

**VILLAGE OF RIVER FOREST ZONING BOARD OF APPEALS –  
FINDINGS OF FACT AND RECOMMENDATION REGARDING  
REAR YARD SETBACK VARIATION AT 7821 THOMAS STREET**

**WHEREAS**, petitioner Alfredo Moreno (the “Petitioner”), owner of the property located at 7821 Thomas Street in the Village of River Forest (the “Subject Property”), have requested a variation from Section 10-9-7 of the Village of River Forest Zoning Ordinance (“Zoning Ordinance”), which requires a setback from the rear property line not less than fifteen percent of the depth of the lot or twenty-six feet two inches (26’ 2”), whichever is greater. The Petitioner seeks to build a proposed bump out addition that will have a setback of 5 feet (5’) to the western portion of the rear lot line with a three foot (3’) setback for the roof eave. The variation sought from Section 10-9-7 is the “Proposed Variation.” The Subject Property is located in the R-2 Single-Family Residential Zoning District; and

**WHEREAS**, the Village of River Forest Zoning Board of Appeals (the “Board”) held a public hearing on the question of whether the Proposed Variation should be granted on August 10, 2023, as required by Section 10-5-4(E) of the Zoning Code, at which all persons present and wishing to speak were given an opportunity to be heard and all evidence that was tendered was received and considered by the Board; and

**WHEREAS**, public notice in the form required by law was given of said public hearing by publication not more than thirty (30) days nor less than fifteen (15) days prior to said public hearing in the *Wednesday Journal*, a newspaper of general circulation in the Village, there being no newspaper published in the Village. In addition, notice was sent to surrounding homeowners; and

**WHEREAS**, at the August 10, 2023 public hearing, the Petitioner explained that the existing single family home on the Subject Property is a one story single family residence, and that the irregular geometry of the lot, with the sidewalk frontage of the lot being twenty feet (20’) wider than the back of the lot, means that in the southwest corner of the existing residence the rear setback would not conform to code requirements; and

**WHEREAS**, the Board, having considered the criteria set forth in Section 10-5-4 of the Village Code, by a vote of 5-0 recommends approval of the Proposed Variation for the Subject Property.

**NOW, THEREFORE**, the Board makes the following findings of fact and recommendations pursuant to Section 10-5-4(E)(2) of the Zoning Code:

1. **The physical surroundings, shape or topographical conditions of the Property constitute a specific hardship upon the owner as distinguished from an inconvenience if the strict letter of the regulations were to be carried out.** The Board found that this standard has been met. The physical surroundings, shape, and topographical conditions of the Subject Property constitute a specific hardship upon the

owner as distinguished from an inconvenience if the strict letter of the regulations were to be carried out, due to the location of the single family home on the Subject Property and the irregular boundaries created by the initial subdivision of the property;

2. **The aforesaid unique physical condition did not result from any action of any person having an interest in the property, but was created by natural forces or was the result of governmental action, other than the adoption of the Village's Zoning Regulations, for which no compensation was paid.** The Board found that this standard has been met. The Petitioner purchased the home in its current state. The boundaries and subdivision of the lot predated the Petitioner's acquisition of the property.

3. **The conditions of the Property upon which the petition for Variation is based may not be applicable generally to other property within the same zoning classification.** The Board found that this standard has been met. The conditions of the Subject Property upon which the petition for the Proposed Variation is based are not applicable generally to other property within the same zoning classifications because of the unique siting of the existing single family residence on the Subject Property, and the irregular boundaries and geography of the Subject Property;

4. **The purpose of the Variation is not based predominately upon a desire for economic gain.** The Board found that this standard has been met. The Petitioner indicated that he desires to modify the bedroom and bathroom layout for increased functionality, with no desire for economic gain or resale of the property. Their development plans are based upon the desire to increase the livability of the property for their own usefulness and enjoyment;

5. **The granting of the Variation is not detrimental to the public welfare or unduly injurious to the enjoyment, use, or development value of other property or improvements in the neighborhood in which the Property is located.** The Board found this standard has been met. No neighboring owners presented objections to the Proposed Variation and two neighbors provided correspondence supporting the Proposed Variation. The Board found that the improvements to the home were generally beneficial to the neighborhood in which the Subject property is located;

6. **The granting of the Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.** The Board found that this standard has been met. The new addition will have a negligible effect on the surrounding properties. Investments in property, such as that proposed for the Subject Property, generally have the effect of increasing, not decreasing, property values;

7. **The granting of the Variation will not unduly tax public utilities and facilities in the area of the Property.** The Board found that this standard has been met, because no significant change in use will result from the renovations to be performed if the Proposed Variation is granted; and

8. **There are no means other than the requested Variation by which the hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the Property.** The Board found that this standard has been met. The requested Variation is necessary to permit a reasonable use of the Subject Property, due to the unique positioning of the existing single-family residence on the Property and the physical constraints existing on the Property;

### RECOMMENDATION

The Board, by a vote of 5-0, for the reasons set forth above, recommends to the Village President and Board of Trustees that the Proposed Variation on the Subject Property allowing for the construction of a rear addition with a partial maximum rear setback of five feet (5.0') , instead of the twenty-six feet two inches (26' 2") required by the Zoning Ordinance, and with a tapering roof eave that would encroach, at its greatest point, up to two feet (2') further into the required rear yard setback at the south side of the Subject Property, be GRANTED.

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Frank Martin  
Chairman

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Date