

## PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of June 17, 2014

**SUBJECT: Ann Arbor Jesuit Community Special Exception Use  
1919 Wayne Street  
File No. SEU14-006**

### PROPOSED PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, finds the petition to meet the standards for a functional family in Section 5:7 (Residential Occupancy), and substantially meet the standards in Chapter 55 (Zoning Ordinance), Section 5:104 (Special Exceptions) , and, therefore, approves the Ann Arbor Jesuit Community petition for six members of the Ann Arbor Jesuit Community to live as a functional family at 1919 Wayne Street, conditioned upon providing off-street parking spaces for each vehicle used by the family. This approval is based on the following findings and conclusions:

1. The group of people proposed to reside at 1919 Wayne meet the definition of a functional family, specifically:
  - a. The members of the Ann Arbor Jesuit Community who propose to reside at 1919 Wayne Street have a relationship that is functionally equivalent to a family in that their relationship is permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. They have taken lifelong religious vows and intend to reside at this address indefinitely. They will assume roles such as head of the household, pool financial resources, assign responsibilities such as cleaning, shopping and yard work, and have adopted other features of a cohesive family unit such as caring for sick members and making medical decisions for each other, as necessary.
  - b. The Ann Arbor Jesuit Community is not a social society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals in a temporary housekeeping unit in which the common living arrangement or basis for the establishment of the housekeeping unit is temporary.
2. A functional family with an approved special exception use is considered a single family residential use, and thus is consistent with the objectives of the City Master Plan, and with the existing and planned character of the neighborhood. The household size is within the normal size range of households found in this zoning district, and will not have a detrimental effect on neighboring property or the natural environment.
3. No changes are proposed for the current site, which conforms to the R1C zoning district. Adequate off-street parking for the household will be provided, and the use of the site will not be hazardous or inconvenient to the neighborhood.
4. The approval will apply only to a functional family made up of no more than 6 individuals of the Ann Arbor Jesuit Community.
5. The Ann Arbor Jesuit Community has identified a contact person who will act as head of household in relating to the city.

### STAFF RECOMMENDATION

Staff recommends the special exception use be **approved** because the proposed functional family has a relationship that is functionally equivalent to a family and is of a permanent and distinct character with a recognizable bond characteristic of a cohesive unit, and because the proposed use is of such location, size and character as to be compatible with the zoning district in which the site is situated; and the location and size of the proposed use, its nature and intensity, the site layout and access, and effect of the proposed use on public services would not be hazardous or inconvenient to the neighborhood nor unduly conflict with the normal traffic of the neighborhood.

### STAFF REPORT

Following a lengthy public hearing and discussion, at their meeting of June 3, 2014 the Planning Commission denied this petition for the Ann Arbor Jesuit Community to live as a 6-person functional family at 1919 Wayne Street. However, before adjourning the meeting, the Planning Commission voted to reconsider their action. Upon reconsideration, the Planning Commission postponed action on the Jesuit's special exception use petition until June 17, 2014 to allow time for further deliberation, research and staff analysis.

Petition Summary – The petitioners seek special exception use approval to allow a 6-person “functional family” to occupy a single-family dwelling in an R1C (Single-Family Dwelling) district. Members of the USA Midwest Province of the Society of Jesus, more commonly known as the Ann Arbor Jesuit Community, wish to live at 1919 Wayne Street, a 4,000-square foot home on a 9,400-square foot lot. One off-street parking space for each vehicle the family has will be provided, two in the garage and two in the driveway of 1919 Wayne Street and two in the surface parking lot of the First Church of Christ, Science, immediately next door to 1919 Wayne Street.

A functional family living as a single housekeeping unit which has received a special exception use permit is one of the three types of living arrangements allowed in single-family residential zoning districts. A functional family is defined in the Zoning Ordinance as: “a group of people plus their offspring, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. Functional family does not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.” The proposed motion specifies the type of functional family being approved, another type of functional family would need to seek a separate approval. Three sets of standards are applicable for functional family special exception use petitions: the specific standards for functional families per Section 5:7(5), Residential Occupancy; the general standards for special exception uses per Section 5:104(3); and the standards for additional off-street parking for functional families if certain conditions apply, per Section 5:7(5)(b). Please refer to the June 3, 2014 Staff Report for the petitioner's responses and staff's analysis of all applicable standards related to this functional family special exception use request.

Activating and Ending Approval – During their discussion, Planning Commission asked staff to clarify enforcement of the special exception use permit, and what would happen in a few different scenarios.

All special exception use approvals must be activated within three years of the date of approval, per Section 5:104(8)(a) of the Zoning Ordinance. When an approved special exception use ceases to function or is abandoned for a period of 24 months, the approval shall lapse and shall no longer be in effect, per Section 5:104(8)(b).

In the case of the Ann Arbor Jesuit Community,

- They must move into 1919 Wayne Street, thereby activating their special exception use, by June 17, 2017 if approved on June 17, 2014.
- If the Jesuit functional family ceases to function, meaning if they deliberately decide to dissolve the family, abandon the house, or violate any conditions of approval, the special exception use permit is immediately no longer in effect. The City may need to start enforcement, as necessary.
- If the Jesuit functional family leaves 1919 Wayne Street for an extended period of time but less than 24 months and no other use is established there (for example, if the entire household goes on an 18-month trip out of the country and the house remains vacant), the Jesuit functional family may return to their home at 1919 Wayne Street with no further actions required.
- If the Jesuit functional family leaves 1919 Wayne Street for longer than 24 months, they must reapply for special exception use approval for a functional family to live once again at 1919 Wayne Street.

Functional families are a type of living arrangement and are not regulated the same as other uses that require special exception approvals, such as fraternities, sororities or child care centers. If a particular fraternity or sorority chapter or child care center leaves, another fraternity or sorority chapter or child care center may open without further approvals within 24 months. Special exception approvals for land uses do run with the land, however, the functional family standards require that the special exception use permit “only apply to the functional family type which obtained the permit.” The special exception use permit cannot be transferred to any other type of functional family living arrangement without an additional approval.

Conditions – The Zoning Ordinance allows reasonable conditions to be added to the special exception use to minimize any detrimental effects. The Zoning Ordinance further provides that conditions may include conditions necessary to insure adequate public utilities for the proposed use, to protect the natural environment, conserve resources, promote the use of land in a socially and economically desirable manner, and to insure compatibility with adjacent uses of land. One such condition is the condition included in the proposed motion that off-street parking spaces be provided for each vehicle used by the family.

Functional Family Background – In 1984, the Michigan Supreme Court determined that in the context of zoning, municipalities could not limit the definition of families to traditional biological families, but needed to allow for groups functioning as a family even if the group does not meet the definition of a traditional biological family. The Court overturned the Township of Delta’s decision to deny a husband, wife, kids, and six other unrelated adults from living together as a single household, given Delta Township’s ordinance restricting the number of unrelated persons who could live together. The group was seeking to live together consistent with the beliefs of their religious faith. Like many communities in Michigan, the City of Ann Arbor adopted its functional family ordinance partially in response to this case.

As requested, staff surveyed other communities in and out of Michigan for how they address functional families. Staff found that the City's functional family definition is the same or similar to the definitions of functional family adopted by many communities in Michigan. For example, the City of Clare has the same definition of functional family as Ann Arbor, while the Cities of Kalamazoo and Grand Rapids have similar definitions to Ann Arbor's in that both also require that the group must have a "demonstrable and recognizable bond" where the relationship is permanent and distinct. Also, like Ann Arbor, both of those ordinances exclude the association of individuals that are together temporarily, such as fraternities, sororities, societies and clubs. Staff called several communities in Michigan and those communities anecdotally provided that, generally, their functional family provisions are not used very often if at all.

