
THE VILLAGE OF COAL CITY
GRUNDY & WILL COUNTIES, ILLINOIS

ORDINANCE
NUMBER 15-14

**AN ORDINANCE GRANTING A VARIANCE TO THE ZONING CODE FOR THE
LOCATION OF A FENCE WITHIN THE FRONT YARD OF 518 MALLARD COURT
IN THE VILLAGE OF COAL CITY**

TERRY HALLIDAY, President
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NEAL NELSON
Village Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Coal City
on June 22, 2015

ORDINANCE NO. 15-16

AN ORDINANCE GRANTING A VARIANCE TO THE ZONING CODE FOR THE LOCATION OF A FENCE WITHIN THE FRONT YARD OF 518 MALLARD COURT IN THE VILLAGE OF COAL CITY

WHEREAS, an application for variance from Section 156.171 of the Village of Coal City Zoning Code (“Zoning Code”) was filed by Scott and Kari Hopper (“applicant”) on May 6, 2015 for the placement of a 3 feet high fence; and

WHEREAS, Section 156.171(b)(1) states, “a variance must be acquired prior to the construction of a fence in the ...front yard”; and

WHEREAS, a public hearing was noticed and duly held on June 15, 2015; and

WHEREAS, the Village of Coal City Planning and Zoning Board met on June 15, 2015, and considered passage of the variance request to the Board of Trustees; 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**. Being unable to erect separation form the neighboring residential property allows for trespassing onto the property owned by the petitioner.
- B. **Preserves Rights Conferred by the District**. The fence shall allow residential utilization of a larger portion of the property owned by the petitioner.
- C. **Necessary for Use of the Property**. The fence shall separate adjacent properties to allow for the enjoyment of the front yard in both properties located adjacent to the location of the fence.
- D. **Minimum Variance Recommended**. The petitioner shall utilize a shorter 3-foot high vinyl fence that is decorative in nature rather than continue the 6-foot high fence to be utilized surrounding the rear yard.

Section 3. Description of the Property. The property is located 518 Mallard Court in the Village of Coal City within an RS-2 District.

Lot 17 in Quail Run subdivision, first addition, part of the southwest quarter of Section 3, Township 32 North, Range 8 East of the third principal meridian, according to the plat thereof, in the Village of Coal City, Grundy County, Illinois.

Section 4. Public Hearing. A public hearing was advertised on May 27, 2015 in the Coal City Courant and held by the Planning and Zoning Board on June 15, 2015, at which time a majority of the Planning and Zoning Board members recommended passage of the Variance to the Board of Trustees.

Section 5. Variances. The variations requested in the May 6, 2015 Variance Application to the Zoning Code are granted as follows:

- A. A variance in conjunction with Section 156.171(b)(1) is hereby granted to allow the 3-foot high fence as described by the applicant, to be installed within the front yard on the westerly edge of the property's boundary to extend from the rear yard fence to a point no closer than 4 feet within the existing sidewalk.

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

- A. The fence shall be constructed in a manner consistent with the presentation to the Planning & Zoning Board and the Board of Trustees.

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.

AN ORDINANCE GRANTING A VARIANCE TO THE ZONING CODE FOR THE LOCATION OF A FENCE WITHIN THE FRONT YARD OF 518 MALLARD COURT IN THE VILLAGE OF COAL CITY

SO ORDAINED this 22 day of June, 2015, at Coal City, Grundy & Will Counties, Illinois.

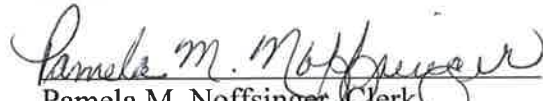
AYES: 6
NAYS: 0
ABSENT: 0
ABSTAIN: 0

VILLAGE OF COAL CITY



Terry Halliday, President

Attest:



Pamela M. Noffsinger, Clerk