

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the hereinafter described property for a Dentist office in a residence.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: James T. Rucker, D.D.S.
Legal Owner(s): Douglas Kline
Address: 3213 Bellevue James Place
City and State: Baltimore, Maryland 21207
Phone No: 301-261-6031 or 301-987-6400 ext 406

86-18-K
332

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 20, 1985

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21284

Mr. & Mrs. Douglas Kline
3516 Fairview Road
Baltimore, Maryland 21207

Nicholas B. Commodari
Chairman

RE: Item No. 332 - Case No. 86-18-K
Petitioner - Douglas Kline, et ux
Special Exception Petition

Dear Mr. Kline:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file.

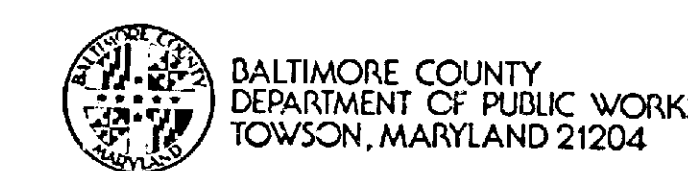
Very truly yours,

Nicholas B. Commodari, et ux
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NEC:bsc

Enclosures

cc: F. F. Raphael and Associates
201 Courtland Avenue
Towson, Maryland 21204



BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

August 5, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Items #326-#330 & #332-#336 & #339 (1984-1985)
Various Locations
Zoning Advisory Committee
Meeting of May 14, 1985

Dear Mr. Jablon:

The following comments are furnished in regard to the plans submitted to this office for review by the Zoning Advisory Committee in connection with the subject items.

GENERAL COMMENTS:

Since no public facilities are involved with any of the above referenced petitions, this office has no comment at this time. However, at such time that the various applicants file for building permits, the Bureau of Public Services will comment on the existence and availability of public facilities to support any construction.

Very truly yours,

James A. Markle, P.E., Chief
Bureau of Public Services

JAM:PMO:blp

cc: file

7/10 8/18-4

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 4th day of June, 1985.

ARNOLD JABLON
Zoning Commissioner

Petitioner: Douglas Kline, et ux
Petitioner's Attorney: Nicholas B. Commodari, Chairman, Zoning Plans Advisory Committee

86-18-K
332

ORDER RECEIVED FOR FILING
DATE July 18/85
BY [Signature]

ORDERED By the Zoning Commissioner of Baltimore County, this 4th day of June, 1985, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 10th day of July, 1985 at 1:30 o'clock.

[Signature]
Zoning Commissioner of Baltimore County.

Maryland Department of Transportation

State Highway Administration
William K. Hoffmann
Secretary
Hal Kessaff
Administrator

May 23, 1985

Mr. A. Jablon
Zoning Commissioner
County Office Bldg.
Towson, Maryland 21204
Att: M. Commodari
Re: Property Owner: Douglas Kline, et ux
Location: S/W corner Fairview Ave. & Liberty Road
Existing Zoning: D.R. 5.5
Proposed Zoning: Spec. Exception for a Dentist Office in a residence
Acres: .225 acres
District: 2nd Election District

Dear Mr. Commodari:
On review of the site plan of 4/15/85, showing all access to the site by way of Fairview Avenue, the State Highway Administration finds the plan generally acceptable.

Very truly yours,
Charles Lee, Chief
Bureau of Engr. Access Permits
by: George Wittman

CL-GW:es
cc: J. Ogle

My telephone number is 301-659-1350
Teleprinter for Impaired Hearing or Speech
303-7555 Baltimore Metro - 565-6451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

111 W. Chesapeake Avenue
Towson, Maryland 21204
494-3211
NICHOLAS B. COMMODARI
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

JUNE 18, 1985
Re: Zoning Advisory Meeting of MAY 14, 1985
Item # 332 DOUGLAS KLINE, ET UX
Property Owner: S/W CORNER FAIRVIEW AVE. & LIBERTY ROAD.

Dear Mr. Jablon:
The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- There are no site planning factors requiring comment.
A County Review Group Meeting is required.
The County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
A record plat will be required and must be recorded prior to issuance of a building permit.
The access is not satisfactory.
The circulation on this site is not satisfactory.
The parking arrangement is not satisfactory.
Parking calculations must be shown on the plan.
This property contains soils which are defined as wetlands, and development on these soils is prohibited.
Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-28 of the Development Regulations.
Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
The amended Development Plan was approved by the Planning Board on [blank].
Landscape: Must comply with Baltimore County Landscape Manual.
The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is [blank].
The property is located in a traffic area controlled by a "T" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
Additional comments: [blank]

