



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: April 28, 2026

DATE: March 27, 2026

TO: Board of County Commissioners

FROM: Jolene Bertetto, Planner, Planning and Building Division, Community Services Department, 775-328-6101, jbortetto@washoecounty.gov

THROUGH: Kelly Mullin, AICP, Division Director, Planning & Building Division, Community Services Department, 775-328-3619, kmullin@washoecounty.gov

SUBJECT: Public Hearing: Appeal of Washoe County Board of Adjustment's approval of Case Number WPVAR25-0011 (515 Rhodes Wall Height Variance) by appellant Jim Grimes which brings into conformance an existing ninety-five (95') foot long wall with a height of fifteen feet, eight inches (15' 8"). The variance applicants are Curtis and Judy Coulter. (Commission District 2.) FOR POSSIBLE ACTION

SUMMARY

The appellant, Jim Grimes, is seeking to overturn the Washoe County Board of Adjustment's (BOA) approval of Case Number WPVAR25-0011 on February 5, 2026. The appellant argues that the BOA's decision authorizes an unlawful structure and applies the Development Code inconsistently among similarly situated property owners. As a neighboring landowner, he states he is directly and adversely affected by the BOA's approval of a structure that exceeds the Washoe County Development Code's height limitations for fences and walls.

Washoe County Strategic Objective supported by this item: Safe, Secure and Healthy Communities

PREVIOUS ACTION

On February 5, 2026, the Washoe County Board of Adjustment (BOA) voted 5-0 to approve Case Number WPVAR25-0011 to vary the Washoe County Code (WCC) height requirement for walls and fences to bring into conformance an existing ninety-five-foot (95') long wall with a height of fifteen feet, eight inches (15' 8"). Pursuant to (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.

AGENDA ITEM # _____

BACKGROUND

The variance 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 conformance an existing wall located near the eastern property line. The wall is fifteen feet, eight inches (15' 8") in height. According to the applicant, the wall 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 Division 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.”

Under Washoe County Development Code § 110.804.25 (Article 804—Variances), all of the following findings must be made to the satisfaction of the Washoe County Board of Adjustment before approval of the request:

- (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.

Staff recommended denial of the variance being unable to make the first finding of special circumstances and third finding of no special privileges.

At the BOA meeting on February 5, 2026, the applicant argued that their property had a special circumstance - the removal of a 700-year-old tree that provided wildlife habitat - and the removal of the tree necessitated planting new trees and constructing the wall. The applicant also pointed out that the wall is constructed independent of a fence that runs the length of the eastern property line.

The BOA was able to make all five of the required findings and approved the variance.

BOARD OPTIONS

The Board of County Commissioners may review the record and take one of the following two actions:

1. Affirm the decision of the Board of Adjustment and approve Variance Case Number WPVAR25-0011 (515 Rhodes Wall Height Variance).
2. Reverse the decision of the Board of Adjustment and deny Variance Case Number WPVAR25-0011 (515 Rhodes Wall Height Variance).

POSSIBLE MOTIONS

Should the Board agree with the Board of Adjustment's approval of Case Number WPVAR25-0011 (515 Rhodes Wall Height Variance), staff offers the following motion:

“Move to deny the appeal and affirm the decision of the Board of Adjustment to approve Case Number WPVAR25-0011 (515 Rhodes Wall Height Variance) subject to the conditions of approval in Attachment H. The approval is based on the Board's ability to make all the findings required by WCC Section 110.804.25, Findings.”

or

Should the Board disagree with the Board of Adjustment's approval of Case Number WPVAR25-0011 (515 Rhodes Wall Height Variance), staff offers the following motion:

“Move to approve the appeal and reverse the decision of the Board of Adjustment and deny Case Number WPVAR25-0011 (515 Rhodes Wall Height Variance). The denial is based on the Board's inability to make all the findings required by WCC Section 110.804.25, Findings.”

Attachments:

A: Appeal Application from Jim Grimes – Submitted 2/17/26

B: Board of Adjustment Signed Action Order – Filed 2/10/26

C: Board of Adjustment Staff Report – Dated 2/5/26

D: Board of Adjustment Staff PowerPoint – Dated 2/5/26

E: Board of Adjustment Applicant PowerPoint – Dated 2/5/26

F: Board of Adjustment Minutes – Dated 2/5/26

G: Board of Adjustment Meeting Video Recording – Dated 2/5/26

H: Conditions of Approval