



# Memorandum

**Date:** August 26, 2021

**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, *Chief Health Officer* FL

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**Subject:** Variance Request for an Application to Construct Septic Systems on the property located at 8465 Maggie Avenue, Las Vegas, Nevada with the following provisions: 1) allow installation of a septic system on a lot that is less than 400' from a public sewer line; 2) waive the 400' sewer connection requirement for a proposed minor subdivision; and 3) omit a certificate requiring sewer connection from the recorded minor subdivision map.

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## I. BACKGROUND:

Frediee & Emily Guevara and Hervey & Leticia Regino, Owners ("Petitioners"), are requesting a variance to create a minor subdivision (parcel map) of the property located at Assessor's Parcel Number 125-08-507-001, also known as 8465 Maggie Avenue, Las Vegas, NV 89143 ("Subject Property"), and to install two (2) new individual sewage disposal systems (ISDS) on the two resulting lots. Petitioners also propose that each lot will be served by a private well.

Petitioners request a variance from Section 2.7.2 of the *Southern Nevada District Board of Health Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management* ("SNHD ISDS Regulations"), which states that permission to construct a septic system shall be denied if a public sewer line is available within 400' and is accessible by a gravity flow line per the sewer authority. A City of Las Vegas sanitary sewer line is located less than 400' east of the Subject Property.

SNHD reviews all minor subdivision maps submitted to the Clark County Public Works Department Map Team and provides technical comments to the property owner, if necessary. During its review of Petitioners' proposed parcel map, MSM-21-600015, SNHD found that sewer is available within 400' of the Subject Property and informed Petitioners that the following certificate would need to be recorded on the final parcel map:

“This parcel map is approved by the Southern Nevada Health District. This approval concerns the sewage disposal method for single family residential lots and is predicated upon plans for private wells and a community sewage disposal system. Approval for individual sewage disposal systems will be granted in accordance with NAC 444 and SNHD Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management.”

APPROVED: \_\_\_\_\_  
Southern Nevada Health District

SNHD requires this certificate to be included on all parcel maps in which public sewer is located less than 400' from the “parent” property (i.e., the property that existed before subdivision) so that the “child” properties will connect to the public sewer system. Petitioners wish to amend the above certificate on their proposed Parcel Map MSM-21-600015 so that the phrase “a community sewage disposal system” will be replaced with “individual sewage disposal systems.”

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:

*“We understand it is required to connect to public sewer if it is available 400' away from the property line, but we believe our situation to be unique due to the following reasons:*

1. *Although the nearest manhole on Durango is approximately 340' from the east side property line (see Google Earth view attached), the same east half of the property has an existing water well and 1500 Gal. septic system serving the existing structure. Our primary request is to upgrade this existing 46 year old ISDS to an adequate and modern system to serve the existing and new structure. This upgrade request would be better for the public surrounding area. Due to our request basically being an upgrade to the existing system, we don't believe it will affect others subject to the regulations.*
2. *After the lot is subdivided in 2 halves, the West half property line will be over 400' from the Durango manhole. A new septic chamber system would be constructed on the West half.”*

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):

*“We have received rough bids for the sewer alone ranging from \$80-\$100k. The rough bids we received approximately 2 years ago and the cost most likely has risen since then. With the existing requirements, this lot may remain undeveloped indefinitely restricting the urban development of the area. All the nearby lots on Maggie Ave currently have a septic system. The likelihood of anyone else benefiting from our installation is limited to non existent. In addition, we would not be able to receive any type of financial support from the neighbors since they already have a working waste system. We are lifelong Nevada residents with a plan to build two homes in this lot for our families and parents we care for. This is not for investment, our intent is to provide a place where our children can grow up experiencing a more rural lifestyle here in Las Vegas and allow our parents*

*to retire in peace. Please help us in achieving this goal so that the dream of building a home in Las Vegas is not reserved only for the wealthy."*

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:

*"The surrounding properties on Maggie Ave, between N. Durango Dr and Homestead Rd, all have septic systems and wells. To our knowledge none of the existing homeowners ISDS and water systems on Maggie Ave have caused danger to the public health and safety. The existing structure, septic system and water well located on the east of half of our property is compliant per SNHD regulations. If the variance is granted the 46 year old existing septic system would be upgraded to a modern system to serve the existing and planned new structure on the subdivided east half, and a new system would be placed on the subdivided west half of the property. The upgraded system would be better for the environment. All minimum horizontal separation requirements on the 2 lots (1.17 Acre EA) would be met per SNHD requirements. It will also save the neighbors from the inconvenience associated with road detours, and construction noise and dust. Also note that all lots in the area are 1 acre in size. The lot south of the property (on Brent Ln) is connected to city sewer. This is not a septic-dense part of town. Most important, it will allow us to have a chance at finishing this project with our current income and savings in a timely manner."*

## **II. RECOMMENDATION:**

The Subject Property is depicted in Attachment A as APN 125-08-507-001 (highlighted yellow) and Petitioners' proposed Parcel Map MSM-21-600015 is included as Attachment B. City of Las Vegas sanitary sewer is currently available for connection at 345' to the east of the Subject Property, as shown in Attachment C. Petitioners propose that each of the two lots created by Parcel Map MSM-21-600015 will be served by a private well and ISDS. Each of the proposed lots will have an area of 1.17 acres, which exceeds the minimum lot size of 1.0 acres required by the SNHD ISDS Regulations for a property served by a private well and ISDS.

The Subject Property has an existing ISDS (See Attachment D - SNHD Permit #ON0011040) and a non-functioning private well (See Attachment F - Well Driller's Report (Well Log #53241)). The existing septic system permit has been in existence and/or operation since 1976. The existing septic system density is 57 systems per circular square mile. A restrictive covenant running with the Subject Property was executed in 1991 to defer certain off-site improvements until "demanded and required" by Clark County (See Attachment G - Restrictive Covenant). The deferred off-site improvements include "curb, gutter, sidewalks, streetlights, asphalt paving, fire hydrants, [and] drainage facilities." The current development standard allows the cost of sewer installation to be shared across the proposed development (two owners) instead of a single resident bearing the cost. Staff has learned, through discussion with City of Las Vegas Public Works, that there are existing discussions to improve Durango Dr at Maggie. With the installation of these improvements, the cost of sewer connection will only increase.

