



Memorandum

Date: July 28, 2022

To: SOUTHERN NEVADA DISTRICT BOARD OF HEALTH

From: Robert Fyda, P.E., REHS, *Environmental Health Engineer/Supervisor* RF
Herbert Luis Sequera, REHS, *Environmental Health Manager* HS
Chris Saxton, MPH-EH, REHS, *Environmental Health Director* CS
Fermin Leguen, M.D., MPH, *District Health Officer* FL

Subject: Variance request for an existing septic system, SNHD Permit #ON0015176, located at 3215 Rosanna St, Las Vegas, NV to allow existing trees to encroach on the septic system.

I. BACKGROUND:

Charles and Dina Crump ("Petitioners") are requesting a variance to obtain the approval for a Tenant Improvement in accordance with Section 3 of the *Southern Nevada District Board of Health Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management* ("SNHD ISDS Regulations") and to allow future building permits to be issued for the property located at Assessor's Parcel Number 163-10-806-014, also known as 3215 Rosanna St, Las Vegas, NV 89117. The existing septic system was approved on September 30, 1977.

Petitioners request a variance from Section 3.7 of the SNHD ISDS Regulations, which states that a "Tenant Improvement approval request shall be denied if the existing individual sewage disposal system (ISDS) is in violation of any of these Regulations." The existing septic system is currently in violation of Section 11.3 of the SNHD ISDS Regulations.

Petitioners further request a variance from Section 11.3 of the SNHD ISDS Regulations, which states that "All trees shall be at least ten feet (10') from both the septic tank and leach field." There are three large pine trees above and near the leach field. Petitioners would like to proceed with their Tenant Improvement approval request and allow the existing trees to remain.

The petitioner states the following with regards to 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 house was built in 1978. It's 44 years old house. We can't cut the giant, 100 year old trees. There is already existing Septic tank in the front yard where the tree are."

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):

"There is NO public sewer line within 400 yards of the property line."

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:

"There will be NO danger to the public health and safety. Nor that it affect the safe sanitary operation of our pool & spa. We're only converting the EXISTING 3 car garage in the back to be a guesthouse for our 80 year old Mom."

Examination of the Clark County Assessor's records and parcel genealogy show that Petitioners are the 2nd or 3rd owners of the septic system and obtained the property in January 2021. An analysis of available aerial photography shows the trees in question were present in the Spring of 1999. The property has not been improved since the adoption of the current regulations in 2009.

An analysis of the surrounding area shows that there are 2 recorded well logs and 445 permitted septic systems within a square mile of the subject property. There is no sewer line within 400 feet available for connection according to the sewer agency.

II. RECOMMENDATION:

The existing trees located on and near the leach field poses a risk to the septic system via root intrusion. Root intrusion can cause hydraulic failure, which may result in sewage backup into the structures being serviced by the septic system or surfacing of sewage over the leach field. However, the presence of trees allows for uptake of the effluent by the roots, which may improve treatment of the effluent.

The existing septic system is at higher risk of failure as it is approaching it's end of life where a typical septic system life span is about 30 years. The existing system is approaching 45 years old.

Staff is of the opinion that granting the variance would not endanger public health or safety. Staff recommends DENIAL of the variance due to the age and risk posed to the septic system. If the Board of Health approves the variance, staff recommends approval with the following conditions outlined in Section III.

III. CONDITIONS:

If approved, staff recommends the following conditions:

1. Petitioners and their 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 feet (400') of the property line when connection can be made by gravity flow and the owner(s) are notified and legally required to do so.
2. Petitioners and their successor(s) will abide by the operation and maintenance requirements of the most current SNHD regulations governing individual sewage disposal systems.
3. No additional trees are allowed within 10 feet of the existing septic system.
4. Petitioners must provide SNHD with passing results from a dye test to confirm that the guest house has been connected to the existing septic system.
5. The variance will be in effect until the existing residential septic system is inactivated, removed, fails, or if the property changes land use. Conversion of the existing septic system for commercial use will result in the variance becoming null and void.
6. Petitioners and their successor(s) must provide a copy of the variance to potential buyers as part of the disclosure process per NRS 113.

