



Memorandum

Date: January 26, 2023

To: SOUTHERN NEVADA DISTRICT BOARD OF HEALTH

From: Robert Fyda, PE, REHS, *Environmental Health Engineer/Supervisor* RF
Daniel Burns, PE, REHS, *Environmental Health Engineering Manager* DCB
Chris Saxton, MPH-EH, REHS, *Environmental Health Director* CS
Fermin Leguen, MD, MPH, *District Health Officer* FL

Subject: Variance Request for an Application to Construct a Septic System located at 2727 S Bronco St, Las Vegas, Nevada that would allow installation of a septic system on an undersized lot.

I. BACKGROUND:

William Hallisky, Owner ("Petitioner"), is requesting a variance to permit and install an individual sewage disposal system (ISDS) on an undersized lot ("Subject Property") to be served by private well, located at Assessor's Parcel Number (APN) 163-11-603-004, also known as 2727 S Bronco St, Las Vegas, NV 89146.

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 (1) acre for the installation of an ISDS on a lot served by a private well. The Subject Property has an area of approximately 0.46 acres.

The Subject Property is an undeveloped lot that was created in 1980 using the minor subdivision process (parcel mapping) prior to the adoption of the current SNHD ISDS Regulations in 2009 and no subsequent changes to the Subject Property have been recorded since that time.

There are 40 existing wells located within one square mile of the proposed ISDS. The Subject Property is located in an area with an extremely high density of existing ISDS. There are 388 lots with an active, traceable ISDS permit within one square mile of the property boundaries. This exceeds by more than 225% the 119 ISDS per square mile limit recommended by the Nevada Division of Environmental Protection (see attached ISDS Density Map).

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:

"See attached letter." [Attachment B]

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):

"See attached letter." [Attachment B]

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:

"Correct."

II. RECOMMENDATION:

The Subject Property has an area of approximately 0.46 acres, which is smaller than the minimum lot size of 1.0 acres required by the SNHD ISDS Regulations for a property served by a private well and ISDS. Lot size variances have been approved for other properties. The proposed ISDS can meet all the required setbacks on the undersized lot.

Water quality data obtained over a period of five (5) years from monitoring wells near the Subject Property show levels of nitrate approaching or exceeding the Safe Drinking Water Act (SDWA) Maximum Contaminant Level (MCL) standard of 10 mg/L (as depicted by the red line in Attachment F). The MCL represents the concentration determined by the US EPA to cause adverse public health effects. Elevated nitrate levels and the presence of pharmaceuticals and personal care products (PPCP) in the monitoring wells suggests that the nitrate concentration is most likely due to human activity.

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

- Public sewer infrastructure is not available within a reasonable connection distance; the nearest point of connection is more than 600' from the Subject Property.
- Public water infrastructure (LVVWD) is available, but water service is not available.
- Advanced treatment systems are available, which can discharge high quality effluent and

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prevent further degradation of groundwater quality.

- Denial of the variance will cause a substantial burden to the Petitioner and their property right.

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

III. CONDITIONS:

1. Petitioner will purchase the necessary non-revocable water rights for a single-family residence use as determined by the Nevada Division of Water Resources prior to issuance of the ISDS permit.
2. Petitioner will install an advanced treatment system in lieu of a conventional septic system.
3. Petitioner will meet all other requirements for septic installation as determined by staff and the SNHD ISDS Regulations.
4. 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.
5. 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 four hundred feet (400') 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.
6. This variance is non-transferrable shall automatically expire and be of no further force and effect should the property be sold or transferred.
7. Construction of the ISDS must be commenced within two (2) years 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.

Attachments:

- A. Variance Candidate Application
- B. Justification Letter from Petitioners
- C. Sewer Point of Connection
- D. Proposed ISDS Plan
- E. ISDS Density Map
- F. SNWA Monitoring Well Data
- G. Public Notice

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



VARIANCE CANDIDATE WORKSHEET

PART I:

ESTABLISHMENT INFORMATION

Name of Facility/Establishment: Single Family Home
Health Permit Number: N/A Date of Inquiry: 12/28/2022
Name of Operator/Agent: William Hallisky (Homeowner)
Address of Operator/Agent: 2727 S. Bronco St. LV NV 89146
Contact Information of Operator/Agent:
Office Phone: 702-873-0221 Cell Phone: 213-448-3446
Fax Number: 702-367-3565
Email Address: William.hallisky@steelmanpartners.com
If corporation, the name/title of individual to sign for Variance document:
Name: N/A
Title: N/A

