
THE VILLAGE OF COAL CITY
GRUNDY & WILL COUNTIES, ILLINOIS

ORDINANCE
NUMBER 24-09

**AN ORDINANCE GRANTING VARIANCES TO THE ZONING CODE FOR THE
REQUIRED SETBACKS, LOT COVERAGE REQUIREMENTS, AND ADHERENCE
TO CERTAIN RESIDENTIAL DESIGN GUIDELINES AND NEWLY ESTABLISHED
SUBDIVISION REQUIREMENTS OF THE ZONING CODE AT 833, 835 & 837 E.
FIRST STREET IN THE VILLAGE OF COAL CITY**

DAVID SPESIA, President
ALEXIS STONE, Village Clerk

SARAH BEACH
TIM BRADLEY
DAN GREGGAIN
BILL MINCEY
PAMELA NOFFSINGER
DAVID TOGLIATTI
Village Trustees

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WHEREAS, an application for variances for portions of the code including 156.77, Chapter 155 as well as the Residential Design Guidelines of the Village of Coal City Zoning Code (“Zoning Code”) was filed by Craig VanDuyne (“applicant”) on February 26, 2024 to enable the development of a 3-unit multifamily dwelling unit; and

WHEREAS, the standards provided within Table 4 regarding setbacks include minimum front yard, rear yard, and corner side yard setbacks of 25’ each, which would not be provided within the proposed land use development plan; and

WHEREAS, the standards within Table 4 possess a minimum square footage per dwelling unit standard of 10,080 square feet and maintains a total lot coverage allowance that shall not exceed 35% of the total area both of which standards would not be met under the proposed land use plan; and

WHEREAS, the village adopted the Residential Design Guidelines setting forth minimum standards for all residential dwelling units providing a minimum dwelling unit of 1,250 square feet and exterior façade requirements on corner units to include stone or brick on their exterior; and

WHEREAS, a public hearing was noticed and duly held on March 18, 2024; and

WHEREAS, the Village of Coal City Planning and Zoning Board met on March 18, 2024, and considered passage of the variance request to the Board of Trustees; and

WHEREAS, the Village of Coal City Zoning Board of Appeals met on March 18, 2024 to consider passage of the variances but did not favorably recommend granting the relief from the code requested within the variance petition due to a 5-2 rejection of the petitioner’s request; and

WHEREAS, the failure of the petitioner to adequately prove the hardship necessary to provide a positive recommendation are recited within Exhibit A; 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. Findings of Fact. The Board of Trustees find as follows concerning the Variance for 833, 835 & 837 E. First Street:

- A. **Special Circumstances Not Found Elsewhere.** Special and unique circumstances exist that are peculiar to this property including the physical character of the subject property's dimensions; the petitioner is consolidating two adjacent parcels of available land that remain from former more intense land uses that had been approved upon the property in the past.
- B. **Unnecessary Hardship.** This variance will overcome the inherent difficulty that exists due to the property's dimensions to allow the utilization of the property in the same manner as adjacent existing owners on the east side of E. First Street.
- C. **Consistent with the Rights Conferred by the District.** This variance is necessary for the applicant to preserve and enjoy a substantial property right possessed by other properties within the same zoning district.
- D. **Necessary for Use of the Property.** The variances to be provided shall ensure the property owner is not deprived of the use of the property in a manner equivalent to the use permitted by other owners in the immediate area.
- E. **Minimum Variance Recommended.** The petitioner had curtailed the total number of variances regarding square footage minimum requirements and lot coverage as well as variances from the residential design guidelines by reducing the total number of dwelling units and including garages within the design.

Section 3. Description of the Property. The property is located at the west end of E. First Street, across from 845 – 865 E. First Street to include the consolidation of the property identified as PIN# 06-35-461-016 along with a portion of land to be acquired from 6S ORLY that is that portion of existing PIN# 06-35-483-002 described as:

That part of Lot1 of ORLY Route 113 Subdivision, being a subdivision of part of the southeast quarter of Section35, Township 33 north, Range 8 east of the 3rd principal meridian, according to the plat thereof recorded June 20, 2022 as Document # 613880 described as follows: beginning at the most northeasterly corner of said Lot 1, thence southwesterly 71.41 feet along a curve to the left, having a radius of 1,423.62 feet and a chord bearing and distance of south 56 degrees 46 minutes 46 seconds west 71.40 feet, along the northerly line of said Lot 1 to the westerly line of said Lot 1; thence south 01 degree 08 minutes 07 seconds east 123.38 feet, along said westerly line of Lot 1; thence north 88

degrees 22 minutes 42 second east 60.50 feet, to the northeasterly line of said Lot 1; thence north 01 degree 08 minutes 07 seconds west 160.79 feet, along said northeasterly line of Lot 1, to the point of beginning, all in Grundy County IL and containing .197 acres more or less.

