



Memorandum

Date: January 26, 2023

To: SOUTHERN NEVADA DISTRICT BOARD OF HEALTH

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

Subject: Variance request for an existing septic system, SNHD Permit #ON0026656, located at 8620 Mustang St, Las Vegas, NV to allow existing trees to encroach on the septic system.

I. BACKGROUND:

Lynn Kowalski, trustee of The Nevada Cooperative Trust, ("Petitioner") is 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 125-11-602-002, also known as 8620 Mustang St, Las Vegas, NV 89131. The existing septic system was approved on April 18, 1996.

Petitioner requests 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 Section 11.3 of the SNHD ISDS Regulations.

Petitioner further requests a variance from Section 11.3 of the SNHD ISDS Regulations, which states that "All trees shall be at least ten feet (10') from both the septic tank and leach field." There are multiple trees on or near the leach field (see Attachment C). Petitioner would like to proceed with their Tenant Improvement approval request and allow the existing trees to remain.

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:

"The Site Plan clearly show the items in question are label[ed] correctly as Mountain Laurel's and Sumac which are Shrubs and Trees. The National Association of A[r]borist defines these item as Shrubs or Trees."

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):

"Removing these Shrubs and Trees would probably do more damage to the Existing System than if they were left there as is. The Cost to remove these Shrubs would be in excess of \$ 30,000.00."

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:

"These Shrubs and Trees have been there for 20 plus Years with No Issue. Removing them now would serve no useful purpose."

Examination of the Clark County Assessor's records and parcel genealogy show that Petitioner is the 2nd owner of the septic system and obtained the property in January 1999. An analysis of available aerial photography shows the trees in question were present in the Spring of 2001 or earlier. The property has not been improved since the adoption of the current regulations in 2009.

An analysis of the surrounding area shows that there are 48 recorded well logs and 92 permitted septic systems within a square mile of the subject property. There is sewer line within 400 feet but it is not available for connection according to the sewer agency (see Attachment E).

II. RECOMMENDATION:

The existing trees located on and near the leach field pose a risk to the septic system via root intrusion. Root intrusion can cause hydraulic failure, which may result in sewage backup into the structures being serviced by the septic system or surfacing of sewage over the leach field. However, the presence of trees allows for uptake of the effluent by the roots, which may improve treatment of the effluent.

The existing septic system is at higher risk of failure as it is approaching 27 years old where a typical septic system life span is about 30 years. Petitioner claims that the plants in question are shrubs, but that characterization appears to be contradicted by the arborist's report and classification (see Attachment F).

Staff recommends DENIAL of the variance for the following reasons:

- The age of the existing individual septic system is approaching its' life expectancy.

- Risk of tree root intrusion into the septic system could cause septic system failure.

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. Petitioner 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 feet (400') of the property line when connection can be made by gravity flow and the owner(s) are notified and legally required to do so.
2. Petitioner and their successor(s) will abide by the operation and maintenance requirements of the most current SNHD regulations governing individual sewage disposal systems.
3. No additional trees are allowed within 10 feet of the existing septic system.
4. The variance will be in effect until the existing residential septic system is inactivated, removed, fails, or if the property changes land use. Conversion of the existing septic system for commercial use will result in the variance becoming null and void.
5. Petitioner and their successor(s) must provide a copy of the variance to potential buyers as part of the disclosure process per NRS 113.

