

# BOARD OF ADJUSTMENT REPORT



Meeting Date: 7/7/2021

## ACTION

### Height Extension to Block Wall 4-BA-2021

#### Request to consider the following:

1. Request by owner for a disability accommodation to the City of Scottsdale Zoning Ordinance, Section 5.504.G, seeking to increase the allowed wall height along the side and rear yards from 8 feet to 9 feet for a property with Single-Family Residential (R1-7) zoning located at 8502 E. Virginia Avenue.

## OWNER

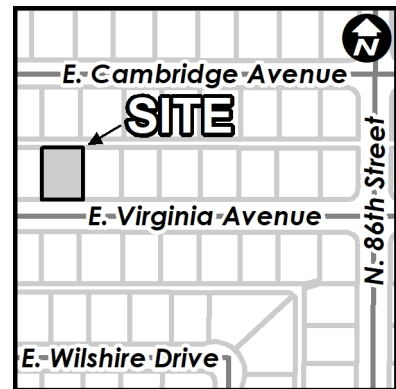
Randall K. Bahr  
(602) 705-5315

## APPLICANT CONTACT

Randall K. Bahr  
(602) 705-5315

## LOCATION

8502 E Virginia Ave



## BACKGROUND

### History

The parcel was annexed in 1965 with R1-7 zoning through Ordinance 273. According to the Maricopa County Assessor, the house on the subject parcel was constructed in 1960.

### Zoning/Development Context

The subject parcel is zoned single-family residential (R1-7). The parcel is located within the Scottsdale Estates Ten subdivision and is adjacent to other single-family homes with R1-7 zoning to the north, south, east, and west.

### **Zoning Ordinance Requirements**

Zoning ordinance section 5.504.G states “Walls, fences and hedges with a maximum height of eight (8) feet are allowed on the side or rear property line or in the side or rear yard.”

### **Code Enforcement Activity**

On September 21, 2020, a code enforcement inspection identified the additional height added to the block wall and a compliance notice was issued to the applicant.

### **Community Input**

The applicant sent notices to property owners within 750 feet of the subject parcel.

City of Scottsdale notification postcards were sent to property owners within 750 feet of the subject site, the site was posted with a notification sign, and a notice was published in a newspaper of local circulation. As of the writing of this report, staff has not received any direct public feedback regarding the proposed disability accommodation.

### **Discussion**

The applicant is requesting an accommodation of one (1) foot, to increase the allowed wall height from eight (8) feet to nine (9) feet on the side and rear property lines.

## **DISABILITY ACCOMMODATION CRITERIA ANALYSIS**

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- 1. A disability accommodation from a development standard or separation requirement shall not be authorized unless the Board shall find upon sufficient evidence all of the following:**

#### **1.806.A.**

- 1. The requested accommodation is requested by or on the behalf of one (1) or more individuals with a disability protected under federal and Arizona fair housing laws (42 U.S.C. § 3600 et seq. and A.R.S. § 41-1491 et seq.);**

#### Applicant Statement:

The applicant states in their narrative that the requested accommodation is being made on behalf of an individual who suffers from a disability protected under federal and Arizona fair housing laws, which causes social anxieties as well as heightened sensitivity to light and noises.

#### Staff Analysis:

Based on the materials provided with the application, the requested accommodation is being made by an individual with a disability protected under federal and Arizona fair housing laws.

**2. The requested accommodation is necessary to afford an individual with a disability equal opportunity to use and enjoy a dwelling;**

Applicant Statement:

The applicant states that the Fair Housing Act's definition of prohibited discrimination encompasses "a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford" a handicap "person equal opportunity to use and enjoy a dwelling". The applicant states that the wall height restriction places a limit on the ability of Mrs. Bahr to enjoy basic functions such as to freely utilize her dwelling, move about her yard, relax on her patio, and enjoy aspects of private living.

The applicant states that one neighbor was threatening to place a camera, a different neighbor was throwing debris into the yard, and existing yard lights in another neighbor's yard were all factors that the 7-foot wall inadequately protected Mrs. Bahr's ability to enjoy her premise. The wall increase to 9 feet has proven sufficient to ensure Mrs. Bahr's equal opportunity to use and enjoy her property, as the neighbors have ceased their confrontations since its erection.

Staff Analysis:

The City must grant a reasonable accommodation from a development to individuals with disabilities when the application of that development standard would deprive those individuals the ability to enjoy the housing of their choice. The requested accommodation may be necessary for that purpose since the additional foot in height appears to have enhanced Mrs. Bahr's ability to enjoy her premise by alleviating the light and noise activities that affected her well-being.

**3. The standard or requirement unduly restricts the opportunity for a person with a disability from finding adequate housing within the City of Scottsdale;**

Applicant Statement:

The applicant states that persons with disabilities must be afforded the opportunity to live in a dwelling and community of their choice and should not be confined to apartment complexes or required to afford to live on expansive 1-acre lots.

