COLUMBUS

Council Variance Application

DEPARTMENT OF BUILDING AND ZONING SERVICES

757 Carolyn Avenue, Columbus, Ohio 43224 Phone: 614-645-7433 • www.bzs.columbus.gov

OFFICE USE ONLY	Application Number: 015-043	Date Received:	30/15
	Application Accepted by:	Fee: \$ 1000	,
	Comments: Assigned to ElizaThri	1sh, 645-1341, ecthrush	1 Columbus
A 10 20 A	TION AND ZONING REQUEST:		
Certifie	d Address (for zoning purposes only): 154 E. 5th Avenue		Zip:_43201
If the s adopti Parcel N	application being annexed into the City of Columbus? Select on the ite is currently pending annexation, Applicant must fon of the annexation petition. Number for CertifiedAddress: 010-037298	show documentation of County Commi	ssioner's
	eck here if listing additional parcel numbers on a sep		
	Zoning District(s): R-4, Residential and C-4, Commer		
Propose	ommission or Civic Association: <u>University Area Commiss</u> ed Use or reason for Councial Variance request: Exhibit B	ion	
Acreage	e: _0.508+/- (22,130 sf)		
APPL	ICANT:		
Name:	Victorian Heritage Homes LLC c/o Donald Plank	Phone Number: (614) 947-8600	Ext.:
Address	s: Plank Law Firm, 145 E. Rich Street, FL 3	_City/State: <u>Columbus</u> , OH	Zip: 43215
Email A	address: dplank@planklaw.com	Fax Number: (614) 228-1790	
PROP	ERTY OWNER(S) Check here if listing additional pa	roperty owners on a separate page	
Name:	Victorian Heritage Homes LLC c/o Donald Plank	Phone Number: (614) 947-8600	Ext.:
Address	s: Plank Law Firm, 145 E. Rich Street, FL 3	_City/State: <u>Columbus, OH</u>	Zip: 43215
Email A	address: dplank@planklaw.com	Fax Number: (614) 228-1790	
ATTOR	RNEY / AGENT (Check one if applicable): X Attorney	Agent	
Name:	Donald Plank	Phone Number: <u>(614) 947-8600</u>	Ext.:
Address	s: Plank Law Firm, 145 E. Rich Street, FL 3	_City/State: <u>Columbus, OH</u>	Zip: 43215
Email A	ddress: dplank@planklaw.com	Fax Number: (614) 228-1790	j
SIGNA	TURES (All signatures must be provided and signed in blue i	nk)	
APPLIC	CANT SIGNATURE / Dealer /	after	U
PROPE	RTY OWNER SIGNATURE	Tenk, an	Herrey_
	NEY) AGENT SIGNATURE	- Cerch	1
City staf	ature attests to the fact that the attached application package is comp f review of this application is dependent upon the accuracy of the info I by me/my firm/etc. may delay the review of this application.		



DEPARTMENT OF BUILDING

Council Variance Application

757 Carolyn Avenue, Columbus, Ohio 43224 Phone: 614-645-7433 • www.bzs.columbus.gov

STATEMENT OF HARDSHIP

Chapter 3307 of the Columbus Zoning Code

Section 3307.10 Variances by City Council

- A. Permit a variance in the yard, height, or parking requirements of any district only in conjuction with a change in zoning or a use variance and only where there are unusual and practical difficulties or unusual hardships in the carrying out of the zoning district provisions due to an irregular shape of lot, topography, or other conditions, providing such variance will not seriously affect any adjoining property or the general welfare.
- B. Permit a use of the property not permitted by the Zoning District established on the property if such use will not adversely affect the surrounding property or surrounding neighborhood and if Council is satisfied that the granting of such variance will alleviate some hardship or difficulty which warrants a variance from the Comprehensive Plan.

Before authorizing any variance from the Zoning Code in a specific case, City Council shall first determine that such variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus.

In granting a variance pursuant to this section, Council may impose such requirements and conditions regarding the location, character, duration, and other features of the variance proposal as Council deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.

I have read the foregoing and believe my application for relief from the requirements of the Zoning Code

ontains the necessary hardship, will not adversely he variance requested as detailed below:	affect surrounding property	owners and will comply with
See Exhibit B		
ignature of Applicant Dmulel	Hank	Date 6/1/15

Statement of Hardship CV15-____ E 5th Avenue Columbus OH 43

154 E 5th Avenue, Columbus, OH 43201

The property (PID: 010-037298) is located at the northwest corner of E 5th Avenue and Hamlet Street. The 23,130 SF parcel is zoned R-4, Residential and is developed with a two (2) family dwelling and a 15 dwelling unit building, both on the same parcel. The buildings and building arrangement pre-date the R-4 zoning (Z79-106) and pre-dates Columbus establishing zoning (1928). The use of the property with two (2) buildings totaling 17 dwellings on one parcel is non-conforming and site development doesn't comply with various development standards of the Zoning Code as itemized. Due to the non-conforming use and non-conformity to development standards, applicant seeks to conform the property/buildings in the R-4 district to applicable sections of the Zoning Code. The City of Columbus "Statement of Hardship" form, to which this narrative/explanation is a supplement, is hereby incorporated by reference. Applicant has a hardship and practical difficulty with compliance with the referenced code sections because there is no zoning district to which the property could be rezoned to conform the property to current use and applicable standards, non-compliance is not due to any action of applicant and applicant's lender requires conformance.

Variances are requested as follows:

- 1. 3312.49, Minimum Number of Parking Spaces Required, to reduce code required parking from 26 spaces (17 DU @ 1.5 spaces) to 13 spaces.
- 2. 3321.05(B)(2), Vision Clearance, to reduce the 30 foot clear vision triangle at the intersection of E 5th Avenue and Hamlet Street to 9' x 9'.
- 3. 3332.039, R-4 Residential District, to permit a two (2) family dwelling and a 15 dwelling unit building, total of 17 dwelling units, on a single parcel.
- 4. 3332.15, R-4 Area District Requirements, to permit a two (2) family dwelling and a 15 dwelling unit building, total of 17 dwelling units, on a 22,130 SF parcel (1,300 SF lot area/DU) rather than on separate lots with 2,500 SF of lot area per unit.
- 3332.21, Building Lines, to reduce building setback lines on E 5th Avenue and Hamlet Street from 60 feet and 25 feet to 21 feet and 0 feet. Respectively.
- 6. 3332.25, Maximum Side Yards Required, to reduce the maximum side yard from 16 feet to 0 feet for the E 5th Avenue building.
- 7. 3332.26, Minimum Side Yard Permitted, to reduce the minimum 5 foot side yard to 0' for the west side yard of the East 5th Avenue building and to 0.75 feet for the north side yard of the Hamlet Street building.
- 8. 3372.541, Landscaped Area and Treatment, to reduce landscaped area behind the most rear portion of the buildings from 10% of lot area to 0%.
- 9. 3372.542, Maximum Lot Coverage, to increase permitted lot coverage from 25% to 42%.
- 10. 3372.543, Building Lines, to increase the E 5th Avenue building setback from 5' to 21'.
- 11. 3372.544, Maximum Floor Area, to increase the permitted floor area from 0.40 to 1.2.

06-01-2015

Legal Description CV15 -154 E 5th Avenue

Situated in the County of Franklin, in the State of Ohio, and in the City of Columbus:

Being Lots Numbered Thirty (30), Thirty-one (31), Thirty-two (32), Thirty-three (33), Thirty-four (34), Thirty-five (35) and Thirty-six (36), RIDDLE'S SECOND SUBDIVISON of Lots Numbered One (1), Nineteen (19), Twenty (20) and Twenty-one (21) of John Hyer's Amended Subdivision of Lot Number Six (6) of Stevenson Heir's Subdivision of the Fourth Quarter of Township Number 1, Range 18, U.S. Military Lands, as said lots are numbered and delineated upon the recorded plat of said subdivision, of record in Plat Book 7, page 164, Recorder's Office, Franklin County, Ohio, EXCEPT .85 feet off the West Side of said Lot Number Thirty (30).



COLUMBÚS

Council Variance Application

DEPARTMENT OF BUILDING AND ZONING SERVICES

757 Carolyn Avenue, Columbus, Ohio 43224 Phone: 614-645-7433 • www.bzs.columbus.gov

AFFIDAVIT (See instruction sheet)	Application Number:					
STATE OF OHIO COUNTY OF FRANKLIN						
	nald Plank					
of (1) MAILING ADDRESS Plank Law Firm, 145	E. Rich Street, FL 3, Columbus, OH 43215					
deposes and states that (he/she) is the applicant, agen	deposes and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the					
name(s) and mailing address(es) of all the owners of r	ecord of the property located at					
(2) per ADDRESS CARD FOR PROPERTY 154 E. 5th Avenue, Columbus, OH 43201						
for which application for a rezoning, variance, special permit or graphics plan was fled with the Department of Building and						
Zoning Services, on (3)	30-2015					
(THIS LII	NE TO BE FILLED OUT BY CITY STAFF)					
SUBJECT PROPERTY OWNERS NAME	(4) _Victorian Heritage Homes LLC					
AND MAILING ADDRESS	c/o Donald Plank, Attorney					
	Plank Law Firm					
	145 E. Rich Street, FL 3, Columbus, OH 43215					
APPLICANT'S NAME AND PHONE #	Victorian Heritage Homes LLC					
(same as listed on front application)						
(same as listed on front application)	C/O Donate Frank (014) 747-0000					
AREA COMMISSION OR CIVIC GROUP	(5) University Area Commission					
AREA COMMISSION ZONING CHAIR	c/o Susan Keeny					
OR CONTACT PERSON AND ADDRESS	358 King Avenue					
	Columbus, OH 43201					
and that the attached document (6) is a list of the nan	nes and complete mailing addresses, including zip codes, as shown on					
the County Auditor's Current Tax List or the Co	ounty Treasurer's Mailing List, of all the owners of record of property					
within 125 feet of the exterior boundaries of the pro-	perty for which the application was filed, and all of the owners of any property					
within 125 feet of the applicant's or owner's property is	n the event the applicant or the property owner owns the property contiguous to					
the subject property (7)						
X (7) Check here if listing additional property owner	rs on a separate page.					
(8) SIGNATURE OF AFFIANT	ed Kanf					
Sworn to before me and signed in my presence this	st day of one , in the year 2015					
Balozue Co. Routo	AUGUST 3 2015					
(8) SIGNATURE OF NOTARY PUBLIC	My Commission Expires					
Notary Seal Here BARBARA A. PAll Notary Public, State My Commission Expires.	of Ohio					

EXHIBIT A, Public Notice 154 E 5th Avenue CV15-May 27, 2015

APPLICANT

Victorian Heritage Homes LLC c/o Donald Plank, Plank Law Firm 145 East Rich Street, FL 3 Columbus, OH 43215

PROPERTY OWNER

Victorian Heritage Homes LLC c/o Donald Plank, Plank Law Firm 145 East Rich Street, FL 3 Columbus, OH 43215

ATTORNEY

Donald Plank, Plank Law Firm 145 East Rich Street, FL 3 Columbus, OH 43215

COMMUNITY GROUP:

University Area Commission c/o Susan Keeny 358 King Avenue Columbus, OH 43201

PROPERTY OWNERS WITHIN 125 FEET

Lori Wallace Dawn N. Barry 1210 Hamlet St.

Columbus, OH 43201

1461 North Sixth Thompson Holdings LLC 4272 Vista Walk Ln.

Powell, OH 43065

Thomas E. Zipf 9740 Covan Dr.

Westerville, OH 43082-9294

Jeff Bernath 1348 Summit St.

Matthew R. Martin Ashley L. Martin Columbus, OH 43201 1209 Hamlet St. Columbus, OH 43201 **Petrohilos Properties LLC** 497 Springs Dr. Columbus, OH 43214

Alan L. Fetters 1222 Summit Columbus, OH 43201 **Urban Restorations LLC** 815 N. High St., Ste. R Columbus, OH 43215-6425 Eric Weisgarber 1212 Summit Street Columbus, OH 43202

1208-1210 Summit Street LLC 6250 Cupola Ct. Galena, OH 43021

127E5 LLC 4160 Rutherford Rd. Powell, OH 43065

154 E 5th Avenue CV15-____, 5/27/2015 **Exhibit A, Public Notice** Page 1 of 2

Z&Z Investments Inc. 161 E. 5th Ave. Columbus, OH 43201-2813

Carl H. Zipf, III 3129 Carisbrook Rd. Columbus, OH 43221-2241

ALSO NOTIFY:

David B. Perry
David Perry Co., Inc.
145 East Rich Street, FL 3
Columbus, OH 43215

Victorian Heritage Homes LLC c/o Mr. George Tabit 3443 Agler Road Columbus, OH 43219 Victorian Heritage Homes LLC c/o Ms. Lisa Minklei 3443 Agler Road Columbus, OH 43219

154 E 5th Avenue CV15-____ Exhibit A, Public Notice Page 2 of 2



THE CITY OF COLUMBUS

Council Variance Application

DEPARTMENT OF BUILDING AND ZONING SERVICES

757 Carolyn Avenue, Columbus, Ohio 43224 Phone: 614-645-7433 • www.bzs.columbus.gov

PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.

THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.				
8	APPLICATION #			
STATE OF OHIO COUNTY OF FRANKLIN				
deposes and states that (he/she) is the APPLICANT, AGENT, OR	eet, FL 3, Columbus, OH 43215			
	Name of business or individual Business or individual's address Address of corporate headquarters City, State, Zip Number of Columbus based employees Contact name and number			
 Victorian Heritage Homes LLC 3443 Agler Road Columbus, OH 43219 # Columbus based employees: 0 Contact: Lisa Minklei, (614) 545-4878 	2.			
3.	4.			
Check here if listing additional property owners on a separa	ate page.			
Sworn to before me and signed in my presence this <u>15+</u> day Signature of Notary Public	of ONC , in the year 20/5 Notary Seal Here My Commission Expires BARBARA A. PAINTER Notary Public, State of Oh My Commission Expires Aug			

This Project Disclosure expires six (6) months after the date of notarization.

TRANSFERRED

DEC 1 2 2014

CLARENCE E. MINGO II MIDITOR FRANKLIN COUNTY, DHIO

Conveyance/00

CLARENCE E. MINGO II FRANKLIN COUNTY AUDITOR Pgs: 5 \$52.00 T20140085108 12/12/2014 2:57PM BXTALON GROUP Terry J. Brown Franklin County Recorder

VICTORIAN HERITAGE FHA No. 043-35520 (NEW) FHA No. 043-35236 (OLD)

Talon Title - W

WARRANTY DEED

Victorian Heritage, Ltd., an Ohio limited partnership (the "Grantor"), in consideration of One Dollar (\$1.00) and other good and valuable consideration paid to it by Victorian Heritage Homes LLC, an Ohio limited liability company (the "Grantee"), whose tax mailing address is 3443 Agler Road, Columbus, OH 43219, does hereby GRANT, BARGAIN AND SELL to the Grantee, its successors and assigns, the following described premises, situated in the City of Columbus, County of Franklin, and State of Ohio and is identified as follows:

(SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.)

Property Addresses:

" Kr. h.

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F(6/17)

Parcel 1: 66-72 Clark Place, Columbus, Ohio 43201

Parcel 2: 1379 North High Street, Columbus, Ohio 43201

Parcel 3: 138-166 East Fifth Avenue, Columbus, Ohio 43201

Parcel 4: 32-34 West King Avenue, Columbus, Ohio 43201

Prior Instrument reference:

Parcel 1 (66-72 Clark Place, Columbus, Ohio): Official Record Volume 3788, page 787, Franklin County records.

Parcel 2 (1379 North High Street, Columbus, Ohio): Official Record Volume 3788, page 785, Franklin County records.

Parcel 3 (138-166 East Fifth Avenue, Columbus, Ohio): Official Record Volume 3788, page 789, Franklin County records.

Parcel 4 (32-34 West King Avenue, Columbus, Ohio): Official Record Volume 3788,

page 786, Franklin County records.

Page 1 of 5

Parcel Numbers:

Parcel 1 (66-72 Clark Place, Columbus, Ohio): 010-012832-80; 010-012832-90

Parcel 2 (1379 North High Street, Columbus, Ohio): 010-026539-00

Parcel 3 (138-166 East Fifth Avenue, Columbus, Ohio): 010-037298-00

Parcel 4 (32-34 West King Avenue, Columbus, Ohio): 010-055180-00

To have and to hold said premises, with all the privileges and appurtenances thereunto belonging, to said Grantee and its successors and assigns forever.

And the said Grantor for itself and its successors, does hereby covenant with said Grantee and its successors and assigns, that it is lawfully seized of the premises aforesaid and that said premises are free and clear from all encumbrances whatsoever except:

Zoning ordinances, legal highways, covenants, conditions, restrictions and easements of record; Use Agreement for Multifamily Projects Participating in the Mark-to-Market Program under the Multifamily Assisted Housing Reform and Affordability Act of 1997 by and between Victorian Heritage, Ltd. and The Secretary of Housing and Urban Development, Washington, D.C., dated September 21, 2009 and filed for record September 21, 2009 in Instrument 200909210136700, Franklin County records; a Mortgage Restructuring Mortgage from Victorian Heritage, Ltd. to The Secretary of Housing and Urban Development acting by and through the Deputy Assistant Secretary of the Office of Affordable Housing Preservation, having its principal place of business in Washington, D.C., in the amount of \$1,307,515.00, filed for record September 21, 2009 in Instrument Number 200909210136705, Franklin County records; a Mortgage Restructuring Mortgage Regulatory Agreement for Insured Multi-Family Housing Projects between Victorian Heritage, Ltd. and the Secretary of Housing and Urban Development filed for record September 21, 2009 in Instrument Number 200909210136706, Franklin County records; and, a UCC Financing Statement from Victorian Heritage, Ltd., Debtor, to The Secretary of Housing and Urban Development of Washington D.C., Secured Party, filed for record September 21, 2009 in Instrument Number 200909210136707, Franklin County records.

