

ILLINOIS POLLUTION CONTROL BOARD
April 18, 1974

DOMINIC VENTURI)
PETITIONER)
)
)
v.) PCB 74-52
)
)
ENVIRONMENTAL PROTECTION AGENCY)
RESPONDENT)
)

OPINION AND ORDER OF THE BOARD (by Mr. Marder)

This case comes to the Board on Petition of Dominic Venturi for a variance from Order #7 of League of Women Voters v. North Shore Sanitary District, PCB 70-7, 12,13,14, for a warehouse and office facility located at 3150 Skokie Blvd., Highland Park, Illinois.

On January 31, 1974, the Board ordered Petitioner to file an amended complaint with more information. Such Amended Complaint was filed with the Board on February 6, 1974.

On March 14, 1974, the Agency filed its recommendation, such recommendation being that the Board should deny the variance.

No hearing was held.

Petitioner constructed a combination warehouse and office building in Highland Park, Illinois. The building has 24,090 feet of rentable floor space. 80% of this space is available for warehouse use and 20% for office space. There will be four toilets, four lavatories, and two slop sinks hooked up to the sewer system.

Petitioner has applied for a sewer permit from the North Shore Sanitary District and on January 24, 1974, received notice that his permit would be granted on condition that it would not be used until July 1, 1974, pursuant to our Order (North Shore Sanitary District v. Environmental Protection Agency, PCB 73-134, January 10, 1974).

Environmental Impact: When the Board granted the North Shore Sanitary District a variance for 2,000 sewer permits, the primary reason was that the Clavey Road sewage treatment plant would reach its new design capacity of 18 mgd by March 1, 1974. The Board has received no indications that the Clavey Road plant is not performing as planned. Petitioner's building will be served by Clavey Road, and four toilets, four lavatories, and two slop sinks will not put an unreasonable strain on the plant. The Board finds the environmental impact of granting

the variance is minimal.

Hardship: Petitioner alleges unreasonable and arbitrary hardship in that his building is fully completed and ready for tenants, yet none will sign leases with him because of the lack of a sewer hookup (see letters attached to Petition). Petitioner further states that he has a large outstanding mortgage (\$184,543) that has an interest rate of 8 1/2% plus 2 1/2 points, and that servicing this loan is a great hardship on him while the building stands empty.

The Agency does not argue this point, but asserts that this hardship is self-imposed, because Petitioner began construction of the property knowing full well that a sewer ban was in effect.

In response to this, Petitioner states that he was led to believe that a connection would be available before July 1, 1974. Also he wished to avoid a higher interest rate and construction costs and supply problems that would have developed had he waited any longer.

The Board finds that the hardship to Mr. Venturi substantially outweighs that of the public, should the variance not be granted. The Board, by this Opinion, does not find that someone can bootstrap themselves into a hardship in order to be granted a variance. In this case the time involved is short, the discharge is small, and the Clavey Road plant should be operating at its increased capacity. Therefore the Board feels the variance may be granted.

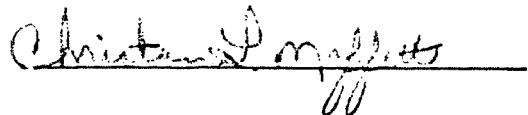
This Opinion constitutes the findings of fact and conclusions of law of the Board.

ORDER

IT IS THE ORDER of the Pollution Control Board that Dominic Venturi is granted a variance from Order #7, League of Women Voters v. North Shore Sanitary District, PCB 70-7, 12,13,14, to connect a building located at 3150 Skokie Blvd., Highland Park, Illinois, subject to the condition that no more than four toilets, four lavatories, and two slop sinks shall be installed in the building for sewer hookup before July 1, 1974. The North Shore Sanitary District shall count the permit issued for this connection as one of the 2,000 permits allowed in PCB 73-134.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 18th day of April, 1974, by a vote of 5 to 0.


Christan L. Moffett