

# **ZBA-2510-0008**

## **Road Classification / Curb-Pavement Datum / 50-Foot Standard Objection**

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

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

**Submitted by:** Carlos Velez Conty

**Date:** May 21, 2026

### **Purpose of This Exhibit**

This exhibit preserves my objection to the City's application of the 50-foot drive-gate setback standard to 536 Bancroft Road and the City's failure to identify the written basis for applying that standard to a collector-classified, uncurbed frontage.

This exhibit should be included in the official ZBA-2510-0008 administrative record, staff report, and Board packet.

### **1. Bancroft Road Is Shown as a Collector-Classified Road**

The City's Comprehensive Thoroughfare Plan materials identify Bancroft Road as a collector-classified road. The plan legend distinguishes collector classifications, including **C2U / 2 Lane Collector**, from arterial and higher-classification roadway categories.

The City has not produced a written interpretation, ordinance provision, map legend, staff policy, legal interpretation, or training record establishing that a **C2U / 2 Lane Collector** road shown on the Comprehensive Thoroughfare Plan is treated as a "thoroughfare" for purposes of the 50-foot drive-gate setback requirement.

### **2. The City Has Not Explained Why the 50-Foot Standard Applies**

The City's review comments distinguish between drive gates adjacent to a public street and drive gates adjacent to a thoroughfare. The City has not identified the legal or administrative basis for treating this Bancroft Road frontage as subject to the 50-foot drive-gate standard instead of the public-street / collector condition.

If the City contends that any roadway appearing on the Comprehensive Thoroughfare Plan is automatically treated as a "thoroughfare" for drive-gate setback purposes, the City should identify the ordinance, adopted map, legend, policy, staff interpretation, legal interpretation, prior administrative practice, or training record supporting that position.

### **3. “Curb” Is Not a Generic Synonym for “Edge of Road”**

The City’s own curb-standard details show that a curb is a constructed curb / gutter improvement with defined physical geometry. A curb is not a generic synonym for “edge of road.”

536 Bancroft Road has an uncurbed frontage. Therefore, if the City is not measuring from a curb, the City must identify the actual datum used, such as:

1. edge of pavement;
2. traveled way;
3. shoulder;
4. right-of-way line;
5. property line;
6. road centerline; or
7. another defined measurement line.

The City has not produced a written measurement standard explaining how drive-gate setback measurements are taken where no curb exists.

### **4. “Edge of Road” Remains Undefined**

The City has referenced a measurement to the “edge of the road,” but has not defined that phrase for purposes of the alleged violation.

“Edge of road” could mean different things depending on the field condition, including edge of pavement, edge of traveled way, shoulder, right-of-way line, or another datum. Without a written definition, the measurement cannot be verified, repeated, or fairly compared against other properties.

The ZBA should not rely on the City’s 50-foot enforcement theory unless the City identifies the official measurement datum and the written authority supporting that datum.

### **5. The Issue Affects the April 21 Final Notice and ZBA Review**

The April 21, 2026 Final Notice depends on the City’s interpretation of the applicable setback standard and its measurement method. If the City applies the 50-foot standard to a collector-classified and uncurbed frontage without a written standard, the enforcement position is not supported by a complete administrative record.

The missing records include:

1. the ordinance or written interpretation applying the 50-foot standard to C2U collector-classified roads;

2. the official map, legend, adoption date, and roadway classification relied upon;
3. the written definition of “curb,” “edge of pavement,” and “edge of road” used on uncurbed frontage;
4. the measurement datum used for the alleged violation;
5. records showing consistent application of the same standard to similarly situated C2U collector properties; and
6. any comparator records showing that similar gate/fence matters were treated the same way.

## **Requested ZBA Treatment**

I respectfully request that the ZBA:

1. require the City to identify the legal basis for applying the 50-foot standard to Bancroft Road;
2. require the City to identify the official road classification and map legend relied upon;
3. require the City to identify the measurement datum used where no curb exists;
4. decline to rely on an undefined “edge of road” measurement unless the City provides the written measurement standard and supporting records;
5. include this objection in the official ZBA-2510-0008 administrative record, staff report, and Board packet; and
6. preserve my objection to any enforcement, nuisance classification, or denial based on an unsupported 50-foot standard or undefined measurement datum.

Respectfully submitted,

**Carlos Velez Conty**  
536 Bancroft Road  
Keller, Texas 76248

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