

CITY OF SHELBYVILLE

Adam M. Rude  
Director



Allan Henderson  
Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 5/28/2019

<b>Case #:</b>	BZA 2019-09: Hoosier Energy Substation, Development Standards Variances			
<b>Petitioner's Name:</b>	Hoosier Energy			
<b>Owner's Name:</b>	Hoosier Energy			
<b>Petitioner's Representative:</b>	Tom Gallagher			
<b>Address of Property:</b>	1982 West CR 300 North, Shelbyville, IN 46176			
<b>Subject Property Zoning Classification:</b>	IG - General Industrial			
<b>Comprehensive Future Land use:</b>	High Tech/Light Industrial			
	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
<b>Surrounding Properties' Zoning Classifications:</b>	General/Light Industrial	General Industrial	General/Light Industrial	General Industrial
<b>Surrounding Properties' Comprehensive Future Land Use</b>	High Tech/Light Industrial	High Tech/Light Industrial	High Tech/Light Industrial	High Tech/Light Industrial
<b>History:</b>	Hoosier Energy would like to construct an electrical substation to serve new industrial customers within the City of Shelbyville. The facility will involve three separate electrical utilities including Duke Energy, Hoosier Energy and Rush-Shelby REMC.			
<b>Vicinity Map:</b>				
<b>Action Requested:</b>	Approval of five development standard variances from 1. UDO 5.55-B-1 Setback Standards, 2. UDO 5.32-LA-2 Non-residential Lot Planting Standards, 3. UDO 5.14-ED-03-C, Entrance and Drive Standards; Materials, 4. UDO 5.15-ED-04-A Entrance and Drive Standards, Separation from another street, and UDO 5.15-ED-04-A Entrance and Drive Standard, separation from another drive.			

The substation involves three (3) separate electrical utilities serving new industrial customers for Shelbyville. It is fed from the High Voltage Transmission Lines of Duke Energy and is transformed to a lower voltage by Hoosier Energy. It then feeds this lower voltage to Rush-Shelby REMC, which in turn serves the end user.

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**BZA 2019-09-A: Variance From UDO 5.55(E) Setback Standards**

Finding of Fact #1 – That the approval of the Development Standards Variance will not be injurious to the public health, safety, morals and general welfare of the community.

*Applicant provided the following response to Finding of Fact #1: A specific response to the Finding of Fact was not provided by the applicant.*

The planning staff has determined that the requested reduction in front yard setback will not be injurious to the public health, safety, morals, or general welfare of the community because the property is zoned (IG) General Industrial and the substation has been sited to connect to existing utilities – where they are currently located.

*Finding #1 has been satisfied.*

Finding of Fact #2 – That the use and value of the area adjacent to the subject property seeking a Development Standards Variance will not be affected in a substantially adverse manner;

*Applicant provided the following response to Finding of Fact #2: A specific response to the Finding of Fact was not provided by the applicant.*

The planning staff has determined that the requested reduction in front yard setback will not substantially affect the use and value of the area adjacent to the subject property. The future land use map proposes the surrounding properties be used for high-tech/light industrial. This is consistent with the current zoning of the property, (IG) General Industrial. In addition, the substation has been located on this site to provide energy to future commercial and industrial customers.

*Finding #2 has been satisfied.*

Finding of Fact #3 – That the strict application of the terms of the ordinance will result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain;

*Applicant provided the following response to Finding of Fact #3: The substation has been designed in this location because this is where the electricity is – Duke Transmission line. It is also where the customer is – road right of way. Any relocation would cost hundreds of thousands of dollars to your fellow communities, and more importantly, add perhaps a year or more to our ability to redesign and serve your community.*

The planning staff has determined that the strict application of the terms of the ordinance will result in a practical difficulty in the use of the property. While the Applicant describes an economic hardship, the planning staff acknowledges a practical difficulty due to the existing location of the transmission lines that require the substation to be located directly under them.

*Finding #3 has been satisfied by the petitioner*

**BZA 2019-09: STAFF RECOMMENDATION: APPROVAL.**

***BZA 2019-09-B: Variance From UDO 5.32 Non-residential Lot Planting Standards***

Finding of Fact #1 – That the approval of the Development Standards Variance will not be injurious to the public health, safety, morals and general welfare of the community.