### **STAFF COMMENTS**

Planning – Staff continues to recommend to the Planning Commission that the Ann Arbor Jesuit Community is a functional family and should be permitted to live as a 6-person housekeeping unit at 1919 Wayne Street. Our findings in our June 3, 2014 remain unchanged, and are repeated here:

1. The Ann Arbor Jesuit Community who will reside at 1919 Wayne Street will have a family-like cohesive bond. They will assume roles such as head of the household, assign responsibilities such as cleaning, shopping and yard work, and have adopted all of the mannerism such as caring for sick members and making medical decisions if need be, of a traditional family. Staff finds that the Jesuits' relationship is functionally equivalent to a family.
2. The Ann Arbor Jesuit Community is made up of members of a religious order who take several lifelong vows. Regardless of the beliefs associated with those vows, staff recognizes that the Jesuits' vows are fundamental beliefs within an established, organized religion. History shows that these vows are serious commitments not taken lightly. By virtue of these vows, staff finds the Jesuits who propose to occupy this home have a relationship that is permanent and distinctive.
3. The Ann Arbor Jesuit Community is not a society, fraternity, sorority, association, lodge, organization or group of students or other individuals where the common living arrangement and basis for establishing the household is temporary. The Jesuit's living arrangement and basis for establishing their household is permanent.
4. It is the intention of the Ann Arbor Jesuit Community to become permanent residents at 1919 Wayne. Staff finds this position to be functionally equivalent to a household comprised of persons related by blood, marriage, adoption, or guardianship.

Prepared by Alexis DiLeo  
6/13/14

Attachments: June 3, 2014 Planning Staff Report

c: Petitioner: Brian Nitkiewicz, Treasurer's Department  
USA Midwest Province of the Society of Jesus, Saint Ignatius Trust  
2050 Clark Street  
Chicago, IL 60614

Reverend Daniel Reim, S.J., Superior of the Ann Arbor Jesuit Community  
1250 Ferdon  
Ann Arbor, MI 48014

Petitioner's Agent: Cevin Taylor  
Magill & Rumsey, P.C.  
455 E. Eisenhower Parkway, Suite 355  
Ann Arbor, MI 48108

City Attorney's Office  
Systems Planning  
File Nos. SEU14-006

**From:** Dan Reim [mailto:[dreim@smspnewman.org](mailto:dreim@smspnewman.org)]  
**Sent:** Monday, June 09, 2014 8:30 PM  
**To:** Planning  
**Subject:** Ann Arbor Jesuits Special Exception Use application information

Members of the Ann Arbor Planning Commission, Peace.

Attached to this email is a document titled, "FAQ's about the Ann Arbor Jesuits' petition for six Jesuits to live in a home." I have distributed it to members of our parish participating in various ministries of the church. And, as word has spread, I have shared it with those who have asked about our situation.

It is my hope to clarify and respond to the questions and concerns raised at the June 3<sup>rd</sup> Planning Commission meeting.

I was overwhelmed at how much time and resources have already been given to this matter. And I am very grateful that the Commission is reconsidering this matter. If there is any further information I can provide, I will do my best to do so.

Sincerely,

Dan Reim, S.J.

(734) 972-9656

[dreim@smspnewman.org](mailto:dreim@smspnewman.org)

## **FAQ's about the Ann Arbor Jesuits' petition for six Jesuits to live in a home**

### **\*Why are the Jesuits moving?**

We are hoping to advance our ministry at St Mary Student Parish. For some time we have been looking for a larger home that would accommodate more Jesuits. We believe we've found the perfect house, close to our ministry and conforming to our lifestyle as Jesuit priests. Should our petition fail, we will either be impeded in providing our ministry or be divided in our living situation, contrary to our vowed way of life.

### **\*What's the holdup?**

The home we are seeking is a single family dwelling (seven bedrooms) in which the zoning laws prohibit more than four unrelated persons from living there unless they meet the definition of a "functional family," explained below. It's a law in place primarily to prevent student housing. There is a "special exception use" that we have applied for within the zoning law, but the Ann Arbor City Planning Commission voted down our request five in favor to two opposed, where six favorable votes were needed to pass. However, the Commission decided to reconsider the vote at its June 17 meeting.

### **\*Why is there controversy?**

Based on input the City has received, there are neighbors concerned that allowing this special exception use will lead in the future to student housing in the area or other non-desirable groups, e.g., cults. Some are concerned that their property values will decline. Some are concerned that an agreement with us would not be enforceable. That is, for example, we would park cars on the street against the special exception use agreement. Some simply do not want Catholic priests living in their neighborhood.

Two Commissioners voted against approving our application. There appears to be some concern with the requirement that the relationship of the members "must be of a permanent character." Since some Jesuits might eventually leave the house (just as a member of a biological family might for a number of reasons), it appears that some people believe we don't satisfy the criteria of permanence.

### **\*But do you satisfy the criteria of permanence?**

The staff of the City Planning Commission, charged with the responsibility of preparing a report in preparation of the Planning Commission meeting, and thus grappling with the issues involved and studying our petition, found that we "meet the standards of a functional family." And relating specifically to permanence, "Their lifelong vows to the Society of Jesus and designation of patient advocacy are examples of a permanent bond and a relationship that functions as a family." Five of the seven planning commissioners were in agreement.

But further, in the 1984 case of *Charter Township of Delta v. Dinolfo*, the Michigan Supreme Court concluded:

"Unrelated persons are artificially limited to as few as two, while related families may expand without limit. Under the instant ordinance, twenty male cousins could live together, motorcycles,

noise, and all, while three unrelated clerics could not . . . . The ordinance indiscriminately regulates where no regulation is needed and fails to regulate where regulation is most needed." The standard of permanence should not be unfairly applied to us.

In our case, Fr Dan has lived at Ferdon for the past ten years. Fr Dennis, five years. Fr Ben, four years. And we are likely to continue our ministry in Ann Arbor for an indeterminate period of years with another full time Jesuit coming in August. Our one incoming priest who will be starting a doctorate is likely to be here at minimum five years.

**\*What is the average length of stay of a homeowner in Ann Arbor?**

Bill Holmes, President of Ann Arbor Mortgage Companies, says "five years."

**\*Isn't there a precedent to help distinguish what does or doesn't satisfy the "special exception use" criteria?**

The special exception use allowance under the Ann Arbor zoning laws was added in 1991 in response to the Michigan Supreme Court case previously mentioned. Since that time, the Planning Commission has not received one request. So, no, there is no precedent under the Ann Arbor zoning ordinance.

Municipalities across the US have been wrestling with the definition of "family" as it applies to zoning. The traditional "Ozzie and Harriet" families of the 1950's are no longer the expectation. So there needs to be a balance between preserving the single family character of neighborhoods while allowing for the continually evolving composition of families.

Allowing the Jesuits, members of a religious order, would seem to set a high standard as precedence for any future petitions for a special exception use.

**\*What is a "functional family?"**

*Isn't that a great question?!!*

For the purposes of this special exception use, a functional family is "a group of people plus their offspring, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit."

Here is a quick summary of how the Jesuits are a functional family:

1. We share our income and expenses, not separately;
2. We have a "head of the household;"
3. This would be our full time residence; we have no other home to go to;
4. We share a common life together: chores, meals, recreation, prayer;
5. We care for one another when sick and have the religious superior (head of household) as the designated patient advocate;
6. The relationship between the Jesuits is permanent, based upon our religious vows;
7. As religious "brothers," we are one another's primary support system.
8. The Jesuits will reside at the house indefinitely, pursuant to our vow of obedience.

In contrast to a co-op, for example, our commitment to one another is significantly greater. I don't imagine anyone in a co-op is allowing another to make significant health care decisions for them. It's also important to note that our commitment to one another precedes our living

together—in virtue of our common formation and identity as Jesuits, as well as after we live with one another—much like an extended family.

**To: City of Ann Arbor Planning Commission**

**From:** Daniel Reim, S.J., petitioner for special exception use at 1919 Wayne Street

**RE: *Points to Consider***

Thank you again for reconsidering our application for a special exception use. If it is permitted and not inappropriate, may I offer some points to consider as you continue to deliberate this issue?

