

June 11, 2014

Ann Arbor Planning Commission  
[planning@a2gov.org](mailto:planning@a2gov.org)

cc: Jane Lumm, Sally Petersen

Re: 1919 Wayne

Dear members of the Planning Commission:

At the June 3<sup>rd</sup> meeting of the Planning Commission, I spoke to share some of my concerns about the way in which the Oxbridge Neighborhood Association (ONA) has failed to communicate with its full membership. I have since learned even more damaging news on this count, but I will leave ONA aside at this point and hope that we as a neighborhood can revitalize what has become an exceedingly unrepresentative voice. I hope to be part of that effort.

At the last meeting, I was accused by one of my neighbors of bias, suggesting that my testimony was untrustworthy due to my status as a parishioner of St. Mary's Student Parish (SMSP). This affected the tone of the proceedings from then forward, as many people felt compelled to say "I'm Catholic," "I'm not Catholic," "I'm Muslim," etc. before stating their views on this zoning issue. I had disclosed my relationship to SMSP in my first written communication with Planning Staff, as I felt that it enabled me to share my personal knowledge of the Jesuits at issue here. Based on my personal knowledge, call it bias if you will, I can testify as to the Jesuits' trustworthiness and commitment to the community. Others who have never met or spoken with the Jesuits are not as well situated to testify, drawing upon perceived generalities or imagined possibilities: I have heard their community inaccurately described as a co-op or a fraternity, for example. Nevertheless, I would like to make it clear that *no one in Ann Arbor should feel that their view on a zoning issue is made more or less valid due to their personal religious affiliation*. I hope no one will feel compelled to have to share that personal information for the sake of credibility at the next public meeting.

If I may be guilty of bias, it is also perhaps due to another aspect of my status—as a lawyer, and a lawyer who grew up in Yonkers, NY, where zoning was manipulated to segregate neighborhoods. I feel strongly about this. I will admit that, as a lawyer, I have a firm commitment to the rule of law. Having learned some of the history behind Ann Arbor's adoption of a "functional family" exception in its code, I now understand that from the very beginning this was a controversial change. However, at this point, the functional family exception is part of our code and must be enforced. It may not be applied selectively, and if the Jesuits fit within it, then arguments that this will set a precedent such that others will seek the same exception are specious: if they do indeed meet that high standard of qualifying as a functional family, then they too should receive the exception. For those who wish we did not have this exception written into our code, or who feel that the exception should be drawn more narrowly, there is a political process

in which they may engage to push for a change. They may not expect the code provision to lie dormant simply because it effects an outcome some neighbors would prefer to avoid.

From what I understand, one remaining concern is whether the Jesuits satisfy the “permanency” requirement for the functional family exception. As stated at the recent Planning Commission meeting, Fr. Dan Reim, Fr. Ben Hawley, and Fr. Dennis Dillon are all permanent employees of St. Mary’s Student Parish. Their community has owned a house on Ferdon for the past 10 years, where Fr. Dan has resided that entire length of time, and Fr. Ben and Fr. Dennis for 4 and 5 years, respectively, i.e., for as long as they have been working at St. Mary’s.

They are expecting to welcome one new Jesuit parish employee and a Jesuit PhD student in Public Health. As for the graduate student, I find it difficult to understand how his presence in the household is a point of controversy. First, I know several graduate students living in family homes in the Oxbridge neighborhood. In fact, I myself am a PhD student at the University of Michigan, presently entering my seventh year of study. Thankfully, none of my neighbors have ever described me as transient, or suggested that I was somehow not a permanent part of my family household. The Urbaniak family has hosted exchange students from China, Finland, and Germany over three consecutive years, never receiving a complaint from neighbors. Moreover, this is not going to be a “household of students”, as some have alleged; it will have a single graduate student who is a member of the Ann Arbor Jesuit community. Under the zoning code, four unrelated students could already buy this house if they so desired. There is no reason to single out graduate students as somehow unwelcome.

It is also worth noting that the Oxbridge neighborhood is full of corporate employees who frequently get transferred and have to live apart from their families or move their families. One of my neighbors was transferred to Portland, Oregon, by work a year or two ago and has been living apart from his family; they will all join him in Portland this summer. Mr. Urbaniak’s work is taking him to China. I do not see how this is materially different from the fact that a particular Jesuit, in theory, could be transferred by his superior to a new place of work. Furthermore, some of the university professors who live in the Oxbridge neighborhood rent their homes out to strangers when they take a sabbatical year or travel for the summer. This sort of arrangement would not happen with the Jesuits, who will have a core of men residing there permanently.

In fact, it seems to me that what is really troubling neighbors is not the transiency of the Jesuits, but rather the permanency. For a house that has most recently sold in 2002, 2001, and 1996, this might be a moment where the Urbaniak home will have stable ownership for a lengthy span of time. If that is what is frightening neighbors, then what underlies that fear? If it’s discrimination based on the Jesuit’s religion or choice of living arrangement, then it has no business factoring into the decision. If these Jesuits qualify under the zoning code for the functional family exception—and I believe that they do (an opinion shared by both the City Attorney’s office and Planning Staff)—then the Planning Commission needs to recognize that, even in the face of opposition from particular

neighbors who perhaps wish the code did not have that particular exception written into it.

I respectfully ask you to grant the Jesuits' petition.

Sincerely,



Elizabeth Papp Kamali  
2122 Dorset Rd.