



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*

Subject: Variance request for an existing septic system, SNHD Permit #ON0033483, located at 8520 Jakes Pl, Las Vegas, NV 89143 to allow the septic system to encroach on the property line

I. BACKGROUND:

Jeremy and Laura Tippetts (“Petitioners”) are requesting a variance to obtain final approval of a new septic system in accordance with Section 16.9 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 125-05-703-011, also known as 8520 Jakes Pl, Las Vegas, NV 89143 (“Subject Property”).

Petitioners 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 leach field is three feet from the property line. Petitioners would like to obtain final approval of their septic system and allow the leach field to remain encroaching on the property line, and ultimately to obtain the certificate of occupancy for their new single-family residence (SFR).

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:

“Due to misunderstanding of the location of the property line, the septic system was installed approximately three feet (3') from the property line and within the requested ten foot (10') set back.”

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 system is already fully installed and has passed all inspections with the SNHD and was approved to be backfilled. The cost to excavate the system and move it would be too great and would damage the system and require all new system parts to be purchased as well.”

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:

“In its current location the septic system is still fully on our private property. The full system still easily meets the distance requirements from all other septic and well systems. This is a private residence and all surrounding properties are on at least 1 acre lots so the system has plenty of distance away from any other facilities.”

Petitioners are the original owners of the septic system, which was permitted on February 7, 2023, and inspected on February 7, 2024. Subsequent review of aerial photos revealed that the property line was not accurately marked at the time of inspection, and the leach field was installed approximately three feet from the south property line (see aerial photo taken February 3, 2024, included as Attachment G). By the time the property line encroachment was discovered, however, the system had been covered and could not be easily moved without significant cost and/or potential damage to the system.

An analysis of the surrounding area shows that there are 95 recorded well logs and 109 permitted septic systems within a square mile of the Subject Property. The Subject Property receives water service from a domestic well (see well driller's report included as Attachment E). The nearest available sewer point of connection is approximately 680' from the property line (see Attachment F).

II. RECOMMENDATION:

Staff are of the opinion that granting the variance would not endanger public health or safety. Staff recommends APPROVAL of the variance due to the Subject Property's use of well water, distance to the nearest sewer connection point, and age the septic system. 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.

Attachments:

- A. Variance Candidate Application
- B. Justification Letter Submitted by Petitioners
- C. Approved Plot Plan for ON0033483
- D. Final Inspection Report for ON0033483
- E. Well Driller's Report (Well Log #137263)
- F. Nearest Sewer Point of Connection
- G. Aerial Photo of 8520 Jakes Place
- H. Public Notice

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



VARIANCE CANDIDATE WORKSHEET

PART I:

ESTABLISHMENT INFORMATION

Name of Facility/Establishment: JLT Holding Company Residence
Health Permit Number: ON0033483 Date of Inquiry: 3/7/2024
Name of Operator/Agent: JLT Holding Company / Jeremy Tippetts
Address of Operator/Agent: 8348 Jeremiahs Lodge Ave
Contact Information of Operator/Agent:
Office Phone: N/A Cell Phone: (702) 824-7137
Fax Number: N/A Email Address: tippettsjeremy@gmail.com
If corporation, the name/title of individual to sign for Variance document:
Name: Jeremy Tippetts
Title: Manager

OWNER INFORMATION

Name of Property Owner: Jeremy & Laura Tippetts
Address of Property Owner: 8348 Jeremiahs Lodge Ave
Contact Information of Property Owner: Jeremy Tippetts
Office Phone: N/A Cell Phone: (702) 824-7137
Fax Number: _____ Email Address: tippettsjeremy@gmail.com

PROPERTY INFORMATION

Property Address: 8520 Jakes Place Las Vegas, NV 89143
Assessor's Parcel Number (APN): 125-05-703-011
Describe location within larger facility (i.e. hotel/casino/resort, etc.):
Residential property

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

Section 5.1: No septic tank or soil absorption system shall be located within ten feet (10') of any property line.
Septic system is installed approximately three feet (3') from property line.