Attachments:

- A. Variance Candidate Application
- B. Justification Letter
- C. Tenant Improvement Review conducted by SNHD staff (SR0041681)
- D. Final Inspection Report and Plot Plan for ON0015176
- E. Nearest Sewer Point of Connection
- F. Site Investigation Photos submitted by the Petitioners
- G. Public Notice

Attachment A: Variance Candidate Application (Page 1 of 3)



VARIANCE CANDIDATE WORKSHEET

PART I:

ESTABLISHMENT INFORMATION

Name of Facility/Establishment: 3215 Rosanna St
Health Permit Number: SR00441681 Date of Inquiry: 5/22/2022
Name of Operator/Agent: Charles & Dina Crump
Address of Operator/Agent: 3215 Rosanna St. Las Vegas, NV 89117
Contact Information of Operator/Agent:
Office Phone: Cell Phone: 310-279-7706
Fax Number: Email Address: septprop@gmail.com
If corporation, the name/title of individual to sign for Variance document:
Name:
Title:

OWNER INFORMATION

Name of Property Owner: Charles & Dina Crump
Address of Property Owner: 3215 Rosanna St. Las Vegas, NV 89117
Contact Information of Property Owner: Dina Crump
Office Phone: Cell Phone: 310-279-7706
Fax Number: Email Address: septprop@gmail.com

PROPERTY INFORMATION

Property Address: 3215 Rosanna St. Las Vegas, NV 89117
Assessor's Parcel Number (APN): 163-10-806-014
Describe location within larger facility (i.e. hotel/casino/resort, etc.):
Corner of Desert Inn & Rainbow.

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

Section 3.7
Section 5.1

Attachment A: Variance Candidate Application (Page 2 of 3)

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:

The house was built in 1978. It's 44 years old house.

We can't cut the giant, 100 year old trees. There is already existing Septic tank in the front yard where the tree are.

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):

There is NO public sewer line within 400 yards of the property line.

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:

There will be NO danger to the public health and safety. Nor that it affect the safe sanitary operation of our pool & spa.

We're only converting the EXISTING 3 car garage in the back to be a guesthouse for our 80 year old Mom.

Attachment A: Variance Candidate Application (Page 3 of 3)

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 B: Justification Letter

Justification/Hardship Letter

Re: Parcel # 163-10-806-014
3215 Rosanna St.
Las Vegas, NV 89117

To Whom It May Concern

May 22nd, 2022

It has been 1½ years and we still haven't get sign off on garage conversion on our house above. We needed a room for our 80 years old Mom. We are beyond frustrated on this matter, almost to the point that we gonna give up, if we only knew is gonna take this long and such an exhausting process.

First the City went back & forth in our 1st year we live here to check on it. Now the City finally ready to sign off but needed SNHD to sign off first. SNHD then sent us to Clark County Reclamation District, which quickly helped us with a letter stating there is no public sewer line within 400 feet. And we can't cut that huge, 100 years old existing trees that's on the front yard, where the Septic is.

We hereby make application and petition the Southern Nevada District Board of Health for a variance from Section 3.7 and 5.1 of the Regulations Governing Individual Sewage Disposal and Liquid Waste Management. This variance request is made to allow an existing tree to remain less than 10' from the existing septic system.

Thank you,



Charles Crump



Dina Crump

Attachment C: Tenant Improvement Review conducted by SNHD staff (SR0041681)
(Page 1 of 2)

SOUTHERN NEVADA HEALTH DISTRICT
280 SOUTH DECATUR BLVD • PO BOX 3902 • LAS VEGAS, NV • 89127 • 702-759-0660 (DIRECT) • 702-759-1000(24 HOURS)

REPORT AND/OR NOTICE OF INSPECTION

EHS 1173	PERMIT NUMBER ON0015176	FACILITY Crump, Charles and Dina			ADDRESS 3215 Rosanna ST Las Vegas, NV 89117		
DIST 76	CITY Las Vegas	APN # 163-10-806-014			SR # SR0041681	WATER SOURCE Public Water System	
CURRENT ACTION 628	Service Date 3/30/2021	Status	Time In 13:30	Time Out 14:30	Result 83		
	Travel Minutes	Miles	Violations Alleged	Violations Actual	Future Action 73	Action	Date

