

**CITY OF KELLER — ZONING BOARD OF ADJUSTMENT (ZBA)**

Variance Appeal — Filed Under Protest

Property: 536 Bancroft Road, Keller TX 76248 | Applicant: Carlos Velez Conty

Case No.: 2508-0551 | Date: October 28, 2025

**Filed Under Protest pursuant to Texas Local Government Code §211.009(b)**

This appeal is filed under protest to preserve rights under Tex. Local Gov't Code §211.009(b) due to unresolved administrative clarifications requested from Building Services:

- (1) effective ordinances and enforcement basis for UDC §9.07(K)(3)(c);
- (2) measurement standard on unimproved collector streets (pavement vs ROW);
- (3) Fire-Marshall coordination under NFPA 1141 / IFC D105.1; and
- (4) documentation of comparable approvals on the Bancroft Rd corridor.

Enforcement is acknowledged as on hold pending ZBA review. Applicant seeks interpretation/variance recognizing that a 36–40 ft setback from the pavement edge on an unimproved collector frontage is functionally equivalent to the 50-ft standard written for improved arterials with curb/sidewalk.

A literal 50 ft here is a contextual misapplication that

- (a) removes ≈38% of the usable driveway, leaving ≈27 ft;
- (b) collapses stacking and turning; and
- (c) conflicts with NFPA 1141 §5.2.3 (20×50 ft work area) and IFC D105.1 (15–30 ft apparatus position).

Because Bancroft lacks curb/sidewalk, the 50 ft is measured wholly from pavement onto private property, doubling the restriction with no added safety.

Requested relief (36–40 ft from pavement) provides functional equivalency to the ordinance's safety intent: full sight triangles, adequate queuing, and NFPA/IFC apparatus reach—without the “visual chute/tunnel” created by a mechanical 50 ft that eliminates peripheral vision and forces peek-out maneuvers.

- Requested City Actions (PIA Submittal Actions)
- Acknowledge receipt of this correspondence and the Public Information Act request.
- Pause enforcement under Case #2508-0551 pending formal review and records production.
- Provide the requested permit history electronically (addresses, permit numbers, dates, required setbacks, outcomes) for the Bancroft corridor.
- Confirm inspection scheduling for the residential addition completed in 2024 (final close-out path).
- Coordinate a technical meeting between Building Services, the Fire Marshal, and the Applicant's engineer to review the proposed ≈ 40-ft configuration (inward swing, Knox/manual emergency release).

Applicant reserves the right to supplement upon receipt of Building Services records and PIA production. Please docket this matter for the next available hearing and direct staff to produce the pending documents for a complete record.

Respectfully submitted,

  
Carlos Velez Conty

Owner, 536 Bancroft Road, Keller TX 76248

Email: 

**Date: October 28, 2025**

# CITY OF KELLER ZONING BOARD OF ADJUSTMENT (ZBA)

## Variance Appeal – Filed Under Protest

Property: 536 Bancroft Road, Keller TX 76248

Applicant: Carlos Velez Conty

Case No.: 2508-0551

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### **Filed Under Protest pursuant to Texas Local Government Code §211.009(b)**

This appeal is filed under protest to preserve rights under Texas Local Government Code §211.009(b) due to unresolved administrative requests directed to the City of Keller Building Services. Enforcement is acknowledged as on hold pending ZBA review. The Applicant seeks interpretation and variance recognizing a 36–40 ft setback from pavement on an unimproved collector frontage as functionally equivalent to the 50-ft standard on improved arterials.

### **Executive Summary & Protest Declaration**

The Applicant respectfully submits this appeal under protest due to the City's ongoing failure to provide essential administrative clarifications, including:

1. The effective ordinance dates and enforcement authority of UDC §9.07(K)(3)(c);
2. The measurement standard used on unimproved collector roadways;
3. The coordination record with the Fire Marshal under NFPA 1141 / IFC D105.1; and
4. Documentation of prior permits and approvals for comparable fences on Bancroft Road.

These records have been requested repeatedly through Building Services and a formal Public Information Act filing to the City Secretary. As of October 28, 2025, no substantive response has been received.

Accordingly, the Applicant files this minimal appeal to ensure compliance with statutory deadlines while reserving the right to **supplement this packet** upon receipt of the requested information from Building Services.

The Applicant requests that the ZBA docket this matter for the next available meeting and that City staff produce the pending documents necessary for a complete record and fair hearing.

Respectfully submitted,

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Carlos Velez Conty

Owner, 536 Bancroft Road, Keller TX 76248

Email: [REDACTED]

Date: October 28, 2025

[REDACTED]

**From:** Carlos Gutierrez <cgutierrez@cityofkeller.com>  
**Sent:** Tuesday, October 14, 2025 5:23 PM  
**To:** [REDACTED]; Aaron Rector; slowry@boyle-lowry.com; Building Services; Justin Wilkins  
**Cc:** [REDACTED]; City Secretary; Cliff Nevins EXT; Kelly Ballard; Melinda Hernandez; Johnny Reyes; Vicki Chavez; Linda Mumtaz  
**Subject:** RE: Subject: Formal Interpretation Pending / Administrative Hold – Case #2508-0551 (536 Bancroft Rd)  
**Flag Status:** Flagged

Good afternoon,

Here is a link for you to register and apply for a Zoning Board of Adjustment (ZBA) variance. All documents are to be uploaded through the citizen self-service portal. I will review for completion and will send an invoice for the ZBA application fee. Once payment has been processed I will inform you of the next available ZBA date.

<https://cityofkellertx-energovweb.tylerhost.net/apps/selfservice>

Thank you

**Carlos Gutierrez | Plans Examiner**

City of Keller, Texas

817-743-4115

[www.cityofkeller.com](http://www.cityofkeller.com)



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**From:** [REDACTED] >  
**Sent:** Tuesday, October 14, 2025 4:50 PM  
**To:** Aaron Rector <arector@cityofkeller.com>; slowry@boyle-lowry.com; Building Services <buildingservices@cityofkeller.com>; Justin Wilkins <jwilkins@cityofkeller.com>  
**Cc:** [REDACTED]; City Secretary <citysecretary@cityofkeller.com>; Cliff Nevins EXT <cnevins@safebuilt.com>; Kelly Ballard <kballard@cityofkeller.com>; Melinda Hernandez <mhernandez@cityofkeller.com>; Johnny Reyes <jreyes@cityofkeller.com>; Vicki Chavez <vchavez@cityofkeller.com>;

Carlos Gutierrez <cgutierrez@cityofkeller.com>; Linda Mumtaz <lmumtaz@cityofkeller.com>

**Subject:** RE: Subject: Formal Interpretation Pending / Administrative Hold – Case #2508-0551 (536 Bancroft Rd)

Dear Mr. Rector,

Thank you for confirming that enforcement will remain on hold during the ZBA process and that staff will coordinate the posting schedule. I appreciate your cooperation.

For the record, this matter was first discussed with Building Services in 2024. Based on those discussions and the information available at the time, we proceeded in good faith and installed the front fence at approximately **36 ft from the edge of pavement**. I've also remain open to adjusting the alignment to about **40 ft** if the City determines that such a compromise would **satisfy the functional intent of the ordinance** while **maintaining safe access and sight distance**.

It may also be relevant that our **front-porch permit from 2024 has not yet been inspected or closed**, further demonstrating that we have continued working under the City's processes rather than outside them.

Before I finalize the ZBA appeal, I would like to ensure that the record accurately reflects the technical point that remains unresolved. While I understand the City's position that any roadway appearing on the **Major Thoroughfare Plan** qualifies by default as a "thoroughfare," my inquiry concerns **how the 50-foot setback is measured and applied** along sections that **lack curb, sidewalk, or public parkway per code**.

The ordinance and the plan assume an improved cross-section typical of arterials, where roughly 10–15 ft of public right-of-way separates the curb from private property. On **unimproved collector segments such as Bancroft**, the pavement meets the property line directly, **effectively pushing the 50-ft measurement entirely onto private property and doubling its impact**. My intent has only been to clarify whether the same queueing and sight-distance objectives could be achieved through an **equivalent measurement** that accounts for that missing public buffer.

