

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE # C15-2012-0055
ROW # 10747315
TP-0147550409

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 3005 Brass Buttons Trail, Austin, TX 78734

LEGAL DESCRIPTION: Subdivision - Apache Shores First Installment

Lot(s) 92 Block _____ Outlot _____ Division _____

I/We Donnie Gerault on behalf of myself/ourselves as authorized agent for

Michael and Laura Hopkins affirm that on 3/23, 2012,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

Existing Setback encroachment per special exceptions LDC 25-2-476

4' from north pt.
2' from South pt.

in a LA district.
(zoning district)

E deck @ 0' from north & south pt.'s

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:
The structure in question has been in existence "as is" for more than 25 years.

The new owner is seeking to clear up an unrelated code compliance issue from a previous owner and is seeking this variance to finalize the permit requirements for the existing 25+ y
HARDSHIP: structure.

2. (a) The hardship for which the variance is requested is unique to the property in that:

The Encroaching elements have been in place for more than 25 years. The house
is one of the first to be built in the development prior to City of Austin Annexation.

- (b) The hardship is not general to the area in which the property is located because:

The applicant is unaware of any other structures in the area which have
a similar encroachment.

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The existing residence, and its encroaching elements, have been a part of the area since the development of the neighborhood. As this house is one of the first to be built in the neighborhood prior to the CoA annexation, it is itself part of the definition of the character of the area.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

N/A

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

N/A

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

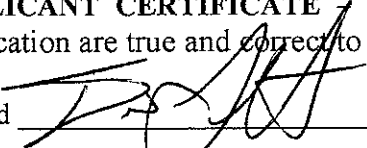
N/A

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

N/A

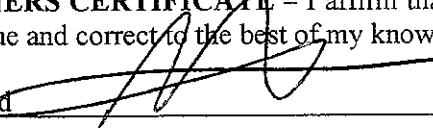
NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 1507 Lost Creek Blvd
City, State & Zip Austin, TX 78746

Printed Donnie Gerault Phone 512-791-4144 Date 3/23/2012

OWNERS CERTIFICATE - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 1410 Lynnview
City, State & Zip Houston, TX 77055

Printed Michael Hopkins Phone 832-265-1665 Date 3/23/2012

GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

VARIANCE REQUIREMENTS:



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2011-0055
 LOCATION: 3005 BRASS BUTTONS TRAIL



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



March 23, 2012

City of Austin Board of Adjustment

**RE: Supplemental Summary Letter
Board of Adjustment Variance Request
3305 Brass Buttons Trail**

To Whom It May Concern:

Please accept this letter as supplemental information to the above referenced variance application. This application seeks a variance from the sideyard setback requirements. Current City zoning regulations dictate a 5' side yard setback. The existing house has existing elements that encroach on this setback. On the right side of the house, a chimney element encroaches on the setback by approximately 2'. On the left side of the house, a portion of the garage encroaches on the setback by approximately 4.5'. These elements have existed in their current configuration for over 25 years. This application does not seek to modify the elements, the intent is merely to clear the existing code compliance case.

We hereby respectfully request that the Board of Adjust grant a Special Exception under the provisions of City of Austin Land Development Code 25-2-476. This project complies with the criteria dictates under Item B of the referenced code, specifically;

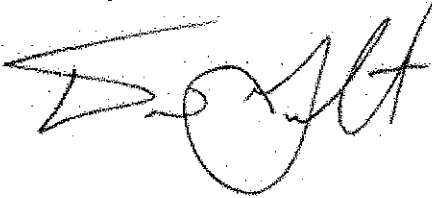
- 1) The site is a residential use and in the LA zoning district, which is more restrictive than SF-3.
- 2) The violations are in good condition and do not pose a hazard to life, health or public safety.
- 3) The violation has existing for more than 25-years. Included with this submittal is an aerial photograph from 1987 that clearly show the elements in question. This aerial is from the City of Austin maintained GIS records.
- 4) The use (residence) is a permitted use in this zoning district.
- 5) The structure does not share a lot with more than one primary residence.
- 6) Granting the special exception does not alter the character of the area. The existing residence, and its encroaching elements, have been a part of the area

since development of the neighborhood. As this house was one of first in the neighborhood, it is itself part of the definition of the character of the area.