*Applicant provided the following response to Finding of Fact #1: A specific response to the Finding of Fact was not provided by the applicant.*

The planning staff has determined that the requested variance from non-residential lot planting standards will not be injurious to the public health, safety, morals and general welfare of the community. Furthermore, the planning staff realizes the complications that occur when the wrong trees are planted directly under power lines. However, the substation is being proposed on a 4 acre site and the actual equipment and fenced area will only occupy 1.7 acres of the site. There are areas on the west side of the property where vegetation could be planted that would likely not interfere with the overhead electrical lines.

*Finding #1 has been satisfied.*

Finding of Fact #2 – That the use and value of the area adjacent to the subject property seeking a Development Standards Variance will not be affected in a substantially adverse manner;

*Applicant provided the following response to Finding of Fact #2: A specific response to the Finding of Fact was not provided by the applicant.*

The planning staff has determined that the requested variance from non-residential lot planting standards could affect the use and value of the adjacent properties if the intent of the minimum development standards is not achieved. All other properties that develop along this corridor and in this district will be held to standards set forth in the United Development Ordinances (UDO), and while Hoosier Energy may not be able to meet the exact letter-of-the-law set forth in the UDO, they can meet the intent of the requirements on a portion of their lot. A complete relief of the standards is not warranted, but rather a directed approach that still meets the intent of UDO should be sought after. Placing shrubs instead of the prescribed trees, and locating all of the landscaping near the south and south-west portions of the site would likely achieve the intent of the Ordinance without jeopardizing the safety and operations of the substation.

*Finding #2 has been satisfied.*

Finding of Fact #3 – That the strict application of the terms of the ordinance will result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain;

*Applicant provided the following response to Finding of Fact #3: Hoosier Energy spends millions of dollars eliminating tree hazards; we're not going to spend money creating them. Many electrical problems occur in low visibility conditions. During rapid outage assessment and evaluations, we don't want to further obscure visibility with vegetation.*

The planning staff has determined that the strict application of the terms of the ordinance will result in a practical difficulty in the use of the property. While a hardship exists on part of the site; the north and east side where the transmission line are, trees and/or shrubs should be able to be installed on the south and west side of the property to meet the intent of the ordinance. In addition, shrubs may be substituted for trees to satisfy the intent of the ordinance while still addressing the concerns of the petitioner.

*Finding #3 has been satisfied by the petitioner*

**BZA 2019-09: STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS**

- All trees and shrubs will be maintained by Hoosier Energy; if a tree or shrub dies, it will be replaced
- The prescribed number of trees from the Unified Development Ordinances will be located elsewhere on the site
- Where height constraints exist, shrubs may be substituted for trees

***BZA 2019-09-C: Variance From UDO 5.15(C) Entrance & Drive Standards; Materials***

Finding of Fact #1 – That the approval of the Development Standards Variance will not be injurious to the public health, safety, morals and general welfare of the community.

*Applicant provided the following response to Finding of Fact #1: A high voltage substation has numerous below grade conductors that serve to enhance reliability and protect the public. Gravel allows for quicker access during repair. This is a design standard we cannot deviate from.*

The planning staff has determined that the requested reduction in entrance and drive standards materials will could be injurious to public health, safety, morals and the general welfare of the community. The use of gravel during needed repairs allows the service providers quicker access to equipment to make repairs in a shorter amount of time. However, the City of Shelbyville requires durable paving materials to prevent gravel from being pulled onto local roadways and accelerating the deterioration of the roadways.

*Finding #1 has been satisfied by the petitioner*

Finding of Fact #2 – That the use and value of the area adjacent to the subject property seeking a Development Standards Variance will not be affected in a substantially adverse manner;

*Applicant provided the following response to Finding of Fact #2: A specific response to the Finding of Fact was not provided by the applicant.*

The planning staff has determined that the requested reduction in entrance and drive standards materials could adversely affect the value and use of surrounding properties. Gravel can be pulled onto local roadways which starts to deteriorate the road surface. This impact on the road could have an adverse affect on surrounding properties and their ability to safely use the roadways.

