



October 30, 2023

Via Email Delivery

City Commission for the City of Sarasota and Chartered City Officials  
1565 1<sup>st</sup> St  
Sarasota, FL 34236

RE: Defense of Bert Harris Claims at 234 Grant Dr, 24 N Polk Dr, 209 Garfield Dr

**Dear City Commissioners, City Manager, City Attorney, City Auditor and Clerk:**

Almost two and a half years ago, on May 4, 2021, the Sarasota City Commission unanimously voted to approve the second reading of the Vacation Rental Ordinance to address the problem of high-occupancy vacation rentals that were operating in apparent violation of residential zoning which requires “household living” (not group living). Household living is further defined in city code as “family occupancy” (not multi-family in the same unit) or “no more than four unrelated persons” (not sleeping 20+ people in beds as seen in advertisements).

There was nothing unusual or extreme in this ordinance. It was modelled after what many other municipalities in Florida had already done to tackle this same problem. This included an occupancy limit and a registration requirement.

Even a FL Court of Appeals has ruled "the frequency and intensity of large groups at a rental property is not typical residential usage as measured by common practice" (Bennett v. Walton Cnty., 2015 Fla. LEXIS 2745 Fla., Dec. 9, 2015).

In our opinion, the Vacation Rental Ordinance has been very successful, and we support rolling it out city-wide. But we have been surprised that out-of-area investors have continued to build more and more of these so-called “hotel houses”. This may include the claimant’s ongoing construction at 149 and 161 Tyler Dr. This seems to us to be a wanton disregard for a city ordinance.

The Florida Bert Harris Act provides that a claim must be presented within one year from when the impact of a regulation is readily ascertainable to the property owner (Florida Bar Journal, Vol. 89, No. 8, Sept/Oct 2015, Pg. 49). Per the following timeline, it appears that the claimant did not meet this requirement:

- May 4, 2021: Vacation Rental Ordinance and the occupancy limit unanimously passes second reading; includes the following provisions:
  1. Existing vacation rentals must register with the city by March 1, 2022
  2. To give owners time to respond (e.g. to present a “notice of claim”), occupancy limit enforcement does not begin until June 1, 2022
- March 1, 2022: The deadline for all subject properties to have registered with the city—which requires proof of ownership and signed ownership acknowledgement
- March 17, 2023: City receives original letter from claimant more than one year from registration deadline and signed ownership acknowledgement

The claimant is CASTO VACATION PROPERTIES, LLC d/b/a “Vunique Vacations”. SC-PA.com and Sunbiz show that the claimant also owns 149 Tyler Dr and 161 Tyler Dr (both bought on July 18, 2022) and a drive-by of these properties shows that the claimant is currently building similar structures to those on the three subject properties. City permits list Work Type as “NEW-RESIDENTIAL” and Occupancy Use as “R3 Primary Perm, Not R1, R2, R4 or I”. Concerningly, this is also what appears on the city permits for the subject properties which are high-occupancy vacation rentals. What do you think are the claimant’s real intentions?

Across Florida, the occupancy limit has been the standard solution to this problem of inappropriate and incompatible use, and a linkage exists between vacation rental abuses and the shortage of housing options in our city. We ask you to defend the vacation rental occupancy limit and we support extending this protection to all of the city’s neighborhoods.

Sincerely,



Chris Goglia, President

St. Armands Residents Association

With the Approval of Our Board of Directors

website: [starmands.org](http://starmands.org)