



**City of Broken Arrow**  
**Meeting Agenda**  
**Board of Adjustment**

City of Broken Arrow  
Council Chambers  
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*

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**Monday, May 11, 2026**

**5:00 PM**

**Council Chambers**

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**1. Call to Order**

**2. Roll Call**

**3. Consideration of Consent Agenda**

**4. Public Hearings**

- A. [26-662](#) Withdraw Variance VAR-002667-2025, 202 Elgin Apartments, approximately 0.24 acres, Downtown Residential Overlay District 5, located one-half mile north of Houston Street (81st Street), one-half mile west of 9th Street (177th E Ave/Lynn Lane)
- B. [26-661](#) Appeal (APPL-002751-2026) of a Zoning Violation (ZON-025340-2025), D&B Processing, 2.8 acres, IL (Industrial Light), located one-third mile west of Evans Road (225th E. Avenue), one-half mile north of New Orleans Street (101st Street)

**Attachments:** [2-Location Map](#)  
[3-ZONING VIOLATION LETTER \(D&B Processing\) ZON-025340-2025](#)  
[4-Notice of Appeal](#)

**5. General Board Business**

**6. Remarks, Inquiries, and/or Comments by the Board and/or Staff (No Action)**

**7. Adjournment**

**NOTICE:**

- 1. IF YOU HAVE A DISABILITY AND NEED ACCOMMODATION IN ORDER TO PARTICIPATE IN THE MEETING, PLEASE CONTACT COMMUNITY DEVELOPMENT AT 918 259 8412 TO MAKE ARRANGEMENTS.**
- 2. EXHIBITS, PETITIONS, PICTURES, ETC. PRESENTED TO THE BOARD OF ADJUSTMENT MAY BE RECEIVED AND DEPOSITED IN CASE FILES TO BE MAINTAINED AT BROKEN ARROW CITY HALL.**
- 3. RINGING/SOUND ON ALL CELL PHONES AND PAGERS MUST BE TURNED OFF DURING THE MEETING.**

**A paper copy of this agenda is available upon request.**

**POSTED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m.**

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**City Clerk**



# City of Broken Arrow

## Request for Action

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**File #:** 26-662, **Version:** 1

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**Broken Arrow Board of Adjustment  
05-11-2026**

**To:** Chairman and Board Members  
**From:** Development Services Department  
**Title:**

Withdraw Variance VAR-002667-2025, 202 Elgin Apartments, approximately 0.24 acres, Downtown Residential Overlay District 5, located one-half mile north of Houston Street (81st Street), one-half mile west of 9th Street (177th E Ave/Lynn Lane)

**Background:**

**Applicant:** Danyell Blankenship & Bill Diedrich, Route 66 Engineering  
**Owner:** Matthew Reavis  
**Developer:** NA  
**Surveyor:** N/A  
**Location:** One-half mile north of Houston Street (81st Street), one-half mile west of 9 Street (177th E Avenue/Lynn Lane)  
**Size of Tract:** 0.24 acres  
**Number of Lots:** 1  
**Present Zoning:** DROD - Area 5  
**Comp Plan:** Level 2 (Urban Residential)

The applicant has requested that VAR-00266-2025 be withdrawn.

**Attachments:** None

**Recommendation:**  
No action required.

**Reviewed by:** Jane Wyrick

**Approved by:** Rocky Henkel

JMW



# City of Broken Arrow

## Request for Action

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**File #: 26-661, Version: 1**

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**Broken Arrow Board of Adjustment  
05-11-2026**

**To:** Chairman and Board Members  
**From:** Development Services Department  
**Title:**

Appeal (APPL-002751-2026) of a Zoning Violation (ZON-025340-2025), D&B Processing, 2.8 acres, IL (Industrial Light), located one-third mile west of Evans Road (225th E. Avenue), one-half mile north of New Orleans Street (101st Street)

**Background:**

**Applicant:** Tadd Bogan  
**Property Owner:** Industrial Developers of Oklahoma 5, LLC  
**Business Owner:** D&B Processing, LLC  
**Developer:** NA  
**Surveyor:** N/A  
**Location:** One-third mile west of Evans Road (225th E. Avenue), one-half mile north of New Orleans Street (101st Street)  
**Size of Tract:** 2.8 acres  
**Number of Lots:** 1  
**Present Zoning:** A-IL (Annexed-Industrial Light)  
**Comp Plan:** Level 6 (Regional Employment/Commercial)

APPL-002751-2026 is an appeal for a Zoning Violation (ZON-025340-2025) for violation of the Industrial Light zoning district rules and regulations issued on December 5, 2025.

