
THE VILLAGE OF COAL CITY
GRUNDY & WILL COUNTIES, ILLINOIS

ORDINANCE
NUMBER 14-03

**AN ORDINANCE GRANTING A VARIANCE TO THE ZONING CODE CONCERNING
THE OFFSTREET PARKING REQUIREMENTS FOR THE RESTAURANT AT 930
EAST DIVISION IN THE VILLAGE OF COAL CITY**

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Village Trustees

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on February 10, 2014

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THE OFFSTREET PARKING REQUIREMENTS FOR THE RESTAURANT AT 930
EAST DIVISION IN THE VILLAGE OF COAL CITY**

WHEREAS, an application for variance from Section 156.127 of the Village of Coal City Zoning Code ("Zoning Code") was filed by Mark W. Buttacavoli ("applicant") on January 13, 2014 for relief of the offstreet parking standards, which would allow the property to be used for an eat-in restaurant without the requisite total number of offstreet parking spots; and

WHEREAS, a public hearing was noticed and duly held on February 3, 2014; and

WHEREAS, the Village of Coal City Planning and Zoning Board met on February 3, 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. **Not Resulting from Applicant Action.** The petitioner has agreed upon a lease with the owner for a use that is in accordance with former uses of the property. The petitioner plans to improve the current property and has not attributed to its current condition.
- B. **Unnecessary Hardship.** Implementing the required parking space standard will disallow the petitioner from gathering the resources necessary to improve the property; furthermore, the improvement cannot be constructed at this time due to inclement weather.
- C. **Preserves Rights Conferred by the District.** Granting this variance will allow the tenant to inhabit the building space in the same manner it has formerly been utilized. The restaurant utilization is in line with the commercial zoning of the property.
- D. **Necessary for Use of the Property.** Half of the tenant space within the building has been improved for a restaurant tenant; the presented improvement of the petitioner will allow this more conveniently host this type of use.

- E. **Consistency with Local Area and Comprehensive Plan.** The Comprehensive Plan envisions this property to have the allowable commercial uses compatible with C-3 zoning.
- F. **Minimum Variance Recommended.** The petitioner is improving the property with additional spaces in order to minimize the total necessary variance from the offstreet parking space requirement.

Section 3. Description of the Property. The property is located at 930 East Division Street in the Village of Coal City within an C-3 District.

Coal Branch Junction Lots 13 through 18 Block 19.

Section 4. Public Hearing. A public hearing was advertised on January 15, 2014 in the Coal City Courant and held by the Planning and Zoning Board on February 3, 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 January 13, 2014 Variance Application to the Zoning Code are granted as follows:

- A. A variance in conjunction with Section 156.127 is hereby granted to allow the restaurant to begin operation with the current offstreet parking facilities.

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

- A. The petitioner shall improve the existing parking lot with newly created offstreet parking as indicated in the public hearing presentation of February 3, 2014. This new improvement shall utilize an asphalt addition along the north edge of the existing parking lot.
- B. The closest parking stall adjacent to the businesses in the southeast corner of the existing parking lot shall be designated as a handicapped parking stall.
- C. A means of ingress/egress shall be provided to the front of the restaurant in accordance with the standards set forth in the *Americans with Disabilities Act*.
- D. All of the conditions provided within Section 6 shall be made in a timely manner and shall be made prior to June 15, 2014.

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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 10 day of February, 2014, at Coal City, Grundy & Will Counties, Illinois.

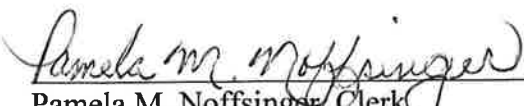
AYES: 5
NAYS: 0
ABSENT: 1
ABSTAIN: 0

VILLAGE OF COAL CITY



Neal E. Nelson, President

Attest:



Pamela M. Noffsinger, Clerk