Attachments:

- A. Variance Candidate Application
- B. Justification Letter
- C. Tenant Improvement Review (SR0045192)
- D. Final Inspection Report and Plot Plan for ON0026656
- E. Sewer Connection Information
- F. Arborist Report for 8620 Mustang St
- G. Quote for Tree Removal from JDS Surfaces
- H. 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: Nevada Cooperative Trust and Lynn Kowalski Trustee
Address of Property Owner: 8620 Mustang St.
Contact Information of Property Owner: Lynn Kowalski c/o JDS Surfaces, LLC, Scott R Ainsworth
Office Phone: 702-435-1607 Cell Phone: 702-624-7386
Fax Number: N/A Email Address: scott@jdssurfaces.com

PROPERTY INFORMATION

Property Address: 8620 Mustang St.
Assessor's Parcel Number (APN): 125-11-602-002
Describe location within larger facility (i.e. hotel/casino/resort, etc.):
Trees on Site Plan within 10' of Septic System

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

5.1 No Trees shall be located within ten feet (10') of a soil absorption system or Septic Tank.

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:

The Site Plan clearly show the items in question are Label correctly as Mountain Laurel's and Sumac which are Shrubs and Trees. The National Association of Arborist defines these item as Shrubs or Trees.

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):

Removing these Shrubs and Trees would probably do more damage to the Existing System than if they were left there as is. The Cost to remove these Shrubs would be in excess of \$ 30,000.00.

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:

These Shrubs and Trees have been there for 20 plus Years with No Issue. Removing them now would serve no useful purpose.

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 3)

Nevada Cooperative Trust and
Kowalski Lynn D. TRS
8260 Mustang ST
Las Vegas, NV 89131

June 30, 2022

Director of Environmental Health Division
So. Nevada Health District
P.O. Box 3902,
Las Vegas, NV 89127

RE: 8620 Mustang St. Las Vegas, NV
SNHD Permit # ON0026656

Dear Mr. Robert Fyda
Environmental Health Supervisor, Southern Nevada Health District:

I am the owner of Nevada Cooperative Trust, Lynn D Kowalski Trustee of 8620 Mustang St. Las Vegas, Nevada 89131, further described as LAND DIVISION 146-92, LOT 2 BLOCK, PARCEL NUMBER: 125-11-602-002 in Clark County, ask the Department for a Variance from Section 5.1 of the IDSD Regulations requiring no Trees within 10' of a Sewage Disposal System or a Septic Tank.

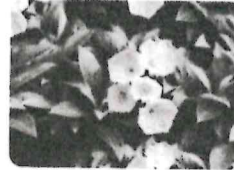
On the Site Plan submitted for the Voucher for the Issuance of the Building Permit No. BD21-60259 to Build an Outdoor BBQ on the Opposite side of the Property there is a requirement that the Trees labeled on the Plan be removed prior to Final Approval.

First the Items marked by the Inspector as Trees are Clearly Labeled to be Mountain Laurel's and Sumac which are considered Shrubs by the Arborist Society and would not require removal under the Regulations.

Secondly these Shrubs have been there since the Home was Built and the Landscaping was completed some 20 plus years ago. There have been no issues with the system functioning properly to this point. Removing these Shrubs at this point would probably do more damage than good, not to mention the Hardship it would cause me as the Homeowner to have to replace the System due to the Damage. (Please see Below Description of Mountain Laurel's and Sumac as Shrubs)

Attachment B: Justification Letter (Page 2 of 3)

Mountain laurel (*Kalmia latifolia*) is a **flowering broadleaf evergreen shrub** with a gnarly, multi-stemmed growth habit. It has beautiful spring blooms, and its elliptical, glossy deep-green leaves (resembling those of rhododendrons) and gnarled stems make it attractive in all seasons. APR 11, 2022



Sumac

Sumac shrubs provide intriguing visuals throughout most of the year, whether they're growing along roadsides or planted as garden accents. Large flower clusters in spring are followed by brilliantly colored fall foliage in orange, flame red, and burgundy. The flower clusters produce berrylike drupes that turn red in autumn and last well into winter where they serve as tasty snacks for wildlife.

Allowing these Shrubs to remain as is, does not generally affect other persons subject to the regulations as the Regulation is for Trees and not Shrubs. Leaving them is also better for the environment as the help with better Air Quality and a Healthier Environment.

This is a portion of the response from the Inspector as it relates to the situation.

