

The Agency has taken the position that a successor in interest to the Petitioner's land would not be a successor in interest in the Petitioner's hardship. Therefore, the sale of the unimproved lot by the Petitioners holding a variance, would terminate the variance. The purchaser takes only the land, not the rights incident to the variance as a variance is not a saleable commodity.

While the Board appreciates the Agency's reasoning, it must never the less make the final decision. Petitioner is suffering hardship and has asked the Board to grant a variance to relieve the hardship. The only action that will relieve the hardship is a variance that will run with the land so as to insure a purchaser that he may connect his sewer.

ORDER

IT IS THE ORDER OF THE POLLUTION CONTROL BOARD that variance is hereby granted to petitioner from the Board's Order in League of Women Voters v. North Shore Sanitary District, PCB 70-7, 12, and 14, to allow a future sewer connection to the presently unimproved lot.

IT IS SO ORDERED.

Mr. Odell and Mr. Seaman dissent.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 15th day of November, 1973 by a vote of 3-2.



Christian L. Moffett, Clerk
Illinois Pollution Control Board