

Courtney, Lynda

6-17-04  
#51 A15

Addendum  
pg-1

**From:** Deborah Wallace [whereisdeborah@sbcglobal.net]  
**Sent:** Monday, April 12, 2004 11:30 PM  
**To:** Lynda.Courtney@ci.austin.tx.us; jmvcoetz@hotmail.com; cidg@galindogroup.com; Matt.PC@Newurban.Com; ns@ecpi.com; Cynthia.Medlin@sbcglobal.net; sully@jump.net; MaggieArmstrong@hotmail.com; chrisriley@rusklaw.com  
**Cc:** Karens@austin.rr.com  
**Subject:** Encinal Condo Project: Opposition to waiver of compatibility standards

Mr. Chris Riley  
Vice Chair of the Planning Commission and Commission Members City of Austin  
P.O. Box 1088 Austin, Texas 78767

**Subject:** SPC-03-0023W  
Encinal Condominium project: Request for Waiver to Compatibility Standards at  
1106 West 6th  
Street, Unit 301, Melton West Residence

Dear Vice Chair Riley and Commission Members:

I am writing to you concerning the request for a waiver for the above-referenced project. Specifically, I would like you to know that the OWANA Steering Committee voted unanimously on April 5, 2004 to oppose the granting of this waiver. In addition, OWANA members and neighbors who live close by this project protest against and oppose the granting of any waiver which would allow the structure at 1106 West 6th Street #301 to fail to comply, in any manner, with the compatibility standards delineated in the City of Austin Land Development Code.

The Austin Land Development Code, Volume 2, Section 25-2-1081, allows your commission to grant a waiver to compatibility standards as Mr. West is requesting, if the waiver is 'appropriate and will not harm the surrounding area'. We believe that a waiver is not appropriate in this case. The Old West Austin Neighborhood Plan, passed by the City Council in June 2000 as an Ordinance, in Section A (regarding Land Use/Zoning), under Objective 2.3 of Goal 2 - Protect the Character of the Neighborhood, Action 7 states the need to "Have a zoning inspector available to spend up to 8 hours per week in the neighborhood. If necessary, increase staff in Inspections Division of the Development Review and Inspection Department. (City Action Item: DRID)." It is quite clear that the basic need behind the unequivocal statement of this Neighborhood Plan objective has been the history of people gambling that they won't get caught and going ahead with building whatever they want, without compliance to code, knowing that if they get caught the consequences won't be very serious and they can simply request a waiver and complete their project. The surrounding OWANA property owners feel strongly that in order to protect the neighborhood, no waiver is appropriate in this case. A waiver is not appropriate in terms of height because it is not compatible with the SF zoned property within 100 feet of it, and because this construction harms the surrounding area by diminishing property values because it represents such a visual blight in the neighborhood.

In November of 2003 the applicant reported that he worked with his condo association for 2 years to get approvals for his construction, but said that he "was unaware of OWANA". Since becoming aware of OWANA, Mr. West, the applicant, and his attorney, Mr. J. Bradley Greenblum, have requested to be put on the agenda to speak about this construction at two OWANA general Membership meetings. Members of the Zoning subcommittee have also met with them about the concerns of the neighbors, as has an owner of SF zoned property within 100 feet.

AIS  
Addm. 2

Neighbors report an impression that the applicant has acted in bad faith throughout the entire process, and this factor alone is significant in denying any height or elevation waiver. The granting of a waiver in this case carries with it the risk of setting a potentially disastrous precedent to others who will be tempted to risk moving forward on a construction project that is not in compliance with code, taking the risk that if caught they can simply obtain a waiver and then proceed. Granting a waiver would set a precedent which would represent an undermining of City ordinances and codes, and an erosion of the protection that property owners and residents rely upon their zoning to afford them. Our Neighborhood Plan specifically addresses the concern about code compliance because we have learned that the development pressures in our neighborhood are such that people are willing to take the chance of operating beyond the law, recognizing that the consequences, if caught, are not great. In order to discourage this kind of behavior, it is obvious that the consequences of taking this kind of gamble need to be made more serious, and need to be stringently enforced.

While there has not been a motion at a General membership meeting of our neighborhood association specifically relating to this project, a motion addressing the importance of code compliance was passed unanimously last year. As you must realize, waivers not only undermine the ordinance but also disempower City staff, like Mr Menard, who are charged with enforcing it. We would like to ask you to let our neighborhood know that you will protect us and our properties by denying this waiver, and by stringently enforcing compliance of all zoning codes and compatibility standards.

With Regards,

Deborah Wallace  
OWANA resident

**Courtney, Lynda**

A15  
Addm. 3

**From:** Carol [carolmerrill@earthlink.net]  
**Sent:** Monday, April 12, 2004 10:51 PM  
**To:** jmvcoitez@hotmail.com; cidg@galindogroup.com; Matt.PC@Newurban.Com; ns@ecpi.com; Cynthia.Medlin@sbcglobal.net; sully@jump.net; MaggieArmstrong@hotmail.com; chrisriley@rusklaw.com  
**Cc:** Lynda.Courtney@ci.austin.tx.us; Karens@austin.rr.com  
**Subject:** opposition to waiver at Encinal

Dear Austin Planning Committee Members,

My name is Carol Barnes; my husband and I are members of the Old West Austin Neighborhood Association and property owners at 1108 W. 7th Street for the past nine years. My family and I love living here in the center of the city. Several of our immediate neighbors own houses here that they grew up in. And several other owners and renters have been here for twenty plus years. We all share a belief in urban density; however, it must in accordance with city guidelines. If we all satiated our individual desires without regard for our neighbor we would lose the charm of our neighborhood. Many of the houses in this area are designated historical. I am respectfully asking you to deny the request for variance at the Encinal and help us maintain the feel and character of our streets with appropriate type building. We have a community of people here who care deeply for the integrity of our neighborhood.

Sincerely,  
Carol Barnes

4/13/2004

Courtney, Lynda

A15

Addm. 4

From: Robert T. Renfro [rtr@mail.utexas.edu]  
Sent: Monday, April 12, 2004 10:18 PM  
To: Lynda.Courtney@ci.austin.tx.us  
Subject: Fwd: Encinal Condominiums

>>Re: Encinal Condominium Variance(s)

>>

>>Dear Planning Commission Members:

>>

>>It is my understanding that you will be reviewing an application for a  
>>variance(s) from the City of Austin Building Code on a unit of the  
>>Encinal Condominiums at 1106 W. 9th Street. I am writing to urge you to  
>>reject granting this variance(s) in the strongest possible terms.

>>

>>Further, it is my understanding that the applicant proceeded to construct  
>>additions to his unit without a proper building permit. If that is true  
>>this is an egregious act.

>>

>>As a long time resident (over 26 years just a few blocks away) of this  
>>neighborhood I watched as the Encinal was being built, designed I  
>>believe, by Howard Barnstone, a prominent Texas and Houston  
>>architect. The building has a unified and coherent Southwest style that  
>>I find extremely appealing. Then I watched appalled as the applicant  
>>began adding to his unit in a completely unsympathetic, incompatible, out  
>>of scale, and ungainly way to this handsome building. Any sense of  
>>respect for the building and the neighborhood was blithely tossed  
>>aside. What he did is without precedent in this unique amalgam of  
>>stately houses and small scale bungalows. I believe that to condone what  
>>applicant has done would undermine any value that compatibility standards  
>>might stand for and open up this historic neighborhood to construction of  
>>the worst kind.

>>

>>I base these judgments on over forty-six years as an architect and  
>>industrial designer trained at Yale and Pratt Institute, and over 20  
>>years teaching architectural design at the School of Architecture at the  
>>University of Texas.

>>

>>I again urge you to reject this application for variance(s) and require  
>>the dismantling of all work done to date in violation of applicable  
>>building codes and condominium association restrictions.

>>

>>Sincerely,  
>>Robert T. Renfro, Architect Emeritus  
>>Senior Lecturer Retired  
>>The School of Architecture  
>>The University of Texas at Austin

Courtney, Lynda

From: Robert T. Renfro [rtr@mail.utexas.edu]  
Sent: Monday, April 12, 2004 10:18 PM  
To: Lynda.Courtney@ci.austin.tx.us  
Subject: Fwd: Encinal Condominiums

AIS  
Addm. 5

>>Re: Encinal Condominium Variance(s)

>>

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>>

>>Sincerely,

>>Robert T. Renfro, Architect Emeritus

>>Senior Lecturer Retired

>>The School of Architecture

>>The University of Texas at Austin

A15  
Addm. 6

Wayne and Julie Orchid  
604 Harthan Street  
Austin, TX 78703

April 12, 2004

City of Austin Planning Commission  
505 Barton Springs Road  
P.O. Box 1088  
Austin, Texas 78767-8835

File Number: SPC-03-0023W

We are writing to you concerning the request for a waiver for the Melton West residence at the Encinal condominium project at 1106 West 6<sup>th</sup> Street. As members of Owana, we are deeply concerned that it has been overlooked that we have voted against this project from the beginning of the construction. This occupant has failed to comply with the compatibility standards delineated in the City of Austin Land Development Code. In addition, the owner Melton West has been dishonest in his statements and intentions from the start of this development.

From my front porch we are able to view this illegal monstrosity and watch the occupant continue to construct in an illegal manner even in inclement weather, in order to rush the completion of this project. It is apparent that he has no regard for following procedure and feels that he is entitled to go around the correct process.

We oppose this waiver for the following reasons:

- the construction is out of height variance
- constant misrepresentation of the project
- we do not want to set a example for future projects
- *improper use of the system*
- blocks previous beautiful views of downtown from my location
- decreases property values for the occupants around him

Sincerely ~

Wayne and Julie Orchid

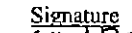
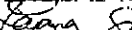


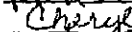





AIS  
Addm-7

P E T I T I O N

To: Austin City Council

We, the undersigned owners of property affected by the requested waiver described in the referenced file, do hereby protest against and oppose the granting of any waiver or variance, which would allow the structure at 1106 W. 6<sup>th</sup> St, #301, to fail to comply with the compatibility standards in the City of Austin Land Development Code in any manner.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
	CAROL BARNES	1108 W. 7th
	LAURA SMITH	700 Baylor
	JAY BARNES	1108 W. 7th
	RICHARD REEVES	701 Baylor St.
	CHERYL PETRE	704 Baylor St.
	ROBERT OKAMOTO	704 Baylor St.
	JAMES GRAPPE	707 Baylor St.
	DALE SENGE LMANN	1107 W. 7th
	DONNA SQUIRES	1110 W. 7th
	QUINN HAROS	604 BAYLOR ST.

Phone Number:

We the undersigned neighbors and property owners in Old West Austin, oppose any waiver or variance which would allow the Encinal Condominium #301 to fail to comply with the compatibility standards in the Austin Land Development Code in any manner.

Printed Name

Signature

Address

Finley Smith

51

1013 Ranch Rd.

Lesley Hooper

Seiler 10001

10/3 604/0013

303107d

1072

1107 7A7. PCB #2

Deani Kertika

613 Baker St Apt. D

Sheila Broussard

✓

1614 Prairie St.

Erin Diller

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817 S Miller St

11/11/2017

23

8137 C Bldg at Apt

Uptan k  
Nad kous

125

OUT (DUAL)



We the undersigned neighbors and property owners in Old West Austin, oppose any waiver or variance which would allow the Encinal Condominium #301 to fail to comply with the compatibility standards in the Austin Land Development Code in any manner.

Printed Name	Signature	Address
LA		
SARAH Vrine	SARAH Vrine	1105 Elm St.
Sarahyn Stewart	Mary Stewart	700 Patterson Avenue
Paula Gubler	Paula Gubler	1700 Elm St.
MAURICE MacNEIL	MAURICE MacNEIL	6810 Westview St 78703
Red Blasearch	Red Blasearch	1611 Waterford 78703
Sim Laighinis	Sim Laighinis	1904 W. 9th 78703
Clus Sedore	Clus Sedore	717 Bourke Cir. 78703
Nancy Toelle	Nancy Toelle	1201 Castle Hill #203 78703
Margaret Bruch	Margaret Bruch	1803 Palms Plaza 78703
Katy Overell	Katy Overell	1510 W. 10TH 78703
David Viscos	David Viscos	1115 W. 7th St. 78703
Allyn Schwitters	Allyn Schwitters	7014 Highland 78703



603 West 13<sup>th</sup> Street, Suite 1A, PMB 215  
Austin, Texas 78701  
April 11, 2004

A15  
Addm. 11

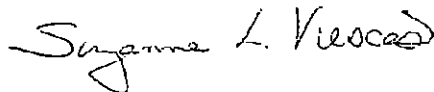
City of Austin Planning Commission  
505 Barton Springs Road  
P.O. Box 1088  
Austin, Texas 78767-8835

RE: File # SPC-03-0023W

I own a condominium unit at the Gardens on West Seventh, and I was very unhappy to find that you are thinking of granting a waiver to the owner of Unit # 301 at The Encinal at 1106 West 6<sup>th</sup> Street to exceed the compatibility height of a newly constructed addition to a condominium. This owner never obtained the permits necessary to make such a drastic change that affects nearby homeowners. Please ensure the integrity of the neighborhood by denying the waiver and instructing the owner to remove the partially constructed addition.

Thank you.

Sincerely,



Suzanne L. Viescas

A15  
Addm. 12

Robin Carter  
811 Blanco Street  
Austin, TX 78703

April 11, 2004

Via Electronic Transmission

City of Austin Planning Commission  
505 Barton Springs Road  
P.O. Box 1088  
Austin, Texas 78767-8835

Subject: SPC-03-0023W; Request for Waiver to Compatibility Standards at 1106 West 6th street, Unit 301, Melton West Residence

Dear Vice Chair Riley and Commission Members:

I am writing to express my concern regarding the waiver request of Melton West for his property at the Encinal Condominium complex at 1106 West 6<sup>th</sup> Street. From the information I've gleaned from neighboring residents, city planning staffers, and the owner himself, the problems with this project are the direct result of Mr. West's poor judgment and conduct. He intentionally misrepresented his site plans to the City, then refused to respect the City's order to cease construction. He outrightly dismissed the resolution strategies and feasible rehabilitation efforts of neighbors, once sympathetic to his circumstance, and he mismanaged the financial resources that could long ago have remedied his dilemma. As a property owner in the vicinity of this site, I have duly abided by the planning procedures and requirements of the City for construction, and I would be angered and offended to think that the time, effort and financial burdens that I and other citizens have undertaken to do so were made ridiculous by the granting of this waiver. Undoubtedly, cases come before you that warrant an exception to compatibility standards and other aspects of the code; this, however, is not one of those cases. Such consent would undermine the validity of the Code and of the Commission dedicated to its judicious implementation, expressly because of the owner's willful disregard of both. As you reflect upon the request before you, I urge you to consider your expectation of citizen compliance, and your own commitment to the City's Zoning and Land Use Code. Please re-establish respect for the City by denying this waiver.

Sincerely,

Robin Carter

A15  
Addm. 13

606 Harthan Street  
Austin, TX 78703  
April 9, 2004

Mr. Chris Riley, Vice Chair of the Planning Commission and Commission Members  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767

Subject: SPC-03-0023W; Request for Waiver to Compatibility Standards at 1106 West 6th street, Unit 301, Melton West Residence

Dear Vice Chair Riley and Commission Members:

I am writing to you to express my opposition to the request of a waiver by Melton West for his construction at unit 301 of the Encinal at 1106 West 6<sup>th</sup> Street. There are numerous reasons that this request should be denied.

