



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

Describe the nature of the variance request.

Application continues on next page

OFFICE USE ONLY		
Date Received _____	By _____	File Number _____
Board of Adjustment Action <input type="checkbox"/> APPROVED AS SUBMITTED <input type="checkbox"/> APPROVED WITH CONDITIONS <input type="checkbox"/> 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**

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

- ___ Application fee (\$50.00 payable to City of Cape Girardeau) – per Section
- ___ 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 plans/drawings of the property sufficiently depicting the location of the requested variance and any proposed improvements
- ___ One (1) set of current photos of the property

*See Instructions for more information.

CERTIFICATIONS

The undersigned hereby certifies that:

- 1) They are the Property Owner 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 the proposed use or work commences and is pursued diligently toward completion; and
- 3) They accept responsibility for ensuring that all required licenses and permits are obtained prior to commencing the use or work.

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 determining the applicable Chapter and Section, 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 with the adjacent property owner of record names and tax mailing addresses on the front must be submitted. A U.S. Postal Service first class postage stamp must be affixed to the front of each envelope in the upper right corner. 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 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 an application has been received and deemed complete, it will be placed on the Board of Adjustment agenda. A notice of public hearing will be sent to the applicant and the property owners of record for the property pertaining to the variance request and the adjacent properties. In addition, a sign containing information about the public hearing will be posted on the property pertaining to the variance request.

The Board of Adjustment will hold the public hearing on the variance request. The applicant, property owner of record, or their representative must appear at the hearing and present the request to the Board. If no one appears, the Board may postpone review of the request to the next meeting.

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) calendar 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.