

**CITY OF KELLER — ZONING BOARD OF ADJUSTMENT (ZBA)**

Variance Appeal — Filed Under Protest

Property: 536 Bancroft Road, Keller TX 76248 | Applicant: Carlos Velez Conty

Case No.: 2508-0551 | Date: October 28, 2025

**Filed Under Protest pursuant to Texas Local Government Code §211.009(b)**

This appeal is filed under protest to preserve rights under Tex. Local Gov't Code §211.009(b) due to unresolved administrative clarifications requested from Building Services:

- (1) effective ordinances and enforcement basis for UDC §9.07(K)(3)(c);
- (2) measurement standard on unimproved collector streets (pavement vs ROW);
- (3) Fire-Marshal coordination under NFPA 1141 / IFC D105.1; and
- (4) documentation of comparable approvals on the Bancroft Rd corridor.

Enforcement is acknowledged as on hold pending ZBA review. Applicant seeks interpretation/variance recognizing that a 36–40 ft setback from the pavement edge on an unimproved collector frontage is functionally equivalent to the 50-ft standard written for improved arterials with curb/sidewalk.

A literal 50 ft here is a contextual misapplication that

- (a) removes ≈38% of the usable driveway, leaving ≈27 ft;
- (b) collapses stacking and turning; and
- (c) conflicts with NFPA 1141 §5.2.3 (20×50 ft work area) and IFC D105.1 (15–30 ft apparatus position).

Because Bancroft lacks curb/sidewalk, the 50 ft is measured wholly from pavement onto private property, doubling the restriction with no added safety.

Requested relief (36–40 ft from pavement) provides functional equivalency to the ordinance's safety intent: full sight triangles, adequate queuing, and NFPA/IFC apparatus reach—without the “visual chute/tunnel” created by a mechanical 50 ft that eliminates peripheral vision and forces peek-out maneuvers.

- Requested City Actions (PIA Submittal Actions)
- Acknowledge receipt of this correspondence and the Public Information Act request.
- Pause enforcement under Case #2508-0551 pending formal review and records production.
- Provide the requested permit history electronically (addresses, permit numbers, dates, required setbacks, outcomes) for the Bancroft corridor.
- Confirm inspection scheduling for the residential addition completed in 2024 (final close-out path).
- Coordinate a technical meeting between Building Services, the Fire Marshal, and the Applicant's engineer to review the proposed ≈ 40-ft configuration (inward swing, Knox/manual emergency release).

Applicant reserves the right to supplement upon receipt of Building Services records and PIA production. Please docket this matter for the next available hearing and direct staff to produce the pending documents for a complete record.

Respectfully submitted,



Carlos Velez Conty

Owner, 536 Bancroft Road, Keller TX 76248

Email: cvelezconty@gmail.com

**Date: October 28, 2025**