

ILLINOIS POLLUTION CONTROL BOARD
August 30, 1971

Robert H. Monyek)
V.) PCB 71-80
Environmental Protection Agency)

Dissenting Opinion (by Mr. Aldrich):

I disagree with the majority opinion which denies petitioner a variance to connect a single family residence to the sewer lines of the North Shore Sanitary District.

Petitioner wishes to build a home for his family on a lot purchased in April of 1970. Before accepting title to the property he was assured by the local Director of Building and Zoning that the lot was served by sewers and ready for building. This was approximately one year before the Board entered its Order banning additional sewer connections. Mr. Monyek was unable to build his home during the following year because mortgage money could not be obtained. When money became available he was unable to proceed immediately because of the pressures of his work.

Petitioner estimates that if construction were delayed two years, he would suffer a loss of \$15,673. In previous cases we have held that a financial loss alone, in the absence of improvements to the property, is not sufficient basis for granting a variance (see Charles and Frances Hughes v. EPA, PCB 71-151). However, in the instant case, petitioner's reliance on his ability to connect his future home to existing sewer lines was, in my judgment, reasonable. Mr. Monyek could not anticipate the Board's Order banning new sewer connections. Under these circumstances his delay in constructing a home until a favorable financial climate existed was justifiable.

Granting the variance would result in some additional wastes being added to the Clavey Road treatment facility. However, as petitioner points out, such additions would not commence for several months, when construction of his home has been completed. I do not feel the potential harm to the environment in this case is sufficient to justify denying petitioner's request. In my judgment the hardship imposed on Mr. Monyek by denial of the variance is unreasonable. I would therefore grant the petition.

I, Regina E. Ryan, Clerk of the Board, certify that Dr. Samuel R. Aldrich submitted the above Dissenting Opinion on this 30th. day of August, 1971.

