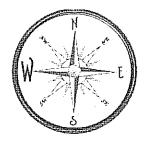
CITY OF AUSTIN Board of Adjustment/Sign Review Board Decision Sheet

DATE: Monday, July 12, 2010	CASE NUMBER: C15-2010-0073
Y Jeff Jack 2 nd the Motion Y Michael Von Ohlen Y Nora Salinas Y Bryan King Motion to PP Aug 9, 2010 Y Leane Heldenfels, Chairman Y Clarke Hammond, Vice Chairman Y Heidi Goebel	
APPLICANT: Jim Bennett	
OWNER: Allen Mcaden	
ADDRESS: 2109 NEWFIELD LN	
VARIANCE REQUESTED: The applicant has requirement of Sec 24.6 feet in order to complete and maintain an ex an "SF-3", Family Residence zoning district.	tion 25-2-492 (D) from 25 feet to
The applicant has requested a variance to increase ratio requirement of Subchapter F; Article 2; Substo 1.0 in order to complete and maintain an existi "SF-3", Family Residence zoning district.	section 2.1 from 0.4 to 1.0 to 0.61
BOARD'S DECISION: Applicant requested for Postpochange notice language. The public hearing was closed motion to Postpone to August 9, 2010, Board Member POSTPONED TO August 9, 2010.	on Board Member Bryan King
FINDING:	
 The Zoning regulations applicable to the property because: (a) The hardship for which the variance is request (b) The hardship is not general to the area in which 3. The variance will not alter the character of the area impair the use of adjacent conforming property, a the regulations of the zoning district in which the property. 	ted is unique to the property in that: the property is located because: the adjacent to the property, will not and will not impair the purpose of
Susan Walker Lean	una Rumsby e Heldenfels

Chairman

Susan Walker **Executive Liaison**



WEST AUSTIN NEIGHBORHOOD

GROUP

Organized 1973

"To preserve our neighborhood and protect it from deterioration."

OFFICERS

August Harris President

Gwen Jewiss Past President

Michael Cannatti Secretary

Selina Serna Treasurer

BOARD MEMBERS

Mary Arnold Joyce Basciano Joseph Bennett Erik Cary George Edwards Cathy Kyle Susan Pascoe Blake Tollett July 8, 2010

TO: Susan Walker, Liaison Board of Adjustment City of Austin

FROM: West Austin Neighborhood Group (WANG) August Harris, III, President

RE: Case Number C15-2010-0073 2109 Newfield Lane

Dear Board of Adjustment:

At its regularly scheduled monthly meeting, WANG's Board of Directors (Board) reviewed the above referenced variance request at 2109 Newfield Lane and subsequently voted electronically to submit this comment in opposition. This property is not located within our official boundaries but the facts of the case require us to comment.

As we understand it, the circumstances at Newfield Lane that have led to these variance requests are strikingly similar to the circumstances surrounding a property at 505 Deep Eddy Avenue that is within our neighborhood boundary. In both instances, Ian Mitchell of MGE Development was the initial developer. In both instances, at a minimum, there were substantial misunderstandings in the issuance of the initial building permits. In both instances, the developers of the properties were required to reapply for new building permits that fell under either the Interim or Final versions of the "McMansion" Ordinance, and in both cases, the structures as built were and are out of compliance with the new ordinances. Subsequent entities through foreclosure have acquired both properties. The similarities of development between the two properties have caused us to recognize that the decision in this matter will have precedent implications on the other.

The West Austin Neighborhood Group requests that the Board of Adjustment evaluate the variances requested at Newfield Lane as if the original developer were before you and to deny their request.

We ask that you look closely at the testimony and evidence presented to justify the allegation that the untimely expiration of the original building permit is why the matter is before you. If the original developer of the property had no hardship - other than self-imposed hardship, there appears to be no basis for the variance. There is a reasonable use of the property, as a residential structure that is in compliance with the Land Development Code. Furthermore, as this property, according to the Travis County Appraisal District's website, contains less than 7,000 sf, that residential use must be a single family structure. The granting of the variances will not remove an "eyesore" from the neighborhood but will rather allow an "eyesore" to remain.

