



Agenda Item Report

Legislative Board: Zoning Board of Adjustments
Date: October 30, 2025
Contact: Alejandro Hernandez
Agenda Item ID / Number: 2025-951- / G.1

ITEM TITLE: Hold a public hearing, deliberation, and possible action on a request for a Zoning Special Exception from the Unified Development Code (UDC) § 2.08.07B to increase the minimum primary street building setback required in the Form District 4 (F4) to 11 feet and to modify the calculation of the build-to zone's maximum extent so that it is equal to the minimum primary street building setback plus 11 feet. The modified setbacks and build-to zones would apply to structures on the properties known as The Colony - Phase 1; Lots 1-5, Block A; Lots 1-13, Block B; Lots 1-12, Block D; Lots 1-10, Block E; Lots 1-10, Block F; Lots 1-7, Block G; and Lots 1-8, Block H; 9.099 (combined) acres; City of Buda; Hays County; TX; located south of Old Black Colony Rd, Buda, TX 78610. (V 25-05) (Alejandro Hernández, Planner I)

1. EXECUTIVE SUMMARY

This is a public hearing and action item regarding a Zoning Special Exception request to increase the minimum primary street building setback required in the F4 zoning district to 11 feet and to modify the calculation of the build-to zone's maximum extent so that it is equal to the minimum primary street building setback plus 11 feet at properties located south of Old Black Colony Road. The proposed structures would be new buildings. There are 65 proposed single-family residential buildings with approximately 31 of them planned to be setback between 20-22 feet from the primary street property lines (of each respective lot).

This proposal requires a zoning special exception as UDC § 2.08.07B states that the minimum primary street building setback required in the F4 zoning district is 10 feet; UDC § 2.08.07B also states that the build-to zone's maximum extent shall be equal to the minimum primary street building setback plus 10 feet.

Zoning special exceptions do not require a finding of undue hardship, and approval is specifically provided for and defined. The Zoning Board of Adjustments may authorize a zoning special exception to allow for:

- Adjusting any numerical standard by 10%.

2. BACKGROUND/HISTORY

The purpose of the City's zoning regulation and districts is to promote and protect the health, safety, and general welfare of the citizens.

The applicants have submitted building plan review applications (2025-512, 2025-622, & 2025-637) that are proposing various options for permitting single-family residential buildings within The Colony at Cole Springs neighborhood that is currently in the first phase of development. The proposals require a zoning special exception for approval for the following reason:

1. Approximately 31 of the buildings would be built between 20-22 feet away from the primary street property lines (of each respective lot); because the minimum primary street building setback in the F4 zoning district is 10 feet, the maximum setback that a building can be from primary street property lines is 20 feet (per the build-to zone calculation in UDC § 2.08.07B).

City staff are still in the process of reviewing the applications for other compliance issues (if any)

with the UDC's zoning regulations and other relevant requirements. Additionally, some of the UDC's requirements can only be reviewed through the building permit application review process, which will be required for each building built under this proposal.

As part of the request, the applicants have communicated with City staff regarding needing to meet 5 of the listed single-family residential design elements under UDC § 2.09.08C. One of the elements that the applicants intend to meet is the "Varying Front Setbacks" element, which is defined as follows:

- *"Variations of the front setback of at least five (5) feet shall be required, however buildings shall not be within the required front setback."*

This element; however, is challenging for the applicants to meet as the build-to zone of the F4 zoning district essentially establishes a maximum setback for buildings, which limits the applicants to placing buildings between 10-20 feet away from the primary street property lines. