

**MANATEE COUNTY HISTORIC PRESERVATION BOARD  
CERTIFICATE OF APPROPRIATENESS  
HPB/COA-12-08**

**PROJECT NAME:** John T. Banyas  
**LOCATION:** 4521 121<sup>st</sup> Street West, Cortez, FL 34215

This is to certify that the Historic Preservation Board of Manatee County met in Regular Session on March 4, 2013 and reviewed the request for the above-named project.

The Board found the demolition on the single family structure (640 sq. ft.) to be in substantial compliance with the Board's adopted guidelines.

This Certificate of Appropriateness shall supersede that portion of the previous Certificate of Appropriateness in File No. HPB/COA 11-06 approved on December 12, 2011, allowing the relocation of the original single family structure (640 sf) to the Florida Institute of Saltwater Heritage, Inc., property known as the FISH Preserve.

This Certificate of Appropriateness to allow the demolition of the single family structure (640 sq. ft.) is APPROVED, subject to the following stipulation(s).

1. Any historical or archaeological resources discovered during development activity shall be immediately reported to the Florida Division of Historical Resources and treatment of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County. Treatment of the resources must be completed before resource disturbing activities are allowed to continue.
2. Any new construction or future expansion of this site is required to obtain a Certificate of Appropriateness from the Historic Preservation Board.
3. The approval of the Certificate of Appropriateness does not grant approval for any new construction or future expansion of the site.

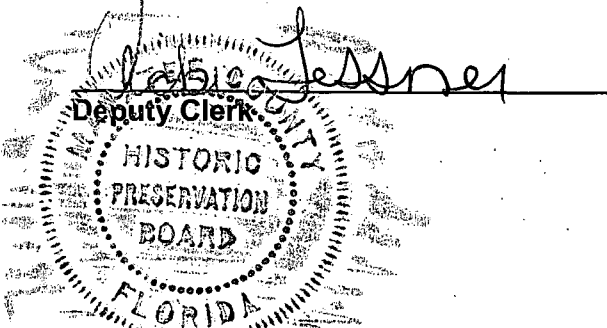
**APPROVED THIS 4<sup>th</sup> DAY OF MARCH, 2013**

**HISTORIC PRESERVATION BOARD  
MANATEE COUNTY, FLORIDA**

**ATTEST:**

**R. B. Shore**  
Clerk of the Circuit Court

BY: Bill Burger  
Chairman



**HPB/COA-12-08**

**HISTORIC PRESERVATION BOARD**

**DATE: March 4, 2013**

**AMENDED STAFF REPORT**

**FILE NO. HPB/COA – 12-08 (DTS#20120424)**

**BUILDING PERMIT APPLICATION # 12111106**

**REQUEST:** Certificate of Appropriateness to allow the demolition of the single family structure

BP Application #12111106  
Property Owner: John T. Banyas

**PROPERTY LOCATION:** 4521 - 121<sup>st</sup> Street West, Cortez, FL 34215

**YEAR BUILT:** 1920

**FLORIDA MASTER SITE FILE:** No **NATIONAL REGISTER:** No

**RECOMMENDED MOTION:**

After consideration of comments made and evidence presented during the review of this matter, the Manatee County Comprehensive Plan, and the Manatee County Land Development Code I move to APPROVE the Certificate of Appropriateness with stipulations 1 thru 3, to allow the demolition of the original single family structure (640 sf) located at 4521 – 121<sup>st</sup> Street West in Cortez. This Certificate of Appropriateness shall supersede that portion of the previous Certificate of Appropriateness in File No. HPB/COA 11-06 approved on December 12, 2011, allowing the relocation of the original single family structure (640 sf) to the Florida Institute of Saltwater Heritage, Inc., property known as the FISH Preserve.

**STIPULATIONS:**

1. Any historical or archaeological resources discovered during development activity shall be immediately reported to the Florida Division of Historical Resources and treatment of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County. Treatment of the resources must be completed before resource disturbing activities are allowed to continue.
2. Any new construction or future expansion of this site is required to obtain a Certificate of Appropriateness from the Historic Preservation Board.
3. The approval of the Certificate of Appropriateness does not grant approval for any new construction or future expansion of the site.

**BACKGROUND (12-12-2011):**

The project site was purchased by Mr. John Banyas in March, 2011. The site is immediately adjacent to the Cortez Bait and Fish House (to the east) and the Bayside Banquet Hall to the south and west which Mr. Banyas also owns. The project site has a 936 sq. ft. single-family home that is not a historic landmark. The structure includes 640 sq. ft. that was built in 1920 and 296 square foot additions that were built at a later date. There is a bedroom, living room, and a kitchen in the original 640 sq. ft. structure which was proposed to be relocated to the FISH Preserve. The 296 sq. ft. addition portion of the structure includes a bedroom, bathroom, laundry/shed, and a screen porch which were proposed to be demolished.

On December 12, 2011, the Historic Preservation Board approved the Certificate of Appropriateness (HPB/COA 11-06) which allowed for the demolition of the addition (296 sf) and the relocation of the original single family structure (640 sf) to the Florida Institute of Saltwater Heritage, Inc., property known as the FISH Preserve.

**UPDATE (December 2012):**

In early September 2012, staff was advised the single family residential structure was demolished. The Building and Development Services Code Enforcement Division cited Mr. Banyas for violating provisions of Manatee County's Land Development Code relating to the Certificate of Appropriateness, Building Permit and Certificate of Completion.

In October 2012, staff requested an opinion from the County Attorney's office and was advised the applicant needed to obtain the proper building permits and Certificate of Appropriateness for the demolition.

On November 28, 2012, the applicant appeared before the Code Enforcement Special Magistrate and admitted that the property was in violation of Sections 512.1, 513.1, 514.2.3, 1202.2 and 1206.4 of the Manatee County Land Development code for demolishing the structure without obtaining the required building permit and certificate of occupancy/completion and failing to comply with the previously approved Certificate of Appropriateness. The Special Magistrate entered five (5) Orders Imposing a Fine which found the property owner in violation of the LDC Sections cited and required him to correct the violations on or before March 22, 2013. If the COA, building permit and certificate of completion are not issued by the compliance date, the Orders impose a minimum fine of \$150 plus a daily fine of \$100 for each violation.

Mr. Banyas stated that due to the condition of the house, the extensive termite and water damage, the house collapsed when he attempted to lift it. The house was then scrapped and removed from the site.

Obtaining a Certificate of Appropriateness for demolition of the original single family structure (640 sf) will enable the Building Division to issue an after-the-fact building

permit and certificate of completion and will provide the appropriate documentation for this case

## **ANALYSIS**

There are general criteria and additional guidelines for approving or denying applications for a Certificate of Appropriateness for alterations, new construction, demolition, or relocation (Section 514 LDC).

### **General Criteria**

In approving or denying applications for Certificates of Approval, the Historic Preservation Board shall consider:

- (1) The effect of the proposed work on the Historical and Archaeological Overlay District or historic landmark upon which such work is to be done;**

*This guideline does not apply to this request as the structure has been demolished. The structure was not on the Florida Master Site File or the National Historic Registry. The structure cannot be renovated or repaired as the house debris has been removed from the site.*

*Any new construction on this property/site will be required to obtain a Certificate of Appropriateness from the Historic Preservation Board.*

- (2) The relationship between such work and other structures in the Historical and Archaeological Overlay District or on the historic landmark;**

*The request for the demolition of the structure does not have an effect on the structures in the Historical and Archaeological Overlay District or on any historic landmarks. The structure has already been demolished.*

- (3) The extent to which the historic, architectural, or archaeological significance, architectural style, design, arrangement, texture, materials and color of the historic landmark or Historical and Archaeological Overlay District will be affected;**

*This guideline does not apply to this request as the structure has been demolished. The structure was not on the Florida Master Site File or the National Historic Registry. The structure cannot be renovated or repaired as the house debris has been removed from the site.*

- (4) Whether the denial of a Certificate of Appropriateness would deprive the property owner of reasonable beneficial use of his property;**

*Yes, the denial of a Certificate of Appropriateness would deprive the property*

*owner of reasonable beneficial use of his property. However, the structure has already been demolished and removed from the site.*

**(5) Whether the plans may be reasonably carried out by the applicant.**

*The original Certificate of Appropriateness (COA-11-06) approved the removal of the screen porch, laundry room and a bedroom (approximately 296 sq. ft.) that were not part of the original house. The remaining 640 sq. ft. section was to be relocated to the FISH Preserve.*

*According to the applicant, the house collapsed when he attempted to lift it due to the condition of the house and the extensive termite and water damage. The house has been scrapped and removed from the site so it cannot be renovated or repaired.*

**Additional Requirements for Demolition**

No Certificate of Appropriateness for demolitions shall be issued by the Historic Preservation Board until one (1) or more of the following criteria have been met:

- a. The applicant has demonstrated that no other feasible alternative to demolition can be found.**

**APPLIES:** YES      **MEETS GUIDELINE:** YES

**COMMENTS:** *The applicant did find a feasible alternative to the demolition of the former frame house by donating and relocating approximately 640 square feet of the structure to the Florida Institute of Saltwater Heritage Preserve (per COA-11-06).*

*Unfortunately, when the applicant attempted to lift the structure, it collapsed due to its age and condition. The house has been scrapped and removed from the site.*

- b. The portion of the structure being demolished has no historic value.**

**APPLIES:** YES      **MEETS GUIDELINE:** YES

**COMMENTS:** *The letter of support and acceptance from FISH states that the original portion of the structure was once part of a historic net camp. However, the structure was not on the Florida Master Site File or the National Historic Registry.*

- c. The applicant has demonstrated a substantial economic hardship in that the property in the historic district cannot be put to reasonable beneficial use without the approval of the demolition application.**

**APPLIES:** NO                      **MEETS GUIDELINE:** N/A  
**COMMENTS:** N/A

- d. In the case of an income-producing building, the applicant must demonstrate that he cannot obtain a reasonable return of economic investment from his existing structure.

**APPLIES:** NO                      **MEETS GUIDELINE:** N/A  
**COMMENTS:** N/A

- e. The Historic Preservation Board has determined that the property no longer contributes to a historic district or no longer has significance as a historical and archaeological landmark. The Historic Preservation Board must also determine that the applicant did not cause or allow a change in the historic character of the structure by alterations, improvements or neglect. Demolition by neglect is a violation of this section.

**APPLIES:** YES                      **MEETS GUIDELINE:** YES

**COMMENTS:** *The applicant purchased the property in March 2011. The condition of the house was poor with extensive termite and water damage.*

*Additions added to the original house were to be removed (296 sq.ft.) while the remaining 640 sq.ft section was to be relocated to the FISH Preservation.*

*The structure was not on the Florida Master Site File or the National Historic Registry so it had no significance as an historical landmark. The structure has been demolished and removed from the site.*

- f. The Historic Preservation Board determines that the demolition of the designated property is required by a Community Redevelopment Plan or the Comprehensive Plan.

**APPLIES:** No                      **MEETS GUIDELINE:** N/A

**COMMENTS:** N/A

Attachments:

1. Copy of proposed Certificate of Appropriateness
2. Current Building Permit Application #12111106
3. Current Certificate of Appropriateness Application HPB/COA 12-08
4. Copy of HPB/COA 11-06 Staff Report /Certificate of Appropriateness/Structural Engineer's Report
5. Five (5) Orders Imposing fine entered by Manatee County Code Enforcement Special Magistrate in Case No. CE2012090377

MANATEE COUNTY CODE ENFORCEMENT SPECIAL MAGISTRATE  
MANATEE COUNTY, FLORIDA

MANATEE COUNTY, a political subdivision  
of the State of Florida,  
Petitioner,

Case No. CE2012090377

vs.  
JOHN T. BANYAS,  
Respondent,

**ORDER IMPOSING FINE**

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on November 28, 2012, and the Special Magistrate having heard testimony under oath, received evidence, and heard arguments respective to all appropriate matters, and thereupon issues the Findings of Fact, Conclusions of Law, and Order as follows:

**FINDINGS OF FACT**

1. That John Banyas, hereinafter referred to as the Respondent is the owner of record of the subject property.
2. That notice was served on the Respondent and John Banyas was at the hearing.
3. That previous notifications of the violation of the Manatee County Land Development Code Section 512.1 were made and served on the Respondent by certified mail.
4. That the property located at 4521 121 Street West, Cortez, Florida, DP 7671900004, has a violation of Manatee County Land Development Code Section 512.1 because a structure was demolished within the Cortez Fishing Village Historical Archaeological Overlay District without obtaining the required building permit.
5. That Respondent is in violation of Section 512.1 for demolishing a structure in the Cortez Fishing Village Historical Archaeological Overlay District without obtaining the required building permit.