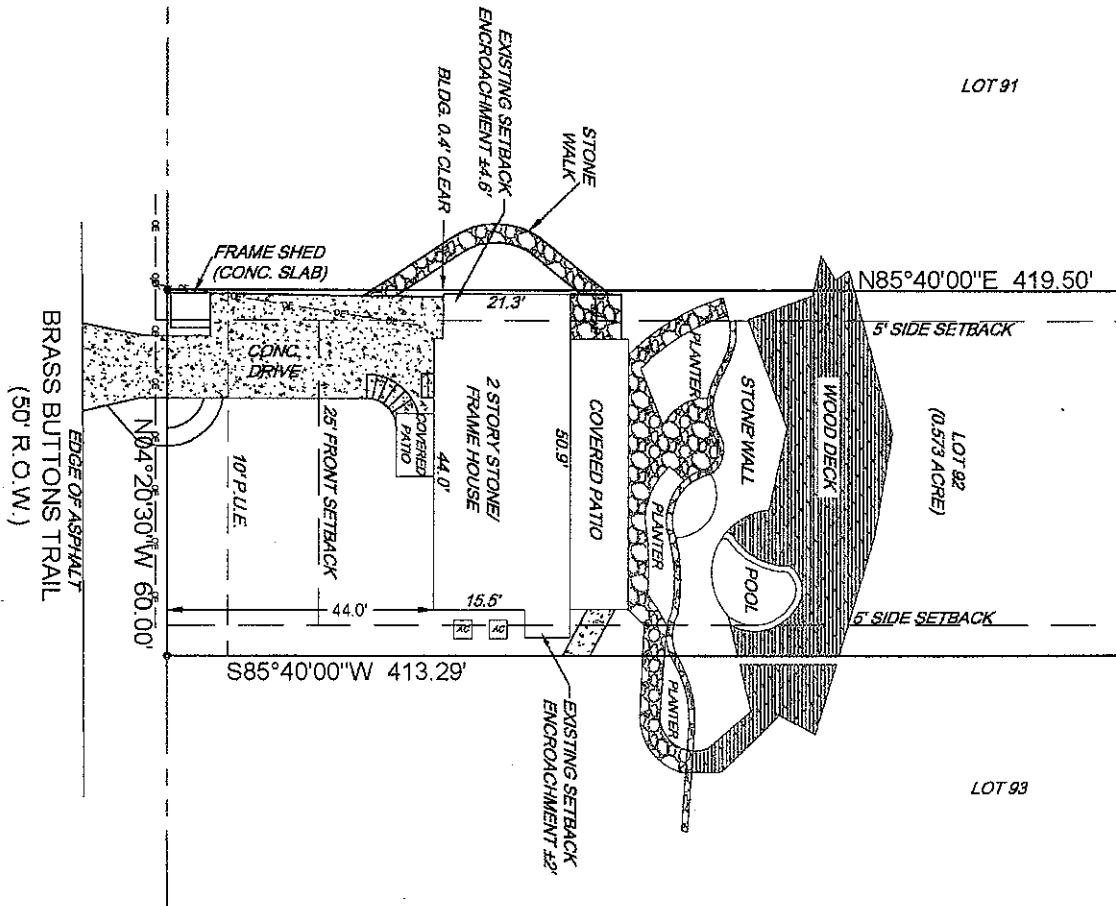
- 7) Granting the special exception does not impair the use of adjacent property. The existing encroachment does not restrict the adjacent property from being developed in compliance with city code.
- 8) Granting the special exception does not grant a special privilege inconsistent with other properties in the area. While the applicant is unaware of properties with an encroachment similar to this, any that do exist would have the right to apply for the Special Exception under LDC 25-2-476, presuming they meet the criteria as this property does.

Please do not hesitate to contact me at (512)791-4144 if you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Donnie Gerault". The signature is stylized with a large, circular flourish at the end.

Donovan Commercial, LLC
Donnie Gerault



SCALE: 1" = 20'

LEGEND

- BOUNDARY
- ADJACENT BOUNDARY
- SETBACK
- EASEMENT
- OVERHEAD ELECTRIC

NOTE:

EXISTING CONDITIONS BASED ON SURVEY PREPARED BY ARPELITEURS PROFESSIONAL SURVEYING DATED 8/14/03 AND OBSERVED CONDITIONS.