Eugene A. Baber
Chief, Current Planning and Development
cc: James Hoswell

BALTIMORE COUNTY DEPARTMENT OF TRAFFIC ENGINEERING

TOWSON, MARYLAND 21204
494-3550
STEPHEN E. COLLINS
DIRECTOR

May 20, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

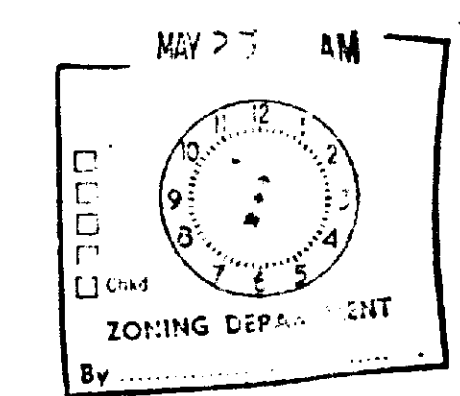
Item No. 332. ZAC Meeting of May 14, 1985
Property Owner: Douglas Kline, et ux
Location: S/W Corner Fairview Ave. and Liberty Road
Existing Zoning: D.R. 5.5
Proposed Zoning: Special exception for a dentist office in a residence.

Acres: .225 acres ±
District: 2nd

Dear Mr. Jablon:
The site should be provided with on-site parking that meets county standards.

Michael S. Flanagan
Traffic Engineering Assoc. II

MSF/ccm



BALTIMORE COUNTY FIRE DEPARTMENT

TOWSON, MARYLAND 21204-2986
494-4500
PAUL H. RENCKE
CHIEF

May 15, 1985

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Douglas Kline, et ux
Location: S/W Corner Fairview Avenue and Liberty Road
Item No.: 332
Zoning Agenda: Meeting of 5/14/85

Gentlemen:

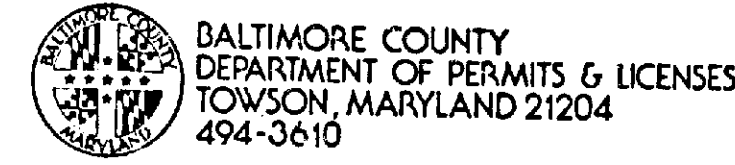
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at [blank] ENCLOSES the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: [Signature] Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations



May 21, 1985

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO... Zoning Commissioner
Date... June 21, 1985
Norman E. Gerber, Director
FROM... Office of Planning and Zoning
SUBJECT... Zoning Petition NO. 86-18-X

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21286

Dear Mr. Jablon:

Comments on Item # 332 Zoning Advisory Committee Meeting are as follows:

Property Owner: Douglas Kline, et ux
Location: S/W Corner Fairview Avenue and Liberty Road
District: 2nd.

APPLICABLE ITEMS ARE CIRCLED:

- 1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85...
2. A building and other miscellaneous permits shall be required before the start of any construction.
3. Residential: The sets of construction drawings are required to file a permit application...
4. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application...
5. All Two Group except P-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls...
6. The structure does not appear to comply with Table 505 for permissible height/area...
7. The requested variance appears to conflict with Section 41 of the Baltimore County Building Code...
8. When filing for a required change of use/occupancy permit, an alteration permit application shall also be filed...
9. The proposed project appears to be located in a Flood Plain, Flood/Evermore...
Comments: It is assumed the building had a previous change of occupancy permit and was upgraded to the office use as required by the Code...
10. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit...

Charles S. Chamberlain
City Engineer
Building Plans Review

1/27/85

This office is not opposed to the proposed conversion.

Norman E. Gerber per Affidavit
Norman E. Gerber, Director
Office of Planning and Zoning

NEG:JGH:slm

IN RE: PETITION SPECIAL EXCEPTION
SW corner of Fairview Road and
Liberty Road (3516 Fairview
Road) - 2nd Election District
Douglas Kline, et ux,
Petitioners
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-18-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception for a professional office in a residence in a D.R.5.5 Zone, as more particularly described on Petitioners' Exhibit 1.

The Petitioners, by their Contract Purchaser, appeared and testified. Eugene F. Raphael, a registered land surveyor, testified on behalf of the Contract Purchaser. There were no Protestants.

Testimony indicated that the subject property, located on Liberty Road and Fairview Avenue, 1s and has been the Petitioners' residence and chiropractic office for over 20 years. Dr. James T. Rucker, a dentist, is purchasing the property and will live in the house and operate his office therefrom. Although the use of the residence as a home and chiropractic office is nonconforming, Dr. Rucker's profession creates a different use, thereby requiring a special exception. The total floor area of the residence is 1,667 square feet and the office use will be 390 square feet, less than the 25% allowed. No structural changes are proposed and the present dichotomy of the building between residential and office use will be maintained.

