

**From:** Peter Nagourney  
**Sent:** Monday, June 16, 2014 1:57 PM  
**To:** Planning  
**Subject:** Comment on Reconsideration of Jesuit Request for Special Exception

**Date:** June 16, 2014  
**To:** Members of the Ann Arbor Planning Commission  
**From:** Peter Nagourney, Co-chair, North Burns Park Association, 914 Lincoln Avenue  
**Subject:** Application for Special Exception Use filed by the Society of Jesus

I'm Peter Nagourney, co-chair of the North Burns Park Association, which is across Washtenaw Avenue from the property in question. My address is 914 Lincoln Avenue. I'm distressed by the reasoning Planning staff has used to justify this petition, and am very concerned about the precedent it sets.

**1. Staff's justifications do not reflect the reality of the situation.**

**Zoning Ordinance Section 5:7(5) identifies the standard for a "functional family" 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.*"**

The petitioner does not qualify based on this Zoning Ordinance for the following reasons:

1. The relationship of proposed residents in this house is not of a permanent character, since some members of the household will be students/interns who will be replaced by other students/interns when their time in Ann Arbor is over or they are moved to a different assignment by the Society.
2. The occupants of this property will continually change, and new occupants who arrive to replace departing ones will not necessarily be known to the occupants. Their only connection is to the Society of Jesus, which is not a family, and therefore their residence in a shared house does not make them a family. If that were so, the city also would have to consider Co-ops, communes, and any other group housing situation a "functional family."
3. Because members are placed and removed from their residence by orders coming from the Chicago headquarters of the Society of Jesus, based on staffing needs for the religious center at the University of Michigan, the relationship of residents can not be considered permanent.

**2. Staff's conclusions for approval set an unfortunate precedent for Ann Arbor.**

This exception to the ordinance suggests that other groups can claim similar status and establish themselves in residential neighborhoods; this consequence may be detrimental to the property values of the neighborhood, something Planning Staff said wouldn't be relevant, but the neighbors disagree. In addition, having 6 cars streaming in and out of one house is certainly an aberration for the neighborhood, again a potential problem ignored in Planning's recommendation.

The city, by proposing this exception to long-established ordinances, is about to open the doors wide to any number of unique households in residential neighborhoods. That significant change should not be based on ignoring the very clear language of the pertinent zoning ordinance (Section 5:7(5)).

### **3. The issue is zoning, not popularity or supporting letters from church members**

Much of the discussion at the June 3, 2014 Planning Commission meeting, both by the community and the Planning Commissioners themselves, was focused on issues that were minor or irrelevant to the actual zoning ordinance whose application is what should decide the petitioner's appeal. The Planning Commission should, in its own deliberations, focus only on the zoning ordinance and the extent to which the petitioner's case fits the specific language of this zoning ordinance.

### **4. Planning staff and Planning Commission should not be interpreting zoning, but applying zoning.**

Despite emotional appeals and testimony about the church and individuals involved, Planning Commission staff and Planning Commission should not be interpreting the zoning ordinance to satisfy neighbors, co-religionists, or any priority except whether the zoning ordinance, as written, is met.

### **5. The current confusion should be referred to the Zoning Board of Appeals.**

Since Planning staff, in its report and comments, has deviated from the clear and unambiguous language of the applicable zoning ordinance, it would be appropriate to have the Zoning Board of Appeals provide a clear statement about how this zoning ordinance (Section 5:7(5) does or does not apply to the current petitioner.

### **6. A distorted application of the clear zoning ordinance threatens residential neighborhoods.**

By approving this petition, the city is setting a terrible precedent. I am concerned about my and other residential neighborhoods that depend on the city's zoning for protection. I want to believe that Planning Commission takes the city's ordinances and the concerns of affected neighbors seriously. Doing so would mean rejecting this petition.