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**THE VILLAGE OF COAL CITY**  
**GRUNDY & WILL COUNTIES, ILLINOIS**

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ORDINANCE  
NUMBER 16-11

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**AN ORDINANCE GRANTING VARIANCES TO THE ZONING CODE FOR THE  
PLACEMENT OF A GARGE WITHIN THE REAR YARD EXCEEDING MAXIMUM  
ACCESSORY STRUCTURE SQUARE FOOTAGE REQUIREMENTS  
AT 7835 E. CHICKORY LANE**

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Village Trustees

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Published in pamphlet form by authority of the President and Board of Trustees of the Village of Coal City  
on June 8, 2016

ORDINANCE NO. 16-11

**AN ORDINANCE GRANTING VARIANCES TO THE ZONING CODE FOR THE PLACEMENT OF A GARAGE WITHIN THE REAR YARD EXCEEDING MAXIMUM ACCESSORY STRUCTURE SQUARE FOOTAGE REQUIREMENTS AT 7835 E. CHICKORY LANE**

**WHEREAS**, an application for variances from Section 156-162 of the Village of Coal City Zoning Code (“Zoning Code”) was filed by property owner Michael Peters (“applicant”) on May 4, 2016 for a variance to allow the construction of a 1,872 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 with the cumulative square footage of all accessory structures not to exceed 1,100 square feet and the applicant is seeking a variation from these requirements to construct a garage of approximately 1,872 square feet (an increase of 972 square feet), which shall exceed the total cumulative square footage by 964 square feet (totaling 2,064 square feet inclusive of the existing shed); 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 23 feet (an increase of 8 feet); and

**WHEREAS**, Section 156-162 utilizes Table 15 to set forth the maximum linear dimension of any wall of accessory structures at 36 feet and the applicant is seeking a variation from this requirement to construct a garage with a single linear dimension of 40 feet (an increase of 4 feet); and

**WHEREAS**, a public hearing was noticed and duly held on June 6, 2016; 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 an accessory structure that can contain all of the 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 for the residential accessory uses of this 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 7835 E. Chickory Lane in the Village of Coal City within an RS-2 District legally described as follows:

Lot #2, in Prairie Oak Estates, being a subdivision of part of the Northeast corner of Section 23, Township 33N, Range 8E of the 3<sup>rd</sup> Principle Meridian, according to the plat thereof recorded July 30, 1993 as document #325538 in Grundy County, Illinois.

**Section 4.**     Public Hearing. A public hearing was advertised on May 18, 2016 in the Coal City Courant and held by the Zoning Board of Appeals on June 6, 2016, at which time the Board recommended the petition for approval by the Board of Trustees.

**Section 5.**     Variances. The variations requested in the May 4, 2016 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 972 square feet resulting in the cumulative square footage for all accessory structures of 1,100 square feet to be exceeded by 964 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 8 feet to allow the construction of a roof on the new structure.

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- C. A variance from the requirements of Section 156-162 to exceed the maximum linear dimensions of any wall of 36 feet by 4 feet to allow the construction of one wall at 40 feet of the garage bear the footprint of 40'x32'.

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

- A. This owner shall ensure the grading of the restored yards surrounding the improvement shall not impact drainage of any neighboring or adjacent properties to a degree whereby neighboring or adjacent properties receive additional storm flow following the construction of the new accessory structure.
- 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 June 6, 2016.

**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 8<sup>th</sup> day of June, 2016, at Coal City,  
Grundy and Will Counties, Illinois.

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

**VILLAGE OF COAL CITY**

  
Terry Halliday, President

Attest:

  
Pamela M. Noffsinger, Clerk