

---

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

---

ORDINANCE  
NUMBER *17-07*

---

**AN ORDINANCE GRANTING A VARIANCE TO THE MINIMUM LOT STANDARDS  
FOR THE HEAVANS/TESTA SUBDIVISION AT THE SOUTHWEST CORNER OF  
GORDON AND DEWITT STREETS**

---

TERRY HALLIDAY, President  
PAMELA M. NOFFSINGER, Village Clerk

ROSS BRADLEY  
TIMOTHY BRADLEY  
DAN GREGGAIN  
NEAL NELSON  
DAVID TOGLIATTI  
JUSTIN WREN  
Village Trustees

---

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Coal City  
on *March 21*, 2017

**ORDINANCE NO. 17-07**

**AN ORDINANCE GRANTING A VARIANCE TO THE MINIMUM LOT STANDARDS FOR THE HEAVANS/TESTA SUBDIVISION AT THE SOUTHWEST CORNER OF GORDON AND DEWITT STREETS**

**WHEREAS**, an application for variances from Section 156-73 of the Village of Coal City Zoning Code (“Zoning Code”) was filed by Patricia Testa, Gerald Heavens, and John Heavens (“applicant”) on February 14, 2017 for changes to the minimum lot standards due to the subdivision of the current lot into three new lots; and

**WHEREAS**, Section 156-73 requires a minimum lot to be at least 60’ wide by 120’ deep and the applicant is seeking a variation from these requirements due to the existing lot containing three residential units, which were built prior to the minimum lot standards and each new lot shall not meet this standard; and

**WHEREAS**, the newly created lot at 185 Gordon shall possess a width of 56’ and a depth of 118’ requiring a variance from the lot depth requirement of 2’ and a variance from the minimum lot width requirement of 4’ and related setback requirements due to the existing structure being in their current locations including a 5’ setback for the detached garage located near the rear lot line, an 8’ variance within the front yard, and a 4’ side yard variance near due to the location of the detached garage near the property’s western boundary; and

**WHEREAS**, the newly created lot at 160 DeWitt Place shall have a width of 69’ and a depth of 124’ requiring certain setback requirements due to the existing structure being in their current locations including a 23’ setback for the detached garage located within the corner side yard, a 6’ variance for the primary structure within the corner side yard, and a 5’ variance due to the location of the detached garage in proximity to the primary structure; and

**WHEREAS**, the newly created lot at 170 DeWitt Place shall possess a width of 49’ and a depth of 124’ requiring a variance from the minimum lot width requirement of 11’ and requiring certain setback requirements due to the existing structure being in their current locations including a 5’ setback variance for the detached garage located within the interior side yard; and

**WHEREAS**, a public hearing was noticed and duly held on March 20, 2017, 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 minimum lot sizes 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 front yard variance:

- A. **Special Circumstances Not Found Elsewhere.** The subject property is unique in that it was purchased by applicants' family in the 1920s and the family built three homes on the property at a time before the current setback requirements were in place. The applicants now desire to divide the property so that each home is on its own lot. The variances requested are consistent with the lot sizes of surrounding homes.
- B. **Not Resulting From Applicant Action.** Applicant inherited the property in its current configuration and did not create the current circumstances.
- C. **Unnecessary Hardship.** The variance sought is necessary to avoid hardship. Under current banking regulations, a buyer is not able to obtain financing for a single family detached residence. The sale of the homes to separate individual owners would benefit the neighborhood promoting individual home ownership rather than tenant occupancy.
- D. **Preserves Rights Conferred by the District.** Granting the requested variances would not confer a special benefit upon the applicants due to the newly subdivided properties being consistent with surrounding lot sizes including adjacent lots of 35' and 55'.
- E. **Necessary for Use of the Property.** Failure to pass the variance would deprive the applicants of the use of the residences as single family homes and render the units to be non-conforming rental units.
- F. **Consistency with the Local Area and the Comprehensive Plan.** This would be consistent with the local area allowing three newly created lots to be consistent with the current land use within the neighborhood.
- G. **Minimum Variance Recommended.** Applicants carefully subdivided the properties so as to allow for the least number of necessary variances form eth Village Code.

**Section 3.** Description of the Property. The properties are currently improved upon the same lot 7 within Buchanan's Addition to Coal City and are commonly known as 185 Gordon, 160 DeWitt place, and 170 DeWitt Place, which surveys have all been attached.

