







Memorandum

Date: June 28, 2018

To: SOUTHERN NEVADA DISTRICT BOARD OF HEALTH

From: Jeremy Harper, REHS, Environmental Health Supervisor 
Karla Shoup, REHS, Environmental Health Manager 
Herb Sequera, REHS, Director of Environmental Health 
Joseph P. Iser, MD, DrPH, MSc, Chief Health Officer 

Subject: Variance Request to Operate two Public Bathing Places not in Compliance with the Nevada Administrative Code (NAC) 444.128; WorldMark The Club, dba WorldMark by Wyndham, located at 8601 S. Las Vegas Blvd., Las Vegas, Nevada 89123; [Assessor's Parcel Number (APN) 177-17-710-008] for Health Permits PR0013806 & PR0013808, Tom Price, for the Owner(s), WorldMark The Club.

I. BACKGROUND:

WorldMark The Club dba WorldMark by Wyndham is petitioning for a variance as requested by Tom Price, representative for the owner, to operate two public swimming pools not in compliance with the following: Nevada Administrative Code (NAC) 444.128.6, which states that "Stairs leading into the pool must be of slip-resistant design, have a minimum tread of 12 inches (30 centimeters), and a maximum rise of 10 inches (25 centimeters). The edge of the stair tread must be constructed of a material so colored as to contrast with the color of the stairs and be clearly visible and evident to bathers."

The public bathing places are located on APN 177-17-710-008, at 8601 S. Las Vegas Blvd., Las Vegas, Nevada.

II. DISCUSSION:

The petitioner is requesting a variance from NAC 444.128, which would allow them to operate the Main Pool and the Lazy River at the property with a maximum riser height of 12 inches, rather than the maximum allowed riser height of ten inches.

The evidence presented for granting a variance to permit WorldMark the Club to deviate from NAC 444.128, 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:

During a recent pool remodel, the tread risers on the main pool were raised to 12 inches. The remodel included replastering, and laying a new deck around the pool. The deck installed raised the height of the coping and finish floor up about 2.5" once the sand and pavers were installed. The mistake was made and not caught until inspection, by that time the job was complete. The New code (Aquatic Facility Regulations) allows for tread riser heights to be no more than 12 inches high.

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:

The summer months are the busiest time of the year for the facility. Along with the costly financial burden that the facility would incur to correct the issue, it would have a gross negative impact on owners and guests.

In order to be in compliance with Nevada Administrative Code, the facility would have to shut down the main pool area again and tear out the recently finished treads to rebuild them two inches lower. This in itself would be a costly issue to rectify due to the time of year and pool usage being the heaviest.

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

With the new code (Aquatic Facility Regulations), section 2-304.5 states that tread risers shall not be more than 12 inches in height. That coupled with the existing spa, which is in compliance, having tread risers that are at 12 inches in height, the facility does not foresee any adverse effects on the health and safety of the public if the variance is granted. NAC 444.444 allows a maximum riser height of 12" for spas.

III. RECOMMENDATION:

With regard to a variance from NAC 444.128 for riser height, staff is of the opinion that circumstances exist which satisfy the requirements for a variance, and that granting a variance from these regulations will not be detrimental or pose a danger to public health and safety. As previously discussed, the new Aquatic Facility Regulations adopted by the Board of Health allows for a maximum riser height of 12 inches in swimming pools.

Staff recommends approval of a variance with the conditions outlined below.

IV. CONDITIONS

1. The petitioner agrees to adhere to all other applicable requirements of the Public Bathing Places 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. Variance Candidate Worksheet
- D. Assessor's Parcel Information
- E. Assessor's Map
- F. Photos
- G. Public Notice

ATTACHMENT

A

WYNDHAM VACATION OWNERSHIP, INC.

