



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 22-0016

LUHO HEARING DATE: December 13, 2021

CASE REVIEWER: Israel Monsanto

REQUEST: The applicant is requesting a setback variance to accommodate the installation of mechanical equipment on a parcel zoned M (Manufacturing).

VARIANCE(S):

Per LDC Section 6.01.03.I.3, mechanical equipment, such as air conditioning units, pumps, heating equipment, propane tanks, electrical generators and similar installations, may not project into the required front yard(s). Per LDC Sec. 6.01.01, a minimum front yard setback of 30 feet is required in the M district. The applicant requests a 14-foot reduction to the required front yard setback to allow a setback of 16 feet from the north property line for multiple units of mechanical and electrical equipment.

FINDINGS:


- The site is currently developed with approximately 24,000 square feet of floor space. Site construction plans were approved in April 2021 for a building addition consisting of 24,426 square feet of floor space along the northern portion of the parcel (Project ID 5613). The approved construction site plans show the building addition set back 30 feet from the north property line (frontage along E. Diana Street) in accordance with the minimum 30-foot front yard building setback required in the M district.
- The site received Building permit approvals (permit HC-BLD-21-0015216) in May 2021. Work then commenced on the building addition, however, the County issued a stop work order on September 30, 2021 due to mechanical and electrical equipment being placed within the 30-foot front setback.
- The mechanical and electrical equipment was not shown in the Site Construction Plans but was depicted in the Building permit plans. The site plan submitted by the applicant for this variance application shows a total of 11 mechanical and electrical units within the front yard setback.



DISCLAIMER:

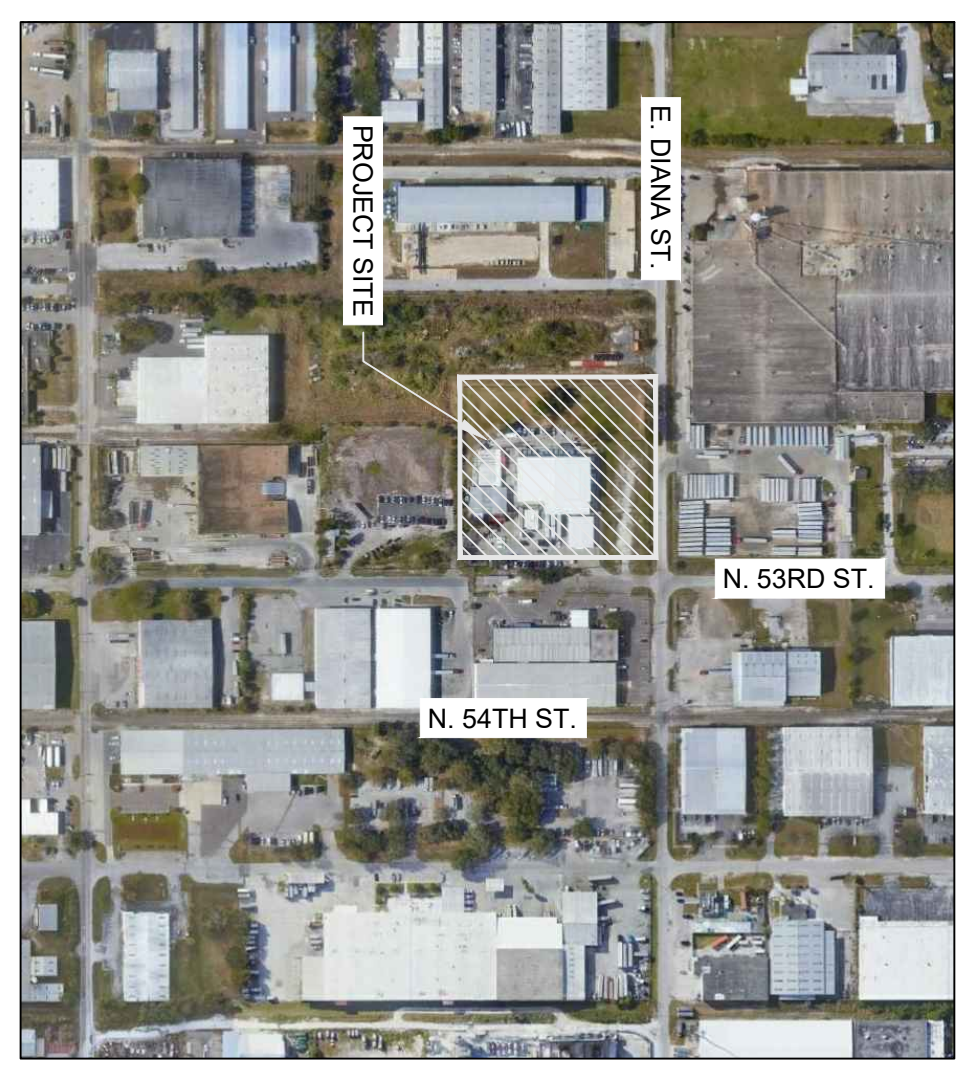
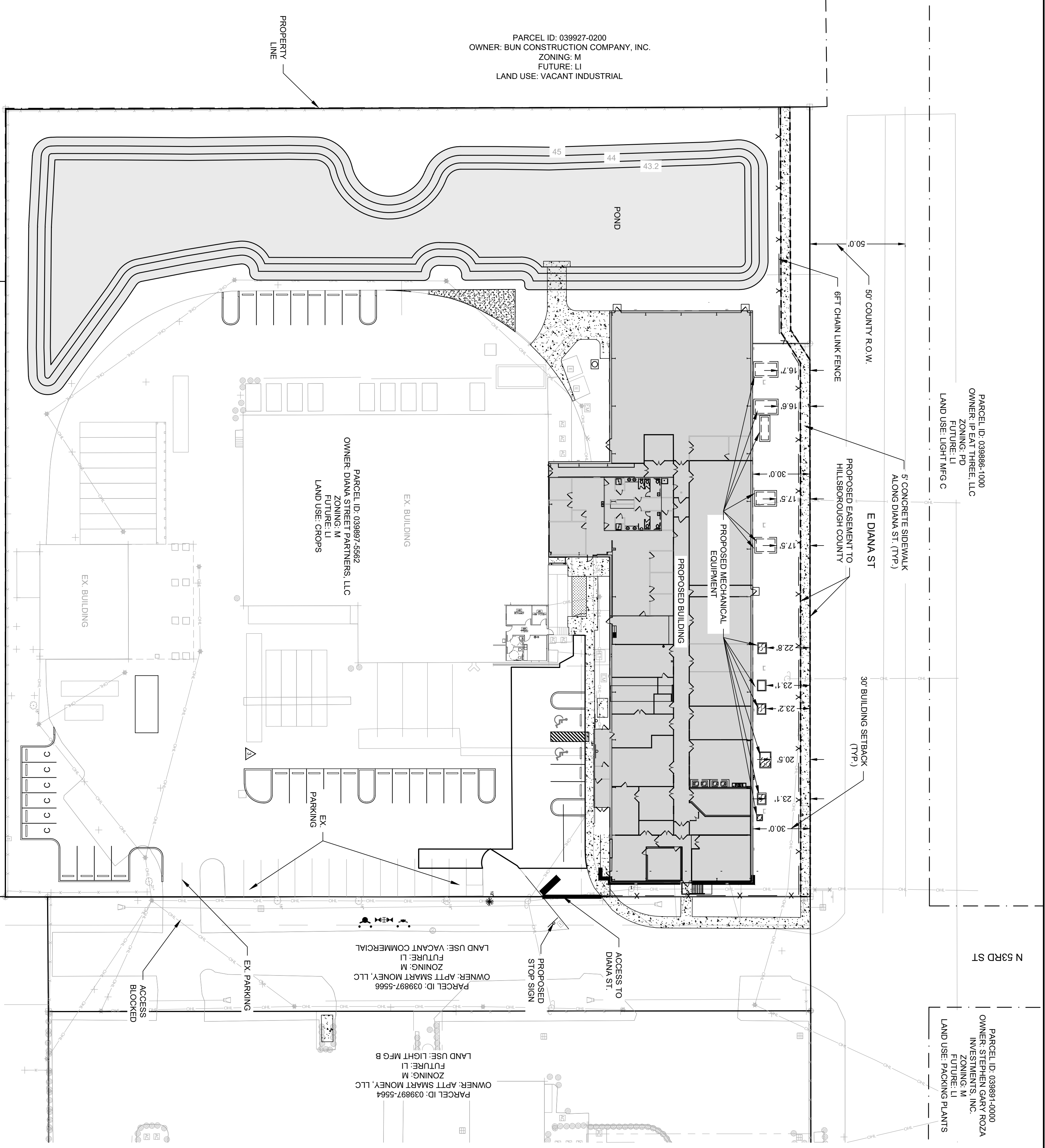
The variances listed above are based on the information provided in the application by the applicant. Additional variances may be needed after the site has applied for development permits. The granting of these variances does not obviate the applicant or property owner from attaining all additional required approvals including but not limited to: subdivision or site development approvals and building permit approvals.

ADMINISTRATOR'S SIGN-OFF



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Wed Dec 1 2021 16:12:51

Attachments: Application
Site Plan
Petitioner's Written Statement
Current Deed



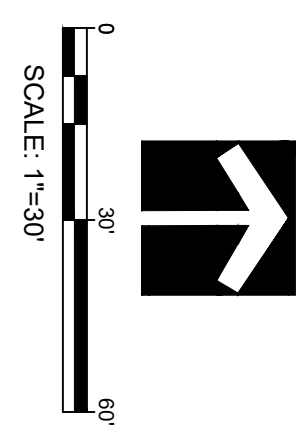
PROJECT DATA TABLE

FOLIO #:	039897-5562
PROPERTY ADDRESS:	5251 E DIANA ST, TAMPA
SECTION/TOWNSHIP/RANGE:	34 28S 19E
GROSS ACREAGE:	44.00 AC
CURRENT ZONING DISTRICT:	M (MANUFACTURING)
FUTURE LAND USE:	LI (LIGHT INDUSTRIAL)
CURRENT USE:	CROPS
PROPOSED USE:	CROPS
PROPOSED BUILDING HEIGHT:	35'
PROPOSED MECHANICAL EQUIPMENT HEIGHT:	10.0'
BUILDING SETBACKS:	30' FRONT (E DIANA ST) 6' SIDE (N 53RD ST) 6' REAR

LEGAL DESCRIPTION:

PARCEL 1:
 LOT 1, DIANA COMMERCIAL, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 1177, PAGES 26 AND 27 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

OWNER:
 DIANA STREET PARTNERS, LLC
 10020 AURORA HUDSON RD
 STREETSBORO, OH 44241-1621



Always call 811 two full business days before you dig to have underground utilities located and marked.

sunshine811.com

<p>10/14/21</p> <p>SHEET: 1.0</p> <p>THIS PLAN IS NOT VALID UNLESS AFFIXED OR PERMANENT INK SEAL</p>	<p>Revisions:</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION				<p>PROJECT NAME:</p> <p>FLUENT - E DIANA ST.</p>	<p>PREPARED FOR:</p> <p>DIANA STREET PARTNER, LLC 10020 AURORA HUDSON RD STREETSBORO, OH 44241</p>	<p>Engineering Business Certificate of Authorization No. #26775 Landscape Architecture Certificate of Authorization #L00002027</p> <p>www.krindia.com</p> <p>3242 Henderson Blvd., Suite 200 Tampa, Florida 33609 813-298-0086</p>	<p>KEMPTON RINARD civil engineers + landscape architects</p>
	NO.	DATE	DESCRIPTION								
<p>PROJECT NAME:</p> <p>FLUENT - E DIANA ST.</p>	<p>SHEET TITLE:</p> <p>VARIANCE SITE PLAN</p>	<p>ALL CONCEPTS, LAYOUTS, DELINEATIONS AND PLANS DEPICTED BY THIS DRAWING ARE THE PROPERTY OF KEMPTON RINARD, INC. AND WERE DEVELOPED FOR THIS SPECIFIC PROJECT. THESE CONCEPTS, LAYOUTS, PLANS AND DELINEATIONS ARE NOT TO BE TRANSFERRED TO ANY PERSON, FIRM, OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN APPROVAL OF KEMPTON RINARD, INC.</p>									



Additional / Revised Information Sheet

Application Number: VAR 22-0016 Applicant's Name: Diana Street Partners, LLC

Reviewing Planner's Name: Israel Monsanto Date: November 4, 2021

Application Type:

- Planned Development (PD) Minor Modification/Personal Appearance (PRS) Standard Rezoning (RZ) Variance (VAR) Development of Regional Impact (DRI) Major Modification (MM) Special Use (SU) Conditional Use (CU) Other

Current Hearing Date (if applicable):

Will this revision add land to the project? Yes No

IMPORTANT: If "Yes" is checked on the above, a Revised Application Sheet, Property Information Sheet, Affidavit to Authorize Agent, and additional Deeds must be filed immediately to ensure proper noticing and sign posting requirements are met.

Will this revision remove land from the project? Yes No

The following must be attached to this Sheet.

- Cover Letter with summary of the changes and/or additional information provided. If a revised Site Plan is being submitted, all changes on the site plan must be listed in detail in the Cover Letter. An updated Project Narrative consistent with the changes or additional information provided, if applicable.

Submittal Via:

Email - Note that no follow up paper file is necessary. Files must be in pdf format and minimum resolution of 300 dpi. Maximum attachment(s) size is 15 MB.

Email this sheet along with all the additional/revised submittal items in pdf to: ZoningIntake-DSD@hcflgov.net

For additional help and submittal questions, please call (813) 277-1633 or email ZoningIntake-DSD@hcflgov.net.

