

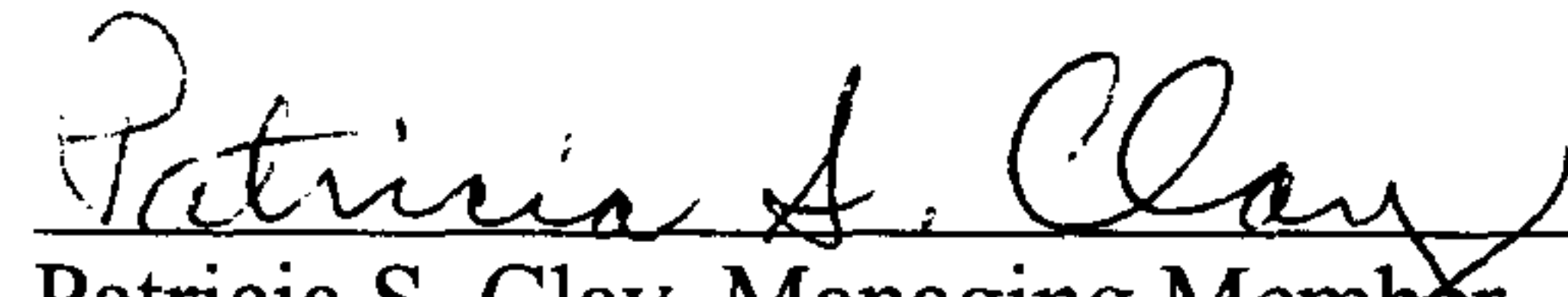
AFFIDAVIT RE:
SETBACK VARIANCE

The Setback Variance on the following described property:

Lot 639 Final Plat Riverwoods Sixth Sector, as recorded in Map Book 32, Page 140, in the Probate Office of Shelby County, Alabama.

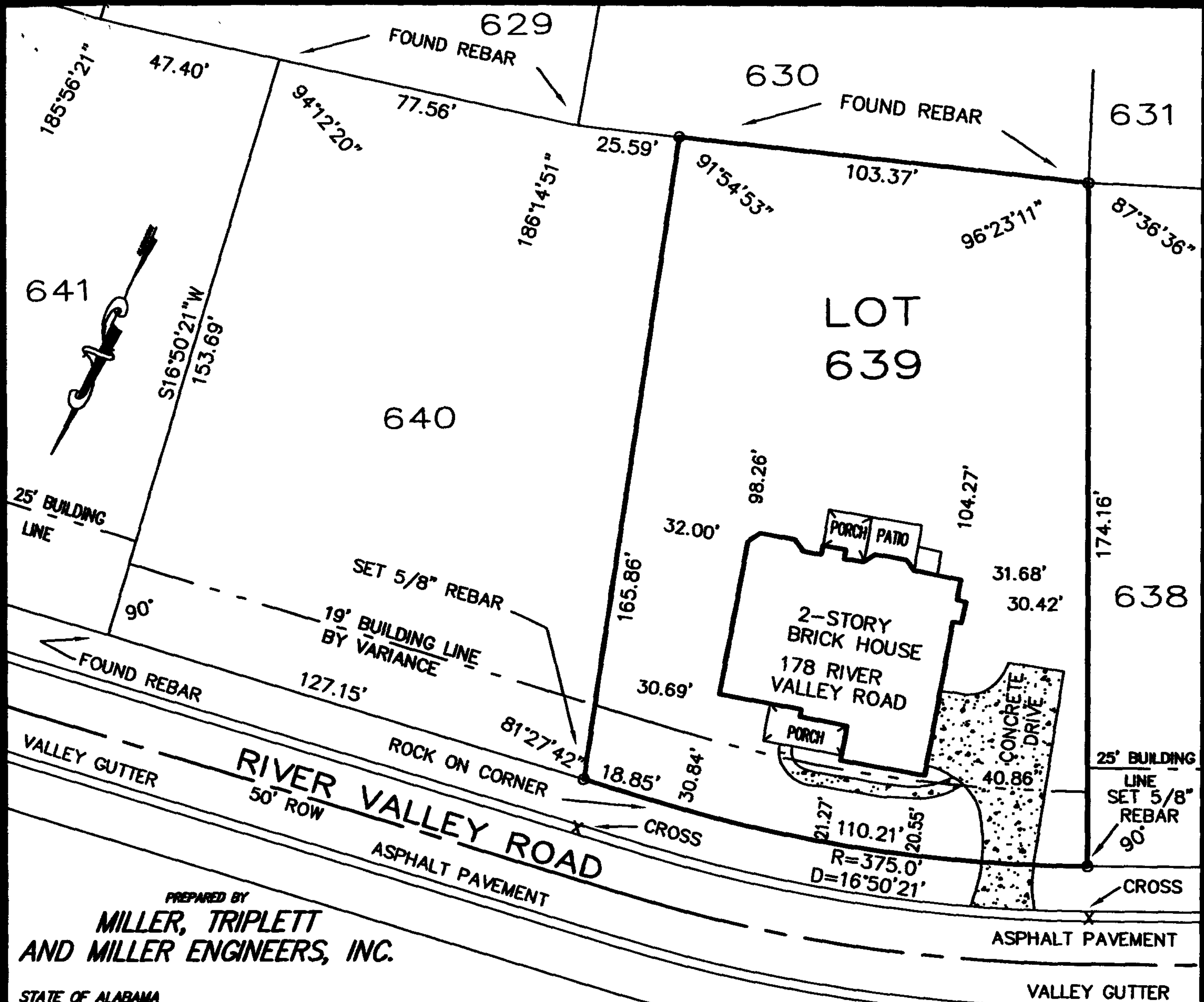
has been approved by the City of Helena as shown in the minutes of the City of Helena attached hereto and incorporated herein by reference. The variance changes the set back line on the front of the lot from 25 feet to 19 feet to permit the improvements as built on this lot.