Business Entity Information			
Status:	Active	File Date:	4/12/2005
Type:	Foreign Corporation	Entity Number:	E0210342005-3
Qualifying State:	DE	List of Officers Due:	4/30/2019
Managed By:		Expiration Date:	
NV Business ID:	NV20051124771	Business License Exp:	4/30/2019

Additional Information	
Central Index Key:	

Registered Agent Information			
Name:	CORPORATE CREATIONS NETWORK INC.	Address 1:	8275 SOUTH EASTERN AVENUE #200
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89123
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	NV
Mailing Zip Code:			
Agent Type:	Commercial Registered Agent - Corporation		
Jurisdiction:	FLORIDA	Status:	Active

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 10.00
Par Share Count:	1,000.00	Par Share Value:	\$ 0.01

<input checked="" type="checkbox"/> Officers <input type="checkbox"/> Include Inactive Officers			
President - MICHAEL D. BROWN			
Address 1:	6277 SEA HARBOR DR	Address 2:	
City:	ORLANDO	State:	FL
Zip Code:	32821	Country:	
Status:	Active	Email:	
Director - MICHAEL A HUG			
Address 1:	6277 SEA HARBOR DR	Address 2:	
City:	ORLANDO	State:	FL
Zip Code:	32821	Country:	
Status:	Active	Email:	
Treasurer - JEFFREY R LEUENBERGER			

Address 1:	22 SYLVAN WAY	Address 2:	
City:	PARSIPPANY	State:	NJ
Zip Code:	07054	Country:	
Status:	Active	Email:	
Secretary - JORGE DE LA OSA			
Address 1:	6277 SEA HARBOR DR	Address 2:	
City:	ORLANDO	State:	FL
Zip Code:	32821	Country:	
Status:	Active	Email:	
Director - JORGE DE LA OSA			
Address 1:	6277 SEA HARBOR DR	Address 2:	
City:	ORLANDO	State:	FL
Zip Code:	32821	Country:	
Status:	Active	Email:	
Director - NICOLA ROSSI			
Address 1:	22 SYLVAN WAY	Address 2:	
City:	PARSIPPANY	State:	NJ
Zip Code:	07054	Country:	
Status:	Active	Email:	

Actions\Amendments			
Action Type:	Foreign Qualification		
Document Number:	20050120529-46	# of Pages:	1
File Date:	4/12/2005	Effective Date:	
Initial Stock Value: Par Value Shares: 1,000 Value: \$ 0.01 No Par Value Shares: 0 -----			
----- Total Authorized Capital: \$ 10.00			
Action Type:	Miscellaneous		
Document Number:	20050120530-78	# of Pages:	1
File Date:	4/12/2005	Effective Date:	
GOODSTANDING- SUPPORTING DOCUMENT			
Action Type:	Initial List		
Document Number:	20050173546-63	# of Pages:	7
File Date:	5/9/2005	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20060238893-61	# of Pages:	1
File Date:	4/17/2006	Effective Date:	
(No notes for this action)			
Action Type:	Amendment		
Document Number:	20060289110-79	# of Pages:	2
File Date:	5/4/2006	Effective Date:	

(No notes for this action)			
Action Type:	Annual List		
Document Number:	20070410428-18	# of Pages:	2
File Date:	6/14/2007	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20080243826-05	# of Pages:	2
File Date:	4/8/2008	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20090360215-18	# of Pages:	2
File Date:	4/23/2009	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20100262438-58	# of Pages:	2
File Date:	4/22/2010	Effective Date:	
(No notes for this action)			
Action Type:	Registered Agent Change		
Document Number:	20110175695-37	# of Pages:	1
File Date:	3/9/2011	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20110278590-55	# of Pages:	2
File Date:	4/14/2011	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20120210839-58	# of Pages:	2
File Date:	3/27/2012	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20130177379-80	# of Pages:	2
File Date:	3/18/2013	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20140262624-99	# of Pages:	2
File Date:	4/9/2014	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20150179099-73	# of Pages:	2
File Date:	4/21/2015	Effective Date:	
(No notes for this action)			

Action Type:	Annual List		
Document Number:	20160123479-25	# of Pages:	2
File Date:	3/18/2016	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20170169287-83	# of Pages:	2
File Date:	4/19/2017	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20180175536-58	# of Pages:	2
File Date:	4/18/2018	Effective Date:	
(No notes for this action)			

ATTACHMENT

B

RECEIVED

APR 25 2018

SOUTHERN NEVADA HEALTH DISTRICT
PLANS DIV

To whom it may concern,

This variance is being requested by WorldMark Las Vegas Blvd located at 8601 S Las Vegas Blvd, Las Vegas, Nevada 89123. This property is a Wyndham Vacation Ownership resort (10650 W. Charleston Blvd. Las Vegas NV.) The resort direct number is 702-492-9863. The property General Manager is Greg Tomlinson. The Assistant General Manager is Tom Price who can be reached by dialing the main number listed above. He can also be reached by cell at 702-465-6951 or by email at tom.price@wyn.com.

