



# Memorandum

**Date:** March 28, 2024

**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, *Deputy District Health Officer-Operations* *CL*  
Fermin Leguen, M.D., MPH, *District Health Officer* *FL*

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**Subject:** Variance request for an existing unpermitted septic system located at 339 Alpine Way, Mt. Charleston, NV 89124 to allow the septic system to encroach on the property line

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## I. BACKGROUND:

Matthew and Meghan Golightly (“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 128-31-210-001, also known as 339 Alpine Way, Mt. Charleston, NV 89124 (“Subject Property”). SNHD has no record of a permit for the existing septic system.

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 Sections 2.1 and 5.1 of the SNHD ISDS Regulations.

Petitioners further request 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 existing septic tank and leach field are approximately four feet from the property line. Petitioners would like to proceed with their Tenant Improvement approval request and allow the existing septic tank and leach field to remain encroaching on the property line.

Petitioners state 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:

*"This situation would require us to remove an existing septic system that was installed in the 1970's/ This entire situation arose do to a loss of our patio deck during the winter of 2023 storms. We were forced to pull a building permit to repair this deck. When we applied for a building permit for CCBD, we were told SNHD had no record of our septic system. We do not understand why this rule to bring septic system to current code is being applied years later. This property has been sold many times since 1970. Why are we being penalized and not the previous owners when they purchased the property previously?"*

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):

*"Please see attached estimates from C A Builders LLC general contractor NV#0083711. This entire process would force a undo financial strain on our family."*

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:

*"Septic has worked properly at current location with no issues or breach of system. In our opinion, there is no reason to uninstall a working system. We ask that we be allowed to leave septic at the current location."*

The Subject Property is depicted in Attachment C as Lot 35 of Block 3 of the recorded subdivision known as Rainbow Canyon Unit #1, which was approved in 1960. The property has not been improved since the adoption of the current SNHD ISDS Regulations in 2009. The existing single-family residence on the Subject Property was constructed in 1965.

Examination of the Clark County Assessor's records and parcel genealogy show that Petitioners are the sixth owners of the septic system and obtained the Subject Property in November 2021. An analysis of the surrounding area shows that there are two public water system wells and 161 permitted septic systems within a square mile of the Subject Property.

## **II. RECOMMENDATION:**

Staff are of the opinion that granting the variance would not endanger public health or safety. Staff recommends APPROVAL of the variance. If the Board of Health approves the variance, staff recommend 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 (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.
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. Permitting of the ISDS must be completed within one year of the date of approval of the variance. If the permit has not been approved 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 Petitioners or their successor(s) in interest.

Attachments:

- A. Variance Candidate Application
- B. Justification Letter Submitted by Petitioners
- C. Recorded Plat for Rainbow Canyon Unit #1
- D. Septic Plan Submitted by Petitioners
- E. Public Notice

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



**VARIANCE CANDIDATE WORKSHEET**

**PART I:**

**ESTABLISHMENT INFORMATION**

Name of Facility/Establishment: \_\_\_\_\_  
Health Permit Number: \_\_\_\_\_ Date of Inquiry: \_\_\_\_\_  
Name of Operator/Agent: \_\_\_\_\_  
Address of Operator/Agent: \_\_\_\_\_  
Contact Information of Operator/Agent:  
Office Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_  
Fax Number: \_\_\_\_\_ Email Address: \_\_\_\_\_  
If corporation, the name/title of individual to sign for Variance document:  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**OWNER INFORMATION**

Name of Property Owner: Matt Golightly  
Address of Property Owner: 339 Alpine Way Las Vegas, NV 89124  
Contact Information of Property Owner:  
Office Phone: 702-354-9763 Cell Phone: \_\_\_\_\_  
Fax Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

**PROPERTY INFORMATION**

Property Address: 339 Alpine Way Las Vegas, NV 89124  
Assessor's Parcel Number (APN): 128-31-210-001  
Describe location within larger facility (i.e. hotel/casino/resort, etc.):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

1) Requirements per NAC setbacks 2) Septic was installed in 1970's SNHD/County does not have record of the tank.

