
THE VILLAGE OF COAL CITY
GRUNDY & WILL COUNTIES, ILLINOIS

ORDINANCE
NUMBER 23-20

**AN ORDINANCE GRANTING A VARIANCE TO THE ZONING CODE FOR THE
LOCATION OF A FENCE WITHIN THE CORNER SIDE YARD OF 250 S. SHORT
DRIVE IN THE VILLAGE OF COAL CITY**

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Village Trustees

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on August 9, 2023

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WHEREAS, an application for variance from Section 156.171 of the Village of Coal City Zoning Code (“Zoning Code”) was filed by North Cantrell (“applicant”) on July 11, 2023 for the placement of a 6’ high 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 August 7, 2023; and

WHEREAS, the Village of Coal City Planning and Zoning Board met on August 7, 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 250 S Short Drive:

- A. **Special Circumstances Not Found Elsewhere.** The petitioner’s yard is irregularly shaped along a cul de sac, which reduces the total square footage that is available for the utilization of the residential property customarily provided within the rear yard.
- B. **Preserves Rights Conferred by the District.** The capability to receive this variance shall allow the petitioner to utilize their property in the same manner as provided to the remainder of the surrounding residential district.
- C. **Consistency with the Local Area and Comprehensive Plan.** This variance is consistent with other corner side yards located within the subdivision also similarly situated along a cul de sac. The provision of a variance shall allow the property to be utilized in the manner consistent with the comprehensive plan.

- D. **Minimum Variance Recommended.** The requested variance is the minimum footage required to gain relief from the hardship of the regular corner side yard setback that should be utilized for the placement of a fence on this residential property.

Section 3. Description of the Property. The property is located at 250 S. Short Drive in the Village of Coal City within an RS-3 District.

Section 4. Public Hearing. A public hearing was advertised on July 19, 2023 in the Coal City Courant and held by the Planning and Zoning Board on August 7, 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. Variations. The variations requested in the July 11, 2023 Variance Application to the Zoning Code are granted as follows:

- A. A variance in conjunction with Section 156.171(a)(2) is hereby granted to allow the 6-ft. high straight line fence as described by the applicant, to be installed within the corner side yard. The fence shall be constructed in a manner so as to provide a 10' setback beginning at the front of the residence and be maintained along the entirety of the depth of the home at which point the fence angle towards a point on its westerly boundary that shall provide a setback of 20' setback from the farthest southwest corner of their property. This shall provide a variance from the code of 15' along the full depth of the residence, additional variance along the arc of the cul de sac, and 5' of variance at the point at which the fence shall turn northward along the westerly boundary of the property.

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

- A. The fence shall be constructed in a manner 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 9 day of August, 2023, at Coal City, Grundy & Will Counties, Illinois.

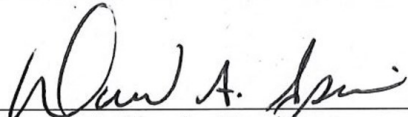
AYES: **4**

NAYS: **0**

ABSENT: **2**

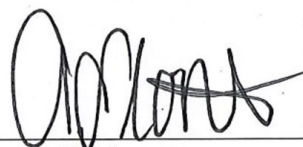
ABSTAIN: **0**

VILLAGE OF COAL CITY



David A. Spesia, President

Attest:



Alexis Stone, Clerk