

**SEGUIN**  
TEXAS  
**PLANNING & CODES**

**Planning and Zoning Commission Report**

**ZC 10-24**

A request for Zoning Change 10-24 from Public (P) to Single Family Residential (R-1) for property located at 407 Ellis St., Property ID 45621, was considered during a public hearing at the Public Planning & Zoning Commission meeting on August 13, 2024.

Melissa Zwicke presented the staff report. She stated that the property had a single-family residential use. The use of the existing residential structure on the lot was classified as a legal non-conforming use until the site was vacated and the utilities turned off for a period longer than six (6) months. This caused the site to lose its legal non-conforming status.

The property owner wants to move back into the house but will need an occupancy inspection to do so. Due to losing its legal non-conforming status the single-family use is no longer grandfathered in Public zoning and the property owner was denied an occupancy inspection. The owner is attempting to rezone the house to R-1 zoning so a certificate of occupancy can be obtained, and he can occupy the property. Staff received one letter in favor of the request.

The Commission asked if it was known why the property was zoned Public to begin with. The site has its original zoning designation of Public (P) from the initial city zoning in 1989. It is unknown why it was initially zoned Public.

The regular meeting recessed, and a public hearing was held. There being no responses from the public, the regular meeting reconvened for action.

After consideration of the staff report and all information given regarding Zoning Change (ZC 10-24), Commissioner Schievelbein moved that the Planning and Zoning Commission recommend approval of the zoning change from Public (P) to Single Family Residential (R-1) for the property located at 407 Ellis St. Commissioner Jones seconded the motion. The following vote was recorded:

**RECOMMENDATION TO APPROVE THE ZONING CHANGE TO SINGLE FAMILY RESIDENTIAL (R-1)**

**MOTION PASSED**  
**6-0-0**

  
Francis Serna, Planning Assistant

  
ATTEST: Melissa Zwicke, Planner



**PLANNING & CODES**

**Applicant:**

Juan Villedas  
728 S. Erkel Ave.  
Seguin, TX 78155

**Property Owner:**

Juan Villedas

**Property Address/Location:**

407 Ellis St.  
Seguin, TX 78155

**Legal Description:**

LOT: 8 BLK: 443 ADDN:  
WASHINGTON HEIGHTS  
0.11 AC  
Property ID:45621

**Lot Size/Project Area:**

0.11 Ac.

**Future Land Use Plan:**

Traditional Residential

**Notifications:**

Mailed: 08/01/2024  
Newspaper: 07/28/2024

**Comments Received:**

None to date

**Staff Review:**

Melissa Zwicke  
Planner

**Attachments:**

- Location Map
- Existing Zoning Map
- Future Land Use Plan Map

**REQUEST:**

A Zoning Change request from Public (P) to Single Family Residential (R-1).

**ZONING AND LAND USE:**

	Zoning	Land Use
<b>Subject Property</b>	P	Single family residence
<b>N of Property</b>	P/R-1	Single family residences
<b>S of Property</b>	P/R-1	Legal Nonconforming Duplex/Single Family Residences
<b>E of Property</b>	R-1	Single Family Residences
<b>W of Property</b>	R-1	Single Family Residences

**SUMMARY OF STAFF ANALYSIS:**

The property, located at 407 Ellis St., has been zoned Public (P) since the initial zoning in 1989. This property had a single-family residential use. The use of the existing residential structure on the lot was classified as a legal non-conforming use until the site was vacated and the utilities turned off for a period longer than six (6) months. This caused the site to lose its legal non-conforming status. The property owner wants to move back into the house but will need an occupancy inspection to do so. Due to losing its legal non-conforming status the single-family use is no longer grandfathered in Public zoning and the property owner was denied an occupancy inspection. The owner is attempting to rezone the house to R-1 zoning so a certificate of occupancy can be obtained, and he can occupy the property.

**CRITERIA FOR ZONING CHANGE:**

Consistency with the future land use plan – Consistent, the future land use plan classification is Traditional Residential and is highly supportive of single family (R-1) zoning.

