



# Memorandum

**Date:** September 25, 2025

**To:** SOUTHERN NEVADA DISTRICT BOARD OF HEALTH

**From:** Daniel Isler, PE, REHS, *Environmental Health Engineer/Supervisor DI*  
Daniel Burns, PE, REHS, *Environmental Health Engineer/Manager DB*  
Chris Saxton, MPH-EH, REHS, *Director of Environmental Health CS on behalf of*  
*Saxton*  
Cassius Lockett, PhD, *District Health Officer CJ*

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**Subject:** Variance request for an existing septic system, SNHD Permit #ON0024214, located at 5965 N. Grand Canyon Dr., Las Vegas, NV 89149 to remain underneath the existing shed

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## **I. BACKGROUND:**

Matthew Vance, Owner ("Petitioner"), is requesting a variance 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* ("SNHD ISDS Regulations") and to allow future building permits to be issued for the property located at Assessor's Parcel Number (APN) 125-30-302-010, also known as 5965 N. Grand Canyon Dr., Las Vegas, NV 89149 ("Subject Property").

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 Sections 5.2 and 11.16 of the SNHD ISDS Regulations.

Petitioner further requests a variance from Section 5.2, which requires a minimum of eight feet (8') of horizontal separation between the soil absorption system and the foundation of a building or structure. The shed was constructed directly on top of the existing soil absorption system.

Petitioner further requests a variance from Section 11.16, which states that "placement of any impervious covering, or any material deemed to be unacceptable to the Health Authority, over

the soil absorption system is prohibited.” Petitioner would like to proceed with their Tenant Improvement approval request and allow the existing shed to remain over the septic system.

Petitioner states the following with regards to these requirements:

1. There must be circumstances or conditions which are unique to the applicant, and do not generally affect other persons subject to the regulation:

*“The shed does not impede the function of the septic system and does not affect other persons subject to regulation. We understand that should there need to be repairs made to the disposal field, the floor of the shed or the shed itself may need to be removed.”*

2. There must be circumstances or conditions which make compliance with the regulation unduly burdensome and cause a hardship to and abridge a substantial property right of the applicant, and the variance is necessary to render substantial justice to and preserve the property rights of the applicant. Please indicate in what manner compliance with the regulation would be burdensome or cause a hardship on your business or how the free use of your property may be affected (if economic factors are an issue, please include estimates regarding the costs that would be incurred by compliance):

*“The shed is the home to our cats who keep our property free from rats which were a serious problem. The shed is also where we store feed for all our farm animals: goats, chickens, ducks, and geese. It also serves as part of the wall of our chicken run. Moving or removing the shed would make it nearly impossible for us to care for the animals we have on the property and would leave no home for our cats.”*

3. Granting the variance will not be detrimental or pose a danger to public health and safety. Please provide evidence that the variance request, if approved, will not adversely affect the safe and sanitary operation of the applicant(s) pool, spa, or food establishment:

*“Keeping the shed where its located will not adversely affect public health anywhere.”*

The Subject Property is depicted in Attachment C as Lot 3 of the recorded parcel map, which was approved in 1991. The parcel was created prior to the adoption of the current SNHD ISDS Regulations in 2009 and no changes to the Subject Property have been recorded since adoption of the current regulations. The existing septic system was approved on August 7, 1992. The existing single-family residence was constructed in 1993.

Examination of the Clark County Assessor’s records and parcel genealogy show that the Petitioner is the fourth owner of the septic system and obtained the Subject Property in October 2021. An analysis of the surrounding area shows that there are 114 private and quasi-municipal wells and 238 permitted septic systems within a square mile of the Subject Property. The Subject Property receives water from a quasi-municipal well and is approximately 365 feet from a City of Las Vegas sewer line in West Tropical Pkwy.

