



**City of North Little Rock
Board of Zoning Adjustment Agenda
Thursday, April 30, 2026 - 1:30 PM
North Little Rock, City Council Chambers 300 Main St., NLR, AR, 72114**

Call to Order -

Roll Call and finding of a Quorum -

Approval of Minutes - March 19, 2026

Public Hearing Items -

- BOA 2026-06 -** 1305 Rockwater Lane, A variance from the area provisions of Section 4.1.3, R2: Single-Family District, to allow the placement of an accessory structure (swimming pool) with a reduced separation distance between structures and a reduced side yard setback.
- BOA 2026-07 -** 700 N Palm St, A variance from the area provisions of Section 5.11.6: Industrial Zoning Districts Requirements, to allow a fence to be placed in the front yard of an industrial zoned property and to also allow the fence to exceed the 6-feet height maximum in both the front and side yards of the same I2 zoned property.

Administrative -

Public Comment -

Adjournment -

Reminder -

- Turn off cell phones
- Board of Adjustment Hearing procedures on back of the Agenda
- Visitors sign-in with both name and address

Next Board of Zoning Adjustment Hearing Filing Deadline: May 01, 2026 - Hearing Date May 28, 2026

For the Board to grant a variance the applicant must first establish a hardship. A hardship should not be created by the owner, it should be due to unique circumstances existing on the property. For example, it must be demonstrated a strict enforcement of the Zoning Ordinance would prohibit the development of the property or no reasonable use of the property can be made.



**NORTH LITTLE ROCK
BOARD OF ZONING ADJUSTMENT
HEARING PROCEDURES
(1/1/2019)**

Order of the Public Hearing: The regularly scheduled public hearing is generally held on the last Thursday of each month at 1:30 PM in the North Little Rock, City Council Chambers 300 Main St, NLR, AR, 72114. All meetings are open to the public. Typical hearings begin with roll call and finding of a quorum, approval of the previous meeting minutes, correspondence and staff reports, committee reports, unfinished business, new business, public comment and adjournment.

Voting: There are five members of the Board. A quorum consists of three members present. "Robert's Rules of Order" apply unless the Board has outlined alternative procedures. All business must be approved by a minimum of three votes.

Procedure to allow a person to address or approach the Board:

1. No person shall address or approach the Board without first being recognized by the Chair.
2. After being recognized, each person shall state their name and address for the record.
3. All questions and remarks shall be addressed through the Chair.
4. All remarks shall be addressed to the Board as a whole and not to any individual Board member.
5. When a group of citizens are present to speak on an item, a spokesperson may be selected by the group to address the Board. If multiple individuals of the group desires to speak, the Chair may limit each presentation to three minutes.
6. No person other than members of the Board and the person having the floor shall be permitted to enter into any discussion, either directly, indirectly or through a Board member, without permission of the Chair.
7. Once the question has been called, no person in the audience shall address the Board on the matter at hand without first securing permission to do so by a majority vote of the Board.
8. At least 24-hours prior to the public hearing, anyone wishing to submit exhibits for the record shall provide staff with copies of the exhibits for each Board member, one copy of the exhibit for staff to place in the permanent file and one copy of the exhibit for the legal department.
9. At least 24-hours prior to the public hearing, anyone wishing to read a statement into the record shall provide staff with a written copy of the statement.

**North Little Rock Board of Zoning Adjustment
Minute Record Summary – March 19, 2026**

Chairman Tom Brown called the meeting of the North Little Rock Board of Zoning Adjustment to order at 1:30 P.M. in the Council Chambers, City Hall, 300 Main Street. Roll call found a quorum to be present; a quorum being three members present.

Members Present

Mr. Tom Brown, Chairman
Mr. Mike Abele
Mr. Tim Giattina, Vice-Chair
Mr. Steve Sparr

Members Absent

Mr. Gardner Burton

Staff Present

Tracy Spillman, City Planner

Others Present

Theresa Adams	5004 N Cedar, NLR, AR 72114
Bob Adams	5004 N Cedar, NLR, AR 72114
Kristi Aldridge	4908 N Cedar, NLR, AR 72114
Marcella Nofziger	5000 N Cedar, NLR, AR 72114
Nick Tucker	1522 S 2nd St, Cabot, AR 72023

Old Business

None

Administrative

None

Approval of Minutes

Approval of the minutes was moved to the end of the meeting

Public Hearing Items –

BOA 2026-04 – 5004 N Cedar, A variance from the area provisions of 5.11.4: Residential Zoning Districts Requirements, to allow front yard fence to be constructed of a material other than picket or ornamental iron style and exceed three and a half (3.5) feet in height on R4 zoned property.

Chairman Brown called the item and requested the applicant to come forward and provide the Commission with a statement of hardship. Property owner Ms. Theresa Adams explained that the fence had already been installed. She noted that the contractor was under the impression that a permit was not required. Following a complaint, the Zoning Code Enforcement Officer inspected the property and confirmed the fence did not meet the City's minimum code requirements. Ms. Adams was subsequently advised of the necessary steps to bring the structure into compliance.

Chairman Brown requested that the applicant provide a hardship justification. Ms. Adams stated that her husband's disability makes the backyard inaccessible, necessitating a front-yard enclosure for their dog. In response to an inquiry from

Mr. Able made an inquiry concerning the homes access points, Mr. Sparr noted that the current fence fails to meet aesthetic requirements and argued that a code-compliant alternative could have been installed. Neighboring property owners Ms. Kristi Aldridge and Ms. Marcella Nofziger both spoke in opposition to the variance. Ms. Adams noted that the mail service has been suspended since the installation of the fence though she suggested a curb-side mailbox might resolve the issue. Ms. Adams concluded by noting the contractor has agreed to secure the proper permits and modify the fence to meet city standards.

