



Application for Variance **from Development Standards**

City of Madison
Office of Planning, Preservation, & Design
101 W Main St
Madison, IN 47250
(812) 265-8300

Application Fee \$ 35.00
Ad Fee (for Legal Notice) \$ 15.00
Recording Fee \$ 25.00
Total Due \$ 75.00

Purpose: Per the City of Madison Zoning Ordinance, the Board of Zoning Appeals shall approve or deny variance from development standards from the terms of the Zoning Ordinance. The Board may impose reasonable conditions as a part of its approval. A variance may be approved only upon a determination by the Board.

This application must be filed at least 15 days prior to scheduled meeting to be eligible for consideration at that meeting. Actual deadlines vary due to holidays, office business hours and operating schedule, media publishing deadlines, etc. Deadlines are published publicly and can also be provided by contacting the Planning Office.

APPLICANT INFORMATION

Name: Williams Power, LLC c/o Ice Miller LLP
Street: 1105 Navasota St. Austin, TX 78702
City: Austin State: TX Zip: 78702
Phone (Preferred): 512-921-8643
Phone (Alternate): _____
Email: Cyrus@openroadrenewables.com

OWNER INFORMATION (IF DIFFERENT*)

Name: Suggett Schmidt Farms, LLC
Street: 1230 Nor Rose Way
City: Madison State: IN Zip: 47250
Phone (Preferred): _____
Phone (Alternate): _____
Email: _____

** If Applicant is not Owner, MUST submit documentation from owner authorizing applicant on their behalf.*

PROPERTY FOR WHICH A VARIANCE IS REQUESTED

Address and/or Legal Description of Property: _____
See Exhibit B attached

Zoning Classification: AG

Description of Existing Use: Vacant farmland

Description of Proposed Use: Battery Energy Storage System

List sections of the Zoning Ordinance for which a variance is requested: Section 11.78 - Expiration of Conditional Use Permit: Specifically, the provision that provides that if the use has not commenced within one year the Conditional Use Permit Expires.

Describe why a variance is requested: See Exhibit C attached

For Variance from Setbacks, list below and indicate on site plan:

Current – North: _____ ft East: _____ ft South: _____ ft West: _____ ft
Requested – North: _____ ft East: _____ ft South: _____ ft West: _____ ft

Per the City of Madison Zoning Ordinance, a variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions has been met by the applicant.

Provide a detailed Narrative statement demonstrating that the requested variance conforms to the following standards. Respond to each question below with Yes/No and why. Use additional pages if necessary.

1. Will this variance be injurious to the public health, safety, morals, and general welfare of the community?
See Exhibit D attached

2. Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?

3. Will the strict application of the terms of the zoning ordinance result in practical difficulties in the use of the property?

Include any other documents/information which you feel will aid the Board in making its determination.

Certified letters MUST be mailed to adjoining property owners (includes owners of real estate at corners, across streets, alleys or easements as well as others who may share a common boundary) at least ten (10) days prior to the meeting. The Planning Office can assist you in obtaining this information. Proof of Certified Mail receipts and corresponding returned green cards shall be given to the Planning Office at least one (1) working day prior to the scheduled meeting. The Board will not review the application unless proof of attempt(s) of contact are provided. USPS delays will not be held against you if proof indicates that letters were sent appropriately.

I certify that the information provided in this application is true and accurate to the best of my ability and I understand and agree to the Certified mail stipulations.

Date

Signature of Applicant

Documentation Review (Completed by Planning Office)

- ☒ Owner Authorization provided (if req'd)
☒ Narrative Statements completed
(Page 1 and #1 – 3 above)
☒ Application is complete
☒ GIS Information to applicant and attached
☒ Certified Mail Receipts received (attach)
☐ Certified Mail Green Cards received (attach)

Staff Notes

SOME DOCUMENTATION PROVIDED AS PART OF CUP APP.

COMPLETED BY PLANNING OFFICE

Application Accepted on: 6/17/2022

Application Accepted by: Joe Parnau

Meeting Information: Board of Zoning Appeals

101 W Main St, Madison, IN 47250 – Council Chambers

Meeting Date: 7/11/2022 Time: 6:30PM

Exhibit A
Owner Consent Form

[See Attached]

Exhibit B
Legal Description of Property

[See Attached]

Exhibit C
Why Variance is Requested

This variance is being requested because the nature of the Battery Energy Storage System project (the "Project") is such that if the one-year expiration period found in Section 11.78 were to apply to the Project, then the Project would be an impossibility. In order to build the Project, and to bring it online with the rest of the electrical grid, a series of approvals must be procured from the regional utility regulatory commission. To receive those approvals, the Project must have received its Conditional Use Permit. That is why Applicant must seek the permitting now rather than a later date. However, the regulatory approval process is a lengthy one and will prevent the Project from coming online for a number of years following the issuance of the Conditional Use Permit. That being the case, Applicant is requesting that the one-year expiration term be extended to five years.

Exhibit D
Narrative Statement

- 1. Will this variance be injurious to the public health, safety, morals, and general welfare of the community?**

No, the variance will not be injurious. The expiration date of the Conditional Use Permit will not change the nature of the use or the effect of that use on the surrounding property.

- 2. Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?**

No, the variance will not be injurious to the value of the area or the adjacent property. The expiration date of the Conditional Use Permit will not change the nature of the use or the effect of that use on the surrounding property.

- 3. Will the strict application of the terms of the zoning ordinance result in practical difficulties in the use of the property?**

Yes, if the one-year expiration found in Section 11.78 is applied to this Project the Project will be an impossibility. As explained in Exhibit C above, the regulatory process requires that the Conditional Use Permit be granted now. However, that same process means that the use will not commence for a number of years after the Conditional Use Permit is granted.

