

## **ZBA-2510-0008 — Cover Transmittal / Submission Under Protest**

Submitted by: Carlos Velez Conty

Property: 536 Bancroft Road, Keller, Texas 76248

Related matters: ZBA-2510-0008 | FENCE-2509-0188 | Code Case #2508-0551

Date: May 21, 2026

This Batch 0 submission is provided for inclusion in the official ZBA-2510-0008 administrative record, staff report, and Board packet.

This submission is made under protest because the ZBA portal does not provide a visible applicant upload function from my side, the City has not provided a certified electronic submission protocol, and the City has not confirmed receipt protocol, indexing, cross-filing, Board-packet inclusion, ADA/language-access handling, stay status, Final Notice status, or hearing scope.

This submission is not a permit resubmittal, plan revision, new application, waiver, admission, concession, variance-only election, agreement with the City's measurement origin, agreement with the nuisance classification, agreement that the April 21, 2026 Final Notice is valid, or agreement that the administrative record is complete.

This submission is for the ZBA-2510-0008 administrative appeal record. Any alternative variance materials are submitted only in the alternative and without waiver.

The City should confirm receipt of each submitted file and identify whether each file is included in the official ZBA record, staff report, and Board packet. If any file is excluded, the City should identify the excluded file, the person making that decision, and the legal or procedural basis for exclusion.

Nothing in this submission waives any rights, objections, ADA accommodation rights, language-access rights, Public Information Act issues, Open Meetings Act issues, enforcement-stay objections, Final Notice objections, measurement objections, notice objections, administrative-record objections, due-process objections, request for continuance, objection to exclusion of materials, or right to seek judicial review.

### **Attachment 01 — Filing Index / Exhibit List**

Save this as 01\_Filing\_Index\_Exhibit\_List.pdf.

### **ZBA-2510-0008 — Filing Index / Exhibit List**

**Batch 0 Filed May 21, 2026**

<b>File No.</b>	<b>File Name</b>	<b>Category</b>	<b>Purpose</b>
00	Cover_Transmittal_Submission_Under_Protest	Cover / Preservation	Preserves submission under protest, non-waiver, and record-placement request.
01	Filing_Index_Exhibit_List	Index	Identifies filing structure and intended record categories.
02	Executive_Summary_Relief_Requested	Summary / Relief	Summarizes requested ZBA relief, appeal posture, alternative variance posture, and procedural objections.

### **Forthcoming / Supplemental Materials by Batch**

<b>Batch</b>	<b>Category</b>	<b>Intended Contents</b>
Batch 1	Appeal / Final Notice / Stay	April 21 Final Notice, appeal basis, stay objection, imminent-peril issue.
Batch 2	Measurement / Survey / Datum	28'7" measurement, Survey with Easements / 39'4-1/4" context, measurement origin, endpoint, path, datum objections.
Batch 3	Road Classification / Curb / Collector	C2U collector classification, 50-foot standard dispute, curb / pavement / edge-of-road issue, City curb detail references.
Batch 4	Driveway Functional Impact / Safety	Driveway layout, functional depth, vehicle stacking, access, safety, interim gate condition, animal/property-security risks.
Batch 5	Comparator / Disparate Treatment	Comparator properties, prior ZBA/fence/gate variance or enforcement records, photo-monitoring disparity.
Batch 6	PIA / OAG / Missing Records	Missing records, no-record statements, OAG tracking, production gaps, record-placement concerns.
Batch 7	Notice / Portal / ADA / Continuance	Portal no-upload issue, defective notice, ADA/language-access request, continuance request, record-submission defects.

This index is submitted to preserve the structure of the record. Additional documents may be submitted by email batches, certified mail, hand delivery, or other available method because the City has not provided a certified upload portal or receipt protocol.

### **Attachment 02 — Executive Summary / Relief Requested**

Save this as 02\_Executive\_Summary\_Relief\_Requested.pdf.

### **ZBA-2510-0008 — Executive Summary / Relief Requested**

**Applicant/Appellant:** Carlos Velez Conty

**Property:** 536 Bancroft Road, Keller, Texas 76248

**Related Files:** ZBA-2510-0008 | FENCE-2509-0188 | Code Case #2508-0551

**Hearing:** June 1, 2026, subject to pending notice, record, ADA, submission, and continuance objections

## **1. Procedural Posture**

This matter is submitted as an administrative appeal of the April 21, 2026 Final Notice in Code Case #2508-0551. Any variance relief is preserved only in the alternative and without waiver.

