

To: Marion County Planning and Zoning Commission

Re: Written comments from Michael Smalley about the conversion of our garage to an apartment at 10 Rock Road, Marion County Lake.

Friends and fellow citizens,

I appreciate this opportunity to introduce my wife and myself to you, and then I will respond to the valid concerns expressed by Mr. Smalley (and perhaps felt by others). My wife Kathy is an early childhood educator, having recently served as the director of Zion Lutheran church (Newton) preschool. I have been a family physician at Wichita Clinic Bethel in Newton for about 22 years, and also a volunteer (and former volunteer director) at Health Ministries Clinic (Newton) which has served patients from several counties, including Marion, for the past 20 years. Marion County Lake has been a favorite vacation spot for my family, especially in the last 15 years, as we have pulled our trailer to the campgrounds near the Lake Office for many summers, and eaten plenty of ice cream and sandwiches at the Big Scoop over the years. We recently purchased the property at 10 Rock Road from Richard Palone, and are hoping to remodel the downstairs double garage into an apartment, so as to have a total of two apartments within the existing house structure: a ground floor apartment (new), as well as the (current) upstairs apartment. Both would likely be used as rentals for the next few years, although my wife and I may decide in the future to move into one and rent out the other. The rationale for creating this duplex is simply economic efficiency and good stewardship of natural resources: remodeling a finished, ground floor garage is much cheaper than adding on to the exterior of the house. Furthermore, heating and cooling expenses (gas and electricity) are considerably reduced when one living space is directly above/under the other. The additional rent (from the second unit), makes the whole project more economically viable for us, and it enables an additional family to have the pleasure of living at the Lake in quality housing while potentially giving the merchants and stores of Marion more day-to-day business (from the new residents).

Now to the concerns raised by Mr. Smalley. First, I think that it is highly unlikely that this hearing (regardless of its outcome) will open the floodgates of applications from others desiring to remodel their residences into duplexes (thus "doubling the population density"). I am not aware of any previous applications to do so. Nor, to my knowledge, has a duplex ever been built, even prior to zoning regulations coming into effect in the 1990s. The most liberal case scenario that I can envision would be that, in the next 5-6 years, maybe 1% (and likely less) of the current residences might request such a permit. Duplexes do seem to pop up here and there among rental houses in all of the surrounding towns, including Marion City proper, as they seem to be a natural part of the housing industry. If then, 1% of current residences convert over to become duplexes, this would raise the population density at the lake by approximately 1%.

Regarding the concern about "tax assessment levies" and the use of services (roads, water, sewer): My understanding is that the county assesses property taxes (which pay for road maintenance) based on an appraised value of each property. If, through construction and remodeling, significant value is added to a

property, I would expect the county to assess taxes appropriate to the added value. It would seem that this is an issue in the full control of the county commissioners, with whom I have no argument. Similarly with regard to water and sewer: these bills are based largely on the volume of usage. When two families use more metered water/sewer volume than one family, then the water/sewer bill will obviously be higher. Certain fixed expenses (related to the routine maintenance of the sewer lift pump, etc.) would probably be about the same.

Regarding the "quality of life" issues of traffic, noise, and water pollution: the existence of one (or several) duplexes obviously increases the population by one family per apartment, but their effect on the neighborhood environment is largely dependent on the quality of their character and actions, just like it is for everyone else. Kathy and I take great pride in our new property and neighborhood. We intend to keep the house in quality condition so as to attract the best renters. As all landlords should, we have a rigorous lease agreement and high expectations of our tenants. With a duplex it is all the more crucial that both renters act neighborly, with great consideration for those around them, as their duplex neighbor is by far the most affected by any problem behavior. Our lease specifically prohibits any bothersome music, or other behavioral concerns, and it is in our (Tim and Kathy's) best interests to deal with problems swiftly and decisively should they ever arise. With regard to Mr. Smalley's questions about temporary vs. full time occupants, access to the Lake, etc. -- I would think that existing Lake policies would, in the future, apply to renters in a duplex just like they have, in the past, applied to renters of single family homes.

Regarding "additional concerns": since our duplex would be entirely contained within the current physical walls of the house/garage unit, there would be no change to street access, remaining lot size, fire truck accessibility, or setback measurements in any way. Parking is plentifully available on our property, as we have an unattached 2 car garage, as well as 3 driveways, two side yards, and a front yard (the latter of which we would intend to gravel over) upon which to park.

Regarding the question of "minimum lot size" and the setting of precedent in granting this permission to create a duplex, let me conclude by summarizing the four basic facts of our position: 1) Our property consists of 3.3 adjoining lots (lot 2 of Zeller's second subdivision, along with lots 10, 11 and a part of lot 7 in echo lane subdivision); 2) We have three separate street entrances (driveways) for easy accessibility; 3) We have abundant off-street parking for both apartments (an unattached double car garage, plus a lot of yard and driveway space); and 4) The creation of this duplex requires no change to the current building "footprint"—that is, no exterior construction or expansion which could encroach upon setback requirements or accessibility issues. In conclusion, I believe that there are relatively few other properties at the Lake that could meet all of these criteria, and hence few that could make valid appeal to precedent should the county approve our request.

Respectfully submitted,

Tim and Kathy Wiens , February 14, 2011