LEGAL DESCRIPTION:

LOT 92, APACHE SHORES FIRST INSTALLMENT, A SUBDIVISION IN TRAVIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN BOOK 43, PAGE 29, PLAT RECORDS, TRAVIS COUNTY, TEXAS. ALSO LOCALLY KNOWN AS 3005 BRASS BUTTONS TRAIL AUSTIN, TEXAS.

SHEET C1	EXISTING CONDITIONS		HOPKINS RESIDENCE 3005 BRASS BUTTONS TRAIL AUSTIN, TEXAS 78734		TEXAS DESIGN INTERESTS, LLC <small>AUSTIN • HOUSTON</small> COMMERCIAL/RESIDENTIAL • CIVIL & STRUCTURAL ENGINEERING
	DATE 3/19/12	PROJECT # 186-136	DONOVAN COMMERCIAL, LLC		

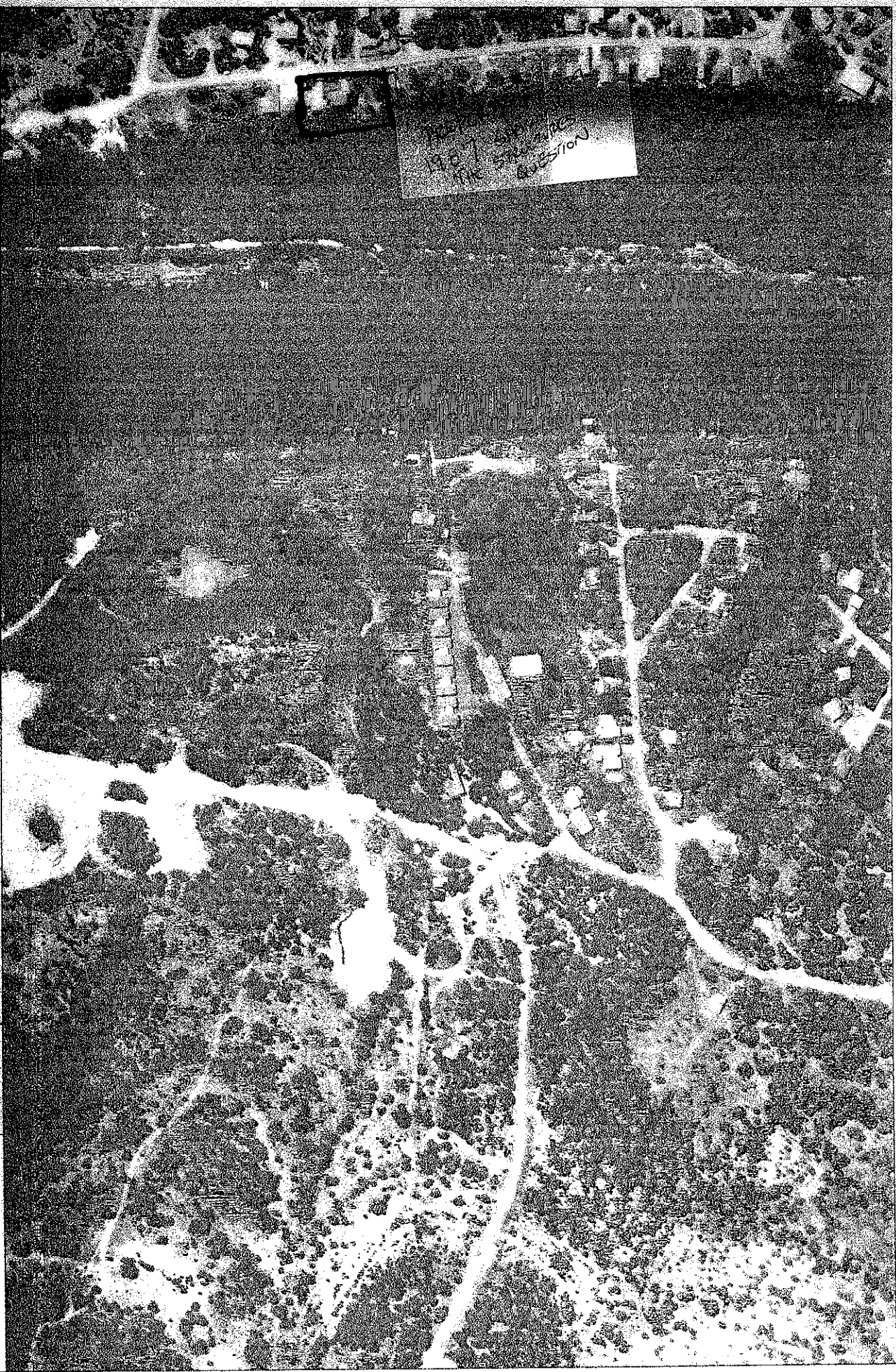
SAM

CITY OF AUSTIN ELECTRIC UTILITY DEPARTMENT

AUSTIN, TEXAS

1988

10/11/88



T-47 Residential Real Property Affidavit
(May be Modified as Appropriate for Commercial Transactions)

