

Community Services Department
Planning and Building
APPEAL TO BOARD OF COUNTY
COMMISSIONERS (BCC)
APPLICATION



Community Services Department
Planning and Building
1001 E. Ninth St., Bldg. A
Reno, NV 89512-2845

Telephone: 775.328.6100

Washoe County Appeal of Decision to Board of County Commissioners

Your entire application is a public record. If you have a concern about releasing personal information please contact Planning and Building staff at 775.328.6100.

Appeal of Decision by (Check one)	
Note: Appeals to the Washoe County Board of County Commissioners are governed by WCC Section 110.912.20.	
<input type="checkbox"/> Planning Commission	<input type="checkbox"/> Board of Adjustment
<input type="checkbox"/> Hearing Examiner	<input type="checkbox"/> Other Deciding Body (specify) _____
Appeal Date Information	
Note: This appeal must be delivered in writing to the offices of the Planning and Building Division (address is on the cover sheet) within 10 calendar days from the date that the decision being appealed is filed with the Commission or Board Secretary (or Director) and mailed to the original applicant.	
Note: The appeal must be accompanied by the appropriate appeal fee (see attached Master Fee Schedule).	
Date of this appeal: _____	
Date of action by County: _____	
Date Decision filed with Secretary: _____	
Appellant Information	
Name: _____	Phone: _____
Address: _____	Fax: _____
	Email: _____
City: _____ State: _____ Zip: _____	Cell: _____
Describe your basis as a person aggrieved by the decision: 	
Appealed Decision Information	
Application Number: _____	
Project Name: _____	
State the specific action(s) and related finding(s) you are appealing: 	

Appealed Decision Information (continued)

Describe why the decision should or should not have been made:

Cite the specific outcome you are requesting with this appeal:

Did you speak at the public hearing when this item was considered?

- Yes
- No

Did you submit written comments prior to the action on the item being appealed?

- Yes
- No

Appellant Signature

Printed Name:

Signature:

James Grimes

Date:

DEVELOPMENT CODE (Washoe County Code Chapter 110)
MASTER FEE SCHEDULE
Applications accepted by CSD, Planning and Building

APPLICATIONS	COMMUNITY SERVICES DEPARTMENT FEES								HEALTH FEES		NLTFPD FEES	TOTAL
	Planning			Engineering			Parks		Health District		NLTFPD	
	PLANNING	NOTICING	RTF	ENGINEERING	UTILITIES	RTF	PARKS	RTF	ENVIRON.	VECTOR	North Lake Tahoe Fire	
ABANDONMENT												
Not Tahoe	\$1,111	\$200	\$52.44	\$195	\$26	\$8.84	-	-	\$174	-	-	\$1,767.28
Tahoe	\$1,111	\$200	\$52.44	\$195	-	\$7.80	-	-	\$174	-	\$87	\$1,827.24
ADMINISTRATIVE PERMIT												
Not Tahoe	\$1,265	\$200	\$58.60	\$65	\$38	\$4.12	-	-	\$174	\$0	-	\$1,804.72
Tahoe	\$1,265	\$200	\$58.60	\$65	-	\$2.60	-	-	\$174	\$0	\$87	\$1,852.20
ADMINISTRATIVE REVIEW PERMIT												
Detached Accessory Dwelling (DADAR)												
Not Tahoe	\$1,000	\$200	\$48.00	\$65	\$203	\$10.72	-	-	\$324	-	-	\$1,850.72
Tahoe	\$1,000	\$200	\$48.00	\$121	-	\$4.84	-	-	\$324	-	\$87	\$1,784.84
Short-Term Rental - Tier II (STRAR) (See Note 0)												
Not Tahoe	\$1,000	\$200	\$48.00	-	-	\$0.00	-	-	-	-	-	\$1,248.00
Tahoe	\$1,000	\$200	\$48.00	-	-	\$0.00	-	-	-	-	\$87	\$1,335.00
AGRICULTURAL EXEMPTION LAND DIVISION												
	\$250	-	\$10.00	\$500	-	\$20.00	-	-	\$1,138	-	-	\$1,918.00
AMENDMENT OF CONDITIONS												
	\$700	\$200	\$36.00	\$390	-	\$15.60	-	-	-	-	-	\$1,341.60
APPEALS/INITIATION OF REVOCATION												
No Map	\$803	\$200	\$40.12	-	-	-	-	-	-	-	-	\$1,043.12
With Map	\$803	\$200	\$40.12	\$390	-	\$15.60	-	-	-	-	-	\$1,448.72
Administrative/Code Enforcement Decision	-	-	-	-	-	-	-	-	-	-	-	\$0.00
BOUNDARY LINE ADJUSTMENT												
Not Tahoe	\$51	-	\$2.04	\$268	\$38	\$12.24	-	-	\$174	-	-	\$545.28
Tahoe	\$51	-	\$2.04	\$268	-	\$10.72	-	-	\$174	-	\$87	\$592.76
COOPERATIVE PLANNING												
	\$1,230	-	\$49.20	-	-	-	-	-	-	-	-	\$1,279.20
DEVELOPMENT AGREEMENT												
Less Than 5 Parcels	\$3,500	\$200	\$148.00	-	-	-	-	-	\$324	\$0	-	\$4,172.00
5 or More Parcels (See Note 1)	\$5,000	\$200	\$208.00	-	-	-	-	-	\$324	\$0	-	\$5,732.00
DEVELOPMENT CODE AMENDMENT												
	\$2,242	\$200	\$97.68	\$1,299	-	\$51.96	-	-	-	-	-	\$3,890.64
DIRECTOR'S MODIFICATION OF STANDARDS												
	\$338	-	\$13.52	-	-	-	-	-	-	-	-	\$351.52
DISPLAY VEHICLES												
	\$65	-	\$2.60	-	-	-	-	-	\$174	-	-	\$241.60
DIVISION OF LAND INTO LARGE PARCELS												
(See Note 2)	\$252	-	\$10.08	\$416	\$35	\$18.04	-	-	\$47	-	-	\$778.12

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APPLICATIONS	COMMUNITY SERVICES DEPARTMENT FEES							HEALTH FEES		NLTFPD FEES	TOTAL	
	<i>Planning</i>			<i>Engineering</i>			<i>Parks</i>		<i>Health District</i>			<i>NLTFPD</i>
	PLANNING	NOTICING	RTF	ENGINEERING	UTILITIES	RTF	PARKS	RTF	ENVIRON.	VECTOR		North Lake Tahoe Fire
EXTENSION OF TIME REQUESTS												
Subdivision	\$340	-	\$13.60	-	-		-		-	-	-	\$353.60
Not Subdivision	\$546	-	\$21.84	-	-		-		-	-	-	\$567.84
MASTER PLAN AMENDMENT												
Not Tahoe	\$3,576	\$400	\$159.04	\$54	\$2,549	\$104.12	-		\$325	-	-	\$7,167.16
Tahoe	\$3,576	\$400	\$159.04	\$54	-	\$2.16	-		\$325	-	\$87	\$4,603.20
NOTICING, ADDITIONAL OR RE-NOTICING AT APPLICANT'S REQUEST												
	\$52	-		-	-		-		-	-	-	\$52.00
REGULATORY ZONE AMENDMENT												
Not Tahoe	\$2,481	\$200	\$107.24	\$54	\$2,549	\$104.12	-		\$324	-	-	\$5,819.36
Tahoe	\$2,481	\$200	\$107.24	\$54	-	\$2.16	-		\$324	-	\$87	\$3,255.40
REGULATORY ZONE AMENDMENT (Article 442, Specific Plan)												
Not Tahoe	\$3,449	\$200	\$145.96	\$1,039	\$1,274	\$92.52	\$65	\$2.60	\$324	-	-	\$6,592.08
Tahoe	\$3,449	\$200	\$145.96	\$1,039	-	\$41.56	\$65	\$2.60	\$324	-	\$87	\$5,354.12
REINSPECTION FEE												
	-	-		-	-		-		-	-	-	\$50/hr.
RESEARCH/COPIES (See Note 3 for Total)												
	-	-		-	-		-		-	-	-	Note 3
REVERSION TO ACREAGE												
Not Tahoe	\$51	-	\$2.04	\$215	\$26	\$9.64	-		\$174	-	-	\$477.68
Tahoe	\$51	-	\$2.04	\$215	-	\$8.60	-		\$174	-	-	\$450.64
SIGN PERMIT INSPECTION - (Permanent or Temporary)												
<i>To Be Determined</i>												
SPECIAL USE PERMIT												
Residential												
Not Tahoe	\$1,162	\$200	\$54.48	\$65	\$203	\$10.72	-		\$324	-	-	\$2,019.20
Tahoe	\$1,162	\$200	\$54.48	\$65	-	\$2.60	-		\$324	-	\$87	\$1,895.08
With Environmental Impact Statement	\$1,162	-	\$46.48	-	-		-		-	-	-	\$1,208.48
Commercial, Industrial, Civic												
Minor (See Note 6)	\$2,165	\$200	\$94.60	\$130	\$203	\$13.32	-		\$324	\$0	-	\$3,129.92
Major (See Note 6)	\$2,165	\$200	\$94.60	\$520	\$203	\$28.92	-		\$324	\$0	-	\$3,535.52
Tahoe Minor (See Note 6)	\$2,165	\$200	\$94.60	\$130	-	\$5.20	-		\$324	\$0	\$87	\$3,005.80
Tahoe Major (See Note 6)	\$2,165	\$200	\$94.60	\$520	-	\$20.80	-		\$324	\$0	\$87	\$3,411.40
With Environmental Impact Statement	\$2,240	-	\$89.60	-	-		-		-	-	-	\$2,329.60

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APPLICATIONS	COMMUNITY SERVICES DEPARTMENT FEES								HEALTH FEES		NLTFPD FEES	TOTAL
	Planning			Engineering			Parks		Health District		NLTFPD	
	PLANNING	NOTICING	RTF	ENGINEERING	UTILITIES	RTF	PARKS	RTF	ENVIRON.	VECTOR	North Lake Tahoe Fire	
TENTATIVE PARCEL MAP/PARCEL MAP WAIVER												
No System	\$803	\$200	\$40.12	\$345	\$68	\$16.52	-	-	\$1,162	-	-	\$2,634.64
1 System (Sewer)	\$803	\$200	\$40.12	\$345	\$153	\$19.92	-	-	\$603	-	-	\$2,164.04
1 System (Water)	\$803	\$200	\$40.12	\$345	\$153	\$19.92	-	-	\$1,162	-	-	\$2,723.04
2 Systems (Water and Sewer)	\$803	\$200	\$40.12	\$345	\$203	\$21.92	-	-	\$603	-	-	\$2,216.04
Tahoe (Sewer)	\$803	\$200	\$40.12	\$345	-	\$13.80	-	-	\$603	-	\$87	\$2,091.92
Sun Valley (No WC Utilities)	\$803	\$200	\$40.12	\$345	\$51	\$15.84	-	-	\$603	-	-	\$2,057.96
TENTATIVE SUBDIVISION MAP (See Note 5)												
No System	\$2,422	\$200	\$104.88	\$1,299	-	\$51.96	\$129	\$5.16	\$1,176	\$0	-	\$5,388.00
1 System (Sewer)	\$2,422	\$200	\$104.88	\$1,299	\$2,039	\$133.52	\$129	\$5.16	\$620	\$0	-	\$6,952.56
1 System (Water)	\$2,422	\$200	\$104.88	\$1,299	\$1,019	\$92.72	\$129	\$5.16	\$1,176	\$0	-	\$6,447.76
2 Systems (Water and Sewer)	\$2,422	\$200	\$104.88	\$1,299	\$3,059	\$174.32	\$129	\$5.16	\$620	\$0	-	\$8,013.36
Tahoe (Sewer)	\$2,422	\$200	\$104.88	\$1,299	-	\$51.96	\$129	\$5.16	\$620	\$0	\$87	\$4,919.00
With Hillside Ordinance - ADD	\$2,422	-	\$96.88	-	-	-	-	-	-	-	-	\$2,518.88
With Significant Hydrologic Resource - ADD	\$2,422	-	\$96.88	-	-	-	-	-	-	-	-	\$2,518.88
With Common Open Space - ADD	\$2,422	-	\$96.88	-	-	-	-	-	-	-	-	\$2,518.88
TRUCKEE MEADOWS REGIONAL PLANNING AGENCY												
See Note 4												
VARIANCE -												
Not Tahoe	\$1,060	\$200	\$50.40	\$65	\$26	\$3.64	-	-	\$174	-	-	\$1,579.04
Tahoe	\$1,060	\$200	\$50.40	\$65	-	\$2.60	-	-	\$174	-	\$87	\$1,639.00