**Will the Jesuits make good neighbors if living at 1919 Wayne Street?**

During the June 3<sup>rd</sup> Planning Commission meeting, I was pleased, and humbled, to hear that both neighbors of the 1919 Wayne Street home objecting to our application and various members of the Commission believe us to likely be good neighbors. In this regard, it may be helpful to point out that the Ferdon residence (the current residence of the Jesuits wishing to move to 1919 Wayne Street) is one-half mile away from the Wayne Street address. In all the ten years that the Jesuits have been permanently residing at Ferdon, there have not been any complaints or concerns from neighbors. As we stated in our application, we live relatively quiet lives. During that time, we have had three, sometimes four, living in the house. Does increasing the size of our Jesuit community from four to six and living one-half mile away make it likely that we will be less good neighbors there? Isn't the point of zoning laws to protect the neighborhood from individuals or groups that would be a detriment to the community, but not preclude those who would be compatible? *Is anyone* (besides the few who would seem likely to reject any Catholic priests from living in the neighborhood) *arguing that we Jesuits would be bad for the neighborhood?*

**What is better for the 1919 Wayne Street neighborhood?**

Let's say that the special exception use application is ultimately denied and we Jesuits decide to go through with the purchase of the Wayne Street residence for four of our number and the other two continue to live on Ferdon. Is this better for the neighborhood than six Jesuits living in one house? In the former case, Jesuits would be running back and forth between the houses, parking their cars as guests at the other house, coming in and out of the respective houses, and so on and so on. Under this scenario, there would be no parking restrictions placed on the four residents living at 1919 Wayne.

**Are the Jesuits making a contribution to the Ann Arbor community?**

For the past ten years, we have been serving the Catholic community and the broader Ann Arbor population through our ministry at St Mary Student Parish. Our ministry to students serves to form future leaders in our Church and in civil society, leaders committed to improving life for all people. Our ministry to resident parishioners supports residents of Ann Arbor in both material and spiritual needs. This past winter, the parish opened its doors to the homeless for six weeks to help relieve the congestion of homeless staying at the Delonis Center or at the Public Library. Throughout the year, our parish sponsors many service opportunities to agencies in the Ann Arbor area: CROP Walk, IHN Alpha House, Delonis Community Kitchen, Salvation Army, and Catholic Social Services. We are now in the enviable position of having more Jesuits coming to provide further services to the Ann Arbor community through ministry at St Mary Student Parish. But we need a residence. The church building does not have the capacity to meet our residence needs (because it was originally built to accommodate only two priests).

### **Precedents for Jesuits living in single family homes**

Jesuit priests have been serving in the US since before the foundation of this country. Jesuits are most well known for our work in education. Georgetown University, Boston College, University of Detroit Mercy are some of the Catholic universities founded by Jesuits. And Jesuit communities of six or more have been peacefully living together in communities around the country for many years, while providing many services to their civil communities. The Woodlawn Jesuit Residence in Hyde Park, Chicago, has six Jesuit members living in the house in the neighborhood near the University of Chicago campus. The Oak Park residence in Oak Park, IL has five Jesuits living in the house in the neighborhood. Six Jesuits reside in a house in a neighborhood in Lexington, Kentucky. Six Jesuits live in a neighborhood in South Bend, IN studying and working at the University of Notre Dame. Shell House in the University Heights neighborhood of Cleveland is a large house in the neighborhood with more than six Jesuits living there. Six Jesuits live in a house in a neighborhood in Cincinnati and work at St. Xavier High School. These are examples from our Jesuit Province. You can multiply those examples in other areas of the US.

### **Where are the Jesuits to go, if the special exception use is not approved?**

Some of those opposed to the granting of this special exception use have argued that we should find appropriate housing in R4-zoned areas. After consulting with our Realtor Ann Marie Kotre of the Charles Reinhart Co., we learned it is unlikely we will find a home that not only has seven bedrooms (six for full time Jesuits and one guestroom) but also has living spaces that would accommodate our religious community lifestyle. Her response to my question was:

“Properties in AA’s R4-zoned neighborhoods are mostly large student rental homes. While they may offer the number of bedrooms you desire, they are typically divided into separate apartments with private kitchens & baths, which would not satisfy your community’s vowed lifestyle any more than they would fit a “traditional” family’s lifestyle.”

**Thank you for your careful consideration of all the factors involved in this decision.**

TO: Ann Arbor Planning Commission  
From: Daniel Reim, S.J., petitioner for special exception use  
RE: Concerns of the Planning Commission regarding “Precedence”

As commented in the *Ann Arbor Chronicle* (June 4), opponent to the Jesuit special exception use application Peter Nagourney says, “except for two speakers (at the June 3 Planning Commission meeting) no one had anything but praise and respect for the individual Jesuit brothers.” Members of the Planning Commission made similar comments during the meeting.

It seems then that the issue before the Planning Commission is not that the Jesuits applying for this special exception use are not likely to be good neighbors, (the point of zoning laws) but rather there is concern about **the consequences of granting a special exception use at all.**

If I understand correctly, the addition of the “special exception use” provision to the Ann Arbor zoning ordinance was added in 1991 in response to the Michigan Supreme Court case (*Delta Charter Township v. Dinolfo*, 531 N.W.2d 831 (1984)). In this case, the Court found an ordinance limiting occupancy to a “traditional” family unit too restrictive and unconstitutional in light of Defendants’ living as a functional family.

This family unit consisted of two biological families living with six single unrelated adults in the same household. The common bond shared by these individuals was their membership in the Work of Christ Community, a legitimate religious organization recognized by our State’s government as an ecclesial non-profit entity and a federally qualified tax exempt organization.

The Court stated:

All of the members of these “families” have adopted their lifestyle as a means of living out the Christian commitment that they stress is an important part of their lives.” (*Dinolfo* at 258.)

The Court later held:

“We conclude that this ordinance, which prohibits the defendants from including in their households six unrelated persons, is unreasonable and arbitrary and, accordingly, in violation of the Due Process Clause of the Michigan Constitution.” (*Dinolfo* at 258.)

Thus, the provision of the “special exception use” to the zoning ordinance serves to address those groups that are not a family, but function like one. The situation in the Jesuits’ petition is identical to that of *Dinolfo* in that the common bond shared by the Jesuit priests is their membership in the Society of Jesus, a legitimate religious organization recognized as such by the State of Michigan. They have adopted a communal living style as an essential means of living out their Christian commitment.

But there seems to be fear that this would set a precedent for other groups—students or cults or other non-desirable groups—who would draw on this special exception use as a precedent and thus lead to the diminishment of a neighborhood.

But in the case of *Stegeman v. City of Ann Arbor*, 540 N.W.2d 724 (1995), the city demonstrated the ability to discriminate between cases. The plaintiffs in *Stegeman*, doing business as Campus Rentals, were prevented from renting houses to groups of college students by the Ann Arbor code. The *Stegeman* court said that the *Dinolfo* decision “[does] not force the zoning authorities to abandon the concept of the family in its entirety ... it merely [requires] zoning ordinances to

take into account so-called 'functional families' in its provisions for residential zoning.” And in this case, the court found that the Ann Arbor ordinance did precisely that.

In summary, the Planning Commission should be able to judge whether or not the Jesuits' application satisfies the criterion of a “functional family” without concern of thus establishing a precedent which would negatively bind them in the future.

The purpose of the zoning law is to preserve the good character of the neighborhoods. There does not seem to be an argument that the Jesuits would be a threat to this goal. Granting this application would also not lead to a future binding condition that would be regrettable.

