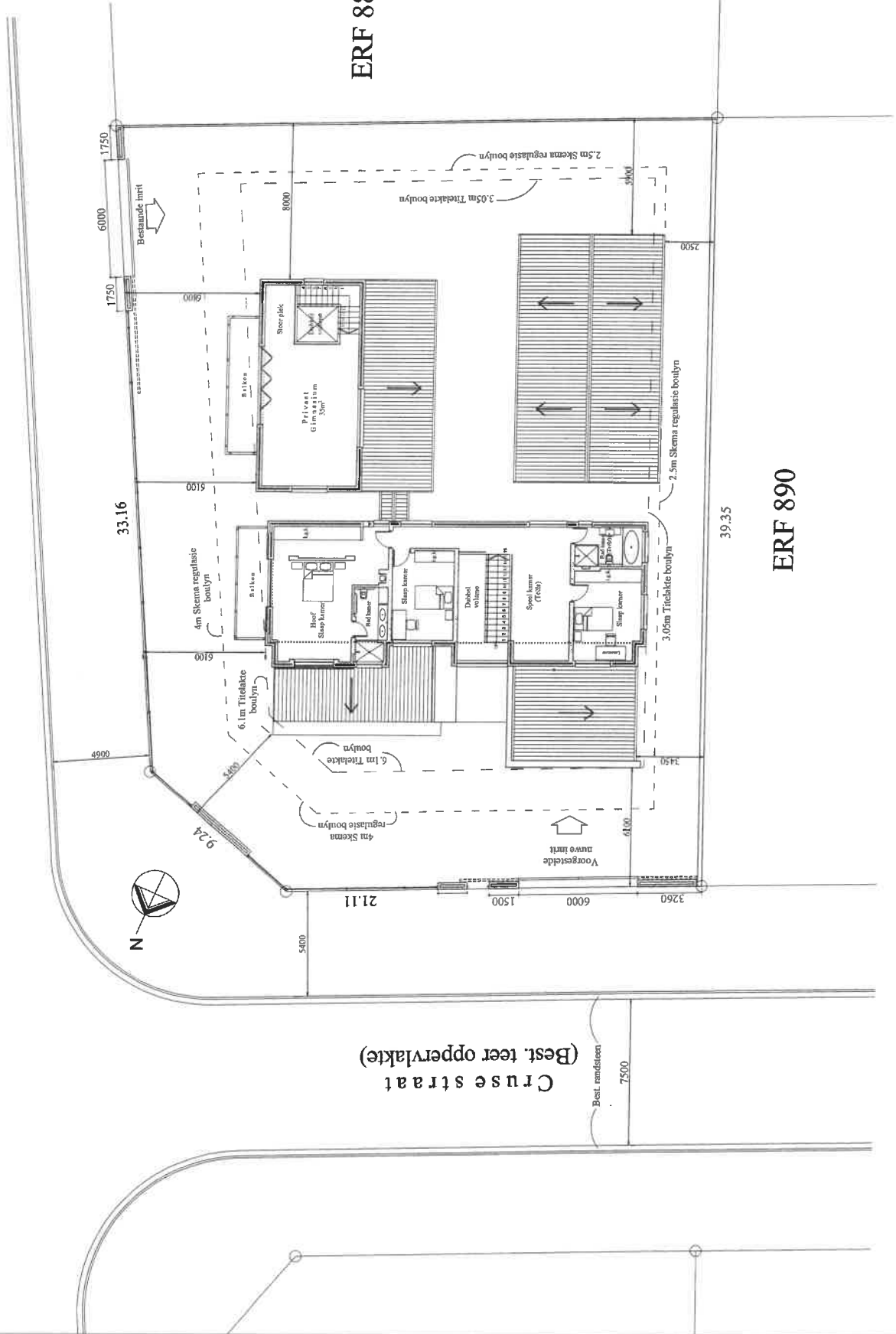
BURGER ARCHITECT
 BEN BURGER ARCHITECT
 DE STEENBERG
 800 VANE OORSTRAAT
 STELLENBOSCH
 7700
 0834 758 800
 EMAIL: EXTRA@BURGERARCHITECT.CO.ZA
 8/1/2019

