



DRIPPING SPRINGS
Texas

April 4, 2022

Steve Harren
317 Grace Lane #240
Austin, TX 78746

Via e-mail: steveharren@aol.com

Re: Site Development Permit for expansion of Driveway

Dear Mr. Harren,

This letter is regarding unpermitted construction and subsequent notice of violation which was issued by the City on March 3, 2022. After being informed of the requirement for a site development permit by City staff, we met with you and your team to discuss on April 1, 2022. This letter is in response to questions raised in that meeting.

This project requires a site development permit. Our analysis is based on the current project under Article 28.04 of our code which is an expansion of a driveway that serves two large residential lots. This requirement means that this application needs to be submitted and approved prior to continuing construction on this improvement. The tract does not need to be platted in order to receive a site development permit. I agree with Ms. Savage that for the improvement to the driveway and the related site development permit, only one of the owner's approval/signature is needed because a site development permit does not affect the legal status of the property. (Plats do require the signature of all owners).

Section 28.04.004 requires that all development within the City be subject to site development permits. The purpose of these permits is to inspect development to ensure that it is done correctly and does not impact water quality. Development, which is the trigger for a site development permit, is defined to include "includes construction, excavation, dredging, grading, filling, and clearing or removing vegetation." There are exceptions to this requirement, but this project does not fall under any exception. You point out that there is an exception for duplex residential developments, but this is not a duplex project. I understand your argument about the impact of a duplex project, but the building of a driveway at the width that is proposed is of significant impact. If it were a duplex project, you would also need a letter from the City Engineer that this project does not affect the waterways. This drainage analysis is one of the primary purposes of the site development process. Of further note, if this driveway does become an emergency access for the separate development, it will then become a public improvement as defined in our Subdivision Ordinance¹ and subject to requirements of a public construction plan

¹ Public improvements : Facilities, infrastructure and other appurtenances, typically owned and maintained by the city, which serve a public purpose in providing a needed service or commodity, such as wastewater collection and treatment and

Open spaces, friendly faces.



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permit. At that point, the driveway would need to be approved as part of the platting process. However, once the site development permit is approved, this will meet any platting approval requirement.

I have attached the correspondence where the property owner was initially informed that any construction or widening of the driveway would require a permit. I am also attaching a preliminary plat that has been submitted to the City which shows the use of this driveway for emergency access (which makes it a future public improvement).

Moving forward, your next step is to file for the site development permit. We take these applications weekly. The application does not require a plat application and can be signed by one owner.

Respectfully,

Laura Mueller, City Attorney

CC: Tory Carpenter, Senior Planner
Susan Savage, Hurst Savage & Vanderburg, L.L.P.
Jennifer Garcia, PE, Land Development Consultant
Jim Boushka,
Ginger Faught, Deputy City Administrator

water storage and distribution, and which protect the general health, safety, welfare and convenience of the city's citizens, including efficiency in traffic circulation and access for emergency services. . . .

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Notice of Violation

DATE ISSUED: March 3rd, 2022

NAME & ADDRESS OF VIOLATOR: Steve Harren
317 Grace Lane #240
Austin, TX 78746

LOCATION OF SITE: 2901 US-290
Dripping Springs, Texas 78620
Property ID: R15122

NOTICE ISSUED BY: Shane Pevehouse
Code Enforcement & Construction Inspector
Phone: 512-858-4725

CEASE & DESIST: You are hereby ordered to *cease and desist* from the violation cited below, and to *stop work* on the above-described property until authorized by the City in writing to recommence and proceed with the work.

VIOLATIONS: No development shall be undertaken on any land, tract, parcel, or lot within the corporate limits or ETJ of the city until a site development permit for said development has been obtained from the city.

VIOLATION NOTICE: You are in violation of the City of Dripping Springs Code of Ordinances: Volume II, Chapter 28, Section 04.004 (Site development permit required).

ACTION REQUIRED: Stop any and all work on site. Contact the City to remedy the violation and obtain a permit. Feel free to contact my office at the City of Dripping Springs for assistance in this matter. By cooperating with the City, you can bring your property in compliance with the law and avoid your case being taken to court.

FAILURE TO ACT: Failure to remedy the violations stated in this notice shall result in the filing of criminal charges and/or the filing of a civil lawsuit.