**PLANNING AND DEVELOPMENT SERVICES STAFF REPORT**

**For Planning Commission Meeting of June 3, 2014**

**SUBJECT: Ann Arbor Jesuit Community Special Exception Use  
1919 Wayne Street  
File No. SEU14-006**

**PROPOSED CITY PLANNING COMMISSION MOTION**

The Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, finds the petition to meet the standards for a functional family in Section 5:7 (Residential Occupancy), and substantially meet the standards in Chapter 55 (Zoning Ordinance), Section 5:104 (Special Exceptions) , and, therefore, approves the Ann Arbor Jesuit Community petition for six members of the Ann Arbor Jesuit Community to live as a functional family at 1919 Wayne Street, conditioned upon providing off-street parking spaces for each vehicle used by the family. This approval is based on the following findings and conclusions:

1. The group of people proposed to reside at 1919 Wayne meet the definition of a functional family, specifically:
  - a. The members of the Ann Arbor Jesuit Community who propose to reside at 1919 Wayne Street have a relationship that is functionally equivalent to a family in that their relationship is permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. They have taken lifelong religious vows and intend to reside at this address indefinitely. They will assume roles such as head of the household, pool financial resources, assign responsibilities such as cleaning, shopping and yard work, and have adopted other features of a cohesive family unit such as caring for sick members and making medical decisions for each other, as necessary.
  - b. The Ann Arbor Jesuit Community is not a social society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals in a temporary housekeeping unit in which the common living arrangement or basis for the establishment of the housekeeping unit is temporary.
2. A functional family with an approved special exception use is considered a single family residential use, and thus is consistent with the objectives of the City Master Plan, and with the existing and planned character of the neighborhood. The household size is within the normal size range of households found in this zoning district, and will not have a detrimental effect on neighboring property or the natural environment.
3. No changes are proposed for the current site, which conforms to the R1C zoning district. Adequate off-street parking for the household will be provided, and the use of the site will not be hazardous or inconvenient to the neighborhood.
4. The approval will apply only to a functional family made up of no more than 6 individuals of the Ann Arbor Jesuit Community.
5. The Ann Arbor Jesuit Community has identified a contact person who will act as head of household in relating to the city.

### **STAFF RECOMMENDATION**

Staff recommends the special exception use be **approved** because the proposed functional family has a relationship that is functionally equivalent to a family and is of a permanent and distinct character with a recognizable bond characteristic of a cohesive unit, and because the proposed use is of such location, size and character as to be compatible with the zoning district in which the site is situated; and the location and size of the proposed use, its nature and intensity, the site layout and access, and effect of the proposed use on public services would not be hazardous or inconvenient to the neighborhood nor unduly conflict with the normal traffic of the neighborhood.

### **LOCATION**

The site is located on the east side of Wayne Street between Washtenaw Avenue and Vinewood Boulevard (Northeast Area).

### **DESCRIPTION OF PETITION**

The petitioners seek special exception use approval to allow a 6-person “functional family” to occupy a single-family dwelling in an R1C (Single-Family Dwelling) district. Members of the USA Midwest Province of the Society of Jesus, more commonly known as the Ann Arbor Jesuit Community, wish to live at 1919 Wayne Street, a 4,000-square foot home on a 9,400-square foot lot. No changes or additions to the house are proposed.

In accordance with the Residential Occupancy requirements of the Zoning Ordinance, there are three living arrangements permitted in R1 single-family residential zoning districts:

- 1) One or more persons related by blood, marriage, adoption, or guardianship living as a single housekeeping unit
- 2) Four persons living as a single housekeeping unit
- 3) A functional family living as a single housekeeping unit which has received a special exception use permit

The Ann Arbor Jesuit Community requests a special exception use permit for the third living arrangement listed above, a functional family living as a single housekeeping unit.

The required two off-street parking spaces for the requested functional family use are proposed to be provided in an existing two-car garage. The petitioners indicate they anticipate parking needs for an additional four vehicles, for a total of six, which they propose to park in the driveway and in an adjacent private parking lot.

### **BACKGROUND**

The functional family living arrangement has been permitted by the Zoning Ordinance since 1991. Although there have been a few serious inquiries and potential petitioners since then, this petition is the first functional family special exception use request to be heard by the Planning Commission.

Per Chapter 55 (Zoning Ordinance), Section 5:7(4), a functional family is “a group of people plus their offspring, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit.” A functional family is not a social society, club, fraternity or sorority, association, lodge, organization, group of students or other unrelated persons living together temporarily.

Below, this staff report addresses the Zoning Ordinance standards for functional families (Section 5:7(5)), the standards for all special exception uses (Section 5:104), and the standards for functional families’ off-street parking requirements (Section 5:7(5)(b)).

### **FUNCTIONAL FAMILY SPECIFIC STANDARDS**

In addition to the general special exception use standards, approval of a special exception use permit for a functional family is subject to the following specific standards per Section 5:7(5) of the Zoning Ordinance. The standard is provided in **bold**, the petitioner’s response is provided in regular type, and staff comments, if any, are provided in *italics*.

- a) It must meet the definition of this section: a group of people plus their offspring, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit.**

By way of background, the Jesuits are members of the Society of Jesus – a religious Order of men in the Roman Catholic Church. The Society of Jesus is the largest male religious Order in the world, with approximately 18,000 members internationally. The Jesuits were founded in Rome in 1540. The Jesuits are organized into geographic provinces; those that will reside in the property on Wayne St. are members of the USA Midwest Province of the Society of Jesus, which is headed by a Provincial Superior. Their ministry is under the permission of the Catholic Diocese of Lansing.

The Jesuits who will reside in the property will live as a functional family. All Jesuits take lifelong vows of poverty, chastity and obedience, and are expected to live a life of prayer, and to live in community under a religious superior. The Jesuits that will reside at 1919 Wayne will follow the typical Jesuit communal life under a religious superior, who will also reside at the house. For all of the residents, 1919 Wayne will be [their] full time residence; they will not reside in any other place or own any other real property. The Jesuit residents will be expected to participate in communal meals, prayer and study, through their individual ministries might interfere with such participation on a given day. As part of their vows, Jesuits do not marry or have children, so their fellow Jesuits who have taken the same vows are the equivalent in many ways, of their biological families. Like many families, the residents of the house pool their income, and they share living expenses, paying them from the pooled fund. The residents share household chores such as cleaning and yard work. Residents spent time together in prayer, and in sharing daily activities, and in supporting each other’s ministries. Food and most personal belongings and household items will be held in common. The relationship between members of the order is permanent in that the members take lifelong vows of commitment to the order. The Jesuits’ way of life is of a distinct nature that has existed for centuries. It has a demonstrable and recognizable bond characteristic of a cohesive unit, and it is expressed in lifelong vows that each Jesuit makes.

The Jesuits residing at the house will do so indefinitely unless, pursuant to their vow of obedience, they are assigned a ministry that would take them out of the Ann Arbor area. In that case, another Jesuit might move into the house to take the place of the reassigned member. However, any new resident would also be a member of the order that has taken the same vows, and he would participate in the household life in the same way that the departing member did. The Jesuits do not see this as a bar to obtaining the requested permit, given that the relevant requirement states the permit shall apply only to the functional family type which obtained the permit "an shall be limited to the number of persons specified in the permit." It does not state that the permit shall be limited to specific individuals (See item (c) below). Furthermore, even in typical biological families, there is occasionally some change in the makeup of the family. For example, a spouse might die, and the surviving spouse might remarry and bring the new family member to live in the home. Similarly, a family's child might pass away or move out of the home to go to college, and the couple might adopt a child at the same time.

*Staff: Please refer also to the Application for Special Exception Use Addendum to Section D:5a Functional Family, attached, for additional details provided by the petitioner related to this standard.*

*Based on the petitioner's original response and addendum, staff has concluded that the Ann Arbor Jesuit Community meets the definition of a functional family. Their lifelong vows to the Society of Jesus and designation of patient advocacy are examples of a permanent bond and a relationship that functions as a family. Their assumption of roles and responsibilities in daily household activities provides further evidence of a single cohesive housekeeping unit.*

**b) Two off-street parking spaces must be provided. Additional parking spaces may be required by the Planning Commission in certain circumstances.**

The house will have four off-street parking spaces: two in the house's garage, and two cars can be parked in a line in the driveway.

*Staff: See Conditions for Additional Parking for Functional Families, below.*

**c) The permit shall apply only to the functional family type which obtained the permit and shall be limited to the number of persons specified in the permit.**

The petitioner is requesting that the permit be issued for six Jesuits to reside in the property, and it is understood that the permit, if granted, shall be limited to this number.

*Staff: As requested, the functional family type that could reside at 1919 Wayne would be members of the USA Midwest Province of the Society of Jesus, more commonly known as the Ann Arbor Jesuit Community. Six or fewer of the priests and brothers of the Ann Arbor Jesuit Community, form this particular functional family.*

**d) There is a contact person who will act as head of household in relating to the city.**

The contact person will be Rev. Daniel Reim, S.J., Superior of the Ann Arbor Jesuit Community, who will reside at the house.