*Finding #2 has been satisfied.*

Finding of Fact #3 – That the strict application of the terms of the ordinance will result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain;

*Applicant provided the following response to Finding of Fact #3: A high voltage substation has numerous below grade conductors that serve to enhance reliability and protect the public. Gravel allows for quicker access during repair. This is a design standard we cannot deviate from.*

The planning staff has determined that the strict application of the terms of the ordinance could result in a practical difficulty in the use of the property, but a full reduction in the prescribed standard is not necessary to elevate the hardship. While access to the equipment is important, the area the equipment occupies is a small portion of the site. Staff recommends that concrete or asphalt drives be used for internal circulation and that gravel only be used in areas where sub-surface equipment is located.

*Finding #3 has been satisfied by the petitioner.*

#### **BZA 2019-09: STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS**

- Gravel or crushed stone may only be used where subsurface equipment is located, all other areas must be an approved material listed under UDO 5.14(E), or be maintained as natural ground covering.

#### ***BZA 2019-09-D: Variance From UDO 5.15(A) Entrance & Drive Standards; Drive Separation from another Driveway***

Finding of Fact #1 – That the approval of the Development Standards Variance will not be injurious to the public health, safety, morals and general welfare of the community.

*Applicant provided the following response to Finding of Fact #1: Will allow servicing of substation without interfering or obstructing the county road.*

The planning staff has determined that the requested reduction in entrance and drive standards, drive separation from another driveway will not be injurious to public health, safety, morals and general welfare of the community. The substation has been located to take advantage of connections to the existing utilities which are accessed from Tom Hession Drive. The prescribed standard is in place to allow for road expansion as traffic volume increases. Currently, CR 300 North has a low volume of

traffic and given the low number of vehicles that will be accessing the substation site, there are limited concerns regarding the drive separation.

*Finding #1 has been satisfied by the petitioner.*

Finding of Fact #2 – That the use and value of the area adjacent to the subject property seeking a Development Standards Variance will not be affected in a substantially adverse manner;

*Applicant provided the following response to Finding of Fact #2: The drives will only be used sparingly for service and upkeep of substation.*

The planning staff has determined that the requested reduction in entrance and drive standards, drive separation from another driveway will not adversely affect the use and value of the adjacent property. The driveways are separated to the maximum extent possible given the required location of the substation due to proximity to existing utility lines. Coupled with the low traffic volumes on CR 300 North, the reduction in driveway separation will impact the use of surrounding properties.

*Finding #2 has been satisfied.*

Finding of Fact #3 – That the strict application of the terms of the ordinance will result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain;

*Applicant provided the following response to Finding of Fact #3: Will not be able to safely access the site as required to provide service and repair.*

The planning staff has determined that the strict application of the terms of the ordinance will result in a practical difficulty in the use of the property. The property is not large enough to accommodate the drive separation and all required setbacks.

*Finding #3 has been satisfied by the petitioner*

**BZA 2019-09: STAFF RECOMMENDATION: APPROVAL**

***BZA 2019-09-E: Variance From UDO 5.15(A) Entrance & Drive Standards; Drive Separation from Another Street***

Finding of Fact #1 – That the approval of the Development Standards Variance will not be injurious to the public health, safety, morals and general welfare of the community.

*Applicant provided the following response to Finding of Fact #1: The substation has been designed in this location because this is where the electricity is – Duke Transmission line. It is also where the customer is – road right of way. Any relocation would cost hundreds of thousands of dollars to your fellow communities, and more importantly, add perhaps a year or more to our ability to redesign and serve your community.*

The planning staff has determined that the requested reduction in drive separation will not be injurious to public health, safety, morals and general welfare of the community. The substation has been located to take advantage of connections to the existing utilities which are accessed from Tom Hession Drive; on the north and east of the site. Currently, CR 300 North has a low volume of traffic and given the low number of vehicles that will be accessing the substation site, there are limited concerns regarding the drive separation.

*Finding #1 has been satisfied by the petitioner.*

Finding of Fact #2 – That the use and value of the area adjacent to the subject property seeking a Development Standards Variance will not be affected in a substantially adverse manner;

*Applicant provided the following response to Finding of Fact #2: A specific response to the Finding of Fact was not provided by the applicant.*

The planning staff has determined that the requested reduction in drive separation from another street should not have a substantially adverse effect on the use and value of the adjacent areas. The substation has been designed to maximize the use of the lot and provide access by multiple entities to the site.