Staff Analysis:

Based on the resident's disability, which includes heightened sensitivity to light and noises, requiring that the wall height be reduced to the maximum requirement of 8 feet as allowed in R1-7 zoning, may impact the ability of the applicant's client to enjoy their backyard similar to the other residents in the neighborhood.

**4. The requested accommodation does not fundamentally alter the nature and purpose of the Zoning Ordinance of the City of Scottsdale;**

Applicant Statement:

The applicant states that the requested accommodation does not fundamentally alter the nature and purpose of the Zoning Ordinance, given that walls are allowed by right to secure the fundamental rights which property owners have to privacy, security, and use of their property. The applicant states the 1-foot increase above the standard doesn't appear to conflict with the property rights of the neighbors and the adjacent neighbors have both signed a fence authorization form to signify that the increased wall height does not infringe on their rights.

The applicant states the request is necessary because Section 1.920 allows an administrative approval of up to a ten percent modification of a development standard or separation requirement upon finding that such a modification will further the policies contained in the Arizona and federal fair housing laws and the Americans with Disabilities Act." This modification is for a 12.5% increase above the allowed standard and shows that not only is it fundamental to the zoning ordinance to provide reasonable accommodations to those protected by the FHAA policies, but also describes the minimal degree to which this request deviates from the zoning ordinance.

The applicant notes the disability accommodation will comply with building and fire codes and a certified structural engineer has completed the engineering detail of the wall that demonstrates the wall meets building standards to make it eligible for a permit. Also noted by the applicant is that the owner is willing to agree to a stipulation that will require removal of the wall extension if the Bahr's sell their home and move. This stipulation would ensure the disability accommodation vests with the disabled owner and does not run with the land.

Staff Analysis:

The requested accommodation may be a fundamental alteration of the nature and purpose of the Scottsdale zoning ordinance. Walls are allowed along property lines to reasonably allow for privacy and security for property owners. The purpose of the 8-foot maximum wall height requirement on side and rear property lines is to preserve a level of open character, views for aesthetic reasons, maintain structural integrity of walls, and for public safety concerns.

**5. The requested accommodation will not impose an undue financial or administrative burden on the City, as "undue financial or administrative burden" is defined in federal and Arizona fair housing laws (42 U.S.C. § 3600 et seq. and A.R.S. § 41-1491 et seq.) and interpretive case law;**

Applicant Statement:

The requested accommodation will not impose an undue financial or administrative burden on the City. Maintenance and liability related to the wall falls on the property owner and related contractors.

Staff Analysis:

There is no anticipated undue financial or administrative burden on the city if the requested accommodation is granted.

**B. The profitability or financial hardship of the owner/service provider of a facility shall not be considered in determining whether to grant a disability accommodation.**

Applicant Statement:

The applicant states that the profitability or financial hardship of their client will not be presented as a reason for granting this disability accommodation.

Staff Analysis:

The applicant has not presented the owner's profitability or financial hardship as a justification for the disability accommodation request in their application.

**C. The requested accommodation must comply with all applicable building and fire codes.**

Applicant Statement:

The applicant states that the requested accommodation will comply with all applicable building and fire codes.

Staff Analysis:

If the requested accommodation is granted, City review of the construction documents as part of the permitting process is required to ensure compliance with all applicable building and fire codes.

**D. The requested accommodation must not, under the specific facts of the application, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.**

Applicant Statement:

The applicant states that the requested accommodation will not result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

Staff Analysis:

There is no apparent direct threat to the health or safety of other individuals or substantial physical damage to the property of others posed by the requested accommodation.

**SUMMARY**

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Based on the facts presented by the applicant, the evidence may support a finding that the requested accommodation meets the ordinance criteria set in section 1.806. While the requested accommodation represents a minor alteration to the standards of the R1-7 zoning district, the circumstances considered as a whole, may warrant the granting of the accommodation to ensure that the owner has equal opportunity to the housing of their choice that accommodates their disability. However, the decision about whether the criteria have been met is for the Board to make after hearing all the evidence at the hearing.

**APPROVED BY**

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6/17/2021

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Desirae Mayo, Report Author  
480-312-4218, dmayo@scottsdaleaz.gov

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Date



6/17/2021

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Bryan Cluff, Board of Adjustment Liaison  
480-312-7713, bcluff@scottsdaleaz.gov

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Date



6/18/2021

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Tim Curtis, AICP, Current Planning Director  
480-312-4210, tcurtis@scottsdaleaz.gov

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Date



6/22/2021

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Randy Grant, Planning and Development  
Executive Director  
480-312-2664, rgrant@scottsdaleaz.gov

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Date

**ATTACHMENTS**

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1. Project Description and Justification
2. Context Aerial
3. Aerial Close-Up
4. Zoning Map
5. Site Plan
6. Site Photographs
7. Wall Structural Detail
8. Redacted Evaluation

