

AFFIDAVIT RE:
SETBACK VARIANCE AND UTILITY EASEMENT

The Setback Variance on the following described property:

Lot 36 according to the Resurvey of Carrington Sector II, as recorded in
Map Book 26, Page 141 in the Probate Office of Shelby County, Alabama.

has been approved by the City of Calera as shown in the letter from the City of Calera attached hereto and incorporated herein by reference. The house has a garage on the front of the house which reduces the required setback to 10 feet per the letter from Foresight Development, the developer of the Subdivision.

Additionally, the attached survey of the above referenced property prepared by J. Albert Hill dated July 27, 2002 shows a 15 foot utility easement on the South side of the lot. From personal knowledge as the builder of the improvements on the above described lot there are no utilities located within the 15 foot utility easement. The improvements on lot 36 are serviced by utilities in the right of way of Carrington Lane.

Denman Builders, Inc..


Rodney Denman, President

Sworn to and subscribed by before
me this 30th day of July, 2002.


Notary Public

COURTNEY H. MACON, JR.
MY COMMISSION EXPIRES MARCH 5, 2003

VARIANCE FOR CARRINGTON

I, the undersigned developer and the Architectural Review Committee acknowledges that the house constructed on Lot 36 Carrington, Sector II/243 Carrington Lane, complies with the City of Calera's RG zoning regulations. Any home constructed in Carrington without a garage is subject to the 15 foot setback as granted by the city in lieu of the typical 20 foot front setback. Homes built in Carrington 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 Architectural Review Committee hereby grants a variance for the set back line to allow the house located on Lot 36 Carrington, Sector II to be located on the site as shown in the survey prepared by J. Albert Hill and dated July 27th, 2002.

Foresight Development
Architectural Review Committee & Developer



Bobby L. Byrum

ARTICLE VII**SUPPLEMENTAL REGULATIONS****Section 1.00 Area Modification for Lots of Record**

The Calera Zoning Board of Adjustment shall approve all proposed development involving non-conforming lots of record. [See Article V, General Regulations, Section 2.00 and subsection 2.01]

Section 2.00 General Yard Requirements

A. Every part of a required yard shall be open to the sky, unobstructed by any structure or part thereof, and, unoccupied for storage, servicing or similar uses, except as provided for herein.

B. More than one (1) multiple dwelling, office, institutional, industrial or public building may be located upon a lot or tract of land, but such dwellings shall not encroach upon the front, side or rear yards required by the district regulations.

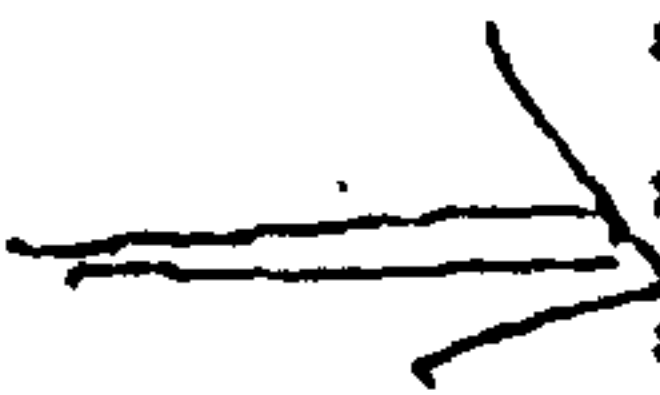
C. In certain cases the Building Official can modify the front and the rear yard requirements to a point of no more than (5) five feet, in any district. A distance over this will have to go to the Board of Adjustments and Appeals for a variance approval, but the side yards must meet the requirements for the district in question.

2.01 Front Yard Modifications

- A. Where forty percent (40%) or more of the frontage on the same side of the street between two (2) intersecting streets is presently developed or may hereafter be developed with buildings that have (with a variation of five feet (5') or less) a front yard greater or lesser in depth than herein required, new buildings shall not be erected closer to the street than the average front yard so established by the existing dwelling.
- B. Where forty percent (40%) or more of the frontage on one (1) side of a street between two (2) intersecting streets is presently developed or may hereafter be developed with buildings that do not have a front yard as described below. The following shall apply:
1. Where a building is to be erected on a parcel of land that is within one hundred feet (100') of existing buildings on both sides, the minimum front yard shall be a line drawn between the closest front corners of the adjacent buildings
 2. Where a building is to be erected on a parcel of land that is within one hundred feet (100') of an existing building on one (1) side only, such building may be erected as close to the street as the existing building
- C. Through lots shall provide the required front yard on both sides.
- D. Corner lots shall provide a front yard on each street.

Minimum Yard Setbacks:

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

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- * 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.

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.]

