

TRIMBLE COUNTY FISCAL COURT
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June 04, 2026

**ADMINISTRATOR'S SUPPLEMENTAL REPORT AND
RECOMMENDATION WITH BINDING ELEMENTS**

TO: Trimble County Planning Commission
FROM: Planning and Zoning Administrator
HEARING DATE: June 09, 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. INTRODUCTION AND PURPOSE OF SUPPLEMENTAL HEARING

This Supplemental Administrator Report is submitted in connection with the June 9, 2026, supplemental hearing before the Trimble County Planning Commission, ordered by the Trimble County Fiscal Court following the Planning Commission's initial recommendation of denial at the April public hearing. This supplemental hearing has been properly noticed, required signage has been posted, and all affected property owners have been duly notified in accordance with KRS Chapter 100. The Fiscal Court directed the Planning Commission to conduct this supplemental hearing to consider the application as supplemented by binding elements proposed by the Applicant, which were not before the Commission at the original hearing. Having reviewed the binding elements as proposed, and for the reasons set forth herein, The Administrator reverses its prior recommendation and now recommends **APPROVAL** of the map amendment from R-1 (Residential) to B-1 (Business) for the property located at 101 Fairground Road, Bedford, Kentucky, subject to the binding elements proposed by the Applicant.



II. BACKGROUND AND PROPERTY DESCRIPTION

Applicant owns and operates a self-storage business on the subject property located at 101 Fairground Road, Bedford, KY 40006, in Trimble County. The Applicant has operated the self-storage business at this location for approximately ten (10) years. The business was established and in active operation prior to the adoption of the Trimble County Zoning Ordinance in 2020. At the time the Zoning Ordinance was enacted, and the initial zoning map was prepared, the subject property was designated R-1 (Residential). Because the commercial self-storage use predated the Zoning Ordinance, it has continued as a lawful non-conforming use pursuant to KRS Chapter 100. The current land use is therefore a non-conforming commercial use within a residential district.

III. DESCRIPTION OF THE APPLICATION

The Applicant seeks a map amendment reclassifying the subject property from R-1 (Residential) to B-1 (Business). The purpose of the requested reclassification is twofold: (1) to align the official zoning designation with the property's established, longstanding commercial use; and (2) to permit a limited expansion of the existing self-storage facility by the addition of ten (10) storage units, which would maximize the usable space on the property without further alteration to its footprint or character. As presented at the supplemental stage, the Applicant also proposes binding elements to be attached to any approved map amendment, as described in detail in Section V below.

IV. SUMMARY OF PRIOR HEARING AND INITIAL ADMINISTRATOR RECOMMENDATION

At the initial public hearing held in April, the Planning Administrator presented an Administrator report recommending denial of the map amendment on the following grounds: (1) the proposed reclassification was not in agreement with the Comprehensive Plan, specifically as measured against the objective that "non-residential uses shall not impede the enjoyment of residential land uses," and the compatibility and defined-area objectives; (2) R-1 was found to be an appropriate designation given that every contiguous parcel is so classified and no major unanticipated economic, physical, or social changes had substantially altered the character of the area; and (3) the initial Administrator report raised spot-zoning concerns under *Mathis v. Hannan* (1957), characterizing a reclassification of a single small parcel as creating an impermissible commercial "island" in a residential area.

At that hearing, the Applicant testified that the original R-1 designation was in error because the property was already operating as a self-storage business at the time the initial zoning map was prepared in 2020, and therefore B-1 would have been the correct classification from inception.

The Applicant further testified that the property would require substantial demolition and modification to function as a residential parcel, that the proposed ten-unit expansion would represent a maximum and final build-out of the site with no space for further expansion, and that the expansion would not negatively affect neighboring properties or property values. Notably, no member of the public opposed the application, and several neighboring property owners appeared and testified in support.

The Planning Commission unanimously voted to recommend denial, adopting the reasons stated in the initial Administrator report. That recommendation was forwarded to the Fiscal Court, at which time the Applicant proposed the addition of binding elements. The Fiscal Court deferred final action and directed this supplemental hearing.