You are correct that removing the root systems may damage the leach field (which is why we don't recommend pulling trees out of the ground), but we haven't allowed waivers like what you described, so it would be unfair to make an exception for this individual case. Do you know about how many trees would be affected (i.e., within 10' of the leach field or septic tank)? Bushes/shrubs are not considered trees.

Just cutting down the Shrubs and leaving the Root System to continue to grow as Shrubs will do serves no useful purpose in this situation.

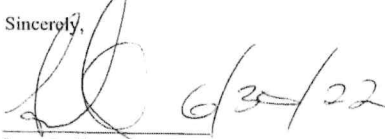
As far as connecting to the sewer system, the closest sewer to the property is about 500feet away to a City Sewer, and would be cost prohibitive.

In closing I ask the Division to either remove the Condition for the Shrubs to be removed from the Area as a Requirement to issuance of a Final Inspection or Grant a Variance allowing them to remain until the System Fails or needs Repair.

Also attached is a Notarized Letter that can be put in the File Binding me to either remove the Shrubs should we decide to Repair the System or Connect to County Sewer when and if the System Fails.

Variance Request for 8620 Mustang St
Page 9
January 26, 2023

Attachment B: Justification Letter (Page 3 of 3)

Sincerely,

Lynn D. Kowalski-Trustee
Nevada Cooperative Trust

Attachment C: Tenant Improvement Review (SR0045192) - Page 1 of 2

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

REPORT AND/OR NOTICE OF INSPECTION


EHS 1173	PERMIT NUMBER ON0026656	FACILITY Nevada Cooperative Trust and Kowalski Lynn D. TRS			ADDRESS 8620 Mustang ST Las Vegas, NV 89131-1940			
DIST 14	CITY Las Vegas	APN # 125-11-602-002			SR # SR0045192	WATER SOURCE Domestic Well		
CURRENT ACTION 628	Service Date 5/3/2022	Status	Time In	Time Out	Result			
	Travel Minutes	Miles	Violations Alleged	Violations Actual	Future Action	Action	Date	

