

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

CASE # ~~021101-08-04~~ C15-2013-  
ROW # ~~202-2111~~ 0121  
11048093

CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT TP-021101-08-04  
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: 1608 West Avenue

LEGAL DESCRIPTION: Subdivision -- 1980 AC 870

Lot(s) WOM Block WPP Outlot 10 Division E

I/We Bruce Kruger on behalf of myself/ourselves as authorized agent for

affirm that on 10/11, 2013,

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

(check appropriate items below)

☒ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☒ MAINTAIN

Rebuilt exist deck & added  
additional area - 0' from  
Mar p.l. & — to impervious  
coverage

in a 5.3 district.  
(zoning district)

**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:

*see Attached*

**HARDSHIP:**

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

*see Attached*

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

*see Attached*

**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:

**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:

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:

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

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

**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 Alyan Sultan Mail Address 1608 West Avenue  
City, State & Zip Austin Texas 78701  
Printed Bruce Kruger Phone 512-680-7654 Date 10/11/2013  
DYAN Gilliam 512-327-4827

**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 David Bruce Kruger Mail Address 1608 West Avenue  
City, State & Zip \_\_\_\_\_  
Printed DAVID Bruce Kruger Phone 512-327-4827 Date 10/11/2013  
512-680-7654

#### REASONABLE USE:

The zoning regulations, I've learned, require a five-foot setback from the fence line. If we have to tear the deck out, honoring the setback, there's not a way to really reconstruct a usable deck because the setback comes almost to the pool and only leaves 13 feet of area on the north end of the pool and two feet on the west end of the pool available to reconstruct. (The old deck went all the way to the fence.) And there would be a gaping spot on the west end of the pool where there is a large hole, creating a safety hazard for our grandchildren and also making it difficult for the City to get in and read the meters because it was just a muddy spot where nothing but bamboo would grow.

#### HARDSHIP:

There is a dense bamboo jungle on the other side of the fence. The bamboo was constantly growing up from under the fence and coming up to the pool, creating a large unsightly, muddy, snaky spot. We have had to remove two snakes from the area and one from the pool because of that area. We don't want the bamboo in our yard, and it was very difficult to keep it under control. We have seen no snakes since the deck was built over there. The bamboo also creates a serious mosquito problem, and we were trying to keep it as far away as we possibly could. The deck covering that area helps to keep it under control. We have five grandchildren who play back there and really didn't want to have to worry about snakes or the children slipping and falling.

**AREA CHARACTER:**

The area behind the fence is simply a vacant lot, covered in thick bamboo, that has no street access and is currently, and has always been, unused for purposes other than to grow bamboo. Nobody is ever back there. And we aren't stopping the use of the lot or the growth of the bamboo except that we are trying to stop it as it comes into our yard.

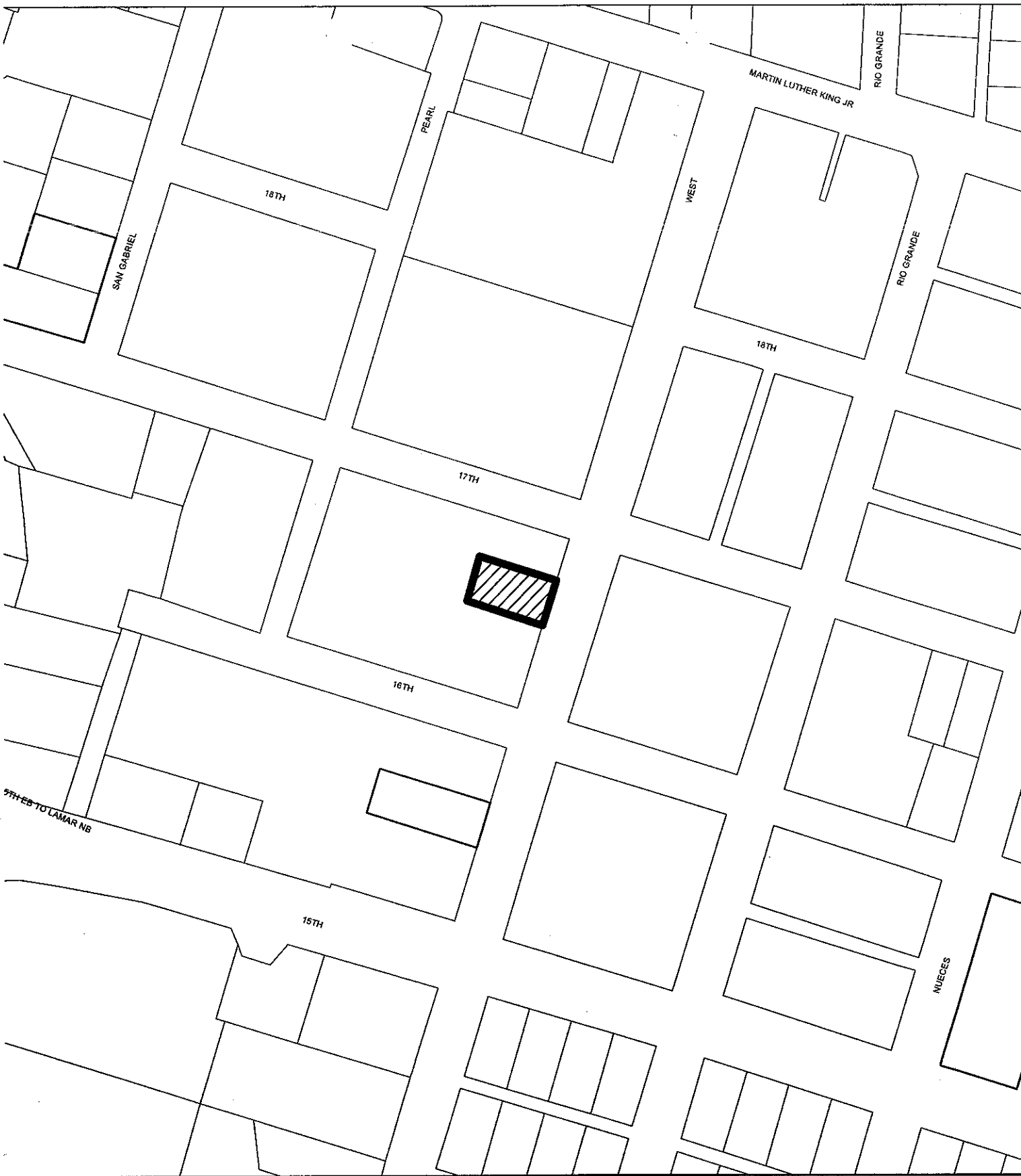
The deck that had been previously been there for over 20 years was rotted out, and our 5-year-old grandson stepped through a rotten board and gashed his shin pretty badly. So we made the decision to take out the deck that was there and rebuild it, adding the part on the west end of the pool to take care of the muddy hole and the bamboo and the snake hazard, and also to make it more aesthetically pleasing, as it was extremely unsightly.

