



City of Venice
401 West Venice Ave., Venice, FL 34285
941-486-2626
DEVELOPMENT SERVICES
FEE WAIVER / REDUCTION REQUEST

1) Name of Individual

Requesting

John N Bailey III

Waiver/Reduction:

Mailing Address:

209 Bailey Rd.

DIFFERENT FROM

Venice, Florida, 34292

REQUESTED

Phone:

941*416*0328

*REZONED
PROPERTY*

E-mail:

Johnbailey197@gmail.com

2) Name of organization
for which waiver is
requested:

Self

Mailing Address:

Phone:

E-mail:

3) Please provide a description of the project/activity/event for which a fee waiver is being requested on a separate sheet of paper. Please include the type of project/activity/event, the number of individuals who will participate or be served, etc.

4) Please indicate if this is a one-time or annual event:

☒ One time

☐ Annual

5) Type and amount of fee waiver(s) requested. Please list all fees you are requesting to be waived in conjunction with this project/activity/event:

Dept. Assessing Fee	Type of Fee	Amount of Fee
Planning and Zoning	Waiver for Filing Fee to submit a Request for the Public Workshop Waiver.	\$200.00
	<i>* FOR THE REZONING</i>	
	<i>OF 498 SUBSTATION RD</i>	
	<i>VENICE FL 34285</i>	



0. Incomplete applications cannot be processed

6) If your entity or organization has received a fee waiver(s) for a similar project/activity/event in the past, please list fee waivers below: **N/A**

Date of Waiver	Dept. Assessing Fee	Type of Fee	Amount of Fee

7) Does the organization or entity for which the fee waiver is requested receive funding from any of the following sources? If so, please specify: **N/A**

☐ Property Tax
☐ User Fees

☐ Sales Tax

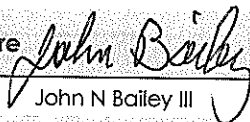
☐ Other, please specify:

☐ Special Assessment

8) If the organization or entity receives tax funding or has the ability to assess fees, please provide an explanation and supporting documentation regarding the complete inability of the organization or entity to pay the fees which you are requesting be waived. Please attach information/documentation to this form and submit with your request for fee waiver. **N/A**

9) Will the organization or entity be charging an entry fee or be requesting a donation for the project/activity/event for which you are requesting a fee waiver? If so, please provide an explanation and supporting documentation detailing why the fees to be waived cannot be recovered through the entry fee. Please attach information/documentation to this form and submit with your request for a fee waiver. **N/A**

Authorized Signature


John N Bailey III

Title

OWNER

Date 12/29/2018

SUBMIT TO:

Planning & Zoning Department

Attn: Community Development Director

401 W. Venice Avenue

Venice, FL 34285

John N Bailey III RLT

January 29th, 2018

209 Bailey Rd., Venice, Fl. 34292

VIA HAND-DELIVERY

Mr. Jeff Shrum, AICP
Community Development Director
City of Venice
401 West Venice Ave
Venice, Florida 34285

Cover letter – waiver request letter

Re: Waiver of Public Workshop Request John N Bailey III –
Property **498 Substation Rd.** Florida Tax Collector Account # 0407070005

Dear Mr. Shrum:

As you are aware, I am currently representing myself as the owner of the property of 1 acre +/- at 498 Substation Rd., in the City of Venice. My property was involuntarily annexed into the City in 2002, when it was approximately 2 x half acre contiguous lots now joined together as approximately 1 acre, now all owned by me, but the Sarasota County zoning designation for the properties have never been converted (via a rezoning process) to a City of Venice zoning district. I now plan to apply to have my property properly rezoned to a City zoning district.

Attached please find:

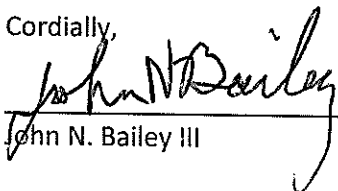
- 1) A **Waiver Application** (waiver request letter) for the required **Public Workshop** for the Rezoning Application.
- 2) I am also requesting a **Waiver** for the **filing fee for the Public Workshop Waiver Application** to be waived. Please see attached Fee Waiver Form.