I will proceed with the ZBA filing as advised, but I want to be sure that this distinction—the measurement basis on unimproved versus improved thoroughfare segments and our demonstrated willingness to reach a 40-ft solution—is clearly noted for the Board's review.

Thank you again for your attention and for coordinating staff assistance with the appeal process.

Respectfully,

**Carlos Velez Conty**

Owner – 536 Bancroft Rd, Keller TX 76248

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**From:** Aaron Rector <arector@cityofkeller.com>

**Sent:** Tuesday, October 14, 2025 4:36 PM

**To:** [REDACTED]; <slowry@boyle-lowry.com>; Building Services <buildingservices@cityofkeller.com>; Justin Wilkins <jwilkins@cityofkeller.com>

**Cc:** [REDACTED]; City Secretary <citysecretary@cityofkeller.com>; Cliff Nevins EXT <cnevins@safebuilt.com>; Kelly Ballard <kballard@cityofkeller.com>; Melinda Hernandez

<[mhernandez@cityofkeller.com](mailto:mhernandez@cityofkeller.com)>; Johnny Reyes <[jreyes@cityofkeller.com](mailto:jreyes@cityofkeller.com)>; Vicki Chavez <[vchavez@cityofkeller.com](mailto:vchavez@cityofkeller.com)>; Carlos Gutierrez <[cgutierrez@cityofkeller.com](mailto:cgutierrez@cityofkeller.com)>; Linda Mumtaz <[lmumtaz@cityofkeller.com](mailto:lmumtaz@cityofkeller.com)>

**Subject:** RE: Subject: Formal Interpretation Pending / Administrative Hold – Case #2508-0551 (536 Bancroft Rd)

The technical clarification has been provided – for purposes of fences, any road on the major throughfare plan qualifies. A copy of the plan was provided in my prior e-mail showing Bancroft being on the plan.

Your request for ZBA is noted and related enforcement will be on hold as long as you are going through the ZBA process. Since you are wanting to go through ZBA, I will note that the applicant bears the burden of proof in establishing the facts justifying a variance. Staff will coordinate with you on the ZBA process including the next available date that complies with posting requirements.

**Thank you,**

**Aaron Rector, CGFO | City Manager**

P: (817) 743-4001 | F: (817) 743-4191

City of Keller, Texas

P.O. Box 770, Keller, TX 76244

Website: [www.cityofkeller.com](http://www.cityofkeller.com)

Finance: [www.cityofkeller.com/finance](http://www.cityofkeller.com/finance)

*Keller, Texas – Ranked as a top 100 “Best Places to Live” by CNN Money Magazine.*

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**From:** [REDACTED] >

**Sent:** Tuesday, October 14, 2025 3:53 PM

**To:** Aaron Rector <[arector@cityofkeller.com](mailto:arector@cityofkeller.com)>; [slowry@boyle-lowry.com](mailto:slowry@boyle-lowry.com); Building Services <[buildingservices@cityofkeller.com](mailto:buildingservices@cityofkeller.com)>; Justin Wilkins <[jwilkins@cityofkeller.com](mailto:jwilkins@cityofkeller.com)>

**Cc:** [REDACTED]; City Secretary <[citysecretary@cityofkeller.com](mailto:citysecretary@cityofkeller.com)>; Cliff Nevins EXT <[cnevins@safebuilt.com](mailto:cnevins@safebuilt.com)>; Kelly Ballard <[kballard@cityofkeller.com](mailto:kballard@cityofkeller.com)>; Melinda Hernandez <[mhernandez@cityofkeller.com](mailto:mhernandez@cityofkeller.com)>; Johnny Reyes <[jreyes@cityofkeller.com](mailto:jreyes@cityofkeller.com)>; Vicki Chavez <[vchavez@cityofkeller.com](mailto:vchavez@cityofkeller.com)>; Carlos Gutierrez <[cgutierrez@cityofkeller.com](mailto:cgutierrez@cityofkeller.com)>; Linda Mumtaz <[lmumtaz@cityofkeller.com](mailto:lmumtaz@cityofkeller.com)>

**Subject:** RE: Subject: Formal Interpretation Pending / Administrative Hold – Case #2508-0551 (536 Bancroft Rd)

**Dear Mr. Rector,**

Thank you for your response and for clarifying the City’s current position. I appreciate your acknowledgment of my right to appeal to the **Zoning Board of Adjustment (ZBA)** and the offer to assist with that process.

For the record, my request has not been to dispute that Bancroft appears on the Major Thoroughfare Plan, rather to obtain a **formal written interpretation** of how the 50-foot “thoroughfare” setback in **UDC §9.07(K)(3)(c)** is to be applied along **collector-level residential frontages** such as 536 Bancroft Rd—particularly where the roadway section is **unimproved and lacks curb, sidewalk, or parkway**. While the plan distinguishes right-of-way widths, the ordinance itself does not specify how measurement should be taken when no curb exists or whether the same queuing standard intended for arterials applies to collectors of this type. **That technical clarification remains unresolved.**

Accordingly, and pursuant to **Texas Local Government Code §§211.009–.011**, I respectfully request that **the City formally hold in abeyance all abatement, citation, and enforcement actions under Case**

**#2508-0551** until the appeal has been filed, heard, and decided by the ZBA. Proceeding with enforcement while an appeal is pending would defeat the due-process protections provided by statute.

I have kept the gate open in good faith and will continue to cooperate fully. Please confirm in writing that the City will **suspend enforcement and abatement** pending completion of the appeal, and advise which staff contact will coordinate submittal of the ZBA application and posting requirements.

Thank you again for your time and consideration.

Respectfully,

**Carlos Velez Conty**

Owner – 536 Bancroft Rd, Keller TX 76248

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**From:** Aaron Rector <[arector@cityofkeller.com](mailto:arector@cityofkeller.com)>

**Sent:** Tuesday, October 14, 2025 3:41 PM

**To:** [REDACTED]; Building Services <[buildingservices@cityofkeller.com](mailto:buildingservices@cityofkeller.com)>; Justin Wilkins <[jwilkins@cityofkeller.com](mailto:jwilkins@cityofkeller.com)>

**Cc:** [REDACTED]; City Secretary <[citysecretary@cityofkeller.com](mailto:citysecretary@cityofkeller.com)>; Cliff Nevins EXT <[cnevins@safebuilt.com](mailto:cnevins@safebuilt.com)>; Kelly Ballard <[kballard@cityofkeller.com](mailto:kballard@cityofkeller.com)>; Melinda Hernandez <[mhernandez@cityofkeller.com](mailto:mhernandez@cityofkeller.com)>; Johnny Reyes <[jreyes@cityofkeller.com](mailto:jreyes@cityofkeller.com)>; Vicki Chavez <[vchavez@cityofkeller.com](mailto:vchavez@cityofkeller.com)>; Carlos Gutierrez <[cgutierrez@cityofkeller.com](mailto:cgutierrez@cityofkeller.com)>; Linda Mumtaz <[lmumtaz@cityofkeller.com](mailto:lmumtaz@cityofkeller.com)>

**Subject:** RE: Subject: Formal Interpretation Pending / Administrative Hold – Case #2508-0551 (536 Bancroft Rd)

Good afternoon,

Bancroft is specifically called out in the attached Major Thoroughfare Plan. The roadways shown on the plan are by default thoroughfares and the only distinctions between them is the right of way required for each. The setbacks required of gated driveways only varies between those roads on and not on this map.

You do have the right to appeal the City's decision to the ZBA Board, and staff can guide you through that process. The next available ZBA date is November 3, 2025, however, staff will be notified immediately to meet any required posting dates. I will note that ZBA has reviewed similar cases and upheld the City's ruling on the fences - 1408 Willis Ln (ZBA-20-0012) being a recent example.

Please let me know if you have any other questions or concerns.