**POTENTIAL SOLUTION FOR PERMEABLE VERSUS IMPERMEABLE AS OPPOSED TO  
REMOVING THE DECK:**

The concrete has all been there for many, many years. The concrete area that was put in during the pool installation has been there for about 30 years. I don't know at this point how to prove how long it's been there, but I'm working on it. I don't know if the driveway area was put in at the time the house was built 104 years ago or at some point later. It's very old and obviously has been there for a while.

We are willing to jackhammer out the concrete on the north side of the deck, the driveway area, and plant grass or an herb garden or whatever is acceptable. This would create a more permeable area. There are only two residential buildings on our block except for the small apartment complex on the south side of the house. The other residence has very little permeable coverage, so I'm thinking that it was grandfathered.

Gary Pools installed the pool in about 1982-1984, at which time the concrete was installed. Since it's been so long and since Gary Pools has been sold to another company, we have no way of accessing that information. I'm thinking that since the pool had to be permitted, maybe the concrete was involved in that transaction.

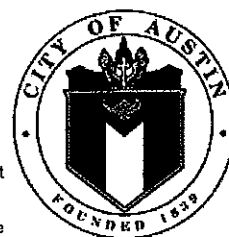


SUBJECT TRACT



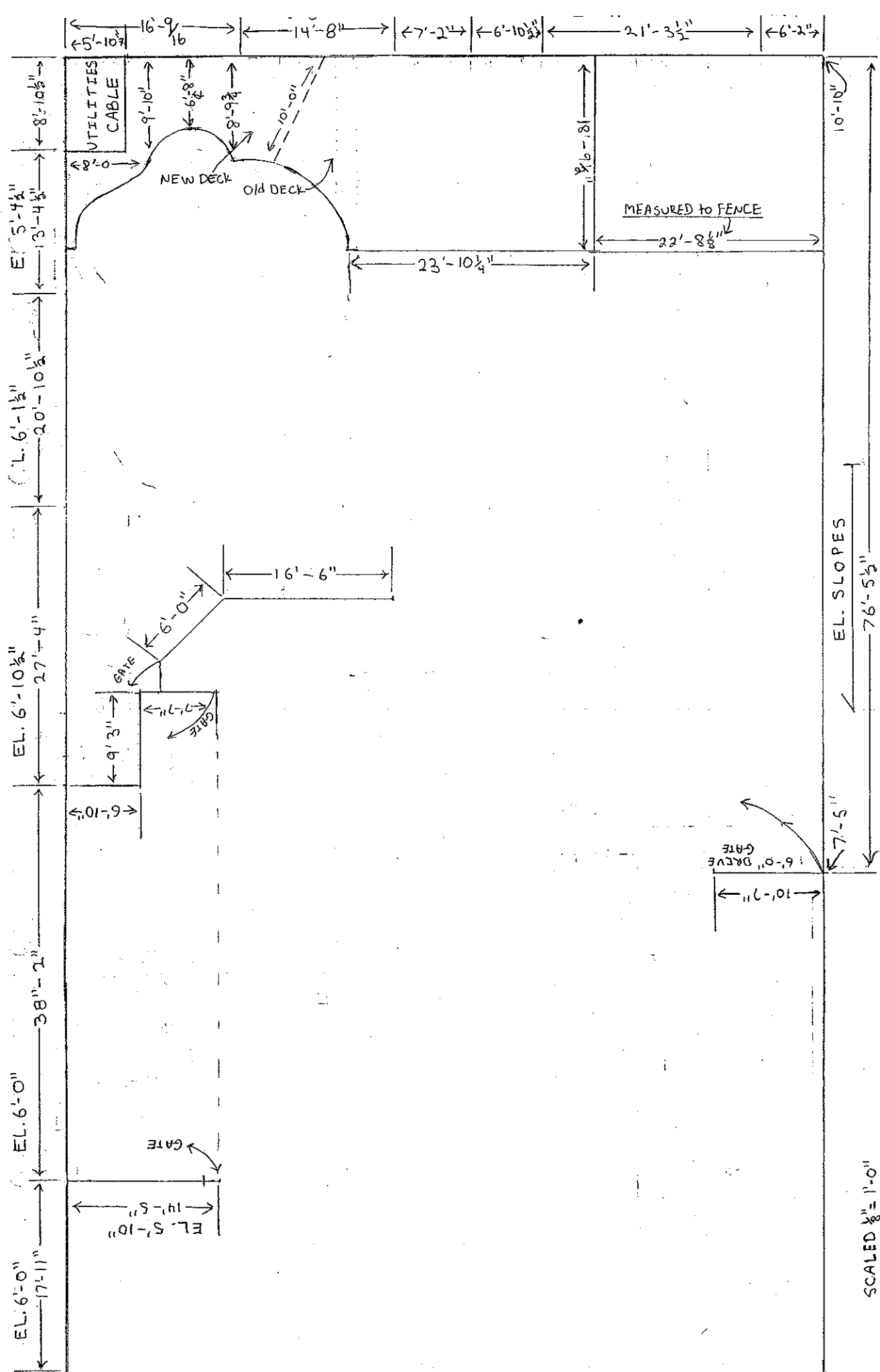
ZONING BOUNDARY

CASE#: C15-2013-0127  
LOCATION: 1608 WEST AVENUE



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.





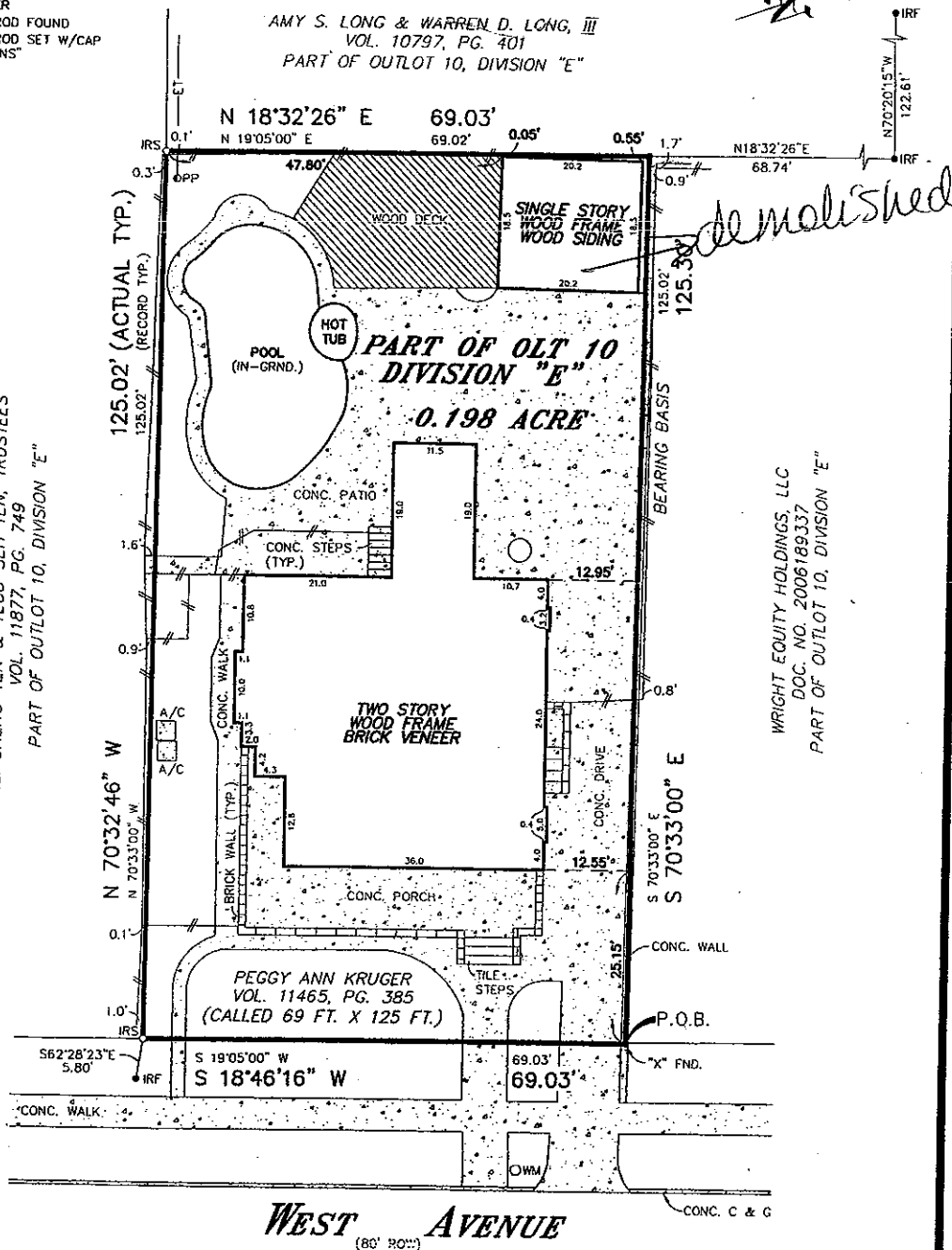
# LEGEND

- PP POWER POLE
- ET OVERHEAD ELEC./TELE. LINE
- WF WOOD FENCE
- WM WATER METER
- IRF 1/2" IRON ROD FOUND
- IRS 1/2" IRON ROD SET W/CAP STAMPED "SNS"

