

# NOTICE OF DECISION

PLANNING DIVISION  
555 LIBERTY ST. SE, RM 305  
SALEM, OREGON 97301  
PHONE: 503-588-6173  
FAX: 503-588-6005



*Si necesita ayuda para comprender esta información, por favor llame  
503-588-6173*

## DECISION OF THE PLANNING ADMINISTRATOR

**CLASS 1 ADJUSTMENT CASE NO.:** ADJ24-10

**APPLICATION NO.:** 24-122933-PLN

**NOTICE OF DECISION DATE:** January 8, 2025

**REQUEST:** A Class 1 Adjustment to reduce the rear setback for single-family townhouse to 19 feet where 20 feet is required, per SRC 514.010(d) Table 514-4. The subject property is 0.05-acres in size, zoned RMII (Multiple Family Residential) and located at 5929 Joynak Street S (Marion County Assessor's Map and Tax Lot: 083W16C0/0600).

**APPLICANT:** Brandie Dalton, Multi/Tech Engineering, on behalf of Harrison Industries, LLC (Kevin and Kenneth Harrison).

**LOCATION:** 5929 Joynak St S, Salem OR 97306

**CRITERIA:** Salem Revised Code (SRC) Chapter 250.005(d)(2) – Class 1 Adjustment

**FINDINGS:** The findings are in the attached Decision dated January 8, 2025.

**DECISION:** The **Planning Administrator APPROVED** Class 1 Adjustment Case No. ADJ24-10 subject to the applicable standards of the Salem Revised Code and conformance with the approved site plan.

The rights granted by the attached decision must be exercised, or an extension granted, by January 24, 2027, or this approval shall be null and void.

Application Deemed Complete:	<u>December 6, 2024</u>
Notice of Decision Mailing Date:	<u>January 8, 2025</u>
Decision Effective Date:	<u>January 24, 2025</u>
State Mandate Date:	<u>April 5, 2025</u>

**Case Manager:** Jacob Brown, Planner II, [jrbrown@cityofsalem.net](mailto:jrbrown@cityofsalem.net), 503-540-2347

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m., Thursday, January 23, 2025. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter 250. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

<http://www.cityofsalem.net/planning>

**BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM**

**DECISION**

**IN THE MATTER OF APPROVAL OF ) FINDINGS & ORDER**  
**CLASS 1 ADJUSTMENT )**  
**CASE NO. ADJ24-10 )**  
**5929 JOYNAK ST S ) January 8, 2025**

In the matter of the application of a Class 1 Adjustment, submitted by the applicant, Multi/Tech Engineering, Brandie Dalton, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

**REQUEST**

Summary: A Class 1 Adjustment to reduce the rear setback from 20 to 19 feet for a single-family townhouse.

Request: A Class 1 Adjustment to reduce the rear setback for single-family townhouse to 19 feet where 20 feet is required, per SRC 514.010(d) Table 514-4. The subject property is 0.05-acres in size, zoned RM-II (Multiple Family Residential) and located at ~~5971~~ 5929 Joynak Street S (Marion County Assessor’s Map and Tax Lot: 083W16C0/0600).

**PROCEDURAL FINDINGS**

**1. Proposal**

The applicant is proposing to construct a new two-story single-family townhouse located at 5929 Joynak Street S. The proposed townhouse is proposed to be 19 feet from the rear property line where 20 feet is required for two-story structures in the RM-II (Multiple Family Residential) Zone.

**2. Background**

On November 8, 2024, an application for a Class 1 Adjustment was filed for the proposed development. After further information was requested, the application was deemed complete for processing on December 6, 2024. The 120-day state mandated decision deadline for this consolidated application is April 5, 2025.

Following noticing of the application, the building permits for the subject property were submitted by the applicant and addresses were assigned for the townhouse. The address submitted by the applicant for the adjustment was 5971 Joynak Street S, but the address assigned to the property was 5929 Joynak Street S. Noticing distances were measured from the correct location lot rather based on the property address overall. The address has been corrected to 5929 Joynak Street S.

The applicant’s written statement can be found in the record and the proposed site plan is included as **Attachment B**.

## **SUBSTANTIVE FINDINGS**

### **3. Summary of Record**

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 24 122933.

### **4. Neighborhood Association and Public Comments**

The subject property is located within the boundaries of the Sunnyslope Neighborhood Association (SNA) Neighborhood Association.

