

Odyssey OPA Variance No. 2 – Parking Setback

- The variance requested is the minimum required for a standard play field per the National Federation of State High School Associations (NFHS) and adequate on-site stacking for both buses and parent drop-off/pick-up loops. The zoning code identifies a parking setback of 25 feet, and we are proposing just one small area about the width of the play field to encroach by less than 10 feet, reducing the 25 foot setback to 15 ½ foot setback.
- Intended use of the property is public charter school grades Kindergarten through 8th.
- Section of zoning variance is: 185.042 NC — NEIGHBORHOOD COMMERCIAL DISTRICT..
- The variance meets section 169.009 of City code as follows:
 - (B) (1) Special conditions and circumstances exist which are peculiar to the land and which are not applicable to other lands. The property is unique in its size being 9.17 acres, the school is an allowable use in the zoning, and both the rear building and parking setbacks are 25 feet. That is unique, normally there are no parking setbacks in Palm Bay zoning districts that are commercial and/or allow schools. The variance request is the minimum required in order to provide a NFSH standard play field with the proposed school campus layout. The driveway only bumps out into the 25 setback less than 10 feet and only to provide adequate stacking for buses and parents and only the minimum length of the width of the play field.
 - (2) The special circumstances are not the results of the actions of the applicant.
 - (3) Literal interpretation and enforcement of the Land Development Code would deprive the applicant of rights enjoyed by other properties, and would result in an unnecessary and undue hardship on the applicant. Most Palm Bay zonings that conditionally or outright allow a school use have significantly reduced green space setback requirements to parking/drives up to as little as 5 feet. In this case we are proposing over 15 feet and providing a 10 foot public utility and drainage easement within it to the south. The applicant has two other campuses in Palm Bay and has been a great community partner for decades including multiple awards from City Council. They are truly providing a need for the underprivileged school children in the community.
 - (4) The variance, if granted, is the minimum necessary for the standard size play field and adequate on-site stacking for parents/bus loops.
 - (5) Granting of the variance will not confer on the applicant any special privilege that is denied by the development code to other lands.
 - (6) The granting of the variance is in harmony with the general intent and purpose of the code, and will not be injurious to the surrounding properties or detrimental to the public welfare. In fact the granting of the variance is the opposite, it provides a real need for the community and is an allowable use in the zoning.
 - (7) Bert Harris is not applicable.
- The site size is 9.17 acres.
- The owner is not the representative.