
THE VILLAGE OF COAL CITY
GRUNDY & WILL COUNTIES, ILLINOIS

ORDINANCE
NUMBER *16-03*

**AN ORDINANCE CONCERNING THE ASSUMPTION CHURCH ADDITION
GRANTING A VARIANCE TO THE ZONING CODE FOR CORNER SIDE YARD
SETBACK REQUIREMENTS AT 215 S. KANKAKEE AND GRANTING
CONDITIONAL USES AT 155 E. CHURCH STREET AND 170 E. OAK STREET**

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on *February 10*, 2016

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WHEREAS, an application for variances from Section 156-73 of the Village of Coal City Zoning Code (“Zoning Code”) was filed by Assumption BVM Church (“applicant”) on December 30, 2015 for changes to the corner side yard setback due to the building addition onto the existing church; and

WHEREAS, Section 156-73 requires a minimum corner side yard depth of 25 feet, the applicant is seeking a variation from these requirements to have a minimum rear yard setback of 11 feet (reduction of 14 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 5, Group B, (13) of the Village Zoning Code; and

WHEREAS, a public hearing was noticed and duly held on February 11, 2016; subsequent to the public hearing, the Zoning Board of Appeals positively recommended to the Board of Trustees the petition to include a variance from the requisite corner side yard setback and the construction of additional offstreet parking, which is an accessory use to a currently allowed conditional use within the RS-3 zoning district; 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 a corner side yard variance:

A. **Special Circumstances Not Found Elsewhere.** The petitioner practices a unique utilization of the building which requires the space to reflect an atmosphere in which the

members of the church can congregate, which necessitates the creation of an architectural transept to be constructed during the church's expansion.

- B. **Not Resulting from Applicant Action.** The petitioner decided upon preserving the historical value of the existing structure and utilized the existing position of the structure as it is currently positioned on the corner residential lot.
- C. **Unnecessary Hardship.** The constraints of the Code would not allow the members of the church to congregate in an acceptable manner; alternatives to transept design result in longer structures that do not allow the members to efficiently congregate or ones that would need to be constructed elsewhere.
- D. **Preserves Rights Conferred by the District.** The expansion of the church shall allow the historic practice at the location to continue. The building's design was created in order to provide the proper scale and approach for the residential district in which eth improvement will take place.
- E. **Necessary for Use of the Property.** The development plan fits the requirements set forth by the Catholic Church Diocese and shall allow the members of the church to continue and expand at its current location.
- F. **Consistency with the Local Area and Comprehensive Plan.** Granting this variance is consistent with the principles provided in the Comprehensive Plan. Allowing the building addition to be constructed shall complement the local area as well as the existing structure.
- G. **Minimum Variance Recommended.** Designs for increased seating capacity were minimized in light of the Village's code requirement to minimize the impact of the church within the neighborhood and adjacent properties.

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

- H. **Traffic.** This use shall augment existing offstreet parking options for the utilization of the church's membership and should further minimize the use of adjacent parking within adjacent rights of way throughout the neighborhood.
- I. **Environmental Nuisance.** The parking areas shall be constructed according to the village's code providing adequate buffering from adjacent properties and shall abide by the lighting provisions including cutoff lights for the parking areas.
- J. **Neighborhood Character.** The design of the parking lot areas is provided to enhance the investment within the church's addition. The improvement will include properly drained, newly asphalted areas and curb improvements as well as approaches for affected adjacent neighbors.

- K. **Public Services and Facilities.** The site plan does not require any additional public services and provides the ability for future maintenance of current public facilities to become the responsibility of the petitioner at a higher standard than currently provided.
- L. **Public Safety and Health.** The utilization of this property for parking shall include adequate signage and access to maintain the safety of the neighborhood and the church's patrons.
- M. **Other Factors.** The parking lots shall be accessory to a conditional use, which is a Catholic parish that has been established within the community nearly as long as the village's existence; the provision of this conditional use is a benefit to many members throughout the Village of Coal City.

Section 3. Description of the Property. The property is located across multiple parcels with its primary address at 215 S. Kankakee Street in the Village of Coal City within an RS-3 District. The legal descriptions for the properties are as follows:

215 – 245 S. Kankakee Street
Assessor's Subdivision, all of block 11

155 E. Church Street
Assessor's Subdivision, the westerly 50 feet of block 10

170 E. Oak Street
Assessor's Subdivision, lot 3 and the easterly 25 feet of block 12

Section 4. Public Hearing. A public hearing was advertised on January 9, 2016 in the Coal City Courant and held by the Zoning Board of Appeals on February 1, 2016, at which time the Board recommended the petition for approval by the Board of Trustees.

Section 5. Variance. The variation requested in the December 30, 2015 Variance Application to Section 156-73 of the Zoning Code shall reduce the corner side yard setback from 25 feet to 11 feet.

Section 6. Conditional Uses. The petitioner shall be allowed to construct parking lots as accessory uses to the currently allowed conditional use at its 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 1, 2016.

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- B. The offstreet parking areas shall be designed and constructed so as to abide by the requirements set forth in 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.

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 10 day of February, 2016, at Coal City,
Grundy and Will Counties, Illinois.


AYES: 4

NAYS: 0

ABSENT: 0

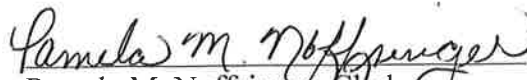
ABSTAIN: 0

VILLAGE OF COAL CITY



Terry Halliday, President

Attest:



Pamela M. Noffsinger, Clerk