



ZONING CODE VARIANCE APPLICATION
CITY of CAPE GIRARDEAU

COMMUNITY DEVELOPMENT DEPARTMENT, 44 NORTH LORIMIER STREET, CAPE GIRARDEAU, MO 63701 (573) 339-6327

Property Address/Location

Applicant		Property Owner of Record <input type="checkbox"/> Same as Applicant	
Mailing Address	City, State, Zip	Mailing Address	City, State, Zip
Telephone	Email	Telephone	Email
Contact Person		(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 # _____ MUNIS Application # _____ MUNIS Permit # _____

Application Fee Received \$ _____ ☐ Check # _____ ☐ Credit Card ☐ Cash

Board of Adjustment Action ☐ APPROVED AS REQUESTED ☐ APPROVED WITH CONDITIONS ☐ DENIED Date _____

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 (\$78.00 per section, payable to City of Cape Girardeau)
 - ___ List of adjacent property owners (*see Instructions for requirements*)
 - ___ One (1) set of mailing envelopes, stamped and addressed to adjacent property owners or \$2.70 per adjacent property owner, if stamped envelopes are not submitted
 - ___ 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
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CERTIFICATIONS

The undersigned hereby certifies that:

- 1) They are the Property Owner(s) of Record for the property described in this application;
- 2) They have verified with the non-City utility providers that the project for which the variance is requested does not conflict with existing or proposed utility infrastructure or easements;
- 3) 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
- 4) 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:

City of Cape Girardeau
Planning Services Division
44 North Lorimier Street
Cape Girardeau, MO 63701
(573) 339-6327
cityplanning@cityofcape.org

Applicants should also discuss their request with adjacent property owners, tenants, and other parties that may be affected should the request be approved.

A list of the adjacent property owners must be submitted as part of the application. "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 owner information, contact Cape Girardeau County Mapping and Appraisal at (573) 243-3123 or visit the County's website at www.capecounty.us. The list must contain the name, property address, mailing address, city, state, and ZIP code for each adjacent property owner, per the following examples:

Property Owner Name	Property Address	Mailing Address	City	State	Zip Code
<i>Ex. John and Jane Doe</i>	<i>900 North Main Street</i>	<i>900 North Main Street</i>	<i>Cape Girardeau</i>	<i>MO</i>	<i>63701</i>
<i>Ex. ZZZ Development, LLC</i>	<i>910 North Main Street</i>	<i>100 Natural Bridge Avenue, Suite A</i>	<i>St. Louis</i>	<i>MO</i>	<i>63107</i>

In addition to the list, a set of plain, white, business size mailing envelopes addressed to the adjacent property owners (each with a first class U.S. postage stamp) must be submitted. Do not include a return address; City staff will add the Planning Services Division's return address to each envelope prior to mailing the public hearing notice. In lieu of submitting stamped addressed envelopes, the applicant may choose to pay an additional \$2.70 per adjacent property owner for the required envelopes.

Zoning Code variance requests are reviewed by the Board of Adjustment. The application deadline is three (3) weeks prior to the Board of Adjustment meeting date. The Board meets monthly on the first Thursday. Applications must be delivered to the Planning Services Division using the above contact information.

City staff will review each application for completeness. If required information and/or items are missing, then the applicant will be contacted. Incomplete applications will not be reviewed until the requested information and/or items are submitted.

Once an application has been deemed complete, it will be placed on the next Board of Adjustment agenda. A notice of the public hearing will be sent to the applicant and the adjacent property owners. In addition, a sign containing information about the public hearing will be posted on the property and a notice of the public hearing will be published in the newspaper.

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, then the Board may table (postpone) taking action on 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 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. 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, then the applicant may file an appeal with the circuit court within thirty (30) days after the date the Board's decision is filed.

For questions, please contact the Planning Services Division at (573) 339-6327 or cityplanning@cityofcape.org.