The appeal challenges the City's decision, interpretation, measurement method, enforcement classification, nuisance characterization, and application of the drive-gate setback standard to 536 Bancroft Road.

## **2. Primary Relief Requested**

I request that the ZBA grant the administrative appeal and reverse or set aside the April 21, 2026 Final Notice, including the City's determination that the drive-gate / fence condition violates the applicable drive-gate setback standard.

## **3. Alternative Relief Requested**

If the ZBA determines that variance relief is required, I request alternative variance relief allowing the existing gate/fence configuration or a safe functionally equivalent configuration to remain, based on property configuration, driveway geometry, functional impact, safety, access, lack of clear measurement standard, and inconsistent application of the City's interpretation.

This alternative request is not an admission that the City's enforcement interpretation, measurement origin, nuisance classification, or Final Notice is valid.

## **4. Key Issues Preserved**

The record preserves the following issues:

1. whether ZBA-2510-0008 is being properly heard as an administrative appeal rather than variance-only;
2. whether Code Case #2508-0551 and proceedings in furtherance of the April 21 Final Notice remain stayed under Texas Local Government Code § 211.010(c), absent written imminent-peril certification transmitted to the ZBA;
3. whether the April 21 Final Notice remains active, stayed, suspended, withdrawn, satisfied by interim mitigation, or still being enforced;
4. whether the appealed record has been transmitted to the ZBA;
5. whether applicant materials, record supplements, measurement exhibits, portal screenshots, PIA/OAG correspondence, comparator materials, and procedural objections have been placed into the official ZBA record, staff report, and Board packet;
6. whether the City has provided a reliable upload, email, or file-sharing submission protocol with receipt, indexing, cross-filing, and non-waiver protections;
7. whether the City has corrected the public notice issue involving the May 14 notice stating "Monday, June 6, 2026";
8. whether direct applicant notice has been provided;
9. whether the City has produced or identified the measurement basis, measurement origin, endpoint, path, and datum for the alleged 28'7" measurement;
10. whether the City has reconciled the 28'7" measurement with the Survey with Easements / site-plan measurement context of approximately 39'4-1/4";

11. whether Bancroft Road is properly classified for purposes of the 25-foot versus 50-foot drive-gate setback rule;
12. whether the City has defined “edge of road,” “edge of curb,” “edge of pavement,” right-of-way, traveled way, shoulder, or any other claimed datum on an uncurbed frontage;
13. whether the City has identified a valid nuisance basis separate from the disputed setback interpretation;
14. whether the City has produced or identified comparable treatment records for similar gate/fence properties;
15. whether the City has provided a staff report, Board packet, hearing scope, City evidence list, and ADA/language-access accommodation decision in time for meaningful participation.

## **5. Due Process and Submission Objection**

This submission is made under protest because the City has not provided a visible applicant upload function, certified electronic submission protocol, receipt protocol, file-size/batch protocol, cross-filing assurance, Board-packet confirmation, ADA/language-access decision, staff report, Board packet, or hearing-scope confirmation.

The City should not use the May 21 submission deadline to exclude materials, claim waiver, assert untimeliness, or shift prejudice onto the applicant where the City controls the portal, staff report, Board packet, official record, and submission process.

## **6. Requested Action**

I request that the ZBA:

1. accept this submission into the official ZBA-2510-0008 administrative record;
2. confirm that all submitted materials are included in the staff report and Board packet, or identify any excluded material and the legal basis for exclusion;
3. recognize this matter as an administrative appeal with alternative variance relief preserved only in the alternative;
4. confirm the stay status under Texas Local Government Code § 211.010(c);
5. require the City to identify the measurement basis, road classification basis, nuisance basis, and records relied upon;
6. grant the administrative appeal and reverse or set aside the April 21 Final Notice; or
7. alternatively, grant appropriate variance relief if the Board determines variance relief is required.

Respectfully submitted,

Carlos Velez Conty  
536 Bancroft Road  
Keller, Texas 76248