NOTIFIED OF THE FOLLOWING

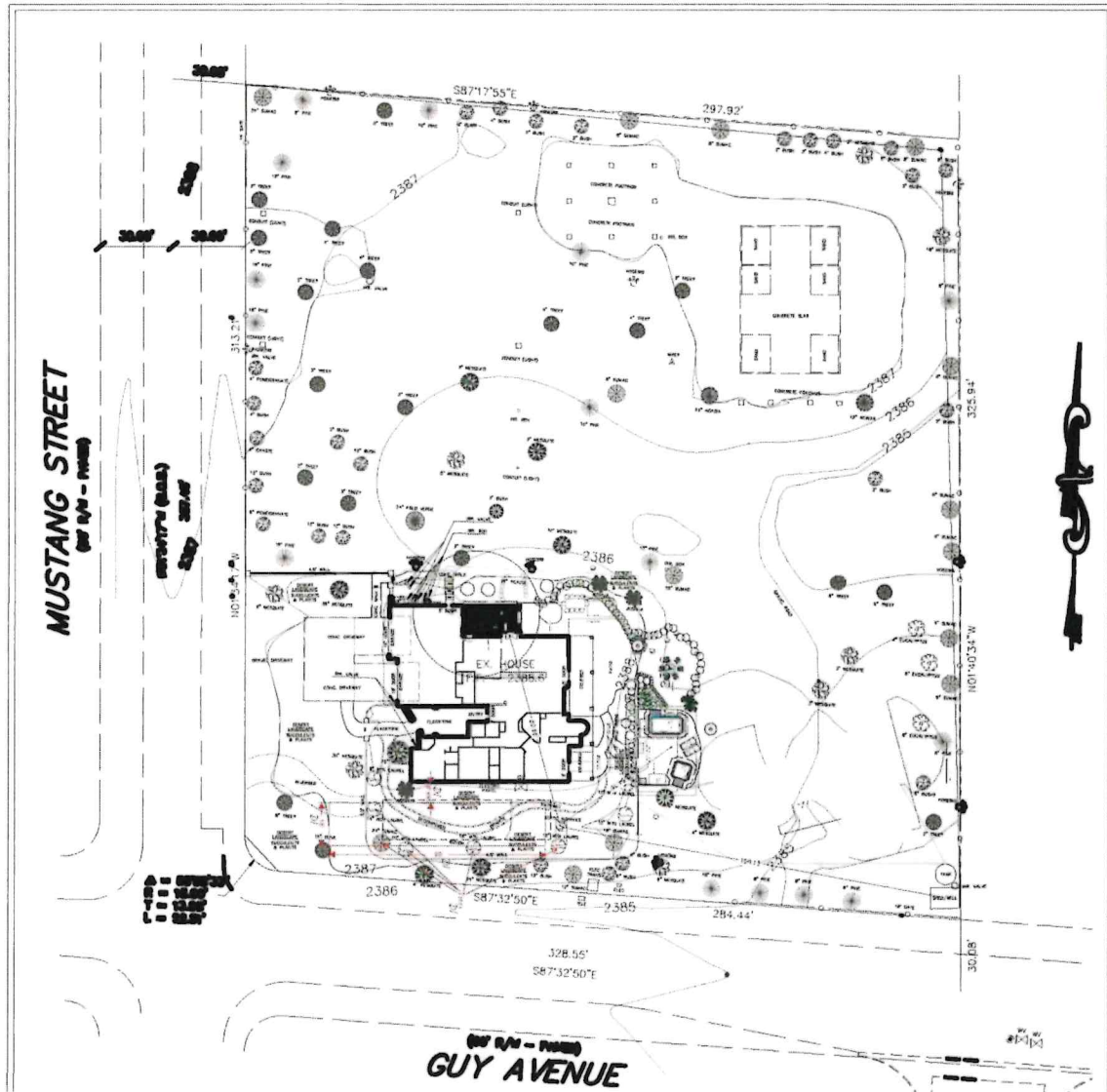
Tenant Improvement for a BBQ patio area with plumbing is **CONDITIONALLY APPROVED**. The proposed BBQ patio will include 1 additional fixture unit consisting of 1 sink @ 1 FU. The existing septic system appears to be adequate. However, there appears to be multiple trees within 10' of the septic tank and leach field. Cut down any trees encroaching on the septic system and submit photo documentation to SNHD for final approval, or provide documentation showing that the trees are more than 10' from the septic system.

The building permit for the proposed BBQ patio may be released, but **PLACE A HOLD ON THE FINAL INSPECTION** until the above conditions have been met.

RECEIVED BY:
 Emailed to Scott Ainsworth - JDS Surfaces
 (delivery@spaces.hightailmail.com) on 5/3/2022

ENVIRONMENTAL HEALTH SPECIALIST:

 Dan Isler
 cn=Dan Isler, o=SNHD, ou=ISDS,
 email=isler@snhd.org, c=US
 2022.05.03 09:33:46 -0700

Attachment C: Tenant Improvement Review (SR0045192) - Page 2 of 2



Attachment D: Final Inspection Report and Plot Plan for ON0026656
 (Page 1 of 2)

CLARK COUNTY HEALTH DISTRICT
 625 Shadow Lane • Las Vegas, Nevada
 Telephone 363-1271 (Direct) • 385-1291 (24 Hours)