Applicant Neighborhood Association Contact: Neighborhood Association Contact is not required for this application.

Neighborhood Association Comment: Notice was provided, pursuant to SRC 300.520(b)(1)(B)(v) to the neighborhood association. As of the date of this decision, no comments were received from the Neighborhood Association.

Homeowners Association: The subject property is not located within a Homeowners Association.

Public Comment: Notice was provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. As of the date of this decision, no comments were received.

### **5. City Department Comments**

The Building and Safety Division reviewed the proposal and indicated no concerns.

The Fire Department has reviewed the proposal and indicated no concerns.

Public Works has reviewed the proposal and indicated no concerns.

### **6. Public Agency Comments**

Notice was provided, pursuant to SRC 300.520(b)(1)(B) (viii), (ix) & (x); at the time of this decision, no comments were received from public agencies.

## **DECISION CRITERIA FINDINGS**

### **7. Analysis of Class 1 Adjustment Approval Criteria**

Salem Revised Code (SRC) 250.005(d)(1) provides that an application for a Class 1 Adjustment shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based.

Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

**SRC 250.005(d)(1)(A): The purpose underlying the specific development standard proposed for adjustment is:**

- (i) Clearly inapplicable to the proposed development; or**
- (ii) Clearly satisfied by the proposed development.**

**Finding:**

The subject property is zoned RM-II (Multiple Family Residential). Per SRC 514.010(d) Table 514-4, a minimum 20-foot setback is required for single family residences with any portion of the residence greater than one-story in height. The proposed development includes an attached single-townhouse that is two-stories in height and setback from the rear property line by 19 feet.

The intent of rear setback for two-story structures is to provide a greater separation of taller residences reducing massing of structures and increase private open space and privacy of nearby properties thereby ensuring safety and pleasing aesthetics in residential neighborhoods. The applicant indicates that due to the curve of Joynak Street S and the type of unit proposed (townhouse) that the full 20-foot setback could not be met. Staff concurs that the curve of Joynak Street S does require the structure to encroach into the rear setback. Along Joynak Street S, there is a minimum 12-foot setback for all structures with any driveway requiring a minimum depth of 20 feet. As shown on the applicant's site plan, the applicant is meeting the street abutting setback and providing a shared driveway with neighboring attached townhouse with a 20-foot depth. By conforming with those standards, the developable site area is constricted, and the applicant has designed the two-story structure to project into the setback by only a foot.

Furthermore, the property to the south is a dedicated open space area and thus the reduced setback would not compromise the safety and aesthetics of the neighboring property. Therefore, the purpose of the standard is clearly satisfied by applicant's proposal. This criterion has been met.

**SRC 250.005(d)(1)(B): The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.**

**Finding:** The subject property is located in an area with RM-II zoning, which permits a variety of residential uses, ranging from single-family to multiple-family buildings. The subject property abuts proposed townhouses to the north, east, and west with the south being a dedicated open space area. The proposal will be similar in nature to those developments and not impact any residences along the rear property line; therefore, the proposed adjustment will not unreasonably impact surrounding existing or potential uses or development. This criterion has been met.

## CONCLUSION

Based upon review of SRC Chapter 250, the applicable standards of the Salem Revised Code, and the findings contained herein, the application complies with the requirements for an affirmative decision.

## ORDER

Class 1 Adjustment, Case No. ADJ24-10 is hereby **APPROVED** subject to SRC Chapter 250, the applicable standards of the Salem Revised Code and conformance with the approved site plan included as **Attachment B**.



