



**AGENDA**  
**Prosper Board of Adjustment/  
Construction Board of Appeals**  
Prosper Town Hall, Council Chambers  
250 W. First Street, Prosper, Texas  
Wednesday, February 19, 2025  
**6:00 PM**

Welcome to the Prosper Board of Adjustment/Construction Board of Appeals Meeting.

**Addressing the Board of Adjustment/Construction Board of Appeals:**

Those wishing to address the Board of Adjustment/Construction Board of Appeals must complete the Public Comment Request Form located on the Town's website or in the Council Chambers.

**If you are attending in person**, please submit this form to the Town Secretary or the person recording the minutes for the Board/Commission prior to the meeting. When called upon, please come to the podium, and state your name and address for the record.

In compliance with the Texas Open Meetings Act, the Town Council/Board/ Commission may not deliberate or vote on any matter that does not appear on the agenda. The Council/Board/Commission, however, may provide statements of fact regarding the topic, request the topic be included as part of a future meeting, and/or refer the topic to Town staff for further assistance.

Citizens and other visitors attending Board of Adjustment/Construction Board of Appeals meetings shall observe the same rules of propriety, decorum, and good conduct applicable to members of the Board. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the meeting shall be removed from the room, if so directed by the Mayor or presiding officer, and the person shall be barred from further audience during that session of the meeting. Disruption of a public meeting could constitute a violation of Section 42.05 of the Texas Penal Code.

Pursuant to Section 551.007 of the Texas Government Code, individuals wishing to address the Board for items listed as public hearings will be recognized when the public hearing is opened. For individuals wishing to speak on a non-public hearing item, they may address the Commission when the item is considered by the Board of Adjustment/Construction Board of Appeals.

1. **Call to Order / Roll Call**
2. **Consider and act upon the minutes from the February 20, 2023, Board of Adjustment meeting.**
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)**
4. **Adjourn**

### **CERTIFICATION**

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted at Prosper Town Hall, located at 250 W. First Street, Prosper, Texas 75078, a place convenient and readily accessible to the general public at all times, and said Notice was posted by 5:00 p.m., on Friday, February 14, 2025, and remained so posted at least 72 hours before said meeting was convened.

\_\_\_\_\_  
Michelle Lewis Sirianni, Town Secretary

\_\_\_\_\_  
Date Notice Removed

Pursuant to Section 551.071 of the Texas Government Code, the Town Council reserves the right to consult in closed session with its attorney and to receive legal advice regarding any item listed on this agenda.

### **NOTICE**

Pursuant to Town of Prosper Ordinance No. 13-63, all speakers other than Town of Prosper staff are limited to three (3) minutes per person, per item, which may be extended for an additional two (2) minutes with approval of a majority vote of the Town Council.

**NOTICE OF ASSISTANCE AT PUBLIC MEETINGS:** The Prosper Town Council meetings are wheelchair accessible. For special services or assistance, please contact the Town Secretary's Office at (972) 569-1011 at least 48 hours prior to the meeting time.



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

Item 1.

Prosper Town Hall  
Executive Conference Room  
250 W. First Street, Prosper, Texas  
Monday, February 20, 2023, 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, Grant Mendeljian, Joe Tremblay, and Kenneth Dugger

Board members absent: Joe Tremblay, Brad Black and Cliff Freeman (Alternate).

Staff present: Brady Cudd, Building Official; and Doug Braches, Planning Technician.

**REGULAR AGENDA**

**2. Consider and act upon minutes from the March 14, 2022, Regular Board of Adjustment/Construction Board of Appeals meeting.**

Motion by Dugger, second by Alexander, to approve the minutes from the March 14, 2023, Regular Board of Adjustment/Construction Board of Appeals meeting. Motion approved 4-0.

**3. Conduct a Public Hearing, and consider and act upon a request for a Variance to the Zoning Ordinance, to allow a pool to encroach upon the required 3' minimum backyard setback, located in the Star Trail subdivision at 1710 White Tail Drive. (V22-0004)**

*Brady Cudd (Staff):* Summarized the request and presented exhibits.

*Matthew Owens (Applicant):* Provided information regarding the proposed variance to the Zoning Ordinance.