We recently remodeled our main pool. That remodel included re-plastering, and laying a new deck around the pool. The cool deck we decided on raised the height of the coping and finish floor up about 2 ½ inches once the sand and pavers were laid down. The current code NAC 444.444 for spas, states that the maximum rise of extended tread is not to exceed 12 inches high. NAC 444.128 for pools, states risers may not exceed 10 inches high. As such our main pool risers where built at just under 12 inches high. In order to be in compliance with the current code, we would have to shut down our main pool again. We would then have to tear out our recently finished treads, and rebuild them (2) inches lower. This in itself would be quite a costly issue to rectify along with it having a negative impact to our owners and guests due to it being the busiest time of the year and pool usage is the heaviest. Because of this, we come to you requesting this variance.

In conclusion, I would like to note that section 2-304.4 of the new code that's waiting to be adopted, states that the maximum tread riser height is not to exceed 12 inches. That means there's a good chance, if we are not granted this variance and ordered to come into compliance with current code, here in the near future it could be amended. As well, we do not foresee any safety issues arising from being granted this variance, due to the fact that there is an existing spa next to our main pool that has just under 12 inch risers.

Respectfully,



Tom Price

Assistant General Manager

8601 S. Las Vegas Blvd.

Las Vegas, Nevada 89123

ATTACHMENT

C



VARIANCE CANDIDATE WORKSHEET

PART I:

ESTABLISHMENT INFORMATION

Name of Facility/Establishment: World Mark by Wyndham
 Health Permit Number: pr0013806 Date of Inquiry: 4/24/2018
 Name of Operator/Agent: World Mark, Las Vegas Blvd.
 Address of Operator/Agent: 8601 S. Las Vegas Blvd. Las Vegas, NV 89123
 Contact Information of Operator/Agent:
 Office Phone: 702-492-9863 Cell Phone: 702-465-6951
 Fax Number: _____ Email Address: Tom.price@wyn.com
 If corporation, the name/title of individual to sign for Variance document:
 Name: Tom Price
 Title: Assistant General Manager

OWNER INFORMATION

Name of Property Owner: Wyndham Vacation Ownership
 Address of Property Owner: 10650 W Charleston Blvd. Las Vegas, NV 89123
 Contact Information of Property Owner:
 Office Phone: (702) 784-6757 Cell Phone: _____
 Fax Number: _____ Email Address: _____

PROPERTY INFORMATION

Property Address: 8601 S. Las Vegas Blvd. Las Vegas, NV 89123
 Assessor's Parcel Number (APN): 177-17-710-008
 Describe location within larger facility (i.e. hotel/casino/resort, etc.):
Main Pool

Describe Variance Issue (s): (Include sections of the Regulation or Nevada Administrative Code that applies to the request for a variance)

In the remodel of our main pool, our tread risers were raised up to 12 inches. NAC 444.128 states tread risers may not exceed 10 inches high.

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 the regulations:

During our recent pool remodel the tread risers on our main pool was raised to 12 inches. This mistake was made and not caught until inspection. Unfortunately by then the job was complete. The new code that is expected to be adopted in the near future, allows for tread riser heights to be no more than 12 inches high.

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):

The summer months are coming fast, and as you can imagine this is our busiest time of year. Along with the costly financial burden that we would incur to correct this issue, it would have a gross negative impact on our owners and guest.

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:

With the new code thats waiting to be adopted, section 2-304.4 of said code states tread riser shall not be no more than 12 inches in weight. That coupled with our existing spa, (which is in compliance) having tread risers that are at 12 inches we do not foresee any adverse affects on the publics health or safety if this variance is granted.

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:

A Variance Application Letter, which includes all information provided by the applicant on his worksheet, must be submitted in writing to the Environmental Health Division (EHD) Director no later than 40 days before the monthly Board of Health Meeting. 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 SOUTHERN NEVADA HEALTH DISTRICT (SNHD).

This section to be completed by SNHD staff ONLY

Next closing date is: _____ for the _____ BOH Meeting.

