






Memorandum

Date: July 28th, 2016

To: SOUTHERN NEVADA DISTRICT BOARD OF HEALTH

From: Jeremy Harper, REHS, *Environmental Health Supervisor* 
Paul Klouse, REHS, *Environmental Health Manager*
Jacqueline Reszetar, REHS, *Director of Environmental Health* 
Joseph P. Iser, MD, DrPH, MSc, *Chief Health Officer* 

Subject: Variance Request to Operate a Public Bathing Place not in Compliance with the Nevada Administrative Code (NAC) 444.116, Lucky Dragon LP, dba Lucky Dragon Hotel and Casino, located at 300 West Sahara AVE, Las Vegas, Nevada 89118; [Assessor's Parcel Number (APN) 162-04-816-001] for Health Permit PR0118540; David Jacoby and Desmond Stevens, for the Owner(s), Lucky Dragon LP.

I. BACKGROUND:

Lucky Dragon LP, dba Lucky Dragon Hotel and Casino is petitioning for a variance as requested by David Jacoby of Lucky Dragon LP and Desmond Stevens of STO Design Group, to operate a public bathing place not in compliance with the Nevada Administrative Code (NAC) 444.116(1), which states in part: "Every swimming pool must have a minimum depth in the shallow area of the main swimming pool area of not less than 3 feet (0.9 meter) or more than 3 feet 6 inches (1.1 meters) from the normal operating level to the floor." The public bathing place is located on APN 162-04-816-001, at 300 West Sahara AVE, Las Vegas, Nevada.

II. DISCUSSION:

The petitioner requests to construct a pool with a minimum depth of less than three feet in the shallow area. The petitioner states the following:

The pool can be built with a walk-in ramp feature which provides a 12H:1V sloped entry to the maximum water depth of 3'-6". A set of conventional stairs is provided from the deep water end of the pool to the surrounding deck.

The hotel's intent is to differentiate the primary pool from the norm with the feature of a walk-in ramp, thereby affording bathers great ease of entry and ability

to enjoy the water element over a wider range of depth, as well as facilitating and providing ADA compliant access at the highest level of dignity for guests – without the need for a handicapped chairlift at the pool's perimeter.

The evidence presented for granting a variance to permit Lucky Dragon LP to deviate from NAC 444.116(1) by allowing a minimum depth of less than three feet is listed below.

The petitioner states the following in regard to this requirement:

1. There must be circumstances or conditions which are unique to the applicant, and do not generally affect other persons subject to the regulation:

Without a walk-in ramp, the project would be deprived of a pool with a feature that differentiates it from the norm, while affording ease of access for handicapped patrons. A pool profile with a minimum 3' water depth would require more pool fittings. The walk-in ramp provided meets the intents of safety and easy access to bathers as embodied in NAC chapter 444.

The request for variances will not affect other persons subject to the regulation since this is a project-specific condition and the pool will in all other respects comply with NAC requirements for decks, stairs, drainage, markings, recirculation, etc.

2. There must be circumstances or conditions which make compliance with the regulation unduly burdensome and cause a hardship to and abridge a substantial property right of the applicant, and the variance is necessary to render substantial justice to and preserve the property rights of the applicant:

Compliance with the current regulations would be unduly burdensome because the pool would have to be deepened, the amount of piping and number of hydraulic fittings increased, as well as the pool depression reconfigured to accommodate the greater depth – all of which will necessitate re-design, additional materials and time – translating to increased planning and construction costs.

The hardships to the project inflicted by complying with the regulations would be:

- Design of the project is now far advanced; the pool area in particular finalized. Eliminating the walk-in ramp will necessarily entail substantial re-design of the pool shell and structural depression to accommodate increased water depth
- Additional design and construction costs are estimated at \$148,000
- A permanently mounted handicapped persons' chair would be required for ADA compliance, resulting in a reduced level of handicapped guest dignity while entering and egressing the pool, a deck mounted chair marring aesthetics and a reduction in pool safety by obstructing a portion of the deck edge.
- Additional time associated with re-submittal to Clark County Planning & Zoning, redesign time and permitting of four months
- Increased maintenance over project lifetime for upkeep, cleaning and repair of a larger pool surface area, estimated at \$15,000 per annum

3. Granting the variance will not be detrimental or pose a danger to the public health and safety:

Granting the variance will not be detrimental or pose a danger to public health and safety because the pool will be designed to incorporate all necessary and NAC intended safety provisions.

