



Memorandum

Date: October 09, 2017

To: SOUTHERN NEVADA DISTRICT BOARD OF HEALTH

From: Mark Bergtholdt, 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*

Handwritten signatures in black ink corresponding to the names listed in the 'From' field. The signatures are written over the text of the 'From' field.

Subject: Variance Request to Operate a Child Care Facility not in Compliance with the Nevada Administrative Code (NAC) 444.116, Children, located at 2225 C Renaissance Dr, Las Vegas, Nevada 89119; [Assessor's Parcel Number (APN) 162-23-812-004] for Health Permit PR0121164; Leah Kirkwood, President, representing Kofe International Schools, Inc.

I. BACKGROUND:

KOFE INTERNATIONAL SCHOOLS INC. , dba KOFE INSTITUTE, is petitioning for a variance as requested by Leah Kirkwood, President , to operate a child care facility not in compliance with the Sections 6.8.7 and 6.8.8 of Southern Nevada Health District Regulations Governing the Safety and Sanitation of Child Care Facilities (Child Care Regulations), which states in part: "In all new or extensively remodeled child care centers or upon change of ownership, toilet fixtures intended for child use shall be of appropriate size and height for the children in care" The child care facility is located on APN 162-23-812-004 at 2225 C Renaissance Dr, Las Vegas, Nevada 89119.

II. DISCUSSION:

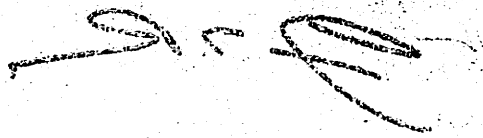
The petitioner requests to operate a child care facility with a child's toilet height that exceeds the maximum height of eleven inches as required by the regulations. The petitioner states the following:

The primary use of the facility is for adult learners, but due to the demographics that we serve, many of the parents are not able to complete their certification program because they are single parents. Many of these individuals are seeking to better their lives and the lives of their children; therefore, we would like to provide child accommodation services in which parents can bring their infants, toddlers and preschool children to school and not have to worry about child services. Our initial

WILLIAM H. HARRIS

1910

THE UNIVERSITY OF CHICAGO



DEPARTMENT OF CHEMISTRY
57 SOUTH EAST ASIAN BUILDING
CHICAGO, ILLINOIS

TO THE EDITOR OF THE JOURNAL OF CHEMICAL PHYSICS
I have the honor to acknowledge the receipt of your issue of
the 15th of July, 1934, and to thank you for the copy of the
article therein published. The article is very interesting and
I am glad to see that the results of my work are being
published in a journal of such high standing.

I am sure that your journal will continue to be a most
valuable source of information to all chemists and physicists
interested in the study of the properties of matter.
I am, Sir, very truly yours,
WILLIAM H. HARRIS

WILLIAM H. HARRIS
DEPARTMENT OF CHEMISTRY
57 SOUTH EAST ASIAN BUILDING
CHICAGO, ILLINOIS

RECEIVED
JULY 20 1934
JOURNAL OF CHEMICAL PHYSICS
VOLUME 2, NUMBER 7
PAGES 245-250

use of the facility is for adult education purposes and the opportunity for adults to bring their children with them to school will be a great service to the students, not only to our students, but the community as a whole. In addition, the approval of the variance would highly impact the local City of Las Vegas, allowing more students that are unemployed seeking to better themselves through post-secondary education, the opportunity to complete their certification training and become productive citizens in our society.

The evidence presented for granting a variance to permit Kofe International Schools, Inc., to deviate from the Child Care Regulations is listed below.

The petitioner states the following regarding 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:

The primary use of the facility is for adult learners, but due to the demographics that we serve, many of the parents are not able to complete their certification program because they are single parents. Many of these individuals are seeking to better their lives and the lives of their children; therefore, we would like to provide child accommodation services in which parents can bring their infants, toddlers and preschool children to school and not have to worry about child services.

The request for this variance will not affect other persons subject to the regulation since this is a project-specific condition and the child care facility will in all other respects comply with all other provisions of the Child Care Regulations.

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 child care facility would have three barriers to overcome.

- The child care facility would need to turn away families of single parents from participating thus creating a hardship for unemployed single parents seeking to better themselves, through education, and needing to obtain employment.
- The current restroom does not meet the square footage requirement to install additional fixtures.
- Installing another restroom, specifically for toddlers and preschoolers, is not an option due to the significant installation costs...translating to increase construction costs of \$25,000. Appendix C.

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 children in care will be accompanied by their parents when using the

restroom. The facility will meet all other sections of the Child Care Facility Regulations.

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, as part of an operational plan, to require parents of children less than 5 years of age to accompany those children when using the restroom.
2. The petitioner agrees to adhere to all other applicable requirements of the Southern Nevada Health District Regulations Governing the Safety and Sanitation of Child Care Facilities;
3. 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;
4. 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. Construction Estimate
- D. Floor Plan
- E. Assessor's Parcel Information
- F. Assessor's Map
- G. Public Notice
- H. Variance Candidate Worksheet

Attachment A: Nevada Secretary of State Corporate Information

KOFE INTERNATIONAL SCHOOLS, INC.

Business Entity Information			
Status:	Active	File Date:	3/17/2014
Type:	Domestic Corporation	Entity Number:	E0139002014-6
Qualifying State:	NV	List of Officers Due:	3/31/2017
Managed By:		Expiration Date:	
NV Business ID:	NV20141185953	Business License Exp:	3/31/2017

Additional Information	
Central Index Key:	

Registered Agent Information			
Name:	LEAH D. KIRKWOOD	Address 1:	631 N. STEPHANIE SUITE 493
Address 2:		City:	HENDERSON
State:	NV	Zip Code:	89014
Phone:		Fax:	
Mailing Address 1:	631 N. STEPHANIE SUITE 493	Mailing Address 2:	
Mailing City:	HENDERSON	Mailing State:	NV
Mailing Zip Code:	89014		
Agent Type:	Noncommercial Registered Agent		

Financial Information			
No Par Share Count:	1.00	Capital Amount:	\$ 1.00
Par Share Count:	1.00	Par Share Value:	\$ 1.00

- Officers <input type="checkbox"/> Include Inactive Officers			
President - LEAH D KIRKWOOD			
Address 1:	2225 C RENAISSANCE DRIVE	Address 2:	
City:	LAS VEGAS	State:	NV
Zip Code:	89119	Country:	USA
Status:	Active	Email:	
Secretary - LEAH D KIRKWOOD			
Address 1:	2225 C RENAISSANCE DRIVE	Address 2:	
City:	LAS VEGAS	State:	NV
Zip Code:	89119	Country:	USA
Status:	Active	Email:	
Treasurer - LEAH D KIRKWOOD			
Address 1:	2225 C RENAISSANCE DRIVE	Address 2:	
City:	LAS VEGAS	State:	NV
Zip Code:	89119	Country:	USA

Status:	Active	Email:	
Director - LEAH D KIRKWOOD			
Address 1:	2225 C RENAISSANCE DRIVE	Address 2:	
City:	LAS VEGAS	State:	NV
Zip Code:	89119	Country:	USA
Status:	Active	Email:	

- Actions\Amendments			
Action Type:	Articles of Incorporation		
Document Number:	20140191637-34	# of Pages:	1
File Date:	3/17/2014	Effective Date:	
Initial Stock Value: Par Value Shares: 1 Value: \$ 1.00 No Par Value Shares: 1			
- Total Authorized Capital: \$ \$1.00			
Action Type:	Initial List		
Document Number:	20140191639-66	# of Pages:	1
File Date:	3/17/2014	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20150140924-68	# of Pages:	1
File Date:	3/29/2015	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20160136021-72	# of Pages:	1
File Date:	3/28/2016	Effective Date:	
(No notes for this action)			
Action Type:	Amendment		
Document Number:	20160331658-05	# of Pages:	1
File Date:	7/27/2016	Effective Date:	7/27/2016
(No notes for this action)			

Attachment B – Variance Application Letter



August 29, 2017

Southern Nevada Health District
330 S. Valley View Blvd
Las Vegas, Nevada 89127

RE: VARIANCE REQUEST (Sink & Toilet)

Dear Planning Commissioners:

REASON FOR REQUEST

This letter is to respectfully request a variance for the toilet height for the KOFE INSTITUTE's child accommodation services program, which will be launched in March 2017. We are a small vocational school that offer allied-health professional certifications to adults, located at 2225 C Renaissance Drive Las Vegas, Nevada 89119 (units consist of C, D & E). We are undergoing the licensing process to provide child accommodation services to our adult students that typically consist of single parents. The purpose of this variance is to waive the height requirement outlined in Regulations 6.8.7 and 6.8.8, from 17 or 18 inches to 11 inches. The current height, of the toilet, meets the adult ADA requirements, outlined by the federal and state government. Also, the current sink, located outside of the restroom, cannot be lowered any further due to the current positioning of the wall and the plumbing within the wall. There are no other options for the requested sink but to keep it at its current level.