I am also submitting under separate cover:

- 1) A **Rezoning Application** for the reasons stated above in this waiver request letter.
- 2) A **Fee Waiver Form** for the Application for the Rezoning and the fees normally associated to file a request for Rezoning. Initially the \$2900. Earlier precedent was set by the City, wherein the City waived same fees for my neighbors, the O'Connell's, The George and Noreen Ronald's, and Mr Ronald Siegrist, and their respective properties in a similar process over the past 4 years; which are in the same FLUM district and very close in proximity to mine, only one street over.
- 3) An additional **Fee Waiver Application** for any and all additional fees incurred by the City to notify the public of the upcoming meetings held and open to the public regarding any and all planning, zoning and Council meetings pertaining to this process to rezone this property. As precedent has already been set in 2014, 2015, 2016, and 2017 whereby Mr. Jeff Boone represented the O'Connells's and their property, and Mr. Ron Siegrist represented himself and his neighbors Mr. and Mrs George Ronald; all only 1 street south on Hauser Lane.
- 4) Additionally, as I have been paying for nearly 17 + years City bills on my property, although I have never been given City zoning designation as seemingly would be required in order for the City to ever bill me regarding the property.

If you require any additional information or have any additional questions, please do not hesitate to contact me.

Cordially,


John N. Bailey III

Dated:

1-5-19

Public Workshop Waiver Request

The subject properties are approximately 1.00 +/- acres. This property is owned by the John N Bailey III revocable living trust, John N Bailey III ttee. The address is 498 Substation Rd. Venice, Florida 34285.

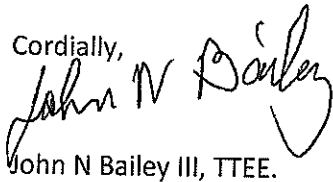
- 1) The properties were separate contiguous properties approximately ½ acre each and both (now adjoined as one acre property) were involuntarily annexed by the City in 2002. At the time of the City's involuntary annexation, the properties had a Sarasota County zoning designation of Residential Multi-Family (RMF-2).
- 2) The City did not apply a zoning designation to the properties at the time of the involuntary annexations.

I, as the property owner, am agreeing to process a rezone petition to assign a zoning designation to the property, but request a waiver of the required public workshop as the proposed rezoning to a City of Venice residential multi-family district is similar to the existing County zoning designations and furthermore in alignment with the future land use map designations.

In addition, I am requesting a waiver of the required application fee associated with this Waiver application.

If the City would decide to conduct, on its own, a public workshop for the proposed rezoning, I will attend to answer any questions or provide information, as needed.

Cordially,



John N Bailey III, TTEE.

dated: 12/29/2018

Statement of Ownership and Control

The subject property is approximately 1.00 +/- acre. It is owned by the John N Bailey III. Revocable Living Trust, John N Bailey III, TTEE. The address is 498 Substation Road, Venice, FL. 34292. I am a several decades long owner of the property. As Trustee of the Trust, I have full control of the property.

Sincerely,

 dated: 1-5-19

John N Bailey III, TTEE



City of Venice
401 West Venice Ave., Venice, FL 34285
941-486-2626
DEVELOPMENT SERVICES - PLANNING & ZONING
WAIVER APPLICATION

VZ

Project Name: 498 Substation Rd.

Parcel Identification No.: 37320-52888

Address: 498 Substation Rd.

