



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

---

**File #:** 4945, **Version:** 1

---

### **Subject:**

Daren T. and Regina M. Dempsey request a change of zoning classification from AU to RU-1-13. (22Z00033)  
(Tax Account 2318342) (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 AU (Agricultural Residential) to RU-1-13 (Single-Family Residential).

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

The applicants are seeking a change of zoning classification from AU to RU-1-13 in order to split their 1.41-acre property into 2-lots. The current Future Land Use designation of RES 4, will allow up to 5 dwelling units on the property. The RU-1-13 zoning classification permits single-family residences on minimum 7,500 square foot lots, with minimum widths and depths of 75 feet, and a minimum house size of 1,300 square feet. RU-1-13 does not permit horses, barns or horticulture.

There is an existing pattern of agricultural residential zoning and estate use residential zoning on lots ranging from 0.34 acres to 3.04 acres surrounding the subject property. To the north of the subject property is a single-family residence on a 2.74-acre lot zoned AU; to the south is an HOA-owned tennis court on a 0.56-acre lot zoned EU-2; to the east is a single-family residence on 3.04 acres zoned AU. To the west, across N. Tropical Trail, are two (2) single-family residences, each on 1.25 acres lots zoned EU.

The existing house is 1,379 sq. ft. that was built in the 1950's, which is less than the minimum size for either EU or EU-2 zoning classification. In comparison to EU and EU-2, RU-1-13 has the smallest square feet of minimum living area; least setbacks for principal and accessory structures; and least square footage of minimum lot size.

The request can be considered an introduction of RU-1-13 zoning classification into an area developed mostly as single-family residences on lots of spacious character with agricultural uses.

The Board may wish to consider whether the request is consistent and compatible with the surrounding area.

On August 11, 2022, the North Merritt Island Dependent Special District Board heard the request and voted

4:2 to recommend SR (Suburban Residential), and further requested the Board of County Commissioners not take final action on the request until there is a District 2 commissioner in place.

On August 15, 2022, the Planning and Zoning Board heard the request and unanimously recommended denial.

**Clerk to the Board Instructions:**

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