The primary use of the facility is for adult learners, but due to the demographics that we serve, many of the parents are not able to complete their certification program because they are single parents. Many of these individuals are seeking to better their lives and the lives of their children; therefore, we would like to provide child accommodation services in which parents can bring their infants, toddlers and preschool children to school and not have to worry about child services. Our initial use of the facility is for adult education purposes and the opportunity for adults to bring their children with them to school will be a great service to the students, not only to our students, but the community as a whole. In addition, the approval of the variance would highly impact the local City of Las Vegas, allowing more students that are unemployed seeking to better themselves through post-secondary education, the opportunity to complete their certification training and become productive citizens in our society.

MANAGING CHILDREN WITH CURRENT USE

All children will be accompanied, by their parents, to the restroom. Parents must be present on the premises at the time the children are receiving accommodation services. Staff, faculty and administrators will not partake in any diaper changing and/or assistance to the restroom of any sort.

ACCOMMODATIONS THAT HAVE BEEN MADE

2225 C Renaissance Drive
Las Vegas, Nevada 89119
Tel: 702-912-0187
Fax: 702-551-0101
www.kofeinstitute.com



As of date, a diaper changer has been installed in the restroom, as well as, paper towel holders, soap and sanitizer dispensers in the restroom and above the outside sink area.

HARDSHIP FOR THE SCHOOL & COMMUNITY IF VARIANCE IS NOT GRANTED

In the event the variance is not granted, this will create a hardship for unemployed single parents seeking to better themselves, through education, and needing to obtain employment. Installing another restroom, specifically for toddlers and preschoolers, is not an option for our school due to the significant costs outlined in the attached estimate by a licensed plumber. The current restroom does not meet the square footage requirement for installing another toilet and the sink outside the restroom cannot be lowered to the required 22 inch height because of how the plumbing is situated within the wall; therefore, we've exhausted all avenues to try and meet the requirements outline in Regulations 6.8.7 and 6.8.8. Lastly, by issuing the variance, the students, children in the accommodation program, staff, faculty nor will the general public be affected, negatively, in any way if the variance is granted. Thank you for taking the time to review our variance request, your approval will be greatly appreciated. If you have any questions, please call me directly at 702-717-4218 or via email at leah@kofeinstitute.com.

Respectfully,

Leah D. Kirkwood
Executive Director

PLUMBING WORK ORDER/INVOICE

Estimate only **TONY 300 7716** **9089**
DONNIE TITTLE PLUMBING
 LIC. #40694A
 Limit 95,000
 247 Elliott Road, Suite 3
 Henderson, Nevada 89011
(702) 564-7338
 Fax 457-0798

