

**CHELAN COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF

VAR 25-111

Wilson Variance

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**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
DECISION AND
CONDITIONS OF APPROVAL**

THIS MATTER having come on for hearing in front of the Chelan County Hearing Examiner on August 6, 2025, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. FINDINGS OF FACT

1. An application for a variance was submitted to reduce the required front yard setback along Echo Avenue from 25' from property line/55' from centerline, whichever is greater – to 5' from the property line/30' from the centerline, for the construction of proposed single-family residence additions.

2. General Information

Project Location:	17739 North Shore Drive, Lake Wenatchee, WA 98826
Parcel Number:	27-16-14-700-440
Legal Description & Lot Size:	Mountain Park Block 20 Lot 1 The subject property is 0.18 acres according to Assessor's records
Owners:	Joel R Willson, et al 10034 SE 7 th Street Bellevue, WA 98004
Agent:	Pacific Engineering & Design, PLLC (Ryan Walker)
Urban Growth Area:	The subject property is located outside of any Urban Growth Area
Comprehensive Plan Designation & Zoning:	Rural Waterfront (RW)
Existing Land Use & Permit History:	An existing single-family residence that was built in approximately 1930 and an existing carport-type storage structure that was built in 2018 under building permit BP 170586 (replacement of a carport that collapsed due to snow).

3. Site Information

Site Characteristics:	Physical	The subject property is located on the north shore of Lake Wenatchee and has steep topography from North Shore Drive down toward the shoreline, which Echo Avenue abutting to the east. There is an existing single-family residence and carport on the subject property.
Property North:		North Shore Road (Public) / Rural Waterfront (RW)
Property South:		Lake Wenatchee
Property East:		Echo Avenue – (unopened County right-of-way) & Rural Waterfront (RW)
Property West:		Rural Waterfront (RW)
Aquifer Recharge Area:		The Aquifer Recharge form was completed with the variance application. Pursuant to Chelan County Code (CCC), Section 11.82.060(2)(A),

	<i>residential dwelling units and their accessory uses are exempt from the aquifer recharge area regulations under this chapter.</i>
Chelan County Shoreline Master Program (CCSMP)	Pursuant to CCSMP 3.4, Lake Wenatchee is considered a shoreline of statewide significance; therefore, the provisions of the CCSMP would apply to the subject property.
Fish & Wildlife Habitat Conservation Areas:	According to the Washington State Department of Fish and Wildlife, Priority Habitat and Species Maps, the subject property contains Big Brown Bat, Gray Wolf, Little Brown Bat, Northern Spotted Owl and Yuma Myotis habitats; therefore, the provisions of CCC, Section 11.78 would apply.
Wetlands:	Based on WA Dept. of Ecology mapping system, there are no wetlands located on the subject property; therefore, the provisions of CCC, Section 11.80 would not apply.
Floodplain:	According to the Federal Emergency Management Agency, FIRM panel # 5300150750B, there are no indications of flooding on the subject property; therefore, the provisions of CCC, Section 11.84 and CCC, Section 3.20 would not apply.
Geologically Hazardous Areas:	According to the Chelan County GIS mapping, the subject property is located within a geologically hazardous area; therefore, the provisions of CCC, Section 11.86 would apply. A geological site assessment would be required at time of building permit application.
Cultural Resources:	There are no known cultural resources in the project location.

4. Project / Design Information

Construction Phasing/Timing:	If the variance is approved, construction will commence once an approved building permit were to be issued.
Traffic Circulation:	The subject property is accessed from North Shore Drive, a county right-of-way.
Domestic Water:	Not disclosed.
Power:	The subject property is provided power by Chelan County PUD.
Sanitation:	The subject property is provided sewer service by Lake Wenatchee Sewer District.
Fire Protection:	The subject property is located within the boundaries of Fire District #9.
Noise:	Any future development of the subject property must comply with the noise requirements of CCC, Section 7.35 and Revised Code of Washington (RCW) 70.107.
Visual Impact:	Visual impacts are not anticipated.

