

Rochester Hills
Zoning Board of Appeals
Wednesday January 11, 2017

Presentation by:
Alternative Burial Services (ABS)
Gary Piontkowski

Purpose of Attendance:
To Ask for a Special Continuance
and
Obtain a Conditional Use Permit



innovative *by* nature

Bryan K. Barnett
Mayor

October 13, 2016

City Council

Stephanie Morita
District 1

James Kubicina
District 2

Susan M. Bowyer, Ph.D.
District 3

Thomas W. Wiggins
District 4

Kevin S. Brown
At-Large

Dale A. Hetrick
At-Large

Mark A. Tisdell
At-Large

Gary M. Piontkowski
2185 Crooks Rd.
Rochester Hills, MI 48309

Re: Application for Building Permit for a Crematorium
2201 Crooks Rd.

Dear Gary,

We regret to inform you that we will be unable to issue a building permit for the proposed Crematorium facility as it is not a permitted Use by the City's Zoning Ordinance. Our Director of Planning, Ed Anzek, after consultation with our legal staff has determined that the crematorium would be considered an incinerator. Incinerators are only permitted within the City when they are a part of an educational research facility. Stand alone facilities such as yours are not allowed.

A refund check for your \$150 application fee will be issued under a separate cover.

Should you have specific questions regarding Ed Anzek's decision you may contact him at 248-656-4660.

Sincerely,


Craig McEwen, RA
Building Inspector/Plan Reviewer
Building Department

cc: Ed Anzek – Planning Department



Human Cremators and the Environment

Under normal operating conditions, modern crematories operate efficiently, inconspicuously, and without smoke or odor. Unless specifically identified, the crematory is not noticeable to an outside observer. In addition, crematories do not discharge wastewaters or use any water in the cremation process.

Human remains are mostly made of organic compounds such as hydrogen and water. Cremation (chemically known as *oxidation*) is ideal for disposing of human remains, as organic compounds can be completely transformed into carbon dioxide and water. Only 2% to 8% of human remains are inorganic and comprised of sodium and potassium (bones). At the end of the cremation cycle, only a few sterile bone fragments remain.

Modern cremators have a 99.99% combustion efficiency, emitting extremely low levels of carbon monoxide. Cremation caskets, if used, are designed to be cremated without causing Hazardous Air Pollutants as defined by the EPA under the Clean Air Act. Our modern cremators fully comply with all stringent Federal, State and local environmental requirements.

How can a cremator burn without emitting smoke or odors?

Complete combustion is achieved in a special chamber called *After-Burner Chamber*, also known as Secondary Chamber. The smoke created in the combustion process is retained in this chamber for almost two seconds, and re-burned at high temperatures (1,600-1,800 degrees Fahrenheit), and thus fully converted to clear CO₂ gas and water vapor.

Additionally, an Opacity Sensor is located at the base of the stack to insure the clarity of the exhaust gases by controlling the cremation cycle. If the exhaust gases were to reach the maximum locally allowed opacity, the PLC (Programmable Logic Control) automatically shuts down the primary burner and adjusts combustion air supply to slow the combustion rate and prevent visible emissions from exiting the stack.

The cremation process is fully automated and PLC based. Operating temperatures and air flows are constantly monitored for maximum efficiency. Temperature Recorder Charts also provide auditable data to insure the cremator operates within the environmental mandated limits.

Comments:

80% of the human body is water, therefore the process is expelling steam not pollutants.

The entire process is concealed. The general public will not know the facility exists, unless they search it out.

The surrounding businesses' will also help conceal the crematorium. The city will provide a service for its residents increasing demand.

In 2015 the U.S. Cremation rate was 48.6% by 2020 the U.S. cremation rate is projected nationally to be 54.3%.

In the state of Michigan, a crematorium is not allowed on the same property as a funeral home.