The City of Broken Arrow received numerous complaints in 2025 from a property owner who lives in the vicinity of D&B Processing, LLC located at 9750 S 219<sup>th</sup> E Avenue. The complaints included objectionable noise and other violations stemming from industrial operations. Code Enforcement and Building Inspection staff conducted an inspection of the property that revealed the existence of conditions that violate the City of Broken Arrow Zoning Code related to Commercial and Industrial Districts, Section 2-1-2 (D). This Code section states that “the IL (Industrial Light) district intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations with all operations contained within an enclosed building.”

The City of Broken Arrow Zoning Ordinance, Section 6-3-5.B.1.a states that “all administrative decisions or any order, requirement, permit, decision, determination, refusal, or interpretation made by the Director in interpreting and/or enforcing the provisions of this Ordinance may be appealed to the Board of Adjustment.” Therefore, this Appeal of the Community Development Department to cite the business owner for zoning code

violations is before this Board for consideration.

Due to the notice sign for this item being placed on the north side of E 96<sup>th</sup> Street rather than in front of the property at 9750 S 219<sup>th</sup> E Avenue, staff recommends that this item be tabled to allow sufficient time for the notice sign to be displayed on the site.

**Attachments:**            Location map  
                              ZON-025340-2025 Zoning Violation  
                              Notice of Appeal

**Recommendation:**

Staff recommends that ZON-025340-2025 be tabled to the June 8, 2026, Board of Adjustment meeting to allow time for sufficient time for the notice sign to be displayed on the site.

**Reviewed by: Jane Wyrick**

**Approved by: Rocky Henkel**

JMW





**City of Broken Arrow**

PO Box 610  
Broken Arrow OK 74013  
Phone: (918) 259-2411 Ext. 2399

Case Number: **ZON-025340-2025**

**Zoning  
Violation**

Case Type: Zoning

Date Case Established: 12/05/2025

Compliance Deadline: **01/05/2026**

**Owner:** D&B Processing

**Mailing Address:**

D&B Processing  
PO Box 141290  
BROKEN ARROW, OK 74014--583

**Notice of Violation for the following location:**

**Address:**

**Parcel:**

9750 S 219TH EAST AVE  
BROKEN ARROW, OK 74014

730005490

A recent inspection of the property referenced above revealed the existence of conditions which, if not corrected, are considered a violation of the City of Broken Arrow Zoning Code, cited below.

**Additional Information**

**Subdivision:**

**Legal Description:** 20-18-15 TR OF LAND IN NW SE SEC 20/18 /15 DESC AS BEG AT PT ON W LN OF SD NW, SE SD PT BEING 495' S OF NW COR -S 00DEG 7'45"E ALNG SD W LINE A DIST 198' -S, 89DEG 56'10"E 630' -N 00DEG 7'45"W A DIST OF 198' -N 89DEG 56'10" W DIST OF, 630' TO POB **\*\*INGERSOL RAND LEASE(BA CITY ANNEX-CITY)**

**Description of Violation:** The property referenced is currently zoned Industrial Light (IL) allowing for light manufacturing provided all operations are conducted entirely within an enclosed structure producing no objectionable noise, vibrations, smoke or dust associated with the industrial operation. The manufacturing being performed is not conducted entirely within an enclosed structure and is producing objectionable noise, and vibrations affecting neighboring properties therefore is in violation of the IL zoning district.

**Violation:** 2-1-2 (D) Commercial and Industrial Districts (IL) - Commercial and Industrial Districts (IL) Zoning Code Section 2-1-2 (D) - Commercial and Industrial Districts: Industrial Light (IL). The IL district is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations with all operations contained within an enclosed building. The intent of the IL district is to preserve land for light industrial and service-oriented commercial uses. (Light manufacturing is defined as an establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing. The manufacture, assembly, research, or processing of products and goods occurs entirely within an enclosed structure requiring no outdoor industrial wastewater treatment system, and producing no airborne emissions, objectionable noise, glare, odor, vibrations, smoke or dust associated with the industrial operation. Outdoor storage of raw materials and products is permitted with proper screening).