5. Noticing & Comments

- 5.1. The Notice of Application was referred to surrounding property owners within 300' (excluding 60' of right-of-way), jurisdictional agencies and departments of the County. These agencies and surrounding property owners were notified on June 12, 2025, with comments due June 26, 2025; no public comments were received for the application. Agency comments are considered in the staff report and, when appropriate, associated recommended Conditions of Approval. The following is a list of Agencies who received notice and the date comments were received:

Agencies Notified	Response Date	Nature of Comment
Chelan County Fire Marshal	June 11, 2025	No objections.
Chelan County Building Official	No Comment	
Chelan County Public Works	June 26, 2025	No objection with variance request as long as applicant records a Hold Harmless Agreement with the County and complies with other conditions in letter dated June 26, 2025 (Exhibit B).
Chelan-Douglas Health District	July 08, 2025	No objections.
Chelan County PUD	No Comment	
WA Dept. of Archaeology and Historic Preservation	No Comment	
Yakama Nation	No Comment	
Confederated Tribes of Colville	No Comment	
WA Dept. of Ecology	No Comment	
WA Dept. of Natural Resources	No Comment	
US Army Corps of Engineers	No Comment	
WA Dept. of Fish & Wildlife	No Comment	

6. SEPA Environmental Review

6.1. Pursuant to WAC 197-11-800(6) (b), variance applications that do not result in an increase in density are categorically exempt from the environmental review process.

7. Application & Public Hearing Notice Compliance

Application Submitted:	April 23, 2025
Determination of Incompleteness issued:	April 29, 2025
Determination of Completeness issued:	May 19, 2025
Notice of Application:	June 12, 2025
Notice of Public Hearing:	July 23, 2025
Public Hearing:	August 06, 2025

8. Chelan County Comprehensive Plan

8.1. The Comprehensive Plan has been reviewed; specifically, the goals and policies related to the Rural Waterfront (RW) Comprehensive Plan designation and Critical Areas, for consistency with the proposed residential development.

8.2. The project is consistent with the Rural Waterfront (RW) purpose statement: to maintain the range of rural development opportunities consistent with the rural character and rural development provisions outlined in the goals and policies of this comprehensive plan. These areas can provide buffering or transitions between existing rural developments and areas of higher or lower densities...appropriate uses include: residential; agriculture; and forestry.

- 8.3. Additionally, the project is consistent with Goal CL 1 of the Resource Element: Identify and protect critical areas from adverse environmental impacts while providing for reasonable use of the property.
- 8.4. Staff finds that the project, as conditioned, is consistent with the Comprehensive Plan.
9. **Chelan County Code 11.16.020: Standards for the RW Zoning District**
- 9.1. Minimum Lot Size: Not less than 12,000 square feet.
- 9.1.1. Finding of Fact: The applicant is not requesting to modify the lot size.
- 9.1.2. Conclusion: This requirement does not apply.
- 9.2. Minimum Lot Width: 75 ft. at the front building line
- 9.2.1. Finding of Fact: The subject property was created by the recording of the Plat of Mountain Park on July 14, 1909, which was prior to the establishment of any zoning codes in Chelan County. The lot measures 50.29 ft. at the front building line.
- 9.2.2. Conclusion: The lot does not comply with the current required minimum lot width.
- 9.3. Maximum Building Height: 35 ft.
- 9.3.1. Finding of Fact: No new structures are being proposed with this application. However, the purpose for the variance request would be for future additions to the existing single-family residence.
- 9.3.2. Conclusion: Building height for any new structures would be verified at time of building permit application.
- 9.4. Maximum Lot Coverage: Buildings and structures shall not occupy more than 35% of the lot area.
- 9.4.1. Finding of Fact: According to Chelan County Assessor's records, the property is 0.18 acres, this would allow for over 2,744 sq. ft. of lot coverage.
- 9.4.2. Conclusion: Any new lot coverage would be reviewed at time of building permit application.
- 9.5. Minimum Setback Distances: Front yard 25 ft. from the front property line or 55 ft. from the street centerline, whichever is greater; Side yard 5 ft. from side property line; Rear yard 20 ft. from rear property line.
- 9.5.1. Finding of Fact: The applicant is requesting a reduction of the front yard setback of 25 ft. from the property line / 55 ft. from the centerline to 5 ft. from the property line / 30 ft. from the centerline of Echo Avenue, in order to construct additions to an existing single-family residence.
- 9.5.2. Conclusion: The owner/applicant cited historic variances that had been granted by the County going back to the year 2000. However, the owner/applicant did not identify what the circumstances were for these variances. As such, the list of variances outlined with the owner/applicant's application are listed below and what the specific reasons and locations of these variances were:
- 9.5.2.1. 2000-005 – Front yard setback reduction from N Shore Dr for construction of a new carport to allow for off-street parking.
- 9.5.2.2. 2000-015 – Front yard setback reduction from N Shore Dr for construction of a new single-family residence.