## **II. RECOMMENDATION:**

According to the Petitioner, the shed has a footprint of 400 sqft, which exceeds the 200 sqft floor area that would allow it to be exempt from a building permit under 2018 Clark County Building Administrative Code 22.02.190. A building permit would have triggered a separate Tenant Improvement review of the shed by SNHD, which staff would have rejected due to the placement of the shed above the leach field.

The presence of a shed over the leach field limits evaporation from the leach field and prevents oxygen from reaching the leach field, which is necessary for its proper operation. Additionally, placement of the shed above the leach field can cause soil compaction, which also causes oxygen deficiency. Oxygen deficiency in leach fields can cause premature failure of the leach field and can cause partially treated wastewater to be discharged into the groundwater, which may affect nearby wells and wells downstream of the property. The shed appears to cover only about 20% of the leach field area, and it is located toward the end of the leach field, which lessens its impact on the leach field.

Staff are of the opinion that granting the variance would not endanger public health or safety; however, Section 19.4.1 of the SNHD ISDS Regulations states that, "Staff will not recommend variance approval for septic systems on lots where municipal sewer is gravity accessible within four hundred feet (400') from the nearest property line." The nearest City of Las Vegas sewer line is approximately 365 feet from the Subject Property.

Based on the proximity to City of Las Vegas sewer, staff recommend DENIAL of the variance as requested by the Petitioner. If the Board of Health approves the variance, staff recommend approval with the following conditions outlined in Section III.

## **III. CONDITIONS:**

1. 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 within 400 feet 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.
2. Petitioner and their successors in interest must abide by the operation and maintenance requirements of the most current SNHD regulations governing individual sewage disposal systems.
3. Petitioner will remove the shed floor that is covering the leach field so that the ground in that area is exposed to the air.
4. The variance will be in effect until the existing residential septic system is inactivated, removed, 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 from the Petitioner
- C. Recorded Parcel Map
- D. Tenant Improvement Review by SNHD Staff (SR0043424)
- E. Final Inspection Report and Plot Plan for ON0024214
- F. Public Notice

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



**VARIANCE CANDIDATE WORKSHEET**

**PART I:**

**ESTABLISHMENT INFORMATION**

Name of Facility/Establishment:	Home - 5965 N Grand Canyon Drive		
Health Permit Number:		Date of Inquiry:	
Name of Operator/Agent:	Matthew Vance		
Address of Operator/Agent:	5965 N Grand Canyon Drive		
Contact Information of Operator/Agent:			
Office Phone:	702-425-3211	Cell Phone:	702-425-3211
Fax Number:		Email Address:	ylnzara@gmail.com
If corporation, the name/title of individual to sign for Variance document:			
Name:			
Title:			

**OWNER INFORMATION**

Name of Property Owner:	Matthew Vance		
Address of Property Owner:	5965 N Grand Canyon Drive, Las Vegas, NV, 89149		
Contact Information of Property Owner:			
Office Phone:	702-425-3211	Cell Phone:	702-425-3211
Fax Number:		Email Address:	ylnzara@gmail.com

**PROPERTY INFORMATION**

Property Address:	5965 N Grand Canyon Drive, Las Vegas, NV 89149		
Assessor's Parcel Number (APN):	125-30-302-010		
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)

Nev Admin Code 444.818 states - "15. Disposal fields must be located in unshaded, unobstructed areas."
Nev. Admin. Code § 444.792 states - "The minimum horizontal separations that must be maintained between the perimeter of the components of an individual sewage disposal system and the following features are:" Building or structure 8 ft
We have built a shed on top of part of the disposal field. We are requesting that we can keep the shed as it does not impede the function of the septic system

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 shed does not impede the function of the septic system and does not affect other persons subject to regulation.

We understand that should there need to be repairs made to the disposal field, the floor of the shed or the shed itself may need to be removed.