OWNER INFORMATION

Name of Property Owner: William Hallisky
Address of Property Owner: 2727 S. Bronco St.
Contact Information of Property Owner: William Hallisky
Office Phone: 702-873-0221 Cell Phone: 213-448-3446
Fax Number: 702-367-3565
Email Address: William.hallisky@steelmanpartners.com

PROPERTY INFORMATION

Property Address: 2727 S. Bronco St.
Assessor's Parcel Number (APN): 16111603004
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)

Las Vegas Valley Water District Service Rules
Chapter 4 - Request for Service; 4.5 Refusal of Service: Service through existing or new service connections may be refused if:
4.5.f) District-provided water will be discharged to a septic tank or an evaporative pond.

See attached letter.
LVVWD denied Connection to city water due to sewer not available. Property needs to be serviced by Septic Tank and Domestic Well.
Property is half acre. Need Variance in order to install Domestic Well and Septic per SNHD request.

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:

See Attached Letter

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):

See Attached Letter

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:

Correct

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 (Page 1 of 9)

December 29, 2022

William Hallisky
(Project) 2727 South Bronco Street
Las Vegas, Nevada 89146
(Mailing) P.O. Box 30365
Las Vegas, Nevada 89173
(702) 873-0221
(213) 448-3446 (mobile)
william.t.hallisky@steelmanpartners.com

Re: SNHD Variance – Hardship Letter

To Southern Nevada Health District:

Thank you for the opportunity to present to you my conditions of hardship related to the construction of my personal residence located at the above project site address.

Summary

Between the time of my purchase of the parcel in 2021 and the submittal for approval/permitting phases of this project, the Las Vegas Valley Water District service rules changed. My design and documentation process overlapped with this transition period. As a result of the below mentioned steps, we are kindly asking for a variance to allow for a domestic well + septic tank on a parcel less than 1 acre that was set up by this rule change.

Process

1. Prior to submitting to the Building Department, we reached out to Las Vegas Water Reclamation District and submitted a request for sanitary sewer. That request's outcome was that this parcel is *not serviceable by Sewer*. (See attached Exhibit A.) This set up the scenario in which this would be a "septic tank" project. As a result, we submitted the application for a septic tank to the Southern Nevada Health District.
2. Simultaneously, we submitted a Request for Service to the Las Vegas Valley Water District. Our request was denied because the project was being serviced by septic tank. (See Attached Exhibit B.) This set up the scenario in which we would need a domestic well to service the parcel.

Scenario Cost Impact

3. Securing water rights, mapping, et cetera + well drilling and septic tank will increase the project budget in excess of **35 percent** which is outside of the established comparable values of the neighborhood.

Attachment B: Justification Letter from Petitioner (Page 2 of 9)

4. The cost of making a sewer connection would increase the project budget by **200 percent** – deeming this parcel of land unbuildable.

Designing and building one's dream home, for many, is just that – a dream. I have had the very good fortune of being able to make that dream a reality through hard work, determination and sacrifice from many years of being the responsible stewards of my client's budgets while bringing their dreams to life in the form of the built environment.

While I have had leadership roles in the design and building of Circa and Resorts World, I am by no means a rich man. My home is simple and my budget is humble – even by "Valley" standards. The budget simply cannot absorb a 35% increase without having to make substantial changes to the scope of work.

We are willing to do that as my family needs a permanent home and kindly ask that you approve our variance request.

Sincerely,

 2022-12-29

William Hallisky

(Enclosures)

Attachment B: Justification Letter from Petitioner (Page 3 of 9)

Exhibit A

From: Miguel Gutierrez
To: obrrr9vaxdopvzxfkppof9ffiw0oxlhgvre1waalyxi_ix_7b2fa5bc18d@docs.buildertrend.net
Subject: FW: Sewer Request Single Family Home APN: 16311603004
Date: Tuesday, May 31, 2022 10:29:26 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Sewer Availability Information Below

From: Aida Rafael <arafael@cleanwaterteam.com>
Sent: Tuesday, May 31, 2022 6:52 AM
To: Miguel Gutierrez <miguel@gvslv.com>
Cc: 'Rick Rodrigo' <rick@gvslv.com>
Subject: RE: Sewer Request Single Family Home APN: 16311603004

Good Morning Miguel,

I looked into the parcel you provided and this property is not serviced by us. I believe this property is on septic. You will need to contact Southern Nevada Health District in regards to this property this is the contact information for them. 702-759-0660 , 702-759-1000 280 S Decatur Blvd. Let me know if there is anything else I can help you with.

