



**LEGAL NOTICE TO BE POSTED
FOR 10 DAYS CALENDAR**

DATE POSTED: 6/18/205 **BY** JG

City of Sarasota
Code Compliance Division
1575 2nd Street
3rd Floor
Sarasota, FL 34236
Phone: (941) 263-6417
Fax: (941) 954-4187

NOTICE OF VIOLATION

Derek B Musser
327 Whispering Oaks Ct
Sarasota, FL 34232-1729

Date: 5/21/2025
Case No. 2025-00923

Summary:

Our Inspection of: **327 Whispering Oaks Ct**

Details of the alleged violation appear in this Notice of Violation. If you have any questions about the violation(s) cited or this notice, contact the Code Compliance Divisions at (941) 263-6417.

To avoid a hearing with the Special Magistrate, and the possible imposition of fines against you and your property, you must correct these violations within 20 day(s) from receipt of this notice and call the Code Compliance inspector at (941) 263-6417 so compliance can be verified.

Please read this entire Notice. It includes important information about your rights and responsibilities, and instructions on how to avoid incurring fines, and how to attend a code hearing to contest the alleged violation(s).

Si usted necesita ayuda con entender esta carta, por favor llame (941) 263-6417.

Dear Owner,

The Mayor and the City Commission are greatly concerned about the need to keep all houses and properties located within the City of Sarasota, Florida, in a safe, sanitary and useable condition. To promote these goals, on-site inspections are performed regularly by City Inspectors. These inspections are performed in the interest of the safety and public welfare of all citizens. This program has resulted in an inspection of the property referenced in this Notice of Violation.

YOU ARE HEREBY NOTIFIED that Case No. 2025-00923 has been opened on the property described below:

Legal Owner: MUSSER DEREK B, VAIUSO KRISTY

Property ID: 2032090009

As a result of the inspection of the above referenced property conducted on 05/08/2025 the City contends that the property is in violation of the provisions of the following code section(s):

Violation Listings:		Number of Violations Listed: 4
Violation Number	Violation Date	Violation(s):
001	5/8/2025	<p><u>City Code 34.5-19(a)(1) Violations of this chapter.</u> (a) Noncompliance with any provision of this chapter shall constitute a violation of this chapter. Violations of this chapter shall specifically include, but not be limited to the following unlawful conduct: (1) It is unlawful to rent out a vacation rental without a current certificate of registration issued by the city in accordance with section 34.5-5 or section 34.5-6.</p> <p>Infraction: Operation of a vacation rental unit without a current vacation rental certificate of registration in accordance with Chapter 34.5 of the City of Sarasota City Code.</p> <p>Corrective Action: Obtain a City of Sarasota vacation rental certificate of registration. Cease renting or advertising the property until the certificate of registration has been obtained. Please call 941-263-6623 for assistance with the application.</p>
002	5/8/2025	<p><u>City Code 34.5-19(a)(2) Violations of this chapter.</u> (a) Noncompliance with any provision of this chapter shall constitute a violation of this chapter. Violations of this chapter shall specifically include, but not be limited to the following unlawful conduct: (2) It is unlawful to offer a vacation rental for rent or to advertise a vacation rental for rent without a current certificate of registration issued by the city in accordance with section 34.5-5 or section 34.5-6.</p> <p>Infraction: Advertisement of a vacation rental unit without a current vacation rental certificate of registration in accordance with Chapter 34.5 of the City of Sarasota City Code.</p> <p>Corrective Action: Cease advertising or offering the vacation rental unit for rental until a current vacation rental certificate of registration has been obtained.</p>
003	5/8/2025	<p><u>Zoning Code Sec. II-304(b)(1) Household Living</u> Characteristics. Household Living is characterized by the residential occupancy of a dwelling unit by a family. Tenancy is arranged for periods longer than one week. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the retail sales and service and community service categories). Condominiums, apartment complexes that have accessory services such as food service, dining rooms, and housekeeping are included as household living.</p>

		Infraction:	Property is being rented for less than the minimum requirement.
		Corrective Action:	Cease renting this property for periods of less than (7) full days, (7) full nights, and less than 168 hours and maintain compliance with the minimum stay requirements.
004	5/8/2025		<u>Zoning Code VI-202(b) Permitted uses.</u> Uses permitted in the single family zones are listed in table VI-201 with a "P". These uses are allowed if they comply with the development standards and other regulations of this Code.
		Infraction:	Property is being rented for less than the minimum requirement.
		Corrective Action:	Cease renting this property for periods of less than (7) full days, (7) full nights, and less than 168 hours and maintain compliance with the minimum stay requirements.

The alleged violation(s) **shall be corrected within 20 days** from receipt of this Notice of Violation. If any of the alleged violation(s) continue(s) beyond that number of days, a hearing will be set in front of the Special Magistrate, and fines and costs could be imposed against you and your property if you are found to be in violation.

It is your responsibility to contact the Code Compliance Inspector at (941) 263-6417 when all violations have been corrected and the property has been brought into compliance. Schedule this inspection as soon as you have corrected the violation(s) in order to negate the need for a hearing and the possible imposition of costs and/or fines against you. If you correct the violation(s) within the stated time and the Code Compliance Inspector has verified that the property is in compliance, there will be no hearing and no fines or costs imposed, **except for repeat violations**.

Failure to correct the alleged violation(s), will result in the City scheduling a hearing to allow the Special Magistrate to hear the case and to enter an Order imposing the fines and costs which have accrued if a violation is found. You will receive a notice by certified mail regarding the specific date and time of the administrative hearing. You must attend the hearing, present evidence, and testify to any mitigating circumstances regarding the alleged violation. You will be liable for the costs imposed by the Special Magistrate which include costs of the investigation, prosecution and the administrative hearing should you be found guilty of the violation(s) by the Magistrate. You shall also be responsible for a one percent (1%) fee for all fines paid to fund certification and training programs.

All fines and costs imposed by the Special Magistrate's Order shall be recorded as a lien against your personal and real property and shall bear interest at the maximum rate allowed by law.

If you have any questions regarding the notice or the violations, please contact the Code Compliance Division at (941) 263-6417 between 8:00 a.m. and 5:00 p.m., Monday through Friday, or address correspondence to City of Sarasota Code Compliance Division, 1575 2nd Street, Sarasota, Florida 34236. Our Code Compliance Inspectors are generally available between 8:00 – 9:00 a.m. and 1:00 – 2:00 p.m., Monday through Friday, to address questions/concerns. Please indicate the case number and property address on all correspondence.

Dated this 21st day of May, 2025.



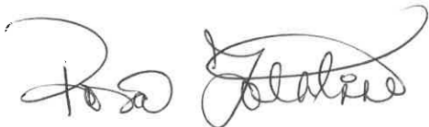
Diane Kennedy
Code Compliance Manager



Kathryn Bruno
Vacation Rental Compliance Specialist

cc: Case File

I do hereby certify that this Notice of Violation has been furnished by certified mail, hand delivery or posting to Derek B Musser on this 21st day of May, 2025.



Rosa Tolentino
Administrative Assistant



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Kristy Vaiuso
327 Whispering Oaks Ct
Sarasota, FL 34232-1729

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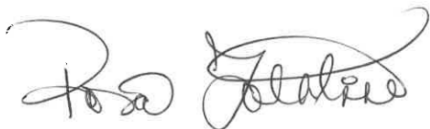
Diane Kennedy
Code Compliance Manager



Kathryn Bruno
Vacation Rental Compliance Specialist

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Administrative Assistant