**Thank you,**

**Aaron Rector, CGFO | City Manager**

P: (817) 743-4001 | F: (817) 743-4191

City of Keller, Texas

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Finance: [www.cityofkeller.com/finance](http://www.cityofkeller.com/finance)

*Keller, Texas – Ranked as a top 100 "Best Places to Live" by CNN Money Magazine.*

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From: [REDACTED] >

Sent: Friday, October 10, 2025 1:33 PM

To: [slowry@boyle-lowry.com](mailto:slowry@boyle-lowry.com); Building Services <[buildingservices@cityofkeller.com](mailto:buildingservices@cityofkeller.com)>; Justin Wilkins <[jwilkins@cityofkeller.com](mailto:jwilkins@cityofkeller.com)>

Cc: [REDACTED] City Secretary <[citysecretary@cityofkeller.com](mailto:citysecretary@cityofkeller.com)>; Cliff Nevins EXT <[cnevins@safebuilt.com](mailto:cnevins@safebuilt.com)>; Kelly Ballard <[kballard@cityofkeller.com](mailto:kballard@cityofkeller.com)>; Code Compliance <[codecompliance@cityofkeller.com](mailto:codecompliance@cityofkeller.com)>; Johnny Reyes <[jreyes@cityofkeller.com](mailto:jreyes@cityofkeller.com)>; Vicki Chavez <[vchavez@cityofkeller.com](mailto:vchavez@cityofkeller.com)>; Carlos Gutierrez <[cgutierrez@cityofkeller.com](mailto:cgutierrez@cityofkeller.com)>; Linda Mumtaz <[lmumtaz@cityofkeller.com](mailto:lmumtaz@cityofkeller.com)>; Aaron Rector <[arector@cityofkeller.com](mailto:arector@cityofkeller.com)>

Subject: Subject: Formal Interpretation Pending / Administrative Hold – Case #2508-0551 (536 Bancroft Rd)

Dear Mr. Wilkins and Mr. Lowry,

On **October 8, 2025**, I submitted a written request for a **formal interpretation of UDC §9.07(K)(3)(c)** and a **temporary enforcement hold** concerning **Case #2508-0551 (536 Bancroft Road)**.

Although my engineer, **Jorge Reyes**, has communicated with staff, and I have previously spoken with **Mr. Gutierrez**, we have received only excerpts of the code, not a formal interpretation of my references as required under **Texas Local Government Code §211.009(a)**, which governs disputes concerning the applicability of zoning regulations.

So far, I have only received a response from the **City Secretary**, who has fulfilled **Public Information Request R000448-100925**, confirming that my submissions are being processed through official channels and that I am cooperating in good faith.

This demonstrates that the matter remains under **active administrative review**, and therefore, I am entitled to **full due-process protections** before any enforcement or abatement proceeds.

Accordingly, this correspondence serves as **formal notice** that **enforcement under Case #2508-0551 is administratively suspended** until one of the following occurs:

1. The **Building Official** issues a written interpretation determining whether the 50-ft setback applies to this **SF-36 residential parcel**; or
2. The matter is **formally referred to the Zoning Board of Adjustment (ZBA)** pursuant to **Texas Local Government Code §§211.009–.011**.

Any attempt to continue enforcement or abatement without such interpretation would constitute an **ultra vires act**, outside the lawful authority of an inspector or plan examiner.

Please confirm in writing that **no citation or abatement action will proceed** until the formal interpretation is issued or the ZBA process is initiated.

My engineer, **Jorge Reyes, P.E.**, remains available to coordinate directly with your staff to expedite review and ensure a safe, code-compliant resolution.

If **no written response is received by close of business October 14, 2025**, this notice shall constitute a **formal administrative hold** under **Texas LGC §211.009(b)** pending lawful interpretation or ZBA action.

Respectfully,  
**Carlos Velez Conty**

Owner – 536 Bancroft Rd  
Keller, TX 76248

**(CCs are provided for administrative continuity and transparency.)**

**From:** [REDACTED] >  
**Sent:** Wednesday, October 8, 2025 10:15 PM  
**To:** [codecompliance@cityofkeller.com](mailto:codecompliance@cityofkeller.com); [LMumtaz@cityofkeller.com](mailto:LMumtaz@cityofkeller.com); 'Carlos Gutierrez' <[cgutierrez@cityofkeller.com](mailto:cgutierrez@cityofkeller.com)>; [vchavez@cityofkeller.com](mailto:vchavez@cityofkeller.com); [jreyes@cityofkeller.com](mailto:jreyes@cityofkeller.com)  
**Cc:** 'JORGE REYES' [REDACTED] >; [citysecretary@cityofkeller.com](mailto:citysecretary@cityofkeller.com); [cnevins@safebuilt.com](mailto:cnevins@safebuilt.com); [slowry@boyle-lowry.com](mailto:slowry@boyle-lowry.com); [arector@cityofkeller.com](mailto:arector@cityofkeller.com); [kballard@cityofkeller.com](mailto:kballard@cityofkeller.com)  
**Subject:** Subject: Clarification Request, Enforcement Hold & Public Information Inquiry – 536 Bancroft Rd (Case #2508-0551)

**City of Keller – Building Services & Code Compliance**

**Attention:** Johnny Reyes / Carlos Gutierrez

**cc:** City Secretary – Public Information

1100 Bear Creek Parkway

Keller, TX 76248

**Subject:** Clarification, Enforcement Hold & Public Information Request – 536 Bancroft Rd (Case #2508-0551)

**Dear City Officials,**

This correspondence concerns **Case #2508-0551** regarding the Residential Gate located at **536 Bancroft Road** and the interpretation of **UDC §9.07(K)(3)(c)** requiring a 50-foot setback that removes 30% of my driveway for “drive gates adjacent to a thoroughfare.”

We are actively coordinating with our engineer, **Jorge Reyes**, to ensure full compliance. Our intent is not to challenge enforcement but to correct what appears to be a **technical misapplication** of the ordinance as it relates to our property. We respectfully request a temporary enforcement hold while the matter is reviewed.

**1. Context and Mapping Basis**

- The parcel at **536 Bancroft Rd** lies entirely within the **SF-36 residential zoning district** and **outside** the right-of-way shown on the City’s **2022 Major Thoroughfare Plan**.
- The Plan designates only the **paved roadway corridor** of Bancroft as a **2-Lane Collector (C2U)**, not the adjoining private lots.
- The violation notice appears to treat our property as if it were *within* the thoroughfare corridor, whereas it merely *fronts* a residential collector.
- Applying §9.07(K)(3)(c) to this frontage extends the ordinance beyond its intended scope, which was designed primarily for higher-capacity arterial corridors.

We request that Planning and Engineering staff formally review whether the 50-ft “thoroughfare” setback applies to a **collector-fronted residential parcel** like ours.

**2. Current Site Condition & Functional Limitation**

- The existing fence/gate is located **≈ 36 ft** from the edge of pavement (not 25 ft).
- Relocating it to **50 ft** would reduce usable driveway depth to **≈ 35 ft**, and after accounting for an **≈ 8-ft gate swing**, leave only **≈ 27 ft** of effective working area.
- This shortened run restricts normal vehicle movement, eliminates usable space for a planned carport addition, and reduces available staging for emergency apparatus.
- **Bancroft Road has no sidewalk or parkway buffer** between the pavement and property line; therefore, the 50-ft measurement is taken directly from the roadway edge, imposing a deeper setback than the ordinance contemplates for improved corridors with sidewalks.
- **The 27-ft setback removes approximately 38.6% of the total driveway length—roughly 39% of usable area.** In practical terms, the 50-ft enforcement (reducing effective space to 27 ft remaining) would eliminate nearly **two-fifths of the total driveway**, a significant functional loss and measurable **38% reduction in usable access area.**

- The existing **36-ft position**—and a **proposed 40-ft compromise configuration**—maintain **sight distance, queuing clearance, and unobstructed access** consistent with the ordinance’s safety intent.