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:

Due to misunderstanding of the location of the property line, the septic system was installed approximately three feet (3') from the property line and within the requested ten foot (10') set back.

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 system is already fully installed and has passed all inspections with the SNHD and was approved to be backfilled. The cost to excavate the system and move it would be too great and would damage the system and require all new system parts to be purchased as well.

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:

In its current location the septic system is still fully on our private property. The full system still easily meets the distance requirements from all other septic and well systems. This is a private residence and all surrounding properties are on at least 1 acre lots so the system has plenty of distance away from any other facilities.

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 (Page 1 of 2)

Justification/Hardship Letter

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

From: JLT Holding Company LLC

Re: Parcel # 125-05-703-011

Date: March 7, 2024

To whom this 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 Section 10 and Nevada Department of Environmental Protection Policy.

This variance request is made to permit construction of an ISDS on a lot with a setback of less than ten feet (10') from the property line as required in Section 5.1.

The legal description of said property is APN # 125-05-703-011, further described as 8520 Jakes Place Las Vegas, NV 89143.

I have owned the property since 2020 and I am completing construction of my primary residence. I have installed a new septic system on the property. I had the system inspected after excavation and once the system was ready to backfill and passed all inspections. Due to a misunderstanding on the location of

Attachment B: Justification Letter (Page 2 of 2)

the property line the system was installed approximately three feet (3') from the property line and within the ten foot (10') setback requested on the plans. Prior to realizing the issue we were given approval to back fill the septic system and that has been completed. The cost to excavate and move the system at this point would be cost prohibitive and would cause damage to the equipment which would also have to be replaced. In its current location the septic system is still well outside of all other required setbacks including distance from any septic or well systems. The location of the septic system is in a rural residential area where each lot is at least 1 acre in size so the septic system will not pose any risks to neighboring properties in its current location.

