



CITY OF  
**TOPEKA**

# **AGENDA**

## **BOARD OF ZONING APPEALS**

**Monday, September 13, 2021**  
**5:30 P.M.**

**VIA VIDEO CONFERENCE**

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### **MEMBERS OF THE BOARD**

Tim Carkhuff (Chair)  
Walter Schoemaker (Vice Chair)  
Toni Beck  
Helen Crow  
Camille Nohe  
Carole Jordan  
Travis Thomas

- 
- The Topeka Board of Zoning Appeals holds a public hearing on the second Monday of each month to consider certain appeals, variances, and exceptions as may be granted by the Comprehensive Zoning Regulations of the City of Topeka, Kansas.
  - The following agenda identifies and describes each proposal to be considered by the Board.
  - Each item to be considered by the Board will be introduced by the Planning Department Staff. The Board will then hear and consider arguments both for and against each proposal.
  - Individuals wishing to address the Board are requested to state their name and address for the official hearing record.
  - Motions on all matters, which require a decision by the Board, are made in the affirmative. On a roll call vote, Board members then vote yes, no, or abstain based on the affirmative motion.
  - Any person, official or government agency dissatisfied with any order or determination of the Board may bring an action in the district court of the county to determine the reasonableness of any such order or determination. Such appeal shall be filed within 30 days of the final decision of the Board.



ADA Notice: For special accommodations for this event, please contact the Planning Department at 785-368-3728 at least three working days in advance.



CITY OF  
**TOPEKA**

# BOARD OF ZONING APPEALS

**Agenda for Monday, September 13, 2021**

- A. Call to Order**
- B. Approval of Minutes from August 9, 2021**
- C. Declaration of Ex Parte Communications**
- D. BZA21V/06 by Laura Gonzalez, Pedro Gonzalez, and Simon Quinonez**, requesting a variance to exceed the maximum 4' fence height allowed beyond the front face of a principal structure as restricted by section 18.210.040 (a) of the Topeka zoning regulations. Approval of the requested variance will allow the owner to obtain a permit to erect a 6' high wooden fence within the setback between the existing house and the front property line at 1427 SE Indiana Avenue.
- E. Communications**
- F. Adjournment**



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CITY OF TOPEKA  
**BOARD OF ZONING APPEALS**



M I N U T E S

**Monday, August 9, 2021**

**Via Video Conference**

**Members present:** Tim Carkhuff (Chair), Toni Beck, Helen Crow, Carole Jordan, Camille Nohe, Walter Schoemaker, Travis Thomas (7)

**Members Absent:** (0)

**Staff Present:** Mike Hall, Current Planning Manager; Mary Feighny, Deputy City Attorney; Kris Wagers, Administrative Officer

**Call to Order**

The meeting was called to order by Tim Carkhuff, Chair, with 7 members present for a quorum.

**Approval of Minutes from May 10, 2021**

**Motion** by Ms. Beck to approve, **second** by Ms. Jordan. **APPROVAL 7-0-0**

**Declaration of Ex Parte Communications –**

Mr. Carkhuff reported that Jeff Russell, who he is acquainted with, contacted him making inquiries about BZA21V/05. Mr. Carkhuff stated he had not yet received the agenda packet so had no knowledge of the case at that time. They had a general discussion about requirements and procedures of the BZA. He feels he can make an un-biased decision.

Ms. Beck – None

Ms. Crow – Jeff Russell contacted her on July 26. She sent him a list of the five findings that must be made in order to grant a variance. She feels she can make an un-biased decision.

Ms. Jordan – None

Ms. Nohe – None

Mr. Schoemaker – None

Mr. Thomas - None

**BZA21V/05 by Dana Bradbury**, requesting a variance to the minimum setbacks required by section 18.60.020 of the Topeka zoning regulations for construction of a screened in porch on the site at 3628 SW Ashworth Court.

Mr. Carkhuff called the case and reviewed the procedures for the public hearing.

Mr. Hall presented the staff report with findings, emphasizing on finding #3. Staff recommendation is for approval subject to conditions listed in the staff report.

DRAFT

Ms. Beck asked if there are any neighbors who have expressed opposition to the enclosed porch and she wondered how the construction came to the attention of the City. Mr. Carkhuff explained that per the staff report, construction began prior to final approval of the permit. Ms. Beck noted that the property seems very private and difficult to see by neighbors. Ms. Nohe noted that information provided indicates the applicant received approval from the Homeowner's Association and the neighbors on either side of her. She did not seek approval from properties behind her as the property is screened by landscaping and therefore not visible from their homes. Mr. Carkhuff noted that documented approval has not been provided other than from a neighbor who lives across the street. He also noted that the board's decision must be based on the five findings rather than neighbor approval.

Ms. Jordan inquired about the porch of one of the neighbors which appears to be encroaching on set-backs. Mr. Hall explained that there is no building permit history for the porch but it could have been added on during the construction of the home. He also noted that there is no way of knowing from the aerials whether it is an enclosed porch subject to setbacks.