I certify that changes described above are the only changes that have been made to the submission. Any further changes will require an additional submission and certification.

Suzanne J. Walker Signature

November 4, 2021 Date

FOR OFFICE USE ONLY

- Notification E-Mail Sent Scanned into OPTIX Transmittal Completed

In-Take Completed by:

**EXHIBIT “A”
TO
VARIANCE APPLICATION**

**Owner/Applicant:
Diana Street Partners, LLC**

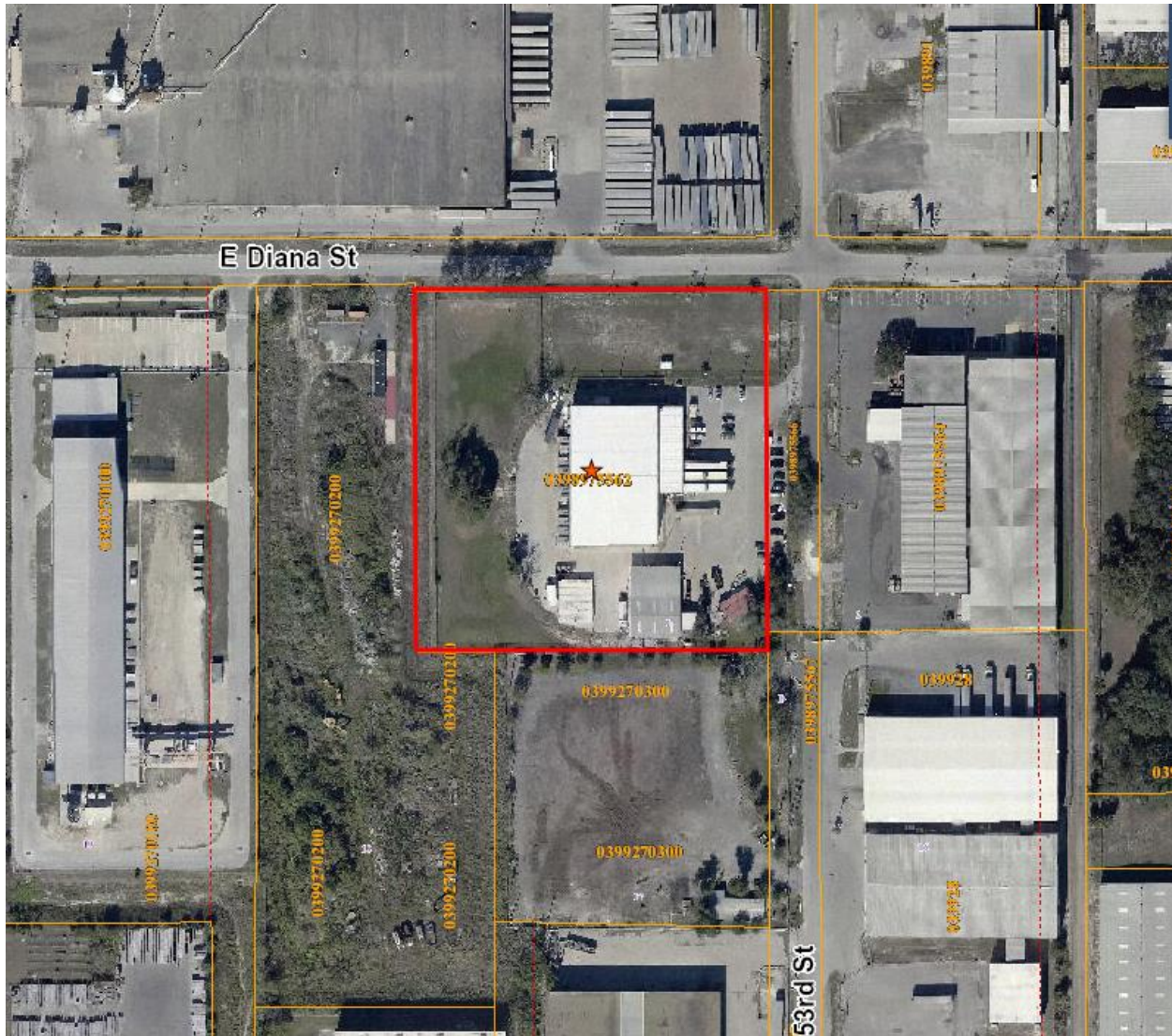
Submitted by:

**Kevin B. Reali, Authorized Agent
Stearns Weaver Miller
401 East Jackson Street, Suite 2100
Tampa, Florida 33602
(813) 223-4800**

Updated as of November 4, 2021

VARIANCE REQUEST

1. Project Narrative: The subject property is located in an industrial area of Hillsborough County (the “County”) at 5251 E Diana Street; Folio No. 039897-5562 (the “Property”) as shown below.



The Property is zoned Manufacturing (“M”) with a Future Land Use Category of Light Industrial (“LI”). The Property is surrounded by manufacturing, industrial, and warehouse uses and is currently under development as a Priority Economic Development Project, as shown on **Attachment “A”** attached hereto, to add 24,000 square feet of infill industrial uses to an existing site (the “Project”). Construction on the Project began on May 15, 2021, based on approved site and building plans, Permit No. HC-BLD-21-0015216 (the “Approved Plans”). A stop work order was issued on September 30, 2021 as shown on **Attachment “B”** attached hereto, based on mechanical and electrical equipment being placed within the 30-foot setback. This variance request seeks to expand the placement of various mechanical and electrical equipment, with a maximum encroachment of approximately 13.5 feet, into the 30-foot setback along E Diana Street, as shown on the application site plan (the “Site Plan”).

2. Request: A variance from Sec. 6.01.01 of the Hillsborough County Land Development Code (“LDC”) to allow mechanical and electrical equipment to encroach into the required 30-foot setback for property in the Manufacturing zoning category.

VARIANCE CRITERIA RESPONSE

Under the Hillsborough County LDC, “[a] variance may only be allowed by the Land Use Hearing Officer in cases involving practical difficulties or unnecessary hardship, when substantial evidence in the official record of the hearing supports specific findings.” LDC § 11.04.02.A.1 .Section 11.04.02(B) of the LDC requires that the LUHO make specific findings on the following six variance criteria in order to approve a variance request:

1. Explain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not those suffered in common with other property similarly located?

The first criteria for evaluating a variance is “[t]hat the alleged hardships or practical difficulties are unique and singular as regards the property of the person requesting the variance and are not those suffered in common with other property similarly located.” LDC § 11.04.02.B.1 (emphasis added). Thus, the LDC allows an applicant to prove either the “unnecessary hardship” or “practical difficulty” test. The “practical difficulty” test is less burdensome than the “unnecessary hardship” test. *Wawa, Inc. v. New Castle Cty. Bd. of Adjustment*, 929 A.2d 822, 831 (Del. Super. Ct. 2005); *Riker v. Sussex Cty. Bd. of Adjustment*, No. S14A-07-005 ESB, 2015 WL 648531, at *2 (Del. Super. Ct. Feb. 2, 2015). A practical difficulty exists when “the requested dimensional change is minimal and the harm to the applicant if the variance is denied will be greater than the probable effect on the neighboring properties if the variance is granted.” *Id.* at *2.

This request relates to the practical difficulty in re-designing a Heating Ventilation and Cooling (“HVAC”) system for the Project. The County approved building plans allowing the applicant to place the HVAC system in the 30-foot front yard setback. Construction of the Project began based on good-faith reliance on the Approved Plans, which show mechanical and electrical equipment within the 30-foot setback to E Diana Street. However, the County later issued a Stop Work Order when it realized the HVAC system was in the setback and required the applicant to apply for a variance in order to proceed with its development.

There are several unique characteristics of this Property that create a practical difficulty. First, the applicant does not have access to the Property through E Diana Street, the street that the Property fronts and that the HVAC system is placed along. Although E Diana Street is technically the front yard per the LDC, access is provided along the adjacent parcel to the east (Folio 039897.5566) through a platted, access easement. Consequently, the yard along E Diana Street is actually **functioning** as a side yard due to the lot’s orientation and access onto the parcel to the east. Because the surrounding uses are manufacturing, the side yard setback is 0’. This functionality is exasperated by the need for truck access. Given the nature of the uses in the area, all of the surrounding properties are designed to handle truck access. The Property is no different, with truck access through the platted easement. However, the Property is unique in that the front setback, which would normally be usable for access and truck maneuvering, is not located where the access to the Property actually exists. Literal interpretation of the LDC would, by default, require the Applicant to set aside area on the property twice, once for access and once for setback, where other property owners could use the setback for access.

The second practical difficulty is the stormwater pond along the west side of the Property. The pond is required due to state and county drainage and environmental regulations and constrains all development to the east side of the site—which in turn pushes the new building closer to the parcel to the east and E Diana Street. Due to environmental constraints unique to the property, the pond cannot be dug deeper than is already proposed to reduce the overall size of the pond. Specifically, the height of the property to the west, which is higher than the Property as shown on **Attachment “C”** attached hereto, combined with an inability to dig the pond deeper, requires that the pond be sloped such that it cannot be reduced in size. The required sloping also prevents placing the pond within the setback itself. The inability to move the pond eliminates space that could be used for the required setbacks. This constraint is obvious when considering the development potential of the site. The zoning and Future Land Use category both allow a Floor Area Ratio (a “FAR”) of 0.75, however even with the new building the Property will only realize a developed FAR of approximately one-third that amount. In addition, there are existing buildings to the south of the proposed building that push the proposed building to the north and east, eliminating space for a 30-foot setback. Therefore, the best, and only functional, location for the proposed building is the current location. Once the building is placed in this location, space for the HVAC equipment is similarly constrained and can only be placed in the setback.

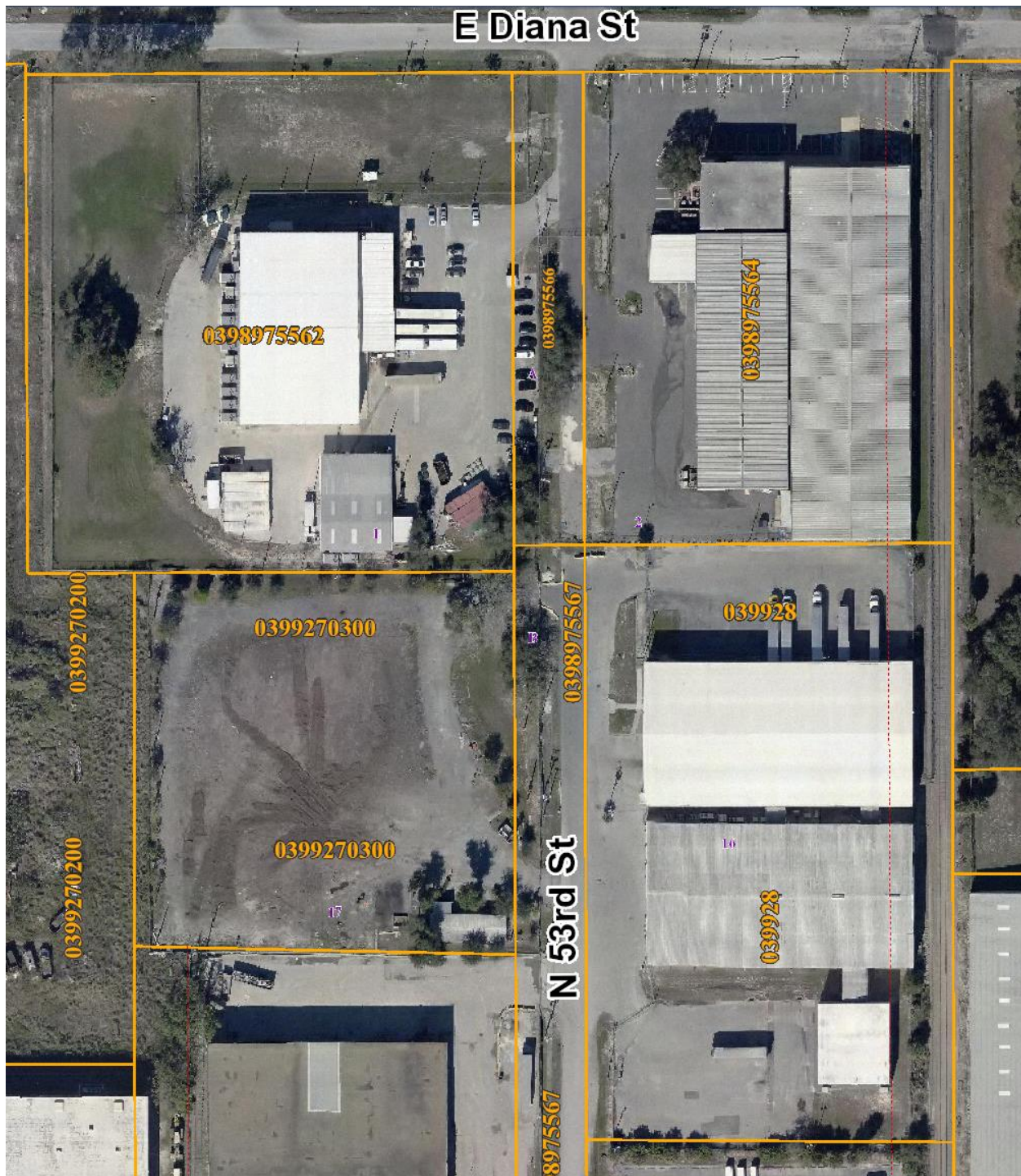
In all, the real practical difficulty is the combination of the issues discussed above. The issues together prevent alternative development options and still only allow a mere margin of the development potential of the site to be realized. Again, this encroachment into the front yard setback was approved by the County and construction, in reliance on the Approved Plans, has commenced. The reliance on the Approved Plans is unique to this Project because other similar properties/projects receive comment and feedback related to encroachments *prior* to commencing construction. Property similarly located would not be asked to remedy building plans after construction has begun. Further, the Project is designed such that the mechanical equipment cannot be located on the roof of the building, nor is it practical for the equipment to be moved to other locations on the Property because of limitations related to topography and other utility limitations.