PAGE 2 OF 2

AMY S. LONG & WARREN D. LONG, III  
VOL. 10797, PG. 401  
PART OF OUTLOT 10, DIVISION "E"

HSI SHENG YEN & YECU SEH YEN, TRUSTEES  
VOL. 11877, PG. 749  
PART OF OUTLOT 10, DIVISION "E"



**WEST AVENUE**  
(80' ROW)

PROPERTY SUBJECT TO SANITARY SEWER EASEMENT GRANTED TO THE AUSTIN SEWERAGE COMPANY ALONG THE SOUTHERLY PROPERTY LINE, WIDTH NOT SPECIFIED, RECORDED IN VOL. 212, PG. 389, DEED RECORDS.

\* DIVISION E, ORIGINAL CITY OF AUSTIN (FIELD NOTES ATTACHED)

## PLAT OF SURVEY

Survey No. 11376

SCALE: 1" = 20'

OF 201102086

Said lot is in Zone X as identified by the  
Federal Emergency Management Agency on  
Community Panel No. 48453C 0465H  
Dated: SEP. 26, 2008

All corners are 1/2-inch iron rod found unless otherwise noted. To the lien holders and/or the owners of the premises surveyed.

LOT NO. 1 BLOCK NO. 1

ADDITION OR SUBDIVISION 0.198 ACRE OF LAND, MORE OR LESS, OUT OF OUTLOT 10, \*

STREET ADDRESS 1608 WEST AVENUE CITY AUSTIN COUNTY TRAVIS  
SURVEY FOR HERITAGE TITLE COMPANY OF AUSTIN, INC. REFERENCE DAVID BRUCE KRUGER  
TO ALLIANT NATIONAL TITLE INSURANCE COMPANY, INC.

STATE OF TEXAS, COUNTY OF TRAVIS  
I HEREBY CERTIFY THAT THE ABOVE SURVEY WAS MADE THIS DAY ON THE GROUND AND IS TRUE AND CORRECT, AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, ENCROACHMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE EXCEPT AS SHOWN HEREON AND SAID PROPERTY HAS ACCESS TO A DEDICATED ROADWAY, EXCEPT AS SHOWN HEREON.  
SNS ENGINEERING, INC.

