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Court upholds Lutherans in building battle

By M.B. Dillon Ward
staff writer

Lutheran High Northwest can operate in violation of Farmington Hills zoning ordinances and proceed with construction of a gymnasium, Oakland County Circuit Judge Alice L. Gilbert has ruled.

Judge Gilbert's opinion is the newest chapter in a drawn-out legal battle involving the school, the city of Farmington Hills and the homeowners who share the Holly Hill Farms subdivision with the high school.

The fight began in June 1981 when the Farmington Hills Zoning Board of Appeals denied the Lutheran High School Association of Greater Detroit's (LHSAGD) request for variances to the local zoning ordinance.

The high school, south of 13 Mile between Middlebelt and Orchard Lake roads at Alcey and Highmeadow, had just begun construction of a gym when

the city issued a work stop order.

The LHSAGD was told the building could no longer be used as a high school because it occupies property zoned for elementary school use which lacks direct access to a secondary or major thoroughfare.

The association then filed suit against Farmington Hills, Zoning Supervisor Hal Rowe and the ZBA, asking for damages in excess of \$10,000 plus costs for the holdup in the construction of the gym, which is a necessary addition for the school to get state accreditation.

The school operated under an Oakland County Circuit Court order throughout the 1981-82 school year with construction of the gymnasium remaining at a standstill.

"The law is clear that any building project relating to an educational institution is governed solely by the state of Michigan," said Judge Gilbert in her

opinion.

"While public schools are subject to local zoning ordinances . . . the majority view throughout the United States is that parochial schools are entitled to special consideration."

Church schools have been almost generally regarded as occupying the same status as churches by . . . the courts."

PAUL BIBEAU, legal counsel for the city of Farmington Hills, said Judge Gilbert "in my humble opinion is totally in error."

Whether the city will appeal the ruling — a costly prospect — is a matter for the City Council to decide, he added.

Sharon Snodgrass, an attorney representing 200 homeowners in the Holly Hill Farms subdivision, filed briefs in Circuit Court as an interested third party supportive of the city's position.

"Whether or not the city has the

money, it should appeal because it's a very important issue for every community," she said.

"If the city can't zone land for specific uses, it can be quite a problem. Judge Gilbert's opinion gives any parochial school the permission to construct anything they want on any piece of property. The ramifications are that if I'm a Hare Krishna, and I buy land in Farmington Hills, as long as I run some type of educational program I can buy a parcel of land."

It's important to look at the facts of the case, Bibeau said.

"This formerly was an elementary school in a subdivision. It is now a high school that wants to build a gym to stage all normal high school activities."

"Residents of the subdivision are quite concerned about traffic, and the Zoning Board of Appeals, I think, properly denied variance to the school."

The residents, added Snodgrass, are

also worried that the addition of a gymnasium could expand the school's enrollment from 143 to 2,000 or 3,000.

"The homeowners don't have a problem with a small school. There's no animosity or hatred here," she said. "The Lutherans are good neighbors. But what about the future? Enrollment has been growing. How large a school are they going to end up with?"

Gilbert's opinion, however, said "it is arbitrary and unreasonable to deny a permit to a parochial school on the basis of increased traffic or noise . . . it would be merely an unreasonable exercise of bureaucratic power to fail to grant a variance with zoning ordinances."

"It is relevant to note," Gilbert added, "that the city of Farmington Hills had actual knowledge of the existence and operation of the school from its inception."

Snodgrass challenges both the

judge's finding that "parochial schools should be treated with greater deference than public schools," and the school's contention that a gym is necessary for state accreditation.

"I haven't found any research that supports either one," she said.

A TRIAL, which would determine whether LHSAGD is entitled to the damages it requested, has not been scheduled. If the city and the association fail to settle out of court, the case will be heard before Judge Gilbert.

Clayton Hufnagel, principal of Lutheran High Northwest, was not surprised by the ruling.

"We expected it from the very beginning because we had the law on our side. We thought we were right," he said.

"Word had already gotten out to some of the parents before I announced it at school, but the students are very pleased. There were lots of sighs."

Working couples aided at 2 schools in district

By Craig Piechura
staff writer

Economic reality and the increase in single-parent families are making pre-school and before- and after-school child care a necessity for many children of working parents.

Statistics from the U.S. Department of Labor predict that by 1990 more than 10 million children in the United States will need "parental-work-related child care."

Responding to that need on Oct. 11 the Farmington Area YMCA, in conjunction with the Farmington Public Schools and the Farmington Youth Assistance agency, will begin a pilot latchkey program for kindergarten-through-fifth grade students of two elementary schools in the district.

The sites selected are in areas where surveys indicated there was the greatest need: Longacre Elementary, east of Drake and south of Grand River in Farmington; and Wooddale Elementary

ry, located south of 13 Mile, west of Farmington Road, in Farmington Hills.

Both sites were inspected Monday by Ruzana Khamusi, a representative of the Michigan Department of Social Services, prior to issuing a license needed for opening.

There appears to be no problems, she said, that would delay the scheduled start of the before-school and after-school child care at Longacre and Wooddale. Delays have already pushed back the opening of the latchkey program from its target date of the beginning of the fall semester.

BECAUSE instruction will take place in large school classrooms rented at a total price of \$3,150 by the YMCA from the school district, Khamusi says there's no problem meeting the state law which dictates that at least 35 square feet of space be provided per child.

Further, she explained, state licensing regulations require a ratio of one "care-provider" to every 12 children aged five or under. The ratio is 20:1 for children 6-12.

