

# **Bond Case Briefs**

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## **ZONING - KENTUCKY**

### **Bardstown Junction Baptist Church, Inc. v. Shepherdsville City Council**

**Court of Appeals of Kentucky - December 5, 2014 - Not Reported in S.W.3d - 2014 WL 6879919**

The City of Shepherdsville approved three separate zoning map amendment applications, each of which rezoned property from "Agriculture" to "General Industrial."

Bardstown Junction Baptist Church, Inc., a neighboring property, appealed the City Council's by bringing an action in Circuit Court. The Church's primary objections were that the rezoning would result in increased traffic and flooding. The Circuit Court ruled against Church and Church appealed.

The Court of Appeals noted that the Planning Commission's findings were as follows: (1) the requested rezonings were not in agreement with the adopted Comprehensive Plan; (2) the existing zoning classification given to the property was not inappropriate; but (3) there had 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 the area.

The Court of Appeals reversed the Circuit Court's decision and found the City Council's actions void. The record introduced before the Planning Commission, and even after reviewing the numerous other records the applicants and City Council appellees improperly introduced before the Circuit Court, the Court of Appeals could locate no evidence, per KRS 100.213.(1)(b), demonstrating "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 the area."