- 9.5.2.3. 2000-022 – Front yard setback reduction from Wenatchee Ave for construction of a new single-family residence.
- 9.5.2.4. 2000-023 – Front yard setback reduction from Mission Ave for construction of a new single-family residence.
- 9.5.2.5. 2001-002 – Front yard setback reduction from N Shore Dr for construction of a new carport to allow for off-street parking.
- 9.5.2.6. 2001-006 – Front yard setback reduction from Mission Ave for construction of a new single-family residence.
- 9.5.2.7. 2001-008 – Front yard setback reduction from Washington Ave for construction of a new single-family residence.
- 9.5.2.8. 2001-016 – Front yard setback reduction from N Shore Dr for construction of a new garage to allow for off-street parking.
- 9.5.2.9. 2002-003 – Unable to locate file.
- 9.5.2.10. 2002-005 – Front yard setback reduction from N Shore Dr for construction of a new single-family residence and garage.
- 9.5.2.11. 2003-002 – Front yard setback reduction from N Shore Dr for construction of a new carport to allow for off-street parking.
- 9.5.2.12. 2003-004 – Front yard setback reduction from N Shore Dr for construction of a new garage to allow for off-street parking.
- 9.5.2.13. 2004-006 – Front yard setback reduction from N Shore Dr for construction of a new single-family residence.
- 9.5.2.14. 2005-004 – Front yard setback reduction from N Shore Dr for construction of a new garage to allow for off-street parking.
- 9.5.2.15. 2006-008 – Front yard setback reduction from N Shore Dr for construction of a new carport to allow for off-street parking.
- 9.5.2.16. 2009-006 – Front yard setback reduction from N Shore Dr for construction of a new carport to allow for off-street parking.
- 9.5.2.17. 2010-003 – Front yard setback reduction from N Shore Dr for construction of a new carport to allow for off-street parking.
- 9.5.2.18. 2010-004 – Front yard setback reduction from N Shore Dr and Washington Ave for construction of a new single-family residence.
- 9.5.2.19. 2015-091 – Front yard setback reduction from Berry Ave for construction of a new single-family residence.
- 9.5.2.20. 2017-020 – Front yard setback reduction from Berry Ave for construction of a new single-family residence.
- 9.5.2.21. 2019-006 – Front yard setback reduction from N Shore Dr and Echo Ave for construction of a new single-family residence and garage.
- 9.5.2.22. 2021-163 – Front yard setback reduction from Cedar Brae Rd for construction of a new garage to allow for off-street parking.