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**Bahr Residence**  
8502 E. Virginia

Disability Accommodation – Justification Narrative

**Submitted by:**

Pew & Lake, PLC  
Jon Gillespie & Reese L. Anderson  
1744 S. Val Vista Dr., Ste. 217  
Mesa, AZ 85204

**On Behalf of:**

Randy and Rebecca Bahr

May 19, 2021

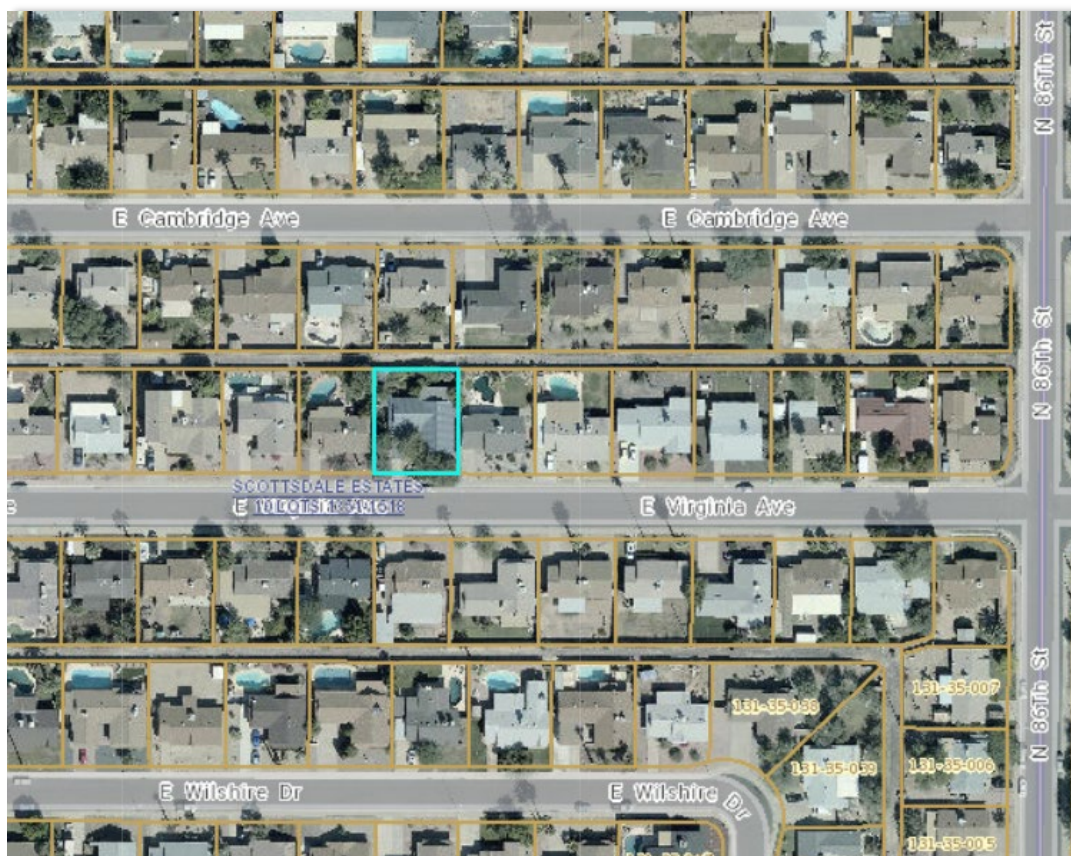


## I. Introduction

Pew & Lake, PLC, on behalf of Randy and Rebecca Bahr, is pleased to submit this Justification Narrative and related exhibits for a Disability Accommodation request to allow for a 9-foot rear yard wall height as a reasonable accommodation necessary to secure the property rights of the disabled property owner.

The Bahr's live at 8502 E. Virginia Ave. on an approximately 7,225 square foot lot located in the general vicinity of Thomas Road and 86<sup>th</sup> Street. The residence is further identified on the Maricopa County Assessor's Map as parcel number 131-34-161 (the "Property," see Site Aerial below with Property outlined in blue).

*Figure 1 – Site Aerial*



## II. Request

This disability accommodation request is to allow 9-foot-high rear yard walls along the rear and side property lines where 8-feet is the maximum permitted under Section 5.504(G)(2) of the Scottsdale Zoning Ordinance. The 9-foot height is necessary to afford the property owner Rebecca Bahr, who is diagnosed with autism and subject to the related conditions, an equal opportunity to use and enjoy her property.

### III. Background

#### 1. Existing Conditions and Zoning/Development Context

The subject property is zoned R1-7 which allows rear yard walls up to 8 feet in height. The homes in this neighborhood were primarily built in the 1960's. Many of the homes in this area were originally built with chain link fences and most have converted to 6 to 7-foot-high CMU walls. The homes within the Scottsdale Estates Ten Subdivision receive garbage service via the alley adjacent to rear yards. This home is nestled into a large residential subdivision and located mid-block, it is not on a corner or in a prominent location along a major road.