**CONCLUSIONS OF LAW**

1. That the Respondent is in violation of Manatee County Land Development Code Section 512.1.

**ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, and pursuant to the authority granted in Chapter 162, Florida Statutes, and Manatee County Land Development Code, it is hereby ORDERED:

1. THAT the Respondent corrects the violation of Manatee County Land Development Code Section 512.1.
2. THAT if this Order is not complied with on or before March 22, 2013, it is hereby ordered that the Respondent shall pay a minimum fine of \$150, plus \$100 per day for each and every day any violation described herein continues past March 22, 2013.
3. Failure to Comply with this Order within the specified time will result in the recordation of this Order Imposing Fine, which constitutes a lien upon any real or personal property owned by the violators and may be foreclosed, and your property sold to enforce this lien. If such lien is filed, you will be assessed all costs incurred in recording and satisfying this lien.
4. The Code Enforcement Special Magistrate also authorizes the County Attorney or his/her designee to foreclose, collect or settle said lien using any legal or equitable remedies available to collect any liens which remain unpaid.
5. This Order becomes self-executing upon an Affidavit of Non-compliance being filed with the Clerk of Circuit Court Board Records Section, and a hearing shall not be necessary.
6. That pursuant to Section 305.5.7 of the Land Development Code, should violations exist beyond the date set for compliance, the Special Magistrate shall impose a minimum fine of \$65.

Ordered November 28, 2012, and executed this 5<sup>th</sup> day of December, 2012.

ATTEST: R. B. Shore  
Clerk of Circuit Court

By: Wabi Jensen  
Deputy Clerk



Laurie P. A. J.  
Manatee County Code Enforcement  
Special Magistrate

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing Order has been furnished to the Respondent, JOHN BANYAS, P.O. BOX 579, CORTEZ, FLORIDA 34215, by U.S. mail and to the Manatee County Code Enforcement Division, this 5<sup>th</sup> day of December, 2012.

R. B. SHORE  
Clerk of Circuit Court  
Manatee County, Florida

By: Kicki Garrett  
Deputy Clerk

**ATTENTION:** It is your responsibility to notify Code Enforcement at 941-748-4501, Extension 6909 and satisfactorily demonstrate that the violation has/have ceased. Release of this lien cannot occur until Code Enforcement verifies that the violation no longer exist(s).



MANATEE COUNTY CODE ENFORCEMENT SPECIAL MAGISTRATE  
MANATEE COUNTY, FLORIDA

MANATEE COUNTY, a political subdivision  
of the State of Florida,  
Petitioner,

Case No. CE2012090377

vs.  
JOHN T. BANYAS,  
Respondent,

ORDER IMPOSING FINE

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on November 28, 2012, and the Special Magistrate having heard testimony under oath, received evidence, and heard arguments respective to all appropriate matters, and thereupon issues the Findings of Fact, Conclusions of Law, and Order as follows:

FINDINGS OF FACT

1. That John Banyas, hereinafter referred to as the Respondent is the owner of record of the subject property.
2. That notice was served on the Respondent and John Banyas was at the hearing.
3. That previous notifications of the violation of the Manatee County Land Development Code Section 513.1 were made and served on the Respondent by certified mail.
4. That the property located at 4521 121 Street West, Cortez, Florida, DP 7671900004, has a violation of Manatee County Land Development Code Section 513.1 because a structure was demolished within the Cortez Fishing Village Historical Archaeological Overlay District without obtaining the Certificate of Occupancy/Completion.
5. That Respondent is in violation of Section 513.1 for demolishing a structure in the Cortez Fishing Village Historical Archaeological Overlay District without obtaining the required Certificate of Occupancy/Completion.

CONCLUSIONS OF LAW

1. That the Respondent is in violation of Manatee County Land Development Code Section 513.1.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and pursuant to the authority granted in Chapter 162, Florida Statutes, and Manatee County Land Development Code, it is hereby ORDERED:

1. THAT the Respondent corrects the violation of Manatee County Land Development Code Section 513.1.
2. THAT if this Order is not complied with on or before March 22, 2013, it is hereby ordered that the Respondent shall pay a minimum fine of \$150, plus \$100 per day for each and every day any violation described herein continues past March 22, 2013.
3. Failure to Comply with this Order within the specified time will result in the recordation of this Order Imposing Fine, which constitutes a lien upon any real or personal property owned by the violators and may be foreclosed, and your property sold to enforce this lien. If such lien is filed, you will be assessed all costs incurred in recording and satisfying this lien.
4. The Code Enforcement Special Magistrate also authorizes the County Attorney or his/her designee to foreclose, collect or settle said lien using any legal or equitable remedies available to collect any liens which remain unpaid.
5. This Order becomes self-executing upon an Affidavit of Non-compliance being filed with the Clerk of Circuit Court Board Records Section, and a hearing shall not be necessary.
6. That pursuant to Section 305.5.7 of the Land Development Code, should violations exist beyond the date set for compliance, the Special Magistrate shall impose a minimum fine of \$65.

Ordered November 28, 2012, and executed this 5<sup>th</sup> day of December, 2012.

ATTEST: R. B. Shore  
Clerk of Circuit Court

By: Wicki Garrett  
Deputy Clerk



Paul O'Leary  
Manatee County Code Enforcement  
Special Magistrate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Order has been furnished to the Respondent, JOHN BANYAS, P.O. BOX 579, CORTEZ, FLORIDA 34215, by U.S. mail and to the Manatee County Code Enforcement Division, this 5<sup>th</sup> day of December, 2012.

R. B. SHORE  
Clerk of Circuit Court  
Manatee County, Florida

By: Wicki Garrett  
Deputy Clerk

ATTENTION: It is your responsibility to notify Code Enforcement at 941-748-4501, Extension 6909 and satisfactorily demonstrate that the violation has/have ceased. Release of this lien cannot occur until Code Enforcement verifies that the

MANATEE COUNTY CODE ENFORCEMENT SPECIAL MAGISTRATE  
MANATEE COUNTY, FLORIDA

MANATEE COUNTY, a political subdivision  
of the State of Florida,  
Petitioner,

Case No. CE2012090377

vs.  
JOHN T. BANYAS,  
Respondent,

**ORDER IMPOSING FINE**

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on November 28, 2012, and the Special Magistrate having heard testimony under oath, received evidence, and heard arguments respective to all appropriate matters, and thereupon issues the Findings of Fact, Conclusions of Law, and Order as follows:

**FINDINGS OF FACT**

1. That John Banyas, hereinafter referred to as the Respondent is the owner of record of the subject property.
2. That notice was served on the Respondent and John Banyas was at the hearing.
3. That previous notifications of the violation of the Manatee County Land Development Code Section 514.2.3 were made and served on the Respondent by certified mail.
4. That the property located at 4521 121 Street West, Cortez, Florida, DP 7671900004, has a violation of Manatee County Land Development Code Section 514.2.3 because a structure was demolished within the Cortez Fishing Village Historical Archaeological Overlay District in violation of Certificate of Appropriateness.
5. That Respondent is in violation of Section 514.2.3 for demolishing a structure in the Cortez Fishing Village Historical Archaeological Overlay District in violation of Certificate of Appropriateness.

**CONCLUSIONS OF LAW**

1. That the Respondent is in violation of Manatee County Land Development Code Section 514.2.3.

**ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, and pursuant to the authority granted in Chapter 162, Florida Statutes, and Manatee County Land Development Code, It is hereby ORDERED:

1. THAT the Respondent corrects the violation of Manatee County Land Development Code Section 514.2.3.
2. THAT if this Order is not complied with on or before March 22, 2013, it is hereby ordered that the Respondent shall pay a minimum fine of \$150, plus \$100 per day for each and every day any violation described herein continues past March 22, 2013.
3. Failure to Comply with this Order within the specified time will result in the recordation of this Order Imposing Fine, which constitutes a lien upon any real or personal property owned by the violators and may be foreclosed, and your property sold to enforce this lien. If such lien is filed, you will be assessed all costs incurred in recording and satisfying this lien.
4. The Code Enforcement Special Magistrate also authorizes the County Attorney or his/her designee to foreclose, collect or settle said lien using any legal or equitable remedies available to collect any liens which remain unpaid.
5. This Order becomes self-executing upon an Affidavit of Non-compliance being filed with the Clerk of Circuit Court Board Records Section, and a hearing shall not be necessary.
6. That pursuant to Section 305.5.7 of the Land Development Code, should violations exist beyond the date set for compliance, the Special Magistrate shall impose a minimum fine of \$65.

Ordered November 28, 2012, and executed this 5<sup>th</sup> day of December, 2012.

ATTEST: R. B. Shore  
Clerk of Circuit Court

By: [Signature]  
Deputy Clerk



[Signature]  
Manatee County Code Enforcement  
Special Magistrate

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing Order has been furnished to the Respondent, JOHN BANYAS, P.O. BOX 579, CORTEZ, FLORIDA 34215, by U.S. mail and to the Manatee County Code Enforcement Division, this 5<sup>th</sup> day of December, 2012.

R. B. SHORE  
Clerk of Circuit Court  
Manatee County, Florida

By: [Signature]  
Deputy Clerk

**ATTENTION:** It is your responsibility to notify Code Enforcement at 941-748-4501, Extension 6909 and satisfactorily demonstrate that the violation has/have ceased. Release of this lien cannot occur until Code Enforcement verifies that the violation no longer exist(s).

MANATEE COUNTY CODE ENFORCEMENT SPECIAL MAGISTRATE  
MANATEE COUNTY, FLORIDA

MANATEE COUNTY, a political subdivision  
of the State of Florida,  
Petitioner,

Case No. CE2012090377

vs.  
JOHN T. BANYAS,  
Respondent,

**ORDER IMPOSING FINE**

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on November 28, 2012, and the Special Magistrate having heard testimony under oath, received evidence, and heard arguments respective to all appropriate matters, and thereupon issues the Findings of Fact, Conclusions of Law, and Order as follows:

**FINDINGS OF FACT**

1. That John Banyas, hereinafter referred to as the Respondent is the owner of record of the subject property.
2. That notice was served on the Respondent and John Banyas was at the hearing.
3. That previous notifications of the violation of the Manatee County Land Development Code Section 1202.2 were made and served on the Respondent by certified mail.
4. That the property located at 4521 121 Street West, Cortez, Florida, DP 7671900004, has a violation of Manatee County Land Development Code Section 1202.2 because a structure was demolished within the Cortez Fishing Village Historical Archaeological Overlay District in violation of structures and uses.
5. That Respondent is in violation of Section 1202.2 for demolishing a structure in the Cortez Fishing Village Historical Archaeological Overlay District in violation of structures and uses.

**CONCLUSIONS OF LAW**

1. That the Respondent is in violation of Manatee County Land Development Code Section 1202.2.

**ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, and pursuant to the authority granted in Chapter 162, Florida Statutes, and Manatee County Land Development Code, it is hereby ORDERED:

1. THAT the Respondent corrects the violation of Manatee County Land Development Code Section 1202.2.
2. THAT if this Order is not complied with on or before March 22, 2013, it is hereby ordered that the Respondent shall pay a minimum fine of \$150, plus \$100 per day for each and every day any violation described herein continues past March 22, 2013.
3. Failure to Comply with this Order within the specified time will result in the recordation of this Order Imposing Fine, which constitutes a lien upon any real or personal property owned by the violators and may be foreclosed, and your property sold to enforce this lien. If such lien is filed, you will be assessed all costs incurred in recording and satisfying this lien.
4. The Code Enforcement Special Magistrate also authorizes the County Attorney or his/her designee to foreclose, collect or settle said lien using any legal or equitable remedies available to collect any liens which remain unpaid.
5. This Order becomes self-executing upon an Affidavit of Non-compliance being filed with the Clerk of Circuit Court Board Records Section, and a hearing shall not be necessary.
6. That pursuant to Section 305.5.7 of the Land Development Code, should violations exist beyond the date set for compliance, the Special Magistrate shall impose a minimum fine of \$65.

Ordered November 28, 2012, and executed this 5<sup>th</sup> day of December, 2012.

ATTEST: R. B. Shore  
Clerk of Circuit Court

By: Wabi Jassner  
Deputy Clerk



Paul O'Leary  
Manatee County Code Enforcement  
Special Magistrate

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing Order has been furnished to the Respondent, JOHN BANYAS, P.O. BOX 579, CORTEZ, FLORIDA 34215, by U.S. mail and to the Manatee County Code Enforcement Division, this 5<sup>th</sup> day of December, 2012.

R. B. SHORE  
Clerk of Circuit Court  
Manatee County, Florida

By: Wicki Garratt  
Deputy Clerk

**ATTENTION:** It is your responsibility to notify Code Enforcement at 941-748-4501, Extension 6909 and satisfactorily demonstrate that the violation has/have ceased. Release of this lien cannot occur until Code Enforcement verifies that the violation no longer exist(s).

MANATEE COUNTY CODE ENFORCEMENT SPECIAL MAGISTRATE  
MANATEE COUNTY, FLORIDA

MANATEE COUNTY, a political subdivision  
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Respondent,

**ORDER IMPOSING FINE**

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on November 28, 2012, and the Special Magistrate having heard testimony under oath, received evidence, and heard arguments respective to all appropriate matters, and thereupon issues the Findings of Fact, Conclusions of Law, and Order as follows:

**FINDINGS OF FACT**

1. That John Banyas, hereinafter referred to as the Respondent is the owner of record of the subject property.
2. That notice was served on the Respondent and John Banyas was at the hearing.
3. That previous notifications of the violation of the Manatee County Land Development Code Section 1206.4 were made and served on the Respondent by certified mail.
4. That the property located at 4521 121 Street West, Cortez, Florida, DP 7671900004, has a violation of Manatee County Land Development Code Section 1206.4 because a structure was demolished within the Cortez Fishing Village Historical and Archaeological Overlay District in violation of Additional Penalties for Historical and Archaeological Protection.
5. That Respondent is in violation of Section 1206.4 for demolishing a structure in the Cortez Fishing Village Historical and Archaeological Overlay District in violation of Additional Penalties for Historical and Archaeological Protection.

**CONCLUSIONS OF LAW**

1. That the Respondent is in violation of Manatee County Land Development Code Section 1206.4.

**ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, and pursuant to the authority granted in Chapter 162, Florida Statutes, and Manatee County Land Development Code, it is hereby ORDERED:

1. THAT the Respondent corrects the violation of Manatee County Land Development Code Section 1206.4.
2. THAT if this Order is not complied with on or before March 22, 2013, it is hereby ordered that the Respondent shall pay a minimum fine of \$150, plus \$100 per day for each and every day any violation described herein continues past March 22, 2013.
3. Failure to Comply with this Order within the specified time will result in the recordation of this Order imposing Fine, which constitutes a lien upon any real or personal property owned by the violators and may be foreclosed, and your property sold to enforce this lien. If such lien is filed, you will be assessed all costs incurred in recording and satisfying this lien.
4. The Code Enforcement Special Magistrate also authorizes the County Attorney or his/her designee to foreclose, collect or settle said lien using any legal or equitable remedies available to collect any liens which remain unpaid.
5. This Order becomes self-executing upon an Affidavit of Non-compliance being filed with the Clerk of Circuit Court Board Records Section, and a hearing shall not be necessary.
6. That pursuant to Section 305.5.7 of the Land Development Code, should violations exist beyond the date set for compliance, the Special Magistrate shall impose a minimum fine of \$65.

Ordered November 28, 2012, and executed this 5<sup>th</sup> day of December, 2012.

ATTEST: R. B. Shore  
Clerk of Circuit Court

By: Wabi Jensen  
Deputy Clerk



Paul Olah  
Manatee County Code Enforcement  
Special Magistrate

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing Order has been furnished to the Respondent, JOHN BANYAS, P.O. BOX 579, CORTEZ, FLORIDA 34215, by U.S. mail and to the Manatee County Code Enforcement Division, this 5<sup>th</sup> day of December, 2012.

R. B. SHORE  
Clerk of Circuit Court  
Manatee County, Florida

By: Vicki Garratt  
Deputy Clerk

**ATTENTION:** It is your responsibility to notify Code Enforcement at 941-748-4501, Extension 6909 and satisfactorily demonstrate that the violation has/have ceased. Release of this lien cannot occur until Code Enforcement verifies that the violation no longer exist(s).

## PERMIT DETAILS

Detailed information for permit 12111106 is shown directly below, contractor information is listed at the bottom of the page. Information regarding plans review, inspections, permit issue status and the certificate issue status can be found by following the links in the local page navigator.

Permit Number: 12111106  
 Parcel ID: 7671900004  
 Section: 03  
 Township: 35S  
 Range: 16E  
 Zoning/Overlay: LM/HA/NONE  
 Flood Zone: A13  
 Fire District: Westside Fire Dept  
 Owner: Banyas, John T  
 Address: 4521 121st St W  
 Permit: 12111106  
 \*Prime Contractor: OWNER--

Permit Type: Demolition  
 Application Date: Nov 29, 2012  
 Issue Date:  
 Cert. Occupancy or Cert. Completion Date:  
 Certificate Type: No Certificate Type Found  
 Status: Open  
 Declared Value: 1200  
 Source: Tresun

Comments: Fltpo: Demo Cottage 2/1/Hist. Temp Structure Permit To Move House 11090861Hpbcoa-12-08 (Dts 20120424)Mbl Cortez Village (3)

Note: If source is Supermit these are legacy permits and have incomplete data

### \*CONTRACTOR INFORMATION

<u>Contractor Category</u>	<u>License Holder</u>	<u>Contractor ID</u>	<u>License Type</u>	<u>Company Name</u>	<u>Company Phone Number</u>	<u>Company Address</u>
Demolition Contr						
Electrical Contractors						
Air Conditioning Contractors						

<u>Contractor Category</u>	<u>License Holder</u>	<u>Contractor ID</u>	<u>License Type</u>	<u>Company Name</u>	<u>Company Phone Number</u>	<u>Company Address</u>
Plumbers						

MANATEE COUNTY HISTORIC PRESERVATION BOARD  
CERTIFICATE OF APPROPRIATENESS  
HPB/COA-12-08

PROJECT NAME: John T. Banyas  
LOCATION: 4521 121<sup>st</sup> Street West, Cortez, FL 34215

This is to certify that the Historic Preservation Board of Manatee County met in Regular Session on March 4, 2013 and reviewed the request for the above-named project.

The Board found the demolition on the single family structure (936 sq. ft.) to be in substantial compliance with the Board's adopted guidelines.

This Certificate of Appropriateness to allow the demolition of the single family structure (936 sq. ft.) is APPROVED, subject to the following stipulation(s).

1. Any historical or archaeological resources discovered during development activity shall be immediately reported to the Florida Division of Historical Resources and treatment of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County. Treatment of the resources must be completed before resource disturbing activities are allowed to continue.
2. Any new construction or future expansion of this site is required to obtain a Certificate of Appropriateness from the Historic Preservation Board.
3. The approval of the Certificate of Appropriateness does not grant approval for any new construction or future expansion of the site.

APPROVED THIS 4<sup>th</sup> DAY OF MARCH, 2013

HISTORIC PRESERVATION BOARD  
MANATEE COUNTY, FLORIDA

ATTEST:

R. B. Shore  
Clerk of the Circuit Court

BY: \_\_\_\_\_

Chairman

\_\_\_\_\_  
Deputy Clerk

HPB/COA-12-08

**MANATEE COUNTY GOVERNMENT  
BUILDING AND DEVELOPMENT SERVICES DEPARTMENT  
LAND DEVELOPMENT APPLICATION  
FOR HISTORIC PRESERVATION  
CERTIFICATE OF APPROPRIATENESS**

FOR STAFF USE ONLY	
Date:	File Number:
File Name:	

This application shall be used for all certificates of appropriateness requests.  
Please attach appropriate standards or supplementary information, as applicable.

TYPE OF APPROVAL DESIRED: Demolition / Structure Removal  
LIST CASE NUMBERS OF PREVIOUS APPROVALS: \_\_\_\_\_

**A. Property Information**

1. Legal Description (attach sheet if necessary): \_\_\_\_\_
2. Address or Location of Property: 4521 121<sup>st</sup> St. W. Cortez, FL 34215
3. Parcel Identification Number(s): 7671900004
4. Section: 30.3 Township: T 35 S Range: R 11 E
5. Subdivision Name (if Platted): Not in Subdivision
6. Lot and Block Number(s) (if available): Lot 3
7. Zoning Classification: LM Future Land Use Category: IL
8. Flood Zone Category: VE + AE Map/Panel Numbers: 308-C
9. Property Size (to the nearest tenth of acre or sq. ft.): 0.36 acres
10. Existing Use(s) of Subject Property (i.e.: vacant, residence, commercial, etc.): Vacant  
And Falling Down
11. Surrounding Land Use(s) (i.e.: vacant, residence, commercial, etc.):
 

a. North: <u>Residential</u>	c. East: <u>Commercial LM</u>
b. South: <u>Commercial LM</u>	d. West: <u>Commercial LM (marina)</u>



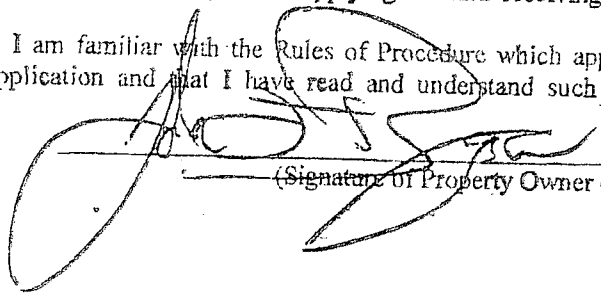
B. Names/Addresses

1. Name of Property Owner: John J. Banias  
Address: 4436 124th St. W.  
Zip: 94215 Telephone: (949) 650-8312 Fax: (949) 795-6159  
Email Address: Kimcarterbit@Verizon.net
  
2. Name of Agent: \_\_\_\_\_  
Address: \_\_\_\_\_  
Zip: \_\_\_\_\_ Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email Address: \_\_\_\_\_
  
3. Name of Engineer: \_\_\_\_\_  
Address: \_\_\_\_\_  
Zip: \_\_\_\_\_ Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email Address: \_\_\_\_\_
  
4. Name of Architect: \_\_\_\_\_  
Address: \_\_\_\_\_  
Zip: \_\_\_\_\_ Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email Address: \_\_\_\_\_

NOTE: UNLESS OTHERWISE NOTED, ALL WRITTEN CORRESPONDENCE WILL BE SENT TO THE AGENT. IF THERE IS NO AGENT, COMMENTS WILL BE SENT TO THE PROPERTY OWNER.

C. Signature

I hereby certify that the information in this application is true and correct. I have read this application and understand that other review processes and fees may be required prior to applying for and receiving Building Permits and/or Final Development Approval. By executing this application, I acknowledge that I am familiar with the Rules of Procedure which apply to the boards or commissions which will act on my application and that I have read and understand such Rules of Procedures.

  
\_\_\_\_\_  
(Signature of Property Owner or Agent)

Legal Description Exhibit "A"

The North 130 feet of the following described land:  
BEGINNING 12½ chains South and 4½ chains West of the  
Northeast corner of Lot 3, U.S., Section 3, Township 35  
South, Range 16 East, Manatee County, Florida; thence West  
2½ chains; South 4½ chains to Sarasota Sound; East 2½  
chains; North 4½ chains, more or less, to the POINT OF  
BEGINNING, LESS conveyance to Walton Fulford per Deed Book  
306, page 309, Public Records of Manatee County, Florida.

