

Memorandum

Date: January 24, 2019

To: SOUTHERN NEVADA DISTRICT BOARD OF HEALTH

From: Robert Fyda, P.E., REHS, *Environmental Health Engineer* *RF*
Daniel LaRubio, Jr., P.E., REHS, *Environmental Health Engineer/Supervisor*
Herbert Luis Sequera, REHS, *Environmental Health Manager* *HLS*
Chris Saxton, MPH-EH, REHS, *Environmental Health Director* *CS*
Joseph P. Iser, M.D., DrPH, MSc, *Chief Health Officer* *JPI*

Petitioner: Dale Martin on behalf of the Baker Family Trust

Subject: Variance Request for 4721 Aspen Ave, Mount Charleston, NV per Nevada Revised Statutes (NRS) 278.377 to: 1) permit the installation of a conventional septic system on an undersized lot where no parcel map or subdivision map has been filed; 2) allow a structure and septic system to be on different lots; 3) allow a reduced setback from the property line; and 4) waive design standards for trench separation distance.

I. BACKGROUND

The subject property is located in Charleston Park Resort, an unrecorded subdivision in Mount Charleston. The existing single-family residence (SFR) was built in 1946 according to Assessor records and the existing structure is currently situated on two lots: APN 129-36-110-015 & 007, also known as 4721 Aspen Ave in Mount Charleston, NV 89124. The combined net area of both parcels is 0.11 acres. The subject property is currently having its sewage disposed through an unpermitted community cesspool that is located on a neighboring property, 4711 Aspen Ave, and a separate unpermitted ISDS consisting of what appears to be a steel drum servicing the laundry room. The current cesspool is currently believed to be servicing 4711 Aspen Ave and the subject property.

II. DISCUSSION

The combined lot size for both lots is 0.11 acres (net) which is smaller than the 0.25 acres required by regulation. The existing SFR is sitting on the shared property line for both parcels. Currently, a parcel map cannot be submitted to reconcile the lots. Therefore, a dedicated easement is to be recorded until the property can be reconciled as a single lot. The proposed ISDS will be located on the front parcel (APN 129-36-110-015) which has defined property lines recorded by parcel map on the North and West side (see attached parcel map). The rear parcel is unrecorded in County records and is part of the unrecorded subdivision. A five (5') foot property line setback has been approved for other designs in

Mount Charleston. The trench design proposed has reduced spacing of six (6') feet where twelve (12') feet would be required. The subject property's boundary lines are possibly subject to change should the area be mapped and recorded at a future date.

The petitioner states the following regarding these requirements:

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

The existing SFR being connected to the neighbor's cesspool - seepage pit is not legal in any way and does not have the required ability to pump or maintain it ISDS as would any normal permitted septic system.

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.

This SFR could not be sold under the current condition of its waste disposal being connected to the adjacent property. This is not currently nor has ever had a legal permitted and inspected septic system.

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

The variance approval and installation of a new septic system will allow the current residence the ability to use and maintain their own ISDS and reduce the amount or possible overload of 2 structures being connected to one system.

III. RECOMMENDATION

There is one existing well located upgradient and within six hundred (600') feet of the proposed ISDS, which is in proximity to a high density of existing ISDS. The map also shows 162 lots with an active, traceable ISDS permit within a square mile of APN 129-36-110-015 & 007 (see attached ISDS Density Map). The proposed separation distance between the trenches is acceptable. The closest property line is five (5') feet from the ISDS where ten (10') feet minimum separation is normally required.

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

IV. CONDITIONS

1. The property owner will record a dedicated easement for the septic system with the Clark County Surveyor's Office within 1 year after construction is completed.
2. The property owner agrees to adhere to all the other applicable requirements of the SNHD Regulations Governing Individual Sewage Disposal Systems and Liquid Waste

Management.

3. Permitting of the ISDS must be commenced within one (1) year of the date hereof. If the construction has not been commenced within that period, this variance shall automatically expire and be of no further force and effect, unless application is made and approved for an extension of time prior to the expiration date by the applicant or the applicant's successor(s) in interest.
4. The applicant and his successor(s) in interest shall abide by all local governmental regulations requiring connection to community sewage systems. Use of the ISDS shall be discontinued and the structure it serves shall be connected to any community sewage system constructed in the future to within four hundred (400) feet of the applicant's property line when connection can be made by gravity flow and the owner(s) are notified and legally required to do so.