Chairman Brown questioned if any of the Board members had any additional questions or comments. There being none, he stated he would entertain a motion.

After the third request and the absence of a motion, Chairman Brown informed Ms. Adams the item failed for lack of a motion after which the Board moved to the next item on the agenda.

BOA 2026-05 - 2324 W 16th St, A variance request from the area provisions of Section 4.1.4: R3: Duplex District to allow a rear yard setback to be less than 25-feet.

Chairman Brown called the item and requested the applicant to come forward and provide the Commission with a statement of hardship. Mr. Nick Tucker of Tucker Land Surveying, representing the applicant, explained the history of the parcel, noting its small, nonconforming size. Mr. Tucker further explained that, in order to construct a new home with a design that would benefit both the property owner and the surrounding neighborhood, an encroachment into the rear yard setback would be necessary.

The Board briefly discussed the area, project, and lot sizes amongst themselves.

Chairman Brown questioned if any of the Board members had questions or comments. There being none, he stated he would entertain a motion. Mr. Sparr provided a motion to approve the variance as submitted. Mr. Giattina provided a second to the motion. By a roll call vote, all members present voted in the affirmative, and the motion was approved.

Approval of Minutes

Chairman Brown called for a motion for approval of the previous meetings minutes Mr. Giattina formed a motion to approve the minutes from the February 26, 2026 meeting. Mr. Sparr provided a second to the motion. Chairman Brown called for a vote, all members present voted in the affirmative, the motion was approved

Public Comment, Old Business, Administrative and Adjournment

There being no further business before the Board, Chairman Brown moved to adjourn; Mr. Sparr formed a motion to adjourn, all members present voted in the affirmative, the motion was approved. The meeting was adjourned at 1:49 pm.

Respectively submitted:

D. Tracy Spillman, PLA
City Planner / Landscape Architect

BOA #2026-06
April 30, 2026

Variance Requested: A variance from the area provisions of Section 4.1.3, R2: Single-Family District, to allow the placement of an accessory structure (swimming pool) with a reduced separation distance between structures and a reduced side yard setback.

Location of the Request: 1305 Rockwater Lane, North Little Rock, AR 72116

Legal Description of the Property: Lot 2, Rockwater Village, Phase 4, Lots 1-7 & Replat of Rockwater Village Phase 2, North Little Rock, Arkansas

Owner Bryan and Jennifer Barnhouse

Applicant: Coburn Construction / Sam Coburn

Present Use of the Property: Residential

Present Zoning of the Property: R2: Single-Family District

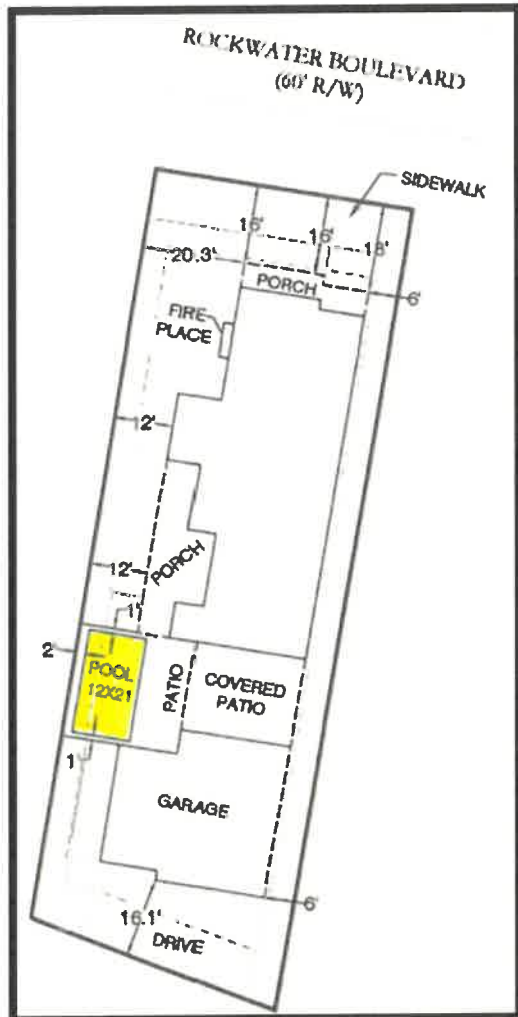
Site Characteristics:

The subject property is occupied with a single-family residential structure located within the Rockwater Village development. The site is situated north and east of the Arkansas River, south of the intersection of W 4th and Parker Streets, and west of the roundabout at Pike Avenue and Riverfront Drive. The residence was completed in 2025. While the property has been improved with a single-family dwelling, the surrounding development is characterized by mixed-residential density. This includes a combination of duplexes, garden homes, and multi-family apartment complexes. The property maintains a dual-frontage configuration; the primary facade and entrance are oriented toward Rockwater Boulevard, whereas the rear portion of the lot is accessed via secured gates. Consistent with the recorded plat, the rear of the home utilizes Rockwater Lane for its official mailing address and primary vehicular access.

Surrounding Land Use and Zoning

<u>Direction</u>	<u>Surrounding Zoning</u>	<u>Surrounding Uses</u>
North	ROW / RU: Residential Urban District	Single-family
South	R2: Single-family District	Single-family
East	R2: Single-family District	Single-family
West	R2: Single-family District	Undeveloped

Justification: The applicant's justification is presented in an attached letter.



