



Memorandum

Date: June 26, 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, *Director of Environmental Health* *CS*
Cassius Lockett, PhD, *District Health Officer* *CL*

Subject: Variance request for an Application to Construct a Septic System located at 565 Straight St., Las Vegas, NV 89110 with the following provisions: 1) allow installation of a new denitrification septic system on an undersized lot.

I. BACKGROUND:

Erik Trejo Cardoso, Owner ("Petitioner"), is requesting a variance to permit and install an individual septic disposal system (ISDS) on an undersized lot served by a private well, located at Assessor's Parcel Number (APN) 140-34-201-027, also known as 565 Straight St., Las Vegas, NV 89110 ("Subject Property").

Petitioner requests a variance from Section 11.20.2 of the *Southern Nevada District Board of Health Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management* (SNHD ISDS Regulations), which requires a minimum lot size of one acre for the installation of an ISDS on a lot served by a private well. The Subject Property has an area of approximately 0.47 acres.

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:

"This property is surrounded by approximately five other houses, all which have their own wells. This well has been in use and serving this single family residence since approximately 1972 and does meet the minimum setback requirements to the current permitted ISDS, and the new proposed denitrification ISDS."

2. There must be circumstances or conditions which make compliance with the regulation unduly burdensome and cause a hardship to and abridge a substantial property right of the applicant, and the variance is necessary to render substantial justice to and preserve the property rights of the applicant. Please indicate in what manner compliance with the regulation would be burdensome or cause a hardship on your business or how the free use of your property may be affected (if economic factors are an issue, please include estimates regarding the costs that would be incurred by compliance):

"The current homeowner purchased this property with the sole intent to remodel (no plumbing changes) the S.F.R. The variance for the property size/individual wells issues is also to allow for the installation of a new denitrification ISDS. The current system installed in 1972 will be abandoned-removed as needed. The nearest community sewer is over 400ft away and would not be feasible nor affordable to connect."

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:

"Existing well is currently over 100' away from the existing permitted ISDS and would also be 100'+ from the new proposed denitrification ISDS location. See attached plot plan."

The Subject Property is depicted in Attachment C as Lot 48 (highlighted in yellow) of the Assessor's Parcel Map. The parcel was created prior to the adoption of the current SNHD ISDS Regulations in 2009 and no changes to the Subject Property have been recorded since adoption of the current regulations. There is an existing ISDS on the Subject Property, which was installed in 1972. The existing single family residence was constructed in 1974.

Examination of the Clark County Assessor's records and parcel genealogy show that the Petitioner is the fourth owner of the property and obtained the Subject Property in December 2021. An analysis of the surrounding area shows that there are 57 private and quasi-municipal wells and 100 permitted ISDS within one square mile of the Subject Property.

II. RECOMMENDATION:

The Subject Property has an area of approximately 0.47 acres, which is smaller than the minimum lot size of one (1) acre required by the SNHD ISDS Regulations. Lot size variances have been approved for other properties. The proposed ISDS can meet all the required setbacks on the undersized lot.

The existing leach field is less than 100 feet from the neighbor's well and this variance would allow the property owner to relocate the ISDS to meet the required setback distance from all nearby wells. The Petitioner is also planning on increasing the capacity of the ISDS to accommodate future expansion of the existing single family residence.

A water sample obtained from the well on the Subject Property in November 2021 contained a nitrite level that exceeds the concentration determined by the US EPA to cause adverse public health effects. While nitrates can occur naturally in groundwater, available data from the EPA suggests that a nitrite concentration of over 1 mg/L is likely due to human activity.

Staff are of the opinion that granting the variance would not endanger public health and safety if it is subject to the conditions outlined in Section III below. Staff recommends APPROVAL of the variance for the following reasons:

- The existing ISDS is within the zone of influence of a well on an adjoining property, so relocating the system may reduce the risk of degrading the neighbor's water quality.
- The existing system is more than 53 years old, which exceeds the typical life expectancy of an ISDS.
- The nearest feasible gravity-accessible sewer connection point is more than 700 feet from the Subject Property.
- Because the Subject Property has its own well, it does not use or consume any Colorado River water.
- Installation of an advanced treatment system will allow the Petitioner to continue using the property, while reducing the discharge of pollutants into the ground water.
- This variance was previously approved by the Board of Health on August 25, 2022, but the variance expired after one year because the applicant had not begun construction of the ISDS, nor applied for an extension of time.

