

From: [REDACTED]
To: [Sarah Hensley](#); [Kelly Ballard](#)
Cc: [Aaron Rector](#); "Slowry"
Subject: RE: Subject: Response to May 11 Request, Option 1 Administrative Appeal / ZBA-2510-0008 / No Waiver
Date: Monday, May 11, 2026 10:14:19 PM

Subject: Response to May 11 Request, Option 1 Administrative Appeal / ZBA-2510-0008 / No Waiver

Dear Ms. Hensley,

In the event there was an administrative uncertainty to the May 4th response, I restate my selection below in the format requested in your May 11 email.

For docketing and scheduling purposes only, I select Option 1: appeal of a decision of an administrative official.

The exact decision being appealed is the **April 21, 2026 Final Notice in Code Case #2508-0551**, including the City's determination that the drive-gate/fence condition at 536 Bancroft Road violates the UDC drive-gate setback provisions, the City's measurement and application of that setback requirement, and the related nuisance/enforcement classification.

Date of decision: April 21, 2026.

This response clarifies and confirms my May 4, 2026 response, in which I identified this matter as an administrative appeal under Texas Local Government Code § 211.009(a)(1), with variance relief preserved only in the alternative under § 211.009(a)(3). This response is not a new appeal, not a standalone variance-only election, not a waiver, and not a narrowing of the issues, evidence, alternative relief, or objections preserved in my prior filings and correspondence.

If the City or ZBA determines that variance relief is necessary as alternative relief, the alternative variance relief preserved is from the City's asserted **50-foot drive-gate setback requirement** as applied to 536 Bancroft Road, including the City's measurement-origin interpretation, datum line, and application of the setback to the existing driveway and fence/gate condition.

For avoidance of doubt, I am not selecting Option 2 as a standalone variance-only request. Any alternative variance relief is preserved only in the alternative and without waiver.

If the City contends that selecting Option 1 for docketing prevents me from preserving alternative variance relief, submitting supporting materials, challenging the City's measurement origin, challenging the enforcement stay issue, or presenting the full administrative record to the ZBA, please identify the ordinance, rule, written policy, agenda practice, staff instruction, or legal authority supporting that limitation. If no such written policy exists, please state that expressly in writing. I am separately preserving the related public-information and comparator-record issues under Texas Government Code Chapter 552.

Please schedule **ZBA-2510-0008** for the June 1, 2026 ZBA meeting as an administrative appeal, and confirm in writing that this response has been placed into the official ZBA administrative record and cross-filed with **FENCE-2509-0188** and **Code Case #2508-0551**.

I reserve the right to identify and submit additional comparator cases, administrative records, and supporting evidence as they become available through pending Public Information Act requests or further City production. *And, nothing in this response waives any rights, objections, claims, defenses, remedies, appeal rights, Public Information Act issues, Open Meetings Act issues, enforcement-stay objections, measurement-origin objections, comparator objections, alternative variance arguments, or objections to the City's incomplete administrative record.*

Respectfully,

Carlos Velez Conty
536 Bancroft Road
Keller, Texas 76248

[REDACTED] | (831) 710-7577

Case References: ZBA-2510-0008 | FENCE-2509-0188 | Code Case #2508-0551 | PIA Request R000479-102825 | OAG Tracking ID OR26020650 | Texas.gov Request ID 66404214

From: [REDACTED] >

Sent: Monday, May 4, 2026 9:22 PM

To: 'Sarah Hensley' <shensley@cityofkeller.com>; 'Kelly Ballard' <kballard@cityofkeller.com>

Cc: 'Aaron Rector' <arector@cityofkeller.com>; 'SLowry' <slowry@Boyle-Lowry.com>

Subject: Subject: Response to May 4 Email – ZBA-2510-0008 – Administrative Appeal & Alternative Variance Only Under Protest / No Waiver

VIA EMAIL

Subject: Response to May 4 Email – ZBA-2510-0008 – Administrative Appeal & Alternative Variance Only Under Protest / No Waiver