Staff is of the opinion that granting the variance would endanger public health and safety. Furthermore, this variance request could potentially set a precedent for using the minor subdivision process to circumvent development standards and sewer connection requirements. The Petitioners are not the first, and would not be the last, to use the minor subdivision process

to circumvent sewer connection requirements. Staff is of the opinion that the certificate on the proposed minor subdivision map should remain unchanged; it will inform future owners of the development requirements and that any ISDS applications (current and future) should be considered and reevaluated on a case-by-case basis.

Based on the above information, staff recommends DENIAL of the variance. 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. If at any time Clark County requires fulfillment of any or all the conditions of the restrictive covenant, Petitioners and their successor(s) in interest must also connect to the community sewage system, discontinue use of the ISDS, and properly abandon the ISDS in accordance with the most current SNHD ISDS Regulations.
2. If this minor subdivision is approved with ISDS, the existing ISDS (SNHD Permit #ON0011040) must be discontinued from use, abandoned, and replaced with a new septic system installed in accordance with the most current SNHD ISDS Regulations. The installation of the proposed system must be completed within two (2) years. If the installation has not been completed 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.
3. Petitioners and their successor(s) in interest will abide by the operation and maintenance requirements of the most current SNHD ISDS Regulations.
4. This variance is not transferable to future property owners and does not guarantee replacement due to septic failure. Should the parent parcel or either of the child parcels transfer to a new owner prior to installation of the septic systems. This variance will automatically expire and be of no further force and effect.
5. If the proposed Parcel Map is not recorded with the Clark County Recorder's Office within two (2) years, this variance will automatically expire and be of no further force and effect.

#### Attachments:

- A. Assessor's Parcel Map for APN 125-08-507-001
- B. Proposed Parcel Map (MSM-21-600015)
- C. Sanitary Sewer Point of Connection
- D. SNHD Permit #ON0011040
- E. Existing Site Plan for Subject Property
- F. Well Driller's Report (Well Log #53241)
- G. Restrictive Covenant
- H. Variance Candidate Application
- I. Justification Letter
- J. Public Notice

Attachment A: Assessor's Parcel Map for APN 125-08-507-001

This map is for assessment use only and does NOT represent a survey.  
 No liability is assumed for the accuracy of the data delineated herein. Information on roads and other non-assessed parcels may be obtained from the Road Document Listing in the Assessor's Office.  
 This map is compiled from official records, including surveys and deeds, but only contains the information required for assessment. See the recorded documents for more detailed legal information.

ASSESSOR'S PARCELS - CLARK COUNTY, NV.  
 Briana Johnson - Assessor

T19S R60E  
 8  
 N 2 NE 4  
 125-08-5

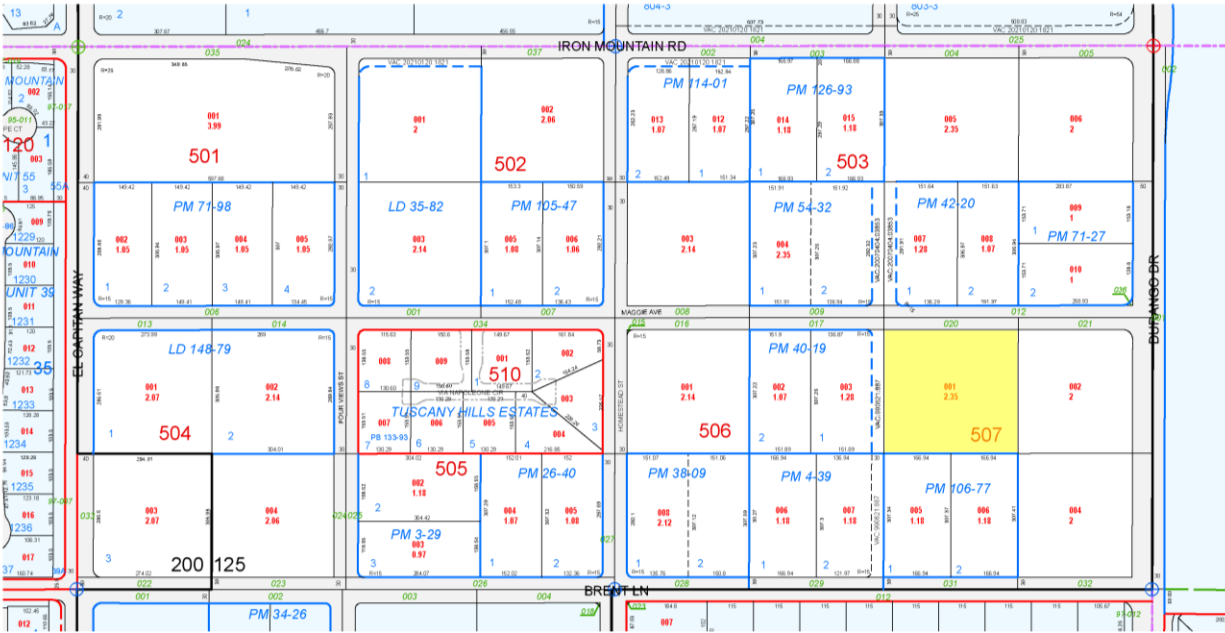
087 088  
 099 100 101  
 125 124  
 138 139

Scale: 1" = 200'  
 Rev 2/23/2021

MAP LEGEND:  
 PARCEL BOUNDARY  
 SUB BOUNDARY  
 ROAD EASEMENT  
 MATCH / LEADER LINE  
 HISTORIC LOT LINE  
 HISTORIC SUB BOUNDARY  
 HISTORIC PM/LD BOUNDARY  
 SECTION LINE  
 CONDOMINIUM UNIT  
 AIR SPACE PCL  
 RIGHT OF WAY PCL  
 SUB-SURFACE PCL  
 ROAD PARCEL NUMBER  
 PARCEL NUMBER  
 1.00 ACREAGE  
 202 PARCEL SUB/ISO NUMBER  
 PB 24-45 PLAT RECORDING NUMBER  
 BLOCK NUMBER  
 LOT NUMBER  
 GOV. LOT NUMBER

NOTES:  
 USE THIS SCALE/PRT WHEN MAP REDUCED FROM FULL-SCALE ORIGINAL.

