



SEMINOLE COUNTY GOVERNMENT

COUNTY SERVICES
BUILDING
1101 EAST FIRST STREET
SANFORD, FLORIDA
32771-1468

Agenda Memorandum

File Number: A-0579-10

Introduced: 3/17/2010

Current Status: Agenda Ready

Version: 1

Matter Type: Public Hearing

Title

1505 Lawndale Circle - Request for a side yard (north) setback variance from 7.5 feet to 5.92 feet for an existing addition in PUD (Planned Unit Development) district; Located on the east side of Lawndale Circle, approximately 150 feet south of Auburn Green Loop; BV2010-20 (Mary Thagard, applicant) District 1 - Dallari (Denny Gibbs, Senior Planner)

Department

Growth Management

Division

Planning & Development Division

Contact

Denny Gibbs (407) 665-7387

Motion/Recommendation

1. **Deny** the request for a side yard (north) setback variance from 7.5 feet to 5.92 feet for an existing addition in PUD (Planned Unit Development) district; or
2. **Approve** the request for a side yard (north) setback variance from 7.5 feet to 5.92 feet for an existing addition in PUD (Planned Unit Development) district; or
3. **Continue** the request to a time and date certain.

Background

- The applicant is seeking a variance for a 1.58 foot encroachment into the required 7.5-foot side yard setback for an existing addition.
- In 2007 the property was cited for unpermitted construction for this structure.
- Ms. Thagard purchased the property in December 2008 and was unaware of the violation until February 2009.
- There is no record of prior variances for this property.

Staff Findings

The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:

- 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

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:

- Any variance granted shall apply only to the addition as depicted on the attached site plan; and
- Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.

Fee: \$150.00 plus \$50.00 for each additional variance

RECEIVED MAR 05 2010

Application # BU 2010-20
Meeting Date 4-26-10

COPY



VARIANCE APPLICATION

SEMINOLE COUNTY PLANNING DIVISION ROOM 2201
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: MARY THAGARD
Address: 1505 LAUNDALD CIRCLE City: WINTER PARK Zip code: 32792
Project Address: _____ City: _____ Zip code: _____
Tax Parcel number: 26-21-30-56Q-0000-1380
Contact number(s): (407) 638-2558
Email address: stopygator@gmail.com

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 type="checkbox"/> Fence	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Covered screen room	Please describe:
<input checked="" type="checkbox"/> Addition	Please describe: <u>EXISTING ENCLOSED PATIO</u>
<input type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<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:	Proposed setback:	<u>5.92ft</u>
<input type="checkbox"/> Side street setback	Required setback:	Proposed setback:	
<input type="checkbox"/> Fence height	Required height:	Proposed height:	
<input type="checkbox"/> Building height	Required height:	Proposed height:	

Use below for additional yard setback variance requests:			
<input type="checkbox"/> _____ yard setback	Required setback:	Proposed setback:	
<input type="checkbox"/> _____ yard setback	Required setback:	Proposed setback:	

Total number of variances requested _____

Signed: Mary Thagard

Date: 3/5/2010

FOR OFFICE USE ONLY

Date Submitted: 3-5-10 Reviewed By: P. Johnson
 Zoning/FLU PUD, PD
 Legally created parcel (1971 tax roll, 5-acre dev, lot split)
 Platted Lot (check easements as shown on lots, in notes or in dedication)
 Lot size _____ Meets minimum size and width
 Application and checklist complete
 Notes: purchased 12/09

VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist is provided to the Planning division.

<p><i>After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.</i></p>	
	1. Completed application.
	2. Ownership Disclosure Form (Seminole County Application & Affidavit).
	3. Owner's authorization letter (if needed). This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp
	4. Provide a legible 8 ½ x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.
	o Please start with a clean survey (ex: white out old approval stamps)
	o Size and dimension of the parcel
	o Location and name of all abutting streets
	o Location of driveways
	o Location, size and type of any septic systems, drain field and wells
	o Location of all easements
	o Existing or proposed house or addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
	o Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
	o Building height
	o Setbacks from each building to the property lines
	o Location of proposed fence(s)
	o Identification of available utilities (ex: water, sewer, well or septic)
	5. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

COMMISSION DISTRICT #:

