

NEVADA STATE BOARD OF HEALTH  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
4150 Technology Way, Suite 300  
CARSON CITY, NV 89706

**APPLICATION FOR VARIANCE**

Please check the appropriate box that pertains to the NAC for which you are requesting a variance.

Division Administration  
(NAC 439, 441A, 452, 453A, & 629)

Health Care Quality & Compliance  
(NAC 449, 457, 459 & 652)

Child, Family & Community Wellness  
(NAC 392, 394, 432A, 439, 441A, & 442)

Health Statistics, Planning,  
Epidemiology and Response  
(NAC 440,450B, 452, 453, 453A, & 695C)

Public Health & Clinical Services  
(NAC 211, 444, 446, 447, 583, & 585)

Date: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

We do hereby apply for a variance to \_\_\_\_\_ of the Nevada  
chapter/section \_\_\_\_\_  
Administrative Code (NAC). (For example: NAC 449.204)

Title of section in  
question: \_\_\_\_\_

Statement of existing or proposed conditions in violation of the NAC:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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Date of initial operation (if existing): \_\_\_\_\_

**ATTENTION: Please read this section closely. Your request for variance will be examined against these criteria:**

Any person who, because of unique circumstances, is unduly burdened by a regulation of the State Board of Health and thereby suffers a hardship and the abridgement of a substantial property right may apply for a variance from a regulation. (NAC 439.200(1))

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 him to preserve and enjoy his property; 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 suffers or will suffer economic hardship by complying with the regulation, he must submit evidence demonstrating the costs of his compliance with the regulation. The Board will consider the evidence and determine whether those costs are unreasonable. (NAC 439.240)

**Therefore, it is important for your variance request to be as complete as possible. It is your responsibility to attach documentation supportive of your variance request.**

Statement of degree of risk of health \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**Please state in detail the circumstances or conditions which demonstrate that:**

1. An exceptional and undue hardship results from a strict application of the Regulation:

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2. The variance, if granted, would not:
  - A. Cause substantial detriment to the public welfare.

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- B. Impair substantially the purpose of the regulation from which the application seeks a variance.

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The bureau may require the following supporting documents to be submitted with and as a part of this application:

- \_\_\_\_\_ 1. Legal description of property concerned \_\_\_\_\_  
\_\_\_\_\_
- \_\_\_\_\_ 2. General area identification map \_\_\_\_\_

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- \_\_\_\_\_ 3. Plat map showing locations of all pertinent items and appurtenances
- \_\_\_\_\_ 4. Well log (if applicable)
- \_\_\_\_\_ 5. Applicable lab reports
- \_\_\_\_\_ 6. Applicable engineering or construction/remodeling information
- \_\_\_\_\_ 7. Other items (see following pages)

This application must be accompanied by evidence demonstrating the costs of your compliance with regulations or specific statutory standards. Your request will be placed on the Board of Health agenda 40 days or more after receipt in this office if accompanied by the required fee (NAC 439.210). The application and supporting documentation will form the basis for the Health Division staff report and recommendation to the Board. Failure to respond to the above statements may cause the Board to deny consideration of the application at the requested Board meeting.

Please schedule this hearing as:

- The next regularly scheduled Board of Health meeting, regardless of location.
- The next scheduled meeting in Carson City.
- The next scheduled meeting in Las Vegas.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

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**PLEASE MAKE YOUR CHECK OR MONEY ORDER PAYABLE TO:  
 DIVISION OF PUBLIC AND BEHAVIORAL HEALTH AND RETURN THIS  
 APPLICATION, ALONG WITH THE REQUIRED FEE PURSUANT TO NAC  
 439.210, TO:**

Julie Kotchevar, Ph.D, Administrator  
 Division of Public and Behavioral Health  
 4150 Technology Way, Suite 300  
 Carson City, NV 89706

**(See the attached table to determine the appropriate fee)**

**To calculate the appropriate fee to apply for a variance from the State Board of  
 Health, please see the following table:**

<p>As of <b>September 25, 2015</b>, if the requested variance affects:</p> <ul style="list-style-type: none"> <li>▪ A property, facility or other entity or person in <b>Carson City</b></li> <li>▪ A property, facility or other entity or person in <b>Lyon County</b></li> <li>▪ A property, facility or other entity or person in <b>Storey County</b></li> </ul> <p>The fee to apply, based on the cost to publish the notice of the request for a variance in the Nevada Appeal, is:</p>	\$232.00
<p>As of <b>April 7, 2016</b>, if the requested variance affects:</p> <ul style="list-style-type: none"> <li>▪ A property, facility or other entity or person in <b>Churchill County</b></li> </ul> <p>The fee to apply, based on the cost to publish the notice of the request for a variance in the Lahontan Valley News, is:</p>	\$183.00
<p>As of <b>September 25, 2015</b>, if the requested variance affects:</p> <ul style="list-style-type: none"> <li>▪ A property, facility or other entity or person in <b>Douglas County</b></li> </ul> <p>The fee to apply, based on the cost to publish the notice of the request for a variance in the Record Courier, is:</p>	\$142.00