## SPECIAL EXCEPTION USE STANDARDS

The Planning Commission, in arriving at its decision relative to any application for a special exception, shall apply the following standards per Section 5:104(3). The standard is provided in **bold**, the petitioner's response is provided in regular type, and staff comments, if any, are provided in *italics*.

**(a) The proposed use or uses shall be of such location, size and character as to be compatible with the appropriate and orderly development of the zoning district and adjacent zoning districts in which the site is situated. In applying this standard, the Planning Commission shall consider whether the proposed use:**

**1. Will be consistent with the general objectives of the City Master Plan;**

The proposed use will not entail any changes or additions to the design or construction of the lot or the exterior of the house, and therefore the physical characteristics of the property will be as consistent with the objectives of the City Master Plan as the property in its current use. The Jesuits will live in the property and maintain it as an attractive historic Ann Arbor home in a residential neighborhood.

*Staff: The Land Use Element of the Master Plan (2009) recommends continued single- and two-family residential use for the subject site and its surrounding blocks. A functional family with an approved special exception use is considered a single family residential use, and thus is consistent with the objectives of the City Master Plan. A functional family use is also consistent with the Diverse Housing goal of the City's Sustainability Framework.*

**a) Will be designed, constructed, operated, and maintained in a manner that is compatible with the existing and planned character of the general vicinity;**

As noted above, the proposed use will not entail any changes or additions to the design or construction of the lot or exterior of the house, and in that sense, will not affect the existing and planned character of the general vicinity. It is possible that over time modifications might be made to the interior of the house, but these will be done in conformity with all applicable rules and regulations. Regarding how the property is operated and maintained, the Jesuits will reside in the property and there live the life characteristic of their religious order, a life characterized by prayer and contemplation, study, and providing pastoral care. These activities will be compatible with the general character of the vicinity, which is one of quiet residential dwellings.

*Staff: As long as the Ann Arbor Jesuit Community's functional family, if approved, remains in compliance with any conditions of its approval, it will be considered a single housekeeping unit and is compatible with the existing and planned character of the general vicinity.*

**b) Will be consistent with the general character of the neighborhood considering population density, design, scale and bulk; and the intensity and character of activity;**

As noted above, the Jesuit residents of the property will generally live quiet lives of prayer and contemplation, study, and they will provide pastoral care to other members of

the Jesuit community. They will generally be members of the religious order that serve at St. Mary's Student Parish, a Catholic parish serving the University of Michigan [Ann Arbor], and/or will be pursuing degrees at the University of Michigan or other local institutions. The Jesuits are an apostolic order, which means that their focus is on their ministry. This would be in contrast to other religious orders which spend more time in prayer at their residence. The Jesuits that will reside in the property and will spend the majority of their time serving at St. Mary's Student Parish. It is quite common for those currently engaged in this ministry to work during the day, return home for dinner, and then return to the parish for evening programs. The residents' ministry would not be offered at the residence. All such ministry is offered at the parish. No individuals or groups would be coming to the house for religious services. The Jesuits' presence will be consistent with the general character of the neighborhood, considering the factors listed in this question. As noted in the response to the immediately preceding questions, the occupation of the property by the Jesuits will not entail changes or additions to the design or construction of the lot or exterior of the house (other than possible future interior modifications, to be done in compliance with all applicable rules and regulations), and in that sense will be just as consistent with the general character of the neighborhood, considering design, scale, and bulk, as the property currently is. The population density will be consistent with that of a typical biological family with six members.

*Staff: Regarding design, scale and bulk, and character of activity, the existing home at 1919 Wayne Street is and will remain consistent with the general character of the neighborhood regardless of the living arrangements within it. Regarding population density and activity intensity, based on the special exception use petition and addendum, staff believes the intensity of activity of the Ann Arbor Jesuit Community's proposed functional family would not be noticeably different from any other larger households currently in the neighborhood. The Jesuits' functional family would be within the appropriate and expected continuum of single-family household sizes in an established neighborhood.*

**4. Will not be detrimental to the use, peaceful enjoyment, economic value or development of neighboring property, or the neighborhood area in general;**

As noted above, the Jesuit residents of the house will generally live quiet lives of prayer and contemplation, study, and providing pastoral care to other members of the community, and will generally serve at St. Mary's Student Parish, and/or be pursuing degrees at the University of Michigan or other local institutions. This being the case, their residence of the property will not be detrimental to the use, peaceful enjoyment, economic value or development of neighboring property, or the neighborhood area in general.

**5. Will not have a detrimental effect on the natural environment.**

As noted above, the proposed use of the property will not entail any changes or additions to the design or construction of the lot or exterior of the house (other than possible future interior modifications, to be done in compliance with all applicable rules and regulations), and in that sense, it should not have any detrimental effect on the natural environment.

**(b) The location and size of the proposed use or uses, the nature and intensity of the principal use and all accessory uses, the site layout and its relation to streets giving access to it, shall be such that traffic to and from the use or uses, the assembly of persons in connection therewith, and the effect of the proposed use on public services and facilities, will not be hazardous or inconvenient to the neighborhood nor unduly conflict with the normal traffic of the neighborhood. In applying this standard the Planning Commission shall consider, at minimum:**

**6. The location of and access to off-street parking and the safe provisions for pedestrian traffic;**

The property has a driveway and garage. Two vehicles can be parked in the garage, and two can be parked in the driveway in a line. It is estimated that the six Jesuit residents of the house will have six vehicles available for their use. The vehicles will be owned by the Jesuit order, and will be available for the use of all of the residents of the house; individual Jesuits will not own or be assigned a specific car. Therefore, for example, the first resident to leave the house in the morning will use the vehicle parked closest to the street, thereby minimizing the amount of shifting of vehicles in the driveway and street parking. It is estimated that two vehicles will be parked on the street. Given that the residents of the house will serve at St. Mary's Student Parish, or be studying at the University of Michigan campus, both of which are within walking distance of the property, in good weather those residents will typically walk to parish and campus activities when possible. There will be no changes to the house, land, or driveway, and therefore there should be no change to the effect on pedestrian traffic.

*Staff: The driveway is narrow and steep, limiting the number of vehicles that can be parked there to one or two, in addition to the two vehicles that can be parked in the garage. However, there is adequate sight distance for the vehicles to access the street, and the site layout, and traffic to and from it, will not be hazardous, inconvenient or conflicting with the neighborhood.*

**7. The relationship of the proposed use to main traffic thoroughfares and to streets and road intersections;**

As noted above, the proposed use of the property will not entail any changes or additions to the design or construction of the property or the house on it, and consequently, the proposed use should not affect the relationship of the property to main traffic thoroughfares and to streets and road intersections. The main traffic thoroughfares near the property are Wayne St., and Washtenaw Avenue, and the main road intersection nearby is the intersection of these two roads.

**8. Vehicular turning movements in relationship to traffic flow routes;**

Since the Jesuit residents of the house will generally serve at St. Mary's Student Parish, and/or be pursuing degrees at the University of Michigan or other local institutions, it is anticipated that the main rout of travel from the house will be along Wayne St. to the intersection with Washtenaw Avenue, and then from there, vehicles will turn right to head toward the University of Michigan campus area, or left to take Washtenaw Avenue toward other destinations.

**9. The intensity and character of traffic and parking conditions on the site, and in the general area;**

As noted above [#6], it is estimated that the six Jesuit residents of the house will have six vehicles available for their use. The vehicles will be owned by the Jesuit order, and will be available for the use of all of the residents of the house. Therefore, for example, the first resident to leave the house in the morning will use the vehicle parked closest to the street, thereby minimizing the amount of shifting of vehicles in the driveway and street parking. It is estimated that two vehicles will be parked on the street, and four in the garage and driveway, as explained above. Petitioner notes that while Jesuits do lead a life of prayer and contemplation, and will do so on the property, they will not conduct church or other worship services on the property.