2. There must be circumstances or conditions which make compliance with the regulation unduly burdensome and cause a hardship to and abridge a substantial property right of the applicant, and the variance is necessary to render substantial justice to and preserve the property rights of the applicant. Please indicate in what manner compliance with the regulation would be burdensome or cause a hardship on your business or how the free use of your property may be affected (if economic factors are an issue, please include estimates regarding the costs that would be incurred by compliance):

The shed is the home to our cats who keep our property free from rats which were a serious problem. The shed is also where we store feed for all of our farm animals: goats, chickens, ducks and geese. It also serves as part of the wall of our chicken run. Moving or removing the shed would make it nearly impossible for us to care for the animals we have on the property and would leave no home for our cats.

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:

Keeping the shed where it is located will not adversely affect public health anywhere.

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 3)

## **MATTHEW VANCE**

**5965 N Grand Canyon Drive, Las Vegas, NV 89149**

**Phone: 702-425-3211 | Email: yinzara@gmail.com**

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

**RE: Variance Application - Septic System Disposal Field**  
**Property Address: 5965 N Grand Canyon Drive, Las Vegas, NV 89149**  
**APN: 125-30-302-010**

Dear EHD Director:

I am writing to formally request a variance from Nevada Administrative Code sections 444.818 and 444.792 regarding the septic system disposal field requirements at my residential property. This application includes all information from the attached Variance Candidate Worksheet and addresses each requirement of NAC 439.240.

### **▲ ESTABLISHMENT AND PROPERTY INFORMATION**

**Property Owner:** Matthew Vance  
**Property Address:** 5965 N Grand Canyon Drive, Las Vegas, NV 89149  
**Contact Information:** Phone: 702-425-3211 | Email: yinzara@gmail.com  
**Assessor's Parcel Number:** 125-30-302-010

### **VARIANCE REQUEST**

I am requesting a variance from:

- **NAC 444.818** which states "Disposal fields must be located in unshaded, unobstructed areas"
- **NAC 444.792** which states "The minimum horizontal separations that must be maintained between the perimeter of the components of an individual sewage disposal system and the following features are: Building or structure 8 ft"

We have constructed a 400-square-foot shed on the edge of our disposal field that serves multiple critical functions for our residential farm operation.



Attachment B: Justification Letter from Petitioner (Page 2 of 3)

## **ADDRESSING NAC 439.240 REQUIREMENTS**

### **1. Unique Circumstances Specific to This Property**

Our circumstances are unique and do not generally affect other persons subject to these regulations:

- Our property is fully developed with the farm portion necessarily located near the disposal field area
- The majority of our disposal field remains as open garden space with full air exposure
- The shed placement represents a small portion of the total disposal field area (edge location only)
- Our property's layout offers no alternative locations - all other areas are already developed with structures, animal enclosures, or active agricultural use
- The shed serves multiple integrated functions that cannot be replicated elsewhere:
  - Primary shelter for our cats
  - Storage for all farm equipment and animal feed
  - Structural wall for our chicken run
  - Security fencing component for our goat enclosure

This unique combination of fully developed property with integrated agricultural operations creates circumstances not typically found in standard residential septic system installations.

### **2. Undue Burden and Hardship of Compliance**

Compliance with the regulations would create severe hardship and abridge substantial property rights:

#### **Economic Hardship:**

- Complete demolition and reconstruction would cost approximately \$15,000-\$20,000
- Loss of integrated chicken run wall would require \$3,000-\$5,000 in new fencing
- New secure goat fencing would cost \$2,000-\$3,000
- No viable alternative location exists on our fully developed property
- Total estimated cost of compliance: \$20,000-\$28,000 minimum

#### **Property Rights Impact:**

- Would eliminate essential shelter for our cats with no alternative location
- Would remove critical farm equipment and feed storage, making our agricultural operations impossible
- Would destroy the integrated design of our animal enclosures
- Would effectively prevent us from maintaining our residential farm operation
- The shed has existed in this location for three years as part of our established property use

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

### **3. No Detriment to Public Health and Safety**

Granting this variance will not pose any danger to public health and safety:

#### **Current Construction Safeguards:**

- The shed floor consists of removable plywood panels
- The structure sits on concrete tiles, creating an air gap between the floor and ground
- This design allows continuous air circulation beneath the structure
- The floor can be completely removed if septic system access is ever required

#### **Proven Safe Operation:**

- The shed has been in place for three years with no adverse effects
- The septic system continues to function normally and efficiently
- Regular maintenance and inspections have shown no degradation in system performance
- The majority of the disposal field remains unobstructed and fully functional
- We commit to immediate floor removal if system access is ever needed

#### **Public Safety Measures:**

- No public water supplies are at risk
- The system serves only our single-family residence
- We maintain appropriate setbacks from all property lines
- Regular septic system maintenance will continue

## **CONCLUSION**

This variance request meets all criteria established in NAC 439.240. Our unique circumstances of a fully developed property with integrated agricultural operations create a situation not generally affecting others. The extreme financial burden and loss of essential property uses constitute substantial hardship. Most importantly, the current configuration has operated safely for three years and poses no risk to public health.

I respectfully request that the Board of Health grant this variance to allow our existing shed to remain on the edge of our disposal field. I am available to provide any additional information, photographs, or drawings that would assist in your review.

Thank you for your consideration of this variance application.

Sincerely,

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Matthew Vance  
Property Owner



Attachment D: Tenant Improvement Review by SNHD Staff (SR0043424) (Page 1 of 3)

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 ON0024214	FACILITY Vance, Matthew Morrisette & Christopher Morrisette			ADDRESS 5965 Grand Canyon DR Las Vegas, NV 89149		
DIST 14	CITY Las Vegas	APN # 125-30-302-010			SR # SR0043424	WATER SOURCE Quasi-Municipal Well	
CURRENT ACTION 628	Service Date 1/6/2025	Status	Time In	Time Out	Result		
	Travel Minutes	Miles	Violations Alleged	Violations Actual	Future Action	Action	Date

NOTIFIED OF THE FOLLOWING

Tenant Improvement to convert an existing detached garage into a casita is CONDITIONALLY APPROVED. The proposed casita will contain 8 additional fixture units consisting of 1 toilet @ 2 FU, 1 shower @ 2 FU, 1 lavatory sink @ 1 FU, 1 kitchen sink @ 2 FU, and 1 laundry sink @ 1 FU. The existing septic system appears to be adequate.

The initial corrective actions indicated in the report dated November 12, 2021 were completed and photo documentation was provided to SNHD on November 15, 2021. Since then, however, a shed appears to have been constructed above the leach field. Remove the shed from above the leach field and submit photo documentation to SNHD for final approval.