Staff Analysis:

The Rockwater development utilizes diverse zoning classifications to foster a pedestrian-oriented neighborhood. Although the single-family lots adjacent to Rockwater Lane are zoned R2, they were platted with non-typical setbacks. Side yards are reduced to 5 feet, front yards to 15 feet, and rear yards to 10 feet. This allows larger homes to function with a traditional RU configuration, where residences are positioned closer to front property lines. While the subject parcel's side yard setbacks (6 feet to the east and 12 feet to the west) adhere to R2 standards, the front porch and rear garage are located within 16 feet of the property lines. Although these placements do not meet R2 requirements, they are within the boundaries of the approved plat and maintain a denser RU aesthetic

The applicant's letter of hardship, cites the need to maximize the limited space of this small lot to provide a swimming pool that's meets their therapeutic requirements for aging in place. Consequently, the applicant is requesting a variance to encroach on the side yard setback and reduce the building separation requirement to install a 12x21-foot in-ground swimming pool within the rear yard. Due to existing lot coverage, available space for accessory structures

is limited. The homeowner proposes locating the pool within the existing 12-foot side yard, positioned 1-foot from both the primary residence and the attached garage. To accommodate necessary decking, the pool would also encroach into the side yard setback shown to be located 2 feet from the western property line.

As per Section 4.1.5 of the R2 standards, accessory structures must maintain a 10-foot separation from all other buildings. In addition,



the approved plat requires a 5-foot side yard. The applicant seeks to reduce the building separation by 9-feet providing a 1-foot building separation on the north and south edges of the pool and reduce the side yard set back by 3-feet providing a 2-foot setback to maximize the buildable area and provide a pool that would adequately meet their needs.



A hardship is a special circumstance, which makes it very difficult for a particular project to meet the Zoning Ordinance requirement. Special circumstances are not interpreted to be something intangible, such as lack of knowledge of the code or misinformation at the time of purchase or construction. A hardship generally occurs when the physical characteristics of a property are such that it cannot be

developed as permitted by the zoning ordinance. A hardship may be created by surroundings, shape or topographical conditions particular to the specific property. A hardship cannot be self-imposed, or the result of the property owners own action.

Variances should only be granted when the Board can determine the spirit of the zoning ordinance is observed, public safety is secured and substantial justice is done. Variance may be granted by the Board when the property owner can provide a unique circumstance existing on the property, the unique circumstance was not created by the owner of the property, and is not due to or the result of general conditions in the zoning district in which the property is located. The development or use of the property for which the variance is sought, if limited by a literal enforcement of the provision of the zoning ordinance cannot yield a reasonable return in service, use or income as compared to adjacent conforming property in the same zoning district.

Board to Consider:

1. Is the variance being sought due to unique circumstances existing on the property, the unique circumstances were not created by the owner of the property, and are not due to or the result of general conditions in the district in which the property is located? Possibly, the home and its amenities were constructed leaving little space to expand or add accessory structures in the rear yard of the property.

2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? No, the property is residential and will remain residential. The addition of the swimming pool will have little to no impact on the adjacent properties.
3. Will approval of the variance alter the essential character of the district? No, the addition of the swimming pool will have little or no impact on the character of the district.
4. Will approval of the variance weaken the general intent and purpose of the land use and zoning plan? No, zoning and land use will remain the same.
5. Will the approval of the variance be in harmony with the spirit of the ordinance? Yes, the variance process requires the applicant to show a valid hardship based on the shape of the lot or topography of the lot. The platting of the lot and the existing single-family residence has created limited space in the rear yard to allow the placement of the proposed swimming pool.
6. Will the approval of the variance adversely affect public health, safety, and general welfare? No, there will be no impact on public health, safety and general welfare of the neighborhood or the City.

Approval Allows:

1. Approval will allow the placement of an accessory structure (swimming pool) with a minimum separation distance of 1-foot from the south side of the house and 1-foot from the north side of the garage, and to also encroach into the 5-foot side yard setback 3-feet as indicated on the attached site plan and as described above.
2. Approval of this variance request is valid for 180-days from date of approval. If a building permit is not secured within the 180-day period, approval becomes invalid unless, the Board of Zoning Adjustment has approved a request for a time extension. All requests for time extension must be made prior to the expiration of the Board's approval.

March 12, 2026

Board of Zoning Adjustment
City of North Little Rock
City Services Building
700 W. 29th Street
North Little Rock, AR

