## CITY OF AUSTIN Board of Adjustment/Sign Review Board Decision Sheet

DATE: Monday, May 14, 2012	CASE NUMBER: C15-2012-0055
Jeff Jack Michael Von Ohlen Motion to PP to Nora Salinas Bryan King Susan Morrison Melissa Hawthorne 2 <sup>nd</sup> the Motion Heidi Goebel Cathy French (SRB only) Dan Graham (SRB only)	June 11, 2012
APPLICANT: Donnie Gerault	
OWNER: Michael Hopkins	
ADDRESS: 3005 BRASS BUTTONS TRL	
VARIANCE REQUESTED: The applicant has Section 25-2-476 (B) (3) (a) in order to main residence .4 feet from the north property line instead of the required 5 feet in an "LA The applicant has requested a special excess in order to maintain a wood deck for a sing north and south property lines instead of the	tain a two story single family ne and 2 feet from the south property ", Lake Austin zoning district. eption from Section 25-2-476 (B) (3) (a) the family residence 0 feet from the
Austin zoning district.	ne required 5 leet in air LA , Lake
BOARD'S DECISION: Board Member Michae 2012, Board Melissa Hawthorne second on a 7-6	·
FINDING:	
<ol> <li>The Zoning regulations applicable to the probecause:</li> <li>(a) The hardship for which the variance is report (b) The hardship is not general to the area.</li> <li>The variance will not alter the character of impair the use of adjacent conforming proportion regulations of the zoning district in which the character in the regulations of the zoning district in which the character in the regulations of the zoning district in which the character is required.</li> </ol>	requested is unique to the property in that: in which the property is located because: the area adjacent to the property, will not perty, and will not impair the purpose of

Chairman

**Executive Liaison** 

# PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact person listed on a notice); or
- appearing and speaking for the record at the public hearing;
   and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
  is the record owner of property within 500 feet of the subject property
- is an officer of an environmental or neighborhood organization that
  has an interest in or whose declared boundaries are within 500 feet of
  the subject property or proposed development.

or proposed development; or

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Public Hearing: Board of Adjustment, May 14th, 2012  ROW Name (please print)  3103 Bass Sono 7834  Your address(s) affected by this application  Signature  Daytime Telephone: 5(2-422-7530)  Comments:  If you use this form to comment, it may be returned to: Susan Walker P. O. Box 1088  Austin, TX 78767-1088	Case Number: C15-2012-0055 - 3005 Brass Buttons Trl Contact: Susan Walker, 512-974-2202

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

CASE # C15-2012-00 55

ROW # 107 47315

CITY OF AUSTIN TO DOLL 75 TO U19

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 _X MAINTAIN
Existing Setback encroachment per special exceptions LDC 25-2-476
.4' from worth pd.
2' from Doubh jel.
in a LA district. E deck O Down
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:**

The zoning regulations applicable to the property do not allow for a reasonable use The structure in question has been in existance "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+ ye structure. HARDSHIP:

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:

١	ı	/	Δ	

2. The granting of this variance will not result in the parking or loading of vehicles or 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.
SignedMail Address1507 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 & ZipHouston, TX 77055
Printed Michael Hopkins Phone 832-265-1665 Date 3/23/2012
GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST

(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:





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 tegal, 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;

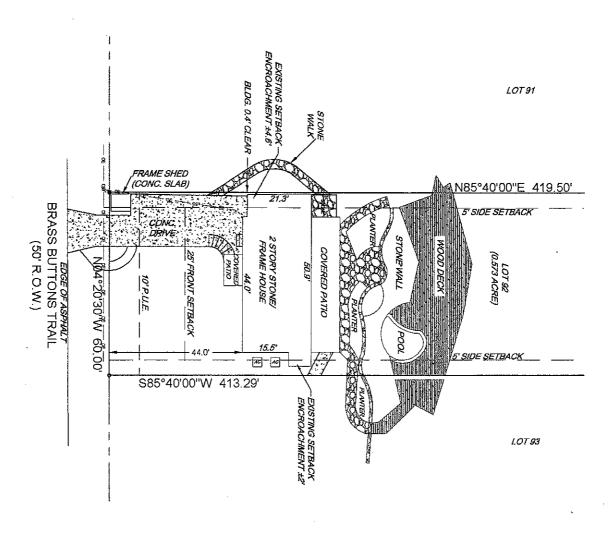
- 1) The site is a residential use and in the LA zoning district, which is more restrictive than SF-3.
- 2) The violations are in good condition and do not pose a hazard to life, health or public safety.
- 3) The violation has existing for more than 25-years. Included with this submittal is an aerial 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,