Thank you for your consideration.

Walker, Susan

From:

Jennie_Perales_Hall@Dell.com

Sent:

Monday, July 12, 2010 11:35 AM

To:

Walker, Susan

Cc:

lisa@lmxwll.com

Subject: Variance request - Case Number: C15-2010-0073 - Opposition

Susan,

My neighbor, Lisa Maxwell recommended I email you my opposition to the variance request for 2109 Newfield Lane - Case Number: C15-2010-0073.

I live at 2102 Newfield Lane and am within very close proximity to the property. Please see below for my formal opposition as I cannot attend the hearing today.

To: Susan Walker

Case Number: C15-2010-0073

2109 Newfield Lane (Lot 31 Subdivision Enfield G)

Hearing date: July 12, 2010

I oppose the variance requests on both the front street setback and on the increased floor to area ratio. The property in question is intrusive and oversized and completely out of character with the neighborhood.

If you have any questions, please let me know.

Regards, Jennie Perales Hall 2102 Newfield Lane Austin, TX 78703

Jennie Perales Hall

Program Manager
Dell | Event Marketing
office +512.728.3497, fax +512.283.9232, mobile +512.633.5672
email jennie perales hall@dell.com

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.

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- 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 or proposed development; or
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 has an interest in or whose declared boundaries are within 500 feet of
 the subject property or proposed development.

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

LISA MAKEUP III Some of please print) ALOS New Hield Your address(es) afterted by this application Signature Daytime Telephone: 6/25/3097 Comments: FAR is walker to comment, it may be returned to: City of Austin-Planning & Development Review Department 2 nd Floor CO Susan Walker P. O. Box 1088 Austin, TX 78767-8810
--



Variance request - Case Number: C15-2010-0073 - Opposition

1 message

Jennie_Perales_Hall@dell.com < Jennie_Perales_Hall@dell.com >

Mon, Jul 12, 2010 at 11:35

To: susan.walker@ci.austin.tx.us

Cc: lisa@lmxwll.com

Susan,

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I live at 2102 Newfield Lane and am within very close proximity to the property. Please see below for my formal opposition as I cannot attend the hearing today.

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If you have any questions, please let me know.

Regards,

Jennie Perales Hall

2102 Newfield Lane

Austin, TX 78703

To: Susan Walker

Case Number: C15-2010-0073

2109 Newfield Lane (Lot 31 Subdivision Enfield G)

Hearing date: July 12, 2010

I oppose the variance requests on both the front street setback and on the increased floor to area ratio. The property in question is intrusive and oversized and completely out of character with the neighborhood.

Regards,

John Rogers, Jr. 2204 Newfield Lane Austin, TX 78703

Walker, Susan

From: Marlene Romanczak [mromanczak@gmail.com]

Sent: Sunday, July 11, 2010 9:49 PM

To: leane_heldenfels@sbcglobal.net; Clarke.Hammond@gmail.com; heidigoebel@sbcglobal.net; mwh@austin.rr.com;

jjack2@austin.rr.com; bryan@bkradio.net; nora_salinas@yahoo.com; pdi@grandecom.net; Walker, Susan

Cc: Lisa Maxwell

Subject: 2109 Newfield Ln - Case #C15-2010-0073 OPPOSITION

Dear Board of Adjustment:

The Old Enfield Homeowners Association is in strong opposition to the 2109 Newfield Lane, case number C15-2010-0073, variances on the July 12, 2010 agenda. There simply is not a basis for any hardship other than the original developer's self-imposed hardship. **Hardship stated on application** - "a permit was issued to construct this duplex prior to the McMansion requirements being enacted...the bank had to foreclose on the property and is wishing to complete the structure". That is not a hardship, period.

We ask this Board to evaluate the requested variances as if the original developer were before you and strongly ask that you deny the request. It should be irrelevant that the project started prior to the McMansion ordinance because the project was never completed, permits expired, and a certificate of occupancy was never issued.