PROJECT TITLE	Huis Kruger
PROJECT DESCRIPTION	Nuwe woning vir Mnr. P. Kruger Erf 887 Piet Retief straat no. 7 Krugerville Stellenbosch
OWNER	Ben Burger
DESIGNER	Ben Burger
DATE	17/03/2020
SCALE	1:100
PROJECT NUMBER	2450
REV. DRAWN	03 - 01 rev2

S.A.C.A.P
 7839

Piet Retiefstraat

Crusestraat
(Best. teer oppervlakte)



ERF 888

ERF 890

NO	DATE	REVISION
1		Hoof plan van die huis en alle detail tekening
2	27/11/2019	Veranderinge aan tekening as gevolg van die skema plan

QUALITY OF SOIL TO BE CHECKED BY STRUCTURAL ENGINEER. THE ENGINEER'S REPORT MUST BE SUBMITTED TO THE ENGINEER OF RECORD. THE ENGINEER OF RECORD MUST BE A REGISTERED PROFESSIONAL ENGINEER. THE ENGINEER OF RECORD MUST BE A REGISTERED PROFESSIONAL ENGINEER. THE ENGINEER OF RECORD MUST BE A REGISTERED PROFESSIONAL ENGINEER.

BEN BÜRGER ARCHITECT
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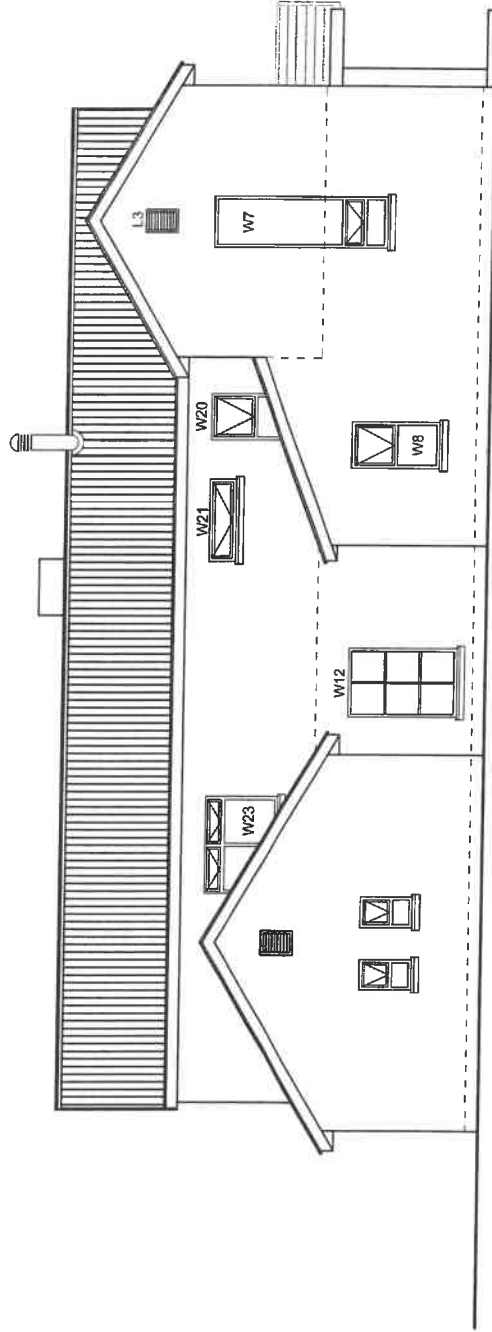
Huis Kruger	
Nuwe woning vir Mnr. P. Kruger	
Erf 887	
Piet Retief straat no. 7	
Krugerville	
Stellenbosch	
Eerstevloer Plan	
DESIGNED BY	SACAP 7839
DRAWN BY	Ben Burger
SCALE	1:100
DATE	17/03/2020
PROJECT NO.	2450
REV.	03 - 05 rev2

VIR MUNISIPALE GOEDKEURING

Eerstevloer plan skaal 1:100



Noord-Wes Aansig (Cruse straat)
Skaal 1:100



Suid-Oos Aansig Skaal 1:100

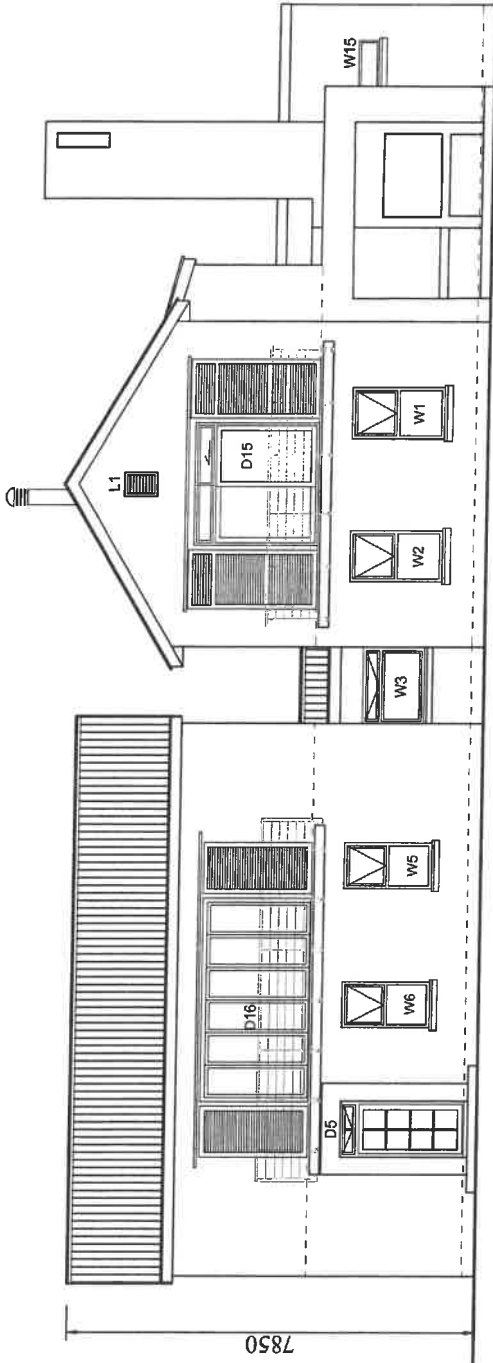
no.	date	description
1	20/02/2019	Final drawing
2	27/11/2019	Revised drawing

THE QUALITY OF SOIL TO BE CHECKED BY STRUCTURAL ENGINEER.
THE DESIGN OF THIS DRAWING IS CONSIDERED AND REMAINS THE RESPONSIBILITY OF THE ARCHITECT AND REMAINS UNRELATED TO THE QUALITY OF THE SOIL TO BE CHECKED BY THE STRUCTURAL ENGINEER.
THE ARCHITECT IS NOT RESPONSIBLE FOR THE QUALITY OF THE SOIL TO BE CHECKED BY THE STRUCTURAL ENGINEER.

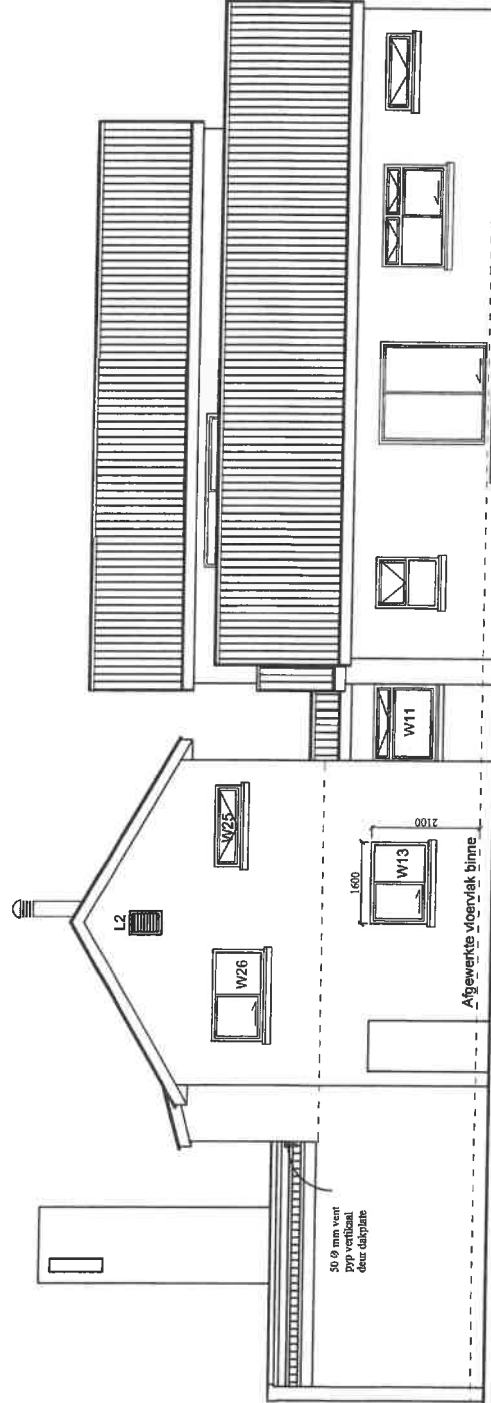
BEN BURGER ARCHITECT
CELL: 081 751 1111
EMAIL: B@BENBURGERARCHITECT.COM
STELLERSBOSCH, S.A. 7839

PROJECT TITLE	PROJECT DESCRIPTION	DRAWING LOCATION	DRAWING NO.	DATE	SCALE	PROJECT NUMBER
Huis Kruger	Nuwe woning vir Mnr. P. Kruger Erf 887 Piet Retief straat no. 7 Krageville Stellenbosch	Aansigte 1	Ben Burger	7839	1:100	2450
				17/03/2020		03 - 07 rev2

VIR MUNISIPALE GOEDKEURING



Noord-Oos Aansig (Piet Retief straat)
Skaal 1:100



Suid-Wes Aansig Skaal 1:100

Item	Unit	Description
1		Bloekhuis by uitlig gelykig maak, evalueer makke wysigings
2		Verskopskaap aan voerleer en deure studeer maak deeltreke plan 27/11/2019

MINIMUM QUALITY OF SOIL TO BE CHECKED BY STRUCTURAL ENGINEER
 IN ORDER TO OBTAIN AN APPROVED COMPRISE APPROBATION THE PROJECTOR OF THIS DRAWING MUST BE A REGISTERED ARCHITECT OR BE CHECKED AND SET ENDORSE IN WRITING BY A REGISTERED ARCHITECT BEFORE ANY START TO BE SOILS.

BEN BÜRGER ARCHITECT
 DE STRANDS
 4 THANE TYPINGS
 JELLENBURG, CA
 CELL: 082 784 0124
 EMAIL: B.BURGER@GMAIL.COM
 B.C. 1874

PROJECT TITLE	PROJECT DESCRIPTION	DRAWING DESCRIPTION	DRAWING CHECKED	SCALE	PROJECT NUMBER	DATE
Huis Kruger	Nuwe woning vir Mnr. P. Kruger Erf 887 Piet Retief straat no. 7 Kriegerville Stellenbosch	Aansigte 1	Ben Burger	1:100	2450	17/03/2020
			SACAP			03 - 08 rev2

VIR MUNISIPALE GOEDKEURING