If the Board of Health approves the variance, staff recommends approval with the following conditions outlined in Section III.

III. CONDITIONS:

1. Petitioner will install an advanced treatment system in lieu of a conventional septic system.
2. Petitioner and their successors in interest must ensure the advanced treatment system will be maintained for the life of the system. Petitioner and their successors must maintain an active maintenance agreement and provide testing to SNHD annually for the life of system.
3. Petitioner and their successors 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 400 feet of the Petitioner's property line when connection can be made by gravity flow and the owner(s) are notified and legally required to do so.
4. Petitioner and their successors in interest must abide by the operation and maintenance requirements of the most current SNHD regulations governing individual sewage disposal systems.
5. Construction 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 Petitioner or Petitioner's successors in interest.

Attachments:

- A. Variance Candidate Application
- B. Justification Letter from the Petitioner
- C. Assessor's Parcel Map
- D. Sewer Map of 565 Straight St.
- E. Proposed ISDS Plan
- F. Well Water Analysis
- G. Public Notice

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



VARIANCE CANDIDATE WORKSHEET

PART I:

ESTABLISHMENT INFORMATION

Name of Facility/Establishment: ERIK TREJO
Health Permit Number: S0732-H38-00 Date of Inquiry: _____
Name of Operator/Agent: HARDIN + SONS INC.
Address of Operator/Agent: 201 W. CHEYENNE AVE. NLV NV 89030
Contact Information of Operator/Agent:
Office Phone: 702-399-3878 Cell Phone: 702-379-9156
Fax Number: _____ Email Address: hardin.sons@gmail.com
If corporation, the name/title of individual to sign for Variance document:
Name: DALE MARTIN
Title: PRESIDENT HARDIN + SONS INC.

OWNER INFORMATION

Name of Property Owner: Erik Trejo
Address of Property Owner: 565 Straight St Las Vegas NV 89110
Contact Information of Property Owner: (702)788-5856
Office Phone: _____ Cell Phone: (702)788-5856
Fax Number: _____ Email Address: eriktrejo41@gmail.com

PROPERTY INFORMATION

Property Address: 565 Straight St Las Vegas NV 89110
Assessor's Parcel Number (APN): 140-34-201-027
Describe location within larger facility (i.e. hotel/casino/resort, etc.):

SINGLE FAMILY RESIDENCE

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

PROPERTY IS CURRENTLY SERVICED BY ITS OWN WATER WELL, AND
IS APPROX. 1/2 ACRE IN SIZE WHERE NORMALLY A MINIMUM OF
ONE ACRE IS REQUIRED FOR AN INDIVIDUAL WELL.
CURRENT OWNER WOULD ALSO LIKE TO INSTALL A NEW DENITRIFICATION
SEPTIC SYSTEM.

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:

THIS PROPERTY IS SURROUNDED BY APPROX. 5 OTHER HOUSES, ALL WHICH HAVE THEIR OWN WELLS. THIS WELL HAS BEEN IN USE AND SERVING THIS S.F.R. SINCE APPROX. 1972 AND DOES MEET THE MINIMUM SETBACK REQUIREMENTS TO THE CURRENT PERMITTED ISDS, AND THE NEW PROPOSED DENITRIFICATION ISDS.

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 CURRENT HOMEOWNER PURCHASED THIS PROPERTY WITH THE SOLE INTENT TO REMODEL (NO PLUMBING CHANGES) the S.F.R. THE VARIANCE FOR THE PROPERTY SIZE/INDIVIDUAL WELLS ISSUES IS ALSO TO ALLOW FOR THE INSTALLATION OF A NEW DENITRIFICATION ISDS. THE CURRENT SYSTEM INSTALLED IN 1972 WILL BE ABANDONED-REMOVED AS NEEDED. THE NEAREST COMMUNITY SEWER IS OVER 400' AWAY AND WOULD NOT BE FEASIBLE NOR AFFORDABLE TO CONNECT.

