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Street corner battle favors the neighbors

By M.B. Dillon Ward
staff writer

A zoning battle between Pasadena Park homeowners and Farmington Hills developer Ben Marks over the planned construction of an office building ended in victory for the homeowners recently when the Michigan Supreme Court refused to hear the case.

The refusal lets stand a decision by the Oakland County Court of Appeals which ruled for the homeowners by rejecting Marks' site plan and restricting the size of an office building proposed for the northeast corner of 11 Mile and Orchard Lake Road.

The group of homeowners celebrated their hard-fought victory by throwing a party. About 40 families in the Pasadena Park subdivision spent \$15,000 to legal fees in their successful attempt to stop Marks' development.

Legal warfare broke out over the five-acre site opposite Farmington Hills City Hall four years ago.

PASADENA PARK residents, some of whom live in 50-year-old homes near the contested property, sued Marks. They claimed subdivision deed restrictions prohibit everything but the construction of single-family residences on the land.

But Marks maintained Farmington Hills' approval of his site plan permits commercial development, pending his position has cost him \$10,000 or more.

"Sure it hurts (the legal fees), but you reach a point where you can't back up," said Marks, who constructed an office building on the intersection's southeast corner several years ago despite opposition from area residents.

"It was a ridiculous lawsuit to begin with. The chances of someone building a single family residence there are nil. I wouldn't even consider developing housing units (on the property). It doesn't make sense."

Homeowners, however, feel Orchard Lake Road is commercialized enough, said Fred Sayles, vice president of the subdivision.

"We would rather have single family residential buildings facing us, rather than an office building," Sayles said. "It's a qualitative-quantitative thing — a matter of preference, not an absolute, whether there should something in particular built there."

Attorney Emery Jacques, representing the residents, said the law "is very clear in this area."

Deed restrictions drafted when land was platted take precedence over municipalities' zoning laws, he said.

In a 1980 decision, Oakland County Circuit Court Judge Robert B. Webster agreed.

COMMERCIAL DEVELOPMENT is allowed up to 110 feet from 11 Mile

Road under the deed restrictions, Judge Webster said. In 1982, the ruling was upheld by a panel of three Oakland County Court of Appeals Judges, Jacques said.

Because the decision empowered Marks to construct only a "pencil-thin building," he appealed to the Michigan Supreme Court for leave to appeal.

"It's an unreasonable position people are taking. The planning commission and city council don't think anyone would want to build single family residences there, and I don't think I would be prostituting the area."

"I would be enhancing it with a building in tune with the architecture in the surrounding area. \$150,000 worth of landscaping and mature plantings, and a 40-foot greenbelt," he said.

"The building would be very well-shielded. It happens to be an island place that doesn't back up to any houses."

Marks is unsure what he'll put on the property, but "I've got a couple of ideas. I'm considering a 7-Eleven store, or that type of thing. I'm not going to leave it vacant. I'm going to do something with it."

A veteran planning commission member, Marks fought battles with the city before Pasadena Park residents ever got involved. He took the city to court after failing to convince officials in 1977 the property should be rezoned commercial.

A CONSENT judgment entered into by Farmington Hills and Marks' attorneys gave him the go-ahead to construct his office building.

"Certainly, the decision of the city council to go along with that consent judgment was ill-advised," said Jacques.

"The City of Farmington Hills never should have gotten into it in light of what (Marks) was attempting to do, and in light of the character of the neighborhood. (Officials) should have had more concern for the zoning ordinance and for upholding the residential character of the neighborhood."

Uncertainty about the suit's outcome as well as the city's actions make victory even sweeter for Pasadena Park residents, said Sayles and Pasadena Park resident Roland Sharette.

"Every once in a while I'd write out a check for \$50 or so when they needed it to keep the suit going, but even while I was doing it I wondered if we weren't just spinning our wheels," said Sharette.

"It kind of means more when you really haven't got any of the city administrators outwardly on your side," Sayles said.

"I think maybe inwardly they were on our side... it's been a long battle. We're real happy we won."



James Ryan

Justice leads spirit of Eire

If you're among those who ventured to Corktown for yesterday's St. Patrick's Day parade, you may have spotted a well-muscled Irishman slip to the head of the line just before the bagpipes belted and the procession began.

That was Parade Grand Marshal James L. Ryan, Michigan Supreme Court justice, whose home office is in Farmington.

Ryan, who traces his roots to County Tipperary, ran in the pre-parade four-mile run, was whisked away to Detroit

Police Department headquarters for a quick shower, and rushed back to Woodward Avenue to lead 5,000 of Detroit's Irish in the 25th Annual St. Patrick's Day Parade.

Now serving his eighth year on the court, Ryan "was terribly honored and surprised" to be selected grand marshal.

It's a tribute bestowed in past years upon the Irish Jewish Lord Mayor of Dublin Robert Briscoe; Irish Prime Minister Jack Lynch; Detroit Mayor Jerome P. Cavanaugh; Detroit Police Superintendent Edwin Morgan, and

47th District Court Judge Michael Hand.

Also hailing from the Farmington area at the Irish extravaganza were parade organizers Mary and Dan Dilworth, Mike Sullivan, parade commentator Ken Moriarty, Ford 75 marchers and a 1928 Buick representing Dunleavy's Pub & Grub, a float decked with singing employees from O'Sheehan's Irish Tavern and Eatery, the Old Village Inn motor home flying the green, white and gold Irish flag, and McFroek's "Shamrocks against Muscular Dystrophy" float.

Lots to eat and drink

Where to celebrate green theme

By M.B. Dillon Ward
staff writer

Well now, you and your favorite leprechaun needn't wonder where 'tis you'll be honoring St. Patrick this Thursday.

In Farmington and Farmington Hills, there's many a spot for the Irish to stop — where the non-Irish are welcome as well.

Jack Dunleavy, Marty Burke, John Cawley, Larry Sheehan and Bob McDonald, all proprietors of local pubs, will prepare corned beef and cabbage and Irish libations for their green-hearted patrons the 17th.

Even Farmington Hills' English pub, Col. Clickers, will mark the occasion with Irish music and fare.

"We're two boys of the green and we're officially changing our name to Col. McClickers until after St. Paddy's Day," said owner Scott Morris, referring to partner Jim Lamb and himself.

A disc jockey spinning Irish records and \$2.50 plates of corned beef and cabbage (served from noon until whenever) await McClickers' customers, Morris said.

From Farmington's Old Village Inn, the Irish-bred Marie Cowley reports, "although the Old Village Inn has been featuring country and western bands, it will awaken like 'Brigadoon' on St. Patrick's Day to the strains of native music by Pat's People from 3-7 p.m."

LIVE IRISH music will entertain celebrants all day — and until 2 p.m., corned beef and cabbage with Irish soda bread (as well as the usual \$5 pound hamburger) will feed the hungry among them.

For Jack Dunleavy of Dunleavy's Pub & Grub in Farmington, St. Patrick's Day, 1983 will be special. Fifty years ago Thursday, the late John Dunleavy of County Mayo opened the Shamrock bar on Woodward Wilson in Detroit. And yesterday's parade marked the 25th year the Dunleavys have marched in the St. Patrick's Day parade, said Dunleavy, who in 1980 went into business with his father, and six years ago opened his Farmington establishment with Burke.

To celebrate, Dunleavy's luncheon menu will boast Aunt Julia Flynn's

homemade soda bread, Irish stew for \$3.25 and corned beef and cabbage at \$3.75.

And like his dad used to say, "a real Irish pub doesn't need any lined-up professional entertainment."

"A lot of people bring in guitars, sing along and make the music spontaneous. It always a fun, interesting day," said the younger Dunleavy.

At the city's newest Irish establishment, O'Sheehan's Irish Tavern and Eatery, singer Patty Mallon headlines the fun with drinking, rebel and love songs from the Emerald Isle from noon to 8 p.m.

Patrons will have time for a \$3.75 serving of corned beef and cabbage, \$4.25 Irish stew, or a \$2.75 corned beef sandwich before Norm Campbell and Jim Sundry, an accordion player and drummer, take the stage from 7 p.m. until 2 p.m.

GREEN BEER in pitchers; Irish coffees and creams, free hats, favors, buttons and lapel pins will be O'Sheehan accessories.

At McFroek's, named for owners McDonald and Bob Fruchita, St. Patrick's Day will be heralded by Irish

bagpiper Ken Wood, who last year drew over capacity crowds.

"We had them four abreast at the door," recalled McDonald, who this year features 12 ounce green beers for \$1, discounted Irish coffee and cream drinks, \$2.95 corned beef and cabbage and \$2.75 Irish lamb stew.

McFroek's employees will match the green decor and bestow upon patrons favors, green hats, and leis, noisemakers and little shamrocks for their tapers.

Even Mario's Irish Pizzeria will give St. Patrick his due on Thursday — though for the owners, it will be business as usual.

"Our whole place is green year round. We play Irish albums and have the jackets and a shillelagh stuck up on the wall," said Myles Burke IV, whose late father, also named Myles, added the "Irish" to Mario's Pizzeria when he bought the business two years ago.

For further information, call the Old Village Inn at 474-5941, Dunleavy's at 478-8866, McFroek's at 855-3860, O'Sheehan's at 474-8483, Col. Clickers at 476-7036 and Mario's at 553-0666. Happy St. Patrick's Day.

Gypsy moths invade Farmington Hills

By Joanne Maliszewski
staff writer

Gypsy moths are becoming a deadly problem for a concentrated area of hardwood trees in Farmington Hills.

So Michigan Department of Agriculture (MDA) officials will meet Tuesday with residents living in the infested neighborhood of 10 Mile and Inster, where 35 patches of egg masses containing the destructive caterpillars were found, said Carl Dollhoff, a supervisor in MDA's Detroit office.