The subject property has an existing 9-foot wall comprised of 7 feet CMU with a 2-foot corrugated metal extension. The portion of the wall on the western property line was placed in early 2018 and has worn to the desirable rusted condition. The wall extends for the length of the rear western property line except it terminates at a shed located in the northwest corner of the rear yard. Figure's 2 and 3 below illustrate the condition of the wall and the termination at the shed.

*Figure 2 – Rear yard wall condition SWC facing west*



*Figure 3 – Rear yard wall condition western neighbor's yard facing east*



Code enforcement has been involved with this property with an active case referenced as Case# 328293. The violations include the requirement to conform with the 8-foot wall standard and obtaining the related building permit. This Disability Accommodation would address the wall height standard violation and the Owner would be required to obtain a building permit as well.

We visited with the western neighbor, Kandi Roeser, on February 25, 2021. Ms. Roeser disclosed that she made the code complaint to the City of Scottsdale. Ms. Roeser stated that she really liked the look of the rusted wall and thought it added value to her property since being completed in 2018. However, when the northern section of the wall was added in 2019, it created a “gap” and highlighted the shed placement which created an undesirable aesthetic aspect which Ms. Roeser wanted rectified. Based on the history between the neighbors which will be detailed below, she elected to contact the City instead of requesting the completion of the “gap”. After discussing the issue and agreeing to finish the “gap”, pending this Disability Accommodation and obtaining a building permit, Ms. Roeser has signed a support letter and shared fence authorization signifying her support for the wall. Code enforcement has agreed to stay the code compliance proceedings pending the outcome of this Board of Adjustment request.

## 2. History

The Bahr's have owned their home since 1996. They live in this area for various personal reasons including the proximity of the property to Mr. Bahr's place of work. Since moving to the property, the Bahr's have encountered certain harassment from neighboring property owners. Particularly, there have been issues with the northern and western neighbors.

The western neighbor keeps many dogs on her property and has accused the Bahr's of interfering with her dogs. She has come to the front door, pounded on the front door, threatened to call the police and *threatened to put cameras up facing into their yard*. In response to this, a two-foot extension was placed along the wall's western property line, which was put up on February 3, 2018 as a measure to *shield noise coming from both yards* and to protect from the threatened camera placement. If only a one-foot extension was made, it would have left Mrs. Bahr exposed to the threatened cameras and further accusations as the Bahr's went about their business in the back yard including *the work of trimming trees, painting, gutter work, etc., which requires them to be up on ladders*. A one-foot extension would not be sufficient to protect Mrs. Bahr or allow her to have sufficient privacy as she completes activities which are limited to her rear yard. After the extension was put up, the western neighbor's accusations regarding the dogs stopped.

The northern neighbor, across the alley, has repeatedly *harassed Mrs. Bahr including mocking, verbal abuse, throwing dog waste at her, etc.* Up until the year 2000, the rear property line only had a low chain link fence. In 2000, the northern neighbor pointed a gun and paced back and forth following Mrs. Bahr as she moved between the kitchen, dining, and living room windows inside the house, the Bahr's then decided to erect a 7-foot-high block wall.

Unfortunately, even after the 7-foot wall was put up, the threats continued including the pointing of another gun at Mrs. Bahr when Mrs. Bahr went into the alley (Mrs. Bahr had to stop taking the garbage out and no longer could help in maintaining the alley easement). The northern neighbor continued throwing debris against the back wall including liquids that stained the wall and dumping household waste against it. The northern neighbor went as far as throwing rocks into the Bahr's yard and onto the Bahr's roof. The neighbor at times would pace back-and-forth on his roof making derogatory and obscene gestures and looking into the Bahr's house. If the northern neighbor noticed Mrs. Bahr out in the Bahr's backyard, he would mock her and call her crazy. At one point the northern neighbor even threatened to kill her.

The northern neighbor also *threw furniture and other debris over the block wall into the backyard including throwing waste and dirt over the wall when Mrs. Bahr has been in the back yard* and covered her with dirt, etc.

At this point, Mrs. Bahr no longer went into the back yard and papered over the backyard windows, except for the kitchen window. The Bahr's then put the fence extension up on the rear wall.



We note that the police have been called to intervene on occasion and have advised the Bahr's to not engage with the neighbors. While we note that the Bahr's may be entitled to other legal remedies which exist outside the purview of the Board of Adjustment, the purpose of this Disability Accommodation is meant to address only the remedy available from the Board of Adjustment.