- 9.5.2.23. 2023-294 – Front yard setback reduction from Cedar Brae Rd for construction of a new garage to allow for off-street parking.
- 9.5.2.24. 2024-189 – Front yard setback reduction from Cedar Brae Rd for construction of a new single-family residence.
- 9.5.3. Despite the aforementioned variances, CCC, Section 11.95.030(3)(A) states that the granting of a variance should not be based upon precedent established by illegal or nonconforming circumstances.
- 9.6. Off-street parking requirements in this district shall be as follows: (A) Two spaces per single-family dwelling.
- 9.6.1. Finding of Fact: The applicant has an existing carport off of North Shore Drive which provides for the required residential off-street parking
- 9.6.2. Conclusion: The off-street parking requirement of CCC, Section 11.16.020(6) has been satisfied.
- 10. Chelan County Code 11.95.030: Variance Evaluation Criteria**
- 10.1. (1) No variance shall be granted unless it can be shown that all of the following conditions exist:
- 10.1.1. (A) The variance is necessary for the preservation of a property right of the applicant sub-stantially the same as is possessed by owners of other property in the same neighborhood or district and shall not constitute a grant of a special privilege.
- 10.1.1.1. Finding of Fact: The applicant is requesting a reduction to the front yard setback in order to build additions to an existing single-family residence in which the size of the additions would encroach in to the standard front yard setbacks.
- 10.1.1.2. Conclusion: The subject property has an existing single-family residence and carport. The ability to construction additions to an existing single-family residence in order to make a larger residence would not be considered the preservation of a property right and would constitute a special privilege; therefore, the applicant's proposal would not be in compliance with CCC, Section 11.95.030(1)(A).
- 10.1.2. (B) The plight of the applicant is due to unique circumstances such as topography, lot size or shape, or size of buildings, over which the applicant has no control.
- 10.1.2.1. Finding of Fact: The subject property has an existing single-family residence and carport. The applicant is claiming that the due to the size of the subject property, there is no reasonable building area available outside of the required setback from Echo Avenue to build additions to the existing single-family residence.
- 10.1.2.2. Conclusion: The plight of the applicant appears to be due to circumstances over which the owner does have control as they are proposing additions to an existing single-family residence; therefore, the applicant's proposal would not be in compliance with CCC, Section 11.95.030(1)(B).
- 10.1.3. (C) The hardship asserted by the applicant is not the result of the applicant's or the owner's action.
- 10.1.3.1. Finding of Fact: The hardship asserted by the owner(s) would appear to be of their own actions. The actions of the owner(s) are found in the proposal to build additions to

an existing single-family residence; whereas, the size of the proposed additions would encroach into the standard front yard setbacks.

- 10.1.3.2. Conclusion: The hardship asserted by the applicant/owner would appear to be of their actions; therefore, the applicant's proposal would not be in compliance with CCC, Section 11.95.030(1)(C).
- 10.1.4. (D) The authorization of the variance shall not be materially detrimental to the public welfare and safety, to the purposes of this title, be injurious to property in the same district or neighborhood in which the property is located, or be otherwise detrimental to the objectives of the comprehensive plan.
 - 10.1.4.1. Finding of Fact: The proposal is to build additions to an existing single-family residence. Single-Family Residences are a permitted use in the RW zoning district as well as outlined in the Chelan County Comprehensive Plan.
 - 10.1.4.2. Conclusion: The proposal is not anticipated to be materially detrimental to the public welfare and safety or injurious to property in the neighborhood, or be otherwise detrimental to the objectives of the comprehensive plan.
- 10.1.5. (E) The hardship asserted by the application results from the application of this title to the property.
 - 10.1.5.1. Finding of Fact: The hardship asserted by the owner/applicant is that the required setbacks of CCC, Title 11 would limit the building envelope and size of any additions proposed the existing single-family residence.
 - 10.1.5.2. Conclusion: The hardship asserted by the owner/applicant is not due from the application of CCC, Title 11, but rather is a result of their own actions in that owner/applicant purchased the property and the existing single-family residence in September of 2024 and are claiming the residence is too small; therefore, the applicant's proposal would not be in compliance with CCC, Section 11.95.030(1)(E).
- 10.2. (3) The granting of a variance should not:
 - 10.2.1. (A) Be substantially based upon precedent established by illegal or nonconforming circumstances.
 - 10.2.1.1. Finding of Fact: The owner/applicant cited historic variances that had been granted by the County going back to the year 2000 as the basis of validating this proposed variance request.
 - 10.2.1.2. Conclusion: The proposed variance is being based upon a precedent established by illegal or non-conforming circumstances; therefore, the applicant's proposal would not be in compliance with CCC, Section 11.95.030(3)(A).
 - 10.2.2. (B) Be substantially based upon lack of reasonable economic return or a claim that the existing/proposed structure is too small.
 - 10.2.2.1. Finding of Fact: The owner/applicant purchased the subject property and existing residence in September of 2024.
 - 10.2.2.2. Conclusion: There is no claim of economic return; however, the owner/applicant is claiming that the structure is too small and that the application of the setbacks required in CCC, Title 11 would not allow for adequate additions to be made to the existing single-family residence. therefore, the applicant's proposal would not be in compliance with CCC, Section 11.95.030(3)(B).

