



DOUGLAS COUNTY

TRANSPORTATION & LAND SERVICES

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STAFF REPORT

ZAVALA VARIANCE

V-2025-01

TO: Douglas County Hearing Examiner
FROM: Douglas County Land Services Staff
RE: Zavala Parking Variance - V-2025-01
DATE: February 19th, 2026

GENERAL INFORMATION:

Requested Action: An application for a variance from DCC 18A.32.060 (Off-street parking requirements). DCC 18A.32.060 states that all off-street parking shall be located to the rear of any front yard setback line and shall not project beyond any side yard setback line. The applicant is seeking relief from this requirement in order to facilitate future residential development.

Location: The subject property is addressed as 1918 NW Bates Ave, East Wenatchee, WA 98802. The properties are further described as being located within Section 35, Township 23N, Range 20E, W.M. Douglas County Assessor's Parcel Number 23203530039.

SITE INFORMATION:

Total Project Size: 0.9 acre

Services and Utilities:

Domestic Water: East Wenatchee Water District
Sewage Disposal: Douglas County Sewer District
Power/Electricity: Douglas County Public Utility District
Fire Protection: Wenatchee Valley Fire Department
School District: Eastmont School District
Irrigation: Domestic Water
Telephone Service: Varied

Site Characteristics: The property is currently vacant with no existing structures or improvements. The subject property is flat with no variation in topography.

Uses adjacent to the subject properties:

North: Single-family dwellings
South: Single-family dwellings, Government office buildings
East: single-family dwellings, duplex
West: Single-family dwellings

Access: The subject property will be accessed via NW Bates Ave.

Zoning and Development Standards: The subject property is located within the Residential High-density/ office (R-H) Zoning District under Douglas County Code 18A.24.

ENVIRONMENTAL REVIEW:

The proposal is exempt from SEPA review pursuant to WAC 197-11-800(6)(e).

AGENCY AND PUBLIC COMMENTS:

Applicable agencies have been given the opportunity to review this proposal. Agency comments have been included as an attachment to this report.

Agency comments:

Agency Notified	Response Date	Agency Notified	Response Date
Douglas County Land Services Department	1/26/2026	Douglas County Transportation and Stormwater Department	12/29/2025

* N/R = No Reply

Agency comments have been included as suggested conditions of approval, where applicable.

No public comments were received regarding the application.

PROJECT ANALYSIS:

In review of this proposal, it is important to consider the goals and policies of the comprehensive plan, applicable county regulations, public and agency comments, any identified environmental concerns, and state and federal requirements. Planning staff's analysis and review of the subject application is noted below:

Variance Criteria

The subject property is located within the East Wenatchee Urban Growth Area, specifically at 1918 NW Bates Avenue, East Wenatchee, Washington, 98802. Variance proposals within the East Wenatchee UGA are governed by DCC 18A.88 – *Variances*. A copy of the approval criteria can be found below:

18A.88.050 Approval or denial of application – Standards:

Subject to conditions, safeguards, and procedures provided by ordinance, the hearing examiner shall be empowered to hear and decide:

A. *Applications for variances from the terms of the zoning ordinances, from the official zoning map ordinance, and from other land use regulatory ordinances prescribed by city ordinance, and no application for a variance shall be granted unless the hearing examiner finds:*

1. *That the variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is located; and*
2. *That such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and*
3. *That the granting of such variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zone in which the subject property is situated.*

B. *In deciding any of the matters referred to him/her, the hearing examiner shall issue a written report giving the reasons for its decision. The hearing examiner shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.*
(Ord. TLS 23-11-44B Att. A)

Background Information

In December 2022, Jesse Robbins and Brittany Roberson submitted a building plan to construct a duplex adjacent to this vacant lot (see attached aerial image). The project name was called Bates Duplex PH1 – Permit # BPR-2022-440. The address is 1912 & 1914 NW Bates Ave., Douglas County issued the Certificate of Occupancy on March 12, 2024. This is a duplex construction, and the two separate units are currently occupied. Off-site parking has never been an issue for these duplex buildings or their residents.

In August 2025, a 2-lot Short Plat was recorded, dividing the parcel to the west of this duplex building into two lots (see attached exhibits and site plan). The Recorded Short Plat SS-2024-02 identifies Lot 1 (4,030 square feet) and Lot 2 (4,695 square feet). Lot 1 is the subject property with this variance request. The lot size is approximately 49.92' x 80.75' and meets the R-H Residential High Density/ Office District dimensional standards and was approved by Douglas County.

Lot 1 with Parcel No. 23203530013 was created in the hope that a duplex unit similar to the one on the adjacent parcel could be constructed on this parcel, as allowed by the City of East Wenatchee, Chapter 18A.32 R-H Residential High Density/Office District. Given the current housing demand and shortages, the property owner was hopeful and encouraged by the prospect of constructing a duplex building to address the housing crisis facing our county and the state. However, after an initial meeting with Land Services staff, it was discovered that while the duplex could be built, the off-site parking requirements posed a serious barrier.

Per Douglas County Code (DCC), Chapter 18A.32.050-Dimensional Standards, the following are required:

G. Minimum setback distances: except as provided in DCC 18A.72.040(B), (C), (D), (F), and (H):

1. Front yard: 10 feet from the front property line. Any garage or carport with entrances facing a street shall be set back at least 20 feet.

2. Rear yard: 15 feet.

Further, according to DCC Chapter 18A.32.060 Off-street parking, the following are required:

A. The off-street requirements shall be as set forth in DCC 18A.72.010, as the same exists now or may hereafter be amended.

B. All of the parking shall be located to the rear of any front yard setback line and shall not project beyond any side yard setback line. (Ord. TLS 23-11-44B Att. A).