Mr. Carkhuff stated he doesn't see anything unique about Ms. Bradbury's property other than it may have a neighbor who built a similar porch without a permit and there seems to be a drainage problem; neither rises to a level of being conditions "unique" to the property. Mr. Hall agreed that there is nothing unique about the property other than all the factors in their totality. Mr. Carkhuff noted that most of the unique factors are personal to the applicant and new owners would not have the same justification for a variance.

Ms. Feighny stated there is no case law stating what "unique to the property" means so there is an element of subjectivity. Mr. Carkhuff pointed to the final sentence on the fifth finding in the staff report and stated he doesn't know exactly what that means but doesn't think allowing a variance for "a wet back yard" and a contractor beginning work prior to permit approval can be seen as not setting a precedent.

Ms. Nohe asked about aerial photos of properties to the north and asked if variances were sought of buildings seeming to go into setbacks. Mr. Hall explained that those could be unenclosed porches, but he doesn't currently have that information.

Ms. Beck asked about the possibility of reducing the porch by 6' and Mr. Hall confirmed that doing this would comply with the building setback requirement. Mr. Hall went on to state that would basically render the porch unusable for the property owner.

Mr. Carkhuff invited the applicant to speak.

Ms. Bradbury explained that the contractor was working on her porch when planning staff contacted her to say the project does not meet required set-backs. At that point she asked the workers to secure the property and stop work.

Ms. Bradbury said she has contacted her neighbors to the north and south and they stated they had no concerns about the porch.

Ms. Bradbury explained she has a drainage problem around her back porch which results in standing water that attracts mosquitos. She stated she didn't make the drainage a priority to take care of because she wanted to enjoy her back yard. She asked that the board consider the drainage issue as unique to the property.

Ms. Bradbury explained that in building the porch they have already removed the steps from her home so she would need to build a ramp to allow for wheelchair access. Code requirements would mean it would have to run quite a ways out into her back yard.



Ms. Nohe asked how far along the project is. Ms. Bradbury explained they've put in a zero entry deck and covered the egress window; and installed stairs from the deck to yard. Walls and roof are framed but no shingles or screens have been installed.

**Mr. Carkhuff invited the public to speak.**

Chad Gunther was logged in to speak in support of Ms. Bradbury's request for a variance. He stated his mother lives to the south of Ms. Bradbury and is supportive of construction continuing.

With nobody logged in to speak, the **public hearing was closed.**

**Motion** by Ms. Jordan to recommend approval of the variance subject to the conditions listed in the staff report; **second** by Ms. Nohe.

**Post-Motion Discussion:**

Ms. Nohe stated she thinks it is a situation where the decision could go either direction. Her feeling is to support the staff recommendations though she appreciates the chair's concerns.

Mr. Schoemaker stated he sympathizes with Ms. Bradbury but does not believe the request meets condition #1. There is nothing unique about the property and all issues were created by the property owner. Approving would create a precedent allowing people who begin construction without a permit to request and be granted a variance simply because construction had already begun. It also wrongly furthers the thinking that since the person next door did it, it's okay for "me" to do it also.

Mr. Thomas asked whose responsibility it is to correct any drainage issues the property may have. Mr. Carkhuff stated he doesn't have enough information to make that determination, however, a variance is not the solution to a drainage problem.

Upon a roll call vote, the **motion was denied 2-5-0** with Jordan and Nohe voting "yes" and Beck, Carkhuff, Crow, Schoemaker, and Thomas voting "no".

Following the vote Mr. Gunther asked what steps might be taken to remedy the half-built structure. Ms. Feighny explained that Ms. Bradbury has the option of appealing the decision of the BZA and provided additional information about that process. Ms. Bradbury asked for and received additional information about her options.

The meeting was adjourned at 6:23PM.

**VARIANCE EVALUATION  
CITY OF TOPEKA PLANNING DEPARTMENT  
FOR  
TOPEKA BOARD OF ZONING APPEALS**

Date of BZA Meeting: September 13, 2021

Case No.: BZA21V/06

Applicant Name: Laura Gonzalez, Pedro Gonzalez, and Simon Quinonez  
Address of Property: 1427 SE Indiana Avenue  
Parcel ID No.: 1330502019022000  
Zoning of Property: R-2 Single Family Dwelling District

**Regulations from which a Variance is Requested:** The applicant is requesting variance to the maximum 4' fence height allowed beyond the front face of a principal structure as restricted by section 18.210.040(a) of the Topeka zoning regulations.

Approval of the requested variance will allow the owner to obtain a permit to either 1) retain the existing 6' high wooden fence at the front property line, the applicant's preference, or 2) modify the existing fence as shown in the Site Plan by the applicant. The modified fence is also within the setback between the existing house and the front property line and requires a variance.