Commissioners expressed general concern regarding future ownership of property and HOA maintenance work potentially affected by a legal variance.

Motion by Dugger, second by Alexander to approve the Variance request conditionally as long as applicant receives a letter filled with Collin County from HOA allowing a maintenance access of 3'. Motion approved 4-0.

**4. Adjourn.**

Motion by Dugger, second by Alexander, to adjourn, at 6:31 p.m. Motion approved 4-0.

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**Brady Cudd, Building Official**

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**Chairman/Vice-Chairman**



## DEVELOPMENT SERVICES

**To:** Board of Adjustment

**From:** Jerron Hicks, Planner

**Through:** David Hoover, AICP, Director of Development Services

**Cc:** Suzanne Porter, AICP, Planning Manager

**Re:** Board of Adjustment Meeting

**Meeting:** February 19, 2025

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**Agenda Item:**

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)

**Description of Agenda Item:**

The subject property is zoned Single Family-15 and consists of a tract of land that measures approximately 90 feet in width by 140 feet in depth, totaling 0.3± acre (12,600 square feet). It is a combination of three portions of property, as described below:

- A 30' x 140' strip of the east half of the formerly platted Hall Street,
- a 50' x 140' strip being Lot 12, Block 14, Bryant's Addition, and
- a 10' x 140' strip being the west 10 feet of Lot 11, Block 14, Bryant's Addition,

The applicant has purchased the property and would like to construct a single-family home. To do so, the lot must be platted and comply with the Single Family-15 requirements, which are as follows:

- Minimum Lot Area — 15,000 SF
- Minimum Lot Width — 100'
- Minimum Lot Depth — 135'

The lots in this area were platted with 50-foot lot widths, and later sold. The subject property sits in between two lots that are platted, causing the applicant to not be able to construct a home meeting all the requirements of Single Family-15.

The applicant is also requesting a variance to reduce the front setback from 35' to 30'. Town Staff has informed the applicant that they will only recommend approval for the variances to the lot

width and the lot area but would not recommend approval for the variance to the front yard setback.

According to the Zoning Ordinance, the Board of Adjustment may consider, in specific cases, a variance of height, yard, area, exterior structure, lot coverage, off-street parking and loading requirements from the terms of the Zoning Ordinance, if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the Ordinance would result in unnecessary hardship, and so that the spirit of the Ordinance is observed and substantial justice is done. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person a privilege in developing a parcel of land not permitted by Ordinance to other parcels of land in the Town or the district. No variance may be granted if it results in an unnecessary hardship, as herein defined, on another parcel of land.

In order to make a finding of hardship and to grant a variance, the Board of Adjustment must determine that the following four (4) criteria have been met:

1. The requested variance does not violate the intent of the Zoning Ordinance or its amendments; and
2. Special conditions of restricted area, shape, topography, or physical features exist that are peculiar to the subject parcel of land and are not applicable to other parcels of land in the same zoning district; and
3. The hardship is in no way the result of the applicant's own actions; and
4. The interpretation of the provisions in the Zoning Ordinance or its amendments would deprive the applicant of rights commonly enjoyed by other properties, in the same zoning district, that comply with the same provisions.

The concurring vote of four (4) members of the Board of Adjustment is necessary to authorize a variation from the terms of the Zoning Ordinance.

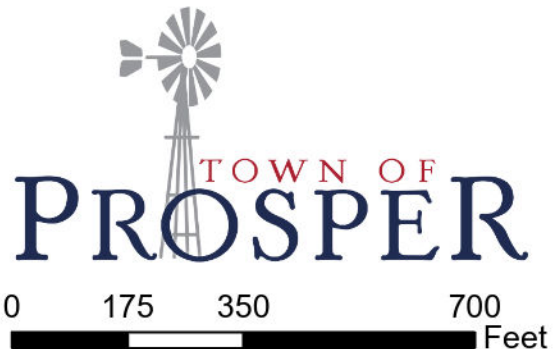
**Attached Documents:**

1. Aerial Map
2. Zoning Map
3. Letter of Intent
4. Boundary Exhibit
5. Plat Exhibit

**Town Staff Recommendation:**

Town staff recommends approval of the request for a Variance to the Zoning Ordinance to allow for a reduction to the Minimum Lot Area and Lot Width 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.