*Staff: Traffic and parking conditions on the 1900 block of Wayne Street, and the surrounding streets, are fairly typical of near-campus neighborhoods. Almost every home has a driveway, and most homes have at least a one car garage. On-street parking exists for residents, which can become scarce from commuting students, university faculty and staff, and downtown employees parking in the neighborhoods. To address this ongoing parking concern, the Oxbridge neighborhood participates in a neighborhood residential parking permit program. Oxbridge households, including the household at 1919 Wayne Street, may purchase up to five annual permits. Considering the off-street parking at 1919 Wayne Street, the Jesuits' agreement with the Church of Christ, Scientists next door (see Conditions for Additional Parking for Functional Families, below), and the neighborhood residential parking permit program in effect, staff does not feel the Ann Arbor Jesuit Community's functional family will unduly conflict with the parking conditions on the site and in the general area.*

**10. The requirements for additional public services and facilities which will be created by the proposed use will not be detrimental to the social and economic welfare of the community.**

As noted above, the residents will generally live quiet lives of prayer and contemplation, study, and providing pastoral care to other members of the community, and will be members of the Jesuits that serve at St. Mary's Student Parish, and/or will be pursuing degrees at the University of Michigan or other local institutions. This being the case, they do not anticipate requiring any additional public services or facilities. The Jesuits do not anticipate that their presence on the property will create any more requirements for public services or facilities than a biological family with an equal number of members. Given that the Jesuits are an all adult male order, no children requiring public schooling will reside at the property.

**CONDITIONS FOR ADDITIONAL PARKING FOR FUNCTIONAL FAMILIES**

Two off-street parking spaces must be provided for functional families. Additional parking spaces may be required by the Planning Commission if any of the following conditions are met. The Planning Commission may also defer up to 40% of the required off-street parking spaces. The conditions are provided in **bold**, the petitioner's response is provided in regular type, and staff comments, if any, are provided in *italics*.

**i. The property is located more than 300 feet from a bus stop.**

The house is located within 300 feet of the bus stop on Washtenaw Ave., near the intersection with Wayne St.

**ii. Street parking available for visitor parking is limited.**

Since most houses along Wayne St. have ample off-street parking, this leaves many areas along Wayne St. for street parking, in particular, the area on Wayne St. in front of the house. While the Jesuits will occasionally have visitors to their property, these will not be numerous or frequent.

**iii. The petitioner intends to park more than 2 vehicles regularly on the site and there is limited area available for tandem parking in a driveway.**

As noted above, the Jesuits intend to park four vehicles regularly on the site.

*Staff: Because more than 2 vehicles are intended to be regularly parked on the site and there is limited area available for tandem parking in the driveway, the Planning Commission may require additional off-street parking spaces. The petitioner states that 6 vehicles will be associated with the Ann Arbor Jesuit Community's functional family household. At most, 4 vehicles could be accommodated in the garage and driveway of 1919 Wayne Street. The Oxbridge neighborhood, where the subject site is located, participates in a residential parking permit program. Each residence is entitled to purchase up to 5 permits. Adjacent to the site to the south is the First Church of Christ, Scientist, who has agreed to allow two of the Jesuit's vehicles to park in their parking lot.*

*Staff recommends the Planning Commission require off-street parking spaces be provided for each vehicle used by the household. The petitioners have proposed that the six vehicles to be used by the family be parked in off-street parking spaces in the garage (2 vehicles), driveway (2 vehicles) and next-door church (2 vehicles).*

**SURROUNDING LAND USES AND ZONING**

	LAND USE	ZONING
NORTH	Postman's Rest Park	PL (Public Land)
EAST	Single Family Dwelling	R1C (Single Family Dwelling)
SOUTH	Single Family Dwelling	R1B and R1C (Single Family Dwelling districts)
WEST	Church of Christ, Scientists	R1B

**HISTORY**

The 2 ½-story Dutch Colonial home at 1919 Wayne Street was built in 1910.

## PLANNING BACKGROUND

The 2009 Land Use Element of the City Master Plan recommends continued single and two-family residential use for the subject site and the surrounding neighborhood. In general, the Land Use Element speaks to the physical development of the city and not to the living arrangements found within dwelling units. The Land Use Element and the City's Sustainability Framework do, however, address the importance of diversity in the city – diversity of housing types, diversity of land uses across the city and within neighborhoods, and diversity of population.

Since the time this petition was submitted, staff has fielded many of the same questions from neighbors and concerned citizens. Below are the most frequently asked questions (and staff's responses) about special exception uses in general and functional families in particular:

**Question: What does the Zoning Ordinance normally allow in single family zoning districts?**

**Response:** Single-family detached homes are the only permitted principal use allowed in single family zoning districts. Principal uses are considered to be appropriate anywhere and everywhere in the district and need no further approvals. Many people simply describe principal uses as "by-right uses."

**Question: What is a special exception use?**

**Response:** A special exception use is a land use that can be appropriate and compatible with the principal uses in a zoning district, but not everywhere in the district. The list of uses which require special exceptions are spelled out in the Zoning Ordinance, and the standards to apply when determining exactly where they are appropriate is also included in Section 5:104 of the Zoning Ordinance.

**Question: Does the Zoning Ordinance regulate who can live in a home?**

**Response:** The Zoning Ordinance regulates residential occupancy. The City has found that occupancy limits are needed for several reasons which are fully described in the intent statement of the Residential Occupancy regulations in Section 5:7 of the Zoning Ordinance. Acknowledging that there are a number of residential living arrangements other than the traditional biological family arrangement, there are two other options allowed by code. The first option is up to four unrelated persons (i.e. 4 roommates) who are living as a single housekeeping unit, and the second option is a functional family. Note that in multiple-family zoning districts, the first option allows up to six unrelated persons (i.e. 6 roommates).

**Question: What is a functional family?**

**Response:** A functional family is a group of people plus their offspring, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. This type of living arrangement was added to the Zoning Ordinance in 1991 in response to several significant court decisions overturning ordinances that limited or prohibited non-traditional family living arrangements.

**Question: Can a functional family be a fraternity, sorority, or a group of students living together?**

**Response:** No. The definition of functional family specifically excludes fraternities, sororities, associations, lodges, organizations or groups of students or other individuals where the common living arrangement or basis for the housekeeping unit is temporary.

**Question: Who decides if a group is a functional family?**

**Response:** The Planning Commission decides if a group is a functional family by approving (or denying) a special exception use permit for them.

**Question: How long does the special exception use permit for a functional family last?**

**Response:** Once approved, the special exception use permit lasts for as long as the functional family continuously exists. The functional family may cease to exist either because they intentionally disband or because they no longer meet their own definition of a functional family type.

**Question: What happens when the functional family leaves or ceases to exist?**

**Response:** Special exception use permits for a particular functional family type are not transferrable. If the permitted functional family type ceases to exist, or if they simply move on to another home (with a new special exception use permit), the normal standards and regulations of the Zoning Ordinance apply. A traditional family or up to four unrelated persons could then occupy the dwelling, or a different functional family type could apply for special exception use approval.

**Question: If the Ann Arbor Jesuit Community's functional family special exception use permit is approved, who exactly can live at 1919 Wayne Street?**

**Response:** In this particular case, up to six persons of the Society of Jesus religious order of the Catholic Church may live there.

**Question: Does special exception use approval change the zoning of a property?**

**Response:** No. Special exception uses are simply one of the various uses allowed in a zoning district, not a different zoning category altogether. This property will continue to be zoned R1C (Single-Family Dwelling District).

### **STAFF COMMENTS**

Planning – Upon considering the application for special exception use and addendum submitted by the petitioners and applying the standards set forth in the Zoning Ordinance for special exception uses in general and functional families in particular, staff finds that the Ann Arbor Jesuit Community is a functional family and should be permitted to live as a 6-person housekeeping unit at 1919 Wayne Street. These findings are based on several factors, including:

1. The Ann Arbor Jesuit Community who will reside at 1919 Wayne Street will have a family-like cohesive bond. They will assume roles such as head of the household, assign

responsibilities such as cleaning, shopping and yard work, and have adopted all of the mannerism such as caring for sick members and making medical decisions if need be, of a traditional family. Staff finds that the Jesuits' relationship is functionally equivalent to a family.