Staff is recommending the requested variance NOT BE APPROVED because it does not meet all of the findings necessary by law for variance approval.

The following text and diagram describe fence height limits.

(3) In R and M districts, fences beyond the front face of the principal structure shall not exceed four feet in height. On corner lots, but not including reversed corner lots, fences beyond the front face of the principal structure where the fence is located along an arterial street that runs perpendicular to the corner lot's established rear yard shall not exceed six feet in height. On reversed corner lots, fence heights shall be limited to four feet within all required front yards. On double frontage lots, fence heights shall be limited to four feet where such lots abut the established minimum front yard of any adjoining lot. The following diagram illustrates the setback requirements established in this section:

Diagram illustrating the City of Topeka's fence height regulations based on lot location and lot area.

**Legend:**

- Maximum fence height of 4'
- Maximum fence height of 6'
- Maximum fence height of 8'

**Key:** F = Front, R = Rear, S = Side

**Diagram Labels:**

- Designated Arterial Street
- Local street
- Edge of roadway (typically the curb)
- Edge of Right of Way (Property line)
- Unenclosed Front Porch
- Normal Corner Lots
- Reverse Corner Lots
- Corner Lots Abutting in Arterial Street

*\*For illustrative purposes only. Please contact the City of Topeka Planning Department at (785)368-3728 for help on your specific property and question.*

### Project and Property Data:

Applicant wants to retain the existing 6' high fence and rebuild the section of fence south of the gate to a height of 6'. The existing fence is located near and parallel to the front property line along SE Indiana Avenue. As a less preferred alternative the owner is willing to modify the fence as shown on the Site Plan by Applicant. The modified fence does not comply with the fence regulations because it includes 6' high

	sections located between front of the house and the front property line.
Property Dimensions:	174 feet wide (at the east property line) x 229 feet deep
Property Size:	39420 sf (.9 acre)
Property Description:	S05 , T12 , R16 , BEG INER, NW COR, BUCKNER ST & INDI ANA AVE W 229 (S) N 174.24, E 229 ( S) S 174.24 TO POB LESS ROW, in the City of Topeka, Shawnee County, Kansas (not part of a platted subdivision)
Existing Land Use and Property Characteristics:	Single family dwelling with a detached garage on a large, unplatted lot. The south side of the lot abuts unimproved street right-of-way.
Surrounding Zoning and Land Uses:	South, East, and North: R-2 Single Family Dwelling District, Single Family Dwellings  West: R-2 Single Family Dwelling District, vacant
Zoning of Property:	"R-2" Single Family Dwelling District
Neighborhood Health:	Located in the "At Risk" area (emerging negative conditions) of the Neighborhood Health Map.

### **Applicant's Stated Grounds for Variances**

See attached application for applicant's statement.

### **Analysis and Findings:**

Pursuant to K.S.A. 12-759, and as set forth in TMC 2.45.110, the Board of Zoning Appeals shall find that **all** of the following conditions are met before a variance may be granted.

The findings below apply to the existing fence and the alternative, a modification of the existing fence, as proposed by the applicant.

- a. **That the variance request does not arise from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district and is not created by action of the property owner or applicant;**

At nearly one acre in size, the subject property is larger than a typical residential lot, but its size does not provide justification for the requested variance. Instead, the larger size gives the owner more opportunities for fencing that provides security.

The applicant lists the site's topography and need for safety, including the need to prevent vehicles from driving onto the property, as grounds for a variance under the "unique condition" finding. The site has a slope with a roughly 2 foot drop from the front property line to a point 25 feet west of the property line, but the slope is not so steep as to affect the ability of a fence to keep out intruders. Bollards or other measures at a height of 4' or less can be used as a barrier to vehicles.

The finding as stated does not support the variance.

**b. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residences;**

The existing fence and the alternative fence are attractive. They are of a durable wood construction and painted red. The proposed fence to be retained is not entirely out of character on this segment of Indiana Avenue considering the relatively large parcels and the existing nonconforming, 6' high fence surrounding the property on the south side of the subject property. The alternative fence, a modification of the existing fence, would be more conspicuous and possibly less attractive than the existing non-compliant fence.

The application includes eight letters of support from neighbors living along SE Indiana, and a ninth letter from a person that did not identify her address. The owner has remodeled and substantially improved the condition of the residence.

**c. That the strict application of the provisions of this chapter of which the variance is requested will not constitute an unnecessary hardship upon the property owner represented in the application;**

As claim of an unnecessary hardship, the applicant states that the "*6' fence gives extra security from trespassers and thieves [and] it is extremely important to reduce this risk.*"

The applicant has explained to staff the numerous thefts of tools and other items from the property. Some of the tools that have been stolen are needed by the applicant for his construction trade. The owner can build a fence in compliance with the fence standards that provides the same or similar level of protection and prevention as the proposed fence. The fence regulations allow a fence up to a height of eight feet provided the fence is no closer to the street than the façade of the home.