Referred by: _____
(Print Name of REHS)

Completed by: _____ Date: _____
(Print Name of REHS if not by supervisor)

Received by: _____ Date: _____
(Owner/Operator/Agent)

Reviewed by: _____ Date: _____
(Signature of SNHD Manager)

ATTACHMENT

D

GENERAL INFORMATION	
PARCEL NO.	177-17-710-008
OWNER AND MAILING ADDRESS	WORLDMARK THE CLUB 6277 SEA HARBOR DR ORLANDO FL 32821
LOCATION ADDRESS CITY/UNINCORPORATED TOWN	8601 S LAS VEGAS BLVD ENTERPRISE
ASSESSOR DESCRIPTION	L V B SOUTH COML CENTER PLAT BOOK 88 PAGE 67 PT LOT 1
RECORDED DOCUMENT NO.	* 20020809:01699
RECORDED DATE	Aug 9 2002
VESTING	NS
COMMENTS	SF 114-33

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

ASSESSMENT INFORMATION AND VALUE EXCLUDED FROM PARTIAL ABATEMENT	
TAX DISTRICT	635
APPRAISAL YEAR	2017
FISCAL YEAR	2018-19
SUPPLEMENTAL IMPROVEMENT VALUE	0
INCREMENTAL LAND	0
INCREMENTAL IMPROVEMENTS	0

REAL PROPERTY ASSESSED VALUE		
FISCAL YEAR	2017-18	2018-19
LAND	200	200
IMPROVEMENTS	379285	372077
PERSONAL PROPERTY	0	0
EXEMPT	0	0
GROSS ASSESSED (SUBTOTAL)	379484	372276
TAXABLE LAND+IMP (SUBTOTAL)	1084240	1063646
COMMON ELEMENT ALLOCATION ASSD	0	0
TOTAL ASSESSED VALUE	379484	372276
TOTAL TAXABLE VALUE	1084240	1063646

ESTIMATED LOT SIZE AND APPRAISAL INFORMATION	
ESTIMATED SIZE	2.17 Acres
ORIGINAL CONST. YEAR	2002
LAST SALE PRICE MONTH/YEAR SALE TYPE	12865000 8/2002 M - Multiple-Parcel Sale
LAND USE	43.179 - Commercial Living Accommodations. Timeshare - Multiple Units
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	YES
3RD FLOOR SQ. FT.	0	STYLE	Placeholder, no bldg	SPA	YES
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

E

NOTES

This map is for assessment use only and does NOT represent a survey.

No liability is assumed for the accuracy of the data delineated herein. Information on roads and other non-assessed parcels may be obtained from the Road Document Listing in the Assessor's Office.

This map is compiled from official records, including surveys and deeds, but only contains the information required for assessment. See the recorded documents for more detailed legal information.

USE THIS SCALE FEET WHEN MAP REDUCED FROM THIS ORIGINAL

MAP LEGEND

- PARCEL BOUNDARY
- SUB BOUNDARY
- PMALD BOUNDARY
- ROAD EASEMENT
- MATCH / LEADER LINE
- HISTORIC LOT LINE
- HISTORIC SUB BOUNDARY
- HISTORIC PMALD BOUNDARY
- SECTION LINE
- CONDOMINIUM UNIT
- AIR SPACE PCL
- RIGHT OF WAY PCL
- SUB-SURFACE PCL

- 001 ROAD PARCEL NUMBER
- 001 PARCEL NUMBER
- 1.00 ACREAGE
- 202 PARCEL SUB/SEC NUMBER
- PB 24-45 PLAT RECORDING NUMBER
- 5 BLOCK NUMBER
- 5 LOT NUMBER
- GL5 GOV. LOT NUMBER

