

From: Dan Reim [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 3rd 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,

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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.