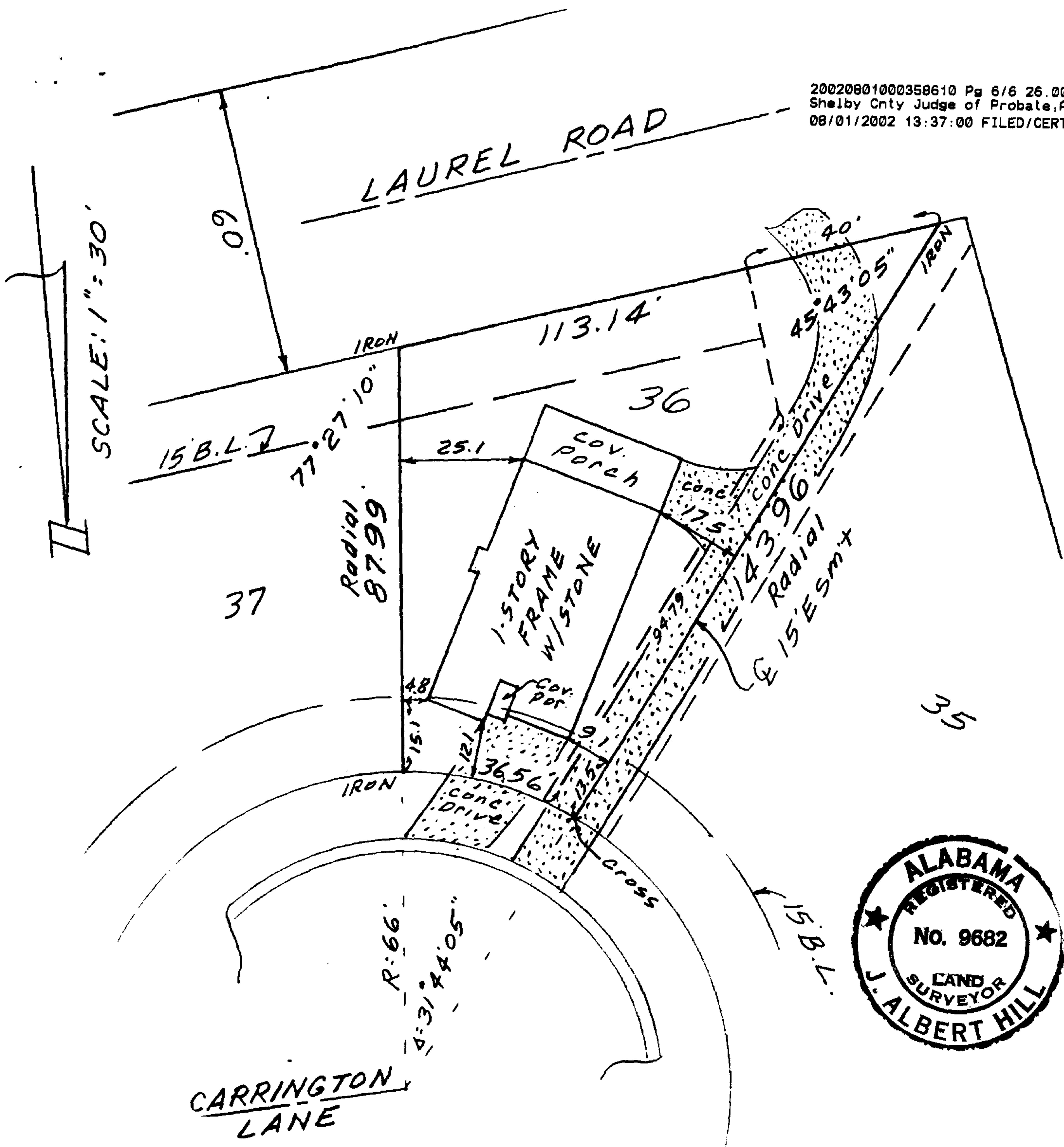
1. Commercial Uses

- 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



STATE OF ALABAMA
JEFFERSON COUNTY

I, J. Albert Hill, a Registered Land Surveyor in Birmingham, Alabama, 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 and that this is a true and correct map of:

Lot 36 Block - RESURVEY OF CARRINGTON SECTOR - II

as recorded in Map Book 26 Page 141 in the Probate Office of SHELBY County, Alabama. The correct street address is 243 CARRINGTON LANE according to my survey this 27TH day of JULY 2002

Purchaser: SPARKS

HILL SURVEYING COMPANY
2301-A Second Avenue North
Birmingham, Alabama 35203
205-326-3388

FLOOD ZONE "C"

J. Albert Hill
J. Albert Hill
Alabama Reg. No. 9682

Invoice No. 020656