

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: 2067 Starboard Drive – Jason Kaiser, applicant; Request for 1) a side yard (north) setback variance from 20 feet to 1.0 feet for a proposed garage and 2) a front yard (south) setback variance from 20 feet to 0.0 feet and 3) a side street (west) setback variance from 20 feet to 0.0 feet for a proposed 6-foot block wall in RM-1 (Single Family Mobile Home Dwelling) district.

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Kathy Fall **CONTACT:** Denny Gibbs **EXT.** 7387

Agenda Date 12/01/08 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for 1) a side yard (north) setback variance from 20 feet to 1.0 feet for a proposed garage and 2) a front yard (south) setback variance from 20 feet to 0.0 feet and 3) a side street (west) setback variance from 20 feet to 0.0 feet for a proposed 6-foot block wall in RM-1 (Single Family Mobile Home Dwelling) district; or
2. **Approve** the request for 1) a side yard (north) setback variance from 20 feet to 1.0 feet for a proposed garage and 2) a front yard (south) setback variance from 20 feet to 0.0 feet and 3) a side street (west) setback variance from 20 feet to 0.0 feet for a proposed 6-foot block wall in RM-1 (Single Family Mobile Home Dwelling) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	<p>Applicant: Jason Kaiser Location: 2067 Starboard Drive Zoning: RM-1 (Single Family Mobile Home Dwelling) Subdivision: Plat of Palm Shadows</p>
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a 30-foot x 50-foot attached garage that will encroach 19 feet into the 20-foot side yard setback. • An existing garage and shed will be removed. • The applicant also proposes to construct a 6-foot block perimeter wall that will encroach 20 feet into the required

Reviewed by: _____
 Co Atty: JLC
 Pln Mgr: AS

	<p>20-foot front yard and side street setbacks.</p> <ul style="list-style-type: none">• Traffic Engineering has reviewed the request and finds no safety issue regarding the placement of this wall.• There are currently no code enforcement or building violations for this property.• There is no record of prior variances for this property.
STAFF FINDINGS	<p>The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none">• No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district.• Special conditions and circumstances result from the actions of the applicant.• The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.• The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.• The grant of the variance would not be in harmony with the general intent of Chapter 30.
STAFF RECOMMENDATION	<p>Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate that all six criteria under the Land Development Code for granting a variance have been satisfied. If the Board should decide to grant a variance, staff recommends the following conditions of approval:</p> <ul style="list-style-type: none">• Any variance granted shall apply only to the side yard (north) setback for a proposed garage and a 6-foot block wall within the front and side street setbacks as depicted on the attached site plan.• Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.

INDEX OF ATTACHMENTS

Items that are checked are included in the packet

- Staff Report
- Application
- Applicant statement of request
- Proposed Site Plan
- Location map
- Property Appraiser data sheet
- PUD Commitment Card, *if applicable*

Support information:

- Proposed elevation drawings, renderings, floor plans, etc
- Aerials, *if warranted*
- Plat, *if warranted*
- Code Enforcement information
- Building Permit information
- Correspondence
- Authorization letter
- Applicant Authorization Form
- Supporting documentation
- Letters of support
- HOA approval letter
- Pictures provided by applicant
- Other miscellaneous documents

- Proposed Development Order



VARIANCE APPLICATION COPY
SEMINOLE COUNTY PLANNING DIVISION
1101 East First Street Sanford FL 32771 (407) 665-7444

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: JASON KAISER
Address: 2067 STARBOARD DR. City: GENEVA Zip code: 32732
Project Address: _____ City: _____ Zip code: _____
Tax Parcel number: 32-19-32-501-0000-0530
Contact number(s): 407 314 4376 407 349 0722
Email address: _____

Is the property available for inspection without an appointment?

Yes No If gated please provide a gate code to staff.

