

ILLINOIS POLLUTION CONTROL BOARD
September 6, 1972

PATRICIA HINSE D/B/A)
ALADDIN FLOWER SHOP)
)
v.) #72-263
)
ENVIRONMENTAL PROTECTION)
AGENCY)

OPINION AND ORDER OF THE BOARD (by SAMUEL T. LAWTON, JR.)

Petitioner seeks a variance from a sewer connection permit denial in order to construct a new flower shop in Waukegan approximately 12 blocks from her existing location.

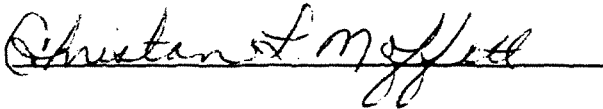
The new shop would connect to a sanitary sewer tributary to the Waukegan Sewage Treatment Plant with respect to which we have partially lifted our earlier sewer connection ban order entered in LWV v. NSSD #70-7. However, the specific sewer to which petitioner seeks to connect has been classified as inadequate by the E.P.A. because of conditions of overload occurring in wet weather resulting from storm water infiltration and accordingly the connection permit was denied.

Petitioner alleges hardship based upon the bad state of repair in her existing building, the likelihood of an increased rental and the inadequacy of parking at the present location. No allegation is made that any work with respect to the new structure was done prior to the imposition of the sewer ban order of March 31, 1971. We do not find the plight of the petitioner sufficient to grant a variance permitting connection to an already overloaded sewer and accordingly deny the petition for variance. (See Monyek v. E.P.A. #71-80; Feige v. E.P.A. #72-192). In the foregoing cases and others we have held that the hardship alleged must be of a unique and severe nature likely to cause unreasonable loss to petitioner or detriment to the public welfare. Petitioner has failed to make an adequate showing in this respect. The requisite degree of hardship has not been demonstrated, particularly since petitioner does not appear to have acquired the property sought to be developed or caused any improvements to be made upon it. Further, if petitioner does vacate her present shop, the owner of the building proposes to remodel it, creating additional units and increased hydraulic and organic loading of the NSSD facilities.

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

It is the order of the Pollution Control Board that petition for variance filed by Patricia Hinse d/b/a/ Aladdin Flower Shop be denied.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above Opinion and Order on the 6th day of September, 1972 by a vote of 4-0.

A handwritten signature in cursive script, reading "Christan L. Moffett", is written over a horizontal line.