The main pool, inclusive of a walk-in ramp, subscribes in every regard to the profile and slope requirements of NAC chapter 444. Compliance with ADA access is improved and there are no compromises of all the safety provisions embodied in NAC chapter 444.

III. RECOMMENDATION:

Staff is of the opinion that there exist circumstances which satisfy the requirements for a variance, and that the granting of this variance will likely not be detrimental or pose an unreasonable danger to public health and safety. Staff recommends approval of the variance with the following conditions.

IV. CONDITIONS:

1. The petitioner agrees to adhere to all other applicable requirements of the Public Bathing Places and Public Spas Regulations, NAC 444;
2. Failure of the petitioner to prevent public health and safety issues, as determined by the health authority, will result in the voiding of this variance;
3. This variance is automatically terminated without further notice upon the closing of any sale transaction involving the subject property, or upon petitioner leasing or assigning operation of these public bathing pools and spas to any other person or entity.

JH

Attachments:

- A. Nevada Secretary of State Corporate Information
- B. Variance Application Letter
- C. Assessor's Parcel Information
- D. Assessor's Map
- E. Public Notice
- F. Variance Candidate Worksheet

Attachment A: Nevada Secretary of State Corporate Information

LUCKY DRAGON, LP

Business Entity Information			
Status:	Active	File Date:	8/30/2011
Type:	Limited Partnership (ULPA)	Entity Number:	E0487732011-1
Qualifying State:	NV	List of Officers Due:	8/31/2016
Managed By:		Expiration Date:	
NV Business ID:	NV20111566277	Business License Exp:	8/31/2016

Additional Information	
Name Consent Date:	8/30/2011

Registered Agent Information			
Name:	WILLIAM H HEATON	Address 1:	601 S TENTH ST STE 201
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89101
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	NV
Mailing Zip Code:			
Agent Type:	Commercial Registered Agent		
Status:	Active		

Financial Information	
No Par Share Count:	0
Capital Amount:	\$ 0
No stock records found for this company	

<input type="checkbox"/> Officers <input checked="" type="checkbox"/> Include Inactive Officers	
General Partner - LAS VEGAS ECONOMIC IMPACT REGIONAL CENTER LLC	
Address 1:	3575 WEST POST ROAD STE 1
Address 2:	
City:	LAS VEGAS
State:	NV
Zip Code:	89118
Country:	
Status:	Active
Email:	
General Partner - LAS VEGAS ECONOMIC IMPACT REGIONAL CENTER LLC	
Address 1:	3575 WEST POST ROAD STE 1
Address 2:	
City:	LAS VEGAS
State:	NV
Zip Code:	89118
Country:	
Status:	Historical
Email:	

<input type="checkbox"/> Actions\Amendments	
Action Type:	Certificate of Limited Partnership

Document Number: 20110637573-65	File Date: 8/30/2011	# of Pages: 2	
(No notes for this action)			
Action Type: Miscellaneous			
Document Number: 20110637574-76	File Date: 8/30/2011	# of Pages: 1	
(No notes for this action)			
Action Type: Initial List			
Document Number: 20110701081-81	File Date: 9/28/2011	# of Pages: 1	
11-12			
Action Type: Annual List			
Document Number: 20120537906-95	File Date: 8/2/2012	# of Pages: 1	
12-13			
Action Type: Annual List			
Document Number: 20130533999-44	File Date: 8/14/2013	# of Pages: 1	
13-14			
Action Type: Annual List			
Document Number: 20140589780-04	File Date: 8/15/2014	# of Pages: 1	
(No notes for this action)			
Action Type: Amended List			
Document Number: 20140704384-63	File Date: 10/6/2014	# of Pages: 1	
X amended			
Action Type: Annual List			
Document Number: 20150376112-38	File Date: 8/24/2015	# of Pages: 1	
15/16			

