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November 3, 2025

Seward County Planning & Zoning
Attn: Albert Gallegos
515 N. Washington
Liberal, KS 67901

VIA EMAIL: agallegos@sewardcountyks.org

Re: Todd Stanton

Dear Mr. Gallegos,

I am writing to you on behalf of my client, Todd Stanton. Your "Notice of Violation" letter dated October 15, 2025, was forwarded to me for review and response. Please direct all further communication regarding this matter to myself.

In your letter, you and Seward County allege that Mr. Stanton is running a commercial and/or retail store or activity that is not permitted in a rural residential zoned district without first obtaining a Conditional Use Permit. This allegation is false, and Mr. Stanton is not in violation of Seward County Zoning Regulation Article 27-104(7).

To be clear, Mr. Stanton did not "relocate" his retail business to his restoration shop on his property. Mr. Stanton closed his retail storefront, moved his inventory to his home and restoration shop, and any sales of antiques or artwork is done almost exclusively through the internet or by appointment only. There is no business advertising or signage on the property which indicates that Mr. Stanton is operating a commercial or retail business on the premises.

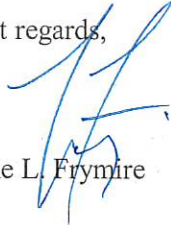
Pursuant to Seward County Zoning Regulation Article 27-108 paragraph 2.D., in rural residential districts, home occupations are permitted "accessory uses." The County zoning regulations provide a non-exclusive list of home occupations which include the following: Artist. Home crafts, and Seamstress/Dressmaker. It is Mr. Stanton's position that he is pursuing a home occupation by restoring and selling antiques and art that is permitted under Article 27-108 paragraph 2.D.

Although the list of occupations listed in Article 27-108 paragraph 2.D. is not exclusive, it is quite telling that similar and, almost analogous, "home occupations" are expressly permitted by Seward County. For example, an artist working out of their home would presumably create their art on their property and then sell it online or in-person to potential buyers. The same can also be said for a person making home crafts as a home occupation. Further, surely the County would agree that a seamstress or dress maker working from home would be having persons to their home to be fitted for dresses or alterations, whereby those alterations or garment making would be done on property and sold to the customer on property. What Mr. Stanton is doing by restoring art and antiques on his property and then selling them online or by in-person appointments is no different.

Moreover, Seward County cannot and will not be allowed to single out Mr. Stanton for engaging in a home occupation similar to ones expressly permitted by Seward County. To do so would violate the equal protection clauses of both the United States and Kansas Constitutions. Simply put, Mr. Stanton's activities are arguably indistinguishable from other permitted home occupations and Seward County cannot treat Mr. Stanton differently by prohibiting his home occupation while allowing others. *See, e.g. Injured Workers of Kansas v. Franklin*, 262 Kan. 840, 846-47 (Kan. 1997) ("Equal protection emphasizes disparity in treatment by a State between classes of individuals whose situations are arguably indistinguishable."). *See also Miami County Bd. Of Com'rs v. Kanza Rail-Trails Conservancy, Inc.*, 255 P.3d 1186, 1207 (Kan. 2011) ("[G]uiding principle of equal protection analysis is that similarly situated individuals should be treated alike.") (quoting *Cleburne v. Cleburne Living Center, Inc.*, 473 U.S. 432, 439 (1985)).

Because Mr. Stanton is lawfully engaged in a "home occupation" that is permitted under Seward County Zoning Regulation Article 27-108 paragraph 2.D., your Notice of Violation letter is without merit and Mr. Stanton does not need to apply for and receive a conditional use permit. Further, the only enforcement mechanism ultimately available to Seward County is to file a lawsuit against Mr. Stanton and seek to obtain a Court order enjoining him from his home occupation. Seward County should be aware that should it decide to file such a lawsuit, Mr. Stanton is fully prepared to defend himself against it. Written discovery and multiple depositions will ensue and it will be quite some time before the District Court of Seward County is able to render a decision on the merits. A lawsuit such as this will undoubtedly cost the tax payers of Seward County tens of thousands of dollars in legal fees. Given the current financial situation facing Seward County, we feel it best not to further waste tax payer dollars on a frivolous lawsuit that may be motivated by personal animus from within Seward County Administration.

Best regards,



Lane L. Frymire

cc: Todd Stanton

LLF/bjb