ATTACHMENTS:

- A. Authorization Letter
- B. Variance Candidate Worksheet
- C. ISDS Density Map
- D. Plot Plan
- E. Site Inspection Photos
- F. Percolation Test
- G. SNHD Public Notice

ATTACHMENT

A

Authorization Letter

September 14, 2018

Southern Nevada Health District
330 S Valley View Blvd.
PO Box 3902
Las Vegas, NV 89127

I, Cindy Baker/Baker Family Trust, do hereby authorize Hardin & Sons to make application for a septic system variance in the matter of 4721 Aspen Ave, Mount Charleston, Las Vegas, NV Assessor's Parcel Number's 129-36-110-007 & 129-36-110-015. Also, in the event that I cannot be present at the October 25th, 2018 Southern Nevada District Board of Health meeting, Hardin & Sons is authorized to speak on my behalf. However, we understand that both of us must sign both the letter of request and the variance order.

*aka Cindy Baker
Mary J Baker, Trustee
(Owner) the Baker Family
TRUST.*

State of: California
County of: Orange

On 09/14/2018 before me, C. Jayasekera
(notary)

Personally appeared, Mary Lucinda Baker
(signers)

Personally known to me

OR

Proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is/are~~ subscribed to the within instrument and has hereby acknowledged to me that ~~he/she/they~~ have executed the same in ~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal

California Notarial
Loose Certificate
attached

Notary Signature

C. Jayasekera

Print Name

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

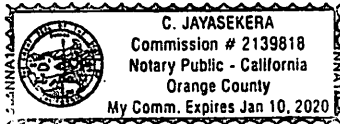
A notary public or other officer completing this certificate, verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Orange

On Friday, September 14, 2018 before me, C. Jayasekera Notary Public, personally appeared
Mary Lucinda Baker

Who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within Instrument and acknowledged to me that she executed The same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws Of the State of California that the foregoing paragraph is True and correct.



WITNESS my hand and official seal.

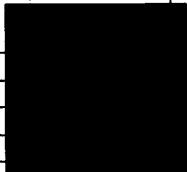
Signature _____ *[Handwritten Signature]*

Description of Attached Document

Title or Type of Document: Authorization Letter
 Document Date: September 14, 2018 Number of Pages. 1
 Signer(s) Other Than Named Above: None
 Capacity(ies) Claimed by Signer(s)
 Signer's Name: **Mary Lucinda Baker**

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here



Signer Is Representing: *Self*

ATTACHMENT

B

VARIANCE CANDIDATE WORKSHEET
(Follow Variance Procedure Worksheet Steps on Page 4)

PART I

Name of Facility/Establishment: BAKER FAMILY TRUST
Health Permit No.: NONE Date of Inquiry: _____
Name of Operator/Agent: HARDIN + SONS INC. DALE MARTIN
Address of Operator/Agent: 201 W. CHEYENNE AVE. NLV NV 89030
Phone Nos. of Operator/Agent:
Office 702-399-3878 Cell 702-379-9156 Fax 702-399-2032

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

Name: DALE MARTIN
Title: PRESIDENT HARDIN + SONS INC.

Name of Property Owner: BAKER FAMILY TRUST
Address of Property Owner: 19302 BARRETT LN. SANTA MONICA CA. 92705
Phone Nos. of Property Owner:
Office _____ Cell 714-981-4382 Fax _____
Property Address: 4721 ASPEN AVE. MOUNT CHARLESTON NV 89124

Assessor's Parcel Number (APN): 129-36-110-015
129-36-110-007

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

SFR ONLY

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

Describe Variance issue(s): REGULATION 5.1, WE WILL NEED TO USE A 5' SETBACK FOR ISDS TO PROPERTY LINE WHERE A 10' SETBACK IS NORMALLY REQUIRED.