*Finding #2 has been satisfied.*

Finding of Fact #3 – That the strict application of the terms of the ordinance will result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain;

*Applicant provided the following response to Finding of Fact #3: The substation has been designed in this location because this is where the electricity is – Duke Transmission line. It is also where the customer is – road right of way. Any relocation would cost hundreds of thousands of dollars to your fellow communities, and more importantly, add perhaps a year or more to our ability to redesign and serve your community.*

The planning staff has determined that the strict application of the terms of the ordinance will result in a practical difficulty in the use of the property. The property is not large enough to accommodate the drive separation and all required setbacks.

*Finding #3 has been satisfied by the petitioner.*

**BZA 2019-09: STAFF RECOMMENDATION: APPROVAL**

**DEVELOPMENT STANDARDS VARIANCE: BZA 2019-09-A: Hoosier Energy, Setback Standards**

**FINDINGS OF FACT BY THE SHELBYVILLE BOARD OF ZONING APPEALS**

**Staff Prepared**

Motion:

(I) would like to make a motion to approve the requested variance from UDO 5.55 (E) setback standards to allow for a 35' setback, in accordance with the plans provided to this board, pursuant to the findings of fact presented in the planning staff's report.

- 1.  The approval of the Development Standards Variance **will not** be injurious to the public health, safety, morals and general welfare of the community.
- The approval of the Development Standards Variance **will** be injurious to the public health, safety, morals and general welfare of the community.
- 2.  The use and value of the area adjacent to the subject property seeking a Development Standards Variance **will not** be affected in a substantially adverse manner.
- The use and value of the area adjacent to the subject property seeking a Development Standards Variance **will** be affected in a substantially adverse manner.
- 3.  The strict application of the terms of the ordinance **will** result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.
- The strict application of the terms of the ordinance **will not** result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.

Additional conditions imposed by the Board of Zoning Appeals:

- 1.
- 2.
- 3.

Shelbyville Board of Zoning Appeals

By: \_\_\_\_\_

Chairperson

Attest: \_\_\_\_\_

Secretary



**DEVELOPMENT STANDARDS VARIANCE: BZA 2019-09-B: Hoosier Energy, Non-residential Lot Planting Standards**

**FINDINGS OF FACT BY THE SHELBYVILLE BOARD OF ZONING APPEALS**

**Staff Prepared**

Motion:

(I) would like to make a motion to approve the requested variance from UDO 5.32 non-residential lot planting standards, in accordance with the conditions outline in the planning staff's report. Conditions to include:

- all trees and shrubs will be maintained by Hoosier Energy; if a tree or shrub dies, it will be replaced
- the prescribed number of trees from the Unified Development Ordinances will be located on the site

1.  The approval of the Development Standards Variance **will not** be injurious to the public health, safety, morals and general welfare of the community.  
 The approval of the Development Standards Variance **will** be injurious to the public health, safety, morals and general welfare of the community.
2.  The use and value of the area adjacent to the subject property seeking a Development Standards Variance **will not** be affected in a substantially adverse manner.  
 The use and value of the area adjacent to the subject property seeking a Development Standards Variance **will** be affected in a substantially adverse manner.
3.  The strict application of the terms of the ordinance **will** result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.  
 The strict application of the terms of the ordinance **will not** result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.

Additional conditions imposed by the Board of Zoning Appeals:

- 1.
- 2.
- 3.

Shelbyville Board of Zoning Appeals

By: \_\_\_\_\_

Chairperson

Attest: \_\_\_\_\_

Secretary

**DEVELOPMENT STANDARDS VARIANCE: BZA 2019-09-C: Hoosier Energy, Entrance & Drive Standards; Materials  
FINDINGS OF FACT BY THE SHELBYVILLE BOARD OF ZONING APPEALS**

**Staff Prepared**

Motion:

(I) would like to make a motion to approve the requested variance from UDO 5.15(C) Entrance & Drive Standards; Materials, in accordance with the plans provided to this board, pursuant to the findings of fact presented in the planning staff's report.

a. Gravel only be used where subsurface equipment is located

- 1.  The approval of the Development Standards Variance **will not** be injurious to the public health, safety, morals and general welfare of the community.
- The approval of the Development Standards Variance **will** be injurious to the public health, safety, morals and general welfare of the community.
- 2.  The use and value of the area adjacent to the subject property seeking a Development Standards Variance **will not** be affected in a substantially adverse manner.
- The use and value of the area adjacent to the subject property seeking a Development Standards Variance **will** be affected in a substantially adverse manner.
- 3.  The strict application of the terms of the ordinance **will** result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.
- The strict application of the terms of the ordinance **will not** result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.