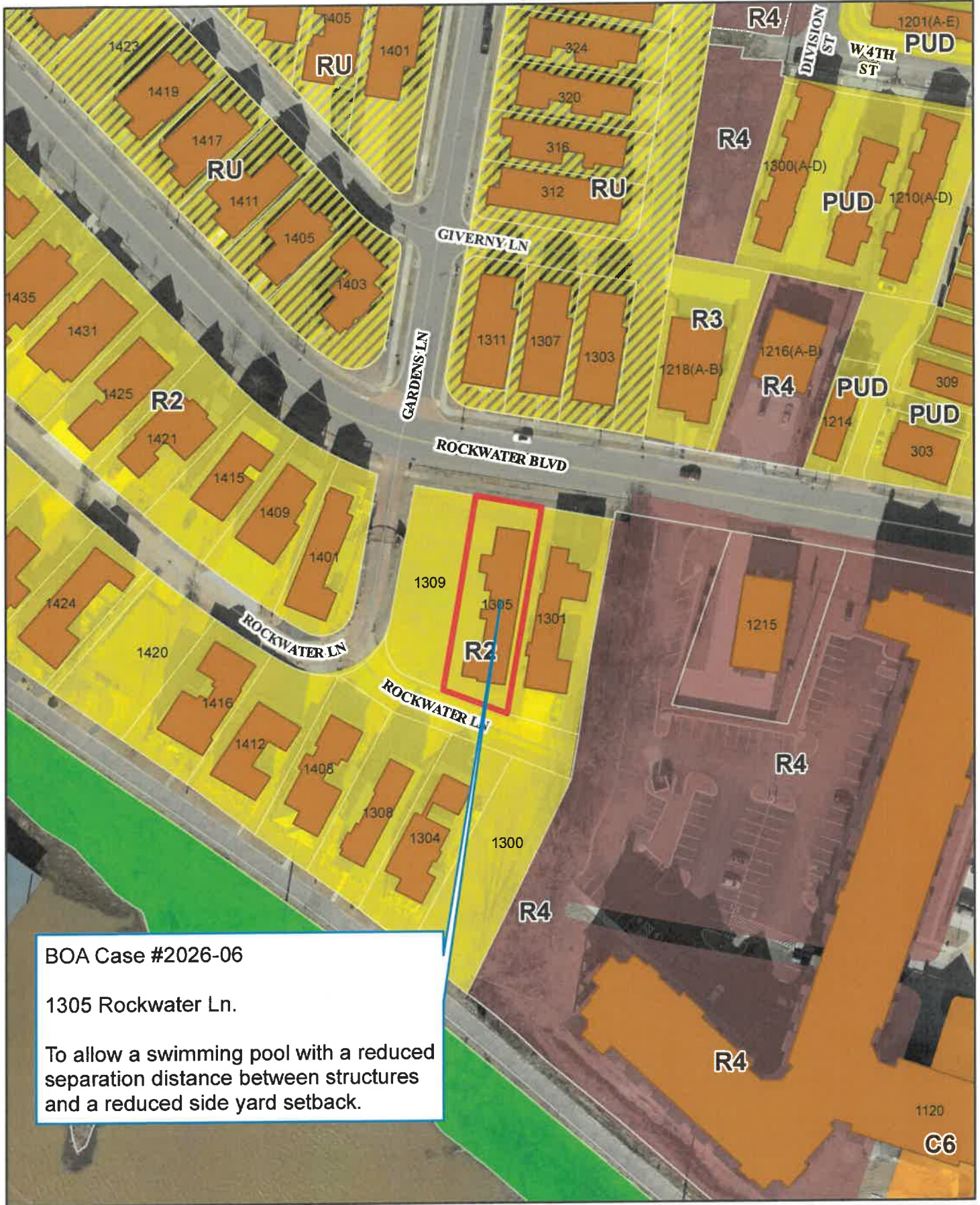
Dear Board Members,

As property owners of 1305 Rockwater Lane in North Little Rock, we appreciate your consideration of our request for a variance regarding our proposed pool. Your approval would maximize the limited space available on the small lot and support our need for therapy as we strive for health and mobility while aging in place. We adore our new city, community, and home and would be grateful to you for granting our request.

Thank you,


Bryan and Jennifer Barnhouse

North Little Rock Board of Adjustment



BOA Case #2026-06

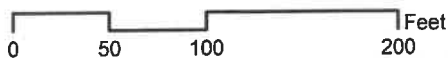
1305 Rockwater Ln.

To allow a swimming pool with a reduced separation distance between structures and a reduced side yard setback.

BOA CASE #2026-06

Date: 4/8/2026

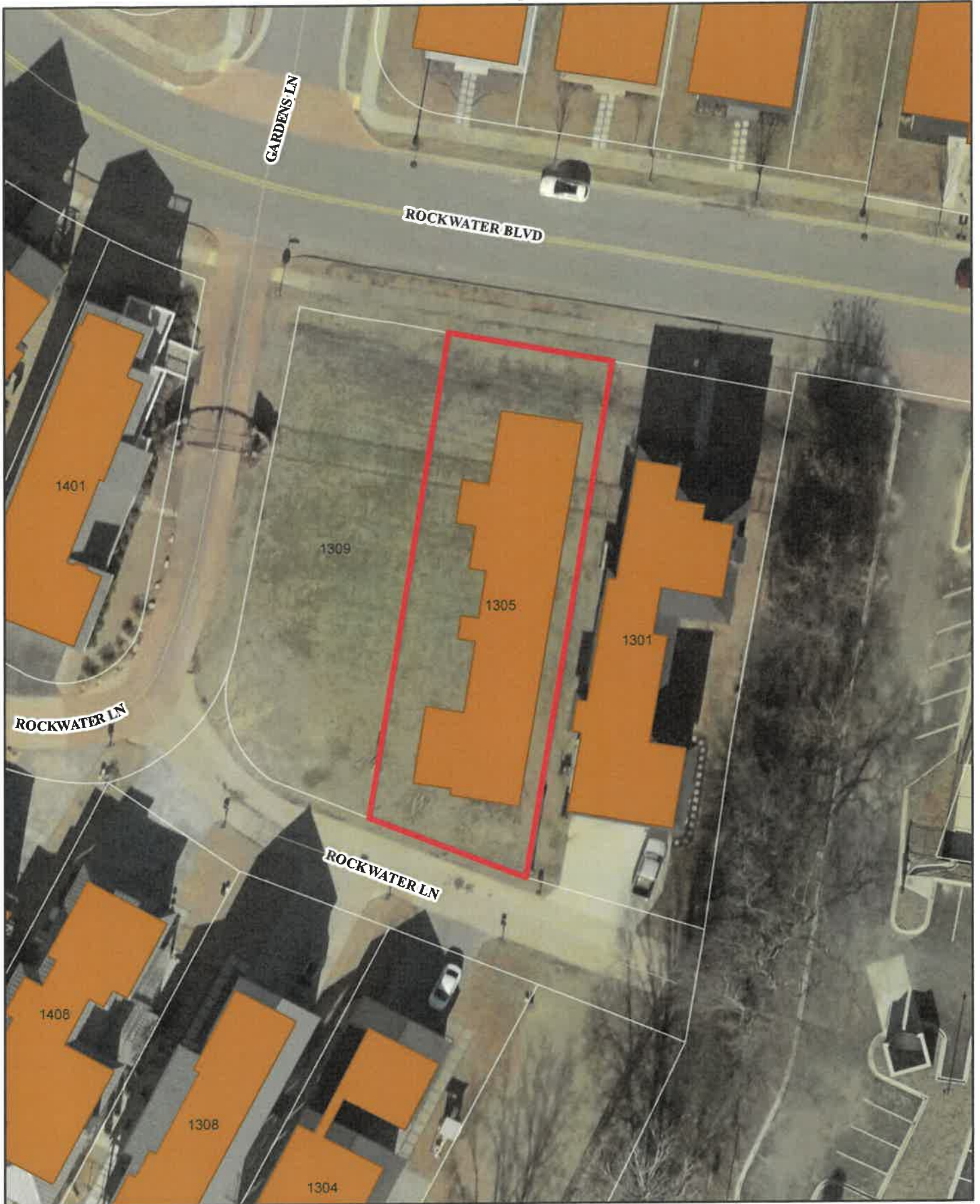
1 inch = 100 feet



User: JHale



North Little Rock Board of Adjustment



BOA CASE #2026-06

Date: 4/8/2026

1 inch = 40 feet

0 20 40 80 Feet



User: JHale



GNE

Designing our client's success

P.O. Box 116

3825 Mt Carmel Rd

Benton, AR 72018

Bryant, AR 72022

Ph (501) 408-4650

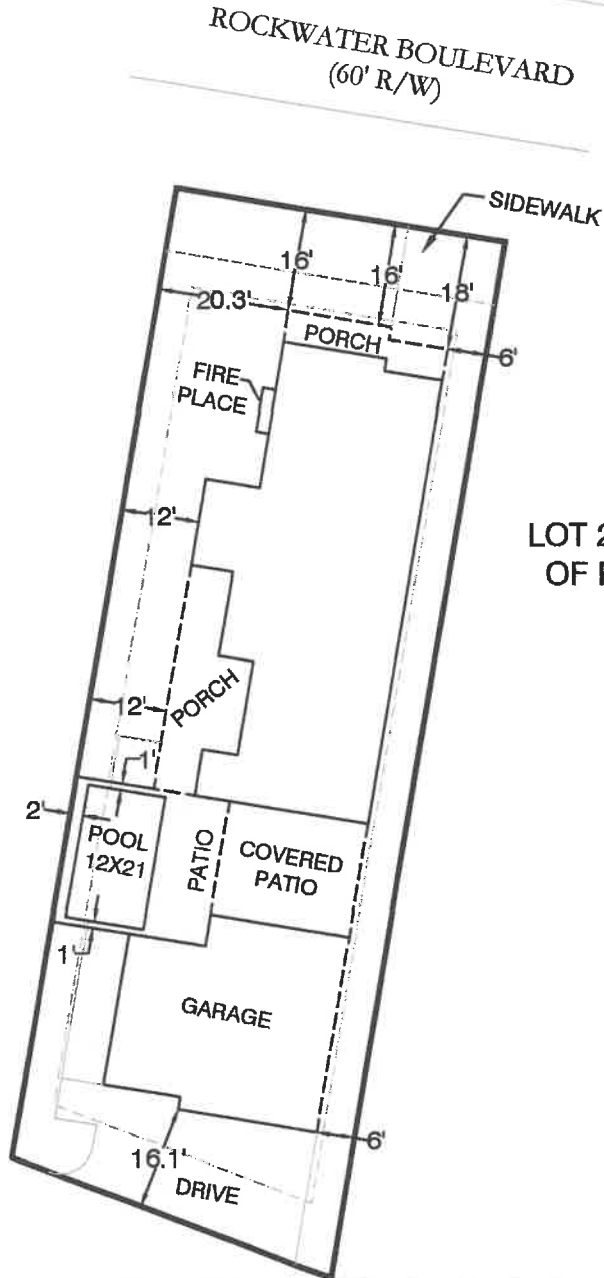
garnatengineering@gmail.com

FOR EXCLUSIVE USE & BENEFIT OF:

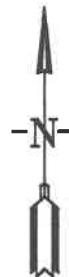
Name: ROGER COBURN

LEGEND

- △ - Computed point
- - Found monument
- ⊙ - Set #4 RB/Plas. Cap
- (M)-Measured
- (R)-Record
- (P)-Platted



PROPERTY DESCRIPTION:
LOT 2, ROCKWATER VILLAGE, PHASE 4, LOTS 1-7 & REPLAT
OF ROCKWATER VILLAGE PHASE 2, NORTH LITTLE ROCK
ARKANSAS



JOB NUMBER:

**24166
ROCKWATER
VILLAGE
PHASE 4**

03/04/2026

PLOT PLAN

This Plot Plan depicts the lot as it appears on the subdivision final plat. This drawing does not represent an actual survey.

According to the the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for Pulaski County unincorporated areas, panel # 05119C0343G dated 7/6/15, no portion of the property described hereon does lie within the 100 year flood hazard boundary.

April 6, 2026

Board of Zoning Adjustment
City of North Little Rock
City Services Building
700 W. 29th Street
North Little Rock, AR

Dear Board Members,

As property owners of 1305 Rockwater Lane in North Little Rock, please know that Coburn Construction is acting as our representative on variance request on BOA Case #BA2026-06

Thank you,

A handwritten signature in blue ink, appearing to read "Bryan and Jennifer Barnhouse". The signature is fluid and cursive, with the first names being more prominent.

Bryan and Jennifer Barnhouse

Variance Requested: A variance from the area provisions of Section 5.11.6: Industrial Zoning Districts Requirements, to allow a fence to be placed in the front yard of an industrial zoned property and to also allow the fence to exceed the 6-foot height maximum in both the front and side yards of the same I2 zoned property.

Location of the Request: 700 N Palm St, North Little Rock, AR 72114

Legal Description of the Property: PT BLK 2 BEG NE COR BLK 7 N0*37' E 379 9' TO S R/W IND SPUR MOP RR & ST L SW - SW ON SPUR 481 1'S 89* 40' E20.9' N16.1' S89* 40'E212' TO BEG

Owner WTF Holdings Inc

Applicant: Ben Talley

Present Use of the Property: Warehouse/Office

Present Zoning of the Property: I2, Light Industrial District

Site Characteristics: The subject property is situated east of Interstate 30, west of Highway 161, south of the Union Pacific Railroad easement, and north of East Broadway. This 1.58-acre, triangular-shaped parcel is positioned at the southwest corner of North Palm and East 8th Streets. It is bordered by a railroad easement to the north and west, the Palm Street right-of-way to the east, and an industrially zoned property to the south. While most adjacent properties are utilized for industrial purposes, two uncharacteristic developments sit to the southeast: the Hemlock Courts multi-family complex and a public-institutional property known as the Center for Vincentian Lay Missioners (VLM), which fronts East 4th Street

Surrounding Land Use and Zoning

<u>Direction</u>	<u>Surrounding Zoning</u>	<u>Surrounding Uses</u>
North	I2 - Light Industrial District	Railroad Easement / ROW / Storage Warehouse
South	I2 Light Industrial District	Storage Warehouse
East	I2 - Light Industrial District	ROW / Undeveloped
West	I2 - Light Industrial District	Railroad Easement Storage Warehouse

Justification: The applicant's justification is presented in an attached letter.



Staff Analysis:

The property under review features a fence that maintains a perimeter adjacent to the property lines, completely surrounding the parcel. While the existing 6-foot-high barrier previously met code requirements for side-yard and rear-yard areas, the 6-foot-high fence in the front of the property was permitted to remain only as a legal nonconforming structure. Seeking to repair the structure and increase the height on all sides, the owner retained a contractor who failed to submit plans for review or secure the necessary permits. Consequently, the property owner was informed of and directed toward the correct regulatory processes and code requirements concerning barrier installation.

The existing fence in the rear-yard was noted to be 8 feet in height, and the contractor performed repairs maintaining that same elevation. The fences in the side-yard areas and across the front property line were noted to be 6 feet in height. Although the front-yard fence was previously allowed as a legal nonconforming structure, the recent repairs and the request for increased height now

necessitate a variance to allow the structure to remain and be reconfigured in a manner that does not meet current code requirements.

The applicant is seeking a variance to allow the placement of a fence within the front-yard area and to increase the height of the side-yard fence on an industrially zoned (I-2) property. The proposal includes installing an 8-foot-tall chain-link fence topped with three strands of barbed wire, for a total height of approximately 9 feet. This request encompasses the entire perimeter of

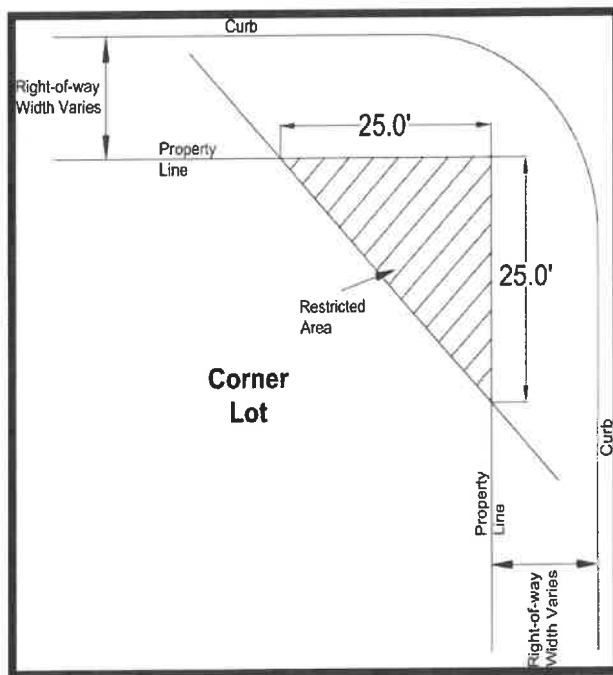
the property; this includes the rear-yard fence, which requires approval because the proposed height exceeds the 8-foot limit for rear-yard structures.

Approximately 1,100 linear feet of fencing is proposed to enclose the three-sided property, including approximately 400 feet of street frontage along N Palm Street. The remainder of the enclosure will be located at the side-yard and rear-yard of the property. This requires additional variance approval to increase the side-yard fence from 6 feet to 9 feet (including barbed wire) and to increase the height of the rear-yard fence from 8 feet to 9 feet to accommodate the additional barbed wire.

While fences up to 6 feet in height are permitted in side-yard areas, fencing is generally prohibited within the front-yard of properties zoned I-2 per code regulations. Citing security concerns in the letter of hardship the applicant is requesting approval to install fencing consistent with the existing chain-link and barbed-wire structures found on neighboring properties along N Palm Street. Because the proposed fence is located near the intersection of N 8th Street, the railroad easement, and N Palm Street, it must not obstruct the sight triangle and must comply with all applicable regulations. The owner / contractor are responsible for verifying property lines to ensure the structure is situated within property boundaries in accordance with zoning code setback requirements.

Section 5.11.6 - Industrial Zoning Districts Requirements

- A. Side yard fences shall not exceed six (6) feet in height.*
- B. Rear yard fences shall not exceed eight (8) feet in height.*
- C. Front yard fences are not allowed.*



- D. Fences in Industrial Zoning Districts shall require Commercial Plan Review.*

Section 5.24 – Unobstructed Vision at Street Intersections (Sight Triangle)

- A. Public safety requires clear views near street intersections. Within this sight triangle there shall be no obstruction to vision between a height of two (2) feet and a height of nine (9) feet above the average grade of each street at the centerline of the street. Street name signs, fire hydrants, street lighting poles and associated appurtenances thereto shall be permitted within this area.*

- B. The sight triangle is measured from the intersection of the two (2)*

property lines, a distance of twenty-five (25) feet along each property line.