Attachment B – Variance Application Letter



May 17, 2016

Ms. Jacqueline Reszetar, Environmental Health Division Dir.
Southern Nevada Health District
Environmental Health Division - Pool Plan Desk
330 S. Valley View Blvd.
Las Vegas, NV 89152

Subject: Lucky Dragon Hotel and Casino
300 West Sahara Avenue,
Las Vegas, NV 89102
Variance Application Letter / Request for a Variance from -NAC 444.116.2 - Minimum Water
Depth is a Swimming Pool

Dear Ms. Reszetar:

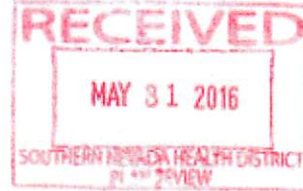
At the Owner's request, please accept this letter together with the Variance Candidate worksheet and plans plus sections of the referenced project's Main Pool, as an application for a variance from NAC 444.116.2 requiring a minimum depth of three (3) feet in the shallow area of a swimming pool.

Specifically, the variance application is to grant conditions that:

The pool can be built with a walk-in ramp feature which provides a 12H:1V sloped entry to the maximum water depth of 3'-6". A set of conventional stairs is provided from the deep water end of the pool to the surrounding deck.

Please note the following:

Business Address of Owner,
Lucky Dragon LP
200 West Sahara Avenue, Las Vegas, NV 89102



Project Location:

300 West Sahara Avenue, Las Vegas, NV 89102

Assessor's Parcel Number is 162-04-816-001

Operator: Lucky Dragon Hotel and Casino

Contact name for the Owner: David Jacoby, COO

Cell phone: (267) 897-5625

Per the plans dated April 21, 2016 and discussed with SNHD Pool Desk staff at a meeting on May 13, 2016, the elliptical, 695 sq.ft. water surface area, rim flow pool which is 62 ft. long and 14 ft. width at the widest point has a 47 ft. long ramp from the deck elevation to the 3'-6" water depth, which is the deepest portion.

The ramp has an 24 ft. long upper section sloping at 12H:1V, transitioning to a level plateau 5 ft. long, reverting back to an 18 ft. long section at 12H:1V extending to the 3'-6" depth. This profile specifically subscribes to ADA requirements satisfying a compliant means of entering a pool. The ramp has parallel handrails, 3 ft. apart and 34" height, extending 24 ft. from the pool deck to the level portion of the ramp.

The following lists the conditions, circumstances and issues that support granting a variance to the project, thus:

EVIDENCE SUBMITTED FOR GRANTING A VARIANCE:

The evidence presented for granting a variance to permit Lucky Dragon Hotel and Casino to deviate from NAC regulations 444.116.2, i.e. that "Every swimming pool must have a minimum depth in the shallow area of the main swimming pool area of not less than 3 feet.....", is thus:

The property's intent is to differentiate their primary pool from the norm with the feature of a walk-in ramp, thereby affording bathers great ease of entry and ability to enjoy the water element over a wider range of depth, as well as facilitating and providing ADA compliant access at the highest level of dignity for guests - without the need for a handicapped chairlift at the pool's perimeter.

- (a) There are circumstances or conditions which -



(1) Are unique to the applicant:

Unique conditions exist at the project, thus:

Without a walk-in ramp, the project would need a minimum 3' water depth which would require more pool wall construction, more pool surface area finishes, additional hydraulic piping and fittings. The walk-in ramp provided meets the intents of safety and easy access to bathers as embodied in NAC Ch. 444.

(2) Do not generally affect other persons subject to regulations:

Granting a variance will not affect other persons subject to regulations regarding pool decks and pool access. The design of the water body will comply in all respects with the requirements of Nevada Administrative Code, Chapter 444.

