



FOR IMMEDIATE RELEASE

Kansas Justice Institute urges Miami County to drop its prohibition on second kitchens

Prohibition on second kitchens violates the fundamental and inalienable right to property

Miami County, KS

Kansas Justice Institute filed a public comment with the Miami County Board of Zoning Appeals supporting the right of Loralie and Eric Tangen to build a second kitchen at their rural homestead. The Tangens live on nearly thirteen acres and would like to finish a small portion of the barn behind their house so they can prepare and package foods, such as produce, eggs, and bread, both for sale at the farmers' markets and for personal consumption.

But Miami County officials are prohibiting the Tangens from finishing out their own barn. Miami County officials believe that installing sinks and a few appliances would automatically turn the Tangens' barn into a second dwelling in a single-family zoning district. Miami County's "one kitchen" rule is not based on the zoning code, but on unwritten rules.

"The Tangens simply want to use their own barn to prepare food for a local farmers' market," said Sam MacRoberts, Litigation Director at the Kansas Justice Institute. "Treating a small, functional kitchen as if it creates a second home is irrational and stretches the law beyond what the zoning code actually allows."

Miami County's interpretation also raises concerns by attempting to distinguish between so-called "second kitchens" and wet bars, which the County allows. Under Miami County's code a wet bar may only be used for "preparing and serving drinks and snacks," so it would be acceptable to microwave frozen mozzarella sticks—because it is a snack—but would be a crime to microwave a Stauffer's lasagna—because it is a meal.

Miami County's rule also irrationally prohibits appliances like coffee makers, popcorn machines, or margarita machines, which are intended *only* for the preparation of drinks and snacks.

But under the Kansas Constitution, *private property is a fundamental and inalienable constitutional right*, and government may not simply declare a kitchen to be a house.

"The Kansas Constitution protects the right of people to use their private property without arbitrary interference," said MacRoberts. "When local officials rely on unwritten rules to

prohibit ordinary uses, like adding a small kitchen to a barn, that raises serious concerns about the limits of government authority.”

This public comment is part of [KJI](#)'s campaign against the government's use of zoning laws and business regulations to interfere with Kansans' fundamental and inalienable right to property. In 2023, KJI sued the City of Ottawa, successfully challenging its [prohibition on home gardening and beekeeping as a home occupation](#). In 2025, a federal judge enjoined state officials from searching the homestead of KJI clients Scott Johnson and Harlene Hoyt [without permission or a warrant](#). Also in 2025, a federal judge struck down the [sign regulations in Salina's zoning code for violating the free speech rights of the iconic Cozy Inn](#).

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