5.11.8: Barbed Wire Fences

A. Barbed wire may be permitted in the rear and side yards of Industrial Zoned Districts and C4 Zoning Districts.

B. Barbed wire shall be vertical or inclined inward to the property when it is located on a property line.

C. The total height, including the barbed wire shall not exceed the permitted total height allowed by the Zoning District.

D. Fences in Industrial and Commercial Zoning Districts shall require Commercial Plan Review.

A hardship is a special circumstance, which makes it very difficult for a particular project to meet the Zoning Ordinance requirement. Special circumstances are not interpreted to be something intangible, such as lack of knowledge of the code or misinformation at the time of purchase or construction. A hardship generally occurs when the physical characteristics of a property are such that it cannot be developed as permitted by the zoning ordinance. A hardship may be created by surroundings, shape or topographical conditions particular to the specific property. A hardship cannot be self-imposed, or the result of the property owners own action.

Board Member's to Consider:

1. Is the variance being sought due to unique circumstances existing on the property, the unique circumstances were not created by the owner of the property, and are not due to or the result of general conditions in the district in which the property is located? No, the applicant trying to prevent any future break-ins or vandalism to the property.
2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? No, the fence will have no impact on the adjoining properties.
3. Will approval of the variance alter the essential character of the district? No, if the property were located in an industrial subdivision, fences would be allowed in the front yard.
4. Will approval of the variance weaken the general intent and purpose of the land use and zoning plan? No, there is no change to the land use plan or zoning plan for the area.
5. Will the approval of the variance be in harmony with the spirit of the ordinance? No, the zoning ordinance does allow for industrial zoned properties outside of industrial subdivisions to place fences within the front yard.
6. Will the approval of the variance adversely affect public health, safety, and general welfare? No, the approval of the variance will not have an impact on public health, safety or the general welfare of the citizens of the area.

Approval Allows:

1. Approval will allow the placement of a chain link fence 8-feet in height with 3-strands of barbed wire at the top for a total height of approximately 9-feet in height in the front, side, and rear yards of the property as indicated on the site plan and as described above.
2. Approval of this variance request is valid for 180-days from date of approval. If a building permit is not secured within the 180-day period, approval becomes invalid unless, the Board of Zoning Adjustment has approved a request for a time extension. All requests for time extension must be made prior to the expiration of the Board's approval.

Approval Allows:

1. Approval will allow the placement of a chain link fence 8-feet in height with 3-strands of barbed wire at the top for a total height of approximately 9-feet in height in the front and side and rear yards of the property as indicated on the site plan and as described above.
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Letter of Hardship
700 N Palm St

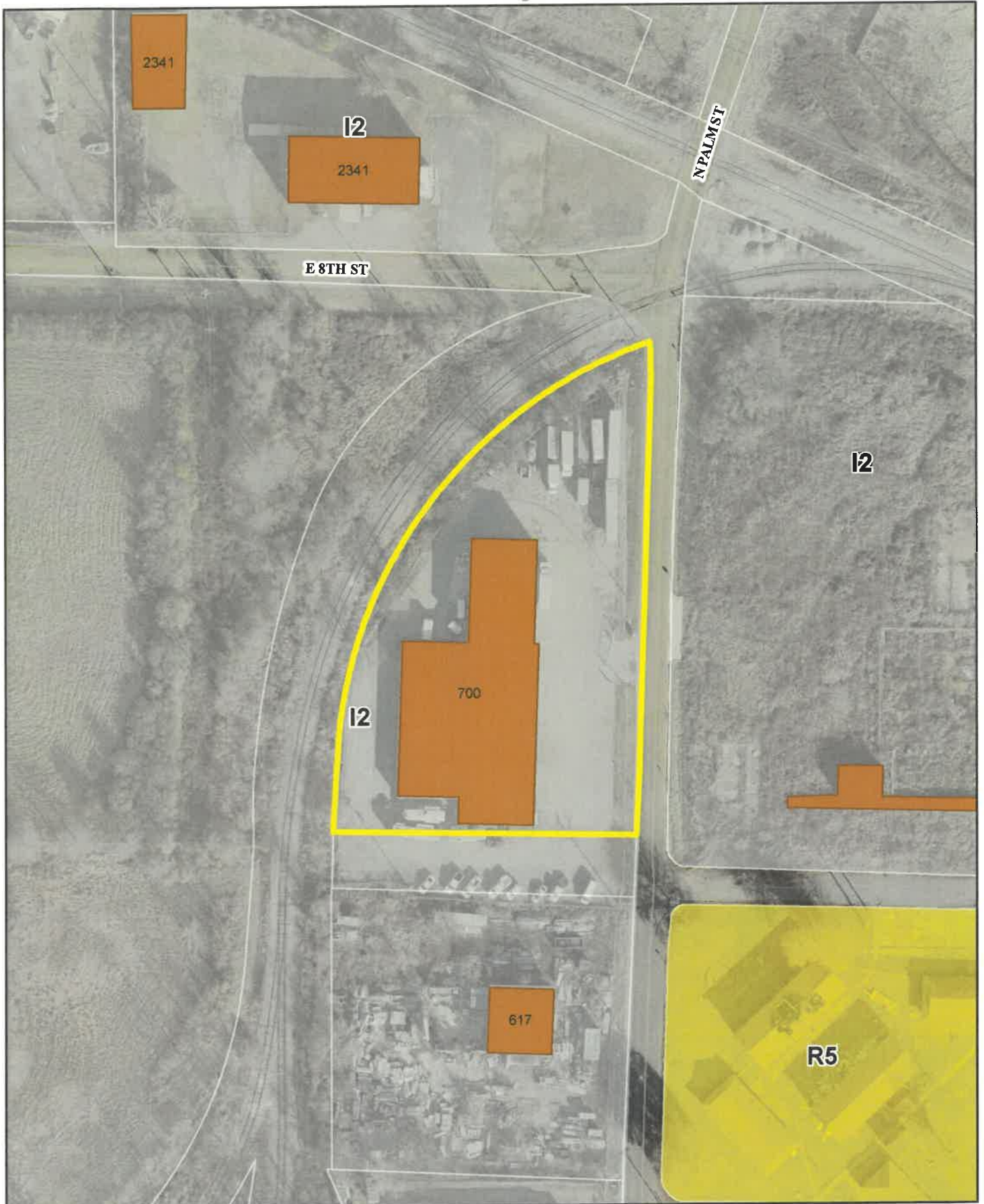
We are requesting to improve our existing fence up to 8ft chain link with stranded barbed wire at the top.