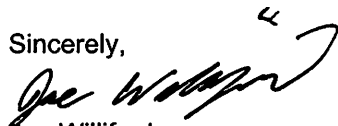
**Corrective Action:** Bring property into compliance with the Zoning Code as set out in section 2-1-2 (D) Commercial and Industrial Districts by conducting all operations entirely within an enclosed structure producing no airborne emissions, objectionable noise, glare, odor, vibrations, smoke or dust associated with the industrial operation.

**Compliance Date:** 01/05/2026

To be in compliance with the Municipal Zoning Code, you will need to comply with this notice by the compliance date indicated above. FAILURE TO COMPLY MAY RESULT IN THE ISSUANCE OF A CITATION.

You may appeal the Code Official's decision, to the Board of Adjustment, within fourteen (14) days of the date on this notice, by filing a written notice of appeal to the Director, explaining where you assert there is an error in any order, requirement, permit, decision, determination, refusal, or interpretation made by the Code Official. Upon receipt of an appeal application and payment of the required fee at the Permit Center of City Hall, the Director will schedule your case to be heard by the Board of Adjustment

Sincerely,



Joe Williford  
Chief Building Inspector

**BOARD OF ADJUSTMENT FOR THE CITY OF BROKEN ARROW**

**OWNER: D&B PROCESSING, LLC**  
**CASE NUMBER: ZON-025340-2025**  
**ADDRESS: 9750 S. 219<sup>th</sup> EAST AVE**  
**BROKEN ARROW, OK 74014**

**NOTICE OF APPEAL**

**COMES NOW**, D&B Processing, LLC (“D&B”), by and through its attorney, Tadd J.P. Bogan, and hereby provides the following written notice of appeal to the Board of Adjustment for the City of Broken Arrow (the “City”), and in support states as follows:

1. On December 5, 2025, the City issued a Zoning Violation to D&B in the above-referenced case number for alleged violation of the Industrial Light zoning rules and regulations.
2. D&B was given until January 5, 2026, to comply with requirements set forth in the Zoning Violation.
3. The Zoning Violation alleges, “[t]he manufacturing being performed is not conducted entirely within an enclosed structure and is producing objectionable noise, and vibrations affecting neighboring properties therefore it is in violation of the IL zoning district.
4. D&B did not initially dispute the Zoning Violation. Rather, D&B complied with the requirements of the Zoning Violation on or before January 5, 2026, and took measures beyond those required by the Zoning Violation.
5. The remedial measures taken by D&B include, but are not limited to, the following:
  - a. Moving all materials from the east side of its building to the west side of the building to reduce forklift and other noises created by the movement of materials into D&B’s building;
  - b. Moving scrap metal containers from the east side of its building to the west side to reduce noise caused by placing scrap metal into said containers;

- c. Prohibiting the playing of music at all times;
- d. Prohibiting the dumping of scrap materials at night;
- e. Limiting the use of forklifts at night;
- f. Limiting the time(s) when overhead doors may be opened, and not allowing overhead doors to be open at night except when materials are being moved in and out of the building;
- g. Purchasing a water truck to reduce dust from graveled surfaces;
- h. Turned equipment fan duct from facing east to south; and
- i. Continuous monitoring of noise levels.

6. D&B is in the process of taking the following additional remedial measures:

- a. D&B has purchased a product that will be applied to the graveled surfaces to further eliminate dust from the same during high winds; and
- b. Constructing a concrete sound barrier wall along the property line between 21900 E. 96<sup>th</sup> Street and the neighboring property zoned Agricultural General District and the property beyond that, zoned Agricultural General District RS2.1.

7. Notwithstanding the foregoing, on March 9, 2026, the City issued D&B a citation/Summons, Case No. 444431, alleging D&B violated “Zoning Code 2-1-2 D Commercial and Industrial Districts” (the “Citation”).

8. First, the undefined term “objectionable noise” is unconstitutionally vague and ambiguous. The term “objectionable noise” is subjective, and the Zoning Code provides no guidance or other measurable criteria to instruct D&B on what noises and/or noise levels are prohibited. Further, the Zoning Code, and Table 2-2-2-1 therein, provides no use-specific standards. *See Johnson v. U.S.*, 576 U.S. 591 (2015), (“[t]he Government violates the Due Process

Clause when... a criminal law [is] so vague that it fails to give ordinary people fair notice of the conduct it punishes, or so standardless that it invites arbitrary enforcement.”)