SAN	CONTROL NO.	ESTABLISHMENT	ADDRESS
	SJ794		MUSTANG ST/GUY AVE
	GJK-00	OGDEN, JOHN S & MARSHA H	8620 MUSTANG ST
			LAS VEGAS NV 89131
DIST	14	125-11-602-002 19 60 11 NE SW	PERSON INTERVIEWED
		LD 146-92 96-8235	15 MPR
CITY	09	TYPE AND CATEGORY	TELEPHONE (702)
		8811-084 1500	498-2666
		ABSORB LOT SZ FIX ASSESSOR # WATER #	
		1165 106600 27	
PREVIOUS ACTION	SAN C	ACTION	DATE
	49	6*	04/15/96
		STATUS	SPECIAL DATE
			04/16/96
		VIOLATION	SCHEDULED ACTION
			5A
			DATE
			04/15/96
CURRENT ACTION	SAN C	ACTION	DATE
	17	A	4/16/96
		STATUS	SPECIAL DATE
		TIME IN	TIME OUT
		12:00	12:30
		VIOLATIONS - ALLEGED	VIOLATIONS - ACTUAL
		FUTURE ACTION	DATE
		2c	4/16/96

SEPTIC TANK: Total Capacity 1500 gallons

NUMBER COMPARTMENTS 2 TYPE Material F

Inside Dimensions: Length 10 ft in Width 5 ft in Liquid Depth 4 ft in

Distance From Well: 100+ ft Dir W Distance from Foundation 30 ft Dir W

Distance From Lot Line: Nearest 10 ft Dir N Front/Side/Rear

SUBSOIL DISPOSAL: Effective absorption areas 1165/620 sq. ft.

Distance From Well: 100+ ft Dir W Distance From Foundation 35 ft Dir W

Distance From Lot Line: Nearest 10 ft Dir N Front/Side/Rear

Type Disposal B Number Lines/Pits 3 Length of each Line 84 ft

Distance between lines 6 ft Total Length of Lines 252 ft in

Filter Material S Depth beneath Tile 1 ft 6 in Depth over Tile 2 ft in

Total Width/Diameter 18 ft in Total Length 90 ft in Total Depth 4 ft 6 in

COMMENTS:

SUNRISE ENT 452-3599 87

Don't approve OK to

Proch...

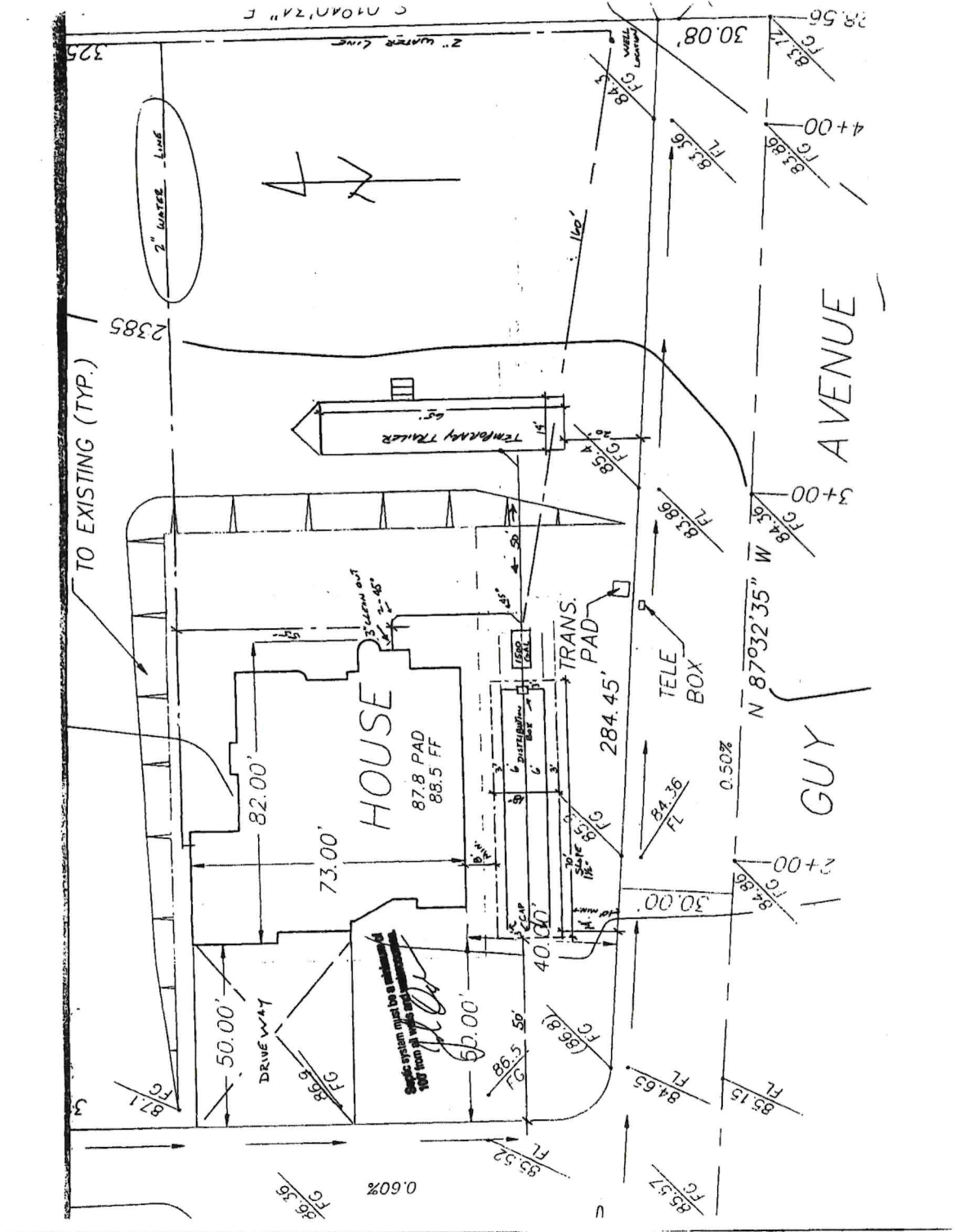
No Directions - HAD TO WAIT FOR CONTRACTOR FOR DIRECTIONS