- Mr. West did not file the proper papers for a permit for what he ultimately built.
- He hastily erected two stories, in flagrant disregard for height limitations triggered by compatibility standards, constructing a project far beyond what he had obtained a permit to construct.
- After receiving a letter from the City instructing him to cease construction, and after being red-tagged and being notified that he needed to obtain a demolition permit to tear down what he had illegally constructed, he has instead continued construction with apparent confidence that his disregard for City process and city zoning ordinances would not result in a sanction.
- The visual blight of this construction, and its inappropriate scale, harms the surrounding area, and clearly diminishes the property values of nearby property owners.
- The mass and scale of this project is incompatible with surrounding buildings and is inappropriate in relation to the surrounding properties. To allow this construction to stand would be to make a mockery of City codes, most particularly of compatibility standards.
- Compliance with Zoning and Land Use codes are what all property owners rely upon for protection of their properties. To grant a waiver would be to reward disregard for proper process and would set a terribly dangerous precedent for others who might be inclined to gamble with not being sanctioned for constructing a project beyond that allowed by code.

I urge you to uphold the City's Zoning and Land Use codes by denying this application for a waiver because granting it condones a blatant disregard for the City's laws and ordinances.

Sincerely,

Peter F. MacNeillage

AIS  
Addm. 14

Karen Schwitters

From: MICHAEL METTEAUER [MMETTEAUER@austin.rr.com]  
Sent: Monday, April 12, 2004 9:29 AM  
To: karens@austin.rr.com; LMacNeillage@austin.rr.com; scolburn@austin.rr.com  
Subject: Fw: SPC-03-0023W Encinal Condominium Unit #301

FYI, attached is a message I sent Lynda Courtney:

----- Original Message -----  
From: MICHAEL METTEAUER  
To: lynda.courtney@ci.austin.tx.us  
Sent: Monday, April 12, 2004 9:27 AM  
Subject: SPC-03-0023W Encinal Condominium Unit #301

Lynda Courtney  
City Watershed Protection and Development Review Dept.

Re: SPC-03-0023W Encinal Condominium Unit #301

Dear Ms. Courtney:

I am unable to attend the Planning Commission hearing on the referenced property so I am writing to express my objection to the request for a waiver of height limits.

I am the owner of a house at 502 Harthan, located just over one block from the subject property. Built in 1876 on a hill overlooking the Colorado River and the downtown area and now the subject of city, state and national landmark status, the house's views of the River have been blocked by development to the south. The remaining views of downtown are protected only by the city's regulations, such as the height limitation in question. Applicant's half-built addition is visible from my house. Granting the requested variance would set a bad precedent and is inconsistent with the OWANA Neighborhood Plan.

If you need any further information, please do not hesitate to contact me.

Sincerely,

Michael Metteauer

4/12/2004

Karen Schwitters

From: Linda [lmacneilage@austin.rr.com]  
To: Monday, April 12, 2004 9:20 AM  
Subject: Karen Schwitters  
Encinal

A15  
Addm. 15

Old West Austin Neighborhood Association  
OWANA  
P.O. Box 2724, Austin, Texas 78768-2724

April 7, 2004

Mr. Chris Riley, Vice Chair of the Planning Commission and Commission Members City of Austin P.O. Box 1088 Austin, Texas 78767  
Subject: SPC-03-0023W; Request for Waiver to Compatibility Standards at 1106 West 6th Street, Unit 301, Melton West Residence

Dear Vice Chair Riley and Commission Members:

I am writing to you concerning the request for a waiver for the Melton West residence at the Encinal Condominium project at 1106 West 6th Street. Specifically, I would like you to know that the OWANA Steering Committee voted unanimously on April 5, 2004 to oppose the granting of this waiver. In addition, OWANA members and neighbors who live close by this project protest against and oppose the granting of any waiver which would allow the structure at 1106 West 6th Street #301 to fail to comply, in any manner, with the compatibility standards delineated in the City of Austin Land Development Code.

The history of this project has triggered a great deal of concern within the neighborhood, as well as with City staff. A letter from Mr. Ronald Menard, Plan Review Coordinator of the City's Watershed Protection and Development Services Department (dated August 28, 2003) to Mr. Charles Fisk of The Architect's Office Corporation (Mr. West's architectural firm) states that "the permit to remodel the existing 4th story was issued based on false information. A search of all permits issued at this address failed to uncover a permit for the construction of the 4th story greenhouse. It is my conclusion that since the 4th story greenhouse was not legally constructed, the permit is revoked." Mr. Menard also stated in that letter that "The 5th Story addition must be removed: a demolition permit is required." As of this date, the construction remains standing.

The Austin Land Development Code, Volume 2, Section 25-2-1081, allows your commission to grant a waiver to compatibility standards as Mr. West is requesting, if the waiver is 'appropriate and will not harm the surrounding area'. We believe that a waiver is not appropriate in this case. The Old West Austin Neighborhood Plan, passed by the City Council in June 2000 as an Ordinance, in Section 2 (regarding Land Use/Zoning), under Objective 2.3 of Goal 2 - Protect the Character of the Neighborhood, Action 7 states the need to "Have a zoning inspector available to spend up to 8 hours per week in the neighborhood. If necessary, increase staff in Inspections Division of the Development Review and Inspection Department. (City Action Item: DRID)." It is quite clear that the basic need behind the unequivocal statement of this Neighborhood Plan objective has been the history of people gambling that they won't get caught and going ahead with building whatever they want, without compliance to code, knowing that if they get caught the consequences won't be very serious and they can simply request a waiver and complete their project. The surrounding OWANA property owners feel strongly that in order to protect the neighborhood, no waiver is appropriate in this case. A waiver is not appropriate in terms of height because it is not compatible with the SF zoned property within 100 feet of it, and because this construction harms the surrounding area by diminishing property values because it represents such a visual blight in the neighborhood.

In November of 2003 the applicant reported that he worked with his condo association for 2 years to get approvals for his construction, but said that he "was unaware of OWANA". Since becoming aware of OWANA, Mr. West, the applicant, and his attorney, Mr. J. Bradley Greenblum, have requested to be put on the agenda to speak about this construction at two OWANA general Membership meetings. Members of the Zoning subcommittee have also met with them about the concerns of the neighbors, as has an owner of SF zoned property within 100

feet. Neighbors report an impression that the applicant has acted in bad faith throughout the entire process, and this factor alone is significant in denying any height or elevation waiver. The granting of a waiver in this case carries with it the risk of setting a potentially disastrous precedent to others who might be tempted to risk moving forward on a construction project that is not in compliance with code, taking the risk that if caught they can simply obtain a waiver and then proceed. Granting a waiver could set a precedent which would represent an undermining of City ordinances and codes, and an erosion of the protection that property owners and residents rely upon their zoning to afford them. Our Neighborhood Plan specifically addresses the concern about code compliance because we have learned that the development pressures in our neighborhood are such that people are willing to take the chance of operating beyond the law, recognizing that the consequences, if caught, are not very great. In order to discourage this kind of behavior it is obvious that the consequences of taking this kind of gamble need to be made more serious, and need to be stringently enforced.

A15  
Addm. 16

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Sincerely,

Linda MacNeillage, Ph.D.  
OWANA Chair



A15  
Addm. 17

April 9, 2004

City of Austin Planning Commission  
505 Barton Springs Road  
P.O. Box 1088  
Austin, Texas 78767-8835

Re: File Number SPC-03-0023W

I am a property owner at the Gardens at West 7<sup>th</sup> with a view to the South and East that has been significantly impaired by the illegal construction on Unit 301 at the Encinal Condominiums at 1106 W. 6<sup>th</sup> Street.

