

Odyssey OPA Variance No. 1 – Building Height

- The variance requested is the minimum required for a modern two-story school building and is less than a 20% variance. The current zoning's maximum building height is 25', which does allow for two-story buildings, and we are requesting a maximum height of 30' with the intention of it actually being approximately 29'- 10 ½" for the proposed two-story building. The building location is pushed towards the front of the site closest to West Emerson Road and furthest from any of the neighboring properties to the south (single family residential lots), west (church), and east (undeveloped but possible future gas station). The minimum rear and side setbacks per code are:
  - Rear: 25' (building and parking); proposed building 110.6'; proposed parking 15.5' (back of curb)
  - Side: 10' building, 5' parking; proposed building 219.65', proposed parking 5'
- Intended use of the property is public charter school grades Kindergarten through 8<sup>th</sup>.
- 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, structure or building involved, and which are not applicable to other lands. The property is unique in it's size being 9.17 acres, the school is an allowable use in the zoning, and the zoning allows for two-story. However a modern two-story classroom building with today's technology needs a little more space floor to floor to maximize natural light and provide the best educational setting for school children. The site is unique in that has most likely a future gas station to the east on a currently vacant parcel and a church to the west so the school use is the perfect transition from more intense to less from east to west along a major City corridor being Emerson Road. The building is located as far north, i.e. closer to Emerson Road, to provide the biggest buffer to the single family residential to the south.
  - (2) The special circumstances are not the results of the actions of the applicant.
  - (3) There are multiple schools in Palm Bay with two-story buildings which is allowable in both the land development code and the current zoning. Denial if this variance would deprive the applicant of rights enjoyed by other properties, and would result in an unnecessary and undue hardship on the applicant. 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.
  - (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.