## **BOA GENERAL REVIEW COVERSHEET**

**CASE:** C15-2022-0011 **BOA DATE:** February 14<sup>th</sup>, 2022

ADDRESS: 2715 Long Bow Trl
OWNER: David Scott Kosch
COUNCIL DISTRICT: 6
AGENT: Jonathan Kaplan

**ZONING:** LA

**LEGAL DESCRIPTION:** LOT 876 APACHE SHORES SEC 2

## **VARIANCE REQUEST:**

- (a) increase the maximum impervious cover on a slope with a gradient of 15 percent or less from 35 percent (allowed) to 40 percent (requested)
- (b) increase the maximum impervious cover on a slope with a gradient of 15 percent and not more than 25 percent from 10 percent (allowed) to 40 percent (requested)
- (c) increase the maximum impervious cover on a slope with a gradient of more than 25 percent and not more than 35 percent from 5 percent (allowed) to 40 percent (requested)
- (d) increase the maximum impervious cover on a slope gradient greater than 35 percent to 40 percent (requested)

**SUMMARY:** complete a Single-Family residence

**ISSUES:** non-conforming lot, platted prior to "LA" regulations

	ZONING	LAND USES
Site	LA	Single-Family
North	LA	Single-Family
South	LA	Single-Family
East	LA	Single-Family
West	LA	Single-Family

## **NEIGHBORHOOD ORGANIZATIONS:**

Austin Lost and Found Pets Friends of Austin Neighborhoods Lake Travis ISD Population and Survey Analysts Sierra Club, Austin Regional Group TNR BCP – Travis County Natural Resources



February 8, 2022

Jonathan Kaplan 2715 Long Bow Trl Austin TX, 78734

Property Description: LOT 876 APACHE SHORES SEC 2

Re: C15-2022-0011

Dear Jonathan,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from City of Austin Land Development Code Section 25-2-551 (C) - 3 Impervious coverage restrictions based on a slope analysis of the property

Austin Energy does not oppose the request, provided that any proposed or existing improvements follow Austin Energy's Clearance & Safety Criteria, the National Electric Safety Code, and OSHA requirements. Any removal or relocation of existing facilities will be at the owner's/applicant's expense.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action:

https://library.municode.com/tx/austin/codes/utilities\_criteria\_manual?nodeId=S1AUENDECR\_1\_.10.0CLSARE

If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

## Cody Shook, Planner II

Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
(512) 322-6881

## Board of Adjustment General/Parking Variance Application

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

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, <u>click here to Save</u> the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. *If more space is required, please complete Section 6 as needed.* All information is required (if applicable). For Office Use Only

Case # <u>C15-2022-0011</u>	ROW # <b>12853281</b>	Tax # <u>014555</u> 013	31
Section 1: Applicant	Statement		
Street Address: 2715 Long B		1	
Subdivision Legal Description	:		
LOT 876 APACHE SHOP	RES SEC 2		
Lot(s): <u>876</u>	В	lock(s):	
Outlot: Division:			
Zoning District: LA - Lake Aus	stin		
I/We Jonathan Kaplan authorized agent for 2715		on behalf of mys	
Month September , [	Day 11  ▼ , Year 202	21 , hereby apply for a he	aring before the
Board of Adjustment for co	nsideration to (select appr	ropriate option below):	
○ Erect ○ Attach ●	Complete	○ Maintain ○ Other:	
Type of Structure: Single	amily residence.		

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

25-2-551 (C)-3 Impervious coverage restrictions based on a slope analysis of the property.

Section 25-2-551 (*Lake Austin District Regulations*) (C) (3) (a) a slope with a gradient of 15 percent or less from <u>35 percent</u> (allowed) to <u>40 percent</u> (requested) (b) a slope with a gradient of 15 percent and not more than 25 percent from <u>10 percent</u> (allowed) to <u>40 percent</u> (requested), (c) increase the maximum impervious cover on a slope with a gradient of more than 25 percent and not more than 35 percent from <u>5 percent</u> (allowed) to <u>40 percent</u> (requested), (d) a slope gradient greater than 35 percent from <u>0 percent</u> (allowed) to <u>26 percent</u> (requested)

## Section 2: Variance Findings

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 supporting documents.

