



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number:** Z-2

**Date:** April 25, 2007

**Subject:** **APPLICATION Z03-07-017A DARRELL L. GUTHRIE**  
Request that the City Council consider a request to change the zoning from “R-2” Two Family Residential District to “R-1B” Single-Family Residential District on Lot 378 of NCB 663 in the Connally Heights Addition (Volume 269, Page 399 of the D.R.S.C.T), a portion of one lot totaling approximately 0.106 acres located one lot east of the intersection of Hill Avenue and 1<sup>st</sup> Street, on the south side of 1<sup>st</sup> Street (1526 W. 1<sup>st</sup> Street).

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**Item Reference:**

The applicant is requesting a zoning change in order to bring the zoning into conformity with the current use.

Section 10-210, "R-1B" Single-Family Residential District, allows for the development of single family residential units, churches, public schools, and accessory buildings and uses which are incidental to the above uses, but not involved in the conduct of business. Maximum allowable building height is two and one-half (2 1/2) stories or forty-two (42) feet in height. Setback requirements are twenty-five (25) feet in the front and rear and six (6) feet on the side. Minimum lot size is 6,000 square feet.

The adjacent properties to the north, east and west are currently zoned “R-2” Two-Family Residential District. The adjacent property to the south is currently zoned “R-1A” Single-Family Residential District.

The applicant is the owner of Lot 378 which currently has two structures on the lot; a single family home and a duplex. He wants to sell the single family home. In order to accomplish this, he must first rezone, and then replat the property. However, when staff reviewed the project it was noted that in order to replat the lot in accordance with the zoning ordinance, a variance would be required. The Board of Adjustments approved a variance to the setback and size of the lot (rear setback of 12.5 ft and lot size of 4500 sq. ft.) on January 18, 2007.

The property is located within Phase 1 of the City supported “R-2” rezoning project. Through a City Council action on February 28, 2007, the City Council determined that all properties requesting a rezoning from “R-2” to “R-1B” within the affected rezoning areas would be waived from the required zoning fees.

The Future Land Use Map designates this site as Low Density Residential and the request for “R-1B” Single Family Residential District is consistent with that land use designation.

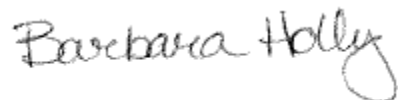
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Of the 18 notices mailed, one notice was returned in favor and none in opposition to the application. Ms. Juanita Walker, agent for the applicant, was present to answer any questions.

**RECOMMENDATION:**

The Planning and Zoning Commission, by a vote of 6-0, recommends approval of the request to change the zoning from “R-2” Two-Family Residential District to “R-1B” Single-Family Residential District.

A handwritten signature in cursive script that reads "Barbara Holly".

**Drafted/Recommended By: Barbara Holly  
Department Leader**

**Edited/Submitted By:  
City Manager**



Subject Property  
2007 Notification Buffer

**ZONING CASE**

Zoning Cases #: Z03-07-017A  
Existing Zoning: R-2 Proposed Zoning: R-1B  
Applicant: DARRELL L. GUTHRIE





**ZONING CASE**  
Zoning Cases #: Z03-07-017A  
Existing Zoning: R-2 Proposed Zoning: R-1B  
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**ORDINANCE NO. O-2007-38**

**AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; DIRECTING THE AMENDMENT OF THE ZONING MAP; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Tyler, Texas, and the City Council of the City of Tyler, Texas, in compliance with the Charter and the State law with reference to the zoning ordinance of the City of Tyler, Texas, and zoning map, have given requisite notices by publication and otherwise and after holding a due hearing and affording a full and fair hearing to all the property owners, generally and to the persons interested, situated in the affected area and in the vicinity thereof, the City Council is of the opinion that the zoning change should be made as set forth herein;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:**

**PART 1:** That the following zone change is hereby approved as follows:

**I. APPLICATION Z03-07-017A**

That the following described property, which has heretofore been zoned "R-2" Two-Family Residential District, shall hereafter bear the zoning classification of "R-1B" Single-Family Residential District to-wit:

Lot 378 of NCB 663 in the Connally Heights Addition (Volume 269, Page 399 of the D.R.S.C.T), a portion of one lot totaling approximately 0.106 acres located one lot east of the intersection of Hill Avenue and 1<sup>st</sup> Street, on the south side of 1<sup>st</sup> Street (1526 W. 1<sup>st</sup> Street) as shown in Exhibit "A".

**PART 2:** That the City Manager is hereby ordered and directed to cause the zoning map to be amended to reflect the above described zoning change.

**PART 3:** Should any section, subsection, sentence, provision, clause or phrase be held to be invalid for any reason, such holding shall not render invalid any other section, subsection, sentence, provision, clause or phrase of this ordinance and same are deemed severable for this purpose.

**PART 4:** That this ordinance shall be effective on and after its date of passage and approval by the City Council.

**PASSED AND APPROVED** this the 25<sup>th</sup> day of April, A.D., 2007.

\_\_\_\_\_  
JOSEPH O. SEEBER, MAYOR  
OF THE CITY OF TYLER, TEXAS

A T T E S T:

APPROVED:  
\_\_\_\_\_

\_\_\_\_\_  
CASSANDRA BRAGER, CITY CLERK

\_\_\_\_\_  
CITY ATTORNEY

**EXHIBIT "A" TO ORDINANCE O-2007-38**

**EXHIBIT 'A'**

**Metes and Bounds Description  
0.106 Acre Tract**

All that certain tract or parcel of land situated within the corporate limits of the City of Tyler, Smith County, Texas, being out of and a part of Lot 378, New City Block 663, of Connally Heights Addition, a subdivision of record in Volume 269, Page 399 of the Deed Records of Smith County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod found for the northwest corner of said Lot 378, N.C.B. 663, same being in the south right-of-way line of West First Street;

THENCE, South 89°52'30" East, with said south right-of-way line of West First Street, a distance of 49.98 feet to a 5/8" iron rod found for the northeast corner of said Lot 378;

THENCE, South 00°00'48" East, with the east line of said Lot 378, a distance of 92.20 feet to the southeast corner of the herein described tract;

THENCE, North 89°53'33" West, a distance of 50.00 feet to the southwest corner of the herein described tract, same being in the west line of said Lot 378;

THENCE, NORTH, with said west line of said Lot 378 (and the bearing basis of this survey as related to the record bearing), a distance of 92.22 feet to the POINT OF BEGINNING and containing 0.106 acre of land.

I hereby certify that the above description was prepared from an actual survey made on the ground under my direction and supervision during the Month of March, 2007. GIVEN UNDER MY HAND AND SEAL this date, 16 March 2007.

(Reference is hereby made to the plat of survey, Job No. 06-818)

Robert Matush  
Registered Professional Land Surveyor  
Texas Registration No. 3683

Darrell Guthrie