Date: 4-7-11 GF No. _____

Name of Affiant(s): Michael Boyer + Deborah Boyer

Address of Affiant: 3005 Brass Buttons Trl, Austin, TX 78734

Description of Property: _____
County Texas, Texas

"Title Company" as used herein is the Title Insurance Company whose policy of title insurance is issued in reliance upon the statements contained herein.

Before me, the undersigned notary for the State of Texas, personally appeared Affiant(s) who after by me being duly sworn, stated:

1. We are the owners of the Property. Or state other basis for knowledge by Affiant(s) of the Property, such as lease, management, neighbor, etc. For example, "Affiant is the manager of the Property for the record title owners.":

2. We are familiar with the Property and with the Improvements located on the Property.
3. We are closing a transaction requiring title insurance and the proposed insured owner or lender has requested area and boundary coverage in the title insurance policy(ies) to be issued in this transaction. We understand that the Title Company may make exceptions to the coverage of the title insurance as the Title Company may deem appropriate. We understand that the owner of the Property, if the current transaction is a sale, may request a similar amendment to the area and boundary coverage in the Owner Policy of Title Insurance upon payment of the promulgated premium.

4. To the best of our actual knowledge and belief, since _____ there have been no:
a. construction projects such as new structures, additional buildings, rooms, garages, swimming pools or other permanent improvements or fixtures;
b. changes in the location of boundary fences or boundary walls;
c. construction projects on immediately adjoining property(ies) which encroach on the Property;
d. conveyance, replattings, easement grants and/or easement dedications (such as a utility line) by any party affecting the Property;

EXCEPT for the following (if None, insert "None" Below): easements vacated; wood deck shortened on south side so does not encroach on lot 93; short piece of railing installed for safety - north side of steps to lower deck; part of concrete article of waterfront.

5. We understand that Title Company is relying on the truthfulness of the statements made in this affidavit to provide the area and boundary coverage and upon the evidence of the existing real property survey of the Property. This Affidavit is not made for the benefit of any other parties and this Affidavit does not constitute a warranty or guarantee of the location of improvements.

6. We understand that we have no liability to the Title Company or the title insurance company that will issue the policy(ies) should the information in this Affidavit be incorrect other than information that we personally know to be incorrect and which we do not disclose to the Title Company.