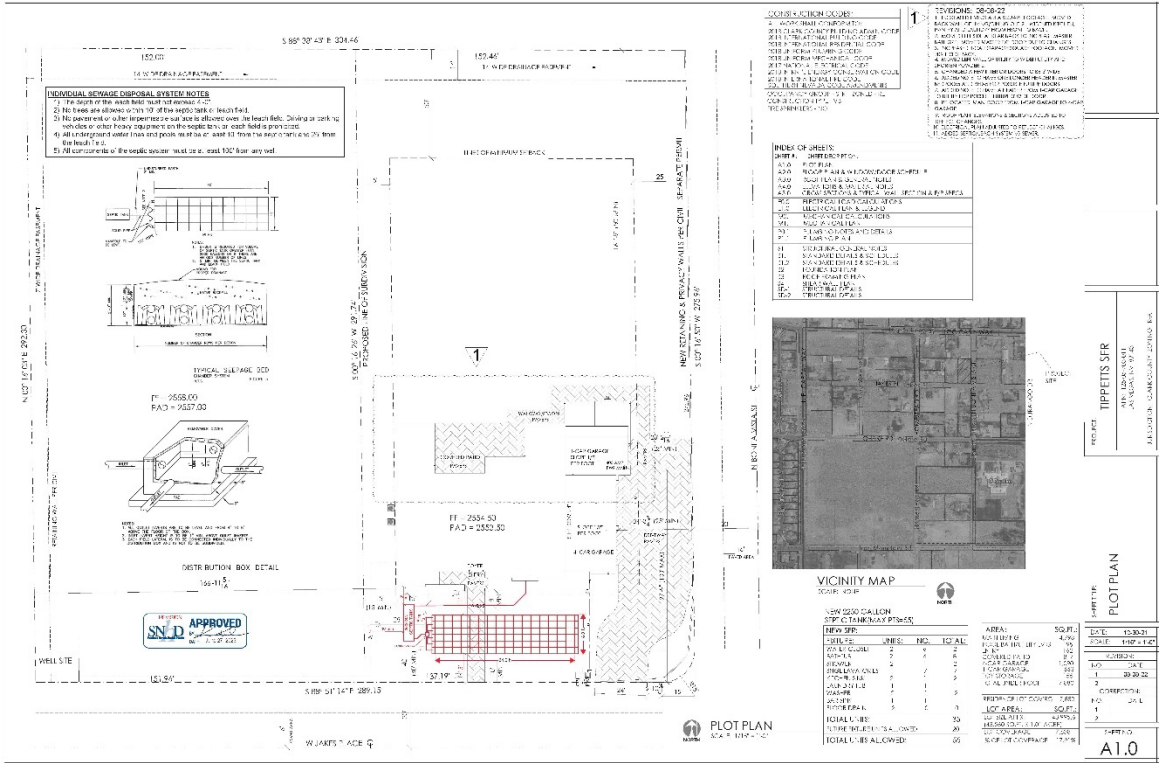
Thank you for your consideration,



JLT Holding Company LLC

Jeremy Tippetts, Manager

Attachment C: Approved Plot Plan for ON0033483



Attachment D: Final Inspection Report for ON0033483

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

Permit No. ON0033483	Property Owner JLT Holding Company, LLC	Address 8520 Jakes Pl				
APN 125-05-703-011	Water Supply Domestic Well					
Current Action 910	EHS 2/5/2024	SERVICE DATE	STATUS —	TIME IN	TIME OUT	RESULT
TRAVEL MINUTES	MILES	VIOLATIONS ALLEGED		VIOLATIONS ACTUAL	FUTURE ACTION	ACTION
						DATE 2/5/24

SEPTIC TANK		Total Capacity:		gallons			
Number of Compartments:		Type:		Concrete	Polyethylene		
Outside Dimensions - Length:		17 feet	inches	Width:	5 feet	10 inches	Liquid Depth:
Distance from Well:		153 feet	Dir: E	Distance from Foundation:		27 feet	Dir: S
Nearest Distance from Lot Line:		85 feet	Dir: S	Location:		Front	Side
						Rear	

SUBSOIL DISPOSAL		Effective Absorption Areas		square feet			
Distance from Well:		169 feet	Dir: E	Distance from Foundation:		25 feet	Dir: S
Nearest Distance from Lot Line:		18 feet	Dir: N	Location:		Front	Side
						Rear	
System Type:		Chambers		No. Pipes/Chambers:	96	Length of Each Pipe:	
Distance Between Pipes:		Total Pipe Length:		Depth under Pipe:		feet inches	
Filter Material:		Native		Depth over Pipe:		feet inches	
Total Width/Diameter:		18 feet	inches	Total Length:	64 feet	inches	Total Depth:
					4 feet	9 inches	

COMMENTS AND/OR VIOLATIONS:

- Maximum allowed ft for leach field depth is 4 1/2 ft to the bottom of the chambers. Total depth currently is 4'9".
- Please submit photo evidence that final grade is no more than 4'6" from the bottom of the chambers to Septics@snhd.org.

Nearest Cross Streets:

NOTE: NO PAVING OR VEHICULAR TRAFFIC ALLOWED OVER INDIVIDUAL SEWAGE DISPOSAL SYSTEMS (ISDS) OR TREES WITHIN 10 FEET (10') OF ISDS. THIS INSTALLATION IS APPROVED ONLY UNTIL SEWER IS AVAILABLE.

Received Copy:	Environmental Health Specialist:	Reviewed By:
		DT

Brittany Lewis | 702-759-1545 | lewisb@snhd.org

Attachment E: Well Driller's Report (Well Log #137263)

**STATE OF NEVADA
 DIVISION OF WATER RESOURCES
 WELL DRILLER'S REPORT**

OFFICE USE ONLY
 Log No. **137263**
 Permit No. _____
 Basin No. _____

PRINT OR TYPE IN BLACK INK ONLY
 DO NOT WRITE ON BACK

Please complete this form in its entirety in accordance with NRS 534.170 and NAC 634.340

NOTICE OF INTENT NO. **S2019-573**
 WELL NAME (if applicable): _____

1. OWNER/CLIENT NAME: **Wendy & Robert Paduano**
 MAILING ADDRESS: **26018 NE 45 St Redmond WA 98063**
 DETAILED ADDRESS AT WELL LOCATION: **NW Corner Jakes Place**
 County: **Clark**