Cremation Association of North America

2016 ANNUAL STATISTICS REPORT

2015 % OF CREMATIONS



48.6%

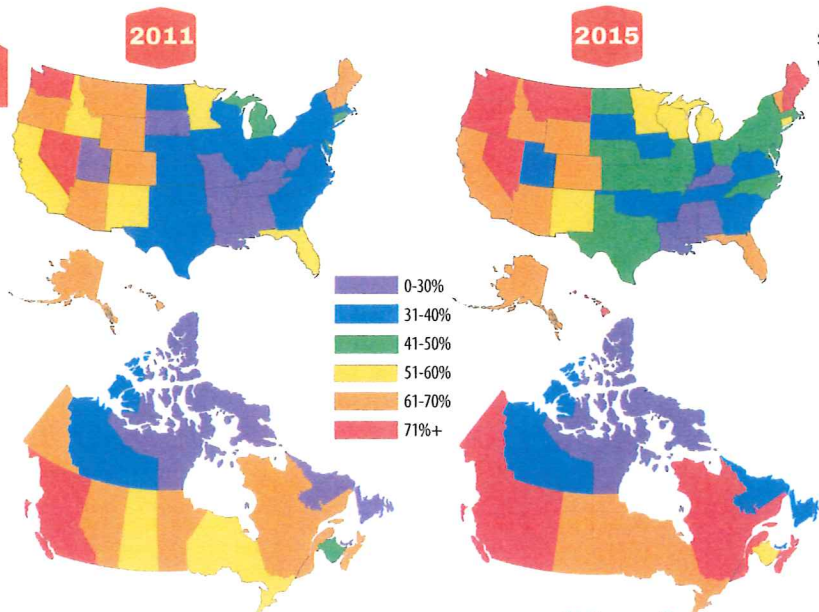


68.8%

65% of people reported that they were "definitely" or "somewhat likely" to choose cremation as an option.*

*FAMIC Study, Funeral & Memorialization Information Council (FAMIC), 2015.

PUBLIC PREFERS CREMATION



CREMATION RATE GROWING IN ALL REGIONS OF THE U.S. AND CANADA

source: CANA
www.cremationassociation.org

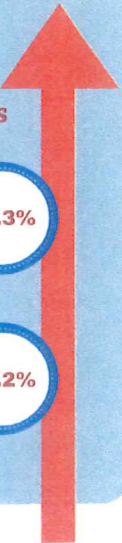
2020 PROJECTIONS

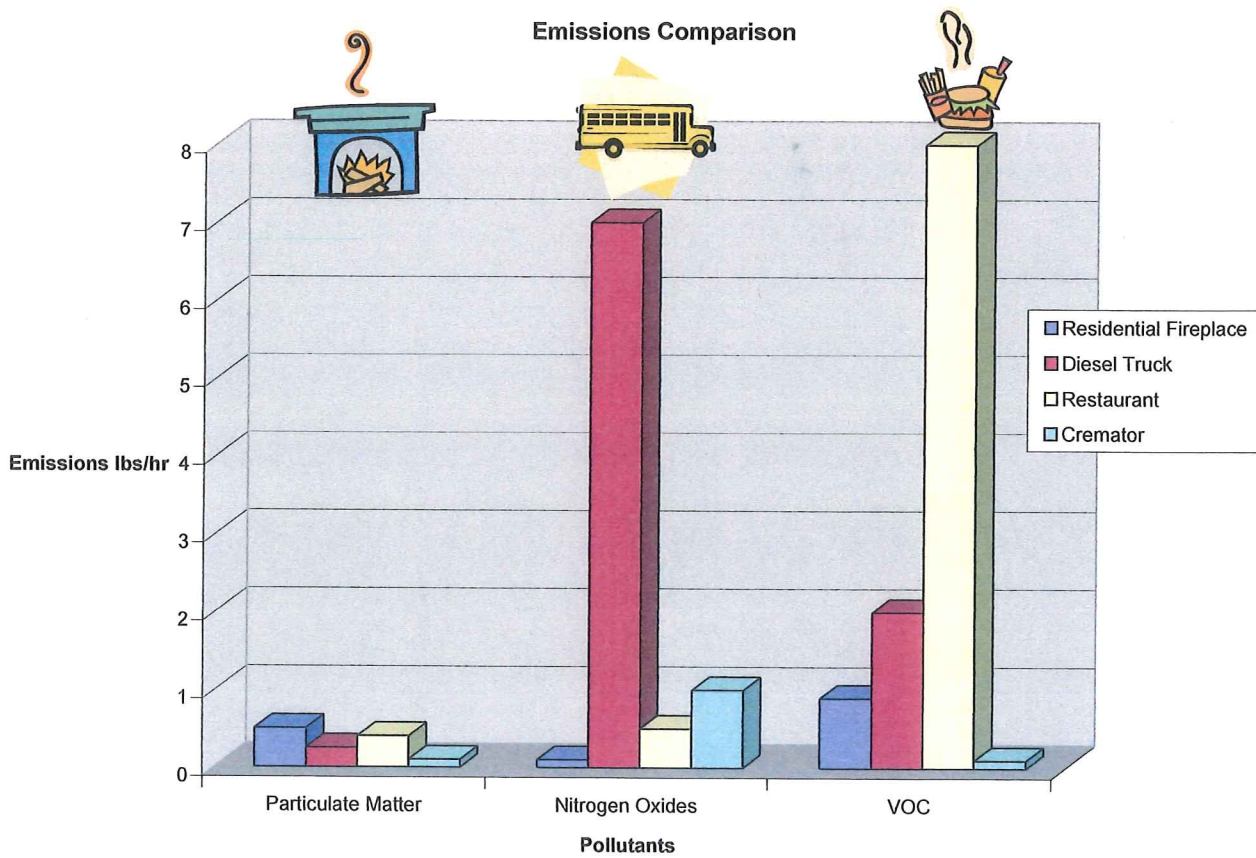


54.3%



74.2%





VOC:

Volatile Organic Compounds

Emitted gases from certain solids or liquids.

VOCS are emitted by a wide array of products numbering in the thousands.

Cremation Business #1 – Auburn Hills, MI



This Business is located in an industrial complex. Notice the very indiscriminate signage, similar to what ABS would use. The two cylinders on top are where the crematorium is located.

Also included here is a Crossfit place, where when the weather is appropriate, they hold class outside. A flower and Photography business are also here several members of the public visit. The Public probably has no idea a crematory is here. This is located less than a quarter mile from a downtown area.

Alternate Cremation Business #2 – Shelby Township, MI



This Business is also located in an industrial complex. It is located next to an Autobody shop.

The Cylinders are located to the back of the roof, almost undetected when approaching the business.

The signage is also very indiscrete on the actual building (ICS), and not listed on the signage on the main road.



Department of Planning and Economic Development
 1000 Rochester Hills Dr.
 Rochester Hills, MI 48309
 (248) 656-4660
planning@rochesterhills.org
www.rochesterhills.org

Zoning Board of Appeals (ZBA) Application

Request Information

Request Type (as defined in <u>Article 2 Chapter 4 Variances and Appeals of the City's Zoning Ordinance</u>)		
Variance: <input type="checkbox"/> Dimensional (Non-Use) <input type="checkbox"/> Use	<input checked="" type="checkbox"/> Appeal <input type="checkbox"/> Interpretation	Conditional or Temporary Use Permit: <input type="checkbox"/> Temporary Building or Use <input type="checkbox"/> Excavation or Landfill Permit <input type="checkbox"/> Other (please describe):

Property Information

Street Address 2201 Crooks Road Rochester Hills, MI 48/309		
Parcel Identification Number (can be obtained on the <u>Property Tax Look-Up page on the City's website</u>) 70-99.00-259-745	Platted Lot (if applicable) Subdivision:	Lot No.:
Current Use(s) Industrial/Automotive	Zoning District B-5	

Appeal (if applicable)

Regulations (as defined in <u>Section 138-2.404 of the City's Zoning Ordinance</u>) An appeal may be taken to the ZBA by any person, firm or corporation, or by any officer, department, board or bureau affected by a decision of the Building Department concerning the enforcement of the zoning ordinance.
Requested Appeal(s) ABS is appealing the city's interpretation of incinerator.
Reason for Appeal Would like to open a crematory. Would like to transform partial space of the currently zoned auto repair shop space into a crematorium.

Interpretation (if applicable)

Regulations (as defined in <u>Section 138-2.405 & Section 138-2.406 of the City's Zoning Ordinance</u>) The ZBA has the power to interpret the ordinance text and map whenever a question arises in the administration of the zoning ordinance as to the meaning and intent of the zoning ordinance.
Requested Article #(s), Section #(s), & Paragraph #(s) for Interpretation 138-2.406 Interpretation of zoning ordinance provision.
Reason for Interpretation To obtain a special use permit, as this business will be running in excess of 60 days.

Conditional or Temporary Use Permit (if applicable)

Regulations (as defined in <u>Section 138-1-302 of the City's Zoning Ordinance</u>) The ZBA may issue a Temporary or Special Use Permit only when the use is to be in excess of 60 days



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ZBA Application

Dimensional (Non-Use) Variance *(if applicable)*

Ordinance Section(s) *(variance being requested from)*
 N/A

Review Criteria *(as defined in Section 138-2.407 of the City's Zoning Ordinance)*
 A non-use variance is a variance granted to provide relief from a specific standard in the ordinance, which usually relates to an area, dimensional or construction requirement or limitation.
 To obtain a non-use variance, an applicant must present proof that a practical difficulty exists, and the practical difficulty must relate to a unique circumstance of the property, as distinguished from a personal circumstance or situation of the applicant.

Practical Difficulty. Describe how compliance with the strict letter of the regulations governing area, setback, frontage, height, bulk, lot coverage, density or other dimensional or construction standards will unreasonably prevent use of the affected property for a permitted purpose, or will render conformity with such restrictions unnecessarily burdensome.

Substantial Justice. Describe how granting the variance will do substantial justice to the applicant as well as to other property owners in the District.

Lesser Variance. Describe how granting a lesser variance would not give substantial relief to the applicant and/or be more consistent with justice to other property owners in the District.

Unique Circumstance. Describe how the request results from a special or unique circumstances peculiar to the affected property, that do not apply generally to other properties or uses in the same district or zone.

Not Self-Created. Describe how the alleged hardship has not been created by the actions of the applicant or any person having a current interest in the property.

Public Safety and Welfare. Describe how the request would not be materially detrimental to the public welfare or materially injurious to this property or other properties or premises in the zone or district in which the property is located.



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**ZBA
 Application**

Use Variance (if applicable)

<p>Ordinance Section(s) (variance being requested from)</p> <p>138.4-419 Industrial Use - Heavy</p>
<p>Review Criteria (as defined in <u>Section 138-2.408</u> of the City's Zoning Ordinance)</p> <p>A use variance is a variance that allows a property to be used in a way for which the ordinance does not otherwise permit in the Zoning District where the property is located.</p> <p>To obtain a use variance, an applicant must present proof that an unnecessary hardship exists, and the unnecessary hardship must relate to a unique circumstance of the property, which prevents the applicant from reasonably using the property for a permitted purpose. A use variance may not be applied for without first attempting to rezone the property.</p>
<p>Reasonable Use. Describe how the affected property cannot be reasonably used or cannot yield a reasonable return on a prudent investment if only used for a purpose allowed in the Zoning District.</p> <p>The guidelines for repairing cars, per insurance company standards has changed in the 37 years I have had my business. More cars are not being fixed, due to high costs of repairs. I am not using all the space I have at my location. I would like to open another business in this space, and make it profitable.</p>
<p>Unique Circumstance. Describe how the request results from a special or unique circumstances peculiar to the affected property and not to general neighborhood conditions.</p> <p>I am looking to install the crematorium in the back building unit. There is an increased demand for this service. The public cannot see the building when entering the property. It cannot be seen from the road. The auto collision customers will not know it is operating there, due to its location.</p>
<p>Essential Character. Describe how the use to be authorized by the variance will not alter the essential character of the area and locality.</p> <p>All processes are done on the inside of the building. A nondescript van will be used to transport the deceased to the facility. The van will be pulled inside to transfer the departed. There will be no major site changes to the property. There is ample parking for the auto repair business and the crematory. The business nuance creates no noise or smell to the adjoining businesses.</p>
<p>Not Self-Created. Describe how the alleged hardship has not been created by the actions of the applicant or any person having a current interest in the property.</p> <p>I can make productive use of my open space. I can hire people and increase the city of Rochester Hills tax base. I can provide a service not currently available to the residents of Rochester Hills.</p>
<p>Public Safety and Welfare. Describe how the request would not be materially detrimental to the public welfare or materially injurious to this property or other properties or premises in the zone or district in which the property is located.</p> <p>Modern crematories operate very efficiently, inconspicuously and without generating visible smoke or odor. The business would be out of site. It would not be known unless sought out.</p>



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ZBA Application

Applicant Information

Name Gary M. Piontkowski		
Address 2201 Crooks Road		
City Rochester Hills	State MI	Zip 48309
Phone 248-852-2358	Email aautopoint@aol.com	
Applicant's Legal Interest in Property owner		

Property Owner Information Check here if same as above

Name		
Address		
City	State	Zip
Phone	Email	

Applicant's/Property Owner's Signature

I (we) do certify that all information contained in this application, accompanying plans and attachments are complete and accurate to the best of my (our) knowledge.

I (we) authorize the employees and representatives of the City of Rochester Hills to enter and conduct an investigation of the above referenced property.

Applicant's Signature	Applicant's Printed Name	Date
Property Owner's Signature	Property Owner's Printed Name	Date

OFFICE USE ONLY

Date Filed	File #	Escrow #
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