GUI
PROJ. #

ZONED: PUD

SEC: 26

TWP: 21

RNG: 30

DEVELOPMENT: Country Lane		DEVELOPER: Olin American	
LOCATION: 154 lots - 43.47 acres			
FILE#:	BA:	SP:	BCC: 10/20/83
P&Z:			
PB 28	PG 77, 78	Lot	Bik
		Parcel	DBA
			Comm Dist
DEVEL. ORDER #:		TAX PAR. I.D. #:	
SIDEWALKS: Sidewalks along Lake Howell and Dike Roads, plus both sides of all interior roads.		SETBACK REQUIREMENTS	
		FY: 20'	SY: **
		SIDE ST.:	RY: 20'
ROAD TYPE: (CURB & GUTTER OR SWALE)		MAIN STRUCTURE OTHER: Patio Home - 1,100 sq. ft. Min. Lot size: 5,200 sq. ft. Min. ** SY - 2.5' on zero lot line and 7.5' on other side	
COMMENTS OTHER:		ACCESSORY STRUCTURE SETBACKS:	
1) All recreational facilities will be completed prior to opening of any models and/or prior to conveyance of the first lot purchases (2 tennis courts, mini soccer and kickball fields, tot lot, gazebo and barbecue grills, along shoreline of Lake Florence.		SY: **	RY: 5'
2) Dedicate additional R/W along Howell Branch and Dike Road.		ACCESSORY STRUCTURE OTHER:	

3) Pay pro-rata share of signalization at Howell Branch Road and Dike Road. 4) Landscaping as indicated in Section VII, Commitment Agreement. 5) Wood fence along rear of Lots 50-54. 6) Relocate retention pond underdrain for Pond B. 7) Engineering concerns regarding berms at the rear of Lots 31-39 must be addressed.	IMPACT FEES	
	SCREEN:	
	TRAFFIC ZONE:	
	LAND USE:	
	1. ROAD-CO. WIDE	
	2. ROAD-COLL.	
	3. LIBRARY	
	4. FIRE	\$10.00/unit
	5. PARK	
	6. SCHOOL	\$300.00/unit
7. LAW		
8. DRAINAGE		
	TOTAL	
	REMARKS:	

COMMITMENT CARD

Instructions: print two-sided on card stock and cut along the left and bottom border.

SWERDLOFF & FERRY SURVEYING, INC.

370 Waymont Court • Lake Mary, FL 32746 • Voice 407.688.7631 • Fax 407.688.7691

Legal Description

Lot 138, COUNTRY LANE, according to the plat thereof, as recorded in Plat Book 28, Page(s) 77 and 78, of the Public Records of Seminole County, FL.

Community number: 120289 Panel: 0170

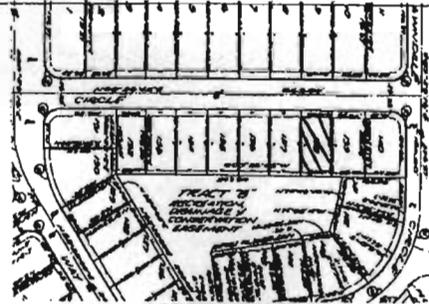
Suffix: F F.I.R.M. Date: 9/28/2007 Flood Zone: X

Date of field work: 11/26/2008 Completion Date: 12/3/2008

Certified to:

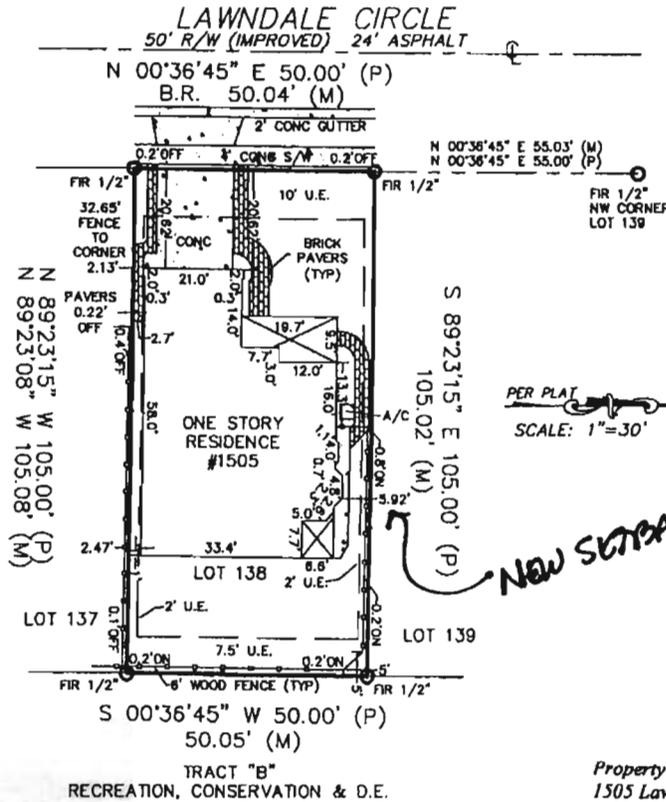
Mary K. Thagard; Brokers Title of Central Florida, LLC; Commonwealth Land Title Insurance Company; SunTrust Mortgage, Inc., its successors and/or assigns.