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<p>As of <b>April 25, 2016</b>, if the requested variance affects:</p> <ul style="list-style-type: none"> <li>▪ A property, facility or other entity or person in <b>Clark County</b></li> <li>▪ A property, facility or other entity or person in <b>Esmeralda County</b></li> <li>▪ A property, facility or other entity or person in <b>Lincoln County</b></li> </ul> <p>The fee to apply, based on the cost to publish the notice of the request for a variance in the Las Vegas Review Journal/Las Vegas Sun, is:</p>	\$225.00
<p>As of <b>September 25, 2015</b>, if the requested variance affects:</p> <ul style="list-style-type: none"> <li>▪ A property, facility or other entity or person in <b>Mineral County</b></li> </ul> <p>The fee to apply, based on the cost to publish the notice of the request for a variance in the Mineral County Independent News, is:</p>	\$165.00
<p>As of <b>September 25, 2015</b>, if the requested variance affects:</p> <ul style="list-style-type: none"> <li>▪ A property, facility or other entity or person in <b>Nye County</b></li> </ul> <p>The fee to apply, based on the cost to publish the notice of the request for a variance in the Pahrump Valley Times, is:</p>	\$ 98.00
<p>As of <b>April 25, 2016</b>, if the requested variance affects:</p> <ul style="list-style-type: none"> <li>▪ A property, facility or other entity or person in <b>Washoe County</b></li> </ul> <p>The fee to apply, based on the cost to publish the notice of the request for a variance in the Reno Gazette Journal, is:</p>	\$224.00
<p>As of <b>September 25, 2015</b>, if the requested variance affects:</p> <ul style="list-style-type: none"> <li>▪ A property, facility or other entity or person in <b>Elko County</b></li> </ul> <p>The fee to apply, based on the cost to publish the notice of the request for a variance in the Elko Daily Free Press, is:</p>	\$107.00
<p>As of <b>September 25, 2015</b>, if the requested variance affects:</p> <ul style="list-style-type: none"> <li>▪ A property, facility or other entity or person in <b>Eureka County</b></li> </ul>	

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<p>The fee to apply, based on the cost to publish the notice of the request for a variance in the Eureka Sentinel, is:</p>	<p>\$137.00</p>						
<p>As of <b>September 25, 2015</b>, if the requested variance affects:</p> <ul style="list-style-type: none"> <li>▪ A property, facility or other entity or person in <b>White Pine County</b></li> </ul> <p>The fee to apply, based on the cost to publish the notice of the request for a variance in the Ely Times, is:</p>	<p>\$171.00</p>						
<p>As of <b>September 25, 2015</b>, if the requested variance affects:</p> <ul style="list-style-type: none"> <li>▪ A property, facility or other entity or person in <b>Humboldt County</b></li> <li>▪ A property, facility or other entity or person in <b>Lander County</b></li> <li>▪ A property, facility or other entity or person in <b>Pershing County</b></li> </ul> <p>The fee to apply, based on the cost to publish the notice of the request for a variance in the Reno Gazette Journal is:</p>	<p>\$137.00</p>						
<p>As of <b>September 25, 2015</b>, if the requested variance affects:</p> <ul style="list-style-type: none"> <li>▪ A property, facility or other entity or person in <b>more than one County</b></li> </ul> <p>The fee to apply is based on the total cost to publish the notice of the request for a variance in the newspaper(s) of the area(s) affected.</p> <p>Example: If a variance is being requested in Carson City that will also affect Washoe County, the fee is calculated as follows:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Nevada Appeal</td> <td style="text-align: right;">\$232.00</td> </tr> <tr> <td>Reno Gazette Journal</td> <td style="text-align: right;"><u>\$224.00</u></td> </tr> <tr> <td>Total Fee=</td> <td style="text-align: right;"><u>\$456.00</u></td> </tr> </table>	Nevada Appeal	\$232.00	Reno Gazette Journal	<u>\$224.00</u>	Total Fee=	<u>\$456.00</u>	<p>\$224.00</p> <p>Calculate based on instructions to the left</p>
Nevada Appeal	\$232.00						
Reno Gazette Journal	<u>\$224.00</u>						
Total Fee=	<u>\$456.00</u>						

**\*Note: If the appropriate fee is not submitted with your variance application, you will be contacted by staff in order to collect the correct fee prior to proceeding with review of the variance request.**

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Summary of Newspaper Variance Request Publishing Costs:

Elko Daily Free Press	\$107.00
Ely Times	\$171.00
Eureka Sentinel	\$137.00
Lahontan Valley News	\$183.00
Las Vegas Review-Journal/Las Vegas Sun	\$225.00
Mineral County Independent News	\$165.00
Nevada Appeal	\$232.00
Pahrump Valley Times	\$ 98.00
Record Courier	\$142.00
Reno Gazette Journal	\$224.00