11-24482

Swinson/Banyas

MANATEE COUNTY BUILDING AND DEVELOPMENT SERVICES DEPARTMENT  
AFFIDAVIT OF OWNERSHIP/AGENT AUTHORIZATION AFFIDAVIT

Property Owner (Company or individual) (print):

John T. Banyas

Mailing Address (print):

P.O. Box 579 Cortez, FL 34215

Officer's Name and Title (print):

Being first duly sworn, depose(s) and say(s):

1. That I am (we are) the owner's and record title holder(s) of the following described property legal description, to wit: 4521/21st St. W. Cortez, FL 34215

2. That this property constitutes the property for which a request for demolition/  
Structure Removal Permit

(Type of Application Approval Requested)

Is being applied for to Manatee County, Florida;

3. That the undersigned has (have) appointed and does (do) appoint \_\_\_\_\_ as

agent(s) to execute any petitions or other documents necessary to affect such petition; and request that you accept my agent(s) signature as representing my agreement of all terms and conditions of the approval process;

4. That this affidavit has been executed to induce Manatee County, Florida to consider and act on the foregoing request;

5. That I, (we) the undersigned authority, hereby certify that the foregoing is true and correct.

[Signature]  
Owner's Signature/Print Title

Owner's Signature/Print Title

STATE OF FLORIDA  
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this 27th day of November 2012 by

John T. Banyas  
(name of person acknowledging)

who is personally known to me or who

has produced \_\_\_\_\_ as identification.  
(type of identification)

My Commission Expires: 08/28/2015

[Signature]  
Signature of Person Taking Acknowledgment

Name

Title or Rank

**ATTACHMENT C.  
Additional Guidelines for Demolitions**

No Certificate of Appropriateness for demolitions shall be issued by the Historic Preservation Board until one or more of the following criteria have been met:

1. The applicant has demonstrated that no other feasible alternative to demolition can be found.

CRITERIA APPLIES: YES  NO

COMMENTS:

Florida Institute for Saltwater Heritage was going to take a Mexifo piece and relocate it on the F.I.S.H. Preserve property. In a unfortunate turn of events while trying to lift the structure to relocate, the structure collapsed making it impossible to move. It was no longer a usable building. The building was going to be used as a storage shed for F.I.S.H. eventually.

2. That the portion of the structure being demolished has no historic value.

CRITERIA APPLIES: YES  NO

COMMENTS:

It is not on the Florida Historic Register and it is not on the Florida Master Site File

3. The applicant has demonstrated a substantial economic hardship in that the property in the historic district cannot be put to reasonable beneficial use without the approval of the demolition application.

CRITERIA APPLIES: YES  NO

COMMENTS:

Property is zoned Lite Manufacturing L/M prior use nonconforming. The intended use is the expansion of adjacent Lite Manufacturing L/M property.

4. In the case of an income-producing building, the applicant must demonstrate that he cannot obtain a reasonable return of economic investment from his existing structure.

CRITERIA APPLIES: YES  NO

COMMENTS:

The building had been empty for at least 10 years or better. The house is falling down roof has caved in, extensive termite and water damage, bugs and rodents. I purchased to expand adjacent Lite Manufacturing L/M property. Was never intended for residential use and it couldn't be in the condition.

ATTACHMENT C. (Cont.)

5. The Historic Preservation Board has determined that the property no longer contributes to the historic district or no longer has significance as a historical and archaeological landmark. The Historic Preservation Board must also determine that the applicant did not cause or allow a change in the historic character of the structure by alterations, improvements or neglect. Demolition by neglect is a violation of this section.

CRITERIA APPLIES: YES  NO

COMMENTS:

When the owner purchased the property it was already in dilapidated condition, had not been lived in for at least 10 years or better. Roof caused leaks, water termite and water damage bugs and rodents. It was not purchased as a rental property, it would be, but as a vacation of his adjacent property a boat works/marina with the same zoning and Redevelopment Plan or the Comprehensive Plan. *Selfish process*

6.

CRITERIA APPLIES: YES  NO

COMMENTS:

Existing structure not suitable for rehab. Alterations have been completed. The demolition will allow for expansion of conforming boat works/marina and Sea food processing.

D. Historic Information

1. Location of Property:

a. Historic Vista Protection Areas (LDC Section 720)

Desoto National Memorial Park Yes \_\_\_ No   
 Gamble Plantation State Historical Site Yes \_\_\_ No

b. Historical and Archaeological Overlay District (LDC Section 604.6., Comprehensive Plan Policy 2.2.2.6 Historic Resources Overlay Districts, and Comprehensive Plan Historic Element 7.1.)

Cortez Fishing Village Yes  No \_\_\_  
 Whitfield Estates Yes \_\_\_ No   
 Terra Ceia Yes \_\_\_ No   
 Other \_\_\_\_\_ Yes \_\_\_ No

c. Is the subject property/site a Historic Landmark? Yes \_\_\_ No   
 (Note: The answer may be yes whether or not it is located within a Historic Vista Protection Area or a Historic and Archaeological Overlay District; is on the Florida Master Site File or the National Register).

2. Existing Conditions:

a. Please describe the character/state of the building or site in its present condition, include the date structure was built, condition of roof, treatment of windows, ceilings and note whether significant alterations have occurred since the original construction (include photo of existing exterior elevations and appropriate architectural drawings). If parts of the structure were constructed at different times, please indicate when each part was built. Also, please indicate if the current structure has been constructed on a historic foundation. Or, if site is archaeological, include a list of cultures associated with the site and describe the current conditions of the site including any disturbances (Attach separate sheets if necessary):

House has been vacant for at least 10 yrs or better. House is falling down roof has caved in. Extensive termite and water damage. Property Appraiser record shows year built as 1920 and improved 1948

b. Is the structure, property, or part thereof on the Florida Master File? Yes \_\_\_ No   
 Unknown \_\_\_  
 (If so, please attach a copy of the Florida Master Site File form as recorded at the Florida Department of State, Division of Historical Resources.)

c. Is the structure, property, or part thereof eligible for listing or listed on the National Register of Historic Places? Yes \_\_\_ No  Unknown \_\_\_  
 (If so, please attach a copy of the nomination to the National Register of Historic Places.)

3. Proposed Changes:

Please describe in detail the change to be made/work to be done: wood frame construction, concrete block construction, electrical, mechanical, plumbing, roofing, renovation, addition, new construction/structure, windows, doors, siding, etc. (this is not an all inclusive list of work or construction type.) (Also, if you have applied for a building permit, please provide the 8 digit permit number and the construction drawings.):

Demolition/Structure Removal

4. Archaeological Resource Information:

Please describe the historical or archaeological resources located within a 1000 ft. radius of the subject property. (Attach separate sheets if necessary):

None

5. General Criteria for Granting Certificates of Appropriateness:

a. The effect of the proposed work on the Historical and Archaeological Overlay District or historic landmark upon which such work is to be done:

None

b. The relationship between such work and other structures in the landmark Historical and Archaeological Overlay District or on the historic landmark:

None Demolition/Removal will allow for expansion of historic boatworks and manufacturing

c. The extent to which the historic, architectural, or archaeological significance, architectural style, design, arrangement, texture, materials and color of the historic landmark or Historical and Archaeological Overlay District will be affected:

New construction is not part of this application will be at a later date and under a separate application.

- d. Whether the denial of a Certificate of Appropriateness would deprive the property owner of reasonable beneficial use of his property:

Yes	The property was purchased for the expansion of my marina land and seasonal processing. It was not for residential use.

- e. Whether the plans may be reasonably carried out by the applicant:

Yes

6. Additional Guidelines:

- a. Are you proposing an alteration to a historic property:  
If you answered yes, please fill out Attachment "A". Yes \_\_\_ No
- b. Are you proposing new construction on a historic property:  
If you answered yes, please fill out Attachment "B". Yes \_\_\_ No
- c. Are you proposing demolition of a historic property:  
If you answered yes, please fill out Attachment "C". Yes \_\_\_ No



HISTORIC PRESERVATION BOARD

DATE: DECEMBER 12, 2011

STAFF REPORT FOR FILE NO. HPBCOA - 11 - 06 (DTS#20110212)  
BUILDING PERMIT APPLICATION # 11041261

**REQUEST:**

Certificate of Appropriateness to allow the demolition of the additions (296 sq. ft.) on the single family structure and the relocation of the original single family structure (640 sq. ft.) to the Florida Institute of Saltwater Heritage, Inc. property known as the FISH Preserve.

BP Application #11041261

Property Owner: John T. Banyas

**PROPERTY INFORMATION:**

Location: 4521 120<sup>th</sup> Street West  
Cortez, FL 34215

Zoning: LM/HA

Future Land Use Category: IL

**YEAR BUILT:**

1920

**FLORIDA MASTER SITE FILE:** No

**NATIONAL REGISTER:** No

**RECOMMENDED MOTION:**

After consideration of comments made and evidence presented during the review of this matter, the Manatee County Comprehensive Plan, and the Manatee County Land Development Code I move to APPROVE the Certificate of Appropriateness with stipulations 1 and 2 below, to allow the demolition of the additions (296 sq. ft.) on the single family structure and the relocation of the original single family structure (640 sq. ft.) to the Florida Institute of Saltwater Heritage, Inc. property known as the Fish Preserve as shown on attachment #3. The property is located at 4521 120<sup>th</sup> Street West in Cortez.

**BACKGROUND:**

The project site was purchased by Mr. John Banyas in March, 2011. The site is immediately adjacent to the Cortez Bait and Fish House (to the east) and the Bayside Banquet Hall to the south and west which Mr. Banyas also owns. The project site has a 936 sq. ft. single-family home that is not a historic landmark. The structure

includes 640 sq. ft. that was built in 1920 and 296 square foot additions that were built at a later date. There is a bedroom, living room, and a kitchen in the original 640 sq. ft. structure which is proposed to be relocated to the FISH Preserve. The 296 sq. ft. addition portion of the structure includes a bedroom, bathroom, laundry/shed, and a screen porch which are proposed to be demolished.

This application does not include any development plans for the site. If the owner intends to develop the site at a later date a Certificate of Appropriateness will be required.

#### STIPULATIONS:

1. Any historical or archaeological resources discovered during development activity shall be immediately reported to the Florida Division of Historical Resources and treatment of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County. Treatment of the resources must be completed before resource disturbing activities are allowed to continue.
2. Any new construction or future expansion of this site is required to obtain a Certificate of Appropriateness from the Historic Preservation Board.
3. The appropriate permits for demolition of the additions (296 sq. ft.) and moving the remaining (640 sq. ft.) structure will be required.
4. The house may not be used for any purpose until a permanent foundation is permitted and built.

#### General Criteria for Granting Certificates of Appropriateness

In approving or denying applications for Certificates of Appropriateness for alterations, new construction, demolition, or relocation, the Historic Preservation Board shall use the following general guidelines:

- (1) The effect of the proposed work on the Historical and Archaeological Overlay District or historic landmark upon which such work is to be done;

This is not a historic landmark so the demolition of the additions (296 sq. ft.) on the single family residence and the relocation of the original single family structure (640 sq. ft.) will not have any effect on the Historical and Archaeological Overlay District. The single family home, built in 1920, does not appear on the Florida Master Site File. The closest historic landmark (MA22) is approximately 4,300± feet to the northwest of this project.

Any new construction on this property/site will be required to obtain a Certificate of Appropriateness from the Historic Preservation Board.

- (2) The relationship between such work and other structures in the Historical and Archaeological Overlay District or on the historic landmark;

The request for the demolition of the additions on the structure and relocation of the original structure will not have any effect on the structures in the Historical and Archaeological Overlay District or on any historic landmarks.

- (3) The extent to which the historic, architectural, or archaeological significance, architectural style, design, arrangement, texture, materials and color of the historic landmark or Historical and Archaeological Overlay District will be affected;

This does not apply to this request because the proposed project is to demolish the additions on a single family structure and relocate the original structure to a site outside of the Historical and Archaeological Overlay District. The structure is not on the Florida Master Site File or the National Historic Registry.

- (4) Whether the denial of a Certificate of Appropriateness would deprive the property owner of reasonable beneficial use of his property;

Yes, the denial of a Certificate of Appropriateness would deprive the property owner of reasonable beneficial use of his property. Future plans include expanding the Cortez Bait and Fish House on this site. That request is not part of this application. The removal of the existing house is the first to that plan.

- (5) Whether the plans may be reasonably carried out by the applicant.

It appears that the plans may be reasonably carried out. The applicant provided a letter prepared by a structural engineer. The letter states that with the proper bracing, the residence can be relocated.

#### Additional Guidelines for Demolition

No Certificate of Appropriateness for demolitions shall be issued by the Historic Preservation Board until one (1) or more of the following criteria have been met:

- a. The applicant has demonstrated that no other feasible alternative to demolition can be found.