2. The Ann Arbor Jesuit Community is made up of members of a religious order who take several lifelong vows. Regardless of the beliefs associated with those vows, staff recognizes that the Jesuits' vows are fundamental beliefs within an established, organized religion. History shows that these vows are serious commitments not taken lightly. By virtue of these vows, staff finds the Jesuits who propose to occupy this home have a relationship that is permanent and distinctive.
3. The Ann Arbor Jesuit Community is not a social club, fraternity sorority, association, lodge, organization or group of students or other individuals in a temporary housekeeping unit.
4. It is the intention of the Ann Arbor Jesuit Community to become permanent residents at 1919 Wayne. Staff finds this relationship and this situation to be functionally equivalent to a household comprised of persons related by blood, marriage, adoption, or guardianship.

Prepared by Alexis DiLeo  
Reviewed by Wendy Rampson  
5/30/14

Attachments: Addendum to Section D:5a Functional Family  
Zoning and Parcel Map  
Aerial Photo

c: Petitioner: Brian Nitkiewicz, Treasurer's Department  
USA Midwest Province of the Society of Jesus, Saint Ignatius Trust  
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Chicago, IL 60614

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City Attorney's Office  
Systems Planning  
File Nos. SEU14-006

**Application for Special Exception Use**  
***Addendum to Section D: 5a: Functional Family***

The Jesuits who will reside at the property will live as a functional family.

As a functional family the Jesuits have a “head of the household,” referred to as the religious superior, who has the ultimate authority regarding decisions affecting the Jesuits of the house. This is not a voluntary acceding to one member, but a structural form of our way of life.

As a functional family, we refer to one another, when speaking of each other collectively, as “brothers.” Our unity is based upon our religious commitment to live together as a religious family. As brothers related to one another by our common vows and commitment to service in the Church, we are, like a family, one another’s primary support system.

In addition to what has previously been stated about our common life, it should be noted that in addition to sharing house chores: cleaning, yardwork (and snow shoveling!), one Jesuit is responsible for maintaining the finances of the Jesuits. He also is responsible for shopping for bulk items for everyone. Another regularly maintains the contents of the refrigerator, removing spoiled food and keeping all contents in order. He also shops at the Farmers Market on a regular basis for everyone. All of us take turns shopping for groceries for one another.

As a functional family we pray together. Specifically, on Tuesday mornings we spend an hour or so in prayer and reflection and faith sharing. And of course we pray before starting our meals together.

We recreate together. We have one television in the house and, like most families, struggle over the remote! We take walks together. We celebrate our birthdays and religious vow anniversaries. We occasionally go out to dinner, see movies, together. We share one newspaper and several magazine subscriptions.

We care for one another when sick (and like other families, catch the same illness!). In serious matters, the religious superior (head of household) is the formally designated patient advocate responsible for making medical decisions if the sick Jesuit is unable to do so for himself. Biological family members of those in the house do not have the authority to make such decisions. And if death occurs, we in the house make the arrangements for the funeral, burial, notifying the deceased Jesuit’s biological family, etc.

We expect to live in the house indefinitely. None of the Jesuits have a defined term of service at the parish.

Our vow of poverty, which does not mean we are to live in material poverty, means that we do not own anything of our own. The cars we each use, for example, are not ours, but are for our use. The same with computers, or any other goods.

Our vow of chastity means not only that we promise not to marry but that we are also not to engage in any sexual activity. Our life is dedicated to serving God and God’s Church. Our

affective needs are met through the other Jesuits we live with, our outside friends and family and through prayer.

Our vow of obedience means that we do not have the ultimate say over our lives, but place ourselves at the service of God and the Church through the Jesuits. The chain of command in the Jesuits is simple: the Superior General in Rome, the regional Provincial and the local superior (head of household).

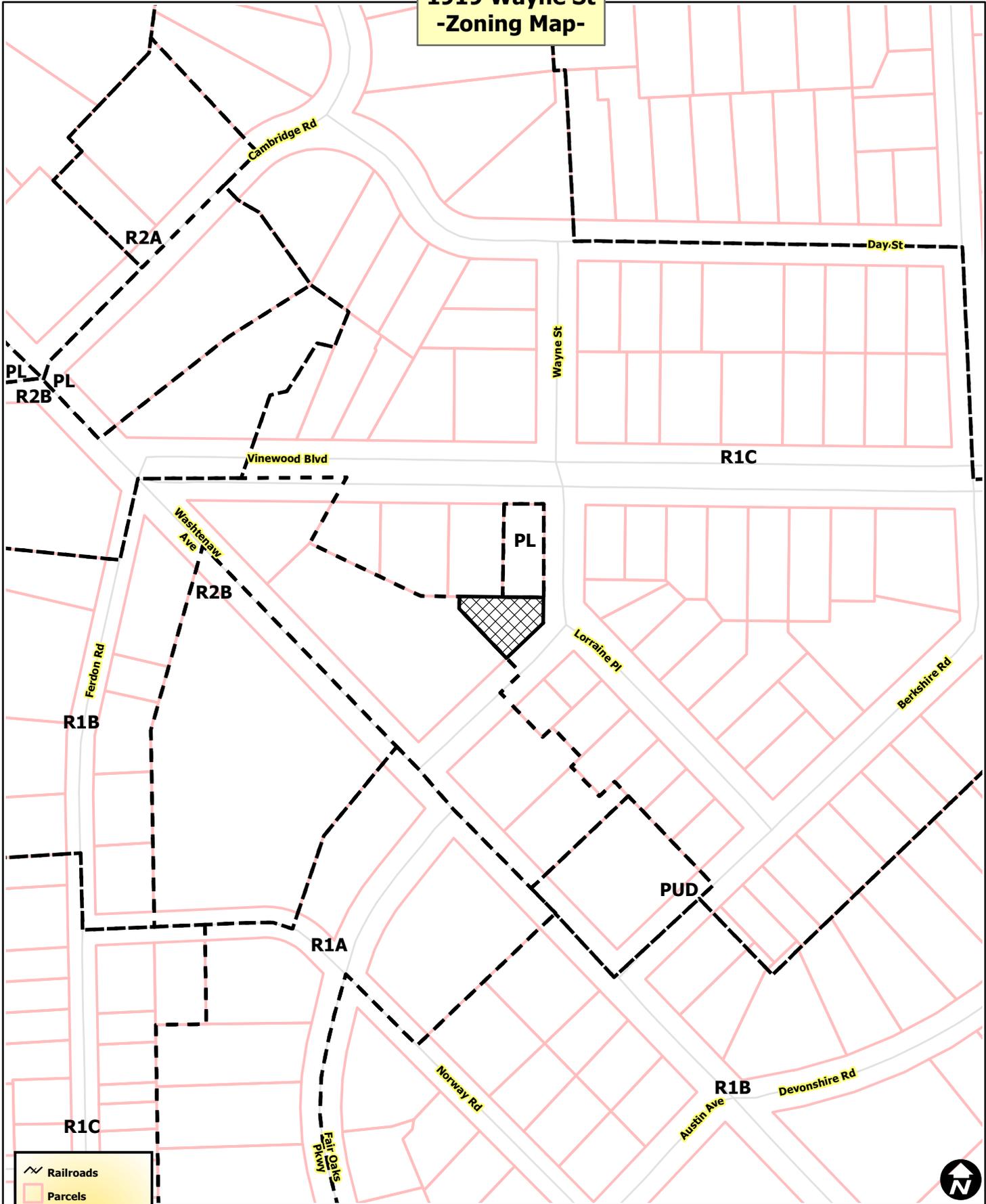
It does not need to be said that as human beings we do not live these vows perfectly. At the same time, the graces we receive from God enable us to give ourselves generously and fruitfully to others and find a reward unlike any other profession.

The basis of our living as a household is not temporary or dependent on the University school year or any such seasonal arrangement or pattern, as a fraternity or sorority would typically be. Jesuits living in structured households under a superior has been an integral part of the religious order for centuries, and the Jesuits who will live at 1919 Wayne will be participating in that centuries old tradition.

A quick summary of how the Jesuits are a functional family:

1. They share their income and expenses, not separately;
2. They have a “head of the household;”
3. This would be their full time residence; they have no other home to go to;
4. They share a common life together: chores, meals, recreation, prayer;
5. They care for one another when sick and have the religious superior (head of household) as the designated patient advocate;
6. The relationship between the Jesuits is permanent, based upon their religious vows;
7. As religious “brothers,” they are one another’s primary support system.
8. The Jesuits will reside at the house indefinitely, pursuant to their vow of obedience.