9801 Anderson Mill Road, Suite 209  
Austin, Texas 78750

(512) 335-3944 \* (512) 250-8685 (Fax) JM

632/33



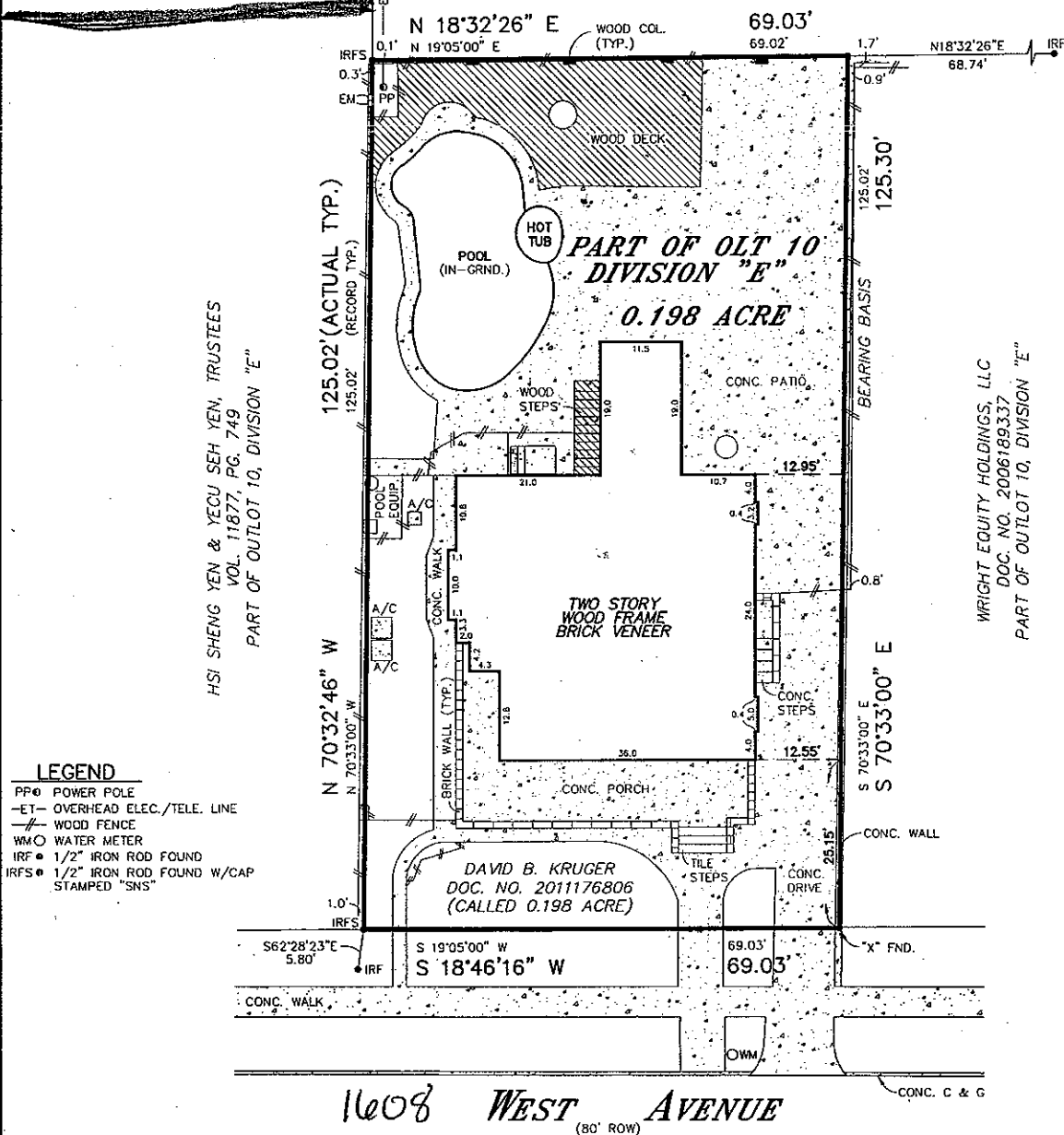
*Leslie Vasterling*

Date: 10-13-2011

# IMPERVIOUS COVER CALCULATIONS

HOUSE	1,883 SQ. FT.
CONCRETE	4,753 SQ. FT.
WOOD DECK	647 SQ. FT. (50%)
TOTAL	6,958.5 SQ. FT.
AREA OF LOT	8,639 SQ. FT.
IMPERVIOUS COVER	80.56%

AMY S. LONG & WARREN D. LONG, III  
VOL. 10797, PG. 401  
PART OF OUTLOT 10, DIVISION "E"



## LEGEND

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## PLAT OF SURVEY

Survey No. 1412

SCALE: 1" = 20'

OF 201102086

Said lot is in Zone X as identified by the  
Federal Emergency Management Agency on  
Community Panel No. 48453C 0465H  
Dated: SEP. 26, 2008

LOT NO. 1 BLOCK NO. 1

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SURVEY FOR DAVID BRUCE KRUGER REFERENCE DAVID BRUCE KRUGER  
TO HERITAGE TITLE COMPANY OF AUSTIN, INC. & ALLINAT NATIONAL TITLE INS. CO., INC.

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12885 US Highway 183 North, Suite 101-B  
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632/33, 655/10, DC



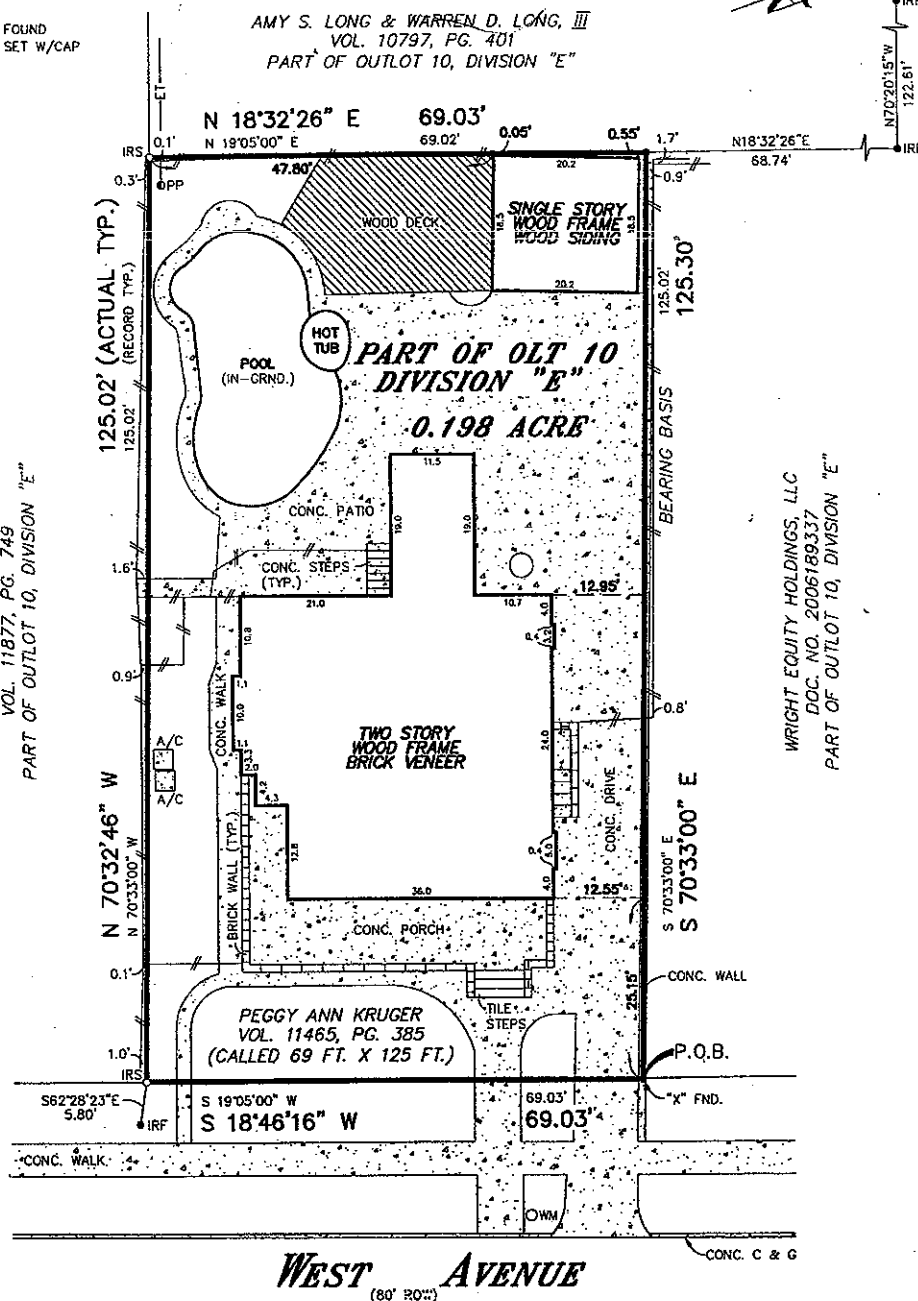
*Leslie Vasterling*

Date: 01-26-2014

PPD POW. JLE  
 -ET- OVERHEAD ELEC./TELE. LINE  
 -W- WOOD FENCE  
 WMO WATER METER  
 IRF 1/2" IRON ROD FOUND  
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WRIGHT EQUITY HOLDINGS, LLC  
 DOC. NO. 2006189337  
 PART OF OUTLOT 10, DIVISION "E"

**WEST AVENUE**  
 (80' ROW)

PROPERTY SUBJECT TO SANITARY SEWER EASEMENT GRANTED TO THE AUSTIN SEWERAGE COMPANY ALONG THE SOUTHERLY PROPERTY LINE, WIDTH NOT SPECIFIED, RECORDED IN VOL. 212, PG. 389, DEED RECORDS.

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## PLAT OF SURVEY

Survey No. **11376**

SCALE: 1" = 20'

OF 201102086

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 Federal Emergency Management Agency on  
 Community Panel No. 48453C 0465H  
 Dated: SEP. 26, 2008

All corners are 1/2-inch iron rod found unless  
 otherwise noted. To the lien holders and/or  
 the owners of the premises surveyed.

LOT NO.        BLOCK NO.       

ADDITION OR SUBDIVISION 0.198 ACRE OF LAND, MORE OR LESS, OUT OF OUTLOT 10, \*

STREET ADDRESS 1608 WEST AVENUE

CITY AUSTIN

COUNTY TRAVIS

SURVEY FOR HERITAGE TITLE COMPANY OF AUSTIN, INC. REFERENCE DAVID BRUCE KRUGER  
 TO: ALLIANT NATIONAL TITLE INSURANCE COMPANY, INC.

STATE OF TEXAS, COUNTY OF TRAVIS

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(512) 335-3944 \* (512) 250-8685 (Fax) *JM*

632/33



*Leslie Vasterling*

Date: 10-13-2011

DATE of SUBMISSION:



# Demolition Application

Adopted December 2012

 Application type: Commercial ☐ Residential ☐ Fee paid: \$

<b>Permit Information</b>		676 8/14/13	
FOR OFFICE USE ONLY	BP- <u>13-085156</u> PR- <u>13-085121</u>	LHD_NRD_HDP - _____	Ca. _____
	REFERRED BY: <u>Michael Watson</u>	NRHD/LHD: _____	
	<input type="checkbox"/> RELEASE PERMIT <input type="checkbox"/> DO NOT RELEASE PERMIT <input type="checkbox"/> HLC REVIEW— _____		
	HISTORIC PRESERVATION OFFICE _____ DATE _____		
<b>Property Information</b>		<b>Demolition Type</b>	
Address: <u>1608 West Avenue</u>		<input checked="" type="checkbox"/> Total	
City/Zip: <u>Austin 78701</u>		<input type="checkbox"/> Partial—identify the exterior wall(s), roof or portion of wall(s) and roof to be demolished.	
Current use: _____		<u>Total demo of shed in rear.</u>	
<b>Applicant</b>		<b>Owner</b>	
Name: <u>Bruce Kruger</u>		Name: <u>Bruce Kruger</u>	
Address: <u>1608 West Avenue</u>		Address: <u>1608 West Avenue</u>	
City/Zip: <u>Austin 78701</u>		City/Zip: <u>Austin 78701</u>	
Phone: <u>512-680-7654</u>		Phone: <u>512-680-7654</u>	
Email: <u>dyan408@aol.com</u>		Email: <u>dyan408@aol.com</u>	
<b>Demolition Contractor Information</b>		<b>Structural Information</b>	
Company: <u>Dyan Gillman</u>		Square Feet: _____	
Address: _____		Building Materials: _____	
City/Zip: _____		Foundation Type: _____	
Phone: _____		Estimated cost of demolition: _____	

## IMPORTANT:

Inspections are required for all demolition projects. If you do not call for a final inspection, the permit will expire after 180 days from the time of applying for the permit. In order to close out an expired permit, an applicant will be required to submit a NEW application for the project and all fees will be assessed again.