APPLIES: YES MEETS GUIDELINE: YES  
COMMENTS: The applicant did find a feasible alternative to the demolition of the existing frame house (16'x40') by donating it to the Florida Institute of Saltwater Heritage, Inc. (FISH) for

relocation to the FISH Preserve. The 16'x40' portion of the structure was once part of a historic net camp on Sarasota Bay. The letter from FISH states that the structure will be placed in the FISH Preserve until such time that it can be restored and used as exhibit space.

According to a report provided by structural engineer, Gregory D. Gainer, P.E., the existing frame house (16' x 40') is structurally adequate to be moved to the Florida Institute of Saltwater Heritage, Inc. (FISH) Preserve. It was also stated that, "All other area's shall be removed before moving structure." (Attachment #5)

FISH has provided a letter of support and acceptance of the structure which is part of the application (Attachment #6).

- b. The portion of the structure being demolished has no historic value.

APPLIES: YES MEETS GUIDELINE: YES  
COMMENTS: The letter of support and acceptance from FISH states that the original portion of the structure was once part of a historic net camp.

A report provided by the applicant states that the Manatee County Property Appraiser's website shows that the structure was built in 1920 with an "effective" year built in 1948. The report and a copy of the of the Manatee County Property Appraiser's Property Listing Report has been included as Attachment #7.

According to the report from the structural engineer, all areas, except the 16'x40' base, shall be removed before moving the structure.

- c. The applicant has demonstrated a substantial economic hardship in that the property in the historic district cannot be put to reasonable beneficial use without the approval of the demolition application.

APPLIES: NO MEETS GUIDELINE: N/A  
COMMENTS: N/A

- d. In the case of an income-producing building, the applicant must demonstrate that he cannot obtain a reasonable return of economic investment from his existing structure.

APPLIES: NO MEETS GUIDELINE: N/A  
COMMENTS: N/A

- e. The Historic Preservation Board has determined that the property no longer contributes to a historic district or no longer has significance as a historical and archaeological landmark. The Historic Preservation Board must also determine that the applicant did not cause or allow a change in the historic character of the structure by alterations, improvements or neglect. Demolition by neglect is a violation of this section.

APPLIES: YES MEETS GUIDELINE: YES  
COMMENTS: The current property owner purchased the property on March 25, 2011. The roof portion of the structure to be demolished has holes in it. (as shown in the presentation) The 16'x40' base structure is in better condition than the rest of the structure and will be moved to the FISH Preserve.

Additional Guidelines for Relocation

When an applicant seeks to obtain a Certificate of Appropriateness for the relocation of an historic landmark or structure in the Historical and Archaeological Overlay District or wishes to relocate a building or structure to an historic landmark or to a property in the Historical and Archaeological Overlay District, the Historic Preservation Board shall also consider the following:

- (1) The contribution the building or structure makes to its present setting;

APPLIES: NO MEETS GUIDELINE: N/A  
COMMENTS: N/A

- (2) Whether there are definite plans for the site to be vacated;

APPLIES: NO MEETS GUIDELINE: N/A  
COMMENTS: Future plans include expanding the Cortez Bait and Fish House on this site. That request is not part of this application. The removal of the existing house is the first step to that plan.

- (3) Whether the building or structure can be moved without significant damage to its physical integrity; and

APPLIES: YES MEETS GUIDELINE: YES  
COMMENTS: The applicant has provided a report from a structural engineer, Gregory D. Gainer, P.E., stating that the 16'x40' base could be relocated provided that the moving contractor exercises all proper bracing.

Attachments:

1. Building Permit Application #11041261
2. Copy of application for Historic Preservation Certificate of Appropriateness.
3. Aerials of site showing the approximate route and placement of the original single family structure.
4. Aerial map showing Florida Master Site File MA22 polygon.
5. Structural Engineer's Report
6. FISH Letter of Support and Acceptance
7. Banyas Property History
8. Manatee County Property Appraiser's Property Listing Report

**PERMIT DETAILS**

Detailed information for permit 11041261 is shown directly below, contractor information is listed at the bottom of the page. Information regarding plans review, inspections, permit issue status and the certificate issue status can be found by following the links in the local page navigator.

Permit Number: 11041261  
 Parcel ID: 7671900004  
 Section: 03  
 Township: 35S  
 Range: 16E  
 Zoning/Overlay: LM/HA/NONE  
 Flood Zone: A13  
 Fire District: Westside Fire Dept  
 Owner: Banyas John T  
 Address: 4521 120th St W  
 Permit: 11041261  
 \*Prime Contractor: OWNER--

Permit Type: Demolition  
 Application Date: Apr 28, 2011  
 Issue Date:  
 Cert. Occupancy or Cert. Completion Date:  
 Certificate Type: No Certificate Type Found  
 Status: Open  
 Declared Value: 2000  
 Source: Tresun

Comments: Fltpo: Demo - 770 Sq/2 Bedroom/1 Bath&nbsp;Mbl  
 Note: If source is Supermit these are legacy permits and have incomplete data

**\*CONTRACTOR INFORMATION**

Contractor Category	License Holder	Contractor ID	License Type	Company Name	Company Phone Number	Company Address
Demolition Contr						
Electrical Contractors						
Air Conditioning Contractors						
Plumbers						

MANATEE COUNTY

Item 1 of 3

PERMIT INVOICE

OPERATOR: PERMWEB

COPY # : 0

Sec:03 Twp:35S Rng:16E Sub:0000000 Blk: Lot:3  
 PARCEL ID .....: 7671900004

DATE ISSUED.....: 04/28/11  
 INVOICE #.....: 10633925  
 REFERENCE ID # ....: 11041261

SITE ADDRESS .....: 4521 120TH ST W  
 SUBDIVISION .....:  
 CITY .....: SCT  
 IMPACT AREA .....: ASW

OWNER .....: BANYAS JOHN T  
 ADDRESS .....: 4436 124TH STREET WEST  
 CITY/STATE/ZIP ....: CORTEZ, FL 34215

RECEIVED FROM .....: JOHN BANYON  
 CONTRACTOR .....: LIC # \*OWNER\*  
 COMPANY .....: BANYAS JOHN T  
 ADDRESS .....: 4436 124TH STREET WEST  
 CITY/STATE/ZIP ....: CORTEZ, FL 34215  
 TELEPHONE .....:

FEE ID	UNIT	QUANTITY	AMOUNT	PD-TO-DT	THIS REC	NEW BAL
DEMOLITION FLAT RATE		1.00	150.00	0.00	150.00	0.00
FBCSC10	3.0%	150.00	4.50	0.00	4.50	0.00
INSPECTION INSP. REQUIRE		1.00	75.00	0.00	75.00	0.00
TOTAL PERMIT :			229.50	0.00	229.50	0.00
METHOD OF PAYMENT		AMOUNT	NUMBER			
CHECK		229.50	1943			
TOTAL INVOICE		229.50				



MANATEE COUNTY HISTORIC PRESERVATION BOARD  
CERTIFICATE OF APPROPRIATENESS  
HPB/COA-11-06

PROJECT NAME: John T. Banyas  
LOCATION: 4521 120<sup>th</sup> Street West, Cortez, FL 34215

This is to certify that the Historic Preservation Board of Manatee County met in Regular Session on December 12, 2011, and reviewed the request for the above-named project.

The Board found the demolition of the additions (296 sq. ft.) on the single family structure and the relocation of the original single family structure (640 sq. ft.) to the Florida Institute of Saltwater Heritage, Inc., property known as the FISH Preserve, to be in substantial compliance with the Board's adopted guidelines.

This Certificate of Appropriateness to allow the demolition of the additions (296 sq. ft.) and the relocation of the original single family structure (640 sq. ft.) to the Florida Institute of Saltwater Heritage, Inc., property known as the FISH Preserve, is APPROVED, subject to the following stipulation(s).

1. Any historical or archaeological resources discovered during development activity shall be immediately reported to the Florida Division of Historical Resources and treatment of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County. Treatment of the resources must be completed before resource disturbing activities are allowed to continue.
2. Any future expansion of the historic fish house, boat works or new construction is required to obtain a Certificate of Appropriateness from the Historic Preservation Board.

APPROVED THIS 12 DAY OF December, 2011.

HISTORIC PRESERVATION BOARD  
MANATEE COUNTY, FLORIDA

ATTEST:

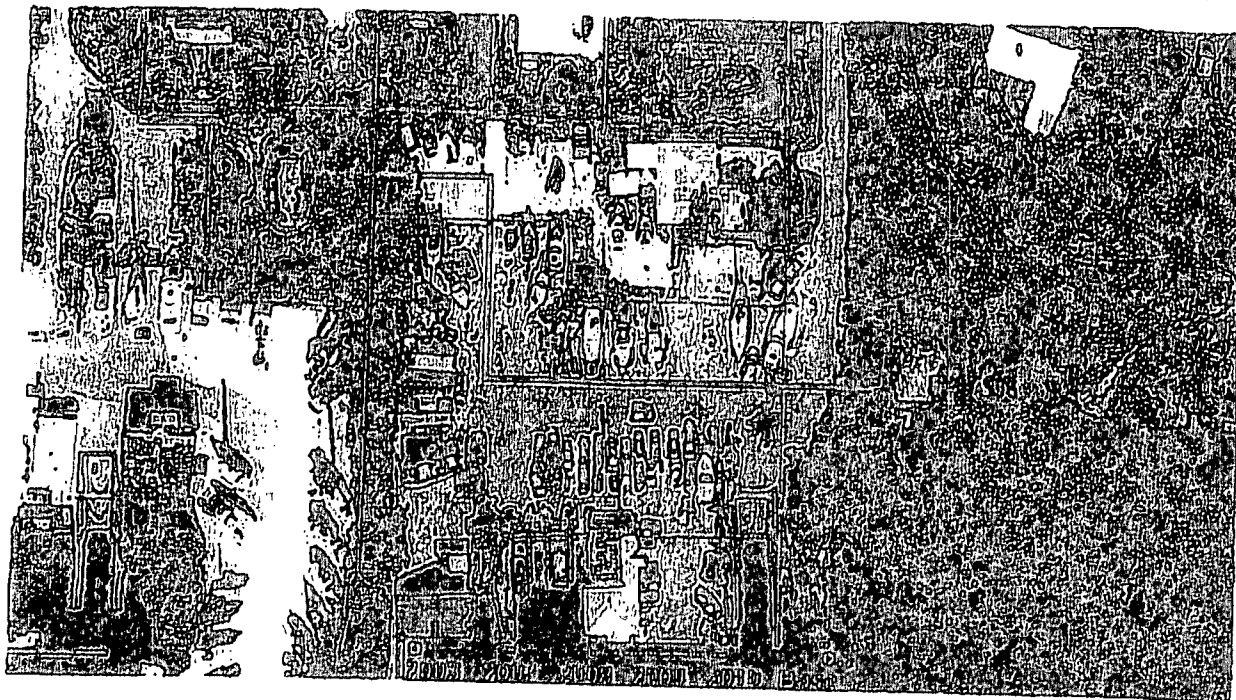
R. B. Shore  
Clerk of the Circuit Court