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.

I contend that my entitlement to the requested variance is based on the following findings:

#### Reasonable Use

The zoning regulations applicable to the property do not allow for a reasonable use because:

Per 25-2-492 site development regulations a LA zoned lot must be a minimum of 43,560 SF in size (1 acre), and the lot in question is only 8,822.11 sf (.20 acres). In addition, this regulation was set in place due to 25-2-551 (C)-3 Impervious coverage restrictions based on a slope analysis of the property. This core requires a slope analysis of the current topography of the land and based on the existing conditions of this lot no reasonable development can be constructed on this property.

## Hardship

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

This lot is a non-conforming lot to the minimum lot size required to be zoned for LA zoning and the subsequent Impervious Coverage regulations including the NET site area calculations. We are seeking an increased Impervious Coverage allowance for this lot allowing for 3,300 sf of Impervious Coverage 37.4% to be more consistent with traditional development codes of Single Family Residential codes.

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

This area of LA zoning is unique as lots were platted and have been sold before the existence of the LA regulations. There is a lot of houses that have been built in the area prior to the LA zoning and exist to this day. This lot is only two lots (82 feet) away from being outside of the COA building jurisdiction and LA zoning allowances.

#### **Area Character**

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 area that this lot is located (Apache Shores) has a lot of new construction going on and houses just like the one being proposed are being constructed throughout the area. The zoning district will not be effected as the construction (house or lot) is not visible from the Lake, and since the slope is so steep on the proposed area that once construction is complete the ground will have a better ability to absorb water runoff than the current high slope of the lot.

Parking (additional criteria for parking variances only)

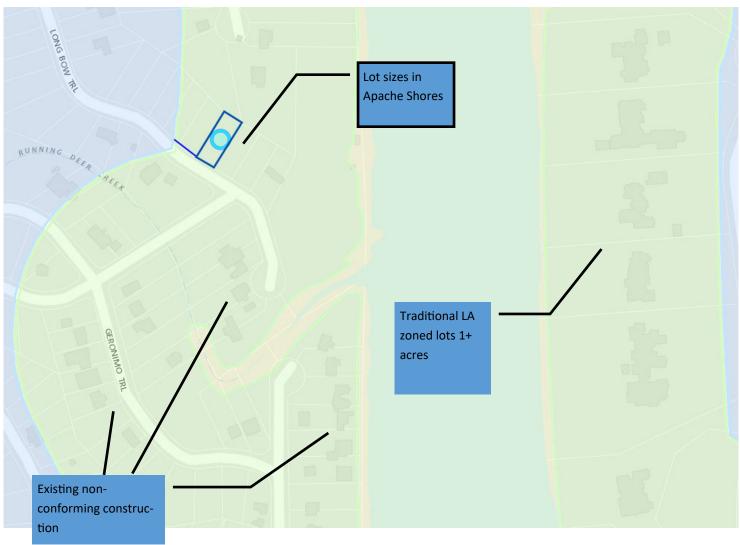
Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

Neither present nor anticipated future traffic volumes generated by the use of the site or the

	uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:
<u>N</u>	/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:
<u>N</u>	/A
3. <u>N</u>	The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:  /A
	The variance will run with the use or uses to which it pertains and shall not run with the site because:  /A

# **Section 3: Applicant Certificate**

I affirm that my statements contained in the complete a my knowledge and belief.		
Applicant Signature:		Date: <u>09/15/2021</u>
Applicant Name (typed or printed): Jonathan Kaplan		
Applicant Mailing Address: 214 Sailors Run,		
City: Lakeway		Zip: 78734
Phone (will be public information): (512) 920-3439		
Email (optional – will be public information): j		
Section 4: Owner Certificate		
I affirm that my statements contained in the complete a my knowledge and belief.  Scott Kosch	pplication are true a	nd correct to the best of
Owner Signature:		Date: 09/12/2021
Owner Name (typed or printed): David Scott Kosch		
Owner Mailing Address: 4307 MIchaels Cove		
City: Austin	State: TX	Zip: <u>78746</u>
Phone (will be public information): (310) 714-6821		
Email (optional – will be public information):		
Section 5: Agent Information		
Agent Name: <u>Jonathan Kaplan</u>		
Agent Mailing Address: 214 Sailors Run		
City: Lakeway	State: TX	Zip: 78734
Phone (will be public information): (512) 920-3439		
Email (optional – will be public information):		
Section 6: Additional Space (if applicab	le)	
Please use the space below to provide additional information referenced to the proper item, include the Section and I		