From: Miguel Gutierrez <miguel@gvslv.com>
Sent: Friday, May 27, 2022 5:57 PM
To: Aida Rafael <arafael@cleanwaterteam.com>
Cc: 'Rick Rodrigo' <rick@gvslv.com>
Subject: Sewer Request Single Family Home APN: 16311603004

You don't often get email from miguel@gvslv.com. [Learn why this is important](#)

STOP, LOOK, THINK: This is an external email. Exercise extra caution responding to it, opening attachments and following links.

Aida,

Greetings and I figured you may be able to point me in the right direction as you were always very helpful on my commercial projects. This application is for a single-family residence new construction project we are under contract for. I have attached the Application for Sanitary Sewer Service.

Variance Request for 2727 S Bronco St
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Attachment B: Justification Letter from Petitioner (Page 4 of 9)

Please let me know if you have any questions or require further information. I do not know if sewer is available for the parcel.

Thank You and feel free to reach out with any questions.

Miguel Gutierrez | Owner
O. 702.202.1211 | C. 702.234.6893 | www.GVSLV.com



6470 W Desert Inn Rd, Las Vegas, NV 89146



Nevada Contractors Lic #80553 | Limit \$950,000

Custom homes, commercial TI, complete design build services.

Attachment B: Justification Letter from Petitioner (Page 5 of 9)

12/29/22, 8:55 AM

Building permit status check

- (09/15/2022) The District is refusing service to the proposed development per Service Rules section 4.5.. This applies if you are proposing a septic system. In order to connect to city water, you must extend city sewer to your lot.
 - The District is refusing service to the proposed development per Service Rules section 4.5.
- (09/15/2022) Other. LVVWD needs to see your sewer proposal. Please provide us with documentation supporting how you will connect to sewer.

Fire sprinklers

Not required

Other

Not required

Add Additional
Document(s)

Additional project information

Additional permit number(s)

Not available

Scope of work or additional information

0/2000 Characters

[Show comment history](#)

Clark County approval

Zoning

Pending



CC Zoning division approval is pending

Civil

12/29/22, 8:55 AM

Building permit status check

Exhibit B

Building permit status check

Status: Pending

Building permit information

Building permit number & type

BD22-45203 Residential

Received on

09/14/2022

Supporting documents and information

Plumbing plan or floor plan

(Last document uploaded 09/14/2022)

Pending

Site plan

(Last document uploaded 09/14/2022)

Pending

Septic system approval

(Last document uploaded 09/14/2022)

Pending:

Attachment B: Justification Letter from Petitioner (Page 7 of 9)

12/29/22, 8:55 AM

Building permit status check

Approved



Architecture

Pending



CC Architecture division approval is pending

Contact

Primary contact

First name

Miguel

Last name

Gutierrez

Phone

702-234-6893

Ext.

Email

miguel@gvslv.com

Confirm email

miguel@gvslv.com

[Add Additional Contact](#)

Update

Close

Attachment B: Justification Letter from Petitioner (Page 8 of 9)

12/29/22, 8:55 AM

Building permit status check

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Las Vegas, Nevada 89153 702-870-2011 800-252-2011

Attachment B: Justification Letter from Petitioner (Page 9 of 9)

Exhibit C

Budget Drilling

1170 Darcy Lane,
 Pahrump NV 89060
 NCL#00702900 Bid Limit \$500,000

QUOTE

Date: 10/10/2022
 Invoice #:
 Customer ID:

To: William Hallisky
 Eldora and Bronco
 Las Vegas NV 89146

PO NUMBER	Project
	GM Well Parcel 163-11-603-004

ITEM	Unit	Description	Quantity	Amount	Line Total
Quasi-municipal Permitted Well to 500 feet, Parcel 163-11-603-004					
1	EA	PURCHASE 1-acre foot of non-revocable water right Permit 85571	1	\$27,000.00	\$ 27,000.00
2	EA	MAP to support the CHANGE in place of use and point of diversion	1	\$ 7,000.00	\$ 7,000.00
3	EA	APPLICATION fees to NDWR,	1	\$ 360.00	\$ 360.00
4	EA	FEE to NDWR to issue NEW non-revocable permit change application	1	\$ 400.00	\$ 400.00
Water Right Acquisition and Permitting					\$ 34,760.00
4	HR	Drill quasi-municipal well with 50-foot sanitary seal and 8-in PVC completion to 500 feet	1	\$30,000.00	\$ 30,000.00
5	HR	Equip well with pumping equipment and VFD	1	\$15,000.00	\$ 15,000.00
Well drilling and completion standard 50 foot seal					\$ 45,000.00
IF REQUIRED BY WAIVER DEEP SEAL TO 200 FEET					
6	EA	ADDITIONAL material for waiver compliance as required to 200 feet	1	\$12,000.00	\$ 12,000.00
IF ADDITIONAL SEAL NOT REQUIRED , ITEM 6 DEDUCTED FROM TOTAL COST					
Subtotal					\$ 91,760.00
Sales Tax					
Subtotal					\$ 91,760.00
Field Service					
TOTAL DUE					\$ 91,760.00