BY: \_\_\_\_\_  
Chairman

Deputy Clerk

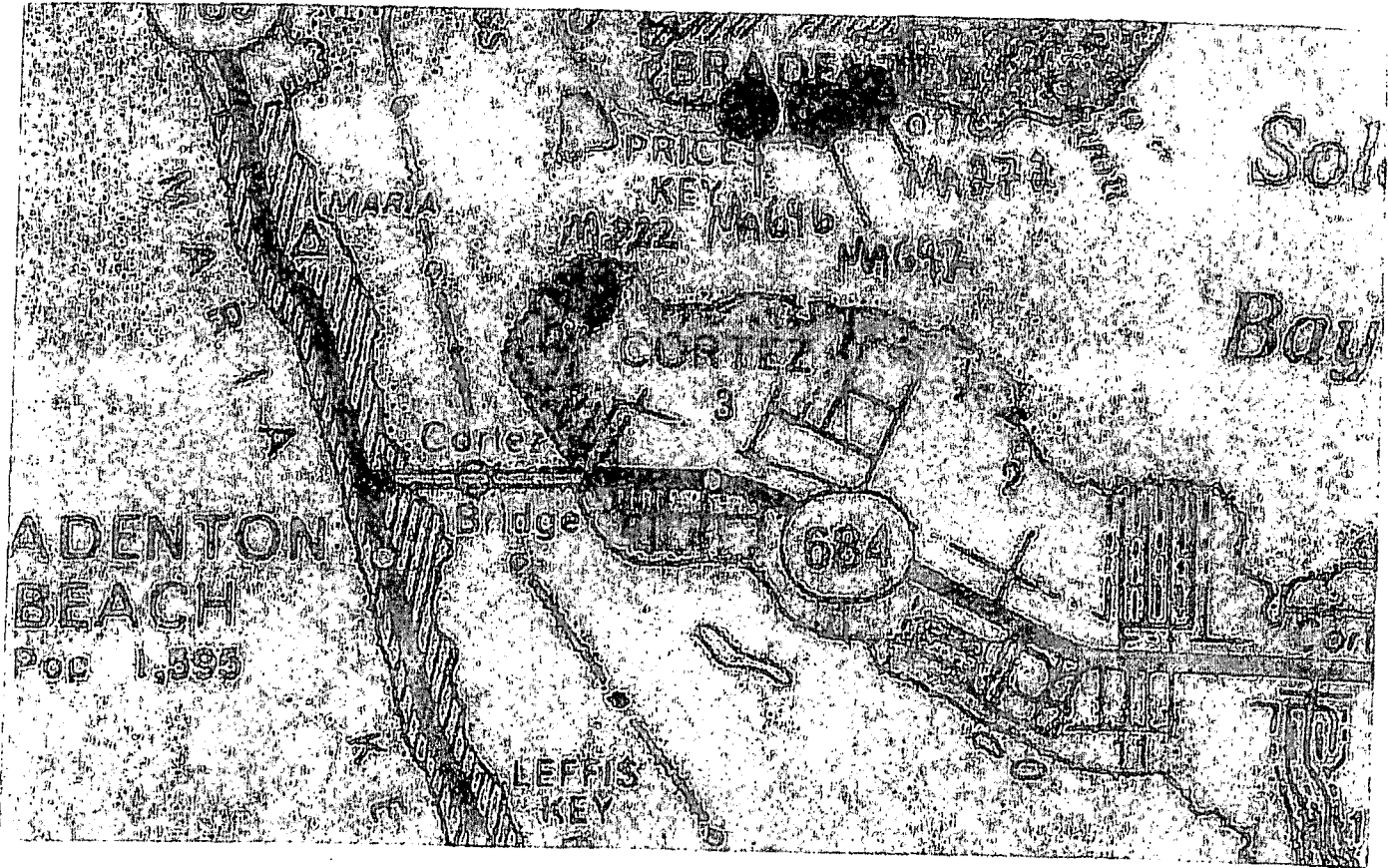
HPB/COA-11-06

**Relocation of House from 4521 120<sup>th</sup> Street W. to adjacent F.I.S.H. Preserve  
(unassigned address)**



**After removal of extraneous attachments to the original structure, house will be transported using 75 ton marine travel-lift. Deliver to temporary foundation sited on adjacent F.I.S.H. preserve.**

# Master Site File Map



**GREGORY D. GAINER P.E.**  
1401 PRESTON STREET SOUTH  
ST. PETERSBURG, FL., 33712  
(727) 455-9125

Manatee County Building Department  
1112 Manatee Avenue West  
Bradenton, Fl. 34205

RE: Cortez Village House  
4521 120th. Street  
Bradenton, Florida

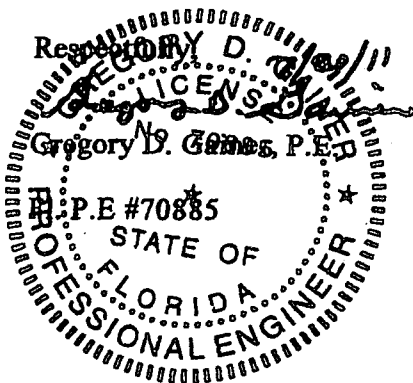
PLANNING  
JUL 21 2011  
DEPARTMENT

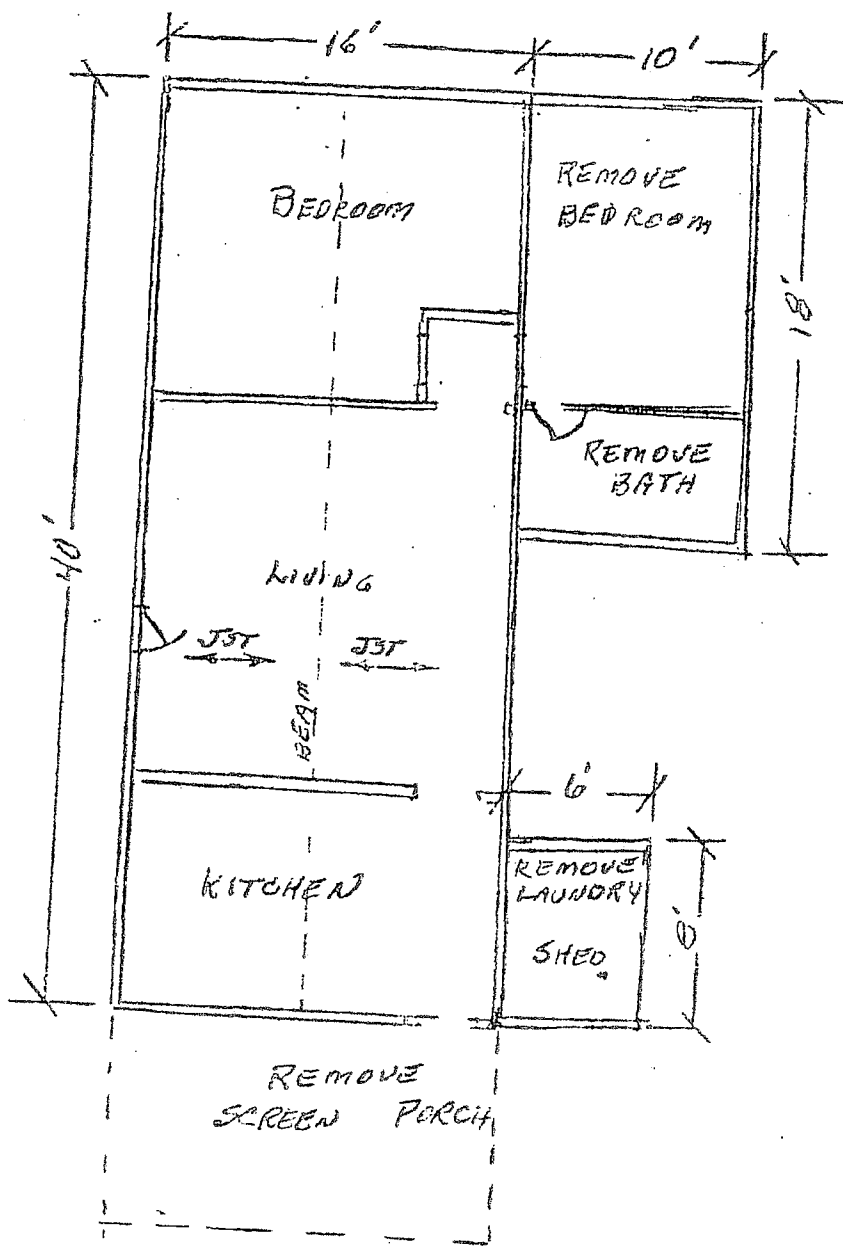
To Whom It May Concern:

The existing frame house which is located at 4521 120th. Street is structurally adequate to be moved to F.I.S.H. Preserve property on the east side of 119th. Street W. providing the moving contractor exercise all proper bracing required for re-locating this structure to the Historic Marine Museum property on Cortez Road. The 16' x 40' base shall be re-located. All other area's shall be removed before moving sturcture. No renovation is to be done without another permit.

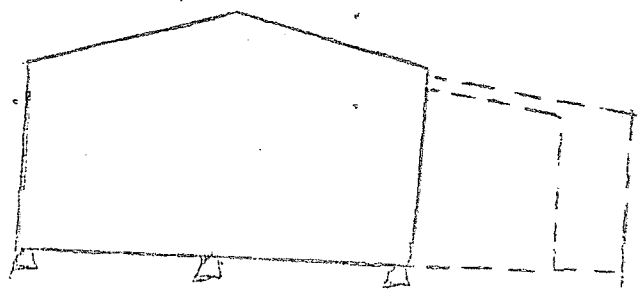
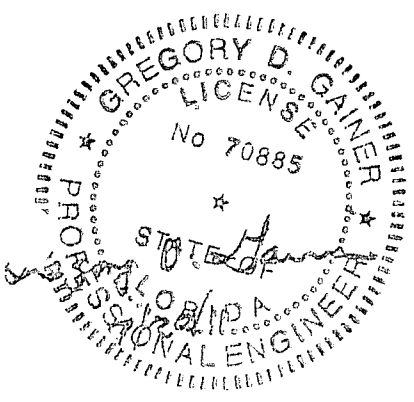
This plans will be required to obtain building permit on this project. The structure shall conform to the 2007 FBC residential w/ 2009 revisions, and the BFC existing building codes.

If there are any questions, please do not hesitate to call.





Gregory D. Gainer, P.E.  
License # FL70885  
1401 Preston Street S  
St. Petersburg, FL 33712





FLORIDA  
INSTITUTE for  
SALTWATER  
HERITAGE

Mr. John Parks  
P.O. Box 1000  
Bradenton, FL 34206

Dear Mr. Parks,

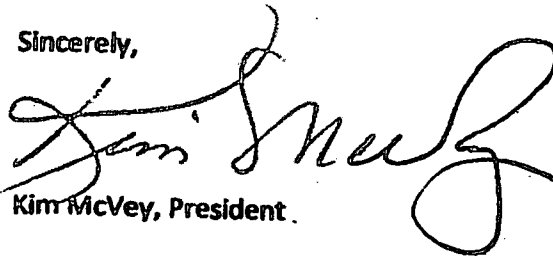
In its July 11, 2011 meeting, the Board of Directors of the Florida Institute of Saltwater Heritage, Inc. (FISH) agreed to accept the donation of a historic building currently located at 4521 121<sup>st</sup> Street West in the Village of Cortez by John Banyas.

This building, the original portion of which was once part of a historic net camp on Sarasota Bay, will be moved to the FISH Preserve and used for storage until such time as it can be restored and used as exhibit space on the FISH Preserve.

John Banyas has generously offered to move the original portion of the building, place it on a temporary foundation and pay for the permitting fees.

The Board of Directors of FISH is pleased to be able to save this historic structure and in the future, offer it as part of educational experience on the FISH Preserve. We hope that Manatee County and the Manatee County Historic Preservation Board will support this effort.

Sincerely,



Kim McVey, President

Florida Institute for Saltwater Heritage

PLANNING  
JUL 21 2011  
DEPARTMENT

\*

Banyas Property

4521 120<sup>th</sup> St. W. Cortez, FL 34215 (Address listed in Property Appraiser's Office)

Also referenced as:

4523 120<sup>th</sup> St. W. Cortez, FL 34215

The following reflects the records on file at the historical records building. This really shows a chain of custody dating from 1908 through 1953. Also included are the dates listed within the property appraiser's office for construction of the house.

- Ralph Pigott sold to W R Howland 18 Nov 1908 for \$350.00 (could be the original house builder, he saved a life use of a house)
- PAO says the house was built in 1920 with a 1948 update. Mr. Pigott shows up on page 5 of the 1910 census
- W R and Mattie Howland, of Charlotte County sold to G C Harris 10 Mar 1923
- G C Harris sold to Etna Taylor as trustee of minor children 12 May 1938
  - o Property appraiser list sale to Etna Harris as of 1 Jan. 1931
- Etna Taylor in own right and as trustee sold to Max and Etna Harris; first document is an Agreement for Deed dated 19 Apr 1943 between the 2 parties \$500.00
- Max and Etha Harris sell part of lot to Walton and Edith Fulford 15 Jun 1953
- Etha Harris Death Certificate (Deed Types)
  - o Property appraiser list property transactions on:
    - 8 May 2009
    - 4 May 1994
- Etha Harris estate to Linda Swinson (daughter) 1 Mar. 2010
- Linda Swison sold property to John Banyas as of 25 Mar. 2011
- Manatee County Property Appraiser list structure as built in 1920; however the "effective" year built is listed as 1948.

