



**City of Broken Arrow**  
**Board of Adjustment**  
**Minutes**

City Hall  
220 S 1st Street  
Broken Arrow, OK 74012

**Judd Hatch Chairman**  
**George Ghesquire Vice Chair**  
**Kamara Washington Board Member**  
**Rebecca Hinkle Board Member**  
**Michelle Bergwall Board Member**

**Monday, March 9, 2026**

**Board Chambers**

**1. Call to Order**

Chairman Judd Hatch called the meeting to order at 5:00 p.m.

**2. Roll Call**

**Present: 4 -** George Ghesquire, Kamara Washington, Rebecca Hinkle, Judd Hatch  
**Absent: 1 -** Michelle Bergwall

**3. Consideration of Consent Agenda**

**A. 26-375 Approval of Board of Adjustment meeting minutes of February 9, 2026**

MOTION: A motion was made by Rebecca Hinkle, seconded by Kamara Washington  
**Move to Approve Consent Agenda**

The motion carried by the following vote:

**Aye: 4 -** George Ghesquire, Kamara Washington, Rebecca Hinkle, Judd Hatch

**4. Public Hearings**

**A. 26-378 Public hearing, consideration, and possible action regarding VAR-002667-2025, 202 Elgin Apartments approximately 0.24 acres, Downtown Residential Overlay District 5, request a variance from Section V of the Downtown Residential Overlay District regulations to modify driveway width, located approximately one-half mile north of West Houston Street (81st Street), and one-half mile west of 9th Street (177<sup>th</sup> East Avenue)**

Jose Jimenez, Planner II, presented Item 26-378, introducing a variance request for the Elgin Apartments project at 202 Elgin within the Downtown Residential Overlay District. The request sought a variance to modify the driveway width requirements for the development. However, the applicant asked that the item be continued to the next Board of Adjustment meeting in order to resolve outstanding legal issues related to the property. Staff recommended continuing the item to the April 13, 2026 meeting, and a motion and a second were made to approve the continuance.

Frank Horton reiterated his opposition, explaining that he invested significant time and money to ensure his property complied with the Downtown Residential Overlay District (DROD) standards and relies on the city to consistently enforce those regulations, particularly since there is no homeowners association in the area. While he supports development and recognizes developers' pursuit of profit, he argued that some projects are proposed knowing they do not meet existing standards and then seek variances to increase profitability. Mr. Horton warned that repeatedly granting such variances could gradually undermine the intent and protections of the DROD, and he urged the Board to uphold the ordinance to maintain trust and consistency for property owners in the district.

MOTION: A motion was made by Rebecca Hinkle, seconded by Kamara Washington  
**Move to Continue Item 26-378 VAR-002667-2025, 202 Elgin Apartments, approximately 0.24 acres, Downtown Residential Overlay District 5, request a variance from Section V of the Downtown Residential Overlay District regulations to modify driveway width, located approximately one-half mile north of West Houston Street (81st Street), and one-half mile west of 9th Street (177<sup>th</sup> East Avenue)**

The motion carried by the following vote:

**Aye: 4 -** George Ghesquire, Kamara Washington, Rebecca Hinkle, Judd Hatch

**B. 26-377**

**Public hearing, consideration, and possible action regarding VAR-002593-2025, Ft. Worth Apartments approximately 0.32 acres, Downtown Residential Overlay District 5, request a variance from Section V of the Downtown Residential Overlay District regulations to modify driveway width, located approximately one-fourth mile north of West Houston Street (81st Street), and one-half mile west of 9th Street (177<sup>th</sup> East Avenue)**

Jose Jimenez, Planner II, presented Item 26-377, a request for a variance for the Fort Worth Apartments project at 202 East Fort Worth Street, a proposed 15-unit multifamily development on four original town site lots totaling about 14,000 square feet in the Downtown Residential Overlay District. The variance seeks to reduce the required driveway width from the ordinance standard to 20 feet in order to accommodate the necessary 15 parking spaces. Staff determined that the request meets the four required findings for a variance: the narrow town-site lots create an unnecessary hardship, the conditions are unique to the property, the change would not harm the public interest, and aligns with the district's goal of encouraging dense housing, and the request represents the minimum variance needed. Fire access can still be provided from an adjacent street, and compliance will be verified during site plan review. Staff therefore recommended approval of the variance, noting that a letter had been received and a member of the public wished to speak on the item.

Justin DeBruin of Wallace Design Collective spoke on behalf of the applicant, explaining that the proposed project is a three-story flats-style apartment building on a relatively small site at the northeast corner of First and Fort Worth. The applicant is requesting a variance to allow a 20-foot driveway instead of the 26-foot width required in the Downtown Residential Overlay District. He noted that the narrower driveway would function as a one-way drive while still accommodating the required parking and that the design was developed in coordination with city staff, engineering, and the fire marshal, who determined that adequate fire apparatus access is available. Mr. DeBruin also stated that similar 20-foot or narrower driveways exist nearby, and he believes the request aligns with the Comprehensive Plan and the general standards of the surrounding area.

Frank Horton, a nearby property owner at 222 East Detroit Street, spoke in opposition to the variance request. He argued that variances should only be granted when a genuine hardship tied to the property itself prevents compliance with zoning regulations, not for developer convenience, increased density, or cost savings. Mr. Horton stated that the requested reduction in driveway width is driven by the scale and design of the proposed development rather than any inherent limitation of the property and could be avoided by reducing or reconfiguring the project. He expressed concern that granting the variance would undermine the standards established for the Downtown Residential Overlay District, create potential safety issues, set a precedent for further deviations, and introduce uncertainty for nearby homeowners who rely on consistent enforcement of zoning regulations to protect neighborhood stability and property values. He urged the Board to deny the request.

Justin DeBruin responded that the hardship arises from the Downtown Residential Overlay District's uniform 26-foot driveway requirement, which applies to both one-way and two-way drives. He explained that elsewhere in the city, one-way drives typically require about 20 feet, making the 26-foot standard excessive for this project. He stated that the proposed 20-foot driveway, designed as a one-way drive with angled parking, is consistent with common standards and comparable to nearby developments, and therefore represents a reasonable compromise for the site.

Jose Jimenez explained that the Downtown Residential Overlay District (DROD), adopted around 2005–2006, functions similarly to a form-based code, with development standards based on building type rather than traditional zoning measurements. Within the DROD, different residential types—such as duplexes, row houses, and flats—have different requirements. Row houses, where each unit extends from ground to roof, are allowed a 20-foot driveway width, while flats, which contain stacked units on multiple floors, require a minimum 26-foot driveway. He noted that the ordinance does not specify whether the driveway is one-way or two-way, and the wider requirement likely assumes two-way traffic. The applicant's project qualifies as flats, which is why the 26-foot standard applies, even though a similar row house development with the same number of units could have a 20-foot driveway.

**MOTION: A motion was made by Kamara Washington, seconded by Rebecca Hinkle Move to Deny Item B. 26-377 VAR-002593-2025, Ft. Worth Apartments, approximately 0.32 acres, Downtown Residential Overlay District 5, request a variance from Section V of the Downtown Residential Overlay District regulations to modify driveway width, located approximately one-fourth mile north of West Houston Street (81st Street), and one-half mile west of 9th Street (177<sup>th</sup> East Avenue)**

The motion carried by the following vote:

**Aye: 2 -** Rebecca Hinkle, Kamara Washington  
**Nay: 1 -** Judd Hatch  
**Abstain: 1 -** George Ghesquire

**5. General Board Business - NONE**

**6. Remarks, Inquiries, and/or Comments by the Board and/or Staff (No Action) - NONE**

**7. Adjournment**

The meeting was adjourned at approximately 5:26 p.m.

MOTION: A motion was made by Rebecca Hinkle, seconded by Kamara Washington  
**Move to adjourn**

The motion carried by the following vote:

**Aye: 4 -**

George Ghesquire, Kamara Washington, Rebecca Hinkle, Judd Hatch