The finding as stated does not support the variance.

**d. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare;**

Granting the variance will have little adverse effect on the general welfare of the neighborhood and community. On the other hand, approval of the variance is an undesirable outcome such that it may lead to other property owners feeling justified to

erect 6 foot high fences in front yards. The request for fences exceeding four feet in front yards is common; City staff have denied many people permits for such fences.

**e. That granting the variance desired is opposed to the general spirit and intent of this chapter.**

The fence regulations (TMC 18.210.040) are clearly intended to restrict fences higher than 4 feet to an area behind the front face of residential buildings. The owner's proposal for a 6' high fence to provide greater security is reasonable. However, many residents of Topeka share this concern. The desire for fences over four feet in height for greater security is not unique to this property. Therefore, a variance to the fence standards based on the need for security is a potential precedent for future variances to the fence standards.

Fences at a height of 6 feet or more and located at or near the front property line have the potential to be used as a visible barrier to prohibited uses on residential property. The current owner may have no intention of storing inoperable vehicles or operating a business on this property. However, over time, with a tall fence as a visual barrier, future owners may use the property for prohibited uses.

City Planning staff regularly receive requests for fences that don't meet the height standard and regularly deny such permits. Additionally, persons requesting relief to the fence standards are advised that an application for a variance is an option, but staff also informs people that obtaining a variance for fence height is difficult, with little probability of being approved.

The finding as stated does not support the requested variance.

### **Planning Staff Recommendation**

Based on the above findings staff recommend the Board of Zoning Appeals **DISAPPROVE** the variance requested.

Staff Report by: Mike Hall, AICP, Current Planning Manager

### **Exhibits:**

1. Variance Application
2. Owner's Statement
3. Site Plan for Fence (Alternative) by Applicant
4. Existing Fence Location Exhibit by Staff
5. Photos by Applicant
6. Photographs by Staff
7. Letters of Support
8. Letter of Support (Lewis)
9. Map and List of Letters of Support – exhibit by staff
10. Aerial Map
11. Zoning Map



## APPLICATION TO THE BOARD OF ZONING APPEALS VARIANCE / EXCEPTION

CITY OF TOPEKA PLANNING DIVISION  
620 SE MADISON, 3<sup>RD</sup> FLOOR (UNIT #11) | TOPEKA, KS 66607-1118  
PHONE 785.368.3728 | EMAIL: PLANNING@TOPEKA.ORG

Applicant:  
8/2/21

### Applicant Information

Name: Laura + Pedro Gonzalez Simon Ramirez  
Address: 1427 SE Indiana Ave 66607  
Phone: 785-215-5194 Email: d.glez12@gmail.com

For Planning &  
Development  
Use Only

Case #  
BZA21V/D6

### Property Information

Location of property: 1427 SE Indiana Ave 66607

Legal description of property: (attach additional sheets if necessary)

Hearing Date:  
9.13.21

Legal Ad Date:  
8.23.21

### Action Sought:

☒ A variance from a provision of the Zoning Ordinance  
(Section to be appealed: \_\_\_\_\_)

☐ An exception from a provision of the Zoning Ordinance  
(Section to be appealed: \_\_\_\_\_)

Description of Action Sought:

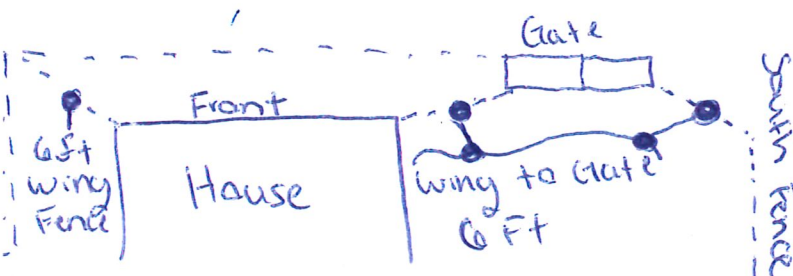
Zoning District:

Building Height:

Number of Stories:

Parcel Size:

Lot Dimensions:



**Applicant offers the following as grounds for this action:**

In accordance with Section 2.45.110 of the Topeka Municipal Code, the Board of Zoning Appeals must determine that ALL of the following conditions governing unnecessary hardship have been met before a variance may be granted.

**All items must be addressed or the application will be deemed incomplete.**

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district and is not created by an action of the property owner or applicant (*The problem must relate to the land. Community needs or personal hardships do not qualify as legitimate grounds for issuing a variance.*);

Due to the topography, it makes trespassing too accessible. Neighbor helps with their 6' fence. Safety is paramount  
Also safety from vehicles driving on property

2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;

~~see~~ All neighbors agree my fence will not adversely affect their rights

see attached letters:

3. That the strict application of the provisions of this chapter of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;

6' fence gives extra security from trespassers + thieves  
It is extremely important to reduce this risk.