Added Side House Tie: 3/5/2010



LOCATION SKETCH

Not to Scale



PER PLAT SCALE: 1"=30'

NEW SETBACK

Property Address: 1505 Lawndale Circle Winter Park, FL 32792

Survey number: SL 100726

LEGEND

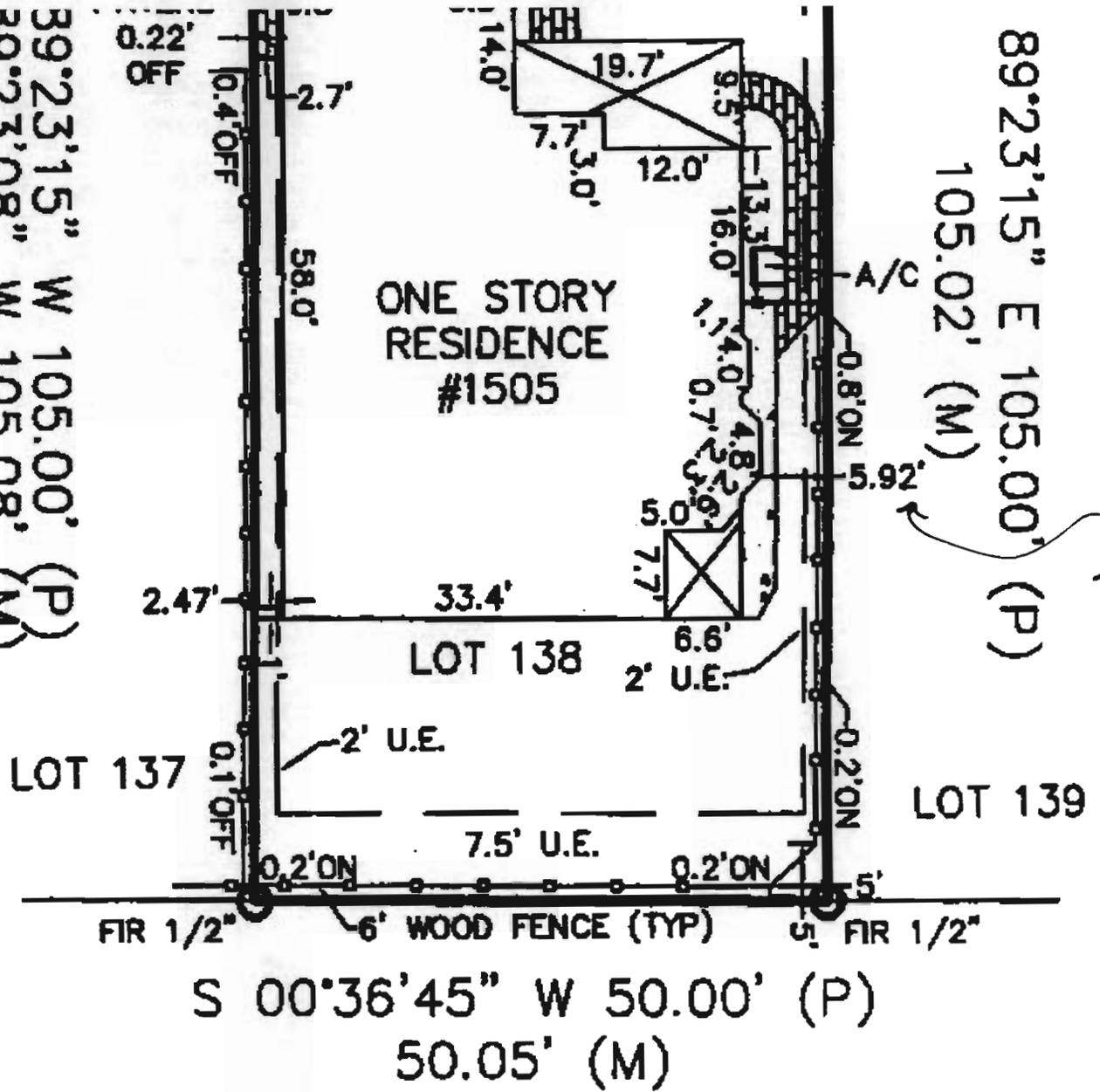
— Wood Fence	W.M. Water Meter	N.T.S. Not to Scale
— Wire Fence	TEL Telephone Facilities	O.R. Official Records
CL.F Chain Link Fence	Covered Area	O.R.B. Official Records Book
F.N. Found Nail	B.R. Bearing Reference	P.C.P. Permanent Control Point
CONC Concrete	CH Chord	P.R.M. Permanent Reference Monument
M Field Measured	RAD Radial	PG Page
CL Clear	A/C Air Conditioning	PVMT Pavement
ENCR Encroachment	B.M. Bench Mark	E.O.P. Edge of Pavement
C Centerline	C. Calculated	PB Plat Book
Concrete	ZZZZ Block Wall	P.O.B. Point of Beginning
FL Property Line	△ Central Angle/Delta	P.O.C. Point of Commencement
C.M. Concrete Monument	D.B. Deed Book	P.O.L. Point on Line
F.I.R. Found Iron Rod	D Description of Deed	P.C. Point of Curvature
F.I.P. Found Iron Pipe	D.H. Drill Hole	P.R.C. Point of Reverse Curvature
R.W. Right of Way	D.W. Driveway	R.T. Point of Tangency
N & D Nail & Disk	ESMT Easement	R. Radius (Radial)
E. Drainage Easement	EL Elevation	R.O.E. Roof Overhang Easement
U.E. Utility Easement	FF. Finished Floor	S.I.R. Set Iron Rod & Cap
FD. Found	F.C.M. Found Concrete Monument	S.W. Sidewalk
P. Plat	FPK Found Parker-Kalon Nail	T.O.B. Top of Bank
O.H.U. Overhead Utilities	L Length	TYP Typical
PP. Power Pole	L.B. Licensed Business	WC Witness Corner
TX Transformer	L.A.E. Limited Access Easement	10.05 Existing Elevation
CATV Cable Riser	Line Break Not to Scale	E.O.W. Edge of Water
CB Chord Bearing	M.H. Manhole	P.C.C. Point of Compound Curve
F.C.C. Found Cross Cut	O Found	PI Point of Intersection
F Field	O.H. Overhead Lines	T.B.M. Temporary Bench Mark

