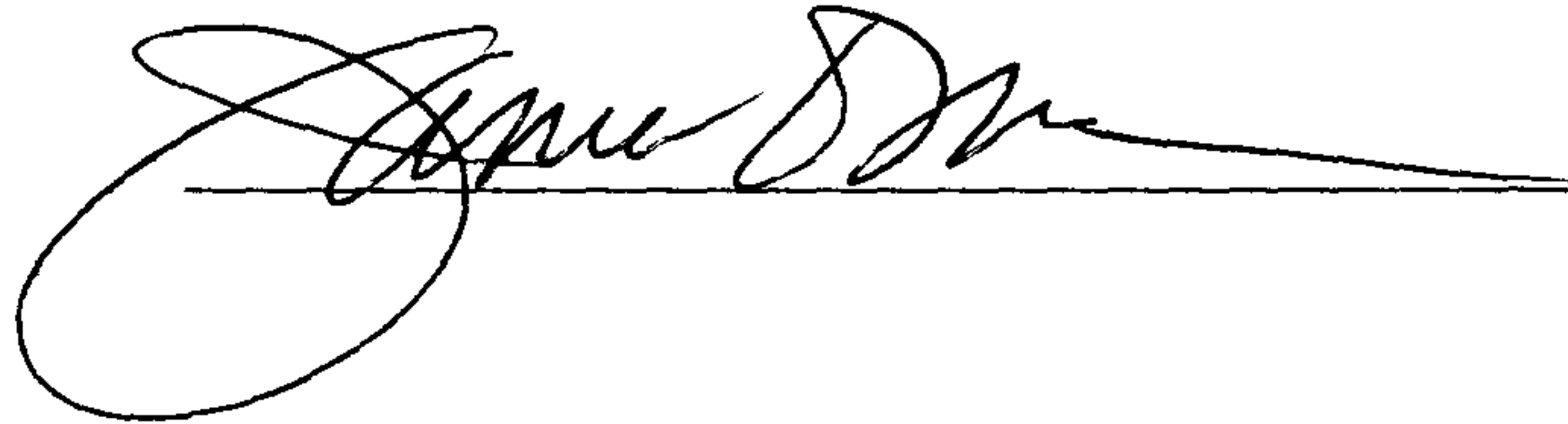


VARIANCE OF SET-BACK LINE

I, THE UNDERSIGNED, AM ONE OF THE ARCHITECTURAL CONTROL COMMITTEE MEMBERS UNDER THE DECLARATION OF PROTECTIVE COVENANTS, & RESTRICTIONS OF SUMMERCHASE SUBDIVISION, PHASE TWO RECORDED INSTRUMENT # 1999-13859 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA. UNDER SAID COVENANTS I HAVE THE POWER TO AMEND SET-BACK LINES AND RESTRICTIVE COVENANTS IN SAID SUBDIVISION.

I HAVE SEEN THE ATTACHED SURVEY DATED NOVEMBER 19, 2002 , AND PREPARED BY JOSEPH A. MILLER ON LOT 86 SUMMERCHASE, PHASE 2, AS RECORDED IN MAP BOOK 24 PAGE 47 IN THE OFFICE OF THE JUDGE OF PROBATE IN SHELBY COUNTY, ALABAMA.. UNDER THE TERMS OF THE COVENANTS, THE ARCHITECTURAL CONTROL COMMITTEE HAS THE POWER AND DOES HEREBY GRANT A VARIANCE FROM THE SET-BACK LINE TO PERMIT THE IMPROVEMENTS ON SAID LOT TO BE LOCATED AS SHOWN IN THE ATTACHED SURVEY.

