



# Memorandum

**Date:** February 27, 2025

**To:** SOUTHERN NEVADA DISTRICT BOARD OF HEALTH

**From:** Daniel Isler, PE, REHS, *Environmental Health Engineer/Supervisor* *DI*  
Daniel Burns, PE, REHS, *Environmental Health Engineer/Manager* *DB*  
Chris Saxton, MPH-EH, REHS, *Environmental Health Director* *CS*  
Cassius Lockett, PhD, *District Health Officer* *CL*

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**Subject:** Variance request for an existing septic system located at 4130 and 4140 W. Dewey Dr., Las Vegas, NV 89118 to remain split across two parcels

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## I. BACKGROUND:

Ernest Moody ("Petitioner") is requesting a variance 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* ("SNHD ISDS Regulations") and to allow future building permits to be issued for the properties located at Assessor's Parcel Numbers (APN) 162-30-801-009 and 162-30-801-010, also known as 4140 W Dewey Dr, Las Vegas, NV 89118 and 4130 W Dewey Dr, Las Vegas, NV 89118, respectively (collectively the "Subject Property").

Petitioner requests 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 Sections 5.1 and 11.26 of the SNHD ISDS Regulations.

Petitioner further requests a variance from Section 11.26 of the SNHD ISDS Regulations, which states that an "ISDS must be constructed on and remain on the same parcel as the structure(s) it serves." The ISDS serves a single commercial building that is split between both parcels of the Subject Property. The septic tank and most of the leach field were constructed on the eastern parcel (162-30-801-010), with the remainder of the leach field located on the western parcel (162-30-801-009).

Petitioner further requests a variance from Section 5.1 of the SNHD ISDS Regulations, which states that "No septic tank or soil absorption system shall be located within ten feet (10') of any property line..." The ISDS system is within ten feet of the shared property line between the two parcels.

Petitioner states the following with regards to these requirements:

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 existing commercial building was built in 1985 and straddles 2 parcels with the property line splitting the building in half. The ISDS was also installed straddling the property line and serves both sides of the building. The installed location is in compliance with all other adjacent property setbacks. However, "SNHD ISDS Regulations", states "No septic tank or soil absorption system shall be located within ten feet (10') of any property or tree, or shall trees be planted within ten (10') of a soil absorption system of septic tank". Therefore, since the ISDS is within 10'-0" of a property line a variance may be required. Since both parcels and owned by the same owner, the variance does not affect any other adjacent properties."*

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 owner was awarded a government contract to manufacture ammunition shell casings for the U.S. Government in support of the DOD and must be in production within 2 months. During the plan review in September 2024, Clark County Building Department questioned the property line going through the building and instructed to resolve the concern one of the two ways: 1. Merge the parcels thus removed the property line or 2. Provide a Reciprocal Easement Agreement (REA) thus leaving the property line in place and granting full easements for parking, access and utilities. Because of the time sensitive nature of the project, the owner selected the option (REA) since it is the fastest route and hired Kaempher Crowell (Land Use Attorney) to complete and file/record the REA. This was completed in October 2024. The system meets all requirements of the Southern Nevada Health District (SNHD) regulations, with the only exception being its location on the property line between the two parcels owned by the same individual. Importantly, the system does not impact adjacent landowners, adheres to the required setbacks, and is both healthy and fully functional. Additionally, connecting to the city sewer at this time would disrupt the schedule and potentially jeopardize Carson Manufacturing's government contract."*

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:

*“This variance will not be detrimental or pose a danger to public health and safety because the septic system is in full compliance with the SNHD ISDS Regulations.”*

The Subject Property is depicted in Attachment D as Lot 3 and Lot 4 of the recorded parcel map, which was approved in 1985. The property has not been improved since the adoption of the current SNHD ISDS Regulations in 2009.

Examination of the Clark County Assessor’s records and parcel genealogy show that Petitioner is the second owner of the property and obtained the Subject Property in February 2022. An analysis of the surrounding area shows that there is one commercial well and 65 permitted septic systems within a square mile of the Subject Property.

## **II. RECOMMENDATION:**

The Subject Property consists of two parcels with one commercial building straddling the two parcels. The two parcels are owned by the same person and one tenant occupies the entire building. The ISDS was uncovered and inspected by Hardin & Sons, Inc. in December 2024 (see Attachments E-F). It appears to be functioning adequately and is in compliance with all other regulations.

Staff are of the opinion that granting the variance would not endanger public health or safety. However, Section 19.4.1 of the SNHD ISDS Regulations states that “Staff will not recommend variance approval for septic systems on lots where municipal sewer is gravity accessible within four hundred feet (400’) from the nearest property line.” The nearest connection point to Clark County Water Reclamation (CCWRD) sewer is directly in front of the property in W Dewey Drive. The Petitioner has initiated the permitting process for sewer connection but requires additional time to complete the process.