**Profile**

Parcel:	7671900004	DOR Use Code:	0100
Alternate ID:	3518030000000000007700	DOR Description:	Single Family Residential (1554)
Address:	4521 W 121ST ST BRADENTON 34210	Land Acres:	0.3432
Owner Details:	BANYAS, JOHN T	NBHD:	2800
Mailing Address:	P O BOX 578	Subdivision No.	0000000
	CORTEZ	Subdivision Name	
	FL 34215	Topography:	L
Description:	N 130 FT OF FOLLOWING DESC LAND BEG	T/R/S:	35S / 16E / 03
		Tax District:	0001
		Utilities:	UU
		Zoning:	LM/HA/CH

**Value Summary**

Just Land Value:	\$52,700.00	Total Assessed Value:	\$87,345.00
Just Improv. Value	\$34,645.00	Save Our Home Savings:	\$0.00
Total Just Value:	\$87,345.00		

**Primary Residential Card**

Card:	1	Total Bedrooms:	2	Area Under Roof:	936
Stories:	1	Full Bath:	1	Electric:	AV AVERAGE
Heating Class:	NON CENTRAL	Half Bath:		Exterior Wall:	WN WOOD NO
Heating Fuel:	ELECTRIC	Family Rooms:		Flooring:	SP SINGLE PINE
Physical Cond.:		Wood Burning Fireplace:		Interior:	PP PLYWOOD
CDU:	GD	Fireplace Openings:		Plumbing:	AT AVERAGE WITH
Year Built:	1920	Grade:	E	Roof Material:	SA SHINGLES COM
Year Remodeled:		Percent Complete:		Roof Type:	HG HIP GABLE
Total Rooms:		SFLA:	936		

**Commercial Card**

Year Built:		Grade:	
Effective Year:		Exterior Wall:	
Units:		Flooring:	
Structure Code:		Class:	
Description:		Class Description:	

**Land**

Land Code	Eff. Front	Eff. Depth	Land Type	Acres
660	115	130	Units	0.3432

**Agriculture**

Soil	Soil/Crop Description	Acres

**Other Items**

Code	Description	Year Built	Square Ft.
LCU	UTILITY, LOW COST	1999	288
LCU	UTILITY, LOW COST	1999	168
LCU	UTILITY, LOW COST	1999	32

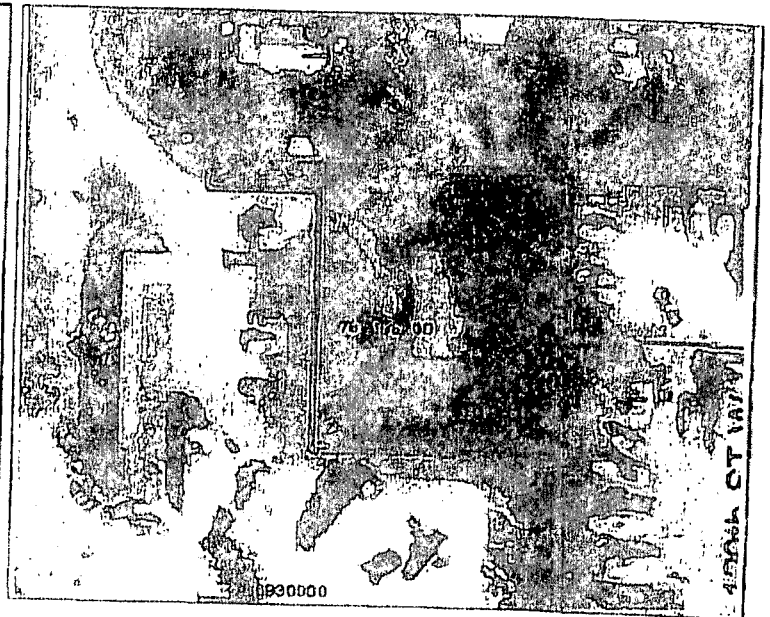
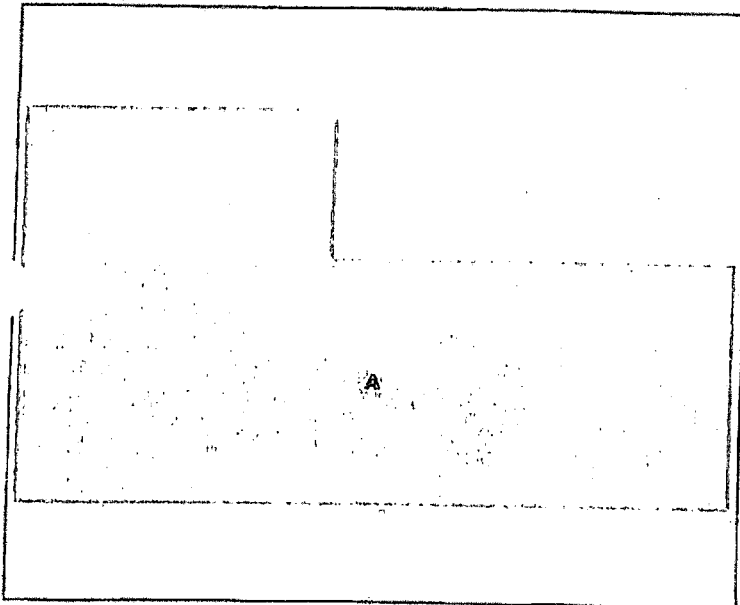


**Sales History**

Date	Book-Page	Grantor	Grantee	Description	QUAL	Amount
25-MAR-2011	2374 - 1770	SWINSON, LINDA	BANYAS, JOHN T	Improved	00	140,000
08-MAY-2009	0000 - 0000	HARRIS, ETHA	HARRIS, ETHA	Improved	01	1
04-MAY-1994	1628 - 3392	HARRIS, ETHA MAE	HARRIS, ETHA	Vacant	01	1
01-MAR-2010	2330 - 4803	HARRIS, ETHA	SWINSON, LINDA	Improved	01	1
01-JAN-1931	00000000 -		HARRIS, ETHA	Vacant	01	

**Sketch**

**Map**



**Sketch Legend**

A-MAIN BA BASE, 936 sqft

PARID: 7671900004  
 BANYAS JOHN T

4521 121ST ST W

<b>Residential</b>	
Account#	7671900004
Card	1
Property Class	RS
Number of Stories	1
Construction Type	WN
Heating Class	NON CENTRAL
Heating Fuel Type	ELECTRIC
Year Built	1920
Effective Year Built	1948
Remodeled Year	
Bedrooms	2
Full Baths	1
Half Baths	
Additional Fxtures	
Total Fxtures	3
Fireplaces	
Grade	E
Living Area	936
Total Under Roof	936
Electric	AV AVERAGE
Exterior Wall	WN WOOD NO SHEATHING
Flooring	SP SINGLE PINE
Interior	PP PLYWOOD
Plumbing	AT AVERAGE WITH TILE
Roof Material	SA SHINGLES COMP
Roof Type	HG HIP GABLE

MANATEE COUNTY CODE ENFORCEMENT SPECIAL MAGISTRATE  
MANATEE COUNTY, FLORIDA

MANATEE COUNTY, a political subdivision  
of the State of Florida,  
Petitioner,

vs.  
JOHN T. BANYAS,  
Respondent,

Case No. CE2012090377

ORDER IMPOSING FINE

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on November 28, 2012, and the Special Magistrate having heard testimony under oath, received evidence, and heard arguments respective to all appropriate matters, and thereupon issues the Findings of Fact, Conclusions of Law, and Order as follows:

FINDINGS OF FACT

1. That John Banyas, hereinafter referred to as the Respondent is the owner of record of the subject property.
2. That notice was served on the Respondent and John Banyas was at the hearing.
3. That previous notifications of the violation of the Manatee County Land Development Code Section 512.1 were made and served on the Respondent by certified mail.
4. That the property located at 4521 121 Street West, Cortez, Florida, DP 7671900004, has a violation of Manatee County Land Development Code Section 512.1 because a structure was demolished within the Cortez Fishing Village Historical Archaeological Overlay District without obtaining the required building permit.
5. That Respondent is in violation of Section 512.1 for demolishing a structure in the Cortez Fishing Village Historical Archaeological Overlay District without obtaining the required building permit.

CONCLUSIONS OF LAW

1. That the Respondent is in violation of Manatee County Land Development Code Section 512.1.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and pursuant to the authority granted in Chapter 162, Florida Statutes, and Manatee County Land Development Code, it is hereby ORDERED:

1. THAT the Respondent corrects the violation of Manatee County Land Development Code Section 512.1.
2. THAT if this Order is not complied with on or before March 22, 2013, it is hereby ordered that the Respondent shall pay a minimum fine of \$150, plus \$100 per day for each and every day any violation described herein continues past March 22, 2013.
3. Failure to Comply with this Order within the specified time will result in the recordation of this Order Imposing Fine, which constitutes a lien upon any real or personal property owned by the violators and may be foreclosed, and your property sold to enforce this lien. If such lien is filed, you will be assessed all costs incurred in recording and satisfying this lien.
4. The Code Enforcement Special Magistrate also authorizes the County Attorney or his/her designee to foreclose, collect or settle said lien using any legal or equitable remedies available to collect any liens which remain unpaid.
5. This Order becomes self-executing upon an Affidavit of Non-compliance being filed with the Clerk of Circuit Court Board Records Section, and a hearing shall not be necessary.
6. That pursuant to Section 305.5.7 of the Land Development Code, should violations exist beyond the date set for compliance, the Special Magistrate shall impose a minimum fine of \$65.

Ordered November 28, 2012, and executed this 5<sup>th</sup> day of December, 2012.

ATTEST: R. B. Shore  
Clerk of Circuit Court

By: Wabi James  
Deputy Clerk



Laura O'Leary  
Manatee County Code Enforcement  
Special Magistrate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Order has been furnished to the Respondent, JOHN BANYAS, P.O. BOX 579, CORTEZ, FLORIDA 34215, by U.S. mail and to the Manatee County Code Enforcement Division, this 5<sup>th</sup> day of December, 2012.

R. B. SHORE  
Clerk of Circuit Court  
Manatee County, Florida

By: Nicki Savratt  
Deputy Clerk

ATTENTION: It is your responsibility to notify Code Enforcement at 941-748-4501, Extension 6909 and satisfactorily demonstrate that the violation has been corrected.

MANATEE COUNTY CODE ENFORCEMENT SPECIAL MAGISTRATE  
MANATEE COUNTY, FLORIDA

MANATEE COUNTY, a political subdivision  
of the State of Florida,  
Petitioner,

vs.  
JOHN T. BANYAS,  
Respondent,

Case No. CE2012090377

ORDER IMPOSING FINE

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on November 28, 2012, and the Special Magistrate having heard testimony under oath, received evidence, and heard arguments respective to all appropriate matters, and thereupon issues the Findings of Fact, Conclusions of Law, and Order as follows:

FINDINGS OF FACT

1. That John Banyas, hereinafter referred to as the Respondent is the owner of record of the subject property.
2. That notice was served on the Respondent and John Banyas was at the hearing.
3. That previous notifications of the violation of the Manatee County Land Development Code Section 513.1 were made and served on the Respondent by certified mail.
4. That the property located at 4521 121 Street West, Cortez, Florida, DP 7671900004, has a violation of Manatee County Land Development Code Section 513.1 because a structure was demolished within the Cortez Fishing Village Historical Archaeological Overlay District without obtaining the Certificate of Occupancy/Completion.
5. That Respondent is in violation of Section 513.1 for demolishing a structure in the Cortez Fishing Village Historical Archaeological Overlay District without obtaining the required Certificate of Occupancy/Completion.

CONCLUSIONS OF LAW

1. That the Respondent is in violation of Manatee County Land Development Code Section 513.1.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and pursuant to the authority granted in Chapter 162, Florida Statutes, and Manatee County Land Development Code, It is hereby ORDERED:

1. THAT the Respondent corrects the violation of Manatee County Land Development Code Section 513.1.
2. THAT if this Order is not complied with on or before March 22, 2013, It is hereby ordered that the Respondent shall pay a minimum fine of \$150, plus \$100 per day for each and every day any violation described herein continues past March 22, 2013.
3. Failure to Comply with this Order within the specified time will result in the recordation of this Order Imposing Fine, which constitutes a lien upon any real or personal property owned by the violators and may be foreclosed, and your property sold to enforce this lien. If such lien is filed, you will be assessed all costs incurred in recording and satisfying this lien.
4. The Code Enforcement Special Magistrate also authorizes the County Attorney or his/her designee to foreclose, collect or settle said lien using any legal or equitable remedies available to collect any liens which remain unpaid.
5. This Order becomes self-executing upon an Affidavit of Non-compliance being filed with the Clerk of Circuit Court Board Records Section, and a hearing shall not be necessary.
6. That pursuant to Section 305.5.7 of the Land Development Code, should violations exist beyond the date set for compliance, the Special Magistrate shall impose a minimum fine of \$65.

Ordered November 28, 2012, and executed this 5<sup>th</sup> day of December, 2012.

ATTEST: R. B. Shore  
Clerk of Circuit Court

By: Wicki Jarrett  
Deputy Clerk



Paul O'Leary  
Manatee County Code Enforcement  
Special Magistrate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Order has been furnished to the Respondent, JOHN BANYAS, P.O. BOX 579, CORTEZ, FLORIDA 34215, by U.S. mail and to the Manatee County Code Enforcement Division, this 5<sup>th</sup> day of December, 2012.

R. B. SHORE  
Clerk of Circuit Court  
Manatee County, Florida

By: Wicki Jarrett  
Deputy Clerk

ATTENTION: It is your responsibility to notify Code Enforcement at 941-748-4501, Extension 6909 and satisfactorily demonstrate that the violation has/have ceased. Release of this lien cannot occur until Code Enforcement verifies that the

MANATEE COUNTY CODE ENFORCEMENT SPECIAL MAGISTRATE  
MANATEE COUNTY, FLORIDA

MANATEE COUNTY, a political subdivision  
of the State of Florida,  
Petitioner,

Case No. CE2012090377

vs.  
JOHN T. BANYAS,  
Respondent,

ORDER IMPOSING FINE

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on November 28, 2012, and the Special Magistrate having heard testimony under oath, received evidence, and heard arguments respective to all appropriate matters, and thereupon issues the Findings of Fact, Conclusions of Law, and Order as follows:

FINDINGS OF FACT

1. That John Banyas, hereinafter referred to as the Respondent is the owner of record of the subject property.
2. That notice was served on the Respondent and John Banyas was at the hearing.
3. That previous notifications of the violation of the Manatee County Land Development Code Section 514.2.3 were made and served on the Respondent by certified mail.
4. That the property located at 4521 121 Street West, Cortez, Florida, DP 7671900004, has a violation of Manatee County Land Development Code Section 514.2.3 because a structure was demolished within the Cortez Fishing Village Historical Archaeological Overlay District in violation of Certificate of Appropriateness.
5. That Respondent is in violation of Section 514.2.3 for demolishing a structure in the Cortez Fishing Village Historical Archaeological Overlay District in violation of Certificate of Appropriateness.

CONCLUSIONS OF LAW

1. That the Respondent is in violation of Manatee County Land Development Code Section 514.2.3.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and pursuant to the authority granted in Chapter 162, Florida Statutes, and Manatee County Land Development Code, It is hereby ORDERED:

1. THAT the Respondent corrects the violation of Manatee County Land Development Code Section 514.2.3.
2. THAT if this Order is not complied with on or before March 22, 2013, it is hereby ordered that the Respondent shall pay a minimum fine of \$150, plus \$100 per day for each and every day any violation described herein continues past March 22, 2013.
3. Failure to Comply with this Order within the specified time will result in the recordation of this Order Imposing Fine, which constitutes a lien upon any real or personal property owned by the violators and may be foreclosed, and your property sold to enforce this lien. If such lien is filed, you will be assessed all costs incurred in recording and satisfying this lien.
4. The Code Enforcement Special Magistrate also authorizes the County Attorney or his/her designee to foreclose, collect or settle said lien using any legal or equitable remedies available to collect any liens which remain unpaid.
5. This Order becomes self-executing upon an Affidavit of Non-compliance being filed with the Clerk of Circuit Court Board Records Section, and a hearing shall not be necessary.
6. That pursuant to Section 305.5.7 of the Land Development Code, should violations exist beyond the date set for compliance, the Special Magistrate shall impose a minimum fine of \$65.

Ordered November 28, 2012, and executed this 5<sup>th</sup> day of December, 2012.

ATTEST: R. B. Shore  
Clerk of Circuit Court

By: [Signature]  
Deputy Clerk



[Signature]  
Manatee County Code Enforcement  
Special Magistrate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Order has been furnished to the Respondent, JOHN BANYAS, P.O. BOX 579, CORTEZ, FLORIDA 34215, by U.S. mail and to the Manatee County Code Enforcement Division, this 5<sup>th</sup> day of December, 2012.

R. B. SHORE  
Clerk of Circuit Court  
Manatee County, Florida

By: [Signature]  
Deputy Clerk

ATTENTION: It is your responsibility to notify Code Enforcement at 941-748-4501, Extension 6909 and satisfactorily demonstrate that the violation has/have ceased. Release of this lien cannot occur until Code Enforcement verifies that

MANATEE COUNTY CODE ENFORCEMENT SPECIAL MAGISTRATE  
MANATEE COUNTY, FLORIDA

MANATEE COUNTY, a political subdivision  
of the State of Florida,  
Petitioner,

vs.  
JOHN T. BANYAS,  
Respondent,

Case No. CE2012090377

ORDER IMPOSING FINE

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on November 28, 2012, and the Special Magistrate having heard testimony under oath, received evidence, and heard arguments respective to all appropriate matters, and thereupon issues the Findings of Fact, Conclusions of Law, and Order as follows:

FINDINGS OF FACT

1. That John Banyas, hereinafter referred to as the Respondent is the owner of record of the subject property.
2. That notice was served on the Respondent and John Banyas was at the hearing.
3. That previous notifications of the violation of the Manatee County Land Development Code Section 1202.2 were made and served on the Respondent by certified mail.
4. That the property located at 4521 121 Street West, Cortez, Florida, DP 7671900004, has a violation of Manatee County Land Development Code Section 1202.2 because a structure was demolished within the Cortez Fishing Village Historical Archaeological Overlay District in violation of structures and uses.
5. That Respondent is in violation of Section 1202.2 for demolishing a structure in the Cortez Fishing Village Historical Archaeological Overlay District in violation of structures and uses.

CONCLUSIONS OF LAW

1. That the Respondent is in violation of Manatee County Land Development Code Section 1202.2.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and pursuant to the authority granted in Chapter 162, Florida Statutes, and Manatee County Land Development Code, it is hereby ORDERED:

1. THAT the Respondent corrects the violation of Manatee County Land Development Code Section 1202.2.
2. THAT if this Order is not complied with on or before March 22, 2013, it is hereby ordered that the Respondent shall pay a minimum fine of \$150, plus \$100 per day for each and every day any violation described herein continues past March 22, 2013.
3. Failure to Comply with this Order within the specified time will result in the recordation of this Order imposing Fine, which constitutes a lien upon any real or personal property owned by the violators and may be foreclosed, and your property sold to enforce this lien. If such lien is filed, you will be assessed all costs incurred in recording and satisfying this lien.
4. The Code Enforcement Special Magistrate also authorizes the County Attorney or his/her designee to foreclose, collect or settle said lien using any legal or equitable remedies available to collect any liens which remain unpaid.
5. This Order becomes self-executing upon an Affidavit of Non-compliance being filed with the Clerk of Circuit Court Board Records Section, and a hearing shall not be necessary.
6. That pursuant to Section 305.5.7 of the Land Development Code, should violations exist beyond the date set for compliance, the Special Magistrate shall impose a minimum fine of \$65.

Ordered November 28, 2012, and executed this 5<sup>th</sup> day of December, 2012.

ATTEST: R. B. Shore  
Clerk of Circuit Court

By: Wendi Jansen  
Deputy Clerk



Paul O'Leary  
Manatee County Code Enforcement  
Special Magistrate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Order has been furnished to the Respondent, JOHN BANYAS, P.O. BOX 579, CORTEZ, FLORIDA 34215, by U.S. mail and to the Manatee County Code Enforcement Division, this 5<sup>th</sup> day of December, 2012.

R. B. SHORE  
Clerk of Circuit Court  
Manatee County, Florida

By: Wendi Jansen  
Deputy Clerk

ATTENTION: It is your responsibility to notify Code Enforcement at 941-748-4501, Extension 6909 and satisfactorily demonstrate that the violation has/have ceased. Release of this lien cannot occur until Code Enforcement verifies that the violation no longer exist(s).

MANATEE COUNTY CODE ENFORCEMENT SPECIAL MAGISTRATE  
MANATEE COUNTY, FLORIDA

MANATEE COUNTY, a political subdivision  
of the State of Florida,  
Petitioner,

vs.  
JOHN T. BANYAS,  
Respondent,

Case No. CE2012090377

ORDER IMPOSING FINE

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on November 28, 2012, and the Special Magistrate having heard testimony under oath, received evidence, and heard arguments respective to all appropriate matters, and thereupon issues the Findings of Fact, Conclusions of Law, and Order as follows:

FINDINGS OF FACT

1. That John Banyas, hereinafter referred to as the Respondent is the owner of record of the subject property.
2. That notice was served on the Respondent and John Banyas was at the hearing.
3. That previous notifications of the violation of the Manatee County Land Development Code Section 1206.4 were made and served on the Respondent by certified mail.
4. That the property located at 4521 121 Street West, Cortez, Florida, DP 7671900004, has a violation of Manatee County Land Development Code Section 1206.4 because a structure was demolished within the Cortez Fishing Village Historical and Archaeological Overlay District in violation of Additional Penalties for Historical and Archaeological Protection.
5. That Respondent is in violation of Section 1206.4 for demolishing a structure in the Cortez Fishing Village Historical and Archaeological Overlay District in violation of Additional Penalties for Historical and Archaeological Protection.

CONCLUSIONS OF LAW

1. That the Respondent is in violation of Manatee County Land Development Code Section 1206.4.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and pursuant to the authority granted in Chapter 162, Florida Statutes, and Manatee County Land Development Code, it is hereby ORDERED:

1. THAT the Respondent corrects the violation of Manatee County Land Development Code Section 1206.4.
2. THAT if this Order is not complied with on or before March 22, 2013, it is hereby ordered that the Respondent shall pay a minimum fine of \$150, plus \$100 per day for each and every day any violation described herein continues past March 22, 2013.
3. Failure to Comply with this Order within the specified time will result in the recordation of this Order Imposing Fine, which constitutes a lien upon any real or personal property owned by the violators and may be foreclosed, and your property sold to enforce this lien. If such lien is filed, you will be assessed all costs incurred in recording and satisfying this lien.
4. The Code Enforcement Special Magistrate also authorizes the County Attorney or his/her designee to foreclose, collect or settle said lien using any legal or equitable remedies available to collect any liens which remain unpaid.
5. This Order becomes self-executing upon an Affidavit of Non-compliance being filed with the Clerk of Circuit Court Board Records Section, and a hearing shall not be necessary.
6. That pursuant to Section 305.5.7 of the Land Development Code, should violations exist beyond the date set for compliance, the Special Magistrate shall impose a minimum fine of \$65.

Ordered November 28, 2012, and executed this 5<sup>th</sup> day of December, 2012.

ATTEST: R. B. Shore  
Clerk of Circuit Court

By: Wabi Jensen  
Deputy Clerk



Paul Olabisi  
Manatee County Code Enforcement  
Special Magistrate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Order has been furnished to the Respondent, JOHN BANYAS, P.O. BOX 579, CORTEZ, FLORIDA 34215, by U.S. mail and to the Manatee County Code Enforcement Division, this 5<sup>th</sup> day of December, 2012.

R. B. SHORE  
Clerk of Circuit Court  
Manatee County, Florida

By: Nicki Garratt  
Deputy Clerk

ATTENTION: It is your responsibility to notify Code Enforcement at 941-748-4501, Extension 6909 and satisfactorily demonstrate that the violation has/have ceased. Release of this lien cannot occur until Code Enforcement verifies that the violation no longer exist(s).