4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, property, or general welfare;

In no way will this variance will affect public safety. Actually helps neighbors

5. That granting the variance desired will not be opposed to the general spirit and intent of this chapter.

This is in no way affect the spirit or intent of this zoning.

Importance: safety and security



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## Authorization

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### Property Owner(s):

I/We the undersigned owner(s) of record hereby authorize the filing of this application and declare that all required materials are submitted along with this application and that the information and material is complete and accurate. I/We hereby acknowledge that all appropriate procedures, policies, and regulations have been reviewed and also understood that this application will be processed in sequence with respect to other submittals.

Laura Quinonez Gonzalez  
Owner Name (print)

Laura Quinonez  
Owner Signature

Simon Quinonez  
Owner Name (print)

(Signature)  
Owner Signature

Pedro Gonzalez  
Owner Name (print)

Pedro Gonzalez  
Owner Signature

### Authorized Agent:

If the owner(s) of record are to be represented by legal counsel or an authorized agent, please complete the following information so that communications and correspondence pertaining to this application may be forwarded to such individual.

\_\_\_\_\_  
Authorized Agent Name (print)

\_\_\_\_\_  
Signature – Authorized Agent

Mailing Address: \_\_\_\_\_  
STREET ADDRESS CITY STATE ZIP

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### Applicant:

Laura Quinonez  
Applicant Name (print)

Laura  
Applicant Signature

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## Additional Requirements

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At the discretion of the City Planning & Development Staff, the applicant may be required to submit a site plan showing the subject property and the variance requested. This site plan may be required to identify some or all of the following items:

- Vicinity Map
- Scale equivalent to 1": 20'
- North Arrow
- Lot lines and dimensions
- All improvements located on the property
- All proposed improvements to the property
- Topography
- All dedicated easements on the property
- Building setback lines
- Property legal description
- A note detailing the proposed improvement
- Names and addresses of adjoining property owners
- Name and Address of Surveyor or Engineer
- Names and Right-of-way dimensions of adjacent streets
- Date of preparation
- Copy of Deed

It may be necessary to secure the services of a certified land surveyor or engineer in order to comply with the above stated requirements.

In addition to the above stated requirements, **PROOF OF OWNERSHIP MUST ACCOMPANY APPLICATION.**

**This page does not need to be turned in with application.**

## EXHIBIT 2

BZA 21V/06

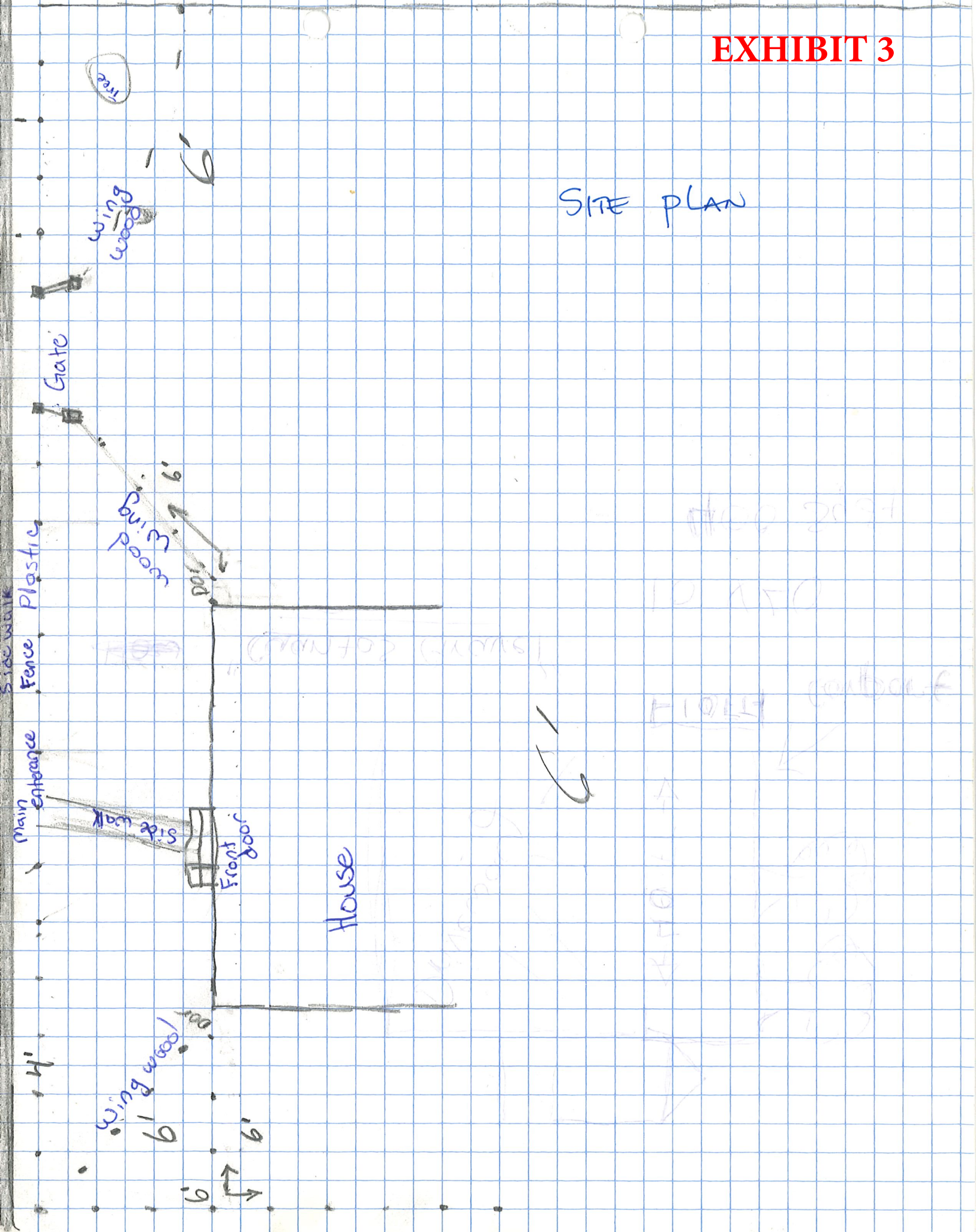
We, Laura and Pedro Gonzales and Simon Quinonez, will lower the east-facing front fence to 4 feet as per city regulations.