CHECK LIST	QTY	ITEM OR PART DESCRIPTION	UNIT	AMOUNT
<input type="checkbox"/> WATER HEATER				
<input type="checkbox"/> ELEMENTS				
<input type="checkbox"/> THERMOSTAT				
<input type="checkbox"/> RELIEF VALVE				
<input type="checkbox"/> DIP TUBE				
<input type="checkbox"/> ELECTRICAL CONN.				
<input type="checkbox"/> GAS WATER HEATER				
<input type="checkbox"/> THERMOCOUPLE				
<input type="checkbox"/> BURNER				
<input type="checkbox"/> CONTROL (GAS)				
<input type="checkbox"/> FLUE PIPE				
<input type="checkbox"/> RELIEF VALVE				
<input type="checkbox"/> TOILET				
<input type="checkbox"/> BALL COCK				
<input type="checkbox"/> FLAPPER				
<input type="checkbox"/> SUPPLY LINE				
<input type="checkbox"/> WAX SEAL & CLOSET BOLTS				
<input type="checkbox"/> DRAIN CLEANING				
<input type="checkbox"/> KITCHEN SINK				
<input type="checkbox"/> WASHER LINE				
<input type="checkbox"/> MAIN LINE				
<input type="checkbox"/> LAVATORY LINE				
<input type="checkbox"/> TUB OR SHOWER				
<input type="checkbox"/> KITCHEN SINK				
<input type="checkbox"/> SINK FAUCET				
<input type="checkbox"/> SINK DRAIN				
<input type="checkbox"/> GARBAGE DISPOSAL				
<input type="checkbox"/> AIR GAP				
<input type="checkbox"/> D/W CONNECTIONS				
<input type="checkbox"/> TUB & SHOWER				
<input type="checkbox"/> TUB VALVE				
<input type="checkbox"/> TRIP LEVER				
<input type="checkbox"/> SHOWER DIVERTER				
<input type="checkbox"/> TUB OR SHOWER DRAIN				
<input type="checkbox"/> NEW CONSTRUCTION				
<input type="checkbox"/> CRAWL SPACE ROUGH DRAINAGE				
<input type="checkbox"/> P.S.I.				
<input type="checkbox"/> SLAB ROUGH DRAINAGE				
<input type="checkbox"/> P.S.I.				
<input type="checkbox"/> TOP OUT DRAINAGE				
<input type="checkbox"/> P.S.I.				
<input type="checkbox"/> SEWER OR SEPTIC DRAINAGE				
<input type="checkbox"/> WATER				
<input type="checkbox"/> P.S.I.				
<input type="checkbox"/> PRESSURE REGULATOR				
<input type="checkbox"/> BOOSTER PUMP				
<input type="checkbox"/> FINAL				
<input type="checkbox"/> COMMERCIAL REPAIR				
<input type="checkbox"/> FLOOR DRAINS				
<input type="checkbox"/> D/WASHER BOOSTER				
<input type="checkbox"/> GREASE TRAP				

DESCRIPTION OF WORK / SERVICE	AMOUNT
#2 Install Toilet & Sink	
SADE Hammer Head Remove concrete	
Install Plumbing to UPC Code	
BURN COOL Water to the toilet & sink	
USE INSTA HOT TAP FOR SINK	
Owner will provide all permits as necessary	
We will install plumbing & fixtures only	
LABOR	
HRS.	
RATE	
AMOUNT	
TOTAL LABOR	
RECOMMENDATIONS	
TOTAL MATERIALS	
TOTAL LABOR	
TAX	
OTHER CHARGES	
TOTAL	