Dr. Rucker's neighborhood practice will have no adverse impact on any of the conditions precedent as delineated in Section 502.1, Baltimore County Zoning Regulations (BCZR). Liberty Road is developed extensively with commercial uses. An office building is on one side of the property and a church and attendant school is across Liberty Road from it.

ORDER RECEIVED FOR FILING
DATE July 15, 1985
BY [Signature]

Although the BCZR does not require parking spaces for an office use if less than 5,000 square feet, the Petitioners will provide four spaces.

The Petitioners seek relief from Section 1B01.1.C.9B, BCZR, pursuant to Section 502.1.

It is clear that the BCZR permits the use requested by the Petitioners in a D.R.5.5 Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioners.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions, as more fully described below.

The Petitioners had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioners have shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioners' Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the BCZR.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1

having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 15th day of July, 1985, that the Petition for Special Exception for a professional office in a residence in a D.R.5.5 Zone zone be and is hereby GRANTED from and after the date of this Order.

[Signature]
Zoning Commissioner of Baltimore County

AJ/srl

cc: James T. Rucker, D.D.S.
E. F. Raphael & Associates
People's Counsel

PETITION FOR SPECIAL EXCEPTION
2nd Election District

LOCATION: Southwest corner of Fairview Road and Liberty Road, (3516 Fairview Road)

DATE AND TIME: Wednesday, July 10, 1985 at 1:30 p.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for a Dentist office in a residence.

Being the property of Douglas Kline, et ux as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

E. F. RAPHEL & ASSOCIATES
Registered Professional Land Surveyors
201 COURTLAND AVENUE
TOWSON, MARYLAND 21204

OFFICE: 825-3000
Description to Accompany Special Exception
Lot # 81 Milford Gardens
#2516 Fairview Ave.
RESIDENCE: 771-6592

April 15, 1985

Beginning for the same at a point on the southwestern most right of way line of Liberty Road, said point being located north-westerly 40' from the intersection formed by the southwestern most right of way line of Liberty Road and the centerline of Fairview Avenue, running thence on the southwestern most right of way line of Liberty Road, and binding on the outline of Lot 81 of "Milford Gardens" N 61° 27' 52" W 110.04', thence leaving Liberty Road, S 27° 00' 20" W 76.32', S 62° 59' 40" E 125.00' to the northwest side of Fairview Avenue, 50' wide, running thence and binding on the northwest side of Fairview Avenue, N 27° 00' 20" E 64.12', thence by a curve to the left with a radius of 15', for a distance of 22.95' to the place of beginning.

Containing 0.225 Ac.±

to be known as #2516 Fairview Ave.



[Signature]
E. F. Raphael
Registered Professional Land Surveyor
#2046

ORDER RECEIVED FOR FILING
DATE July 15, 1985
BY [Signature]

ORDER RECEIVED FOR FILING
DATE July 15, 1985
BY [Signature]

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
 SW Corner of Fairview Rd. and
 Liberty Rd., (3516 Fairview
 Rd.), 2nd District
 OF BALTIMORE COUNTY
 DOUGLAS KLINE, et ux,
 Petitioners Case No. 86-18-X

ENTRY OF APPEARANCE

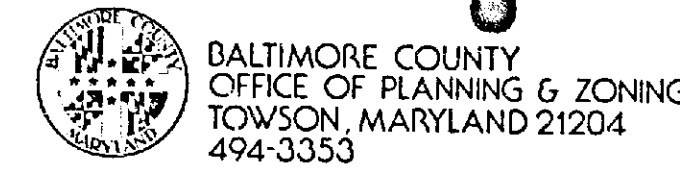
Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
 Phyllis Cole Friedman
 People's Counsel for Baltimore County

Peter Max Zimmerman
 Peter Max Zimmerman
 Deputy People's Counsel
 Rm. 223, Court House
 Towson, MD 21204
 494-2188

I HEREBY CERTIFY that on this 19th day of June, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. Douglas Kline, and Mrs. Maxine Kline, 3516 Fairview Rd., Baltimore, MD 21207, Petitioners; and James T. Rucker, D.D.S., 3213 Belton James Place, Baltimore, MD 21207, Contract Purchaser.