### 3. Technical and Safety Code References

- **NFPA 1141 §5.2.3:** Requires a **20 ft × 50 ft working area** in front of structures for fire apparatus. A 50-ft setback leaving ≈ 27 ft of usable depth fails this standard.
- **IFC Appendix D105.1:** Requires aerial apparatus positioning **15–30 ft from the façade**; moving the gate back to 50 ft removes this optimal staging range.
- **NFPA 1 §18.2.3.4.1:** Fire Department access roads must extend to within **50 ft** of at least one exterior door. The existing 36–38 ft alignment satisfies this requirement while maintaining greater operational flexibility.

These standards collectively indicate that relocating to 50 ft would **reduce compliance with adopted fire-access intent** rather than improve it.

### 4. Traffic Classification and Functional Data

Independent counts performed by **Quality Counts LLC (October 2024)** at the **Bourland–Bancroft** and **Mount Gilead–Bancroft** intersections recorded **peak hourly traffic volumes between 400 and 900 vehicles per hour**, consistent with **collector-level** activity, not arterial.

The 50-ft setback rule was developed to provide vehicle queuing and sight-distance protection along arterial corridors with high traffic volumes. Applying it to this low-volume collector frontage is inconsistent with its intended functional purpose.

### 5. Good-Faith Coordination and Prior Guidance

During the 2023 permit cycle, we contacted the Planning Office several times after submitting our construction plans and permit applications, as the delays were preventing us from moving in and holding back our contractors. At that time, **Linda Mumtaz (Building Services)** informed our design consultant, **Angel Sanchez of Vertical Arts**, that the department was experiencing a significant backlog and could not process permits as quickly as usual, even though our plans had been on file for more than a month.

Mr. Sanchez suggested dividing the overall project into phases—beginning with the larger construction elements and addressing the fence later. During these discussions, **Mrs. Mumtaz** mentioned that the City was **not being very strict with fence reviews** at that time due to workload, and the engineers proceeded accordingly, unaware that the **Thoroughfare Plan** classification would later affect the design. Had they known, they would have incorporated that requirement and communicated it to me earlier.

Following this conversation, **Mr. Sanchez** emailed me explaining the cause of the delay and the recommended course of action. The engineers understood that **fence setbacks were being applied with flexibility** under those temporary circumstances.

We relied on that communication in **good faith** and submitted our permits accordingly. Despite having an active permit, **no inspection occurred for over a year**. To date, we are still waiting for an inspector to finalize a permit submitted over a year now for a front porch which further evidences the backlog that affected our project timing. Throughout this period, we have continued to coordinate with staff and our engineers to address all compliance matters **professionally and transparently**.

### 6. Public Information Request (Texas Gov’t Code Ch. 552)

Please provide electronically (PDF or Excel format) for **Bancroft Rd (500–600 block), January 1, 2019 to present:**

1. All **fence/drive-gate permits**: address, parcel number, issue date, scope of work, required setback, and inspection outcome.
2. Any **notices of violation or enforcement actions** issued for fence/gate setbacks along the same corridor.

These records will clarify whether the 50-ft setback has been applied consistently since **Ordinances 1960 (2019)** and **2104 (2022)** amended the UDC and integrated Bancroft into the Major Thoroughfare Plan.

#### Preliminary Observation:

During our due diligence, we have reviewed publicly available imagery and observed that some properties along **Bancroft Road and the surrounding planned thoroughfare corridor** appear to have fence installations or replacements constructed **after the 2019–2022 ordinance amendments** at setback distances notably less than 50 feet.

This includes a mix of **frontages with and without sidewalks or parkway buffers**, which suggests varying interpretations of the measurement point and setback application across the corridor.

We are not presenting this as evidence at this stage, but we respectfully request that these apparent variations be reviewed as part of the City’s permit verification to ensure uniform application of the ordinance.

## 7. Requested City Actions

1. **Acknowledge receipt** of this correspondence and the Public Information Request.
2. **Pause enforcement** under Case #2508-0551 pending formal review and records production.
3. **Provide the requested permit history** electronically.
4. **Confirm inspection scheduling** for the residential addition completed in 2024.
5. **Coordinate a technical meeting** between Building Services, the Fire Marshal, and our engineer to review the proposed **≈ 40-ft configuration** with inward swing and Knox/manual emergency release.

## 8. Personal Note (Context of Intent)

As a U.S. military veteran, aviator, and manufacturing manager, as well as someone who moved the family to Keller seeking stability after a personal loss, I take pride in following procedures, maintaining property standards, and doing things the right way. Please note that our engineers have been in consistent communication with the City's office throughout this process.

My intent in this matter is simply to preserve the safe and functional use of our home while ensuring that the City's code is applied fairly and consistently. To this end, we have cooperated at every step and will continue to do so.

## 9. Closing Statement

Our objective is to ensure a technically sound and equitable application of the City's ordinances. We have consistently engaged with City staff in good faith, submitted professional plans, and maintained compliance throughout. We respectfully request that the City review the mapping and functional classification data, acknowledge the collector-level context of Bancroft Road, and temporarily hold enforcement actions while this clarification is processed.

We appreciate your time and cooperation.

Respectfully,

**Carlos Velez Conty**

Owner – 536 Bancroft Rd  
Keller, TX 76248

cc:

- **Jorge Reyes, P.E.** – Engineer of Record
- **Keller Fire Marshal**
- **Linda Mumtaz** – Building Services
- **Aaron Rector, City Manager**
- **L. Stanton Lowry City Attorney**
- **Kelly Ballard, City Secretary – Public Information**

**Please note:** Supporting exhibits (A–K) are omitted from this transmission to reduce file size. All referenced materials are available upon request or within the City's GIS, permit, and records systems.

(Copies to senior administrative offices are provided solely for record continuity and administrative awareness. Coordination will continue directly with Building Services and Engineering to ensure compliance and technical resolution.)

**From:** Carlos Gutierrez <[cgutierrez@cityofkeller.com](mailto:cgutierrez@cityofkeller.com)>

**Sent:** Monday, September 15, 2025 7:20 AM

**To:** [REDACTED]

**Subject:** RE: Inquiry regarding - Permit FENCE-2509-0188

Good morning,

Please see attached Master Thoroughfare Plan. Bancroft is on the thoroughfare plan and would require for you to comply with comments given.

[https://library.municode.com/tx/keller/codes/code\\_of\\_ordinances?nodeId=PTIIIUNDECO\\_ARTNINEDEST\\_S9.07FERESIMITMI2FREZODI](https://library.municode.com/tx/keller/codes/code_of_ordinances?nodeId=PTIIIUNDECO_ARTNINEDEST_S9.07FERESIMITMI2FREZODI)

K. *Requirements for Drive Gates.* Drive gates are permitted as follows:

1. Properties in SF-8.4, SF-10, SF-12, SF-15 zoning districts in side or back yard.
2. Properties in SF-20, SF-25, SF-30, and SF-36 zoning districts fencing is installed in the front yard, side yard, or
3. All drive gates must adhere to the following criteria:
  - a) Swinging drive gates must swing in towards the property and not out towards the street. Sliding gates m
  - b) All drive gates directly adjacent to a public street must be inset a minimum distance of twenty-five (25') fr
  - c) All drive gates directly adjacent to a thoroughfare as shown on the Thoroughfare Plan must be inset for :

Requirements require for gate to be 50' from roads edge.

Thank you.

**From:** Vicki Chavez <[vchavez@cityofkeller.com](mailto:vchavez@cityofkeller.com)> **On Behalf Of** Building Services

**Sent:** Thursday, September 11, 2025 12:01 PM

**To:** Carlos Gutierrez <[cgutierrez@cityofkeller.com](mailto:cgutierrez@cityofkeller.com)>

**Subject:** FW: Inquiry regarding - Permit FENCE-2509-0188

*Vicki Chavez*

Permit Technician

City of Keller

(817)743-4113

1100 Bear Creek Pkwy

Keller, TX 76244

[www.cityofkeller.com](http://www.cityofkeller.com)



Keller Town Hall is open to serve you Mon-Thur 7:30am - 5:30pm

**From:** JORGE REYES [REDACTED] >

**Sent:** Thursday, September 11, 2025 11:01 AM

**To:** Building Services <[buildingservices@cityofkeller.com](mailto:buildingservices@cityofkeller.com)>

**Cc:** Carlos Velez Conty [REDACTED]

**Subject:** Inquiry regarding - Permit FENCE-2509-0188

**Attn:** Carlos Gutierrez

Good morning!