The programs must provide more than baby-sitting service or physical activity, says Khamusi. Gross motor skills must be taught (such as ball

Please turn to Page 12A



RANDY BORST/staff photographer

Six places in Farmington Hills offer full-time day care for working parents at an average cost of close to \$60 per week. At Children's World's Shiawassee Road location, teacher Nancy Faudem supervises the play of Jessica Silvernail, (left) Brandy Coleman, who's hiding, Jason Brown, Jeremy Dust and Matthew Eckerman.

Day care: It pays to compare

By Craig Piechura
staff writer

While it's a step in the right direction, only school-age children attending two elementary schools in the Farmington school district are eligible to participate in the pilot latchkey program for children of working parents.

That leaves working parents in the rest of the school district and parents of pre-school youngsters with few alternatives in terms of day care.

Day care. The very words bring to mind an image of a mopey madhouse comprised of crying kids and scraps of construction paper.

There are six full-time, year-round, five-day-a-week nursery schools located in Farmington Hills serving pre-school and kindergarten-age children.

They are: Artistart Pre-school, in the Mercy Conference Center, 28600 11 Mile Road; Children's World, 29735 Halsted Road; Children's World, 29200 Shiawassee; Montessori Center, 31195 13 Mile Road and the Seton Nursery School, Kindergarten and Day Care Center, 29475 Inkster, on the grounds of the St. Vincent and Sarah Fisher Home for orphaned and abused children. All six sites are in Farmington Hills.

ASIDE FROM the limited latchkey program run by the YMCA at two Farmington elementary schools, the only centers offering before- and after-school care for first-through-fifth grade youngsters locally are the two Children's World locations in Farmington Hills.

Infant and toddler care is provided at two locations: the Seton Nursery and the Montessori Center.

Babies as young as five months old have been enrolled in the Seton Nursery, says Jean Pinkelman, program director, but some age groups are filled to capacity. Toddlers as young as 18 months are accepted at Montessori provided one parent stays in the building during the session, says Renee Bean, owner and administrator of Montessori Centers in Farmington Hills and Southfield.

Fees for all six programs generally average about \$2 an hour and between \$50 and \$60 per week. The following is a breakdown of the fee, age limits and hours of the six full-time year-around day care centers in the Farmington area:

• CHILDREN'S WORLD OF 29735 Halsted offers pre-school day care at a maximum of \$54 per week plus \$10 if van transportation is required. Chil-

Please turn to Page 4A

oral quarrel

How do you feel about TV porno?

Riding around the Farmington/Farmington Hills area, residents see workers installing cable lines for television viewing. Officials predict some area residents will be watching cable television by the December holidays.

While most cable viewing revolves around sports and family movie entertainment, some cable stations offer adult movies familiarly-known as X- and R-rated films.

Today's Oral Quarrel question is: How do you feel about a cable station in your community showing X- and R-rated films?

Deadline for answering this question is noon on Friday. To reply to this question call us at 477-5498. You will have 30 seconds in which to give an answer. Look for how your neighbors feel about this issue in Monday's Farmington Observer.

Handicapped homeowner snares young prowler

Being handicapped didn't prevent a 70-year-old Farmington Hills man from stopping a prowler in his tracks early Saturday.

Marcel Manzago was sleeping at about 1 a.m. when he heard noises to the rear of his Ontario street home and got up to investigate.

Manzago, who wears a leg brace and walks with a cane, spotted a burglar on his screened porch attempting to open the sliding door into the kitchen.

Upon receiving a call from Manza-

go, Farmington Hills dispatchers had some difficulty in ascertaining his address due to Manzago's age and difficulty in hearing.

The homeowner then went for his gun, holding the young man on the cement floor until police arrived.

The suspect told police he had gone to Manzago's home to help him because he'd heard someone was going to break in that night.

The youth was arrested by Farmington Hills officers for breaking and entering.



RANDY BORST/staff photographer

Working on a rain-drenched court roof, workers from AMRCO try to make the best of a wet situation. They are (from left) Chris Davis, Lee Bruner and Joe Papaleo.

Halls of justice soggy

By M.B. Dillon Ward
staff writer

Mother Nature has had her day in 47th District Court, and she is probably the only one who's pleased with the verdict.

Workers had just begun replacing the 34-year-old building's rotting roof last Thursday when a five-day rain began. Much of the two-layered roofing had been removed when water started making its way through a temporary protective seal and into the building.

Rain seeped down into the ceiling tiles, behind walls and into the carpeting, standing 1/4-inch deep in spots.

Roofers did their best over the weekend to keep water from collecting atop the court, but by Monday damage was sufficient to force the adjournment of several cases and to send many court staffers home for the day.

"It's a case of Murphy's Law working in reverse," said District Judge Michael Hand.

"The contract (with AMRCO Roofing Company) wasn't approved by the Farmington and Farmington Hills City Councils until late in the summer."

"We had no rain for two or three months, but once they started working, it started raining."

As workers continued working amidst Monday's drizzle, plastic sheets covered desks and files, buckets and waste baskets filled with gallons of dripping water, and mushy ceiling tiles lay in places on soggy carpeting. Power outages and blown fuses added to the chaos.

Please turn to Page 4A



AMRCO Roofing foreman Lee Bruner surveys the problem from the bottom up at 47th District Court.

what's inside

Community Calendar . . . 3B
Editorials . . . 14A
Farmington Flashback . . . 12A
Inside Angles . . . 3A
Obituaries . . . 2A
Oral Quarrel . . . 6A
Recreation News . . . 10A
Sports . . . Section B
Suburban Life . . . Section C
YMCA Highlights . . . 10A

Classifieds — Sections E,F

FIRST!

First thing in the morning, first person, and first call, the car was sold! "Great response. The calls started coming in over 25- and I'm still getting them!" M. Bark was happy with the results of the Observer & Eclectic Newspapers classified ad she placed.

Remember...

One call does it all!

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