This diagram shows that the traditional Lake Austin zoned lots (1+ acre) are located on the ease side of the river while the west side (Apache Shores) consists of all non-conforming lots but have houses constructed on them. A lot of these houses were built prior to the LA regulations that were put in place but the approval of this Variance will not effect the area in a negative way.



This diagram shows that the location of the Lake Austin zoning (in green) and the ETJ (in Blue) and that this lot is less than 100' away from an area that has no impervious coverage restrictions.

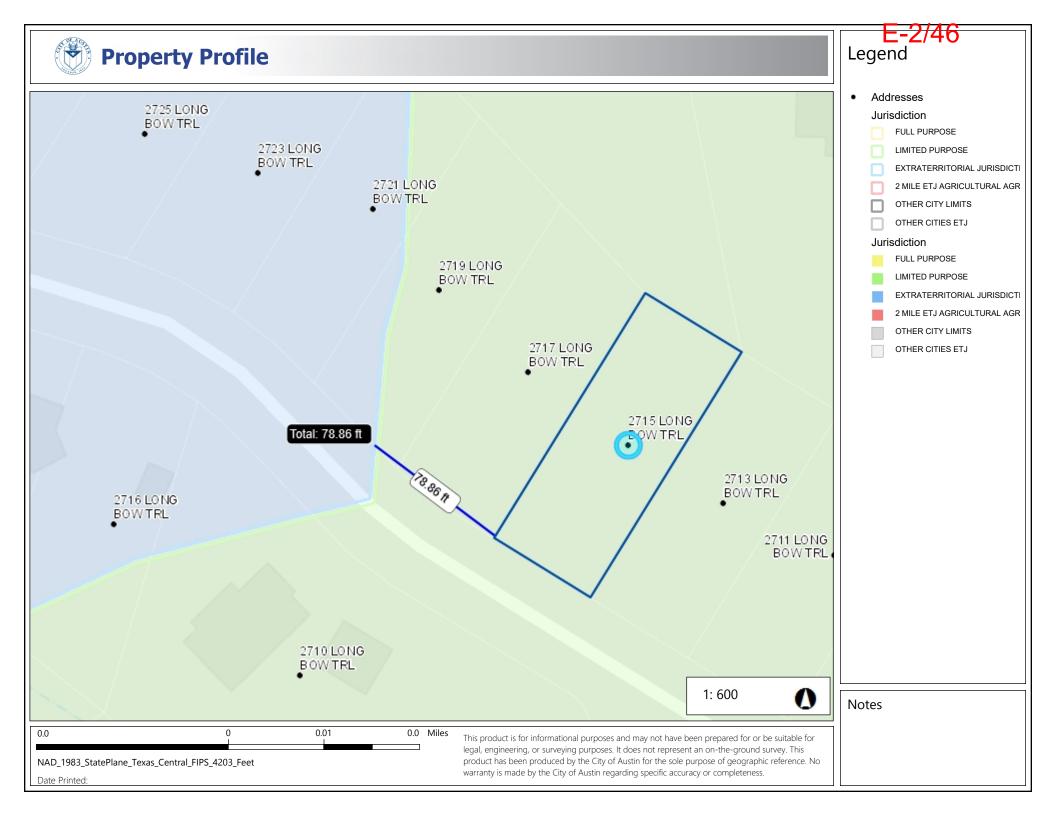


In this image you will see the existing lot with the red lines showing the approximate boundaries of the lot

E-2/45



This aerial map can provide you an understanding of the development in the area and an example of how this construction will match the neighboring community.





A | American Institute B D = Building Design Cetification 944-752

Office: 513-500-HOME (HRS) Mobile: 513-907-3439 Small: jongsurtandhalgraficcom

WWW.URRANDESIGNELLC.CO

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included in the control of the contr

Single Family Residence.
Art Village LLC.
2717 Longbow, TX, 78734

CONSTRUCTION DOCUMENTS

30 RENDERINGS

BULL MERICALE

D. TIMUM

-

ARTHUMP.