**Section 4.** Public Hearing. A public hearing was advertised on \_\_\_\_\_, 2017 in the Coal City Courant and held by the Zoning Board of Appeals on March 20, 2017, at which time the Board recommended the petition for approval by the Board of Trustees.

**Section 5.** Variance. The variation requested in the February 14, 2017 Variance Application to Section 156-73 of the Zoning Code shall reduce the necessary lot requirements for each newly created lot in the manner prescribed below:

- A. 185 Gordon shall possess a lot width of 56' with a lot depth of 118'. The newly created plat shall have setbacks that vary from those required within the Village Code; these setbacks shall include a 0' setback from the rear lot line and a 2' setback from the western interior side yard line for the detached garage, and a 17' front yard setback.
- B. 160 DeWitt Place shall possess a lot width of 69' and a lot depth of 124'. The newly created plat shall have setbacks that vary from those required within the Village Code; these setbacks shall include a 2' setback from the corner side yard and a 5' separation between structures for the detached garage, and an 18' corner side yard setback for the primary structure.
- C. 170 DeWitt Place shall possess a lot width of 49' and a lot depth of 124'. The newly created plat shall have setbacks that vary from those required within the Village Code; these setbacks shall include a 2' setback from the interior southern side yard.

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

- A. The subdivision shall be consistent with the information previously submitted and according to the presentations to the Planning & Zoning Board Meeting of March 20, 2017.

**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 MINIMUM LOT STANDARDS FOR THE HEAVANS/TESTA SUBDIVISION AT THE SOUTHWEST CORNER OF GORDON AND DEWITT STREETS**

---

SO ORDAINED this 21<sup>st</sup> day of March, 2017, at Coal City, Grundy and Will Counties, Illinois.


AYES: 4

NAYS: 0

ABSENT: 2

ABSTAIN: 0

**VILLAGE OF COAL CITY**

  
Terry Halliday, President

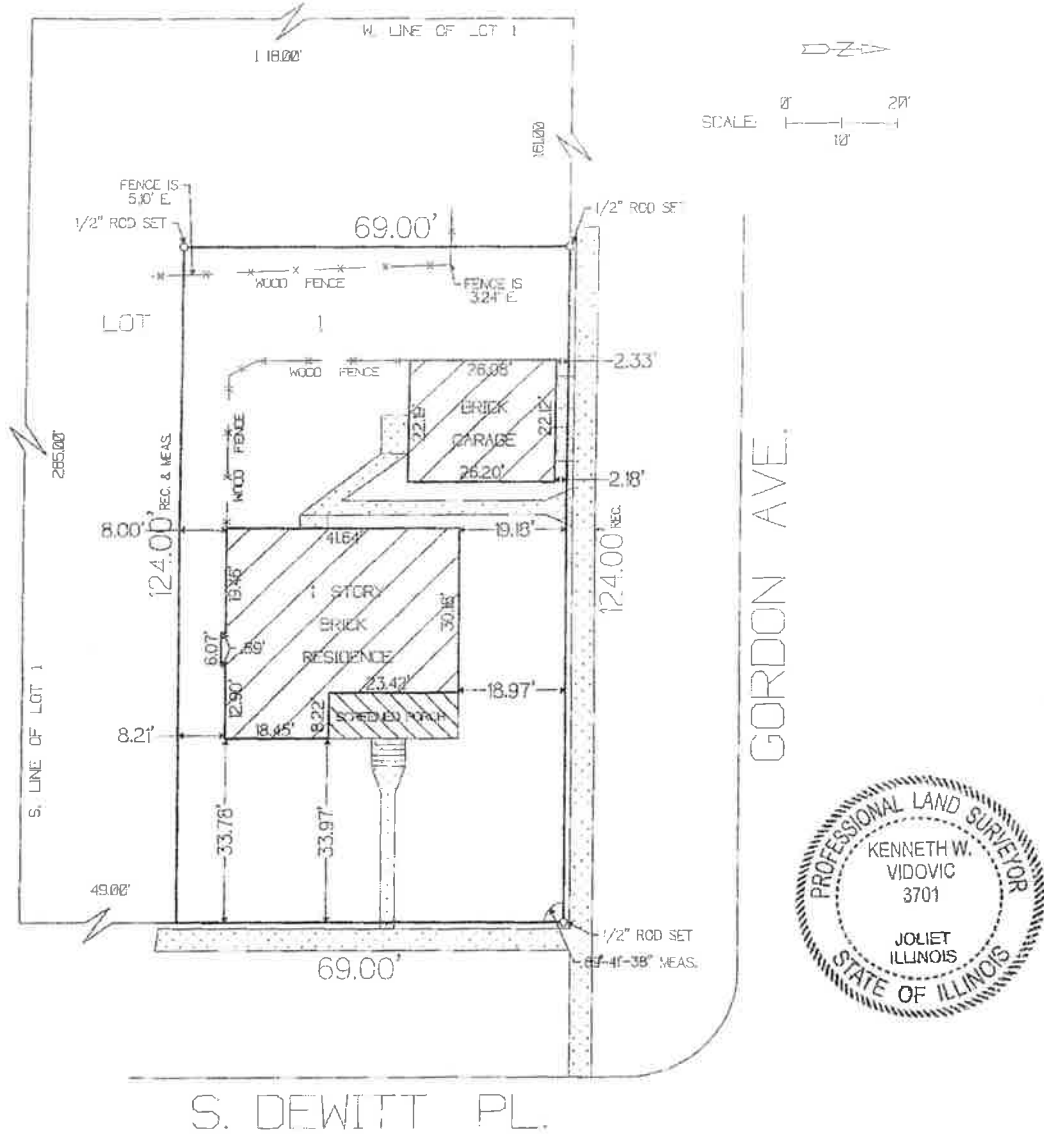
Attest:

  
Pamela M. Noffsinger, Clerk

# PLAT OF SURVEY

THE NORTH 69.00 FEET OF THE EAST 124 FEET OF LOT 1 IN BLOCK 7 IN BUCHANAN'S ADDITION TO COAL CITY, ILLINOIS AS SHOWN BY THE PLAT OF BUCHANAN'S ADDITION RECORDED IN THE RECORDER'S OFFICE OF GRUNDY COUNTY, ILLINOIS ON NOVEMBER 5, 1883 IN BOOK "B" OF PLATS AT PAGE 27, ALL IN GRUNDY COUNTY, ILLINOIS

160 DEWITT PLACE  
COAL CITY, IL.

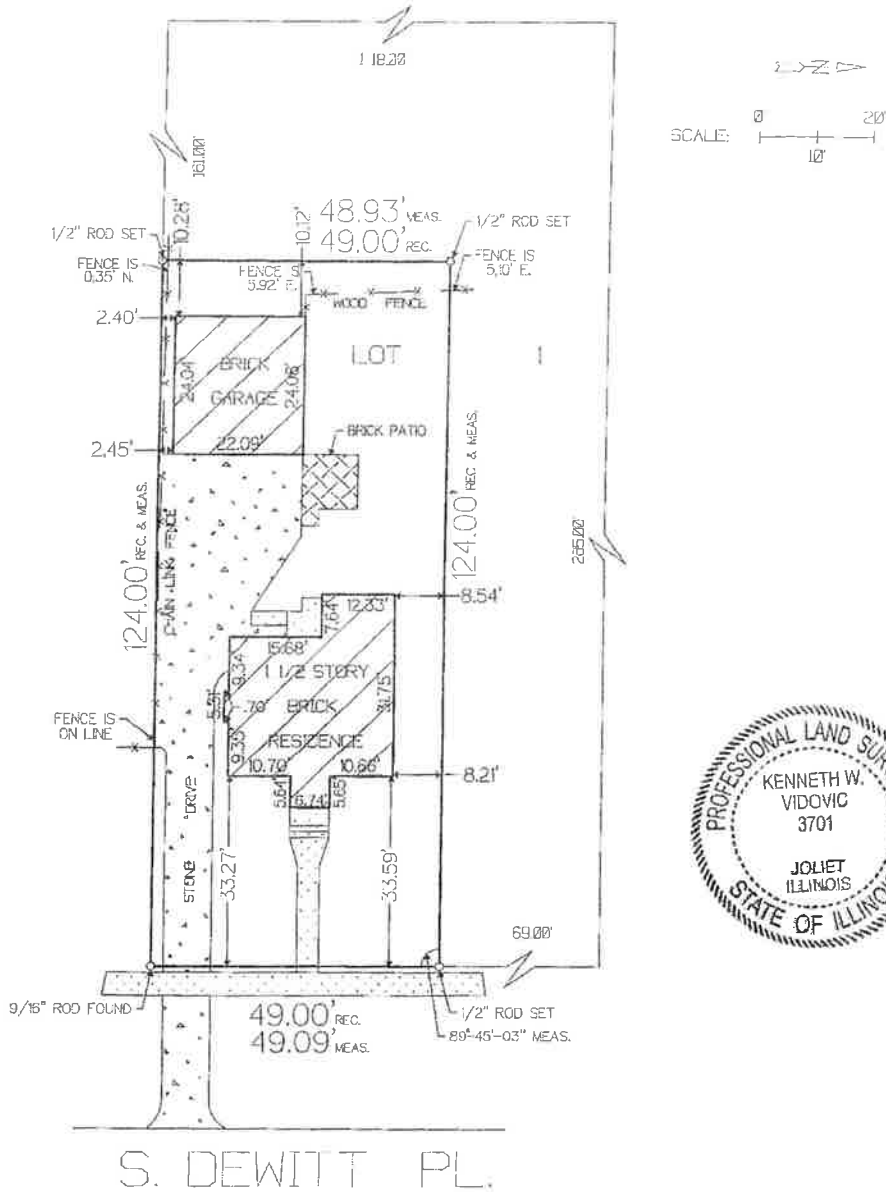


<p><b>COMMUNITY SURVEY INC.</b> 81 N. CHICAGO STREET, SUITE 207 JOLIET, IL 60432</p> <p>(815) 722-9005 (815) 722-9019 - fax EMAIL: kvcommunitysurvey@att.net</p> <p>DESIGN FIRM NO. 184-902899</p> <p>CHECK DEED OR GUARANTEE POLICY FOR BUILDING LINE OR EASEMENT RESTRICTIONS NOT SHOWN ON PLAT OF SURVEY. COMPARE POINTS BEFORE BUILDING.