

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

September 24, 2006

Holly Krebs, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044

RE: ITEM NO. 10: TEXT AMENDMENT TO CHAPTER 20 DEVELOPMENT CODE; ARTICLE 5,
USE REGULATIONS, 543(2)(iii)

Dear Chairman Krebs and Planning Commissioners:

In the proposed change to Article 5, Use Regulations, 543(2)(iii), regarding the location of an Accessory Dwelling, the wording of the amendment change proposes "Text should indicate that conversion of a detached garage is permissible."

We believe that this proposed change would be inadvisable. Accessory dwellings can be added to housing principally in the RS districts, and only in the lesser dense of these districts. The proposed wording change indicates that a detached garage could be completely converted to an accessory dwelling, not as an addition to but as a substitute use for a garage. This would amount to adding a separate detached dwelling onto the lot and would countermand the original reasons for allowing accessory dwellings—to encourage owner-occupancy in housing.

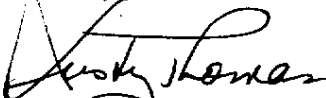
Accessory dwellings are not intended to be permanent. Only when the home is owner-occupied by one of the dwellings—either the main dwelling or the accessory dwelling—can the accessory dwellings legally be occupied as separate units. Should the house become completely rental property, one of the dwellings must be converted back to its original use or be incorporated into the main dwelling. The portions of buildings that may hold accessory dwellings have other uses, so if the accessory dwelling discontinues as a separate dwelling because none of the dwellings are owner-occupied, the original use is reinstated and the accessory dwelling is either removed or absorbed into the main building.

Encouragement of owner-occupancy is important to strengthen older neighborhoods. Conversion of a garage to be used exclusively as a separate accessory dwelling unit could have the opposite effect because the dwelling structure could not easily be converted back to a garage, and, therefore, would amount to a second permanent dwelling on the same lot. Not only that, at least some portion of the garage would be necessary to provide parking space, especially when there are additional persons living on the lot.

For these reasons, we ask that you not allow detached garages to be completely converted to separate accessory dwellings.

Thank you for your consideration.

Sincerely yours,


Rusty Thomas, President



Alan Black, Chairman
Land Use Committee

