

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

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ORDINANCE  
NUMBER 24-22

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**AN ORDINANCE GRANTING A VARIANCE TO THE ZONING CODE FOR THE  
LOCATION OF A FENCE WITHIN THE CORNER SIDE YARD OF 225 PRIMROSE IN  
THE VILLAGE OF COAL CITY**

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Village Trustees

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on September 25, 2024

ORDINANCE NO. 24-22

**AN ORDINANCE GRANTING A VARIANCE TO THE ZONING CODE FOR THE LOCATION OF A FENCE WITHIN THE CORNER SIDE YARD OF 225 PRIMROSE 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 Patrick and Jessica Osipavicius (“applicant”) on August 15, 2024 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 16, 2024; and

**WHEREAS**, the Village of Coal City Planning and Zoning Board met on September 16, 2024, 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 225 Primrose:

- A. **Special Circumstances Not Found Elsewhere.** The petitioner’s yard is located adjacent to a public park and a public bikepath.
- B. **Unnecessary Hardship.** The utilization of the property is hampered by the immediate adjacency of public park facilities; the capability to place a fence within the corner sideyard will allow the petitioner to fully utilize their yard.

- C. **Consistent with Rights Conferred by the District.** This variance is consistent with the land use in residential districts described within the comprehensive plan.
- D. **Necessary for Use of the Property.** The provision of this petition shall allow the applicant the use of the property in a manner equivalent to the use permitted by other owners of property in the immediate area.
- E. **Minimum Variance Recommended.** The requested variance is the minimum footage required and portions were moved away from the boundary in order to accommodate public utilities located within the southeast corner.

**Section 3.** Description of the Property. The property is located at 225 Primrose in the Village of Coal City within an RM-1 District.

**Section 4.** Public Hearing. A public hearing was advertised on August 28, 2024 in the Coal City Courant and held by the Planning and Zoning Board on September 16, 2024, 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 August 15, 2024 Variance Application to the Zoning Code is granted to allow a 2' setback within the corner side yard excepting the portion to be boxed out allowing for external access to the existing public utilities located within the southeast corner of the residence for the construction of a 6' high vinyl fence to be connected to the existing fence 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 25<sup>th</sup> day of September, 2024, at Coal City, Grundy & Will Counties, Illinois.

AYES: 6  
NAYS: 0  
ABSENT: 0  
ABSTAIN: 0

**VILLAGE OF COAL CITY**

David A. Spesia  
David A. Spesia, President

Attest:

Alexis Stone  
Alexis Stone, Clerk  
By: Ainda Sula  
Deputy Clerk