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

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ORDINANCE  
NUMBER 22-20

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**AN ORDINANCE GRANTING A VARIANCE TO THE VILLAGE CODE FOR THE  
REQUIRED SEPARATION BETWEEN POULTRY YARDS AND ADJACENT  
STRUCTURES AT 325 ELIZABETH 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 August 24, 2022

ORDINANCE NO. 27-20

**AN ORDINANCE GRANTING A VARIANCE TO THE VILLAGE CODE FOR THE REQUIRED SEPARATION BETWEEN POULTRY YARDS AND ADJACENT STRUCTURES AT 325 ELIZABETH DRIVE IN THE VILLAGE OF COAL CITY**

**WHEREAS**, an application for variance from the poultry yard separation requirement of the Village of Coal City Code (“Code”) was filed by Dayna Maggiore (“applicant”) on July 21, 2022 to allow the keeping of chickens within the northeast portion of her rear yard; and

**WHEREAS**, the standards provided within Chapter 91.38 regarding the minimum required separation is 75’ and the intended separation is planned to be 35’ from the southerly neighbor’s detached secondary structure (variance of 40’) and 45’ from the adjacent primary structure built adjacent alongside the petitioner’s north side (variance of 30’); and

**WHEREAS**, a public hearing was noticed and duly held on August 15, 2022; and

**WHEREAS**, the Village of Coal City Planning and Zoning Board met on August 15, 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 325 Elizabeth:

- A. **Special Circumstances Not Found Elsewhere.** The petitioner’s property is the south side of a duplex unit that is limited in its capability to attain the minimum separation from adjacent neighboring structures due to the zero feet of separation from an adjacent neighbor. However, the location of this property against the village bike trail property allows for a great deal of separation for the remaining residential units within the neighborhood.
- B. **Not Resulting From Applicant Action.** The southeast portion of the rear yard that would be able to achieve separation from the adjacent residential duplex neighbor is unavailable due to the placement of a detached structure by the neighbor who is adjacent on the petitioner’s south side.

C. **Consistency with the Local Area and Comprehensive Plan.** Granting this variance shall only allow a small number of chickens to be kept and maintained on the property; that amount, is consistent with residential allowances and does not rise to the square footage required for agricultural utilization.

D. **Minimum Variance Recommended.** The petitioner shall abide by all other poultry yard requirements contained within village codes as to the size of the coop maximum amount of chickens allowed and required barriers etc.

**Section 3.** Description of the Property. The property is located at 325 Elizabeth Drive in the Village of Coal City within an RM-1 District.

**Section 4.** Public Hearing. A public hearing was advertised on July 27, 2022 in the Coal City Courant and held by the Planning and Zoning Board on August 15, 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 variance requested in the July 21, 2022 Variance Application to the Code is granted as follows:

A. A variance from the required separation of 75' from the southerly neighbor's detached structure is granted to allow the construction of a poultry yard barrier at least 35' away from said structure, which is a variance of 40'.

B. A variance from the required separation of 75' from the northerly neighbor's primary residence is granted to allow the construction of a poultry yard barrier at least 45' away from said structure, which is a variance of 30'.

**Section 6.** Conditions. The variance is granted herein contingent and subject to the installation of the poultry yard shall be constructed within the northeast portion of the petitioner's rear yard in a manner consistent with the presentation of the July 21<sup>st</sup> petition 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.

**AN ORDINANCE GRANTING A VARIANCE TO THE VILLAGE CODE FOR THE REQUIRED SEPARATION BETWEEN POULTRY YARDS AND ADJACENT STRUCTURES AT 325 ELIZABETH DRIVE IN THE VILLAGE OF COAL CITY**

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**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 24 day of August, 2022, at Coal City, Grundy & Will Counties, Illinois.

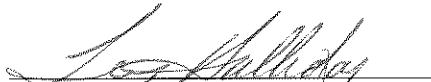
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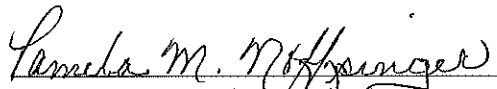
ABSENT: 1

ABSTAIN: 0

**VILLAGE OF COAL CITY**

  
Terry Halliday, President

Attest:

  
Pamela M. Noffsinger, Clerk