We believe this is necessary due to security concerns. We have had instances of theft and vandalism on our property in past.

Also the eight foot construction would match other commercial properties on this block of N Palm st

Ben Talley

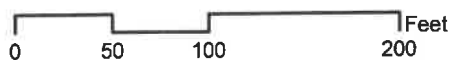
North Little Rock Board of Adjustment



BOA CASE #2026-07

Date: 4/8/2026

1 inch = 100 feet



User: JHale



North Little Rock Board of Adjustment



BOA CASE #2026-07

Date: 4/8/2026

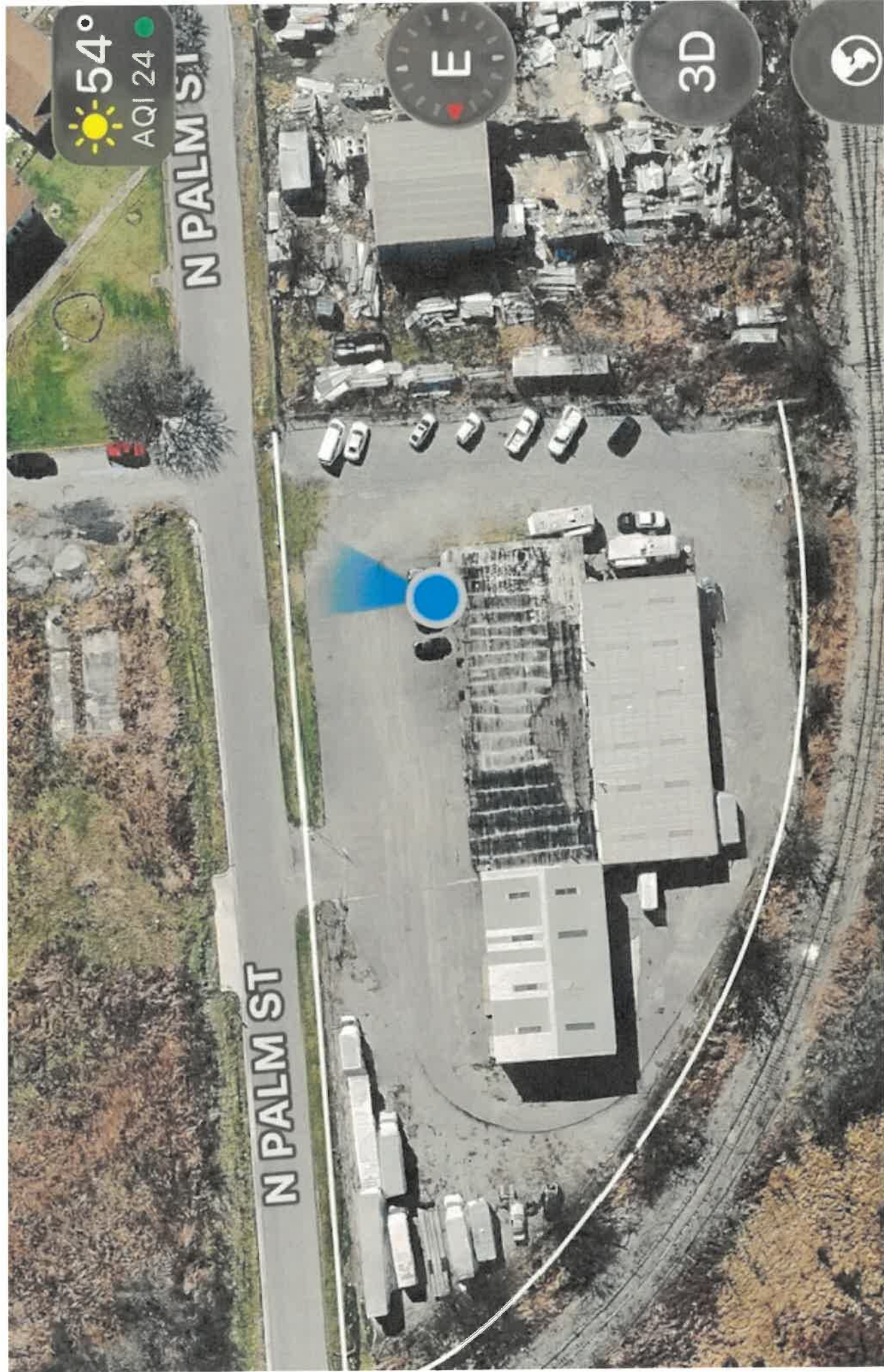
1 inch = 50 feet

0 25 50 100 Feet



User: JHale





54°

AQI 24

E

3D

N PALM ST

N PALM ST