
THE VILLAGE OF COAL CITY
GRUNDY & WILL COUNTIES, ILLINOIS

ORDINANCE
NUMBER 15-07

**AN ORDINANCE GRANTING A VARIANCE TO THE ZONING CODE FOR
MINIMUM REAR AND FRONT YARD SETBACK REQUIREMENTS AND
GRANTING A CONDITIONAL USE AT 70 NORTH FIRST AVENUE**

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**AN ORDINANCE GRANTING A VARIANCE TO THE ZONING CODE FOR
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GRANTING A CONDITIONAL USE AT 70 NORTH FIRST AVENUE**

WHEREAS, an application for variances from Section 156-92 of the Village of Coal City Zoning Code (“Zoning Code”) was filed by property owner Randy Alderson (“applicant”) on January 23, 2015 for changes to the rear and front yard setbacks due to the demolition of the existing primary structure and request for a new structure; and

WHEREAS, Section 156-92 requires a minimum rear yard depth of 15 feet and a front yard depth of 30 feet, the applicant is seeking a variation from these requirements to have a minimum rear yard setback of 4 feet (reduction of 11 feet) and a front yard setback of approximately 3 feet (a reduction of 27 feet); and

WHEREAS, due to the intended use of the new structure, the petitioner further requested the Zoning Board of Appeals to allow the utilization of a conditional use, which is provided in Table 7, Group I, (5) of the Village Zoning Code; and

WHEREAS, a public hearing was noticed and duly held on February 16, 2015; subsequent to the public hearing, the Zoning Board of Appeals positively recommended to the Board of Trustees the petition to include variances from requisite setbacks and the construction of a storage garage as the principle use on the property; and

WHEREAS, Section 156-250 permits the Village Board to approve variations from the Zoning Code and section 156-230 provides for Conditional Uses; and

WHEREAS, the Village Board of Trustees and the President of the Village of Coal City believe it is in the best interests of the Village to grant the requested variances.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Coal City, Grundy and Will Counties, 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 Board of Trustees find the following regarding the petitioner’s request for certain variances:

- A. **Special Circumstances Not Found Elsewhere.** The property is irregular in shape due to its proximity to the BNSF Railroad. While the property is zoned C-3, it must receive variances in setback in order to develop the property in for a commercial purpose.

- B. **Unnecessary Hardship.** The constraints of the Code would not allow the investment into a structure that complies with the Code and the Core Area Design Guidelines due to the small building footprint if all of the necessary setbacks were maintained.
- C. **Preserves Rights Conferred by the District.** The current residential structure is a non-conforming use; its elimination requires further development to be a commercial utilization. The setback variances shall allow the development of the property with a use consistent with those conferred in the commercial district.
- D. **Necessary for Use of the Property.** The development plan allows for the simultaneous improvement of more parking for the adjacent commercial property. This improvement will result in additional storage as well as provide necessary parking for Southland Firearms.
- E. **Consistency with the Local Area and Comprehensive Plan.** Granting this variance is consistent with the principles provided in the Comprehensive Plan. Allowing the storage building to be constructed shall complement to the other development located within the local area.

Findings of Fact. Furthermore, the Board of Trustees finds the following regarding the petitioner's request for a certain conditional use:

- F. **Traffic.** This use shall not create any more traffic onto the property. The development will accommodate additional parking and assist in mitigating traffic due to its immediate adjacent commercial business – Southland Firearms.
- G. **Environmental Nuisance.** The utilization of a storage garage as the principle use on this property shall maintain all of the environmental regulations for the after its construction is complete.
- H. **Neighborhood Character.** This building shall be constructed to comply with the Village's Core Area Design Guidelines. There are additional storage buildings in the immediate vicinity as well.
- I. **Public Services and Facilities.** This development shall not require any additional public services or facilities.
- J. **Public Safety and Health.** The utilization of this property for a storage garage shall not be detrimental to the safety or health of the patrons or residents within the vicinity.
- K. **Other Factors.** Due to the use of other adjoining properties within the district, the construction of a storage garage compliant with the Core Area Design Guidelines shall be an improvement to the current non-conforming that exists on the property.

Section 3. Description of the Property. The property is located at 70 North First Avenue in the Village of Coal City within a C-3 District. The legal description for the property is as follows:

Lot 10, Block 28 of Sufferns subdivision.

Section 4. Public Hearing. A public hearing was advertised on January 28, 2015 in the Coal City Courant and held by the Zoning Board of Appeals on February 16, 2015, at which time the Board recommended the petition for approval by the Board of Trustees.

Section 5. Variances. The variations requested in the January 23, 2015 Variance Application to Section 156-92 of the Zoning Code shall reduce the rear yard setback from 15 feet to 4 feet and the front yard setback from 30 feet to 3 feet.

Section 6. Conditional Use. The petitioner shall be allowed to construct a storage garage as the principle use on the property.

Section 7. Conditions. The variances granted herein are contingent and subject to the following conditions:

- A. The construction of the new improvement shall be consistent with the information previously submitted and according to the presentations to the Planning & Zoning Board Meeting of February 23, 2015.
- B. The storage garage shall be designed and constructed so as to abide by the Core Area Design Guidelines set forth in Section 156-57 of the Village Code.

Section 8. 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 9. 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 Village of Coal City prior to the effective date of this ordinance.

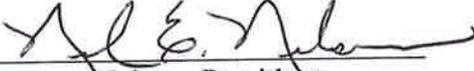
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Section 10. Effectiveness. This ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

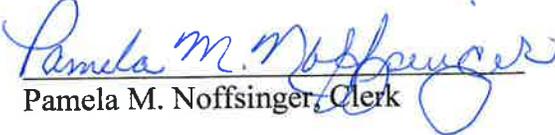
SO ORDAINED this 23 day of February, 2015, at Coal City, Grundy and Will Counties, Illinois.

AYES: 4
NAYS: 0
ABSENT: 2
ABSTAIN: 0

VILLAGE OF COAL CITY


Neal E. Nelson, President

Attest:


Pamela M. Noffsinger, Clerk