Based on the proximity to CCWRD sewer, staff recommend DENIAL of the variance as requested by the Petitioner. If the Board of Health approves the variance, staff recommend approval with the following conditions outlined in Section III.

## **III. CONDITIONS:**

1. Petitioner and their successor(s) in interest shall discontinue use of the ISDS, connect structure it serves to the CCWRD community sewage system, and abandon or remove the ISDS in accordance with SNHD ISDS Regulations within one year of variance approval.
2. Petitioner and their successor(s) will abide by the operation and maintenance requirements of the most current SNHD Regulations governing individual sewage disposal systems.

Attachments:

- A. Variance Candidate Application
- B. Authorization Letter

Variance Request for 4140 Dewey Drive

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- C. Justification Letter from the Petitioner
- D. Recorded Parcel Map
- E. Site Plan Prepared by Hardin & Sons, Inc.
- F. Letter from Hardin & Sons, Inc.
- G. Public Notice

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



VARIANCE CANDIDATE WORKSHEET

PART I:

ESTABLISHMENT INFORMATION

Name of Facility/Establishment: Carson Manufacturing, LLC / 4140 W. Dewey  
Health Permit Number: \_\_\_\_\_ Date of Inquiry: 1/8/2025  
Name of Operator/ Agent: Robert Nikora  
Address of Operator/ Agent: 4140 W. Dewey Las Vegas, NV 89118  
Contact Information of Operator/ Agent:  
Office Phone: na Cell Phone: (248) 933-3143  
Fax Number: na Email Address: Robert@carsonmfgnv.com  
If corporation, the name/title of individual to sign for Variance document:  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

OWNER INFORMATION

Name of Property Owner: Ernest Moody / Robert Nikora  
Address of Property Owner: 4140 W. Dewey Drive Las Vegas, NV 89118  
Contact Information of Property Owner:  
Office Phone: NA Cell Phone: (248) 933-3143  
Fax Number: NA Email Address: Robert@carsonmfgnv.com

PROPERTY INFORMATION

Property Address: 4140 W. Dewey Drive Las Vegas, NV 89118  
Assessor's Parcel Number (APN): 162 30 801 009/010  
Describe location within larger facility (i.e. hotel/casino/resort, etc.):  
Free-standing warehouse building on 1.09 acres (split between two parcels)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

The existing ISDS is within 10'-0" of a property line and therefore is not in compliance with section 5 of the "SNHD ISDS Regulations" requiring 10'-0" setback from property line.  
However, both parcels are owned by the same owner and there is an existing commercial building that also straddles the property line.  
Otherwise, the ISDS is in full compliance with the SNHD ISDS Regulations and does not pose a danger to public health and safety.  
Because of this unique circumstance, the owner is burdened to comply with the SNHD ISDS Redularion and thus granted the right to apply for a variance per Nevada Administrative Code Section 439.200.  
\_\_\_\_\_  
\_\_\_\_\_

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 existing commercial building was built in 1985 and straddles 2 parcels with the property line splitting the building in half. The ISDS was also installed straddling the property line and serves both sides of the building. The installed location is in compliance with all other adjacent property setbacks. However, "SNHD ISDS Regulations", states "No septic tank or soil absorption system shall be located within ten feet (10') of any property line or tree, or shall trees be planted within ten (10') of a soil absorption system or septic tank". Therefore, since the ISDS is within 10'-0" of a property line a variance may be required. Since both parcels are owned by the same owner, this variance does not affect any other adjacent properties.

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 owner was awarded a government contract to manufacture ammunition shell casings for the U.S. Government in support of the DOD and must be in production within 2 months. During plan review in September 2024, Clark County Building Department questioned the property line going through the building and instructed to resolve the concern one of two ways:  
1. Merge the parcels thus removing the property line or 2. Provide a Reciprocal Easement Agreement (REA) thus leaving the property line in place and granting full easements for parking, access and utilities. Because of the time sensitive nature of the project, the owner selected the option (REA) since it is the fastest route and hired Kaempher Crowell (land use attorney) to complete and file/record the REA - this was completed in October 2024. This system meets all the requirements of the Southern Nevada Health District (SNHD) regulations, with the only exception being its location on the property line between two parcels owned by the same individual. Importantly, the system does not impact any adjacent landowners, adheres to the required setbacks, and is both healthy and fully functional. Additionally, connecting to the city sewer at this time would disrupt the schedule and potentially jeopardize Carson Manufacturing's government contract.

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:

This variance will not be detrimental or pose a danger to public health and safety because the septic system is in full compliance with the SNHD ISDS Regulations.

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: Authorization Letter



**KNIT**

7250 Peak Drive,  
Suite 216  
Las Vegas, NV 89128  
P 702.363.2222  
F 702.363.6060

Nevada  
Utah  
Washington  
Idaho

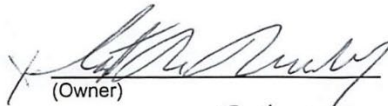
[knitstudios.com](http://knitstudios.com)

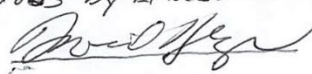
**Authorization Letter**

February 5, 2025

Southern Nevada Health District  
280 S. Decatur Blvd.  
P.O. Box 3902  
Las Vegas, Nevada 89127

I, MOODY ERNEST W REVOCABLE TRUST do hereby authorize KNIT to make application for a septic system variance in the matter of 40140 West Dewey Avenue, Las Vegas, Nevada, Assessor's Parcel Number (162-30-801-009, 162-30-801-010). Also, in the event that neither of us can be present at the February 27, 2025 Southern Nevada District Board of Health meeting, KNIT is authorized to speak on my/our behalf. However, we understand that both of us must sign both the letter of request and variance order.

  
(Owner)

(Notarized) *State of Nevada  
County of Clark  
This instrument was acknowledged before  
me on February 5, 2025 by Ernest W.  
Moody* 

\_\_\_\_\_  
(Owner)



(Notarized)

John Anderson, RD  
Mark McGinty, RD  
Eric M. Roberts, FAIA  
John Sawdon, AIA



Attachment C: Justification Letter from Petitioner (Page 1 of 2)

January 8, 2025

To: Mr. John DeWolff  
Southern Nevada Health District  
280 S. Decatur Blvd.  
Las Vegas, NV 89107

From: Ernest Moody  
4140 W. Dewey Drive  
Las Vegas, NV 89118

Reference: **JUSTIFICATION/ HARDSHIP LETTER**  
Assessor's Parcel Number: 162 30 801 009/010

Dear Mr. DeWolff:

I am requesting a variance from Section 5.1 of the *Southern Nevada District Board of Health Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management* ("SNHD ISDS Regulations"), which states "No septic tank or soil absorption system shall be located within ten feet (10') of any property line or tree, or shall trees be planted within ten (10') of a soil absorption system or septic tank"

The site is located at 4140 & 4130 W. Dewey Drive in the warehouse district and is comprised of 1.09 acres spread over two adjacent parcels. The existing single commercial building was built in 1985 and straddles the parcels with the property line splitting the building in half. Both parcels including the building are owned by Ernest Moody.

The existing utilities and septic are shared for the entire building which was common construction practice during the 1980's. The building has had a variety of uses with Virginia Hardwood Company being one of the latest tenants until 2022 when the current owner acquired the building and has since remained vacant. The owner is completing minor renovations to the building for Carson Manufacturing, LLC who intends to use the space for manufacturing ammunition shell casings for the U.S. Government. Having been awarded a government contract, the developer is under a tight timeline to be fully operational within 2 months or may lose the contract.

Attachment B: Justification Letter from Petitioners (Page 2 of 2)

Upon plan review by Clark County Building Department in September 2024, the property line through the building was questioned and the owner was given two options: 1. Merge the parcels thus removing the property line or 2. Provide a Reciprocal Easement Agreement (REA). Because of the time constraints, the REA option was selected, and the REA was drafted by Kaempfer Crowell (Land use attorney) and recorded with Clark County thus granting full easements for parking, access and utilities.

The owner hired Hardin & Sons, Inc to inspect the existing ISDS to ensure compliance with the SNHD ISDS Regulations. As noted in their report, the "septic tank appears to show no sign of deterioration and is clean and the system is at operational level and appears to be functioning fine at this time". Additionally, "The tank and leach field appear to be within the required guidelines for setbacks to the structure and the property lines" (With the exception of the property line dissecting the building).

I respectfully request that the Southern Nevada District Board of Health allow the existing Individual Sewage Disposal System (ISDS) to remain in its current position. This system meets all the requirements of the Southern Nevada Health District (SNHD) regulations, with the only exception being its location on the property line between two parcels owned by the same individual. Importantly, the system does not impact any adjacent landowners, adheres to the required setbacks, and is both healthy and fully functional. Additionally, connecting to the city sewer at this time would disrupt the schedule and potentially jeopardize Carson Manufacturing's government contract.

If you have any questions regarding this matter, please contact me.