The necessity of a wall height extension on the eastern property line was made in an attempt to mitigate *bright lights* from the neighbor catty-corner northeast across the alley who has three flood lights on a pole about three feet above the eaves. These lights shine into the Bahr's north and east windows, lighting up all the rooms, and lighting up the back porch. The light is higher than a one-foot extension and is blocked sufficiently by the two-foot extension. This neighbor also had a camera placed above the eaves pointed towards the Bahr's yard and house. The adjoining properties directly east and west of the subject property also have very bright lights that are mounted at the eaves and shine into the house and yard that would not be mitigated by a one-foot extension but the effects of which are removed with the two-foot extension.

#### IV. Justification

**1. Mrs. Bahr is diagnosed with autism which is a recognized disability protected under federal and Arizona fair housing laws.**

Mrs. Bahr's Asperger's syndrome, generally referred to in this narrative as autism, is a physical condition which has affected her throughout her life. Her medical condition was declared by Dr. Christopher J. Nichols in 2009 and this evaluation has been delivered in a redacted manner to the City of Scottsdale and the Board of Adjustment.

Mrs. Bahr's condition is signified by social anxieties which prevent interaction with neighbors and society generally, thus creating a heightened need to be at home in a protected environment. Her evaluation details a struggle with "mental flexibility and set shifting". Her condition also includes a heightened sensitivity to noise. Additionally, she has difficulties sleeping which can be affected by light, sound, and anxiety.

**2. The requested accommodation is necessary to afford Mrs. Bahr an equal opportunity to use and enjoy her dwelling.**

The Fair Housing Amendments Act's (FHAA) definition of prohibited discrimination encompasses "a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford" a handicap "person equal opportunity to use and enjoy a dwelling." See 42 U.S.C. § 3604(f)(3)(B).

Dwellings in the R1-7 zoning district, which predominates in this neighborhood, typically include a fenced rear yard and modest living area. Suffice to say that the general population in this area can freely utilize their dwelling including moving about their yards, relaxing on their patios,

preparing food and eating in kitchen areas, and otherwise enjoying the aspects of private living in the City of Scottsdale. Unfortunately, the City of Scottsdale's wall height restriction places a limit on the ability of Mrs. Bahr to enjoy these basic functions.

In this case, we know the 7-foot wall inadequately protected Mrs. Bahr's ability to enjoy her premises as detailed in the background above including the western neighbor's threat to place a camera, the existing yard lights in the eastern neighbor's yard, and the northern neighbors throwing of debris into the yard. Pertinently, we have the benefit of knowing that the 9-foot wall has proven sufficient to ensure Mrs. Bahr's equal opportunity to use and enjoy her property, as the confrontations with neighbors have ceased since its erection.

According to the Mayo Clinic, persons with Autism Spectrum Disorder may be, among other things, unusually sensitive to light or sound and may develop specific routines or rituals which can become disturbed at the slightest change.<sup>1</sup> According to the website AutismSpeak.Org, those with autism often suffer from "chronic sleep problems including difficulty falling asleep. These sleep issues tend to worsen behavioral challenges and decrease overall quality of life." Additionally, "Social anxiety – or extreme fear of new people, crowds and social situations – is especially common among people with autism. In addition, many people with autism have difficulty controlling anxiety once something triggers it."<sup>2</sup> The anxiety which Mrs. Bahr feels absent the 9-foot-high walls significantly erodes her ability to enjoy her dwelling.

According to the Interactive Autism Network, "Under- or over- reacting to one's own senses is a symptom of autism spectrum disorder (ASD), according to the American psychiatric diagnostic manual published in 2013. These senses include sight, touch, smell, movement and taste, but for many people, the stereotypical image of autism involves the sense of hearing. Studies say from 30 percent to more than 90 percent of people with autism either ignore or overreact to ordinary sights, sounds, smells or other sensations. Someone with autism may process information from their senses differently. He may be unable to filter out irrelevant noises or sights, such as ... [a] microwave or flickering light. Or he may find certain sounds, lights, or textures to be severely distracting or uncomfortable." Raising the wall height to 9-feet has shown to adequately alleviate the light and noise activities which, while potentially bothersome to the general population, prove highly disruptive to the well-being of Mrs. Bahr.

There are certain impacts from neighbors which are typical and to be expected (i.e. flood lighting, routine sounds and actions, pets, etc.) and there are other illegitimate actions which neighbors have taken (i.e. threats to place cameras, verbal abuse, brandishing weapons, dumping items into the yard, etc.). All of these actions have an effect on Mrs. Bahr and are exacerbated by her physical disability.

This reasonable accommodation will create a protected environment where Mrs. Bahr's ability

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<sup>1</sup> Please visit <https://www.mayoclinic.org/diseases-conditions/autism-spectrum-disorder/symptoms-causes/syc-20352928>. Accessed on March 31, 2021.

