

**CHELAN COUNTY  
LAND USE HEARING EXAMINER**

<b>IN THE MATTER OF</b>	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW, AND</b>
<b>VAR 25-284</b>	)	<b>DECISION</b>
<b>Wilson Variance</b>	)	

THIS MATTER having come on for hearing in front of the Chelan County Hearing Examiner on January 7, 2026, 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. 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 demolition of an existing single-family residence and the construction of a new single-family residence. In addition, the owner is also requesting a Variance to allow for the widening of an existing carport by 5 feet, which is currently located within the front yard setback of North Shore Drive, zero feet from the property line. The placement of the existing carport, at zero feet from the property line was permitted by Variance 2001-002, on April 18, 2001.

**2. General Information**

<b>Project Location:</b>	17739 North Shore Drive, Lake Wenatchee, WA 98826
<b>Parcel Number:</b>	27-16-14-700-440
<b>Legal Description &amp; Lot Size:</b>	Mountain Park Block 20 Lot 1 The subject property is 0.18 acres according to Assessor's records
<b>Owners:</b>	Joel R Wilson, etal 10034 SE 7 <sup>th</sup> Street Bellevue, WA 98004
<b>Agent:</b>	Pacific Engineering & Design, PLLC (Ryan Walker)
<b>Urban Growth Area:</b>	The subject property is located outside of any Urban Growth Area
<b>Comprehensive Plan Designation &amp; Zoning:</b>	Rural Waterfront (RW)
<b>Existing Land Use &amp; Permit History:</b>	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). VAR 25-111 was approved by the Hearing Examiner on August 11, 2025, for a front yard setback reduction along Echo Ave for proposed additions to an existing single-family residence.

**3. Site Information**

<b>Site Characteristics:</b>	<b>Physical</b>	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.
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<b>Property North:</b>	North Shore Road (Public) / Rural Waterfront (RW)
<b>Property South:</b>	Lake Wenatchee
<b>Property East:</b>	Echo Avenue – (unopened County right-of-way) & Rural Waterfront (RW)
<b>Property West:</b>	Rural Waterfront (RW)
<b>Aquifer Recharge Area:</b>	The Aquifer Recharge form was completed with the variance application. Pursuant to Chelan County Code (CCC), Section 11.82.060(2)(A), residential dwelling units and their accessory uses are exempt from the aquifer recharge area regulations under this chapter.
<b>Chelan County Shoreline Master Program (CCSMP)</b>	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.
<b>Fish &amp; Wildlife Habitat Conservation Areas:</b>	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.
<b>Wetlands:</b>	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.
<b>Floodplain:</b>	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.
<b>Geologically Hazardous Areas:</b>	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.
<b>Cultural Resources:</b>	There are no known cultural resources in the project location.

#### 4. Project / Design Information

<b>Construction Phasing/Timing:</b>	If the variance is approved, construction will commence once an approved building permit were to be issued.
<b>Traffic Circulation:</b>	The subject property is accessed from North Shore Drive, a county right-of-way.
<b>Domestic Water:</b>	Surface water rights.
<b>Power:</b>	The subject property is provided power by Chelan County PUD.
<b>Sanitation:</b>	The subject property is provided sewer service by Lake Wenatchee Sewer District.
<b>Fire Protection:</b>	The subject property is located within the boundaries of Fire District #9.
<b>Noise:</b>	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.
<b>Visual Impact:</b>	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 November 20, 2025, with comments due

December 04, 2025. Agency and public comments are considered in the staff report and, when appropriate, associated recommended Conditions of Approval. The following is a list of Agencies and persons who received notice and the date comments were received:

Agencies Notified	Response Date	Nature of Comment
Chelan County Fire Marshal	November 19, 2025	No objections.
Chelan County Building Official	No Comment	
Chelan County Public Works	December 04, 2025	See comments attached (Exhibit B)
Chelan-Douglas Health District	November 24, 2025	See comments attached (Exhibit C)
Chelan County PUD	November 26, 2025	See comments attached (Exhibit D)
WA Dept. of Archaeology and Historic Preservation	No Comment	
Yakama Nation	No Comment	
Confederated Tribes of Colville	November 18, 2025	No objections.
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	
Kevin MacDonald	December 04, 2025	Opposed to variance proposal (see comment attached (Exhibit E))
Amy MacDonald	December 04, 2025	Opposed to variance proposal (see comment attached (Exhibit F))
Michael Lesky	December 09, 2025	Opposed to variance proposal (see comment attached (Exhibit G))

#### 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

<b>Application Submitted:</b>	October 22, 2025
<b>Determination of Incompleteness issued:</b>	October 29, 2025
<b>Determination of Completeness issued:</b>	November 10, 2025
<b>Notice of Application:</b>	November 20, 2025
<b>Notice of Public Hearing:</b>	December 22, 2025
<b>Public Hearing:</b>	January 07, 2026

#### 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 inconsistent 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. This is because the property is currently consistent with this Goal without the need for a variance. The Applicant is currently able to reasonably use the property.
- 8.4. The Hearing Examiner finds that the project, if approved would be consistent with the Comprehensive Plan.

**9. Chelan County Code, Section 11.97.015, Nonconforming Structures**

- 9.1. No structure or part of a structure shall be erected, moved, reconstructed, enlarged, remodeled, repaired or altered, except in conformity with all current Chelan County development regulations, except as permitted by this chapter.
  - 9.1.1. **Finding of Fact:** The applicant is proposing to enlarge an existing nonconforming carport located along North Shore Drive, with a zero-foot setback. The proposal would be to widen the nonconforming structure by five (5) feet.
  - 9.1.2. **Conclusion:** The applicant's proposal would not be in compliance with CCC, Section 11.97.015(1).

**10. Chelan County Code 11.16.020: Standards for the RW Zoning District**

- 10.1. Minimum Lot Size: Not less than 12,000 square feet.
  - 10.1.1. **Finding of Fact:** The applicant is not requesting to modify the lot size.
  - 10.1.2. **Conclusion:** This requirement does not apply.
- 10.2. Minimum Lot Width: 75 ft. at the front building line
  - 10.2.1. **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.
  - 10.2.2. **Conclusion:** The lot does not comply with the current required minimum lot width.
- 10.3. Maximum Building Height: 35 ft.
  - 10.3.1. **Finding of Fact:** While no new structures are being proposed with this application, the purpose for the variance request would be for demolition of an existing single-family residence and construction of a new, larger single-family residence.
- 10.4. Maximum Lot Coverage: Buildings and structures shall not occupy more than 35% of the lot area.
  - 10.4.1. **Finding of Fact:** According to Chelan County Assessor's records, the property is 0.18 acres, this would allow for 2,744 sq. ft. of lot coverage.

10.5. 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.

10.5.1. **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 demolish an existing single-family residence and construct a new and larger single-family residence. In addition, the applicant is also requesting a Variance to allow for the widening of an existing non-conforming carport (by 5 feet), which is currently located within the front yard setback of North Shore Drive, at zero feet from the property line. The placement of the existing carport, at zero feet from the property line was permitted by Variance 2001-002, on April 18, 2001.

10.5.2. **Conclusion:** In Variance 25-111, 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:

10.5.2.1. 2000-005 – Front yard setback reduction from N Shore Dr for construction of a new carport to allow for off-street parking.

10.5.2.2. 2000-015 – Front yard setback reduction from N Shore Dr for construction of a new single-family residence.

10.5.2.3. 2000-022 – Front yard setback reduction from Wenatchee Ave for construction of a new single-family residence.

10.5.2.4. 2000-023 – Front yard setback reduction from Mission Ave for construction of a new single-family residence.

10.5.2.5. 2001-002 – Front yard setback reduction from N Shore Dr for construction of a new carport to allow for off-street parking.

10.5.2.6. 2001-006 – Front yard setback reduction from Mission Ave for construction of a new single-family residence.

10.5.2.7. 2001-008 – Front yard setback reduction from Washington Ave for construction of a new single-family residence.