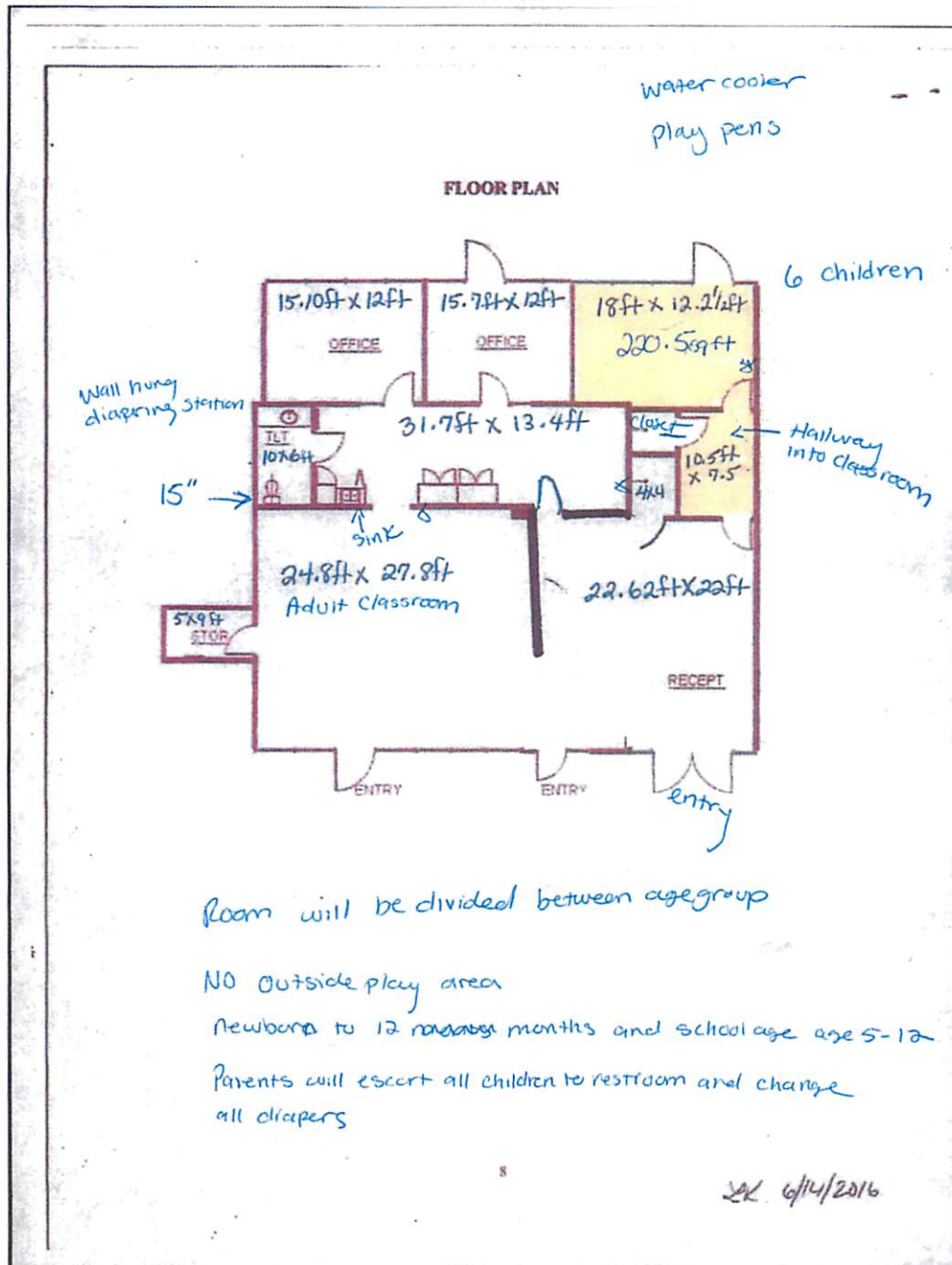
• Drippy Faucets • Leak Detection • Gas • Repipe • Recirculating Pumps	• Main Lines • Toilets • Tubs • Kitchen Sinks • Etc.
NAME: <u>KOFE</u>	DATE: <u>11/27/17</u>
STREET: <u>2225 RENAISSANCE CT</u>	DATE ORDERED: <u>11/1</u>
CITY: <u>Las Vegas</u> STATE: _____ ZIP: _____	DATE SCHEDULED: <u>11/1</u>
MAKE: _____ MODEL: _____ SERIAL NUMBER: _____	PHONE: _____
<input type="checkbox"/> WARRANTY <input type="checkbox"/> CONTRACT <input type="checkbox"/> SERVICE CONTRACT <input type="checkbox"/> NORMAL <input type="checkbox"/> RES. <input type="checkbox"/> COMM.	

TERMS - PAYMENT DUE NET 30 DAYS
 NOT RESPONSIBLE FOR CONCRETE
 FINISH WALLS PAINT SHEETROCK
 \$ 25,000

WORK ORDERED BY: _____ TOTAL MATERIALS: _____
 I hereby acknowledge the satisfactory completion of the above described work. TOTAL LABOR: _____
 X _____ SIGNATURE DATE: _____ TAX: _____
Thank You OTHER CHARGES: _____
 TOTAL: _____

Attachment D – Floor Plan

Yellow is child care area, red circle is bathroom subject to this request



Attachment E: Assessor's Parcel Information

Clark County Real Property

Page 1 of 2

GENERAL INFORMATION	
PARCEL NO.	162-23-812-004
OWNER AND MAILING ADDRESS	RENAISSANCE DRIVE N V L L C %S MAKSIN 155 OCEANA DR E #PH2D BROOKLYN NY 11235-6685
LOCATION ADDRESS CITY/UNINCORPORATED TOWN	2215 RENAISSANCE DR PARADISE
ASSESSOR DESCRIPTION	RENAISSANCE CENTER EAST PLAT BOOK 33 PAGE 90 PT UNNUMBERED LOT
RECORDED DOCUMENT NO.	* 20110714:02005
RECORDED DATE	Jul 14 2011
VESTING	NS

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

ASSESSMENT INFORMATION AND VALUE EXCLUDED FROM PARTIAL ABATEMENT	
TAX DISTRICT	470
APPRAISAL YEAR	2016
FISCAL YEAR	2017-18
SUPPLEMENTAL IMPROVEMENT VALUE	0
INCREMENTAL LAND	0
INCREMENTAL IMPROVEMENTS	0

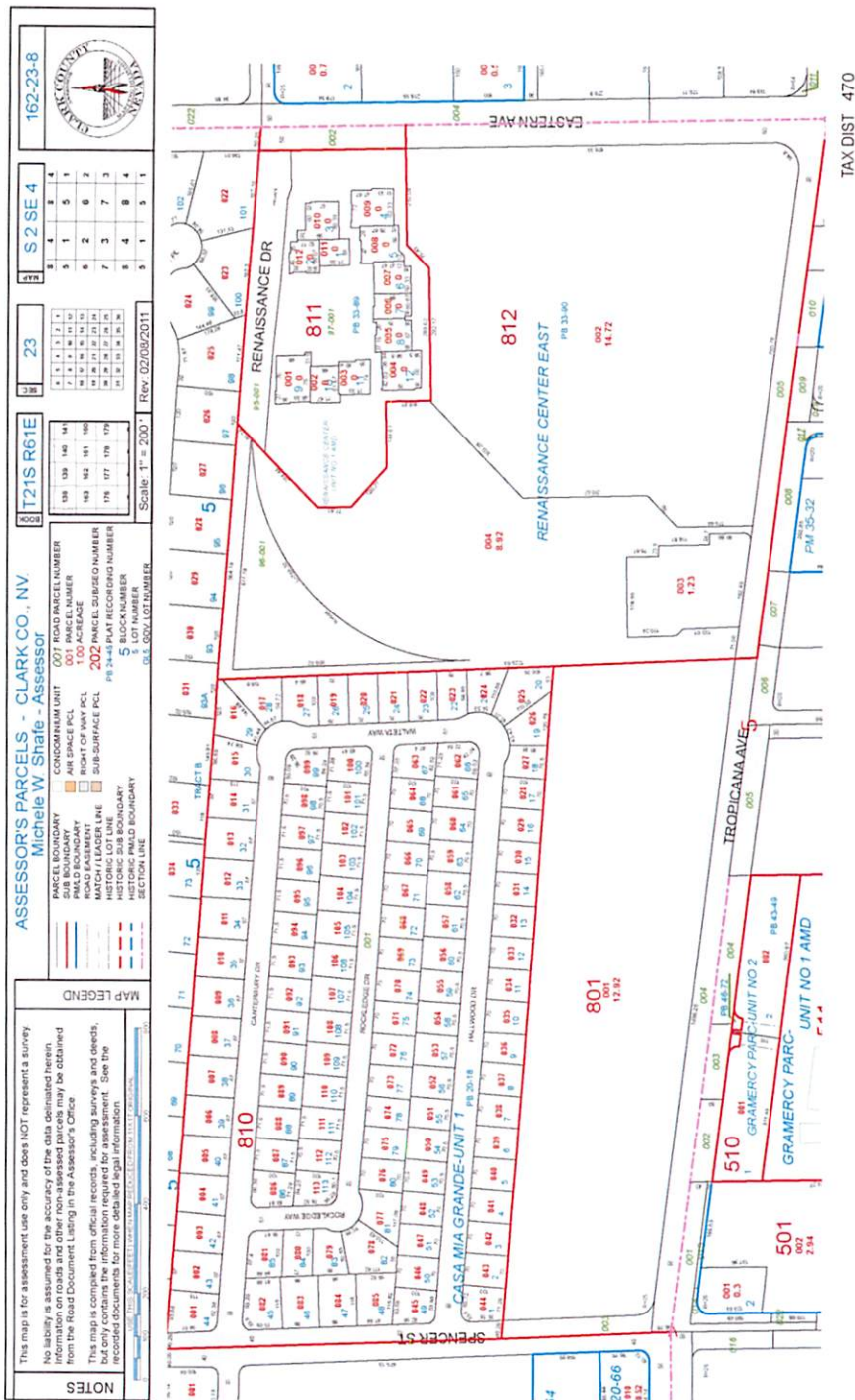
REAL PROPERTY ASSESSED VALUE		
FISCAL YEAR	2016-17	2017-18
LAND	577976	747968
IMPROVEMENTS	1449315	1660183
PERSONAL PROPERTY	0	0
EXEMPT	0	0
GROSS ASSESSED (SUBTOTAL)	2027290	2408151
TAXABLE LAND+IMP (SUBTOTAL)	5792257	6880431
COMMON ELEMENT ALLOCATION ASSD	0	0
TOTAL ASSESSED VALUE	2027290	2408151
TOTAL TAXABLE VALUE	5792257	6880431