Within the property, we are planning to build 3 spans of 6-foot-tall fence. One would connect the north side of the fence to the north side of the house, the next would connect the front gate to the southeast corner of the house, and the third one would connect the front gate to the south fence. The diagram for this is included in the manila envelope. Our house was recently vandalized (broken windows and doors) and tools were stolen from the car parked in the driveway on the south side of the property, which caused serious hardship as it limited Pedro's ability to work as a contractor. These wing fences, if constructed, will help protect our house from these sorts of actions happening again.

There are a few factors which make our variance from standard zoning laws a necessity. Firstly, the house is on a lower level than the adjacent street (SE Indiana Ave), which makes it easier for people walking the street to scale the fence. The fence needs to be taller to counteract this difference in elevation. There are two reasons why this variance would not negatively impact our neighbors' property. Our proposed fences run into our property and not along the edges, which means that they will not run the risk of imposing into adjacent properties. In addition, we have talked to our neighbors and have received written statements saying that they approve of these new fences because they understand the necessity of them. These statements are also included in the manila envelope.

# EXHIBIT 3

## SITE PLAN





# EXHIBIT 4

BZA21V/06 by Laura Gonzalez, Pedro Gonzalez, and Simon Quinonez

Existing Fence Location – Exhibit by Staff





EXHIBIT 5















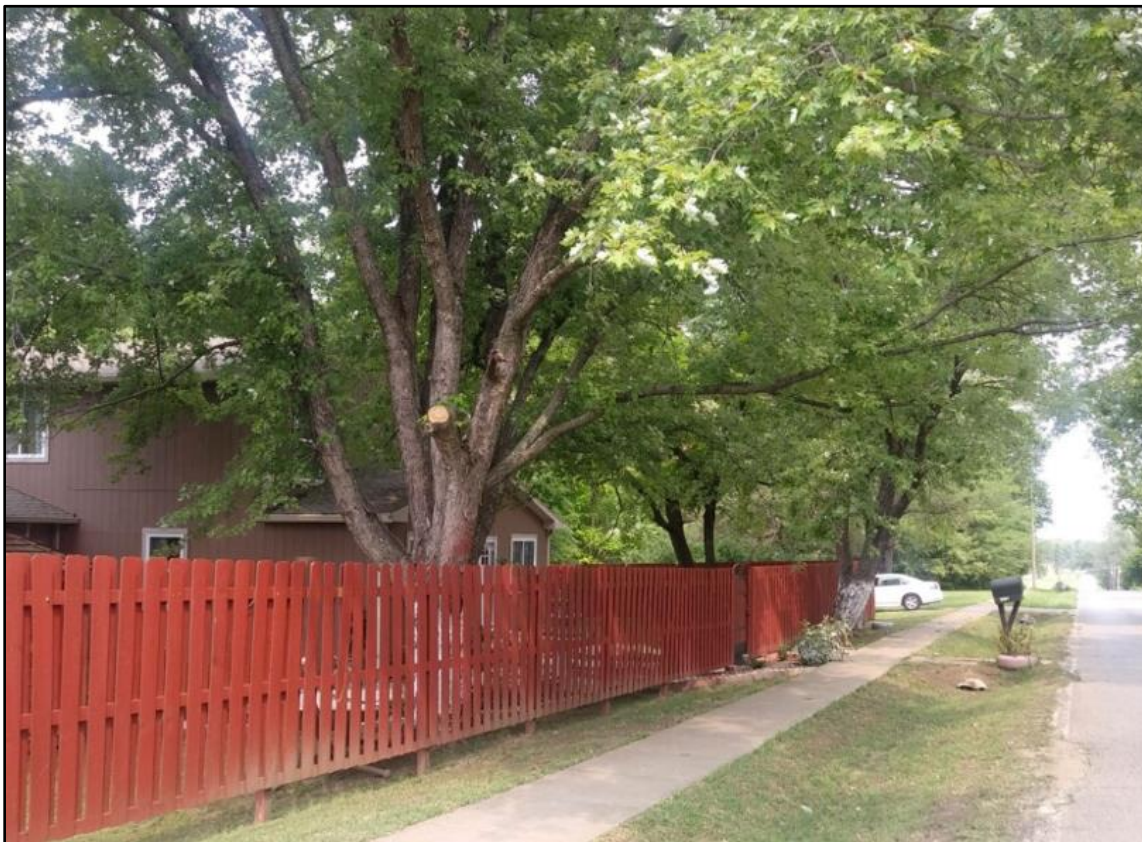








View from Southeast



View from Southeast (near the gate) Looking North



**Photographs of Existing Fence by Staff (photos taken 9-2-2021)**



**View from Southeast Corner of Site Looking North. Segment of fence shown has been modified to a height of four feet except for the posts.**



**View of Main Gate**



**Photographs of Existing Fence by Staff (photos taken 9-2-2021)**



**View from Northeast Corner of Site Looking South**



**View from East of Site Looking West**

07/18/2021

**EXHIBIT 7**

To whom it may concern;

We are the homeowners of 1312 SE Indiana Ave across & from the house in question of the height of the fence around their home. We see no issues with this fence & no reason for any changes needing made to it. It is a beautiful fence & we feel it is their right as homeowners to have their fence look like what makes them happy. Please feel free to contact us if needed.