NOTIFIED OF THE FOLLOWING

Tenant Improvement for a garage conversion with plumbing is CONDITIONALLY APPROVED. The proposed garage conversion will contain 7 fixture units consisting of 1 toilet @ 2 f.u., 1 shower @ 2 f.u., 1 lavatory sink @ 1 f.u., and 1 kitchen sink @ 2 f.u. The existing septic system appears to be adequate. Submit documentation (e.g., photos) that the existing toilets are low-flow versions (1.6 gpf or less) to SNHD (septics@snhd.org) for final approval. Also, there appear to be trees within 10' of the septic system. Cut down any trees within 10' of the septic tank or leach field and submit photo documentation to SNHD for final approval.

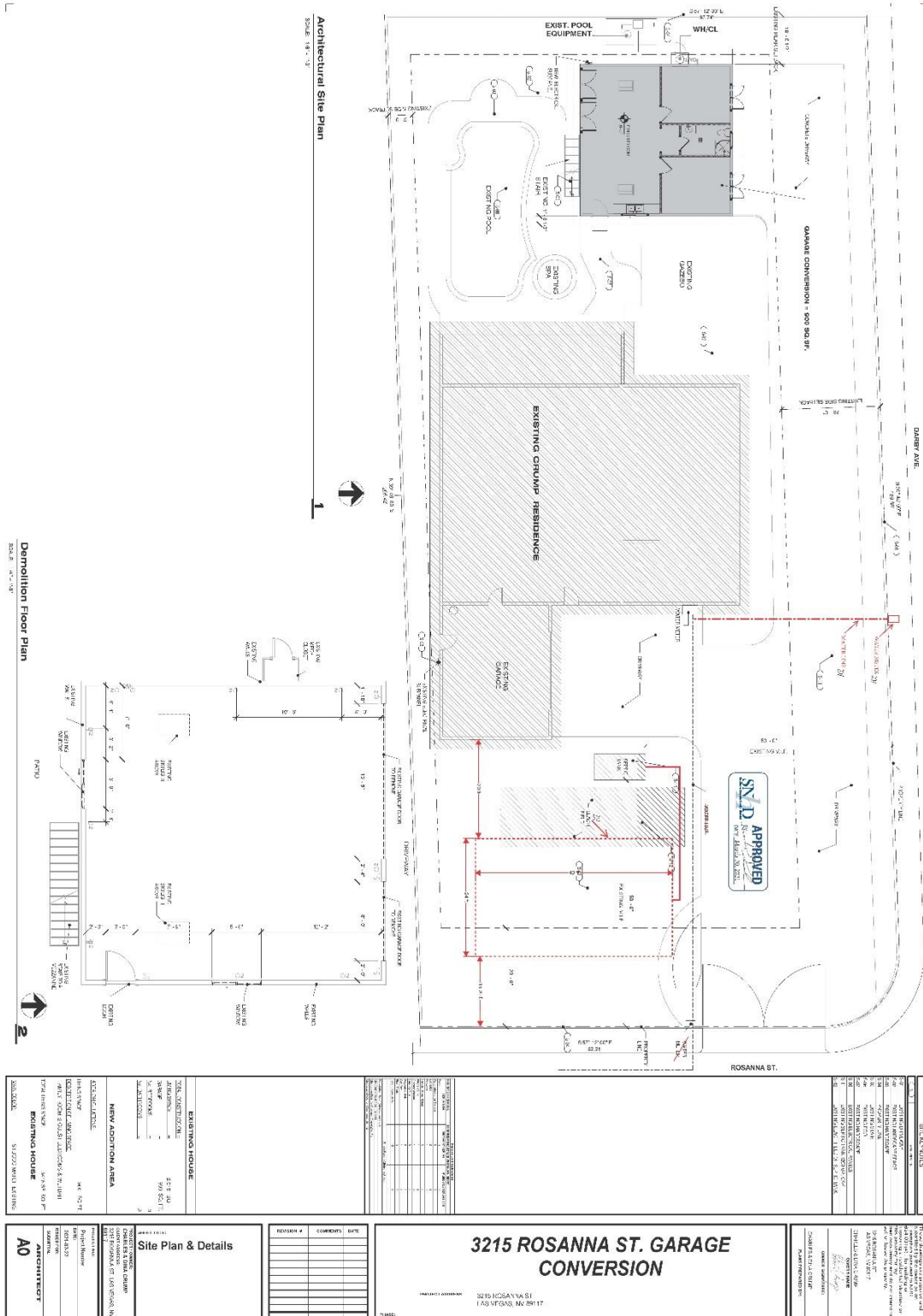
The building permit for the proposed garage conversion may be released, but PLACE A HOLD ON THE FINAL INSPECTION until the above conditions are met.

