



MINUTES
Regular Meeting of the
Board of Adjustment/
Construction Board of Appeals

Prosper Town Hall
Executive Conference Room
250 W. First Street, Prosper, Texas
Wednesday, February 19, 2025, 6:00 p.m.

Regular Meeting of the Board of Adjustment/Construction Board of Appeals

1. Call to Order / Roll Call.

The meeting was called to order at 6:00 p.m.

Board Members present: Chair George Dupont, Vice-Chair CJ Alexander, Brad Black, Joe Tremblay, and Chiburzor Okeke

Board Members absent: Kenneth Dugger (Alternate).

Staff present: David Hoover, Director of Development Services, Suzanne Porter, Planning Manager, Dakari Hill, Senior Planner, Jerron Hicks, Planner, Michelle Crowe, Senior Administrative Assistant, and Brady Cudd, Building Official

Other(s) Present: Terrence S. Welch

REGULAR AGENDA

2. Consider and act upon minutes from the February 20, 2023, Board of Adjustment meeting.

Mr. Hoover (Staff): Introduced himself to Board Members and applicants. He explained that members were authorized to vote on previous BOA meeting minutes even if not in attendance.

Board Member Dupont noted that the minutes are accurate as presented and that the approved variance was dependent on the property owner obtaining a legal letter from the Homeowners Association and Developer.

Mr. Cudd (Staff) confirmed that the town obtained the reference letter.

Motion by Board member Alexander, second by Board member Linden, to approve the minutes from the February 20, 2023, Regular Board of Adjustment/Construction Board of Appeals meeting. Motion approved 5-0.

3. Consider and act upon a request for a Variance to the Zoning Ordinance to allow for a reduction to the Minimum Lot Area, Lot Width, and Front Yard Setback requirements in the Single Family-15 District on Bryant's First Addition, Block 14, Lots 11-12, on 0.3± acre, located on the north side of Second Street and 270± feet east of Coleman Street. (VAR-25-0001)

Mr. Hoover (Staff) asked the Board at 6:10 pm to recess to convene in Executive Session to receive legal advice.

Mr. Welch (Attorney) reconvened the Board meeting at 6:23 pm

Mr. Hoover (Staff): Summarized the request and presented exhibits.

Board Member Dupont requested clarification of the Single Family-15 Lot Size of the Proposed Lot Size and Proposed Yard Sizes; asking if the board is just approving front set back, total width, total area and total square footage, also confirming the applicant will have to go through the approval process for the building of the home.

Mr. Hoover (staff) stated the variance request is to allow for a reduction to the Minimum Lot Area, Lot Width, and Front Yard Setback requirements in the Single Family-15 District. Mr. Hoover also explained that the exhibit shows the minimum front yard requirement is 35' and the request is for minimum front yard of 30'. It also shows the width and the area minimums.

Aqeel Ahmed (Applicant): We are requesting the ability to build a functional home for our family and for our special needs son with cerebral palsy. We want to have most of the house on the ground floor. He referred to other homes on E. Third Street with 7500 SF lots which have smaller setbacks than what they are requesting.

Board Member Linden asked questions regarding the 30' setback verses the 35" setback. As he understands it the reason to approve a variance is that you don't want to violate the intent of the ordinance, but you must violate the ordinance to build this house. You don't have to violate the ordinance to have a 35' setback because you have 139' all together. He asked for an explanation for the request of the reduced 5' setback.

Aqeel Ahmed (Applicant): The current plan leaves about 17' at the back so we would have to reduce the front area and move some portion of the house on the top floor. It doesn't leave as much space for them to build a pool and recreation area for their son in the back area and build a special lift to place their son in the play area and pool.

Board Member Linden asked if the pool and play area could be built with the 35' setback and a less deep house.

Aqeel Ahmed (Applicant): confirmed that yes it could but the 5' would give much relief.

Board Member Tremblay: asked if there are any plans of the house that staff has seen? I am curious about how much of the structure that you are wanting to encroach on that 5' setback. Is it the front porch area or is it the entire width of the structure?

Aqeel Ahmed (Applicant): stated the entire width of the structure would encroach. Most of it is laid out in linear garages. If we are not granted this variance, we would have to go back to the drawing board and see what we can do or reduce the size of the home. He referenced the plan has space for a live in caregiver on the ground floor.

Board Member Linden requested staff opinion of the proposed 30' setback verses the 35' setback.

Mr. Hoover (Staff): Our opinion is based on statistics and regulations. Two of these items are needed because of a physical hardship. The third item regarding the setback, is not a physical hardship.

Board Member Linden requested this clarification based on the noted considerations on page 5 of the packet. This falls into a subjective decision verses a technical objective decision regardless of how we feel for the applicant's son and what you want to provide him.

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Board Member Dupont stated the SF-15 requirement has a minimum of 135' lot depth and this one is almost 140' so this is 5' deeper compared to what the minimum is, and the applicant is asking for an additional 5' therefore asking for a total of 10' in the backyard. It is proposed that the applicant wants to build a 5200 SF house that will be 30' back from the street. In my opinion you could go by the regulations here.

Board Member Black asked if there is any master plan in place to widen Second Street to go curb and gutter and sidewalk.

Mr. Hoover (staff) stated there currently is not anything in place on our Long-Range Capital Improvement Plan for Second Street.

Board Member Okeke asked the applicant to reiterate that if this variance was not granted, would you be able to go back and design the home on a smaller scale that will still provide you with what you need.

Aqeel Ahmed (Applicant): stated they will meet with architect if we can get a similar result on a small scale. The plan we have currently is one draft away from submitting for building permits because we've worked on it for 4-5 months. If we cannot get what we are asking for we may possibly sell this lot and build elsewhere. His family loves Prosper, the area and services available.


Board Member Alexander moved to close discussion and was seconded by Board Member Okeke. Motion approved 6-0.

Motion by Board Member Alexander, second by Board Member Black to approve the Variance request allowing the Minimum Lot Area, allowing the Minimum Lot Width and denying the Setback. Motion as presented approved 5-0.

Mr. Hoover (Staff) Informed the Board Members of the impending training in the next 6-8 weeks with exact date to come.

4. Adjourn.

Motion by Board Member Linden, second by Board Member Alexander, to adjourn, at 6:57 p.m. Motion approved 5-0.



David Hoover, Director of Development Services



Chairman/Vice-Chairman