10.5.2.8. 2001-016 – Front yard setback reduction from N Shore Dr for construction of a new garage to allow for off-street parking.

10.5.2.9. 2002-003 – Unable to locate file.

10.5.2.10. 2002-005 – Front yard setback reduction from N Shore Dr for construction of a new single-family residence and garage.

10.5.2.11. 2003-002 – Front yard setback reduction from N Shore Dr for construction of a new carport to allow for off-street parking.

10.5.2.12. 2003-004 – Front yard setback reduction from N Shore Dr for construction of a new garage to allow for off-street parking.

10.5.2.13. 2004-006 – Front yard setback reduction from N Shore Dr for construction of a new single-family residence.

- 10.5.2.14. 2005-004 – Front yard setback reduction from N Shore Dr for construction of a new garage to allow for off-street parking.
  - 10.5.2.15. 2006-008 – Front yard setback reduction from N Shore Dr for construction of a new carport to allow for off-street parking.
  - 10.5.2.16. 2009-006 – Front yard setback reduction from N Shore Dr for construction of a new carport to allow for off-street parking.
  - 10.5.2.17. 2010-003 – Front yard setback reduction from N Shore Dr for construction of a new carport to allow for off-street parking.
  - 10.5.2.18. 2010-004 – Front yard setback reduction from N Shore Dr and Washington Ave for construction of a new single-family residence.
  - 10.5.2.19. 2015-091 – Front yard setback reduction from Berry Ave for construction of a new single-family residence.
  - 10.5.2.20. 2017-020 – Front yard setback reduction from Berry Ave for construction of a new single-family residence.
  - 10.5.2.21. 2019-006 – Front yard setback reduction from N Shore Dr and Echo Ave for construction of a new single-family residence and garage.
  - 10.5.2.22. 2021-163 – Front yard setback reduction from Cedar Brae Rd for construction of a new garage to allow for off-street parking.
  - 10.5.2.23. 2023-294 – Front yard setback reduction from Cedar Brae Rd for construction of a new garage to allow for off-street parking.
  - 10.5.2.24. 2024-189 – Front yard setback reduction from Cedar Brae Rd for construction of a new single-family residence.
  - 10.5.2.25. 2025-111 – Front yard setback reduction from Echo Ave for construction of additions to existing single-family residence (same property and owner as this application).
- 10.6. The current application states that the existing single-family residence's construction is not practical for residential additions to be added. Therefore, the applicant is proposing the demolition of the existing residence and the construction of a new larger residence.
- 10.7. 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.
- 10.8. With regard to the proposed widening of the non-conforming carport, CCC, Section 11.97.015(1) Nonconforming Structures states that, no structure or part of a structure shall be erected, moved, reconstructed, extended, enlarged, remodeled, repaired, or altered, except in conformity with all current Chelan County development regulations, except as permitted in this chapter.
- 10.9. Off-street parking requirements in this district shall be as follows: (A) Two spaces per single-family dwelling.
- 10.9.1. **Finding of Fact:** The applicant has an existing carport off of North Shore Drive which provides for the required residential off-street parking

## 11. Chelan County Code 11.95.030: Variance Evaluation Criteria

**11.1. No variance shall be granted unless it can be shown that all of the following conditions exist:**

**11.1.1. The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same neighbor-hood or district and shall not constitute a grant of a special privilege.**

**11.1.1.1. Finding of Fact:** The applicant is requesting a reduction to the front yard setback along Echo Avenue in order to demolish an existing single-family residence and build a new larger single-family residence. Previously, Variance 25-111 was granted to allow additions to an existing single-family residence in which the size of the additions would encroach into the standard front yard setbacks. The current application states that the existing single-family residence's construction is not practical for residential additions to be added. Therefore, the application is proposing the demolition of the existing residence and the construction of a new residence. In addition, the applicant is requesting a Variance to allow for the widening of an existing non-conforming carport (by 5 feet), which is currently located within the front yard setback of North Shore Drive, at zero feet from the property line.

**11.1.1.2.** The subject property has an existing single-family residence and carport. The demolition and construction of a new 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. In addition, the expansion of an existing non-conforming structure 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). Also, a setback variance from Echo Avenue has already been approved but the applicant now wants a larger, newer structure so needs a greater variance.

**11.1.2. 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.**

**11.1.2.1. Finding of Fact:** The subject property has an existing and useable single-family residence and carport. Previously, application for Variance 25-111 claimed that due to the size of the subject property, there was no reasonable building area available outside of the required setback from Echo Avenue to build additions to the existing single-family residence. The current application states that the existing single-family residence's construction is not practical for residential additions to be added. Therefore, the application is proposing the demolition of the existing residence and the construction of a new larger residence. The widening of the existing non-conforming carport would be done in conjunction with the construction of the proposed new residence.

**11.1.2.2.** The plight of the applicant is due to circumstances over which the owner has complete control over as they are proposing the demolition of an existing single-family residence and construction of a new, larger single-family residence and the widening of an existing non-conforming carport. Therefore, the applicant's proposal would not be in compliance with CCC, Section 11.95.030(1)(B).

**11.1.3. The hardship asserted by the applicant is not the result of the applicant's or the owner's action.**

11.1.3.1. **Finding of Fact:** The current owner purchased the residence in September of 2024. The hardship asserted by the owner is of their own actions. The actions of the owner are found in the proposal to demolish an existing, useable single-family residence and build a new larger residence. The applicant simply wants a newer and larger residence. The applicant has already been granted a variance that would allow a modest encroachment into the Echo Ave. setback.

11.1.3.2. **Conclusion:** The hardship asserted by the applicant/owner is of their actions. Therefore, the applicant's proposal would not be in compliance with CCC, Section 11.95.030(1)(C).

11.1.4. **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.**

11.1.4.1. **Finding of Fact:** The current proposal is to demolish an existing single-family residence and build a new, larger single-family residence in conjunction with the widening of an existing non-conforming carport. Single-Family Residences are a permitted use in the RW zoning district as well as outlined in the Chelan County Comprehensive Plan.

11.1.4.2. While a single-family residence and carport would not be anticipated to be materially detrimental to the public welfare and safety or injurious to property in the neighborhood, it is, in parts, detrimental to the objectives of the comprehensive plan, and would alter the landscape of the neighborhood by not complying with the underlying zoning setback requirements.

11.1.5. **The hardship asserted by the application results from the application of this title to the property.**

11.1.5.1. **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 a new larger single-family residence.

11.1.5.2. The hardship asserted by the owner/applicant with Variance 25-111 (for reduced setback for proposed additions to an existing single-family residence) was not due from the application of CCC, Title 11, but rather was a result of their own actions in that owner/applicant purchased the property and the existing single-family residence in September of 2024 and claimed that the residence was too small and too old. The current application states that the existing single-family residence's construction is not practical for residential additions to be added. Therefore, the application is proposing the demolition of the existing residence and the construction of a new and larger residence. The applicant's proposal would not be in compliance with CCC, Section 11.95.030(1)(E). The hardship is that the applicant wants a new, larger residence on the property than that which is allowed by the zoning code.

11.2. **The granting of a variance should not:**

11.2.1. Be substantially based upon precedent established by illegal or nonconforming circumstances.

- 11.2.1.1. **Finding of Fact:** The owner/applicant cited historic variances for the application for Variance 25-111 that had been granted by the County going back to the year 2000 as the basis of validating that variance request for reduced setbacks for additions to an existing single-family residence. The current application states that the existing single-family residence's construction is not practical for residential additions to be added; therefore, the application is proposing the demolition of the existing residence and the construction of a new larger residence.
- 11.2.1.2. 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). And, again, the Hearing Examiner finds that the Applicant already has a useable residence on the property and has been previously granted a variance to expand this residence into the Echo Ave. ROW.
- 11.2.2. (B) Be substantially based upon lack of reasonable economic return or a claim that the existing/proposed structure is too small.
- 11.2.2.1. **Finding of Fact:** The owner/applicant purchased the subject property and existing residence in September of 2024.
- 11.2.2.2. There is no claim of economic return. However, with Variance application 25-111, the owner/applicant claimed that the structure was 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. The current application states that the existing single-family residence's construction is not practical for residential additions to be added. Therefore, the application is proposing the demolition of the existing, useable residence and the construction of a new larger residence. The applicant's proposal would not be in compliance with CCC, Section 11.95.030(3)(B).
- 11.2.3. (C) Be based on the fact that the condition, for which the variance is requested, existed at the time the applicant acquired the property.
- 11.2.3.1. **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 rebuilt (due to snow damage) in approximately 2018.
- 11.2.3.2. **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).
- 11.2.4. (D) Result in a de facto zone reclassification.
- 11.2.4.1. **Finding of Fact:** The proposed variance would not change the permitted land uses.
- 11.2.4.2. **Conclusion:** This would not apply.
- 11.2.5. (E) Be substantially for the purpose of circumventing density regulations.
- 11.2.5.1. **Finding of Fact:** The proposed variance would not affect density.

11.2.5.2. **Conclusion:** This would not apply

12. An open record public hearing was held, after legal notice, on January 7, 2026.
13. Appearing and testifying on behalf of the applicant was Ryan Walker. Mr. Walker testified that he was an agent authorized to appear and speak on behalf of the applicant and property owner. Mr. Walker testified consistent with the application materials,. He stated that after the approval of VAR 25-111, the applicant did a survey of the property and, in their opinion, there is insufficient buildable space on the lot to demolish the existing home and to construct a new home of the size in which they desire. He also indicated that it will be difficult to bring the current cabin up to code because of its age. Mr. Walker did not say that it was impossible to remodel and comply with the current codes. He did say that it would be difficult to remodel and comply with the current codes.
14. He did reference a variance that was granted by the Hearing Examiner on the opposite side of Echo Avenue. The Hearing Examiner did some research and believed that the applicant was referencing VAR 2019-006. This was a variance that was approved to allow a 35 ft setback from the Echo Avenue right of way. The Hearing Examiner would note that VAR 25-111 granted a variance from Echo for the applicant to 30ft. Accordingly, the applicant has already been granted a greater variance than that which was granted to the property owner on the other side of Echo Avenue.
15. Mr. Walker also testified about the small lot size and the steep topography on the property.
16. The Hearing Examiner would note that all of these conditions and claimed “hardships” existed at the time that the applicant purchased the property in 2024. The applicant knew, or had an opportunity to know, the condition of the property. He had the opportunity to conduct surveys prior to his purchase of the property. The Hearing Examiner finds that all of the applicants claimed hardships existed at the time he purchased the property.
17. Regarding the variance request for the carport roof line, Mr. Walker argued that the current roof is a legal nonconforming structure. It was conforming when it was built and is now nonconforming because of the code changes.
18. No member of the public testified at the hearing.
19. The following exhibits were admitted into the record:
  - 19.1. Exhibit A Site plan of record date stamped October 22, 2025.
  - 19.2. Exhibit B Comment letter from Public Works, dated December 04, 2025.
  - 19.3. Exhibit C Comment letter from CDHD, dated November 24, 2025.
  - 19.4. Exhibit D Comment letter from Chelan County PUD, dated November 26, 2025.
  - 19.5. Exhibit E Comment letter from Kevin MacDonald, dated December 04, 2025.
  - 19.6. Exhibit F Comment letter from Amy MacDonald, dated December 04, 2025.
  - 19.7. Exhibit G Comment letter from Michael Lesky, dated December 09, 2025.
  - 19.8. Exhibit H Inadvertent Discovery Plan.
  - 19.9. Exhibit I Staff Report.
  - 19.10. Exhibit J Remainder of Planning Staff File.
20. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.

21. 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 not 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, both variances requested in VAR 25-284 are hereby **DENIED**.

Dated this 20 day of January, 2026

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.