

Magill and Rumsey, P.C.

ATTORNEYS AND COUNSELORS AT LAW

CEVIN TAYLOR

455 E. EISENHOWER PKWY., SUITE 355
ANN ARBOR, MICHIGAN 48104-1345
(734) 995-2500; FAX (734) 995-4798
E-mail: ctaylor@magillrumsey.com
Website: www.magillrumsey.com

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Ann Arbor Planning Commission
City of Ann Arbor
301 E. Huron St.
Ann Arbor, MI 48104

Alexis DiLeo
City Planner
City of Ann Arbor Planning & Development Services
301 E. Huron St.
Ann Arbor, MI 48104

Re: Special Exception Use
1919 Wayne Street

Dear Ms. DiLeo:

As you know, I represent the USA Midwest Province of the Society of Jesus, Saint Ignatius Trust (hereinafter “Jesuits”), and I am writing to the Planning Commission in response to a letter to the Commission from attorney Scott E. Munzel, representing at least a part of the Oxbridge Neighborhood Association. Mr. Munzel’s letter makes a number of arguments against granting the special exception use permit to the Jesuits. My client takes issue with these arguments, as explained below. For clarity, I will organize my response as Mr. Munzel has organized his letter.

I. The Jesuits do qualify as a “functional family.”

Mr. Munzel first argues that the Jesuits do not qualify as a “functional family” as that term is defined in the relevant section of the Ann Arbor zoning ordinance. In support of this argument, he argues that the Jesuits’ relationship and bond is to the Jesuit order, rather than among the individuals that will reside in the house. In making this argument, Mr. Munzel adds a requirement simply not found in the relevant section of the zoning ordinance, and he seems to profoundly misunderstand the nature of the relationship among the individual members of the house and between the members of the household and the Jesuit order.

Section 5:7(4) defines the relationship that must characterize a functional family as one “which is functionally equivalent to a family.” It goes on to add that the “relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit.” The ordinance includes no requirement regarding what must be the basis of the

bond between members, or what makes it a “cohesive unit.” It does not say that the bond cannot have as one of its bases a commitment to a common goal, mission, or organization.

Furthermore, Mr. Munzel seems to simply misunderstand the nature of the relationship between the individual Jesuits that will reside at the house. While it is true that they all make vows to the Jesuit organization, this does not preclude a cohesive bond between the individual residents of the house. Mr. Munzel seems to believe that it is an either/or proposition – either the individuals have a relationship with the Jesuit order, or with each other, but not both. This is simply not the case. The individual residents of the house have a relationship to the Jesuit order *as well as* a cohesive bond between the members of the household. This is much the same as the situation that might arise when individual members of a biological family have a relationship to a church, as well as cohesive family ties among the individual members. Nothing precludes both relationships, and in fact, the Jesuits believe that the fact that all the members of the house are committed to a common mission and calling strengthens the bond between them.

Mr. Munzel also points to the use of the word “society” in the legal name of the Jesuit organization to say that it is prohibited from obtaining a special exception use. However, this is not borne out by a simple reading of the ordinance. It nowhere states that a group with a certain word in its name is barred from obtaining a permit. Rather, it looks to the nature of the relationship as what is determinative, and the nature of the relationship between the Jesuits that will reside at the house meets the requirements for a special exception use. It should be noted as well that the local Jesuits refer to themselves as the “Ann Arbor Jesuit Community.”

Mr. Munzel also makes an issue of the fact that “some of the residents will be students,” and states that this is “also a group that is prohibited from qualifying as a [functional family].” At no point will there be more than one student forming part of the Jesuit household at 1919 Wayne. The original petition left the impression that there might be more than one, but that is not the case. Consequently, 1919 Wayne will not contain a “group of students.” Furthermore, groups of students are not precluded outright from forming part of a functional family under the zoning ordinance. Rather, the relevant part of the ordinance contains a qualifying phrase after mentioning a group of students. It states that the term “functional family” does not include a “group of students . . . where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.” Consequently, a group of students with a common living arrangement or basis for the establishment of the housekeeping unit that is not temporary, and which otherwise met all the definitional requirements of a “functional family” would qualify for the permit.

II. The Jesuits meet the standards required for approval for a special exception use permit.

Mr. Munzel’s second argument is that the Jesuits fail to meet the standards required for approval of a special exception use. In support of this argument he makes a number of claims. Firstly, he stated that the Jesuits will “relate differently to the neighborhood than would a different grouping of individuals that qualify to reside at the property without special exception approval.” He also points to the number of vehicles the Jesuits plan to have at the property, and he speculates regarding changes they might make to the structure. He also states that R1 districts are designed to enhance single-family low density neighborhoods, and to preserve the longstanding residential fabric of these neighborhoods. He concludes that granting the special exception use would be

“counter to the City’s goals and Zoning Ordinance, and would not be compatible with this neighborhood.”

The above points all fail to demonstrate that the Jesuits do not qualify for a special exception use permit.

Mr. Munzel states that the Jesuits of the house will be “somewhat transient.” In this regard, I point out that the requirements for “functional family” focus on the permanence of the bond between the individual members of the functional family. There is no requirement that the functional family live permanently in the home. However, even though that is the case, the Jesuits take issue with characterizing their life as “transient.” The Jesuits have lived at their current home on Ferndon for approximately ten years – which is a longer period of time than many biological families now reside in a home. In fact, they would continue to live in Ferndon if the house had sufficient space. The Jesuits wish to maintain continuity in the services of St. Mary’s Student Parish, and as a result, they anticipate staying in the Wayne house for many years.

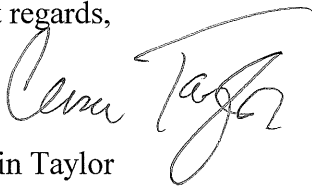
The fact that the Jesuits will relate differently to the neighborhood than others might is pure speculation, and even if it is true, makes no difference regarding whether the Jesuits meet the applicable requirements. No two households relate in exactly the same way to a neighborhood, which is not necessarily a bad thing. Such differences are seen as a positive element in the City’s 2013 Sustainability Framework, which states that “Providing access to a diversity of housing choices and cultural, recreational, and educational opportunities helps bolster the economic and social health of our community.” The Jesuits’ neighbors will find them to be pleasant, respectful and, if invited, open and engaging.

The Jesuits do intend to make some changes to the interior of the house. Specifically, they intend to add two bathrooms. Contrary to Mr. Munzel’s assertion that this would “preclude its return to single family use,” it would actually enhance its appeal to a large family. Furthermore, any modifications could always be removed by a new purchaser.

In closing, there seems to be a misconception that the Jesuits that will occupy the house will be a group of typical university students. As noted above, no more than one student will form part of the Jesuit community at the house. Furthermore, in age the residents will be unlike the typical University of Michigan students as well. The average age of the residents of the house will be 52 years old.

If you have any questions, please feel free to call me.

Best regards,



Cevin Taylor

Cc: Fr. Dan Reim