</p>	<p>WE, COMMUNITY SURVEY INC., DO HEREBY CERTIFY THAT WE HAVE SURVEYED FOR <u>PATTY FESTA</u> UNDER MY HAND AND SEAL ON THIS 10TH DAY OF JANUARY 2017. FIELD WORK 1/9/2017 REVISED FOR CHANGE IN LEGAL DESCRIPTION 1/16/17 THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY</p> <p>SURVEY NUMBER 16-22750</p> <p><i>Kenneth W. Vidovic</i> ILLINOIS LAND SURVEYOR NO. 3701 EXPIRES 11/30/2018</p>
--	--

# PLAT OF SURVEY

THE EAST 124.00 FEET OF LOT 1 (EXCEPT THE NORTH 69.00 FEET THEREOF), IN BLOCK 7 IN BUCHANAN'S ADDITION TO COAL CITY, ILLINOIS AS SHOWN BY THE PLAT OF BUCHANAN'S ADDITION RECORDED IN THE RECORDER'S OFFICE OF GRUNDY COUNTY, ILLINOIS ON NOVEMBER 2, 1885 IN BOOK "B" OF PLATS AT PAGE 27, ALL IN GRUNDY COUNTY, ILLINOIS

170 DEWITT PLACE  
COAL CITY, IL

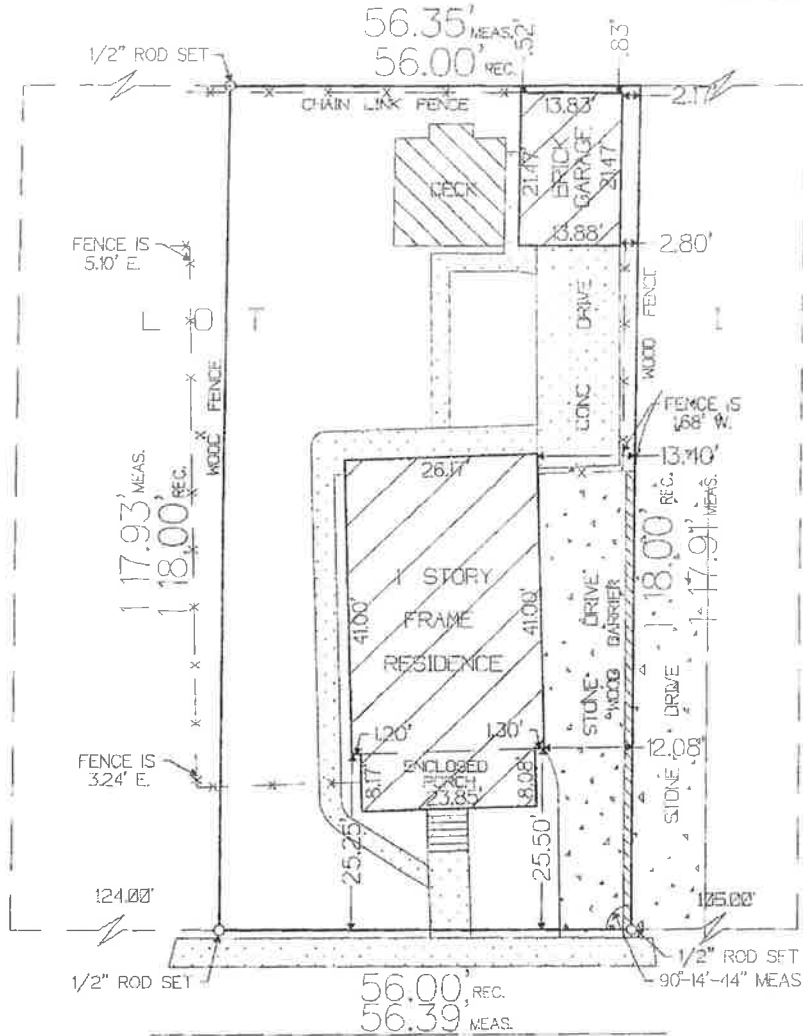
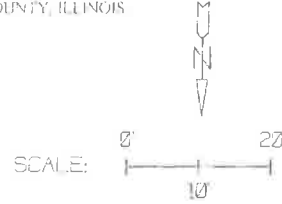


