
THE VILLAGE OF COAL CITY
GRUNDY & WIL COUNTY, ILLINOIS

ORDINANCE
NUMBER 22-09

**AN ORDINANCE GRANTING A VARIANCE TO THE ZONING CODE FOR THE
LOCATION OF A FENCE WITHIN THE CORNER SIDE YARD OF 90 S. KANKAKEE
STREET IN THE VILLAGE OF COAL CITY**

TERRY HALLIDAY, President
PAMELA M. NOFFSINGER, Village Clerk

SARAH BEACH
ROSS BRADLEY
TIM BRADLEY
DAN GREGGAIN
DAVID SPESIA
DAVID TOGLIATTI
Village Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Coal City
on May 10, 2022

ORDINANCE NO. 02-09

AN ORDINANCE GRANTING A VARIANCE TO THE ZONING CODE FOR THE LOCATION OF A FENCE WITHIN THE CORNER SIDE YARD OF 90 S. KANKAKEE STREET 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 Thomas Beck (“applicant”) on March 31, 2022 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 May 2, 2022; and

WHEREAS, the Village of Coal City Planning and Zoning Board met on May 2, 2022, 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 concerning the Variance for 90 S. Kankakee:

- A. **Special Circumstances Not Found Elsewhere.** The property has an allowable non-conforming use that requires additional privacy standards for the handling of its inventory and operation.
- B. **Unnecessary Hardship.** Being unable to utilize such a large portion of the available lot 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 of the alley and Carbon Street.

- C. **Necessary for Use of the Property.** Containing this business operation within the fence allows the employer to abide by additional OSHA compliance concerns that are more burdensome than other residential corner lots.
- D. **Consistency with the Local Area and Comprehensive Plan.** Granting this variance is consistent with the principles provided in the Comprehensive Plan. The non-conforming use shall align better with the residential neighborhood and vision safety within the adjacent intersection shall be maintained.
- E. **Minimum Variance Recommended.** The petitioner has requested a variance which allows for intersecting traffic at the southwest corner of the property to have better vision due to the fence maintaining a setback of no less than 7 feet from the back of sidewalk.

Section 3. Description of the Property. The property is located at 90 S. Kankakee Street in the Village of Coal City within an RS-3 District.

Section 4. Public Hearing. A public hearing was advertised on April 13, 2022 in the Coal City Courant and held by the Planning and Zoning Board on May 2, 2022, 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 March 31, 2022 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. This shall provide a 7'-foot setback (a variance of 18 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.

**AN ORDINANCE GRANTING A VARIANCE TO THE ZONING CODE FOR THE LOCATION OF A
FENCE WITHIN THE CORNER SIDE YARD OF 90 S. KANKAKEE STREET IN THE VILLAGE OF
COAL CITY**

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 10th day of May, 2022, at Coal City, Grundy & Will Counties, Illinois.

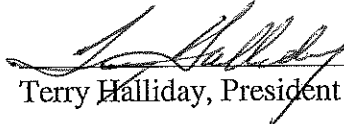
AYES: 4

NAYS: 0

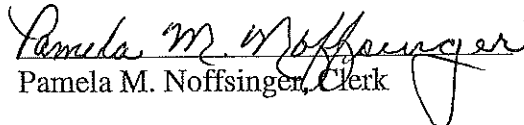
ABSENT: 2

ABSTAIN: 0

VILLAGE OF COAL CITY


Terry Halliday, President

Attest:


Pamela M. Noffsinger, Clerk