An increase in FAR to .61 is completely out of line with area character. Please refer to the plat map and FAR calculations for surrounding properties that will be presented to you at the hearing. **Area character** - Granting of the variances will NOT remove in "eyesore" from the neighborhood but will allow an illegal "eyesore" to remain. The completion of this illegal structure which also violates its one-story deed restriction, will not result in an improvement to the overall character of the neighborhood. It will continue to have a dramatic negative effect on this charming street. The claim that this property is "basically complete as a duplex" is false. This is simply a shell without any interior finish work, fixtures, working plumbing, flooring, etc.

When I spoke to the Bank representative, Jim Garrison, he told me they were requesting a front yard set-back variance and a side yard variance. He assured me the FAR was in compliance. When we received the notice we learned this was not true. We strongly question if the side yard set-backs are also in violation.

This is a troubled property that is the textbook example of why the McMansion ordinance was created. This property has put indue hardship on the surrounding properties and we ask that you correct this injustice by denying this outrageous variance request.

l'hank you for your consideration, Marlene Romanczak President, Old Enfield Homeowners Association

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City of Austin-Planning & Development Review Department/ 2nd Floor

Austin, TX 78767-8810

C/O Susan Walker

P. O. Box 1088

If you use this form to comment, it may be returned to:

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.

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Case Number: C15-2010-0073 - 2109 Newfield

Contact: Susan Walker, 512 974-2202

NEIGHBORHOOD, 175 NOT CONSISTENT WITH STREETSCAPE OF THE PROPERTIES OF THE ENTIRE BLOCK, ITS ALSO COMPATIBLE IN SCALE AND BUCK WITH EXISTING NOT GOSTENT IN MASSING, SCALE AND PROXIMITY Comments: STRUCTURE AT 2109 NEWFIELD IS NOT ☐ I am in favor OF PROPERTIES ON EITHER SIDE OR ANY PROPERTIES 7/12/10 ON THE ENTIRE BLOCK, THE STRUCTURE IMPACTS XI object THE PRIVALY OF BOTH ADJACENT REAR YALDS Public Hearing: Board of Adjustment July 12, 2010 Daytime Telephon/e: 512-236-8711 Your address(es/ affècted by thit, appliqation 2107 NEWFIELD LANE W Signande DONALD CHABALA Your Name (please print)

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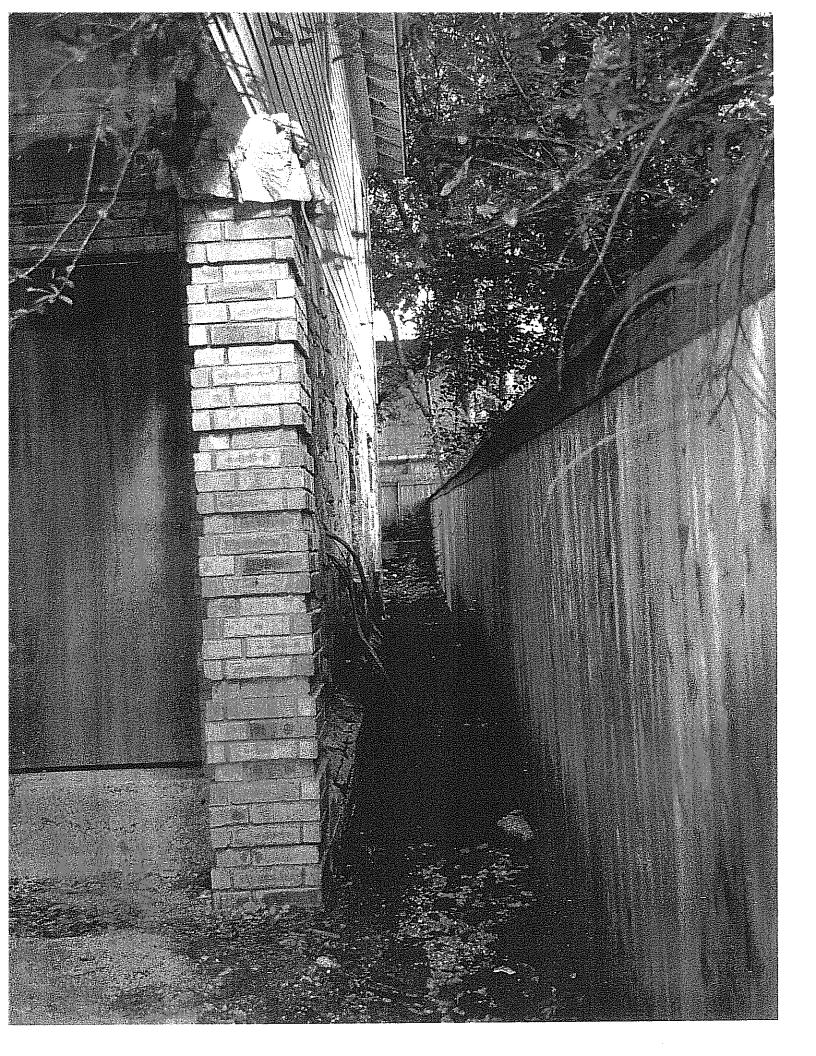
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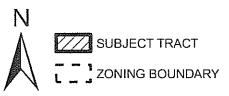
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BOARD OF ADJUSTMENTS

