



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

---

**File #:** 3165, **Version:** 1

---

### **Subject:**

395 East, LLC (Alex Berkovich) requests a change of zoning classification from SEU to EU. (21Z00018) (Tax Account 2511450) (District 2)

### **Fiscal Impact:**

None

### **Dept/Office:**

Planning & Development

### **Requested Action:**

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from SEU (Suburban Estate Use) to EU (Estate Use Residential).

### **Summary Explanation and Background:**

The applicant is seeking a change of zoning classification from SEU (Suburban Estate Residential) to EU (Estate Use Residential) for the purpose of creating a 4-lot subdivision. The applicant has provided a conceptual nonbinding development plan containing 4-lots plus a remnant on the east side of South Courtney Parkway. The proposed subdivision does not depict access thru Curry Dell Lane. The proposed subdivision represents one lot accessing South Tropical Trail and the reminder of the lots accessing South Courtenay Parkway. While staff preliminarily reviewed the proposed plan, it shows that several waivers would be required by the Board. No formal binding review was performed.

In 2020 the previous owner applied for rezoning from AU to EU for a proposed 11-lot subdivision. The Board modified and approved the request as SEU in October 2020, which only permits three-lots.

The proposed EU zoning classification is an estate use single-family residential zoning classification. The minimum lot size is 15,000 square feet with a minimum lot width and depth of 100 feet, and a minimum living area of 2,000 square feet.

The developed character of the surrounding area is residential. The abutting parcels to the north are zoned EU. The parcel to the east of South Courtenay Parkway is also part of this application request. The abutting parcels to the south are EU except for that portion lying east of South Courtenay Parkway, which is zoned SEU. The abutting developed parcel to the west is zoned EU.

The parcel can be serviced by City of Cocoa water. There is no sewer service in the area. The closest Brevard County sewer connection is 3.13 miles to the north. This area is within the Indian River Lagoon Nitrogen

Reduction Overlay and if not connected to sewer facilities will need to utilize advanced septic systems designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes.

On July 12, 2021, the Planning and Zoning Board heard the request and recommended 5:1 to approve the request with a BDP (Binding Development Plan) containing the following conditions: no more than four single-family residences; residences not to exceed two stories; no ingress/egress to Curry Dell Lane; utilization of the advanced septic systems; and a maximum height of structures not to exceed 35 feet.

The Board may wish to consider whether the request is consistent and compatible with the surrounding area and if the proposed BDP conditions mitigate the potential impacts of the request.

### **Clerk to the Board Instructions:**

Once resolution is received, please execute and return to Planning and Development.