REG. 9.7.1 WILL NEED TO ALLOW TRENCH SEPARATION TO BE 7' BETWEEN THE 2 DEEP TRENCHES. A 6' SEPARATION IS NORMALLY USED ON A LEACHED-STYLE SYSTEM.

REG. 11.20.2 THIS PROPERTY HAS A TOTAL COMBINED SQUARE FOOTAGE OF 4750 S.F. WHERE THE MINIMUM REQUIRED IS 10,900 INCLUDING ALL RIGHT OF WAYS. PROPERTY IS ON MUNICIPAL WATER.

REG. 11.26 THE SFR IS CURRENTLY CONNECTED TO THE NEIGHBORS (ADJACENT TO THE EAST) EXISTING CESSPOOL WHICH DOES NOT COMPLY WITH SNHD REQUIREMENTS.

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:

THE EXISTING SFR BEING CONNECTED TO THE NEIGHBORS CESSPOOL -
SEEPAGE PIT IS NOT LEGAL IN ANY WAY AND DOES NOT HAVE THE
REQUIRED ABILITY TO PUMP OR MAINTAIN IT OWN ISDS AS
WOULD ANY NORMAL PERMITTED SEPTIC SYSTEM.

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):

THIS SFR COULD NOT BE SOLD UNDER THE CURRENT CONDITION OF ITS
WASTE DISPOSAL BEING CONNECTED TO THE ADJACENT PROPERTY. THIS
IS NOT CURRENTLY NOR HAS IT EVER HAD A LEGAL-PERMITTED AND
INSPECTED SEPTIC SYSTEM.

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 VARIANCE APPROVAL AND INSTALLATION OF A NEW SEPTIC SYSTEM
WILL ALLOW THE CURRENT RESIDENCE THE ABILITY TO USE AND
MAINTAIN THEIR OWN ISDS AND REDUCE THE AMOUNT OR POSSIBLE
OVERLOAD OF 2 STRUCTURES BEING CONNECTED TO ONE SYSTEM.

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 Jacqueline Reszetar, 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 8½" 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).

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

Referred by: Robert Fuda
(Print Name of APR or DEHS)

Completed by: [Signature]
(Print Name of CCHD Supervisor)

Received by: [Signature] (PRES.) HARRIS + SONS INC.
(Owner/Operator/Agent Signature)

Reviewed by: [Signature]
(Signature of CCHD Manager)