I am strongly opposed to the granting of any waivers for this property because the owner has not abided by City rules in pursuing this construction, and does not satisfy the requirements for a waiver. Unprofessional, beyond-code construction of this type is a detriment to my property values and those of the rest of the neighborhood. Providing false information to the City and then asking for a waiver is completely beyond code compliance and makes a mockery of city planning values.

I urge you to deny this waiver request.

Sincerely,

Karen Schwitters  
1115 West 7<sup>th</sup> Street #300  
Austin, Texas 78703

JOHN VIESCAS

AIS  
Addm. 18

April 11, 2004

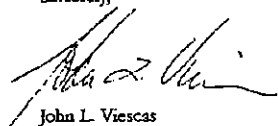
City of Austin Planning Commission  
505 Barton Springs Road  
P.O. Box 1088  
Austin, TX 78767-8835

RE: File # SPC-03-0023W

Dear Sirs:

As the owner of unit #102, 1115 W. 7<sup>th</sup> Street, I am appalled to learn that the Commission is seriously considering a request for a height variance for the property owner behind us on 6<sup>th</sup> Street. The owner of the subject property began construction without obtaining proper permits. Allowing completion of the height extension will block the view of some unit owners on West 7th, establish an eyesore on 6<sup>th</sup> Street, and will reduce the value of our property. I respectfully request that the commission deny the request and order the owner of the subject property to restore the building on 6<sup>th</sup> Street as soon as possible.

Sincerely,



John L. Viescas

A15  
Addm. 19

608 Harthan Street  
Austin, TX 78703  
April 10, 2004

Mr. Chris Riley, Vice Chair of the Planning Commission and Commission Members  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767

Case File Number: SPC-03-0023W

Dear Vice Chair Riley and Planning Commission Members:

I have lived at 608 Harthan Street for nearly forty years. I am writing to you today because I want to express my view about how important I believe it is that you deny the request for a waiver to compatibility standards for the illegal construction that has occurred at Melton West's unit, number 301, at the Encinal Condominiums at 1106 West 6th street.

It should be clear that property owners purchase the property they do with the understanding that they are afforded certain protections by the City's zoning ordinances and regulations. Failure to uphold these ordinances, especially in the face of a fait accompli, is particularly irksome to other property owners, as it would, in effect, constitute a betrayal of the good faith other property owners have shown in the City's ordinances when they purchased their property. This construction is clearly not appropriate, as it harms the surrounding area, and diminishes the property values of other property owners.

If you should grant Mr. West the waiver he is applying for he could make a fortune by writing a manual explaining exactly how anyone can get any building alternation or addition done that they happen to desire without regard for City codes and ordinances. I respectfully request that you do not undermine the City's ordinances and codes as I can well imagine that to do so could risk triggering a stampede of further illegal construction, not only in our neighborhood but anywhere within the City.

I rely upon your Commission to insure that the property values and the integrity of the neighborhood are protected by enforcing compliance with compatibility standards. To do otherwise would make a mockery of our City's laws and ordinances.

Best regards,

Gene Waugh

THE GARDENS AT WEST SEVENTH  
HOMEOWNERS' ASSOCIATION

---

A15  
Addm. 20

April 11, 2004

City of Austin Planning Commission  
505 Barton Springs Road  
P.O. Box 1088  
Austin, Texas 78767-8835

RE: FILE NUMBER SPC-03-0023W

To the Commission:

The Board of Directors of The Gardens at West Seventh Homeowners' Association have authorized me, on behalf of our association, to formally object to the proposed compatibility waiver for the Encinal Condominiums, Unit 301 at 1106 W. 6<sup>th</sup> Street. The Association represents the ten homeowners of The Gardens at West Seventh condominium which is located at 1115 W. 7<sup>th</sup> Street, within 300 feet of the subject property. Further, we request that the improper construction begun on top of the Encinal building without notification or applicable permits be removed forthwith as it has created visual blight to several of our units.

Sincerely,

Roy Schwitters, Secretary  
The Gardens at West Seventh  
Homeowners' Association

Lynda Courtney  
Watershed Protection and Development Review  
For the Austin Planning Commission  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767-8835

A15.  
Addm. 21

Dear Planning Commissioners:

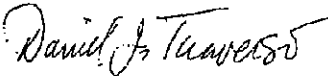
I own and reside at 700 Baylor Street. I am opposed to any waivers or variances of the building codes for the property at 1106 W. 6<sup>th</sup>, Encinal condominiums, Unit 301. The applicant has created their own hardship by substantially constructing a addition to the structure that is not in compliance with the land development height limits. To grant a waiver at this point rewards and encourages people to undertake construction without regard to building codes or city regulations. Then if they are cited they will feel that they can apply for waiver of the codes simply because what they have constructed out of compliance is an accomplished fact.

The applicant has known for some time that neighbors had a problem with the height of the construction. Indeed neighbors had to repeatedly contact the enforcement officials to try to get them to cite the non-compliance.

There is no unusual or compelling reason for the applicant to have not followed the codes except that getting around them suited personal interests. There is no legal basis for granting a waiver and if the applicant is forced to follow the law the property is not rendered valueless or unusable, except as the willful disregard for the law has created serious consequence of the applicant's own making.

I and my family are opposed to any waiver of height limits, as allowed in LDC 25-2-1081, for the case pending in file number SPC-03-0023W.

Sincerely,



Daniel J. Traverso

A15  
Addm. 22



City of Austin Watershed Protection and Development Review  
505 Barton Springs Road/ P.O. Box 1083 / Austin, Texas 78767-8335

## NOTICE OF PLANNING COMMISSION PUBLIC HEARING FOR A SITE PLAN WAIVER

Mailing Date of this Notice: April 2, 2004

File Number: SPC-03-0023W

The Watershed Protection and Development Review Department has received an application for a waiver or variance of a site plan for the project described below. This notice has been mailed to you because City Ordinance requires that all property owners within 300 feet of a proposed development and affected neighborhood organizations be notified that an application for development has been filed.

OWNER: Jesse and Barbara West

PHONE: (713) 782-8406

AGENT: Melvin West

PHONE: (512) 478-8400

PROJECT NAME: Encinal Condominiums, Unit 301

PROJECT ADDRESS AND/OR LEGAL DESCRIPTION: (See map) 1106 W. 6<sup>th</sup> Street

WAIVER REQUESTED: The applicant requests the following waiver from the Land Development Code: From Compatibility height limits, as allowed in LDC 23-2-1081.

PLANNING COMMISSION HEARING DATE: April 13, 2004

TIME: 6:00 PM

LOCATION: 505 Barton Springs Road, One Texas Center, 3<sup>rd</sup> Floor Room 9325, Austin, Texas

If you have any questions concerning this notice, please contact Lynda Courtney at the City of Austin, Watershed Protection and Development Review Department, (512) 974-2830. Office hours are 7:45 a.m. to 4:45 p.m. Please be sure to refer to the File Number at the top of the page when you call.

You may send your written comments to the Zoning & Planning Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1083, Austin, TX 78767-8335.

File # SPC-03-0023W

Zoning & Planning Commission Hearing Date: 4-13-04

Name (please print) Martha Fitzwater

☐ I am in favor

(Estoy de acuerdo)

Address 1106 W. 6<sup>th</sup> St.