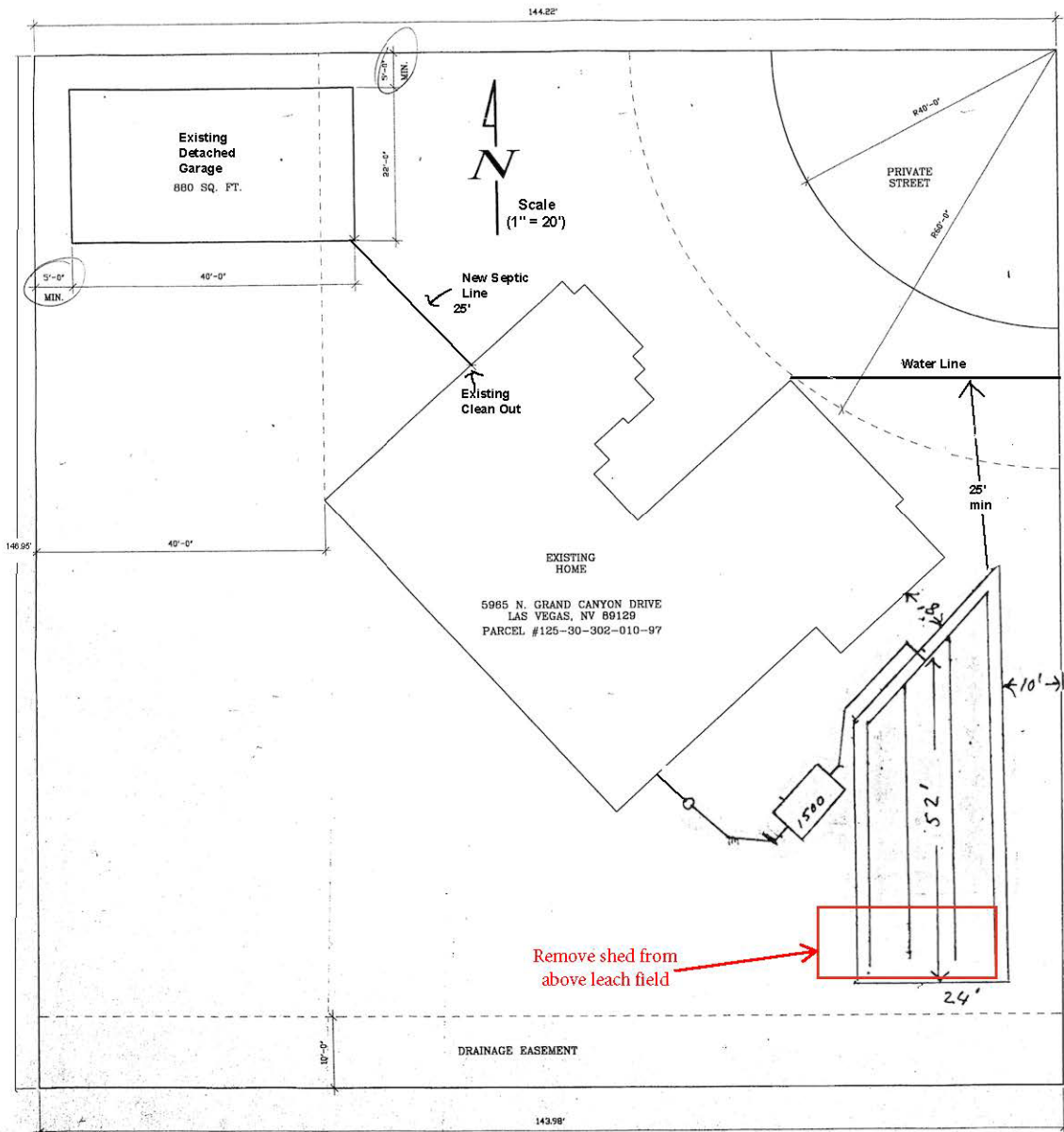
RECEIVED BY:

ENVIRONMENTAL HEALTH SPECIALIST:

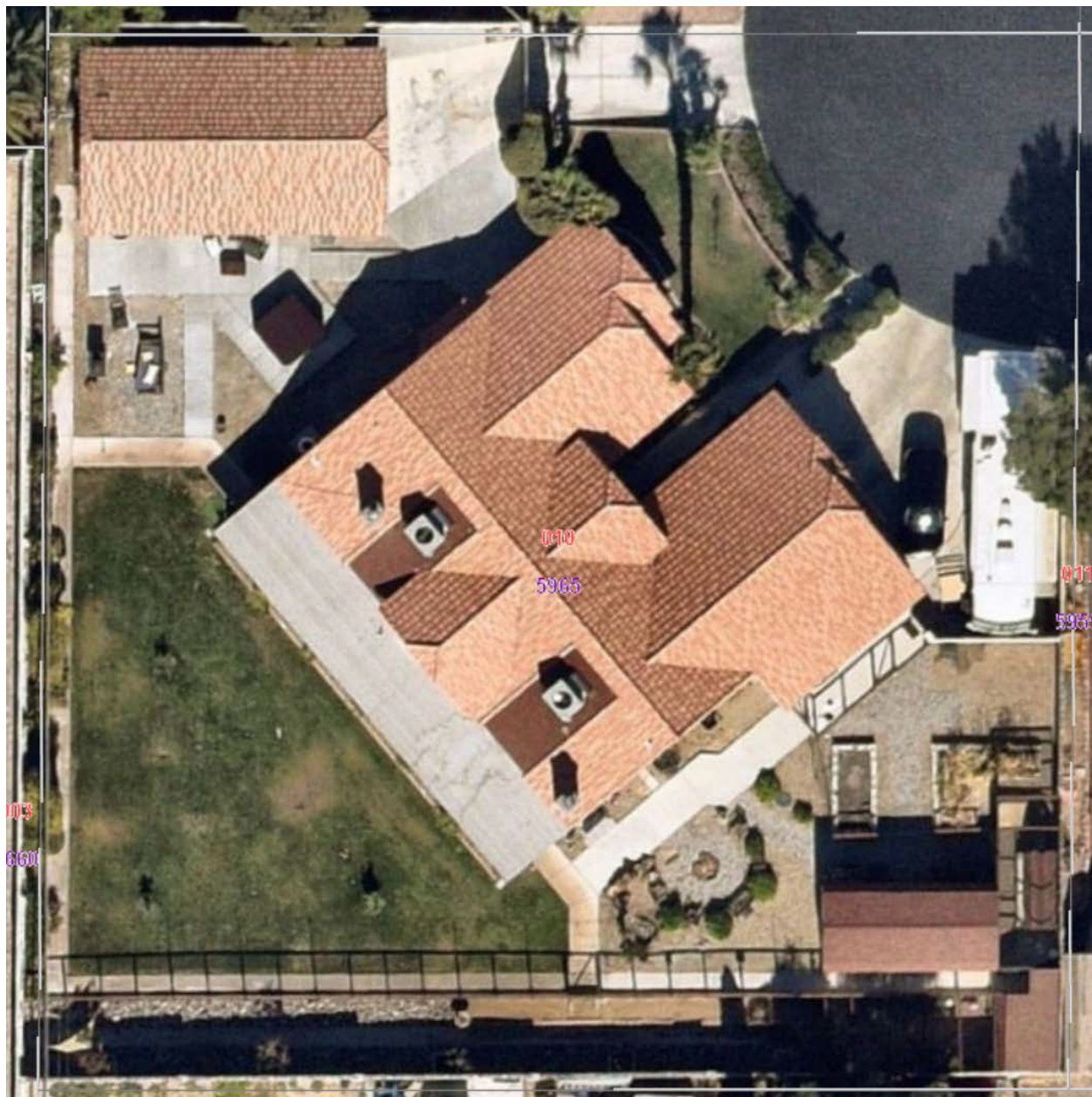


Digitally signed by Daniel Isler  
Date: 2025.01.06 15:25:16  
+08'00'

Attachment D: Tenant Improvement Review by SNHD Staff (SR0043424) (Page 2 of 3)



Attachment D: Tenant Improvement Review by SNHD Staff (SR0043424) (Page 3 of 3)





Attachment E: Final Inspection Report and Plot Plan for ON0024214 (Page 1 of 2)

CLARK COUNTY HEALTH DISTRICT  
625 Shadow Lane • Las Vegas, Nevada  
Telephone 383-1271 (Direct) • 385-1291 (24 Hours)

