



ZONING CODE VARIANCE APPLICATION
CITY of CAPE GIRARDEAU

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

Property Address/Location

| | | | |
|--|------------------|---|------------------|
| Applicant | | Property Owner of Record (if other than Applicant) | |
| Mailing Address | City, State, Zip | Mailing Address | City, State, Zip |
| Telephone | Email | Telephone | Email |
| Contact Person (If Applicant is a Business or Organization) | | (Attach additional owners information if applicable) | |
| Section of the Zoning Code from which the variance is requested | | | |

Describe the nature of the variance request.

Application continues on next page

OFFICE USE ONLY

Date Received & By _____ File No. _____ MUNIS Application No. _____

Board of Adjustment Action APPROVED AS SUBMITTED APPROVED WITH CONDITIONS DENIED

Date of Action _____

Variance Criteria

Explain how the variance request meets the criteria below. Attach additional sheets, if necessary.

- 1) *The variance request 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 or the applicant.*

- 2) *Approval of the variance request will not adversely affect the rights of adjacent property owners or tenants.*

- 3) *The strict application of the provisions of the Zoning Code from which the variance is requested will constitute unnecessary hardship upon the utilization of the property.*

- 4) *Approval of the variance request will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.*

- 5) *Approval of the variance request is consistent with the general spirit and intent of the Zoning Code.*

**ADDITIONAL ITEMS
REQUIRED**

*See Instructions for more
information.*

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

- Application fee (\$75.00 per section, payable to City of Cape Girardeau)
 - One (1) list of names and mailing addresses of adjacent property owners
 - One (1) set of mailing envelopes, stamped and addressed to adjacent property owners
 - One (1) set of supporting documents sufficiently depicting the location of the requested variance and any proposed improvements
 - One (1) set of current photos of the property
-

CERTIFICATIONS

The undersigned hereby certifies that:

- 1) They are the Property Owner(s) of Record for the property described in this application;
- 2) They acknowledge that the variance, if approved, will be valid for a period no longer than one hundred eighty (180) days from the date of approval unless a building permit is obtained and the construction, or the alteration, of the structure is commenced and pursued diligently toward completion, or a certificate of occupancy is obtained and the use or occupancy commenced; and
- 3) They acknowledge that they are responsible for ensuring that all required licenses and permits are obtained prior to commencing any use or work on the property.

Property Owner of Record Signature and Printed Name

Date

(Provide additional owners signatures and printed names in the space below, if applicable)

The undersigned hereby certifies that they are an agent duly authorized by the Property Owner(s) of Record to file this application on their behalf, and that the Property Owner(s) of Record hereby agree to the above certifications.

Applicant Signature and Printed Name

Date

CITY OF CAPE GIRARDEAU ZONING CODE VARIANCE APPLICATION INSTRUCTIONS

The Zoning Code Variance Application is to be used only for requests for variances from the Zoning Code (Chapter 30 of the City Code). It is not for requests for exceptions from the Development Code (Chapter 25 of the City Code). For exception requests, use the Development Code Exception Application.

Applicants must discuss their request with City staff prior to filing an application. Staff will assist with identifying the applicable code section(s), and explain the variance criteria. To speak with a staff member, contact the Development Services Department at (573) 339-6327. Applicants should also discuss their request with adjacent property owners, tenants, and other parties that may be affected should the request be approved.

As part of the application, a list of the property owner of record's name and tax mailing address for each adjacent property must be submitted. "Adjacent property" means a property that is next to, or across a street or alley from, the property for which the variance is being requested, including diagonal orientation. To obtain property information, contact Cape Girardeau County Mapping and Appraisal at (573) 243-3123 or visit the County's website at www.capecounty.us. In addition to the list, one (1) set of plain white, business size mailing envelopes properly affixed with first class U.S. postage and addressed to the adjacent property owners must be submitted. Do not include a return address; the City will add its return address to each envelope prior to mailing the public hearing notice.

Zoning Code variance requests are reviewed by the Board of Adjustment. The application deadline is three (3) weeks prior to the meeting date. The Board of Adjustment meets on the first Thursday of each month. Applications must be submitted in person or delivered to: City of Cape Girardeau, Development Services Department, 401 Independence Street, Cape Girardeau, MO 63703.

Staff will review each application for completeness. If additional information is needed, the applicant will be contacted. Incomplete applications will not be reviewed until the requested information is provided.

Once an application has been deemed complete, it will be placed on the Board of Adjustment agenda. A notice of the public hearing will be advertised in the newspaper. Notification letters will also be sent to the applicant and the property owners of record for the property pertaining to the request as well as the adjacent properties. In addition, a sign containing information about the public hearing will be posted on the property pertaining to the request.

The Board of Adjustment will hold a public hearing on the request. The applicant, property owner(s) of record, or their representative must appear at the hearing and present the request to the Board. If no one appears, the Board may table the request.

If the request is approved, a certificate will be issued and a copy mailed to the applicant. The certificate will include any conditions imposed as part of the approval. The certificate will be valid for a period no longer than one hundred eighty (180) days from the date of approval, 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 the use or occupancy commenced.

The applicant may request in writing, and the Board of Adjustment may grant, extensions not exceeding one hundred eighty (180) calendar days, 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's decision is filed.