

Mr. & Mrs. Dominic Rubino
c/o Gen. Delivery
Topaz, Calif.

BEFORE THE NEVADA STATE BOARD OF HEALTH

IN THE MATTER OF THE APPLICATION)
OF MR. DOMINIC RUBINO)
FOR A VARIANCE FROM THE REGULATIONS)
GOVERNING INDIVIDUAL SEWAGE DISPOSAL)
SYSTEMS)

FINDINGS OF FACT
AND
DECISIONS

The above-entitled matter came on for a duly noticed public hearing before the Board of Health on September 21, 1977, Mr. Dominic Rubino, appearing on behalf of himself, and Cathy Valenta-Weise, appearing as legal counsel to the Board of Health. The Board, having heard the presentation of the applicant and report and recommendation of staff, a copy of same being attached hereto as Exhibit A, and having examined the pertinent regulations and documentary evidence, and having extended an opportunity to the public to be heard, finds as follows:

Mr. and Mrs. Dominic Rubino own lots No. 125 and No. 127 of the Topaz Subdivision located near Topaz Lake in Douglas County. The lots are each 20,000 square feet in area and are separated by lot No. 126. The net combined area of the two lots is 40,000 square feet (0.92 acres) and is in violation of Article 7.1 of the Regulations Governing Individual Sewage Disposal Systems which requires a minimum net area of 43,560 square feet (1.0 acre) to install a septic tank on a lot served by a well.

It was the opinion of staff that, subject to the four conditions contained in Exhibit A, the well could be located on lot No. 127 and the sewage

system on lot No. 125 without creating a public or environmental health problem.

The Board of Health, having considered the relative interests of first, the public; second, other owners of property likely to be affected by the variance; and last, the applicant; being fully advised in the premises, concurring with staff that the variance, if granted, would not endanger human health or safety, that compliance with the regulations would produce serious hardship without equal or greater benefits to the public, and good cause appearing therefor, on motion duly made, seconded, and carried by unanimous vote.

IT IS ORDERED that the application for a variance filed by Mr. Dominic Rubino to install an individual sewage disposal system on a lot smaller than one acre and served by a well in violation of the State Regulations Governing Individual Sewage Disposal Systems be, and the same is hereby granted subject to the following:

1. The well to be located on lot No. 127 shall be at least 150 feet from any existing leach field and shall be so located as to provide minimum interference with the potential development of neighboring lots. The location of the well shall be approved by staff prior to the issuance of the construction permit for the sewage system.
2. The leach field to be located on lot No. 125 shall be at least 150 feet from any existing well.
3. The deed to parcel No. 127 shall include a restriction prohibiting any individual sewage disposal system on said parcel and further include an easement for the benefit of parcel

No. 125 granting access to the well and exclusive rights to the water therein. Such restriction and easement shall be recorded prior to the issuance of the permit to construct the sewage system.

4. The well on lot No. 127 shall be abandoned, and the residence on lot No. 125 shall be connected to a community water system when it becomes available and is approved by the State Health Division.

DATED: 28 September 1977


JOHN H. CARR, M.D.
Executive Officer
State Board of Health

CERTIFICATE OF MAILING

I hereby certify that I am employed by the Department of Human Resources, Division of Health, and that on the 29th day of September, 1977, I served the foregoing FINDINGS OF FACT AND DECISION by mailing a copy thereof to:

Mr. and Mrs. Dominic Rubino
1415 East Bismark
Spokane, Washington 99207





EXHIBIT
A

STATE OF NEVADA
DEPARTMENT OF HUMAN RESOURCES
DIVISION OF HEALTH
BUREAU OF CONSUMER HEALTH PROTECTION SERVICES
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710

TELEPHONE
(702) 265-4750

MEMORANDUM

DATE: SEPTEMBER 8, 1977
TO: BOARD OF HEALTH
FROM: ALBERT F. PORTA
SUBJECT: RUBINO VARIANCE REQUEST - TOPAZ SUBDIVISION,
DOUGLAS COUNTY

Mr. D. Rubino, 11034 Blix Street, North Hollywood, California 91602, is requesting a variance to Article 7.1 of the State Regulations Governing Individual Sewage Disposal Systems (ISDS) which requires a minimum area of one acre, 43,560 square feet, for the installation of an ISDS on a lot served by a well.

The variance is requested to allow construction of a residence on lot #125 served by a proposed well on lot #127 of Topaz Subdivision at Topaz Lake in Douglas County. The net area of these lots is 40,000 square feet, 20,000 square feet each. They are separated by lot #126, which is 100 feet wide. A water pipeline is proposed to run from the well, down Beatty Street to the residence. (see attachment 1).

Although the total area is 3,560 square feet less than the required area per Article 7.1, it is the opinion of the staff that the combination of a well on one lot and the septic tank on the other can be developed without causing any health or environmental problems.

It is therefore recommended that the variance request be approved with the following restriction:

1. Since the soils in this area require deep leach fields, the well on lot #127 shall be at least 150 feet from any existing leach field.
2. The leach field on lot #125 shall be a deep system and located 150 feet from any existing well.

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3. Lot #127 shall have a recorded easement to prohibit any type of structure which requires a septic tank sewer system.
4. The proposed well shall be located on lot #127 to provide minimum interference with the potential development of neighboring lots.

COPY

RECORDED BY
Dominic Rubino
OFFICIAL RECORDS OF
CLATSOP COUNTY, OREGON
#700pd
2007 OCT 14 AM 10:37

PATRICIA J. WILLIAMS
RECORDER
Donna Justinger 14015
Wep
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