2. PLS LOCATION: NE ¼, SE ¼, 5 Sec, 19E NB, 80 E
 PERMIT/WAIVER NO.: **125-05-703-005**
 Latitude: **36.32743** UTM E
 Longitude: **-115.28168** UTM N

3. WORKED PERFORMED
 New Well Deepen: Orig Well # _____
 Replacement: Original well log # _____
 Recondition: Original well log # _____

4. PROPOSED USE
 Domestic Irrigation Monitor Auger Rotary RVC
 Mining / Dewater Com / Ind Stock Air Mud Sonic
 Test / Other Mun / GM Rec Other _____

5. WELL TYPE
 NAD 27 NAD 83/WGS 84

6. LITHOLOGIC LOG

Material Encountered	Lost Circ	Water Strata	From	To
SOIL			0	5
TAN CLAY			5	30
CALICHE			30	70
SILT CLAYS			70	130
CEMENTED GRAVELS			130	210
CALICHE			210	272
CLAY			272	304
CEMENTED GRAVELS			304	400

7. WATER QUALITIES
 Static water level: **130** Feet below land surface
 Artesian Flow: **no** G.P.M. P.S.I.
 Water Temperature: **70** * Fahrenheit
 Water Quality: **good**

8. WELL TEST DATA

Test Method:	Bailer	Pump	Air Lift
G.P.M.	Draw Down (Feet Below Static)	Recorded Time (Hours)	
Air lift	150+	unknown	4

9. WELL CONSTRUCTION
 Depth Drilled: **350** Feet
 Hole Diameter (BIT SIZE):
 18 Inches to 0 Feet **5** Feet
 10 Inches to 60 Feet **400** Feet

CASING SCHEDULE

Size O.D. (Inches)	Weight (Pounds)	Wall Thickness (Inches)	From (Feet)	To (Feet)
10.75	32.75	.375	+2	60
6.9	12	SDR 17	0	400

ANNULAR MATERIALS
 Sanitary Seal Yes No
 Neat Cement _____ to _____ Pumped Poured
 Cement Grout **0** to **60** Pumped Poured
 Concrete Grout _____ to _____ Pumped Poured
 Bentonite Grout _____ to _____ Pumped Poured
 Gravel Pack [< 0.2 in.] _____ to _____ Pumped Poured
 Sand Pack [< 0.2 in.] _____ to _____ Pumped Poured
 Other, explain: _____ to _____ Pumped Poured

PERFORATIONS:
 Type of perforation: **Factory Screen**
 Size of perforation: **0.032**
 From **300** Feet To **400** Feet
 From _____ Feet To _____ Feet
 From _____ Feet To _____ Feet
 From _____ Feet To _____ Feet

10. DRILLER'S CERTIFICATION
 This well was drilled under my supervision. This report is true to the best of my knowledge.
 Name: **Budget Drilling LLC**
 Address: **1170 Darcy Ln Pahrump Nv 89060**
 Phone: **702-306-2138**
 Nevada contractor's license number as issued by the State Contractor's Board: **0077029**
 Nevada well driller's license number as issued by the Nevada Division of Water Resources (non-ally drilled): **2829**
 Signed: _____
 Date: **9/18/2020**

USE ADDITIONAL SHEETS IF NECESSARY

PHS: 04-16 pg. of pg.

NAD 27 36.3274642
 - 115.2808387

Attachment F: Nearest Sewer Point of Connection



Attachment G: Aerial Photo of 8520 Jakes Place



Attachment H: 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 Jeremy and Laura Tippetts ("Petitioners"), to allow a reduced property line setback for the existing septic system (SNHD Permit #ON0033483) on the property located at 8520 Jakes Pl, Las Vegas, NV 89143, APN 125-05-703-011.

The variance is requested to allow the Petitioners to obtain final approval for their recently installed septic system in accordance with Section 16.9 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 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