GENERAL NOTES

- Legal description provided by others
- The lands shown hereon were not abstracted for easements or other recorded encumbrances not shown on the plat
- Underground portions of footings, foundations or other improvements were not located
- Wall ties are to the face of the wall
- Only visible encroachments located
- No identification found on property corners unless noted
- Dimensions shown are plat and measured unless otherwise noted
- Elevations if shown are based upon N.G.V.D. 1929 unless otherwise noted
- Adjoining lots are within the same block unless otherwise noted
- This is a BOUNDARY SURVEY unless otherwise noted
- Not valid unless sealed with the signature and stamped with the seal of a surveyor's embossed seal.
- FLOOD ZONE DETERMINATIONS ARE PROVIDED AS A COURTESY ONLY, AND ARE DERIVED FROM THE BEST SOURCES AVAILABLE TO THE SURVEYOR. THIS INFORMATION SHOULD NOT BE RELIED UPON FOR FLOOD INSURANCE PURPOSES, AND MAY DIFFER FROM INFORMATION PROVIDED BY OTHERS.
- Septic tank and/or drainfield locations are approximate and MUST be verified by appropriate utility location companies
- Bearing basis shown per plat unless otherwise shown
- Survey is for reference only unless signed and sealed by a Florida Registered Land Surveyor.
- All spots are not radials unless otherwise noted
- Facilitation does not constitute an update

Ralph Swerdloff Registered Land Surveyor No. 3411
Louis R. Ramirez Professional Surveyor and Mapper No. 6302

39°23'15" W 105.00' (P)
39°23'08" W 105.08' (M)

