

# TOWN *Of* PARADISE VALLEY



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## STAFF REPORT

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**TO:** Chair and Board of Adjustment

**FROM:** Chad Weaver, Community Development Director  
Paul Michaud, Planning Manager  
George Burton, Senior Planner

**DATE:** June 3, 2026

**DEPARTMENT:** Community Development Department/Planning Division  
George Burton, 480-348-3525

**AGENDA TITLE:**

**Grantham Variance – 6235 E. Catesby Road (APN 169-49-051)  
Appeal of Yard Clarification. Case No. BA-26-01**

This application is an appeal of a yard clarification on this property.

### **BACKGROUND/DISCUSSION**

#### Zoning Administrator

Section 2-5-3 of the Town Code identifies that there shall be a Zoning Administrator who is responsible for interpreting the Zoning Ordinance and that the Community Development Director shall be the Zoning Administrator. As a result, the Community Development Director/Zoning Administrator is responsible for the administrative functions of enforcing and interpreting the provisions of the Zoning Ordinance, as well as various conditions and stipulations of zoning related entitlements. These actions may be through the course of regular business or when warranted by an official written interpretation.

#### Scope of Request & Background

The applicant requests an appeal of the Community Development Director's decision regarding an interpretation of Article II, Section 201, and Article X, Section 1002, of the Town Zoning Ordinance, which clarifies and determines the yard designation for residentially zoned properties. The appeal is to change the portion of the rear yard (which adjoins the south property line) to be designated as a side yard. The yard classification determines setback requirements in which the house has a 40-foot front yard setback, a 40-foot rear yard setback, and a 20-foot side yard setback.

On September 12, 2025, the applicant submitted building permit plans to construct a new single-family residence on this property. However, staff "redlined" the plans on September 12<sup>th</sup> identifying that part of the home encroaches into a portion of the 40-

foot rear yard setback (with a portion of the house drawn at a 20-foot setback from the south property line). After several communications with the applicant who continued to disagree with the yard determination, Staff issued a formal written yard clarification on December 4, 2025 identifying that the rear yard adjoins the west and south property lines, the side yards adjoin the north and east property lines, and the front yard adjoins the cul-du-sac along the northeast property line. (please reference Attachment D). The applicant submitted a pre-application for consideration of both an appeal and variance on January 22, 2026. Comments were provided back to the applicant on February 2, 2026, with the applicant filing his appeal (BA-26-01) on March 19<sup>th</sup> which was deemed complete on April 13<sup>th</sup>. The applicant disagrees that a portion of the rear yard adjoining the south property line is a rear yard and believes this portion should be designated as a side yard.

### Lot History

The subject property is Lot 14 of the Mummy Mountain Park IV subdivision. This lot was platted in Maricopa County in July of 1961 and then annexed into the Town on September 28, 1961. According to permit records, the original home was built in 1963 and went through several remodels. The following is a chronological history of the property:

May 17, 1963	Building permit for new residence
August 15, 1984	Building permit for garage addition
November 27, 1990	Building permit for remodel/addition to main house
November 27, 1990	Building permit for to remodel guest house
July 9, 2014	Building permit for interior remodel
May 3, 2016	Building permit for pool
May 3, 2016	Building permit for pergola
May 3, 2016	Building permit for accent and screen walls
December 19, 2025	Demolition permit to remove house and structures from property
September 12, 2025	Building permit for new single-family residence (under review)
September 12, 2025	Building permit for fence walls (under review)

### Lot Conditions

The property is zoned R-43, is 46,010 square feet in size (1.06 acres), and is a pie shaped lot on a cul-de-sac. The property has an average width of approximately 220 feet wide and has an 8-foot-wide proposed drainage easement that runs along the south property line.

## **DISCUSSION ITEMS**

### Staff Analysis:

The Town uses the current criteria outlined in Section 1001 of Article X and the definitions of yard in Section 201 of Article II of the Town Zoning Ordinance to clarify and/or designate the yards on a property. Section 201 of Article II defines yards as the following:

- *Yard*: An open space at grade level between the setback line and the nearest parallel lot line, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.
- *Yard, Front*: A yard extending across the front width of a lot and being the minimum horizontal distance between the right-of-way line and the front setback line.
- *Yard, Rear*: A yard extending across the rear width of a lot and being the minimum horizontal distance between the rear lot line and the rear setback line. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.
- *Yard, Side*: A yard between the side setback line and the side lot line of a lot and extending from the front yard to the rear yard, and being the minimum horizontal distance between a side lot line and the side setback line. An interior side yard is defined as the side yard adjacent to a common lot line.

Section 1002 provides criteria for designating and identifying the location of a front yard as follows:

- A. For a lot where structures currently exist on a lot with double or multiple frontages, the primary frontage shall be determined based upon the following four (4) criteria:
  1. A door positioned for use by the general public when calling upon the occupants leading into the dwelling.
  2. The primary frontage as depicted on the recorded subdivision plat; or where the primary frontage is not shown on the subdivision plat, as is consistent with and in harmony with the original subdivision design.
  3. The arrangement and location of the primary frontage is consistent with and in harmony with the arrangement and location of the primary frontage of the adjacent properties.
  4. The primary frontage should be on the street that is a lower level in the Town's Street Classification System; e.g., the frontage should be on a local street versus on an arterial or collector street, or the frontage should be on a collector street versus on an arterial street.
- B. For a vacant lot with double or multiple frontages, the primary frontage, if not already designated, shall be determined based upon the following three (3) criteria:
  1. The primary frontage as depicted on the recorded subdivision plat; or where the primary frontage is not shown on the subdivision plat, as is consistent with and in harmony with the original subdivision design.
  2. The arrangement and location of the primary frontage is consistent with and in harmony with the established character of the adjacent properties.
  3. The primary frontage should be on the street that is a lower level in the Town's Street Classification System; e.g., the frontage should be on a local street versus on an arterial or collector street, or the frontage should be on a collector street versus on an arterial street.

The existing home is legal non-conforming. Although building permits were issued by the Town, the existing home encroached into the 40-foot rear yard setback and was

setback approximately 30 feet from the west property line and setback approximately 25 feet from the south property line.

The Community Development Director clarified that the front yard adjoins the cul-du-sac adjoining the northeast property line, the side yards adjoin the north and east property lines, and the rear yard adjoins the west and south property lines. In accordance with Article II and Article X of the Town Zoning Ordinance:

- The rear yard is opposite the front yard and adjoins the south and west property lines.
- The arrangement and location of the yards are consistent with and in harmony with the established character of the adjacent properties (in which the side yard adjoins a neighboring side yard, the rear yard adjoins the neighboring rear yard, the front yard adjoins a neighboring front yard, etc.).
- The Town Codes does not state that a rear yard must adjoin only one property line nor has criteria to establish or clarify which single property line shall be designated as the rear yard. Examples of properties with rear yards adjoining multiple property lines include Quail Run Manor, Silver Sky, and Finisterre subdivisions (see attachment G).

#### **REQUIRED ACTION**

The Board of Adjustment must consider the facts and determine if the appeal is warranted (and the portion of the rear yard adjoining the south property line should be classified as a side yard instead of a rear yard). The Board of Adjustment may take the following action:

1. Deny the appeal request (and confirm that the southern portion of the lot remains a rear yard as clarified by the Community Development Director).
2. Approve the appeal, which will change the rear yard adjoining the south property line to a side yard.
3. Continue the application for further review.

#### **COMMENTS**

Neighborhood notification was completed in accordance with the Town requirements. Staff received comment and inquires from two adjoining neighbors. The southern neighbor identified that they are opposed to the appeal and support's staff's designation of the rear yard since they are the property that is most impacted and the eastern neighbor stated they are indifferent since the request does not impact them.

**COMMUNITY IMPACT:** None.

**CODE VIOLATION:** None.

#### **ATTACHMENTS**

- A. Staff Report
- B. Vicinity Map & Aerial Photo

- C. Application
- D. Yard Clarification
- E. Narrative & Documents
- F. Notification Materials
- G. Quail Run Manor, Silver Sky & Finisterre Subdivision Plats
- H. Letter of Opposition
- I. Applicant Presentation
- J. Staff Presentation