Additional conditions imposed by the Board of Zoning Appeals:

- 1.
- 2.
- 3.

Shelbyville Board of Zoning Appeals

By: \_\_\_\_\_

Chairperson

Attest: \_\_\_\_\_

Secretary

**DEVELOPMENT STANDARDS VARIANCE: BZA 2019-09-D: Hoosier Energy, Entrance & Drive Standards; Separation from another driveway**

**FINDINGS OF FACT BY THE SHELBYVILLE BOARD OF ZONING APPEALS**

**Staff Prepared**

Motion:

(I) would like to make a motion to approve the requested variance from UDO 5.15(A) Entrance and Drive Standards; Separation from another driveway, in accordance with the plans provided to this board, pursuant to the findings of fact presented in the planning staff's report.

- 1.  The approval of the Development Standards Variance **will not** be injurious to the public health, safety, morals and general welfare of the community.
- The approval of the Development Standards Variance **will** be injurious to the public health, safety, morals and general welfare of the community.
- 2.  The use and value of the area adjacent to the subject property seeking a Development Standards Variance **will not** be affected in a substantially adverse manner.
- The use and value of the area adjacent to the subject property seeking a Development Standards Variance **will** be affected in a substantially adverse manner.
- 3.  The strict application of the terms of the ordinance **will** result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.
- The strict application of the terms of the ordinance **will not** result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.

Additional conditions imposed by the Board of Zoning Appeals:

- 1.
- 2.
- 3.

Shelbyville Board of Zoning Appeals

By: \_\_\_\_\_

Chairperson

Attest: \_\_\_\_\_

Secretary

**DEVELOPMENT STANDARDS VARIANCE: BZA 2019-09-E: Hoosier Energy, Entrance & Drive Standards; Separation from a street**

**FINDINGS OF FACT BY THE SHELBYVILLE BOARD OF ZONING APPEALS**

**Staff Prepared**

Motion:

(I) would like to make a motion to approve the requested variance from UDO 5.15(A) Entrance and Drive Standards; separation from a street, in accordance with the plans provided to this board, pursuant to the findings of fact presented in the planning staff's report.

- 1.  The approval of the Development Standards Variance **will not** be injurious to the public health, safety, morals and general welfare of the community.
- The approval of the Development Standards Variance **will** be injurious to the public health, safety, morals and general welfare of the community.
- 2.  The use and value of the area adjacent to the subject property seeking a Development Standards Variance **will not** be affected in a substantially adverse manner.
- The use and value of the area adjacent to the subject property seeking a Development Standards Variance **will** be affected in a substantially adverse manner.
- 3.  The strict application of the terms of the ordinance **will** result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.
- The strict application of the terms of the ordinance **will not** result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.

Additional conditions imposed by the Board of Zoning Appeals:

- 1.
- 2.
- 3.

Shelbyville Board of Zoning Appeals

By: \_\_\_\_\_

Chairperson

Attest: \_\_\_\_\_

Secretary



# DEVELOPMENT STANDARD VARIANCE APPLICATION

Shelbyville Plan Commission  
44 West Washington Street  
Shelbyville, IN 46176  
P: 317.392.5102

For Office Use Only	
Case #	_____
Hearing Date:	_____
Fees:	_____
Approved	Denied

1.

**Applicant** (person or company requesting variance)

Name: HOSIER ENERGY  
 Address: 2501 Cooperative Way  
Bloomington IN 47402  
 Phone Number: 812 876 0377  
 Fax Number: 812 876 0314  
 Email Address: tgallagher@hepa.com

**Property Owners Information** (if different than applicant)

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_  
 Fax Number: \_\_\_\_\_  
 Email Address: \_\_\_\_\_

2.

**Applicant's Attorney/Representative**

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_  
 Fax Number: \_\_\_\_\_

**Project Engineer**

Name: Bledsoe Riggert Cooper James  
 Address: 1351 W. Tapp Rd.  
 Phone Number: 812-336-8277  
 Fax Number: 812-336-0817

**4. Project Information:**

Address of Property: 1982 W. County Rd 300N Shelbyville, IN 46176  
 Current Zoning: A1 Existing Use of Property: ag

5. Number of Variances Requested 1

**6. Applicable Ordinance Section Number(s)**

(Please indicate ALL applicable Zoning Ordinance Section Numbers for your petition; including Article, Section, and Page Number)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

The undersigned states the above information is true and correct as s/he is informed and believes.

