

ILLINOIS POLLUTION CONTROL BOARD  
January 10, 1974

HRISHIKESK CHODURY, )  
 )  
 Petitioner, )  
 )  
 vs. ) PCB 73-440  
 )  
 ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Respondent. )

OPINION AND ORDER OF THE BOARD (by Mr. Seaman):

On October 17, 1973, Petitioner, Hrishikesk Chodury, a resident of Waukegan, Illinois, filed his Petition for Variance, requesting relief from Order #7 of League of Women Voters v. North Shore Sanitary District, PCB 70-7, 12, 13 and 14, to allow a future sewer connection to a presently unimproved lot located on Woodlawn Avenue (no street number indicated) in Gurnee, Lake County, Illinois. The proposed connection would be tributary to the Clavey Road sewage treatment plant of the North Shore Sanitary District.

The Board adopted an Order in this matter on October 25, 1973, deeming the Petition inadequate and requesting that Petitioner provide the cost of the land purchased and the reason why satisfactory property could not be purchased elsewhere. Petitioner's reply, received on November 20, 1973, indicated that the subject land was purchased for \$6,000.00, and that the reason Petitioner purchased the particular property was that it is close to his work and that it is suitable for building immediately because electricity, gas and sewer lines are adjacent thereto. Petitioner's situation appears similar to every other owner of undeveloped property in the area of the sewer ban. In addition, he has not indicated the status of his present living conditions nor has he discussed the feasibility of other sewage disposal or treatment alternatives.

From the petition for variance, it is evident that construction has not commenced on the proposed dwelling. The Board has repeatedly held that mere purchase of property, absent other extenuating circumstances, does not constitute sufficient arbitrary and unreasonable hardship to justify the grant of a variance. (See e.g. Robert Monyek v.

Environmental Protection Agency, PCB 71-80; Robert C. Wagon v. Environmental Protection Agency, PCB 71-85; Bruno Feige v. Environmental Protection Agency, PCB 71-192.)

Further, Petitioner's attention is directed to North Shore Sanitary District v. Environmental Protection Agency (PCB 73-134), decided on January 10, 1974, wherein we granted the District permission to issue 2,000 permits (8000 P.E.) authorizing connection to its Clavey Road Plant, subject to certain conditions.

Petitioner's cause, therefore, has become moot, since the basis of his Petition is that permits for sewer connections are unavailable. Petitioner is urged to file with the North Shore Sanitary District application for permit to connect as soon as possible.

We note that PCB 73-134 would not foreclose a petitioner from requesting a variance to complete connection prior to July 1, 1974, based on a showing of hardship and urgency, since our Order in PCB 73-134 specifically states that connections permitted thereunder shall not be made prior to July 1, 1974.

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 the Petition for Variance of Hrishikesk Chodury be denied without prejudice.

IT IS SO ORDERED.

Mr. Henss was not present.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted on this 10 day of June, 1974 by a vote of 10.

Christan L. Moffett