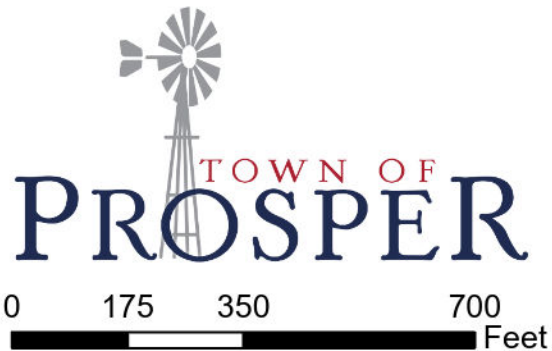
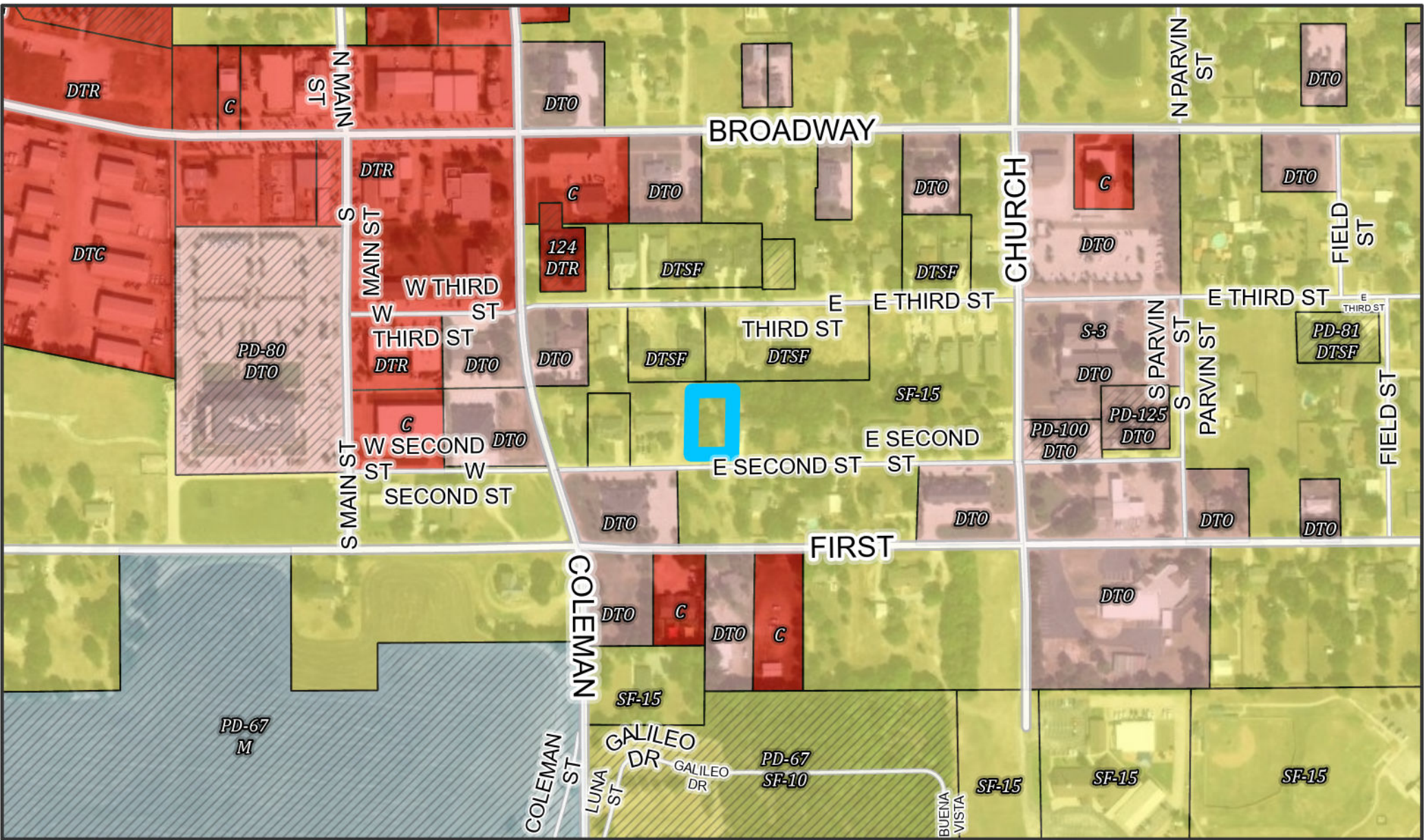




This map for illustration purposes only

VAR-25-0001  
Bryant's First Addition,  
Block 14, Lots 11 and 12  
Variance





VAR-25-0001  
Bryant's First Addition,  
Block 14, Lots 11 and 12

Variance

**Jabeen Shazia & Aqeel Ahmed**

7540 BRYCE CANYON DRIVE

Frisco, Texas 75035

[jabeenshazia@gmail.com](mailto:jabeenshazia@gmail.com)

[analyst.ahmed@gmail.com](mailto:analyst.ahmed@gmail.com)

Phone: 972.821.2052

**November 4, 2024**

**To,**

Zoning Commission

Town of Prosper, Planning Department, Collin County

250 W. First Street, Prosper, Texas 75078

**Subject:** Letter of Intent for Zoning Request to Change from SF-15 to SF-12.5 for Property Parcel IDs 976509 and 976545.

Dear Zoning Commission Members,

I am writing to formally request a zoning change for the properties identified by Parcel ID 976509 (Geo ID: R-0972-014-0002-1) and Parcel ID 976545 (Geo ID: R-0972-014-011A-1), situated in Town of Prosper, Collin County, Texas, from Single Family 15 (SF-15) to Single Family 12.5 (SF-12.5). The subject property, as detailed in Exhibit A, encompasses a 90' x 140' tract of land, totaling approximately 0.29 acres.

**Acreage and Location**

The subject property is described as follows:

- A 30' x 140' strip of the east half of the formerly platted Hall Street.
- A 50' x 140' strip being Lot 12, Block 14, Bryant's Addition.
- A 10' x 140' strip being the west 10 feet of Lot 11, Block 14, Bryant's Addition.

**Justification for Zoning Change**

The proposed rezoning from SF-15 to SF-12.5 is intended to better align the property with the surrounding neighborhood's character and to maximize the efficient use of the land. The reduction in lot size requirements will provide the following benefits:

1. **Enhanced Land Utilization:** The rezoning will allow for a more practical and efficient use of the land, facilitating the construction of residential structures that are consistent with the surrounding homes.
2. **Community Consistency:** The neighborhood primarily consists of properties with similar or smaller lot sizes. Rezoning to SF-12.5 will ensure architectural and community harmony.
3. **Economic Benefits:** The zoning change will contribute positively to the local economy by increasing property values and enabling more residential development opportunities.



4. **Meeting Housing Demand:** The area has a growing demand for housing, and the rezoning will enable the development of homes that are more accessible to a broader range of potential residents.

#### **Special Considerations**

The proposed rezoning of the subject property from Single Family-15 (SF-15) to Single Family-12.5 (SF-12.5) aligns with the Town of Prosper's broader vision for revitalizing Old Town by encouraging more efficient land use and enhancing residential development. As Prosper continues to focus on transforming Old Town into a vibrant, mixed-use community, the requested zoning change will facilitate the construction of homes that are more consistent with the evolving character of the area. This change will not only support the town's goals for increased housing options but also contribute to the overall economic vitality and community engagement in this historic district. By allowing slightly smaller lot sizes, the rezoning will help meet the growing demand for residential properties while preserving the unique charm of Old Town Prosper.

The subject property has unique characteristics, including its composition of three distinct land strips. The rezoning will facilitate the efficient and cohesive development of this plot of land, which is currently underutilized. Additionally, the proximity to local amenities, schools, and public transportation enhances the suitability of this property for more intensive residential use.

Thank you for your time and consideration of this zoning change request. I am confident that this rezoning will be beneficial to the community and align with the long-term planning goals of the city.