Please Note: Septic has been operational for 50 years . We are a requesting variance to leave as is . Septic removal and reinstall would create undo financial hardship and is not necessary.

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 situation would require us to remove an existing septic system that was installed in the 1970's/  
This entire situation arose do to a loss of our patio deck during the winter of 2023 storms.  
We were forced to pull a building permit to repair this deck. When we applied for a building permit for CCB, we were told SNHD had no record of our septic system. We do not understand why this rule to bring septic system to current code is being applied years later. This property has been sold many times since 1970 . why are we being penalized and not the previous owners when they purchased the property previously ?

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):**  
Please see attached estimates from C A Builders LLC general contractor NV#0083711

This entire process would force a undo financial strain on our family.

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:**

Septic has worked properly at current location with no issues or breach of system.

In our opinion, there is no reason to uninstall a working system.

We ask that we be allowed to leave septic at the current location.

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 Submitted by Petitioners (Page 1 of 2)

November 2, 2023

To Whom It May Concern,

We are the property owners of lot 339 Alpine Way. Recently we suffered the loss of our exterior deck to excessive snow fall from the winter of 2022-2023. As a result of this loss we had to remove the existing deck, and apply for a building permit (Which has been approved pending SNHD Hold Release) in order to replace our deck.

During this process, SNHD flagged the release of this permit, as they could not locate an approved septic permit for the existing septic system that was installed, we think in the 1980s. We had this tank inspected by a 3<sup>rd</sup> party prior to assuming ownership of the property in 2021. The results of which were found to be within operating requirements.

As a result of this HOLD placed by SNHD, we find ourselves in a hardship situation, as SNHD is now asking us to apply for a variance for the existing tank as the current layout does not meet the set-back requirements.

We are asking that a variance be granted to allow the current location to be approved. We really need to get our deck started.

These are the special circumstances that are causing a hardship related to this lot. We are not looking forward to living another winter without a deck on our home. We do not think we should be made to dig up the existing working septic system, just so we can build a replacement deck on our property.

Please consider our request.

Thanks,

A handwritten signature in black ink, appearing to read "Matt Golightly". The signature is fluid and cursive, with a large, sweeping initial "M".

Matt Golightly

Variance Request for 339 Alpine Way  
Page 8  
March 28, 2024

Attachment B: Justification Letter Submitted by Petitioners (Page 2 of 2)

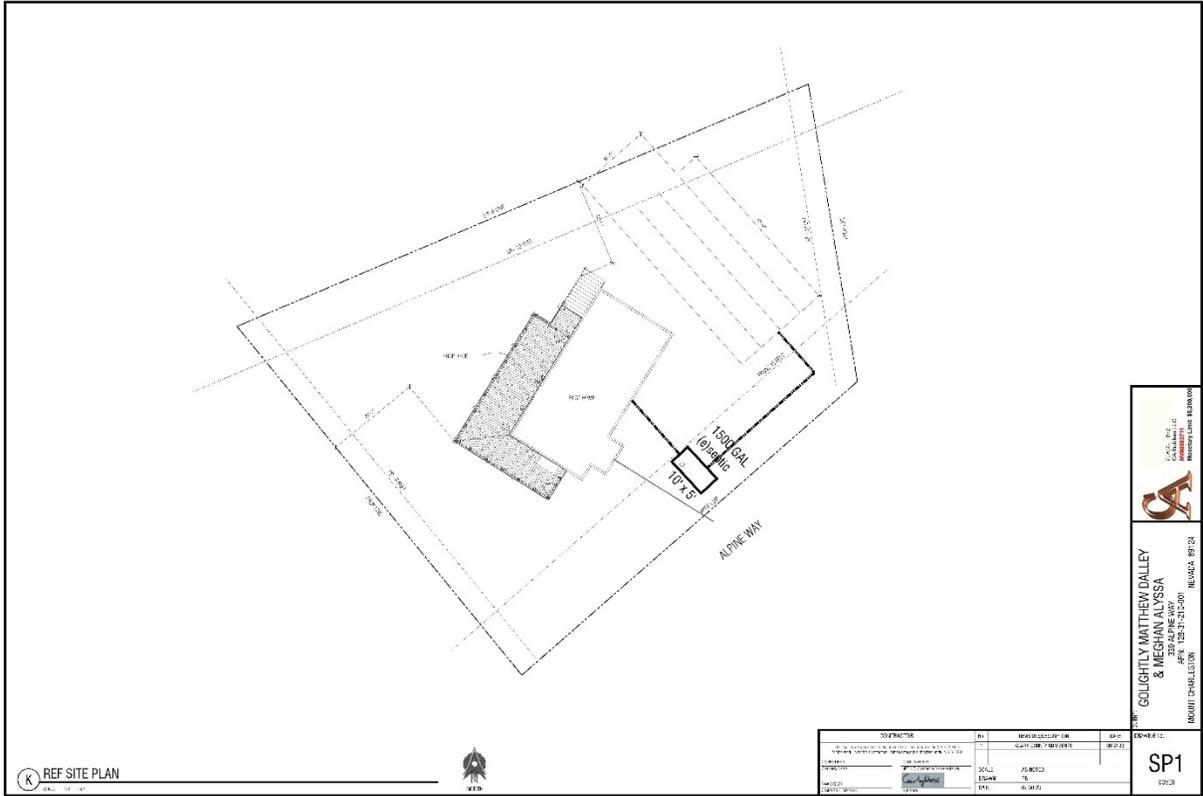
Thanks for your time and for listening to our request given our hardship in this special set of circumstances.

Best,

Matt Golightly and Meghan Golightly



Attachment D: Septic Plan Submitted by Petitioners



(K) REF SITE PLAN



DESCRIPTION	NO.	REVISION/REVISION OR	DATE
1. PREPARED FOR THE CITY OF ALPINE, CALIFORNIA	1	SCAFFOLD / 7/21/2023	07/21/23
2. PREPARED FOR THE CITY OF ALPINE, CALIFORNIA	2	SCAFFOLD / 7/21/2023	07/21/23
3. PREPARED FOR THE CITY OF ALPINE, CALIFORNIA	3	SCAFFOLD / 7/21/2023	07/21/23
4. PREPARED FOR THE CITY OF ALPINE, CALIFORNIA	4	SCAFFOLD / 7/21/2023	07/21/23
5. PREPARED FOR THE CITY OF ALPINE, CALIFORNIA	5	SCAFFOLD / 7/21/2023	07/21/23
6. PREPARED FOR THE CITY OF ALPINE, CALIFORNIA	6	SCAFFOLD / 7/21/2023	07/21/23
7. PREPARED FOR THE CITY OF ALPINE, CALIFORNIA	7	SCAFFOLD / 7/21/2023	07/21/23
8. PREPARED FOR THE CITY OF ALPINE, CALIFORNIA	8	SCAFFOLD / 7/21/2023	07/21/23
9. PREPARED FOR THE CITY OF ALPINE, CALIFORNIA	9	SCAFFOLD / 7/21/2023	07/21/23
10. PREPARED FOR THE CITY OF ALPINE, CALIFORNIA	10	SCAFFOLD / 7/21/2023	07/21/23

  
**GOUGHLY MATTHEW DALLEY & MEGHAN ALYSSA**  
 339 ALPINE WAY  
 ALPINE, CA 92548  
 PHONE: 951-251-2500  
 FAX: 951-251-2500  
 EMAIL: INFO@GDMCA.COM  
 WWW.GDMCA.COM

**SP1**  
 02/24

HOME IMPROVEMENT DEPARTMENT

Attachment E: Public Notice



**PUBLIC NOTICE**

The Southern Nevada District Board of Health will conduct a PUBLIC HEARING on Thursday, March 28, 2024 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 Matthew and Meghan Golightly (“Petitioners”), to allow a reduced property line setback for the existing unpermitted septic system on the property located at 339 Alpine Way, Mt. Charleston, NV 89124, APN 128-31-210-001.

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 unpermitted septic system to encroach on the property line.

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 March 27, 2024 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

March 12, 2024  
Date