ESTIMATED LOT SIZE AND APPRAISAL INFORMATION	
ESTIMATED SIZE	8.92 Acres
ORIGINAL CONST. YEAR	1984
LAST SALE PRICE MONTH/YEAR SALE TYPE	400000 7/2011 M - Multiple-Parcel Sale
LAND USE	41.335 - Offices, Professional and Business Services
DWELLING UNITS	1

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
3RD FLOOR SQ. FT.	0	STYLE	Office Building	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 F: Assessor's Map



Attachment G: Public Notice

SNHD
Southern Nevada Health District

PUBLIC NOTICE

The Southern Nevada Health District Board of Health will conduct a PUBLIC HEARING on October 26, 2017, 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 child care facility not in compliance with the Southern Nevada Health District Regulations Governing the Sanitation and Safety of Child Care Facilities, for Kofe International Schools, located at 2225 O Renaissance Dr, Las Vegas, Nevada 89115, (Assessor's Parcel Number (APN) 162-29-882-009) for Health Permit FR021109. If the application is not presented at the October 26, 2017 meeting, it will be presented at the November 16, 2017 meeting.

The variance request is made to allow the Petitioner to operate a child care facility not in accordance with the Southern Nevada Health District Regulations Governing the Sanitation and Safety of Child Care Facilities, Section 6.87, Toilet height and Section 6.101, Hand washing sink height.

Interested persons may appear at the public hearing and present their views through written comments will also be considered by the Southern Nevada Health District Board of Health and must be forwarded to Mark Bergthold, Environmental Health Supervisor for Special Programs, Southern Nevada Health District, P.O. Box 3502, Las Vegas, Nevada 89107-0302, no later than October 21, 2017. 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 Paula Rae Hannah at (702) 759-0677 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.

- Jacquelin Rozzator,
Environmental Health Director
Southern Nevada Health District

Date: 7 August 17
PUB: October 10, 2017
LV Review Journal

Attachment H: Variance Candidate Worksheet

**PUBLIC SWIMMING FACILITY OR FOOD ESTABLISHMENT
VARIANCE CANDIDATE WORKSHEET**
(Follow Variance Procedure Worksheet Steps on Page 4)

PART I

Name of Facility/Establishment: Kofe Institute
Health Permit No.: _____ Date of Inquiry: 1-11-2017
Name of Operator/Agent: Leah Kirkwood
Address of Operator/Agent: 2225 C. Renaissance Drive Las Vegas, NV 89119
Phone Nos. of Operator/Agent:
Office 702-912-0187 Cell 702-717-4218 Fax _____

If corporation, the name/title of person to sign Variance document:
Name: Leah Kirkwood
Title: Executive Director

Name of Property Owner: _____
Address of Property Owner: _____
Phone Nos. of Property Owner:
Office _____ Cell _____ Fax _____
Property Address: _____

Assessor's Parcel Number (APN): _____

Describe location within larger facility (i.e., shopping mall, hotel/casino/resort, etc.):
Business Park

(Attach labeled map/site/floor plan with north arrow and engineering or architectural scale)

Describe Variance issue(s): At this time, the Kofe Institute is seeking a variance for the height of the 18" toilet and the height of one of the sinks, which is approximately 30 inches in height. The Kofe Institute's primary purpose is to provide professional healthcare professional certification to adults that are unemployed, underemployed, transitioning into a new career etc. The reason for the variance is because we would like to offer child care accommodation services to parents, particularly single parents to prevent students from dropping out. All children will be under the guidance of their parent when escorted to the restroom. The restroom is currently ADA compliant and cannot be modified. In addition, we have completed 90% of the permitting process for child care accommodation services.

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:

Due to the fact that the primary use of the facility is for adults attending the Kofe Institute for post-secondary purposes, the child care accommodation services will not be at a disadvantage because the parents will be on the premises of the property at all times and will escort their own children to the restrooms. In addition, the parent will assist their own children in handwashing techniques.

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 be incurred by compliance):

The current condition of the Restroom toilet is ADA compliant for adults that attend the school. This is a requirement due to other building codes and regulations for commercial buildings. It would be a great burden to lower the toilet to 16" in height to accommodate children, when the primary purpose of the business is to accommodate the parents, whom are adults. By lowering the toilet 16" and/or 2" from the current 18" would create a burden for individuals that are disabled.

3. Granting the variance will not be detrimental or pose a danger to 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:

The use of the facility is neither a pool, spa, or a food establishment; however, the changes will not create any dangers or hazards or safety issues for the children attending the accommodation services.

NAC 439.240 Approval by board.

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 him to preserve and enjoy his 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 suffers or will suffer economic hardship by complying with the regulations, he must submit evidence demonstrating the costs of his 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:

A Variance Application Letter, which includes all information provided by the applicant on this worksheet, must be submitted in writing to the Environmental Health Division (EH Division), 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 / 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 8½" x 11" or 11" x 17" detailed drawings and/or photographs. Fees are due at time of submission.

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 SOUTHERN NEVADA HEALTH DISTRICT (SNHD).

Next closing date: _____ For: _____ Board of Health Meeting

Referred by: _____
(Print Name of EHS)

Completed by: _____
(Print Name of SNHD Supervisor)

Received by: _____
(Owner/Operator /Agent/Officer Signature) *Executive Director*

Reviewed by: _____
(Signature of SNHD Manager)

COPY TO: Permit File
Division Director
Department Manager

VARIANCE PROCEDURE

WORKSHEET STEPS:

1. If the District Environmental Health Specialist (EHS), after reviewing a Plan Review Application or learning about an operational situation that is in apparent conflict with existing regulation(s), respectively, finds in the process of pursuing compliance that the owner/operator/agent claims circumstances or conditions described in NAC 439.240 that may support approval by the Board of Health for a Variance from said regulation(s), then the APR or DEHS first discusses the possible Variance with his Supervisor /Manager.
2. If the Supervisor, after exploring any other feasible possibilities to achieve compliance, fails to persuade the owner/operator/agent that at least one (1) of the possibilities is feasible due to the circumstances and conditions noted in Step 1, then the Supervisor completes all applicable information on the "... VARIANCE CANDIDATE WORKSHEET" from existing file(s) and conference call(s) or meeting(s) with the Variance candidate's representative(s), and forwards the completed WORKSHEET to the Department Manager. A Variance Candidate Worksheet Meeting fee will be required prior to completing the VARIANCE CANDIDATE WORKSHEET.
3. If after the Manager reviews the WORKSHEET and researches any possible questions of policy and law with the Division Director and District Legal Counsel, respectively, he then signs and dates the WORKSHEET and either faxes it with confirmation or arranges to have in person owner/operator/agent sign and date for receipt of WORKSHEET.
4. After the WORKSHEET fax confirmation is received or is signed received in person, one (1) copy of each is sent to Permit File, Division Director, and Department Manager.
5. The Department's Administrative Secretary establishes a new Variance Candidate File as the repository for ALL documents generated by EHD staff and received from the Variance candidate's representative(s) during the Variance process.

VARIANCE APPLICATION STEPS:

1. When the Application for Variance as described at the bottom of the "... VARIANCE CANDIDATE WORKSHEET" is received by the Division Director and is date stamped received and the Variance Application Fee receipted, it should be forwarded as soon as possible to the appropriate Division Manager for determination of completeness.
2. If the Application is determined by the Manager to be incomplete, then the Manager must document communication of necessary additions and/or corrections to the Variance applicant's representative(s) in a timely enough manner to allow for the possibility of a second submittal prior to the published "Closing Date" for the earliest available Board of Health Meeting date.
3. Once the Application for Variance is determined by the Department Manager to be complete, the Department's Administrative Secretary prepares, on a blank sheet of paper, the letter petitioning the District Board of Health of Clark County, as drafted by the Manager for signature by the property owner/corporate officer or authorized operator/agent. (Operator/agent may sign this document only if written authorization on letterhead signed by property owner/corporate officer has been received.)