
THE CITY OF AUBURN
SANGAMON COUNTY, ILLINOIS

ORDINANCE
NUMBER 1543-24

**AN ORDINANCE RELATING TO A SPECIAL USE VARIANCE REQUEST FOR
427 NORTH 10TH STREET, AUBURN, ILLINOIS (PIN No. 34-19.0-133-012),
FOR THE OPERATION OF A PUBLICLY-REGULATED UTILITY**

TOM BEROLA, Mayor
BETHANY SPONSLER, City Clerk

JACK CRISSEY
JASON GARRETT
LARRY HEMMERLE
ROD JOHNSON
JOSEPH "MIKE" MARQUIS
DAN PARRISH
BEN ROYER
SCOTT SHEPPARD
City Aldermen

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Sorling Northrup – One North Old State Capitol Plaza, Suite 200, Springfield, IL 62701

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AN ORDINANCE RELATING TO A SPECIAL USE VARIANCE REQUEST FOR
427 NORTH 10TH STREET, AUBURN, ILLINOIS (PIN No. 34-19.0-133-012),
FOR THE OPERATION OF A PUBLICLY-REGULATED UTILITY

WHEREAS, the City of Auburn, Sangamon County, State of Illinois, (“City”) is a duly organized and existing City created and operating under the provisions of the Illinois Municipal Code and laws of the State of Illinois; and,

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/11-13-3, allows for the approval of variations to the City’s zoning code; and,

WHEREAS, on or around February 12, 2024, an application was filed by Larry Griffith requesting a variance to allow for a publicly-regulated utility to be operated at 427 North 10th Street, Auburn, Illinois (“Property”), which is currently zoned Single-Family Residential (“R-1”), and therefore not permitted to operate a commercial building for purposes of housing fiber optic internet equipment absent a special use variance; and

WHEREAS, a public hearing was noticed and duly held by Auburn Zoning Board of Appeals (“Zoning Board”) on March 13, 2024; and

WHEREAS, the notice of the public hearing held on March 13, 2024, was published in the Auburn Citizen on February 24, 2024; and

WHEREAS, the Zoning Board met on March 13, 2024, and voted, by a vote of 0 ayes, 5 nays, 0 absent, and 2 vacancies, that the City Council approve the special use variance requested; and

WHEREAS, as a result of the testimony presented at the public hearing, the Zoning Board found that the requested special use variance will:

- a. have satisfactory provision and arrangement for means of ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
- b. not have satisfactory provision and arrangement for off-street parking and loading areas where required, with particular attention to the economic, noise, glare, or odor effects of the special use upon adjoining properties and properties generally within the district;
- c. have satisfactory provision and arrangement for refuse and service areas;
- d. have satisfactory provision and arrangement for utilities, with reference to location, availability, and compatibility;
- e. have satisfactory provision and arrangement for screening and buffering, with reference to type, dimensions, and character;
- f. have satisfactory provision and arrangement for signs, if any;
- g. not have satisfactory provision and arrangement for proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
- h. have satisfactory provision and arrangement for required yards and other open space; and
- i. not have a satisfactory provision and arrangement for general compatibility with adjacent properties and other property in the district. A true and correct copy of the Zoning Board's findings of fact relating to the special use variance request is attached and incorporated hereto as **Exhibit A**.

WHEREAS, the Zoning Board found that the precedent setting effect of granting the special use would not be in the best interest of the City; and,

WHEREAS, Appendix A Section VIII(G)(1)(a) of the City Code of Ordinances allows for the City to permit a special use of land where, because of the unique character of the land, said use cannot be properly classified in any particular district(s) without consideration of the impact of those uses upon neighboring lands and upon public need for the particular use of the particular location, including those uses operated by a publicly-regulated utility or other uses traditionally affected with a public interest with R-1 districts;

and

WHEREAS, on March 18, 2024, the Zoning Board presented their findings to the City Council; and,

WHEREAS, the Mayor and City Council have found and determined that it is in the best interests of the City that the zoning variance be [granted/denied].

NOW THEREFORE, BE IT ORDAINED by the Mayor and Auburn City Council, Sangamon County, Illinois, as follows:

Section 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

Section 2. Findings of Fact. The City Council adopts the findings of fact of the Commission as set forth in the foregoing recitals.

Section 3. Description of the Property. The Property is commonly known as 427 North 10th Street, Auburn, Illinois, and is legally described as follows:

The North 75 feet of Lots Fourteen (14) and Fifteen (15) in Block Three (3) of Hart's Addition to Auburn, Illinois.


PIN: 34-19.0-133-012

Section 4. Public Hearing. A duly noticed public hearing was held by the Zoning Board of Appeals, on March 13, 2024, at which time the Zoning Board voted to recommend denial of the variance.