- 10.2.3. (C) Be based on the fact that the condition, for which the variance is requested, existed at the time the applicant acquired the property.
- 10.2.3.1. Finding of Fact: The owners acquired the subject property in September of 2024. The lot has been in existence since July of 1909, when it was created by the recording of the Plat of Mountain Park, under AFN: 28454. The existing single-family residence was built in approximately 1930 and the existing carport was re-built (due to snow damage) in approximately 2018.
- 10.2.3.2. Conclusion: The lot conditions for which this variance is being requested, existed at the time the applicant acquired the subject property; therefore, the applicant's proposal would not be in compliance with CCC, Section 11.95.030(3)(C).
- 10.2.4. (D) Result in a de facto zone reclassification.
- 10.2.4.1. Finding of Fact: The proposed variance would not change the permitted land uses.
- 10.2.4.2. Conclusion: This would not apply.
- 10.2.5. (E) Be substantially for the purpose of circumventing density regulations.
- 10.2.5.1. Finding of Fact: The proposed variance would not affect density.
- 10.2.5.2. Conclusion: This would not apply.
11. Department Analysis of Code Compliance
- 11.1. The proposed variance to reduce the front yard setback along Echo Avenue is being requested in order to construct additions to an existing single-family residence which the owner/applicant acquired in September 2024. The request would appear to be substantially based upon precedent established by illegal or non-confirming circumstances which the owner/applicant has cited several historic variances along North Shore Drive and other County rights-of-way that have been processed by the County going back to the year 2000.
- 11.2. Staff has reviewed the application and submitted materials and finds the proposal to not be in compliance with the Revised Code of Washington, the Washington Administrative Code, Chelan County Comprehensive Plan, and the Chelan County Code. However, should the Hearing Examiner decide in favor of the applicant's variance request, the Recommended Conditions of Approval are listed below, which may be modified as appropriate in support of the decision of the Hearing Examiner.
12. An open record public hearing was held, after legal notice, on August 6, 2025.
13. Neither the applicant nor an agent of the applicant was present. The applicant was given written notice of the date, place, time, and manner of the hearing.
14. No member of the public testified at the hearing.
15. The following exhibits were admitted into the record:
- 15.1. Exhibit A – Site plan of record date stamped May 19, 2025.
- 15.2. Exhibit B – Comment letter from Public Works, dated June 26, 2025.
- 15.3. Exhibit C – Inadvertent Discovery Plan.
- 15.4. Exhibit D – Staff report.
- 15.5. Exhibit E – Remainder of planning staff file.

16. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
17. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted the authority to render this decision.
2. As conditioned, this application is consistent with the Chelan county Code and Chelan County Comprehensive Plan.
3. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, PL 25-111 is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

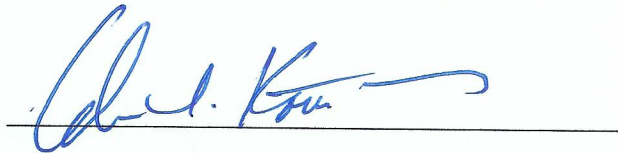
All conditions imposed by this decision shall be binding on the applicant, which includes the owner or owners of the properties, heirs, assigns, and successors.