Sunburst, LLC


Patricia S. Clay, Managing Member

Sworn to and subscribed by before
me this 21st day of September, 2004.


Notary Public



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

STATE OF ALABAMA
 JEFFERSON COUNTY

I, JOSEPH A. MILLER, III, 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 639 OF THE FINAL PLAT OF RIVERWOODS 6TH SECTOR

AS RECORDED IN MAP BOOK 32, PAGE 140, 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 DRIVENWAYS 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 010294 0002 B DATED: JANUARY 6, 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: 178 RIVER VALLEY ROAD, HELENA, ALABAMA 35080

FEMA PANEL: # 010294 0002 B DATED: JANUARY 6, 1982

DATE: SEPTEMBER 11, 2004

INVOICE NO. 31542

ATTORNEY: COURTNEY MASON

ORDERED BY: PAT CLAY-09-08-04

OWNER: HOOD

FIELD FILE: RW6L639CT.ASC FILED: LOT 639/CERTS/PLOTS/FOUNDATIONS
 SURVEYOR AND FIELD WORK DATE: JW-09-10-04 DRAWN BY: JBC

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



SCALE: 1" = 40'

HELENA BOARD OF ADJUSTMENTS

APRIL 6, 2004

The Helena Board of Adjustments met in a called meeting on Tuesday, April 6, 2004 at 10:00 A.M. in the Conference Room at the Helena Municipal Building (there was a meeting in the Council Chambers).

Present:----- Dennis Yawn, Chairman

Members:----- Jerry Owensby, Melton Dearing, Bill Winford

Absent:----- Larry Clayton

Visitors:----- George Pickle, Patty Clay, Wes Ransom, Kendall Zettler

The meeting was called to order and opened for business at 10:00 A.M.

Motion was made by Jerry Owensby and seconded by Dennis Yawn to accept the minutes as written from the last meeting (3-23-04) and an affirmative unanimous voice vote was recorded.

Mrs. Clay presented her 2 variance requests, Lots 639 and 640 of Riverwoods, Sector 6 - 6' for Lot 639 and 10' for Lot 640. Mrs. Clay explained how the developers asked for the Builders to take the water off of the lots behind them and bring it to the road, and that there are some trees in the back that she wants to keep - so she is asking to bring the houses forward. She said that the road curves, so the houses should still look good.

Kendall Zettler stated that the developer and builders are trying to work with George to make sure they properly handle any drainage problems.

George stated that he met with the Planning Commission and asked them to look more carefully when the plats are presented. He also suggested that the builders pick a plan that is wider instead of so deep when dealing with certain lots (especially in this section).

Mr. Dearing stated "the fewer variances - the better".

Mr. Pickle stated that they should look more closely at the plans while they are in the development process.

Mr. Zettler stated that the 15' setback is designed for front facing garages, to keep cars off the streets, etc. He stated that there are no front facing garages in Riverwoods.

George stated that the Planning Commission will take under consideration requirement for setbacks - they do not want 15' on both sides of the road. He also stated that you can build wider homes (and not so deep) in this area.

HELENA BOARD OF ADJUSTMENTS
(CONT.PG.2)

Mr. Ransom stated that he understands the concern about the 15' setback, he does not think that they should require for all lots. (It looks better if houses vary a small amount and not just a straight line with every house exactly the same.)

Mr. Pickle stated that they can vary houses so they are not all the same setback.

Zettler stated that builders also have a "build-to" line they must meet.

