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THE VILLAGE OF COAL CITY  
GRUNDY & WILL COUNTIES, ILLINOIS

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ORDINANCE  
NUMBER 17-35

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AN ORDINANCE GRANTING A VARIANCE TO THE ZONING CODE FOR THE  
LOCATION OF A FENCE WITHIN THE CORNER SIDE YARD OF 500 EAST  
BATISTA DRIVE IN THE VILLAGE OF COAL CITY

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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 Nov. 8th, 2017

ORDINANCE NO. 17-35

**AN ORDINANCE GRANTING A VARIANCE TO THE ZONING CODE FOR THE LOCATION OF A FENCE WITHIN THE CORNER SIDE YARD OF 500 EAST BATISTA DRIVE 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 Christopher Kaluzny (“applicant”) on October 13, 2017 for the placement of a 6 feet high fence; and

**WHEREAS**, Section 156.171(a)(2) states, “Fences shall be permitted in the rear or interior side yard...”; and

**WHEREAS**, a public hearing was noticed and duly held on November 6, 2017; and

**WHEREAS**, the Village of Coal City Planning and Zoning Board met on November 6, 2017, 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. **Special Circumstances Not Found Elsewhere.** The property is a corner lot and has a great deal of the open recreational area of the property contained within the corner side yard unlike a majority of the residential lots within the area.
- B. **Unnecessary Hardship.** Being unable to utilize such a large portion of the residential lot for recreational space would cause an unnecessary hardship since the erection of a fence according to the petition would not interfere with vehicular traffic at the adjacent intersection.
- C. **Necessary for Use of the Property.** Being adjacent to Richards Street, the use of a fence within the corner side yard shall allow safe enjoyment of the corner side yard area without constant supervision of minors.

D. **Consistency with the Local Area and Comprehensive Plan.** Granting this variance is consistent with the principles provided in the Comprehensive Plan. The use shall stay residential and vision safety within the adjacent intersection shall be maintained.

E. **Minimum Variance Recommended.** The petitioner has requested a variance consistent with other corner side yards considered previously within other village residential subdivision, leaving 10 feet from the side yard boundary.

**Section 3.** Description of the Property. The property is located at 500 East Batista Drive in the Village of Coal City within an RS-2 District.

**Section 4.** Public Hearing. A public hearing was advertised on October 18, 2017 in the Coal City Courant and held by the Planning and Zoning Board on November 6, 2017, at which time a majority of the Planning and Zoning Board members recommended passage of the Variance to the Board of Trustees.

**Section 5.** Variations. The variations requested in the September 11, 2017 Variance Application to the Zoning Code are granted as follows:

A. A variance in conjunction with Section 156.171(a)(2) is hereby granted to allow the 6-ft. high fence as described by the applicant, to be installed within the corner side yard. Providing a minimum 10-foot setback (a variance of 15 feet).

**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.

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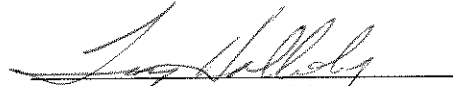
**Section 8.** Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Coal City prior to the effective 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.

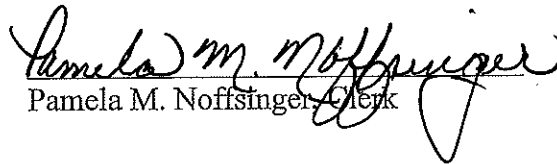
SO ORDAINED this 8<sup>th</sup> day of November, 2017, at Coal City, Grundy & Will Counties, Illinois.

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

VILLAGE OF COAL CITY

  
Terry Halliday, President

Attest:

  
Pamela M. Noffsinger, Clerk