# 1919 Wayne St -Zoning Map-

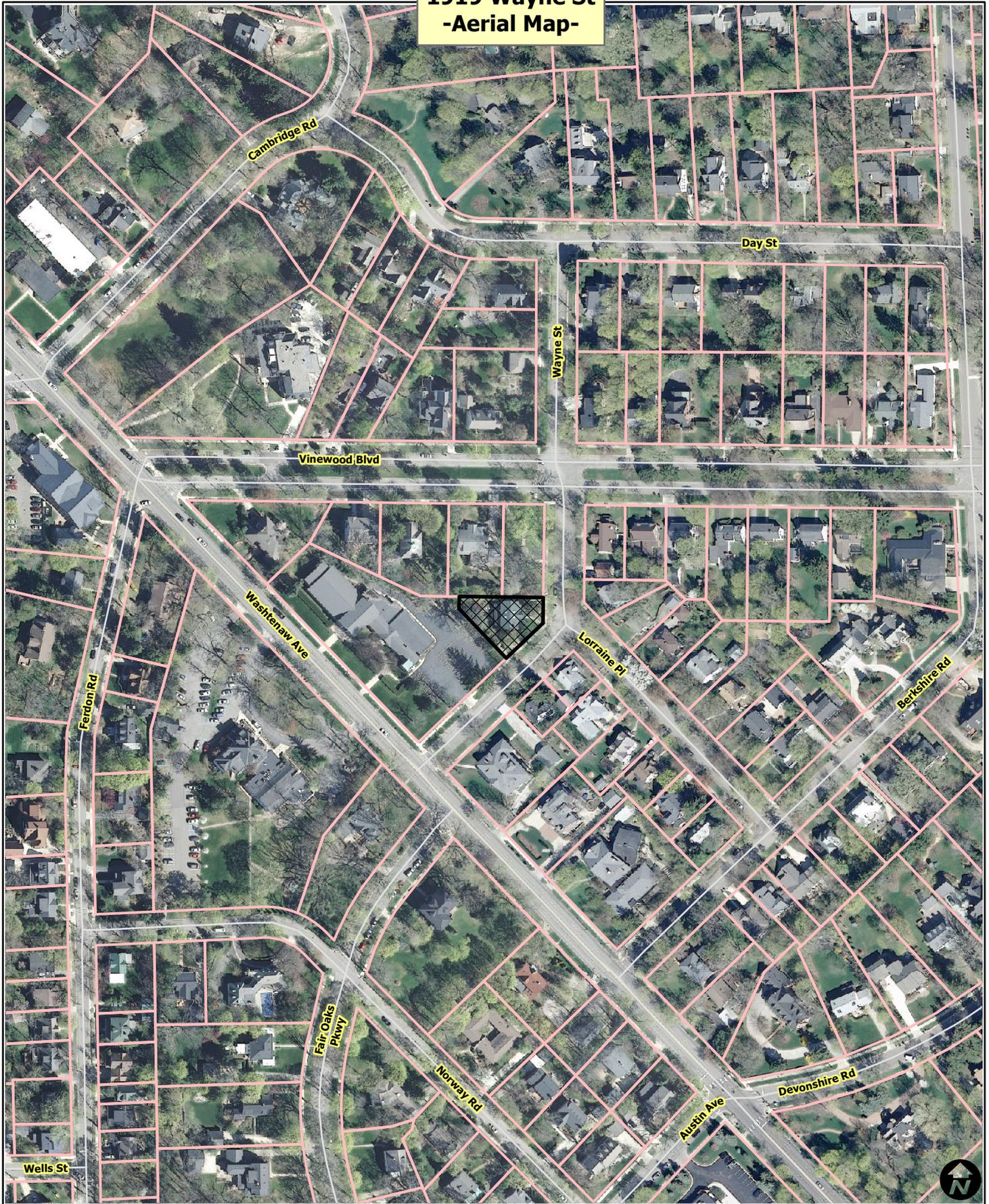


-  Railroads
-  Parcels
-  Huron River
- Zoning**
-  Township Islands
-  Zoning Districts



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# 1919 Wayne St -Aerial Map-

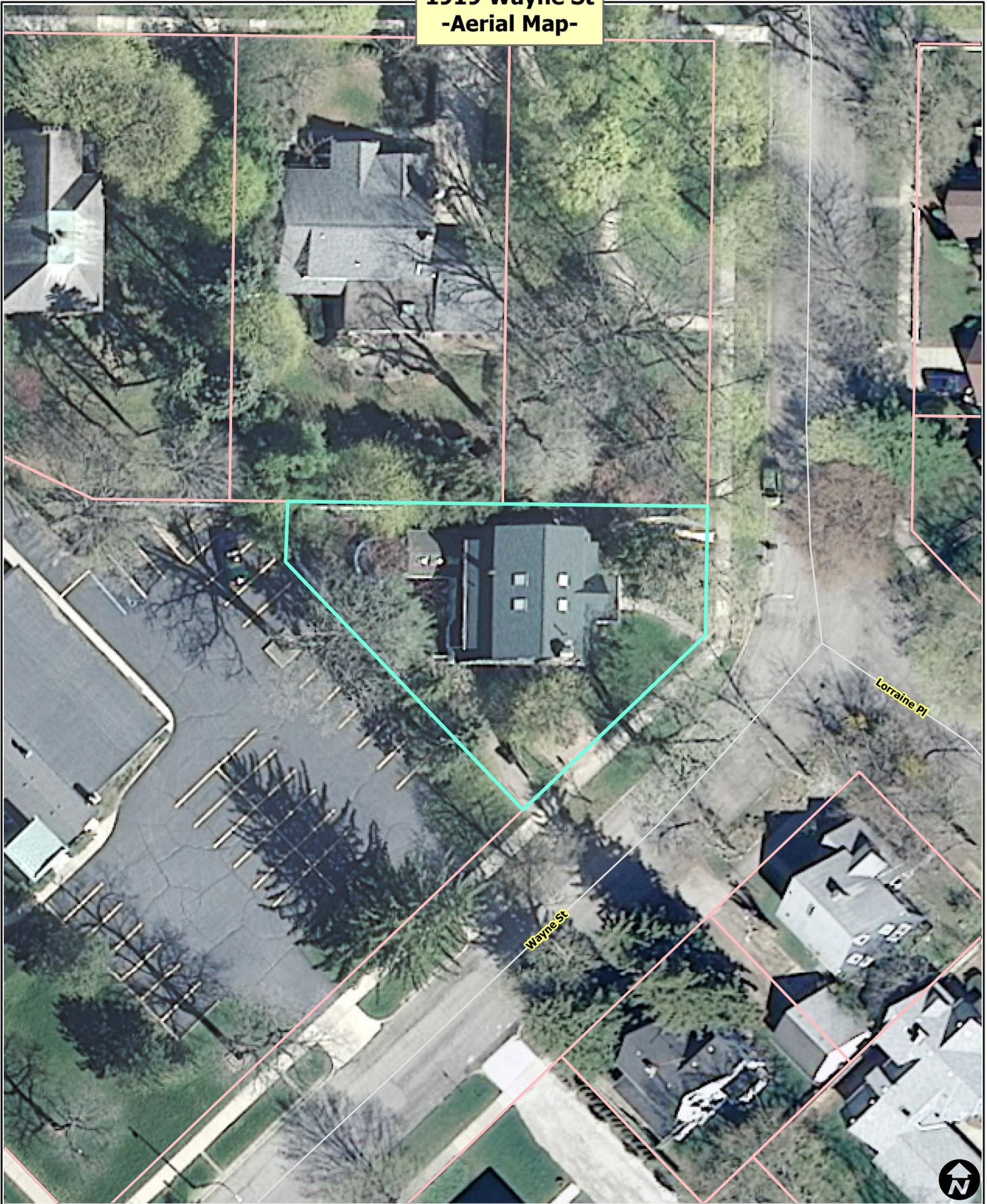


-  Railroads
-  Parcels
-  Huron River



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# 1919 Wayne St -Aerial Map-



-  Railroads
-  Parcels
-  Huron River



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