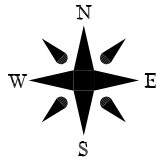
Sincerely,

Jabeen Shazia & Aqeel Ahmed

AQEEL AHMED and  
JABEEN SHAZIA  
0 E. SECOND STREET  
PROSPER, COLLIN COUNTY, TEXAS

SURVEY DATE	DECEMBER 9, 2024	
TITLE CO.	N/A	
G.F. NO.	N/A	
JOB NO.	21-086	
FIELDIED BY	PR	04.15.2021
DRAWN BY	PAUL	12.09.2024
RPLS CHECK	PAUL	12.10.2024

BEARING BASIS: NORTH CENTRAL ZONE  
4202 (NAD 83) TEXAS STATE PLANE  
COORDINATE SYSTEM - UNCORRECTED  
GRID VALUES



SCALE: 1" = 40'



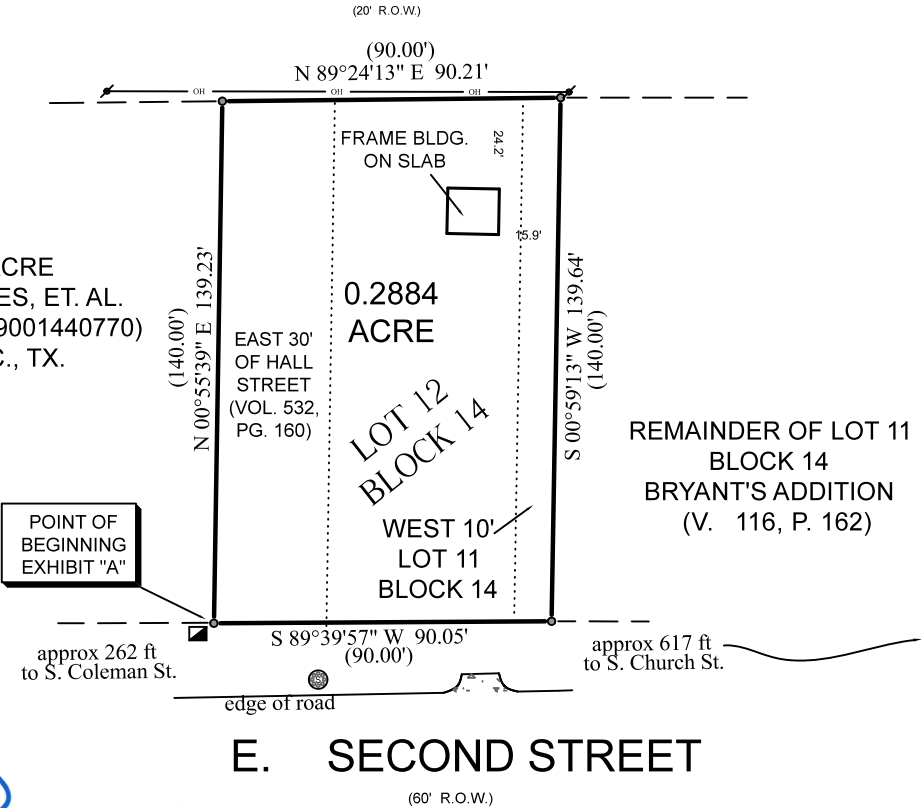
TO THE LIEN HOLDER AND / OR OWNERS OF THE PREMISES SURVEYED:

TOWN OF PROSPER

I DO HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE OF THE PROPERTY LEGALLY DESCRIBED HEREON CERTIFIED ONLY TO BUILDING LINES AND EASEMENTS AS PER PLAT. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD-PLAIN, AND HAS A ZONE "X" RATING AS SHOWN ON THE FLOOD INSURANCE RATE MAPS  
F.I.R.M. MAP NO.: 48085C  
PANEL: 0235J  
DATED: JUNE 2, 2009  
THIS CERTIFICATION IS FOR INSURANCE PURPOSES ONLY AND IS NOT A GUARANTEE THAT THIS PROPERTY WILL OR WILL NOT FLOOD. CONTACT YOUR LOCAL FLOOD-PLAIN ADMINISTRATOR FOR THE CURRENT STATUS OF THIS TRACT.