Sincerely,

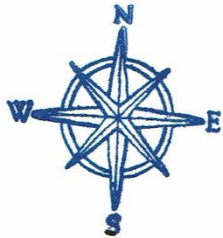


01/08/2025

Ernest Moody

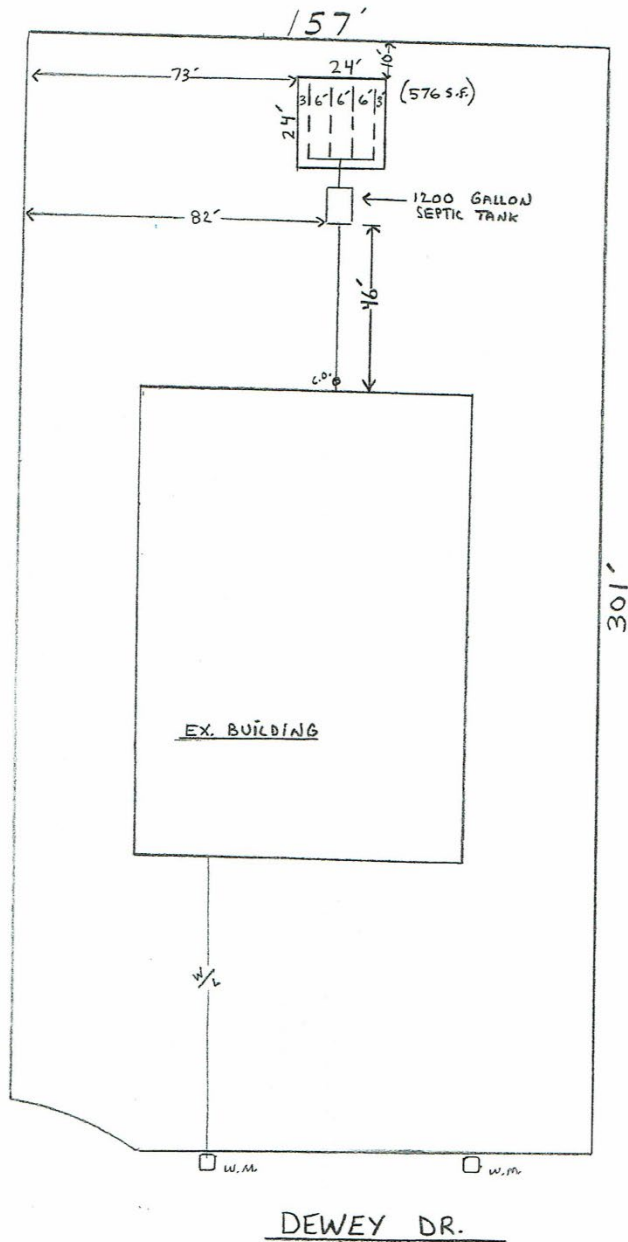


Attachment E: Site Plan Prepared by Hardin & Sons, Inc.



SCALE  
1" = 40'

4140 W. DEWEY DRIVE  
APN# 162-30-801-009  
APN# 162-30-801-010  
SNHD PERMIT# Y056W-2H3-10



Attachment F: Letter from Hardin & Sons, Inc.

**HARDIN & SONS, INC.**

Custom Excavating  
Contractors Lic. #0030813  
Hardin.Sons@gmail.com

201 W. Cheyenne Ave.  
North Las Vegas, NV 89030  
Tel (702) 399-3878  
Fax (702) 399-2032

December 19, 2024

To Whom It May Concern:  
RE: 4140 W Dewey Dr.  
Las Vegas, NV  
SNIID Permit # Y056W-3H3-10

Phone: 248-933-3143  
Email: Robert@4140armory.com

This letter is to inform you of the results per my inspection at 4140 W Dewey Dr. regarding the status of the existing septic system.

The septic tank is located on the north side of the building with the leach field extending to the north. The Southern Nevada Health District permit and inspection report reflect a 1200 gallon septic tank and 576 sq. ft. leach field. The tank and leach field appear to be within the required guidelines for setbacks to the structure and the property lines.

The septic tank appears to show no sign of deterioration. The tank appears to be clean and the system is at operational level and appears to be functioning fine at this time. The Southern Nevada Health District recommends the septic tank be pumped out every four to six years.

The Southern Nevada Health District requires all trees to be at least 10 ft. from the septic tank and leach field.

If you have any further questions please feel free to contact me at 702-399-3878.

Sincerely,



Dale Martin  
President  
Hardin & Sons, Inc

Attachment G: Public Notice



**PUBLIC NOTICE**

The Southern Nevada District Board of Health will conduct a PUBLIC HEARING on Thursday, February 27, 2025 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 Ernest Moody (“Petitioner”), to allow an existing individual sewage disposal system to remain serving two properties located at 4130-4140 W Dewey Dr, Las Vegas, NV 89118, APNs 162-30-801-009 and -010.

The variance is requested to allow the Petitioner 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 septic system to remain split across two parcels.

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 February 26, 2025 to:

Daniel Isler, P.E., REHS  
Environmental Health Engineer/Supervisor  
Southern Nevada Health District  
P.O. Box 3902  
Las Vegas, Nevada 89127  
isler@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 Cherie Custodio 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

February 11, 2025  
Date