



Planning and Zoning Department  
 401 W. Venice Avenue  
 Venice, FL 34285  
 941-486-2626 ext. 7434  
[www.venicegov.com](http://www.venicegov.com)

# Appeal Application for City Council

## Section 1.16 Appeals Applications (Quasi-Judicial)

Submit a completed application, supporting documents and fees to the City Clerk. All information will become a permanent part of the public record. Incomplete applications will be returned to the applicant/agent.

**Project Name:** AJAX

**Address:** 500 and 504 Gene Green Road, Nokomis, FL 34275

**Parcel Identification No.:** 0365-00-1050 and 0365-00-1030 **Parcel Size:** 3,023,111 sq ft & 1,071,957 sq ft

**Property Owner:** MAH Venice Investments, LLC

### Application Fees:

**Total Fees = \$594.35 (Application Fee: \$356.61/Review Fee Deposit: \$237.74)**

Being the owner or agent of the parcel of land involved, I hereby appeal the final decision rendered by a city board or commission in accordance with the LDR, with reference to:  
 Order 25-40SP

And hereby petition reversal or modification of the decision by city board or commission dated: 03/06/2026

**Please provide a detailed narrative stating the full explanation of the alleged error committed in the interpretation or application of the Land Development Regulations (attach as necessary):**

See attached.

**Applicant/Owner Name (for billing purposes):** Derin Parks, of Grimes Galvano, PL on behalf of 700 Gene Green, LLC

**Address:** 1023 Manatee Ave. West, Bradenton, FL 34205

**Email:** dparks@grimesgalvano.com

**Phone Number:** 941-748-0151

**Signature:** 

**Date:** 03/12/2026

It is a longstanding and well-settled principle of Florida law that “An easement created by express grant without reservation or restriction is permanent and can only be changed with mutual consent of the owners of the dominant and servient estates. See [Fields v. Nichols](#), 482 So.2d 410 (Fla. 5th DCA 1985); [Fla. Power Corp. v. Hicks](#), 156 So.2d 408 (Fla. 2d DCA 1963).” *Entzminger v. Thornberry*, 734 So.2d 1114 (Fla. 2d 1999). Here, the owner of the servient estate, MAH Venice, is attempting to unilaterally relocate the existing and express easement over its land without the consent of the dominant estate, 700 Gene Green, LLC. The Planning Commission’s approval of MAH Venice’s attempts to unilaterally relocate 700 Gene Green, LLC’s easement over the servient estate is impermissible as a matter of Florida law and must be set aside.