To: Sarah Hensley (shensley@cityofkeller.com)

Cc: Kelly Ballard, Aaron Rector, City Attorney

Date: May 4, 2026

Dear Ms. Hensley,

In response to your request for a simple statement by May 14, 2026:

1. I am proposing an appeal of an administrative official's decision under Texas Local Government Code § 211.009(a)(1), appealing the City's order, requirement, decision, determination, measurement method, enforcement classification, and application of the drive-gate setback ordinance to 536 Bancroft Road.
2. In the alternative only, and without waiver or concession, I am also preserving a variance request under Texas Local Government Code § 211.009(a)(3) if the ZBA determines that

variance relief is required.

For avoidance of doubt, I am not electing, converting, narrowing, or authorizing the City to treat ZBA-2510-0008 as a standalone variance-only request. Any alternative variance relief is preserved only under protest and only as part of the same pending administrative appeal. Please schedule ZBA-2510-0008 / FENCE-2509-0188 / Code Case #2508-0551 for the June 1, 2026 ZBA meeting as an administrative appeal, with any alternative variance relief preserved under protest, and include this email, my October 28, 2025 filing, the April 21, 2026 Final Notice, my April 30 and May 1 correspondence, the permit portal records, the Permit Corrections Report, and all related PIA/OAG correspondence in the ZBA administrative record. I am separately submitting a detailed record preservation supplement and public information request under Texas Government Code Chapter 552. This response is provided solely to comply with your May 4 request for a simple statement.

Nothing in this response waives any rights, objections, claims, defenses, remedies, appeal rights, Public Information Act issues, Open Meetings Act issues, enforcement-stay objections, or objections to the City's incomplete administrative record.

Respectfully,

Carlos Velez Conty

536 Bancroft Road

Keller, Texas 76248

[REDACTED] | (831) 710-7577

Case References:

ZBA-2510-0008

FENCE-2509-0188

Code Case #2508-0551

PIA Request R000479-102825

OAG Tracking ID OR26020650

Texas.gov Request ID 66404214

From: Sarah Hensley <shensley@cityofkeller.com>

Sent: Monday, May 4, 2026 11:02 AM

To: [REDACTED] Kelly Ballard <kballard@cityofkeller.com>

Cc: Aaron Rector <arector@cityofkeller.com>; 'SLOWRY' <slowry@Boyle-Lowry.com>

Subject: RE: Administrative Cross-File Transmittal - ZBA-2510-0008 / FENCE-2509-0188 / Code Case #2508-0551

Mr. Conty,

There is no ZBA meeting scheduled for May 4, 2026.

Please respond to this email with a simple statement indicating if you are 1) proposing an appeal of a decision of an administrative official; or 2) seeking a variance to the UDC by 5 p.m. on May 14, 2026, to be scheduled for the June 1, 2026, ZBA meeting.

Sarah Hensley | Director of Development Services

P: 817-743-4127

City of Keller, Texas

www.cityofkeller.com

From: [REDACTED]
Sent: Monday, May 4, 2026 12:32 AM
To: Sarah Hensley <shensley@cityofkeller.com>; Kelly Ballard <kballard@cityofkeller.com>
Cc: Aaron Rector <arector@cityofkeller.com>; 'Slowry' <slowry@Boyle-Lowry.com>
Subject: Administrative Cross-File Transmittal - ZBA-2510-0008 / FENCE-2509-0188 / Code Case #2508-0551

VIA EMAIL

May 4th, 2026

Dear Mrs. Hensley and Mrs. Ballard,

Please find attached the cover transmittal and original Record-Preservation Supplement / Request for Written City Position regarding:

Property: 536 Bancroft Road

ZBA Case: ZBA-2510-0008

Fence Permit: FENCE-2509-0188

Code Case: #2508-0551

The attached original already requests that the document be placed into the ZBA record. This separate email is being sent to make the administrative routing clear because the ZBA portal does not provide an upload function.

Please place the attached document into the official administrative record for ZBA-2510-0008 and cross-file it with FENCE-2509-0188 and Code Case #2508-0551.

This is a record-preservation and cross-file transmittal only. It is not a permit resubmittal, not a plan revision, not an inspection request, not an admission of violation, and not a waiver of any

pending appeal, stay objection, PIA/OAG issue, measurement-origin objection, comparator objection, fire/access-review objection, or incomplete-record objection.

Please confirm in writing that the attached document has been placed into the ZBA record and cross-filed with the related permit and code-enforcement records.

Respectfully,

Carlos Velez Conty
536 Bancroft Road
Keller, Texas 76248
ZBA-2510-0008
FENCE-2509-0188
Code Case #2508-0551

From: [REDACTED]
Sent: Sunday, May 3, 2026 11:07 PM
To: shensley@cityofkeller.com; kballard@cityofkeller.com
Cc: arector@cityofkeller.com; 'SLowry' <slowry@Boyle-Lowry.com>
Subject: RE: Request for Written Confirmation for May 4 ZBA Hearing / ZBA-2510-0008 / Code Case #2508-0551 / PIA Request R000479-102825

VIA EMAIL AND PORTAL RECORD SUPPLEMENT

Date: May 4, 2026

To: Sarah Hensley, Director of Development Services; Kelly Ballard, City Secretary

Cc: Aaron Rector, City Manager; City Attorney; Code Compliance

Subject: Record-Preservation Supplement and Request for Written City Position — April 21 Final Notice / ZBA-2510-0008 / FENCE-2509-0188 / Code Case #2508-0551

Dear Ms. Hensley and Ms. Ballard:

I am submitting this record-preservation supplement regarding the April 21, 2026 Final Notice, Code Case #2508-0551, FENCE-2509-0188, and ZBA-2510-0008.

The drive-gate function has been disabled, and the opening has been converted to a fixed rail/side-panel configuration that does not operate as a drive gate. This action was taken solely under protest and under enforcement pressure to mitigate threatened citation, abatement, and enforcement exposure while the pending ZBA appeal, measurement-origin dispute, administrative-record issues, and statutory-stay issue remain unresolved.

ZBA-2510-0008 remains pending. The City has not provided the written confirmation requested in my April 30 and May 1 correspondence.

This correspondence is submitted only as a portal record supplement, record-preservation notice, and request for the City's written administrative position. It is not a permit resubmittal,

new application, inspection request, concession, waiver, abandonment of ZBA-2510-0008, or modification of my pending appeal position.

This remedial action is not an admission that the original enforcement was lawful, that the City's measurement origin is correct, that the cited ordinance was correctly applied, or that the nuisance designation was valid.

Confirm in writing whether the City considers the April 21, 2026 Final Notice satisfied and Code Case #2508-0551 resolved for current enforcement purposes, or whether the City intends to continue enforcement based on any remaining alleged violation.

If the City contends any violation remains, provide the City's specific written position by **5:00 p.m. Central on May 8, 2026**, including the following:

1. the exact physical condition the City contends remains in violation;
2. the exact ordinance subsection being enforced, including whether the City relies on UDC § 9.07(3)(a), § 9.07(3)(b), § 9.07(3)(c), or some other provision;
3. if the City relies on the 50-foot thoroughfare provision, the specific Thoroughfare Plan map, road classification, adopted date, and factual basis showing that the 50-foot standard applies to 536 Bancroft Road;
4. the controlling measurement origin or datum line, including whether the City measures from edge of pavement, edge of curb, edge of road, right-of-way line, property line, driveway edge, road centerline, or another point;
5. the measurement destination point, including whether the City measures to the gate face, gate centerline, gate post, hinge post, latch point, nearest moving component, or another point;
6. the measurement path, including whether the City measures perpendicular to Bancroft Road, along the driveway centerline, along the driveway travel path, or by some other method;
7. the measurement method and data source, including whether the City relied on field measurement, survey, CAD markup, plan review, aerial imagery, photographs, visual estimate, or another method;
8. the inspection date and time, observer, lawful vantage point, measurement equipment used, distance measured, and the specific document or record supporting the measurement;
9. whether the City relies on the 28'7" measurement, the approximately 39'-4¼" measurement, another measurement, or a revised measurement;
10. why the City's records contain conflicting measurement references and which measurement the City contends is controlling;
11. why Public Works' approval in FENCE-2509-0188 did not resolve or negate any alleged right-of-way, access, drainage, or public-infrastructure concern;
12. whether any written imminent-peril certification under Texas Local Government Code §