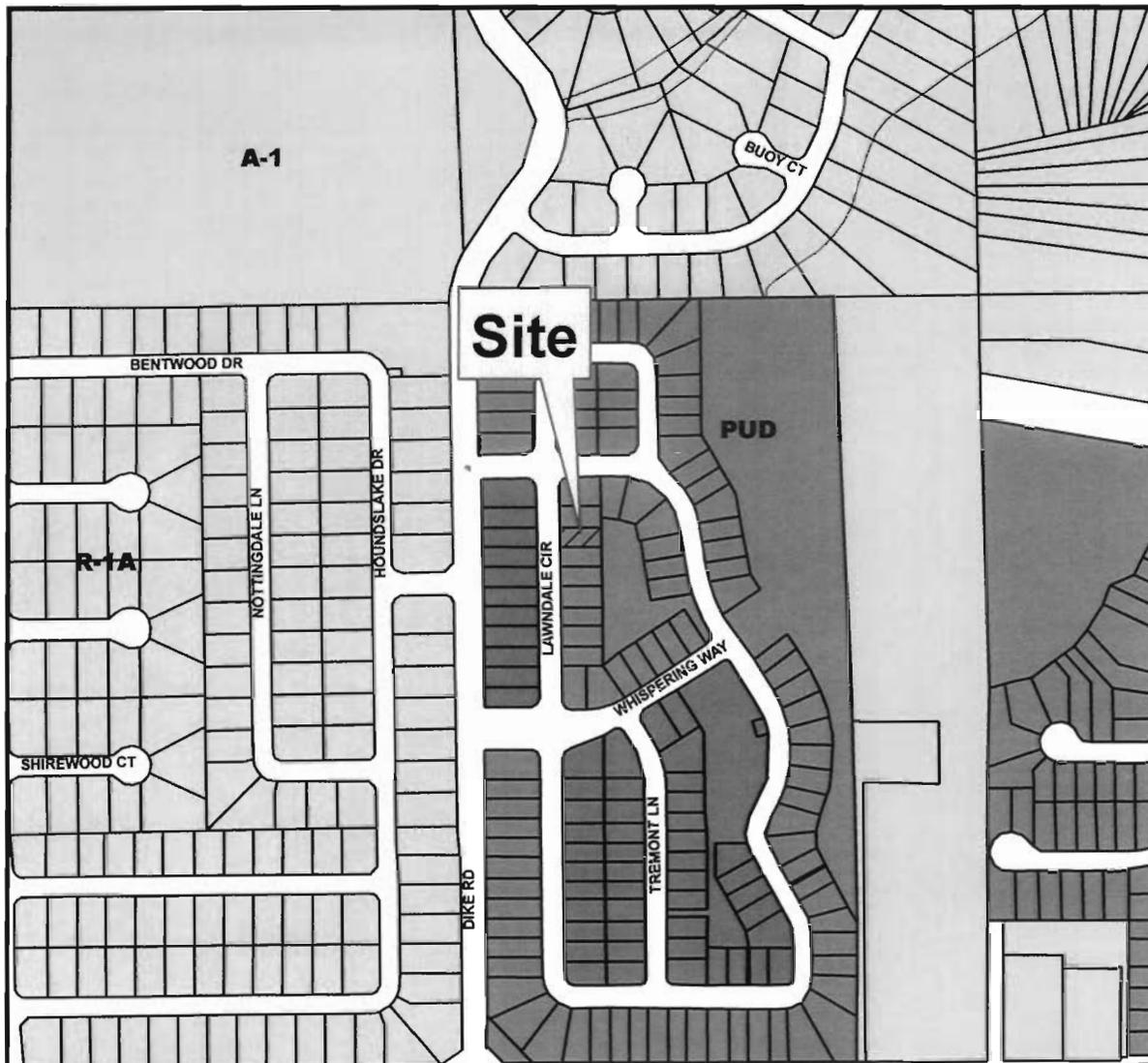


PER PLAT
SCALE: 1"=30'

89°23'15" E 105.00' (P)
105.02' (M)

NEW SETBACK

Mary Thagard
 1505 Lawndale Circle
 Winter Park, FL 32792



Seminole County Board of Adjustment
 April 26, 2010
 Case: BV2010-20 (Map 3210 Grid E5)
 Parcel No: 26-21-30-5GQ-0000-1380