The HVAC system cannot be re-designed to be placed on the roof of the Project and it is impracticable to relocate the equipment to another location due to site constraints. As described within the variance criteria below, the surrounding property owners would have little to no harm and the impact to the Applicant would be great. The best-case scenario for the Applicant, due to the significant HVAC needs of the proposed use, is an impact of approximately \$1,000,000, resulting from the Applicant operating under the Approved Plans, which greatly outweighs the minimal impact of locating HVAC equipment within the setback in a highly industrial area.

2. Describe how the literal requirements of the Land Development Code (LDC) would deprive you of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC.

Literal interpretation of the LDC would deprive the Applicant of the right to occupy and utilize the Property for a permitted use because of the unique constraints of the Property and street frontage. Even though E Diana Street is the frontage of the Property, access to the Property is actually along the east side through a platted, access that is not a right-of-way. Therefore, the yard along E Diana Street is actually **functioning** as a side yard. As discussed above, the side yard setback would be 0’ because the Property is surrounded by similar manufacturing uses. The LDC does not contemplate the unique situation where a front yard is

functioning as a side yard because of a platted access that mimics the existing street grid. Even the Property Appraiser system identifies the platted access as "N 53rd Street" as shown below.



3. Explain how the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.

Adjacent property owners will not be impacted by the request. First, the building footprint of the Project adheres to the setback requirements of the LDC; the variance request relates only to mechanical and electrical support equipment. Thus, the encroachment request is minimal in scale. The scale of the mechanical equipment is minimal when compared to the building it will sit beside. Furthermore, to mitigate any perceived visual or aesthetic impacts, the applicant has agreed to construct an opaque fence along a portion of E Diana Street to block the view of the HVAC system from surrounding property owners in accordance with LDC § 6.06.06(C)(9). There are no sound impacts from the HVAC equipment and we have support from nearby property owners.

Second, the Property is in a wholly industrial area. The closest residential property is almost 1000 feet away with several other industrial users located between the Property and those residential uses. Encroachment into the setback will not reduce the buffering to any use not compatible with the Project. Further, there are several structures within 30 feet of E Diana Street, as exemplified on **Attachment "D"** attached hereto. Those structures are either legal-nonconforming encroachments or side yards, which according Sec. 6.06.06 of the LDC have no buffer or screening requirements.

When taken together, the Property is surrounded by compatible industrial uses and located a great distance from incompatible uses such that the variance request will have little to no impact on surrounding property owners. This minimal impact is exemplified by comparing the request to Sec. 6.06.06 of the LDC, which would not require any screening, setback or buffer had the Property fronted N 53rd Street rather than E Diana Street. Overall, the scale of this variance request is reduced by considering that it is not for the *entire* setback, it is only being requested for a defined number of specific pieces of equipment as shown on the site plan.

4. Explain how the variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan (refer to Section 1.02.02 and 1.02.03 of the LDC for description of intent/purpose).

The intent of the Comprehensive Plan will be met because granting this variance request would promote (i) infill development, (ii) that creates jobs, (iii) in an area where the surrounding uses are compatible. Setbacks were created to separate incompatible land uses and enhance visibility and navigability for ingress and egress. A setback is defined as "The physical distance which serves to minimize the effects of development activity or the secondary impacts of development on an adjacent property, structure or natural resource, and within which it may be necessary to restrict activities." LDC § 12.01.00.

Here, all of the surrounding land uses are manufacturing-related so strict adherence to the setback requirements will not fulfill the purpose of separating incompatible land uses. In addition, access to the Property is along the parcel to the east so there is no ingress or egress issue along E Diana Street that would require the 30-foot setback. Furthermore, the applicant has proposed an opaque fence to screen the equipment in order to mitigate any perceived impact.

Section 1.02.02 of the LDC provides that the purpose of the LDC is:

. . . to establish the standards, regulations and procedures for review and approval of all proposed development of property in unincorporated Hillsborough County, and to provide a development review process that will be comprehensive, consistent, and efficient in the implementation of the goals, objectives, and policies of the Future of Hillsborough Comprehensive Plan.

In this situation, the County approved building plans with the HVAC system in the 30-foot setback. Therefore, granting this variance would be consistent with the intent and purpose of the LDC because it will provide for a more consistent and efficient implementation of the LDC and Comprehensive Plan. This will ensure consistency for applicants who rely on the development review process and will avoid destruction and redesign of a recently completed development due to the County's oversight.

Section 1.02.03 of the LDC provides that the intent of the LDC is:

In order to foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, and progressive development of the unincorporated areas of Hillsborough County, it is the intent of this Code that the development process in Hillsborough County be efficient, in terms of time and expense; effective, in terms of addressing the natural resource and public facility implications of proposed development; and equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and consideration of the interests of the citizens of Hillsborough County.

The Board of County Commissioners deems it to be in the best public interest for all development to be conceived, designed, and built in accordance with good planning and design practices and the minimum standards set forth in this Code.

The approval would be (i) "efficient, in terms of time and expense" by not causing the development process to be undone and redone; (ii) have no impact on natural resource and public facilities, (iii) be equitable based on the Applicant's reliance on the County's construction approval process; and (iv) have little to no impact on other citizens of the County.

5. Explain how the situation sought to be relieved by the variance does not result from an illegal act or result from the actions of the applicant, resulting in a self-imposed hardship.

The Applicant took no illegal action; rather the Applicant followed the County's prescribed construction steps and received the Approved Plans in the ordinary course. In reliance on those approvals, the Applicant started construction with a Hillsborough County permit showing mechanical and electrical equipment in the front setback. The Applicant's reliance on the County's approval is not a self-imposed hardship because the Applicant was acting in accordance with building plans approved by the County. The County approved the plans, the Applicant relied upon them, the Applicant started construction, and then the County realized it made an error and required the Applicant to apply for this variance in order to proceed.

Furthermore, the applicant did not cause the situation that this Property has a front yard that *functions* as a side yard because the Property fronts on a road that was created by plat. The Property was purchased well after platting.

6. Explain how allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant a variance.

The approval of this variance request would result in substantial justice being done because it would (i) allow for completion of a Project that was already approved by the County and construction has already

commenced; (ii) allow an infill project that will create jobs in a compatible area, all of which comes with a public benefit; (iii) avoid substantial waste on the part of the County and the Applicant, which comes with public benefit, and (iv) have little to no negative impact to neighboring property owners or the citizens of the County at large.

The hardship that the Applicant would bear is estimated at approximately \$1,000,000 without consideration of delay. The delay is not measurable at this time, but can be expected to also carry great cost. The requested encroachment, *only for mechanical and electrical equipment*, is a minimal impact. The harm to the Applicant if the variance is denied will be greater than the probable effect on the neighboring properties if the variance is granted, which satisfies the practical difficulty standard described in *Wawa, Inc. v. New Castle Cty. Bd. of Adjustment*, 929 A.2d 822, 831 (Del. Super. Ct. 2005).

Even more importantly, an additional hardship to the applicant would be that the applicant would be allowed to construct an additional building on its property, but not allowed to place essential equipment adjacent to it that is necessary for the building to be usable. The right to build on a property carries with it the right to use the property in a reasonable manner.

This point is emphasized by the fact that the property is allowed to be developed at an intensity of 0.75 FAR, but with the new building, the applicant is only developing the property at an intensity of approximately 0.26. That is, all the constraints on the property only allow the property to be developed at 35% of its maximum intensity—and that percentage would be greatly reduced if this variance is not approved.

Attachment "A"



**Hillsborough
County Florida**

ECONOMIC DEVELOPMENT

PO Box 1110 Tampa, FL 33601-1110
(813) 272-7232 | Fax: (813) 276-2638

TO: Adam Gormly, Director
Development Services

FROM: Lindsey Kimball, Director
Economic Development

DATE: August 5, 2020

SUBJECT: Expedited Priority Economic Development Project
Knox Medical (Folio: 039897-5562)

**BOARD OF COUNTY
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Stacy R. White

COUNTY ADMINISTRATOR
Michael S. Merrill

COUNTY ATTORNEY
Christine M. Beck

INTERNAL AUDITOR
Peggy Caskey

The Economic Development Department (EDD) has determined that the Knox Medical project Folio: 039897-5562, site plan attached as Exhibit A, which is located at 5251 East Diana Street, Hillsborough County, Florida 33610 is a Priority Economic Development Project (PED), meets the expedited permit timeframe eligibility requirements for Economic Development Projects pursuant to Sec. 4.1.5.1.2 Hillsborough County Land Development Code.

Please initiate site intake color identification of project by folio number and development number provided and advise Eric Lindstrom, Competitive Sites and Redevelopment Manager and Jonah Katz, Senior Competitive Sites Analyst of any submittals received, or any review meetings scheduled for this project.

This authorization is granted contingent on the applicant satisfying the following conditions throughout the process:

- 1) The applicant shall follow the EDD Expedited Permitting Program attached as Exhibit B, as applicable;
- 2) The applicant's project plans shall be 80 percent complete (minimum) and a copy of said plans provided to EDD prior to the pre-submittal meeting, if applicable;
- 3) After review and approval by EDD, the applicant shall schedule a Development Services Department (DSD) Pre-submittal meeting for review of the EDD PED project plans and requirements, if applicable;
- 4) The applicant shall ensure key design-build principals and the Engineer of Record is present at the DSD pre-submittal meeting, if applicable;
- 5) The applicant shall not to use County staff for quality control;

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Attachment "A"

Page 2

- 6) The applicant shall identify on-site representatives who will be responsive to requests, questions or comments from the County staff;
- 7) The applicant shall include the EDD PED designation memorandum on all project plan submittals and re-submittals to the EPC and DSD; and
- 8) The applicant will keep EDD and DSD apprised of the status of all steps referenced above through the review process.

If you have any questions or concerns, please feel free to contact me or Eric Lindstrom, Competitive Sites and Redevelopment Manager at lindstrome@hillsboroughcounty.org or Jonah Katz, Senior Coordinator, Competitive Sites Analyst at KatzJ@hillsboroughcounty.org

Attachments: Exhibit A and B

Cc: Richard Cabrera, Acting Division Director, Development Services
Lee Ann Kennedy, General Manager, Development Services
Mike Thompson, EPC
Bill Rain, Member, Diana Street Partners, LLC
Jim Doyle, Principal, Hemingway Development
Eric Lindstrom, Economic Development
Jonah Katz, Economic Development
Jaksa Petrovic, Economic Development
Evan Cook, Economic Development

Attachment "B"



**Hillsborough
County Florida**
DEVELOPMENT SERVICES
PO Box 1110, Tampa, FL 33601-1110
(813) 272-5600

**BOARD OF COUNTY
COMMISSIONERS**
Harry Cohen
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Pat Kemp
Gwendolyn "Gwen" Myers
Kimberly Overman
Mariella Smith
Stacy R. White
COUNTY ADMINISTRATOR
Bonnie M. Wise
COUNTY ATTORNEY
Christine M. Beck
INTERNAL AUDITOR
Peggy Caskey

DEPUTY COUNTY ADMINISTRATOR
Gregory S. Horwedel

09/30/2021

Joseph Gray
CGC1509546
Final Touch Development Corp
3220 Pleasant Lake Dr.
Tampa, FL 33618

Re: Permit No. HC-BLD-21-0015216
5251 Diana St.
Tampa, FL 33610

Dear Joseph Gray,

A Notice of Violation/Stop Work Order is being issued to you for failing to complete work per the approved construction documents at the referenced address. This is in violation of the Florida Building Code Section 107.4 Work shall be installed in accordance with the approved construction documents. This Notice of Violation/Stop Work Order is to cease and desist all work in the 30 feet set back between the building and East Diana St.

If no corrective action or appeal has been made within thirty (30) working days from the date of this letter (by November 15, 2021), this department will exercise its right to pursue the suspension/revocation of the license holder's ability to have permits issued in Hillsborough County through the Building Board of Adjustments, Appeals and Examiners. Surrounding cities and the DBPR will be notified of any actions taken.