03







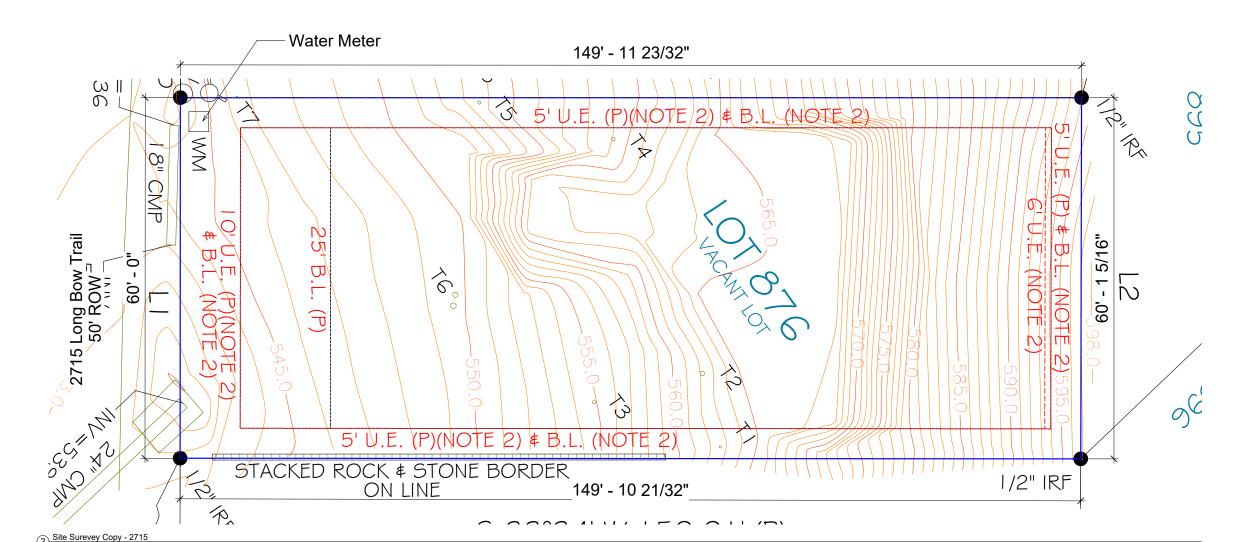
FRONT VIEW



FRONT VIEW



REAR VIEW



Slope Analysis - Net Site Area Requested Allowances Material: Range Material: Area Current Allowances 0.00% to 15.00% 2545 SF x 35% = 890.75 15.00% to 25.00% 1567 SF x 10% = 156.7 x 05% = 50.1 25.00% to 35.00% 1002 SF 35.00% to 4459.59% 4958 SF

x 40% = 400.8 0 x 26% = 1,289.08 Allowable IC 1,098.55 SF Allowable IC 3,334.68 SF

**Bow Trail LLC** 2715 Long Bow Trail, Austin TX Request x 40% = 1,018 x 40% = 626.8

ariance

CONSTRUCTION DOCUMENTS

A American Institute
B D of Building Design

Certification # 44-752

Office: 512-76-UBSTX (8-2789) Email: jon@ubstx.com

WWW.UBSTX.COM

The drawings, specifications, ideas, designs, and arrangements presented herein are and shall remain the property of Urban Building Services of Texas LLC. No part thereof shall be copied, disclosed to others or used in connection with any work or project other than the specific project for which they were prepared and developed without the written consent of Urban Building Services of Texas LLC. Visual contact with these drawings shall constitute

drawings shall constitute conclusive evidence of acceptance of these restrictions.