Zoning

-  BV2010-20
-  A-1
-  R-1A
-  PUD



<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>																																																														
<p align="center">GENERAL</p> <p>Parcel Id: 26-21-30-5GQ-0000-1380 Owner: THAGARD MARY K Mailing Address: 1505 LAWDALE CIR City,State,ZipCode: WINTER PARK FL 32792 Property Address: 1505 LAWDALE CIR WINTER PARK 32792 Subdivision Name: COUNTRY LANE Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (2009) Dor: 01-SINGLE FAMILY</p>		<p align="center">VALUE SUMMARY</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>VALUES</th> <th>2010 Working</th> <th>2009 Certified</th> </tr> </thead> <tbody> <tr> <td>Value Method</td> <td>Cost/Market</td> <td>Cost/Market</td> </tr> <tr> <td>Number of Buildings</td> <td align="center">1</td> <td align="center">1</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td align="right">\$104,437</td> <td align="right">\$113,891</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Land Value (Market)</td> <td align="right">\$33,000</td> <td align="right">\$33,000</td> </tr> <tr> <td>Land Value Ag</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Just/Market Value</td> <td align="right">\$137,437</td> <td align="right">\$146,891</td> </tr> <tr> <td>Portability Adj</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td align="right">\$0</td> <td align="right">\$0</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td align="right">\$137,437</td> <td align="right">\$146,891</td> </tr> </tbody> </table> <p align="center">Tax Estimator</p>	VALUES	2010 Working	2009 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$104,437	\$113,891	Depreciated EXFT Value	\$0	\$0	Land Value (Market)	\$33,000	\$33,000	Land Value Ag	\$0	\$0	Just/Market Value	\$137,437	\$146,891	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$137,437	\$146,891																											
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**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

Ownership Disclosure Form

The owner of the real property associated with this application is a (check one)

- Individual Corporation Land Trust
 Limited Liability Company Partnership
 Other (describe): _____

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	ADDRESS	PHONE NUMBER
Mary Thagard	1505 Laurelale Circle Winton Park, FL 32792	407-538-2558

(Use additional sheets for more space.)

2. For each **corporation**, list the name, address, and title of each officer; the name and address of each director of the corporation; and the name and address of each shareholder who owns two percent (2%) or more of the stock of the corporation. Shareholders need not be disclosed if a corporation's stock are not traded publicly on any national stock exchange.

NAME	TITLE OR OFFICE	ADDRESS	% OF INTEREST

(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 and the percentage of interest of each beneficiary. If any trustee or beneficiary of a trust is a corporation, please provide the information required in paragraph 2 above.

Trust Name: _____

NAME	TRUSTEE OR BENEFICIARY	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

4. For **partnerships**, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners. If any partner is a corporation, please provide the information required in paragraph 2 above.

NAME	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

5. For each **limited liability company**, list the name, address, and title of each manager or managing member; and the name and address of each additional member with two percent (2%) or more membership interest. If any member with two percent (2%) or more membership interest, manager, or managing member is a corporation, trust or partnership, please provide the information required in paragraphs 2, 3 and/or 4 above.

NAME	TITLE	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

6. In the circumstances of a **contract for purchase**, list the name and address of each contract purchaser. If the purchaser is a corporation, trust, or partnership, provide the information required for those entities in paragraphs 2, 3, and/or 4 above.

Name of Purchaser: _____

NAME	ADDRESS	% OF INTEREST

Date of Contract: _____

Please specify any contingency clause related to the outcome of the consideration of the application.

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 rezone, 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.

3/5/2010
Date

Mary Thagard
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 5th day of MARCH, 2010 by MARY THAGARD

Patricia Johnson
Signature of Notary Public

Print: PATRICIA JOHNSON
Comm# DD0759966
Expires 2/18/2012
Stamp Name of Notary Public
Florida Notary Assn., Inc

Personally Known _____ OR Produced Identification -
Type of Identification Produced Florida Driver License

For Use by Planning & Development Staff

Date: _____ Application Number: _____

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On April 26, 2010, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 138 COUNTRY LANE PB 28 PGS 77 & 78

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

FINDINGS OF FACT

Property Owner: Mary K Thagard
1505 Lawndale Circle
Winter Park FL 32792

Project Name: Lawndale Circle (1505)

Variance Approval:

Request for a side yard (north) setback variance from 7.5 feet to 5.92 feet for an existing addition in PUD (Planned Unit Development) 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 will apply only to the addition 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 & Development Manager