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:

EXISTING WELL IS CURRENTLY OVER 100' AWAY FROM THE EXISTING PERMITTED ISDS AND WOULD ALSO BE 100'+ FROM THE NEW PROPOSED DENITRIFICATION ISDS LOCATION.
SEE ATTACHED PLOT PLAN.

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 from Petitioner

Justification/Hardship Letter

May 6, 2025

To: Southern Nevada Health District
280 S Decatur Blvd
Las Vegas, NV 89107

From: Erik Trejo Cardoso
RE: Parcel # 140-34-201-027
565 Straight St, Las Vegas, NV 89110

To whom it may concern:

I hereby make application and petition the Southern Nevada District Board of Health for a variance to the Regulations Governing Individual Sewage Disposal and Liquid Waste Management for the installation of an individual sewage disposal system (ISDS) on a lot served by an individual water well on a ½ acre. Municipal sewer is located over 400 feet away from this property. All of the adjoining lots have their own well and individual ISDS.

The legal description of said property is APN# 140-34-201-027, further described as Sunrise Manor PT SW4 NW4 SEC 34 20 62

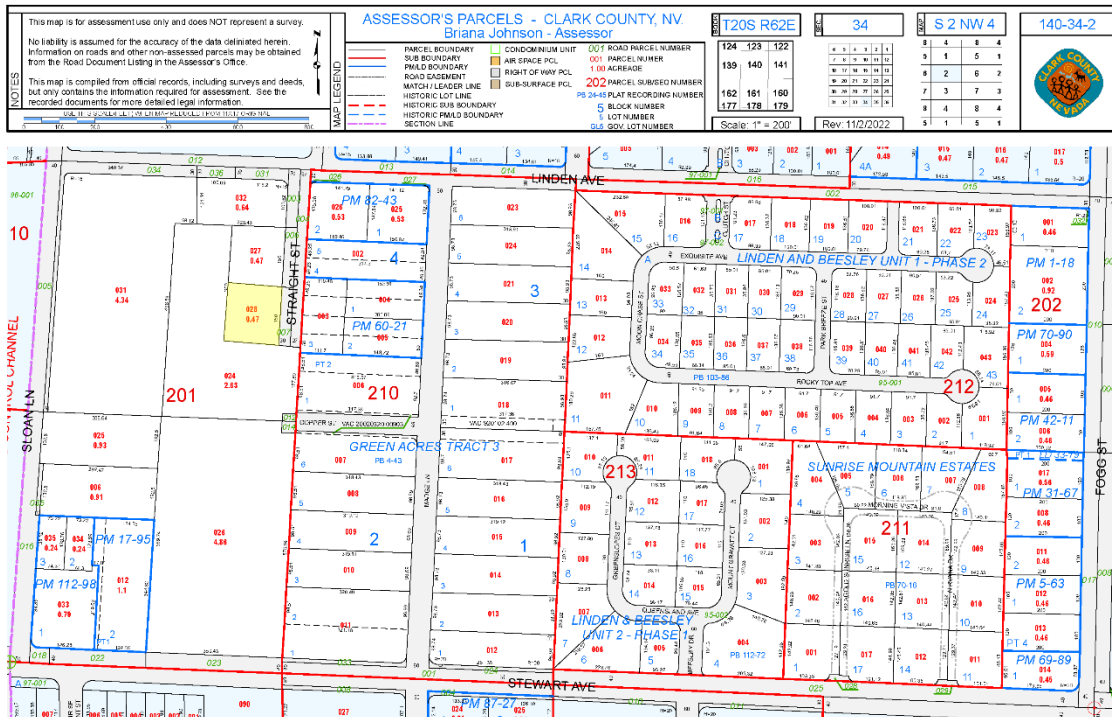
I have owned the property since September 28, 2021 and wish to apply for this variance.