- NOTE 0: Administrative Review Permits for Tier 2 Short-Term Rentals are exempt from Engineering and Health District fees.
- NOTE 1: \$5,000 deposit on time and materials. Additional \$5,000 increments may be required.
- NOTE 2: \$750 fee capped by NRS for Division of Land into Large Parcels only. (Excludes RTF)
- NOTE 3: \$50 per hour after first 1/2 hour for Planner, \$20 per hour after first 1/2 hour for Clerk, Public Records Research/Copying.
- NOTE 4: Fee to be established by Truckee Meadows Regional Planning Agency.
- NOTE 5: Separate checks are required for the Nevada Departments of Environmental Health and Water Resources. See Submittal Requirements.
- NOTE 6: The following are major permit applications: bed and breakfast inns; commercial animal slaughtering; convention and meeting facilities; destination resorts; eating and drinking establishments; gasoline sales and service stations - convenience and full service; gaming facilities: limited and unlimited; hostels; hotels and motels; liquor sales on premises; lodging services; major public facilities; recycling centers: full service and remote collection and residential hazardous substances; vacation time shares. All other uses constitute minor permits.

In accordance with Nevada Revised Statutes, application fees must be deposited the day of receipt. This does not guarantee the application is complete. Pursuant to section 110.90610 of the Washoe County Code, no fees shall be required of a governmental entity or agency thereof.

DEVELOPMENT CODE (Washoe County Code Chapter 110)
MASTER FEE SCHEDULE
Applications accepted by CSD, Engineering and Capital Projects

APPLICATIONS	COMMUNITY SERVICES DEPARTMENT FEES								HEALTH FEES		TOTAL
	Planning			Engineering			Parks		Health District		
	PLANNING	NOTICING	RTF	ENGINEERING	UTILITIES	RTF	PARKS	RTF	ENVIRON.	VECTOR	
AMENDMENT OF MAP (MINOR) (NRS 278.473)	-	-		\$70	-	\$2.80	-		-	-	\$72.80
AMENDMENT OF MAP (MAJOR) (NRS 278.480) (See Note 7)											
With Sewer	\$520	-		\$429	-		-		\$620	\$0	\$1,569.00
No Sewer	\$520	-		\$429	-		-		\$1,176	\$0	\$2,125.00
CONSTRUCTION PLAN REVIEW (See Note 7)											
With Catch Basin	\$308	-		\$1,949	-		-		\$554	\$535	\$3,346.00
Without Catch Basin	\$308	-		\$1,949	-		-		\$554	\$586	\$3,397.00
FINAL SUBDIVISION MAP (See Note 8)											
Not Tahoe without Construction Plan	\$520	-	\$20.80	\$780	\$102	\$35.28	-		\$328	-	\$1,786.08
Not Tahoe with Construction Plan with Catch Basin	\$828	-	\$33.12	\$2,729	\$102	\$113.24	-		\$328	-	\$4,133.36
Not Tahoe with Construction Plan without Catch Basin	\$828	-	\$33.12	\$2,729	\$102	\$113.24	-		\$328	-	\$4,133.36
Tahoe without Construction Plan	\$520	-	\$20.80	\$780	-	\$31.20	-		\$328	-	\$1,680.00
Tahoe with Construction Plan with Catch Basin	\$828	-	\$33.12	\$2,729	-	\$109.16	-		\$328	-	\$4,027.28
Tahoe with Construction Plan without Catch Basin	\$828	-	\$33.12	\$2,729	-	\$109.16	-		\$328	-	\$4,027.28
With Hillside Ordinance - ADD	\$520	-	\$20.80	-	-		-		-	-	\$540.80
With a Significant Hydrologic Resource - ADD	\$520	-	\$20.80	-	-		-		-	-	\$540.80
With CC&Rs - ADD	\$520	-	\$20.80	-	-		-		-	-	\$540.80

NOTE 7: This application applies to construction plans that are not submitted as part of a Final Subdivision Map. The stand-alone Construction Plan Review application is not currently available through the Regional License and Permit Platform (Accela), so no regional technology fees (RTF) are charged. The RTF will be added once the application is available through the Platform (Accela).

NOTE 8: Contact the Engineering and Capital Projects Division for Technical Map Check fees.

In accordance with Nevada Revised Statutes, application fees must be deposited the day of receipt. This does not guarantee the application is complete. Pursuant to section 110.90610 of the Washoe County Code, no fees shall be required of a governmental entity or agency thereof.

MASTER STORM WATER INSPECTION FEE SCHEDULE (Article 421)
Inspection of Storm Water Quality Controls

INSPECTION FEES	
CHARGES FOR PROJECT DURATION AND/OR LOCATION (See Note 9)	CHARGES PER ACRE
0 - 6 Months Construction	\$30
7 - 12 Months Construction	\$60
13 - 18 Months Construction	\$90
19 - 24 Months Construction	\$120
Over 24 Months Construction	\$190
Project within 1,000 feet of a FEMA Flood Zone A, AO, or AE	Additional \$30
Projects of less than one acre but are deemed sensitive/permitted by NDEP	Additional \$30
ADMINISTRATIVE SERVICE FEE (See Note 9)	FOR EACH APPLICATION
Per Site	\$30

NOTE 9: The above listed fees shall be doubled if the construction activity is commenced prior to the issuance of the required permit and/or installation of the storm water controls. Payment of the double fee shall not preclude the County from taking any other enforcement actions within its authority. This application is not currently available through the Regional License and Permit Platform (Accela), so no regional technology fees (RTF) are charged. The RTF will be added once the application is available through the Platform (Accela).

In accordance with Nevada Revised Statutes, application fees must be deposited the day of receipt. This does not guarantee the application is complete. Pursuant to section 110.90610 of the Washoe County Code, no fees shall be required of a governmental entity or agency thereof.

DEVELOPMENT CODE (Washoe County Code Chapter 110)
Short-Term Rental (STR) Applications

	APPLICATIONS	COMMUNITY SERVICES DEPT. FEES			FIRE FEES	TECH FEES	TOTAL
		Base Fee	Planning	Building	Fire District	RTF	
	SHORT-TERM RENTAL (Article 319) (See Notes 10 & 11)						
Truckee Meadows Fire Protection District (TMFPD)	Initial Permit (See Note 12)	\$803	-	\$180	\$170	\$46.12	\$1,199.12
	Initial Permit (with licensed property manager as local responsible party)	\$723	-	\$180	\$170	\$42.92	\$1,115.92
	Renewal with Inspection	\$755	-	\$90	\$80	\$37.00	\$962.00
	Renewal with Inspection (with licensed property manager as local responsible party)	\$680	-	\$90	\$80	\$34.00	\$884.00
	Renewal with Self-Certification	\$755	-	\$45	\$0	\$32.00	\$832.00
	Renewal with Self-Certification (with licensed property manager as local responsible party)	\$680	-	\$45	\$0	\$29.00	\$754.00
North Lake Tahoe Fire Protection District (NLTFPD)	Initial Permit (See Note 12)	\$851	-	\$180	\$174	\$48.20	\$1,253.20
	Initial Permit (with licensed property manager as local responsible party)	\$771	-	\$180	\$174	\$45.00	\$1,170.00
	Renewal with Inspection	\$803	-	\$90	\$87	\$39.20	\$1,019.20
	Renewal with Inspection (with licensed property manager as local responsible party)	\$728	-	\$90	\$87	\$36.20	\$941.20
	Renewal with Self-Certification	\$803	-	\$45	\$0	\$33.92	\$881.92
	Renewal with Self-Certification (with licensed property manager as local responsible party)	\$728	-	\$45	\$0	\$30.92	\$803.92
	Change of local responsible party/property	-	\$45	-	-	\$1.80	\$46.80
	Change of maximum occupancy (no inspection needed)	-	\$90	-	-	\$3.60	\$93.60
	Change of maximum occupancy (with inspection)	-	\$90	\$90	-	\$7.20	\$187.20
	APPEAL BY APPLICANT OF STR TIER 1 DIRECTOR DECISION (See Note 13)	-	\$803	-	-	\$32.12	\$835.12
	APPEAL OF STR ADMINISTRATIVE HEARING ORDER/DECISION to Board of County Commissioners	-	\$250	-	-	-	\$250.00
	INVESTIGATIVE OR ADDITIONAL INSPECTION FEE (per hour for relevant agencies)	-	-	-	-	-	\$90/hr. +RTF

- NOTE 10: These fees are for a Tier 1 short-term rental (STR) permit only. Tier 2 STRs required an Administrative Review Permit and Tier 3 STRs require a Special Use Permit, as identified in Article 302. Fees for those permits can be found within the Master Fee Schedule.
- NOTE 11: Building and Fire District fees are based on a standardized rate. Final Fire District fees subject to adoption by each district's governing board and may vary.
- NOTE 12: The Fire fee is charged for STR properties located in Extreme and/or High IWUI Fire Risk Ratings (per adopted Fire Code/Amendments and GIS mapping) only. This fee does not include repeated fire inspections. The need for Fire Inspections are determined by the applicable Fire District.
- NOTE 13: This appeal fee is for Tier 1 permits only. Appeals related to planning applications required by Tier 2 and Tier 3 STRs will pay the appeal fees applicable to all planning applications.
- NOTE 14: Fees shall be reduced by \$100 for initial permits and \$50 for renewal permits for properties listed as low cap status per the Washoe County Assessor's Office.

In accordance with Nevada Revised Statutes, application fees must be deposited the day of receipt. This does not guarantee the application is complete or that a permit will be issued.

EXHIBIT 1

Appellant James Grimes ("Appellant") is an adjacent property owner subject to the same regulatory zone and Washoe County Development Code ("WCC" or "Development Code") restrictions as Curtis and Jody Coulter (collectively, "Applicant"). At the February 5, 2026 hearing ("Hearing"), Appellant testified that when he sought to construct a fence on his property, he was required to obtain a permit and comply with the six-foot height limitation imposed by the Development Code. Applicant, by contrast, constructed a wall *nearly sixteen feet* in height without first obtaining a permit and did not seek variance approval for approximately eight years, until after administrative enforcement actions were initiated, at which point the BOA granted the requested variance.

Appellant is further aggrieved because Applicant previously initiated complaints to the County concerning alleged issues on Appellant's property at a time when Appellant's grading plans had already been approved and before any civil design plans had even been prepared. Those complaints concerned matters that had not yet occurred and were outside the scope of the approved grading work. Despite invoking strict enforcement of the Development Code against Appellant under those circumstances, Applicant constructed its own nearly sixteen-foot wall without prior approval and was subsequently granted relief from the Code.

