

Michael and Kendra Smalley
113 Lakeshore Drive
Marion, KS 66861
February 24, 2011

Marion County Board of Commissioners
(Via Electronic Mail)

Re: Case No. PC-11-01, Public Hearing for Conditional Use Permit
Timothy B. Weins, Garage/Apartment Conversion

Ladies and Gentlemen:

Thank you for the opportunity to respond to the original request and additional comments made by Timothy and Kathy Wiens relative to their application for a Conditional Use Permit to convert an existing garage into a duplex apartment building located at 10 Rock Road. As the second and third generation of Smalleys to be involved in the Marion County Park and Lake, and as taxpayers of 113 Lakeshore Drive since the 1950's, we have made, and will continue to make, a lasting commitment to the Marion community.

Again, we will reiterate the main concerns as expressed in our letter of January 19, 2011. Presently, there appears to be no clear, concise governing regulations relative to this type of conversion other than the R-1 designation. All lots within the Lake area are zoned R-1, one residence per lot. Therefore, we believe additional, specific regulations need to be in place prior to allowing a conversion of this type.

More importantly, as the February 14, 2011, letter respectfully submitted by Tim and Kathy Wiens points out, they intend for this proposed duplex apartment to be income property for non-residents, again, on a lot that is zoned R-1. While their letter appears to refer to their ownership of multiple lots, this proposal, as submitted, applies to one lot as described in the notice distributed by the County. While we fully support a property owner's individual rights to elect whether or not their personal property be used for rental income, we can not support a regulation modification solely for the financial benefit of an individual owner.

After giving much thoughtful consideration to the additional information provided by the Weins, we continue to believe that the proposed revision will financially benefit the non-resident property owner and increase the potential for additional costs to be borne by other neighboring property owners. Even though the number of potential developments of this type may be minimal in number, if this conversion is approved it will legally allow all other property owners the opportunity to develop multiple dwellings on their respective properties.

While the county as a whole may easily absorb additional residential units, we are of the opinion that the watershed area surrounding Marion County Park and Lake deserves additional consideration for any and all zoning variances. Therefore, we again respectfully request that the current Conditional Use Permit for a garage/apartment conversion be denied at this time by the Marion County Board of Commissioners.

Respectfully submitted,

Michael and Kendra Smalley