<sup>2</sup> Please visit <https://www.autismspeaks.org/medical-conditions-associated-autism>. Accessed on March 31, 2021.

to go about typical living functions is safeguarded because there is a greater barrier to perceived and actual outside threats. By having a raised wall height, Mrs. Bahr's need to mentally shift in response to seeing and hearing neighbors is mitigated. Mrs. Bahr's living and sleeping environment is improved with less light pollution from neighbors. By providing this reasonable accommodation, Mrs. Bahr will be able to enjoy her dwelling on a similar basis to those who do not endure the various symptoms of autism.

**3. The 8-foot maximum wall height standard unduly restricts the opportunity for Mrs. Bahr from finding adequate housing within the City of Scottsdale.**

Under the FHAA, persons with disabilities must be afforded the opportunity to live in a dwelling and community of their choice. Persons with disability should not be confined to apartment complexes or required to afford to live on expansive 1-acre lots. Where a reasonable accommodation can be made, it should be.

**4. The requested accommodation does not fundamentally alter the nature and purpose of the Zoning Ordinance of the City of Scottsdale.**

While we see no specifically stated purpose for wall height limitations in the City of Scottsdale Zoning Ordinance, it is generally understood that wall height is limited for various reasons including to preserve views for aesthetic reasons, to increase the likelihood of maintaining structural integrity, and for public safety concerns. On the other side, walls are allowed by right to secure the fundamental rights which property owners have to privacy, security, and use of their property.

In this case, the 1-foot increase above the standard does not appear to conflict with the property rights of neighbors. In fact, the adjacent neighbors have both signed a fence authorization signifying that the increased wall height does not infringe on their rights. Any actual or perceived issues, which the northern or western neighbor have had with the Bahr's, is further mitigated with the placement of a 9-foot wall that increases the visual and acoustic barriers between the neighboring properties.

Further, this request to the Board of Adjustment is necessary because Section 1.920 allows an administrative approval of "up to a ten percent (10%) modification of a development standard or separation requirement upon finding that such a modification will further the policies contained in the Arizona and federal fair housing laws and the Americans with Disabilities Act." While close, this modification is for a 12.5% increase above the allowed standard. This goes to show that not only is it fundamental to the Scottsdale Zoning Ordinance to provide reasonable accommodations to those protected by the policies of the FHAA, but it also describes the minimal degree to which this request deviates from code.

We also note that this disability accommodation and the related construction, will need to comply with all applicable building and fire codes. Compliance with these codes shows conformance with the underlying purpose of the zoning ordinance to protect the health, safety,

and general welfare. A certified structural engineer has completed an engineering detail of the wall which demonstrates that, with certain additional measures being taken as detailed on the engineering detail, the wall meets building standards and should receive a building permit. For additional information, please see the engineer detail which accompanies this submittal.

Lastly, to further ensure that the fundamental purposes of the zoning ordinance are protected, the Owner is willing to agree to a condition of approval which requires removal of the wall extension if the Bahr's sell their home and move. This condition would ensure that the disability accommodation vests with the disabled owner and does not run with the land. The reasoning for this potential condition is similar to that of 42 U.S.C. § 3604(f)(3)(A), where a landlord may "where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted."

**5. The requested accommodation will not impose an undue financial or administrative burden on the City, as "undue financial or administrative burden" is defined in federal and Arizona fair housing laws.**

There is no irregular administrative or financial burden which will be placed on the City if the Disability Accommodation is granted. The requested accommodation is made under a unique set of facts, namely, an owner's autistic disability combined with patterned harassment from neighbors and an already built fence, which already built fence has proven that the solution to the conditions of autism and the negative neighbor interaction is solved by providing the 12.5% increase over the standard wall height. There is no indication that these unique facts will give rise to similar wall height requests in Scottsdale. Maintenance and liability related to the wall falls on the property owner and related contractors, not the City.

## **V. Conclusion**

Mrs. Bahr has autism which is a protected disability under federal and Arizona fair housing laws. The typical, generally accepted, neighboring light, sound, and visibility conditions, in tandem with the specific harassment and actions from neighbors, contribute to the erosion of Mrs. Bahr's ability to enjoy her dwelling. A reasonable accommodation can be made, and indeed is required to be made, by the City of Scottsdale.

By all accounts, neighbors do not take issue with the wall extension but instead have had issues with Mrs. Bahr herself and behavioral aspects which are likely directly related to her disability. The extension, 1-foot above the standard, will contribute to the tranquility of the neighborhood and illustrate that Scottsdale does not exclude disabled persons from enjoying the same rights and privileges as the general population.