BOOK **T22S R61E**

184	183	182	181
176	175	174	173
193	192	191	190

SEC **17**

4	5	6	7	8
1	2	3	4	5
11	12	13	14	15
16	17	18	19	20

N 2 SE 4

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6	2	6	2
7	3	7	3
8	4	8	4

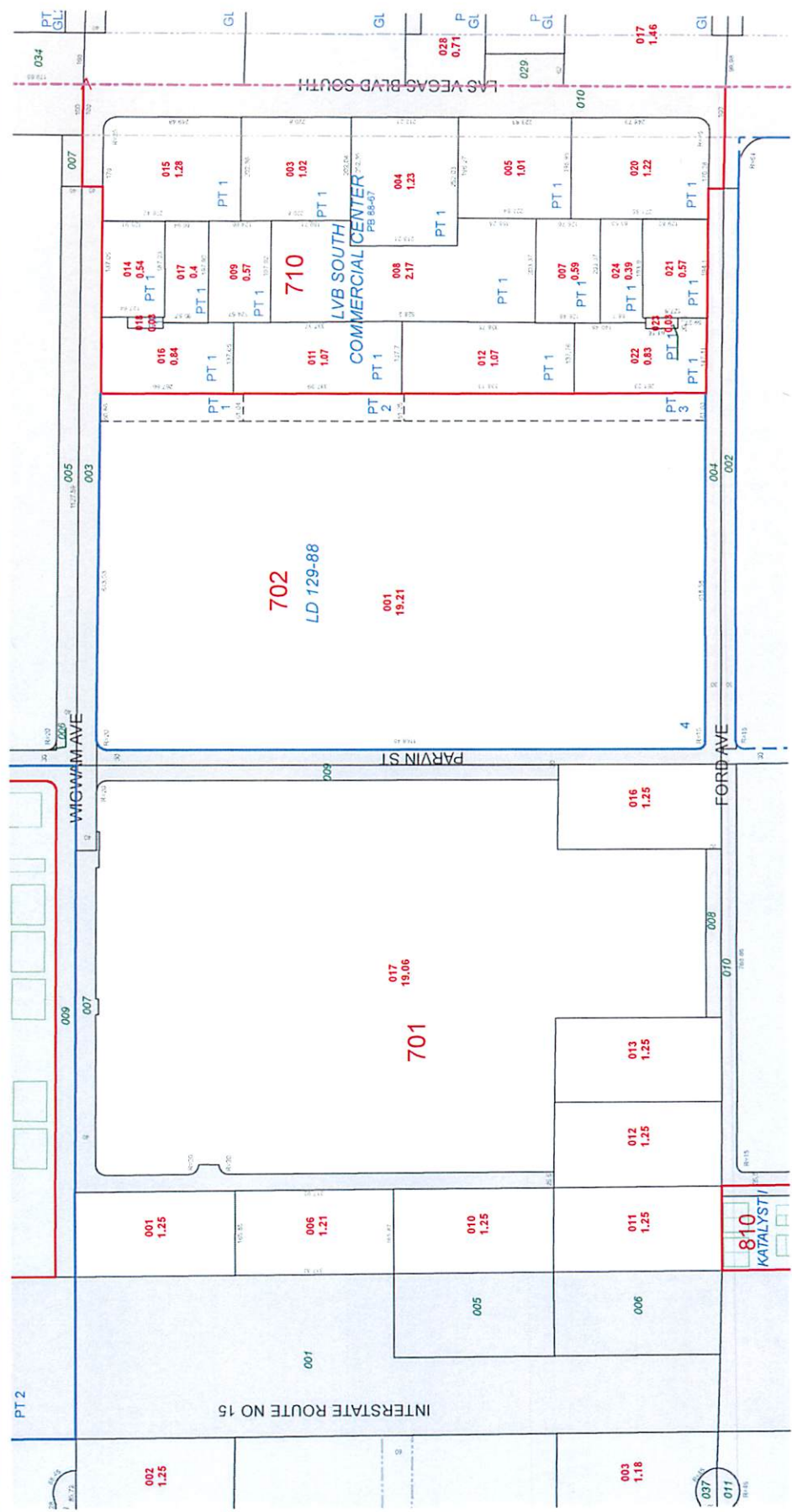


ASSESSOR'S PARCELS - CLARK CO., NV.
Michele W. Shafe - Assessor

177-17-7

Scale: 1" = 200'