Appellant is aggrieved because the BOA's decision authorizes an unlawful structure and applies the Development Code inconsistently among similarly situated property owners. As a neighboring landowner governed by the same regulations, he is directly and adversely affected by the BOA's approval of a structure that exceeds the WCC's clear height limitations.

EXHIBIT 2

The Board of Adjustment (BOA) voted to approve Variance Case Number WPVAR25-0011, despite the Staff Planner, Ms. Jolene Bertetto ("Ms. Bertetto" or "Staff"), recommending *denial* after concluding Staff could not make the required findings of (a) Special Circumstances and (c) No Special Privileges under Washoe County Development Code ("WCC") § 110.804.25. As Ms. Bertetto's Report provides a comprehensive analysis of NRS 278.300 and WCC § 110.804.25, Appellant defers to and incorporates that analysis herein. See Appeal, **Exhibit 3** (BOA Staff Report).

The BOA's approval rested on legally irrelevant considerations, shifting and inconsistent reasoning, and an absence of any evidence supporting the required findings. Accordingly, the BOA's decision to approve WPVAR25-0011 should not have been made.

1. The BOA did not connect its vote to the required hardship finding, and instead relied on the Coulters' intent and popularity.

Ms. Bertetto's presentation correctly framed the inquiry: whether unique parcel characteristics create an "exceptional and undue hardship" and whether approval would confer a special privilege. Yet the BOA's discussion repeatedly departed from that framework. Multiple members supported approval primarily because the wall was purportedly built "in good faith" (Rob Pierce at ~51:14) and because it seemed beneficial or "pretty cool" (Peter K. Ghishan at ~59:12–1:00:46).¹ Those are not variance findings. The property owners, Curtis and Judy Coulter (collectively, "Applicant") also relied heavily on the absence of opposition and the existence of support letters, which the BOA addressed (Trevor Lloyd at ~53:17-53:29), but public support is not evidence of an extraordinary or exceptional situation or condition that results a land-based hardship required under WCC § 110.804.25(a)(3).²

2. The BOA's decision-making was inconsistent and legally unstable.

A central theme in the hearing was a proposed loophole: the applicants argued the structure is not a "fence" because a separate conforming fence exists behind it (Garrett Gordon at ~17:01–17:09; ~24:17–24:43).³ Several BOA members accepted that premise, yet none could identify what the structure *does* constitute under the WCC (Kathie Julian at ~51:53). The BOA's legal advisor confirmed the WCC regulates "fences" and "walls"

¹ These time stamps are based upon the transcript provided by YouTube attached to the video of the hearing: https://www.youtube.com/live/F-IT_PncnF8.

² Please note that the Staff Report already detailed that WCC § 110.804.25(a)(1)-(2) do *not* apply to the matter at hand. See Appeal, Exhibit 3, pp.6-7. The Staff Report additionally found that WCC § 110.804.25(a)(3) does not apply here either, but the BOA made its finding under the same. See Appeal, Exhibit 3, pp. 8-10.

³ Garret Gordon is the attorney who represented Applicant at the Hearing.

with a six-foot maximum height (Garrett Gordon at ~ 40:29; see also WCC § 110.406.50(a)).

Despite this uncertainty, the BOA granted a variance—relief that presupposes the six-foot standard applies. The BOA cannot simultaneously conclude the allegedly-violated section of code may not regulate the structure and then grant a variance from that same regulation. This unresolved inconsistency demonstrates the absence of a reasoned, evidence-based application of WCC § 110.804.25.

3. The BOA did not resolve a material compliance issue raised by Staff: the wall's location relative to the property line and potential setback conflicts.

The Hearing raised substantial uncertainty about the wall's siting and whether its height could implicate setback rules if treated as a "structure." Ms. Bertetto stated at ~42:19 that, "at its current height, it's possible" it "would be built as a structure" and "into the setbacks, which would also be prohibited," and the BOA's legal counsel further stated a structure would need to be *at least* twelve feet from the property line (at ~42:36–42:46). Applicant then estimated the wall is "probably within the property line by a foot" and suggested "5 foot plus or minus" from the property line (Applicant at ~43:05–43:28). The BOA did not reconcile these inconsistencies, did not determine an actual setback distance, and did not condition approval on verification of location—despite the fact that the wall was built without prior County review and without a permit. This unresolved uncertainty weakens any conclusion that the relief creates "no detriment" or does not impair the Development Code's purpose under WCC § 110.804.25(b).

4. The BOA disregarded evidence that approval of WPVAR25-0011 confers a special privilege on Applicant.

Ms. Bertetto expressly found that granting this variance *would* create a special privilege inconsistent with other properties in the same regulatory zone. See Appeal, Exhibit 3, p. 11. The Hearing supplied additional evidence supporting Ms. Bertetto's conclusion:

- Appellant testified he complied with the six-foot limit when he applied for a permit, while Applicant "never applied for a permit" and built a wall approximately fifteen feet high (James Grimes at ~49:35–49:41).
- Appellant further testified the applicants frequently report others for code violations, but now seek relief when the Development Code applies to them (~49:41–50:48).

Rather than addressing this unequal-treatment concern as part of the "no special privileges" finding under WCC § 110.804.25(c), the BOA largely reframed the issue as neighbor hostility or a private dispute (Rob Pierce at ~1:00:53–1:01:12), and proceeded to approval based on impressions, including "I've never even noticed it" (Peter K. Ghishan at ~59:12–59:54). A decision cannot be upheld on the basis that a large,

noncompliant structure is "inconspicuous," particularly where Staff found it violates the six-foot standard absent extraordinary circumstances.

5. Applicant offered no actual evidence in support of its "special circumstances" rationale.

Applicant's case centered on removal of a 700-year-old cottonwood and the desire to protect newly planted trees and birds. Staff addressed that claim directly and concluded it does not constitute an extraordinary circumstance for variance purposes and does not create a hardship from strict application of the six-foot rule. See Appeal, Exhibit 3, pp. 8-9.

WCC § 110.804.15 requires that in reviewing variances, the BOA shall review the oral and written evidence presented at the relevant hearing to determine whether the application is consistent with existing policies, standards, and required findings. See WCC § 110.804.15(a). This regulation does not permit approval based on policy preferences, environmental goals, or sympathetic facts. It requires evidentiary support tying the extraordinary circumstance to the land itself. See NRS 278.300(1)(c).

As an initial matter, there is no such term as a "wildlife preservation wall" anywhere in the WCC. The Development Code regulates "fences" and "walls" and imposes a six-foot height limitation. See WCC § 110.406.50(a). Applicant's repeated characterization of the structure as a "wildlife preservation wall" does not create a new regulatory category; it merely attempts to re-label a nearly sixteen-foot barrier in order to avoid the plain height limitation applicable to fences and walls. The BOA identified no provision in the WCC recognizing or authorizing such a structure.

During the BOA Hearing, no evidence was presented that Applicant's parcel is exceptionally narrow, shallow, irregularly shaped, topographically constrained, or otherwise uniquely burdened. The loss of a tree, however historic, does not alter the parcel's physical characteristics. Nor does Applicant's desire to enhance wildlife habitat transform their property into a uniquely burdened property. As Staff concluded, "[t]he property is not uniquely situated for providing wildlife habitat any more than the surrounding parcels in the same regulatory zone." See Appeal, Exhibit 3, p. 8.

Moreover, Applicant presented **no** competent evidence establishing the existence of a migratory bird corridor unique to the parcel, nor any scientific or expert testimony demonstrating that the nearly sixteen-foot wall functions as a habitat enhancement device. Assertions that certain birds "prefer" elevated nesting boxes were unsupported by documentation, expert reports, or data at the hearing. No evidence was introduced explaining how a vertical wooden barrier attracts birds, increases biodiversity, mitigates wind in a manner necessary for avian survival, or otherwise performs the ecological functions claimed.

To the contrary, Appellant testifies that the birdhouses mounted on the wall were only recently added, shortly before the February 5, 2026 Hearing—eight years *after* the wall was erected. This testimony contradicts the narrative that the structure was purpose-built and continuously functioning as a long-standing wildlife preservation feature. The record contains no evidence that the wall, standing alone, has any demonstrated ecological effect, nor that it is necessary to support wildlife on the parcel.

The BOA's statements show it accepted the narrative largely because it was compelling and well-intentioned, not because the required hardship standard was met. Members discussed community goodwill, UNR visits, and admiration for the project—while simultaneously expressing concern that the wall was placed adjacent to an existing fence line so it "can be not called [a] fence anymore" (Leo A. Horishny at ~38:20–38:50) and that it "feels like" someone "tried to pull something" (Leo A. Horishny at ~56:27–56:56). Those concerns directly implicate credibility and whether the condition was self-created, yet the BOA made no evidentiary findings resolving them. Because WCC § 110.804.15 requires evidence supporting each finding, the approval lacks the evidentiary basis necessary to sustain a variance.

In conclusion, the Hearing shows the BOA approved the variance without a coherent, evidence-based path to the required findings. Several members justified approval because they believed Applicant acts in good faith, no one noticed the wall, or it is "cool." Others expressed discomfort with the siting and the appearance of trying to avoid the WCC, but the motion passed without resolving those issues. That is not reasoned application of WCC § 110.804.25's findings, and it cannot serve as a substitute for evidence of (a) special circumstances creating exceptional and undue hardship, and (c) no special privileges.

EXHIBIT “3”

EXHIBIT “3”



Board of Adjustment Staff Report Page 16

Meeting Date: February 5, 2026

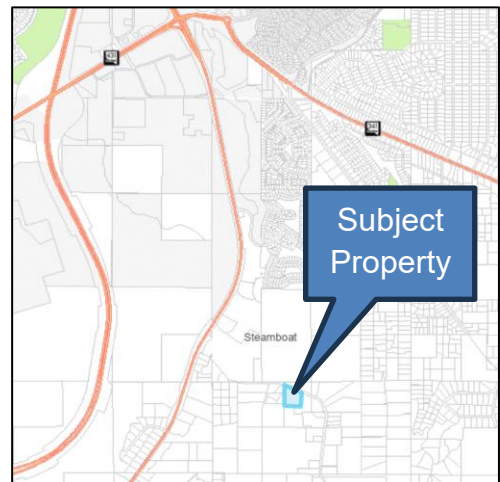
Agenda Item: 8B

VARIANCE CASE NUMBER:	WPVAR25-0011 (515 Rhodes Wall Height Variance)
BRIEF SUMMARY OF REQUEST:	To vary the six (6) foot maximum height standard for a residential wall.
STAFF PLANNER:	Jolene Bertetto, Planner 775.328.6101 jbertetto@washoecounty.gov

CASE DESCRIPTION

For hearing, discussion, and possible action to approve a variance to exceed the maximum wall height from six feet (6') to fifteen feet, eight inches (15' 8"). The proposed variance is requested to bring into compliance an existing ninety-five-foot (95') long wall with a height of fifteen feet, eight inches (15' 8"). The wall is located along the property's east side.

Applicant:	Curtis and Judy Coulter
Property Owner:	Red Dog Trust
Location:	515 Rhodes Road Reno, NV 89521
APN:	017-400-19
Parcel Size:	5.03 acres
Master Plan:	Suburban Residential
Regulatory Zone:	Low Density Suburban (LDS)
Area Plan:	South Valleys
Development Code:	Authorized in Article 804, Variances
Commission District:	2 – Commissioner Clark



Vicinity Map

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

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Variance Definition

The purpose of a variance is to provide a means of altering the requirements in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties with the identical regulatory zone because of special features or constraints unique to the property involved; and to provide for a procedure whereby such alterations might be permitted by further restricting or conditioning the project so as to mitigate or eliminate possible adverse impacts. If the Board of Adjustment grants an approval of the variance, that approval is subject to conditions of approval. Conditions of approval are requirements that need to be completed during different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., a grading permit, a building permit, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy on a structure.
- Prior to the issuance of a business license or other permits/licenses.
- Some conditions of approval are referred to as “Operational Conditions.” These conditions must be continually complied with for the life of the business or project.

