

**CHELAN COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF

AA25-128

Shank Appeal

) **FINDINGS OF FACT,**
) **CONCLUSIONS OF LAW, AND**
) **DECISION**
)

THIS MATTER having come on for hearing in front of the Chelan County Hearing Examiner on October 15, 2025, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, and Decision as follows:

I. FINDINGS OF FACT

1. This hearing was originally set on September 17, 2025. At that hearing this matter was continued on the record and in the presence of the applicant's representative to October 15, 2025 at 1pm in the same location.
2. A request for an Administrative Appeal was submitted to appeal Code Enforcement citation CE 25-0019-1 for converting a garage into an ADU without a building permit and storing more than the allowable combined limit of five cars, boats, trucks, and RVs per dwelling unit.

3. GENERAL INFORMATION

Violation Location:	18226 CHUMSTICK HWY, LEAVENWORTH, WA 98826
Parcel Number:	26-18-18-410-200
Abbrev. Legal Description:	T 26N R 18EWM S 18 PT NESE 2.8200 ACRES
Owner:	ICICLE LAND MANAGEMENT LLC
Agent:	AUSTIN SHANK
Zoning District:	RR5
Existing Land Use & Site History:	RESIDENTIAL

4. APPLICATION & PUBLIC HEARING NOTICE COMPLIANCE

Citation Issued:	04/30/2025
Appeal Submitted:	05/14/2025
Notice of Public Hearing:	07/05/2025
Public Hearing:	07/16/2025

5. OVERVIEW

- 5.1. In March and April 2025 Code Enforcement two complaints of a building on this property which appeared from the outside to be a shed but had been converted to an ADU. The only running water was reported to be from a garden hose. One report also noted vehicles around the residence exceeding the allowable amount by code. Code Enforcement sent a Notice and Order to Abate Violations. Permitting actions were to be undertaken but were not so citation was issued.
6. Property reviewed is located at 18226 Chumstick Hwy, Leavenworth. Parcel 26-17-18-410-200.

7. March 27, 2025 Chelan County Deputy Wenzel received a report from Chelan County Deputy McComas that he had been on an Agency Assist call at the address and found a family living in what appeared to be a shed from the outside but had been finished on the inside into an ADU but the only running water was from a garden hose. Deputy McComas' notification also noted 'more than a dozen' broken down vehicles on the parcel (Exhibit C, pgs. 6-7).
8. April 1, 2025 Code Enforcement received a Code Violation Case Request Form noting a family living in an illegally converted ADU with running water from a garden hose (Exhibit C, pg. 5).
9. A Notice and Order to Abate Violations (Exhibit C, pgs. 8-11) was issued same day noting unpermitted conversion of a garage into an ADU and storage of greater than the allowed number of requiring by April 22, 2025:
 - 9.1. Cease of human habitation immediately of illegally converted garage
 - 9.2. Obtain building permit for garage conversion or return to garage
 - 9.3. Remove vehicles exceeding the allowed limit of five for the parcel
 - 9.4. Notify Deputy Wenzel one actions are complete
10. April 23, 2025 Deputy Wenzel noted in the case file that Austin Shank had called stating he could get the application for the illegal ADU submitted by April 25, 2025 at 5 PM. Deputy Wenzel granted the extension on the timeline for him to submit the application (Exhibit C, pg. 4).
11. The application for the ADU conversion was not submitted.
12. April 30, 2025 Citation CE 25-0019-1 was issued (Exhibit C, pgs. 15-17).
13. May 2, 2025 Austin Shank signed for the certified mailing of the citation (Exhibit C, pg. 20).
14. May 14, 2025 Community Development received an appeal request from Austin Shank dated May 2, 2025 with the required fee of \$580. Appeal file AA 25-128 opened same day.
15. May 15, 2025 Planner Kynaston, who had received the appeal request, emailed Mr. Shank reminding him the Department needed the original signed copy of the citation. This was not provided.
16. To address specific items from the Applicant's appeal request:
 - 16.1. The Applicant notes in their appeal request that their mail was on hold and so had only two days to complete corrective actions ordered. The Notice and Order to Abate Violations had been sent April 1, 2025; as such, there was the time between the Notice and the Citation for compliance action as well. None was taken.
 - 16.2. Applicant also note in their appeal request that the two adults and infant living in the 'small building' next to his home were unauthorized to be there and so were squatting. He further stated that he did not plan to permit the building as an ADU and that it had since been converted back into a garage and would not have human habitation. The family told Deputy McComas they were renting the building from Austin Shank. Deputy McComas also noted in his initial communication to Deputy Wenzel that the building looked like a shed from outside but upon entering he saw the interior was finished with sheetrock, painted walls, electrical, and plumbing. Mr. Shank stated in his April 23, 2025 phone conversation with Deputy Wenzel he could put in the ADU permit application by April 25, 2025 but then stated in his appeal request he had converted back to a garage. Neither has been completed.
 - 16.3. Lastly, Applicant stated he was in process of removing all but five vehicles and had made progress. He requested an extension of time to work on compliance.