NOTE: NO PAVING OR VEHICULAR TRAFFIC ALLOWED OVER INDIVIDUAL SEWAGE DISPOSAL SYSTEM. THIS INSTALLATION IS APPROVED ONLY UNTIL SEWER IS AVAILABLE.

RECEIVED COPY: *[Signature]* SANITARIAN: *[Signature]* REVIEWED BY: *[Signature]* 3-18-19-96

REPORT AND NOTICE OF INSPECTION
 INDIVIDUAL SEWAGE DISPOSAL SYSTEM

Attachment D: Final Inspection Report and Plot Plan for ON0026656
(Page 2 of 2)



Attachment E: Sewer Connection Information (Page 1 of 2)



8620 Mustang St
Sewer Availability

GIS Maps are extremely prepared
only to meet the needs of the City
Due to continuous development activity
this map is for reference only
Geographic Information System
Created by Engineering Planning
Tel: (702) 256-6541

Attachment E: Sewer Connection Information (Page 2 of 2)



**LAS VEGAS
CITY COUNCIL**

CAROLYN G. GOODMAN
Mayor

BRIAN KNUDSEN
Mayor Pro Tem

CEDRIC CREAR
VICTORIA SEAMAN

OLIVIA DIAZ
FRANCIS ALLEN-PALENSKE
NANCY E. BRUNE

JORGE CERVANTES
City Manager

PUBLIC WORKS
MIKE JANSSEN, P.E., PTOE
EXECUTIVE DIRECTOR OF
INFRASTRUCTURE

CITY HALL
495 S. MAIN ST.
LAS VEGAS, NV 89101
702.229.6011 | VOICE
711 | TTY



December 29, 2022

Robert Fyda
Southern Nevada Health District
PO Box 3902
Las Vegas, NV 89127

RE: A.P.N. 125-11-602-002
8620 Mustang Street

Dear Mr. Fyda:

The referenced parcel is located at the northeast corner of Guy Avenue and Mustang St. The closest sewer connection point is to an existing manhole in Maverick Street and Guy Avenue intersection, approximately 325 feet east from the easternmost property line.

