# 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**
**Michelle Bergwall Board Member**
**Rebecca Hinkle Board Member**

**Monday, July 13, 2026** **Board Chambers**

### 1. Call to Order

Chairman Judd Hatch called the meeting to order at 5:04 p.m.

### 2. Roll Call

**Present: 4 -** George Ghesquire, Kamara Washington, Michelle Berwall, Judd Hatch
**Absent: 1 -** Rebecca Hinkle
Board Member Washington arrived at 5:08 p.m.

### 3. Consideration of Consent Agenda

**A. 26-979** **Approval of Board of Adjustment meeting minutes of June 8, 2026**

MOTION: A motion was made by George Ghesquire, seconded by Judd Hatch

**Move to approve consent agenda**
The motion carried by the following vote:
**Aye: 4 -** George Ghesquire, Kamara Washington, Michelle Berwall, Judd Hatch

### 4. Public Hearings

**A. 26-1039** **Public hearing, consideration, and possible action regarding VAR-002919-2025, 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$^{th}$ East Avenue)**

Jose Jimenez, Planner II for the City of Broken Arrow introduced this item to the Board. It is a request to waive the downtown residential overlay district driveway with regulations located approximately one-half mile northwest Houston, one-half mile west of 9th Street. The applicant has resolved the legal matters around the property and has reapplied for a variance on the property. The application of the ordinance to the property would create unnecessary hardship. The staff analysis is that lots within Broken Arrow's original town site are narrow and long, which was normal for development at the time. However, these normal lots present challenges and obstacles when developing to modern standards. Staff recommend that VAR-002919-2026 be approved, granting a variance for a 13-foot one-way driveway for a proposed flat-style development on the subject property.

Tamara Lonan representing 66 ENG Group the civil engineering group requesting the variance detailed their goals for the project and why the variance was needed.

Mr. Frank Horton, resident of Broken Arrow, spoke in opposition of the variance. He reviewed different parts of the ordinance and offered a contrasting opinion to city staff findings.

Ms. Lonan rebutted that the project was build as narrow as possible and the variance applicant has had careful thought and planning.

MOTION: A motion was made by Michelle Bergwall, seconded by Geroge Ghesquire

**Move to approve item 26-1039**
The motion carried by the following vote:
**Aye: 3 -** George Ghesquire, Michelle Berwall, Judd Hatch
**Nay: 1-** Kamara Washington

**B. 26-1041** **Public hearing, consideration, and possible action regarding VAR-002917-2026, 7 Brew Aspen, 1.06 acres, Commercial Heavy (CH), request a variance for drive-thru stacking lane placement, located approximately one-half mile north of West Tucson Street (121st Street S) and just west of South Aspen Avenue (145th E Ave)**

Jose Jimenez, Planner II for the City of Broken Arrow presented a summary of the application. The staff analysis is that the proposed quick-serve beverage facility has two other locations in Broken Arrow with high traffic amounts necessitating additional stacking lanes and space. An application of the ordinance on this particular site would not allow for the stacking lanes to be on three sides as shown in the plan, particularly due to the configuration of a lot in the location of the mutual access eastbound. Two, unusual conditions. This parcel was plotted as part of the peak development. The City of Broken Arrow has regulations regarding the allowable distances between drives onto arterial roads such as Aspen Avenue. A mutual access easement at the rear of the lot provides vehicular access to the businesses while meeting the driveway separation requirement along Aspen Avenue. However, this arrangement also creates a challenge in creating a functional site layout for a drive-through facility. Three, public good. The staff analysis is that the requirement for stacking space location is a requirement to increase the visual compatibility of storefronts and developments along an arterial road. The proposed quick service beverage facility is a unique business type with additional stacking space needs. The applicant is proposing additional landscaping with vertical height to reduce concerns surrounding visual compatibility. Four, minimum variance. The request is for a deviation that is aesthetic rather than dimensional and is the minimum variance necessary to alleviate the hardship. The applicant is proposing to include additional landscape to help mitigate views from the public way. Staff recommends that VAR-002917-2026 be approved, granting a variance for the location of drive-through stacking lanes for the proposed quick-serve beverage development.

Mr. John Rogers of Crafton Tull, civil engineer of record for the project addressed the Board and answered their questions. He indicated that the project wanted to maintain the cross-access with McDonald's, but the most optimum design is to have, vehicular access at grade with the easement to the west, the common easement, ingress, egress, and then we come in and traffic circulate around the building, so as to provide the maximum queue. Thus preventing cars from blocking street access or the flow of traffic. Additionally, he told the board of the robust landscaping plan for the project.

MOTION: A motion was made by Geroge Ghesquire, seconded by Kamara Washington
**Move to appove Item 26-1041**
The motion carried by the following vote:
Aye: 4 - George Ghesquire, Kamara Washington, Michelle Berwall, Judd Hatch

**C. 20-1064** **Public hearing, consideration, and possible action regarding VAR-002932-2026, Don Wells Auto Sales Lot 1 Block 1 approximately 0.45 acres, request a variance from Section 2-3-4-N of the Zoning Code requiring vehicle sales and retail to have a minimum lot size of 2.5 acres, located at the northwest corner of West Houston Street (81st Street) and Hwy 51**

Jane Wyrick presented this item and the staff report to the Board. She noted the follow critera. Number one, unnecessary hardship. The application of the ordinance to the particular piece of property would create unnecessary hardship. Broken Arrow staff believe the parcel has geographic constraints. that impact the economic viability of the property for commercial use. Number two, unusual conditions. Such conditions are peculiar to the particular piece of property involved. The only access is off of old Highway 51 by Houston Street. The 169 foot setback for the OTA right away from the new Highway 51 creates limited frontage visibility. The peculiarity of the lot presents unique challenges that impact the economic viability of the parcel. Number three, the public good relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the ordinance or the comprehensive plan. Staff's analysis is that the variance, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the ordinance or the comprehensive plan. This parcel is identified as level six, regional employment and commercial in the comprehensive plan. And number four, minimum variance. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship. Allowing the platted property, platted as Donwell's Auto Sales to go back to its original use would be the minimum necessary to alleviate the unnecessary hardship. In staff's opinion, the request for the variance to reduce the minimum lot size of 2.5 acres for vehicle sales and retail satisfies all four criteria.

Applicant Jake Salyer answered questions from the board including that he could get a car dealership up and running in that space within a 6 month timefrom if the variance was approved.

MOTION: A motion was made by Geroge Ghesquire, seconded by Michelle Bergwall

**Move to appove Item 26-1041**
The motion carried by the following vote:
**Aye: 4 -** George Ghesquire, Kamara Washington, Michelle Berwall, Judd Hatch

**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 5:38 p.m.

MOTION: A motion was made by Kamara Washington, seconded by Michelle Bergwall
**Move to adjourn**
The motion carried by the following vote:
**Aye: 4 -** George Ghesquire, Kamara Washington, Michelle Bergwall, Judd Hatch