<p><b>COMMUNITY SURVEY INC.</b> 81 N. CHICAGO STREET, SUITE 207 JOLIET, IL 60432</p> <p>(815) 722-9005 (815) 722-9019 - fax EMAIL: kvcommunitysurvey@att.net</p> <p>DESIGN FIRM NO. 184 002899</p> <p>CHECK DEED OR GUARANTEE POLICY FOR BUILDING LINE OR EASEMENT RESTRICTIONS NOT SHOWN ON PLAT OF SURVEY COMPARE POINTS BEFORE BUILDING</p>	<p>WE, COMMUNITY SURVEY INC., DO HEREBY CERTIFY THAT WE HAVE SURVEYED FOR <u>PATTY TESTA</u> UNDER MY HAND AND SEAL ON THIS 19TH DAY OF JANUARY 2017. FIELD WORK 1/9/2017 REVISED FOR CHANGE IN LEGAL DESCRIPTION 1/16/17 THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY</p> <p>SURVEY NUMBER 17-22902</p> <p><i>[Signature]</i> ILLINOIS LAND SURVEYOR NO. 3701 EXPIRES 11/30/2018</p>
--	---

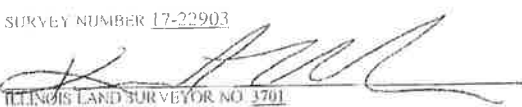
# PLAT OF SURVEY

LOT 1, ( EXCEPT THE EAST 124.00 FEET THEREOF, AND ALSO EXCEPT THE WEST 105.00 FEET THEREOF ), IN BLOCK 7 IN BUCHANAN'S ADDITION TO COAL CITY ILLINOIS AS SHOWN BY THE PLAT OF BUCHANAN'S ADDITION RECORDED IN THE RECORDER'S OFFICE OF GRUNDY COUNTY, ILLINOIS ON NOVEMBER 5, 1833 IN BOOK "B" OF PLATS AT PAGE 27, ALL IN GRUNDY COUNTY, ILLINOIS

185 GORDON AVENUE  
COAL CITY, IL



GORDON AVE.

<p><b>COMMUNITY SURVEY INC.</b> 81 N. CHICAGO STREET, SUITE 207 JOLIET, IL 60432  (815) 722-9005 (815) 722-9019 - fax EMAIL: kvcommunitysurvey@afl.net  DESIGN FIRM NO. 184-002899  CHECK DEED OR GUARANTEE POLICY FOR BUILDING LINE OR EASEMENT RESTRICTIONS NOT SHOWN ON PLAT OF SURVEY COMPARE POINTS BEFORE BUILDING</p>	<p>WE, COMMUNITY SURVEY INC., DO HEREBY CERTIFY THAT WE HAVE SURVEYED FOR <u>PAITY TESTA</u> UNDER MY HAND AND SEAL ON THIS 10TH DAY OF JANUARY 2017 FIELD WORK 1/9/2017 REVISED FOR CHANGE IN LEGAL DESCRIPTION 1/16/17 THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY  SURVEY NUMBER <u>17-22903</u>   ILLINOIS LAND SURVEYOR NO. <u>3701</u> EXPIRES 11/30/2018</p>
--	--