Parcel Size: 44021 sq ft total = 1.00+/- acres

FLUM designation: ~~Seaboard Sector~~ **HIGH DENSITY RESIDENTIAL**

Zoning Map designation: Sarasot County RMF2 - No current City designation

Property Owner's Name: John N Bailey III TTEE, John N Bailey III Revocable Living Trust

Telephone: 941*416*0328

Fax:

E-mail: Johnbailey197@gmail.com

Mailing Address: 209 Bailey Rd. Venice, FL 34292

Project Manager: John N Bailey III

Telephone: Same as above

Mobile / Fax:

E-mail:

Mailing Address:

Project Engineer : n/a

Telephone:

Mobile / Fax:

E-mail:

Mailing Address:

Project Architect: n/a

Telephone:

Mobile / Fax:

E-mail:

Mailing Address:

Incomplete applications cannot be processed - See reverse side for checklist

Applicant Signature / Date:

John N Bailey 1-5-19
John N Bailey III, TTEE

WAIVER



City of Venice
401 West Venice Ave., Venice, FL 34285
941-486-2626

DEVELOPMENT SERVICES
FEE WAIVER / REDUCTION REQUEST

FEE WAIVER / REDUCTION REQUEST

1) Name of Individual

Requesting

Waiver/Reduction:

Mailing Address:

JOHN N BAILEY III

209 BAILEY ROAD

VENICE, FLORIDA 34292

Phone:

941 416 0328

E-mail:

JOHNNBAILEY197@GMAIL.COM

2) Name of organization

for which waiver is

requested:

Mailing Address:

SELF

Phone:

E-mail:

3) Please provide a description of the project/activity/event for which a fee waiver is being requested on a separate sheet of paper. Please include the type of project/activity/event, the number of individuals who will participate or be served, etc.

4) Please indicate if this is a one-time or annual event:

☒ One time

☐ Annual

5) Type and amount of fee waiver(s) requested. Please list all fees you are requesting to be waived in conjunction with this project/activity/event:

Dept. Assessing Fee	Type of Fee	Amount of Fee
	REZONING	2908
	PUBLIC NOTICE COSTS-ALL	-UNKNOWN AT THIS TIME-ALL

★ PROPERTY ADDRESS FOR REZONING REQUEST IS:
498 SUBSTATION RD VENICE FLORIDA 34285

Incomplete applications cannot be processed

6) If your entity or organization has received a fee waiver(s) for a similar project/activity/event in the past, please list fee waivers below: **N/A**

Date of Waiver	Dept. Assessing Fee	Type of Fee	Amount of Fee

7) Does the organization or entity for which the fee waiver is requested receive funding from any of the following sources? If so, please specify: **N/A**

☐ Property Tax

☐ Sales Tax

☐ Special Assessment

☐ User Fees

☐ Other, please specify:

8) If the organization or entity receives tax funding or has the ability to assess fees, please provide an explanation and supporting documentation regarding the complete inability of the organization or entity to pay the fees which you are requesting be waived. Please attach information/documentation to this form and submit with your request for fee waiver. **N/A**

9) Will the organization or entity be charging an entry fee or be requesting a donation for the project/activity/event for which you are requesting a fee waiver? If so, please provide an explanation and supporting documentation detailing why the fees to be waived cannot be recovered through the entry fee. Please attach information/documentation to this form and submit with your request for a fee waiver. **N/A**

Authorized Signature

John N Bailey III
John N Bailey III

Title

OWNER

Date 12/29/2018

SUBMIT TO:

Planning & Zoning Department
Attn: Community Development Director
401 W. Venice Avenue
Venice, FL 34285

John N Bailey III
209 Bailey Rd., Venice, Fl. 34292
941 416 0328 johnbailey197@gmail.com

VIA HAND-DELIVERY

Mr. Jeff Shrum, AICP
Community Development Director
City of Venice
401 West Venice Ave
Venice, Florida 34285

COVER LETTER – FORMAL REZONING FEE WAIVER REQUEST

Re: John N Bailey III Revocable Living Trust : John N Bailey III, TTEE

Dear Mr. Shrum: As you are aware, I am currently representing myself as the owner of the property at 498 Substation Rd., in the City of Venice. My properties (now one adjoined property) were involuntarily annexed into the City in 2002, but the Sarasota County zoning designation for the properties has never been converted (via a rezoning process) to a City of Venice zoning district. I now plan to apply to have my property properly rezoned to a City zoning district designation.

