

# Neighbors call day care a business

By Joanne Maliszewski  
staff writer

Everyone seems to have an opinion on in-home child day care. Some oppose it altogether. Others oppose it under certain conditions. And then there are those who support in-home day care and are using Farmington Hills officials to face the issue squarely and allow it in single-family residential areas.

Opponents — many of whom have signed a petition targeted against

the in-home day care provided by Darlene Feldman on Minglewood in Glenbrook subdivision — are angry. They maintain that Feldman's in-home day care threatens the residential atmosphere and purpose of their neighborhood, immediately west of Middlebelt, south of 13 Mile.

## Opponents fear commercialization

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not a woman who is baby-sitting and taking care of the next door neighbor's child and making a little extra money."

Other Glenbrook neighbors echo Hearrell's sentiments. "This business is a business. I don't believe it's altruistic or benevolent. It's for profit," Summerwood resident Bruce Polkinghorne said.

Neighbors maintain that certain factors distinguish Feldman's service as a business, compared to a woman who simply baby sits her neighbor's children.

Feldman has admittedly converted her garage to a play room of sorts, has put up a fence around her back yard that has play equipment and has an employee who helps her with the children.

THESE FACTORS, neighbors maintain, classify Feldman's child care service as a business. As one neighbor put it: "There is no doubt she is running a business. If you have an employee, you have a business. So it is definitely a business."

Neighbors are concerned that if Feldman — and others throughout the city — are allowed to continue providing in-home child day care, there's no telling what type of businesses will move into their neighborhoods.

"There are many people in the Hills who will think this is an encroachment of commercial even though this is a socially worthwhile thing," said Jean Fox, a Board of Zoning Appeals member who voted to deny Feldman's variance request.

Fox is concerned that a precedent will be set if Feldman and others are allowed to operate in-home day care even if licensed by the state. Fox joins those who consider in-home day care, such as Feldman's, a business that does not belong in a residential area.

WHEN CITY officials long ago established zoning ordinances, a list of occupations that are allowed in residential areas was completed. The

property. Opponents also believe the media has given too much coverage to Feldman's side of the issue. They have demanded equal time.

FELDMAN ADMITS her opponents have a right to offer their opinions. But she maintains that their criticisms and concerns are not based on factual information.

Glenbrook residents consistently maintain that traffic — cars of parents picking up their children from

Feldman's house — creates a hazard.

"The main problem is traffic," said Carol Herrell, a Minglewood resident. "Minglewood is just big enough for two cars. The cars are parked along the road and take up one lane of traffic."

Traffic becomes more of a problem when it snows because the plows use a part of the road to pile up the snow, while Feldman's parents take up the other portion of the road with their parked cars.

"The parking is very dangerous," said resident Verle Wilson, adding cars are lined up on Minglewood.

Minglewood residents, such as Herrell, say they feel vulnerable because they are concerned about hitting a small child as they pull their car into Minglewood.

"What is going to happen to me? I'll spend the next year fighting a lawsuit. And I'll have to live with myself if, God forbid, someone is hurt. I don't think that is right," Herrell said.

A PETITION circulating in Feldman's neighborhood refers to traffic in front of her house — the second from Middlebelt.

"A particular serious traffic hazard is caused by the cars parked in front of the business. There has been as many as five-to-seven at one time, which interferes with inflow and outflow of traffic to and from Middlebelt," according to the petition.

Feldman disagrees and calls much of the information in her neighbors' petition "a pack of lies."

Most of the children she cares for in her home are dropped off and picked up one at a time.

"The petition says that five to seven cars are there at a time. That's not true. There are no cars parked in front of my house 90 percent of the time," she said.

Cars that are parked on the road, she said, belong to neighbors. Parents park in the driveway when they pick up their children. In the summer, a volunteer who came to play with the kids would park her car in the road.

"She was there 70-80 percent of the time," Feldman said.