Grantor will forever warrant and defend the same with the appurtenances, to the said Grantee and its successors and assigns, against the lawful claims of all persons whomsoever.

Grantee, by acceptance of the within Deed, agrees to pay those mortgages referenced herein to the full and same effect as if the Grantee had been the original payor on the underlying note secured by such mortgages. Grantee further agrees to be bound by the terms and conditions of the Mortgage Restructuring Regulatory Agreement and Use Agreement all as reflected herein.

[Remainder of page intentionally left blank.]

Page 2 of 5

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CARREST SOLA

Before me, a Notary Public in and for said County, personally appeared Darrell L. Spegal, the Vice President of TownHomes Management, Inc., the General Partner of Grantor, who executed the foregoing deed, signed the same and acknowledged before me that he did so sign in the name and on behalf of said Grantor; that the same is his free act and deed and the free act and deed of said Grantor; and that he was duly authorized.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal this 11th day of 00001802, 2014.



MICHAEL N. SCHAEFFER ATTORNEY AT LAW NOTARY PUBLIC, STATE OF OHIO My commission has no expiration date. Section 147.03 R.C.

Notary Public

My Commission expires: LIFCIINC

THIS DOCUMENT PREPARED BY: Adam F. Saad, Esq. Saad & Saad LLP 229 Huber Village Blvd. Suite 130 Westerville, Ohio 43081 Tel.: (614) 396-3296

Page 3 of 5

oc., the hence is a wife

EXHIBIT "A" (Victorian Heritage)

Parcel 1:

Situated in the County of Franklin, State of Ohio, and in the City of Columbus, and bounded and described as follows:

Being Lot Number Seventy-Seven (77) and Seventy-Eight (78) of DENNISON PLACE ADDITION as the same are numbered and delineated upon the recorded plat thereof of record in Plat Book 3, Page 13, Recorder's Office, Franklin County, Ohio, but excepting forty-five (45) feet off of the north end thereof.

Property Address: 66-72 Clark Place, Columbus, Ohio 43201

Parcel 2:

Situated in the County of Franklin in the State of Ohio and in the City of Columbus:

Being Lots Number Two (2) and Three (3) of ELIZABETH J. MC MILLEN'S SUBDIVISION (also sometimes referred to as E. J. and W. J. McMillen's Subdivision), as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 3, page 29, Recorder's Office, Franklin County, Ohio.

Property Address: 1379 North High Street, Columbus, Ohio 43201

Parcel 3:

Situated in the County of Franklin, in the State of Ohio, and in the City of Columbus:

Being Lots Numbered Thirty (30), Thirty-one (31), Thirty-two (32), Thirty-three (33), Thirty-four (34), Thirty-five (35) and Thirty-six (36), RIDDLE'S SECOND SUBDIVISION of Lots Numbered One (1), Nineteen (19), Twenty (20) and Twenty-one (21) of John Hyer's Amended Subdivision of Lot Number Six (6) of Stevenson Heir's Subdivision of the Fourth Quarter of Township Number 1, Range 18, U.S. Military Lands, as said lots are numbered and delineated upon the recorded plat of said subdivision, of record in Plat Book 7, page 164, Recorder's Office, Franklin County, Ohio, EXCEPT .85 feet off the West Side of said Lot Number Thirty (30).

Property Address: 138-166 East Fifth Avenue, Columbus, Ohio 43201

24P RU010)

Parcel 4:

Situated in the County of Franklin in the State of Ohio and in the City of Columbus:

Being Lot Number Six (6) and Seven (7) feet off the East side of Lot Number (7), of Elizabeth J. McMillen's First Subdivision, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 3, page 29, Recorder's Office, Franklin County, Ohio.

Property Address: 32-34 West King Avenue, Columbus, Ohio 43201

DESCRIPTION VERIFIED DEAN C. RINGLE, P.E. P.S.