Section 4. Public Hearing. A public hearing was advertised on February 28, 2024 in the Coal City Courant and held by the Planning and Zoning Board on March 18, 2024 at which time a majority of the Planning and Zoning Board members denied the petitioner's Variance(s) Request.

Section 5. Variances. The variances requested in the February 26, 2024 Variance Application to the Zoning Code are granted to allow the construction of a 3-unit multifamily dwelling as follows:

- A. Setback variances shall include a 5' variance from the 25' front yard setback providing a front yard setback of 20' and a 16' variance from the 25' rear yard setback shall provide a minimum rear yard setback of 9' as well as a 20' variance from the 25' corner sideyard setback shall provide a setback of 5' at the building's northwest corner; and
- B. A 62% reduction in total square footage per RM-1 required lot area per dwelling unit. The final consolidated lot shall provide 11,490 square feet, which fall short of the 30,240 square feet required within the village code.
- C. Various residential design guideline requirements to include subdivision design and utilization of the exterior on the northerly unit that does not utilize brick or stone when such unit is considered a corner lot; along with
- D. Adherence to public improvement submission and construction requirements for newly established subdivisions.

Section 6. Conditions. The variance is granted herein contingent and subject to the following conditions:

- A. A 6' privacy fence shall be constructed along the westerly boundary of the property from that point, which is north of the recorded easement on the south side of the newly constructed residential units until that point the boundary intersects with south boundary of the property currently described as PIN# 06-35-461-016; and
- B. A contribution shall be made to the cost of village staff assisting with the drainage at the north end of the property to enable positive drainage of the land west of the current terminus of E. First Street along the north side of the property; and
- C. The driveways to provide access to the attached garage units shall be constructed of concrete.

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 25 day of March, 2024, at Coal City, Grundy & Will Counties, Illinois.

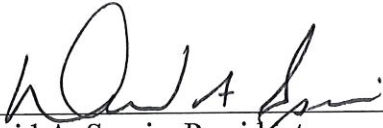
AYES: 6

NAYS: 0

ABSENT: 0


ABSTAIN: 0

VILLAGE OF COAL CITY



David A. Spesia, President

Attest:



Alexis Stone, Clerk

EXHIBIT A

Findings of Fact. The Zoning Board of Appeals determined the following concerning the Variances for 833, 835 & 837 E. First Street:

1. **Special Circumstances Not Found Elsewhere.** Special and unique circumstances exist that are peculiar to this property including the physical character of the subject property's dimensions; the petitioner is consolidating two adjacent parcels of available land that remain from former more intense land uses that had been approved upon the property in the past.
2. **Unnecessary Hardship.** This variance will overcome the inherent difficulty that exists due to the property's dimensions to allow the utilization of the property in the same manner as adjacent existing owners on the east side of E. First Street.
3. **Consistent with the Rights Conferred by the District.** This variance is necessary for the applicant to preserve and enjoy a substantial property right possessed by other properties within the same zoning district.
4. **Necessary for Use of the Property.** Alternative construction plans that would accommodate residential utilization which more closely meet setback requirements and total lot coverage requirements is preferred.
5. **Minimum Variance Recommended.** The property land owner can develop different multi-family land usage designs that differ from what had been submitted that would result in less overall coverage variance requirements and result in additional dwelling unit square footage provision.

A majority of the criteria were not met resulting in a majority of the board members rejecting the petitioner's variance request.

COAL CITY ZONING APPLICATION

Owners name or beneficiary of land trust: Craig Van Duren

Address: 955 S. Sandstone Phone number: 630 542 8564
Diamond

Owner represented by: Self ☒ Attorney ☐

Contract purchaser _____ Other agent _____

Agents name _____ Phone number: _____

Address: _____

Existing zoning: RM-1+C3 Use of surrounding properties: North RM-1 South C3

East RSA West C3

What zoning change or variance: (specify) Newly consolidated lot acquired from 65. Only to gain/Variances regarding rear yard setback, lot coverage, ~~var~~ Variances are due to the zoning amendment having already been considered.

To allow what use Multi-family dwelling, 3-unit

Tax number of subject property: 06-35-461-016, portion of 06-35-483-002

Common address of property: 833/835/837 E. First St

Parcel dimensions: Irregular Lot area (sq. ft.) 13,290 sq ft.

Street frontage 160'

Legal description PIN # 06-35-461-016 below #06-35-483-002 attached Coal Branch Corner Sub Outlot A, Section 35-33-8

In addition, the applicant must comply with the ZONING ORDINANCE OF THE VILLAGE OF COAL CITY, adopted June 1, 1989, Chapter II, sections A through F available for review at the Village Clerks office. Also attached to the application are tables 1, 2 and 3 for the applicant's reference.