(3) Make compliance with the regulation unduly burdensome:

Compliance with the current regulations would be unduly burdensome for Lucky Dragon Hotel and Casino. Design of the project is now far advanced; the pool area in particular finalized. Eliminating the walk-in ramp will necessarily entail substantial re-design of the pool shell and structural depression to accommodate increased water depth - all of which bear significant associated costs.

(4) Hardships caused and substantial property right abridged by complying with the regulation include:

i) The pool would have to be deepened, the amount of piping and number of hydraulic fittings increased, as well as the pool depression reconfigured to accommodate the greater depth - all of which will necessitate re-design, additional materials and time - translating to increased planning and construction costs, estimated at \$148,000.

ii) A permanently mounted Handicapped persons' chair would be required for ADA compliance, resulting in a reduced level of handicapped guest dignity while entering and egressing the pool, a deck mounted chair marring aesthetics and a reduction in pool safety by its obstruction of a portion of the deck edge.



- iii) The additional cost of a handicapped chair, provisions for its hydraulic operating power, the structural requirements for its mounting and additional construction costs are estimated at \$55,000
 - iv) Additional time associated with re-submittal to Clark County Planning and Zoning, re-design time and permitting of 4 months
 - v) Increased maintenance over the project's lifetime for upkeep, cleaning and repair of a larger pool surface area and a handicapped chair, estimated at \$15,000 per annum
- (b) Granting the Variance -
1. Is necessary to render substantial justice to the applicant and enable their preserving and enjoying a property right:
Granting the variance will allow the use of the pool with ease of entry from the deck, the novelty of enjoying the full range of the pool's water depth and compliance with ADA access requirements without the need for a permanently mounted chair; rights currently enjoyed by resort hotel properties.
 2. Will not be detrimental or pose a danger to public health and safety:
Granting the variance will not be detrimental or pose a danger to public health and safety, because the pool subscribes in all respects to the requirements of Nevada Administrative Code, Chapter 444. Bathers can access the pool water by the walk-in ramp or conventional stairs; their separation compliant with the provisions NAC Ch. 444.

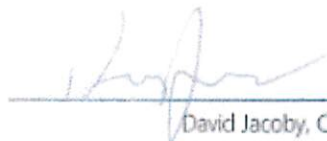
Enclosed herein are:

1. Four (4) sets of plans and sections of the pool
2. Variance Candidate Worksheet
3. Variance Application Letter
4. Variance Application Fee of \$1,181.00



Please contact me if you require any further information for your consideration of this variance request.

Sincerely


A handwritten signature in blue ink, appearing to read "David Jacoby", is positioned above a solid blue horizontal line.

David Jacoby, COO
Lucky Dragon LP

cc: Brian Chesnut, Valley Crest
Desmond Stevens, STO Design Group
Ken McPhie, STO Design Group

Attachment C: Assessor's Parcel Information

7/5/2016

Clark County Real Property

GENERAL INFORMATION	
PARCEL NO.	162-04-816-001
OWNER AND MAILING ADDRESS	LUCKY DRAGON L P 3575 W POST RD #1 LAS VEGAS NV 89118
LOCATION ADDRESS CITY/UNINCORPORATED TOWN	LAS VEGAS
ASSESSOR DESCRIPTION	LUCKY DRAGON PLAT BOOK 149 PAGE 24 LOT 1
RECORDED DOCUMENT NO.	* 20140916:01691
RECORDED DATE	Sep 16 2014
VESTING	NS
COMMENTS	

*Note: Only documents from September 15, 1999 through present are available for viewing.