Sincerely,  
Melissa & Edna Lewis  
785-207-3655  
Melissa Lewis  
Edna M Lewis

MY NAME IS CHAUNCEY TURNER-GRIENWALD, I LIVE AT 1320 SE.  
INDIANA AVE. TOPEKA KS 66604. THE GONZALEZ FAMILY  
ARE HARD WORKING AND VERY CARING PEOPLE. THEY  
DESERVE TO KEEP THEIR PRIVACY FENCE TO PROTECT  
THEIR HOME. THEY ARE GOOD PEOPLE, PLEASE TREAT  
THEM WELL AND AS YOU WOULD WANT TO BE  
TREATED. Chauncey L. Grienwald July 16<sup>th</sup>, 2021

I Cheryl Howland feel that there  
Fence is beautiful and they  
are Great people. There  
Should not be any complain  
about there fence. It make  
our Street like Clean +  
Nice.

Cheryl Howland



Clara allen

1316 SE Indiana Ave

The fence to me is Very pretty  
and well taken care I see no problem  
with the fence its pretty and very nice

Clara Allen 7/17/2021

1304 SE Indiana Ave - We do not have a problem with the fence  
Wendy Cond

1239 SE Limestone - We do not have any problem with the fence.  
Daniel Rodriguez Daniel Rodriguez

1312

ERNEST ROSS

1300 SE Indiana I don't have  
a trouble for my neibord fense

Ernest Ross

07/17/2021

My name is Edwin Cabain with residence at 1324  
SE Indiana ave Topeka KS, to whom it may  
concern you by means of this letter I want to  
notify you that I and any member of my family  
are not bothered by the red fence of my neighbor  
across the street, It looks very pretty and I would  
love it to be left where it is, Thank you very much.  
For any question related to my neighbor's fence, you  
can call me at 785-730-4703 Thank you very much  
have a good day.



## EXHIBIT 8

Write the Story: **Follow the Main Character Through a Day with No Dialog or Direct Interactions**

Include the following in your story:

✧ sociopath   ✧ buzz   ✧ mend   ✧ geyser   ✧ awl  
✧ consent   ✧ diner   ✧ second-hand   ✧ vice   ✧ wane

Mon, Jul 19,  
2021

James Lewis is my name I live at 1433 Indiana, right next door to 1427 Indiana. The family that lives there really have made a change in the area by putting up a nice-looking fence and gate, and it stops people from walking in your yard and trespassing. I have the same fence same height? people walking through your yard can "see" the property owner if they hurt themselves on your property without permission. So on that state of mine that why it should be alright for them to keep the fence up the way they had it.

my Name is James Lewis  
my Number is (785) 730-4817  
if you have any questions  
or concerns about the matter  
above, please do not hesitate  
to contact me. "I am available  
for questions."