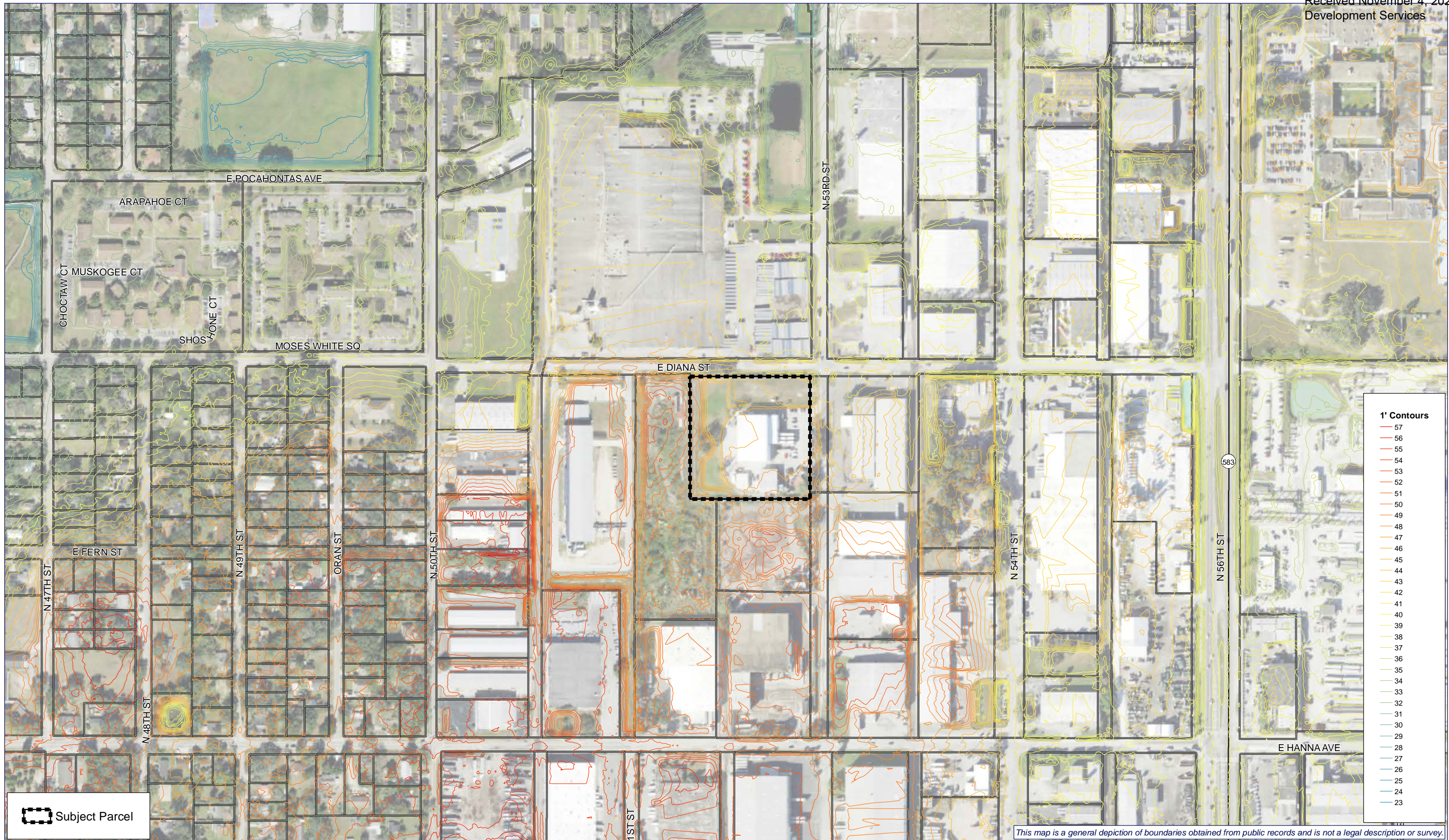
ATTENTION: *It is your responsibility to notify the Investigator when the violation(s) have been corrected or removed. If applying for After the Fact (ATF) permitting, you must obtain a copy of the ATF policy and required documents, available at any Building Services Division Office.*


Sincerely,

Travis Minnes
Executive Manager
Building Inspections/Code Compliance
p: 813-924-4838
e: MinnesT@hillsboroughcounty.org
w: <http://www.hillsboroughcounty.org>

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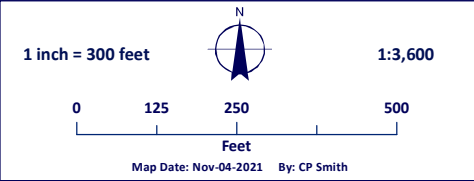
Attachment “C”



 Subject Parcel

This map is a general depiction of boundaries obtained from public records and is not a legal description or survey.

TITLE:
Topographic Map (1')



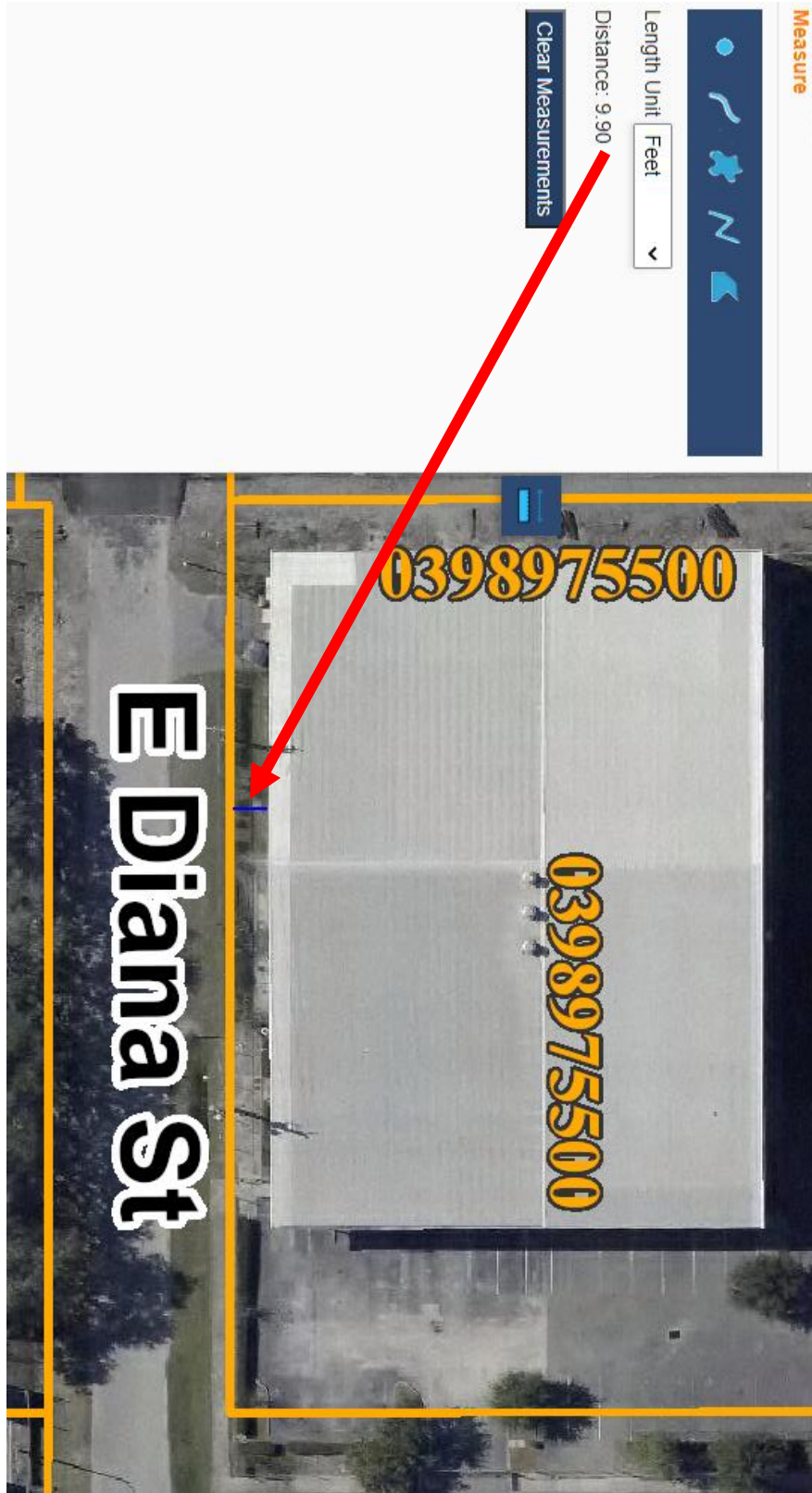
PROJECT:
Diana Street Partners, LLC
 Hillsborough County, Florida

STEARNS WEAVER MILLER

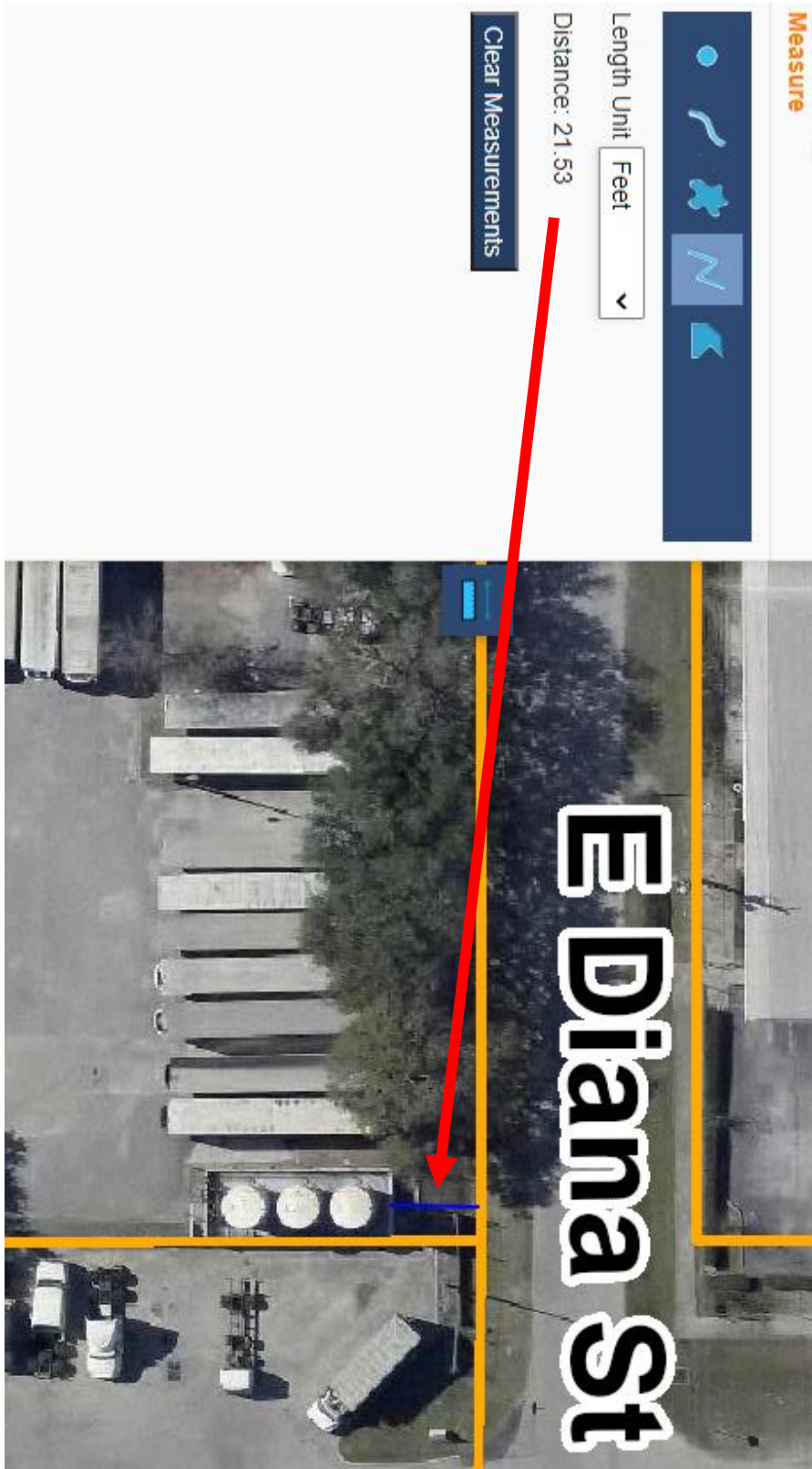
MIAMI | FORT LAUDERDALE | TAMPA | TALLAHASSEE | CORAL GABLES

22-0016

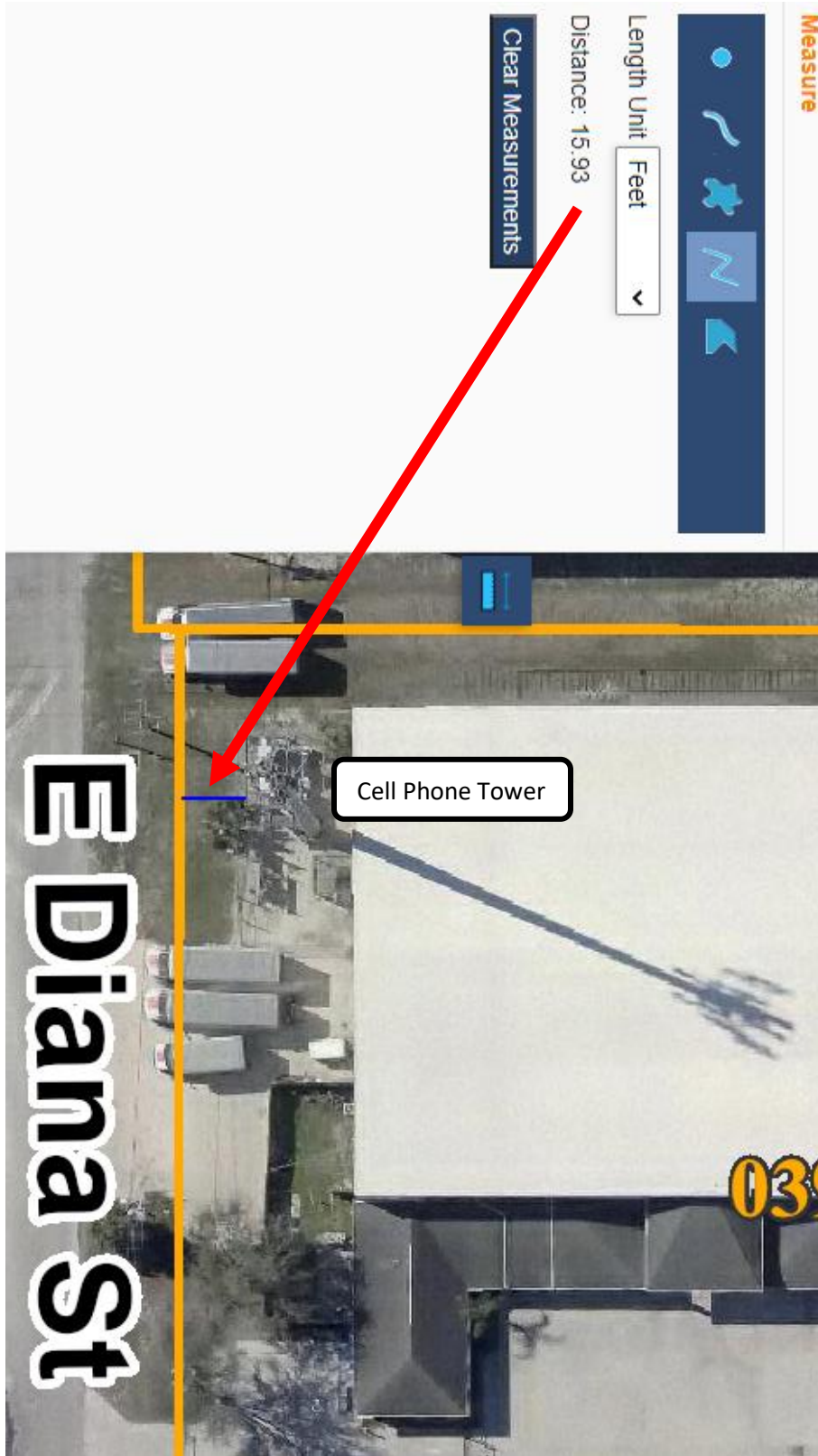
Attachment "D"