ASSESSMENT INFORMATION AND SUPPLEMENTAL VALUE	
TAX DISTRICT	203
APPRAISAL YEAR	2015
FISCAL YEAR	2016-17
SUPPLEMENTAL IMPROVEMENT VALUE	9922001
SUPPLEMENTAL IMPROVEMENT ACCOUNT NUMBER	N/A

REAL PROPERTY ASSESSED VALUE		
FISCAL YEAR	2015-16	2016-17
LAND	306141	382676
IMPROVEMENTS *	0	0
PERSONAL PROPERTY	0	0
EXEMPT	0	0
GROSS ASSESSED (SUBTOTAL)	306141	382676
TAXABLE LAND+IMP (SUBTOTAL)	874689	1093360
COMMON ELEMENT ALLOCATION ASSD	0	0
TOTAL ASSESSED VALUE	306141	382676
TOTAL TAXABLE VALUE	874689	1093360

ESTIMATED LOT SIZE AND APPRAISAL INFORMATION	
ESTIMATED SIZE	2.51 Acres
ORIGINAL CONST. YEAR	2016
LAST SALE PRICE MONTH/YEAR	0
LAND USE	310 - Hotels - Class 1 Resort
DWELLING UNITS	203

PRIMARY RESIDENTIAL STRUCTURE				
1ST FLOOR SQ. FT.	0	CASITA SQ. FT.	0	ADDN/CONV
2ND FLOOR SQ. FT.	0	CARPORT SQ. FT.	0	POOL
				NO

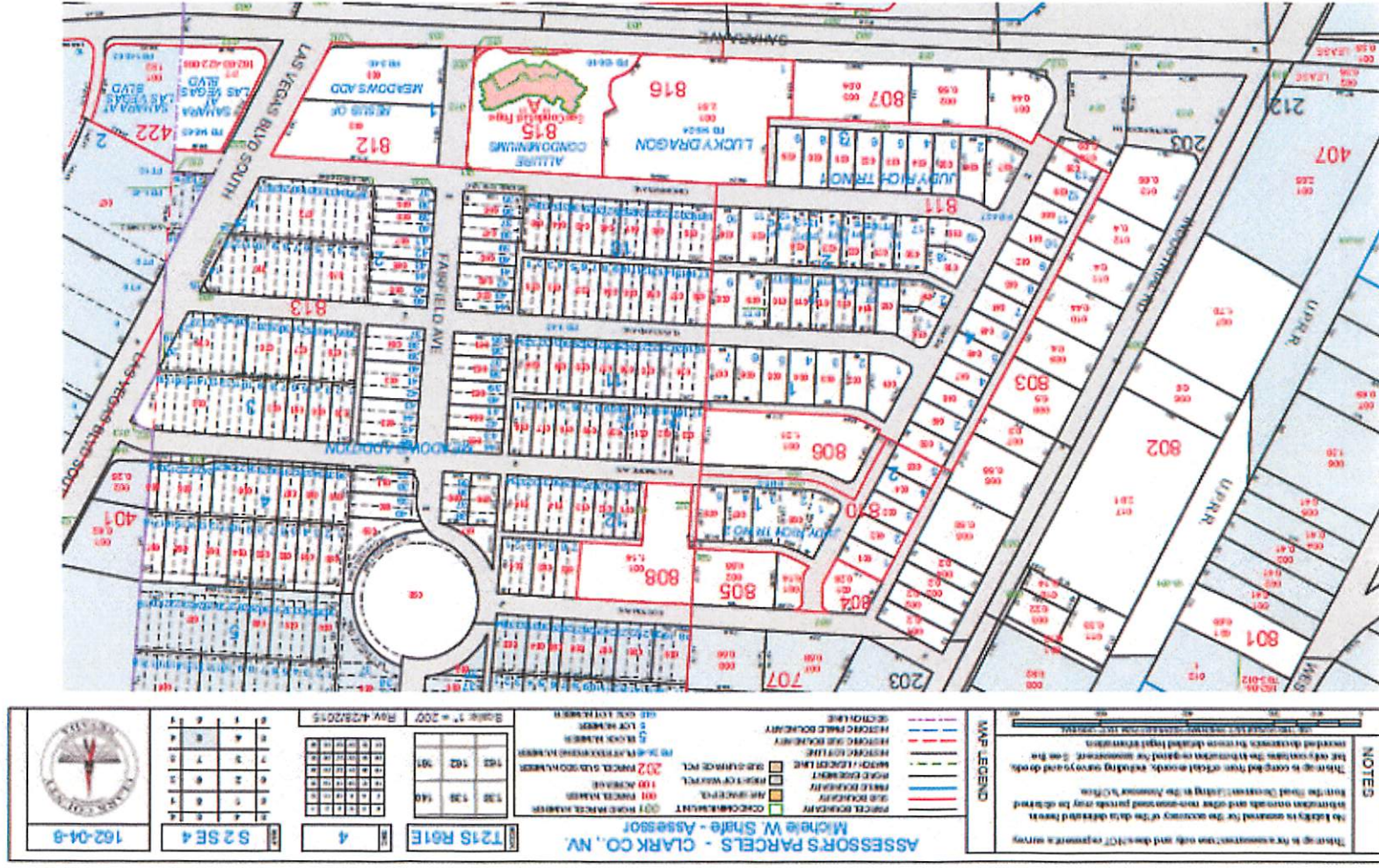
1/2

7/5/2016

Clark County Real Property

3RD FLOOR SQ. FT.	0	STYLE	Hotel, Full Service	SPA	NO
UNFINISHED BASEMENT SQ. FT.	0	BEDROOMS	0	TYPE OF CONSTRUCTION	
FINISHED BASEMENT SQ. FT.	0	BATHROOMS	0	ROOF TYPE	
BASEMENT GARAGE SQ. FT.	0	FIREPLACE	0		
TOTAL GARAGE SQ. FT.	0				

Attachment D: Assessor's Map



Attachment E: Public Notice



PUBLIC NOTICE

The Southern Nevada Health District Board of Health will conduct a PUBLIC HEARING on July 28, 2016 at 8:30 a.m. during its monthly meeting held at 280 S Decatur Blvd, Las Vegas, NV 89107, to approve or deny a variance request to operate a public bathing place not in compliance for Lucky Dragon LP, DBA Lucky Dragon Hotel and Casino, located at 300 West Sahara AVE, APN 162-04-916-001. Note, if this application is not presented at the July 28, 2016 meeting, it will be presented at the August 25, 2016 meeting.

The variance request is made to allow the Petitioner to operate a public bathing places not in accordance with the Nevada Administrative Code (NAC) 444 Public Bathing Places and Public Spas: NAC 444.116 Limitations on depth; signs prohibiting diving.

Interested persons may appear at the public hearing and present their views thereon. Written comments will also be considered by the Southern Nevada Health District Board of Health and must be forwarded to Jeremy Harper, Environmental Health Supervisor for the Aquatic Health Program, Southern Nevada Health District, P.O. Box 3902, Las Vegas, Nevada 89127-3902, no later than July 22, 2016. The variance application request is available for review at the Southern Nevada Health District, Environmental Health Division, 333 N Rancho Drive, Las Vegas, NV 89106.

If there are special viewing needs, please contact Bonnie Archie at (702) 759-0571 to schedule an appointment to review the permit application during normal business hours of 8:00 a.m. to 4:00 p.m. Copies of the documents may be requested during that time for \$1.00 per page.


Jacqueline L. Reszelar, Environmental Health Director
Southern Nevada Health District

6-24-16
Date

Attachment F: Variance Candidate Worksheet



**AQUATIC HEALTH PROGRAM VARIANCE CANDIDATE
WORKSHEET**

PART I:

ESTABLISHMENT INFORMATION

Name of Facility/Establishment: Lucky Dragon Hotel and Casino

Health Permit Number:

Date of Inquiry: May 13, 2016

Name of Operator/Agent: Lucky Dragon LP

Address of Operator/Agent: 200 West Sahara Avenue, Las Vegas, NV 89102

Contact Information of Operator/Agent: David Jacoby

Office Phone: (702) 791-3432

Cell Phone: (267) 897-5625

Fax Number: N/A

Email Address: jacobyd@ggamllc.com

If corporation, the name/title of individual to sign for Variance document:

Name: David Jacoby

Title: COO

OWNER INFORMATION

Name of Property Owner: Lucky Dragon LP

Address of Property Owner: 200 West Sahara Avenue, Las Vegas, NV 89102

Contact Information of Property Owner: David Jacoby

Office Phone: (702) 791-3432

Cell Phone: (267) 897-5625

Fax Number: N/A

Email Address: jacobyd@ggamllc.com

PROPERTY INFORMATION

Property Address: 300 West Sahara Avenue, Las Vegas, NV 89102

Assessor's Parcel Number (APN): 162-04-816-001 Lot: 1, Block A

Describe location within larger facility (i.e. hotel/casino/resort, etc.): Hotel Pool Deck

Pool area within: Lucky Dragon Hotel and Casino

Located on - 300 West Sahara Ave., Las Vegas, (Clark County), NV 89102

Describe Variance Issues: (Include sections of the Nevada Administrative Code that applies to the request for a variance)

The hotel's intent is to differentiate their primary pool from the norm with the feature of a walk-in ramp, thereby affording bathers great ease of entry and ability to enjoy the water element over a wider range of depth, as well as facilitating and providing ADA compliant access at the highest level of dignity for guests - without the need for a handicapped chairlift at the pool's perimeter.

The proposed walk-in ramp thus deviates from the NAC Ch. 444.116.2 requirement that "Every swimming pool must have a minimum depth in the shallow area of the main swimming pool area of not less than 3 feet.....

Accordingly, a Variance from NAC 444.116.2 for the project's main pool is requested, that allows for the walk-in ramp profile.

The 695 sq.ft. water surface area, rim flow pool is elliptical, 62 ft. long and 14 ft. width at the widest point. The walk-in ramp provides a 12H:1V sloped entry to the maximum water depth of 3'-6". A set of conventional stairs is provided from the deep water end of the pool to the surrounding deck.

Specifically the Variance Application is a request to:

- a. Grant a condition that does not require that the ".....swimming pool must have a minimum depth in the shallow area of the main swimming pool area of not less than 3 feet.....

PART II:

Nevada Administrative Code 439.240 states in general that certain conditions or circumstances must be shown to exist in order for a Board of Health to approve a request

for a Variance from adopted public health regulations. A variance application letter (as noted below in PART III) MUST specifically address each of the following issues:

1. There must be circumstances or conditions which are unique to the applicant, and do not generally affect other persons subject to the regulation. Please indicate how your request is unique to your situation and is, therefore, not likely to affect other persons subject to specific regulation:

Unique conditions exist at the project, thus:

- a. Without a walk-in ramp, the project would be deprived of a pool with a feature that differentiates it from the norm, while affording ease of access for handicapped patrons. A pool profile with a minimum 3' water depth would require more pool wall construction, more pool surface area finishes, additional hydraulic piping and fittings. The walk-in ramp provided meets the intents of safety and easy access to bathers as embodied in NAC Ch. 444.

The request for Variances will not affect other persons subject to the regulation since this is a project specific condition and the pool will in all other respects comply with NAC requirements for decks, stairs, drainage, markings, recirculation, etc.

2. There must be circumstances or conditions which make compliance with the regulation unduly burdensome and cause a hardship to and abridge a substantial property right of the applicant, and the variance is necessary to render substantial justice to and preserve the property rights of the applicant. Please indicate in what manner compliance with the regulation would be burdensome or cause a hardship on your business or how the free use of your property may be affected (if economic factors are an issue, please include estimates regarding the costs that would incurred by compliance):

Compliance with the regulation would be unduly burdensome because the pool would have to be deepened, the amount of piping and number of hydraulic fittings increased, as well as the pool depression reconfigured to accommodate the greater depth - all of which will necessitate re-design, additional materials and time - translating to increased planning and construction costs.

