

TRIMBLE COUNTY FISCAL COURT
OFFICE OF PLANNING & ZONING



ZOE KEMPER
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ADMINISTRATOR

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P.O. BOX 251
BEDFORD, Ky 40006

ADMINISTRATOR'S REPORT AND RECOMMENDATION

TO: Trimble County Planning Commission
FROM: Planning and Zoning Administrator
DATE: April 14, 2026
SUBJECT: Case # 20260010 – Zoning Map Amendment (R-1 to B-1)
APPLICANT: Steven Schofield
PROPERTY ADDRESS: 101 Fairground Rd., Bedford, KY 40006
PARCEL ID # 024-00-00-066.01

I. EXECUTIVE SUMMARY

The applicant operates a pre-existing, non-conforming self-storage business on a 1.54-acre lot currently zoned **R-1 (Residential)**. The business predates the adoption of the Trimble County Zoning Ordinance, granting it "grandfathered" status. The applicant seeks to rezone the parcel to **B-1 (Business)** to allow for the physical expansion of the facility. All contiguous and surrounding properties are strictly residential in character and zoning.

In Kentucky, under KRS 100.213, the Planning Commission must first determine whether the proposed map amendment is in agreement with the adopted Comprehensive Plan. That finding is primary and, if negative, is determinative. Only in the absence of a finding of Plan agreement must the Commission then consider whether one (1) or more of the following alternative grounds apply: (a) the existing zoning classification given to the property is inappropriate and the proposed zoning classification is appropriate; or (b) there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan and which have substantially altered the basic character of such area. KRS 100.213(1)(a) and (b) are alternatives - they are not co-equal mandatory findings alongside the Plan-agreement inquiry.



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II. PUBLIC NOTICE COMPLIANCE

I hereby certify that all legal notification requirements under **KRS 100.211** and **KRS 100.212** have been met:

- **Newspaper Notice:** Published in The Trimble Banner on 3/27/2026.
- **On-Site Signage:** Posted on 3/25/2026 in accordance with local ordinance standards.
- **Mailed Notice:** First-class letters were sent to all adjoining property owners on 3/25/2026.

III. HISTORICAL CONTEXT: NON-CONFORMING USE STATUS

Statutory Authority: KRS 100.253

Basis of Nonconforming Use Status: The applicant's self-storage operation was an established, lawful use prior to the adoption of the Trimble County Zoning Ordinance. Accordingly, the nonconforming use status arises directly under KRS 100.253(1), which protects the lawful use of a building or premises existing at the time of the adoption of zoning regulations affecting it. This is a pre-ordinance nonconforming use, not a use deemed nonconforming through the ten-year continuous use provision of KRS 100.253(3). The applicant's entitlement to continue the existing use in its current scope is not disputed. What is disputed — and what this proceeding addresses — is the applicant's assertion of a right to physically expand that use through a rezoning of the subject parcel. No such right of expansion flows from nonconforming use status under KRS 100.253(1), and the policy of Kentucky zoning law is directed toward the gradual elimination, not the enlargement, of nonconforming uses.

KRS 100.253(2) directs that the Board of Adjustment shall not allow the enlargement or extension of a nonconforming use "beyond the scope and area of its operation" at the time it



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became non-conforming. While KRS 100.253(2) is specifically directed to the Board of Adjustment in the context of variance and expansion requests, the anti-expansion policy embedded in that subsection directly informs this Commission's review of any map amendment request whose stated purpose is to facilitate physical expansion of a nonconforming commercial operation.

Supporting Kentucky Case Law

Kentucky courts have historically viewed non-conforming uses as a "one-way street" aimed at eventual elimination:

1. KRS 100.253 and General Kentucky Doctrine: The policy and spirit of Kentucky's zoning laws are geared toward the gradual elimination of nonconforming uses. While a lawful nonconforming use may continue its existence, it may not be physically enlarged or extended. This principle is embedded in KRS 100.253(1) and (2) and has been consistently affirmed by Kentucky appellate courts, including in *City of Bowling Green v. Miller* (1960) and *Grannis v. Schroder* (1997), discussed below.
2. ***City of Bowling Green v. Miller* (1960)**: Ruled that non-conforming uses must be held within a "rigid boundary."
3. ***Grannis v. Schroder* (1997)**: Confirmed that KRS 100.253(2) prohibits the enlargement or extension of a nonconforming use or structure, and expressly recognized that the policy and spirit of zoning laws are geared toward the gradual elimination of nonconforming structures and uses. While the specific facts of *Grannis* involved a nonconforming barn structure within a front-yard setback zone, the court's articulation of the anti-expansion policy under KRS 100.253(2) is broadly applicable to any physical expansion of a nonconforming commercial operation, including the addition of new structures to an existing nonconforming facility.

