
CITY OF PORT LAVACA

MEETING: June 10, 2024 **AGENDA ITEM** _____

DATE: 06.04.24

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: DERRICK SMITH, DEVELOPMENT SERVICES DIRECTOR

SUBJECT: To review the denial of a Variance request for a manufactured home to be placed on a developed existing residential lot that is not a manufactured home park. The property is described as Block B, Lot 30, 15' of 29 of the Lou Davis Subdivision (302 Davis).

Chapter 26 – Manufactured housing

In accordance with Chapter 26.4(2)(c) of City of Port Lavaca Code of Ordinances, HUD-Code manufactured housing shall be installed only in a manufactured housing park, manufactured housing subdivisions or other property approved by the building official as described in the remainder of this subsection. A HUD-Code manufactured home will be permitted to be installed on any lot on which a manufactured home was situated in the past 180 days.

Karl Meyer is requesting a variance to place a manufactured home on 302 Davis. Mr. Meyer's variance application explains that a manufactured home had previously been placed on the property. According to our records, service was discontinued on August 30, 2021 and the manufactured home was removed during that time. According to the tax appraisal office, Mr. Meyer purchased the property on September 2, 2022.

Planning Board Recommendation on April 23, 2024: DENIAL of the request for a Variance to Chapter 26, the Manufactured and Recreational Vehicle Parks ordinance, as to not set a precedent.

Council Action: On May 13, 2024, the Council motioned to PASS the request and resubmit to the Planning Board for further research.

The Planning Board revisited the request on May 23, 2024. Mr. Meyer was not present and did not provide any further information prior to the meeting.

Below was discussed amongst the Planning Board members:

In a 200 FT radius from the property, there is 1 manufactured home in that area that is the homeowner's property and live there. There are four within the 200 radius that are rental. 2 are inactive and substandard. The remaining are single family houses.

Concerns from the Board:

If we allow this, basically our ordinance is out the window. There have been three other people come in and turned them all down. One lady had even already purchased the manufactured home.

The reason for a variance by law is a hardship. There has to be some extenuating circumstance that means the law shouldn't apply to you.

This is also not for his residence. it's for a rental.

If we allow this, it will be the very first variance of this ordinance and it will potentially bring back everyone else and I did not feel comfortable making this decision when council just passed this ordinance.

Planning Board's Second Recommendation on May 23, 2024: Since the Manufactured Housing and Recreational Vehicles ordinance was updated and approved by City Council in 2022, the Planning Board has not permitted any variance requests to the Chapter 26 ordinance. Because of this, and to not set a precedence in any area of the continued placement of manufactured homes in residential lots, the Planning Board **DENIES** the request of the Variance for a manufactured home to be placed on a developed existing residential lot that is not a manufactured home park. The property is described as Block B, Lot 30, 15' of 29 of the Lou Davis Subdivision (302 Davis).

Staff Recommendation: Denial

The variance request for a manufactured home to be permanently installed as a residential home on an existing developed residential lot for the intent of occupancy does not meet the City Code of Ordinance, Chapter 26 Section 26.4(2)(c). If the request is approved, then this may allow other property owners throughout town to use this request for their benefit and defeat the intent of the ordinance. Therefore, staff recommends denial as per the aforementioned ordinance citation.

Attachments:

- Planning Board Review Application
- Request for Variance Form
- Calhoun County Appraisal District Summary
- Calhoun County Appraisal District Parcel Image