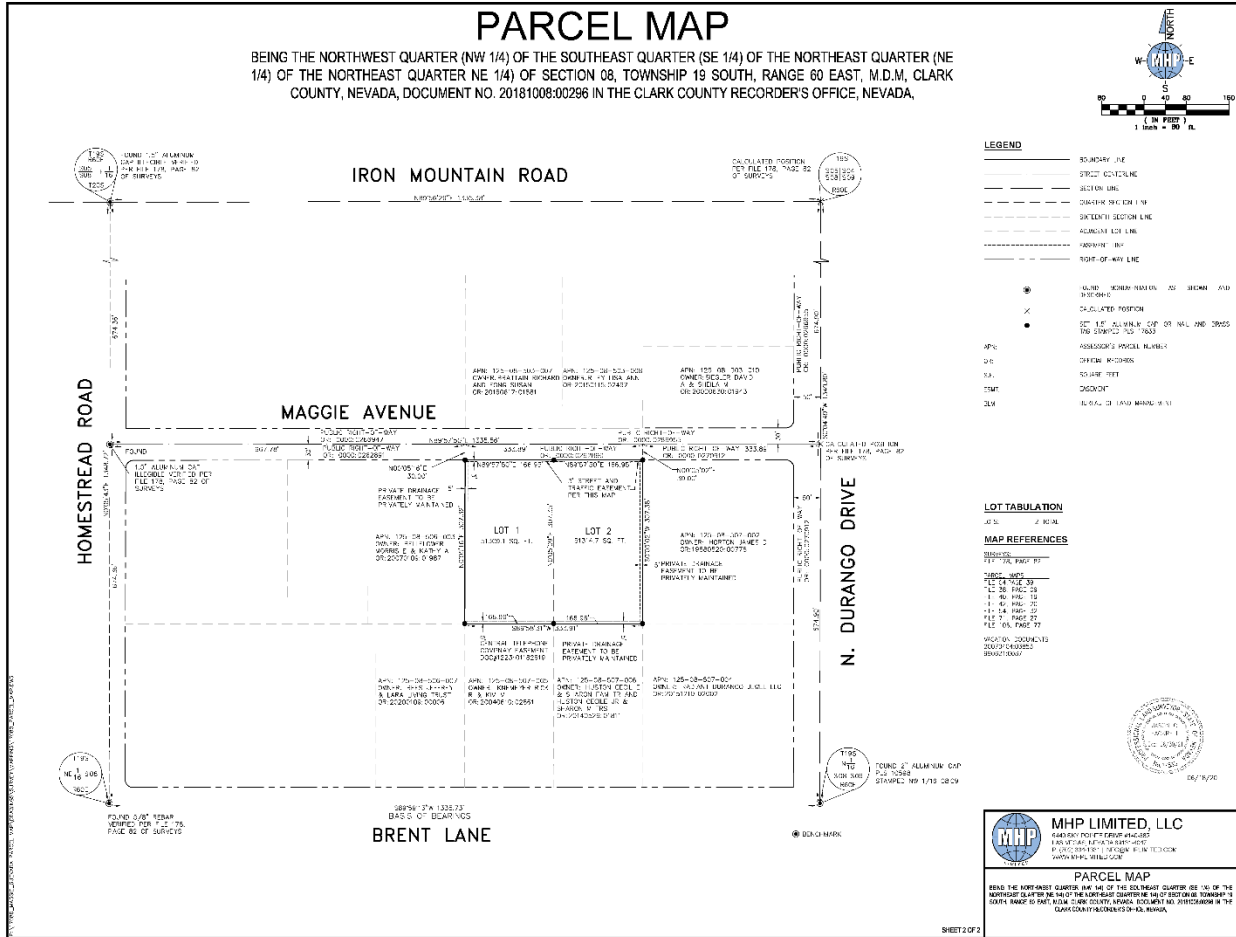
CLARK COUNTY  
 NEVADA



TAX DIST 125,200



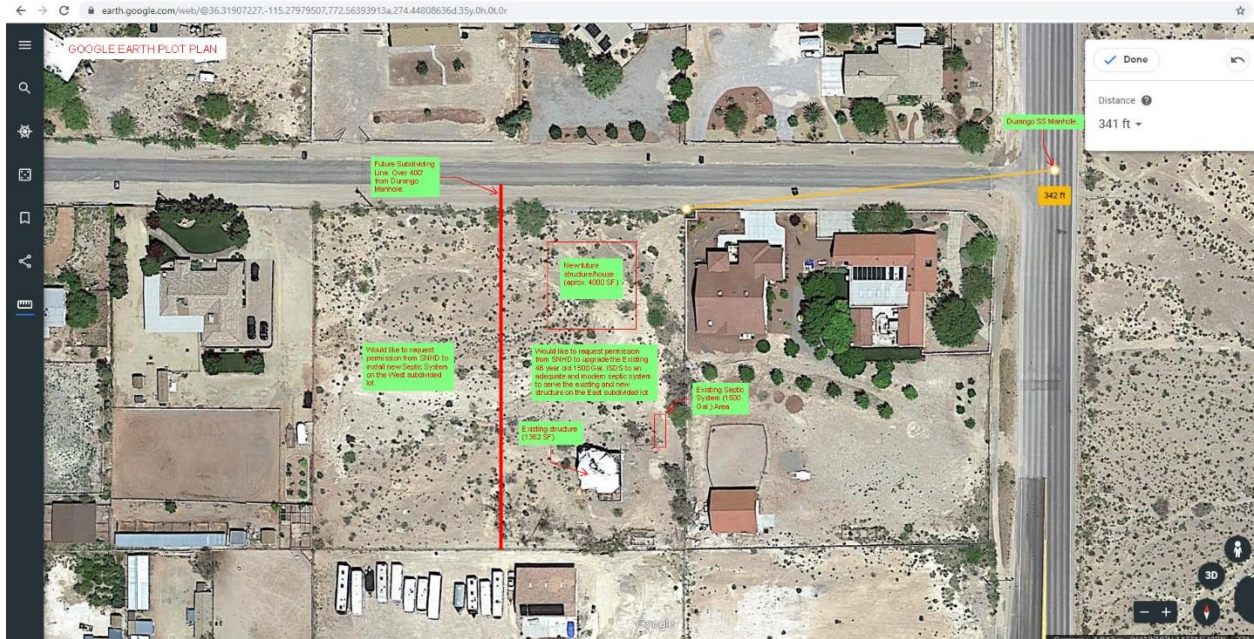
Attachment B: Proposed Parcel Map MSM-21-600015 (Page 2 of 3)