Unnamed

22" X 34" SCALE

>

1/8" = 1'-0" 11" X 17" SCALE: HALF SCALE

12/28/2021 7:17:13 PM

From: Omega170
To: Ramirez, Elaine

Subject: Re

**Date:** Monday, February 07, 2022 9:28:36 AM

Attachments: <u>image001.png</u>

Charles Thomas Westerman 2667 Crazyhorse Pass Austin, TX 78734 512 300 6173

my T-Mobile 4G LTE Device

Get Outlook for Android

From:

**Sent:** Monday, February 7, 2022 9:27:23 AM

**To:** Ramirez, Elaine < Elaine. Ramirez@austintexas.gov>

Subject: Re:

Case number c15-2022-0011 2715 Long Bow Trail

Sent from my T-Mobile 4G LTE Device

Get Outlook for Android

From: Ramirez, Elaine < Elaine. Ramirez@austintexas.gov>

**Sent:** Monday, February 7, 2022 9:23:43 AM **To:** Omega170

Subject: RE:

In order for me to accept this e-mail. You will need to include the case #, address of property in question and you will need to include your name and address.

#### Respectfully,

#### **Elaine Ramirez**

Planner Senior / Board of Adjustment Liaison City of Austin Development Services Department 6310 Wilhelmina Delco Dr, Austin, Texas 78752

Office: 512-974-2202



Building a Better and Safer Austin Together

**PER CITY ORDINANCE:** All individuals scheduling or accepting a meeting invitation with a City Official are requested to provide responses to the questions at the following link: **DSD Visitor Log.**Please note that all information provided is subject to public disclosure via DSD's open data portal. For more information

please visit: City of Austin Ordinance 2016-0922-005 | City Clerk's website | City Clerk's FAQ's

From: Omega170

Sent: Monday, February 07, 2022 9:17 AM

To: Ramirez, Elaine < Elaine. Ramirez@austintexas.gov>

Subject:

## \*\*\* External Email - Exercise Caution \*\*\*

I am against the new changes that are being sought to build these new homes.in Apache Shores especially the one they are requesting a permit for on Long Bow Trail. These developers trash the land and overbuild and overpopulated on this area oft here and enough is enough. You should see the concrete trucks that dump there slag right into the creeks here when they build these million dollar California dream atrocities.

Sent from my T-Mobile 4G LTE Device

Get Outlook for Android

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From: Sam W

To: Ramirez, Elaine; Clerk, City

**Subject:** C15-2022-0011

**Date:** Monday, February 07, 2022 9:58:20 AM

## \*\*\* External Email - Exercise Caution \*\*\*

Hi,

I'm not really sure what the process to file opposition to some requested changes to lot restrictions, but I live just a few houses down from this. C15-2022-0011

From what I see they want to take both lots and then put a significantly higher than normally allowed impervious cover on it. This suggests not only a lot more drainage into the lake and into the park from the lot, it also sounds like they are just going to cover it in concrete. These coverage rules exist for a reason and I don't see why this person should get any exception.

Thank you,

#### Sam

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To Elaine Ramirez, February 7, 2022

My name is Charles Thomas Westerman, I live at 2667 Crazyhorse Pass, Austin, TX 78734. I am writing in Opposition to Case number C15-2022-0011 / 2715 Long Bow Trail AND C15-2022-0012 / 2717 Long Bow Trail.

I am against the new changes that are being sought to build these new homes.in Apache Shores especially the one they are requesting a permit for on Long Bow Trail. These developers trash the land and overbuild and overpopulated on this area oft here and enough is enough. You should see the concrete trucks that dump there slag right into the creeks here when they build these million dollar California dream atrocities.

The repercussions of this out of check building out here is horrible. Traffic is bad and this building will constitute a HUGE fire hazard should an evacuation ever need take place due to a fire. There is a post on the Next-door app out here that shows my photos I took as well as others took of the developers allowing the concrete truck that pour the slabs to leave the waste at the bottom of the hill that runs straight into the water system out here.

They are building unchecked houses that raise the property value and tax out people that have owned houses and lived here their whole life. That doesn't even include all the new coyotes that are out and because there is nowhere left for them to go. Let alone all the water pipes damaged by the constant water pressure checks on all of these over unit overpriced Hollywood McMansions.

I will not waste any more of your time since you	r position	is not a tax	x payer	funded position.	I hope you
heed my concerns.					

Sincerely,

**Charles Thomas Westerman** 

From: Jamie McKenzie
To: Ramirez, Elaine
Subject: Long bow trail variance

**Date:** Tuesday, February 08, 2022 7:35:42 PM

## \*\*\* External Email - Exercise Caution \*\*\*

#### Elaine,

I am writing as a concerned citizen that lives in Apache Shores subdivision where a variance is being requested on a property on Long Bow Trail.

