
THE VILLAGE OF COAL CITY
GRUNDY & WILL COUNTIES, ILLINOIS

ORDINANCE
NUMBER *15-30*

**AN ORDINANCE GRANTING A VARIANCE TO THE ZONING CODE FOR
MAXIMUM ACCESSORY STRUCTURE SQUARE FOOTAGE REQUIREMENTS
AT 225 W. FOURTH STREET**

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Village Trustees

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AT 225 W. FOURTH STREET

WHEREAS, an application for variances from Section 156-162 of the Village of Coal City Zoning Code (“Zoning Code”) was filed by property owner Edmund Berta (“applicant”) on July 17, 2015 for a variance to allow the construction of a 1,600 square foot garage with proper setbacks within the rear yard; and

WHEREAS, Section 156-162 utilizes Table 15 to set forth the maximum allowable square footage for garages at 900 square feet and the applicant is seeking a variation from this requirement to construct a garage of approximately 1,600 square feet (an increase of 700 square feet); and

WHEREAS, Section 156-162 utilizes Table 15 to set forth the maximum allowable height of the eaves for garages at 9 feet and the applicant is seeking a variation from this requirement to construct a garage with an eave height of 10 feet (an increase of 1 foot); and

WHEREAS, Section 156-162 utilizes Table 15 to set forth the maximum allowable height of accessory structures at 15 feet and the applicant is seeking a variation from this requirement to construct a garage with a total height of 18 feet (an increase of 3 feet); and

WHEREAS, a public hearing was noticed and duly held on August 17, 2015; subsequent to the public hearing, the Zoning Board of Appeals positively recommended to the Board of Trustees the petition; and

WHEREAS, Section 156-250 permits the Village Board to approve variations from the Zoning Code; 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 as follows:

A. **Unnecessary Hardship**. The petitioner purchased an existing house that does not contain a garage for the storage of vehicles and personal possessions. These detached accessory structures are utilized throughout many of the properties within the adjacent area.

B. **Preserves Rights Conferred by the District**. This improvement will be constructed

of residential quality and shall be an improvement within this RS-2 District. The roof is being constructed in a manner that matches the existing primary structure. This structure shall allow the petitioner to enjoy his property in a manner that shall be harmonious with the neighbors.

- C. **Necessary for the Use of the Property.** This property does not currently possess a garage that may be utilized to store automobiles and/or personal property. This improvement is necessary for residential utilization of the property.
- D. **Consistency with the Local Area and Comprehensive Plan.** Granting this variance is consistent with the principles provided in the Comprehensive Plan. Allowing the garage to be constructed within the requisite setbacks is consistent with other houses located within the local area.

Section 3. Description of the Property. The property is located at 225 W. Fourth Street in the Village of Coal City within an RS-2 District; the Plat of Survey for which has been prepared and attached as Attachment A.

Section 4. Public Hearing. A public hearing was advertised on July 22, 2015 in the Coal City Courant and held by the Zoning Board of Appeals on August 17, 2015, at which time the Board recommended the petition for approval by the Board of Trustees.

Section 5. Variances. The variations requested in the July 17, 2015 Variance Application to Section 156-162 of the Zoning Code is outlined herein as follows:

- A. A variance from the requirements of Section 156-162 to exceed the maximum allowable square footage of 900 square feet by 700 square feet to allow the construction of a new garage.
- B. A variance from the requirements of Section 156-162 to exceed the maximum allowable height of the building of 15 feet by 3 feet to allow the construction of a 5/12 pitch roof on the new structure.
- C. A variance from the requirements of Section 156-162 to exceed the maximum allowable height of the eve of 9 feet by 1 foot to allow the construction of a 5/12 pitch roof on the new structure.

Section 6. Conditions. The variances granted herein are contingent and subject to the following conditions:

- A. This owner shall abide by the Illinois Plumbing Code concerning the utilization of a floor drain within the structure, which exceeds 900 square feet.
- B. The newly constructed garage shall follow as presented within the material submitted and according to the presentation to the Planning & Zoning Board Meeting of August 17, 2015.

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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 Village of Coal 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 24 day of August, 2015, at Coal City,
Grundy and Will Counties, Illinois.

AYES: 6

NAYS: 0

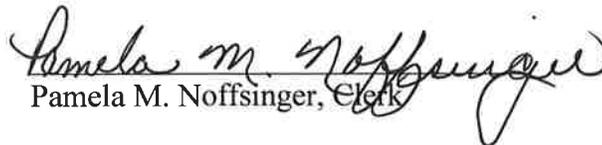
ABSENT: 0

ABSTAIN: 0

VILLAGE OF COAL CITY


Terry Halliday, President

Attest:


Pamela M. Noffsinger, Clerk