

cvelezconty@gmail.com

From: cvelezconty@gmail.com
Sent: Monday, October 27, 2025 8:16 PM
To: 'Carlos Gutierrez'; 'Building Services'; 'Linda Mumtaz'; 'Johnny Reyes'
Cc: jorge.reyes@verticalartsdesign.com; 'City Secretary'; 'Cliff Nevins EXT'; 'Kelly Ballard'; 'Melinda Hernandez'; 'Aaron Rector'; 'Vicki Chavez'; slowry@boyle-lowry.com; 'Justin Wilkins'
Subject: Follow-Up for Administrative Record Completion – Case #2508-0551 (536 Bancroft Rd)

FINAL FOLLOW-UP – ADMINISTRATIVE CLARIFICATIONS & CERTIFIED HOLD CONFIRMATION

Case #2508-0551 (536 Bancroft Road, Keller, TX)

Carlos Velez Conty
Owner – 536 Bancroft Road
Keller, TX 76248
cvelezconty@gmail.com

October 27, 2025

To:
Carlos Gutierrez, Plans Examiner – Building Services

CC:
Aaron Rector (City Manager) · L. Stanton Lowry (City Attorney) · Justin Wilkins (Building Official) · Kelly Ballard (City Secretary) · Jorge Reyes, P.E. · Keller Fire Marshal · Building Services

Dear Mr. Gutierrez,

This correspondence is submitted **without prejudice** and in furtherance of the administrative record for **Case #2508-0551 (536 Bancroft Road)**.

As previously requested in multiple communications between **October 15–20**, and as reflected in the attached correspondence trail, you have been identified as the appropriate staff contact. However, no written response has been provided to the administrative clarification items necessary to complete the **Zoning Board of Adjustment (ZBA)** record.

For clarity and convenience, I am restating the **outstanding items** below:

1. Effective Enforcement History

- Confirm the **effective ordinance dates and ordinance numbers** under which the 50-foot “thoroughfare drive-gate” rule began to be enforced (e.g., Ordinance No. 1960 (2019) and Ordinance No. 2104 (2022)).

- Identify any **administrative bulletins, internal memoranda, or staff training materials** defining the enforcement or measurement standard, including whether measurement is taken from the curb, centerline, or edge of pavement, and whether application extends to collector as well as arterial classifications.

2. Definition of “Thoroughfare” as Applied to Collectors

- Clarify whether **collector street segments** appearing within the Major Thoroughfare Plan are automatically treated as “thoroughfares” for purposes of the 50-foot setback, regardless of physical cross-section (presence or absence of curb, sidewalk, or parkway).
- If so, cite the **legal or administrative authority** equating collector-class roadways to major arterials under **UDC § 9.07(K)(3)(c)**.

3. Implementation and Measurement Guidance

- Identify when the City first began applying the **50-foot setback** to properties along collector-level streets such as Bancroft Road or other streets within the Major Thoroughfare Plan.
- Specify whether this standard originated through a **City Council-adopted ordinance**, an **internal staff directive**, or a **later interpretation** by the Building Official or Planning Department.
- Confirm whether any written **engineering or planning bulletins** define how the 50-foot measurement is applied to **unimproved sections** (those lacking curb, sidewalk, or parkway), since this condition materially changes how the standard functions in practice.

Rationale:

This clarification is necessary because multiple fences within the same corridor were permitted or allowed at setbacks of **25–30 ft**, suggesting inconsistent or retroactive application. Historical imagery also shows post-2022 installations within the corridor at sub-50-ft distances and greater frontage coverage than the \approx 36 percent coverage of my fence. The City’s confirmation of effective dates and enforcement basis is therefore essential for **ZBA review** and a fair determination of administrative consistency.

4. Fire-Marshal Coordination

Because the setback directly affects **fire-apparatus working area and staging distance** under **NFPA 1141 § 5.2.3** and **IFC Appendix D105.1**, please confirm that **Keller Fire Department** staff will be invited to review and comment on the ZBA case file. My engineer and I will promptly provide any supplemental data the Fire Marshal requires.

5. Confirmation of Enforcement Hold and Administrative Readiness

Consistent with **Texas Local Government Code §§ 211.009–.011**, please confirm in writing that **enforcement and abatement remain paused** while the ZBA appeal is pending.

This confirmation, along with the clarifications above, will complete the administrative record required for Board review.

If the City does not intend to issue a written reply to these items, please advise in writing by **close of business today** so that I may document Building Services’ position for the record and proceed

accordingly. Otherwise, I will proceed under **Texas Government Code Chapter 552** to secure the necessary documentation.

Because the City's abatement notice was issued by certified mail, I respectfully request **equivalent written confirmation**—either by **certified letter** or a **signed PDF on City letterhead**—documenting that (1) the **enforcement hold remains active**, and (2) my **ZBA appeal is recognized as pending**. This ensures both parties maintain a clear, aligned administrative record consistent with due-process obligations.

Please note that this request **supplements, but does not replace**, the formal **Texas Public Information Act** request filed today with the City Secretary. It is made in the interest of administrative clarity and to ensure a complete record for the Board's review. I remain open to resolving this administratively and reiterate my willingness to accept a **36- to 40-foot setback** confirmation that fulfills the code's functional intent without further proceedings.

Respectfully,
Carlos Velez Conty

Owner – 536 Bancroft Road, Keller, TX 76248
Email: cvelezconty@gmail.com

From: cvelezconty@gmail.com <cvelezconty@gmail.com>
Sent: Monday, October 20, 2025 7:18 PM
To: 'Carlos Gutierrez' <cgutierrez@cityofkeller.com>; 'Building Services' <buildingservices@cityofkeller.com>; 'Linda Mumtaz' <lmumtaz@cityofkeller.com>; 'Johnny Reyes' <jreyes@cityofkeller.com>
Cc: jorge.reyes@verticalartsdesign.com; 'City Secretary' <citysecretary@cityofkeller.com>; 'Cliff Nevins EXT' <cnevins@safebuilt.com>; 'Kelly Ballard' <kballard@cityofkeller.com>; 'Melinda Hernandez' <mhernandez@cityofkeller.com>; 'Aaron Rector' <arector@cityofkeller.com>; 'Vicki Chavez' <vchavez@cityofkeller.com>; slowry@boyle-lowry.com; 'Justin Wilkins' <jwilkins@cityofkeller.com>
Subject: RE: Subject: Courtesy Follow-Up – Pending Clarifications & Enforcement Hold Confirmation (Case #2508-0551 / 536 Bancroft Rd)

Dear Mr. Gutierrez,

Thank you for your response sent at **5:15 PM** confirming that **enforcement remains on hold pending the ZBA appeal** and that the next available hearing dates are **November 3 and December 1**.

For the record, however, although I appreciate the response, it does not address the **substantive administrative clarifications** previously submitted, including the **effective ordinance dates, enforcement basis, measurement standard, and Fire-Marshall coordination**. These details remain essential to a fair and fact-based review before the ZBA and will form part of the due-process record.

As noted in prior discussions, we presented a **practical resolution consistent with the ordinance's functional intent**, specifically, recognition that a **36- to 40-foot setback, measured from the pavement edge**, achieves the same queueing and sight-distance objectives that the 50-foot standard was designed to address, as observed in other properties along the corridor. If the City is willing to confirm this equivalency administratively, I would be pleased to finalize the matter **without further proceedings**.