The hardships to the project inflicted by complying with the regulations would be:

- a. Design of the project is now far advanced; the pool area in particular finalized. Eliminating the walk-in ramp will necessarily entail substantial re-design of the pool shell and structural depression to accommodate increased water depth
- b. Additional design and construction costs are estimated at \$148,000

- c. A permanently mounted Handicapped persons' chair would be required for ADA compliance, resulting in a reduced level of handicapped guest dignity while entering and egressing the pool, a deck mounted chair marring aesthetics and a reduction in pool safety by its obstruction of a portion of the deck edge
- d. The additional cost of a handicapped chair, provisions for its hydraulic operating power, the structural requirements for its mounting and additional construction costs are estimated at \$55,000
- e. Additional time associated with re-submittal to Clark County Planning and Zoning, re-design time and permitting of 4 months
- f. Increased maintenance over project lifetime for upkeep, cleaning and repair of larger pool surface area and handicapped chair, estimated at \$15,000 per annum

3. Granting the variance will not be detrimental or pose a danger to the public health and safety. Please provide evidence that the variance request, if approved, will not adversely affect the safe and sanitary operation of the applicant(s) pool, spa, or food establishment:

Granting the Variance will not be detrimental or pose a danger to public health and safety because the pool will be designed to incorporate all necessary and NAC intended safety provisions.

The main pool, inclusive of a walk-in ramp subscribes in every regard to the profile and slope requirements of NAC Ch. 444. Compliance with ADA access is improved and there are no compromises of all the safety provisions embodied in NAC Ch. 444.

NAC 439.240 Approval by State Board of Health. (NRS 439.150, 439.190, 439.200)

1. The State Board of Health will grant a variance from a regulation only if it finds from the evidence presented at the hearing that:
 - (a) There are circumstances or conditions which:
 - (1) Are unique to the applicant;
 - (2) Do not generally affect other persons subject to the regulation;
 - (3) Make compliance with the regulation unduly burdensome; and
 - (4) Cause a hardship to and abridge a substantial property right of the applicant; and
 - (b) Granting the variance:
 - (1) Is necessary to render substantial justice to the applicant and enable the applicant to preserve and enjoy his or her property right; and
 - (2) Will not be detrimental or pose a danger to public health and safety.
 2. Whenever an applicant for a variance alleges that he or she suffers or will suffer economic hardship by complying with the regulation, the applicant must submit evidence demonstrating the costs of compliance with the regulation. The Board will consider the evidence and determine whether those costs are unreasonable.
- [Bd. of Health, Variances Reg. §§ 2.7-2.8. eff. 10-16-80; A 2-5-82; 1-19-84]

PART III:

Page 4 of 5

A Variance Application Letter, which includes all information provided by the applicant on his worksheet, must be submitted in writing to Glenn D. Savage, Environmental Health Division (EHD) Director no later than six (6) weeks before the monthly Board of Health Meeting on the 4th Thursday except in November and December which is on the 3rd Thursday. The Application letter must be on the owner's letterhead signed by the Owner/Corporate Officer specifically listing which part(s) of the Regulation the proposed Variance covers with this completed Worksheet as an attachment. The written Application Letter must take particular care in providing statements and evidence of circumstances or conditions and reasons why the District Board of Health should grant the Variance as listed in NAC 439.240 as shown at the top of this page. *ALL information you have provided in PART I and II of this Worksheet must be included in the body of the letter.* The evidence required may include 8 1/2" x 11" or 11" x 17" detailed drawings and/or photographs.

The Variance process is outlined in Nevada Administrative Code (NAC) 439.200 through 439.260 with the exception that an application fee is payable to SOUTHERNNEVADAHEALTH DISTRICT (SNHD).

Referred by: **INSERT HERE**
(Print Name of APR or DEHS)
Completed by: **INSERT HERE**
(Print Name of APR or DEHS if not by supervisor)
Received by: **INSERT**
(Owner/Operator/Agent)
Reviewed by:
(Signature of SNHD Manager)