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May 29, 2014

Wendy Rampson
Planning Manager
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Alexis DiLeo
City Planner
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Re: Petition for Special Exception Use at 1919 Wayne

Dear Ms. Rampson and Ms. DiLeo:

I am writing to you as a long time resident and owner in the Oxbridge neighborhood and in support of the petition for a special exception use recognizing the Jesuits as a “functional family living as a single housekeeping unit,” pursuant to Ann Arbor City Code, Title V, Chapter 55, Article II, 5:7(4).

I am writing to inform you that it is my opinion that the contrary view expressed by the Oxbridge Neighborhood association is **not** representative of the entire association or neighborhood.

Although I and my family have been long time members of the Association I was not made aware of this issue until just this past weekend. It is my understanding that the neighborhood association was selectively sending email notifications only to members they believed agreed with the position of a few on the association board and thus any “sample poll” they took was not representative and is flawed. Please do not take their *claimed* position of the Association as accurate or representative of all members of the association. I know of many other members that like myself are simply embarrassed by the position taken and the misinformation by only a select few of our entire association and neighborhood members.

I, too, as claimed by those select few, wish to see Oxbridge remain a quiet, residential neighborhood. However, I feel strongly that the select few’s campaign of fear and deliberate misunderstanding have allowed a vocal minority in opposition to this petition to express an unrepresentative sample as that of all the association.

I will address these misinformed concerns as best as I can in this letter. My reasons for favoring approval of the special exception petition include:

- a) confidence that parking will not be a problem,
- b) understanding that this Special Exception is just that – it creates a *one-time* exception only for the Jesuits and is and will not be a permanent change in the neighborhoods zoning or even transferable upon a change in property ownership,
- c) understanding that the Jesuits do not intend to undertake any renovations that would detract from the possibility of future resale to the traditional family units in the neighborhood,

- d) further reassurance from the fact that the Jesuits' residence at 1250 Ferdon - a similar residential street just blocks from 1919 Wayne - has not altered the family- residential character of that street and neighborhood within the greater Burns Park neighborhood, and
- e) my firm conviction that we, as a neighborhood, should be willing to countenance and embrace the occasional, reasonable exceptions to the residential zoning rules. After all, our broader neighborhood already has many dwellings that house both undergraduate and graduate students and their families that are so very close to a "functional family living as a single housekeeping unit," so the Special Exception sought is really NOT that Special.
- f) our neighborhood has current residents that rent out a room or section of their home to non-family members.

I will now elaborate on each of these points, first outlining the objection stated by those in opposition to the petition, and then responding with my perspective, informed by my conversations and email exchanges with neighbors, information conveyed to neighbors by Fr. Dan Reim, and a close reading of the following documents: Application for Special Exception Use, Impact Statement Notes for Oxbridge & North Burns Park Neighborhood Associations v4, Letter of Fr. Dan Reim to the members of the Oxbridge Neighborhood Association, and the relevant portions of the Ann Arbor City Code.

Parking at 1919 Wayne

Objection 1: The Jesuits will have as many as six cars and will contribute to parking congestion on Wayne Street.

Response: Parking will not pose a problem should the Jesuits move in to 1919 Wayne. First, the house itself has four on-site parking spaces, two in the garage and two in the driveway. Second, the immediately adjacent property, the First Church of Christ Scientist, has granted permission through its Board of Directors for the Jesuits to park two cars in the church lot. Furthermore, I am told that the current owners, the Urbaniaks, have been in the habit of parking on the street, so the presence of the Jesuits would not establish any new or different risk of causing parking congestion.

Precedent or Change in Zoning

Objection 2: This will change the zoning in a permanent way that will impact future sales. Alternatively, even if the zoning does not change, it will "set a precedent" that will lead to any future sales of this house going to non-family units, as well as a precedent for other large houses in the neighborhood to be sold to non-family units.

Response: I indeed have heard this specific misinformation from several neighbors who were put under the misimpression that allowing this special exception use would create a permanent change in zoning. As you well know, this is simply not the case. The Special Exception is not transferable under the zoning ordinance and by requesting only a special exception, the Jesuits are working within the current neighborhood zoning regulations, not seeking to change it and not thereby impacting the long-term zoning of this residence or the greater neighborhood.

Any special exception would be granted to the Jesuits alone, meaning that any future purchaser of the home who did not fit within the category of a "family unit" would similarly have to request a special exception. A fraternity, sorority, or other similar

organization, not to mention landlords hoping to acquire a rental property, **would not be in the same position** as the Jesuits to argue that they are functionally a “family” for purposes of satisfying residential zoning requirements. In other words, granting this special exception simply does **not** rezone the residence to allow fraternity-like, non-family living, nor does it create any precedent that “opens” the fraternity floodgates it is this latter misinformation that I believe has been most used to “create the appearance of opposition to the petition.

And, as an owner, I can appreciate the concerns of other property owners in the neighborhood who fear a “slippery slope” toward a less family-oriented and more rental-property or fraternity-oriented kind of neighborhood. However, groups like fraternities and potential landlords would not be able to argue that they fit within the parameters of those deserving a special exception as a “functional family unit.” Therefore, they would have to rely instead on the more challenging route of trying to effect an actual change in the zoning ordinance. Were that sort of request to occur, I too would stand in opposition.

Definition of Functional Family

Objection 3. The Jesuits are a “society” and therefore do not fit within the definition of a “functional family unit” under the Ann Arbor City Code.

Response: Yes, the Jesuits, as the “Society of Jesus,” have the word “society” in their collective name. Nevertheless, they are first and foremost a religious order, and they are not like the groups singled out by Ann Arbor Code § 5.7(4) as being unlike a functional family. According to the Code, a 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.*” (emphasis added) The Jesuits are a religious order whose vows, and therefore relationship with other members of the order, are of a permanent nature. The Jesuit community in Ann Arbor is not a high-turnover operation. Individual members of its community are asked from time to time to relocate to take up ministry or studies elsewhere. This does not change the permanent nature of the Jesuit communal household any more than when a neighborhood daughter or son go off to boarding school or college.