Attachment "D"



Attachment "D"





**Hillsborough
County Florida**
Development Services

601 E. Kennedy Blvd., 19th Floor | (813) 272 5600

Additional / Revised Information Sheet

Received November 4, 2021
Development Services

Date Stamp Here

Application Number: VAR 22-0016 Applicant's Name: Diana Street Partners, LLC

Reviewing Planner's Name: Israel Monsanto Date: November 4, 2021

Application Type:

- Planned Development (PD)
 Minor Modification/Personal Appearance (PRS)
 Standard Rezoning (RZ)
 Variance (VAR)
 Development of Regional Impact (DRI)
 Major Modification (MM)
 Special Use (SU)
 Conditional Use (CU)
 Other _____

Current Hearing Date (if applicable): _____

Will this revision add land to the project? Yes No

IMPORTANT: If "Yes" is checked on the above, a Revised Application Sheet, Property Information Sheet, Affidavit to Authorize Agent, and additional Deeds must be filed immediately to ensure proper noticing and sign posting requirements are met.

Will this revision remove land from the project? Yes No

The following must be attached to this Sheet.

- Cover Letter with summary of the changes and/or additional information provided. If a revised Site Plan is being submitted, all changes on the site plan must be listed in detail in the Cover Letter.
 An updated Project Narrative consistent with the changes or additional information provided, if applicable.

Submittal Via:

Email - Note that no follow up paper file is necessary. Files must be in pdf format and minimum resolution of 300 dpi. Maximum attachment(s) size is 15 MB.

Email this sheet along with all the additional/revised submittal items in pdf to: ZoningIntake-DSD@hcflgov.net

For additional help and submittal questions, please call (813) 277-1633 or email ZoningIntake-DSD@hcflgov.net.

I certify that changes described above are the only changes that have been made to the submission. Any further changes will require an additional submission and certification.

Suzanne J. Walker
Signature

November 4, 2021

Date

FOR OFFICE USE ONLY

- Notification E-Mail Sent Scanned into OPTIX
 Transmittal Completed

In-Take Completed by: _____

**EXHIBIT “A”
TO
VARIANCE APPLICATION**

**Owner/Applicant:
Diana Street Partners, LLC**

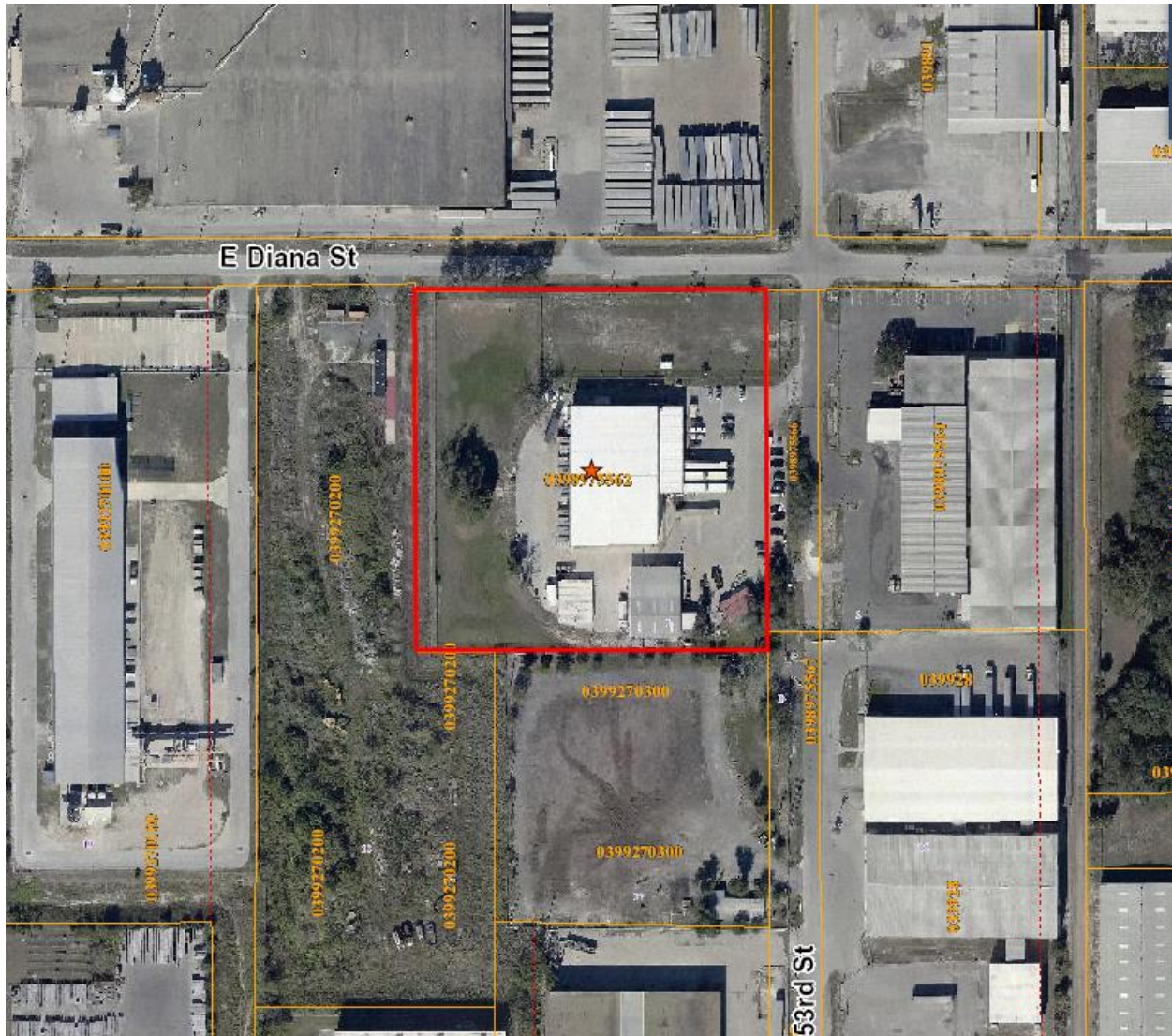
Submitted by:

**Kevin B. Reali, Authorized Agent
Stearns Weaver Miller
401 East Jackson Street, Suite 2100
Tampa, Florida 33602
(813) 223-4800**

Updated as of November 4, 2021

VARIANCE REQUEST

1. **Project Narrative:** The subject property is located in an industrial area of Hillsborough County (the "County") at 5251 E Diana Street; Folio No. 039897-5562 (the "Property") as shown below.



The Property is zoned Manufacturing ("M") with a Future Land Use Category of Light Industrial ("LI"). The Property is surrounded by manufacturing, industrial, and warehouse uses and is currently under development as a Priority Economic Development Project, as shown on **Attachment "A"** attached hereto, to add 24,000 square feet of infill industrial uses to an existing site (the "Project"). Construction on the Project began on May 15, 2021, based on approved site and building plans, Permit No. HC-BLD-21-0015216 (the "Approved Plans"). A stop work order was issued on September 30, 2021 as shown on **Attachment "B"** attached hereto, based on mechanical and electrical equipment being placed within the 30-foot setback. This variance request seeks to expand the placement of various mechanical and electrical equipment, with a maximum encroachment of approximately 13.5 feet, into the 30-foot setback along E Diana Street, as shown on the application site plan (the "Site Plan").

2. Request: A variance from Sec. 6.01.01 of the Hillsborough County Land Development Code (“LDC”) to allow mechanical and electrical equipment to encroach into the required 30-foot setback for property in the Manufacturing zoning category.

VARIANCE CRITERIA RESPONSE

Under the Hillsborough County LDC, “[a] variance may only be allowed by the Land Use Hearing Officer in cases involving practical difficulties or unnecessary hardship, when substantial evidence in the official record of the hearing supports specific findings.” LDC § 11.04.02.A.1 .Section 11.04.02(B) of the LDC requires that the LUHO make specific findings on the following six variance criteria in order to approve a variance request:

1. Explain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not those suffered in common with other property similarly located?

The first criteria for evaluating a variance is “[t]hat the alleged hardships or practical difficulties are unique and singular as regards the property of the person requesting the variance and are not those suffered in common with other property similarly located.” LDC § 11.04.02.B.1 (emphasis added). Thus, the LDC allows an applicant to prove either the “unnecessary hardship” or “practical difficulty” test. The “practical difficulty” test is less burdensome than the “unnecessary hardship” test. *Wawa, Inc. v. New Castle Cty. Bd. of Adjustment*, 929 A.2d 822, 831 (Del. Super. Ct. 2005); *Riker v. Sussex Cty. Bd. of Adjustment*, No. S14A-07-005 ESB, 2015 WL 648531, at *2 (Del. Super. Ct. Feb. 2, 2015). A practical difficulty exists when “the requested dimensional change is minimal and the harm to the applicant if the variance is denied will be greater than the probable effect on the neighboring properties if the variance is granted.” *Id.* at *2.

This request relates to the practical difficulty in re-designing a Heating Ventilation and Cooling (“HVAC”) system for the Project. The County approved building plans allowing the applicant to place the HVAC system in the 30-foot front yard setback. Construction of the Project began based on good-faith reliance on the Approved Plans, which show mechanical and electrical equipment within the 30-foot setback to E Diana Street. However, the County later issued a Stop Work Order when it realized the HVAC system was in the setback and required the applicant to apply for a variance in order to proceed with its development.

There are several unique characteristics of this Property that create a practical difficulty. First, the applicant does not have access to the Property through E Diana Street, the street that the Property fronts and that the HVAC system is placed along. Although E Diana Street is technically the front yard per the LDC, access is provided along the adjacent parcel to the east (Folio 039897.5566) through a platted, access easement. Consequently, the yard along E Diana Street is actually **functioning** as a side yard due to the lot’s orientation and access onto the parcel to the east. Because the surrounding uses are manufacturing, the side yard setback is 0’. This functionality is exasperated by the need for truck access. Given the nature of the uses in the area, all of the surrounding properties are designed to handle truck access. The Property is no different, with truck access through the platted easement. However, the Property is unique in that the front setback, which would normally be usable for access and truck maneuvering, is not located where the access to the Property actually exists. Literal interpretation of the LDC would, by default, require the Applicant to set aside area on the property twice, once for access and once for setback, where other property owners could use the setback for access.

The second practical difficulty is the stormwater pond along the west side of the Property. The pond is required due to state and county drainage and environmental regulations and constrains all development to the east side of the site—which in turn pushes the new building closer to the parcel to the east and E Diana Street. Due to environmental constraints unique to the property, the pond cannot be dug deeper than is already proposed to reduce the overall size of the pond. Specifically, the height of the property to the west, which is higher than the Property as shown on **Attachment “C”** attached hereto, combined with an inability to dig the pond deeper, requires that the pond be sloped such that it cannot be reduced in size. The required sloping also prevents placing the pond within the setback itself. The inability to move the pond eliminates space that could be used for the required setbacks. This constraint is obvious when considering the development potential of the site. The zoning and Future Land Use category both allow a Floor Area Ratio (a “FAR”) of 0.75, however even with the new building the Property will only realize a developed FAR of approximately one-third that amount. In addition, there are existing buildings to the south of the proposed building that push the proposed building to the north and east, eliminating space for a 30-foot setback. Therefore, the best, and only functional, location for the proposed building is the current location. Once the building is placed in this location, space for the HVAC equipment is similarly constrained and can only be placed in the setback.

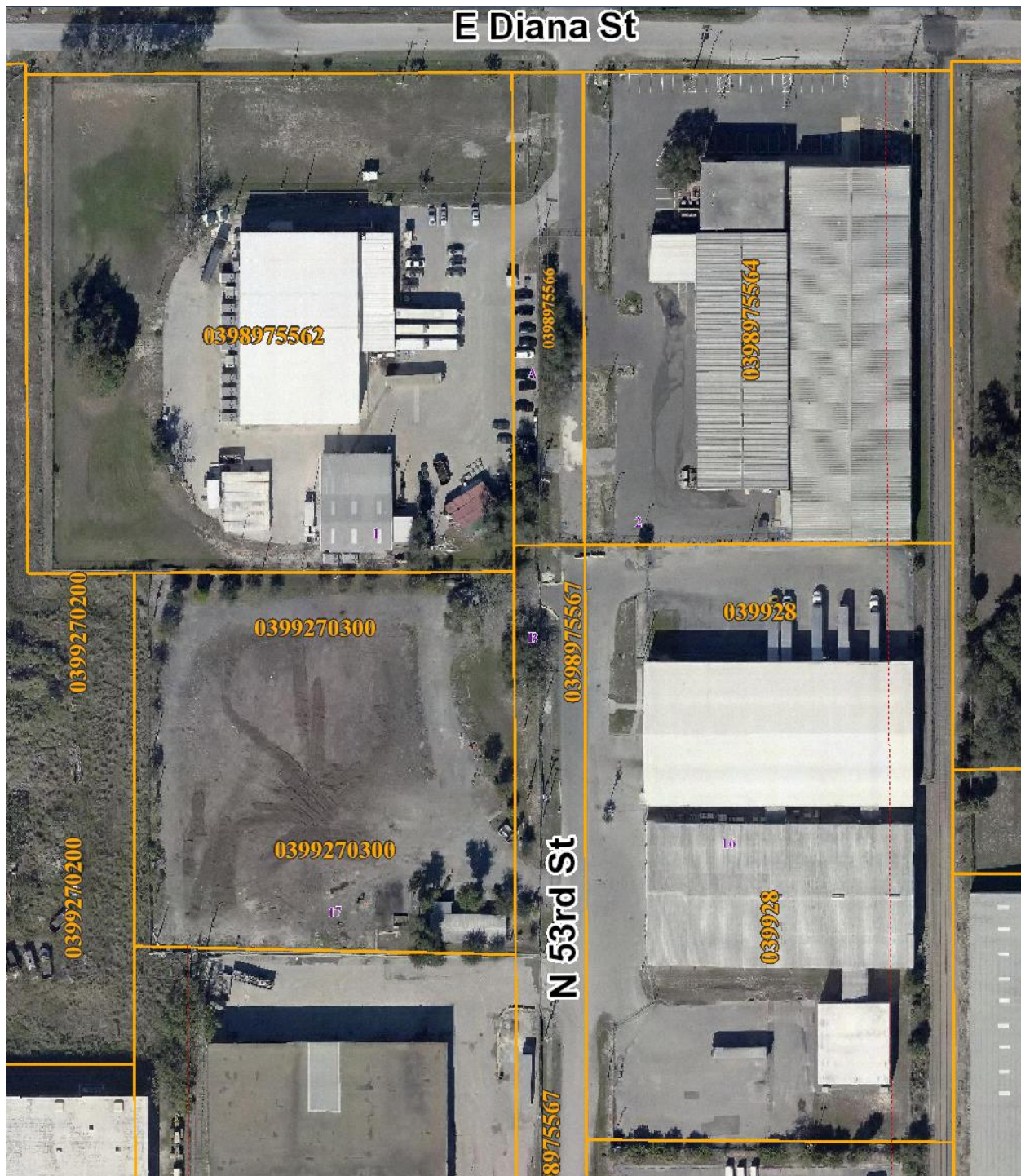
In all, the real practical difficulty is the combination of the issues discussed above. The issues together prevent alternative development options and still only allow a mere margin of the development potential of the site to be realized. Again, this encroachment into the front yard setback was approved by the County and construction, in reliance on the Approved Plans, has commenced. The reliance on the Approved Plans is unique to this Project because other similar properties/projects receive comment and feedback related to encroachments *prior* to commencing construction. Property similarly located would not be asked to remedy building plans after construction has begun. Further, the Project is designed such that the mechanical equipment cannot be located on the roof of the building, nor is it practical for the equipment to be moved to other locations on the Property because of limitations related to topography and other utility limitations.

The HVAC system cannot be re-designed to be placed on the roof of the Project and it is impracticable to relocate the equipment to another location due to site constraints. As described within the variance criteria below, the surrounding property owners would have little to no harm and the impact to the Applicant would be great. The best-case scenario for the Applicant, due to the significant HVAC needs of the proposed use, is an impact of approximately \$1,000,000, resulting from the Applicant operating under the Approved Plans, which greatly outweighs the minimal impact of locating HVAC equipment within the setback in a highly industrial area.

2. Describe how the literal requirements of the Land Development Code (LDC) would deprive you of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC.

Literal interpretation of the LDC would deprive the Applicant of the right to occupy and utilize the Property for a permitted use because of the unique constraints of the Property and street frontage. Even though E Diana Street is the frontage of the Property, access to the Property is actually along the east side through a platted, access that is not a right-of-way. Therefore, the yard along E Diana Street is actually **functioning** as a side yard. As discussed above, the side yard setback would be 0’ because the Property is surrounded by similar manufacturing uses. The LDC does not contemplate the unique situation where a front yard is

functioning as a side yard because of a platted access that mimics the existing street grid. Even the Property Appraiser system identifies the platted access as "N 53rd Street" as shown below.



3. Explain how the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.

Adjacent property owners will not be impacted by the request. First, the building footprint of the Project adheres to the setback requirements of the LDC; the variance request relates only to mechanical and electrical support equipment. Thus, the encroachment request is minimal in scale. The scale of the mechanical equipment is minimal when compared to the building it will sit beside. Furthermore, to mitigate any perceived visual or aesthetic impacts, the applicant has agreed to construct an opaque fence along a portion of E Diana Street to block the view of the HVAC system from surrounding property owners in accordance with LDC § 6.06.06(C)(9). There are no sound impacts from the HVAC equipment and we have support from nearby property owners.

Second, the Property is in a wholly industrial area. The closest residential property is almost 1000 feet away with several other industrial users located between the Property and those residential uses. Encroachment into the setback will not reduce the buffering to any use not compatible with the Project. Further, there are several structures within 30 feet of E Diana Street, as exemplified on **Attachment "D"** attached hereto. Those structures are either legal-nonconforming encroachments or side yards, which according Sec. 6.06.06 of the LDC have no buffer or screening requirements.

When taken together, the Property is surrounded by compatible industrial uses and located a great distance from incompatible uses such that the variance request will have little to no impact on surrounding property owners. This minimal impact is exemplified by comparing the request to Sec. 6.06.06 of the LDC, which would not require any screening, setback or buffer had the Property fronted N 53rd Street rather than E Diana Street. Overall, the scale of this variance request is reduced by considering that it is not for the *entire* setback, it is only being requested for a defined number of specific pieces of equipment as shown on the site plan.

4. Explain how the variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan (refer to Section 1.02.02 and 1.02.03 of the LDC for description of intent/purpose).

The intent of the Comprehensive Plan will be met because granting this variance request would promote (i) infill development, (ii) that creates jobs, (iii) in an area where the surrounding uses are compatible. Setbacks were created to separate incompatible land uses and enhance visibility and navigability for ingress and egress. A setback is defined as "The physical distance which serves to minimize the effects of development activity or the secondary impacts of development on an adjacent property, structure or natural resource, and within which it may be necessary to restrict activities." LDC § 12.01.00.

Here, all of the surrounding land uses are manufacturing-related so strict adherence to the setback requirements will not fulfill the purpose of separating incompatible land uses. In addition, access to the Property is along the parcel to the east so there is no ingress or egress issue along E Diana Street that would require the 30-foot setback. Furthermore, the applicant has proposed an opaque fence to screen the equipment in order to mitigate any perceived impact.

Section 1.02.02 of the LDC provides that the purpose of the LDC is:

. . . to establish the standards, regulations and procedures for review and approval of all proposed development of property in unincorporated Hillsborough County, and to provide a development review process that will be comprehensive, consistent, and efficient in the implementation of the goals, objectives, and policies of the Future of Hillsborough Comprehensive Plan.

In this situation, the County approved building plans with the HVAC system in the 30-foot setback. Therefore, granting this variance would be consistent with the intent and purpose of the LDC because it will provide for a more consistent and efficient implementation of the LDC and Comprehensive Plan. This will ensure consistency for applicants who rely on the development review process and will avoid destruction and redesign of a recently completed development due to the County's oversight.

Section 1.02.03 of the LDC provides that the intent of the LDC is:

In order to foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, and progressive development of the unincorporated areas of Hillsborough County, it is the intent of this Code that the development process in Hillsborough County be efficient, in terms of time and expense; effective, in terms of addressing the natural resource and public facility implications of proposed development; and equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and consideration of the interests of the citizens of Hillsborough County.

The Board of County Commissioners deems it to be in the best public interest for all development to be conceived, designed, and built in accordance with good planning and design practices and the minimum standards set forth in this Code.

The approval would be (i) "efficient, in terms of time and expense" by not causing the development process to be undone and redone; (ii) have no impact on natural resource and public facilities, (iii) be equitable based on the Applicant's reliance on the County's construction approval process; and (iv) have little to no impact on other citizens of the County.

5. Explain how the situation sought to be relieved by the variance does not result from an illegal act or result from the actions of the applicant, resulting in a self-imposed hardship.

The Applicant took no illegal action; rather the Applicant followed the County's prescribed construction steps and received the Approved Plans in the ordinary course. In reliance on those approvals, the Applicant started construction with a Hillsborough County permit showing mechanical and electrical equipment in the front setback. The Applicant's reliance on the County's approval is not a self-imposed hardship because the Applicant was acting in accordance with building plans approved by the County. The County approved the plans, the Applicant relied upon them, the Applicant started construction, and then the County realized it made an error and required the Applicant to apply for this variance in order to proceed.

Furthermore, the applicant did not cause the situation that this Property has a front yard that *functions* as a side yard because the Property fronts on a road that was created by plat. The Property was purchased well after platting.

6. Explain how allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant a variance.

The approval of this variance request would result in substantial justice being done because it would (i) allow for completion of a Project that was already approved by the County and construction has already

commenced; (ii) allow an infill project that will create jobs in a compatible area, all of which comes with a public benefit; (iii) avoid substantial waste on the part of the County and the Applicant, which comes with public benefit, and (iv) have little to no negative impact to neighboring property owners or the citizens of the County at large.

The hardship that the Applicant would bear is estimated at approximately \$1,000,000 without consideration of delay. The delay is not measurable at this time, but can be expected to also carry great cost. The requested encroachment, *only for mechanical and electrical equipment*, is a minimal impact. The harm to the Applicant if the variance is denied will be greater than the probable effect on the neighboring properties if the variance is granted, which satisfies the practical difficulty standard described in *Wawa, Inc. v. New Castle Cty. Bd. of Adjustment*, 929 A.2d 822, 831 (Del. Super. Ct. 2005).

Even more importantly, an additional hardship to the applicant would be that the applicant would be allowed to construct an additional building on its property, but not allowed to place essential equipment adjacent to it that is necessary for the building to be usable. The right to build on a property carries with it the right to use the property in a reasonable manner.

This point is emphasized by the fact that the property is allowed to be developed at an intensity of 0.75 FAR, but with the new building, the applicant is only developing the property at an intensity of approximately 0.26. That is, all the constraints on the property only allow the property to be developed at 35% of its maximum intensity—and that percentage would be greatly reduced if this variance is not approved.

Attachment "A"



**Hillsborough
County Florida**

ECONOMIC DEVELOPMENT

PO Box 1110 Tampa, FL 33601-1110
(813) 272-7232 | Fax: (813) 276-2638

TO: Adam Gormly, Director
Development Services

FROM: Lindsey Kimball, Director
Economic Development

DATE: August 5, 2020

SUBJECT: Expedited Priority Economic Development Project
Knox Medical (Folio: 039897-5562)

**BOARD OF COUNTY
COMMISSIONERS**
Ken Hagan
Pat Kemp
Lesley "Les" Miller, Jr.
Sandra L. Murman
Kimberly Overman
Mariella Smith
Stacy R. White

COUNTY ADMINISTRATOR
Michael S. Merrill

COUNTY ATTORNEY
Christine M. Beck

INTERNAL AUDITOR
Peggy Caskey

The Economic Development Department (EDD) has determined that the Knox Medical project Folio: 039897-5562, site plan attached as Exhibit A, which is located at 5251 East Diana Street, Hillsborough County, Florida 33610 is a Priority Economic Development Project (PED), meets the expedited permit timeframe eligibility requirements for Economic Development Projects pursuant to Sec. 4.1.5.1.2 Hillsborough County Land Development Code.

Please initiate site intake color identification of project by folio number and development number provided and advise Eric Lindstrom, Competitive Sites and Redevelopment Manager and Jonah Katz, Senior Competitive Sites Analyst of any submittals received, or any review meetings scheduled for this project.

This authorization is granted contingent on the applicant satisfying the following conditions throughout the process:

- 1) The applicant shall follow the EDD Expedited Permitting Program attached as Exhibit B, as applicable;
- 2) The applicant's project plans shall be 80 percent complete (minimum) and a copy of said plans provided to EDD prior to the pre-submittal meeting, if applicable;
- 3) After review and approval by EDD, the applicant shall schedule a Development Services Department (DSD) Pre-submittal meeting for review of the EDD PED project plans and requirements, if applicable;
- 4) The applicant shall ensure key design-build principals and the Engineer of Record is present at the DSD pre-submittal meeting, if applicable;
- 5) The applicant shall not to use County staff for quality control;

HCFLGOV.NET

Attachment "A"

Page 2

- 6) The applicant shall identify on-site representatives who will be responsive to requests, questions or comments from the County staff;
- 7) The applicant shall include the EDD PED designation memorandum on all project plan submittals and re-submittals to the EPC and DSD; and
- 8) The applicant will keep EDD and DSD apprised of the status of all steps referenced above through the review process.

If you have any questions or concerns, please feel free to contact me or Eric Lindstrom, Competitive Sites and Redevelopment Manager at lindstrome@hillsboroughcounty.org or Jonah Katz, Senior Coordinator, Competitive Sites Analyst at KatzJ@hillsboroughcounty.org

Attachments: Exhibit A and B

Cc: Richard Cabrera, Acting Division Director, Development Services
Lee Ann Kennedy, General Manager, Development Services
Mike Thompson, EPC
Bill Rain, Member, Diana Street Partners, LLC
Jim Doyle, Principal, Hemingway Development
Eric Lindstrom, Economic Development
Jonah Katz, Economic Development
Jaksa Petrovic, Economic Development
Evan Cook, Economic Development

Attachment "B"



**Hillsborough
County Florida**
DEVELOPMENT SERVICES
PO Box 1110, Tampa, FL 33601-1110
(813) 272-5600

**BOARD OF COUNTY
COMMISSIONERS**
Harry Cohen
Ken Hagan
Pat Kemp
Gwendolyn "Gwen" Myers
Kimberly Overman
Mariella Smith
Stacy R. White
COUNTY ADMINISTRATOR
Bonnie M. Wise
COUNTY ATTORNEY
Christine M. Beck
INTERNAL AUDITOR
Peggy Caskey

DEPUTY COUNTY ADMINISTRATOR
Gregory S. Horwedel

09/30/2021

Joseph Gray
CGC1509546
Final Touch Development Corp
3220 Pleasant Lake Dr.
Tampa, FL 33618

Re: Permit No. HC-BLD-21-0015216
5251 Diana St.
Tampa, FL 33610

Dear Joseph Gray,

A Notice of Violation/Stop Work Order is being issued to you for failing to complete work per the approved construction documents at the referenced address. This is in violation of the Florida Building Code Section 107.4 Work shall be installed in accordance with the approved construction documents. This Notice of Violation/Stop Work Order is to cease and desist all work in the 30 feet set back between the building and East Diana St.

If no corrective action or appeal has been made within thirty (30) working days from the date of this letter (by November 15, 2021), this department will exercise its right to pursue the suspension/revocation of the license holder's ability to have permits issued in Hillsborough County through the Building Board of Adjustments, Appeals and Examiners. Surrounding cities and the DBPR will be notified of any actions taken.

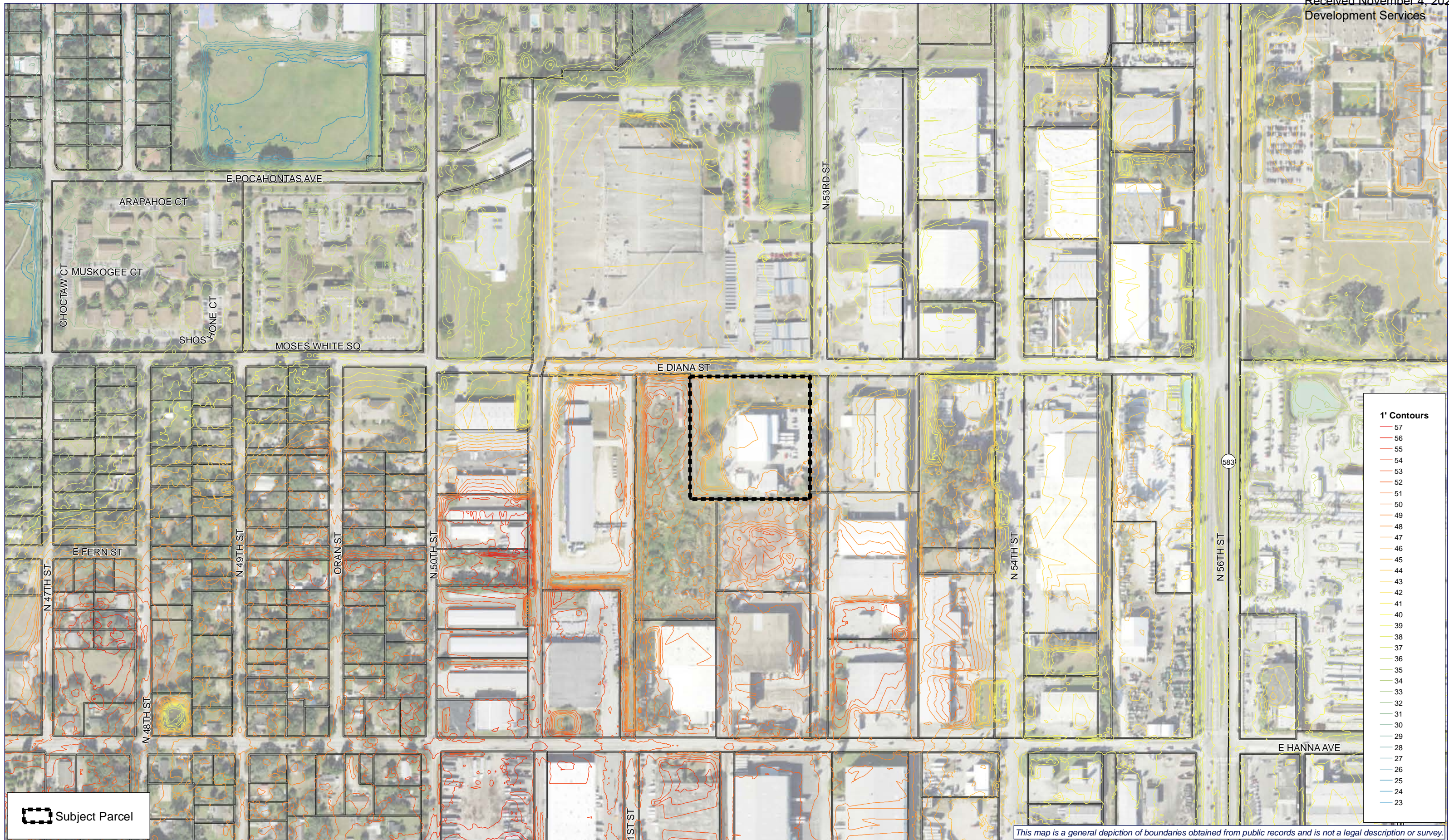
ATTENTION: *It is your responsibility to notify the Investigator when the violation(s) have been corrected or removed. If applying for After the Fact (ATF) permitting, you must obtain a copy of the ATF policy and required documents, available at any Building Services Division Office.*


Sincerely,

Travis Minnes
Executive Manager
Building Inspections/Code Compliance
p: 813-924-4838
e: MinnesT@hillsboroughcounty.org
w: <http://www.hillsboroughcounty.org>

HCFLGOV.NET

Attachment “C”

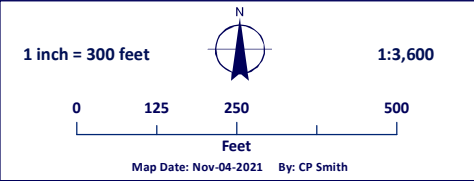


 Subject Parcel

This map is a general depiction of boundaries obtained from public records and is not a legal description or survey.

TITLE:

Topographic Map (1')



PROJECT:

Diana Street Partners, LLC

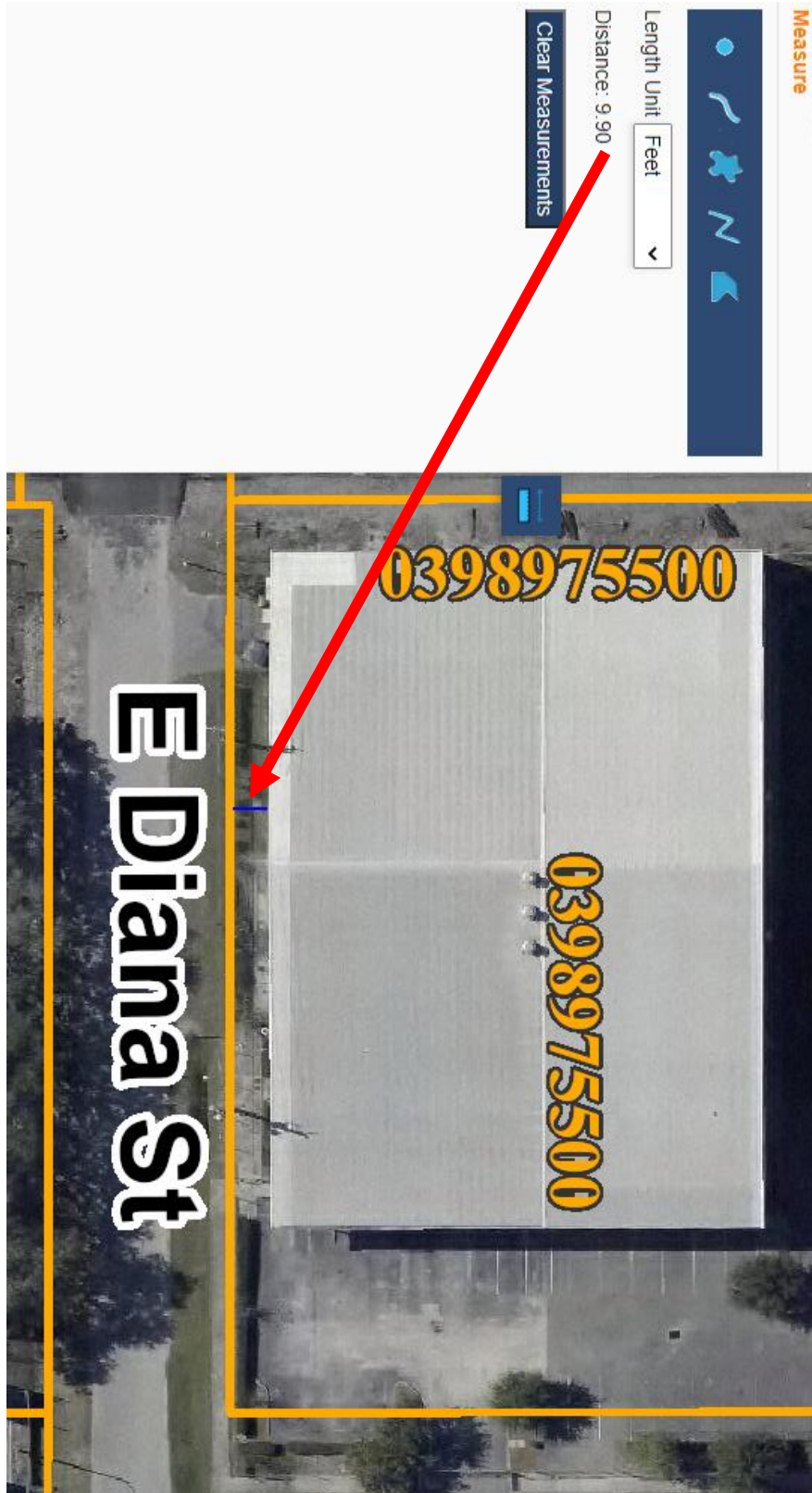
Hillsborough County, Florida

STEARNS WEAVER MILLER

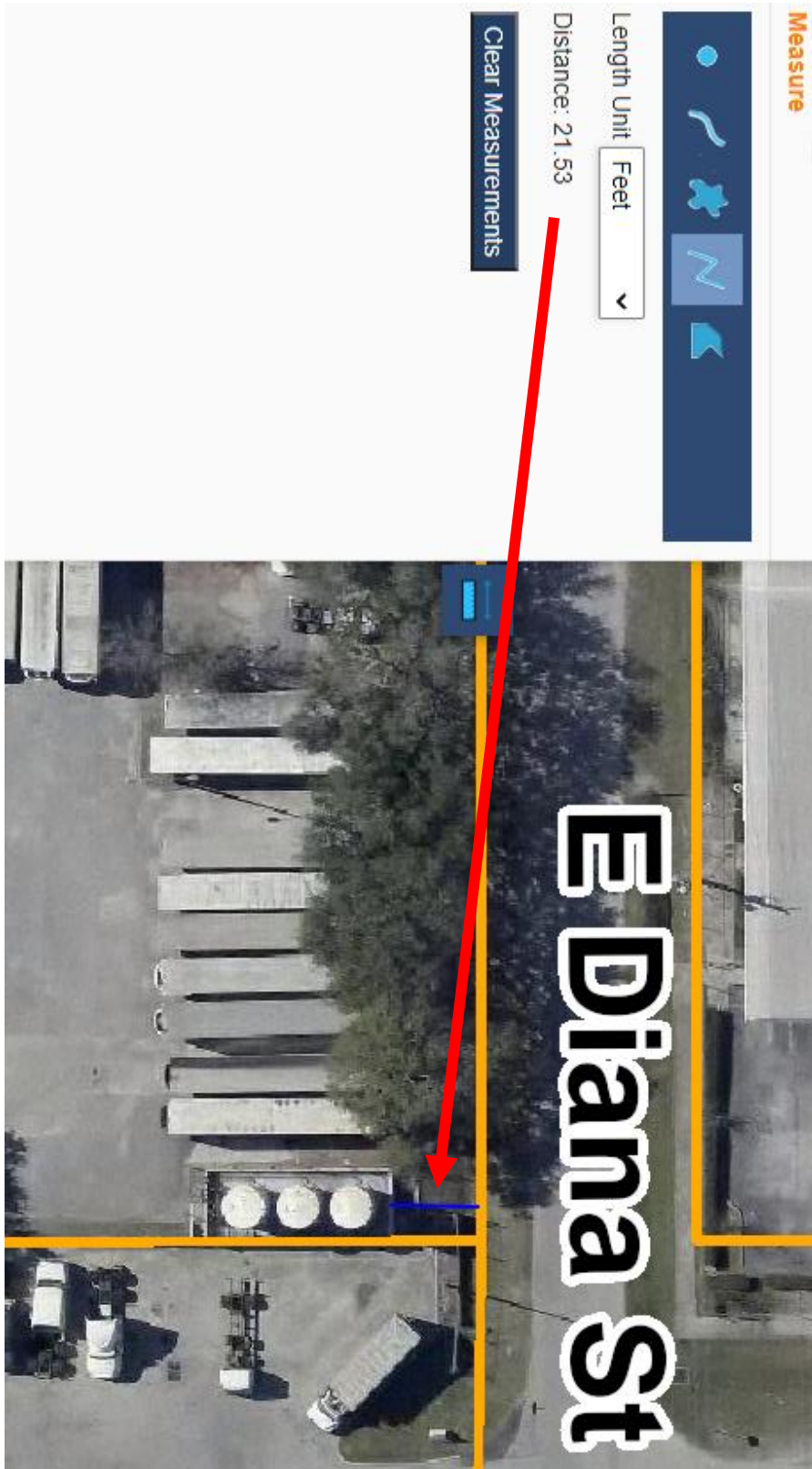
MIAMI | FORT LAUDERDALE | TAMPA | TALLAHASSEE | CORAL GABLES

22-0016

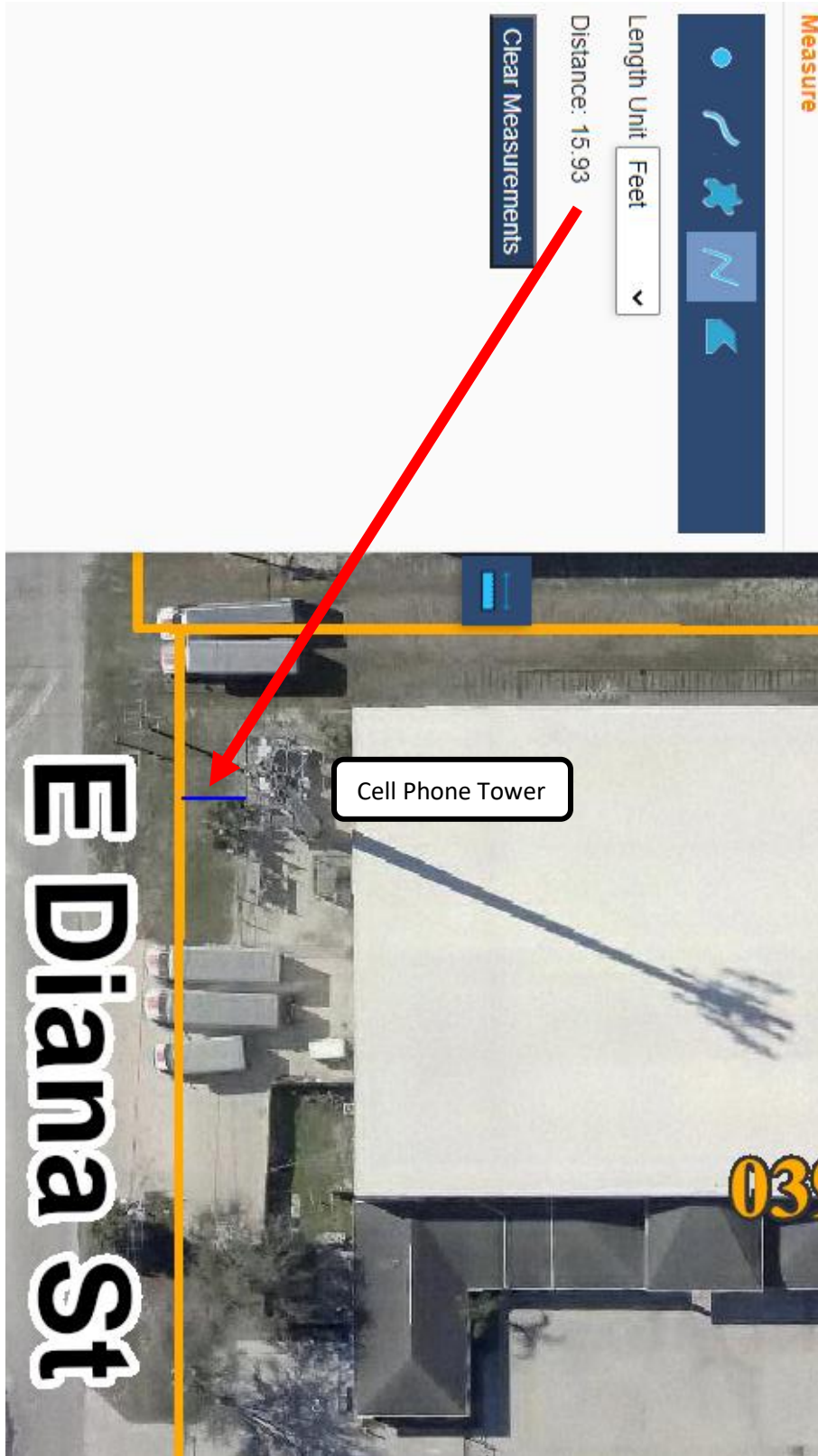
Attachment "D"



Attachment "D"



Attachment "D"



RETURN TO: 108703
First American Title Ins. Co.
Skylight Office Tower
1660 W Second Street, Suite 700
Cleveland, OH 44113

This instrument prepared by and return to:

File No.: 3429-0500
Patrick M. O'Connor, Esq.
O'CONNOR LAW FIRM
2240 Belleair Road, Suite 115
Clearwater, FL 33764
(727) 539-6800
Fla. Bar #622427

Parcel ID No.: U-34-28-19-9LK-000000-000010

SPECIAL WARRANTY DEED

This SPECIAL WARRANTY DEED is made and entered into this 27 day of March, 2015, by and between 5301 DIANA, LLC, a Florida limited liability company, whose address is 1250 S. Belcher Road, Suite 160, Largo, FL 33771-5207, hereinafter called the "Grantor", to Diana Street Partners, LLC, an Ohio limited liability company, whose address is 10020 Hudson-Aurora Road, Streetsboro, Ohio 44241, hereinafter called the "Grantee".

WITNESSETH:

The Grantor, for and in consideration of the sum of Ten and No/100ths Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, its successors and assigns, all that certain land situated in Hillsborough County, Florida, to-wit:

PARCEL 1:
LOT 1, DIANA COMMERCIAL, A SUBDIVISION ACCORDING TO THE PLAT THEREOF
RECORDED IN PLAT BOOK 117, PAGES 26 AND 27, OF THE PUBLIC RECORDS OF
HILLSBOROUGH COUNTY, FLORIDA.

PARCEL 2:
BASEMENT RIGHTS FOR THE BENEFIT OF PARCEL 1 AS CREATED IN THAT CERTAIN
PLAT OF DIANA COMMERCIAL, RECORDED IN PLAT BOOK 117, PAGES 26 AND 27,
OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

SUBJECT PROPERTY IS COMMERCIAL PROPERTY.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the Grantor hereby covenants with the Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; and that said land is free of all liens and encumbrances except for taxes and assessments for 2015 and subsequent years; and that it hereby warrants the title to the Subject Property and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed the day and year first above written.

Signed, sealed and delivered in the presence of:

WITNESSES:

[Signature]
Print Name: RICHARD REED

"GRANTOR"

By: [Signature] Margy Partners, as authorized agent of 5301 DIANA, LLC

[Signature]
Print Name: [Signature]

STATE OF FLORIDA
COUNTY OF Orange

The foregoing instrument was subscribed before me this 27 day of March, 2015, by Donald E Shaver, as authorized agent of 5301 DIANA, LLC, who is personally known to me, who produced a Florida Drivers License, or who has produced _____ as identification and who did take an oath.

[Signature]
(Signature of Person Taking Acknowledgment)

Elizabeth Szymanski
(Name of Acknowledger Typed, Printed, or Stamped)

(SEAL)





Received
10/04/2021
Development Services

VARIANCE APPLICATION

IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:

You must schedule an appointment to submit this application by calling 813-272-5600.
All requirements listed on the submittal checklist must be met. **Incomplete applications will not be accepted.**

Property Information

Address: 5251 East Diana Street City/State/Zip: Tampa, Florida 33610 TWN-RN-SEC: 28-19-34
Folio(s): 039897.5562 Zoning: M Future Land Use: LI Property Size: 87,468 sq ft.

Property Owner Information

Name: Diana Street Partners, LLC Daytime Phone: _____
Address: 10020 Aurora Hudson Road City/State/Zip: Streetsboro, Ohio 44241-1621
Email: _____ FAX Number: _____

Applicant Information

Name: Diana Street Partners, LLC Daytime Phone: _____
Address: 10020 Aurora Hudson Road City/State/Zip: Streetsboro, Ohio 44241-1621
Email: _____ FAX Number: _____

Applicant's Representative (if different than above)

Name: Kevin B. Reali, Esq. c/o Stearns Weaver Miller Daytime Phone: 813-223-4800
Address: 401 E. Jackson Street, Suite 2100 City / State/Zip: Tampa, Florida 33602
Email: kreali@stearnsweaver.com (swalker@stearnsweaver.com) FAX Number: 813-222-5089

I HEREBY SWEAR OR AFFIRM THAT ALL THE INFORMATION PROVIDED IN THIS APPLICATION PACKET IS TRUE AND ACCURATE, TO THE BEST OF MY KNOWLEDGE, AND AUTHORIZE THE REPRESENTATIVE LISTED ABOVE TO ACT ON MY BEHALF FOR THIS APPLICATION.

[Signature]
Signature of Applicant
Kevin Reali
Type or Print Name

I HEREBY AUTHORIZE THE PROCESSING OF THIS APPLICATION AND RECOGNIZE THAT THE FINAL ACTION ON THIS PETITION SHALL BE BINDING TO THE PROPERTY AS WELL AS TO CURRENT AND ANY FUTURE OWNERS.

[Signature]
Signature of Property Owner
Kevin Reali
Type or Print Name

Ana Lizardo

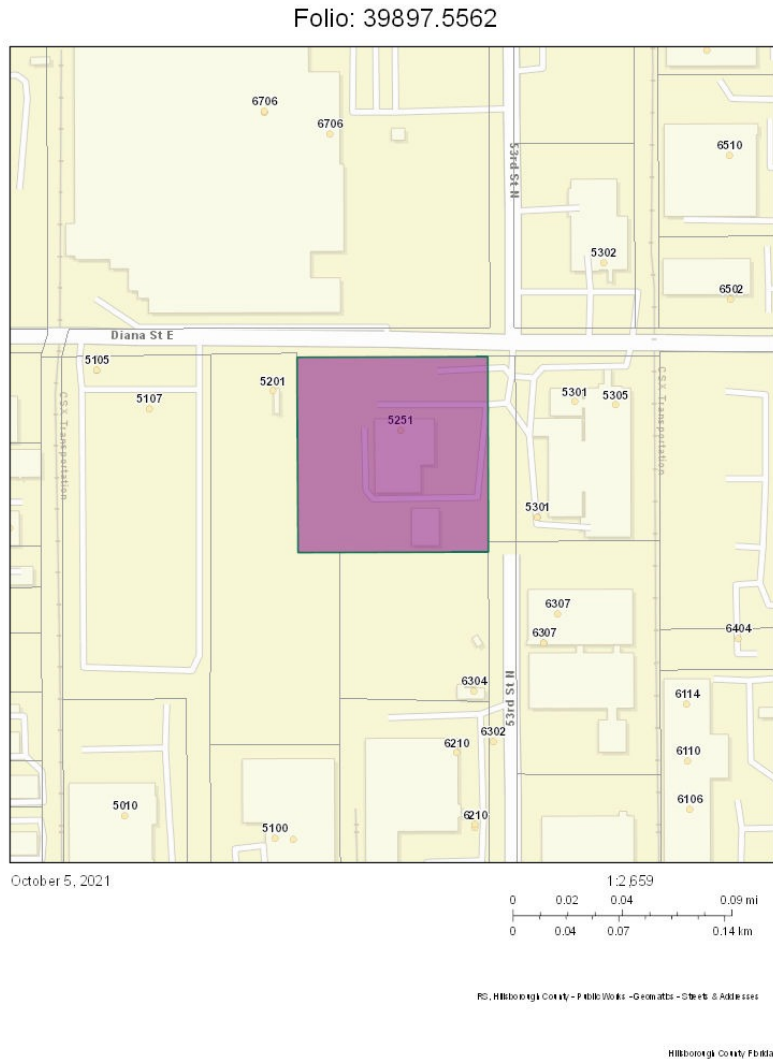
Office Use Only

Intake Staff Signature: _____ Intake Date: 10/04/21
Case Number: 22-0016 Public Hearing Date: 11/15/2021
Receipt Number: _____



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Commercial/Office/Industr
Zoning	M
Description	Manufacturing
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0219H
FIRM Panel	12057C0219H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201150005E
County Wide Planning Area	East Lake Orient Park
Community Base Planning Area	East Lake Orient Park
Census Data	Tract: 010502 Block: 2018
Future Landuse	LI
Urban Service Area	TSA
Waste Water Interlocal	City of Tampa Waste Water
Water Interlocal	City of Tampa Water
Mobility Assessment District	Urban
Mobility Benefit District	2
Fire Impact Fee	Northeast
Parks/Schools Impact Fee	NORTHEAST
ROW/Transportation Impact Fee	ZONE 4
Wind Borne Debris Area	140 MPH Area
Aviation Authority Height Restrictions	170' AMSL
Competitive Sites	NO
Redevelopment Area	56th Street Redevelopment Area



Folio: 39897.5562
PIN: U-34-28-19-9LK-000000-00001.0
DIANA STREET PARTNERS LLC
Mailing Address:
 10020 AURORA HUDSON RD
 STREETSBORO, OH 44241-1621
Site Address:
 5251 E DIANA ST
 TAMPA, FL 33610
SEC-TWN-RNG: 34-28-19
Acreage: 4.00800991
Market Value: \$1,991,142.00
Landuse Code: 5100 AGRICULTURAL

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