Attachment C: Sanitary Sewer Point of Connection



Attachment D: SNHD Permit #ON0011040 (Page 1 of 3)

DISTRICT HEALTH DEPARTMENT, CLARK COUNTY  
625 Shadow Lane, Las Vegas, Nevada S3597 Rec. 18326

APPLICATION FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEM

Name HADLAND, Ken (Nursery 736-6154) Date 7/3/75  
Telephone No. 645-2067 Mailing Address 8162 North Pioneer 89106  
Property Address of Installation Maggie (Near Durango)  
Legal Description NW SE NE NE Sec 8 T19 R60 Parcel No. 480-160-044  
Lot Area 330' x 330'  
Residential: Bedrooms 3 Baths 2 Fixture Units 26  
Commercial: Type \_\_\_\_\_ Fixture Units \_\_\_\_\_  
Water Supply by: Public System \_\_\_\_\_ Community System \_\_\_\_\_ Individual System X  
Name & Address of Water Company Private Well  
Name & Address of Sewer Contractor Self  
Minimum Requirements: 1500 gal Septic Tank 1165 sq. ft. Leaching Area.  
Signature: Ken Hadland

REPORT OF INSPECTION:

SEPTIC TANK:

N/A Superior  
Distance from well \_\_\_\_\_ ft. Type of Material Concrete Inside Dimensions:  
Length 10.0 ft. Width 4.5 ft. Liquid depth 4.5 ft. Total depth 5.25 ft.  
Total liquid capacity 1500 gallons. Number of compartments 1.

SUB-SOIL DISPOSAL:

N/A N/A  
Distance from well \_\_\_\_\_ ft., Foundation \_\_\_\_\_ ft., Nearest lot line at: \_\_\_\_\_ Front,  
Side, \_\_\_\_\_ Side, \_\_\_\_\_ Rear, \_\_\_\_\_ Ft.

Seepage Beds:

Width 30 ft. Length 40 ft. Total depth 3.0 ft.  
Total effective absorption area in bottom of bed 1200 sq. ft.  
Number of lines 5. Length of each line 34 ft.  
Distance between lines 6 ft. Total length of tile lines 170 ft.  
Type of filter material: X Gravel; X Broken stones; \_\_\_\_\_ Other.  
Depth of filter material beneath tile 1.5 ft. Over tile 1.5 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 \_\_\_\_\_ sq. ft.  
Type of filter material: \_\_\_\_\_ Gravel, \_\_\_\_\_ Broken Stones, \_\_\_\_\_ Cinders.  
Depth of filter material beneath tile \_\_\_\_\_ ft. Over tile \_\_\_\_\_ ft.

Seepage Pits:

Number of pits \_\_\_\_\_, Diameter \_\_\_\_\_, Effective Depth 3 ft.  
Lining material \_\_\_\_\_  
Total effective absorption area of side wall \_\_\_\_\_

DATE OF APPROVAL 1/2 1976

[Signature]  
SANITARIAN

Attachment D: SNHD Permit #ON0011040 (Page 2 of 3)

Sewer Is Available

S3597

Rec 18326

DISTRICT HEALTH DEPARTMENT  
 Las Vegas, Nevada  
 PLOT PLAN FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEM

NAME HADLAND, Ken Date 7/3/75

ADDRESS OF INSTALLATION Maggie (Near Durango) Subdivision \_\_\_\_\_

Lot Number \_\_\_\_\_ Size of Lot 330' x 330'

Size of Septic Tank 1500 gal

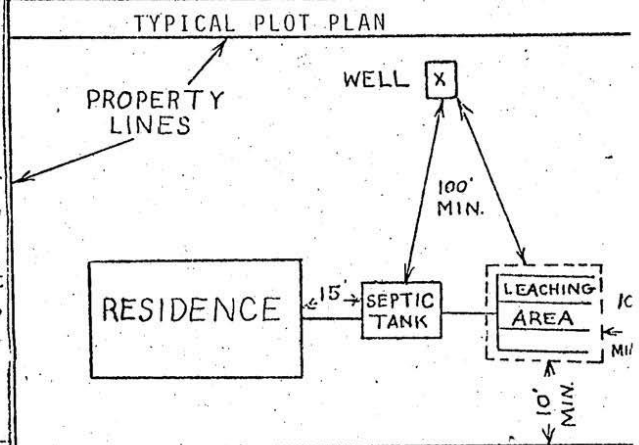
Size of Leaching Area 1165 sq. ft.

Contractor Self

Indicate of Plan - Property lines, Water Wells, buildings, swimming pools, trees, ditches, water lines.

In the space below, please draw a layout of your proposed sewage disposal system, including items and exact distances in feet.

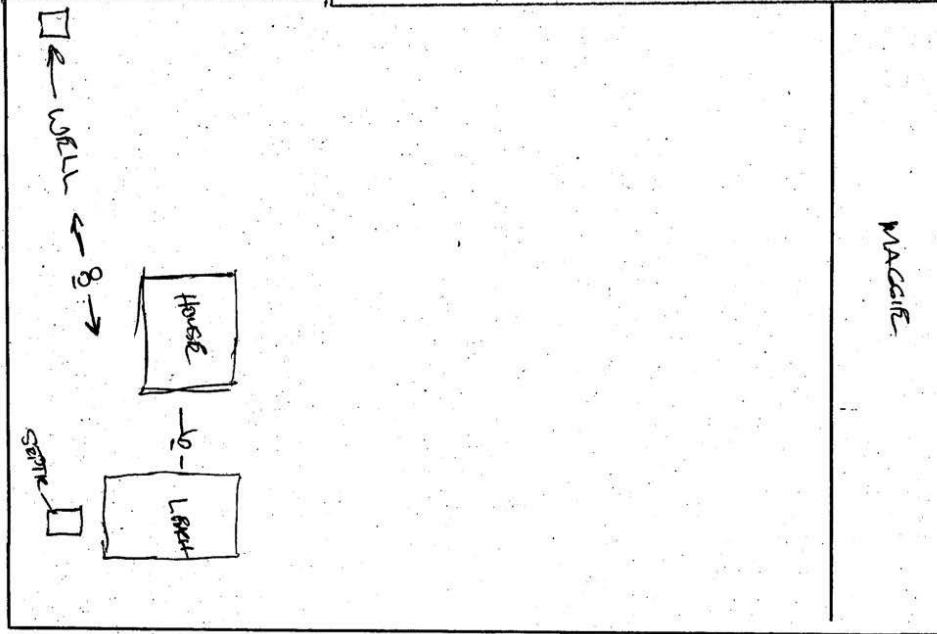
See Sample Drawing



FIXTURE UNITS:

- 2 W. C. 12
- 2 D. Lavs 4
- 2 Tubs 4
- 1 Kitchen S. 2
- 1 Dishwasher 2
- 1 Washer 2

Total Units 26



SIGNATURE Ken Hadland

N →

Attachment D: SNHD Permit #ON0011040 (Page 3 of 3)

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

PERMIT NO.	ADDRESS	CITY - TOWN
S 3597	8465 W Maggie	Clark County
DATE SCH'D. ACT.	NAME	TYPE ESTAB. CAPACITY DATE PREV INSP. PREV. ACT. PERIOD. DIST.
3/7/77	Hadland, Ken	080081
APPLICANT NAME		INITIALS SURVEY P.C. SAMPLE OTHER
ACTION ORDER		5
NOTIFIED OF THE FOLLOWING		
REquested Final Insp. (around 12:00) <i>Septic Tank relocated out of Flood Plain (Beach area). System approved</i>		
FINDINGS		
DATE OF INSPECTION: 3-7-77 TIME: 14 SANITARIAN: 311		
ACTION		
CODE: 2 8 9 7 8 10 DATE: 3 17 77		
RECEIVED COPY	PUBLIC HEALTH SANITARIAN	REVIEWED BY
	<i>Clara Sweet</i>	<i>W.S. Stalk</i>
		197 7
REPORT AND NOTICE OF INSPECTION		

**SEPTIC TANK:**

Number of Compartments \_\_\_\_\_ Type of Material *original Tank relocated*  
 Inside Dimensions: Length \_\_\_\_\_ ft.; Width \_\_\_\_\_ ft.; Liquid Depth \_\_\_\_\_ ft.  
 Total Liquid Capacity \_\_\_\_\_ gals. Distance from Well \_\_\_\_\_ ft.

**SUBSOIL DISPOSAL:**

Distance from Well \_\_\_\_\_ ft. Distance from Foundation \_\_\_\_\_ ft.  
 Distance from Nearest Lot Line \_\_\_\_\_ ft. at Front \_\_\_\_\_, Side \_\_\_\_\_, Rear \_\_\_\_\_.

**Seepage Beds:**

Width \_\_\_\_\_ ft.; Length *no relocation per ok by W.S. Stalk* \_\_\_\_\_ ft.; Total Depth \_\_\_\_\_ ft.  
 Total effective absorption area in bottom of bed \_\_\_\_\_ sq. ft.  
 Number of Lines \_\_\_\_\_ Length of each line \_\_\_\_\_ ft.  
 Distance between lines \_\_\_\_\_ ft. Total length of tile lines \_\_\_\_\_ ft.  
 Type of filter material: Gravel \_\_\_\_\_, Broken Stones \_\_\_\_\_, Other \_\_\_\_\_  
 Depth of filter material beneath tile \_\_\_\_\_ ft. Over tile \_\_\_\_\_ 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:**

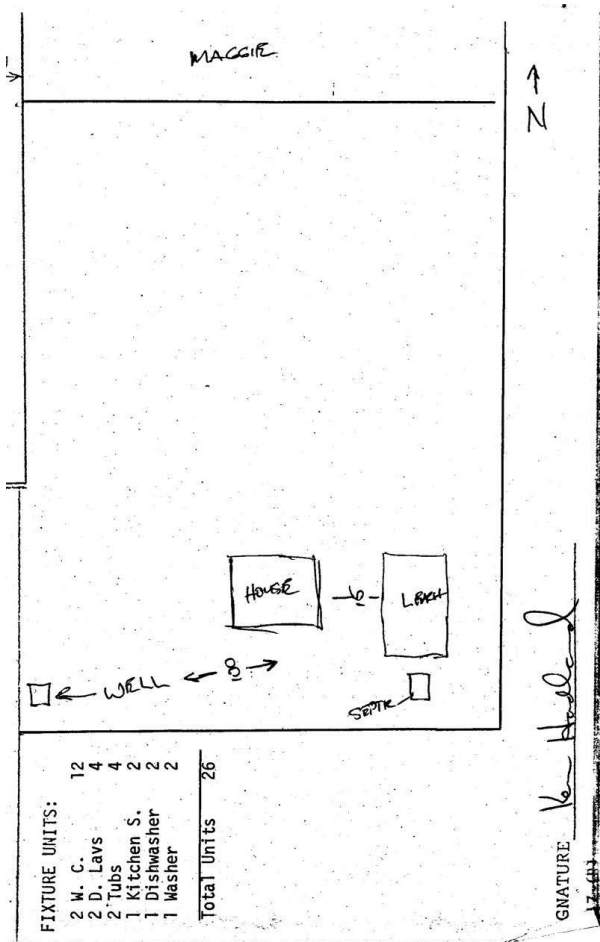
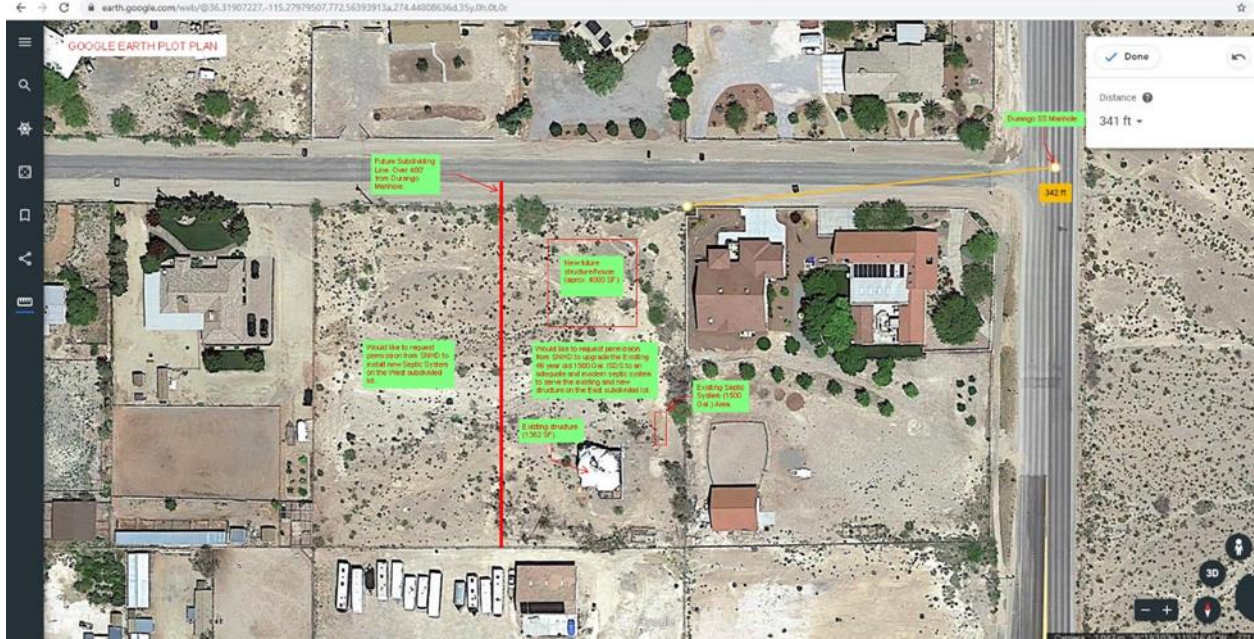
Number of pits \_\_\_\_\_ Diameter \_\_\_\_\_  
 Effective Depth \_\_\_\_\_  
 Total effective absorption area of side wall \_\_\_\_\_ ft. Lining Material \_\_\_\_\_