ALLEY DEDICATION



LEGAL DESCRIPTION:

BEING AN 0.2884 ACRE TRACT OF LAND OUT OF BLOCK 14, BRYANT'S ADDITION, AN ADDITION OF RECORD IN VOLUME 116, PAGE 162, DEED RECORDS OF COLLIN COUNTY, TEXAS, AND BEING THAT SAME 90' x 140' TRACT OF LAND CONVEYED TO JABEEN SHAZIA AND AQEEL AHMED AS RECORDED IN DOCUMENT NUMBER 2023000068793, REAL PROPERTY RECORDS OF COLLIN COUNTY, TEXAS. SAID 0.2884 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 1/2" iron rod found for corner along the north right-of-way line of E. Second Street, corner being the southeast corner of a called 0.4255 acre tract conveyed to Vidal Ramires, Et. Al., and described in Document Number 19991129001440770, Real Property Records of Collin County, Texas, for the southwest corner of our subject tract;

THENCE North 00 deg 55 min. 39 sec. East, with the east line of the said 0.4255 acre Ramires, Et. Al. tract, and our west line, a distance of 139.23 feet to a 1/2" iron rod found for corner along the south line of a 20' alley dedication, corner being the northeast corner of the said 0.4255 acre Ramires, Et. Al. tract, for the northwest corner of our subject tract;

THENCE North 89 deg 24 min. 13 sec. East, with the south line of said alley dedication, and our north line, a distance of 90.21 feet to a 1/2" iron rod found for the northeast corner of our subject tract;

THENCE South 00 deg 59 min. 13 sec. West, with the south line of said alley dedication, and our north line, a distance of 139.64 feet to a 1/2" iron rod found for the northeast corner of our subject tract;

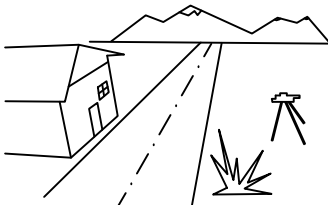
THENCE South 89 deg 39 min. 57 sec. West, with the north right-of-way line of E. Second Street, and our south line, a distance of 90.05 feet to the POINT OF BEGINNING, and containing 0.2884 acre of land.

LEGEND

- ( ) RECORD INFORMATION
- 1/2" IRON ROD FOUND
- WATER METER
- UTILITY POLE
- OH OVERHEAD UTILITY LINE(S)
- SANITARY SEWER MANHOLE