George suggested that Mr. Zettler present this to the Planning Commission in order for them to be more flexible.

Mr. Ransom stated that it will be for their best interest not to have the "straight line look", a subdivision looks nicer when lots vary .

George stated that some flexibility in this matter would give the subdivision a nicer look.

Motion was made by Melton Dearing and seconded by Bill Winford to grant the request for a 6' variance for Lot 639 and a 10' variance for Lot 640 Riverwoods, Sector 6 and the following votes were cast:

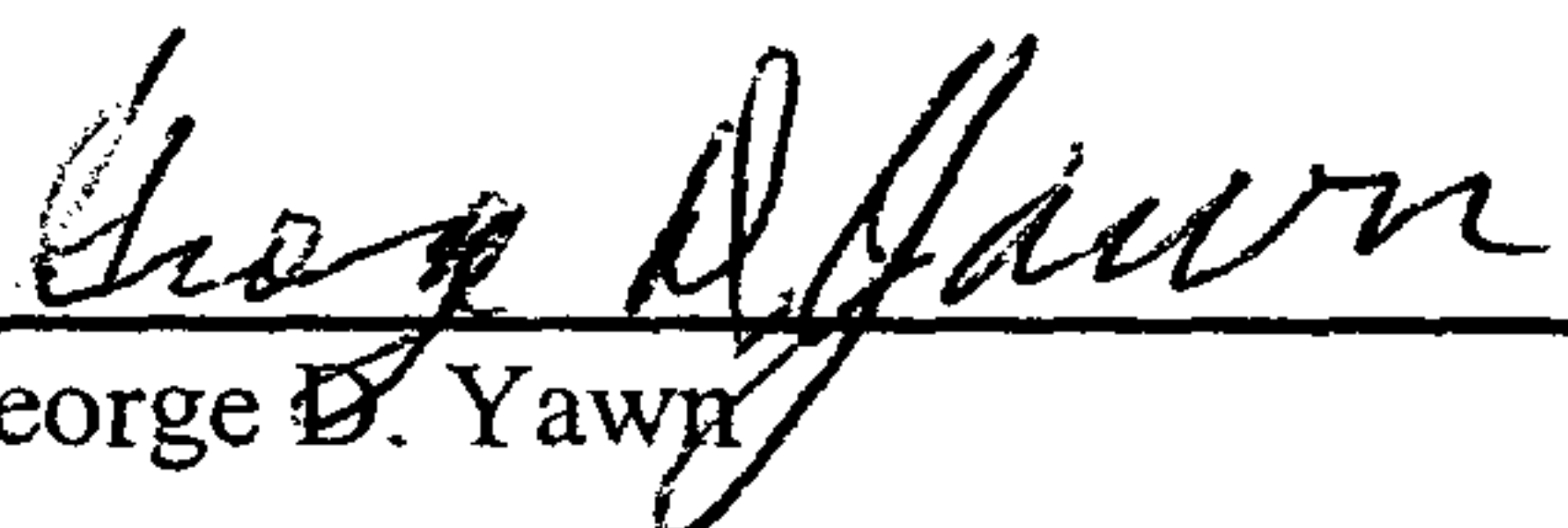
Aye
Melton Dearing
Dennis Yawn
Bill Winford

Abstain
Jerry Owensby

Mr. Dearing ask Mr. Owensby to re-state his objection to the request - and Mr. Owensby stated that when we start to grant these request that they will keep coming.

Mr. Dearing again stated that this is a one on one situation and we do not want to set a precedent.

There being no further business, the meeting adjourned at 10:55 A.M.

Chairman: 
George D. Yawn

Minutes taken by Sherry Oglesby



123 RIVERWOODS PARKWAY • HELENA, ALABAMA 35080
PHONE: 205.621.3901 • FAX: 205.621.4955

March 8, 2004

City of Helena
P O Box 616
Helena AL 35080

Attention: Board of Variances & Adjustments

Reference: RiverWoods Sector 6, Lots 639 & 640

Subject: Requirement for 6-foot and 10-foot Setbacks

To Whom It May Concern:

Please be informed that RiverWoods Properties, LLC hereby requests and formally grants permission for Sunburst, LLC to seek a variance from the recorded final plat in our Sector 6 on Lots 639 and 640. Specifically, Sunburst, LLC requires a 6-foot setback for Lot 639 and a 10-foot setback for Lot 640 from utility right of way for effective use of prepared homesite due to physical topography.

Regards,
for RiverWoods Properties, LLC

Jill Z. Hubbard
Member, RiverWoods Architectural Committee

cc: Patty Clay, Sunburst, LLC
Kendall C. Zettler, Member, RiverWoods Architectural Committee