Context Aerial

4-BA-2021





Close-up Aerial

4-BA-2021





Zoning Aerial

4-BA-2021

Wall Plan – Existing Aerial Condition





# 8502 E. Virginia

Existing Conditions Photo Exhibit



# Photo Locations



# SWC (Point 1)



# West

(Point 2)

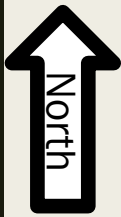




# West

(Point 3)





NWC  
(Point 4)





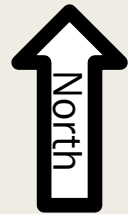
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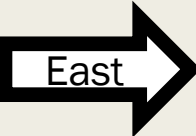
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(Point 5)



# North

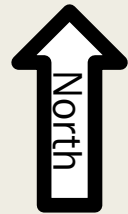
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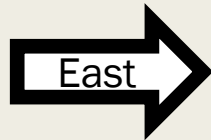
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(Point 7)



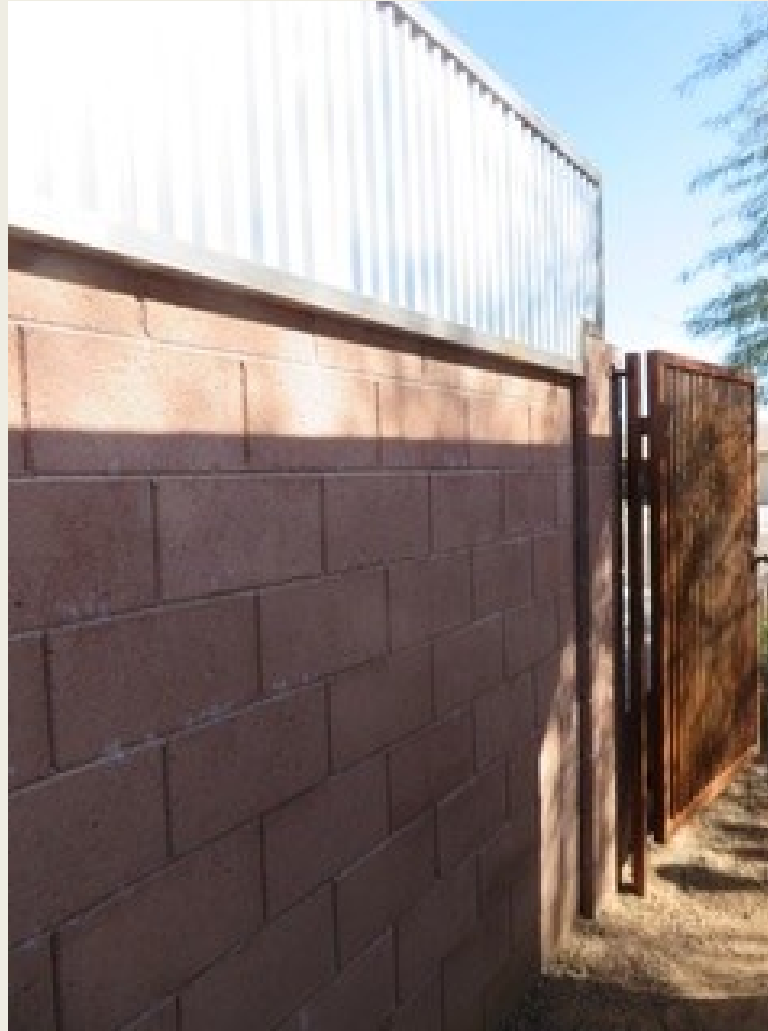
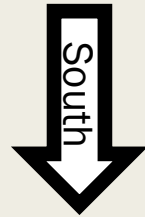
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(Point 8)



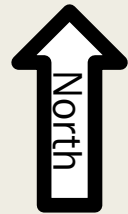
# East

(Point 9)





East  
(Point 10)









## Clinical Psychological Evaluation

**Client Name:** Rebecca Bahr  
**D.O.B:** [REDACTED]/60  
**D.O.E:** 10/5/09  
**Address:** 8502 E. Virginia Ave., Scottsdale AZ 85257

### • Client's Chief Concerns:

49 year old Rebecca Bahr states "I am not doing much of anything. I need to get to the dentist and I'm afraid to go." Ms. Bahr denies that she is nervous about leaving the house in general, but she states that she chronically feels "tired." Ms. Bahr states "I can't talk to people any more, and the thought of talking to anyone makes me feel tired and stupid." She adds, "People seem overwhelming - I'm fine by myself, its just when I have to talk to anyone - it takes so much energy, but I'm stupid and I think I can only go so long, and they won't like me - I'm afraid the dentist won't like me, and she's nice."

Ms Bahr states that her difficulties have plagued her throughout her life. She states that she would always try to get along with people, but "it just wouldn't work." [REDACTED]

[REDACTED]

### Background information: (only significant information presented)

- Birth & Early Childhood: unknown
- Family of origin history: [REDACTED]

[REDACTED]

• Developmental & academic history:

• Relationship/marital history:

• Vocational history:

Washing dishes is difficult, but takes a lot of concentration and "takes hours."