Compatible with existing and permitted uses of surrounding property – Compatible, the property is adjacent to single family residential lots directly to the west and east. It is also adjacent to Public zoning directly to the north (single family use) and the south (legal non-conforming duplex).

Adverse impact on surrounding properties or natural environment – There would be no foreseen adverse impacts as this lot’s use has been a single-family residential for years.

Proposed zoning follows a logical and orderly pattern – This zoning change request does follow a logical pattern, as all of the lots in the area are zoned Single Family Residential except for the lot directly to the north (Public zoning, single family use) and the lot directly to the south (Public zoning, legal non-conforming duplex).

Other factors that impact public health, safety, or welfare – None identified.

## **PLANNING DEPARTMENT ANALYSIS**

### **SITE DESCRIPTION**

This site has its original zoning designation of Public (P) from the initial city zoning in 1989. The use of the property was a single-family residence. The property now sits unused. The lot is approximately 50' wide by 102' deep. All measurements meet R-1 zoning lot standards.

### **CODE REQUIREMENTS:**

The applicant wishes to rezone this lot to bring back the lost single-family use. A zoning designation of Public (P) does not allow for new or existing residential structures within that zoning district per section 3.4.3 Land Use Matrix of the City's UDC.

### **COMPATIBILITY WITH SURROUNDING LAND USE & ZONING:**

The property is bordered by single family residential lots to the immediate west and east. Ellis Street is low density residential in nature, and a re-zone to single family zoning would bring 407 Ellis St. into conformity with the surrounding properties.

### **HEALTH, SAFETY, AND GENERAL WELFARE:** (Protection & preservation of historical, cultural, and environmental areas.)

No health, safety and general welfare issues have been identified.

### **COMPREHENSIVE PLAN (The Future Land Use Plan):**

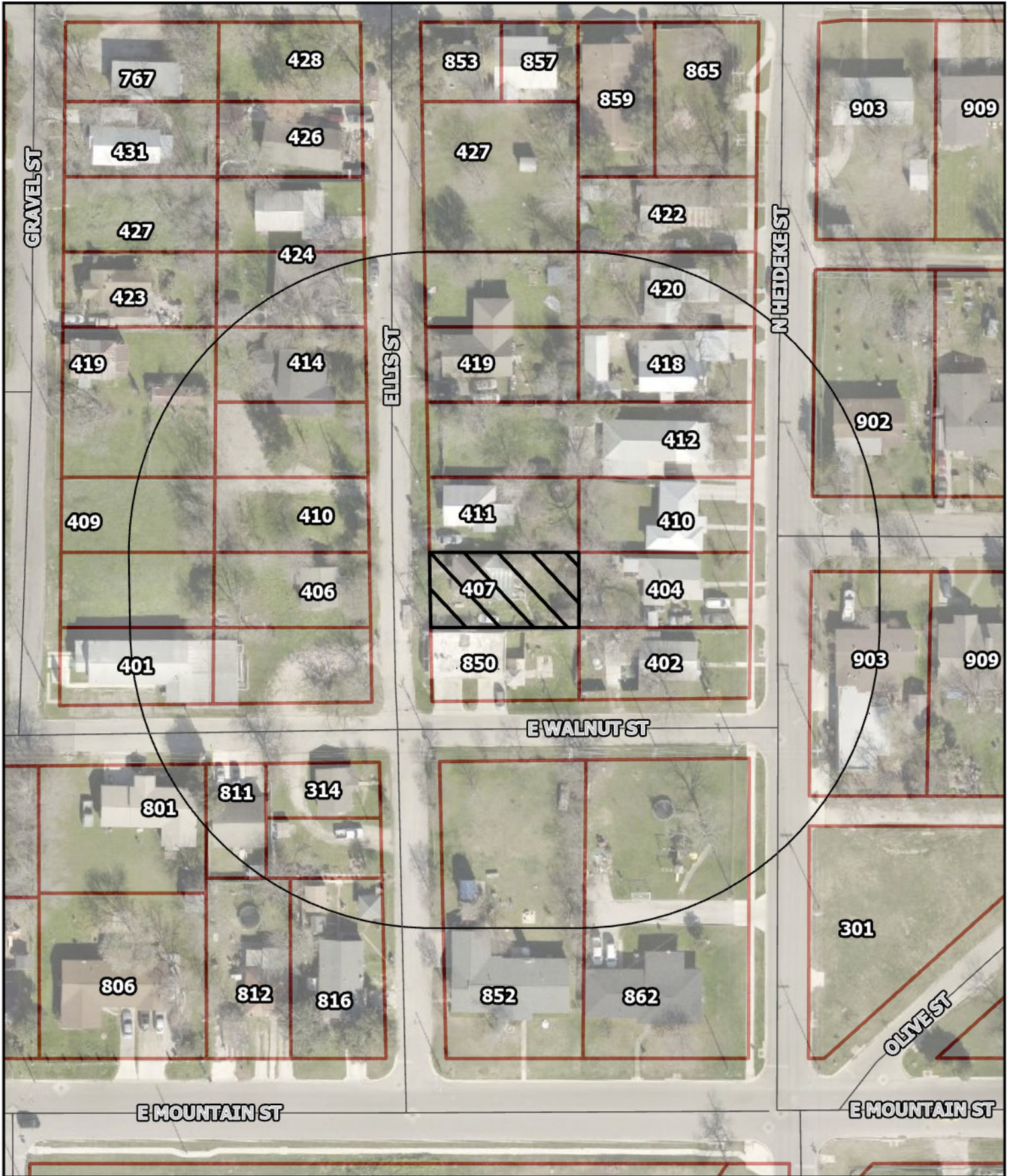
The property is in the Traditional Residential future land use district of the Comprehensive Plan, which does strongly recommend single family zoning. The intent of this district is to promote traditional residential uses found in the immediate core of Seguin, surrounding downtown.

### **TRAFFIC (STREET FRONTAGE & ACCESS):**

The lot has frontage and access on Ellis Street, a city street with 40 feet of right-of-way.

# LOCATION MAP

ZC 10-24 (407 Ellis St.)



This map is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The City of Seguin assumes no liability for errors on this map or use of this information.

-  North
-  Site Location
-  200' Buffer
-  Parcel

1 inch = 85 feet

Printed: 7/11/2024

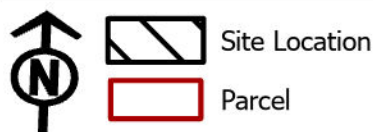
# ZONING MAP

ZC 10-24 (407 Ellis St.)



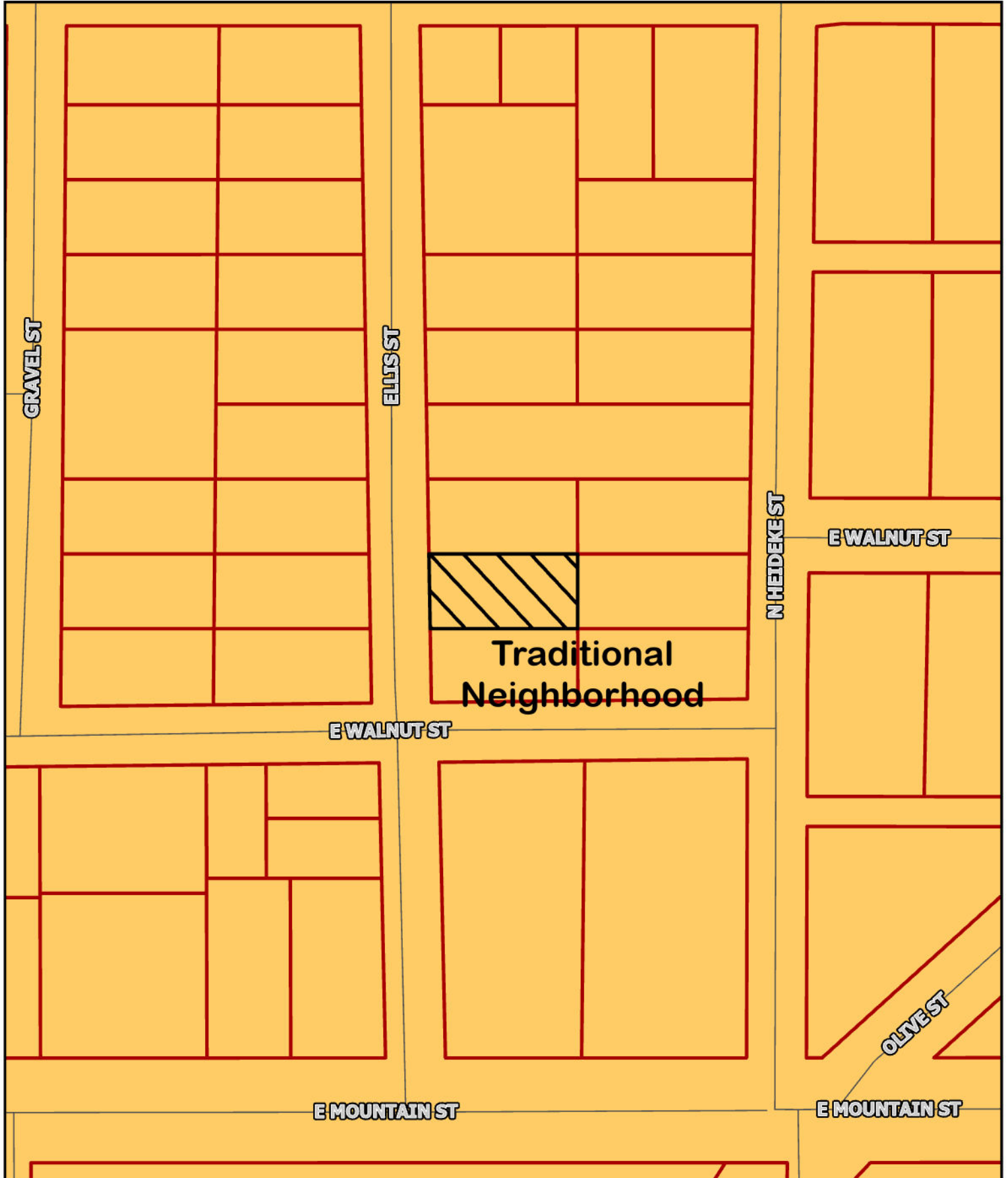
- |                      |                          |                          |                             |                              |
|----------------------|--------------------------|--------------------------|-----------------------------|------------------------------|
| Agricultural - Ranch | Light Industrial         | Manufactured Home Park   | Single Family Residential 1 | Zero Lot Lines               |
| Commercial           | Manufactured-Residential | Neighborhood Commercial  | Single Family Residential 2 | Corridor Overlay Districts   |
| Duplex 1             | MultiFamily 1            | None                     | Rural Residential           | Downtown Historical District |
| Duplex 2             | MultiFamily 2            | Public                   | ROW                         |                              |
| Industrial           | MultiFamily 3            | Planned Unit Development | Suburban Residential        |                              |

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Site Location



Parcel

1 inch = 85 feet

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In order to be on record, this form may be filled out and mailed to the Planning and Zoning Department, City of Seguin, P. O. Box 591, Seguin, Texas 78156.

Please be advised that under the Open Records Act, Public Information is Available to All Members of the Public. Section 552.023 of the Government Code provides that a governmental body may not deny access to information to the person, or the person's representative, to whom the information relates. Public information includes correspondence, comments relevant to public issues and other information received from the public regardless of the medium in which it is received, collected or retained.

**REPLY**

**407 Ellis St.  
Property ID 45621**

Name: Paula Castanon

Mailing Address: \_\_\_\_\_

Phone No.: 1 \_\_\_\_\_

Physical Address of property (if different from the mailing):  
\_\_\_\_\_

**If "In Favor" or "Opposed" please explain why in space allotted below:**

In Favor

Opposed

**RECEIVED**  
8-14-24

Reasons and/or comments \_\_\_\_\_

Improvements to the neighborhood would be much appreciated!

I know I'm trying — to do my part.