ARCHITECTURAL CONTROL COMMITTEE
OF SUMMERCHASE

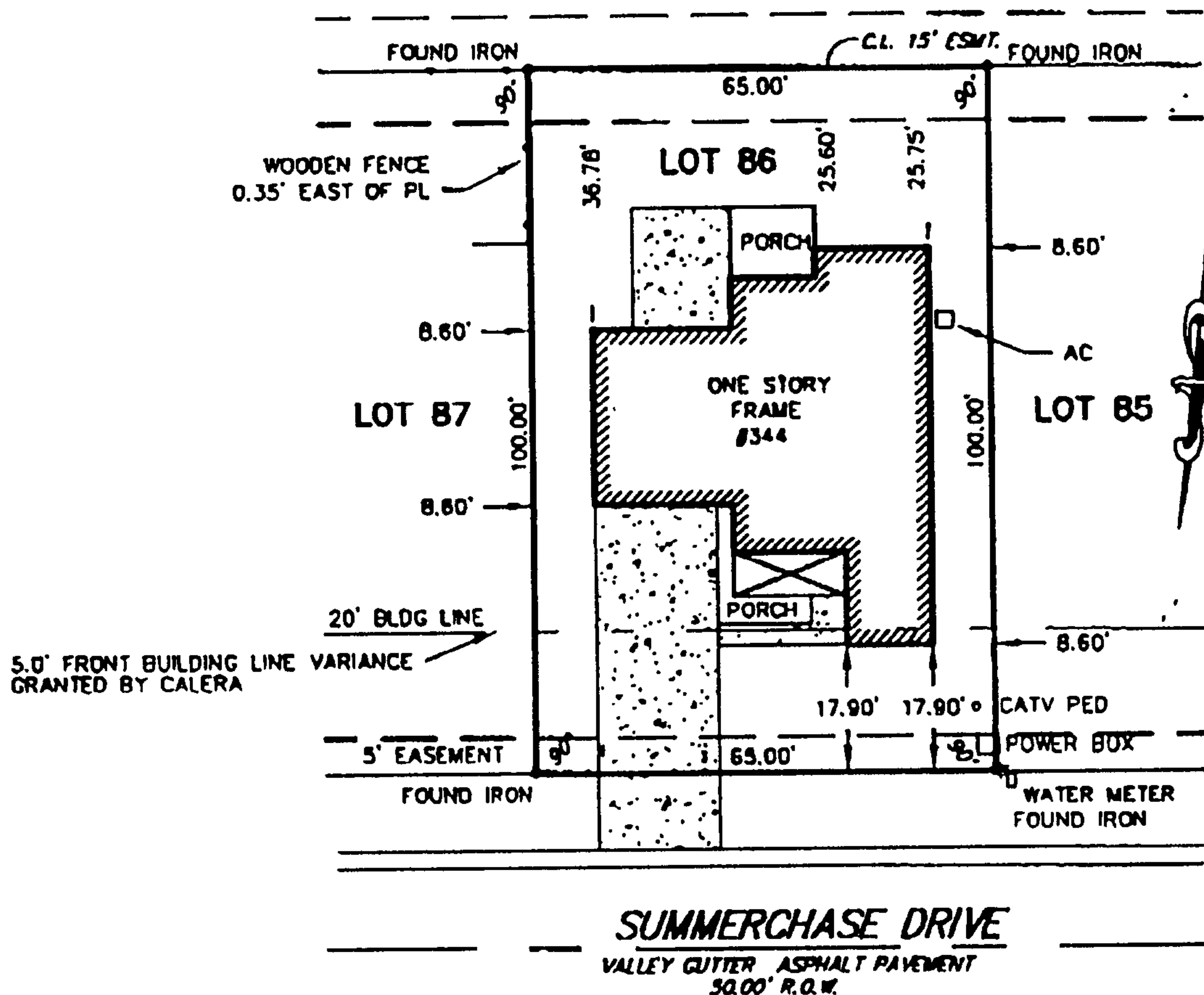


SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 22ND DAY OF NOVEMBER, 2002



NOTARY PUBLIC

MY COMMISSION EXPIRES: 2/04/04



STATE OF ALABAMA
JEFFERSON COUNTY

I, JOSEPH A. MILLER, IN A REGISTERED CIVIL ENGINEER AND LAND SURVEYOR OF BIRMINGHAM, ALABAMA DO HEREBY CERTIFY THE FOREGOING TO BE A TRUE AND CORRECT MAP OR PLAT OF THE SURVEY MADE BY ME AND DESCRIBED OF:

LOT 86 OF SUMMERCHASE PHASE 2

AS RECORDED IN MAP BOOK 24, PAGE 47, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA

THE SOLE PURPOSE OF THIS SURVEY IS FOR USE AS A MORTGAGE LOAN CERTIFICATE SURVEY OR MORTGAGE LOAN CLOSING SURVEY SHOWING THE EXISTENCE OR NONEXISTENCE OF ENCROACHMENTS INTO OR OUT OF SAID PROPERTY. I HEREBY CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF; THAT THE BUILDINGS NOW ERECTED ON SAID PROPERTY ARE WITHIN THE BOUNDARIES OF SAME EXCEPT AS MAY BE SHOWN; THAT THERE ARE NO ENCROACHMENTS FROM ADJOINING PROPERTY EXCEPT AS MAY BE SHOWN; THAT THERE ARE NO RIGHTS OF WAY, EASEMENTS, OR JOINT DRIVEWAYS OVER OR ACROSS SAID LAND VISIBLE ON THE SURFACE EXCEPT AS MAY BE SHOWN; THAT THERE ARE NO ELECTRIC OR TELEPHONE WIRES (EXCLUDING SERVICE WIRES THAT SERVE THE PREMISES ONLY) OR STRUCTURES OR SUPPORTS THEREFOR, INCLUDING POLES, ANCHORS, AND GUY WIRES, ON OR OVER SAID PREMISES EXCEPT AS MAY BE SHOWN; THAT I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAPS AND FOUND THAT THIS PROPERTY IS NOT LOCATED IN A DESIGNATED FLOOD HAZARD AREA ACCORDING TO FEMA PANEL NUMBER 010191 0135 B DATE: SEPTEMBER 16, 1982, THE PREMISES SHOWN AND DESCRIBED HEREON ARE SUBJECT TO ANY EASEMENTS, ZONING RESTRICTIONS, RIGHT-OF-WAYS, RESTRICTIONS, AND SETBACK LINES WHETHER OR NOT THEY MAY BE SHOWN ON THE PLAT HEREON OR WHETHER OR NOT RECORDED IN THE PUBLIC RECORDS. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED FOR ANY LOSS THAT MAY BE ASSOCIATED WITH THE EXISTENCE OF ANY OF EASEMENTS OR RESTRICTIONS.

THE CORRECT STREET ADDRESS IS: 344 SUMMERCHASE DRIVE, CALERA, AL 35010

FEMA PANEL: / 010191 0135 B DATE: SEPTEMBER 16, 1982
DATE: NOVEMBER 20, 2002
INVOICE NO: 27850 ATTORNEY: COURTNEY MASON
ORDERED BY: WILLIAM PITTMAN REMAX
OWNER: JAMES & DEBI LUTHER
FIELD FILE: SUMCH06.025
FILE: LOT 86 (PLOTS/FOUNDATIONS & CERTS)
SURVEYED BY: JAMES 11.19.02 DRAWN BY: BSP

JOSEPH A. MILLER, II, P.E. & L.S. NO 17054
3020 7TH AVENUE SOUTH
BIRMINGHAM, ALABAMA 35233
TELEPHONE (205) 320-0114

PREPARED BY
**MILLER, TRIPLETT
AND MILLER ENGINEERS, INC.**



SCALE: 1" = 30'

AFFIDAVIT AT TO MODIFIED FRONT SET BACK LINE

I, the undersigned builder acknowledges that the house constructed on Lot 86 Carrington, Phase 2, Map Book 24 Page 47 in the Probate Office of Shelby County, Alabama, and is also known as 344 Summerchase Drive, complies with the City of Calera's RG zoning regulations. Any home constructed in Summerchase with a garage is subject to the 10 foot setback as granted by the city in lieu of the typical 20 foot front setback. Homes built in Summerchase that have garages are permitted to have a 10 foot front setback as required by the city's RG zoning regulations and confirmed with Mr. Mike Wood with the City of Calera. The house at the above referenced address does have a covered garage so the applicable front set back line would be 10 feet.

The Architectural Review Committee has also granted a variance for the set back line to allow the house located on Lot 86 Carrington, Phase 2, to be located on the site as shown in the survey prepared by Joseph A. Miller and dated November 19, 2002.

Lowery & Sons Building and Development, Inc.


John Lowery, Secretary/Treasurer

Sworn to and subscribed before me this 22nd day of November, 2002



Notary Public

My Commission expires: 2/4/04

City of Calera

GEORGE W. ROY
Mayor

LINDA STEELE
City Clerk

JIM FINN
Police Chief

DAVID L. JONES
Public Works Director

MICHAEL WOOD
Building Official

MIKE KENT
Zoning Official



COUNCIL MEMBERS:

ARTHUR DAVIS

LEMOYNE GLASGOW

WINFRED JONES

BOBBY PHILLIPS

TOMMIE L. CADLE MORRISON

April 24, 2002

To Whom It May Concern:

Summerchase Subdivision is governed by the old RG regulations of the City of Calera. We have attached a copy showing where the front setbacks can be moved. Please refer back to these regulations for any future problems that may arise.

Thank You,

Mike Wood

Mike Wood

POST OFFICE BOX 187 • CALERA, ALABAMA 35040

OFFICE (205) 668-3638 • MAYOR (205) 668-3500 • FAX (205) 668-0921 • Email: www.cityofcalera.org

"Large enough to be progressively aware, yet small enough to still care"

Minimum Yard Setbacks:

Front:	Twenty feet* (20')
Rear:	Twenty-five feet (25')
Side:	Zero feet** (0')

- * Undedicated Road: Forty-five feet (45') from the centerline
 - * If enclosed garage provided with unit, Front: Ten feet (10')
 - ** See Article IV, Section 5.2, Residential Uses, Garden Home Illustration.
- Corner Lots: Shall have the same setbacks on both streets or roads.

Minimum Floor Area: One story - 1,000 square feet
Two story - 850 square feet on first floor

Side yards are subject to the following building separation provisions:

1. Garden Homes shall be located so as to permit a minimum of ten feet (10') between homes measured from the closest outside wall to closest outside wall.
2. No building in an RG District shall be located less than twenty-five feet (25') from any boundary of the RG Development abutting single family residential zoning districts.

Eave Overhangs: Cornices or eaves may extend into adjoining property when allowed by properly executed and recorded covenants between property owners. All such cornices and eaves shall be fire-proof.

Requirements for non-sewered development:

In the event, a site is to be developed with septic tank facilities, the developer/builder shall produce an Engineering Report, for the perusal of the Planning Commission, City of Calera, prepared by a State of Alabama Registered Professional Engineer. This report shall contain all the relevant information, on the site, pertaining to the soil conditions, soil capacity, percolation study, proximity to flood plains, etc. The developer/builder shall be required to produce a permit from the Shelby County Health Department. The City of Calera shall issue a permit for the development of garden homes, to the developer/builder in concern, based on the findings and recommendations of the Shelby County Health Department. In accordance with these recommendations, the density, unit size and other relevant requirements for garden homes shall be provided by the City of Calera to the developer/builder.

10.05 Buffer Requirements

Unless otherwise stipulated, when any lot is to be developed for any use other than single family residential and such lot abuts a lot occupied or zoned for single family residential development, a minimum buffer yard width of twenty-five feet (25') shall be required. [See Article VII, Supplemental Regulations, subsections 13.00 through 13.03.]

10.06 Additional Regulations (When Applicable)

- A. No fence shall be permitted forward of the front corner of the house; and, other fences shall not exceed seven feet (7') in height.
- B. Due to the zero lot line, easements or comparable access rights shall be included in the deed so as to permit maintenance on each home.
- C. All utilities shall be placed underground.
- D. There shall be two (2) paved, off-street parking spaces for each unit.
- E. Customary accessory buildings or structures, one (1) per parcel or lot, shall not exceed two hundred (200) square feet.

Section 11.00 RT Residential Town-house District

11.01 Intent

To provide areas suitable for Town-house Residential Dwellings

11.02 Uses Permitted

- A. Residential Uses
 - 1. Customary Accessory Structures provided they are located in the rear yard only
 - 2. Town-house Residential Dwellings
- B. Institutional Uses
 - 1. Public Utility Services
- C. Temporary Uses
 - 1. Garage Sales [Subject to Article VII, Section 9.00]

Section 10.00 RG Residential Garden Home District**10.01 Intent**

To provide areas suitable for the development of residential garden homes along with selected institutional and commercial uses which are integrally related to residential neighborhoods.

10.02 Uses Permitted

A. The following uses shall be permitted in the RG Garden Home District:

1. **Residential Uses**

- a. Accessory Structures or Buildings
[Subject to Article VII, Section 6.00]
- b. Residential Garden Homes

2. **Institutional Uses**

- a. Home Instruction
- b. Public Utility Services

3. **Temporary Uses**

- a. Garage or Yard Sales
[Subject to Article VII, Section 9.00]

10.03 Special Exception Uses

A. The following uses may be permitted subject to a special exception use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued. [See Article VIII.]

1. **Commercial Uses**

- a. Home Occupations
[Subject to Article VIII, Section 9.00]

10.04 Area and Dimensional Regulations

Except as may provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required:

Minimum Lot Area: 4,000 square feet
Minimum Lot Width: Forty feet (40') at building line