I, (we) certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my (our) knowledge and belief.

Craig Van Duyen, being first duly sworn, on oath deposes and says,
Applicant's Name

that all of the above statements and the statements contained in the documents submitted herewith are true.

Subscribed and sworn before me on this 28th day of February, 20 24.
Amanda M. Reyelts
Notary Public (Seal)



Craig Van Duyen
Signature of Owner

You may attach additional pages, if needed, to support the documentation of application.

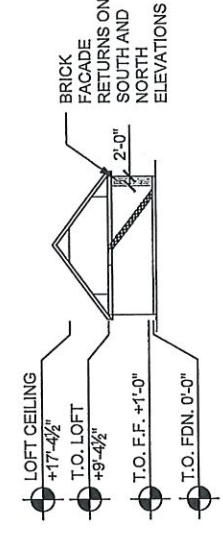
Please note the number of pages attached. 2

FOR OFFICE USE ONLY

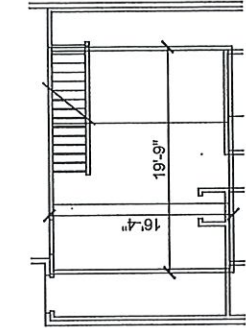
Case number 2A-378
Filing date 2-26-24
Hearing date 3-18-24
Filing fee \$ 100
Hearing time 7pm

Location of hearing
Village Hall
515 South Broadway
Coal City, Illinois

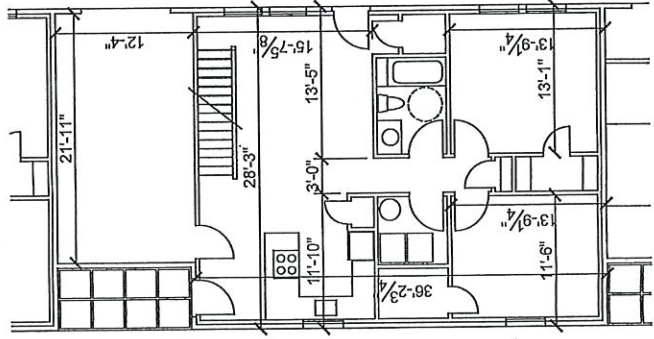
Issue		No.	Desc.	Date
9		ISSUED FOR REVIEW	2024-02-06	
10		ISSUED FOR REVIEW	2024-02-26	
11		ISSUED FOR REVIEW	2024-03-12	
Project No.				
Drawn by		MMR		
Checked by		CVD		
Date		2024-03-12		
E. 1ST STREET		COAL CITY, IL		
A-2				



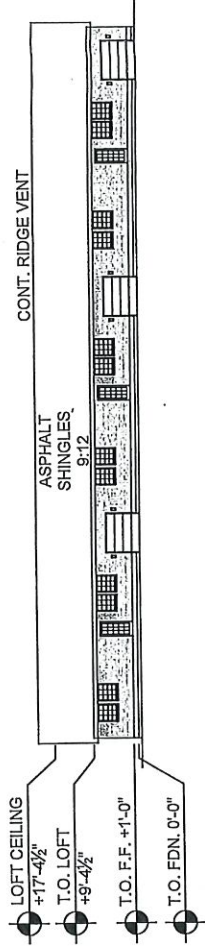
SOUTH ELEVATION / PARTIAL SECTION
SCALE 1:300



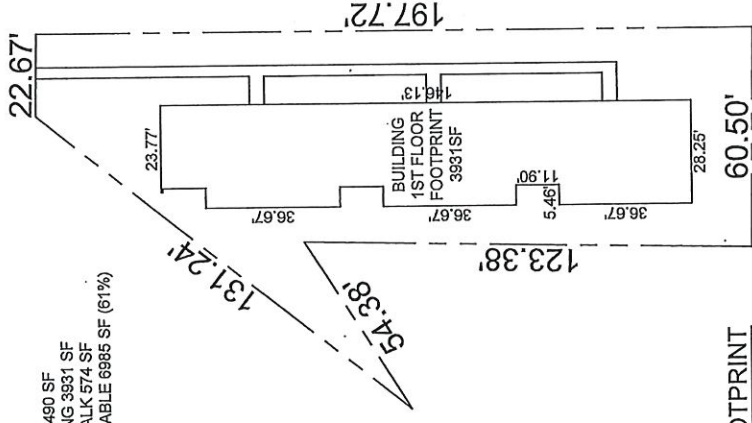
ENLARGED LOFT PLAN
SCALE 3/32" = 1'-0"



ENLARGED PLAN
SCALE 3/32" = 1'-0"



EAST ELEVATION
SCALE 1:300



BLDG. FOOTPRINT
SCALE 1:400