As a professional in the building industry and someone who wants to see our beautiful lake preserved I would strongly advise you not to grant this variance.

The impervious cover that they are asking for would cause rain water runoff in excess to dump into the lake and adversely affect the water quality endangering the native plants and animals.

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V	Written comments must be submitted to the contact person listed on the notice	
p	ublic hearing; the Case Number; and the contact person listed on the nation	
A	all comments received will become part of the public record of this case.	
	Case Number: C15-2022-0011	
	Contact: Elaine Ramirez; elaine.ramirez@austintexas.gov	
	Public Hearing: Board of Adjustment; February 14th, 2022	
	CINDY Marabito Daminfavor	1
Y	our Name (please print)	
	2718 / Bar -	
$\overline{Y}$	our address(es) affected by this application	
	Ciny Marshito 2/11/22 Signature Date	
D		
Ĭ	hese two individuals specialize in liential constant comments: Major concerns with this request:	
C	omments: Major concerns with this request:	
	1. Visual impact + pollution to nat. habitat	
	2. Effect on Natural character of heighborhood	
	3. The professional boilders seek to build here home	
-	3b. that the small lots will strain to accomment	
	4.Ad verse effect on environmental, wildlife	
-	the Views evosion + danger of landslide etc.  5. These underdeveloped lots w/steep hills/slope Serve, as filters for the nearby lake extreme leveling as requested presents a danger to be  f you will be using this form to comment, please return it via e-mail	
-	5. These underdeveloped lots w/steep hills/slope	
	Serve as filters for the nearby lake extreme	
-	leveling as requested presents a danger 32, by	
III	b:	ap.
	Elaine Kannez	1
	Scan & Email to: Elaine.Ramirez@austintexas.gov	
(	Builders more torwall with plan - out hill sob- country mode becomes another concrete division	

From: Cindy Marabito
To: Ramirez, Elaine

 Subject:
 Re: Comments Case #C15-2022-0011 oh

 Date:
 Friday, March 11, 2022 5:46:09 AM

Attachments: 2715-2717 Long Bow Trail lots-compressed.pdf

Geronimo homes-compressed.pdf Long Bow homes-compressed.pdf

## \*\*\* External Email - Exercise Caution \*\*\*

#### Hi Elaine:

I've compressed three pdf files of photographs of our Apache Shores neighborhood to show the board members so they have a clear idea of the issues being addressed in regards to the lots in question at 2715 and 2717 Long Bow Trail.

The first file includes photographs of the actual lots at 2715/2717 Long Bow Trail. The owner made claims there were no oaks on the lots, just one dead oak. I counted at least twenty included in the photos, all healthy with images of the tops of the trees greening for springtime.

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The next two files entitled Geronimo homes and Long Bow homes illustrate the home sizes in our neighborhood adjacent to the lots. These photographs include a majority of homes well under 2000 square feet.

Please let me know if these came through properly and if you need further documentation. Thank you so much.

Cindy Marabito 2718 Long Bow Trail Austin TX 78734

On Mar 9, 2022, at 7:51 AM, Ramirez, Elaine <<u>Elaine.Ramirez@austintexas.gov</u>> wrote:

Hi Cindy,

You can send this in but it must be in PDF attachment format, (DO NOT send in a drop box, link, google drive, etc. as our systems do not support these formats).

Any information you send in will be added to the Late Back-up. FYI the applicant has requested a PostPonement to the April 11, 2022 BOA meeting, please keep in mind it more than likely will be Granted but not always guaranteed. So it is possible it will be heard on Monday, March 14.

If so, you can participate in Opposition or Support, will you be participating virtually or in-person? If you would like you can attend the meeting in-person you

may(information is below) or watch it live in the comfort of your home (link provided below).

What you can do, if you are comfortable, is show up to the meeting to speak in Support/Opposition. Please make sure all persons wishing to speak at the hearing, sign up and register in the BOA Registration book the day of the meeting, Mon. 3/14/2022 at City Hall –Council Chambers, Rm 1001; doors should open at 5p.m. to the public, meeting begins at 5:30p.m..