1. All conditions imposed by this decision shall be binding on the applicant, which includes the owner or owners of the properties, heirs, assigns, and successors.
2. Any future development shall be in compliance with the Chelan County Code, in addition to all other applicable local, state and federal regulations.
3. The development shall proceed in substantial compliance with the application submitted on April 23, 2025 and the site plan of record date stamped May 19, 2025 (Exhibit A).
4. Pursuant to CCC, Section 11.88.190, no construction activity shall be permitted within 1,000 ft. of an occupied residence between the hours of 10 p.m. to 7 a.m.
5. Pursuant to CCC, Section 11.95.050, in any case where a variance is granted under the terms of this title, no building or other permit shall be issued until after the end of the appeal period allowed in Title 14 of this code. An appeal of the decision shall automatically stay the issuance of building or other permits until such appeal has been completed.
6. Pursuant to CCC, Section 11.95.060, the granting of a variance and the conditions set forth runs with the land; compliance with conditions of the variance is the responsibility of the current owner of the property, whether that is the applicant or a successor.
7. Pursuant to CCC, Section 11.95.070, upon final action of the hearing examiner as set forth in the provisions of this chapter, the department of building/fire safety and planning shall not accept filing of an application for substantially the same matter within one year from the date of the final denial of the application.
8. Pursuant to CCC, Section 11.95.080, a variance shall become void three years after approval if no substantial construction has taken place or such other time period as established by the Hearing Examiner.
9. Pursuant to CCC, Section 11.02.040, prior to commencement of construction, the applicant shall obtain all required and necessary building permits.

10. Pursuant to comments received from Chelan County Public Works on June 26, 2025:
11. The applicant shall execute and record a "Hold Harmless" agreement relieving the County of any liability for damage done to their property or structures due to the County's maintenance and repair work (including snow plowing);
12. Ensure that no work would be done with the un-opened right-of-way of Echo Avenue, including but not limited to the removal of trees or brush;
13. The applicant shall not use Echo Avenue as their personal driveway, nor block access to the public use of the right-of-way;
14. The applicant shall place permanent surveyed property corner markers (rebar spikes with caps) on all corners bordering County rights-of-way (along North Shore Drive and Echo Avenue).
15. Pursuant to RCW 27.53.020, if the applicant or his agents discover previously unknown historic or archaeological remains/artifacts while conducting the development activities authorized by this permit, the applicant/agent shall immediately stop work and notify the appropriate tribal and state representatives and the Chelan County Department of Community Development of the finding for local, state and tribal coordination.
16. Pursuant to RCW 27.53.060, if any Native American grave sites or archaeological resources are discovered or excavated, work shall stop immediately.
17. An inadvertent discovery plan shall be submitted with the building permit application and kept onsite during all land disturbing activities. A sample of this plan is attached as Exhibit C.
18. Chelan County is not responsible for notification or enforcement of covenants or deed restrictions affecting use or title. Any permit issued does not acknowledge or recognize any covenants or deed restrictions or reservations that may burden or otherwise affect this property. Applicant/owner assumes all risks and liability for any claims and liabilities for covenants or deed restrictions or reservations.

Dated this 11 day of August, 2025

CHELAN COUNTY HEARING EXAMINER



Andrew L. Kottkamp

Anyone aggrieved by this decision has twenty-one (21) days from the issuance of this decision, to file an appeal with Chelan County Superior Court, as provided for under the Judicial Review of Land Use Decisions, RCW 36.70C.040(3). The date of issuance is defined by RCW 36.70C.040 (4)(a) as "(t)hree days after a written decision is mailed by the local jurisdiction or, if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available" or if this section does not apply, then pursuant to RCW 36.70C.040(3) (c) "...the date the decision is entered into the public record." Anyone considering an appeal of this decision should seek legal advice.

Chelan County Code Section 1.61.130 provides that any aggrieved party or agency may make a written request for reconsideration by the Hearing Examiner within ten (10) days of the filing of the written record of decision. The request for reconsideration shall be submitted to the

Community Development Department. Reconsideration of the decision is wholly within the discretion of the Hearing Examiner. If the Hearing Examiner chooses to reconsider, the Hearing Examiner may take such further action deemed proper and may render revised decision within five (5) days after the date of filing of the request for reconsideration. A request for reconsideration is not a prerequisite to filing an appeal under Section 1.61.160.

The complete case file, including findings, conclusions, and conditions of approval (if any) is available for inspection during the open office hours at Chelan County Department of Community Development. Their address is 316 Washington Street, Suite 301, Wenatchee, WA 98801. Their telephone number is (509) 667-6225.