*James Lewis*



# EXHIBIT 9

## Written Statements of Support for BZA21V/06

Letters of support received from the following, with location of sender identified on the map:

1. James Lewis, 1433 SE Indiana
2. Melissa and Edna Lewis, 1312 SE Indiana
3. Clara Allen, 1316 SE Indiana
4. Chauncey Turner-Greenwald, 1320 SE Indiana
5. Ernest Ross, 1300 SE Indiana
6. Wendy Land, 1304 SE Indiana
7. Daniel Rodriguez, 1239 SE Lime
8. Edwin Cobain, 1324 SE Indiana

Other Letter of Support: Cheryl Howland, address unknown.







BZA 21V/06 By Laura Gonzalez, Pedro Gonzalez  
and Simon Quinonez

## EXHIBIT 10

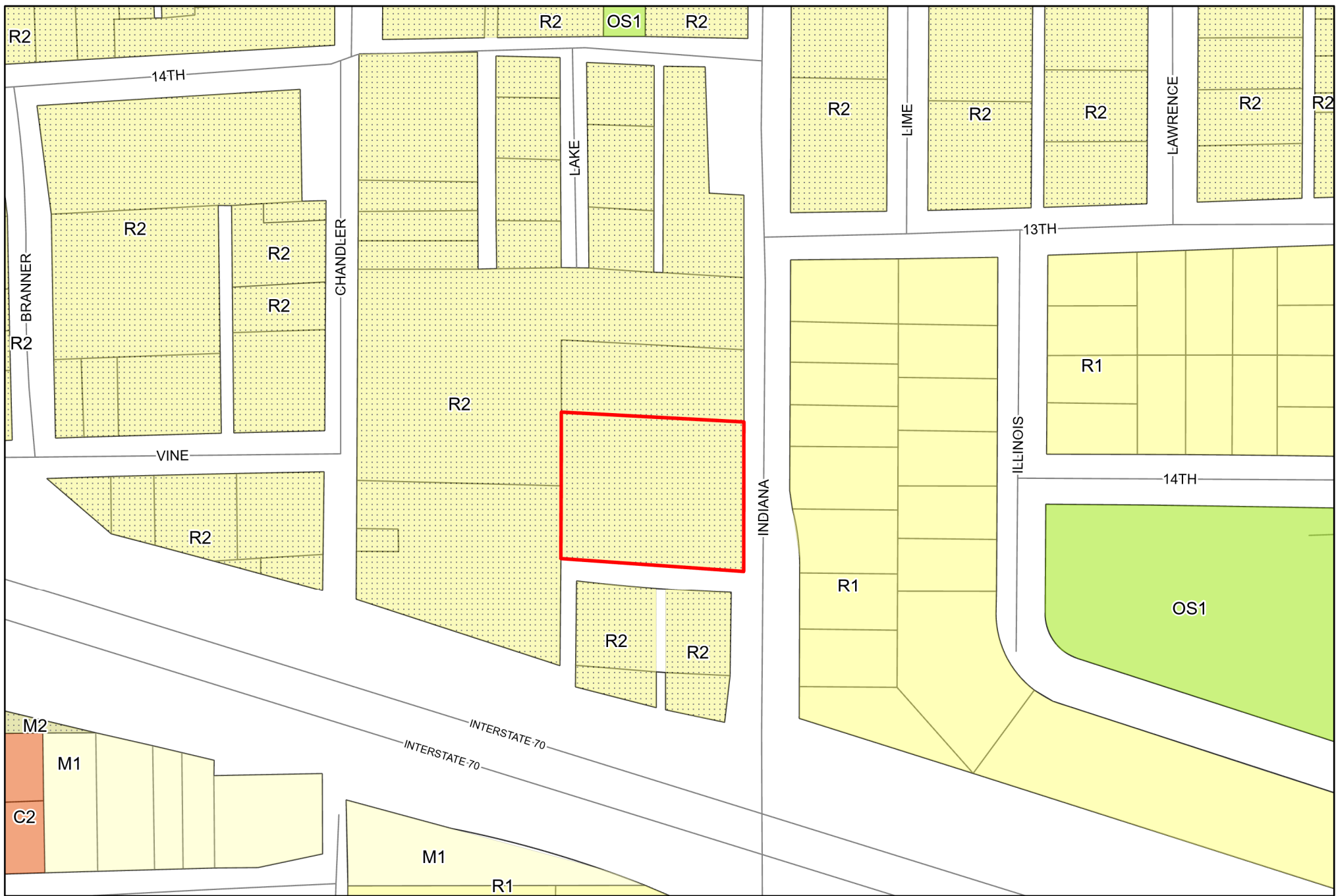
Legend

Subject Property

City of Topeka  
Planning and Development  
Department







BZA 21V/06 By Laura Gonzalez, Pedro Gonzalez  
and Simon Quinonez  
Zoning Map

# EXHIBIT 11

Legend  
 Subject Property

City of Topeka  
 Planning and Development  
 Department