Please accept this letter as a formal request for the City of Venice to **waive the application fee for the rezoning** of the above referenced property. I make this request based upon:

- 1) My properties were **involuntarily annexed** into the City – by interlocal agreement with Sarasota County – and the City should have at some point over the ensuing 17 years taken action to rezone my properties. This action, however, never occurred due to a possible long term oversight.
- 2) I, at this point, am preparing and filing an application with the City to rezone my property, but believe it is fair and appropriate under the circumstances that the rezoning application **filing fee of \$2908.00**, and/or any additional fees now, be waived accordingly.
- 3) **Any and all additional fees normally associated with this process be waived.** Specifically, including but not limited to the rezone fee referenced in point 2 above, but also any and all other public notification fees as referenced in the last line under **Fees of the Zoning Map Amendment Application revised 12/10 wherein it states: "Public notice fee in excess of \$50 will be billed to applicant and is not included in application fee."** Such fees including but not limited to any and all public notification through advertisement, mailing, staff hours, etc., regarding and throughout the entire process regarding Planning Commission meeting, all Council meetings, etc. This additional waiver of fees is proper and appropriate since this should have been done by the City following the **involuntary annexation** referenced in point 1 above.
- 4) Additionally, I am making these requests, based upon an earlier PRECIDENT set by the City, on 4 separate properties, throughout a similar rezoning approval process undertaken on behalf of several of my neighbor's on Hauser Lane. Throughout this process, **certain requirements and the corresponding fees associated were waived.** These waiver exceptions began with **Rezoning Petition # 14-5RZ** which was **unanimously approved** with a City Council vote of **7-0** each and every time. Council members included: Chair Snyder, Ms. Moore, Mr. Williams, Mr. Towery, Mr. Graser, Mr. Murphy and Mr. Newsom, in 2015 and again in 2016 with Mayor John Holic, Council Member Kit McKeon, Council Member Jeanette Gates, Council Member Bob Daniels, Council Member Deborah Anderson, Council Member Richard Cautero and Council Member Fred Fraize
- 5) I am very simply requesting similar treatment by the City for my property as was approved throughout the Rezoning Petition process # 14-5RZ referenced in point 4 above, and then again in 2016 for three other properties.

I have also submitted under separate cover an application for the neighborhood meeting requirement to be waived, and also that the application fee associated with same be waived; again, as was this very appropriately done for my neighbors the O'Connell's and their property.

If you require any additional information or have any additional questions, please do not hesitate to contact me.

John N Bailey III
John N Bailey III TTEE

Dated: 1-5-19

ADDITIONAL WAIVER OF FEE REQUIREMENT FOR VERIFICATION OF LEGAL DESCRIPTION FEES
NOT PREVIOUSLY REQUESTED.

This instrument prepared by:
SKIP BERG, ESQ.
✓ LAW OFFICES OF BERG & DOUGLASS
1872 Tamiami Trail S., Suite D
Venice, Florida 34293

**THIS INSTRUMENT PREPARED
WITHOUT TITLE EXAMINATION**

Parcel ID No. 0407-07-0005

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2007133003 2 PGS

2007 AUG 24 09:44 AM

KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA

CBETHEL Receipt#956908

Doc Stamp-Deed: 0.70



2007133003

DEED TO TRUST WITH RESERVATION OF LIFE ESTATE

THIS DEED, made this 16 day of August, 2007, by JOHN N. BAILEY, III, a single man, whose address is 498 Substation Road, Venice, Florida 34292, hereinafter referred to as Grantor, and JOHN N. BAILEY, III, as Trustee, under the JOHN N. BAILEY, III Revocable Living Trust dated August 16, 2007, whose address is 498 Substation Road, Venice, Florida 34292, hereinafter referred to as Trustee.