RUST LAND SURVEYING

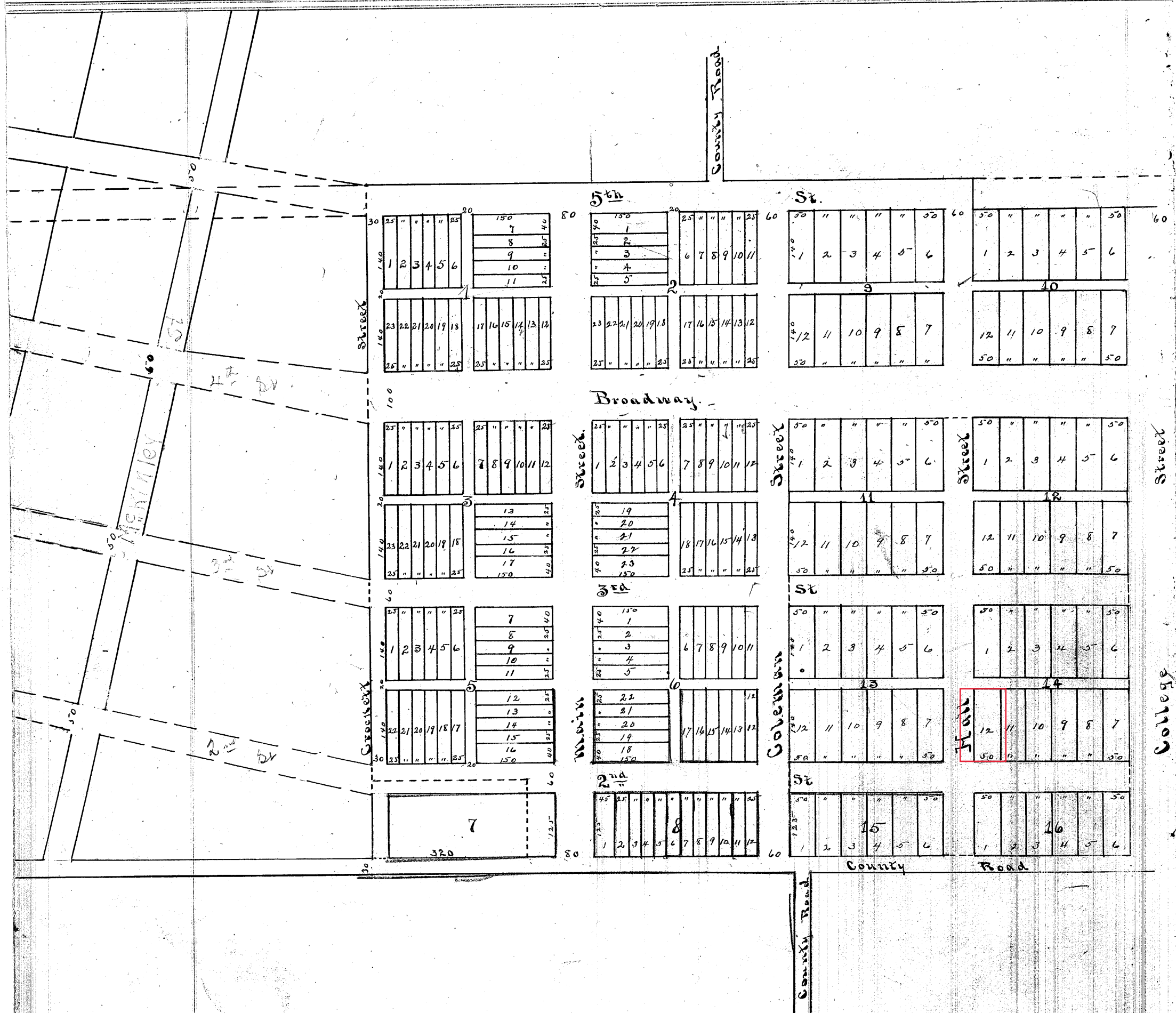
FIRM NUMBER: 10144000



7304 Carol Drive, Greenville, Texas  
Office (512) 796-2995  
rustlandsurveying@gmail.com



## Bryant's Addition T.



The State of Texas  
County of Collin *County of Collin* The A. J. Bryant and wife Lizzie Bryant of the  
County and State aforesaid, hereby — — — certify that the above  
and accompanying map, correctly represents "Bryant's  
Addition to the town of Prosper", Collin County, Texas.  
The same being a part of Lot No 29, Subdivision No 12, of  
the Collin County School Land, and that the Blocks, Lots,  
Streets and Alleys, are correctly shown on the same as  
they were laid off on the ground, with the exceptions  
of the Streets and Alley, in and adjoining and  
connecting Blocks Nos 11, 12, 13, 14, 15 & 16 which are  
not yet opened and which <sup>may</sup> be opened by us at such  
time as we see fit.