Michael Boyer

Deborah Boyer

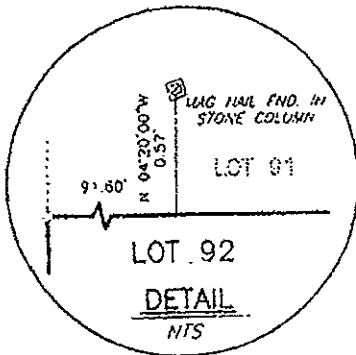
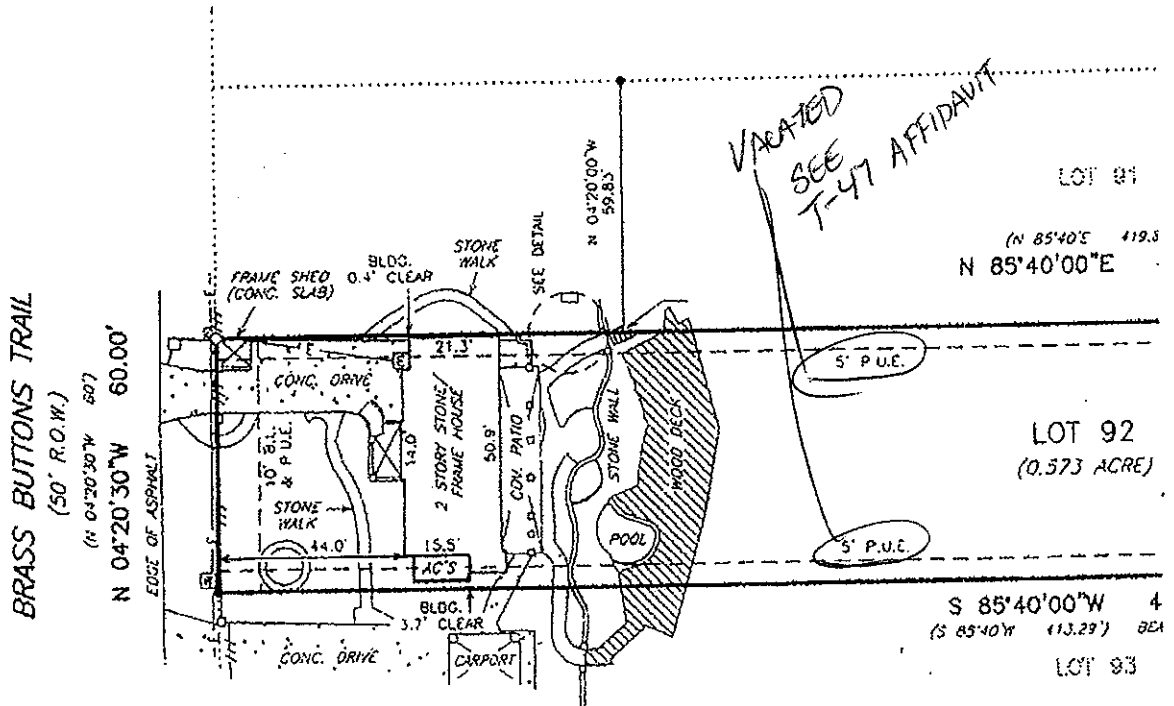


SWORN AND SUBSCRIBED this 9 day of April, 2011

[Signature]
Notary Public

SURVEY

LEGAL DESCRIPTION: LOT 92, APACHE SHORES FIRST INSTALLMENT
THE MAP OR PLAT THEREOF RECORDED IN BOOK 43
ALSO LOCALLY KNOWN AS JOOS BR



NOTES

THE 10' FRONT BUILDING SETBACK LINE, THE 10' FRONT P.U.E. AND THE 5' S P.U.E.'S SHOWN HEREON ARE RECORDED IN THE RESTRICTIONS IN BK 43, PG. RECORDS OF TRAVIS COUNTY, TEXAS.

THIS LOT IS SUBJECT TO ADDITIONAL RESTRICTIONS RECORDED IN DOC NO'S: 2001101401; 2002092096 AND 2003087784, OFFICIAL PUBLIC RECORDS, VOL. 13082, PG. 55 AND VOL. 13091, PG. 2215, REAL PROPERTY RECORDS, PG 374; VOL. 7831, PG. 147; VOL. 8102, PG. 162 AND VOL. 3554, PG. 280. OF SAID COUNTY SAID DOCUMENT CONTAINS THE 10' FRONT P.U.E., THE 5' SIDE P.U.E. AND THE 6' REAR P.U.E. SHOWN HEREON. THE PARTIAL RELEASE OF THE 5' SIDE P.U.E. IN VOL. 12508, PG. 431, REAL PROPERTY RECORDS OF SAID COUNTY, DOES NOT AFFECT THIS LOT.

AUGUST 07, 2003

EXCLUSIVELY TO MICHAEL BOYER AND DEBORAH BOYER, AND THE LIEN HOLDERS, AND TO AUSTIN TITLE COMPANY AND LAWYERS TITLE INSURANCE CORPORATION PER CASE NO. 2003 NO 257192-T (07/16/03).

THE UNDERSIGNED HEREBY STATES THAT THIS PLAT REPRESENTS A SURVEY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON; THAT THERE ARE NO APPARENT SIGNIFICANT DISCREPANCIES, OVERLAPPING OF IMPROVEMENTS, VISIBLE PUBLIC UTILITIES OR ROADS IN PLACE EXCEPT AS SHOWN HEREON, AND THAT SAID PROPERTY ADJOURS A DEDICATED ROADWAY, A PORTION OF THE ABOVE LEGALLY DESCRIBED PROPERTY IS IN ZONE AE AND IS WITHIN A SPECIAL FLOOD HAZARD AREA AS DESIGNATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NO. 48453C0285 E DATED JUNE 16, 1993. VALID ONLY FOR ORIGINAL BLUELINE PRINT WITH RED INK SIGNATURE AND SEAL.

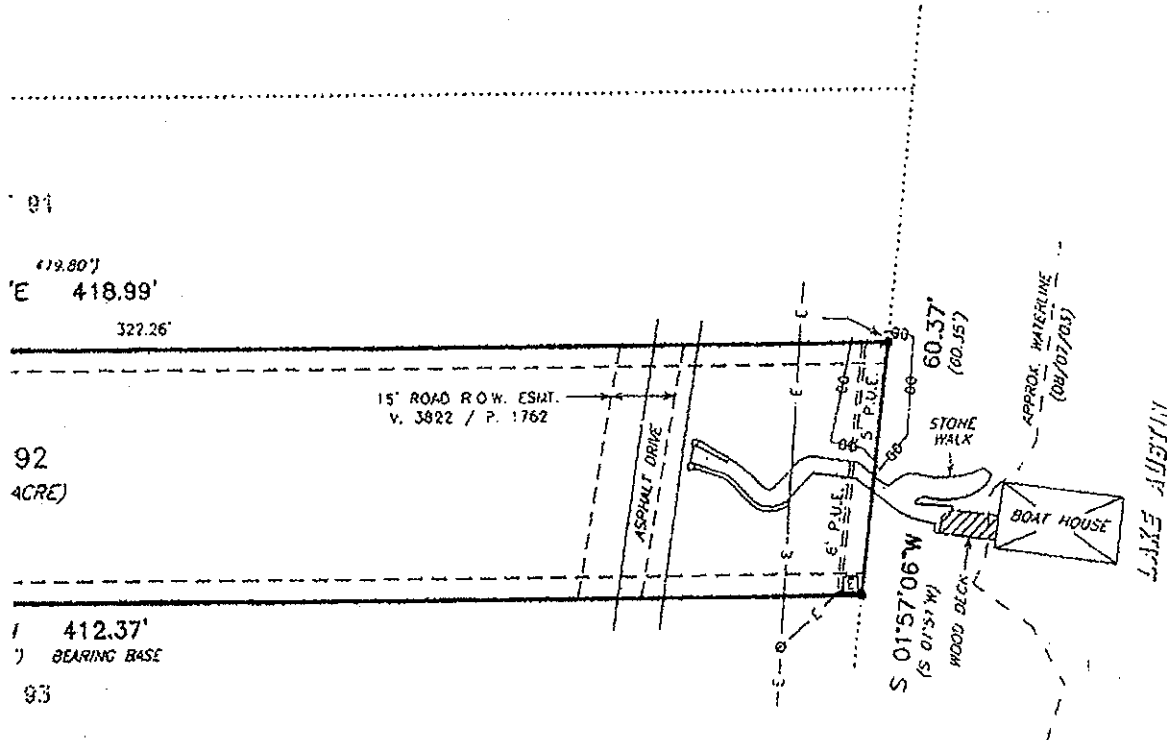
STATE OF TEXAS
REGISTERED SURVEYOR
ROBERT M. BARCUMB
4772

Robert M. Barcomb 08/14/03

ROBERT M. BARCUMB, R.P.L.S. NO. 4772

VEY PLAT

STALLMENT, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO BOOK 43, PAGE 29, PLAT RECORDS, TRAVIS COUNTY, TEXAS. C05 BRASS BUTTONS TRAIL, AUSTIN, TEXAS.



91

419.80'

E 418.99'

322.26'

92
4ACRE)

412.37'

BEARING BASE

93

15' ROAD R.O.W. ESIST.
V. 3822 / P. 1762

ASPHALT DRIVE

60.37'
(90.55')

STONE WALK

APPROX. WATERLINE
(08/07/03)

LAKE AUSTIN

BOAT HOUSE

S 01°57'06\"/>

WOOD DECK

THE 5' SIDE AND REAR
43, PG. 29, PLAT

NO'S.: 2001101400;
15, VOL. 9072, PG. 273;
CORDS, AND VOL. 4020,
PG. 200, DEED RECORDS
THE 5' SIDE P.U.E.'S AND
7' SIDE P.U.E. RECORDED
DOES NOT AFFECT THIS



SCALE 1" = 30'



LEGEND

- 1/2" IRON PIN FOUND
- MAG NAIL SET
- ⊠ WATER METER
- ⊞ ELECTRIC METER
- ⊙ UTILITY POLE
- E- AERIAL UTIL. LINES
- +++ IRON FENCE
- WIRE FENCE
- () RECORD INFORMATION

SYMBOLS SET OUT IN THE "LEGEND"
ARE NOT TO SCALE AND ARE SHOWN
IN THE APPROXIMATE LOCATION TO
INDICATE THEIR PRESENCE.

FENCE LINES SHOWN REPRESENT THE
AVERAGE CENTERLINE OF THE POSTS.

ARPEUTEURS

PROFESSIONAL SURVEYING

8906 WALL STREET, SUITE 302
AUSTIN, TEXAS 78754
(512) 832-1232



City of Austin

Austin's Community-Owned Electric Utility

www.austinenergy.com

Town Lake Center • 721 Barton Springs Road • Austin, Texas • 78704

March 30, 2012

Donnie Gerault
128 Park 35 Cove S
Austin, Texas 78610
Via email to: dgerault@mstcon.com

Re: 3005 Brass Buttons Trail
Lot 92 Apache Shores First Installment

Dear Mr. Gerault,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to maintain existing setback encroachment. Austin Energy not oppose this application as requested and shown on the attached red-stamped sketch.

Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6587.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lena Lund".

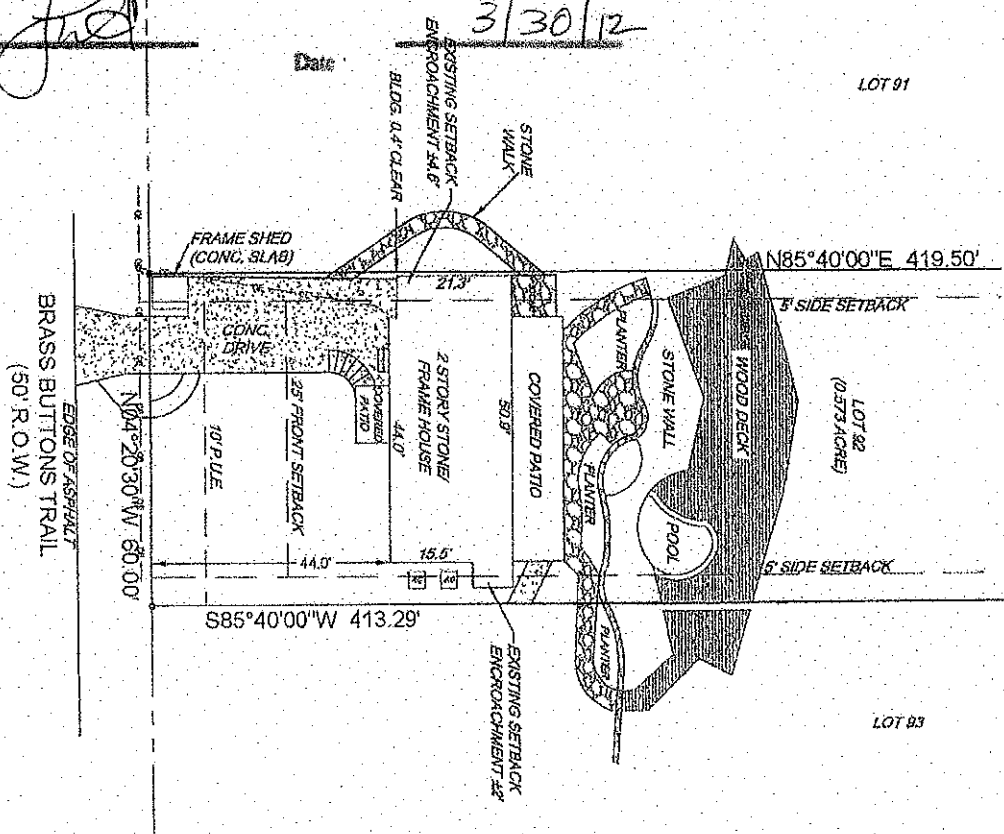
Lena Lund
Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker

Austin Energy has reviewed this plan for 3005 Brass Buttons Trail
 and approves the various requests under the Board of Adjustment. Any change to
 this plan must be approved by Austin Energy.

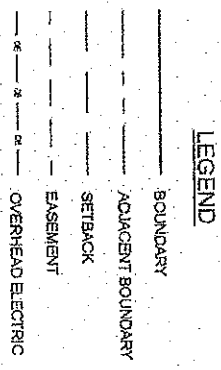
AUSTIN ENERGY
[Signature]

Date: 3/30/12



NOTE:
 EXISTING CONDITIONS BASED ON SURVEY
 PREPARED BY APPRENTICES PROFESSIONAL SURVEYING
 DATED 8/14/05 AND OBSERVED CONDITIONS.

LEGAL DESCRIPTION:
 LOT 92, APACHE SHORES FIRST INSTALLMENT, A SUBDIVISION
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 THEREOF RECORDED IN BOOK 43, PAGE 29, PLAT RECORDS,
 TRAVIS COUNTY, TEXAS, ALSO LOCALLY KNOWN AS 3005
 BRASS BUTTONS TRAIL, AUSTIN, TEXAS.



C1 SHEET	EXISTING CONDITIONS		HOPKINS RESIDENCE 3005 BRASS BUTTONS TRAIL AUSTIN, TEXAS 78734	TEXAS DESIGN INTERESTS, LLC AUSTIN • HOUSTON COMMERCIAL / RESIDENTIAL • CIVIL & STRUCTURAL ENGINEERING
	DATE 3/19/12	PROJECT # 183-136		
			6001 W. WILLIAM CARRISON BUILDING 2, SUITE 200-C AUSTIN, TX 78740 (512) 301-3369 (o) (512) 301-3314 (f)	

Walker, Susan

From: Donnie Gerault [dgerault@mstcon.com]
Sent: Tuesday, May 01, 2012 10:10 AM
To: Walker, Susan
Subject: 3005 Brass Buttons Trail Deck Encroachment

Susan,

I apologize for not getting this to you yesterday. I went to the House at 3005 Brass Buttons Trail on Friday and confirmed that the Existing deck that has been there for more than 25 years indeed encroaches into the setback line. It is difficult to tell exactly how far it encroaches since the property falls off a cliff at the deck, but it appears that the encroachment is on both sides of the property by a few feet.

Please add this portion to our application for consideration.

Thank You Again for all of your help!

Donnie Gerault
DONOVAN COMMERCIAL, LLC
Phone (512)791-4144
Dgerault@mstcon.com

5/1/2012

TravisCAD Detail - Prop_ID 14 x

www.traviscad.org/traviscadetail.php?thekey=149643

Customize Links(1) Customize Links Pace TUP upload Austin Cityweb - Pin It Austin Cityweb - COA... Austin Cityweb - COA... Other bookmarks

Improvement Information

Improvement ID	State Category	Description
135953		1 FAM DWELLING

Segment Information

Imp ID	Seg ID	Type Code	Description	Class	Effective Year Built	Area
135953	152307	1ST	1st Floor	WWS-	1981	1,042
135953	152308	2ND	2nd Floor	WWS-	1981	1,084
135953	605916	095	HVAC RESIDENTIAL	**	1981	2,076
135953	605917	251	BATHROOM	**	1981	3
135953	605921	512	DECK UNCOVERED	*5-	1981	1,340
135953	605922	522	FIREPLACE	*5-	1981	1
135953	605923	539	FENCE FV	F-V*	1981	1
135953	605925	571	STORAGE DET	WA2	1981	80
135953	605926	581	MASONRY TRIM SF	AVG*	1981	195
135953	605927	612	TERRACE UNCOVERD	*5-	1981	440
135953	3055351	90	Sketch Only	SO*	0	84
135953	3055352	90	Sketch Only	SO*	0	88
135953	3055353	90	Sketch Only	SO*	0	388
135953	3055354	90	Sketch Only	SO*	0	800
135953	4331820	262	BEDROOMS	**	1981	3
135953	4374812	473	BOAT DK FLT COV	F01C	2000	1
135953	4374818	362	BOAT LIFT	A	2000	1
135953	4378191	512	DECK UNCOVERD	*	1981	480
Total Living Area						2,076

Land Information

Land ID	Type Code	SPTB Code	Homesite	Size-Acres	Front	Depth	Size-Sqft
148743	LAND	A1	T	0.589	0	0	25,646

show history

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3005 Brass
Buttons Trl.