

Michael and Kendra Smalley
113 Lakeshore Drive
Marion, KS

19 January 2011

To: Marion County Board of Commissioners

Re: Case No. PC -11-01 Public Hearing for Conditional Use Permit filed by Timothy B. Weins to allow conversion of a garage to an apartment at 10 Rock Road, Marion, KS

Subject: Written comments to be publically read at Planning Commissioning Meeting

Ladies and Gentlemen:

As a property owner and potential year round resident at Marion County Park and Lake, the proposed garage conversion, as described in the public notice referenced above, brings to light several concerns that I believe have the potential to seriously impact the quality of life at Marion County Park and Lake.

While a one time conversion may seem a minor concern, by allowing a subdivision of residential property (converting a single dwelling into multiple dwellings) establishes precedence, making it difficult to deny future requests, which in effect could double the population density surrounding Marion County Park and Lake. Prior to approving this proposed conversion, I ask that you consider the following, and the subsequent long term impact each may have.

First, tax and assessment levies: When a property is allowed to establish multiple residences on one lot, the services used (roads, water, sewer) can be doubled while the tax base remains the same for the originally zoned single-family-dwelling lot. *How would taxes then be assessed to accommodate for the increased usage? How would assessments such as the recently built new water tower be levied?*

Secondly, quality of life: Multiple residences increase the density of the population in the area, creating more traffic, noise, and water pollution to the lake. *Is the proposed change to be for temporary usage or full-time residency? Who governs what temporary usage entails, or how long? Can temporary (rental) usage then turn into full time occupancy without any taxes being contributed to the tax table? Would multiple-unit residencies grant ownership privileges and access to the Lake for all residents?*

Another way to look at this would be twice the benefit to the individual who chooses to subdivide their property, and an increased burden to all other tax payers to compensate for the increased wear and tear to the infrastructure. *One share of the burden (tax, assessment) while two dwellings benefit from the improvements.*

Additional concerns:

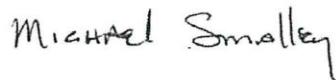
- **What will be the allowable minimum lot size for future subdivision of lots?**
- **Will the existing dwellings meet code required minimum setback standards?**
- **How will the code required 2 parking spaces per dwelling unit be accommodated?**
- **Will both dwellings have code required direct street access?**
- **Will this or future similar lot configurations restrict fire truck access?**

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Before approving any request(s) to allow the construction of additional residences on single family lots, thereby increasing population density at Marion County Park and Lake, I believe policies should be openly discussed and clearly established, with serious consideration being given to the minimum size of lot that is acceptable to maintain a dwelling, and whether or not multiple unit dwellings should be allowed on lots originally established to support a single family dwelling, as well as recording how subsequent taxes and assessments will be levied against them. Once an exception of record is made for subdivision of existing lots or structures, future objections of this type of development may create significant legal complications, and open up the area to unregulated multi-unit apartment and temporary living quarters.

Therefore, I urge the Marion County Board of Commissioners to decline this request, and before giving consideration to future requests of this nature develop and put in place clear and appropriate regulations controlling this type of development that will ensure the preservation of this wonderful natural resource, and the continued safety and quality of life currently enjoyed by the residents of Marion County.

Sincerely,



Michael Smalley