☒ I object

(No estoy de acuerdo)

Encinal Condominiums, Unit 209  
Austin, Texas 78703

*Martha Fitzwater, owner and resident*

**Courtney, Lynda**

A15  
Addm.23

**From:** Evan M. Williams [ew@texas.net]  
**Sent:** Monday, April 12, 2004 2:05 PM  
**To:** chrisriley@rusklaw.com; MaggieArmstrong@hotmail.com; sulley@jump.net;  
Cynthia.Medlin@sbcglobal.net; ns@ecpi.com; Matt.PC@Newurban.com; cidg@galindogroup.com;  
jmvcoortez@hotmail.com  
**Cc:** Lynda.Courtney@ci.austin.tx.us; LCMorrison@prodigy.net  
**Subject:** SPC-03-0023W; Request for Waiver to Compatibility Standards at 1106 West 6th; Unit 301

Dear Vice Chair Riley and Commission Members,

I am representing the following properties in **opposition** of the applicants request for a waiver in compatibility standards: 524 North Lamar Blvd; 504 North Lamar Blvd; 1221 West 6<sup>th</sup> St. and 1114 West 7<sup>th</sup> Street. As developers, we have prided ourselves on working with the community to build appropriately scaled projects and I strongly feel that the applicants request is completely out of character for the area. Granting a waiver, in my opinion, would be harmful for the area. The applicants failure to abide by the rules has resulted in an "Intel" like blight on our area that needs to be removed.

On a personal note, I find it absolutely absurd that the applicant was unaware that a waiver was needed. As we require our contractors to get every permit required for a job, it is irritating (to say the least) to watch this project proceed with out the requisite permits. I also find it curious that given our properties proximity to the applicants that he has not contacted us. I apologize about the timing of this letter but the notices we received from the City regarding this case did not provide any sort of mechanism for a response.

Again, we are in opposition to the waiver request as I feel it will be harmful to the area. Please feel free to call if you should have any questions.

Sincerely,

Evan M. Williams

Evan M. Williams  
524 North Lamar Suite #203  
Austin, Texas 78703

Phone: 512.477.1277  
Fax: 512.320.8507

4/13/2004

Courtney, Lynda

**From:** Laura C. Morrison [LCMorrison@prodigy.net]  
**Sent:** Monday, April 12, 2004 11:37 AM  
**To:** jmvcozter@hotmai.com; cidg@galindogroup.com; Matt.PC@Newurban.Com; ns@ecpi.com; Cynthia.Medlin@sbcglobal.net; Dave Sullivan; MaggieArmstrong@hotmail.com; chrisriley@rusklaw.com  
**Cc:** Lynda Courtney  
**Subject:** Opposition to Case SPC-03-0023W/Encinal #310 Waiver

A15  
Adm. 24

Dear Members of the Planning Commission:

I am a property owner and resident within 300 feet of the subject case, and write to you to express my opposition to granting a waiver to the compatibility standards for the Encinal Unit 301. Compatibility standards are an important element of maintaining the fabric of our area, and granting such a waiver would be harmful to the area by allowing a structure that is out of scale with the surrounding buildings, and, especially considering the history of this project, would set a precedent that would be exceedingly harmful to this neighborhood.

In particular I would like to take this opportunity to stress 2 important factors in this case.

1) The Old West Austin (OWA) Neighborhood Plan does *not* support the granting of the requested waiver.

The Land Use Policy section of the OWA Neighborhood plan explicitly addresses redevelopment of MF use properties on the north side of 6<sup>th</sup> St. with a statement that any redevelopment in this area "must not negatively impact surrounding residences, considering factors including but not limited to height, traffic, visual character, and other compatibility concerns." (See pg. 11 of the OWA NP.)

The applicant's project has an extremely negative impact on our residences specifically based on height, visual character and other compatibility concerns such as scale and mass.

Therefore, contrary to what is stated in the application, this structure is *not* "thoroughly in agreement with the OWANA [sic] neighborhood plan," but instead violates the policy set forth in the Plan.

2) The applicant's project does *not* qualify for consideration of a waiver to the compatibility standards.

The applicant has submitted his request based on the there being an existing structure between the subject property and the SF-3 triggering property (25-2-1081(C)(1)), and further, on the suggestion that the existing, intervening structure's height exceeds that of the project as required by 25-2-1081(D). However, the heights that have been included in the application are erroneous, and the intervening structure's height is in fact less than the subject property's height, as described in the April 12, 2004 letter to the Planning Commission from Tyson Tuttle.

I would like to add that I met with City Staff in January 2004, to express my concerns over the method and reference points being used for the height measurements (at that time reported as 47.2') because the reference point on the south side was also a recently constructed "flower box" rather than the elevation of the surrounding ground. (This was prior to the more recent construction of the north side "flower box" which is now used to further minimize the reported height at 44.5'.)

At my January meeting, Staff suggested that if the application went forward, a site check would be in order and that Staff would contact me when this was to be done. Unfortunately, despite my having left several messages



to inquire, as far as I know, this site check was not performed. I understand that there is currently an understaffing problem but I urge you to take into consideration that the grade of the adjacent ground is not being used to measure reported height, as is required by the Land Development Code 25-1-21(46).

A/5

Adm. 25

Thank you for your consideration of these issues.

Sincerely,  
Laura C. Morrison  
610 Baylor St.

Cc: Lynda Courtney

**Courtney, Lynda**

**From:** MICHAEL METTEAUER [MMETTEAUER@austin.rr.com]  
**Sent:** Monday, April 12, 2004 9:27 AM  
**To:** lynda.courtney@ci.austin.tx.us  
**Subject:** SPC-03-0023W Encinal Condominium Unit #301

AIS  
Addn: 26

Lynda Courtney  
City Watershed Protection and Development Review Dept.

Re: SPC-03-0023W Encinal Condominium Unit #301

Dear Ms. Courtney:

I am unable to attend the Planning Commission hearing on the referenced property so I am writing to express my objection to the request for a waiver of height limits.

I am the owner of a house at 602 Harthan, located just over one block from the subject property. Built in 1876 on a hill overlooking the Colorado River and the downtown area and now the subject of city, state and national landmark status, the house's views of the River have been blocked by development to the south. The remaining views of downtown are protected only by the city's regulations, such as the height limitation in question. Applicant's half-built addition is visible from my house. Granting the requested variance would set a bad precedent and is inconsistent with the OWANA Neighborhood Plan.

If you need any further information, please do not hesitate to contact me.

Sincerely,

Michael Metteauer

4/13/2004

A15  
Addm 27

Tyson Tuttle  
608 Baylor Street  
Austin, TX 78703

April 12, 2004

City of Austin Planning Commission  
505 Barton Springs Road  
P.O. Box 1088  
Austin, TX 78767-8835

File Number: SPC-03-0023W

Dear Planning Commission Members,

I own the Taylor House at 608 Baylor Street, which has been a designated City of Austin Landmark since 1994. The property is zoned SF3-H and is located less than 100 feet from Unit 301 of the Encinal Condominiums, which triggers the compatibility height limitation of 40 feet and 3 stories as set forth in Section 25-2-1063 of the City of Austin Land Development Code. I am writing this letter to oppose the request for a waiver of this limitation.

My family is nearing completion of a 2-year restoration of the house. We will move-in this summer. This is a significant investment for us, and we are proud to contribute to the historic character of the neighborhood. I believe the height of the new construction at Unit 301 is out of scale with our house at 608 Baylor Street (See photos 5 and 6), other historic houses in the immediate vicinity (Photos 7-10), the West Sixth Street shopping district (Photo 2), and the Treaty Oak (Photo 1). In these examples, the height and scale of Unit 301 is inappropriate to the surrounding area.

As currently constructed, Unit 301 is 5 stories tall and 51.1 feet high from the first floor slab. Within the last month, a flower box was constructed (see Photos 3 and 4) to raise the highest grade by 5.5 feet. With the flower box, the calculated height is 44.5 feet, which still exceeds the compatibility standard of 40 feet. Using the average grade before the flower box was built, the building height is 47.2 feet. The flower box should not be considered due to it's small size and obvious distortion of the grade, and because it was constructed after-the-fact.