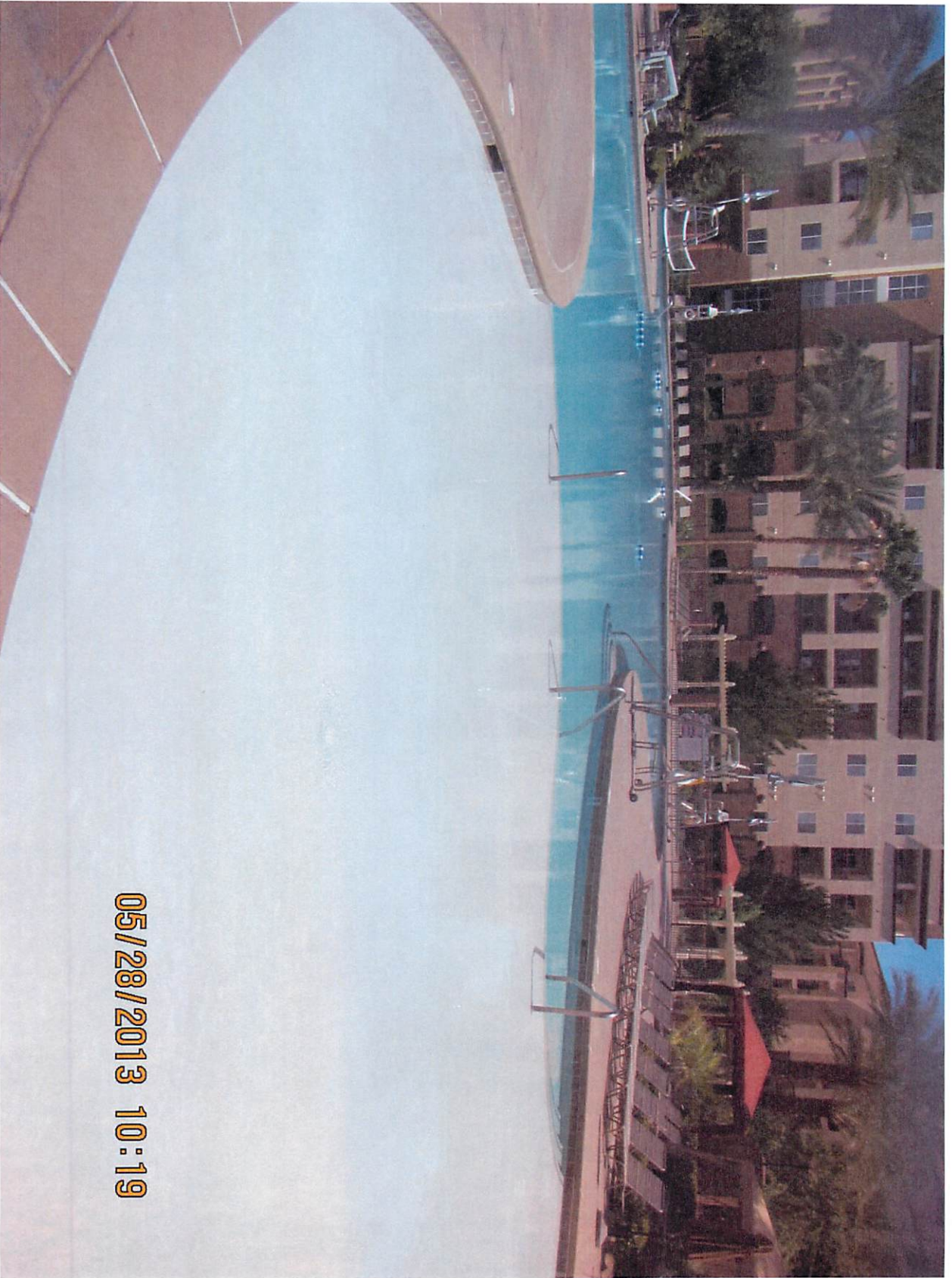
Rev. 02/08/2011



TAX DIST 635

ATTACHMENT

F



05/28/2013 10:19



ATTACHMENT

G



PUBLIC NOTICE

The Southern Nevada Health District Board of Health will conduct a PUBLIC HEARING on June 28, 2018 at 8:30 a.m. during its monthly meeting held at 280 S. Decatur Boulevard, Las Vegas, NV 89107, to approve or deny a variance request to operate public bathing places not in compliance for Wyndham Vacation Ownership, DBA WorldMark by Wyndham, located at 8601 S. Las Vegas Boulevard, APN 177-17-710-008. Note, if this application is not presented at the June 28, 2018 meeting, it will be presented at the July 26, 2018 meeting.

The variance request is made to allow the Petitioner to operate two public bathing places - the main pool and lazy river - not in accordance with the Nevada Administrative Code (NAC) 444 Public Bathing Places and Public Spas. The request allows the pools to be remodeled to have a maximum riser height of 12 inches, which is not in compliance with NAC 444.128.6 - ladders and stairs.

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, or via email at harper@snhd.org, no later than June 21, 2018. 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) 759-0572 or archie@snhd.org 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.

-S-

Herbert L Sequera, Environmental Health Director
Southern Nevada Health District

June 8, 2018

Date