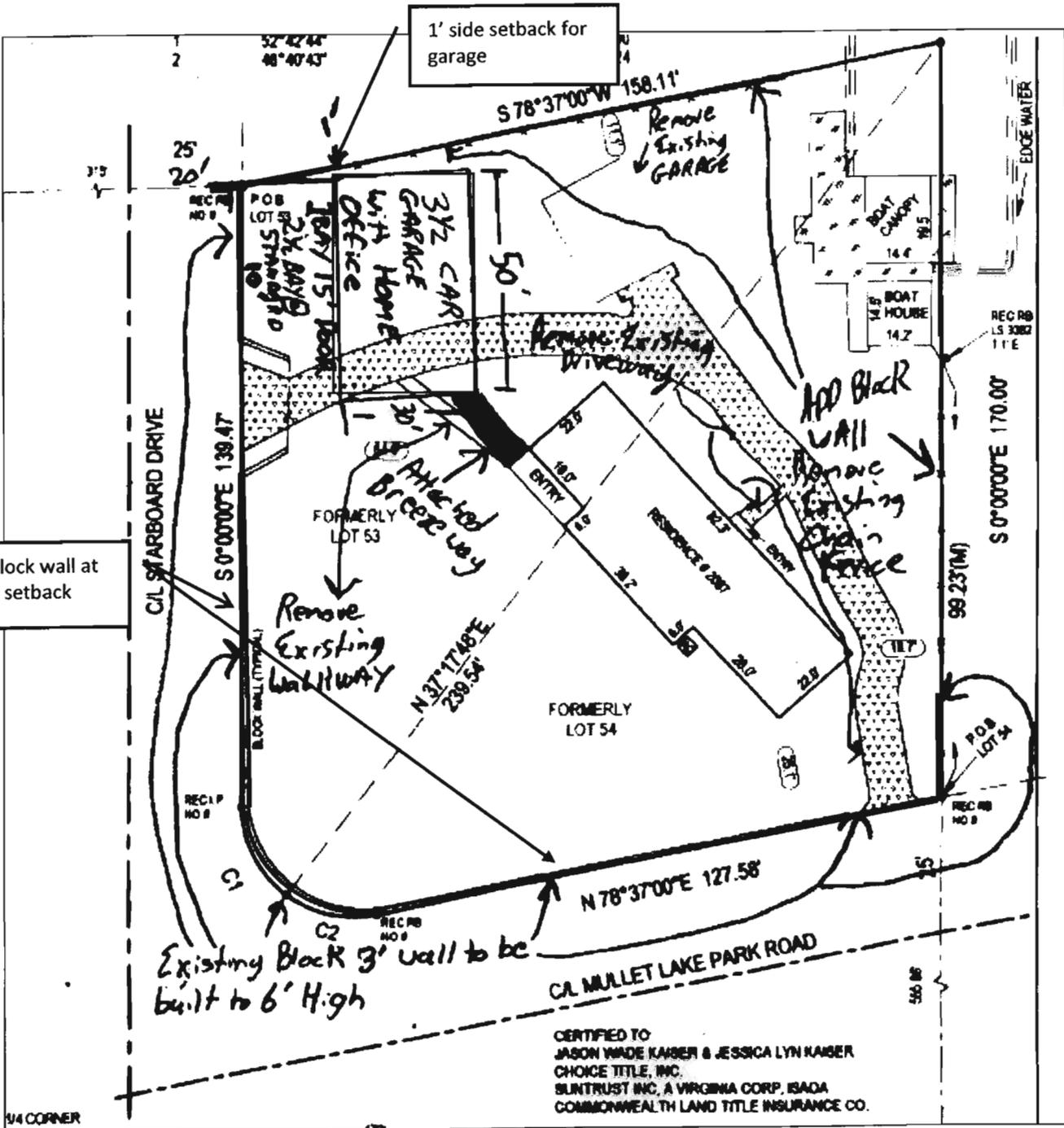
What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input checked="" type="checkbox"/> Fence	Please describe: <u>6' high concrete block wall</u>
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Covered screen room	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input checked="" type="checkbox"/> Other	Please describe: <u>30' x 50' garage attached by breezeway</u>
<input type="checkbox"/> This request is for a structure that has already been built.	

What type of variance is this request?			
<input type="checkbox"/> Minimum lot size	Required lot size:	Actual lot size:	
<input type="checkbox"/> Width at the building line	Required lot width:	Actual lot width:	
<input type="checkbox"/> Front yard setback	Required setback:	Proposed setback:	
<input type="checkbox"/> Rear yard setback	Required setback:	Proposed setback:	
<input checked="" type="checkbox"/> Side yard setback	Required setback:	<u>20 FT</u>	Proposed setback: <u>1 FT (GARAGE)</u>
<input checked="" type="checkbox"/> Side street setback	Required setback:		Proposed setback: <u>0 FT</u>
<input checked="" type="checkbox"/> Fence height	Required height:	<u>8 FT</u>	Proposed height: <u>6 FT</u>
<input type="checkbox"/> Building height	Required height:		Proposed height:

Use below for additional yard setback variance requests:			
<input checked="" type="checkbox"/> <u>side yard street</u>	Required setback:	<u>20 ft.</u>	Proposed setback: <u>0 ft. (wall)</u>
<input checked="" type="checkbox"/> <u>front yard</u>	Required setback:	<u>20 ft.</u>	Proposed setback: <u>0 ft. (wall)</u>
<input checked="" type="checkbox"/> Total number of variances requested <u>4</u>			

Signed: Jason Kaiser

Date: 12/24/08



1' side setback for garage

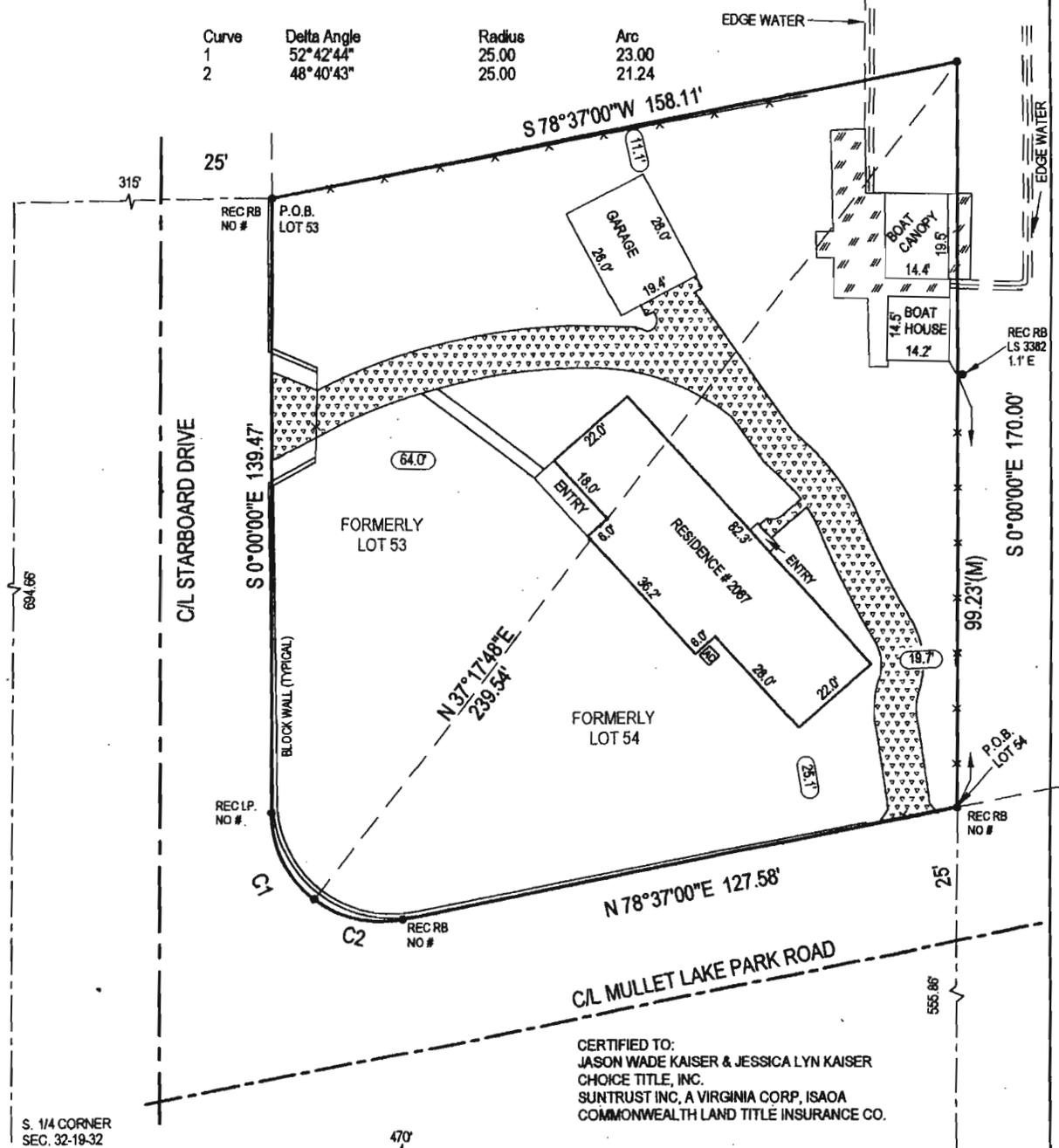
6' Block wall at 0.0' setback

CERTIFIED TO
 JASON WADE KAISER & JESSICA LYN KAISER
 CHOICE TITLE, INC.
 SUNTRUST INC, A VIRGINIA CORP, ISAOA
 COMMONWEALTH LAND TITLE INSURANCE CO.