RECEIVED BY:

Emailed on 3/30/2021 to
Ileana Stein - Steinbim Architecture

ENVIRONMENTAL HEALTH SPECIALIST:

Attachment C: Tenant Improvement Review conducted by SNHD staff (SR0041681)
 (Page 2 of 2)



NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMIT	7/28/22	SNHD
2	REVISION		
3	REVISION		
4	REVISION		
5	REVISION		
6	REVISION		
7	REVISION		
8	REVISION		
9	REVISION		
10	REVISION		

<p>EXISTING HOUSE</p> <p>2024 SQ. FT. (10' x 30')</p> <p>3 BDRM</p> <p>2.5 BATH</p> <p>1 GARAGE</p> <p>1 CARPORT</p> <p>1 PORCH</p> <p>1 PATIO</p> <p>1 DECK</p> <p>1 SWIMMING POOL</p> <p>1 WH/CL</p> <p>1 EXIST. POOL EQUIPMENT</p>	<p>NEW ADDITION AREA</p> <p>800 SQ. FT.</p> <p>1 GARAGE</p> <p>1 CARPORT</p> <p>1 PORCH</p> <p>1 PATIO</p> <p>1 DECK</p>
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<p>3215 ROSANNA ST. GARAGE CONVERSION</p> <p>800 SQ. FT.</p> <p>1 GARAGE</p> <p>1 CARPORT</p> <p>1 PORCH</p> <p>1 PATIO</p> <p>1 DECK</p>	<p>Site Plan & Details</p> <p>Project Name: 3215 ROSANNA ST. GARAGE CONVERSION</p> <p>Project Number: SR0041681</p> <p>Project Address: 3215 ROSANNA ST. WASHINGTON, DC 20007</p> <p>Project Owner: [Name]</p> <p>Project Architect: [Name]</p> <p>Project Engineer: [Name]</p> <p>Project Designer: [Name]</p> <p>Project Drafter: [Name]</p> <p>Project Date: 7/28/22</p> <p>Project Status: [Status]</p>
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Attachment D: Final Inspection Report and Plot Plan for ON0015176

(Page 1 of 2)

CLARK COUNTY HEALTH DISTRICT
 425 SHADOW LANE LAS VEGAS, NEVADA 89106

PERMIT NO. 9162A	ADDRESS 3215 S. Rosanna	CITY - TOWN Clark County
DATE SCH'D. ACT. 3/30/77	APPLICANT NAME Shelley, Gary	TYPE ESTAB. 080081
NOTIFIED OF THE FOLLOWING Requested final insp after 10:00 L 17/3		FINDINGS
Const approved OK to work full time field w/ untreated sewage for NOT use sewer was for emergency		PV 1 2 3 4 5 6 7 8 9 10 11 12 13 14 OR 1 2 3 4 5 6 7 8 9 10 11 12 13 14 WCC 10 11 12 13 14 15 16 17 18 19 20 21
RECEIVED COPY		DATE OF INSPECTION 11/27/77
PUBLIC HEALTH SANITARIAN		T F I 1 1 1
REVIEWED BY [Signature]		SANITARIAN
PAGE 197		CODE 1 1 1
OF		DATE 11/27/77
REPORT AND NOTICE OF INSPECTION		RECOMMENDED 2

SEPTIC TANK:

Number of Compartments _____ Type of Material CONC
 Inside Dimensions: Length _____ ft.; Width _____ ft.; Liquid Depth _____
 Total Liquid Capacity 1200 gals. Distance from Well _____ ft.