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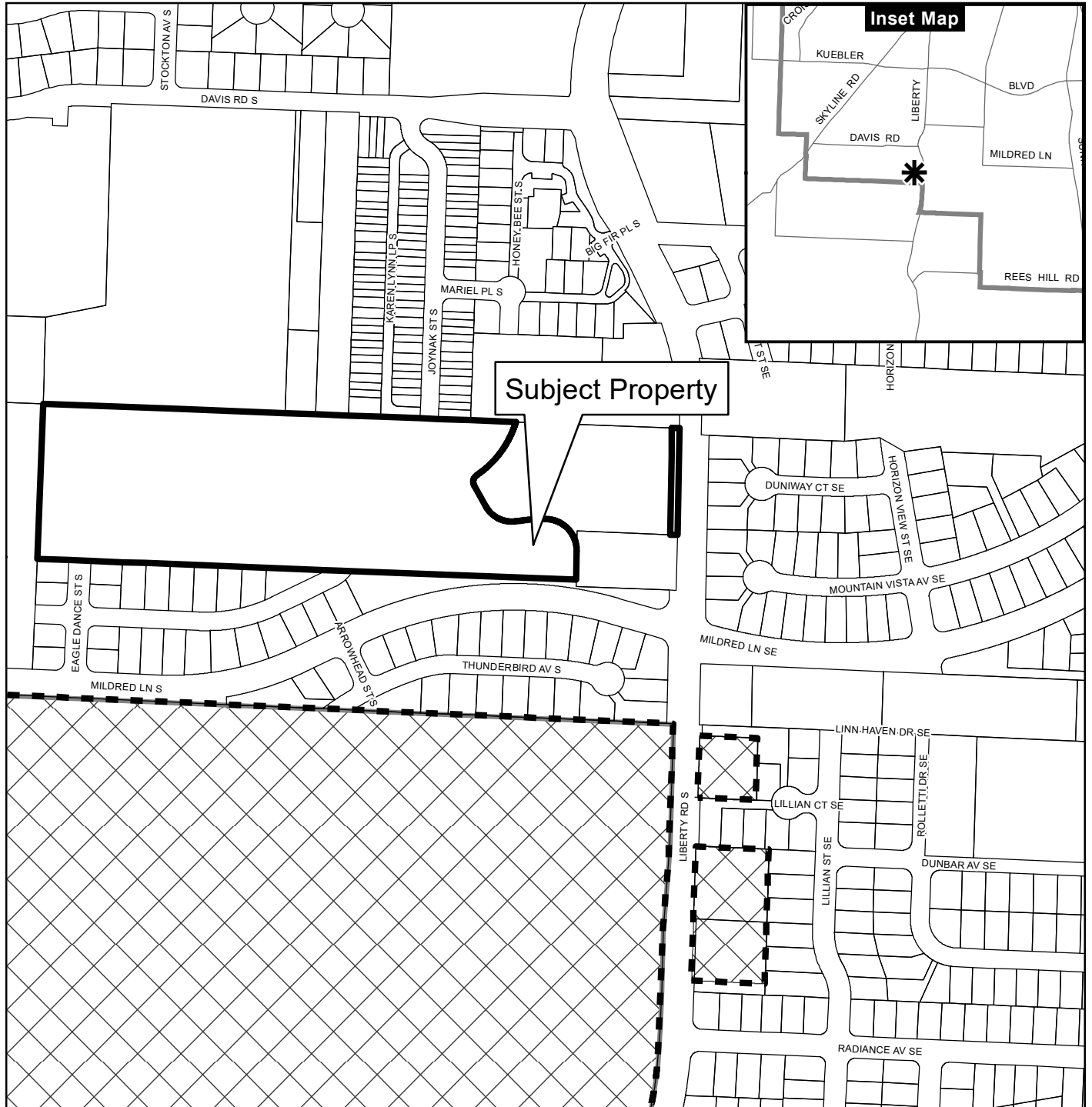
Jacob Brown, Planner II, on behalf of Lisa  
Anderson-Ogilvie, AICP, Planning  
Administrator

Attachments: A. Vicinity Map  
B. Site Plan and Written Statement








<http://www.cityofsalem.net/planning>

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ADJ24-10.JRBdocx

# Vicinity Map 5929 Joynak Street S



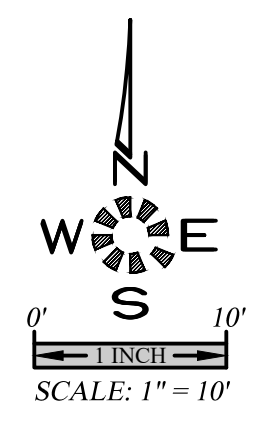
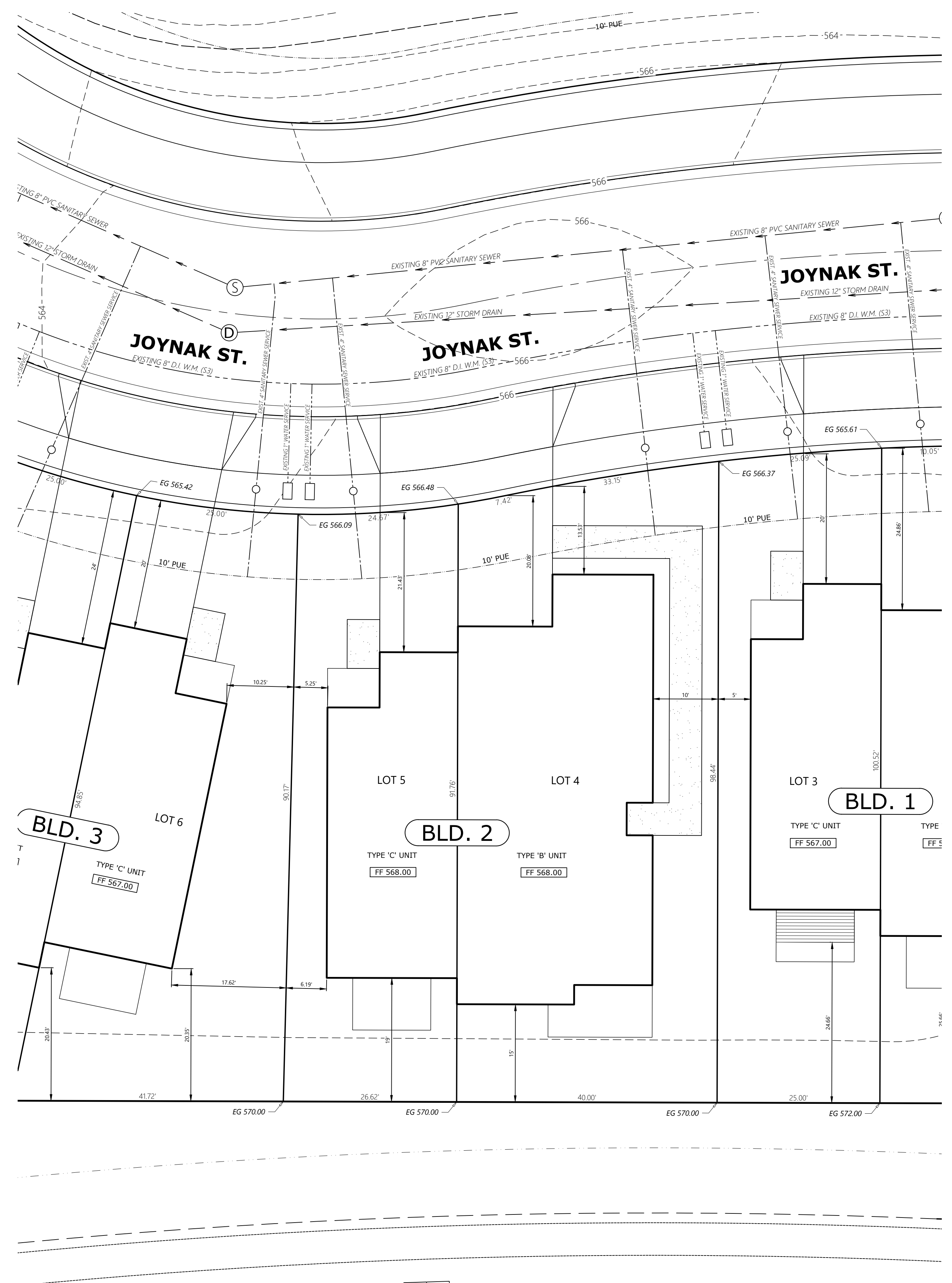
**Legend**

-  Taxlots
-  Urban Growth Boundary
-  City Limits
-  Outside Salem City Limits
-  Historic District
-  Schools
-  Parks



0 100 200 400 Feet

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**MULTI/TECH**  
 ENGINEERING SERVICES, INC.  
 11525 13TH ST. S.E. SALEM, OR. 97302  
 PH. (503) 363-9227 FAX (503) 364-1260  
 www.mtengineering.net office@mtengineering.net

**SITE PLAN - BLD. #2**

**LIBERTY ROAD SUBDIVISION**

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.  
 DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

6727TH SITE PLANS SITE: 6727-2  
 Design: M.D.G.  
 Drawn: P.H.S.  
 Checked: M.D.G.  
 Date: JAN. 2020  
 Scale: AS SHOWN  
 As-Built: \_\_\_\_\_



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