The comparison has been made between the Jesuit community and a co-op given their shared household duties and expenses. Even this comparison is not apt. The Jesuits residing at 1919 Wayne would be pooling their income, just as a typical family household would do. They would not be living together for the sake of convenience, mere companionship (although surely that is a benefit of the Jesuit lifestyle), or cost saving. Rather, they are men who by nature of their participation in the Jesuit order have committed themselves to living in community. Moreover, they have the equivalent of a “head of household” in the presence of their religious superior, who would be resident at 1919 Wayne and would serve as the obvious point of contact should any concerns arise – that is not the same as in a co-op.

The zoning ordinances special exception petition process exists for a very good reason. We do not want a zoning ordinance that is so inflexible as to not allow for occasional sensible exceptions as an alternative to permanent changes in zoning. It is unrealistic to fear that allowing a single special exception opens the door to threatening long-term changes in the character of our neighborhood. Moreover, if the Jesuits do not qualify as a

“functional family” under the City Code, then who indeed does? Are opponents to this petition suggesting that we should simply never countenance recognizing a household unit as a “functional family”? Why then was this exception even written into the City’s zoning ordinance? This zoning ordinance language speaks directly to the very underlying purpose of Ann Arbor’s zoning regulations, which are designed not only to protect property values but also to foster community. It is after all, fostering of community that is a large part of our property values.

Furthermore, how would current residents that rent out sections of their homes fit under the definition of a “Functional Family?”

Interior Renovations Impacting Family Resale Potential

Objection 4. If the Jesuits undertake extensive interior renovations changing the essential family nature of the residence, it might render the residence unmarketable to family use in the event of a future sale.

Response: This can be a proper concern to express, although it is a concern that arguably exists anytime a residence changes hands and new owners make interior changes that may or may not improve the home’s resale value. However, the Jesuits specifically chose the Urbaniak home because, with seven bedrooms (six for permanent Jesuit residents, and one for short-term guests), it fit the particular needs of the Jesuit community.

Although the Urbaniak home has seven bedrooms, it only has two bathrooms; this is fewer than typical for a home of its size by today’s standards.¹ The Jesuits would ideally like to add two bathrooms. This would increase the attractiveness of the house for families in the event that it were to be resold in the future. Moreover, given the nature of Jesuit communal living, they will not be further subdividing or altering the interior in such a way as to resemble a boarding house or rental property. One might look at their current residence at 1250 Ferdon to see that their present home easily conforms to family-residential standards.

Change to the Character of the Neighborhood

Objection 5. This house is in a family-oriented neighborhood, and allowing six men to reside in there will fundamentally alter the character of the neighborhood.

Response: While the neighborhood surrounding 1919 Wayne is indeed populated largely by “traditional” families, the house also stands in the transitional area between the busy Washtenaw corridor and the larger residential neighborhood. In fact, the next-door neighbor is itself a large church property fronting Washtenaw Avenue, and 1919 Wayne borders immediately upon the church parking lot. That said, the presence of the Jesuits will plainly not alter the family-residential character of the neighborhood.

¹ For example, the single-family house currently for sale at 2025 Hill Street, although only 3,348 sq. ft. with 4 bedrooms (as compared with the Urbaniak home at 4,151 sq. ft. and 7 bedrooms), is listed as having 5 bathrooms (3 full and 2 half). See http://www.realtor.com/realestateandhomes-detail/2025-Hill-St_Ann-Arbor_MI_48104_M38050-76155?source=web (accessed May 28, 2014). The similarly sized home currently for sale at 617 Stratford Drive (4,484 sq. ft., 6 bedrooms) is listed as having 5 full bathrooms. See http://www.realtor.com/realestateandhomes-detail/617-Stratford-Dr_Ann-Arbor_MI_48104_M44927-74337?source=web (accessed May 28, 2014). Four bathrooms in a 7-bedroom, 4,151 sq.-ft. home is well within reason for purpose of the possibility of resale to a family.

Standing at 1919 Wayne, one need only walk four-tenths of a mile to visit the Jesuits' current home at 1250 Ferdon in the Burns Park neighborhood to see that their presence has simply not impacted the quality of residential life on that street. In fact, you would not be aware that the home was occupied by Jesuits—and has been for the past ten years—based on viewing the home. It looks like any other well-maintained home in the neighborhood. While the Jesuits have enjoyed living there these past ten years, the home no longer satisfies the growing needs of the local Jesuit community.

Also, as a member of the Oxbridge Neighborhood Association, I am concerned with the legal exposure our Association would face by taking the position of defining “Character of the Neighborhood.” Could this position be used as precedence against minorities or other non-traditional family units?

Furthermore, residents of our neighborhood are currently renting out portions of their home to transient residents of Ann Arbor. The Jesuits would contribute more to the long term character of our neighborhood than any of the current or future renters that live in our neighborhood do. The Jesuits have had a long established residency just a few blocks over for the past decades and by already active members of our community.

I appreciate your consideration of both sides of this discussion. The home I reside in has been in my family for over 50 years and for over 30 of those years my Grandmother rented out the downstairs portion of her home to help her pay the taxes and maintain her residence after my Grandfather passed away.

I am concerned about not only existing residents that rent but that any ruling against allowing the Jesuits residence at this home could be used as a precedence for exclusion of a non-traditional family that does not meet the criteria of existing neighbors. Ann Arbor is a community based on inclusion and acceptance and should remain that way.

Respectfully submitted,

Andy Paterson
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