WITNESSETH, Grantor, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to Trustee, the following described property situate in Sarasota County, Florida:

Commence at the SW corner of the NE 1/4 of the NE 1/4 of Section 7, Township 39 South, Range 19 East, Sarasota County, Florida; thence W 466.33 feet for a P.O.B.; thence continue W 66.19 feet; thence N 00°26 E, 332.35 feet; thence E 66.19 feet; thence S 00°26 W, 332.35 feet to the P.O.B., all lying and being in the NW 1/4 of the NE 1/4, Section 7, as aforesaid.

Subject to taxes for 2007 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

TOGETHER with all appurtenances, privileges, rights, interests, reversions, remainders and easements thereunto appertaining:

TO HAVE AND TO HOLD said real estate with the following power and for the following uses and purposes, to wit:

1. The Trustee is vested with full rights of ownership over the above described real estate and is specifically granted and given the power and authority:
 - (a) To protect and conserve said real estate and improvements located thereon and to pay the taxes assessed thereon.
 - (b) To sell and convey said real estate, for cash or on credit, at public or private sale, to exchange said real estate for other property and to grant options to sell said property, and to determine the price and terms of sales, exchanges and options;
 - (c) To execute leases and subleases for terms as long as 99 years, to subdivide or improve said real estate and tear down or alter improvements, to grant easements, give consent and make contracts relating to said real estate or its use and to release or dedicate any interest in said real estate;
 - (d) To borrow money, and to mortgage, pledge or encumber any or all of the said real estate to secure payment thereof;
 - (e) To manage, control, operate and dispose of said real estate, to collect the rents, issues and profits, to pay all expenses thereby incurred, and, in addition to manage and operate any business that may now or hereafter be operated and maintained on said real estate.
2. The written acceptance of the Successor Trustee among the public records in the county where the real property described above is located, together with evidence of JOHN N.

BAILEY, III's death, disability, or resignation, shall be deemed conclusive proof that the Successor Trustee provisions of the aforesaid Trust have been complied with. Evidence of JOHN N. BAILEY, III's death shall consist of a certified copy of the death certificate. Evidence of her disability shall consist of a licensed physician's affidavit establishing that JOHN N. BAILEY, III is incapable of performing her duties as Trustee of the aforesaid Trust. Evidence of JOHN N. BAILEY, III's resignation shall consist of a resignation, duly executed and acknowledged. The Successor Trustee shall have the same powers granted JOHN N. BAILEY, III, the original Trustee, as set forth herein, and evidence of a Successor Trustee's death, disability, or resignation shall be the same as set forth above for the Trustee. JOHN N. BAILEY, IV is the Successor Trustee of the aforesaid Trust; and NANCY A. TUTTLE is the Second Successor Trustee.

3. This conveyance is subject to the reservation by Grantor of a life estate.
4. The Grantor does hereby define and declare that the interests of any beneficiary hereunder or under the said Trust Agreement collateral hereto shall be personal property only.
5. The Grantor recites that this conveyance is made in conformance with the provisions of Florida Statutes Section 689.071.
6. By acceptance of this conveyance, the Trustee covenants and agrees to do and perform the duties, acts and requirements of this instrument.

And Grantor hereby covenants with Trustee that Grantor is lawfully seized of said property in fee simple and it is free of encumbrances except as above stated; that Grantor has good right and lawful authority to convey same and Trustee shall have quiet enjoyment thereof; that Grantor will make such other and further assurances to perfect the fee simple title to said property as may hereafter be required. The Grantor does hereby fully warrant the title of said property, and will defend the same against lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the 16 day of August, 2007.

Signed, sealed and delivered in the presence of:

H R Berg
Printed Name: SKIP BERG

John N. Bailey III (SEAL)
JOHN N. BAILEY, III

Nancy A. Noworyta
Printed Name: NANCY A. NOWORYTA

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 16 day of August, 2007, by JOHN N. BAILEY, III, who [☒] is personally known to me or who [☐] has produced _____ as identification.

My Commission Expires:

H R Berg Jr
Notary Public