The informational meeting will be held 7:30-9 p.m. in the East Middle School cafeteria at 2500 Middlebelt.

About two years ago, bands of the ravenous moths unsuspectingly were brought into Farmington Hills from Massachusetts on the underside of a dog house covered with egg masses, Dollhoff said.

"The area now is infested from this

household move," he said. "So we have ourselves a very concentrated, highly explosive situation."

While conducting a routine check in 1981, MDA researchers stumbled on the Farmington Hills infestation. That find led researchers in 1982 to establish a trapping program designed solely to pinpoint areas of infestation.

Initially, 35 moths were found, leading researchers to uncover 35 egg masses, containing anywhere from 500-1,000 eggs in each, Dollhoff said.

ALTHOUGH CONCENTRATED in the 10 Mile and Inster Road area, a larger, 320-acre area of infestation has been specified for treatment. That area is bounded on the east by Inster Road, on the north a quarter-mile north of 10 Mile, on the west by Briarhill and on the south 1/2-mile south of 10 Mile.

Even though the moths in their caterpillar stage attack and defoliate almost every type of tree, "their first love is the oak," Dollhoff said.

Unfortunately, the oak, like beeches, walnuts, maples and birches — the insects favorite diet — are susceptible to permanent damage from defoliation. The trees have little regenerative power to grow new leaves fast enough to stay alive, Dollhoff said.

Because the moth eggs will hatch in mass, containing anywhere from 500-1,000 eggs in each, Dollhoff said.

Permission, however, is required from the Farmington Hills City Council as well as the Federal Aviation Administration to fly an airplane low over the neighborhoods, said City Manager Lawrence Savage. The spraying issue will be placed on the City Council agenda when city officials receive a request from the MDA, Savage said.

SEVIN, A common insecticide that can be purchased at any lawn and garden shop, will be used to destroy the moths, Dollhoff said.

"It's a safe material," he said, adding Sevin often is used to control fleas on pets.

But even if the gypsy moths are spotted — the females by their large white body and mated by their tan-colored body — MDA officials are asking residents to avoid spraying their yards.

Aerial spraying is more effective than yard-by-yard spraying, Dollhoff said, because the insecticide coats on tree tops and don't stay within property lines.

"By doing it right, we can get control of the insects," he said.

Because Sevin is deadly to honey bees, Dollhoff said, MDA officials also will contact beekeepers in the infested area.

'Frustration' leads her to brand new business

By Joanne Maliszewski
staff writer

The closed door that would turn most

people away, only serves as an invitation for Bev Cornell of Farmington Hills to find the nearest open window.

The 36-year-old routinely finds new



RANDY BORGSTRAFF/STAFF PHOTOGRAPHER

Beverly Cornell, despite some of the obstacles she has faced in life, has managed to meet the challenges and mold them into positive experiences.

interests and activities to maintain victory over a rare degenerative bone disease that's plagued her since childhood.

"I get very frustrated if I don't have a lot going on," Cornell said.

But frustration was the impetus for Cornell's new small business of "fancying-up" warm-up suits with embroidery, appliques and lace.

While confined to a wheelchair last summer after her 2nd operation since contracting perhaps the most severe form of polystyotic fibrous dysplasia, Cornell dreamed up what first started as a hobby, and now is "becoming a lucrative business."

"I had to have something to do," she said. "It became a kind of occupational therapy."

The disease has made Cornell's bones soft fiber instead of hard bone material. Her latest surgery replaced a six-inch long section of abnormal tissue in a shin bone with normal bone.

AS A swimmer, Cornell says she always wears warm-ups. In fact, Cornell only recently returned to her favorite sport after a bout of pneumonia.

"I wear warm-ups everywhere," she said. "But I was getting tired of wearing plain, blah ones."

lege one day, an employee, who was admiring Cornell's warm-ups, asked where she could buy one.

Cornell's reply was the start of her business.

"People bring their warm-ups to me. I customize them," she said, pointing to her pink tuxedo-style warm-up.

An artistic hand, helps Cornell develop her own unique designs for the warm-ups such as balloons, animal characters, club logos and embroidery.

Her 12-year-old son Kirk even poses for some of the silhouettes she uses for the warm-up designs.

"Some people also choose their own designs," Cornell said. "Others say do what you want. Be creative. So I dress them up."

While making a "little pin money" for herself, Cornell also saves her customers money because decorated warm-ups are expensive to buy in stores, she said.

"I'm not in big business, but I charge enough to cover the cost of materials plus a little extra."

ty that often accompanies her, Cornell manages to continue her daily swimming regimen, recently taking first place in three swimming events in the Windsor Classic Indoor Games for the Physically Disabled.

Her next competitions will be in May at the state finals and in June at the nationals in Hawaii.

Unfortunately, her doctors ordered her to give up bicycling, a much-loved

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