From: [Tory Carpenter](#)
To: [Laura Mueller](#)
Subject: FW: Hardy Road Follow Up
Date: Friday, April 1, 2022 4:06:32 PM
Attachments: [image001.png](#)

FYI

From: Tory Carpenter
Sent: Wednesday, January 19, 2022 1:07 PM
To: Steve Harren <steveharren@aol.com>; Jennifer Garcia <jenn.royal@gmail.com>
Subject: Hardy Road Follow Up

Steve,

Thanks for the call regarding the road to the Hardy Tract. As we discussed, it's important that no one on your team do any work on the road unless you a.) have an approved permit; or b.) have written authorization from the City that you can proceed with the specific work without a permit.

I will keep an eye out for those cross sections from your team.

Regards,



Tory Carpenter
AICP, CNU-A
Senior Planner
tcarpenter@cityofdrippingsprings.com
512.858.4725 City Hall
511 Mercer Street • PO Box 384
Dripping Springs, TX 78620
cityofdrippingsprings.com

From: [Tory Carpenter](#)
To: [Laura Mueller](#)
Subject: FW: Unpermitted Work - Hardy Tract
Date: Friday, April 1, 2022 4:05:54 PM
Attachments: [Bunker Ranch SWO 20220303 Steve Harren.doc](#)
[image001.png](#)
[image002.png](#)

See Aaron's two emails below.

From: Aaron Reed <areed@cityofdrippingsprings.com>
Sent: Tuesday, March 8, 2022 11:14 AM
To: Tory Carpenter <tcarpenter@cityofdrippingsprings.com>; Shane Pevehouse <SPevehouse@cityofdrippingsprings.com>; Steve Harren <steveharren@aol.com>; Jim Boushka <jimb@jimick.com>; Brian Estes <bestes@cecinc.com>
Cc: Ginger Faught <GFaught@cityofdrippingsprings.com>; Dillon Polk (DPolk@NorthHaysFire.com) <dpolk@northhaysfire.com>; Chad Gilpin <CGilpin@cityofdrippingsprings.com>
Subject: RE: Unpermitted Work - Hardy Tract

Steve,

A stop work order was issued on March 3rd for the work being done on the access road to the Hardy track. At this time there has been a significant amount of material installed with little to no erosion controls in place. Your team needs to submit an erosion control plan ASAP so the City can review and approve. Once approved the controls will need to be installed by your contractor and inspected by the City. Failure to submit an erosion control plan will result in the City reporting the violation to the TCEQ.

Feel free to reach out with any questions.

Thankyou,



From: Aaron Reed
Sent: Wednesday, January 19, 2022 1:09 PM
To: Tory Carpenter <tcarpenter@cityofdrippingsprings.com>; Shane Pevehouse <SPevehouse@cityofdrippingsprings.com>; Steve Harren <steveharren@aol.com>; Jim Boushka <jimb@jimick.com>; Brian Estes <bestes@cecinc.com>
Cc: Ginger Faught <GFaught@cityofdrippingsprings.com>; Dillon Polk (DPolk@NorthHaysFire.com) <dpolk@northhaysfire.com>
Subject: RE: Unpermitted Work - Hardy Tract

Steve,

We went by the site on Tuesday. From what I can see the work being done is maintenance to the existing driveway which would not require a permit. That being said, any widening of the driveway would require a permit. Any work

done to the road with a permit will require inspections by the City so any work done now without inspection will not be accepted in the event that a permit is required. If the intent is to maintain the existing drive without a permit for the purposes of fire access, you will still need to have a Geotech certify that the road will meet the requirements of the North Hays ESD.

I appreciate your concern about the Dreamland development and the City has been very active in keeping Dreamland in compliance with City ordinances. The City has stopped work at Dreamland several times for different reasons. The City, TxDOT and Dreamland will be meeting in February (the meeting was scheduled for today but had to be cancelled) to discuss access, drainage and the future of the development. The City took the complaints regarding flooding across 290 in the last major rainfall seriously and worked with TxDOT and the developer to have the culverts and drainage in front of the development cleaned.

The maintenance of the existing driveway does not require a permit. Clearing of cedar trees with rubber tired vehicles (without disturbing the ground) does not require a permit. If you have any other questions or concerns regarding permitting or drainage please feel free to contact me directly and we can discuss.

