
THE VILLAGE OF COAL CITY
GRUNDY & WILL COUNTIES, ILLINOIS

ORDINANCE
NUMBER 14-02

**AN ORDINANCE GRANTING A VARIANCE TO THE ZONING CODE FOR THE
LOCATION OF A FENCE WITHIN THE CORNER SIDE YARD OF 325 NORTH
FIFTH AVENUE IN THE VILLAGE OF COAL CITY**

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on January 27, 2014

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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 325 NORTH FIFTH AVENUE 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 Sky Rys (“applicant”) on December 13, 2013 for the placement of a 6 foot high fence; and

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

WHEREAS, a public hearing was noticed and duly held on January 20, 2014; and

WHEREAS, the Village of Coal City Planning and Zoning Board met on January 20, 2014, 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 majority of housing within the subdivision does not contain this situation. This variance only includes a portion of the side yard beginning at the rear house line.
- B. **Circumstances Relate to the Property Only.** Due to the location of the property, there are many secondary structure already constructed that lend to the placement of the fence in this location.
- C. **Not resulting from Applicant Action.** The applicant purchased the house with all of its existing structures and fences in their present state and has not constructed anything further to date.
- D. **Unnecessary Hardship.** The code restrictions dissuade personal enjoyment of a portion of the yard; this variance will allow a greater portion of the yard to be enjoyed by the homeowner.

- E. **Preserves Rights Conferred by District.** The fence is to be constructed of a material and height consistent with the rights and uses permitted by the subdivision's restrictions and found within the RS-3 District.
- F. **Necessary for Use of Property.** Due to the size and location of the lot, the strict application of Section 156.171 would prevent reasonable use of the side lot.
- G. **Not Alter Local Character.** This will not impair the environmental quality of the neighborhood. This corner unit will provide a positive impression for the adjacent neighborhood and will not impact the local character of the area.
- H. **Consistent with Chapter and Comprehensive Plan.** This variance will remain harmonious with the Comprehensive Plan.
- I. **Minimum Variance Recommended.** This is the minimum necessary to ensure a reasonable use of the property.

Section 3. Description of the Property. The property is located at 325 N. Fifth Ave. in the Village of Coal City within an RS-3 District.

Coal Branch Junction 590.75, Lots 2 through 7 Block 27.

Section 4. Public Hearing. A public hearing was advertised on January 1, 2014 in the Coal City Courant and held by the Planning and Zoning Board on January 20, 2014, 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 December 13, 2013 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 fence as described by the applicant.

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.

SO ORDAINED this 27 day of JANUARY, 2014, at Coal City, Grundy & Will Counties, Illinois.

AYES: 6

NAYS: 0

ABSENT: 0

ABSTAIN: 0

VILLAGE OF COAL CITY

Neal E. Nelson
Neal E. Nelson, President

Attest:

Pamela M. Noffsinger
Pamela M. Noffsinger, Clerk