211.010(c) has been filed with the ZBA; and, if so, please identify the signer, date, recipient, factual basis, and attach a copy or identify where it appears in the ZBA record; and

13. whether the complete enforcement record, including the April 21 Final Notice, code-case file, measurement materials, inspection notes, photographs, portal records, internal workflow entries, and staff communications, has been transmitted to or included in the ZBA-2510-0008 administrative record.

The City should not continue enforcement based on an undefined measurement origin, undefined datum line, unresolved administrative record, incomplete ZBA/code-case linkage, or unspecified remaining condition. If the City intends to continue enforcement, it must identify with specificity the condition, ordinance provision, factual basis, measurement method, and administrative record relied upon.

The following objections and unresolved issues remain preserved:

1. the pending ZBA appeal and statutory-stay issue;
2. the absence of any written imminent-peril certification provided to me;
3. the City's failure to identify the controlling 50-foot measurement origin, datum line, measurement destination, and measurement path;
4. conflicting measurement references in the City's own records, including 28'7" and approximately 39'-4¼";
5. the split permit review showing Building Services required resubmittal while Public Works approved;
6. the lack of identified site-specific fire/access, right-of-way, drainage, or sight-distance analysis;
7. comparator and uniform-enforcement concerns along the Bancroft corridor; and
8. the incomplete ZBA/code/permit record, including the portal workflow showing the code-case link not completed.

Nothing in this correspondence authorizes City personnel, contractors, agents, or any third party acting on the City's behalf to enter private property, open, move, manipulate, or access any gate, panel, fence, latch, fixture, or other improvement, access any non-public portion of the property, enter the curtilage of the residence, use drones or unmanned aircraft, use elevated equipment, or use telephoto, thermal, infrared, or other enhanced imaging equipment without my express written consent, a valid warrant, court order, or other specific legal authority. Nothing in this paragraph restricts ordinary observation from a lawful public right-of-way; it preserves objection to non-public, intrusive, or enhanced inspection.

If the City relies on any inspection, image, video, camera footage, vehicle-camera record, measurement, note, email, portal entry, workflow entry, internal communication, or observation regarding this matter, please preserve the complete record and identify the date,

time, observer, method, vantage point, measurement origin, measurement destination, and measurement path used.

Please place this correspondence into the official records for ZBA-2510-0008, FENCE-2509-0188, and Code Case #2508-0551.

This correspondence does not narrow, withdraw, or waive any pending Public Information Act request, ZBA submission, appeal position, objection, claim, remedy, defense, or request for relief.

Respectfully,

Carlos Velez Conty

536 Bancroft Road

Keller, Texas 76248

[REDACTED]
(831) 710-7577

From: [REDACTED]

Sent: Tuesday, April 28, 2026 12:32 AM

To: shensley@cityofkeller.com; kballard@cityofkeller.com

Cc: arector@cityofkeller.com; 'SLowry' <slowry@Boyle-Lowry.com>

Subject: Request to Include Procedural Record Supplement in ZBA-2510-0008 Administrative File

VIA EMAIL

Subject: Request to Include Procedural Record Supplement in ZBA-2510-0008 Administrative File

To: Sarah Hensley, Director of Development Services; Kelly Ballard, City Secretary

Cc: Aaron Rector, City Manager; City Attorney

Date: April 28, 2026

Dear Ms. Hensley and Ms. Ballard:

Please accept this correspondence as a **Procedural Record Supplement** and place it into the official administrative record for **ZBA-2510-0008**, concerning 536 Bancroft Road.