COPY TO: Permit File
Division Director
Department Manager

ATTACHMENT

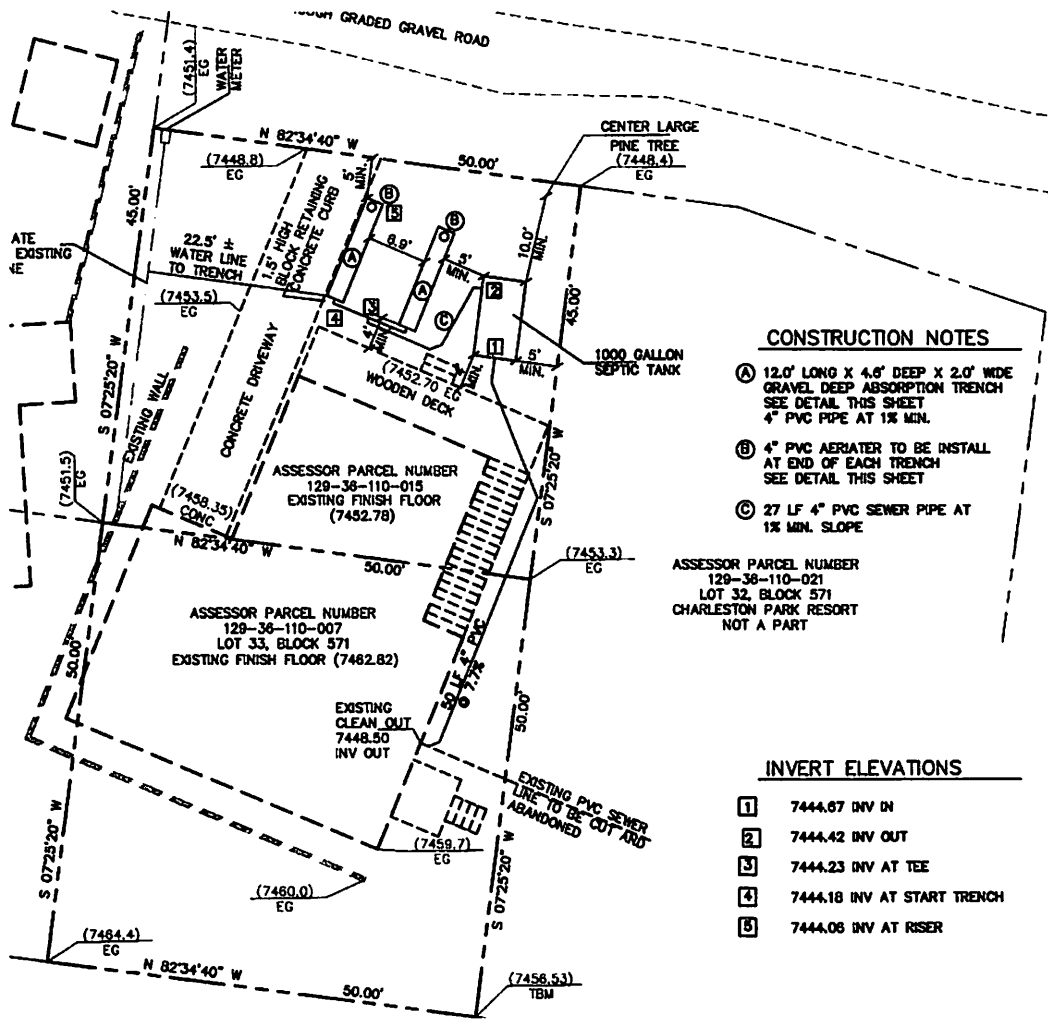
C



There is one existing well that is part of a Public Water System that is located upgradient and within six hundred (600') feet of the proposed ISDS. The map also shows 162 lots with an active, traceable ISDS permit within a square mile of APN 129-36-110-015 & 007.

ATTACHMENT

D



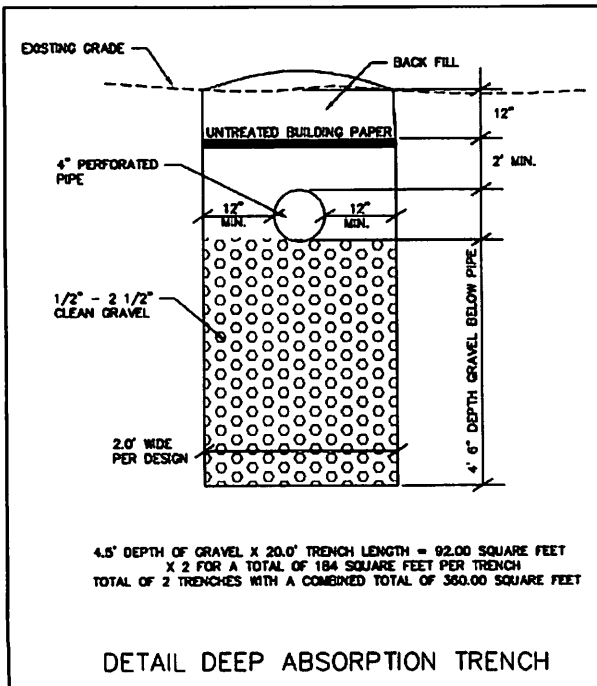
CONSTRUCTION NOTES

- Ⓐ 12.0' LONG X 4.6' DEEP X 2.0' WIDE GRAVEL DEEP ABSORPTION TRENCH SEE DETAIL THIS SHEET 4" PVC PIPE AT 1% MIN.
- Ⓑ 4" PVC AERIATER TO BE INSTALL AT END OF EACH TRENCH SEE DETAIL THIS SHEET
- Ⓒ 27 LF 4" PVC SEWER PIPE AT 1% MIN. SLOPE

