

TOWN OF PARADISE VALLEY

Case BA-26-01

6235 E. Catesby Road

Appeal of Yard Clarification

Board of Adjustment

June 3, 2026



TODAY'S GOAL

- Review and Action:
 - Appeal of Zoning Administrator's clarification on yard designation (rear yard to be a side yard)



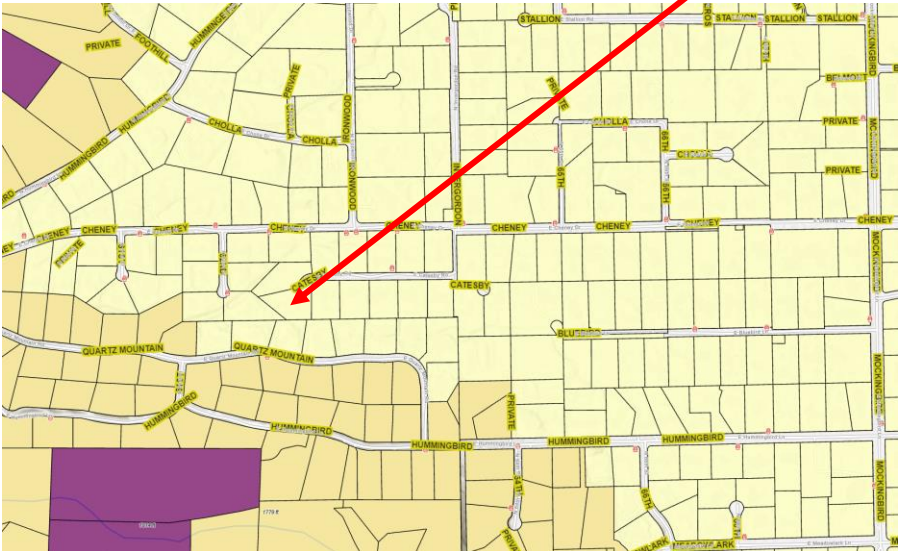
AGENDA

- Background
- Appeal/
Scope of Request
- Analysis
- Action



VICINITY MAP

Subject Property



SITE CONDITIONS & LOT HISTORY

- Zoned R-43
- 46,010 sq ft (1.06 acres)
- Pie shaped on a cul-du-sac
- 8' wide drainage easement along south property line
- Mummy Mountain Park IV Subdivision
 - Platted in Maricopa County - July 1961
 - Annexed - September 1961
- Multiple Bldg. Permits :
 - SFR – 1963
 - Addition – 1984
 - Remodel/additions – 1990s
 - Pool & Pergola – 2016
 - Demo house - 2025

BACKGROUND

- Town Code identifies Community Development Director (CDD) as Zoning Administrator (ZA)
- Zoning Administrator responsible for interpreting Zoning Ordinance (ZO)
- These actions may be through course of regular business or when warranted by official written interpretation

BACKGROUND (CONT.)

- September 12, 2025:
 - Building permit plans redlined for rear yard setback encroachment along south property line
 - House at 20' setback instead of 40' setback
- December 4, 2025:
 - Staff issued formal yard clarification identifying rear yard adjoins west and south property lines
- January 22, 2026:
 - Pre-application for appeal and variance submitted
- February 2, 2026:
 - Appeal application submitted
- April 13, 2026:
 - Appeal application deemed complete

APPEAL

- Section 201 & Section 1002 of Zoning Ordinance:
 - Criteria for clarifying/determining yard designation on residentially properties
- Appeal:
 - To change portion of rear yard (which adjoins south property line) to be designated as a side yard
- Yard classification determines setback requirements:
 - 40' front yard setback
 - 40' rear yard setback
 - 20' side yard setback

APPEAL

Designated Yards



Appeal/Requested Yards



APPEAL

- Criteria for clarifying/determining yard designation on residentially properties:
 - Section 201 of Zoning Ordinance
 - Section 1002 of Zoning Ordinance
- Appeal of Zoning Administrator allowed via Section 2-5-3 of Town Code:
 - There shall be a Board of Adjustment, with responsibility to hear appeals of decisions of Zoning Administrator and authority to grant variances from provisions of Zoning Ordinance

YARD DEFINITIONS (SECTION 201)

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

YARD LOCATION CRITERIA

For a lot with existing house, primary frontage shall be determined based upon the following 4 criteria:

1. Position of the front door of the house
2. Primary frontage as depicted on recorded subdivision plat; or when not shown on subdivision plat, as is consistent with and in harmony with original subdivision design
3. Primary frontage consistent with and in harmony with arrangement and location of adjacent properties
4. Primary frontage should be on lower classification of street

YARD LOCATION CRITERIA (CONT.)

For a vacant lot with double or multiple frontages, primary frontage, if not already designated, shall be determined upon following 3 criteria:

1. Primary frontage as depicted on recorded subdivision plat; or where the primary frontage is not shown on subdivision plat, as is consistent with and in harmony with original subdivision design
2. Arrangement and location of primary frontage is consistent with and in harmony with established character of adjacent properties
3. Primary frontage should be on lower classification of street

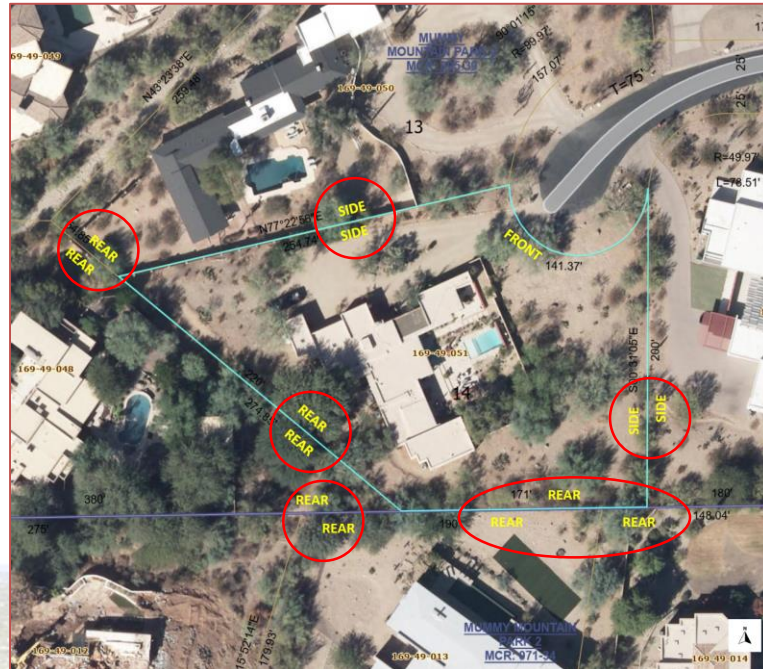
ANALYSIS

- Existing home is legal non-conforming
- Although building permits were issued by Town, existing home encroached into 40' rear yard setback
- House setback approximately:
 - 30' from west property line
 - 25' from south property line
 - 40' setback required



ANALYSIS (CONT.)

- Director Clarified:
 - Front yard adjoins cul-du-sac
 - Side yards adjoin north and east property lines, and
 - Rear yard adjoins west and south property lines



ANALYSIS (CONT.)

- In accordance with Zoning Ordinance:
 - Rear yard is opposite front yard and adjoins south and west property lines
 - Arrangement and location of yards consistent with adjacent properties (side yard adjoins neighboring side yard, rear yard adjoins neighboring rear yard, front yard adjoins neighboring front yard)
 - Town Codes does not state that a rear yard must adjoin only 1 property line nor has criteria to establish or clarify which single property line shall be designated as rear yard
 - Examples of properties with rear yards adjoining multiple property lines include Quail Run Manor, Silver Sky, and Finisterre subdivisions

PUBLIC COMMENT

- Neighborhood notification completed in accordance with Town requirements
- Staff received comment from adjoining neighbors:
 - Southern neighbor opposed to appeal and support's staff's designation of rear yard since they are most impacted
 - Eastern neighbor indifferent since request does not impact them

Appeal/Requested Yards



POSSIBLE ACTIONS

1. Deny the Appeal:

- Rear yard remains as identified and adjoins south and west property lines

2. Approve the Appeal:

- Yard adjoining south property line changes from Rear Yard to **Side** Yard

3. Continue for further review

Appeal/Requested Yards



QUESTIONS?

Designated Yards



Appeal/Requested Yards