FELDMAN MAINTAINS that the traffic generated from her in-home child care service is no greater, and in fact, less than what is generated

by the average family in the subdivision. She also argues that many of those who have signed the petition and live on other streets, such as Summerwood and Rolleston, don't even drive by her house.

Nonetheless, Feldman and in-home child care supporters maintain that traffic is not and should not be the issue. In-home child care in a residential area is the sole issue.

The opposing residents' petition, titled, "Reasons for stopping zoning change against Darlene Feldman of Minglewood Lane," addresses the residential issue.

"We, the undersigned, representing a majority of property owners on Minglewood Lane and other streets in Glenbrook subdivision, see no hardship or unique circumstances applying to this property."

"One property owner should not be permitted to obtain a zoning change against the will of the majority," according to the petition.

BUT FELDMAN is not seeking rezoning of her property or of her neighborhood. And planning commissioners and city council members are not discussing zoning changes to accommodate in-home day care.

"I don't want to change RA-1 (single-family residential). I don't want businesses on my street," Feldman said.

Feldman is urging city officials to change the zoning ordinance — not a specific land use zone — that prohibits her and others from offering in-home child care.

She has suggested a proposed ordinance change calling for "state-certified quality home day care" as a permitted accessory use of land in an RA-1, or single-family residential zone, and that such use is not subject to special conditions.

City zoning ordinances provide for child care centers on main roads but do not address in-home family or group day care.

Planning commissioners Jan. 22 hammered out a proposed ordinance that would allow child home care in single-family residential areas. The proposed ordinance — with few restrictions — covers both family day care homes and group day care homes.

UNDER THE commission's proposal, family day care homes would be permitted for a maximum six

children and the provider must be a resident of the home and licensed by the state. The same restrictions would apply to group day care homes except the provider could care for seven to 12 children. A public hearing is scheduled for 7:30 p.m. Thursday, Feb. 19, to receive public comments.

Though some are altogether opposed to in-home day care in residential areas, others maintain they can live with family day care homes. Glenbrook resident Ronda Ward is one who says she wouldn't mind allowing in-home day care for six or less children. "With six and under, you can let a woman take in a few kids."

Feldman and in-home care advocates refer to the state licenses held by many and maintain that the state sanctions such child care. If the state didn't approve of it, there would be no licensing procedures.

But Jean Fox, Board of Zoning Appeals member, disagrees. "They make a big point that they are licensed by the state and that should supersede local ordinances. But the state also licenses auto repair shops and liquor stores. We don't have to have those in the areas except for where they are zoned."

FELDMAN AND other in-home child care advocates refer to a 1982 Michigan Court of Appeals case that they believe upholds in-home care as part of what takes place in a residential area.

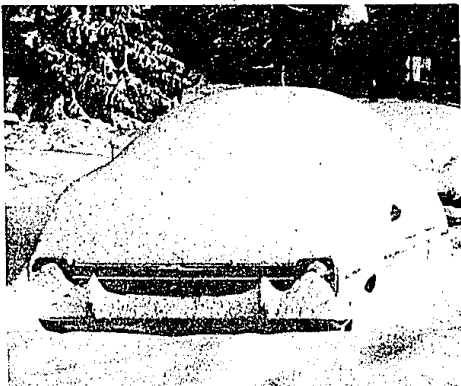
"They (appellate judges) decided that in-home child care was residential in nature," said attorney Richard Small, a member of Parents to Legalize In-Home Care.

Small admitted that the appellate case, Beverly Island Association vs. Zinger, "did not directly deal with zoning specifically. But the nature of that use — caring for children — is what's similar," he said.

"You're caring for children and that's the crucial thing of a residential area," adding that traffic and profit — two issues raised in the Zinger case — were found to be irrelevant.

Small said he would like city officials to adopt the state statute as an ordinance. The city could apply the state regulations and require providers to register with the city. Any trouble with in-home care could be handled under the city's nuisance ordinances, he said.

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