DATE OF APPROVAL: *3-7*, 1977

*Clara Sweet*  
 Sanitarian

**NOTE: INSTALLATION APPROVED ONLY UNTIL SEWER AVAILABLE.**

Attachment E: Existing Site Plan of Subject Property



Attachment F: Well Driller's Report (Well Log #53241) - Page 1 of 2

WELL LOG AND REPORT TO THE STATE  
 ENGINEER OF NEVADA

Log No. 53471  
 Rec. 19  
 Well No. \_\_\_\_\_  
 Permit No. \_\_\_\_\_  
 Do not fill in

Owner BENTAN O'NEIL Driller But Hangjoiz  
 Address 14 miles on L.A. Highway Address 910 E. College Lic. No. 63  
to 105. Angels.  
 Location of well: 1/4 Sec. T. 23 N/S, R. 41 E, in Clark County  
 or \_\_\_\_\_  
 Water will be used for DOMESTIC Total depth of well 270'  
 Size of drilled hole 8" Weight of casing per linear foot 26 LB.  
 Thickness of casing 1/4" Temp. of water \_\_\_\_\_  
 Diameter and length of casing 8" 40'  
 (Casing 12" in diameter and under give inside diameter; casing 12" in diameter give outside diameter.)  
 If flowing well give flow in c.f.s. or g.p.m. and pressure \_\_\_\_\_  
 If nonflowing well give depth of standing water from surface 21.5'  
 If flowing well describe control works \_\_\_\_\_  
 (Type and size of valve, etc.) \_\_\_\_\_  
 Date of commencement of well 3-23-'53 Date of completion of well 4-29-'53  
 Type of well rig 71 STAR

LOG OF FORMATIONS

From feet	To feet	Thickness feet	Type of material	Water-bearing Formation, Casing Perforations, Etc.
0	8	8	BOULDERS	
8	30	22	SANDSTONE + GRAVEL	Chief aquifer (water-bearing formation)
30	32	2	HARD SANDSTONE	from <u>225"</u> to <u>265"</u> ft.
32	40	8	SANDSTONE GRAVEL	Other aquifers _____
40	165	125	BROWN SANDY CLAY + GRAVEL	_____
165	235	70	SANDSTONE + GRAVEL	_____
235	265	30	GRAVEL - WATER	_____
265	270	5	BROWN CLAY	_____

First water at 235 feet.

Casing perforated  
 from \_\_\_\_\_ to \_\_\_\_\_ ft.

Size of perforations \_\_\_\_\_

(OVER)



Attachment G: Restrictive Covenant (Page 1 of 2)

90R1553-001

9 1 0 4 1 9 0 1 0 0 1

**RESTRICTIVE COVENANT RUNNING WITH THE LAND**

THIS INDENTURE, made this 7 day of April, 1971, between  
CLARK COUNTY, NEVADA, hereinafter referred to as "COUNTY", and

KENNETH L. HADLAND AND ELIZABETH A. HADLAND  
hereinafter referred to as "OWNER".

**WITNESSETH**

WHEREAS, OWNER represents to be the owner in fee of the real property described as follows:

THE NORTHWEST QUARTER (NW¼) OF THE SOUTHEAST QUARTER (SE¼) OF THE  
NORTHEAST QUARTER (NE¼) OF THE NORTHEAST QUARTER (NE¼) OF  
SECTION 8, TOWNSHIP 19 SOUTH, RANGE 60 EAST, M.D.B. & M.

more commonly known as: 8465 W. MAGGIE  
(street address or general location)

WHEREAS, existing and applicable laws, ordinances, rules and regulations have been determined to require full compliance with certain conditions relative to the proposed development, improvement or use of the above-described real property; and

WHEREAS, good cause having been shown therefore, COUNTY has determined that said full compliance with required and imposed conditions, in the presently existing circumstances, is either unfeasible or undesirable, and that such full compliance should properly be temporarily suspended and deferred until such time as full compliance shall be demanded and required; and

WHEREAS, OWNER expressly understands and acknowledges that the required and imposed conditions for the proposed development, improvement, or use of the described real property, to be complied with, are just and proper, and the COUNTY'S approval thereof and permit or license therefor are expressly conditioned upon OWNER'S full performance compliance with said required and imposed conditions, as and when COUNTY shall demand and require the same;