While the City of Las Vegas (City) continues to enforce Nevada Administrative Code and Southern Nevada Health District Regulations, and given public sewer availability within 400 feet of the nearest property line, the City takes no exception to a variance request for the existing ISDS as the property does not fit the criteria to connect at this time. If you have any questions, feel free to contact the City at 229-6541.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Parks".

Tim Parks, P.E.
Engineering Project Manager
Sanitary Sewer Engineering
Department of Public Works

Attachment F: Arborist Report for 8620 Mustang St

mrtreelv@gmail.com



mrtreelv.com

Arborist report

Scott Ainsworth
FBO: Lynn Kowalski
8620 Mustang st
Las Vegas NV 89131

July 25, 2022

Assess condition of

Tree roots affecting septic system

Re: Assess area of septic system to determine possibility of tree roots becoming invasive or disruptive to septic tank/field.

Conditions/Observations:

Septic field located right (South) side of house, side yard area covered with various desert type plants and bushes (yuccas, brittlebrush, cacti. Agaves etc..)

Trees adjacent to but not on top of septic field are 3 Texas mountain Laurel (*Sophora secundiflora*) and 1 African sumac (*Rhus lancea*) at far end corner.

Analysis:

These are mature specimens that have been established for perhaps 15-20 years.
Trees are located off the field of the septic system.
Texas Mountain Laurel is considered a small shrub-like tree.
African sumac is considered a medium sized tree.


Recommendations:

Being that these are mature specimens and well past the point of rapid root expansion, I would not expect more root development that may interfere with the septic system.
Most tree roots are to be found in the top 18 inches and seeing that these trees are supplied with drip irrigation at the base of the trees I would expect the root mat to be close too and around the base of the trees.

We hope this analysis and assessment has been helpful in your research and hope to be of further service to you should the need arise.

Sincerely, Joe Noriega Mr. Tree service  TRAQ (Tree Risk Assessment Qualified)



Supervising Arborist Joe Noriega  certified Arborist WE-9982A member # 216263
1340 E. Pebble Rd #100 Las Vegas, NV 89123 - NV state contractor license # 60522
Mr. Tree 702.401-6277 PTI Golf 702.315.5121 phone 702.891.0836 fax



Attachment G: Quote for Tree Removal from JDS Surfaces

JDS Surfaces, LLC
 5080 Judson Ave.
 Las Vegas, NV 89115



Estimate

Date	Estimate #
1/5/2023	J8586

Phone #	(702) 435-1607
---------	----------------

Name / Address
Kowalski Residence 8620 Mustang St Las Vegas nV 89131

Project

Description	Qty	Total
Pricing based on Verbal Quote from Mr. Tree.		
02-100 Demolition - Remove existing Trees within 10' of the existing Septic System by hand.	60	7,500.00
02-100 Demolition - Remove existing Tree Roots by Hand within 10' of the Existing Septic System to stop the growth of new Trees	120	15,000.00
01-200 Rubbish Removal - Disposal of Waste from Tree Removal	1	750.00
02 Sitework/Demolition - Replace Landscape area of Tree Removal	1	6,650.00

	Total	\$29,900.00
--	--------------	-------------

NV Contractors Lic # 0075442 Limit \$ 350,000.00 NV Contractors Lic # 0075441 Limit \$ 150,000.00 NV Contractors Lic # 0067721 Limit \$ 75,000.00		Sign, print and date if you agree to this estimate Printed Name _____ e: _____ Signature _____ Credit cards Accepted (4% Fee)
--	--	--

Attachment H: 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 Lynn Kowalski, trustee of The Nevada Cooperative Trust, ("Petitioner"), to allow existing trees to remain within 10 feet of the existing septic system (SNHD Permit # ON0026656) on the property located at 8620 Mustang St, Las Vegas, NV 89131, APN 125-11-602-002.

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 trees to encroach on the septic system.

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.

- 5 -

Chris Saxton, MPH-EH, REHS
Environmental Health Director

January 9, 2023
Date