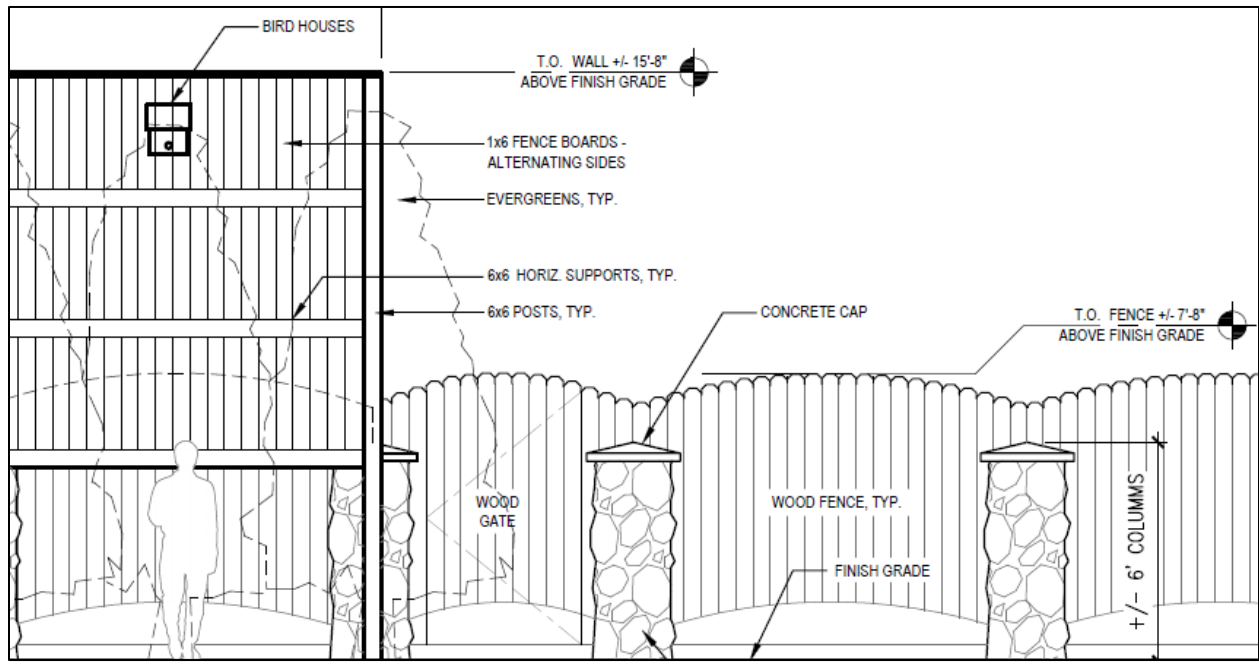
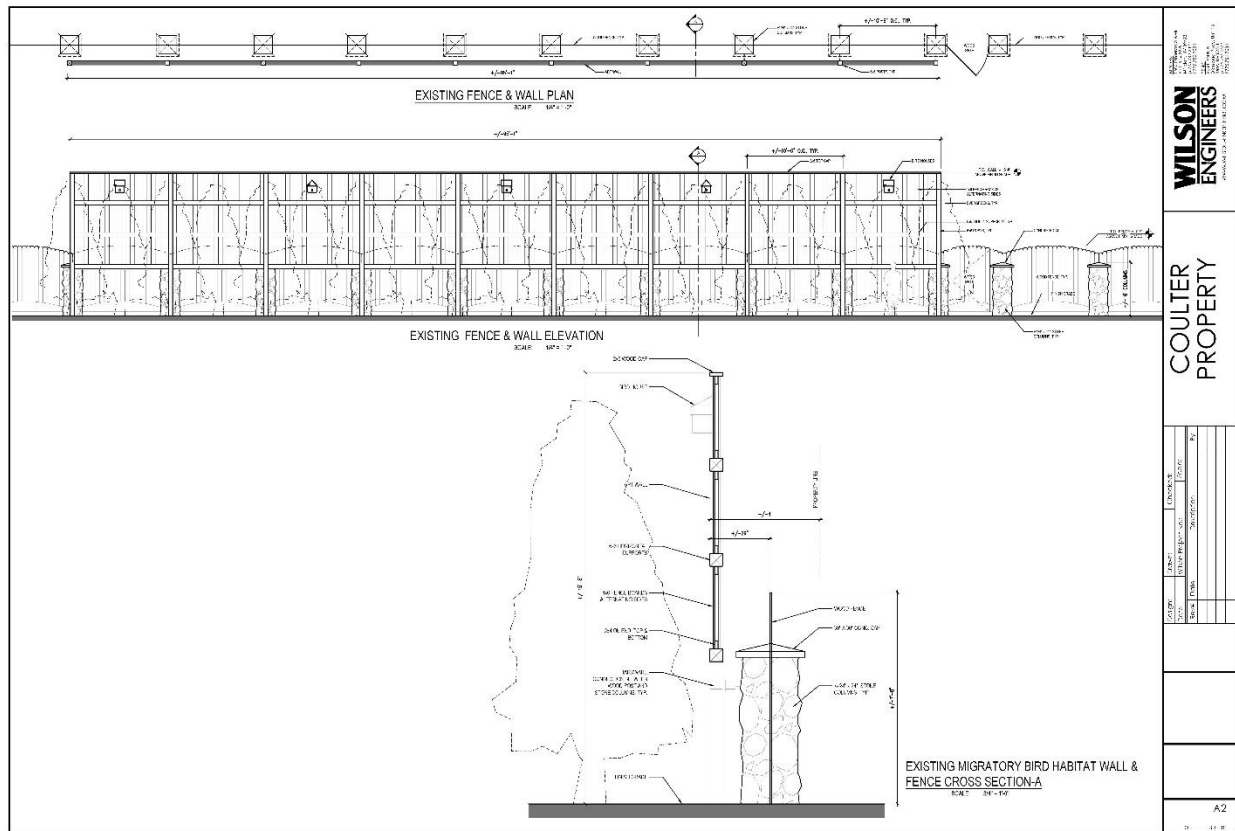
The applicant is seeking variance on the wall height requirements per section 110.406.50(a) of the Washoe County Code. The Board of Adjustment will be ruling on this request.

Variance Requested	Relevant Code
Wall greater than 6 ft in height.	(110.406.50(a))

The subject property has a regulatory zone of Low Density Suburban (LDS). Pursuant to Washoe County Code (WCC) Section 110.406.50(a) *Fences, Walls or Perimeter Planting*, the maximum height for fences and walls on a residential property is six (6) feet, necessitating the request for a variance.



Site Plan



Elevations

Project Evaluation

The applicant is requesting to increase the maximum wall height along the side yard of their property from six feet (6') to fifteen feet, eight inches (15' 8"). Varying the standard would bring into compliance an existing wall located near the eastern property line. The wall is fifteen feet, eight inches (15' 8") in height, as shown in the elevations diagram on page 5. According to the applicant, the wall structure has been in place for eight (8) years.

On October 14, 2025, the applicant received an administrative enforcement warning after a complaint was received by the Washoe County Planning and Building Department and a subsequent inspection on November 18, 2025 confirmed the code violation.

According to the applicant, the wall was constructed to shield a maturing arboretum from high winds and to protect the migratory bird population which utilizes the trees. Additionally, the applicant mounted various birdhouses to the wall to provide additional wildlife shelter. The applicant refers to the wall in their variance application as a "wildlife preservation wall."

Approval of a variance is limited to special circumstances as described in Nevada Revised Statutes (NRS 278.300). The applicant has the responsibility to demonstrate that the subject property exhibits one or more of the following characteristics to demonstrate a hardship: 1) exceptional narrowness, shallowness, or shape of a specific piece of property; or 2) by reason of exceptional topographic conditions; or 3) other extraordinary and exceptional situation or condition of the piece of property. If such a finding of fact can be made, then the Board must determine that the strict application of the regulation would result in exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the subject property.

Hardships*Exceptional narrowness and shape of the property*

The wall is located along the eastern property line, which has a length of 375.59'. The width of the property at the southern end is 439.52', and the width at the northern end is 504.24', as detailed in Figure 1 below.

The minimum parcel width required by WCC Section 110.406.05 for a LDS parcel is 120 feet. Narrowness of the parcel is not a limiting factor in the applicant being able to construct a fence and/or wall to meet the height limit of 6 feet. The minimum parcel size for this regulatory zone is 35,000 square feet. The parcel size being 219,106.8 square feet (5.03 acres) is over 6 times greater than that required by the Code. Additionally, the parcel shape is not unique to this property.

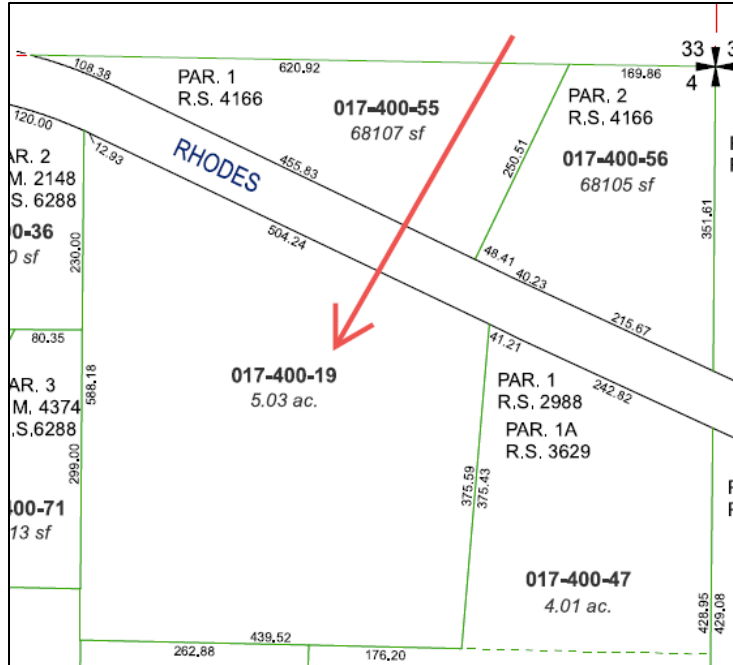


Figure 1. Parcel Dimensions

Topographic Conditions

As shown in Figure 2 below, the contour lines indicate fairly level and gently sloping topography on the subject property. Other properties in the area have similar topography and do not have walls exceeding the 6 feet height limit. Therefore, the parcel's topography is not a limiting factor and does not meet the criteria for an exceptional situation or condition of the property



Figure 2. Topography

Extraordinary Circumstances

According to the applicant, the extraordinary circumstance that resulted in the construction of the wall was the removal of a mature freemont cottonwood tree from the subject property that provided shelter for wildlife. The applicant planted new trees for migratory birds and built the wall to shield the trees from high winds while providing habitat and shelter through mounted bird houses. The applicant states in their application:

“The Property is in a unique area surrounded by local wildlife and the Applicants made a concerted effort to mitigate loss of natural resources and cultivate the migratory bird population, which squarely aligns with conservation efforts outlined in the Envision Washoe 2040 Master Plan, highlighting protection efforts for ‘key wildlife and fishery habitats; habitats of threatened, endangered, or rare species; key migration routes; and areas important for scientific study’.