17. May 28, 2025 Deputy Wenzel noted in the case file that Mr. Shank agreed to had the ADU turned back into a garage by July 2, 2025
18. July 1, 2025 Deputy Wenzel, accompanied by Deputy Duke, visited the property in the afternoon. Austin Shank showed the deputies around the building. They noted that Mr. Shank had installed a garage door into the front of the building but that seemed to be the only change made. There were still multiple interior walls and a bedroom located towards the front of the building with a bathroom attached. There was a partial raised kitchen still in place. The space resembled a place for habitation, not a garage.
19. July 3, 2025 Mr. Shank emailed Community Development staff inquiring about 'requesting a permit or two' and if applying for a permit would put the appeal process on hold. Staff responded to Mr. Shank July 7, 2025 explaining the process and offered August 20 or September 17 2025 for dates to continue the hearing (Exhibit D).
20. July 14, 2025 Mr. Shank emailed Staff requesting to reschedule to September 17, 2025 (Exhibit D).
21. Neither Staff nor Deputy Wenzel have been informed of any further compliance efforts and no application shave been submitted for permits.
22. An open record public hearing was held, after legal notice, on October 15, 2025.
23. The appellant did not appear at this hearing. The appellant was given notice of the date, manner, and time of this hearing during the September 17, 2025 hearing. At that hearing, the appellant requested a continuance to October 15, 2025, at 1 pm. That continuance request was granted. Appellant was notified that no further notice of this hearing would be provided because it was being continued to a date and time certain at a duly notice open record public hearing.
24. Staff did indicate that a representative of the applicant had been at the Community Development Department the day before the hearing inquiring about application procedures. However, no application has been submitted by the appellant.
25. The Hearing Examiner would note that the original Notice of Order and Violation, dated April 1, 2025, was not appealed. That violation is therefore not subject to this appeal matter. This matter is the appeal of citation CE25-0019-1 and the monetary fine imposed. That is the issue that was in front of the Hearing Examiner.
26. No member of the public testified at the hearing.
27. The following exhibits were admitted into the record:
 - 27.1.Ex. A AA 22-128 Appeal Request materials;
 - 27.2.Ex. B Citation CE 25-0019-1;
 - 27.3.Ex. C Code Enforcement case 25-0019;
 - 27.4.Ex. D July 2025 emails between Mr. Shank and Staff;
 - 27.5.Ex. E Staff Report;
28. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.
29. 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.

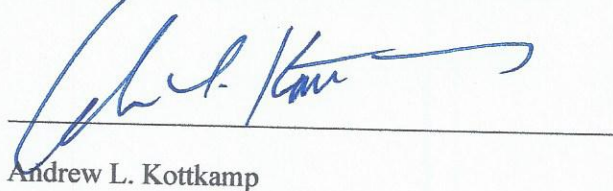
2. As conditioned, this application is consistent with the Chelan county Code and Chelan County Comprehensive Plan.
3. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, Citation CE25-0019-1 is hereby **AFFIRMED** in all respects.

Dated this 22 day of October, 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.