ZONING CASE#: C15-2010-0073 LOCATION: 2109 NEWFIELD LN

GRID: H24

MANAGER: SUSAN WALKER



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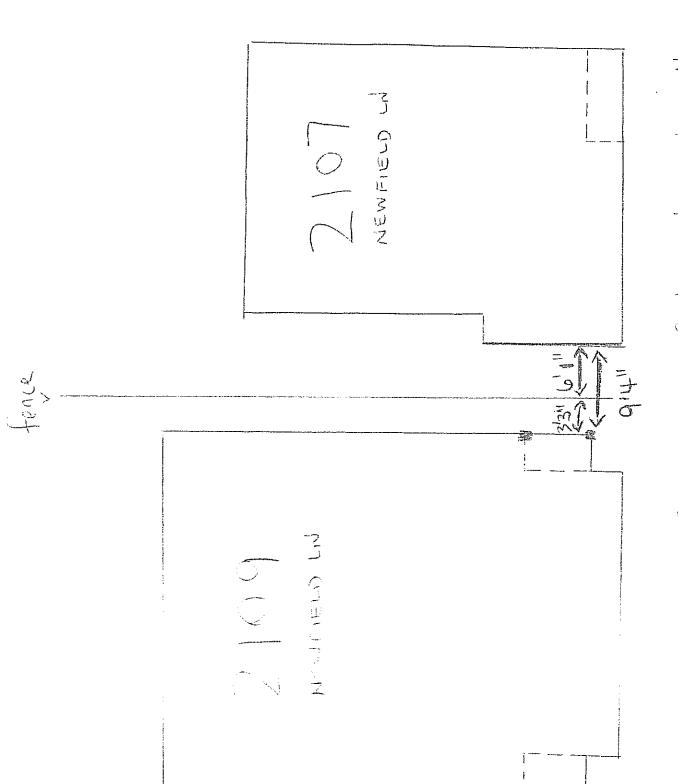
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Case Number: C15-2010-0073 – 2109 Newfield

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Comments:
6137
James C. Prentice July 5, 2016 Signature
Your address(es) affected by this application
Your Name (please print) Tarnes A. Prentice [DIam in favor] Tour Name (please print)
Case Number: C15-2010-0073 – 2109 Newfield Contact: Susan Walker, 512 974-2202 Public Hearing: Board of Adjustment July 12, 2010



84" represented the structures (2109 roof overhands=1) If you me not had to roof line then less than

CASE # C15-2010-0073 ROW-10454729

TP-01140316 **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.

Olinos Porcersos. STREET ADDRESS: 2109 Newfield Lane LEGAL DESCRIPTION: Subdivision - Enfield G Lot(s) 31 Block Outlot Division I <u>Jim Bennett</u> as authorized agent for <u>Treaty Oak Bank</u> ____affirm that on 6/15, 2010, hereby apply for a hearing before the Board Adjustment for consideration to: ERECT - ATTACH - COMPLETE - REMODEL - MAINTAIN A two family dwelling providing a front street setback of 24.6 ft and providing a F.A.R. of 0.61% in a <u>SF-3</u> _____ district. (zoning district)

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Christine Esparza with Austin Energy at 322-6112 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

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:

This structure is basically complete as a duplex.

HARDSHIP:

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

a permit was issued to construct this duplex prior to the Mcmansion requirements being enacted. An error of .4 inches on one corner of the building was made during the layout inspection. The bank had to foreclose on the property and is wishing to complete the structure.

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

The error in the layout of the building is not general to the area.

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 amount of variance is minimal, 3.8 inches on one corner of the building, and the completion of this structure will remove an eyesore from the neighborhood resulting in an improvement to the overall character to the neighborhood.

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:

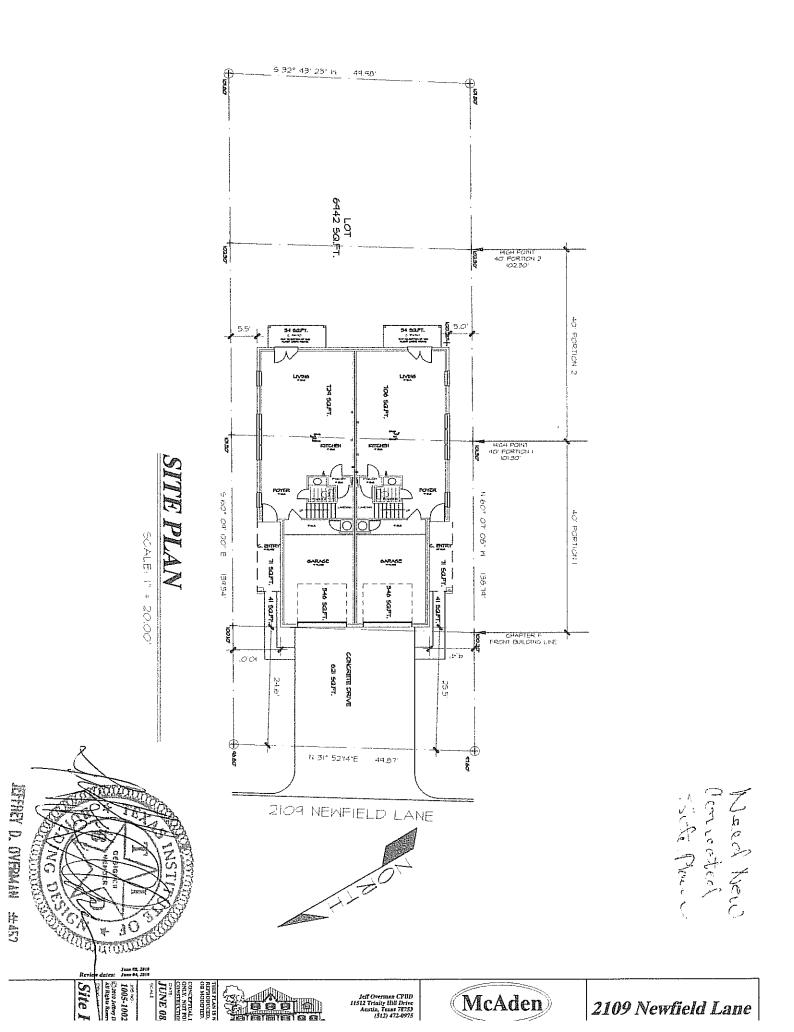
1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

2

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:
Al	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. PPLICANT CERTIFICATE – I affirm that my statements contained in the complete
ap	plication are true and correct to the best of my knowledge and belief.
Si	gned Mail Address
Ci	ty, State & Zip
Pr	inted Phone Date
are Si	wners certificate – I affirm that my statements contained in the complete application e true and correct to the best of my knowledge and belief. Mail Address 101 West a Ke Dollars, State & Zip 100 March 10
	inted tanes Garrison Phone 617-3600 Date 7-23-10

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	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:
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•	
N	OTE: 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.
AP:	PLICANT CERTIFICATE – I affirm that my statements contained in the complete lication are true and correct to the best of my knowledge and belief.
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CITY OF AUSTIN Board of Adjustment/Sign Review Board **Decision Sheet**

DATE:	: Monday, July 14, 2008	CASE NUMBER: C15-2008-0086
Y Y Y Y Y Y	 Greg Smith Michael Von Ohlen (2ND) Yolanda Arriaga Bryan King Leane Heldenfels, Vice-Chairman Frank Fuentes, Chairman Nora Salinas 	(Motion to GRANT)
APPLI	CANT: Robert Langguth	
ADDRI	ESS: 2109 NEWFIELD LN	
front str	eet setback requirement of Section 25-2-49	requested a variance to decrease the minimum 92 (D) from 25 feet to 24.7 feet in order to an "SF-3", Family Residence zoning district
BOARI	D'S DECISION: GRANTED 7-0	
FINDIN	IG:	
bec	ause: the lot is not perpendicular to the	roperty do not allow for a reasonable use street 1 believe a measuring error was 5 ½ encroachments into the front setback.
2. (a) ī app	The hardship for which the variance is r licant assumed this project was not inv	equested is unique to the property in that: olved when the measuring error occurred.
am t	The hardship is not general to the area taking over the project and can only assut stage.	in which the property is located because: I sume measuring error occurred in the
impa the i	air the use of adjacent conforming prop	the area adjacent to the property, will not erty, and will not impair the purpose of the property is located because: survey
	LA Lag	Drown Rums for
Bobby F	Ray	Frank Fuentes

Chairman

Bobby Ray
Executive Secretary



CITY OF AUSTIN BUILDING PERMIT

PERMIT NO: 2006-011948-BP

Type: RESIDENTIAL

Status:

Expired

2109 NEWFIELD LN

Issue Date: 02/15/2006

EXPIRY DATE:

11/18/2009

LEGAL DESCRIPTION

Lot: 31 Block: Subdivision: ENFIELD G

SITE APPROVAL

ZONING

PROPOSED OCCUPANCY:

WORK PERMITTED:

New

ISSUED BY:

Tarrah Adams

Rebuild To Maintain Non-Complying Two Story Duplex W/Att Garage, Covered Porch & Balcony (6 Bedrooms) (4 Parking Spaces) (4 Bathrooms 3/4" Meter) Demolition#06003659 (Ldc 25-2964) Restoration And Use Of Damage Or Destroyed Noncomplying Structures

TOTAL SQFT New/Addn: 4.330	VALUATION	· ************************************	TYPE CONST.	USE CAT.	GROUP	FLOORS	UNITS	# OF PKG SPACES
New/Addit. 4,550	Tot Job Val:	\$200,000.00		101	1	2		
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOUS	S COVERAGE	% COVER	RAGE # 0	F BATHRO	омѕ	METER SIZE

Contact	<u>Phone</u>	Contact	<u>Phone</u>
Owner, Robert Langguth	(512) 330-9035	Inactive General Contractor, Speciale Homes, Ltd.	(512) 528-9393
Inactive General Contractor, MGE Development, Inc.	(512) 632-0066	General Contractor, Lily Aleksander, Seligman Homes	(512) 627-0694
.,	, ,		` '

Fee Desc	Amount Date	Fee Desc	Amount	Date	Fee Desc	Amount	Date
3uilding Permit Fee	44.00 1/27/2006	Building Permit Fee	370.00	2/15/2006	Building Permit Fee	185,00	7/17/2008
Electrical Permit Fee	264,00 7/5/2006	Electrical Permit Fee	132.00	8/29/2007	Electrical Permit Fee	66.00	11/15/2007
Electrical Permit Fee	66,00 9/19/2008	Mechanical Permit Fee	55.00	8/27/2007	Mechanical Permit Fee	28.00	12/11/2007
Plumbing Permit Fee	154.00 3/9/2006	Plumbing Permit Fee	77.00	7/30/2007	Plumbing Permit Fee	39.00	1/23/2008
Plumbing Permit Fee	23.00 9/18/2008				-		
Fees Total:	<u>1,503.00</u>						

nspection Requirements

Building Inspection Mechanical Inspection Driveway Inspection

Electric Inspection

Landscaping Inspection

Sewer Tap Inspection

Sidewalks Inspection

Water Tap Inspection

Il Buildings, Fences, Landscaping, Patios, Flatwork And Other Uses Or Obstructions Of A Drainage Easement Are Prohibited, Unless Expressly Permitted By A License greement Approved By COA Authorizing Use Of The Easement.

lection 25-11-94 Expiration and extension of permit (Active Permits will expire 180 days at 11:59:59 pm after date of last inspection posted). If ou allow this permit to expire, you will be required to submit a new application & pay new fees.

he following permits are required as a separate permit: See Mechanical, Electrical, Plumbing permits for Related Fees and Inspections.