## DO NOT LET YOUR PERMIT EXPIRE!!!!

**HISTORIC LANDMARKS AND DISTRICTS:** If this property is a Historic Landmark or is within a Local Historic District or National Register Historic District, additional applications and fees will apply. For more information, contact the City Historic Preservation Office.

TAX CERTIFICATE  
Bruce Elfant  
Travis County Tax Assessor-Collector  
P.O. Box 1748  
Austin, Texas 78767  
(512) 854-9473

NO 1325142

ACCOUNT NUMBER: 02-1101-0804-0000

PROPERTY OWNER:

KRUGER DAVID BRUCE  
% BRUCE KRUGER  
5450 BEE CAVE RD STE 5B  
WEST LAKE HILLS, TX 78746-5251

PROPERTY DESCRIPTION:

0.1980 AC OF OLT 10 DIVISION E

ACRES .1980 MIN% .000000000000 TYPE

SITUS INFORMATION: 1608 WEST AVE AUSTIN

This is to certify that after a careful check of tax records of this office, the following taxes, delinquent taxes, penalties and interests are due on the described property of the following tax unit(s):

YEAR	ENTITY	TOTAL
2012	AUSTIN ISD	*ALL PAID*
	CITY OF AUSTIN (TRAV)	*ALL PAID*
	TRAVIS COUNTY	*ALL PAID*
	TRAVIS CENTRAL HEALTH	*ALL PAID*
	ACC (TRAVIS)	*ALL PAID*
TOTAL SEQUENCE 0		*ALL PAID*
TOTAL TAX:		*ALL PAID*
UNPAID FEES:		* NONE *
INTEREST ON FEES:		* NONE *
COMMISSION:		* NONE *
TOTAL DUE ==>		*ALL PAID*

TAXES PAID FOR YEAR 2012 \$13,883.40

ALL TAXES PAID IN FULL PRIOR TO AND INCLUDING THE YEAR 2012 EXCEPT FOR UNPAID YEARS LISTED ABOVE.

The above described property may be subject to special valuation based on its use, and additional rollback taxes may become due. (Section 23.55, State Property Tax Code).

Pursuant to Section 31.08 of the State Property Tax Code, there is a fee of \$10.00 for all Tax Certificates.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF 08/13/2013

