



**VARIANCE APPLICATION**  
**CITY of CAPE GIRARDEAU**

DEVELOPMENT SERVICES DEPARTMENT, 401 INDEPENDENCE ST, CAPE GIRARDEAU, MO 63703 (573) 339-6327

**Property Address/Location**

<b>Applicant</b>		<b>Property Owner of Record (if other than Applicant)</b>	
Mailing Address	City, State, Zip	Mailing Address	City, State, Zip
Telephone	Email	Telephone	Email
<b>Chapter and Section of City Code applicable to variance request</b>		<i>(Attach additional owners information if necessary)</i>	

**Describe the nature of the variance request**

*Application continues on next page*

<b>OFFICE USE ONLY</b>		
Date Received _____	By _____	File Number _____
Reviewing Body	_____ Board of Adjustment _____ Planning & Zoning Commission	
Action	_____ APPROVED AS SUBMITTED _____ APPROVED WITH CONDITIONS _____ DENIED	
Date of Action _____		

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**Variance Criteria**

Provide evidence that the requested variance meets the criteria below. Attach additional sheets if necessary.

- 1) *The requested variance arises from a condition which is unique to the property in question and which is not ordinarily found, and is not created by an action or actions of the property owner, the applicant or predecessors in title.*
- 2) *The granting of the variance will not adversely affect the rights of adjacent property owners or residents.*
- 3) *The strict application of the provisions of the Zoning Ordinance or the Development Code from which the variance is requested will constitute unnecessary hardship upon the utilization of the property.*
- 4) *The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.*
- 5) *Granting the requested variance will not undermine the general spirit and intent of the Zoning Ordinance or the Development Code.*

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**ADDITIONAL ITEMS  
REQUIRED**

In addition to this application, the following items must be submitted:

- \_\_\_ Application fee (\$50.00 payable to City of Cape Girardeau)
  - \_\_\_ One (1) list of names and mailing addresses of adjoining property owners
  - \_\_\_ One (1) set of mailing envelopes, stamped and addressed to adjoining property owners
  - \_\_\_ One (1) plot plan depicting the boundary of the subject property and the approximate locations of structures and other site features contributing to the variance request. For requests pertaining to yard setbacks, landscaping strips, bufferyards, parking spaces and drive aisles, etc. the plot plan must also depict dimensions showing required vs. proposed. The plot plan shall be on 8 ½" x 11" or 11" x 17" size sheet.
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**CERTIFICATIONS**

I/we certify that I am/we are the Property Owner(s) of Record for the property described in this application. I/we understand and acknowledge that should the requested variance be granted, it will be valid for one hundred eighty (180) days unless the proposed work is commenced and pursued diligently toward completion. I/we will obtain all required licenses and permits prior to commencing work.

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Date

I certify that I am an Agent authorized by the Property Owner(s) of Record to file this application on their behalf.

\_\_\_\_\_  
Applicant Signature (if other than Owner)

\_\_\_\_\_  
Date

# **CITY OF CAPE GIRARDEAU VARIANCE APPLICATION INFORMATION SHEET**

There are two types of variance requests:

- a) Request for a Variance from the Zoning Ordinance (Chapter 30 of the City Code)
- b) Request for a Variance from the Development Code (Chapter 25 of the City Code)

Variations from the Zoning Ordinance are reviewed by the Board of Adjustment. Variations from the Development Code are reviewed by the Planning and Zoning Commission. It is important that an applicant discuss their request with City staff prior to filing an application. Staff can assist with determining the applicable Chapter and Section, and explain the variance criteria. To speak with a staff member, please contact the Development Services Department at (573) 339-6327. Applicants are also urged to discuss their request with adjoining property owners, tenants, and other parties that may be affected should the request be approved.

Applicants are required to submit a list of the names and mailing addresses of all adjoining property owners, including properties across a street or alley from the subject property. This information is available at the Cape Girardeau County Mapping and Appraisal Office (573) 243-3123. In addition, one (1) set of plain white, business size mailing envelopes, stamped and addressed to the adjoining property owners, is required. Please do not include a return address on the envelopes. Staff will add the City's return address in order to receive questions or comments about the request.

The application deadline is three (3) weeks prior to the Board or Commission meeting date. The Board of Adjustment meets on the first Thursday of each month. The Planning and Zoning Commission meets on the second Wednesday of each month. Applications may be submitted in person or shipped to: City of Cape Girardeau, Development Services Department, 401 Independence Street, Cape Girardeau, MO 63703.

City staff will review each application for completeness. If additional information is needed, the applicant will be contacted. Applications deemed incomplete will not be reviewed until the requested information is provided.

Once a complete application has been submitted, staff will place it on the Board or Commission agenda. A notice of public hearing will be sent to the applicant, the property owner(s) of record, and the adjoining property owners. In addition, a sign will be posted on the subject property containing information about the public hearing.

The Board or Commission will hold the public hearing on the variance request. The applicant, property owner, or their representative is expected to appear at the hearing and present the request to the Board or Commission. If no one appears, the Board or Commission may table the request.

If the request is approved, a Certificate of Variance will be issued and a copy mailed to the applicant. The Certificate will include any conditions imposed as part of the approval. Per City Code, a Certificate of Variance is valid for one hundred eighty (180) days from the date upon which the variance was granted, unless within such period:

- (1) A building permit is obtained and the construction, or the alteration, of the structure is commenced and pursued diligently toward completion.
- (2) A certificate of occupancy is obtained and a use or occupancy commenced. The Board or Commission may grant extensions not exceeding one hundred eighty (180) days, upon written application, without notice or public hearing.

If the request is denied, the applicant may file an appeal with the circuit court within thirty (30) days after the date the Board or Commission decision is filed.