9. Notwithstanding the foregoing, D&B continuously measures the decibel levels of the noise from its operations. The levels below are the decibel measurements 192 yards from the nearest residence, and essentially at the exterior of D&B Plant 3. The decibel level at D&B’s property when it is closed and no activity is occurring is approximately 55-60 decibels (or higher). For comparison, the decibel level of a quiet library is approximately 40 decibels, conversational speech or an air conditioner is approximately 60 decibels, a shower, dishwasher, or traffic is approximately 70 decibels, a toilet flushing or a vacuum cleaner is approximately 75 decibels, an alarm clock or garbage disposal is approximately 80 decibels, a passing diesel truck is 85 decibels, and a lawnmower is approximately 90 decibels. Below is a list of notable decibel readings which have occurred from January 6, 2026, the duration of such levels, and common activities with relative decibel levels<sup>1</sup>:

Decibel Level	Duration	Associated Activities
72	< 10 Seconds	Dishwasher or shower to a toilet flushing
65	< 10 Seconds	Conversation or air conditioner to a shower
68	< 10 Seconds	Shower, dishwasher, or traffic

10. Second, the Zoning Violation erroneously alleges that not all manufacturing is being conducted entirely within an enclosed structure.

11. All manufacturing performed at D&B is conducted using large machinery/equipment, all of which is located inside of enclosed structures with large overhead doors for the movement of materials in and out of the enclosed structures.

<sup>1</sup> See *Sound Proofing Guide*, <https://soundproofingguide.com/decibels=level-comparison-chart/>, 2006; and *Level of Noise in Decibels (dB)*, American Academy of Audiology, 2023 poster, <https://audiology.org/wp-content/uploads/2023/09/PR23-Poster-Noise-Chart-8.5x11.pdf>.

12. Pursuant to the City Zoning Code, as amended 7/1/25, “Manufacturing, Light” is defined as, “[a]n establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing. The manufacture, assembly... or processing of products and goods occurs entirely within an enclosed structure requiring no outdoor industrial wastewater treatment system, and producing no airborne emissions, objectionable noise, glare, odor, vibrations, smoke or dust associated with the industrial operation. Outdoor storage of raw materials and products is permitted with proper screening. Examples include, but are not limited to: airplane, automobile, or truck assembly, remodeling, or repair... boat building; computer chip manufacturing; machine or blacksmith shops; metalworking or welding shops... paint shops; and printing and publishing shops.”

13. By definition, outdoor storage of raw materials and products is permitted with proper screening. D&B has proper screening, and as stated above, stores raw materials and products on the west side of its building.

14. Based upon the foregoing, D&B is not in violation of the City’s Zoning Code.

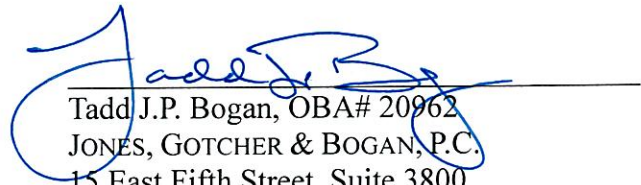
15. D&B’s Plant 3 operations are located on an 11-acre tract of land that includes a 20,981 square foot building constructed in 1984, with a 3,500 office building built in 1994, and there is a 7-acre tract of land sharing a boundary with Plant 3 that is zoned Agricultural. D&B has a plant that is west of Plant 3 across S. 219<sup>th</sup> Street East Pl., is on 2.8 acres of land, and includes a 16,850 square foot building constructed in 1984.

16. When D&B moved into Plants 1 & 2, both properties were already zoned as Industrial Light. Further, D&B moved into Plants 1 & 2 prior to the City amending the Zoning Code.

17. Pursuant to Chapter 7 of the Zoning Code, any alleged nonconforming use of the property by D&B is not a violation of the Zoning Code.

**WHEREFORE**, premises considered, D&B Processing, LLC, hereby appeals the above referenced Zoning Violation and Citation, and requests that the same be reversed and overturned.

Respectfully submitted,



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Tadd J.P. Bogan, OBA# 20962  
JONES, GOTCHER & BOGAN, P.C.  
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Tulsa, Oklahoma 74103  
Telephone: (918)581-8200  
E-Mail: [tbogan@jgbok.com](mailto:tbogan@jgbok.com)  
*Attorney for D&B Processing, LLC*