

## Impact Statement Notes for Oxbridge & North Burns Park Neighborhood Associations v3

The following notes summarize the problems and challenges brought about by the petition for Special Exception so that six Jesuit-affiliated people may legally reside at 1919 Wayne Street, (an R1 property) as a “Functional Family.” \*\* (Note R1 zoning normally allows up to four unrelated people in residence.)

\*\* City’s definition of a Functional Family is: to quote the city code ... "In this section, functional family means 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."

### **OBJECTION #1 - DOES NOT MEET CITY’S DEFINITION OF FUNCTIONAL FAMILY**

1. The SJ Jesuits do not meet the City’s zoning requirement as they are a Society. In fact, “Society” is the first word in their name. See SJ Jesuit definition from the Catholic Encyclopedia:

The Society of Jesus is a [religious](#) order founded by [Saint Ignatius Loyola](#). Designated by him "The Company of Jesus" to indicate its true leader and its soldier spirit, the title was Latinized into "Societas Jesu" in the [Bull of Paul III](#) approving its formation and the first formula of its Institute ("Regimini militantis ecclesiae", 27 Sept., 1540). The term "Jesuit" (of fifteenth-century origin, meaning one who used too frequently or appropriated the [name of Jesus](#)), was first applied to the society in reproach (1544-52), and was never employed by its founder, though members and friends of the society in time accepted the name in its good sense. The Society ranks among religious institutes as a [mendicant order](#) of clerks regular, that is, a body of [priests](#) organized for apostolic work, following a religious rule, and relying on [alms](#) for their support [[Bulls of Pius V](#), "Dum indefessae", 7 July, 1571; [Gregory XIII](#), "[Ascendente Domino](#)", 25 May, 1585].

2. The City requires the Functional Family members to be permanent residents in the home. Even in the Magill & Rumsey notification letter, their attorney states some residents will be students. The only connection the “family” members have, in truth, is either their place of employment, for the duration of that employment or the fact they are students and belong to that Society.

### **OBJECTION #2 - SETS PRECEDENT THAT LEADS TO MYRIAD PROBLEMS FOR BOTH CITIZENS AND THE CITY**

The larger picture is that this will affect all neighborhoods in Ann Arbor with larger homes.

- **This sets a precedent.** It will be the first and only “Functional Family” home in A2. Here are the problems we see arising:
- The City’s definition of a “Functional Family” is vague and unenforceable. There are numerous specific vagaries contained in the City’s definition and in fact, ones they are overlooking in this petition (e.g., some of the Jesuit residents will be students - i.e., temporary residents of A2; the others are permanent only for as long as they hold their current job in Ann Arbor). Permanent, to the rest of the citizens of Ann Arbor means the citizen tries to live in his home despite job and educational changes in life.

- Staff and students affiliated with an organization related to the UM or to their religious diocese seems to be a temporary arrangement based on their study or employment or religious affiliation, not on family ties. They may consider themselves to be family within their faith, which we totally respect, but we don't think that they qualify for family designation based on the city's definition of a longstanding and enduring family relationship. *(This paragraph is copied from comment from a neighbor on Vinewood.)*
  - Other groups of unrelated persons can claim to be a cohesive unit similar to a family; for example those of a particular faith, those with certain common physical conditions, those who share a political or philosophical belief, or those who share a common trouble. How is the City going to draw any lines if this first situation does not follow the rule?
  - How can the City possibly enforce this in a town where people move in/out frequently?
  - Investor landlords will want to place 6 people in an R1 property for rent in order to get more money. They will find amazing ways to claim the group is a Functional Family, even if the renters are indeed permanent residents of Ann Arbor.
  - Aggressive & opportunistic realtors will jump on the opportunity to sell large homes in Oxbridge and N Burns Park finding Functional Family buyers once the precedent is set.
  - This forebodes the interior modification and loss of architectural beauty of large homes due to interior reconstruction done in order to accommodate the Functional Families of unrelated individuals. It is predictable that these houses will never return to single family use.
  - Adds more vehicles to be parked on residential streets.
  - To whom do neighbors go when there is a problem caused by the Functional Family home? (e.g. fencing, water seepage, weed-filled yard, etc.)? With single family homes, a neighbor can contact the owner or the landlord, but who is responsible when a Functional Family occupies a home? The point of contact is nonexistent.
3. Each one of these future cases will cause disruption and unhappiness to the long-term neighbors. It will change the fundamental character of older, large home streets and neighborhoods.
  4. The City is vague about what happens to the Special Exception if/when a Functional Family sells or leaves its home. Per Alexis DiLeo of Planning, the Special Exception remains for as long as the family lives in the house. However, if a home's interior has been reconfigured to accommodate 6 unrelated persons, will it ever truly be useful as a single family home?
  5. This affects many more than those living on Wayne Street.
  6. There are homes available for sale in areas zoned appropriately for six unrelated persons, so there are alternatives available that meet the needs of this Society.

Approval opens up an entire Pandora's Box and legacy of opportunities for greed and misuse of the Functional Family concept in the future and all over the City:

**ACTION**

The Planning Dept meeting on this petition is scheduled for June 3. Concerned persons should attend in person and speak at the meeting.

Letters and emails concerning this should be sent to [WRampson@a2gov.org](mailto:WRampson@a2gov.org).