Peter Max Zimmerman
 Peter Max Zimmerman



ARNOLD JABLON
 ZONING COMMISSIONER

July 9, 1985

Mr. & Mrs. Douglas Kline
 3516 Fairview Road
 Baltimore, Maryland 21207

RE: Petition for Special Exception
 SW corner of Fairview Road and
 Liberty Road (3516 Fairview Road)
 Douglas Kline, et ux - Petitioners
 2nd Election District
 Case No. 86-18-X

Dear Mr. & Mrs. Kline,

This is to advise you that \$49.00 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

This fee must be paid and the zoning sign and post returned on the day of the hearing. Do not remove sign until day of the hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Zoning Office, Room 115, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

Arnold Jablon
 ARNOLD JABLON
 Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE-REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT
 No. 007364

DATE 7-10-85 ACCOUNT R-01-415-000

AMOUNT \$ 49.00

RECEIVED FROM James Rucker

FOR Payment of Advertising Fee

8 8108*****100010 0010F

VALIDATION OR SIGNATURE OF CARRIER

Mr. & Mrs. Douglas Kline
 3516 Fairview Road
 Baltimore, Maryland 21207

June 5, 1985

NOTICE OF HEARING

RE: PETITION FOR SPECIAL EXCEPTION
 SW corner of Fairview Road and
 Liberty Road (3516 Fairview Road)
 Douglas Kline, et ux - Petitioners
 Case No. 86-18-X
 2nd Election District

TIME: 1:30 p.m.

DATE: Wednesday, July 10, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Arnold Jablon
 Zoning Commissioner
 of Baltimore County

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE-REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT
 No. 007475

DATE 5/11/85 ACCOUNT R-01-015-000

AMOUNT \$ 110.00

RECEIVED FROM J. Rucker

FOR July fee for Room #332

8 8108*****100010 0010F

VALIDATION OR SIGNATURE OF CARRIER

CERTIFICATE OF PUBLICATION
 65913

86-18-X

Pikesville, Md., June 19 19 85

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 10th day of

July 19 85

the first publication appearing on the 19th day of June 19 85

the second publication appearing on the day of 19

the third publication appearing on the day of 19

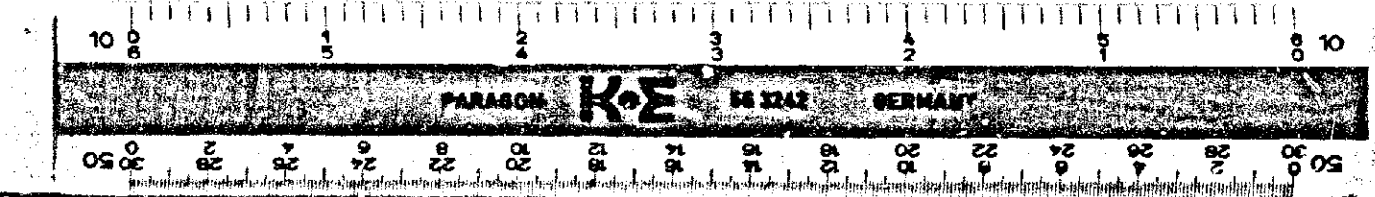
LEGAL NOTICE

PETITION FOR SPECIAL EXCEPTION
 2nd Election District
 LOCATION: Southwest corner of Fairview Road and Liberty Road, 3516 Fairview Road at 1:30 p.m.
 PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland
 The Zoning Commissioner of Baltimore County, in authority of the Zoning Act (Section 10-201 of Baltimore County Code) will hold a public hearing on the Petition for Special Exception for a 2nd Election District.
 Being the property of Douglas Kline, et ux as shown on the plat filed with the Zoning Office.
 In the event that the Petition is granted, a building permit may be issued within the forty (40) day appeal period. The Zoning Commissioner will, however, suspend any appeal during the appeal period for a period of 30 days from the date of the hearing to allow the owner to complete any required work on the site of the hearing set above or made at the hearing.

THE NORTHWEST STAR

Phyllis Cole Friedman
 Manager

Cost of Advertisement \$22.00



CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

86-18-X

District 2nd Date of Posting June 21, 1985

Posted for: Special Exception

Petitioner: Douglas Kline, et ux

Location of property: SW Corner of Fairview Road and Liberty Road (3516 Fairview Road)

Location of Signs: SW Corner of Liberty and Fairview Roads

Remarks:

Posted by: *Arnold Jablon* Date of return: June 25, 1985

Number of Signs: 1

CERTIFICATE OF PUBLICATION

86-18-X

TOWSON, MD., June 20 19 85

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on June 20 19 85.

THE JEFFERSONIAN,

Robert Venturi
 Publisher

Cost of Advertising

22.00

PETITION FOR SPECIAL EXCEPTION
 2nd Election District
 LOCATION: Southwest corner of Fairview Road and Liberty Road, 3516 Fairview Road at 1:30 p.m.
 PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland
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 Being the property of Douglas Kline, et ux as shown on the plat filed with the Zoning Office.
 In the event that the Petition is granted, a building permit may be issued within the forty (40) day appeal period. The Zoning Commissioner will, however, suspend any appeal during the appeal period for a period of 30 days from the date of the hearing to allow the owner to complete any required work on the site of the hearing set above or made at the hearing.
 By Order of
 ARNOLD JABLON,
 Zoning Commissioner
 of Baltimore County
 June 20, 1985