Donovan Commercial, LLC Donnie Gerault



HOPKINS RESIDENCE 3005 BRASS BUTTONS TRAIL AUSTIN, TEXAS 78734

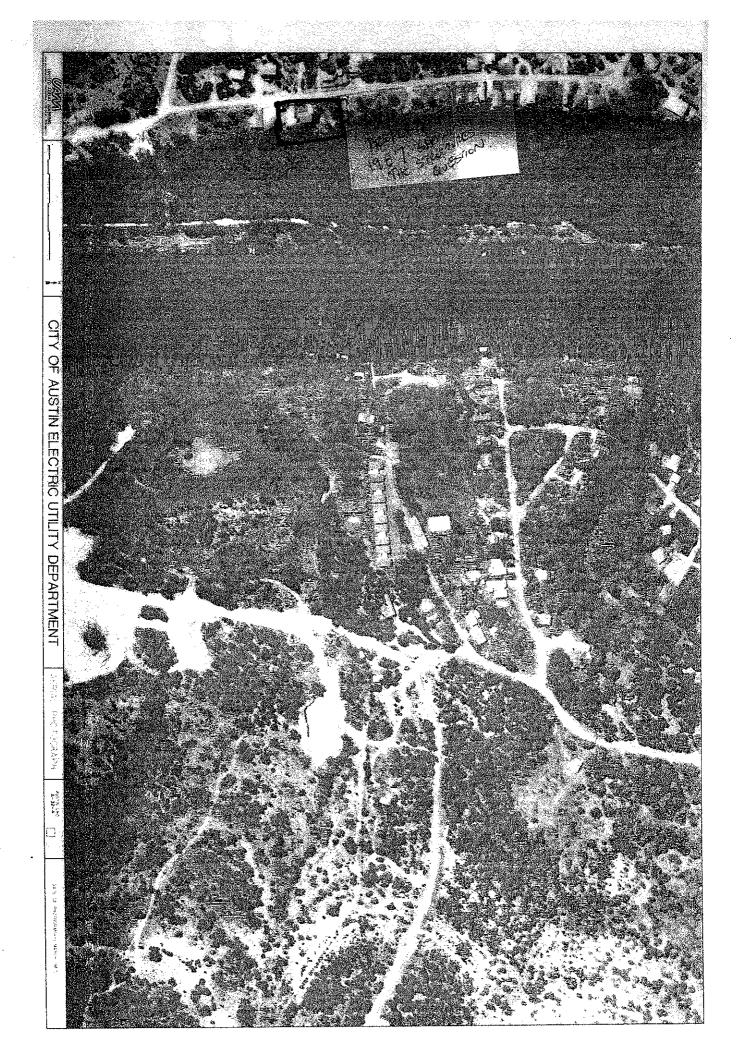
DONOVAN COMMERCIAL, LLC

TEXAS 6001
DESIGN BUIL
INTERESTS, LLC

6001 W. WILLIAM CANNON BUILDING 2, SUITE 203-C AUSTIN, TX 78749 5, LLC (512) 301-3389 (c) (512) 301-3349 (f)

COMMERCIAL/RESIDENTIAL - CIVIL & STRUCTURAL ENGINEERING

SCALE: 1" = 20'

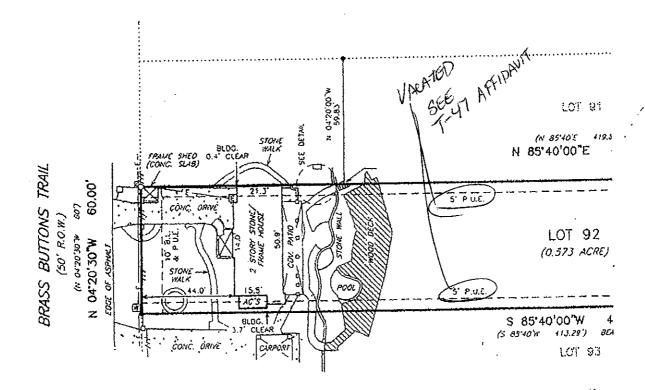


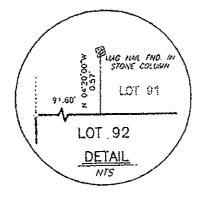
### T-47 Residential Real Property Affidevit (May be Modified as Appropriate for Commercial Transactions)

	4-7-1	' <i>1</i>			GF No.	
Name	of Affiantis):	Michael	Bower	Debon	h Bover	
Address	s of Affiant	3005 Bm	cs Bitton	aTrl. Au	stin TX 78	734
Connel	How of Boso	neke				
		Travis				
the stai	lements cont	ained herein.			•	rance is issued in reliance upo
Afflant(	s) who after	ersigned notary for by me being duly s	worn, stated:			, personally appears
1. as leas	We are the e, managem	e owners of the lent, neighbor, etc.	Property. Or st For example, '	ate other basis 'Affiant is the m	for knowledge by A anager of the Proper	Affiant(s) of the Property, suc ty for the record title owners."
2,	We are fan	niller with the Prope	erty and with the	improvements	located on the Prope	rty.
area an Compai underst	d boundary only make and that the	coverage in the title e exceptions to the owner of the Prop	e insurance police coverage of the current.	icy(les) to be lea ne title insurance rent transaction	ued in this transaction as the Title Compa	owner or lender has requeste n. We understand that the Titl iny may deem appropriate. We set a similar amendment to the amulgated premium.
a. Demsan	construction	projects such as	dedge and belie new structure	f, since s, additional bu	iklings, rooms, gare	there have been no ges, swimming pools or othe
c. d. affecting	changes in construction conveyance the Property	i, replattings, east v:	diately adjoining ement grants a	property(les) w ind/or easemen	hich encreach on the tadications (auch a	as a utility line) by any part
c. d. affecting EXCEPT EXCLES EAST	changes in construction conveyance the Property	the location of bount projects on imme , replattings, ease	diately adjoining ement grants a	property(les) w ind/or easemen	hich encreach on the tadications (auch a	Property: as a utility line) by any party : upopod deck shorts deccf railing install concrete dette at
c. d. affecting EXCEPT EXCEPT S. S. Fovide indevite	changes in construction conveyance in the Property of the follow with six was and was	the location of bound projects on immediatings, easily, wing (if None, Inself) of that Title Conductor that Title Conductor to boundary covereg for the benefit of	diately adjoining ament grants a structure of the control of the c	property(les) wind/or easemen  i): PASCTM  ich on let  ch on let	hich encreach on the taddications (such such such such such such such such	as a utility line) by any part
6. districting	changes in construction conveyance in the Property of the followard was and is not made ion of improvies should the contract of the contract o	the location of bound projects on immediatings, easily, wing (if None, Inselect South Side of that Title Comboundary coverage for the benefit of the ments.	diately adjoining ament grants a set "None" Below 2015 To 2015	property(les) wind/or easemen  i): PASCTTM  ich can let  ch can le	thich encreach on the dedications (such a section of the statem a existing real proper swit does not constitute or the title incurance or	as a utility line) by any party  : upgod deck shorte  dec
c. d.	changes in construction conveyance in the Property of the followard was and is not made ion of improvies should the contract of the contract o	the location of bound projects on immediatings, easily, wing (if None, Inselect Society State of the benefit of the benefit of the benefit of the information in the second society of the benefit of the	diately adjoining ament grants a set "None" Below 2015 To 2015	property(les) wind/or easemen  i): PASCTTM  ich can let  ch can le	thich encreach on the dedications (such a section of the statem a existing real proper swit does not constitute or the title incurance or	ents made in this affidavit to the awarranty or guarantee or second and the secon
c. d.	changes in construction conveyance if the Property of the folio conveyance if the property of the conveyance in the area and is not made ion of improving the conveyance in th	the location of bound projects on immediatings, easily, wing (if None, Inselect Society State of the benefit of the benefit of the benefit of the information in the second society of the benefit of the	diately adjoining ament grants a set "None" Below 2015 To 2015	property(les) wind/or easemen  i): PASCTTM  ich can let  ch can le	thich encreach on the dedications (such a section of the statem a existing real proper swit does not constitute or the title incurance or	ents made in this affidavit to the awarranty or guarantee or second and the secon
6. d. saffeoting EXCEPT S.	changes in construction conveyance in the Property of the Property of the Property of the Area and is not made ion of improving the area and which we underest and which we have a property of the Area and which we have a property of the Area and which we have a property of the Area and which we have a property of the Area and which we have a property of the Area and which we have a property of the Area and which we have a property of the Area and which we have a property of the Area and which we have a property of the Area and which we have a property of the Area and which we have a property of the Area and th	the location of bount projects on immediatings, easily, wing (if None, Inselve Society 1) and that Title Corporation that Title Corporation in the do not disclose the desired that we have the do not disclose the desired that we have the do not disclose the desired that we have the do not disclose the desired that we have the do not disclose the desired that we have the do not disclose the desired that we have the desired that we have the desired that we have the desired that th	diately adjoining ament grants a set "None" Below 2015 To 2015	property(les) wind/or easemen  i): PASCTTM  ich can let  ch can le	thich encreach on the dedications (such a section of the statem a existing real proper swit does not constitute or the title incurance or	ents made in this affidavit to the awarranty or guarantee or second and the secon
d. d	changes in construction conveyance if the Property of the Property of the Property of the American Conveyance in the area and is not made ion of Improvide underest and which we are which	the location of bount projects on immediatings, easily, wing (if None, Inselve Society 1) and that Title Corporation that Title Corporation in the do not disclose the desired that we have the do not disclose the desired that we have the do not disclose the desired that we have the do not disclose the desired that we have the do not disclose the desired that we have the do not disclose the desired that we have the desired that we have the desired that we have the desired that th	distely adjoining sment greats a set "None" Below Soft Processor States to the set of the set of the set of the Title Communication of the Title Communicati	property(les) wind/or easemen  i): PASCTTM  ich can let  ch can le	thich encreach on the dedications (such a section of the statem a existing real proper swit does not constitute or the title incurance or	ents made in this affidavit to the awarranty or guarantee of the property. This are company that will leave the at we personally know to be the personal to the person
d. d	changes in construction conveyance in the Property of the Prop	the location of bount projects on immediatings, easily, wing (if None, Inselve Society 1) and that Title Corporation that Title Corporation in the do not disclose the desired that we have the do not disclose the desired that we have the do not disclose the desired that we have the do not disclose the desired that we have the do not disclose the desired that we have the do not disclose the desired that we have the desired that we have the desired that we have the desired that th	distely adjoining sment greats a set "None" Below Soft Processor States to the set of the set of the set of the Title Communication of the Title Communicati	property(les) wind/or easemen  (i): Pascana  (ii): Pascana  (iii): Pascana  (i	thich encreach on the dedications (such a section of the statem a existing real proper swit does not constitute or the title incurance or	ents made in this affidavit to the awarranty or guarantee or second and the secon

#### SURVE

LEGAL DESCRIPTION: LOT 92, APACHE SHORES FIRS: INSTALLM 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 BY 43, PG. RECORDS OF TRAVIS COUNTY, TEXAS.

AUGUST 07. 2003

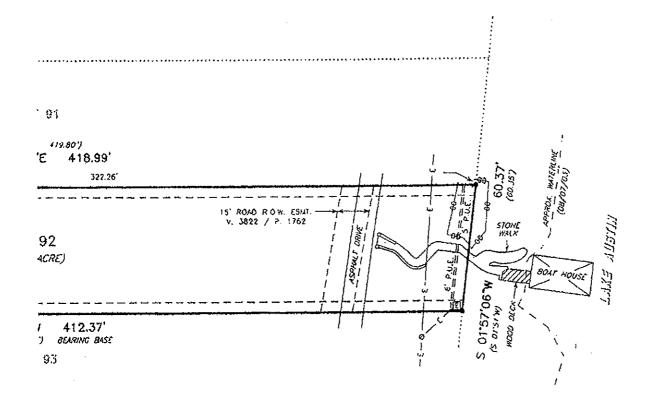
EXCLUSIVELY TO MICHAEL BOYER AND DEBCRAH BOYER, AND THE LIEN HOLDERS, AND TO AUSTIN THLE COMPANY AND LAWYERS TITLE INSURANCE CORPORATION PER CASE NO. 2003 NO 257192-T (07/16/03).

THE UNDERSCRIED 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 HI PLACE EXCEPT AS SHOWN HEREON, AND THAT SAID PROPERTY ADJOING A DEDUCATION OF THE ABOVE LEGALLY DESCRIBED PROPERTY IS IN ZONE AE AND IS WITHIN A SPECIAL FLOOD MAZARD AREA AS DESIGNATED BY THE FEDERAL EMERGENCY MANAGEMENT ADENTY FLOOD INSURANCE RATE MAP NO. 18453CO285 E DATED JUNE 15, 1993, VALID ONLY FOR ORIGINAL, BLUEUNE PRINT WITH RED INX SIGNATURE AND SEAL.



#### VEY PLAT

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



THE 5' SIDE AND REAR 45. PG. 29. PLAT

NO'S.: 2001101400; 15. VOL. 9072, PG. 273; 20RDS, AND VOL. 4020, PG. 200, DEED RECORDS 4E 5' SIDE P.U.E.'S AND ' SIDE P.U.E. RECORDED DOES NOT AFFECT THIS



SCALE 1" = 30"



#### LEGENO

- 1/2™ IRON PIN FOUND
- D MAG NAM SET
- THE WATER VETER
- (E) ELECTRIC METER
- DIOG YTILITY G
- E AERIAL UTIL, LINES
- ->++ IRON FENCE
- -39- WIRE FENCE
- ) RECORD INFORMATION

SYMBOLS SET OUT IN THE "LEGEND" ARE HOT TO SCALE AND ARE SHOWN IN THE APPROXIMATE LOCATION TO INDICATE THEIR PRESENCE.

FENCE LINES SHOWN REPRESENT THE AVERAGE CENTERLINE OF THE POSTS.



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

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,

Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker

Brass 3005 Australia Brass Buff AUSTAN ENGR 3/30/12-XISTING SETBACK ROACHMENT SAB I mis BLOG. Q.4" CLEAR LOTOI STONE FRAME SHED (CONC, SLAB) N85°40'00"E 419.50 BRASS BUTTONS TRAIL SIDE SETENCK 2 STORY STONE! FRAME HOUSE STONE WALL (50' R.O.W.) COVERED PATIO (0.573.4CRE) 25 FRONT SETBACK 104°20'30"W 60.00 10'P.U.E. SIDE SETBACK 10 10 \$85°40'00"W 413.29 ENCROACHMENT ±2 LOT 93 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. NOTE:
EXISTING CONDITIONS BASED ON SURVEY
PREPARED BY ASPENTEURS PROFESSIONAL SURVEYING
DATED 8/14/03 AND OBSERVED CONDITIONS. SCALE: 1" = 20" LEGEND OVERNEAD ELECTRIC EASEMENT SETBACK BOUNDARY ADJACENT BOUNDARY

HOPKINS RESIDENCE 3005 BRASS BUTTONS TRAIL AUSTIN, TEXAS 78734

DONOVAN COMMERCIAL, LLC

TEXAS SOON BUSINESS LLC

TTC (015) 301-3318 (1)
POSTUL TX 9259

COMMERCIAL MESIOENTIAL - CIVIL & STELLCTURAL ENGASERINS

#### 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.

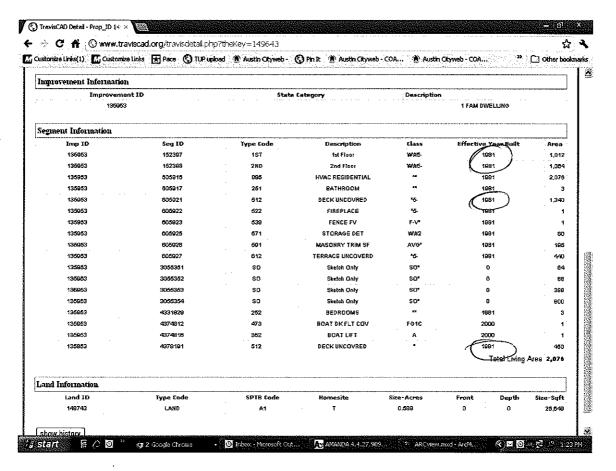
Thank You Again for all of your help!

Donnie Gerault

DONOVAN COMMERCIAL, LLC

Phone (512)791-4144

Dgerault@mstcon.com



3005 Brass Buttons Trl.