1/4 CORNER

NOTES:

1. THIS SURVEY WAS PREPARED FROM TITLE INFORMATION FURNISHED TO THIS SURVEYOR. THERE MAY BE OTHER RESTRICTIONS OR UNRECORDED EASEMENTS THAT AFFECT THIS PROPERTY.
2. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
3. THIS SURVEY IS PREPARED FOR THE SOLE BENEFIT OF THOSE CERTIFIED TO AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY.
4. DIMENSIONS SHOWN FOR THE LOCATION OF IMPROVEMENTS HEREON SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.
5. BEARINGS ARE BASED ON FURNISHED DESCRIPTION AND ON THE LINE SHOWN AS BASE BEARING (BB).
6. PROPERTY HEREON LOCATED IN ZONE "AE" PER F.I.R.M. COMMUNITY PANEL NO. 120289 0140 E DATED 04-17-95.

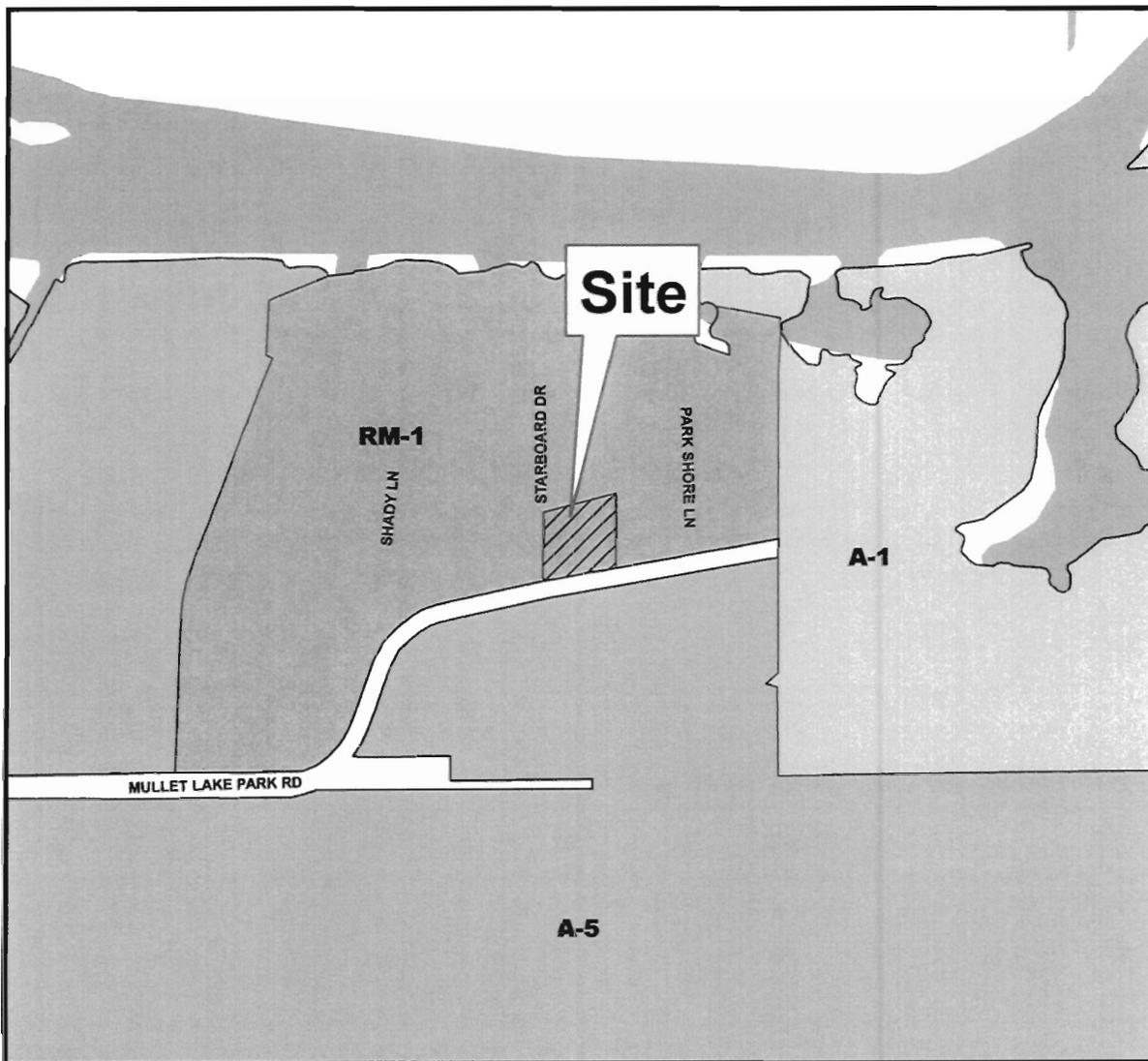


DESCRIPTION (AS FURNISHED): LOT 53, PALM SPRINGS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 13, PAGE(S) 55, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; DESCRIBED AS FOLLOWS: BEGIN AT A POINT 694.44 FEET NORTH AND 315 FEET EAST OF THE SOUTH 1/4 SECTION POST OF SECTION 32, TOWNSHIP 19 SOUTH, RANGE 32, EAST; THENCE RUN SOUTH 139.47 FEET; THENCE RUN SOUTHEASTERLY ALONG A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 25 FEET, AN ARC DISTANCE OF 23 FEET; THENCE RUN N 37°17'48"E, 239.54; THENCE S 78°37' W 158.11 FEET TO THE POINT OF BEGINNING, TOGETHER WITH NON- EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS ACROSS STARBOARD DRIVE ACCORDING TO SAID PLAT. AND LOT 54, PALM SPRINGS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 13, PAGE 55, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: BEGIN AT A POINT 470 FEET EAST AND 555.86 FEET EAST AND 555.86 NORTH OF THE SOUTH 1/4 SECTION POST OF SECTION 32, TOWNSHIP 19 SOUTH, RANGE 32 EAST; THENCE RUN S 78°37' W 127.58; THENCE RUN WESTERLY ALONG A CURVE HAVING A RADIUS OF 25 FEET, AN ARC DISTANCE OF 21.24 FEET; THENCE RUN N 37°17'48" E 239.54 FEET; THENCE SOUTH 170 FEET TO THE POINT OF BEGINNING TOGETHER WITH NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS ACROSS STARBOARD DRIVE ACCORDING TO SAID PLAT.

<p>JOB NO.: 04-728 DATE FIELD: 04-07-04 SIGNED: 04-08-04 DRAWN BY: JWJ P.C.: J.M.</p>	<p>LEGEND</p> <p>REC - RECOVERED I.P. - IRON PIPE I.C. - ILLEGIBLE CAP # C.M. - CONCRETE MONUMENT RB - REBAR RAD. - RADIAL N.R. - NOT RADIAL (P) - PER PLAT (M) - AS MEASURED (D) - PER DESCRIPTION P.O.L. - POINT ON LINE P.C. - POINT OF CURVATURE P.T. - POINT OF TANGENCY</p> <p>CONCRETE</p> <p>PRC - POINT OF REVERSE CURVE R.P. - RADIUS POINT R - RADIUS L - LENGTH OF ARC CA - CENTRAL ANGLE U.E. - UTILITY EASEMENT D.E. - DRAINAGE EASEMENT L.E. - LANDSCAPE EASEMENT P.E. - POOL EQUIPMENT P.P. - POWER POLE -X- - CHAIN LINK FENCE -□- - WOODEN FENCE</p>	<p>Boundary And Mapping Associates, Inc.</p> <p>109 WEST ORANGE STREET ALTAMONTE SPRINGS, FL 32714 PH. (407) 696-1155</p>	<p>LAND SURVEYORS LB 4565</p> <p>Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper. Additions and deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.</p> <p>J.W.J. JIMMY W. JACKSON, PSM 4243 RODNEY W. JACKSON, PSM 6281</p>
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1" = 30' Existing