In staff's opinion, the above-mentioned standards, along with the off-site parking requirements, are serious regulatory barriers that need to be addressed expeditiously to encourage high-density housing in Douglas County to meet state mandates, specifically HB1220 (Housing Bill). For example, as mentioned earlier, this subject property is 49.92' wide x 80.75' deep. If the front setback of 20' and the rear setback of 15' are subtracted, it leaves only 45.75' depth to work with (see attached exhibit), which leaves the site as undevelopable, and denial of all economically viable use of private property as a whole creates a severe impact on a landowner's economic interest in the property as a whole.

One of the other problems that exists with the Douglas County Code is that the above ambiguities and stringent setbacks are ONLY required for this zoning district; other zoning districts do not have this barrier, which is inequitable and counterintuitive in nature. The only recourse for staff is to remove these provisions through a code amendment process.

In addition, per HB 1220 (laws of 2021), RCW 36.70A.070(2), New GMA housing goal (excerpts):

- *Plan for and accommodate the availability of affordable housing affordable to all economic segments.*
- *Identify local housing needs based on Commerce's countywide numbers*
- *Identify sufficient land capacity analysis for all housing needs*
- *Document barriers to housing availability & actions needed to address needs*
- *Identify local policies and regulations ...*

The above housing mandates by the state require closer inspection and cooperation among all parties involved. To address regulatory barriers and process inefficiencies, the Douglas County Code will require serious updates and amendments. According to the Growth Management Act (GMA) requirements and Douglas County Comprehensive Plan Update project timetable, it is contemplated that a major overhaul of the Code will be undertaken as soon as the Comprehensive Plan Update is completed in December of 2026. Staff will review all existing code ambiguity problems and issues and remove these regulatory barriers and have clarity. Once the code has been amended, high-density developments will not face similar problems. It is expected that the

Douglas County Code will be updated within that time frame, but staff cannot guarantee it at this time.

Staff met with the applicant and discussed the entire Code update process and how it impacts the subject property timeline. However, the applicant's timing for development, along with financial investment and expectations, is crucial, and the applicant cannot wait 12-24 months for the Code to be updated and requested the County to pursue the Variance option.

RECOMMENDATION:

Based on this unique circumstance and the County's inability to amend the code provisions in time for this development to move forward and without waiting 12-24 months for the Douglas County Code text amendments, at the request of the applicant, Mr. Danny Zavala, staff is presenting the Variance Case V-2025-01 to the Hearing Examiner for a final decision.

If the Hearing Examiner so desires and approves the Variance for this subject parcel from the off-site parking requirements and removes this development barrier for the construction of the duplex, staff would recommend that the applicant meet and follow the building permit requirements and all other DCC rules and regulations, as applicable.

SUGGESTED FINDINGS OF FACT:

Per the 18A.88.050 Approval or denial of application – Standards:

1. That the variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is located; and

Staff response: This variance will not constitute a grant of special privilege inconsistent... because the adjacent property, which has two duplex units already, has an advantage and did not have to experience the same regulatory barrier or scrutiny.

1. That such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and

Staff response: This variance is necessary because the Douglas County Code has created a special circumstance that is unfair and inconsistent with parking standards in other zoning districts, whereby depriving this owner of his development rights, a right and privilege permitted to all single-family homeowners in Douglas County, including the adjacent duplex property owners.

2. That the granting of such variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zone in which the subject property is situated.

Staff response: Granting of the variance will not be detrimental to public welfare or injurious to property...

Transportation

Suggested Findings of Fact:

1. Initial application materials reviewed by Douglas County Transportation and Stormwater include:
 - a. Project narrative submitted December 10, 2025.
 - b. Site Plan submitted December 10, 2025.
2. Bates Avenue NW currently does not meet the Urban Local Access standard.
 - a. Potential future improvements by others may include curb, gutter, sidewalk, and stormwater infrastructure.
 - b. Culverts may be required per Douglas County Code Figure 4-1 for driveways in areas without curb, gutter, and sidewalk.
3. Driveway widths are typically limited to 30' maximum for residential usage. A 30' width driveway does not appear adequate to serve the four (4) parking spaces noted on the site plan.

With the incorporation of the conditions below, preliminary approval is recommended.

Suggested Conditions of Approval:

1. At such time that improvements to Bates Avenue NW are constructed (including sidewalk, curb, and gutter), a maximum driveway approach width of 36' may be granted.
 - a. Approximately 7 feet will remain east and west of the driveway approach to accommodate ADA-compliant sidewalks and ramps.

SUGGESTED CONCLUSIONS OF LAW:

1. The development meets the goals, policies, and implementation recommendations set forth in the Greater East Wenatchee Area Comprehensive Plan and is subject to the suggested Conditions of Approval.
2. This proposal is consistent with applicable federal and state laws and regulations, subject to the suggested Conditions of Approval.
3. Public use and interests will be served by approval of this proposal, subject to the suggested Conditions of Approval.
4. The proposal is consistent with Title 18A DCC, subject to the suggested Conditions of Approval.

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5. The proposal is consistent with Title 17 "Subdivisions", Title 19 "Environment", and Title 20 "Development Standards" of the Douglas County Code, subject to the suggested Conditions of Approval.

SUGGESTED CONDITIONS OF APPROVAL: N/A

Respectfully submitted

Kazi Haque, AICP

Douglas County Land Services Department

Attached: Agency Comments

**DOUGLAS COUNTY
TRANSPORTATION & LAND SERVICES**



MEMO

DATE: December 29, 2025
TO: Tanner Ackley, Principal Planner
FROM: Andrew Schauer, Development Services Manager
RE: **V-2025-01 – Zavala Parking Setback – Preliminary Approval**
Transportation & Stormwater Comments

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