SAN	#CONTROL NO.		ESTABLISHMENT		ADDRESS		GRAND CANYON DR/TROPICAL P	
	SG447		55880				5965 N GRAND CANYON DR	
DIST	GG4-00		HURTADO CONSTRUCTION INC		PERSON INTERVIEWED		LAS VEGAS NV 89129	
14	500-520-054 19 60 30 SW NE HURTADO						TELEPHONE (702)	
CITY	MD113						645-1855	
09	TYPE AND CATEGORY		CAPACITY		ABSORB   LOT SZ   FIX   ASSESSOR #   WATER #			
	8811-065		1500		1165   21170   28		W2B44-GG4-00	
PREVIOUS ACTION	SAN C	ACTION	DATE	STATUS	SPECIAL DATE	VIOLATION	SCHEDULED ACTION	DATE
	65	6*	08/05/92				5A	08/05/92
CURRENT ACTION	7	5A	8/7/92			TIME IN	TIME OUT	
	10	4				1040	1120	
	FUTURES ACTION		VIOLATIONS - ALLEGED		VIOLATIONS - ACTUAL		FUTURE ACTION	
							2c 8/7/92	

SEPTIC TANK: Total Capacity 1500 ~~1500~~ <sup>1500</sup> gallons

NUMBER COMPARTMENTS 2 TYPE Material Conc

Inside Dimensions: Length 10 ft 2 in Width 5 ft 2 in Liquid Depth 4 ft 0 in

Distance From Well: 100 ft Dir N Distance from Foundation 9 ft Dir ?

Distance From Lot Line: Nearest 32 ft Dir N Front/Side/Rear

SUBSOIL DISPOSAL: Effective absorption areas 1165 sq. ft.

Distance From Well: 100 ft Dir N Distance From Foundation 8 ft Dir S

Distance From Lot Line: Nearest 11 ft Dir N Front/Side/Rear Front

Type Disposal B Number Lines/Pits 4 Length of each Line 46 <sup>ft</sup> <sup>due length</sup>

Distance between lines 6 ft      Total Length of Lines 184 ft 1 in

Filter Material G Depth beneath Tile 1 ft 8 in Depth over Tile ft 2 in

Total Width/Diameter 24 ft      in      Total Length 52 ft      in      Total Depth 4 ft      in

**COMMENTS:**

~~ANDREW CONSTRUCTION~~

System approved, OK to backfill

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

RECEIVED COPY:

**SANITARIAN**

REVIEWED BY:

# REPORT AND NOTICE OF INSPECTION INDIVIDUAL SEWAGE DISPOSAL SYSTEM

Attachment E: Final Inspection Report and Plot Plan for ON0024214 (Page 2 of 2)