Section 5. Variance. The special use variation requested in the February 12, 2024, Variance Application Request Form, outlined herein, and discussed at the March 13, 2024, Zoning Board meeting is hereby [granted/denied] to allow for an operation of a publicly-regulated utility at the Property subject to the conditions set forth in Section 6 of this Ordinance.

	YES	NO	ABSENT	PRESENT
CRISSEY		✓		
GARRETT			✓	
HEMMERLE		✓		
JOHNSON		✓		
MARQUIS		✓		
PARRISH		✓		
ROYER		✓		
SHEPPARD		✓		
BEROLA				
TOTAL	0	7	1	0

CITY OF AUBURN


 TOM BEROLA, Mayor

Attest:


 BETHANY SPONSLER, City Clerk

Section 6. Conditions. The variance granted herein is conditioned upon the following restrictions:

1. The Property shall not be found to be in violation of any other City Ordinance, including City nuisances. Should the property be found to be in violation of a City Ordinance, this Variance shall immediately terminate.

Section 7. Severability. In the event a court of competent jurisdiction finds this Ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this Ordinance and the application thereof to the greatest extent permitted by law.

Section 8. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the City prior to the effective date of this Ordinance.

Section 9. Effectiveness. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

SO ORDAINED this 1st day of April 2024, at the City of Auburn, Sangamon County, Illinois.

(remainder of page intentionally left blank – voting record and signature page to follow)

SPECIAL USE RECOMMENDATION & FINDINGS OF FACT

To: City of Auburn, City Council

From: City of Auburn, Zoning Board of Appeals

Re: Recommendation for Larry Griffith, Special Use Request Permit, 427 North 10th Street, Auburn, Illinois; PIN no. 34-19.0-133-012

Date: March 13, 2024

On Wednesday, March 13, 2024, the City of Auburn, Zoning Board of Appeals (“Zoning Board”) held a public hearing for a special use variance at **427 North 10th Street, Auburn, Illinois (PIN no. 34-19.0-133-012), currently zoned Single-Family Residential (R-1) as a use operated by a public agency or publicly-regulated utility (“Special Use Request”)**. The notice of the public hearing was published in the Auburn Citizen on February 24, 2024. A copy of the certificate of publication is attached.

This Request concerns an application of Larry Griffith, asking the City of Auburn to grant a Special Use Variance for the property commonly known as 427 North 10th Street, Auburn, Illinois, with the legal description of the North 75 feet of Lots Fourteen (14) and Fifteen (15) in Block Three (3) of Hart’s Third Addition to the City of Auburn, Illinois (PIN no. 34-19.0-133-012) (the “Parcel”), currently zoned Single-Family Residential (“R1”). The Special Use Variance is sought pursuant to City Code of Ordinances, Appendix A, Section VIII(G), to allow a use operated by a publicly-regulated utility upon the Parcel.

Acting Chairman, Dave Miller, called the meeting to order at 7:00 PM. A quorum was present, as follows: Ron Appelt, Dave Miller, James Nuckols, Scott Sheppard, and Penny Williams. Two (2) current vacancies exist upon the Zoning Board of Appeals. Also present was Andrew Jarmer, City Attorney. Bobbi Dean, CEO, Computer Techniques, LLC (“CTI”), was present to address the Zoning Board of Appeals, and general public, concerning the Special Use Variance request for the property commonly known as 427 North 10th Street, Auburn, Illinois 62625 (“Special Use Variance Request”). Other members of the general public appeared, including [insert names from sign-in sheet], to both address the Zoning Board of Appeals, and Bobbi Dean, concerning the Special Use Variance Request.

Based on the public hearing, the Zoning Board voted zero (0) in the affirmative, five (5) in the negative, and two (2) vacancies, to recommend that the City of Auburn, City Council, not approve the Special Use Request. Based on the public hearing, the Zoning Board on found the special use will:

- (1) have satisfactory provision and arrangement for means of ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
- (2) not have satisfactory provision and arrangement for off-street parking and loading areas where required, with particular attention to the economic, noise, glare, or odor effects of the special use upon adjoining properties and properties generally within the district;

- (3) have satisfactory provision and arrangement for refuse and service areas;
- (4) have satisfactory provision and arrangement for utilities, with reference to location, availability, and compatibility;
- (5) have satisfactory provision and arrangement for screening and buffering, with reference to type, dimensions, and character;
- (6) have satisfactory provision and arrangement for signs, if any;
- (7) not have satisfactory provision and arrangement for proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
- (8) have satisfactory provision and arrangement for required yards and other open space; and
- (9) not have satisfactory provision and arrangement for general compatibility with adjacent properties and other property in the district.

Dave Miller, Acting Chairman, City of Auburn,
Zoning Board of Appeals