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Monday, October 27, 2025 8:14 PM  
**To:** 'City Secretary'  
**Cc:** kballard@cityofkeller.com; arector@cityofkeller.com; slowry@boyle-lowry.com; 'Building Services'  
**Subject:** Subject: Request for Public Information - Zoning Enforcement, Setback Interpretation, and Administrative Records (Case #2508-0551 / 536 Bancroft Rd)

**Texas Public Information Act Request**

**To:** City Secretary, City of Keller  
**Address:** 1100 Bear Creek Pkwy, Keller, TX 76248  
**Email:** [citysecretary@cityofkeller.com](mailto:citysecretary@cityofkeller.com)

**Date:** October 27, 2025

**Subject:** Request for Public Information — Zoning Enforcement, Setback Interpretation, and Administrative Records (Case #2508-0551 / 536 Bancroft Rd)

Dear City Secretary,

Pursuant to the **Texas Public Information Act (Texas Government Code Chapter 552)**, I respectfully request the records listed below concerning zoning enforcement and setback interpretation affecting **536 Bancroft Road** and the **Bancroft Road corridor**. This request is addressed to you in your capacity as the City’s official records custodian and is copied to the City Manager and Building Services for awareness and coordination. This filing is made **without prejudice** to any pending appeal or administrative process and is intended solely to ensure a complete and accurate record.

**1) Enforcement & Communications (2019–present)**

All correspondence, memoranda, enforcement/courtesy notices, and internal communications (including emails) **by or to Planning, Building Inspection, or Code Compliance** regarding **fence or setback enforcement** along **Bancroft Road** (generally the 500–700 blocks).

**2) Interpretation / Guidance**

All **zoning/engineering bulletins, interpretation memoranda, staff guidance, or training materials** defining or explaining “**Thoroughfare,**” “**Arterial,**” or “**Collector Road**” as used in **UDC § 9.07(K)(3)(c)** (or any successor), including any **measurement standards** (e.g., curb vs. centerline vs. edge of pavement) and statements on whether the provision applies to **collector** as well as **arterial** streets.

**3) Ordinances & Amendment History**

The **official edition and adoption date** of the current **Unified Development Code (UDC)**; copies of the **ordinance(s)/amendments** establishing the **50-foot drive-gate setback** (e.g., **Ord. No. 1960 (2019)** and **Ord. No. 2104 (2022)**), including any **staff reports** or **Council packets** presented at adoption.

**4) Fire Department Coordination**

All records documenting coordination between City staff and the **Keller Fire Department** concerning

**fire-apparatus access, working-area standards**, or application of **NFPA 1141 / 1140** or **IFC Appendix D105** in **residential** fence/gate setback determinations.

### 5) Bancroft Logs / Inspection Reports

Any **enforcement logs, case files, inspection reports, field notes, or measurements** for properties fronting **Bancroft Road** showing **fence-setback distances** or related **citations** (2019–present).

### Production & Costs

Please produce records **electronically (PDF preferred)** to [REDACTED]. If costs may exceed **\$40**, please provide an **itemized cost estimate** under **TGC § 552.2615** before processing. If any portion is withheld, please **cite the specific statutory exception** relied upon and release all **segregable** portions as required by **§ 552.221(d)**. If multiple departments hold responsive records, please **forward internally** so this request is fulfilled in full. If no responsive records exist for any item, please state so.

Thank you for your prompt assistance.

Respectfully,

**Carlos Velez**

536 Bancroft Rd, Keller, TX 76248

Email: [REDACTED]

---

**From:** Kelly Ballard <kballard@cityofkeller.com>

**Sent:** Monday, October 13, 2025 8:42 AM

**To:** [REDACTED]

**Subject:** RE: Subject: Clarification Request, Enforcement Hold & Public Information Inquiry – 536 Bancroft Rd (Case #2508-0551)

Sounds good and thank you for your patience.

The department is working on gathering the additional records now.

*Kelly Ballard, TRMC, CMC*

*City Secretary*

*Keller, Texas*

---

**From:** [REDACTED]

**Sent:** Sunday, October 12, 2025 9:58 PM

**To:** Kelly Ballard <kballard@cityofkeller.com>

**Subject:** RE: Subject: Clarification Request, Enforcement Hold & Public Information Inquiry – 536 Bancroft Rd (Case #2508-0551)

Hi Kelly, thanks for the update albeit this is your time away from the desk 😊

I had the invoice paid before this message, nevertheless, will hold from pulling any data until you get a chance to review and update.

I appreciate your support.

Best,

Carlos

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**From:** Kelly Ballard <[kballard@cityofkeller.com](mailto:kballard@cityofkeller.com)>

**Sent:** Sunday, October 12, 2025 1:52 PM

**To:** [REDACTED]

**Subject:** RE: Subject: Clarification Request, Enforcement Hold & Public Information Inquiry – 536 Bancroft Rd (Case #2508-0551)

Hi Carlos,

Let me look into this further tomorrow morning with my staff to ensure that we are processing the request with your changes. I will let you know.

As for now, please ignore the invoice.

*Kelly Ballard, TRMC, CMC*

*City Secretary*

*Keller, Texas*

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**From:** [REDACTED] >

**Sent:** Friday, October 10, 2025 3:32 PM

**To:** Kelly Ballard <[kballard@cityofkeller.com](mailto:kballard@cityofkeller.com)>

**Subject:** RE: Subject: Clarification Request, Enforcement Hold & Public Information Inquiry – 536 Bancroft Rd (Case #2508-0551)

Dear Mrs. Ballard,

Thanks for processing the document request, please advise after payment, if there is a download link and if you were able to process the change to reflect the corridor quadrant below.

Have a safe rest of your day and weekend.

Best,

Carlos



RE: OPEN RECORDS REQUEST of October 09, 2025, Reference # R000448-100925

Dear Carlos Velez Conty,

We have received your payment on invoice number INV25-R000448-1:

Invoice Payments

Payment Date	Payment Method	Payment Amount
10/10/2025	Online	\$22.50

If you are paying the estimate, we will now begin working on gathering documents responsive to your request. Once we have gathered the documents, a final statement of the remaining balance owed will be sent to you. This amount is an estimate depending on how much time and labor is actually spent on your request. Full payment is required to release records to you.

If you are making your final payment, we will contact you once your request is fulfilled and the documents are available online at the Open Records Center.

Sincerely,

City of Keller

To monitor the progress or update this request please log into the [Open Records Request Portal](#)



From: [Redacted] >

Sent: Thursday, October 9, 2025 10:33 AM

To: 'Kelly Ballard' <[kballard@cityofkeller.com](mailto:kballard@cityofkeller.com)>

Subject: RE: Subject: Clarification Request, Enforcement Hold & Public Information Inquiry – 536 Bancroft Rd (Case #2508-0551)

Dear Ms. Ballard,

Thank you for confirming receipt of my public-information request (Ref. R000448-100925). I am replying only to you to prevent email congestion on this request.

After reviewing the City's **2022 Major Thoroughfare Plan** and **GIS street-condition maps**, I realized making a mistake on my request and truncated the **geographic scope**. **Please expand** the search to capture the full collector-corridor network associated with the Bancroft alignment. There is crucial information I need to present to the planning office and will need this information to do so.

When possible, please include **all contiguous or intersecting segments** designated as **2-Lane Collectors (C2U)** or **3-Lane Collectors (C3U)** in the 2022 Plan (see attached reference map), specifically:

- **Bancroft Road (400–800 block)**
- **Mount Gilead Road (400–800 block)**
- **Johnson Road (400–700 block)**
- **Bourland Road (400–700 block)**
- **Ottinger Road (400–700 block)**
- Any adjacent residential frontages shown as collector segments within this corridor between FM-377 and Rufe Snow Drive.

For each location, please provide the same record fields previously requested:

1. Permit address, parcel number, issue date, scope of work, required setback distance, and inspection result.
2. Any violation or enforcement notices issued for fences or gates along the same corridor (January 1 2019 – present).

This expanded request seeks to document **consistent application of UDC § 9.07(K)(3)(c)** and to compare practices between **properties with sidewalks and those without** within the same collector corridor.

Electronic format (Excel or PDF) remains preferred. Please process this update under the same reference number if possible; otherwise, kindly assign a supplemental tracking ID.

Thank you for your continued professionalism and assistance and **please accept my apologies for this omission** as these are new waters for me and I'm barely keeping up with so many technical references under such tight timeline.

Respectfully,

**Carlos Velez Conty**

Owner – 536 Bancroft Rd  
Keller, TX 76248

---

**From:** Kelly Ballard <[kballard@cityofkeller.com](mailto:kballard@cityofkeller.com)>

**Sent:** Thursday, October 9, 2025 6:20 AM

**To:** [REDACTED] Code Compliance <[codecompliance@cityofkeller.com](mailto:codecompliance@cityofkeller.com)>; Linda Mumtaz <[lmumtaz@cityofkeller.com](mailto:lmumtaz@cityofkeller.com)>; Carlos Gutierrez <[cgutierrez@cityofkeller.com](mailto:cgutierrez@cityofkeller.com)>; Vicki Chavez <[vchavez@cityofkeller.com](mailto:vchavez@cityofkeller.com)>; Johnny Reyes <[jreyes@cityofkeller.com](mailto:jreyes@cityofkeller.com)>

**Cc:** 'JORGE REYES' [REDACTED] >; City Secretary <[citysecretary@cityofkeller.com](mailto:citysecretary@cityofkeller.com)>; Cliff Nevins EXT <[cnevins@safebuilt.com](mailto:cnevins@safebuilt.com)>; [slowry@boyle-lowry.com](mailto:slowry@boyle-lowry.com); Aaron Rector <[arector@cityofkeller.com](mailto:arector@cityofkeller.com)>

**Subject:** RE: Subject: Clarification Request, Enforcement Hold & Public Information Inquiry – 536 Bancroft Rd (Case #2508-0551)

Good Morning Mr. Velez Conty,

Your Public Information Request for the following information is being processed:

“Please provide electronically (PDF or Excel format) for **Bancroft Rd (500–600 block), January 1, 2019 to present:**

1. All **fence/drive-gate permits**: address, parcel number, issue date, scope of work, required setback, and inspection outcome.
2. Any **notices of violation or enforcement actions** issued for fence/gate setbacks along the same corridor.”

You should be receiving a confirmation email from our request portal.

Thank you,

Kelly Ballard, TRMC, CMC

City Secretary

Keller, Texas

---

**From:** [REDACTED]  
**Sent:** Wednesday, October 8, 2025 10:15 PM  
**To:** Code Compliance <[codecompliance@cityofkeller.com](mailto:codecompliance@cityofkeller.com)>; Linda Mumtaz <[lmumtaz@cityofkeller.com](mailto:lmumtaz@cityofkeller.com)>; Carlos Gutierrez <[cgutierrez@cityofkeller.com](mailto:cgutierrez@cityofkeller.com)>; Vicki Chavez <[vchavez@cityofkeller.com](mailto:vchavez@cityofkeller.com)>; Johnny Reyes <[jreyes@cityofkeller.com](mailto:jreyes@cityofkeller.com)>  
**Cc:** 'JORGE REYES' [REDACTED] >; City Secretary <[citysecretary@cityofkeller.com](mailto:citysecretary@cityofkeller.com)>; Cliff Nevins EXT <[cnevins@safebuilt.com](mailto:cnevins@safebuilt.com)>; [slowry@boyle-lowry.com](mailto:slowry@boyle-lowry.com); Aaron Rector <[arector@cityofkeller.com](mailto:arector@cityofkeller.com)>; Kelly Ballard <[kballard@cityofkeller.com](mailto:kballard@cityofkeller.com)>  
**Subject:** Subject: Clarification Request, Enforcement Hold & Public Information Inquiry – 536 Bancroft Rd (Case #2508-0551)

**City of Keller – Building Services & Code Compliance**

**Attention:** Johnny Reyes / Carlos Gutierrez

**cc:** City Secretary – Public Information

1100 Bear Creek Parkway

Keller, TX 76248

**Subject:** Clarification, Enforcement Hold & Public Information Request – 536 Bancroft Rd (Case #2508-0551)

**Dear City Officials,**

This correspondence concerns **Case #2508-0551** regarding the Residential Gate located at **536 Bancroft Road** and the interpretation of **UDC §9.07(K)(3)(c)** requiring a 50-foot setback that removes 30% of my driveway for “drive gates adjacent to a thoroughfare.”

We are actively coordinating with our engineer, **Jorge Reyes**, to ensure full compliance. Our intent is not to challenge enforcement but to correct what appears to be a **technical misapplication** of the ordinance as it relates to our property. We respectfully request a temporary enforcement hold while the matter is reviewed.

**1. Context and Mapping Basis**

- The parcel at **536 Bancroft Rd** lies entirely within the **SF-36 residential zoning district** and **outside** the right-of-way shown on the City’s **2022 Major Thoroughfare Plan**.
- The Plan designates only the **paved roadway corridor** of Bancroft as a **2-Lane Collector (C2U)**, not the adjoining private lots.
- The violation notice appears to treat our property as if it were *within* the thoroughfare corridor, whereas it merely *fronts* a residential collector.
- Applying §9.07(K)(3)(c) to this frontage extends the ordinance beyond its intended scope, which was designed primarily for higher-capacity arterial corridors.

We request that Planning and Engineering staff formally review whether the 50-ft “thoroughfare” setback applies to a **collector-fronted residential parcel** like ours.

## 2. Current Site Condition & Functional Limitation

- The existing fence/gate is located  $\approx$  **36 ft** from the edge of pavement (not 25 ft).
- Relocating it to **50 ft** would reduce usable driveway depth to  $\approx$  **35 ft**, and after accounting for an  $\approx$  **8-ft gate swing**, leave only  $\approx$  **27 ft** of effective working area.
- This shortened run restricts normal vehicle movement, eliminates usable space for a planned carport addition, and reduces available staging for emergency apparatus.
- **Bancroft Road has no sidewalk or parkway buffer** between the pavement and property line; therefore, the 50-ft measurement is taken directly from the roadway edge, imposing a deeper setback than the ordinance contemplates for improved corridors with sidewalks.
- **The 27-ft setback removes approximately 38.6% of the total driveway length—roughly 39% of usable area.** In practical terms, the 50-ft enforcement (reducing effective space to 27 ft remaining) would eliminate nearly **two-fifths of the total driveway**, a significant functional loss and measurable **38% reduction in usable access area.**
- The existing **36-ft position—and a proposed 40-ft compromise configuration—maintain sight distance, queuing clearance, and unobstructed access** consistent with the ordinance’s safety intent.

## 3. Technical and Safety Code References

- **NFPA 1141 §5.2.3:** Requires a **20 ft × 50 ft working area** in front of structures for fire apparatus. A 50-ft setback leaving  $\approx$  27 ft of usable depth fails this standard.
- **IFC Appendix D105.1:** Requires aerial apparatus positioning **15–30 ft from the façade**; moving the gate back to 50 ft removes this optimal staging range.
- **NFPA 1 §18.2.3.4.1:** Fire Department access roads must extend to within **50 ft** of at least one exterior door. The existing 36–38 ft alignment satisfies this requirement while maintaining greater operational flexibility.

These standards collectively indicate that relocating to 50 ft would **reduce compliance with adopted fire-access intent** rather than improve it.

## 4. Traffic Classification and Functional Data

Independent counts performed by **Quality Counts LLC (October 2024)** at the **Bourland–Bancroft** and **Mount Gilead–Bancroft** intersections recorded **peak hourly traffic volumes between 400 and 900 vehicles per hour**, consistent with **collector-level** activity, not arterial.

The 50-ft setback rule was developed to provide vehicle queuing and sight-distance protection along arterial corridors with high traffic volumes. Applying it to this low-volume collector frontage is inconsistent with its intended functional purpose.

## 5. Good-Faith Coordination and Prior Guidance

During the 2023 permit cycle, we contacted the Planning Office several times after submitting our construction plans and permit applications, as the delays were preventing us from moving in and holding back our contractors. At that time, **Linda Mumtaz (Building Services)** informed our design consultant, **Angel Sanchez of Vertical Arts**, that the department was experiencing a significant backlog and could not process permits as quickly as usual, even though our plans had been on file for more than a month.

Mr. Sanchez suggested dividing the overall project into phases—beginning with the larger construction elements and addressing the fence later. During these discussions, **Mrs. Mumtaz** mentioned that the City was **not being very strict with fence reviews** at that time due to workload, and the engineers proceeded accordingly, unaware that the **Thoroughfare Plan** classification would later affect the design. Had they known, they would have incorporated that requirement and communicated it to me earlier.

Following this conversation, **Mr. Sanchez** emailed me explaining the cause of the delay and the recommended course of action. The engineers understood that **fence setbacks were being applied with flexibility** under those temporary circumstances.

We relied on that communication in **good faith** and submitted our permits accordingly. Despite having an active permit, **no inspection occurred for over a year**. To date, we are still waiting for an inspector to finalize a permit submitted over a year now for a front porch which further evidences the backlog that affected our project timing. Throughout this period, we have continued to coordinate with staff and our engineers to address all compliance matters **professionally and transparently**.

## 6. Public Information Request (Texas Gov’t Code Ch. 552)

Please provide electronically (PDF or Excel format) for **Bancroft Rd (500–600 block), January 1, 2019 to present:**

1. All **fence/drive-gate permits**: address, parcel number, issue date, scope of work, required setback, and inspection outcome.
2. Any **notices of violation or enforcement actions** issued for fence/gate setbacks along the same corridor.

These records will clarify whether the 50-ft setback has been applied consistently since **Ordinances 1960 (2019)** and **2104 (2022)** amended the UDC and integrated Bancroft into the Major Thoroughfare Plan.

**Preliminary Observation:**

During our due diligence, we have reviewed publicly available imagery and observed that some properties along **Bancroft Road and the surrounding planned thoroughfare corridor** appear to have fence installations or replacements constructed **after the 2019–2022 ordinance amendments** at setback distances notably less than 50 feet. This includes a mix of **frontages with and without sidewalks or parkway buffers**, which suggests varying interpretations of the measurement point and setback application across the corridor.

We are not presenting this as evidence at this stage, but we respectfully request that these apparent variations be reviewed as part of the City’s permit verification to ensure uniform application of the ordinance.

**7. Requested City Actions**

1. **Acknowledge receipt** of this correspondence and the Public Information Request.
2. **Pause enforcement** under Case #2508-0551 pending formal review and records production.
3. **Provide the requested permit history** electronically.
4. **Confirm inspection scheduling** for the residential addition completed in 2024.
5. **Coordinate a technical meeting** between Building Services, the Fire Marshal, and our engineer to review the proposed **≈ 40-ft configuration** with inward swing and Knox/manual emergency release.

**8. Personal Note (Context of Intent)**

As a U.S. military veteran, aviator, and manufacturing manager, as well as someone who moved the family to Keller seeking stability after a personal loss, I take pride in following procedures, maintaining property standards, and doing things the right way. Please note that our engineers have been in consistent communication with the City’s office throughout this process.

My intent in this matter is simply to preserve the safe and functional use of our home while ensuring that the City’s code is applied fairly and consistently. To this end, we have cooperated at every step and will continue to do so.

**9. Closing Statement**

Our objective is to ensure a technically sound and equitable application of the City’s ordinances. We have consistently engaged with City staff in good faith, submitted professional plans, and maintained compliance throughout. We respectfully request that the City review the mapping and functional classification data, acknowledge the collector-level context of Bancroft Road, and temporarily hold enforcement actions while this clarification is processed.

We appreciate your time and cooperation.

Respectfully,

**Carlos Velez Conty**

Owner – 536 Bancroft Rd  
Keller, TX 76248

**cc:**

- **Jorge Reyes, P.E.** – Engineer of Record
- **Keller Fire Marshal**
- **Linda Mumtaz** – Building Services
- **Aaron Rector, City Manager**
- **L. Stanton Lowry City Attorney**
- **Kelly Ballard, City Secretary – Public Information**

**Please note:** Supporting exhibits (A–K) are omitted from this transmission to reduce file size. All referenced materials are available upon request or within the City’s GIS, permit, and records systems.

(Copies to senior administrative offices are provided solely for record continuity and administrative awareness. Coordination will continue directly with Building Services and Engineering to ensure compliance and technical resolution.)

---

**From:** Carlos Gutierrez <[cgutierrez@cityofkeller.com](mailto:cgutierrez@cityofkeller.com)>  
**Sent:** Monday, September 15, 2025 7:20 AM  
**To:** [REDACTED]  
**Subject:** RE: Inquiry regarding - Permit FENCE-2509-0188

Good morning,

Please see attached Master Thoroughfare Plan. Bancroft is on the thoroughfare plan and would require for you to comply with comments given.

[https://library.municode.com/tx/keller/codes/code\\_of\\_ordinances?nodeId=PTIIIUNDECO\\_ARTNINEDEST\\_S9.07FERESIMITMI2FREZODI](https://library.municode.com/tx/keller/codes/code_of_ordinances?nodeId=PTIIIUNDECO_ARTNINEDEST_S9.07FERESIMITMI2FREZODI)

K. *Requirements for Drive Gates.* Drive gates are permitted as follows:

1. Properties in SF-8.4, SF-10, SF-12, SF-15 zoning districts in side or back yard.
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  - c) All drive gates directly adjacent to a thoroughfare as shown on the Thoroughfare Plan must be inset for :

Requirements require for gate to be 50' from roads edge.

Thank you.

---

**From:** Vicki Chavez <[vchavez@cityofkeller.com](mailto:vchavez@cityofkeller.com)> **On Behalf Of** Building Services  
**Sent:** Thursday, September 11, 2025 12:01 PM  
**To:** Carlos Gutierrez <[cgutierrez@cityofkeller.com](mailto:cgutierrez@cityofkeller.com)>  
**Subject:** FW: Inquiry regarding - Permit FENCE-2509-0188

*Vicki Chavez*  
Permit Technician  
City of Keller  
(817)743-4113  
1100 Bear Creek Pkwy  
Keller, TX 76244  
[www.cityofkeller.com](http://www.cityofkeller.com)



Keller Town Hall is open to serve you Mon-Thur 7:30am - 5:30pm

**From:** JORGE REYES [REDACTED] >  
**Sent:** Thursday, September 11, 2025 11:01 AM  
**To:** Building Services <[buildingservices@cityofkeller.com](mailto:buildingservices@cityofkeller.com)>  
**Cc:** Carlos Velez Conty [REDACTED]  
**Subject:** Inquiry regarding - Permit FENCE-2509-0188

Attn: Carlos Gutierrez

Good morning!

I've tried to reach you via phone call since yesterday, but I was notified that you are out of the office. I have an inquiry regarding the front gate setback change requested to 50 feet from the road. I want to communicate our client's concern, since our understanding based on the information provided from city of Keller resources is that Bancroft Rd is actually a 2 lane collector Street, to which a 25 foot setback applies. Please revise the following information, and let me know how our client should proceed.