**HURTADO CONSTRUCTION INC.**

645-1855

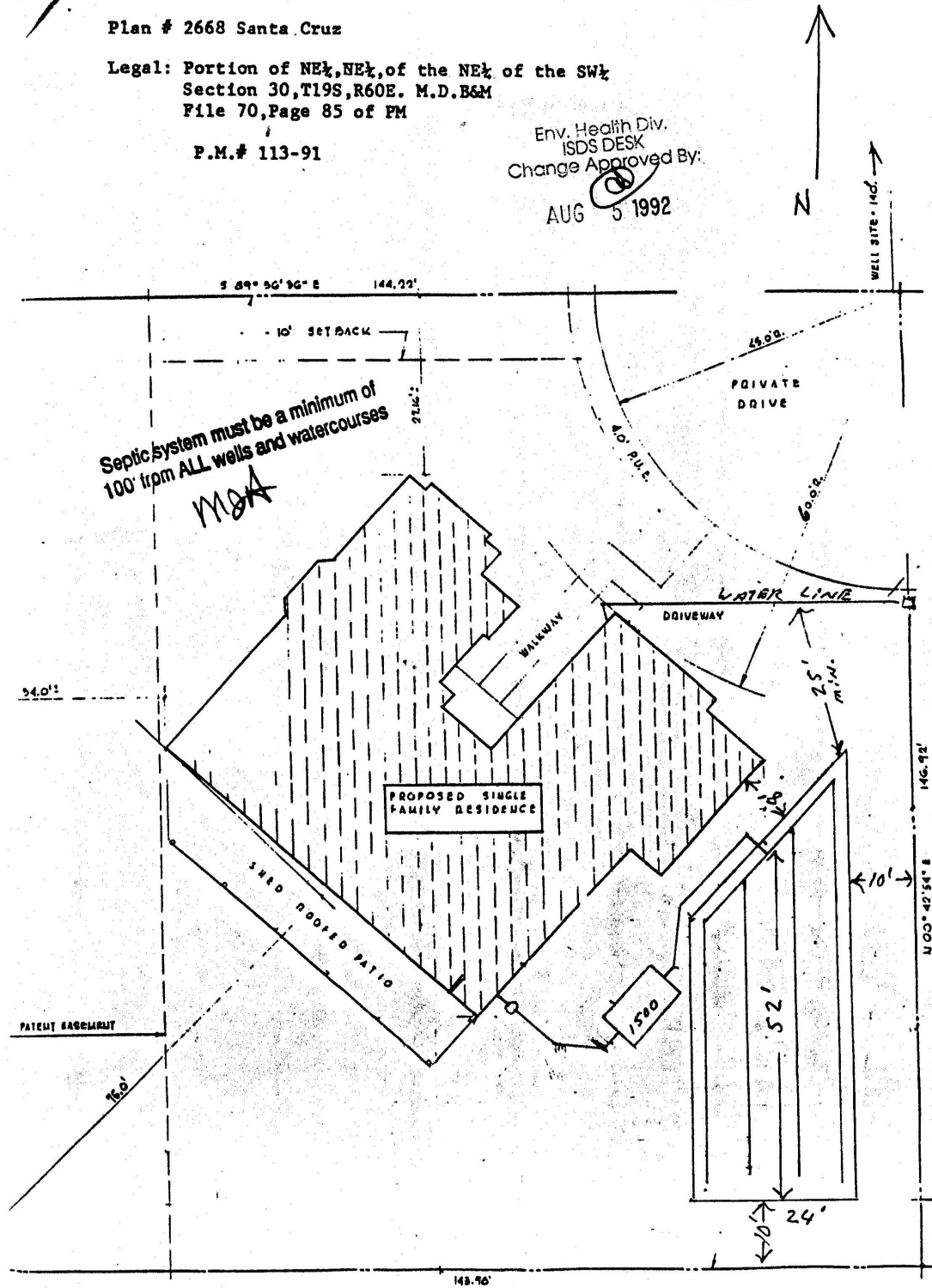
Plan # 2668 Santa Cruz

Legal: Portion of NE~~1~~,NE~~1~~,of the NE~~1~~ of the SW~~1~~  
Section 30,T19S,R60E. M.D.B&M  
File 70,Page 85 of PM

**P.M.# 113-91**

Env. Health Div.  
ISDS DESK  
Change Approved By:

AUG 5 1992





Attachment F: Public Notice



**PUBLIC NOTICE**

The Southern Nevada District Board of Health will conduct a PUBLIC HEARING on Thursday, September 25, 2025 at 9:00 AM during its regular monthly meeting in the Red Rock Conference Room at the Southern Nevada Health District at 280 S. Decatur Blvd., Las Vegas, Nevada, to approve or deny a variance request filed by Matthew Vance ("Petitioner"), to allow the existing shed to remain above the existing septic system (SNHD Permit # ON0024214) on the property located at 5965 N Grand Canyon Dr., Las Vegas, NV 89149, APN 125-30-302-010.

The variance is requested to allow the Petitioner 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 shed to remain over the leach field.

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 September 24, 2025 to:

Daniel Isler, P.E., REHS  
Environmental Health Engineer/Supervisor  
Southern Nevada Health District  
P.O. Box 3902  
Las Vegas, Nevada 89127  
isler@snhd.org

The variance application is available for review at the Southern Nevada Health District, 280 S Decatur Blvd, Las Vegas, Nevada 89107. Please contact Daniel Isler 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 -  
\_\_\_\_\_  
Karla Shoup, REHS  
Acting Director of Environmental Health

September 9, 2025  
Date