Thank you for your consideration,

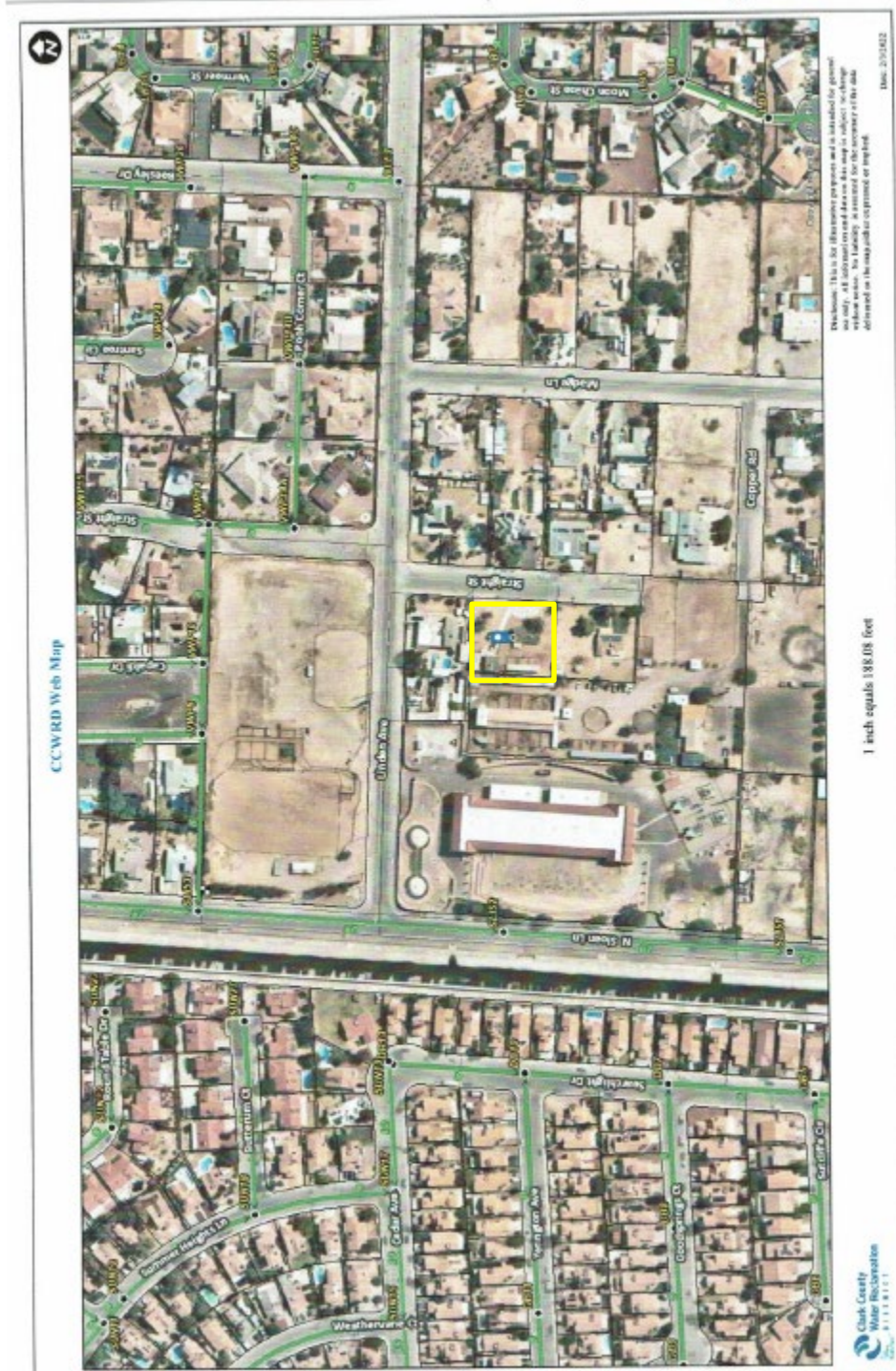


Erik Trejo Cardoso

Attachment C: Assessor's Parcel Map



Attachment D: Sewer Map of 565 Straight St.



Attachment E: Proposed ISDS Plan

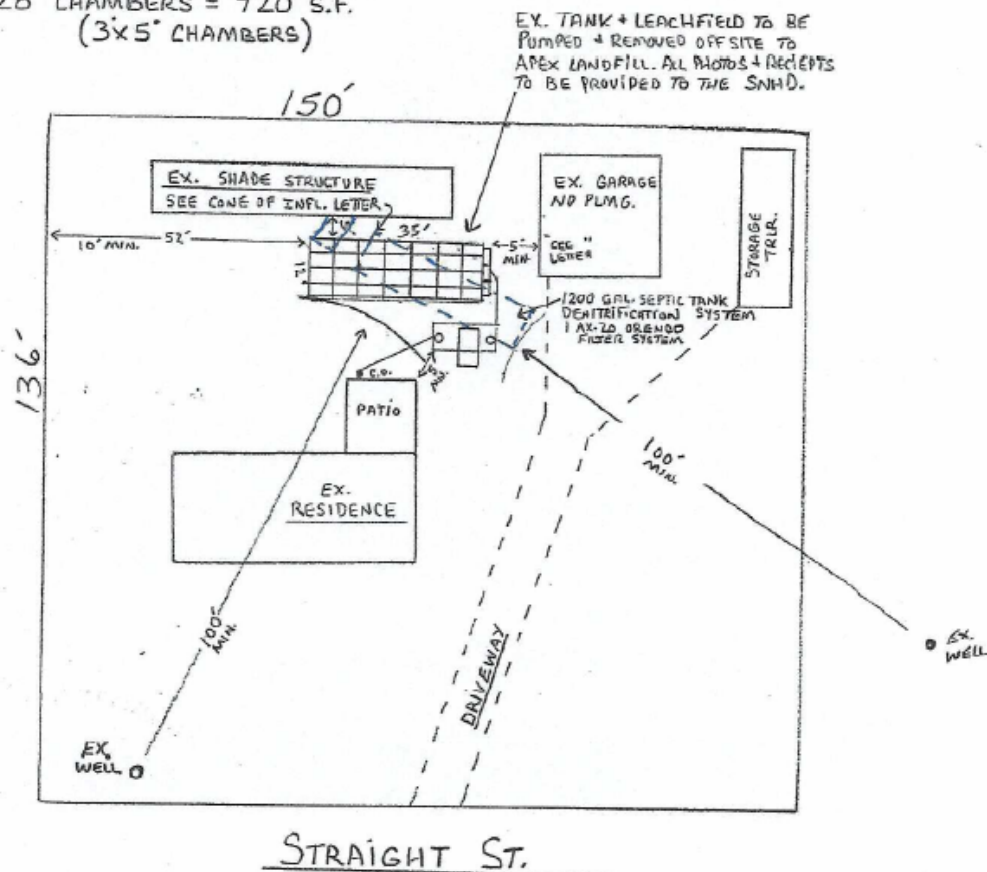
565 STRAIGHT ST.
APN # 140-34-201-027



SCALE
1" = 30'

CHAMBER SYSTEM

1200 GALLON $\frac{1}{6}$ MPR = 408 S.F. REQ.
28 CHAMBERS = 420 S.F.
(3' x 5' CHAMBERS)



Attachment F: Well Water Analysis (Page 1 of 2)



Silver State Labs-Las Vegas
3626 E. Sunset Road, Suite 100
Las Vegas, NV 89120
(702) 873-4478 FAX: (702) 873-7967
www.ssalabs.com

Analytical Report

WO#: 21111337
Date Reported: 12/7/2021

CLIENT: Erik Trejo **Collection Date:** 11/29/2021 7:52:00 PM
Project:
Lab ID: 21111337-01 **Matrix:** DRINKING WATER
Client Sample ID: Kitchen Sink