SUBSOIL DISPOSAL:

Distance from Well _____ ft. Distance from Foundation 20 ft.
 Distance from Nearest Lot Line 15 ft. at Front ✓ Side _____, Rear _____

Seepage Beds:

Width 24 ft.; Length 40 ft.; Total Depth 4 ft.
 Total effective absorption area in bottom of bed 960 sq. ft.
 Number of Lines 4. Length of each line 34 ft.
 Distance between lines 6 ft. Total length of tile lines 136 ft.
 Type of filter material: Gravel ✓, Broken Stones _____, Other _____
 Depth of filter material beneath tile 16 ft. Over tile 16 ft.

Absorption Trenches:

Total length of tile lines _____ ft. Number of lines _____
 Length of each line _____ ft. Distance between lines _____ ft.
 Trench width _____ ft. Total effective absorption area on sides of trenches _____ ft.
 Depth of filter material beneath tile _____ ft.; Over tile _____ ft.

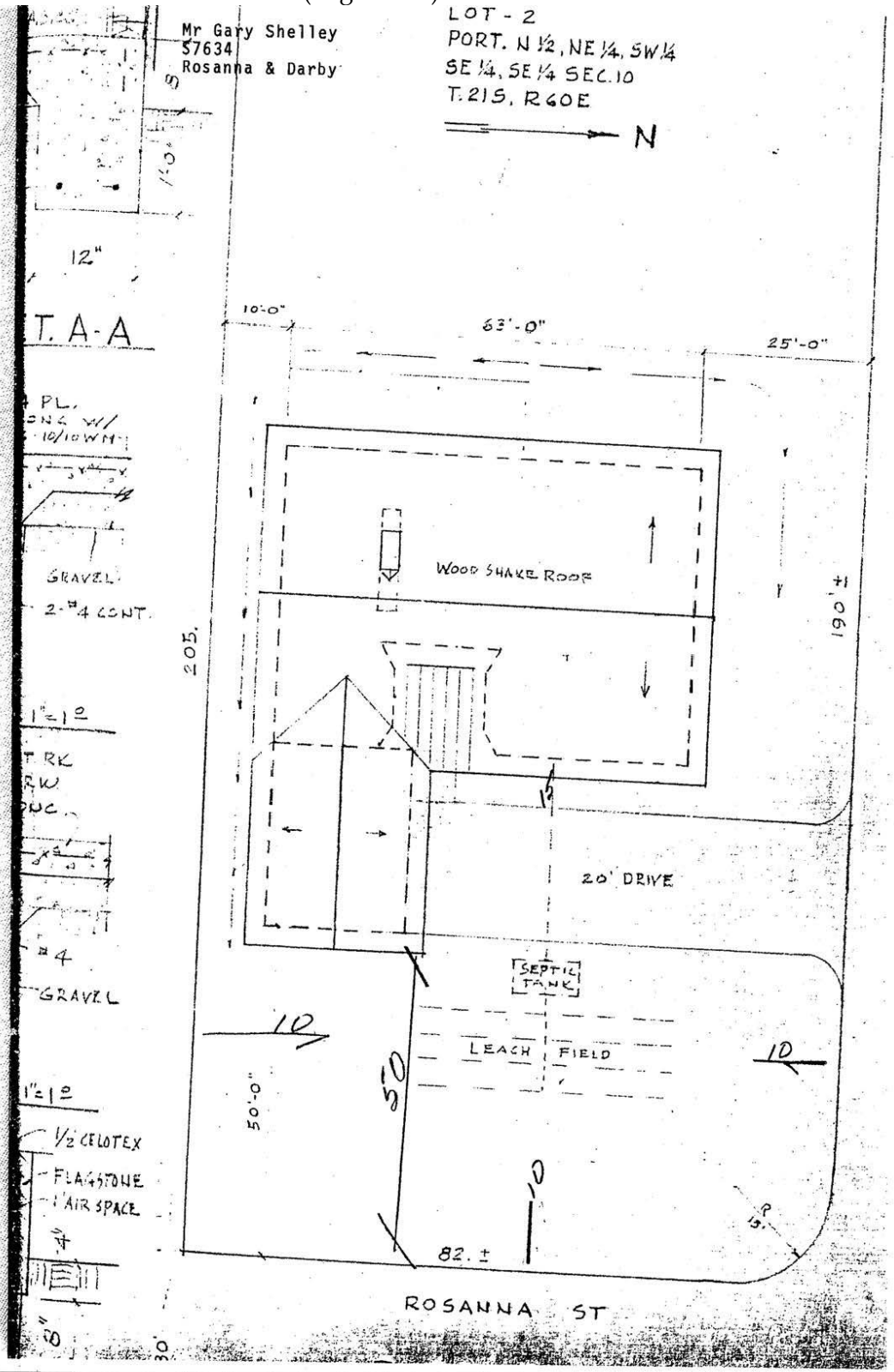
Seepage Pits:

Number of pits _____ Diameter _____
 Effective Depth _____ ft. Lining Material _____
 Total effective absorption area of side wall _____

DATE OF APPROVAL: 9/20, 19 77 [Signature]
 Sanitarian

NOTE: INSTALLATION APPROVED ONLY UNTIL SEWER AVAILABLE.

Attachment D: Final Inspection Report and Plot Plan for ON0015176
(Page 2 of 2)



Attachment E: Nearest Sewer Point of Connection



April 20, 2022

Mr. Robert Fyda, P.E.
Southern Nevada Health District
PO Box 3902
Las Vegas, NV 89127

RE: LETTER OF INQUIRY ON APN 163-10-806-014

Dear Mr. Fyda:

This is in response to an inquiry requested by Southern Nevada Health District regarding availability of the public sewer to provide sewer service to the above property. The subject property is within the jurisdiction of Clark County Water Reclamation District (CCWRD). The District has found that a public sewer line is:

- available within four hundred feet (400') of the nearest property line.
- not available within four hundred feet (400') of the nearest property line.

Thank you for the opportunity to comment on the above subject property. Please do not hesitate to contact us or refer the applicant to us if there are any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Long".

Leslie Long, P.E.
Development Services Manager

LL:kh

cc: Dan Isler
septics@snhd.org

BOARD OF TRUSTEES
Tick Segerblom, *Chair* • Justin Jones, *Vice Chair*
James B. Gibson • Marilyn Kirkpatrick • William McCurdy II • Ross Miller • Michael Naft
Thomas A. Minwegen, *General Manager*

5857 East Flamingo Road • Las Vegas, Nevada 89122 • (702) 668-8888 • (800) 782-4324
cleanwaterteam.com

Attachment F: Site Investigation Photos submitted by the Petitioners



Front Elevation of the SFR showing the trees that are being petitioned for.

Attachment G: Public Notice



PUBLIC NOTICE

The Southern Nevada District Board of Health will conduct a PUBLIC HEARING on Thursday, July 28, 2022 at 9:00 AM during its regular monthly meeting in the Red Rock Conference Room at the Southern Nevada Health District at 280 S. Decatur Blvd., Las Vegas, Nevada, to approve or deny a variance request filed by Charles and Dina Crump ("Petitioners"), to allow existing trees to remain within 10 feet of the existing septic system (SNHD Permit #ON0015176) on the property located at 3215 Rosanna St, Las Vegas, NV 89117, APN 163-10-806-014.

The variance is requested to allow the Petitioners to obtain approval for a Tenant Improvement in accordance with Section 3 of the *Southern Nevada District Board of Health Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management* and to allow future building permits to be issued. The variance will allow the existing trees to encroach on the septic system.

All interested persons may appear at the hearing and state their positions. All written and oral submissions will be considered by the Southern Nevada District Board of Health. Written comments must be forwarded by July 27, 2022 to:

Robert Fyda, P.E., REHS
Environmental Health Engineer/Supervisor
Southern Nevada Health District
P.O. Box 3902
Las Vegas, Nevada 89127
fyda@snhd.org

The variance application 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 during the normal business hours of 8:00 AM to 4:30 PM.

- S -

Chris Saxton, MPH-EH, REHS
Environmental Health Director

July 6, 2022
Date