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

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ORDINANCE  
NUMBER 23-12

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**AN ORDINANCE CONCERNING THE GRANTING A VARIANCE TO THE ZONING  
CODE FOR CORNER SIDE YARD SETBACK REQUIREMENTS AT 160 S. MARY  
FOR THE ADDITION OF A DECK**

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on May 24, 2023

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**AN ORDINANCE CONCERNING THE GRANTING A VARIANCE TO THE ZONING CODE FOR CORNER SIDE YARD SETBACK REQUIREMENTS AT 160 S. MARY FOR THE ADDITION OF A DECK**

**WHEREAS**, an application for variances from Section 156-73 of the Village of Coal City Zoning Code (“Zoning Code”) was filed by Demetrios Athanasopoulos (“applicant”) on April 18, 2023 to accommodate the addition of a deck within the corner side yard setback; and

**WHEREAS**, Section 156-73 requires a minimum corner side yard depth of 25 feet, the applicant is seeking a variation from these requirements to have a minimum rear yard setback of 15 feet (reduction of 10 feet); and

**WHEREAS**, a public hearing was noticed and duly held on May 15, 2023; subsequent to the public hearing, the Zoning Board of Appeals positively recommended to the Board of Trustees the petition to include a variance from the requisite corner side yard setback; and

**WHEREAS**, Section 156-250 permits the Village Board to approve variations from the Zoning Code and section 156-230 provides for Conditional Uses; 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 the following regarding the petitioner’s request for a corner side yard variance:

- A. **Special Circumstances Not Found Elsewhere.** The petitioner lives within a minimally spaced residential lot that does not possess much room within any other yards to accommodate such an improvement.
- B. **Unnecessary Hardship.** This variance will eliminate the peculiar hardship that exists at this household due to the limited space accommodating a driveway within the rear yard and less width for an improvement within the interior side yard.

- C. **Preserves Rights Conferred by the District.** This utilization of the property shall allow an improvement to the home in the same manner conferred on other homes within the immediate residential district.
- D. **Necessary for Use of the Property.** The variance is necessary to allow an additional improved entrance to the residential home.
- E. **Consistency with the Local Area and Comprehensive Plan.** Granting this variance is consistent with the principles provided in the Comprehensive Plan. Allowing the requested improvement to be constructed shall complement the existing structure.

**Section 3.** Description of the Property. The property is located at 160 S. Mary Street in the Village of Coal City within an RS-3 District.

**Section 4.** Public Hearing. A public hearing was advertised on April 26, 2023 in the Coal City Courant and held by the Zoning Board of Appeals on May 15, 2023, at which time the Board recommended the petition for approval by the Board of Trustees.

**Section 5.** Variance. The variation requested in the April 18, 2023 Variance Application to Section 156-73 of the Zoning Code shall reduce the corner side yard setback from 25 feet to 15 feet.

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

- A. The construction of the new deck improvement shall be consistent with the information previously submitted and according to the presentation to the Planning & Zoning Board Meeting of May 15, 2023.

**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.

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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 May, 2023, at Coal City, Grundy and Will Counties, Illinois.

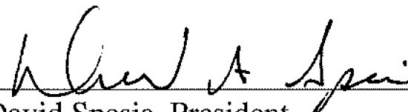
AYES: 6

NAYS: 0

ABSENT: 0

ABSTAIN: 0

**VILLAGE OF COAL CITY**

  
\_\_\_\_\_  
David Spesia, President

Attest:

  
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Alexis Stone, Clerk