Unit 301 Height (in Feet)	Before	After
	Flower Box	Flower Box
Lowest grade elevation	497.1	497.1
Highest grade elevation	508.6	514.1
Average grade elevation	502.9	505.6
Roof elevation (5th floor)	550.1	550.1
Building height from average grade	47.2	44.5
First floor slab elevation	499.0	499.0
Building height from first floor slab	51.1	51.1

A15  
Addm.28

The intervening structure (see Photos 5 and 6) as identified in the waiver request is a maximum four stories tall, 40.6 feet high from the first floor slab, and 45.5 feet high from the average grade. Two-thirds of the intervening structure is only 3 stories high, including the section closest to our house. The three-story section is 30.6 feet high from the first floor slab and 35.5 feet high from the average grade. The intervening structure does not fully shield the new construction at Unit 301 from our view, even at ground level.

Intervening Structure Height (in Feet)	Without 4th Floor	With 4th Floor
Lowest grade elevation	507.8	507.8
Highest grade elevation	517.5	517.5
Average grade elevation	512.6	512.6
Roof elevation	548.1	558.1
Building height from average grade	35.5	45.5
First floor slab elevation	517.5	517.5
Building height from first floor slab	30.6	40.6

As stated in Section 25-2-1081 of the LDC, the height requirement may be waived only if an intervening structure exceeds the height of the proposed structure. Technically, only in the case where the addition of both the new flower box at Unit 301 and the 4<sup>th</sup> story of the intervening structure are allowed does Unit 301 even qualify for a waiver.

Melton was aware of the compatibility requirements and impact on my property before he started construction. He came to talk with me in late summer 2002 before construction started, showed me his plans, and asked for my consent to his addition. I stated my opposition, specifically to the height, and incompatibility with my house and view. I showed him the view from all levels of my house. I was very surprised when construction began without notification.

Based on a fair interpretation of the heights of Unit 301 and the intervening structure, and the harm it will have to both my property and the surrounding area, I believe this request for a waiver should be denied, and that the compatibility requirements should be strictly enforced to 40-foot height and 3 story maximum.

