



# WASHOE COUNTY BOARD OF ADJUSTMENT Meeting Minutes

## Board of Adjustment Members

Peter Ghishan, Chair  
Rob Pierce, Vice Chair  
Kathie Julian  
Patrick Caldwell  
Leo A. Horishny

Thursday, February 5, 2026  
1:30 p.m.

Washoe County Administrative Complex  
Commission Chambers  
1001 East Ninth Street  
Reno, NV

## Secretary

Trevor Lloyd

and available via  
Zoom Webinar

### 1. Determination of Quorum

Chair Pierce called the meeting to order at 1:30 p.m. The following members and staff were present:

Members Present: Peter Ghishan, Chair  
Rob Pierce, Vice Chair  
Patrick Caldwell  
Kathie Julian  
Leo A. Horishny

Members Absent: None

Staff Present: Jolene Bertetto, Planner, Planning and Building Division  
Chaz Lehman, Deputy District Attorney, District Attorney's Office  
Adriana Albarran, Recording Secretary, Planning and Building Division  
Brandon Roman, Recording Secretary, Planning and Building Division

### 2. Pledge of Allegiance

Chair Ghishan led the pledge of allegiance.

### 3. Ethics Law Announcement

Deputy District Attorney Chaz Lehman recited the Ethics Law standards.

### 4. Appeal Procedure

Secretary Trevor Lloyd recited the appeal procedure for items heard before the Board of Adjustment.

## 5. Public Comment

There was no response to the request for public comment.

## 6. Approval of the February 5, 2026 Agenda

Chair Ghishan announced that Agenda Item 8A would be removed from the agenda.

In accordance with the Open Meeting Law, Vice Chair Pierce moved to approve the agenda of February 5, 2026, as amended. Member Horishny seconded the motion, which carried unanimously.

## 7. Approval of the January 5, 2026 Draft Minutes

Vice Chair Pierce moved to approve the minutes of January 5, 2026, as written. Member Caldwell seconded the motion, which carried unanimously.

## 8. Public Hearing Items

**A. Variance Case Number WPVAR25-0010 (515 Rhodes Berm Variance) [For Possible Action]** – For hearing, discussion, and possible action to approve a variance to reduce the minimum of two (2) foot grading setback from the property line. Varying the standard is requested to bring into compliance an existing 2 feet tall berm constructed along the western property line.

- 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
- Staff: Jolene Bertetto, Planner  
Washoe County Community Services Department  
Planning and Building
- Phone: 775.328.6101
- E-mail: JBertetto@washoecounty.gov

This item was pulled from the agenda.

**B. Variance Case Number WPVAR25-0011 (515 Rhodes Wall Height Variance) [For Possible Action]** – 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.

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Planner Jolene Bertetto conducted a PowerPoint presentation and reviewed slides with the following titles or descriptions: Parcel Background; Variance Request; Site Plan; 515 Rhodes Wall; photo; Evaluation: Special Circumstances/Hardship; Narrowness and Shape of Property; Topographic Conditions; Extraordinary Circumstances; Purpose of Variances; Noticing/Public Comments; Findings; and Possible Motion.

Garrett Gordon conducted a slideshow presentation on behalf of the applicants and reviewed slides with the following titles or descriptions: Section 110.804.25 Findings; Special Circumstances (2 slides); Arboretum; Wildlife; Smaller birds next...; three photos; Wildlife Preservation Wall (2 slides); photos (3 slides); No Detriment & No Special Privileges (2 slides); and Use Authorized.

Mr. Gordon pointed out there is no definition for “wall” in the County Code. He defined a wildlife habitat structure and urged the Board to consider whether the proposal actually violated the six-foot fence requirement. He argued that the 700-year-old tree on the property, the oldest in Nevada, constituted an exceptional circumstance. The tree facilitated a migratory bird corridor and provided nesting areas for many birds, and the property owner used his own funds to create an arboretum to make up for the loss of habitat. He indicated that eight letters of support were received, and no opposition to the proposal was voiced. He added that the University of Nevada, Reno, took students to observe wildlife in the area.

Because of the uniqueness of the tree, Mr. Gordon continued, he felt approval of this variance would not create a precedent that could be used or abused by other property owners. He stated the structure stood on two-by-fours, and as it was not a typical fence or wall that extended down to the dirt, he questioned whether the height limit would apply to it. He believed the only property owners who would be impacted by the special privilege clause were the two behind the wall, and they both supported it. He mentioned that the project was reviewed by six agencies or County departments, and none of them had any concerns about it.

Member Julian wondered why the administrative penalty notice for Agenda Item 8A contained a provision that allowed for a director’s modification while the one for this item

did not. Ms. Bertetto said the director's modification for the berm was specific to grading, but no similar provision existed for wall height adjustments.

In response to Member Caldwell's questions, Applicant Curtis Coulter indicated he purchased the house in 1997, and it was built in multiple phases throughout the 40's, 50's, and 60's. The tree on the property was 20 percent larger than the next largest tree in Nevada at the time of purchase and the largest Fremont cottonwood in the country. He said the original house was razed, and they have had a certificate of occupancy since 2015. Regarding whether he knew of the fence height regulations at the time of purchase, he stated he did not consider the habitat structure a fence because it did not go all the way to the ground.

Member Caldwell stated he was impressed with what the applicants did with the property but thought the structure could only be a fence intended to shield the property. Mr. Coulter responded that it was intended to be a habitat for birds other than starlings.