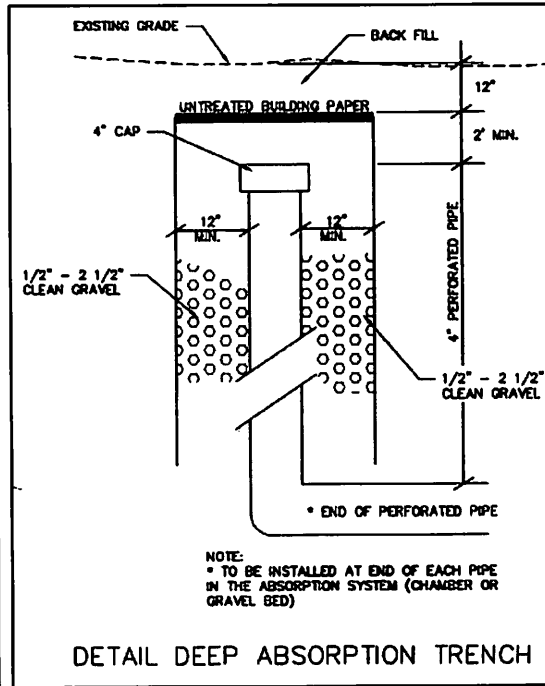
ASSESSOR PARCEL NUMBER
129-36-110-021
LOT 32, BLOCK 571
CHARLESTON PARK RESORT
NOT A PART

INVERT ELEVATIONS

- 1 7444.67 INV IN
- 2 7444.42 INV OUT
- 3 7444.23 INV AT TEE
- 4 7444.18 INV AT START TRENCH
- 5 7444.06 INV AT RISER



DETAIL DEEP ABSORPTION TRENCH



DETAIL DEEP ABSORPTION TRENCH

ATTACHMENT

E



Photo 1: Unpermitted ISDS to Service the Laundry Room



Photo 2: Exposed Building Sewer Line for 4721 Aspen Ave



Photo 3: Sewer Line from 4721 Aspen Entering Community Cesspool located at 4711 Aspen Ave



Photo 4: Location of Cesspool (outlined) on 4711 Aspen Ave

ATTACHMENT

F

DLC Consulting

October 4, 2018

Hardin Excavating
201 W. Cheyenne Avenue
Las Vegas, Nevada

Attention: Dale Martin

RE: Percolation Verification Test for the Residential Parcel Located at
4721 Aspen Way, Clark County, Las Vegas, Nevada; APN 129-36-110-007, 015

Following is the Percolation Verification Test for the referenced location. Field work was conducted in accordance with Southern Nevada Health District guidelines.

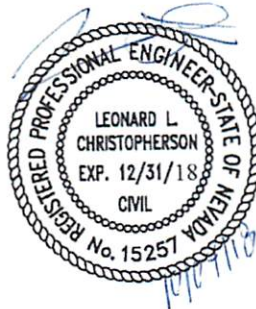
Based on the field data, percolation rates are approximately 3 minutes/inch. Soil data from the test pits indicates the presence of Sandy Gravels to the maximum exploration depth of 10 feet below grade: no cemented materials were encountered onsite.

Please call Michael Payne at 702-994-7419 with any questions or comments regarding this report that may arise.

Sincerely,



Michael Payne, CEM
Principal Scientist



Landon Christopherson, PE
Principal Engineer

Perc Test
Hardin

October 4, 2018
4721 Aspen Way

PERCOLATION TEST RESULTS

Test Pit T-1

Project Name: 4721 Aspen Way
Project Location: 4721 Aspen Way
Mt Charleston, Nevada

Test Location: See Plan Map
Test Performed By: Michael Payne C.E.M.