Sincerely,

Tyson Tuttle  
608 Baylor Street  
Austin, TX 78703

A15  
Addm. 29

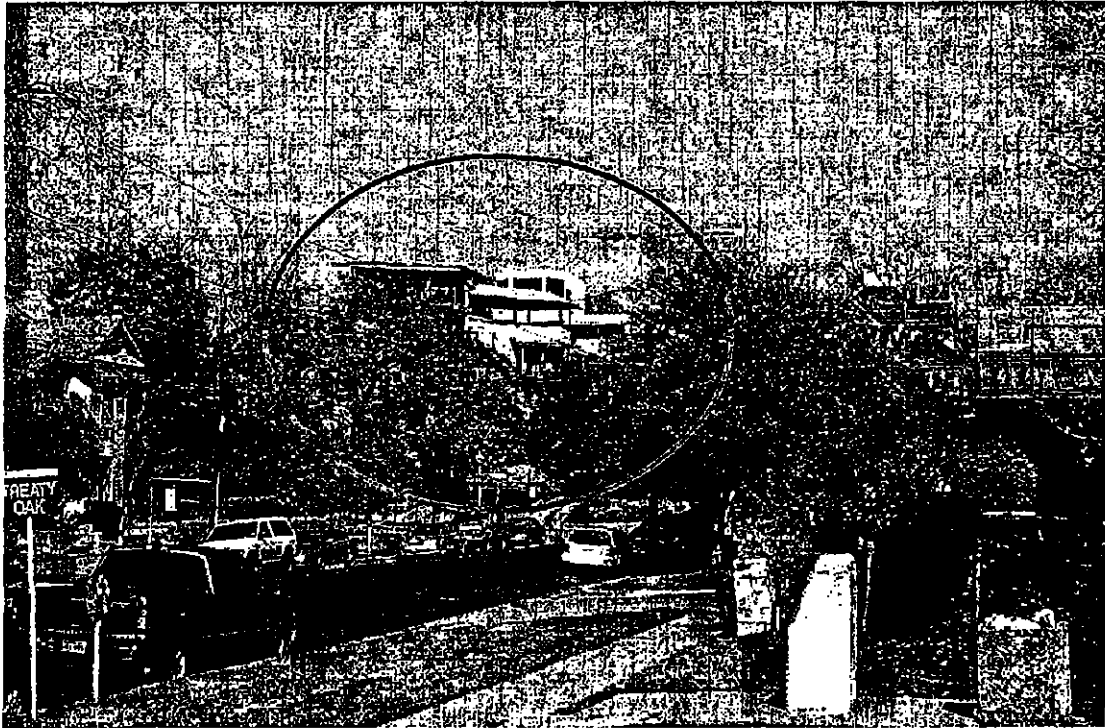


Photo 1: Unit 301 as seen from Treaty Oak

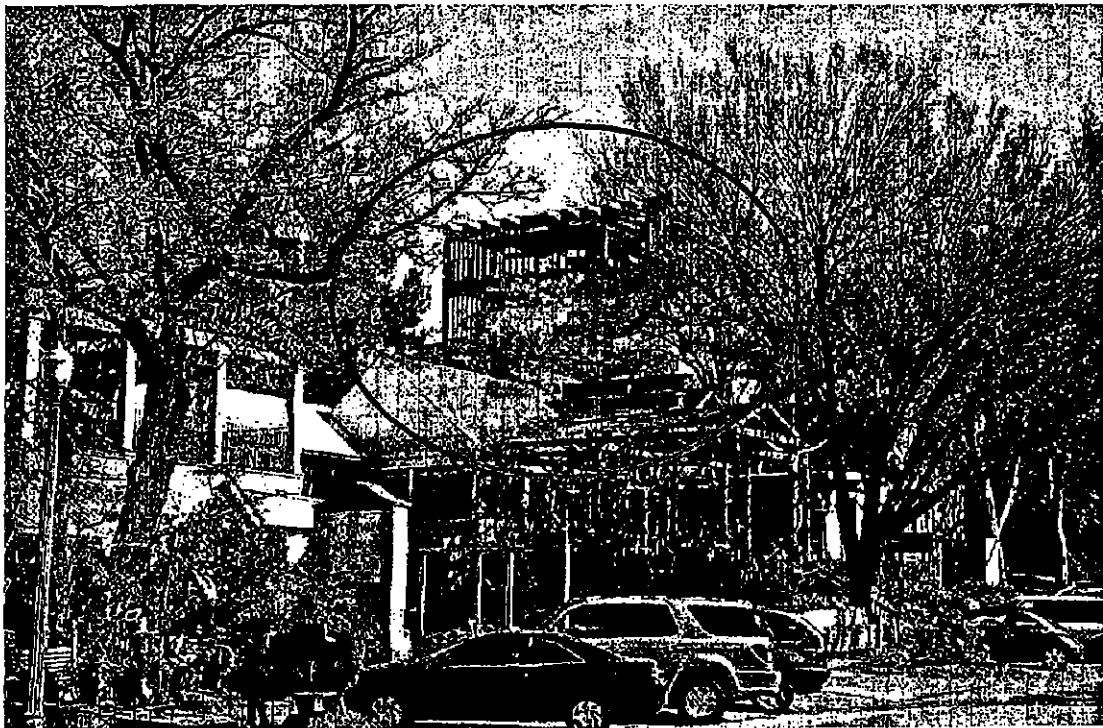
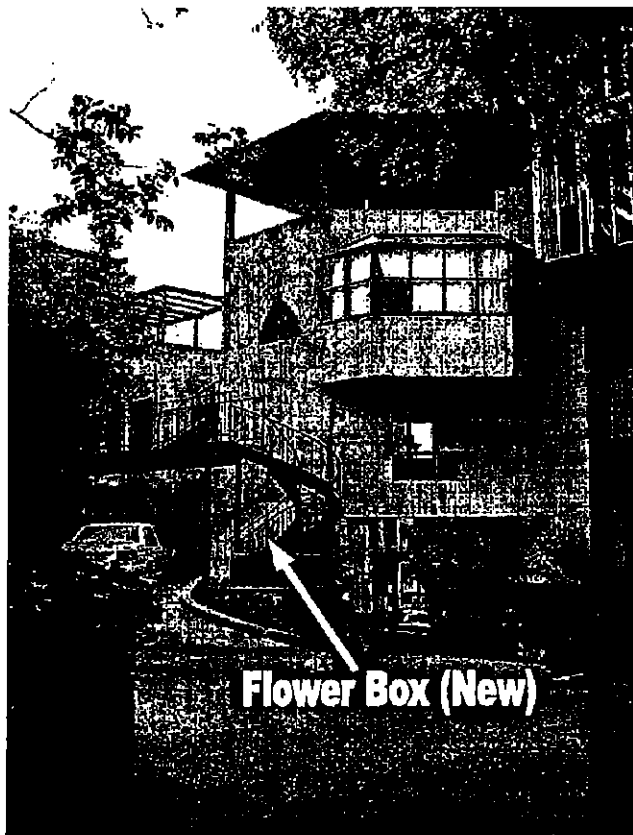
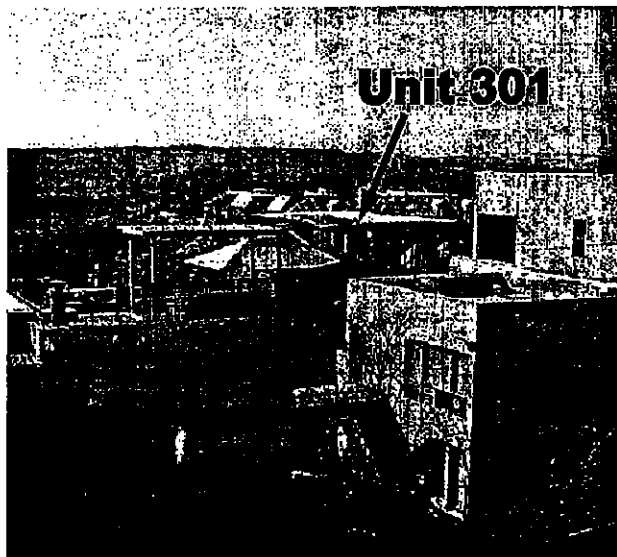
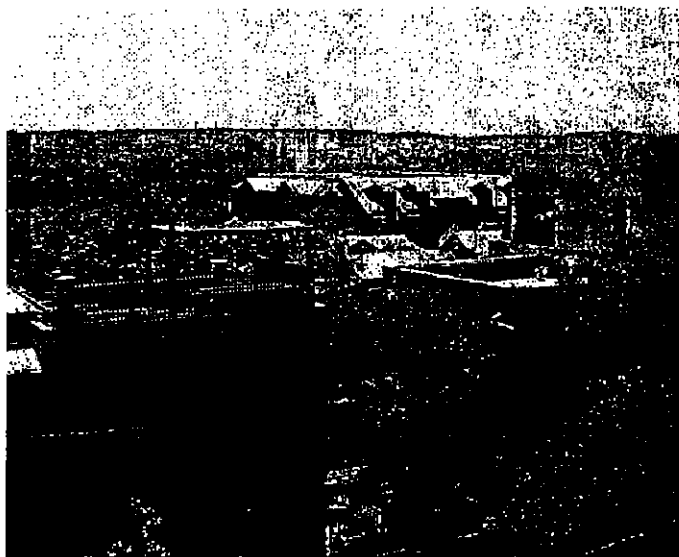


Photo 2: Unit 301 as seen from Z-Tejas

A15  
Addm.30

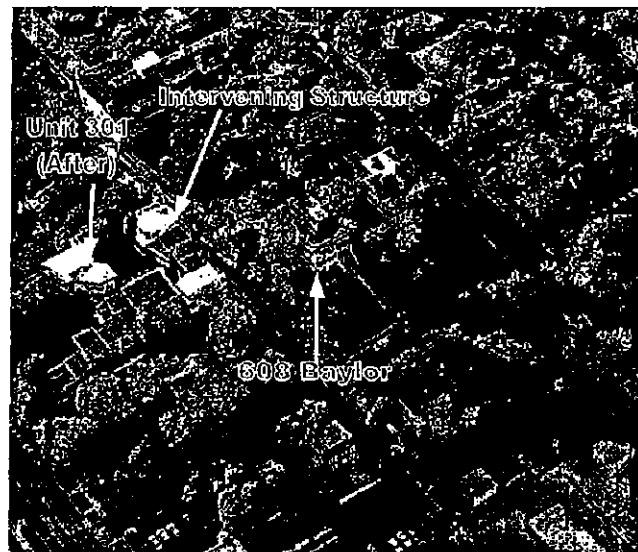


Photos 3 and 4: Newly Constructed Flower Box Used for Height Measurement



Photos 5 and 6: View from 3<sup>rd</sup> floor of 608 Baylor Street (Before / After)

A15  
Addm.31



Photos 7 (Before) and Photo 8 (after): Aerial Views of Surrounding Area

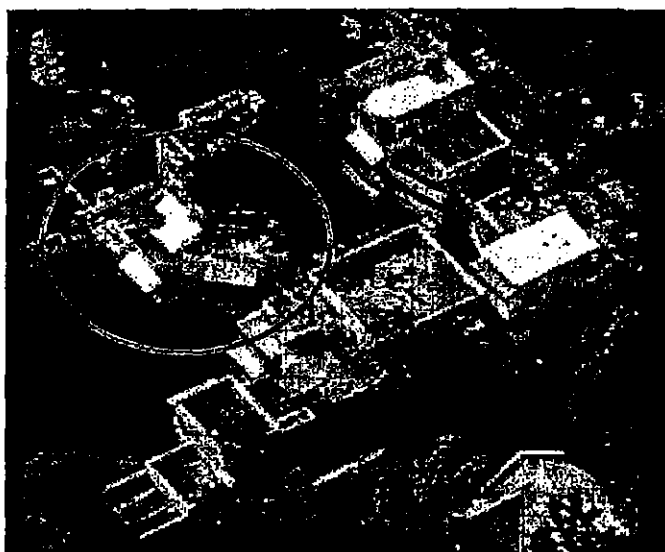


Photo 9 (Before) and Photo10 (After): Detail of Unit 301 Construction

Courtney, Lynda

From: Phil Morrison [morrison@physics.utexas.edu]  
Sent: Sunday, April 11, 2004 7:33 PM  
To: Lynda.Courtney@ci.austin.tx.us  
Subject: SPC-03-0023W

A15  
Addm 32

Subject: Opposition Waiver to Compatibility Standards at 1106 West 6th street, Unit 301 - SPC-03-0023W

Members of the Planning Commission:

I am an owner of the property at 610 Baylor St., which is where I reside and which is within 300' of the Encinal Condominiums. I oppose a waiver to compatibility standards for #301. It is entirely inappropriate to grant a waiver because compatibility standards are an important part of the zoning code that ensures proper development, and because un-permitted development (as is the case with this construction) should not be "forgiven" with waivers such as this.

In particular, I would like to note to you that Mr. West, in his application for this waiver, has proposed the argument that several buildings in proximity to his are "taller in elevation and/or higher from average grade" than his. One of the buildings he explicitly references is my property. (It is in the photographs with the application labeled as "MF3 Residences" although, to clarify, it is zoned MF-4.) First I would like to make clear that my property is NOT higher from average grade than his. Nor are any of the other properties that he has labeled in his photographs higher from average grade than his.

Second, I would like to point out that the building on my property is taller in elevation, but that this is an entirely spurious argument. The standards are meant to ensure, in part, appropriate scale of construction (as he posits in his application and with which I agree) and therefore what matters is not absolute elevation but the absolute sizing of the building itself.