V. PROPOSED BINDING ELEMENTS

The Applicant proposes that the map amendment from R-1 to B-1, if approved, be conditioned upon the following binding elements, to run with the land in perpetuity and to be enforceable by the Planning Commission pursuant to KRS 100.405 and KRS 100.407:

1. Use Restriction: The subject property shall be used solely and exclusively as a self-storage facility. No other B-1 or commercial use shall be permitted on the property. The property shall not be converted to any other business use or purpose, regardless of ownership.
2. Runs with the Land: This use restriction shall constitute a binding element running with the land and shall be binding upon the Applicant, and all successors, heirs, assigns, and future owners of the property, regardless of whether the current Applicant remains the owner or operator.
3. Expansion Limitation: The self-storage use shall be limited to the existing facility as expanded by no more than ten (10) additional storage units as described in this application. No further expansion beyond this final build-out shall be permitted.
4. Recording Requirement: Upon approval, a Certificate of Land Use Restrictions shall be filed with the Trimble County Clerk pursuant to KRS 100.3681, reflecting the binding elements attached to this map amendment.
5. Enforcement: Any violation of the binding elements shall be enforceable as a civil offense pursuant to KRS 100.405, with specific enforcement powers vested in the Planning Commission under KRS 100.407. Amendment or waiver of any binding element shall require approval of the Fiscal Court pursuant to KRS 100.408.

VI. ANALYSIS AND BASIS FOR REVISED RECOMMENDATION

A. The Original R-1 Designation Was Inappropriate and Constitutes a Mapping Error

The threshold and most compelling basis for approval is that the R-1 designation assigned to this property at the time of the Zoning Ordinance's adoption in 2020 was erroneous from inception. When the Trimble County Zoning Ordinance was enacted and the initial zoning map was prepared, the subject property was already in active operation as a self-storage business, a commercial use that has existed on this parcel for approximately ten years. The property was developed, improved, and operating as a commercial enterprise at the very moment the map was drawn. Classifying it as R-1 at that time did not reflect the actual, established character of the land; it reflected an administrative oversight.

The purpose of a zoning map is to codify and reflect existing and intended land use patterns. Designating an operating commercial property as residential at the moment of initial mapping did not transform the property into a residential use, it simply created an immediate non-conformity. The appropriate classification at the time of original mapping, given the property's existing use, would have been B-1. Correcting a mapping error through a map amendment is precisely the kind of remedial action KRS Chapter 100 contemplates and for which the amendment procedure exists. The Commission should heavily weigh the fact that this application, at its core, seeks to align the official record with on-the-ground reality, especially in light of the proposed binding elements as stated in Section V.

B. The Binding Elements Satisfy the Comprehensive Plan's Compatibility Requirement

The initial Administrator report cited three Comprehensive Plan objectives as grounds for denial: (Obj. A) growth within "defined areas"; (Obj. B) commercial uses "compatible with surrounding land uses"; and the mandate that non-residential uses "not impede the enjoyment of residential land uses." Administrator's initial analysis evaluated the application as a standard, unrestricted B-1 reclassification. The addition of binding elements fundamentally changes that analysis.

With the proposed binding elements in place, this is no longer an application to open any business on this parcel or to invite broad commercial development. The binding elements restrict the property, in perpetuity, and against all future owners, to a single, narrowly defined use: self-storage only, limited to the existing footprint plus ten additional units, with no further expansion possible. Self-storage is, by its nature, one of the most operationally quiet and passive commercial uses that exists. It generates minimal traffic compared to retail or service uses, produces no noise, no outdoor activity, no late-night operations, and no foot traffic that would disturb neighboring residents. It has coexisted with the surrounding residential neighborhood for ten years without opposition and without documented harm.

