

THE VILLAGE OF COAL CITY
GRUNDY & WILL COUNTIES, ILLINOIS

ORDINANCE
NUMBER 23-23

**AN ORDINANCE GRANTING A VARIANCE TO THE ZONING CODE FOR THE
LOCATION OF A FENCE WITHIN THE CORNER SIDE YARD OF 290 N. IRVING IN
THE VILLAGE OF COAL CITY**

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Village Trustees

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on September 13, 2023

ORDINANCE NO. 23-23

AN ORDINANCE GRANTING A VARIANCE TO THE ZONING CODE FOR THE LOCATION OF A FENCE WITHIN THE CORNER SIDE YARD OF 290 N. IRVING 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 Chad White ("applicant") on August 7, 2023 for the placement of a vinyl picket 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 September 5, 2023; and

WHEREAS, the Village of Coal City Planning and Zoning Board met on September 5, 2023, 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 290 N Irving:

- A. **Special Circumstances Not Found Elsewhere.** The petitioner's yard is located within a fully developed neighborhood that has a great deal of setback from the edge of road in addition to the required side yard setback.
- B. **Preserves Rights Conferred by the District.** The capability to receive this variance shall allow the petitioner to utilize their property in the manner as provided by other residents who can utilize the entirety of their rear yard inclusive of interior side yards..

- C. **Consistency with the Local Area and Comprehensive Plan.** This variance is consistent with the land use in residential districts described within the comprehensive plan.
- D. **Minimum Variance Recommended.** The requested variance is the minimum footage required which shall match the existing decorative fence in height and materials.

Section 3. Description of the Property. The property is located at 290 N. Irving in the Village of Coal City within an RS-2 District.

Section 4. Public Hearing. A public hearing was advertised on August 16, 2023 in the Coal City Courant and held by the Planning and Zoning Board on September 5, 2023, 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 August 8, 2023 Variance Application to the Zoning Code is granted to allow a 0' setback within the corner side yard for the construction of a matching 4' high vinyl white picket fence to be placed alongside the north side of the residence.

Section 6. Conditions. The variance granted herein is contingent and subject to the following conditions its construction being 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 13 day of September, 2023, at Coal City, Grundy & Will Counties, Illinois.

AYES: 6

NAYS: 0


ABSENT: 0

ABSTAIN: 0

VILLAGE OF COAL CITY


David A. Spesia, President

Attest:


Alexis Stone, Clerk