Therefore, the Applicants are prevented from complying with the Development Code requirements, as to do so, would result in harm to the local migratory bird population in direct contravention of Master Plan goals.”

While staff acknowledge that the wall provides shelter through mounted bird houses, as seen in Figure 3, the choice of the applicant to construct the wall to shield new trees planted after the removal of a mature tree does not constitute an extraordinary circumstance. The property is not uniquely situated for providing wildlife habitat any more than the surrounding parcels in the same regulatory zone.



Figure 3. Bird Houses

Staff finds that the applicant has not demonstrated that the subject property exhibits hardships as required by Nevada Revised Statutes and recommends denial of the variance.

Reviewing Agencies

The following agencies/individuals received a copy of the project application for review and evaluation. No conditions or recommendations were provided.

Agencies	Sent to Review	Responded	Provided Conditions	Contact
Washoe County Water Rights Manager (All Apps)	X	X		
WCSO Law Enforcement	X			
Washoe County Engineering (Land Development) (All	X			
Washoe County Engineering & Capital Projects Director (All Apps)	X	X		
NNPH Environmental Health	X			
TMFPD	X	X		

Public Comments

Staff received eight public comments in support of the wall, including a letter of support from the property owner of the parcel directly to the east of the wall. The public comments are in Exhibit B.

Staff Comment on Required Findings

Washoe County Development Code Section 110.804.25, Article 804, *Variances*, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the request. Staff has completed an analysis of the variance application and is unable to make the first finding of special circumstances and third finding of no special privileges. Staff is able to make the additional findings. Staff has determined that the proposal is in compliance with the required findings as follows.

- (a) Special Circumstances. Because of the special circumstances applicable to the property, including exceptional narrowness, shallowness or shape of the specific piece of property; exceptional topographic conditions; extraordinary and exceptional situation or condition of the property and/or location of surroundings; the strict application of the regulation results in exceptional and undue hardships upon the owner of the property.

Staff Comment: Staff has found no special circumstances applicable to the property, as demonstrated in this report. The parcel has no exceptional narrowness, shallowness or shape of the specific piece of property; no exceptional topographic conditions; no extraordinary and exceptional situation or condition of the property and/or location of surroundings. The strict application of the regulation does not result in exceptional and undue hardships upon the owner of the property, as the owner is not being deprived of developing the property in the same manner as surrounding properties.

- (b) No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted.

Staff Comment: As the immediate neighbor provided a letter of support, the relief would not create a substantial detriment to the immediate neighbor or substantially impair affected natural resources. However, the wall height does

not conform to the requirements of the development code absent extraordinary circumstances; justifying a variance may impair the intent and purpose of the development code's restrictions governing fence and wall heights.

- (c) No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated.

Staff Comment: Approving this variance would create a special privilege by allowing a wall to exceed the height limits established by Washoe County Code. Granting this request would provide an advantage not available to other properties in the same vicinity and regulatory zone and therefore would violate this finding.

- (d) Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property.

Staff Comment: The use of a wall is authorized, though the wall height exceeds maximum height requirements.

- (e) Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Staff Comment: There are no military installations within the required noticing area; therefore, the board is not required to make this finding.

Recommendation

After a thorough analysis and review, Variance Case Number WPVAR25-0011 is being recommended for denial. Staff offers the following motion for the Board's consideration.

Motion

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment deny Variance Case Number WPVAR25-0011 for the 515 Rhodes Wall Height Variance, having been unable to make all four required findings in accordance with Washoe County Development Code Section 110.804.25:

- (a) Special Circumstances. Because of the special circumstances applicable to the property, including exceptional narrowness, shallowness or shape of the specific piece of property; exceptional topographic conditions; extraordinary and exceptional situation or condition of the property and/or location of surroundings; the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;
- (b) No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;

- (c) No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
- (d) Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property;
- (e) Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Appeal Process

Board of Adjustment action will be effective 10 calendar days after the written decision is filed with the Secretary to the Board of Adjustment and mailed to the applicant, unless the action is appealed to the Washoe County Board of County Commissioners, in which case the outcome of the appeal shall be determined by the Washoe County Board of County Commissioners. Any appeal must be filed in writing with the Planning and Building Division within 10 calendar days from the date the written decision is filed with the Secretary to the Board of Adjustment and mailed to the applicant.

Applicant: Judy Coulter

Representatives: Garrett Gordon



Date: December 18, 2025

To: Jolene Bertetto, Planner
From: Janelle Thomas, P.E., Senior Licensed Engineer
Robert Wimer, P.E., Licensed Engineer

Re: Variance Case WPVAR25-0011 Rhodes Wall Height Variance
APN 017-400-19

GENERAL PROJECT DISCUSSION

Washoe County Engineering and Capital Project staff have reviewed the above referenced application. The application, prepared by Garrett Gordon, is for a variance to approve a variance of the maximum wall height allowed to allow for a 15-foot-tall wall.

The Engineering and Capital Projects Division provides no recommendation for this variance case with no additional comments or conditions.



Date: December 17, 2025

To: Jolene Bertetto, Planner

From: Timber Weiss, P.E., Licensed Engineer

Re: Variance Case Number WPVAR25-0011 (Rhodes Wall Height Variance)

GENERAL PROJECT DISCUSSION

For hearing, discussion, and possible action to approve a variance to exceed the maximum wall height from 6' to 15' 8". The proposed variance is requested to bring into compliance an existing 95' long wall with a height of 15' 8". The wall was constructed in 2017 as a wind break for trees and to support wildlife, as mounted on the wall are several birdhouses. The wall is located along the property's east side.

The Community Services Department (CSD) recommends approval of this project with the following Water Rights conditions:

No water rights conditions for this variance.

From: [Donohue, Jen](#)
To: [Bertetto, Jolene](#)
Subject: WPPVAR25-0011, Rhodes Wall
Date: Sunday, December 28, 2025 8:33:20 PM

Greetings Jolene,
TMFPD has no comments/conditions for the above identified case.

Thank you.

Jen Donohue

Contract Fire Plans Examiner

Truckee Meadows Fire & Rescue

jdonohue@tmfpd.us | Cell: 775.447-5780

3663 Barron Way, Reno, NV 89511

From: Dick Mahoney <dick.mahoney@gmail.com>
Sent: Monday, December 8, 2025 2:09 PM
To: Code-Enforcement <Code-Enforcement@washoecounty.gov>
Cc: Judy Coulter <judy@csa2b.com>
Subject: Information on request for variance

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

[Report Suspicious](#)

Dear Washoe County:

I own the property at 625 Rhodes Road. My neighbors to the west are Curtis and Judy Coulter at 515 Rhodes Road. they have built a habitat wall for migratory and resident birds.

I have no objection to the habitat structure and consent to a special use variance being granted for its continued existence

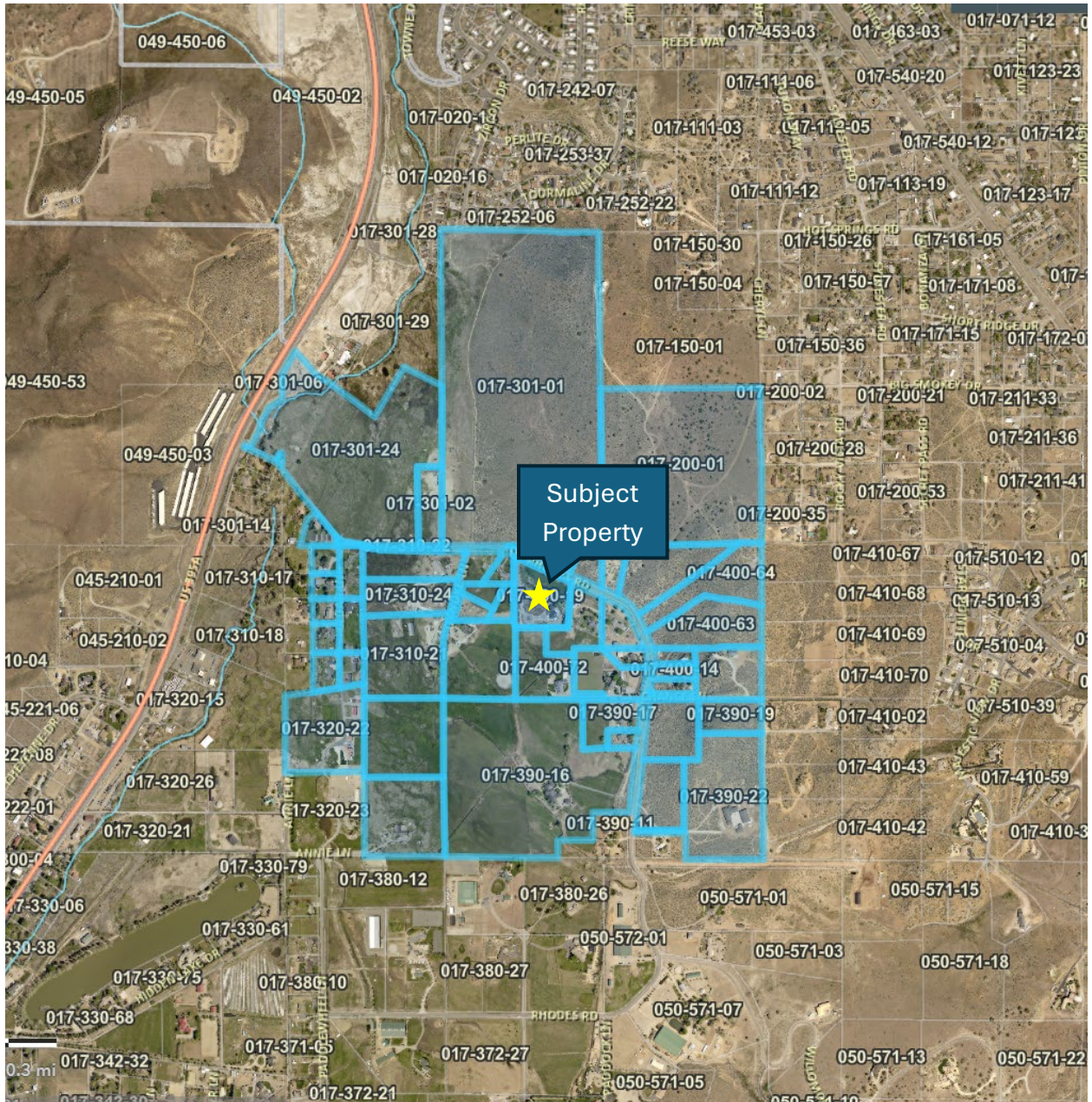
[REDACTED]

Thank you,

Richard Mahoney

Public Notice

Pursuant to Washoe County Code Section 110.804.20, public notification consists of notification by mail of at least 30 separate property owners within a minimum 500-foot radius of the subject property. Notification for this application was sent to 33 property owners within a 1500-foot radius.



Washoe County Development Application

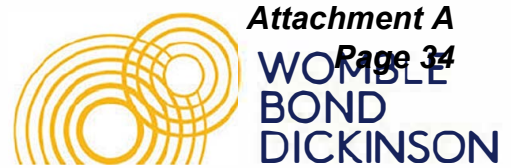
Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Building staff at 775.328.6100.

Project Information		Staff Assigned Case No.: _____	
Project Name: Wildlife Preservation Wall Variance			
Project Description: On behalf of RED DOG TRUST, represented by trustees Curtis and Judy Coulter, the Applicants in this matter, we hereby submit the enclosed application for a variance to exceed the maximum wall height allowed under Washoe County Development Code § 110.406.50(a), and thereby resolve Administrative Enforcement Violation Case Number: WVIO-PLA25-0202. The variance requested here will allow for the existing Wildlife Preservation Wall located on parcel 017-400-19 to satisfy WCDC requirements.			
Project Address: 515 Rhodes Rd Washoe County, NV 89521			
Project Area (acres or square feet): 95"-1'			
Project Location (with point of reference to major cross streets AND area locator): Rhodes Rd and Ox-Yoke Ln			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
017-400-19	5.03		
Indicate any previous Washoe County approvals associated with this application: Case No.(s). N/A			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: Red Dog Trust		Name: Garrett Gordon	
Address: [REDACTED]		Address: [REDACTED]	
[REDACTED] Zip: 89511		[REDACTED] Zip: 89501	
Phone:	Fax:	Phone:	Fax:
Email:		Email: [REDACTED]	
Cell:	Other:	Cell:	Other:
Contact Person: Judy Coulter		Contact Person: Garrett Gordon	
Applicant/Developer:		Other Persons to be Contacted:	
Name: Curtis and Judith L. Coulter		Name:	
Address: [REDACTED]		Address:	
[REDACTED] Zip: 89521		Zip:	
Phone:	Fax:	Phone:	Fax:
Email: [REDACTED]		Email:	
Cell:	Other:	Cell:	Other:
Contact Person: Judy Coulter		Contact Person:	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Garrett D. Gordon
Partner
Admitted in Nevada
Direct Dial: [REDACTED]
Direct Fax: [REDACTED]
E-mail: Garrett.Gordon@wbd-us.com

December 8, 2025

Community Services Department
Planning and Building
1001 E. Ninth St., Bldg. A
Reno, NV 89512-2845



Womble Bond Dickinson (US) LLP
One East Liberty Street
Suite 300
Reno, NV 89501-2128

**RE: WILDLIFE PRESERVATION WALL
VARIANCE SUPPLEMENTAL INFORMATION**

To Whom It May Concern:

On behalf of RED DOG TRUST, represented by trustees Curtis and Judy Coulter, the Applicants in this matter (“Applicants”), we hereby submit the enclosed application for a variance to exceed the maximum wall height allowed under Washoe County Development Code (“WCDC”) § 110.406.50(a), and thereby resolve Administrative Enforcement Violation Case Number: WVIO-PLA25-0202.¹ The variance requested here will allow for the existing Wildlife Preservation Wall (“Wall”) located on parcel 017-400-19 (the “Property”) to satisfy WCDC requirements.

This variance application applies to an existing structure which has been in place for over eight (8) years. The Applicants have put forth a good faith effort provide all materials requested in the application. In the event the Community Services Department needs additional information, material, or documents to review the application in full, the Applicants will provide all materials to the best of their ability.

VARIANCE SUPPLEMENTAL INFORMATION

1. *What provisions of the Development Code (e.g., front yard setback, height, etc.) must be waived or varied to permit your request?*

Response: The variance will waive WCDC § 110.406.50(a), limiting the maximum height for fences, walls or perimeter planting of the residential property to six (6) feet.

2. *What are the topographic conditions, extraordinary or exceptional circumstances, shape of the property or location of surroundings that are unique to your property and, therefore, prevent you from complying with the Development Code requirements?*

¹ **Exhibit 1.**

Womble Bond Dickinson (US) LLP is a member of Womble Bond Dickinson (International) Limited, which consists of independent and autonomous law firms providing services in the US, the UK, and elsewhere around the world. Each Womble Bond Dickinson entity is a separate legal entity and is not responsible for the acts or omissions of, nor can bind or obligate, another Womble Bond Dickinson entity. Womble Bond Dickinson (International) Limited does not practice law. Please see www.womblebonddickinson.com/us/legal-notice for further details.

Response: Due to the unique location of the property, extraordinary circumstances are at play. It is imperative, the Wall be allowed to stand so it may continue to cultivate and protect the thriving wildlife population, which depends on the Wall and arboretum for shelter.

The Property was previously home to one of the largest trees in the State of Nevada, a Fremont Cottonwood standing at 105 feet.² Unfortunately, in 2017, the tree began to split apart, and the Applicants, on the advice of an arborist, were forced to remove the tree to prevent harm to surrounding properties. The tree was dated at over 700 years old and provided shelter for wildlife. The Applicants felt a responsibility to the community to replace the tree and mitigate the loss of shelter for the frequenting wildlife population.

The Applicants embarked on an effort to create an arboretum by planting substantial new trees.³ This effort led to a significant increase in the migratory bird population visiting the area. To protect and cultivate the local wildlife, the Applicants built the existing Wall to shield the maturing arboretum from high winds and other environmental hazards and protect the migratory bird population which takes refuge in the area. Additionally, the Applicants commissioned the creation of various birdhouses which are mounted on the Wall to provide additional shelter for the migratory birds. The Applicants' mitigation efforts were successful, and the arboretum supports the nesting of Great Horn Owls, Red Tail Hawks, Monarch Butterflies, and the local Finch population.

The Property is in a unique area surrounded by local wildlife and the Applicants made a concerted effort to mitigate loss of natural resources and cultivate the migratory bird population, which squarely aligns with conservation efforts outlined in the Envision Washoe 2040 Master Plan, highlighting protection efforts for “*key wildlife* and fishery habitats; habitats of threatened, endangered, or rare species; *key migration routes*; and areas important for scientific study.” Envision Washoe 2040 Master Plan (“Master Plan”) at 45 (emphasis added).

Therefore, the Applicants are prevented from complying with the Development Code requirements, as to do so, would result in harm to the local migratory bird population in direct contravention of Master Plan goals.

3. *What steps will be taken to prevent substantial negative impacts (e.g., blocking views, reducing privacy, decreasing pedestrian or traffic safety, etc.) to other properties or uses in the area?*

Response: The Wall has been in place since late 2017, and over (8) years have passed without any incident, issue, or complaint. The Wall is entirely located within the Applicants' property line and has no impact on pedestrian safety or traffic safety. Finally, the Wall does not impact views, including the views of residents nearest the instillation. To the contrary, as a result of the Applicants'

² The Nevada Division of Forestry recognized the Fremont Cottonwood located on the Property as the “Nevada State Champion” on December 14, 2015, and listed the tree of the Nevada Big Tree Register as part of the Big Tree Program. Nev. Div. of Forestry & Fire Protection, *Nevada Big Tree Register* (2015), https://forestry.nv.gov/uploads/missions/20210712_amt_2015_nevada_big_tree_register.pdf.

³ **Exhibit 2**, Landscaping Plan.

efforts, those in the local area have increased views of local wildlife including Great Horn Owls, Red Tail Hawks, Monarch Butterflies, and the local Finches which frequent the area because of the instillation.⁴

4. *How will this variance enhance the scenic or environmental character of the neighborhood (e.g., eliminate encroachment onto slopes or wetlands, provide enclosed parking, eliminate clutter in view of neighbors, etc.)?*

Response: The variance enhances the scenic and environmental character of the neighborhood as the arboretum supports the nesting of migratory birds—which are enjoyed by all. Further, the arboretum developed by the Applicants is open to UNR’s Master Gardener tour and is frequently visited and enjoyed by locals. Additionally, the Wall eliminates clutter in view of neighbors and increases the ability to view the scenery in a streamlined fashion without the distraction of neighboring backyards. Finally, the Wall provides protection to the Property and neighboring properties from high winds that are common in the area.

5. *What enjoyment or use of your property would be denied to you that is common to other properties in your neighborhood?*

Response: The Property is unique as it is located in an area surrounded by natural habitats, and in the path of migratory bird species. When the Applicants came into possession of the Property, a large Fremont Cottonwood Tree stood on the Property and provided a home for many local wildlife species. When it became clear it was no longer safe for the tree to exist, the Applicants made a concerted effort to mitigate any impact to the wildlife that existed and continues to exist on the Property. Without the Wall, birds and other wildlife would no longer have space or shelter in the area, and that use, and enjoyment of the Property would be lost.

6. *Are there any restrictive covenants, recorded conditions or deed restrictions (CC&Rs) that apply to the area subject to the variance request?*

Response: There are no relevant restrictive covenants, recorded conditions or deed restrictions (CC&Rs) that apply to the area subject to the variance request.

7. *How is your current water provided?*

Response: Water is provided to the Property via well.

8. *How is your current sewer provided?*

Response: Sewer is provided to the Property via septic tank.

⁴ Notably, the neighbor to the west of the Property—nearest the Wall—Richard Mahoney, does not object to the Wall. See **Exhibit 3**.



For the reasons stated herein, the Wildlife Preservation Wall meets or exceeds all variance requirements and findings under WCDC. The Applicants therefore respectfully requests that the County approve the variance and resolve Case Number: WVIO-PLA25-0202.

Please do not hesitate to contact this office at [REDACTED] if we can provide any additional information.

Sincerely,

Garrett Gordon

Garrett Gordon

Womble Bond Dickinson (US) LLP

Exhibit 1

1001 EAST 9TH STREET
 RENO, NEVADA 89512
 PHONE (775) 328-6106
 FAX (775) 328-6133



WASHOE COUNTY
 COMMUNITY SERVICES DEPARTMENT
 Planning and Building Division
 Code Enforcement

ADMINISTRATIVE PENALTY NOTICE
****FIRST PENALTY****

November 18, 2025

RED DOG TRUST
 515 RHODES ROAD
 RENO, NV 89521

Case Number: WVIO-PLA25-0202
 Subject Property: 515 RHODES ROAD, WASHOE COUNTY, NV 89521
 Parcel Number: 017-400-19

Penalty Amount: **\$100**
 Comply by: 12/21/2025
 Payment Due by: 12/21/2025

Dear Respondent,

An inspection and an Administrative Enforcement Warning issued on 10/14/2025 revealed the violations noted below on the subject property. Washoe County Code Section 125.160(4) provides for issuance of an Administrative Penalty when violations noted on the Administrative Enforcement Warning are not corrected. This Administrative Penalty Notice is not a criminal proceeding.

The property was inspected on 11/18/2025 and remains in violation of the County Codes cited below. **You are hereby charged an administrative penalty of \$100.** Payment of the administrative penalty does not release you from correcting the code violation that currently exists on the subject property.

A 50% discount will be applied toward your penalty amount if paid on or before the payment due date listed above. Washoe County will accept one-half of the administrative penalty amount as payment in full if received by the payment due date shown on this notice. If an appeal is filed before the payment due date or if you pay the penalty after the payment due date, no reduction of the penalty is available. After the payment due date, any unpaid penalties will be turned over to the Washoe County Collections Office. A County Code required \$50 collections fee will be added to the penalty and you may also be subject to additional fees, interest and all collection remedies allowed by law. All penalties and fees assessed are cumulative. Each and every instance the code violation exists constitutes a separate and distinct offense. **County Code Violations must be corrected or additional penalties may be assessed without future warnings being issued. This notice of violation may be recorded with the Washoe County Recorder's Office if the violation is not corrected. In addition, pursuant to WCC 125.190, you are hereby notified that any approvals for applications, renewals of business licenses, and any land or structure use permits, building permits, or grading permits may be withheld until the violation(s) is corrected.**



Memo to: **RED DOG TRUST**
Subject: Administrative Penalty
Date: 11/18/2025
Page: 2

The code violation found on the property and the action you must take to correct the situation is:

VIOLATION:

WCC section 110.406.50(a) – Fences, Walls or Perimeter Planting: Residential Use Types.

The maximum height for fences, walls or perimeter planting is limited to four-and-one-half (4.5) feet in the required front yard setback except as noted by Section 110.406.30, Front Yards. **The maximum height for fences, walls or perimeter planting for the remainder of the residential property is six (6) feet.** Where two (2) or more of a property's frontages constitute front yards on a corner lot, one (1) of the yards shall be deemed to be the main entrance and all other yards with street frontage shall be considered modified side yards where fences, walls or perimeter planting can have a maximum height of six (6) feet as long as such fences, walls or perimeter planting are located at least ten (10) feet from the modified side yard property line. Barbed wire or razor wire livestock fencing in front yards is allowed only on lots with a size

CORRECTIVE ACTION:

WCC section 110.406.50(a) – Adjust the maximum fence height to six (6) feet outside the front yard setback.

RIGHTS OF APPEAL: You have a right to appeal this notice as described on the **Right to Appeal instructions attached to this notice.** Failure to respond to this notice by **12/21/2025** all be deemed an admission of liability and a waiver of any right to an administrative hearing.



Brian Farmer
Code Enforcement Officer II
bfarmer@washoecounty.gov
(775) 328-2312



Memo to: **RED DOG TRUST**
Subject: Administrative Penalty
Date: 11/18/2025
Page: 3

RIGHT TO APPEAL ADMINISTRATIVE PENALTY NOTICE

You may appeal this Administrative Penalty Notice by requesting an administrative hearing.

To request an administrative hearing, contact the Administrative Hearing Office located at Reno Justice Court by email at aho@washoecounty.gov, or by phone at (775) 328 – 2001 or (775) 325 – 6500. You will need to provide a copy of this Administrative Penalty Notice to the Hearing Office.

You must file your appeal on or before the appeal date stated in your Administrative Penalty Notice.

Fees and Costs: The fee to request an administrative hearing is \$50.00. This fee must be paid if you are found in violation of County Codes at the conclusion of the appeal hearing. The hearing officer may also impose additional administrative penalties and/or administrative action fees. Any outstanding penalties and fees must be paid at the conclusion of the appeal hearing.

Hearing Officer and Hearing Date: An administrative hearing officer will be assigned to your case by the Washoe County Administrative Hearing Office. The Administrative Hearing Office will notify you of your hearing date. The administrative hearing officer will issue an Administrative Order at the conclusion of your appeal hearing.

Impact on this Administrative Penalty Notice: Any deadlines, actions, and/or remedies included in this Administrative Penalty Notice will be placed on hold until your appeal is concluded.

Contact Information:

Administrative Hearing Office
(Located at Reno Justice Court)
1 S. Sierra St.,
Reno, NV 89501
Administrative Hearing Office: (775) 328 – 2001
Reno Justice Court: (775) 325 – 6500
aho@washoecounty.gov

Steps to File Your Appeal:

1. Contact the Administrative Hearing Office by email and/or phone on or before the appeal date shown on your Administrative Penalty Notice.
2. Email a copy of this Administrative Penalty Notice to the Administrative Hearing Office.



515 RHODES RD

APN: 017-400-19

Documents Tax Information

Permit/Accela Information Found (7)

Owner: RED DOG TRUST

Corporate Area: WASHOE

Zip Code: 89521 Zip City: RENO

Tax District: 4000

Voter Precinct: 8210

Land use: 200

Land Zoning: LDS

Utility: Water: Well , Sewer: Septic

Square Ft.: 7249

Acreage: 5.030

Total Assessment: 1425424

Bedrooms: 4

Baths: 5.5

Year Built: 2005

Subdivision: Not Available

Neighborhood: IEJE



Exhibit 2

LANDSCAPE MASTER PLAN
For the Gentlemen's Ranch
515 Rhodes Road - Reno NV 89521

Verdant
LANDSCAPE ARCHITECTURE, LTD.
John Vanderhaar, AIA, LEED AP
jvander@verdantlandscape.com
(775) 412-2771
www.verdantlandscape.com

- LEGEND**
- Large Evergreen Tree
 - Small Evergreen Tree
 - Large Deciduous Tree
 - Large Shrub
 - Evergreen Shrub
 - Deciduous Shrub
 - Perennials
 - Ornamental Grasses
 - Lawns/Pasture
 - Buildings

LANDSCAPE NARRATIVE

This functional gentleman's ranch in Shoshone features an arboret, large horse pasture, extensive production area and small farm animals. Central to the site is the magnificent residence remodelled in a tasteful style.

The landscape plan complements the site with a new, formal driveway that includes a circle and entry plaza lined by a series of colorful and drought-tolerant planting areas.

To simplify the property entry, two planters flank the new entry drive. In a series of lawn and gravel sections, the driveway is bordered by a concrete edge, trellis and a 4' walkway to the East. After passing the site, an alle of trees takes visitors on a colorful journey along the walkway. These entry plantings provide shade and privacy to the production gardens to a large driveway side. Here, a semi-circular planting of flowering plants greets one past the ellipse sign. A small concrete fountain frames the view to the beautiful residence with its welcome plaza.

Behind the residence, an arborway of trees important refuge and screening, providing a lush environment to enjoy the colorful plantings. Access is provided to all functional areas and a secondary driveway allows residents to leave the property from their main garage.

This serene landscape provides a functional and aesthetically pleasing touch to this impressive gentleman's ranch property on Rhodes Road.

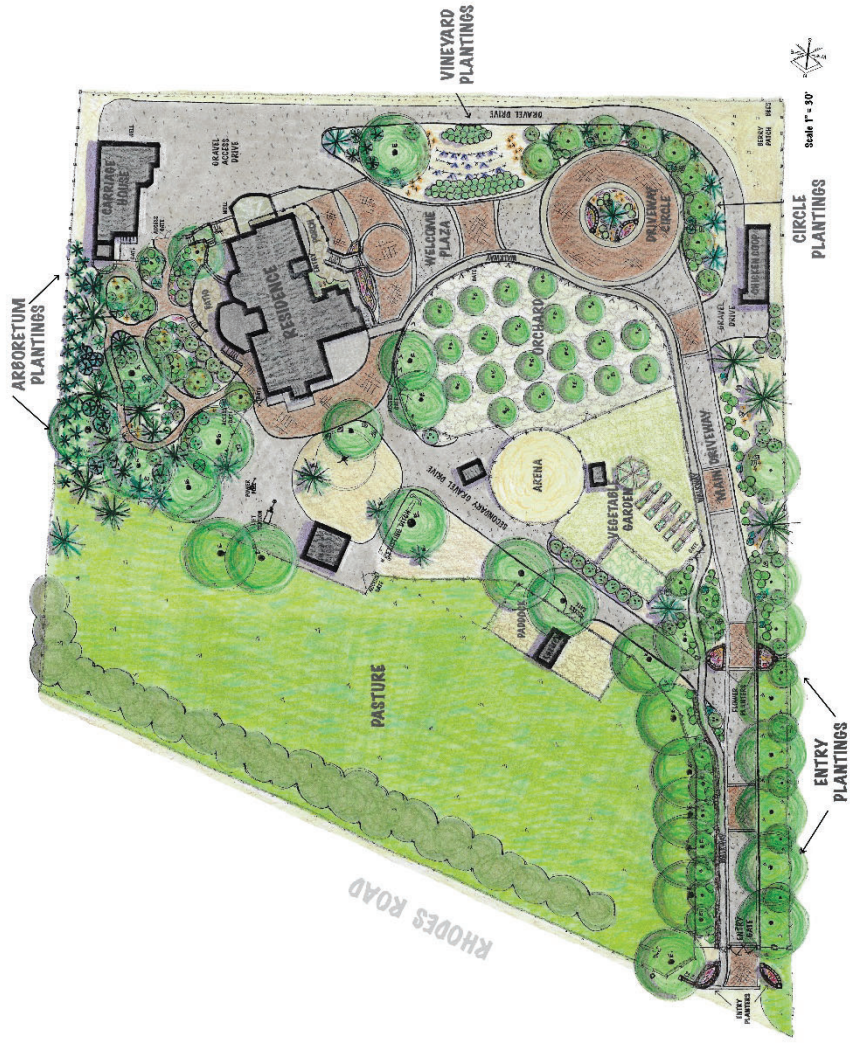


Exhibit 3

From: Dick Mahoney <dick.mahoney@gmail.com>
Sent: Monday, December 8, 2025 2:09 PM
To: Code-Enforcement@washoecounty.gov <Code-Enforcement@washoecounty.gov>
Cc: Judy Coulter <judy@csa2b.com>
Subject: Information on request for variance

Dear Washoe County:

I own the property at 625 Rhodes Road. My neighbors to the west are Curtis and Judy Coulter at 515 Rhodes Road. they have built a habitat wall for migratory and resident birds.

I have no objection to the habitat structure and consent to a special use variance being granted for its continued existence

If you have any questions, you may call me at 805-217-3939

Thank you,

Richard Mahoney

THE NW 1/4 OF THE NW 1/4 OF SECTION 3 &
A PORTION OF THE NE 1/4 OF THE NE 1/4 OF SECTION 4
T17N - R20E

Assessor's Map Number

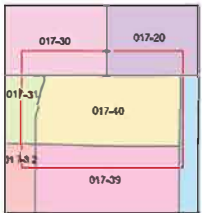
017-40

STATE OF NEVADA
WASHOE COUNTY
ASSESSOR'S OFFICE

1001 East Ninth Street, Building D
Reno, Nevada 89512
(775) 328-2231



1 inch = 200 feet

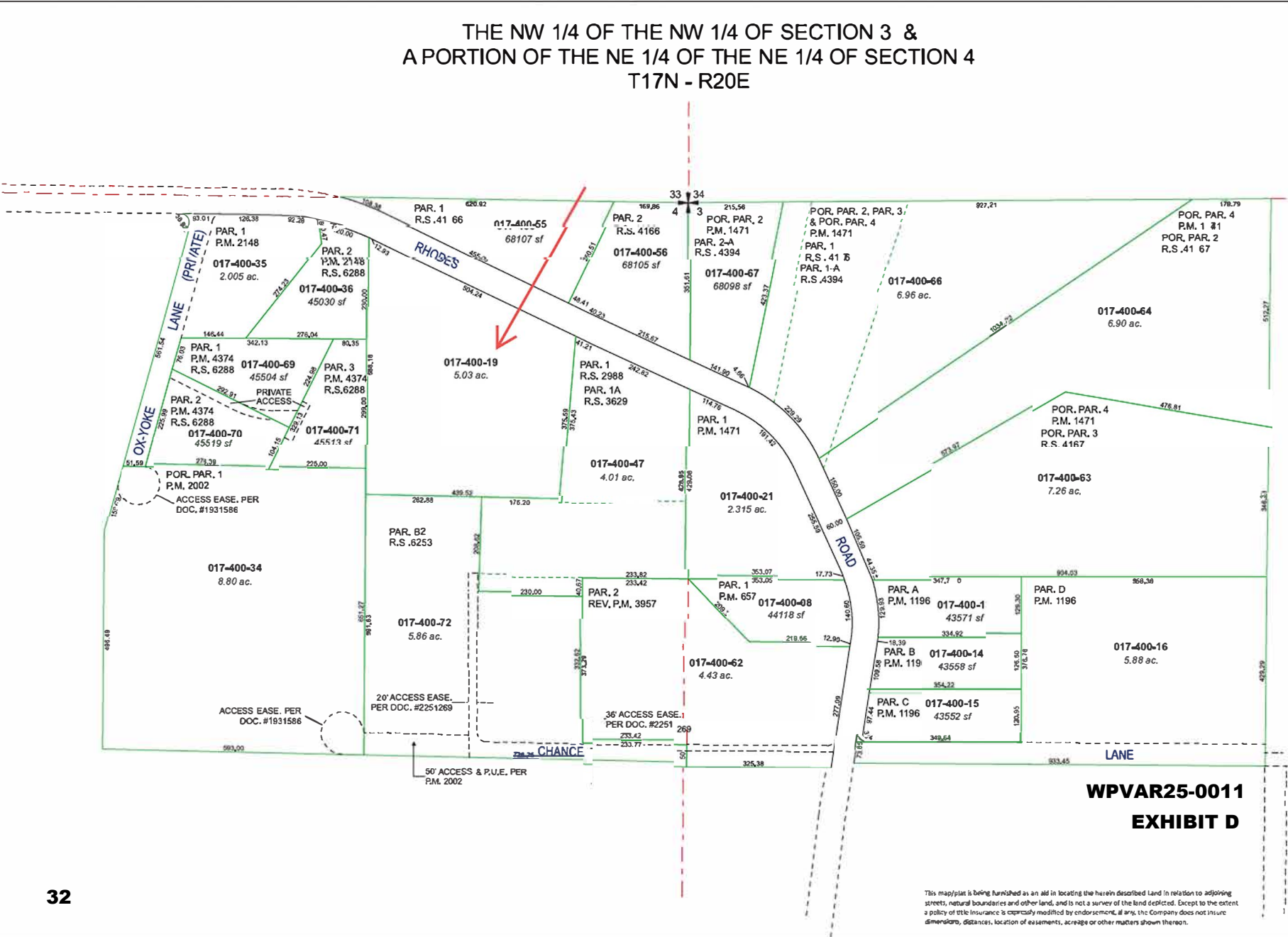


created by: TWT 7/9/2014

updated: JKF 5/13/21 JKF 9/28/22

area previously shown on map(s):

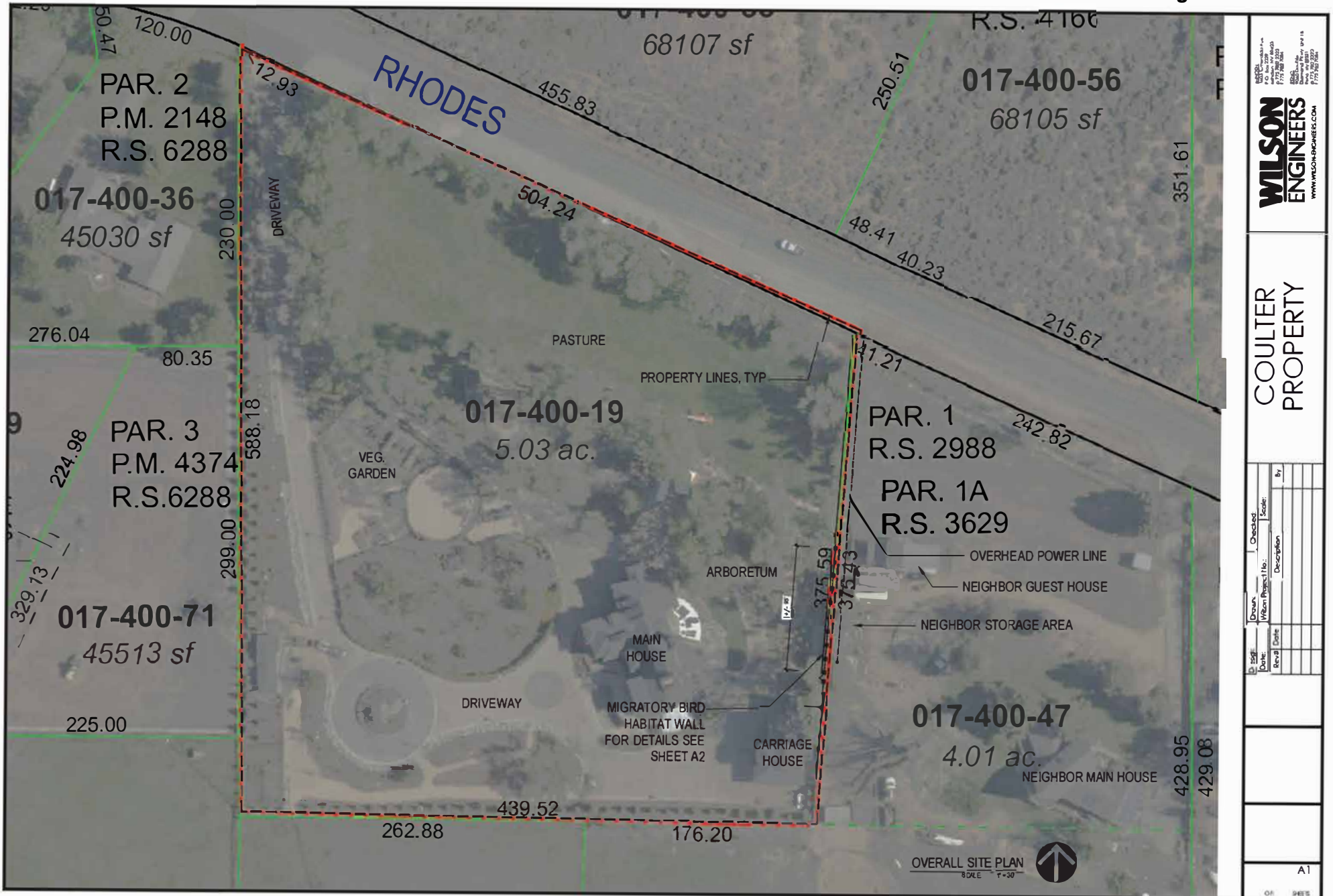
NOTE: This map was prepared for the use of the Washoe County Assessor for assessment and illustrative purposes only. It does not represent a survey of the premises. No liability is assumed as to the sufficiency or accuracy of the data delineated hereon.



WPVAR25-0011
EXHIBIT D

This map/plot is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

Site Plan



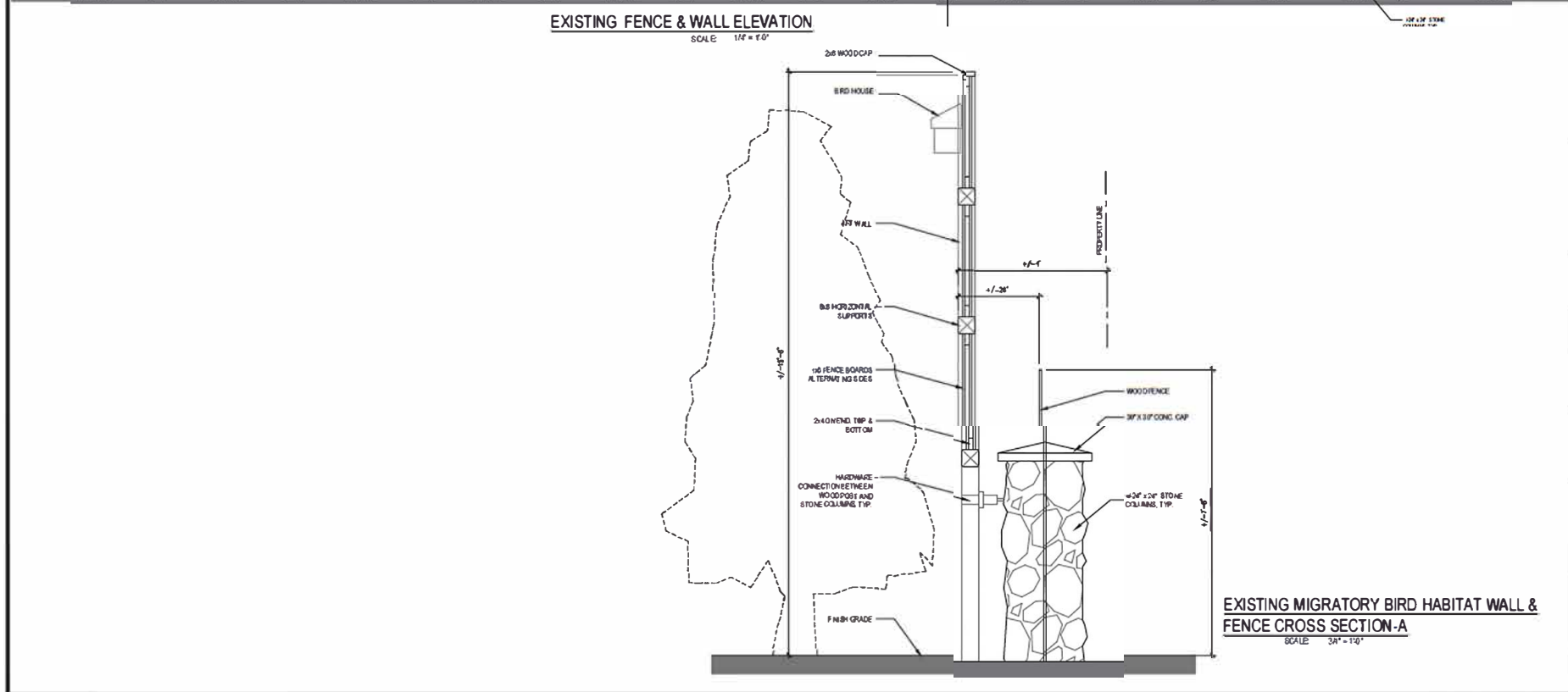
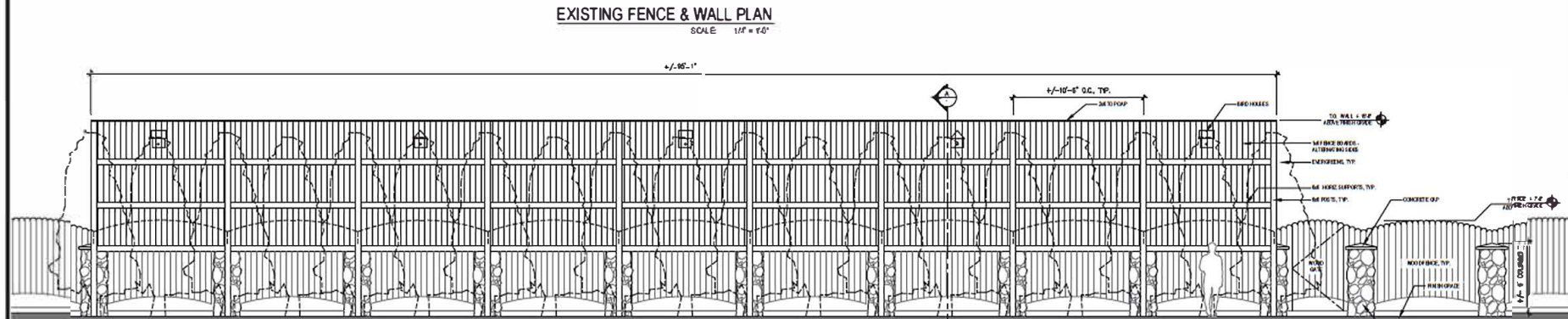
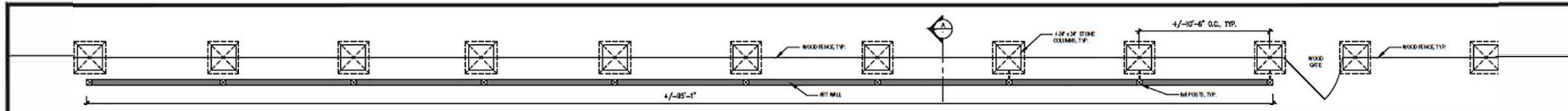
WILSON ENGINEERS
www.wilson-engineers.com

COULTER PROPERTY

Drawn	Checked	Scale	By
Date	Project No.	Description	

A1
OF SHEETS

Building Elevations



WILSON ENGINEERS
WWW.WILSONENGINEERS.COM

COULTER PROPERTY

Design:	Drawn:	Checked:	Scale:
Duke	Wilson	Project 110:	
Rev #	Date	Description	By

A2
OF 3-653

Site Photos