Analyses	Result	RL	Qual	Units	MCL	DF	Date Analyzed
DOMESTIC WATER PANEL							
ANIONS-SDWA (CL, F, NO2, NO3, SO4)				EPA 300.0		Analyst: DB	
Chloride	82.7	0.200		mg/L	400	2	12/1/2021 6:16:00 PM
Fluoride	0.923	0.100		mg/L	4.00	1	12/1/2021 5:55:00 PM
Nitrate as N	0.890	0.100		mg/L	10.0	1	11/30/2021 5:54:00 PM
Nitrite as N	1.08	0.100	*	mg/L	1.00	1	11/30/2021 5:54:00 PM
Sulfate	445	2.00		mg/L	500	20	12/1/2021 6:37:00 PM
DOMESTIC WATER PANEL							
HARDNESS (TOTAL) - SDWA, CALCULATION ONLY.				SM 2340 B		Analyst: KF	
Hardness (As CaCO3)	449	1.00		mg/L		1	12/6/2021 9:35:58 AM
Hardness, Calcium (As CaCO3)	71.9	1.00		mg/L		1	12/6/2021 9:35:58 AM
Hardness, Magnesium (As CaCO3)	377	1.00		mg/L		1	12/6/2021 9:35:58 AM
DOMESTIC WATER PANEL							
PH - SDWA				SM 4500H+ B		Analyst: JJF	
pH	8.67		*H	pH Units	8.50	1	11/30/2021 4:51:00 PM
DOMESTIC WATER PANEL							
TOTAL DISSOLVED SOLIDS - SDWA				SM 2540C		Analyst: DB	
Total Dissolved Solids	940	5.00		mg/L	1000	1	12/1/2021 1:06:00 PM
DOMESTIC WATER PANEL							
METALS-SDWA 200.7				EPA 200.7		Analyst: KF	
Calcium	28.8	1.00	L	mg/L		1	12/2/2021 3:06:01 PM
Iron	ND	0.100		mg/L	0.60	1	12/2/2021 3:06:01 PM
Magnesium	91.6	3.00	L	mg/L	150	3	12/2/2021 4:33:47 PM
Sodium	114	1.00	L	mg/L		1	12/2/2021 3:06:01 PM
DOMESTIC WATER PANEL							
METALS-SDWA 200.8				EPA 200.8		Analyst: KF	
Arsenic	14.8	1.00	*	µg/L	10.0	1	12/7/2021 10:25:12 AM
Copper	32.4	1.00		µg/L	1000	1	12/1/2021 4:03:19 PM
Lead	ND	1.00		µg/L	15.0	1	12/1/2021 4:03:19 PM

Qualifiers: * Value exceeds Maximum Contaminant Level.
(Qual) DF Dilution Factor.
MCL Maximum Contaminant Level.
PQL Practical Quantitation Limit.

B Analyte detected in the associated Method Blank
H Holding times for preparation or analysis exceeded.
ND Not Detected at the PQL.

Original

Attachment F: Well Water Analysis (Page 2 of 2)



Silver State Labs-Las Vegas
3626 E. Sunset Road, Suite 100
Las Vegas, NV 89120
(702) 873-4478 FAX: (702) 873-7967
www.ssalabs.com

Analytical Report

WO#: 21111337
Date Reported: 12/7/2021

CLIENT: Erik Trejo **Collection Date:** 11/29/2021 7:52:00 PM
Project:
Lab ID: 21111337-01 **Matrix:** DRINKING WATER
Client Sample ID: Kitchen Sink

Analyses	Result	RL	Qual	Units	MCL	DF	Date Analyzed
DOMESTIC WATER PANEL				EPA 200.8		Analyst: KF	
METALS-SDWA 200.8							
Manganese	2.70	1.00		µg/L	100	1	12/1/2021 4:03:19 PM
Zinc	69.9	1.00		µg/L	5000	1	12/1/2021 4:03:19 PM
DOMESTIC WATER PANEL				COLILERT-18		Analyst: AS	
COLIFORMS - P/A (DRINKING WATER)							
Coliform, Total	Absent			P/A	1		11/30/2021 4:40:00 PM
Escherichia Coli	Absent			P/A	1		11/30/2021 4:40:00 PM

Qualifiers: (Qual)	*	Value exceeds Maximum Contaminant Level.	B	Analyte detected in the associated Method Blank.
	DF	Dilution Factor.	H	Holding times for preparation or analysis exceeded.
	MCL	Maximum Contaminant Level.	ND	Not Detected at the PQL.
	PQL	Practical Quantitation Limit.		

Original

Attachment G: Public Notice



PUBLIC NOTICE

The Southern Nevada District Board of Health will conduct a PUBLIC HEARING on Thursday, June 26, 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 Erik Cardosa ("Petitioner"), to permit and install a new individual sewage disposal system on the property located at 565 Straight St., Las Vegas, NV 89110, APN 140-34-201-027.

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 variance will allow the Petitioner to install a septic system on an undersized lot.

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 June 25, 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 Daniel Isler 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
Director of Environmental Health

June 3, 2025
Date