Signature of Applicant: Tom Gallagher Date: 5-6-19

State of Indiana  
County of Shelby

for Hosier Energy  
) SS:

Subscribed and sworn to before me this 7th day of May, 2019.

Tanya M. Root Notary Public  
Tanya M. Root Printed



Residing in Monroe County. My Commission Expires: 7-5-2024

**AFFIDAVIT & CONSENT OF PROPERTY OWNER  
APPLICATION TO THE SHELBYVILLE BOARD OF ZONING APPEALS**

State of Indiana       )  
County of Shelby     ) SS:

I, Hoosier Energy, AFTER BEING DULY SWORN, DEPOSE AND SAY  
(Name of property owner) by Tom Gallagher

THE FOLLOWING:

1. That I am the owner of real estate located at 1982 W CR 300 N ;  
(Address of affected property)
2. That I have read and examined the Application made to the Shelbyville Board of Zoning Appeals by: Tom Gallagher for  
(Name of applicant) Hoosier Energy
3. That I have no objections to and consent to the request(s) described in the Application made to the Shelbyville Board of Zoning Appeals.

Hoosier Energy  
Owner's Name (Please print)

by Tom Gallagher  
Owner's Signature

State of Indiana       )  
County of Shelby     ) SS:

Subscribed and sworn to before me this 7<sup>th</sup> day of May, 2019

Tanya M. Root  
Notary Public

Tanya M. Root  
Printed

Residing in Mammoth County.

My Commission Expires: 7-5-2024





**DEVELOPMENT STANDARD VARIANCE  
FINDINGS OF FACT**

Petitioner's Name: Hoosier Energy, R.E.C., Inc.  
Location: 1982 W. CO. RD. 300 N Shelbyville, IN 46176  
Variance for: 2- Driveways

The Shelbyville Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Development Standard Variance. Using the lines provided, please explain how your request meets each of these criteria.

1. **General Welfare:** Explain why granting the request for a development standard variance will not be harmful to the public health, safety and general welfare of the City of Shelbyville.

will allow servicing of substation without  
interfering or obstructing the county road,

2. **Adjacent Property:** Explain why the development standard variance request will not affect the use and the value of adjacent properties.

drives will only be used sparingly  
for service and repair of substation

3. **Practical Difficulty:** Please state the difficulties that will be faced if the project is not granted the requested development standard variance.

Will not be able to safely access  
the site as required to provide service  
and repair.





Intelliplex Letter Supporting Two Driveways  
05-06-2019

The over-all picture is that this will be an Electrical Substation involving three (3) separate electrical utilities initially serving new industrial customers for Shelbyville. It is fed from the High Voltage Transmission Lines of Duke Energy and is transformed to a lower voltage by Hoosier Energy. It then feeds this lower voltage to Rush-Shelby REMC, which in turn serves the end user. It is a fenced site with locked gates. The size and complexity require multiple access points in order to optimally maintain this substation, especially during times of equipment failure when many crews are working simultaneously. However, under normal conditions, driveway usage is minimal – and could see as little as one vehicle a month entering and leaving the substation.

I'd like to address the driveway concerns more directly by starting with the gates:

A two gate system serves to reduce congestion and enhance traffic flow during restoration emergencies. The vehicles used during such periods are typically large - ranging from cargo vans to long, multiple axle tractor trailers. For the sake of customer reliability, the two gate design is near mandatory and cannot be changed.

While the need for two gates is obvious, the need for two driveways is a bit abstract. Having one driveway feed two gates would force that one driveway to be rather large - which, in a sense, creates a "parking lot" outside of our controlled fenced area. History has taught us that this invites the general public to use it as such. Since it is an "unmanned" site, it becomes a turnaround area for commercial semis, staging for foreign equipment, spill-over parking for neighbors, etc., i.e., it increases the cost and potentially reduces the functionality.

Aside from the intangible reason previously stated, we have the very real concept of dual ownership. Two driveways give a very "concrete" demarcation point between the utilities sharing this site. It forces coordination during emergencies and prevents the unintentional "creeping" into each other's space that might occur during the high-risk emergency work common to electrical utilities.  
Mark Hall, Hoosier Energy