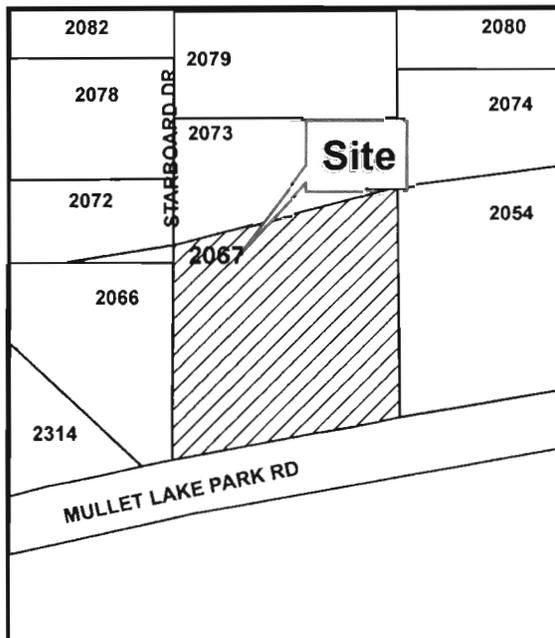
Jason Kaiser
2067 Starboard Drive
Geneva, Florida 32732



Seminole County Board of Adjustment
December 1, 2008
Case: BV2008-109 (Map 3056 Grid D3)
Parcel No:32-19-32-501-0000-0530

Zoning

-  BV2008-109
-  A-1
-  A-5
-  RM-1



PARCEL DETAIL

DAVID JOHNSON, CFA, ASA

PROPERTY APPRAISER

MINOLE COUNTY FL

1101 E. FIRST ST
SANFORD, FL 32771-1488
407-665-7506



GENERAL

Parcel Id: 32-19-32-501-0000-0530
 Owner: KAISER JASON W & JESSICA L
 Mailing Address: 2067 STARBOARD DR
 City,State,ZipCode: GENEVA FL 32732
 Property Address: 2067 STARBOARD DR GENEVA 32732
 Subdivision Name: PALM SHADOWS VACD PLAT
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions: 00-HOMESTEAD (2005)
 Dor: 01-SINGLE FAMILY

VALUE SUMMARY

VALUES	2009 Working	2008 Certified
Value Method	Cost/Market	Cost/Market
Number of Buildings	1	1
Depreciated Bldg Value	\$135,970	\$137,198
Depreciated EXFT Value	\$1,880	\$1,880
Land Value (Market)	\$129,200	\$129,200
Land Value Ag	\$0	\$0
Just/Market Value	\$267,050	\$268,278
Portability Adj	\$0	\$0
Save Our Homes Adj	\$36,204	\$44,156
Assessed Value (SOH)	\$230,846	\$224,122
Tax Estimator		
Portability Calculator		

2009 TAXABLE VALUE WORKING ESTIMATE

Taxing Authority	Assessment Value	Exempt Values	Taxable Value
County General Fund	\$230,846	\$50,000	\$180,846
Schools	\$230,846	\$25,000	\$205,846
Fire	\$230,846	\$50,000	\$180,846
Road District	\$230,846	\$50,000	\$180,846
SJWM(Saint Johns Water Management)	\$230,846	\$50,000	\$180,846
County Bonds	\$230,846	\$50,000	\$180,846

Potential Portability Amount is \$36,204

The taxable values and taxes are calculated using the current years working values and the prior years approved millage rates.

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	04/2004	05299	0737	\$240,000	Improved	Yes
WARRANTY DEED	01/2001	04000	0407	\$100	Improved	No
WARRANTY DEED	12/1983	01515	1198	\$89,000	Improved	Yes
WARRANTY DEED	11/1980	01306	0409	\$68,200	Improved	Yes
WARRANTY DEED	08/1979	01236	1326	\$65,000	Improved	Yes

Find Comparable Sales within this Subdivision

2008 VALUE SUMMARY

Tax Amount (without SOH): \$4,040
 2008 Tax Bill Amount: \$2,811
 Save Our Homes (SOH) Savings: \$1,229
2008 Certified Taxable Value and Taxes
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
FRONT FOOT & DEPTH	82	130	.000	850.00	\$66,215
FRONT FOOT & DEPTH	78	130	.000	850.00	\$62,985

LEGAL DESCRIPTION

PLATS:
 LOTS 53 & 54 & 1/2 VACD ST ADJ ON W VACD PLAT OF PALM SHADOWS PB 13 PG 55

BUILDING INFORMATION

Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	1973	5	1,404	2,622	2,020	BRICKWOOD FRAMING	\$135,970	\$163,819
Appendage / Sqft		OPEN PORCH FINISHED / 108							
Appendage / Sqft		BASE / 616							
Appendage / Sqft		DETACHED GARAGE UNFINISHED / 494							

NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished

EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
FIREPLACE	1973	1	\$600	\$1,500
BOAT HOUSE	1973	400	\$1,280	\$3,200

NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.
If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.