This supplement is submitted to preserve the record regarding the discrepancy between informal staff communications and the official ZBA portal / public-facing record.

1. On March 13, 2026, Mrs. Sarah Hensley reported by email that the hearing for ZBA-2510-0008 had been moved to May 4, 2026. However, as of this letter, the official ZBA portal does not appear to reflect a hearing date, agenda item, completion date, or formal hearing-status confirmation.
2. The portal appears to continue showing the matter as pending/incomplete, with fees paid.

3. I have also not received formal confirmation that ZBA-2510-0008 has been placed on the May 4, 2026 ZBA agenda as a specific item, nor have I received confirmation of the agenda item number, administrative-record status, supplementation procedure, or enforcement-hold status reported.

Please include the following procedural record points in the official ZBA file:

1. My ZBA appeal, **ZBA-2510-0008, was filed under protest on October 28, 2025.**
2. The required fees were paid, and I've made provisions to communicate and present the Board with the facts the process deserves. Conversely however, maintaining a complete ZBA record and obtaining the information needed for a fair hearing has been challenging as follow up correspondence are usually skimmed or go unanswered, and a Final Notice of Enforcement was issued and to take effect before the ZBA hearing.
3. The City's portal continues to show the case as pending/incomplete, with no completion date and no clear hearing status.
4. On March 13, 2026, City staff informed me by email that the hearing had been moved to May 4, 2026.
5. As of this correspondence, I have not located a posted ZBA agenda listing ZBA-2510-0008 as a specific item for May 4, 2026.
6. I have not received formal confirmation that I am appearing as the noticed applicant/appellant, rather than merely as a member of the public.
7. To this date, I have not received:
 - a. confirmation that the ZBA administrative record is open or closed.
 - b. confirmation that supplemental procedural materials will be accepted before any hearing proceeds.
 - c. confirmation that Code Case #2508-0551 remains stayed or on hold pending ZBA consideration.
 - d. received any written imminent-peril certification under Texas Local Government Code **§ 211.010(c)**.
8. My April 7, April 17, and April 24, 2026 letters remain unanswered in the materials presently before me.
9. The City issued a Final Notice of Code Enforcement (attached to my April 24, 2026 notice to the City Manager) while ZBA-2510-0008 appeal shows as pending. Under **Texas Local Government Code §211.010(c)**, an appeal stays all enforcement proceedings **unless the official files a written "imminent peril" certification**. I have not received any such certification, and the City has not identified one in response to my April 24 letter. I respectfully request written confirmation that this supplement has been placed into the official administrative

record for ZBA-2510-0008.

If ZBA-2510-0008 is **scheduled for the May 4, 2026 ZBA agenda**, please include this supplement in the Board packet, staff packet, or supplemental administrative record provided to the ZBA before the hearing and ensure I receive such notification. If the matter is not scheduled for May 4, please confirm that clearly as well.


I also request confirmation of who is responsible for maintaining the official ZBA administrative record and whether additional procedural materials may be submitted or uploaded before the record is closed.

This supplement is procedural only. It is submitted to preserve notice, due-process, administrative-record, Chapter 551 notice, statutory-stay, and appeal-right objections. It does not argue the merits of the variance request.

Nothing in this correspondence waives any rights, objections, claims, defenses, administrative remedies, open-government remedies, or judicial remedies.

Respectfully,

Carlos Velez Conty
536 Bancroft Road
Keller, Texas 76248


(831) 710-7577

Apply Online! www.cityofkeller.com/css Effective June 17, 2024, the City of Keller has transitioned to a new permitting and inspections software system, Enterprise Permitting & Licensing. As part of our commitment to providing you with the best possible service and streamlining our processes, the transition eliminates paper applications in favor of a fully digitized process for permitting and plan review, contractor registrations, payments, and code case reporting.