Mr. West's attempted argument is important to refute. In our hilly neighborhood, there are easily differences in elevation of dozens of feet from one block to the next. Following the logic that elevation of the top of the building is germane to compatibility standards, would lead us to allowing excess heights all over the low spots and limiting height on the peaks of the hills. Clearly this would be an unintended and inappropriate result.

Thank you,  
Phil Morrison

--  
Prof. Philip J. Morrison  
The University of Texas at Austin  
Physics Department  
1 University Station C1600  
Austin, TX 78712--0264

morrison@physics.utexas.edu  
512-471-1527 Office  
512-471-6715 Fax



**Courtney, Lynda**

A15  
Addm. 33

**From:** Debra Day [ddaytexas@worldnet.att.net]  
**Sent:** Sunday, April 11, 2004 4:42 PM  
**To:** lynda.courtney@ci.austin.tx.us  
**Subject:** Compatibility Waiver: SPC-03-0023W - Encinal Condominiums, Opposition

**15. Compatibility Waiver: SPC-03-0023W - Encinal Condominiums**

Location: 1106 W. 6th Street, Unit 301, Town Lake Watershed

Owner/Applicant: Jesse and Barbara West

Agent: Melton West

Request: To approve a waiver to exceed compatibility height limits

Staff Rec.: **Recommended**

Staff: Lynda Courtney, 974-2830, [lynda.courtney@ci.austin.tx.us](mailto:lynda.courtney@ci.austin.tx.us)  
Watershed Protection and Development Review

I absolutely oppose Mr. Melton West's request for a compatibility waiver and recommend rejection of his application. I own the unit adjacent to Mr. West's problematic construction.

Please find my attached letter explaining some of my reasons for recommending rejection.

It is very likely I will be in Mexico City on Business on the date of the hearing, hence my attempt to communicate my opposition via this email.

Sincerely,  
Robert N. Floyd, Architect  
President, ARC INC  
Consultants and Architects  
308 B Congress Avenue  
Austin, Texas 78701

Owner Unit 103 Encinal Condominiums  
1106 West 6<sup>th</sup> Street

Former Chairman: City of Austin Electric Utility Commission

4/13/2004

ARC INC

308-B CONGRESS AVENUE  
AUSTIN, TEXAS 78701  
512-476-3971 OFC  
512-476-4759 FAX  
Email: arcinc@flash.net

A15  
Addm. 34

4 April 2004

City of Austin Planning Commission

P.O. Box 1088  
Austin, Texas 78767-8835

505 Barton Springs Road  
Austin, Texas

**Re: File Number: SPC-03-0023W**

**I emphatically recommend the application requesting a site plan waiver, made by Mr. Melton West, owner of unit #301, located at 1106 West 6<sup>th</sup> Street, be rejected.**

Mr. West has made absolutely false statements to me personally with respect to virtually every aspect of the work illegally placed on the site in question.

There are apparently no legal, stamped documents, (i.e., structural, mechanical, electrical or architectural drawings and specifications) required by the City of Austin, the Board of the Encinal Condominium and the Texas Board of Architectural Examiners.

Mr. West has continues to work on the project after being "Red Tagged" by the City of Austin and in violation of the demands of the City of Austin building inspection department.

The construction has damaged my property physically as well as other condominium units. The financial consequences to me are substantial and significant. For example, I wrote a letter to Mr. West and the board of the Encinal Condominium Association demanding in writing that Mr. West and his construction crews stay off my roof (i.e., unit 103). He ignored this demand and has continued to work on his project from the roof of my unit and has severely damaged my roof and broken my skylight.

Mr. West continues to distort the facts with respect to this project. For example, the representation made by Mr. West that I support his request for a waiver is totally false. The inclusion of my name and others listed on the sheet included in the package submitted to Planning Commission is clearly deceitful. This sheet is titled: "Owners of the twenty two adjacent properties approved the proposed modifications". The use of my name on this document is in fact a prefect example of his willingness to make false representations.

I advise the members of the Planning Commission that I have filed suit against Mr. West for damages.

Sincerely,

Robert N. Floyd, Architect  
President, ARC INC  
Owner: Unit 103, Encinal Condominiums

CC: Attorney, Brian Engel  
McGinnis Lockridge and Kilgore

**Courtney, Lynda**

*A15*  
*Addm. 35*

**From:** Donald Baldovin [debaldovin@worldnet.att.net]  
**Sent:** Sunday, April 11, 2004 4:28 PM  
**To:** chrisriley@rusklaw.com; jmvcortez@hotmail.com; cidg@galindogroup.com;  
Matt.PC@Newurban.Com; ns@ecpi.com; Cynthia.Medlin@sbcglobal.net; sully@jump.net;  
MaggieArmstrong@hotmail.com; Lynda.Courtney@ci.austin.tx.us  
**Subject:** Planning Commission--April 13, 2004--File Number: SPC-03-0023W--Encinal Condominiums, Unit 301

**Donald E. Baldovin**

**PMB-122**

**603 West 13th Street #1A**

**Austin Texas, 78701**

April 10, 2004

City of Austin Planning Commission

505 Barton Springs Road

P.O. Box 1088

Austin, Texas 78767-8835

File Number: SPC-03-0023W

I own and occupy Unit 202 at 1115 West 7th Street (The Gardens) and every day I see the two stories that have been illegally constructed on top of Unit 301 of the Encinal Condominiums, 1106 West 6th Street. I am strongly against this application for a waiver for the following reasons: the height addition harms the surrounding area; the addition will decrease the value of all property in the area, except that of the applicant; the addition is an example of visual blight; the project does not satisfy the requirements for a waiver; and, the applicant's agent has acted in bad faith from the start of the process.

Having reviewed a number of items in the file, I have the following rebuttal comments.

1. Letters supporting the applicant from those who do not live in the neighborhood should be given no weight, since they are not personally affected and make statements that are not accurate. Only one such letter is relevant.
2. The statement that The Gardens is taller than the addition at the Encinal is false. I live on the top floor of the south building at The Gardens. The new height of the addition is much taller than my Unit, and is also taller than the AISD building..
3. The representation that 22 owners at the Encinal "are eager for these modifications to be completed" is false and misleading. Some of these people do not support the addition.

4/13/2004

4. Although the Compatibility Waiver Review Sheet Summary refers to "a four story structure", the submitted plans show five stories. This fact is missing from the request document, and applicant is attempting to obtain a waiver for a five-story structure.

A15  
Addn. 36

Over the last 18 months, there has been continuing misrepresentations about this project to the City of Austin, affected neighbors and OWANA, and flagrant abuse of the approval process. I strongly recommend that the application be rejected.

Sincerely,

Signed: Donald E. Baldovin

Note to Lynda Courtney: Please provide a copy to Jerome Newton, who does not have a listed email address.

**Courtney, Lynda**

---

A15  
Addm-37

**From:** chsgeorge [chsgeorge@earthlink.net]  
**Sent:** Sunday, April 11, 2004 11:10 AM  
**To:** lynda.courtney@ci.austin.tx.us  
**Cc:** ED  
**Subject:** Comaptibility Waiver: SPC-03-0023W - Encinal Condominiums Unit # 301

Dear Lynda,

Is your office aware that this waiver is for work completed without building permits? I live behind the Encinal and have watched it progress during the past two years. Even the Fire Department has red tagged this work as a life safety hazard. I'm concerned that approval of this height waiver will set a bad precedent and encourage others to build without permission and seek approvals "fait accompli".

I work as a private building inspector to assure buyers and lenders that properties comply with building, fire and zoning codes. Frankly, I have never seen such a disregard of local building codes as I've seen at the Encinal. If I was researching this property for a mortgage, I would flag the Encinal as unlendable until the owner Melton West provided appropriate permits and inspections for the work.

Charles George  
1107 West 7th Street #1  
Austin

Voice: 512-294-4103 Fax: 512- 857-0417

4/13/2004