Because the use is frozen by binding element at self-storage only, the concerns animating the Comprehensive Plan's compatibility objectives, which are intensified commercial activity, traffic,

lighting, and massing from a full B-1 use, simply do not apply here. The binding elements operate as a private covenant running with the land and a publicly enforceable restriction, ensuring that the neighborhood can never be impacted by any use more intensive than the one that has existed, without incident, for a decade. The Comprehensive Plan's Objective C expressly encourages "expansion of existing businesses." The binding elements satisfy Objectives A and B by ensuring that expansion is minimal, definitional, and permanently constrained. Administrator finds that the conditioned application, taken as a whole, satisfies the spirit and letter of the Comprehensive Plan's compatibility mandate.

C. The Spot-Zoning Concern Is Resolved by the Binding Elements and the Nature of This Application

The initial Administrator report invoked *Mathis v. Hannan* (1957) for the proposition that rezoning a small parcel to a classification inconsistent with surrounding parcels, for private benefit rather than public welfare, constitutes impermissible spot zoning. Administrator respectfully submits that this characterization, while appropriate when applied to an unconditioned B-1 reclassification, does not apply to the application as now presented.

First, at spot zoning's core is the arbitrary grant of a more favorable classification to a single parcel for purely private benefit, with no justification distinguishing that parcel from its neighbors. Here, the subject property is plainly distinguishable from every surrounding R-1 parcel: it has a decade-long history as a commercial operation, it is physically improved and developed for commercial use, and it cannot realistically function as a residential parcel without substantial demolition. The property is not being improperly singled out, in fact, it is being correctly identified as a parcel that has never, in practice, functioned as a residential lot and that was misclassified from the start.

Second, and critically, the binding elements eliminate the "commercial creep" concern underlying the spot-zoning doctrine. The typical spot-zoning harm is that a commercial island in a residential sea will attract further commercial encroachment, degrade neighborhood character, and set a precedent for additional rezonings. The binding elements here make that outcome legally impossible with respect to this property: the use is permanently restricted to self-storage, expansion beyond the current application is prohibited, and no future owner may convert the property to any other B-1 use without returning to this Commission. The precedential concern is not implicated because any future applicant would need to demonstrate their own distinguishing facts, and no other surrounding parcel shares the unique history of this property.

Third, and finally, Kentucky courts have recognized that spot zoning, while scrutinized, is not per se illegal and "quite often is justified." See *Bischoff v. Hennessy*, 251 S.W.2d 582 (Ky. 1952). The question is whether the reclassification is related to the public welfare. Here, it serves the public interest by: (a) correcting a mapping error; (b) legalizing a longstanding and established use rather than forcing it to remain in a perpetually non-conforming posture; (c) permitting the Applicant to maintain a viable small business that the community has explicitly supported; and

(d) doing so under permanent, enforceable use restrictions that protect the residential neighborhood against any future commercial escalation.

D. Community Support and Absence of Opposition

At the initial public hearing, no member of the public or neighboring property owner appeared in opposition. To the contrary, neighbors actively appeared and testified in support of the Applicant. This is a significant factor. The compatibility concern animating the Comprehensive Plan's residential protection objectives is, at bottom, a concern for the welfare of neighboring residents - and those residents have expressed their view. The absence of any opposition, combined with affirmative neighbor support, weighs in favor of approval and supports a finding that the amendment, as conditioned, serves the public welfare rather than purely private benefit.

E. Non-Conforming Use Considerations

Retaining the R-1 designation and the non-conforming use status is not a neutral outcome. Non-conforming uses under KRS Chapter 100 are subject to restrictions on expansion, alteration, and continuance in the event of destruction or abandonment. Keeping a ten-year-old community-supported business in a state of permanent legal non-conformity, when the appropriate classification was B-1 from the moment of original mapping, serves no legitimate planning purpose and works a continuing inequity on the Applicant. The map amendment, conditioned on the binding elements, resolves this non-conformity in a manner that protects both the Applicant's legitimate property interests and the surrounding neighborhood.