Thank you for your consideration.



Aaron Reed
Public Works Director
areed@cityofdrippingsprings.com
512.858.4725 City Hall
512.660.2011 Mobile
511 Mercer Street • PO Box 384
Dripping Springs, TX 78620
cityofdrippingsprings.com

From: Steve Harren <steveharren@aol.com>

Sent: Saturday, January 15, 2022 7:07 AM

To: Jim Boushka <jimb@jimick.com>; Tory Carpenter <tcarpenter@cityofdrippingsprings.com>; Brian Estes <bestes@cecinc.com>; Michele Lynch <mlynch@mwswtexas.com>; Ginger Faught <GFaught@cityofdrippingsprings.com>

Subject: Re: Unpermitted Work - Hardy Tract

Tori

I am pulling down the previous email I sent. It was a frustrating week for me so I fired off an email I should have thought through better.

You have been very helpful, professional, and courteous with us since your arrival at DS which has not been the case with predecessors in the past - thank you.

I would be glad to discuss the temp dirt pile, tree pile, and machinery on our property Next week. Cell 512-970-7271.

Also we are very concerned about rains coming in the spring and the amount of water that floods over hwy 290 from Dreamland and would like to get you up to speed. We have video of cars loosing traction on 290 so it's not just flood damage to the residence in bunker but a real accident hazard.

Care and safe holiday.

Sent from my iPhone

On Jan 14, 2022, at 7:49 PM, Steve Harren <steveharren@aol.com> wrote:

Jim

Burn trees and make sure piles of dirt are not on our property. They can red tag road area if they want and we can address.

AND Dreamland flooding us and building without permits DS won't address but a ranch road DS desire would be to shut down.....

Michelle please address and move forward as appropriate.

Team Keep moving forward .

Care

Sent from my iPhone

Begin forwarded message:

From: Tory Carpenter <tcarpenter@cityofdrippingsprings.com>
Date: January 14, 2022 at 3:50:01 PM CST
To: Brian Estes <estes_brian@mac.com>, Steve Harren <steveharren@aol.com>
Cc: Ginger Faught <GFaught@cityofdrippingsprings.com>, Aaron Reed <areed@cityofdrippingsprings.com>
Subject: Unpermitted Work - Hardy Tract

Brian & Steve,

Today city staff received complaints of work being done on the Hardy Tract. After a site inspection, staff found several large construction vehicles and a significant spoils pile on the site (see attached photo). You cannot continue work until a permit has been issued or until you receive written authorization that a permit is not required for the specific work. You can expect Code Enforcement to inspect the site shortly.

Please let me know if you have any questions.

Regards,



Tory Carpenter
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511 Mercer Street • PO Box 384
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cityofdrippingsprings.com



From: [Tory Carpenter](#)
To: [Laura Mueller](#)
Subject: FW: 2901 W US 290 - Stop Work Order Follow Up
Date: Friday, April 1, 2022 4:20:54 PM
Attachments: [image001.png](#)
[Bunker Ranch SWO 20220303 Steve Harren.pdf](#)

From: Tory Carpenter
Sent: Friday, March 25, 2022 9:14 AM
To: 'Jim Boushka' <jimb@jimick.com>; Steve Harren <steveharren@aol.com>
Cc: Jennifer Garcia <jenn.royal@gmail.com>; Jennifer Garcia <j.harreninterests@gmail.com>; pvpostcard@aol.com; Aaron Reed <areed@cityofdrippingsprings.com>; Shane Pevehouse <SPevehouse@cityofdrippingsprings.com>; Chad Gilpin <CGilpin@cityofdrippingsprings.com>; bryan@4genconcrete.com; Gib Watt <gib.watt@co.hays.tx.us>
Subject: 2901 W US 290 - Stop Work Order Follow Up

Jim & Team,

Please confirm receipt of this email. Thank you for meeting with us yesterday to discuss the unpermitted work for the street leading to the Hardy Tract. As we discussed, you must submit engineered roadway construction plans as a site development permit for the street. For reference, I have attached the notice of violation for the unpermitted work on the site.

Please let me know if you have any questions.

Regards,



Tory Carpenter
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