Test Reviewed By: Landon Christopherson, P.E.
Date of Test: October 4, 2018

Borehole Diameter: 6 inches
Borehole Depth: 36 inches
Time of Presoaking: None Required
Depth of Water at beginning of test: 30 inches

Time of Reading	Time Difference (1)	Depth Water to	Depth Difference (2)	Percolation Rate (1)/(2)	Comments
08:05	0	30"	----	-----	Begin Test
08:15	10 min	34.0"	4.00	2.5	
08:15	0 min	30"	0		Refill
08:25	10 min	34.0"	4.0	2.5	
08:25	0	30"	0		Refill
08:35	10 min	33.7"	3.7	2.7	
08:35	0	30"	0		Refill
08:45	10 min	33.37"	3.57	2.8	
08:45	0	30.0	0		Refill
08:55	10 min	33.57"	3.57	2.8	
08:55	0	30.0	0		Refill
09:05	10 min	33.57"	3.57	2.8	
09:05	0 min	30"			Refill
09:15	10 min	33.57"	3.57	2.8	

Soil Data:
Gravelly sands to the maximum boring depth of 10 feet below grade. Soils drained freely from surface. Complete soil borings are attached.

Perc Test
Hardin

October 4, 2018
4721 Aspen Way

PERCOLATION TEST RESULTS

Boring B-2

Project Name: 4721 Aspen Way
Project Location: 4721 Aspen Way
Mt Charleston, Nevada

Test Location: See Plan Map
Test Performed By: Michael Payne C.E.M.

Test Reviewed By: Landon Christopherson, P.E.
Date of Test: October 4, 2018
Borehole Diameter: 6 inches
Borehole Depth: 36 inches
Time of Presoaking: None Required
Depth of Water at beginning of test: 30 inches

Time Reading	of	Time Difference (1)	Depth Water to	Depth Difference (2)	Percolation Rate (1)/(2)	Comments
08:07		0	30"	----	-----	Begin Test
08:17		10 min	34.0"	4.0	2.5	
08:17		0 min	30"	0		Refill
08:27		10 min	34.0"	4.0	2.5	
08:27		0	30"	0		Refill
08:37		10 min	33.7"	3.7	2.7	
08:37		0	30"	0		Refill
08:47		10 min	33.7"	3.7	2.7	
08:47		0	30.0	0		Refill
08:57		10 min	33.7"	3.7	2.7	
08:57		0	30.0	0		Refill
09:07		10 min	33.7"	3.7	2.7	
09:07		0 min	30"	0		Refill
09:17		10 min	33.7"	3.7	2.7	

Soil Data:
Gravelly sands to the maximum boring depth of 10 feet below grade. Soils drained freely from surface. Complete soil borings are attached.



Key: Test Location B-1

North is top of page

<p>Boring Location Map</p>	<p>Drawing To Graphic Scale</p>
<p>HARDIN EXCAVATION 201 W CHEYNNNE NORTH LAS VEGAS, NEVADA</p>	<p>Client Name: Hardin Excavation Site Name: 4721 Aspen Way Project Number 08003051</p>

ATTACHMENT

G



PUBLIC NOTICE


The Southern Nevada District Board of Health will conduct a PUBLIC HEARING on January 24, 2019 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 filed by the Baker Family Trust to permit a new individual sewage disposal system on the property located at 4721 Aspen Ave, APN 129-36-110-015 & 007.

The variance request is made to allow the Petitioner to permit the installation of a conventional septic system not in accordance with the *Southern Nevada District Board of Health Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management*. The request allows the individual sewage disposal system to: 1) be installed on an undersized lot where no parcel map or subdivision map has been recorded (Section 2.2.3); 2) allow a structure and septic system to be on different lots (Section 11.26); 3) allow a reduced setback from the property line (Section 5.1); and 4) waive design standards for trench separation distance (Section 9.7.1).

The variance application request is available for review at the Southern Nevada Health District, 280 S Decatur Blvd, Las Vegas, Nevada, 89107. Please contact Mallory Jett-Edwards at (702) 759-0660 to schedule an appointment to review the application request during normal business hours of 8:00 a.m. to 4:30 p.m. All interested persons may appear at the hearing and state their positions. Written comments will be considered by the District Board of Health and must be forwarded by January 23, 2019 to:

Daniel LaRubio, Jr., Environmental Health Engineer/Supervisor
Southern Nevada Health District
P.O. Box 3902
Las Vegas, Nevada 89127
larubio@snhd.org

All written and oral submissions will be considered by the Southern Nevada District Board of Health.


Chris Saxton, MPH-EH, REHS
Environmental Health Director

January 10, 2019
Date