DATE: 12/12/



City of Columbus Zoning Plat



ZONING NUMBER

The Zoning Number Contained on This Form is Herein Certified to Obtain Zoning, Rezoning, and Variances, and is NOT to be Used for the Securing of Building & Utility Permits

Parcel ID: 010037298

Zoning Number: 154

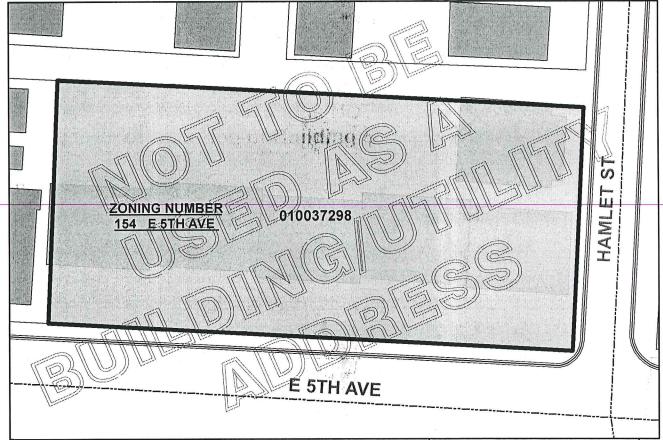
Street Name: E 5TH AVE

Lot Number:1

Subdivision: PHELANS SUB

Requested By: DAVE PERRY COMPANY, INC. (DAVE PERRY)

Issued By: Iduga umpriam Date: 5/21/2015





JAMES D. YOUNG, P.E., ADMINISTRATOR
DIVISION OF INFRASTRUCTURE MANAGEMENT
COLUMBUS, OHIO

SCALE: 1 inch = 40 feet

GIS FILE NUMBER: 34372



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: dbp

DATE:

5/22/15



Disclaimer

This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancies.

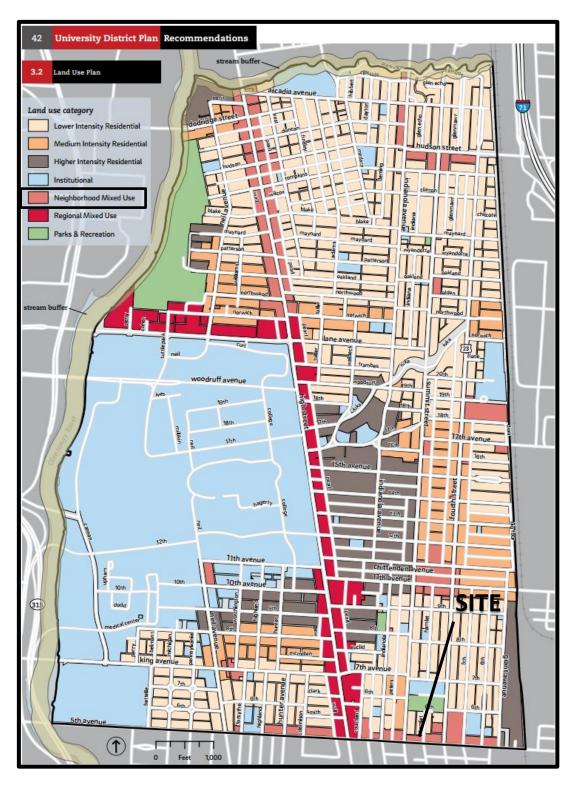
Real Estate / GIS Department

North

PLOTTED BY: 6/25/2015 4:46:52 PM P:\13112 Victorian Herilage Renoval	SUMMIT STREET SUMMIT STREET OUT OUT OUT OUT OUT OUT OUT	ALEY
CV15	Location Map Location Map Location Map	Sife Data ADDRESS: 154 F S Annous, Columbus, Disk 12311 PDS: 02007238 AABLA: 231.59 F (2014 - 2014) EDBRESS: FA. Annoterial (ED-1408) HOSPIT DETRICT: FA. Annoterial (ED-1408) HOSPIT DETRICT: FA. Annoterial (ED-1408) HOSPIT DETRICT: FA. Annoterial (ED-1408) HOSPIT LANGUAGE ANNO FA. A
Date Change Description Francisco Victorian Heritage Victorian H	General Notes	



CV15-042 154 East Fifth Avenue Approximately 0.51 acres



CV15-042 154 East Fifth Avenue Approximately 0.51 acres University District Plan (2015)



CV15-042 154 East Fifth Avenue Approximately 0.51 acres