



May 29, 2014

Ann Arbor Planning Commission
City of Ann Arbor
301 E. Huron Street
Ann Arbor, MI

Via Hand Delivery

Ms. Alexis DiLeo
City of Ann Arbor Planning Department
301 E. Huron Street
Ann Arbor, MI

Re: Opposition to Application for Special Exception-1919 Wayne Street

Dear Members of the Planning Commission and Ms. DiLeo:

I represent the Oxbridge Neighborhood Association (ONA) and on its behalf, I object to the Special Exception application submitted by the petitioner Society of Jesus, Saint Ignatius Trust (Society) for 1919 Wayne Street (the Property). ONA objects to this application for two significant reasons:

- 1) The Society does not qualify as a “functional family” as that term is defined in the Zoning Ordinance, and therefore the Society is not eligible for a special exception use;
- 2) The Society’s application fails to meet the standards for approval required for a special exception because it will be incompatible with this neighborhood.

As an additional procedural issue, it appears that the Planning Commission may not have the jurisdictional authority to determine that the Society is a “functional family” and that this issue must be decided by the Zoning Board of Appeals before the Society seeks a special exception from the Planning Commission.

I. The Society does not qualify as a “functional family”

Section 5:7 of the Zoning Ordinance expresses a goal of not allowing excessive density within the City, in order to preserve and enhance residential neighborhoods. It achieves this goal by limiting the number of individuals that can reside in a specific dwelling unit. In an R1 zoning district, the maximum number of unrelated individuals who can reside in a dwelling unit is four. (In an R4 district, the number increases to six.) As such, the Society could only allow four of its members to reside at the Property.

Nevertheless, Section 5:7(2)(d) does allow a greater number of residents if those individuals are a “functional family” (FF) living as a single housekeeping unit, and have received a special exception. The Society proposes to use this Section to request that six

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unrelated individuals be allowed to reside at the Property after receipt of a special exception. The ONA, however, believes that the Society does not qualify as a FF. As such, it is not eligible to seek a special exception.

Section 5:7(4) defines “functional family.” It says that FF means a group of people “...having a relationship which is **functionally equivalent** to a family.” According to the Society’s application, the members who will reside in the Property will all be Jesuits, and members of the Society, and will have taken lifelong vows to be members of the Society. Some of the residents will likely be students. Furthermore, the residents will be somewhat transient, although it is possible they will live at the Property for an extended time. Thus, upon analysis, the commitment of each of the residents will not be **to each other**, but rather to the larger group, the Jesuit Society. Thus, the group of individuals residing at the Property will not have a relationship with **each other** that is functionally equivalent to a family, even if they have a strong long term relationship with the Society.

Section 5:7(4) continues that the relationship must be of a “permanent and distinct character” with a bond characteristic of a cohesive unit. Again, the commitment of each of the residents is not permanently to each other, but rather to the Jesuit Society. Finally, Section 5:7(4) gives examples of what groups do not qualify as a FF, including any “society...association...or group of students.” It is clear that the Jesuit Society is a “society.” In addition, the Society has stated in its application that some of the residents will be students, which is also a group that is prohibited from qualifying as a FF.

What is clear from a thoughtful analysis of the definition of FF and the Society’s application is that what is being proposed does not qualify as a “functional family.” If the Society here is not a FF, it is not eligible for a special exception under Section 5:7(2)(d). Rather, the Society must abide by the occupancy limits for R1 zoning districts, which is four unrelated persons.

II. The Society fails to meet the standards required for approval for a special exception

Even if the Society qualifies as a FF, its application fails to meet the standards required for approval of a special exception. Section 5:104(3) contains the standards for approval of a special exception. Section 5:104(3)(a) requires that the use be compatible with the relevant zoning district, in particular whether the use is consistent with the general objectives of the City Master Plan, is compatible with the character of the vicinity, and will not be detrimental to the neighborhood.

The area around the Property is a single family, residential neighborhood with low turnover of residents, and homes that were built for moderate size families. While perhaps somewhat subjective, it is clear that a group of Jesuits, some of whom will be students and all of whom will be somewhat transient, will relate differently to the

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neighborhood than would a different grouping of individuals that qualify to reside at the Property without special exception approval. The application notes that there will be six vehicles at the Property, which is more than might typically be expected. There may well be changes to the structure which could preclude its return to single-family use, thus inviting a destabilizing force in to this neighborhood. The R1 districts are designed to enhance single-family low-density neighborhoods, and to preserve the “longstanding residential fabric” of these neighborhoods. A special exception allowing six unrelated individuals to reside at the Property would be counter to the City’s goals and Zoning Ordinance, and would not be compatible with this neighborhood.

Moreover, it is not that the Society could not find appropriate housing for its members. The R4 zoning district allows six unrelated individuals to reside together. The City has a large area zoned R4, with a substantial number of structures. The Society should pursue options in the R4 areas.

Finally, the ONA reserves its rights to appeal a decision by the Zoning Administrator that the Society, as a preliminary matter, qualifies as a “functional family.” It appears that whether or not the Society qualifies is an interpretation of the Zoning Ordinance, which is the jurisdiction of the Zoning Board of Appeals. It may be that the ZBA needs to first determine if the Society’s proposal qualifies as a FF, and if it decides so, then the Planning Commission would be in a position to evaluate the special exception application.

III. Conclusion

The ONA believes that the Society’s proposal does not qualify as a “functional family,” and as such it is not eligible to seek a special exception for its proposed use. In the alternative, the ONA objects to the special exception application because it does not meet the standards required for approval- the proposed use is not compatible with the existing neighborhood, and the Society should seek a structure in the R4 zoning districts.

Please contact me if you have any questions or need additional information.

Respectfully submitted,


Scott E. Munzel

cc: Oxbridge Neighborhood Association