

CERTIFIED MAIL

September 7, 1989

Ms. Deborah R. Doyle  
395 Wallace Rd., Suite 202  
Nashville, TN 37211

Dear Mrs. Doyle:

Ohana Dwelling Application (OD 89-115)  
Deborah R. Doyle, et al  
TMK: 8-2-09:58, Lot 5-A

This is in reference to ohana dwelling application and related submittals for proposed duplex conversion received March 20, 1989.

Section 25-271 (3), Article 25, Regulations for Ohana Dwelling, of the Zoning Code states "That at the time of application for a County building Permit for a second dwelling unit, the subject lot or land is not restricted by a recorded covenants or a recorded lease provision (in a lease having a term of not less than fifteen years) which prohibits a second dwelling unit."

The copy of Warranty Deed notarized on December 19, 1988, recorded in Liber 22586 at Page 110, Exhibit "A" is subject to covenants, conditions, restrictions, reservations, agreements, obligations and other provisions set forth in the declaration dated August 21, 1978, recorded September 8, 1978 in Liber 13127, page 282, in the Bureau of Conveyances. The recorded copy of Declaration of Covenants, Conditions, and Restrictions recorded September 8, 1978 in Liber 13127, Page 212, states:

"G. Single-Family Residential. No improvement except a Single-Family Dwelling and such outbuildings as are usually accessory thereto shall be constructed, placed or permitted to remain on any lot. The following restrictions shall apply specifically to such lots:

(i) Minimum Area. Each dwelling constructed shall have roofed floor area (exclusive of garages, carports, or other outbuildings) of not less than 920 square feet and

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shall also have, as an accessory thereto, a carport or garage unless otherwise permitted by the Committee or Declarants because of terrain problems."

The Planning Department interprets the foregoing condition as precluding the request to construct an ohana dwelling (duplex conversion) on the subject parcel. Therefore, we regret to inform you that your request to construct an ohana dwelling on the subject parcel is denied.

The Director's decision is final, except, however, you may take steps with the covenantees to have the restriction/condition removed. Alternatively, within thirty (30) days after receipt of this letter, you may appeal the decision in writing to the Board of Appeals in accordance with the following procedures:

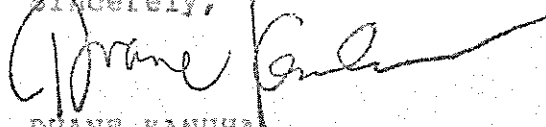
1. A non-refundable filing fee of one hundred dollars (\$100).
2. Ten (10) copies of the petition for the appeal incorporating the following:
  - a. The name, address, and telephone number of the appellant and the name, title, and address of the appellant's representative.
  - b. A description of the property involved in the appeal, including the tax map key number of the property, and the appellant's interest in the property.
  - c. A plain statement of the nature of the appeal and the relief requested.
  - d. A statement explaining:
    - 1) How the decision appealed from violates the law; or
    - 2) How the decision appealed from is clearly erroneous; or
    - 3) How the decision appealed from was arbitrary or capricious, or characterized by an abuse of discretion or clearly unwarranted exercise of discretion.
  - e. A clear and concise statement of any other relevant facts.

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The denial of your ohana dwelling application was due to a deed restriction that only one single family dwelling may be constructed on the property. Therefore, it should be pointed out that even if the Board of Appeals disposes the petition in your favor, its decision is meaningless.

Should you have any further questions, please feel free to contact this office at 961-8288.

Sincerely,



DUANE KANUHA  
Planning Director

WRY:etn

cc: Chief Engineer, DPW  
Chief Sanitarian, DOM