

COPY

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10-13-08
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TO: MARION County COMMISSIONERS
MARION, KANSAS

FROM: LARRY AND DIANA LANDSVERK
2869 230th
MARION, KS 66861

THIS IS IN REFERENCE TO ATTACHED LETTER
WE RECEIVED SEPT. 27, 2008 FROM OFFICE OF
PLANNING COMMISSION, BOBBI STRAIT, TO OUR
REQUEST FOR A LOT SPLIT, FOR THE PURPOSE
OF OBTAINING A DEED FOR OUR HOUSE LOCATED
ON 160 ACRES AT 2869 230th, MARION, KS.

WE STARTED THIS PROCESS END OF APRIL 2008
AND/OR 1ST PART OF MAY 2008, FOR INFORMATION/
INSTRUCTIONS ON STEPS NEEDED TO OBTAIN
A DEED / LOT SPLIT. MS. STRAIT ADVISED US
AT THIS TIME THAT SHE WOULD VISIT OUR
LOCATION AND DETERMINE HOW TO PROCEED.

BOBBI AND TONYA FROM PLANNING COMMISSION
VISITED OUR RESIDENCE AND ADVISED US
FIRST TO SURVEY A THREE ACRE LOT OUR
HOUSE WAS LOCATED ON, THAN APPLY FOR
THE LOT SPLIT THRU HER OFFICE AS SHE

RECEIVED

OCT 13 2008

MARION COUNTY, KS
MARION, KS 66861

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I could approve the lot split administratively.

COULD APPROVE THIS WITHOUT ANYONE ELSE HAVING TO APPROVE IT. WE WERE ASSURED SEVERAL TIMES THAT HER OFFICE COULD APPROVE A THREE ACRE LOT, WITH VARIANCES, FROM THE 160 ACRES WHICH ARE DEEDED TO DIANA LANDSOERK, LISA WITTRIG, WILLIAM VINDUSKA AND REBECCA VINDUSKA.

I only have authority to approve setback variances for sewer and water. At no time did I claim to have authority to grant a zoning variance.
WE CONTACTED GEOTECH INC. OF EMPORIA, KS. AND THEY STARTED THE SURVEY ON OR ABOUT MAY 22, 2008. WE RECEIVED THE COMPLETED SURVEY IN AUGUST 2008. AS INSTRUCTED WE TOOK THE SURVEY, COPY OF DEED, AND SHORT FORM PLAT LOT SPLIT APPLICATION TO MS. STRAIT OFFICE.

BILL (WILLIAM) VINDUSKA CALLED MS. STRAIT WITH CONCERNS THAT IF HE BUILT ONTO HIS CABIN IN THE FUTURE, WOULD PROBLEMS ARISE. MS. STRAIT ADVISED BILL TO HAVE ALL INVOLVED IN THIS LOT SPLIT FOR A MEETING TO RESOLVE ANY ISSUES. MS. STRAIT VISITED OUR RESIDENCES AGAIN AND ASSURED ALL OF US AGAIN, BILL VINDUSKA, LARRY AND DIANA LANDSOERK, KEN AND LISA WITTRIG, THAT SHE

AT NO TIME did I say I could vary zoning setbacks.

COULD MAKE VARIANCES FOR ANY BUILDINGS THAT WERE LESS THAN 50/100 FEET APART AND TO PROCEED WITH OUR APPLICATION FOR THE LOT SPLIT.

I did tell them they could get a variance

MS. STRAIT SET UP AN APPOINTMENT FOR 2:00 PM, SEPT. 20, 2008. ^{Not to do the variance - to walk them through the survey.} TO DO THE VARIANCE.

AND AFTER THIS WE COULD APPLY FOR A DEED. MS. STRAIT DID NOT SHOW UP FOR THE APPOINTMENT, OR CALL. WE CALLED

HER AND SHE ADVISED US THE APPOINTMENT WAS AT 2:00 PM SEPT. 27, 2008. WE THEN RECEIVED A LETTER SEPT 27, 2008,

STATING APPLICATION FOR LOT SPLIT CANNOT BE APPROVED BECAUSE PAST PERMITS WERE NOT IN COMPLIANCE.

MS. STRAIT DID NOT SHOW UP ON SEPT. 27, NOR CALL. WE CALLED PLANNING COMMISSION OFFICE SEPT. 29, 2008.

MS. STRAIT WAS NOT IN, WE TALKED TO TONYA WHO APOLOGISED AND SAID ORIGINAL MEETING WAS SEPT. 20, 2008 AND THAT SHE HAD ADVISED MS. STRAIT

OF THIS MEETING. I don't think we had discussed the appt. since Tuesday, when we talked about postponing it a week. Apparently I did not ask her to reschedule for the 27th like I thought I did.

④

WE HAVE A NUMBER OF QUESTIONS WE WOULD LIKE ANSWERS TO:

PER LETTER DENYING OUR APPLICATION, WHY WERE THE FIVE ZONING PERMITS ISSUED, IF WE WERE NOT IN COMPLIANCE? I did not issue any of the permits.

WHY WERE WE ALL TOLD THAT THIS OFFICE COULD APPROVE THIS APPLICATION WITH VARIANCE? Variance from setback for the community sewer lagoon & water well

WE WERE NOT AWARE OF THE 50/100 FT. DISTANCE BETWEEN BUILDINGS WHEN WE BUILT. WE HAVE THE BUILDING PERMIT ISSUED IN MARCH 2003.

Rezone to SR will allow 30' side (160' total) setback

PLANNING COMMISSION OFFICE

DAVID BRAZIL WAS AT OUR RESIDENCE SEVERAL TIMES, NOTHING WAS SAID

TO ANYONE HERE THAT WE WERE NOT IN COMPLIANCE IN 2003. ALSO, MANY

APPRAISERS OFFICE PERSONNEL HAVE BEEN HERE AND MEASURED ALL BUILDINGS

AND SPLIT LOTS FOR TAX PURPOSES,

AND NOTHING WAS SAID ABOUT 50/100 FT.

DISTANCES.

Appraisers do not regulate zoning. Brazil claims he explained the inability to split into lots if homes were constructed so close but was assured the land would not be split in the future. Five years later, plans have changed.

WE FEEL THAT HAD WE BEEN TOLD
ORIGINALLY THAT PERMITS WERE NOT
IN COMPLIANCE BETWEEN 2002 AND 2005,
RATHER THAN THREE TO ~~FIVE~~^{SIX} YEARS
LATER, WE WOULD NOT HAVE SPENT
\$2,000.00 HAVING FARM AND LOTS
SURVEYED.

SEE ATTACHMENTS AND LETTER
Holub contacted me to ask the status. I was in meetings
October 8, 9, 10, 13, 14 & 15. He and I played phone tag during
ON OCTOBER 7, 2008 WE CALLED COMMISSIONER that time.
DAN HOLUB AND EXPLAINED THE ISSUES INVOLVED,
HE SAID HE WOULD CONTACT BOBBI STRAIT AND
CALL US BACK, AS OF TODAY, OCTOBER 13, 08
WE HAVE NOT HEARD BACK FROM MR. HOLUB.

WE WOULD APPRECIATE YOUR HELP
RESOLVING THIS MATTER.

THANK YOU.
Larry Lindbeck
Linda Lindbeck