Fee Paid: \$10.00

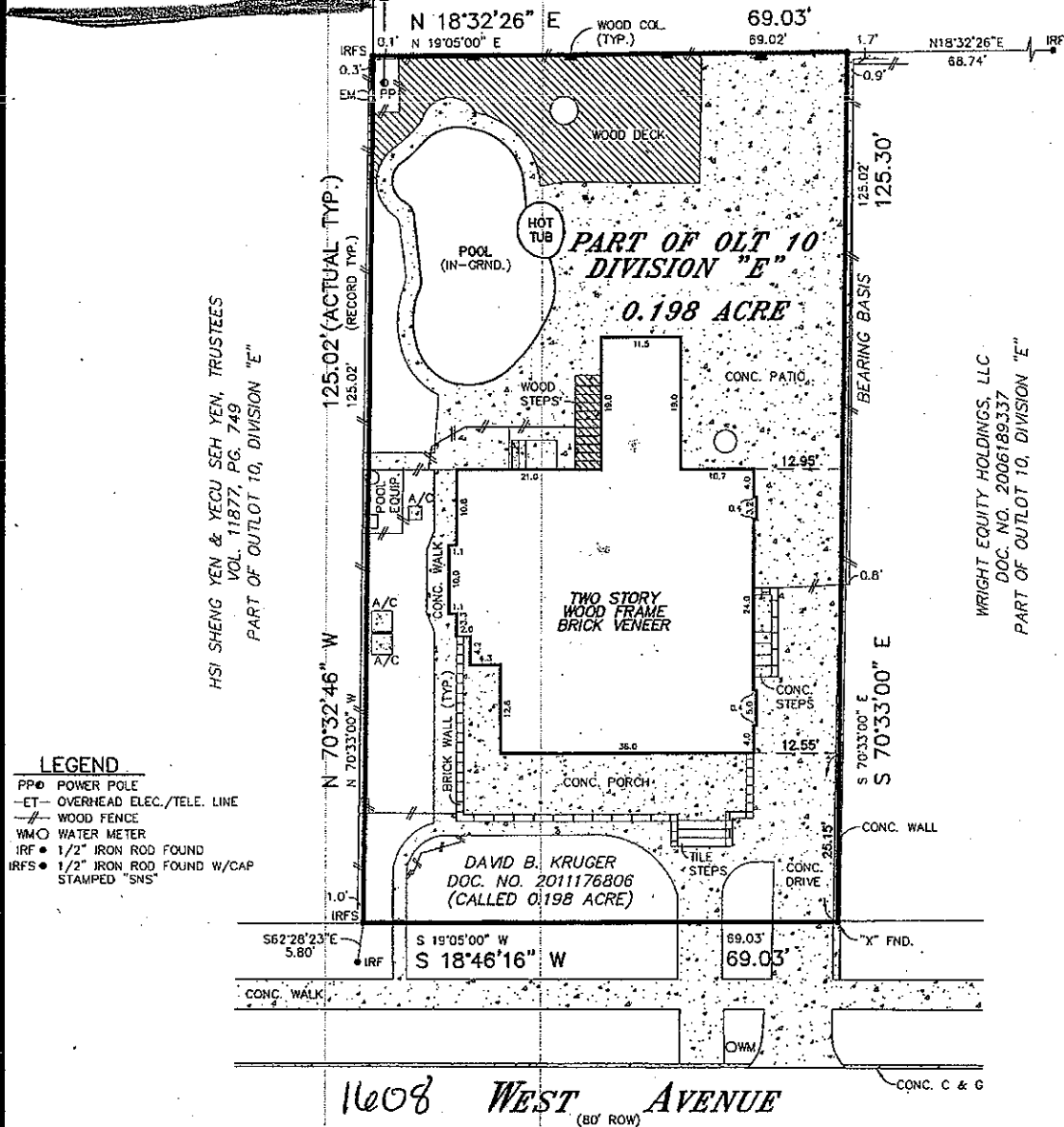
Bruce Elfant  
Tax Assessor-Collector

By: 

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LOT NO. 1 BLOCK NO. 1ADDITION OR SUBDIVISION 0.198 ACRE OF LAND, MORE OR LESS, OUT OF OUTLOT 10, \*STREET ADDRESS 1608 WEST AVENUECITY AUSTINCOUNTY TRAVISSURVEY FOR DAVID BRUCE KRUGERREFERENCE DAVID BRUCE KRUGERTO: HERITAGE TITLE COMPANY OF AUSTIN, INC. & ALLINAT NATIONAL TITLE INS. CO., INC.

STATE OF TEXAS, COUNTY OF TRAVIS

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12885 US Highway 183 North, Suite 101-B

Austin, Texas 78750

(512) 335-3944 \* (512) 250-8685 (Fax) JM

632/33, 655/10, DC

Date: 01-26-2014



## Demolition Application

Page 2 of PR- \_\_\_\_\_

### Submittal Requirements

- ☐ 1. Owner authorization/signature, **NOTARIZED** at the bottom of this page  
**OR a NOTARIZED** letter of authorization from the owner giving the applicant permission to apply.
- ☒ 2. Dimensioned Site Plan or Survey that shows all existing structures and what is being demolished
- ☐ 3. Certified tax certificate(s) from the Travis County Tax Assessor's Office (5501 Airport Boulevard; 854-9473).
- ☐ 4. Photos of each side of structure; the front photo needs to show the entire front of the structure that is visible from the street.
- ☐ 5. Review Fee (see fee schedule for applicable fees)

### Additional requirements for Commercial Demolitions:

- ☐ 6. Approved/Red-stamped site plan OR an approved Site Development Exemption Form
- ☐ 7. Completed Texas Department of Health Asbestos Notification Form; must be filled out by a licensed inspector or contractor

### Consent, Authorizations and Signatures

I understand and will adhere to the following rules or regulations:

- 1. No work may begin prior to issuance of this permit**
2. It is important to verify with the Development Assistance Center (DAC) that new construction will be permitted on the property at this location PRIOR to filing this application.
3. If the structure to be demolished is currently tied into water and/or sewer services provided by the City of Austin, you must contact Austin Water Utility at 512-494-9400 to obtain specific water and sewer service information.
4. If the proposed work will require the removal of any tree protected by ordinance or impact the critical root zone as defined within the Environmental Criteria Manual (3.5.2.A), a Tree Ordinance Review Application is required prior to any such activity. Note, root zone protection measures (e.g. fencing, boards attached to the trunk, mulch) are required prior to work commencing. Information can be found at <http://www.austintexas.gov/department/city-arborist>. Contact the City Arborist Program at (512) 974-1876 or [cityarborist@austintexas.gov](mailto:cityarborist@austintexas.gov).
5. If the proposed work will require use of City right-of-way, a Right of Way Application must be approved prior to any such activity. Applications may be obtained in the Watershed Protection and Development Review located on the 8<sup>th</sup> floor at One Texas Center. For additional information, call 974-7180 or go to <http://www.austintexas.gov/department/right-way-management>
- 6. The Historic Preservation Office will review this application to determine if the structure that is subject of this application is potentially historic as defined by §25-11-214 of the City of Austin Land Development Code. Additional review by the Historic Landmark Commission may be required and additional fees may be assessed.**
7. Once this review is complete and approved, the permit may be obtained from the Permit Center and additional fees will be assessed at that time.

I, the undersigned, hereby swear or affirm that the information provided in this application is true and correct to the best of my knowledge and is an accurate reflection of my intentions for the above structure and/or property. I understand that any omission or incorrect information herein will render this application and any permit obtained invalid.

☐ As owner(s) of the property described in this application, I/we hereby authorize the Applicant listed on this application to act on my/our behalf during the processing and presentation of this request. They shall be the principal contact with the City in processing this application.

Signature of Applicant: \_\_\_\_\_

Date: 8/8/13

(if different from owner)

Signature of Owner: \_\_\_\_\_

Date: 8/8/13

Sworn and subscribed before me this 8 day of August, 2013

Signature of Public Notary