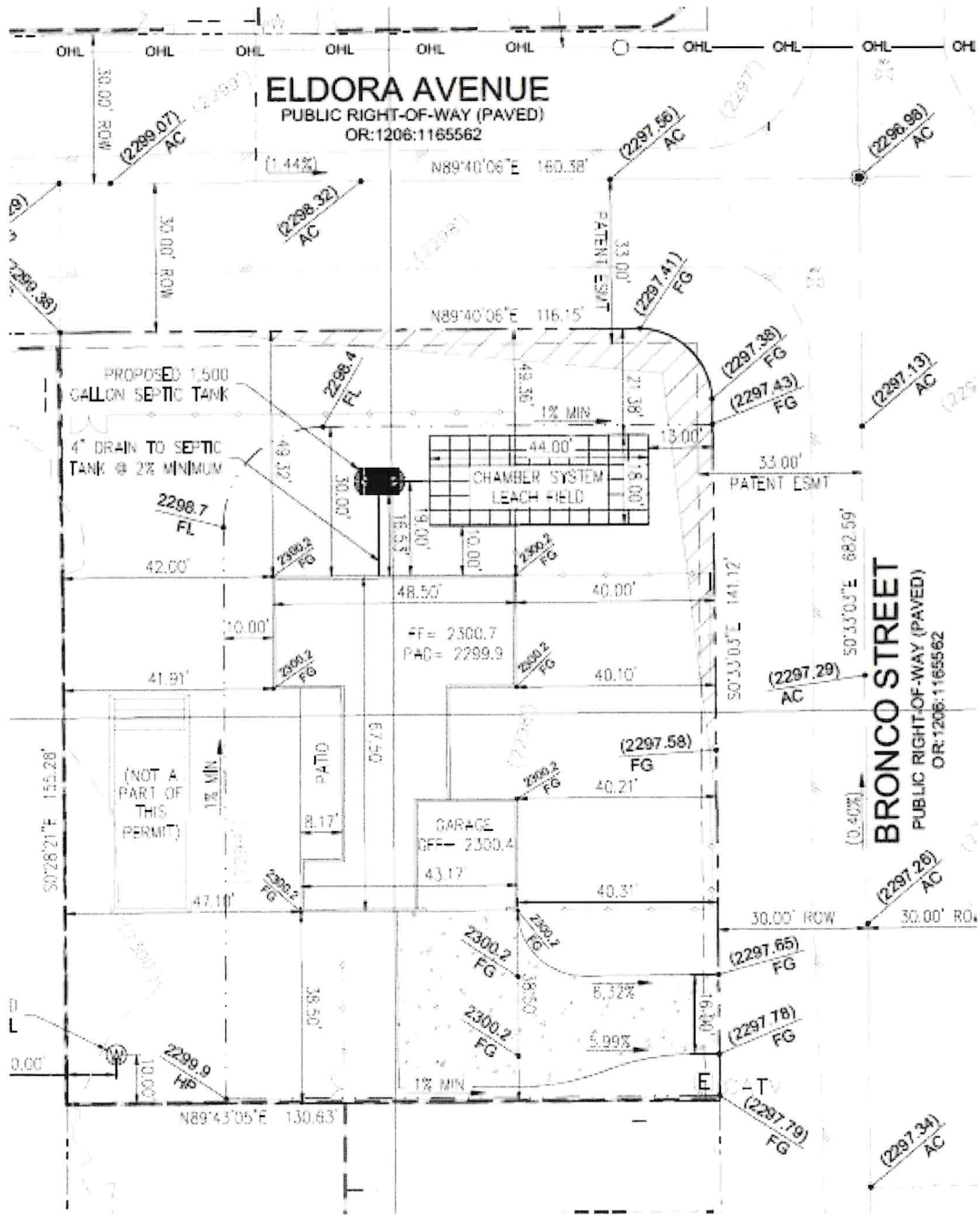
By: scj Sam Robinson

Thank you for your business!