Due to limited contact + the City of Austin moving to paperless, you will not be able to speak with or give hand-outs to the Liaison(s) at Council Chambers, any questions you may have will need to be e-mailed to Elaine.Ramirez@austintexas.gov

You can also participate virtually. If you wish to speak virtually you must send the information below before the deadline of 12p.m. on Sunday, 3/13/2022. Email me the following information below and I will put you on the list to speak.

- 1. Speaker's name
- 2. Are you in Opposition or Support
- 3. A good phone number, if you have a landline this will be the best phone number to provide. It has to be the phone number that the Speaker will be calling from on Monday, March 14, 2022 to speak at the meeting (it cannot be a different number, your call will not be accepted)
- 4. Speaker's address
- 5. Speaker's e-mail address that will be easily accessible to his/her e-mails
- 6. case number you are in Opposition or Support of
- 7. address you are in Opposition or Support of

## March 14, 2022 BOA meeting will be held:

Hybrid meeting – both in-person and virtual 2<sup>nd</sup> Monday of the Month

Austin City Hall - 301 West 2<sup>nd</sup> Street

**Council Chambers -** 1<sup>st</sup> Floor / Room 1001

**Begins @ 5:30 PM**, if you wish to participate in-person please show up at 5:30p.m. as the Board can and will move items/cases on the Agenda around.

The meeting will be broadcasted live and can be publicly viewed live at: <a href="http://www.austintexas.gov/page/watch-atxn-live">http://www.austintexas.gov/page/watch-atxn-live</a>

#### Respectfully,

#### **Elaine Ramirez**

Planner Senior / Board of Adjustment Liaison City of Austin Development Services Department 6310 Wilhelmina Delco Dr, Austin, Texas 78752

**Office:** 512-974-2202

<image001.png>

**PER CITY ORDINANCE:** All individuals scheduling or accepting a meeting invitation with a City Official are requested to provide responses to the questions at the following link: **DSD Visitor Log.**Please note that all information provided is subject to public disclosure via DSD's open data portal. For more information please visit: <u>City of Austin Ordinance 2016-0922-005</u> | <u>City Clerk's website</u> | <u>City Clerk's FAQ's</u>

From: Cindy Marabito

Sent: Tuesday, March 08, 2022 4:54 PM

**To:** Ramirez, Elaine < <u>Elaine.Ramirez@austintexas.gov</u>>

Subject: Comments Case #C15-2022-0011 oh

#### \*\*\* External Email - Exercise Caution \*\*\*

Hi there Elaine. I am writing to ask about the upcoming meeting mid-March. The issues regarding 2715/2717 Long Bow Trail Austin TX 78734 got postponed. Couple of things. Should we resend further comments to the board? And, also, after listening to the property owner's statements to the board about home sizes here in Apache Shores and also regarding the oaks on his two lots, I uploaded some photographs to share in albums on Google. I'm hoping to be able to send those links to you and the board so that they can have a realistic view of the neighborhood and actual home sizes. Also, in a separate album, I photographed at least 20 oaks and they are healthy trees, not dead as was claimed by the owner. I even photographed the tops leafing green for spring.

Thank you so much. I look forward to hearing back from you. Have a nice day.

Cindy Marabito 2718 Long Bow Trail Austin, TX 78734

## Begin forwarded message:

From: Cindy Marabito

Subject: Comments Case #C15-2022-0011 oh Date: February 11, 2022 at 8:19:42 AM CST

To: elaine.ramirez@austintexas.gov,Elaine.Ramirez@austinte

xas.gov

Please consider my concerns regarding the requests from Jonathan Kaplan CEO of BuildworksLLC and David Scott Kosch Kosch Capital and Buildworks who "specialize in luxury residential construction.

Attached is my form. Please let me know if you need further information.

Thank you,

Cindy Marabito

<image4.jpeg>

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2715 - 2717 Long Bow Trail Lots









































2715 - 2717 Long Bow Trail





























**Geronimo homes** 









































**Geronimo homes** 









































**Geronimo homes** 





































































2715 - 2717 Long Bow Trail Lots









































2715 - 2717 Long Bow Trail



