• Medical/health history:

• Prior psychiatric history:

• Legal history:

**Current status assessment:**

- Sensation and Perception: Ms. Bahr wears trifocal glasses; however she hasn't had a vision examination for about four years. She states that her hearing is "too good," and she is very sensitive to all kinds of sounds, even an ultrasonic cat deterrent machine that the family has (she says that she can both hear the noise of this machine and feel a vibration in her eardrum).
- Motor and Physical Function: ambulatory, but reports difficulties with fine motor control and hand usage. Ms. Bahr is observed to engage in a motor stereotypy, however, in which she raises

her right shoulder and grasps her left hand, repeatedly and typically when she must respond to a direct, verbal question.

- **Attention and Memory:** Ms. Bahr reports that it is hard for her to concentrate, and that she is forgetful about day to day things, in an absent-minded manner, but not about longer term information. There are no safety concerns related to her memory, such as forgetting to turn off the stove or oven.
- **Degree of assistance needed:** Ms. Bahr denies the need for assistance in her performance of activities of daily living.
- **Current medications:** none
- **Mood and vegetative functions:** Ms. Bahr reports that she usually goes to bed at about ten p.m., is able to fall asleep without difficulties, but has been awakening at about two a.m., following which she often stays up for hours at a time. [REDACTED]

- **Cognition and thought processes:** [REDACTED]
- **Chemical/substance use:** [REDACTED]
- **Effort testing:** Ms. Bahr's performance on Green's Medical Symptom Validity Test resulted in a profile of scores that suggested good effort and intact memory on both the Paired Associates and Free Recall subtests. Her responses to the Personality Assessment Inventory and other behavioral questionnaires produced validity indices that were within normal limits. It is concluded that Ms. Bahr attempted to provide honest and straightforward responses to all questions posed, and that her effort on the administered cognitive and neuropsychological test instruments is valid.

**Psychometric test findings:** [REDACTED]

[REDACTED]

[REDACTED]

Turning to an assessment of symptoms within the autism spectrum of disorders, Ms. Bahr responded to questions on the Autism-Spectrum Quotient questionnaire in a fashion that was significantly different from a normative population, and highly suggestive of the presence of Asperger Syndrome. Similarly, her performance on the Empathy Quotient was a well below average for the normative population, and at a level that approximated the 80th percentile for an Asperger Syndrome patient population. When these subtests were combined and evaluated on the Adult Asperger Assessment protocol, Ms. Bahr is found to meet diagnostic criteria for Asperger Disorder, according to DSM-IV, and to exceed the "CLASS Clinic Diagnostic Criteria" of the University of Cambridge's Autism Research Centre. Finally, Ms. Bahr's score on the "Reading the Mind in the Eyes" test resulted in a score that fell below the second percentile of the normative study population. This test was designed to assess the concept of "theory of mind" among adults, by assessing an individual's capacity for compassion and appreciation of the emotion conveyed by people's eyes.

[REDACTED]

[REDACTED] Clinical scale elevations suggested multiple concerns across both behavioral regulation and metacognitive scales. Ms. Bahr reports substantial challenges with mental flexibility and set shifting, as well as in her ability to maintain emotional regulation and control. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Mr. Bahr's report indicates substantial challenges in Ms. Bahr's completion of activities of daily living. [REDACTED]

[REDACTED]

**Diagnostic Impressions:** Ms. Bahr presents as a 49 year old woman who is experiencing an acute and significant level of psychological distress. She is found to clearly meet diagnostic criteria for Asperger's Disorder under both DSM-IV and the more restrictive CLASS criteria that have been developed for adults. [REDACTED]

[REDACTED]

**DSM-IV:**

Axis I: Asperger's Disorder, [REDACTED]

Axis II: [REDACTED]

Axis III: [REDACTED]

Axis IV: [REDACTED]

Axis V: [REDACTED]

**Recommendations:**

1. [REDACTED]
2. Ms. Bahr should also be seen by a psychiatrist familiar with Autism Spectrum Disorders, for initial treatment of her depressive symptomatology. [REDACTED]
3. Ms. Bahr would benefit from additional education about Asperger's Disorder and its symptoms. She is encouraged to contact the Southwest Autism Research and Resource Center ([www.autismcenter.org/](http://www.autismcenter.org/)) to learn of its available programming and support services. She may also enjoy the resources available through the Jessica Kingsley Publishers web site ([www.jkp.com](http://www.jkp.com)), such as the book *Pretending to be Normal*, by Liane Holliday Willey.

4. Additional support services are available through the Autism Society of Greater Phoenix ([www.phxautism.org/teen\\_adult\\_groups.html](http://www.phxautism.org/teen_adult_groups.html)), which offers adult oriented support services for individuals with Autism and Asperger's Disorder.

- 5.



A handwritten signature in black ink, which appears to read "Christopher J. Nicholls". The signature is fluid and cursive.

Christopher J. Nicholls, Ph.D.  
American Board of Pediatric Neuropsychology  
American Board of Professional Psychology (Clinical)