IV. COMPREHENSIVE PLAN EVALUATION

Goal 2: Creation and Preservation of Stable Residential Neighborhoods



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- **Objective B:** "Non-residential uses shall not impede the enjoyment of residential land uses." Staff finds that a permanent B-1 zone and its intensified commercial activity (traffic, lighting, massing) constitute a direct impediment to the established R-1 neighborhood.

Goal 1: Promote Health, Safety, and General Welfare

- **Objective A:** Focuses on "preservation of community character." The character here is residential; a commercial "island" violates this preservation mandate.
- **Objective C:** Encourages commercial growth "**within the boundaries of existing cities.**" This proposal seeks out-of-city limits commercial expansion.

Economic Development Goals (Rebuttal)

While the Plan encourages "expansion of existing businesses" (Obj C), it mandates that such growth be "**compatible with surrounding land uses**" (Obj B) and occur within "**defined areas**" (Obj A). Because the surrounding use is exclusively residential, this specific expansion fails the Plan's own test for compatibility.

V. ANALYSIS OF "SPOT ZONING" RISK

Rezoning this small lot would constitute **impermissible spot zoning**. Per *Mathis v. Hannan* (1957), isolating out a small tract for a classification totally different from the surrounding area for private benefit rather than public welfare is an arbitrary exercise of police power. This would create a permanent commercial "island" in a residential "sea," establishing a dangerous precedent for "commercial creep" into stable neighborhoods.

VI. MANDATORY FINDINGS OF FACT (KRS 100.213)

1. **Agreement with Plan? NO - DETERMINATIVE.** The proposal directly conflicts with the Comprehensive Plan's mandate to protect residential neighborhood character and to



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2. confine commercial growth within city limits. Because the map amendment is not in agreement with the adopted Comprehensive Plan, this finding is determinative of the outcome under KRS 100.213(1). Findings 2 and 3 below are analyzed in the alternative, as required by KRS 100.213(1)(a) and (b) in the absence of Plan agreement.
3. **Existing Zoning Inappropriate? NO** (In the Alternative). R-1 is appropriate as it matches every contiguous parcel.
4. **Major Unanticipated Changes? NO** (In the Alternative). There have been no major changes of an economic, physical, or social nature within the area that were not anticipated in the adopted Comprehensive Plan and that have substantially altered the basic character of such area. The surrounding parcels remain uniformly residential in character and zoning classification. No new roadway improvements, utility corridor expansions, commercial development patterns, or demographic shifts affecting this neighborhood have been identified in the record. The pre-existing nonconforming use itself does not constitute a "major unanticipated change" sufficient to satisfy KRS 100.213(1)(b), as that use predates the Ordinance and was a known condition at the time of Plan adoption.
5. **Consideration of Less Restrictive Alternatives:** The applicant's operational continuity is fully protected by existing nonconforming use status under KRS 100.253(1). To the extent any limited operational need could be addressed without a full rezoning, such as a conditional use permit may exist under local ordinance. The Administrator has considered and rejects this alternative as inapplicable here: the scope of the expansion sought — the physical enlargement of the facility through new structures — goes beyond what a conditional use permit could properly accommodate within a uniformly residential R-1 district. A full B-1 reclassification is not the minimum relief necessary; it is the maximum relief possible, and it is not warranted on this record.

VII. CONCLUSION OF LAW: THE "ARBITRARY" STANDARD

Under *City of Louisville v. McDonald* (1971), a zone change without substantial evidence is "arbitrary and capricious." Granting this request for private economic gain over the clear public



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interest established in the Comprehensive Plan would lack a rational basis and expose the County to litigation.

VIII. ADMINISTRATOR'S RECOMMENDATION

The Planning and Zoning Administrator recommends **DISAPPROVAL** of the requested Map Amendment from R-1 to B-1. The applicant's right to operate is protected by their non-conforming status; however, the right to expand at the expense of the residential neighborhood is not supported by law or the Comprehensive Plan.

SIGNATURE: *Zoe Kemper*
Zoe Kemper, Planning and Zoning Administrator