**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07- _____:

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

Name: JASON & JESSICA KAISER
Address: 2067 STARBOARD DR
Phone #: _____

Name: _____
Address: _____
Phone #: _____

Name: _____
Address: _____
Phone #: _____

Name: _____
Address: _____
Phone #: _____

(Use additional sheets for more space.)

2. For each corporate owner, list the name, address, and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns 2% or more of the stock of the corporation. Shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national or regional stock exchange.

Name of Corporation: _____
Officers: _____
Address: _____
Directors: _____
Address: _____
Shareholders: _____
Address: _____

Name of Corporation: _____
Officers: _____
Address: _____
Directors: _____
Address: _____
Shareholders: _____
Address: _____

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust.

Name of Trust: _____
Trustees: _____
Address: _____

Beneficiaries: _____
Address: _____

(Use additional sheets for more space.)

SEMINOLE COUNTY
APPLICATION AND AFFIDAVIT

For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

Name of Partnership: _____ Name of Partnership: _____
Principal: _____ Principal: _____
Address: _____ Address: _____

(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee: _____ Contract Vendee: _____
Name: _____ Name: _____
Address: _____ Address: _____

(Use additional sheets for more space.)

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.

7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezoning, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

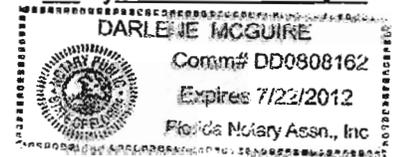
10/24/08
Date

[Signature]
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 24th day of October, 2008 by Jason W. Kaiser

Darlene McGuire Darlene McGuire
Signature of Notary Public Print, Type or Stamp Name of Notary Public



Personally Known _____ OR Produced Identification
Type of Identification Produced Fl. Driver's License

For Use by Planning & Development Staff
Date: 10/24/08 Application Number: BV 2008-109





SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On December 1, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOTS 53 & 54 & 1/2 VACD ST ADJ ON W VACD PLAT OF PALM SHADOWS PB 13 PG 55

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Kaiser Jason W & Jessica L
2067 Starboard Dr
Geneva FL 32732

Project Name: Starboard Drive (2067)

Requested Variance

Side yard (north) setback variance from 20 feet to 1.0 feet for a proposed garage.
Front yard (south) setback variance from 20 feet to 0.0 feet and a side street (west) setback variance from 20 feet to 0.0 feet for a proposed 6-foot block wall in RM-1 (Single Family Mobile Home Dwelling) district.

Approval was sought to construct a garage that would encroach into the side yard setback and to construct a 6-foot block wall within the front and side street setbacks. One or more of the six criteria under the Land Development Code for granting a variance have not been satisfied. The applicant still retains reasonable use of the property without the granting of the requested variance.

The requested development approval is hereby denied.

Prepared by: Denny Gibbs, Senior Planner
1101 East First Street
Sanford, Florida 32771

Done and Ordered on the date first written above.

By: _____
Alison C. Stettner
Planning Manager

**STATE OF FLORIDA)
COUNTY OF SEMINOLE)**

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2008.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On December 1, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOTS 53 & 54 & 1/2 VACD ST ADJ ON W VACD PLAT OF PALM SHADOWS PB 13 PG 55

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Kaiser Jason W & Jessica L
2067 Starboard Dr
Geneva FL 32732

Project Name: Starboard Drive (2067)

Variance Approval:

Side yard (north) setback variance from 20 feet to 1.0 feet for a proposed garage.
Front yard (south) setback variance from 20 feet to 0.0 feet and a side street (west) setback variance from 20 feet to 0.0 feet for a proposed 6-foot block wall in RM-1 (Single Family Mobile Home Dwelling) district.

All six criteria for granting a variance under the Land Development Code have been satisfied.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Denny Gibbs, Senior Planner
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. The variance granted shall apply only to the side yard (north) setback for a proposed garage and a 6-foot block wall within the front and side street setbacks as depicted on the attached site plan.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Alison C. Stettner
Planning Manager

**STATE OF FLORIDA)
COUNTY OF SEMINOLE)**

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2008.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