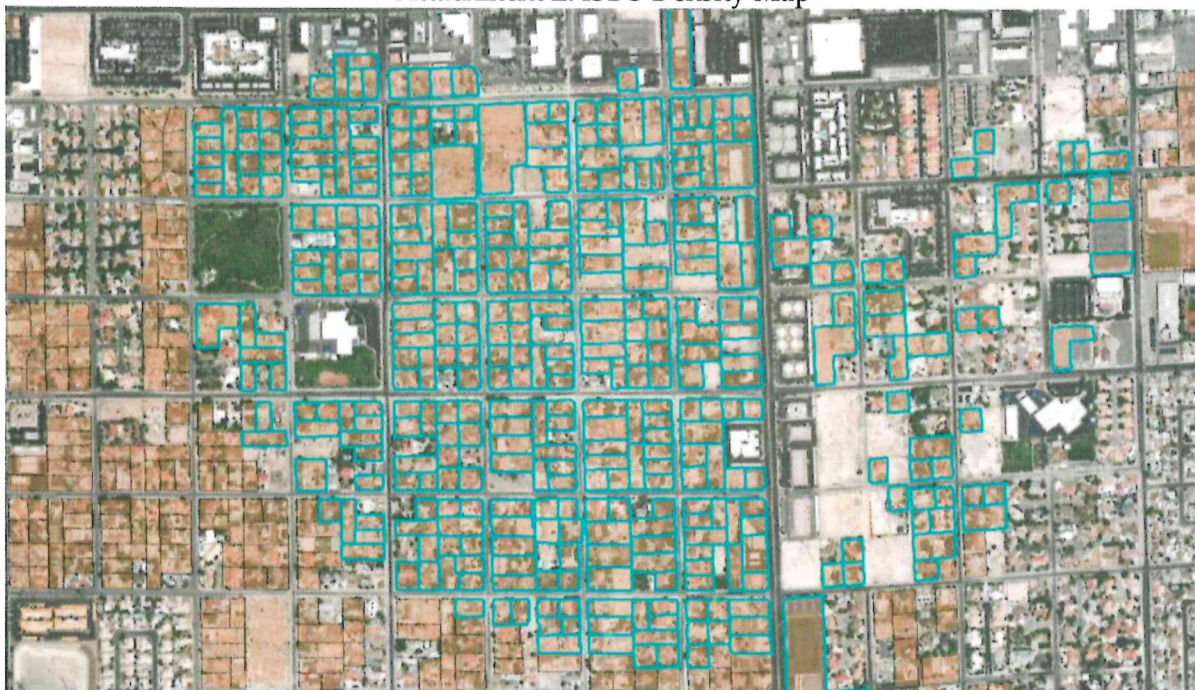
Attachment C: Sewer Point of Connection



Attachment D: Proposed ISDS Plan

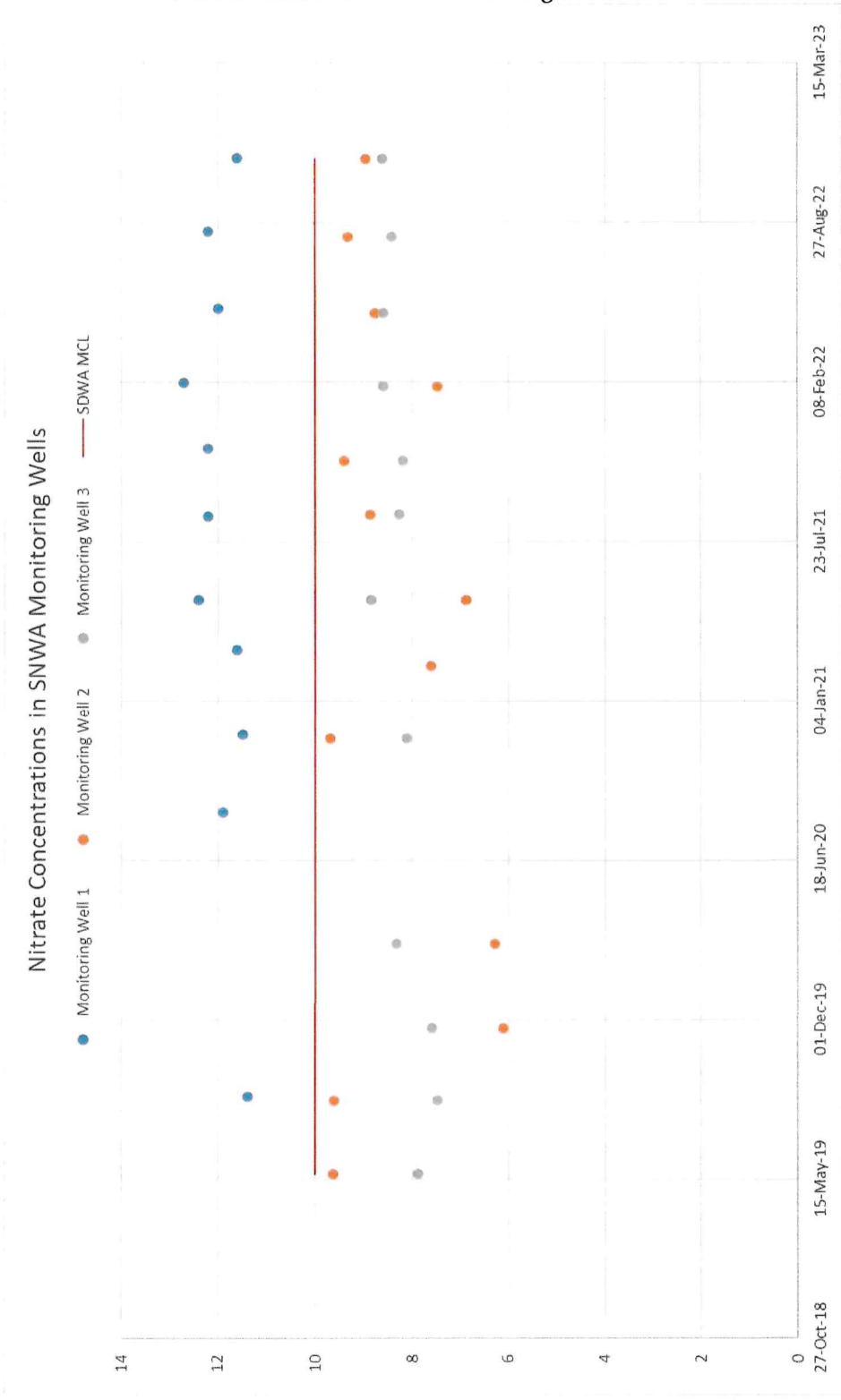


Attachment E: ISDS Density Map



There are 40 existing wells and 388 lots with an active, traceable ISDS permit within one square mile of the property boundaries.

Attachment F: SNWA Monitoring Well Data



Attachment G: Public Notice



PUBLIC NOTICE

The Southern Nevada District Board of Health will conduct a PUBLIC HEARING on Thursday, January 26, 2023 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 William Hallisky, ("Petitioner"), to permit and install a new individual sewage disposal system on the property located at 2727 S Bronco St, Las Vegas, NV 89146, APN 163-11-603-004.

The variance request is made to allow the Petitioner 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 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 January 23, 2023 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 -

Chris Saxton, MPH-EH, REHS
Environmental Health Director

January 10, 2023
Date