



pd 3-8-2021 CR # 2900 - \$200.00  
CR # 2901 - \$ 50.00  
CR # 2902 - \$150.00

City of Olivette  
Department of Planning & Community Development  
1140 Dielman Road  
Olivette, MO 63132

[www.olivettemo.com](http://www.olivettemo.com)  
(314) 993-0252 (Office)

## BOARD OF ADJUSTMENT

### APPEAL PETITION FOR AN AREA VARIANCE

#### PARTIES OF INTEREST

##### Petitioner

Name: Harry Freeman  
Company (if applicable): Freeman Homes, LLC  
Address/City/State/Zip Code: 950 Francis Place, Suite 107 Clayton, MO 63105  
E-mail: hfreeman@freemanstl.com  
Phone: 314-725-3100 Fax: \_\_\_\_\_  
Describe interest in property (i.e. owner, contractor, etc.): Owner under contract

Name of the legal owner of property:

Is the property under ownership of trust or other legal corporation  Yes  No  
If so, what is the name of trust/legal corporation:  
9411 Old Bonhomme Trust  
Name of agent: Don Sider  
Title of agent: Trustee

Current mailing address of owner (include address, street, city, state, and zip code):

Address: 6751 North Federal Hwy, #200  
City: Boca Raton State: FL Zip Code: 33487

#### PROPERTY DESCRIPTION

Mailing Address: 9411 Old Bonhomme Road, St. Louis, MO 63132  
Saint Louis County Locator Number: 17L230521  
Subdivision Name: N/A  
Lot Number/Block Number: N/A

#### PROPERTY ZONING AND REQUIRED LOT DIMENSIONS AND REGULATIONS

Current land use zoning classification: SR-Single Family Residential  
Required Setbacks of zoning district:  
Front Yard: 25 Side Yards: 12 Rear Yards: 30

Lot Area: 15,000 s.f.  
Maximum building height: 35 ft  
Maximum permitted site coverage: 25% or 2,500 sf which ever is greater  
Maximum permitted residential floor area ratio: 0.30 or 3,500 sf whichever is greater

## APPEAL REQUEST

Describe the nature of the appeal being sought and the construction that is being proposed:

Retaining wall exceeding 5' in height. Due to site conditions, street grade requirements, and an existing structure located on the adjacent property line, the proposed retaining wall along the new Lone Acres Drive is proposed to be about 12' tall. Due to the garage on the adjacent property line the wall cannot be offset as described in section 405.370.A.1.d. The wall will be one continuous structure.

## SUBMISSION REQUIREMENTS

Is this appeal regarding a determination by the Building Official: Yes: \_\_\_\_\_ No: \_\_\_\_\_

If yes, provide on a separate sheet note the following:

1. specific Code section(s) being appealed,
2. the alleged error(s) regarding the interpretation of said section(s), and
3. the rationale in the interpretation in which the Code should be applied.

Is this appeal regarding an area variance: Yes: x No: \_\_\_\_\_

For area variance request regarding the building or enlargement of a structure when specific enforcement of the zoning ordinance would prohibit such construction, provide on a separate sheet supporting evidence that the property grounds contain:

- Unique condition(s) relating to the width, depth or shape of the lot, or
- Unique topography conditions, or
- Other exceptional circumstance not created by an owner or applicant, and
- Evidence the strict application of the Zoning Ordinance would deprive the owner of reasonable use of the property

Note what other alternatives were pursued, attach supporting evidence.

Due to the site topography, proposed public street requirements, exceptional circumstance created by the neighboring garage located on the property line the options to reduce the wall height or step the wall were looked at. The site design was analyzed to meet section 405.370.A.1.d, but the code section could not be met and still serve the needs of this property. See the proposed improvement plans for supporting evidence

**In addition to the submission requirements, the attached Procedures and Checklist note necessary fees, ownership data, plans, and digital/electronic media necessary for review.**

The Board may, in conformity with the provisions of the law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the Building Official.

The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Official or to decide in favor of the applicant on any matter upon which it is required to pass under this Chapter or to effect any variance.