**Differentiation of “collector street” vs. “thoroughfare”** framed specifically for Keller’s planning context, supported with city-level transportation planning sources:

## Function

- **Thoroughfare (Arterial):**
  - Emphasizes **mobility and speed**.
  - Acts as the **main arteries** of the city.
  - Connects major destinations, commercial centers, and neighborhoods.
  - Links the city to the larger **regional highway network**.
- **Collector Street:**
  - Balances **mobility with land access**.
  - Connects **residential/local streets to the thoroughfare system**.
  - Allows shorter neighborhood trips without forcing traffic onto arterials.

## Design

- **Thoroughfare:**

- Built to **higher standards** for heavy traffic flow.
- Often wider, multiple lanes, sometimes with medians.
- Intersections more engineered (turn lanes, signals, expansion plans).
- **Collector Street:**
  - Narrower, fewer lanes.
  - Tailored for **slower speeds** and neighborhood access.
  - Still designed to keep traffic flowing outward toward arterials.

## Traffic Characteristics

- **Thoroughfare:**
  - Medium-to-high traffic volumes.
  - Higher speed limits.
  - Adjacent property access is **limited**.
  - Pedestrian accommodation is minimal.
- **Collector Street:**
  - Lower volumes and slower speeds than a thoroughfare.
  - Serves as a **transition zone** between neighborhoods and main roads.
  - Access to adjacent homes is common.

## Role in the Network

- **Thoroughfare:**
  - Framework of the **Master Thoroughfare Plan**.
  - Long-range corridors for city growth.
  - Regional significance.
- **Collector Street:**
  - Part of the **localized street network**.
  - Supports and feeds the arterials.
  - Developers must integrate collectors to ensure neighborhoods connect smoothly into the overall plan.

## Why this matters for Bancroft Rd

- **Bancroft Road** is officially shown in the **City of Keller 2022 Major Thoroughfare Plan** as a “**2 Lane Collector**”, not a major arterial thoroughfare [source: City of Keller Thoroughfare Plan PDF] .
- This aligns with planning definitions: Bancroft carries some traffic between neighborhoods but was **never intended as a high-capacity thoroughfare**.
- Therefore, the correct **setback for gates/fences** is the **25 ft standard** applicable to collectors/residential streets, not the **50 ft required for arterials/thoroughfares**.

## Supporting Sources

- **City of Keller – 2022 Major Thoroughfare Plan** (Bancroft marked as Collector)  
[City of Keller Thoroughfare Plan PDF](#)
- **Fort Worth Master Thoroughfare Plan (regional context for collectors vs arterials)**  
[Fort Worth MTP PDF](#)

I appreciate your time, efforts and information.

sincerely,

Ehija

Administrative Assistant

Jorge Reyes

682-402-1523

CAD Designer - President

Apply Online! [www.cityofkeller.com/css](http://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.

[REDACTED]

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**From:** City of Keller Open Records <cityofkellertx@govqa.us>  
**Sent:** Tuesday, October 28, 2025 9:51 AM  
**To:** [REDACTED]  
**Subject:** City Open Records Request :: R000479-102825



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Dear Carlos Velez Conty:

Your request has been received and is being processed within state law. Your request was received in this office on 10/28/2025 and given the reference number R000479-102825 for tracking purposes.

**Records Requested:** Planning: • (2019–present): internal comms, courtesy/enforcement notices, memos about fence or setback enforcement along Bancroft Rd (500–700 blocks). • Any zoning interpretation memos/bulletins, staff guidance or training materials defining “Thoroughfare/Arterial/Collector” under UDC § 9.07(K)(3)(c), including measurement standards (curb vs. centerline vs. edge of pavement) and whether the rule applies to collector streets. • (2019–present): Any enforcement logs / case files / inspection notes / measurements for properties fronting Bancroft Rd related to fence setbacks (if Planning maintains or contributed to them). Notes: Include any GIS/plan markups used to measure setbacks. Building Inspections: • (2019–present): internal comms, memos, courtesy or enforcement notices related to fence/drive-gate permits & setbacks on Bancroft Rd (500–700). • Any technical guidance/training used by inspectors for interpreting UDC § 9.07(K)(3)(c) and how to measure setbacks. • (2019–present): Permit records, inspection reports, field notes, measurements, citations for fences/drive-gates fronting Bancroft Rd. Code Compliance: • (2019–present): Emails, internal comms, enforcement logs, notices and memos regarding fence or setback enforcement along Bancroft Rd (500–700). • (2019–present): Case files, inspection reports, field notes, measurements and any citations tied to fence/drive-gate setbacks fronting Bancroft Rd. Engineering / Public Works: • Any engineering bulletins/guidance defining Thoroughfare/Arterial/Collector (as used for setback measurement), and measurement standards (curb/centerline/edge of pavement). • Supporting maps/cross-sections or standards used by staff to decide whether collector streets are covered by the 50-ft provision. • (If applicable) Measurement exhibits or field sketches used on Bancroft Rd cases. Fire Department: • All records of coordination with City staff regarding fire-apparatus access/working-area standards and application of NFPA 1141/1140 or IFC Appendix D105 in residential fence/gate setback determinations (memos, meeting notes, review comments). City Secretary’s Office: Assign to Kelly • Official UDC edition and adoption date. • Ordinances & amendments establishing the 50-ft gate setback (e.g., Ord. 1960 (2019); Ord. 2104 (2022)). • Council packets/staff reports/agenda items associated with those adoptions.

Your request will be forwarded to the relevant department(s) to locate the information you seek and to

determine the volume and any costs associated with satisfying your request. You will be contacted about the availability and/or provided with copies of the records in question.

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed.

City of Keller

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To monitor the progress or update this request please log into the [Open Records Request Portal](#)



[REDACTED]

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**From:** [REDACTED]  
**Sent:** Monday, October 27, 2025 8:16 PM  
**To:** 'Carlos Gutierrez'; 'Building Services'; 'Linda Mumtaz'; 'Johnny Reyes'  
**Cc:** [REDACTED]; '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  
[REDACTED]

**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: [REDACTED]

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**From:** [REDACTED] >

**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:** [REDACTED]; '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**.

**RECORD SUPPLEMENT ONLY — NOT A PERMIT RESUBMITTAL, NOT A PLAN REVISION, NOT AN INSPECTION REQUEST, NOT AN ADMISSION OF VIOLATION, AND NOT A WAIVER.**

This document is being uploaded through the FENCE-2509-0188 portal only because the ZBA-2510-0008 portal does not provide an upload function.

Uploaded document: Record-Preservation Supplement and Request for Written City Position dated May 4, 2026.

Property: 536 Bancroft Road  
Fence Permit: FENCE-2509-0188  
ZBA Case: ZBA-2510-0008  
Code Case: #2508-0551

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

This supplement documents that the prior drive-gate function has been disabled and converted to a fixed rail / side-panel configuration under protest and without admission of violation. All appeal rights and objections are preserved, including stay, measurement-origin, split-review, missing fire/access review, comparator, PIA/OAG, and incomplete-record objections.

The City is requested to provide a written position stating whether the April 21, 2026 Final Notice is satisfied. If the City contends it is not satisfied, please identify the remaining violation, exact measurement origin and method, applicable ordinance provision, responsible department/reviewer, and factual basis.

Respectfully,  
**Carlos Velez Conty**  
536 Bancroft Road  
Keller, Texas 76248  
[REDACTED]  
(831) 710-7577

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Sunday, May 3, 2026 11:07 PM  
**To:** shensley@cityofkeller.com; kballard@cityofkeller.com  
**Cc:** arector@cityofkeller.com; 'Slowry'  
**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

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**From:** [REDACTED] <[REDACTED]@cityofkeller.com>

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

**To:** [shensley@cityofkeller.com](mailto:shensley@cityofkeller.com); [kballard@cityofkeller.com](mailto:kballard@cityofkeller.com)

**Cc:** [arector@cityofkeller.com](mailto:arector@cityofkeller.com); 'S'Lowry' <[slowry@Boyle-Lowry.com](mailto: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