Comments

Ic-3050' 43% Bc-2296' 32%. 25'Dr (22.00) & Sidewalk Requirement Based On Field Inspections. Call Jason Redfern At 974-7180 For Consultation. (4 Bathrooms 3/4" Meter). Ok Historic Per Steve Sadowsky 10-5-2005./Nora Briones

Req'D Prior To C.O. 10 Caliper Inches, No Construction Within 15' Of Live Ak At Back Left, Driveway To Be Set Above Grade, Utility Trenching No To Be Within 12' Of Pine At Front. M.Embesi...974-1876. Cancel Plbg Per Lof From Gc-04/13/06-Glw. Refer To Original Duplex Permitted 3-27-1962 #83329./Espa Approved 7/5/2006, 186-21. Architect/Engineer Letter Filed Ldc 25-2-964 Restoration And Use Of Damaged Or Destroyed Noncomplying Structures (A Person May Restore A Damaged Or Destroyed Noncomplying Structure If The Restoration Begins Not Later Than 12 Months After The Date The Damage Or Destruction Occurs......

Date

Reviewer

Residential Zoning Review

02/13/2006

Nora Briones

Accepting Or Paying For This Permit You are Declaring That You Are The Owner Or Authorized By The Owner That The Data Submitted At The Time Of Application Was True cts And That The Work Will Conform To The Plans And Specification Submitted Herewith.



VILY VI MUSLIII **BUILDING PERMIT**

PERMIT NO: 2006-011948-BP

2109 NEWFIELD LN

Type: RESIDENTIAL

Issue Date: 02/15/2006

Status: Expired

EXPIRY DATE:

11/18/2009

LEGAL DESCRIPTION

Lot: 31 Block: Subdivision: ENFIELD G

SITE APPROVAL

ZONING

Printed: 06/16/10 14:09

PROPOSED OCCUPANCY:

WORK PERMITTED:

ISSUED BY:

Tarrah Adams

Rebuild To Maintain Non-Complying Two Story Duplex W/Att Garage, Covered Porch & Balcony (6 Bedrooms) (4 Parking Spaces) (4 Bathrooms 3/4" Meter) Demolition#06003659 (Ldc 25-2964) Restoration And Use Of Damage Or Destroyed Noncomplying Structures

TOTAL SQFT New/Addn: 4.330	VALUATION		TYPE CONST.	USE CAT.	GROUP	FLOORS	UNITS	# OF PKG SPACES
Newhoull. 4,550	Tot Job Val:	\$200,000.00		101		2		
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOU	S COVERAGE	% COVER	RAGE # O	I IF BATHRO	OMS	METER SIZE

Гуре	Date	Status	Comments	Inspector
101 Building Layout	4/21/2009	Fail		Tony Hernandez
I02 Foundation	7/24/2008	Pass		Douglas Mcafee
I03 Framing	5/22/2009	Fail		Tony Hernandez
04 Insulation	5/22/2009	Fail		Tony Hernandez
I05 Wallboard		Open		Dearl Croft
08 TCO Stocking		Open		Dearl Croft
09 TCO Occupancy		Open		Dearl Croft
11 Energy Final		Open		Dearl Croft
12 Final Building		Open		Dearl Croft
14 Continuance of work		Open		
10 AW Temp Utilities		Open		Austin Water Utility
17 Landscape TCO Occupancy		Open		Landscape Inspect
18 Landscape TCO Stocking		Open		Landscape Inspect
)eficiencies		Open		
ree Inspection		Open		Michael Embesi