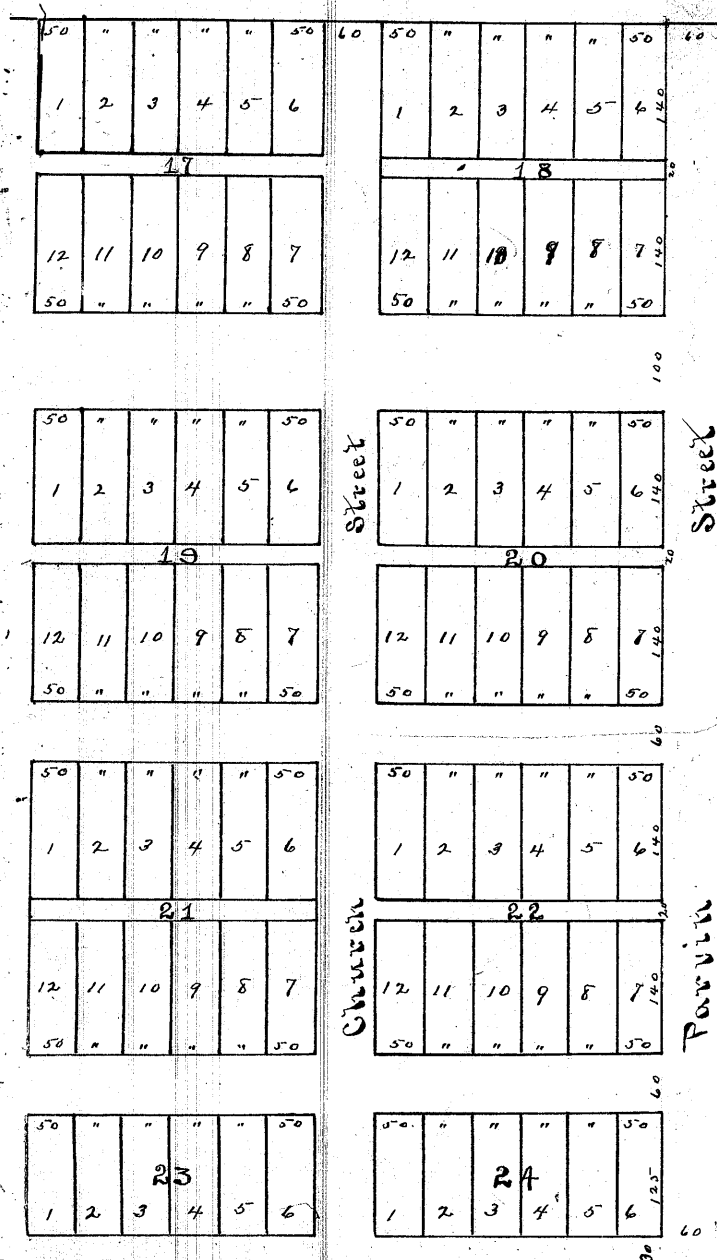
The Streets and Alleys in so far as the same abut on  
property belonging to us, and shown by the above  
Map, to be opened, are hereby by us dedicated  
to public use, reserving however and granting



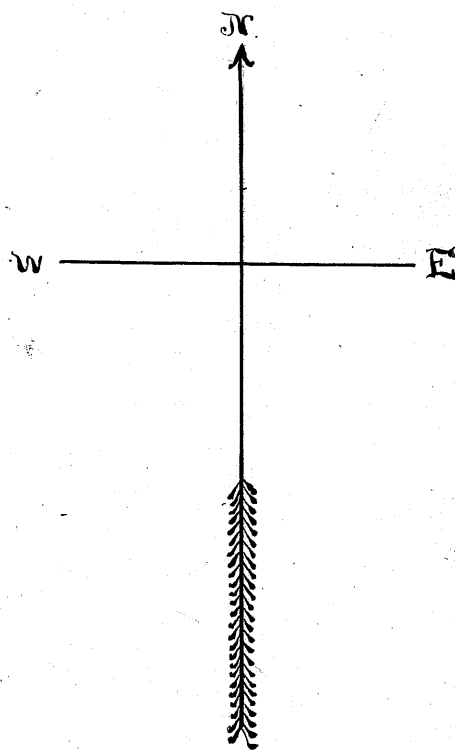
PROSPER

Collin County, Texas.

Scale 200 ft to 1 inch.



A. T. Bryant - Land.



To the Prosper Water Works Company the rights uses and privileges of said Streets and Alleys for the Construction and Maintenance of a system of Water Works.

In testimony whereof witness our hands this the 12 day of February A.D. 1903

A. T. Bryant

Lizzie Bryant

The State of Texas

County of Collin Before me, the undersigned Authority on this day personally appeared A. T. Bryant and wife Lizzie Bryant known to me to be the persons whose names are subscribed to the foregoing Certificate to the 'Map of Bryant's Addition to Prosper' and they each severally acknowledged to me that they are and are the same for the purposes and uses therein stated.

And the said Lizzie Bryant wife of the said A. T. Bryant having been examined by me privately and apart from her said husband and having the said Certificate and the purport thereof fully explained to her by me she the said Lizzie Bryant acknowledged such instrument to be her act and deed and declared to me that she willingly signed the same for the purposes and uses therein expressed and that she didn't wish to retract in

(LS)

Given under my hand and Seal of office this the 12 day of February A.D. 1903

W. M. Shirley Clerk

County Clerk Collin Co. Texas

Filed for record February 12<sup>th</sup> 1903 at 10:00 P.M.

Recorded February 16<sup>th</sup> 1903.

W. M. Shirley Clerk

Collin County, Texas