

ZBA-2510-0008

Measurement Datum, Endpoint, and Path 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 unsupported 28'7" measurement and the City's failure to identify the measurement datum, endpoint, path, and legal basis used to apply the drive-gate setback requirement to 536 Bancroft Road.

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

1. The City Has Not Defined the Measurement Origin

The City has referenced a measurement of approximately **28'7"** from the drive gate to the "edge of the road." However, the City has not identified the official measurement origin or datum used for that figure.

The City has not stated whether "edge of road" means:

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

This matters because 536 Bancroft Road is an uncurbed frontage. The City's own terminology distinguishes between curb, pavement, road, and right-of-way concepts. "Edge of road" is not self-defining and cannot substitute for a written measurement standard.

2. The City Has Not Defined the Measurement Endpoint

The City also has not identified the endpoint used for the 28'7" measurement.

The City has not stated whether it measured to:

1. gate face;
2. gate centerline;
3. gate post;
4. hinge post;
5. latch point;
6. nearest moving component;
7. fence line;
8. property line; or
9. another endpoint.

Without a defined endpoint, the 28'7" figure cannot be verified, repeated, or fairly reviewed by the ZBA.

3. The City Has Not Identified the Measurement Path

The City has not explained whether the alleged measurement was taken:

1. perpendicular to Bancroft Road;
2. along the driveway centerline;
3. along the driveway travel path;
4. along a vehicle approach path;
5. from a right-of-way line;
6. from a pavement edge; or
7. by another method.

Different measurement paths can produce different results. Without a defined method, the measurement is not reliable enough to support enforcement or a nuisance classification.

4. The 28'7" Measurement Has Not Been Reconciled With the Survey With Easements

The City has not reconciled the 28'7" measurement with the Survey with Easements / site-plan measurement context showing approximately **39'4-1/4"** or another materially different figure.

The ZBA should not rely on the 28'7" figure unless the City identifies:

1. who performed the measurement;
2. the date and time of measurement;
3. where each person stood;
4. the exact origin point;
5. the exact endpoint;
6. the measurement path;
7. the instrument used;

8. any field notes or photographs supporting the measurement;
9. whether the measurement was used to support the April 21, 2026 Final Notice; and
10. why the survey/site-plan measurement context was rejected, superseded, or distinguished.

5. The City Has Not Produced a Written Measurement Standard

The City has not produced a written policy, ordinance interpretation, plan-review standard, training material, checklist, field procedure, or internal guidance explaining how drive-gate setback measurements are taken on an uncurbed frontage like 536 Bancroft Road.

Without a written standard, the City's measurement is discretionary, unverified, and not capable of consistent application to similarly situated properties.

6. The Measurement Issue Affects the Final Notice, Stay, and ZBA Review

The 28'7" measurement appears central to the City's enforcement position. If that measurement was used to support the April 21, 2026 Final Notice, then the City must identify the records supporting it.

If the measurement was created after the Final Notice, then it could not have been the factual basis for that notice.

If the measurement was taken from inside the property or required access to non-public portions of the property, the City must identify the authority, consent, warrant, ordinance authority, administrative inspection authority, or other legal basis relied upon.

Requested ZBA Treatment

I respectfully request that the ZBA:

1. require the City to identify the measurement origin, endpoint, path, and datum;
2. require the City to reconcile the 28'7" figure with the Survey with Easements / site-plan measurement context;
3. decline to rely on the 28'7" figure unless the City provides the underlying measurement records and method;
4. include this objection in the official ZBA-2510-0008 administrative record, staff report, and Board packet; and
5. preserve my objection to any enforcement, nuisance classification, or denial based on an undefined, undocumented, or unreconciled measurement.

Respectfully submitted,

Carlos Velez Conty
536 Bancroft Road
Keller, Texas 76248

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