

ZBA-2510-0008

PIA / OAG / Missing Record Categories Summary

Property: 536 Bancroft Road, Keller, Texas 76248

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

PIA / OAG References: R000283-050326 | R000479-102825 | OAG OR26020650

Submitted by: Carlos Velez Conty

Date: May 21, 2026

Purpose of This Exhibit

This exhibit preserves the missing-record, Public Information Act, OAG, and administrative-record completeness issues relevant to ZBA-2510-0008.

I am not asking the ZBA to decide Public Information Act enforcement. I am preserving that the City's ZBA and enforcement position relies on records, measurements, classifications, notices, staff determinations, and procedural actions that have not been fully produced, identified, indexed, or accounted for.

Missing or Unresolved Record Categories

The City has not fully produced, identified, or provided category-by-category no-responsive-record statements for the following categories:

1. records showing the exact measurement origin, endpoint, path, and datum for the alleged 28'7" drive-gate measurement;
2. records reconciling the 28'7" measurement with the Survey with Easements / site-plan measurement context of approximately 39'4-1/4";
3. original field notes, inspection notes, photographs with metadata, work orders, complaint records, system entries, or staff records documenting the measurement;
4. records showing whether the 28'7" measurement was created before or after the April 21, 2026 Final Notice;
5. records showing whether the April 21, 2026 Final Notice remains active, stayed, suspended, withdrawn, satisfied by interim mitigation, or still being enforced;
6. records showing whether Code Case #2508-0551 remains stayed under Texas Local Government Code § 211.010(c);
7. any written imminent-peril certification transmitted to the ZBA;
8. records supporting or explaining the nuisance classification in the April 21, 2026 Final Notice;
9. records explaining why Building Services required resubmittal while Public Works approved FENCE-2509-0188;

10. Fire Marshal, Fire Department, emergency-access, traffic, sight-distance, drainage, right-of-way, driveway-geometry, access-management, engineering, Public Works, or other safety-review records for the gate/fence condition;
11. records identifying why the 50-foot drive-gate standard is applied to Bancroft Road despite the collector-classification issue;
12. records defining or interpreting “curb,” “edge of curb,” “edge of pavement,” “edge of road,” right-of-way, traveled way, shoulder, or other measurement datum for an uncurbed frontage;
13. comparator records for similar residential drive-gate, fence, front-yard fence, access-gate, permit, inspection, enforcement, variance, ZBA, or code-compliance matters;
14. records showing whether my submitted materials, objections, measurement exhibits, portal screenshots, PIA/OAG correspondence, and procedural objections were placed into the official ZBA record, staff report, or Board packet;
15. Tyler/EPL, EnerGov, CSS, customer portal, workflow, audit-log, status-change, upload, deletion, hide/unhide, link/unlink, task-completion, and record-transmission records;
16. search methodology records showing custodians searched, systems searched, date ranges searched, search terms used, and departments involved;
17. records concerning RREM-2407-0023, Linda Mumtaz, Angel Sanchez, Jorge Reyes, Vertical Arts, driveway square footage, site-plan dimensions, portal transition, contractor registration, and 2024 permit activity;
18. records showing which documents, measurements, photographs, staff determinations, ordinances, comparator materials, enforcement records, or interpretations the City intends to rely on at the ZBA hearing.

OAG / PIA Relevance

The City has produced some records, including enforcement letters and inspection photographs, but the production does not cure the missing categories above.

The City has also acknowledged that Code Enforcement misunderstood part of a request and later located additional responsive records. That supports my position that prior productions were incomplete and that the City has not provided a complete, category-by-category accounting of responsive records.

If the City has no responsive records for any category, it should provide a written no-responsive-record statement by category. If the City is withholding or redacting responsive records, it should identify those records and follow the Attorney General ruling process where required.

ZBA Relevance

The missing records are material to the ZBA because they affect:

1. the validity and factual basis of the April 21, 2026 Final Notice;
2. the measurement basis for the alleged violation;
3. whether enforcement is stayed while the ZBA appeal is pending;

4. whether any imminent-peril exception exists;
5. whether the City has a factual nuisance basis separate from the disputed setback interpretation;
6. whether Bancroft Road was correctly treated under the 50-foot standard;
7. whether comparable properties were treated differently;
8. whether the official ZBA record is complete before the Board hears the matter.

Requested ZBA Treatment

I respectfully request that the ZBA:

1. include this exhibit in the official ZBA-2510-0008 administrative record, staff report, and Board packet;
2. require the City to identify the records it intends to rely on;
3. decline to rely on unproduced, unidentified, or undocumented records;
4. preserve my objection to proceeding on an incomplete administrative record;
5. preserve my objection to any enforcement, nuisance classification, or denial based on missing or unreconciled records.

Respectfully submitted,

Carlos Velez Conty
536 Bancroft Road
Keller, Texas 76248

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