Member Horishny asked why the wildlife structure was placed abutting the existing fence. Mr. Coulter stated they placed it there to try to contain the existing ecosystem and provide smaller birds shelter from predators. He spoke about the types of nesting birds they have regularly on the property. He believed his property was the pinnacle property for migratory birds in all of Steamboat Springs.

Member Horishny expressed appreciation for how the applicants addressed the loss of woodland area but was concerned that they did not seek consultation before building the structure. Mr. Coulter said he consulted with his neighbor. Member Horishny wondered whether it was sited next to the existing fence to justify not calling it a fence. Mr. Coulter assured him it was not placed there to try to subvert the rules. He opined that all Steamboat residents try to maintain the integrity of the community in the valleys.

Chair Ghishan asked whether the same issue would occur if the structure was placed in the middle of the property. Ms. Bertetto replied that the habitat structure did not meet the definition of a structure as defined in the County Code since it had no walls or roof. Secretary Trevor Lloyd clarified that the Code does not specify the location for fences, so six feet was the maximum height for any wall or fence.

Member Caldwell wondered whether adding two small walls and a small roof would make it a structure. Ms. Bertetto thought that might encroach on the setbacks and therefore be prohibited. It would have to be 12 feet from the property line. Mr. Coulter explained the fence was about a foot from the property line while the habitat structure was roughly five feet from the boundary.

Member Caldwell inquired why mature trees were not planted instead. Mr. Coulter replied that trees of a suitable size would have taken too long to mature given that he was 70 years old, and transplanting a comparable mature tree would have cost hundreds of thousands of dollars and not come with a guarantee that it would have survived.

In response to additional Board member questions, Mr. Lloyd read the Code's definition of a fence, stating that the purpose of fences was to enclose space or separate parcels of land.

On the call for public comment, Mr. Rick Blake noted he was a block away from the subject property. He stressed the importance of maintaining the food chain, expressing support for what the applicants had done to help accomplish that. He said his insurance company planned to cancel their coverage due to the large cottonwood trees on his property. He said structures like this were necessary, and nobody in the neighborhood had any issues with it. He consented to the variance, adding that no special privileges would be given to the Coulters.

Via Zoom, Mr. James Grimes, the owner of the property adjacent to the Coulter's, indicated he was only able to obtain a permit to build a fence six feet in height. He said the Coulters never applied for a permit, yet they frequently reported him to the County for violations for many things, including having a berm within two feet of their property. He did not think they should be allowed to have a 15-foot fence if he could not build one of the same height. He expressed frustration that his neighbors did not have a permit for their chicken coop and that they piped water onto his property. He expressed opposition to the application.

Vice Chair Pierce thought the structure did not meet the definition of a fence and was put up in good faith. He noted the Board has made adjustments in the past for things similar to this, and he supported the measure.

Member Julian agreed that it did not meet the definition of a fence, especially since there was another fence that did separate the two properties. She wondered whether a condition could be added that contemplated future neighbors and their acceptance of the structure. She was not sure whether that would even be necessary if the structure were not considered a fence. Mr. Lloyd expressed reluctance to include a condition that addressed future residents. He brought up the letter of support from the applicant's current neighbor. Member Julian said she would support the variance request.

Member Caldwell did not think it would be acceptable for Mr. Grimes to build a 15-foot fence between his property and the Coulter's property without a permit.

Member Horishny acknowledged the positive purpose and significant investment needed to erect the structure, but he felt anyone who would undertake such a venture would know to research what building permits would be needed to do so. He did not think there was confirmation that a permit had ever been sought, leading him to believe that this was a case of someone trying to circumvent the rules. He was unsure how he would vote.

Member Caldwell inquired about the legal ramifications if the Board approved this request but the County denied a similar request made by a neighbor. Mr. Lloyd advised the Board to review the evidence before it, adding that every variance was determined on a case-by-case basis. The Board needs to make all of the findings laid out in the staff report, he stated, but he did not feel the Board would set a precedent if it did. Deputy District Attorney Chaz Lehman concurred, adding that a separate variance application would likely have different circumstances.

Chair Ghishan stated he boarded horses in the area and never noticed the wall until now. He pointed out the Board had both denied and approved fence variances in the past. He felt he could make the findings. He compared the wall to a nearby structure that was used to raise ducks, saying approving this would not grant any special privilege.

Vice Chair Pierce noted the structure was put up in 2017, and he believed the neighbor would have voiced concern about it earlier if it were an issue. Member Julian said she was not concerned that a copycat structure because it would not have originated from the same circumstances as this one.

Vice Chair Pierce moved that Variance Case Number WPVAR25-0011 for the 515 Rhodes Wall Height Variance be approved, having been able to make all four required findings in accordance with Washoe County Development Code Section 110.804.25. Member Julian seconded the motion, which carried unanimously.

**9. Chair and Board Items**

**A. Future Agenda Items**

There were none.

**B. Requests for Information from Staff**

There were none.

**10. Director's and Legal Counsel's Items**

**A. Report on Previous Board of Adjustment Items**

There were none.

**B. Legal Information and Updates**

There were none.

**11. Public Comment**

There was no response to the request for public comment.

**12. Adjournment**

The meeting adjourned at 2:28 p.m.

Respectfully submitted by Derek Sonderfan, Independent Contractor

Approved by Board in Session on March 5, 2026

*Trevor Lloyd*

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Trevor Lloyd  
Secretary of the Board of Adjustment