

<u>Application for Variance</u> from Development Standards

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

APPLICANT INFORMATION

Name: Williams Power, LLC c/o Ice Miller LLP

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

OWNER INFORMATION (IF DIFFERENT*)

Name: Suggett Schmidt Farms, LLC

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.

Street: 1105 Navasota St. Austin, TX 78702	Street: 1230 Nor Rose Way
City: Austin State: TX Zip: 78702	City: Madison State: IN Zip: 47250
Phone (Preferred): <u>512-921-8643</u>	Phone (Preferred):
Phone (Alternate):	Phone (Alternate):
Email: Cyrus@openroadrenewables.com	Email:
* If Applicant is not Owner, MUST submit documentation fro	om owner authorizing applicant on their behalf.
PROPERTY FOR WHICH A VARIANCE IS REQUESTE	D
Address and/or Legal Description of Property:	
See Exhibit B attached	
	Zoning Classification: AG
Description of Existing Use: Vacant farmland	(4)
Description of Proposed Use: Battery Energy Storage System	i
*	·
List sections of the Zoning Ordinance for which a variance	is requested:Section 11.78 - Expiration of Conditional
<u>Use Permit: Specifically, the provision that provides that if the use</u> Permit Expires.	e has not commenced within one year the Conditional Use
Territ Expires.	
Describe why a variance is requested: See Exhibit C attach	ed
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	

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.

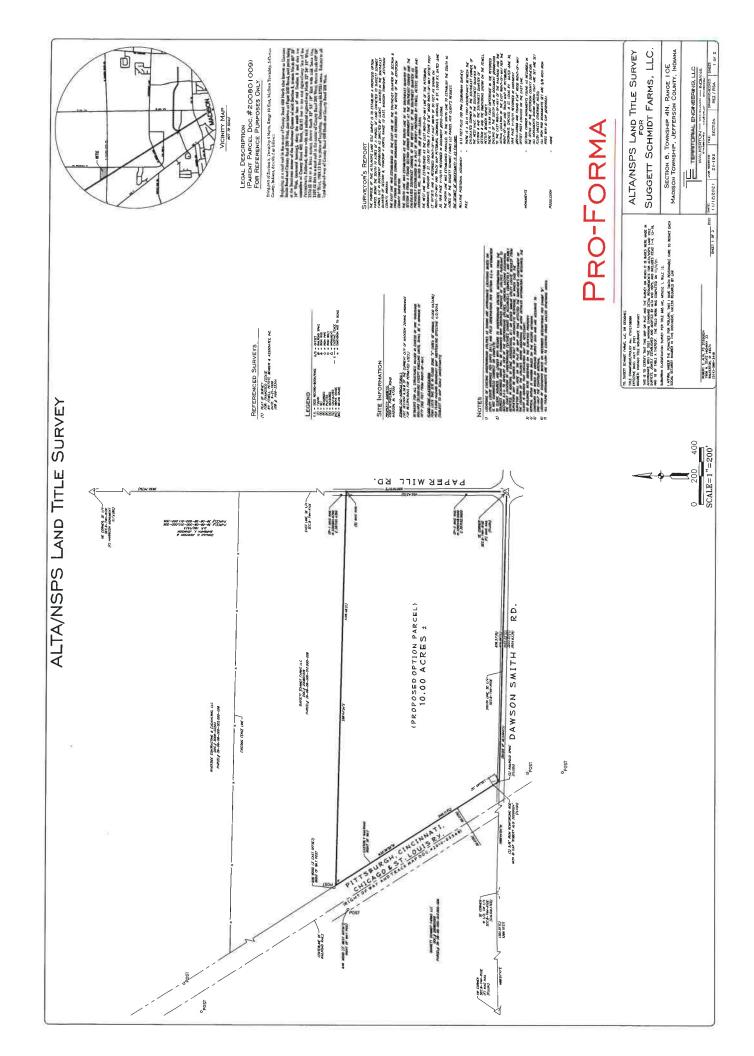
	Will this variance be injurious to the public health See Exhibit D attached	n, safety, morals, and general welfare of the community?
2.	Will the use and value of the area adjacent to the publishment substantially adverse manner?	property included in the variance be affected in a
3.	Will the strict application of the terms of the zonin property?	ng ordinance result in practical difficulties in the use of the
Ce stre the	rtified letters MUST be mailed to adjoining proper eets, alleys or easements as well as others who may meeting. The Planning Office can assist you in ob	ty owners (includes owners of real estate at corners, acros. y share a common boundary) at least ten (10) days prior to taining this information. Proof of Certified Mail receipts on to the Planning Office at least one (1) working day prior
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Exhibit A Owner Consent Form

[See Attached]

Exhibit B Legal Description of Property

[See Attached]



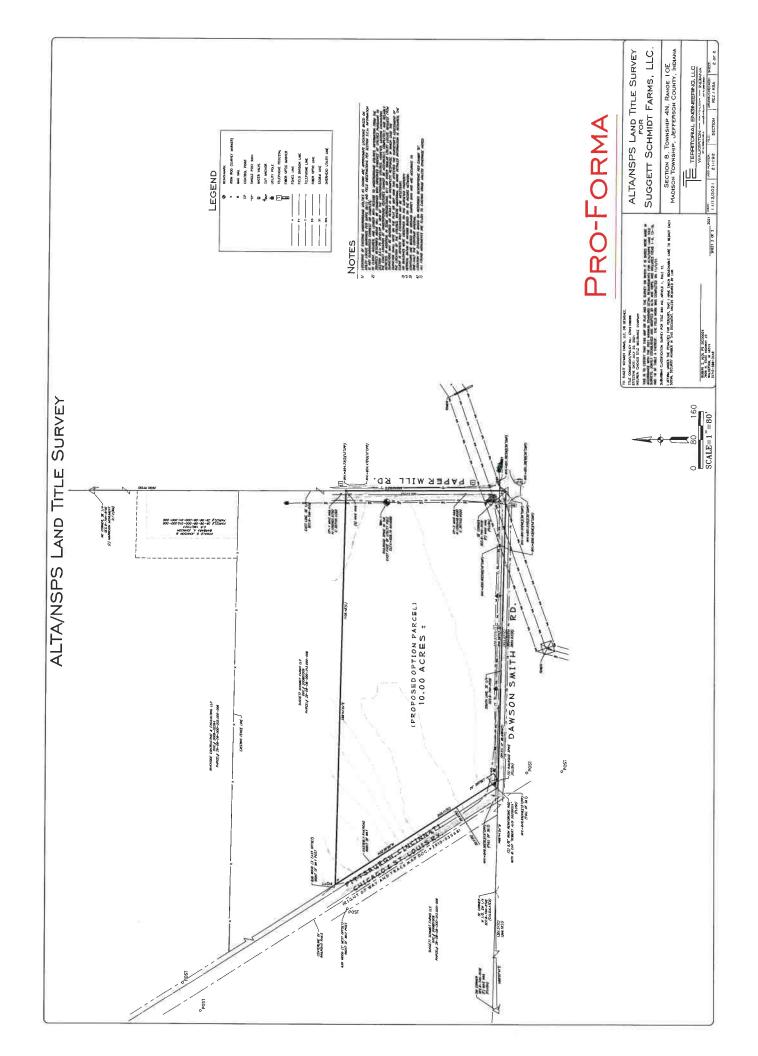


Exhibit C Why Variance is Requested

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.