VII. REQUIRED FINDINGS OF FACT PURSUANT TO KRS 100.213

In order to recommend approval of a map amendment, the Planning Commission must make the following findings. The Administrator provides the following analysis in support of each required finding, based upon the supplemented application and the binding elements proposed by the Applicant:

1. The map amendment is in agreement with the adopted Comprehensive Plan.

Finding: As set forth in Section VI(B) above, the application as conditioned by the proposed binding elements is in agreement with the Comprehensive Plan. The permanent restriction of the property to self-storage use only eliminates compatibility concerns. The Comprehensive Plan's objective encouraging expansion of existing businesses (Obj. C) affirmatively supports approval. The binding elements ensure that the limited expansion is compatible with surrounding land uses (Obj. B) and is contained within the defined footprint of the existing commercial operation (Obj. A). Administrator finds this criterion is satisfied.

2. OR, in the alternative: There have been major changes of an economic, physical, or social nature within the area since the Comprehensive Plan was adopted that were not anticipated and have substantially altered the basic character of the area.

Finding: The Administrator does not rely primarily on this alternative finding, but notes that the original mapping itself constituted an unanticipated mapping error that created an immediate non-conformity, a circumstance not contemplated by the Plan. The proper basis for approval is the first finding, as conditioned by the binding elements.

3. The map amendment is consistent with the public interest.

Finding: The map amendment, as conditioned, serves the public interest by correcting an original mapping error, legalizing a longstanding and community-supported use, preserving a small business that has operated in harmony with its neighbors for a decade, and imposing permanent, enforceable restrictions that prevent any future use of the property more intensive or disruptive than the one currently in place.

VIII. RECOMMENDATION

Based upon the foregoing analysis, the supplemented record, and the proposed binding elements, The Administrator hereby recommends **APPROVAL** of the map amendment from R-1

(Residential) to B-1 (Business) for the property located at 101 Fairground Road, Bedford, KY 40006 (Trimble County), subject to the following conditions:

1. The map amendment shall be conditioned upon, and effective only together with, the binding elements set forth in Section V of this report;
2. Prior to or concurrent with the effective date of any legislative body action approving the map amendment, the Applicant shall execute and record a Certificate of Land Use Restrictions with the Trimble County Clerk pursuant to KRS 100.3681, incorporating the binding elements verbatim;
3. The approved use shall be limited to a self-storage facility, expanded by no more than ten (10) additional storage units beyond the existing facility as of the date of this application, with no further expansion permitted without a separate application and public hearing;
4. Any future amendment, waiver, or modification of the binding elements shall require approval of the Trimble County Fiscal Court pursuant to KRS 100.408; and
5. All existing applicable development standards, setbacks, and site plan requirements of the B-1 district and the Trimble County Zoning Ordinance shall apply to any new construction associated with the permitted ten-unit expansion. The Administrator submits that approval on these terms is

legally sound, consistent with the Comprehensive Plan as applied to the conditioned application, and in the public interest. This recommendation is made for consideration by the Planning Commission at the supplemental public hearing on June 9, 2026, with the expectation that the Commission's recommendation will be forwarded to the Trimble County Fiscal Court for final legislative action.

IX. PROCEDURAL POSTURE AND COMMISSION'S ROLE

The Trimble County Fiscal Court, upon receiving the Planning Commission's initial recommendation of denial, deferred final action and directed this supplemental hearing to allow the Planning Commission to evaluate the application as augmented by the Applicant's proposed binding elements. The Planning Commission's role at this supplemental hearing is to receive testimony, evaluate the supplemented application, and issue a revised recommendation to the Fiscal Court. The Fiscal Court retains final legislative authority over the map amendment decision. Administrator notes that the binding elements, once agreed to and recorded, are enforceable by the Planning Commission as civil offenses under KRS 100.405 and that the Planning Commission has specific enforcement powers under KRS 100.407.

X. NOTICE AND CERTIFICATION

The Administrator certifies that the June 9, 2026, supplemental public hearing has been properly noticed in accordance with KRS Chapter 100. Required public notice signs have been posted on the subject property, and written notice has been provided to all affected adjoining property owners within the requisite timeframe. The supplemental hearing is procedurally proper, and the Planning Commission has full authority to conduct the hearing and issue a revised recommendation to the Fiscal Court.

Respectfully submitted,

Zoe Kemper

Zoe Kemper
Trimble County Planning & Zoning Administrator