NOW, THEREFORE, in consideration of the foregoing premises, the undersigned as OWNER of the described real property herein, for himself, herself, itself, or themselves (as the case may be) and his, her, their, heirs, executors, administrators, successors or assigns, does covenant, promise, and agree to, and with, said COUNTY, its successors and assigns, that full performance and compliance, when and as required by COUNTY, shall be made with the following conditions hereby imposed in connection with COUNTY'S approval granted for certain proposed development, improvement, or use of real property described herein:

**OFF-SITE IMPROVEMENTS TO INCLUDE:**

curb, gutter, sidewalks, streetlights, asphalt paving, fire hydrants, drainage facilities



Attachment G: Restrictive Covenant (Page 2 of 2)

The undersigned OWNER of said described real property, in consideration of Clark County's suspension or deferral of immediate compliance with each and every one of the foregoing conditions, does hereby expressly declare that the same, and each and all of them, shall constitute, and are hereby declared to constitute, a covenant to run with all of the within described real property, as provided by law, to be binding upon the undersigned OWNER thereof, and on all other parties and persons claiming under OWNER, until each and every one of all said conditions shall have been fully complied with, performed, and completed, as and when required by Clark County, Nevada.

IN WITNESS WHEREOF, the undersigned, OWNER of the said described real property has hereunto subscribed this INDENTURE the date and year hereinabove first mentioned.

*Kenneth L. Hadland*  
KENNETH L. HADLAND

*Elizabeth A. Hadland*  
ELIZABETH A. HADLAND

STATE OF NEVADA )  
                          ) ss  
COUNTY OF CLARK )

On April 4, 1991, before me, the undersigned, a NOTARY PUBLIC, in and for said County and State, personally appeared

Kenneth L. Hadland + Elizabeth A. Hadland  
known to me to be the person(s) described in and who executed the foregoing instrument, and who acknowledged to me that he, she, they, executed the same freely and voluntarily and for the uses and purposes therein mentioned.

WITNESS my hand and office:



NOTARY PUBLIC  
STATE OF NEVADA  
County of Clark  
Sandra W. Pollack  
My Appointment Expires Dec 29, 1993

*Sandra W. Pollack*  
NOTARY PUBLIC in and for said County and State  
My Commission expires:

(If corporate owner, use corporate acknowledgment)

CORPORATE CERTIFICATE

I, \_\_\_\_\_, certify that I am the Secretary of the Corporation named as Owner in the foregoing Agreement; that \_\_\_\_\_, who signed said Agreement on behalf of the Owner was then President/Vice President of said Corporation; that said Agreement was duly signed for and in behalf of said Corporation by authority of its governing body and is within the scope of its corporate powers.

SECRETARY

Corporate Seal:

Escrow No. \_\_\_\_\_

Order No. \_\_\_\_\_

Recorder's Instrument No. \_\_\_\_\_

When recorded, return to:

CLARK COUNTY, NEVADA  
JOAN L. SWIFT, RECORDER  
RECORDED AT REQUEST OF:  
CC/PUBLIC WORKS  
04-19-91 16:39 C.J.F.  
OFFICIAL RECORDS  
BOOK: 910419 INST. 01061  
FEE: .00 RPPT: .00

Attachment H: 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: Guevara, Freddie and Emily and Regino, Hervey and Leticia  
Address of Property Owner: 6035 N Grand Canyon Dr, Las Vegas, NV 89149  
Contact Information of Property Owner: \_\_\_\_\_  
Office Phone: \_\_\_\_\_ Cell Phone: 702-801-4827  
Fax Number: \_\_\_\_\_ Email Address: herveyregino@hotmail.com

**PROPERTY INFORMATION**

Property Address: 8465 Maggie Ave, Las Vegas, NV 89143  
Assessor's Parcel Number (APN): 125-08-507-001  
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)**

We bought the subject property on October 2018. We put in an application to CCBD to subdivide in 2 halves on December 2018. On March 17, 2021 the Clark County Board of Commissioners approved our waiver request to connect to public water due to distance and high cost to connect.  
We would like to respectfully request a variance against public sewer connection from being on the parcel map.  
The variance is against SNHD Sewage Regulation 2.7.2  
"Permission to construct shall be denied if a public or community sewerage system is available within four hundred feet (400') of the nearest property line and can be accessed by a gravity flow line, and is accessible per the sewer authority of jurisdiction."

Attachment H: 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:**

We understand it is required to connect to public sewer if it is available 400' away from the property line, but we believe our situation to be unique due to the following reasons:

1. Although the nearest manhole on Durango is approximately 340' from the east side property line (see Google Earth view attached), the same east half of the property has an existing water well and 1500 Gal. septic system serving the existing structure. Our primary request is to upgrade this existing 46 year old ISDS to an adequate and modern system to serve the existing and new structure. This upgrade request would be better for the public surrounding area. Due to our request basically being an upgrade to the existing system, we don't believe it will affect others subject to the regulations.
2. After the lot is subdivided in 2 halves, the West half property line will be over 400' from the Durango manhole. A new septic chamber system would be constructed on the West half.

**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):**

We have received rough bids for the sewer alone ranging from \$80-\$100k. The rough bids we received approximately 2 years ago and the cost most likely has risen since then. With the existing requirements, this lot may remain undeveloped indefinitely restricting the urban development of the area. All the nearby lots on Maggie Ave currently have a septic system. The likelihood of anyone else benefiting from our installation is limited to non-existent. In addition, we would not be able to receive any type of financial support from the neighbors since they already have a working waste system. We are lifelong Nevada residents with a plan to build two homes in this lot for our families and parents we care for. This is not for investment, our intent is to provide a place where our children can grow up experiencing a more rural lifestyle here in Las Vegas and allow our parents to retire in peace. Please help us in achieving this goal so that the dream of building a home in Las Vegas is not reserved only for the wealthy.

**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:**

The surrounding properties on Maggie Ave., between N. Durango Dr and Homestead Rd, all have septic systems and wells. To our knowledge none of the existing home owners ISDS and water systems on Maggie Ave have caused danger to the public health and safety. The existing structure, septic system and water well located on the east of half of our property is compliant per SNHD regulations. If the variance is granted the 46 year old existing septic system would be upgraded to a modern system to serve the existing and planned new structure on the subdivided east half, and a new system would be placed on the subdivided west half of the property. The upgraded system would be better for the environment. All minimum horizontal separation requirements on the 2 lots (1.17 Acre EA) would be met per SNHD requirements. It will also save the neighbors from the inconvenience associated with road detours, and construction noise and dust. Also note that all lots in the area are 1 acre in size. The lot south of the property (on Brent Ln) is connected to city sewer. This is not a septic-dense part of town. Most important, it will allow us to have a chance at finishing this project with our current income and savings in a timely manner.