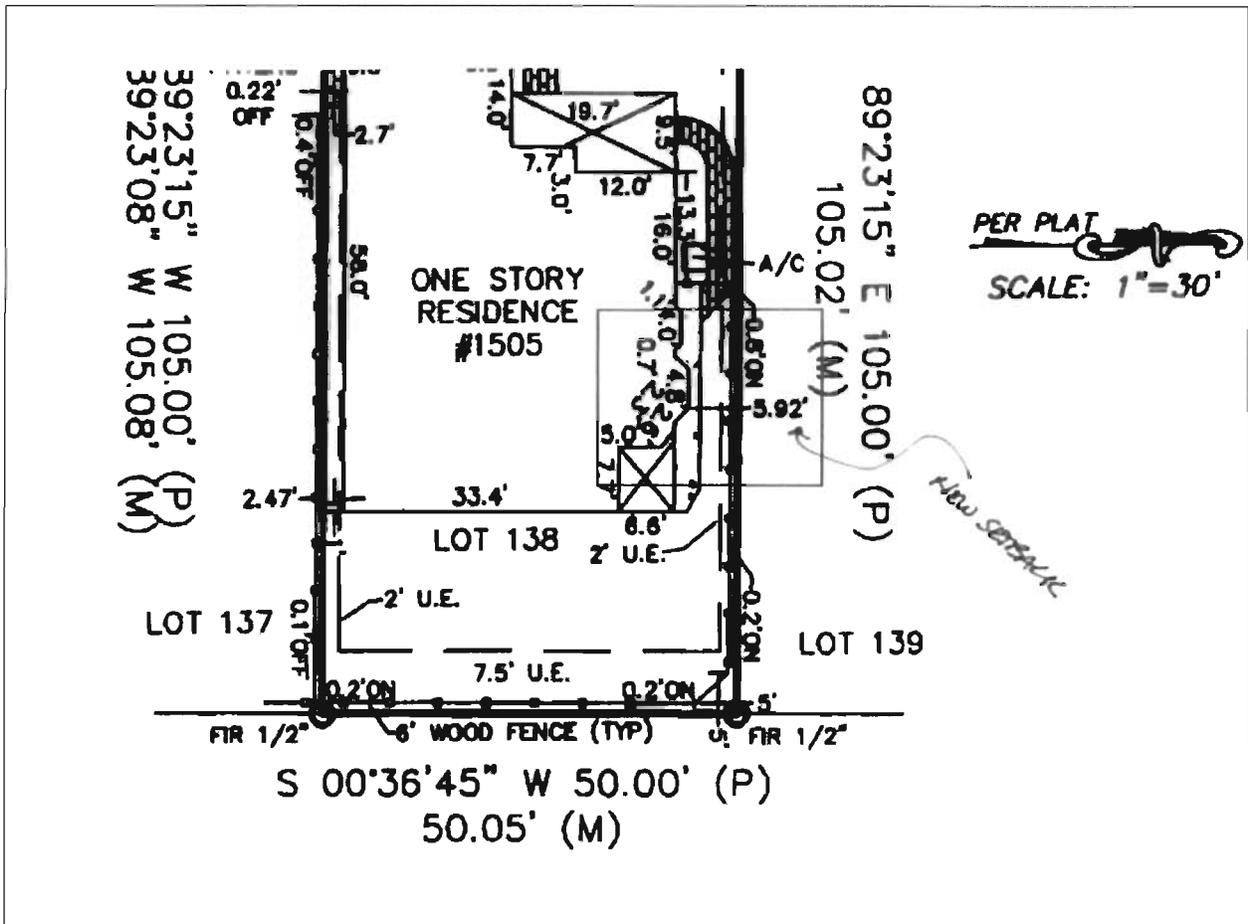
**STATE OF FLORIDA)
COUNTY OF SEMINOLE)**

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 _____, 2010.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:



SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On April 26, 2010, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 138 COUNTRY LANE PB 28 PGS 77 & 78

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

FINDINGS OF FACT

Property Owner: Mary K Thagard
1505 Lawndale Circle
Winter Park FL 32792

Project Name: Lawndale Circle (1505)

Requested Variance:

Request for a side yard (north) setback variance from 7.5 feet to 5.92 feet for an existing addition in PUD (Planned Unit Development) district.

Approval was sought to bring into compliance the construction of an addition within the side yard setback. 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 & Development 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 _____, 2010.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: