

TOWN *of* **PARADISE VALLEY**



STAFF REPORT

TO: Chair and Board of Adjustment

FROM: Chad Weaver, Community Development Director
Paul Michaud, Planning Manager
Jose Mendez, Hillside Development Planner

DATE: June 4th, 2025

DEPARTMENT: Community Development Department/Planning Division
Jose Mendez, 480-348-3519

AGENDA TITLE:

Sandell Variance – 4474 E Valley Vista Lane (APN 169-20-122)
Variance to allow to exceed the maximum allowable LRV (Light Reflecting Value) of thirty-eight (38) percent and not blend in with surrounding environment and to allow for an illuminated game court.
Case No. BA-25-05

This application is a variance request to exceed the maximum allowable LRV (Light Reflecting Value) of thirty-eight (38) percent and not blend in with surrounding environment and to allow for an illuminated game court. Staff recommends denial due to the lack of property hardship.

RECOMMENDATION

Motion For Denial:

It is recommended that the Board of Adjustment **[deny]** Case No. BA-25-05, a request by Ty Utton (Rose law Group), on behalf of the property owners of 4474 E Valley Vista Lane; for a variance from Article XXII, Hillside Development Regulations to exceed the maximum allowable LRV (Light Reflecting Value) of thirty-eight (38) percent and not blend in with surrounding environment and to allow for an illuminated game court.

Reasons For Denial:

Staff finds that there are no property hardships that warrant the variance and that the request does not meet all three variance criteria.

BACKGROUND/DISCUSSION

Scope of Request

The property is zoned R-43 Hillside and Section 2207 of the Town Zoning Ordinance states that materials used on exterior surfaces of the home including walls, roofs, and

fences shall blend with the surrounding natural setting. In addition, paint and material colors cannot exceed a light reflection value or LRV of 38%.

Furthermore, Section 2208 of the Town Zoning Ordinance regulates and limits the amount and level of lighting necessary for safety, security and enjoyment of outdoor living while protecting against direct glare and light pollution which reduces the ability to view the night sky. With this intent the code strictly prohibits Tennis court and sport court lighting.

Section 2207 DEVELOPMENT STANDARDS ²⁰¹⁸⁻¹⁵ II. ARCHITECTURAL STANDARDS. *D. Materials used for exterior surfaces such as structures, walls, roofs and fences shall blend with the surrounding natural setting and avoid high contrasts. There shall be no paint or material colors used which have a LRV (Light Reflecting Value) greater than thirty-eight (38) percent. Materials and color used for exterior surfaces are subject to Hillside Building Committee review and approval. The applicant must demonstrate how the materials and colors used for the exterior surfaces blend in with the natural surroundings and settings. Limited use of contrasting accent colors (in excess of 38% LRV) for small elements, including, but not limited to items such as doors and window mullions, may be allowed upon explicit approval of the Hillside Building Committee.*

Section 2208 OUTDOOR LIGHTING

A. Purpose: The intent of these lighting requirements is to preserve the low light level conditions that are inherently characteristic of the desert. The objective is to allow only the quantity and level of lighting necessary for safety, security and the enjoyment of outdoor living while protecting against direct glare and excessive lighting; protecting the ability to view the night sky; and preventing light trespass.
G. Prohibitions. In addition to the limitations noted above, the following lights or lighting effects are strictly prohibited: 1. Colored lamps or bulbs and string and unshielded rope lights; except that temporary holiday lighting shall be permitted between October 15th and January 15th. 2. Tennis court and sport court lighting.

Background

The property is zoned R-43 Hillside and remained undeveloped until recently. The site has ongoing construction to develop a new single-family home, guest house, and sport court with trellis that was approved through the Hillside Formal Review on April 12th, 2023. There was a design modification and subsequent Hillside Combined Review to redesign the sport court and ramada that was approved on April 16th 2025.

Lot History

The subject property is Lot 1 of the Sanctuary subdivision. This lot was platted in the Town in 1994.

Lot Conditions

The property is zoned R-43 and is 95,610 square feet in size (2.195 acres). The property slopes down from the street and is irregular in shape. There is a wash that cuts through the property.

DISCUSSION ITEMS

Variance Criteria:

Town Code and Arizona Revised Statutes set criteria that an applicant must meet before a Board of Adjustment may grant a variance request. If the Board finds that an applicant meets all these criteria, the Board may grant the variance. However, if the Board finds the applicant does not meet all the criteria, the Board may not grant the variance. The following is the staff's analysis regarding the variance criteria:

1. *"That there are special circumstances applicable to the property, which may include circumstances related to the property's size, shape, topography, location, or surroundings; and"* (Town Code Section 2-5-3(C)4).

Staff Analysis:

There are no property hardships that warrant the variance request. The property is not undersized, nor burdened with adverse topographical features which incumbrance the development from meeting compliance with color and LRV requirements. The property is flanked by non-Hillside designated properties to the north and the west. Two of the properties to the north have tennis courts, but only one of the sport courts has lights. Similarly to the west there are two tennis courts with lights. All of these lit properties are not in Hillside. The sport court on this property is located to the northwest of the property, not near these other courts, but near a Hillside property with no court.

During the Hillside Combined Review hearing concerns about noise from the sport court or pickle ball court were voiced by a neighbor to the north. A stipulation was then included to provide additional native landscaping (i.e., Iron wood trees, palo verde trees, etc.) to mitigate sound and naturalize the area between the sport court and neighbors. The addition of sport court lighting would be in direct conflict with the intent and objective of Section 2208 Outdoor Lighting to maintain low light levels and protect the ability to view the night sky.

2. *"That the special circumstances applicable to the property were not self-imposed or created by the property owner; and"* (Town Code Section 2-5-3(C)4).

Staff Analysis:

The property is designated R-43 Hillside. Material, lighting and paint color are design choices that can be customized to meet the code. The sport court lighting is strictly prohibited in Hillside.

3. *"That the strict application of the Zoning Ordinance will deprive the property of privileges enjoyed by other property of the same classification in the same zoning district"* (Town Code Section 2-5-3(C)4).

Staff Analysis:

The property is at the edge of the Hillside zoning designation and the adjacent properties to the north and east are not Hillside. Although the home is placed at lower elevation than the adjacent Hillside homes it is highly visible from the street and the highly visible to the adjacent Hillside designated neighbors. The Hillside zoning ordinance requires that the exterior materials and paint colors blend in with the surrounding natural setting and avoid high contrasts. The adjacent neighboring homes within the same zoning classification (Hillside) meet the material, color, and LRV requirements of the Hillside zoning ordinance. There are other homes in the neighborhood within the Hillside zone that have sport courts and do not have sport court lights.

REQUIRED ACTION

The Board of Adjustment must consider the facts and determine if the request for setback encroachment meets all three variance criteria. The Board of Adjustment may take the following action:

1. Deny the variance request.
2. Approve the variance request subject to the following stipulations:
 - a. The applicant must obtain the required Hillside Review and building permits and inspections from the Town's Building Division.
3. Continue the application for further review.

COMMENTS

Prior to the June meeting, staff did not receive any inquiries from the public.

COMMUNITY IMPACT: None.

CODE VIOLATION: None.

ATTACHMENTS

- A. Staff Report
- B. Vicinity Map & Aerial Photo
- C. Application
- D. Narrative & Plans
- E. Notification Materials
- F. Staff Presentation
- G. Applicant Presentation