Attachment H: 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 I: Justification / Hardship Letter (Page 1 of 3)

JUSTIFICATION/HARDSHIP LETTER

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

From: Frediee & Emily Guevara  
Hervey & Leticia Regino  
6035 N Grand Canyon Dr., Las Vegas, NV 89149  
(702) 801-4827

APN: 125-08-507-001

6/15/2021

To whom it may concern:

We purchased the subject property back in October 2018 with the intent of materializing one of our lifelong dreams of building a home to raise our children and where our parents could live their retirement. We invested our life savings and purchased this lot cash. Due to land and lot improvement costs, we knew that the only way we would be able to purchase and develop this lot would be by joining our savings, this is why we teamed up and purchased this 2.3-acre lot together with the intent of subdividing it and building our homes in our individual 1.17-acre lots. Much due diligence was made in an attempt to ensure we would be able to build our homes in this property. Many calls were made to the County, Southern Nevada Water Authority (SNWA), NV Energy, Southern Nevada Health District (SNHD), etc. in an attempt to avoid making an investment in land that was undevelopable. The lot had an abandoned dome home built in the 70's which was a nest for squatters and vandalism. We have since cleaned up this structure in an effort to improve the community and keep illicit activity away from the area. We knew that the lot had a permitted and registered well and septic, used to service this dome home, which would end up in the east facing lot. Our goal was always to use these grandfathered utilities and replicate the same in the west facing lot.

We hired a company named MHP to help with the various grading and storm drain study plans. In addition, we hired the services of Dupont Engineering for the various Soils Reports that are required to subdivide the lot.

We put in an application to CCBD to subdivide in 2 halves on December 2018. On March 17, 2021 the Clark County Board of Commissioners approved our waiver request to connect to public water due to distance and high cost to connect.

We would like to respectfully request a variance against public sewer connection from being on the parcel map.

The variance is against SNHD Sewage Regulation 2.7.2

"Permission to construct shall be denied if a public or community sewerage system is available within four hundred feet (400') of the nearest property line and can be accessed by a gravity flow line, and is accessible per the sewer authority of jurisdiction."

Attachment I: Justification / Hardship Letter (Page 2 of 3)

We understand it is required to connect to public sewer if it is available 400' away from the property line, but we believe our situation to be unique due to the following reasons:

1. Although the nearest manhole on Durango is approximately 340' from the east side property line (see Google Earth view attached), the same east half of the property has an existing water well and 1500 Gal. septic system serving the existing structure. Our primary request is to upgrade this existing 46-year-old ISDS to an adequate and modern system to serve the existing and new structure. This upgrade request would be better for the public surrounding area. Due to our request basically being an upgrade to the existing system, we don't believe it will affect others subject to the regulations.
2. After the lot is subdivided in 2 halves, the West half property line will be over 400' from the Durango manhole. A new septic chamber system would be constructed on the West half.

We have received estimates for the sewer installation ranging from \$120-\$140k. With the existing requirements, this lot may remain undeveloped indefinitely restricting the urban development of the area. All the nearby lots on Maggie Ave currently have a septic system. The likelihood of anyone else benefitting from our installation is limited to nonexistent. In addition, we would not be able to receive any type of financial support from the neighbors since they already have a working waste system. We also want to point out that with so much work going on in town, we were turned down by companies from even providing an estimate due to the size of this job.

The surrounding properties on Maggie Ave, between N. Durango Dr and Homestead Rd, all have septic systems and wells. To our knowledge none of the existing home owners ISDS and water systems on Maggie Ave have caused danger to the public health and safety. The existing structure, septic system and water well located on the east of half of our property is compliant per SNHD regulations. If the variance is granted the 46-year-old existing septic system would be upgraded to a modern system to serve the existing and planned new structure on the subdivided east half. We plan on installing this new system within two years, once we have our new home drawings drafted and approved so we can have an accurate calculation of the new system. A new system would be placed on the subdivided west half of the property to support the new home construction. The upgraded system would be better for the environment. All minimum horizontal separation requirements on the 2 lots (1.17 Acre EA) would be met per SNHD requirements. It will also save the neighbors from the inconvenience associated with road detours, and construction noise and dust. Also note that all lots in the area are over 1 acre in size. The lot south of the property (on Brent Ln) is connected to city sewer. This is not a septic-dense part of town. Most important, it will allow us to have a chance at finishing this project with our current income and savings in a timely manner.

We are lifelong Nevada residents with a plan to build two homes in this lot for our families and parents we care for. This is not for investment, our intent is to provide a place where our children can grow up experiencing a more rural lifestyle here in Las Vegas and allow our parents to retire in peace. Please help us in achieving this goal so that the dream of building a home in Las Vegas is not reserved only for the wealthy.

Thanks in advance for your assistance in this matter.

Sincerely,

Variance Request for 8465 Maggie Avenue  
Page 23  
August 26, 2021

Attachment I: Justification / Hardship Letter (Page 3 of 3)

Frediee & Emily Guevara

Hervey & Leticia Regino

Attachment J: Public Notice



**PUBLIC NOTICE**

The Southern Nevada District Board of Health will conduct a PUBLIC HEARING on Thursday, August 26, 2021 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, 89107 to approve or deny a variance request filed by Frediee & Emily Guevara and Hervey & Leticia Regino ("Petitioners"), to split by minor subdivision (parcel map) the property located at 8465 Maggie Avenue, Las Vegas, NV 89143, APN 125-08-507-001, into two new lots, and to permit and install new individual sewage disposal systems on the resulting lots.

The variance request is made to allow Petitioners to permit the installation of a 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 Petitioners to 1) install a septic system on a lot that is less than 400' from a public sewer line; 2) waive the 400' sewer connection requirement for a proposed minor subdivision; and 3) omit a certificate requiring sewer connection from the recorded minor subdivision map.

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 August 25, 2021, 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 -  
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Chris Saxton, MPH-EH, REHS  
Environmental Health Director

August 10, 2021  
Date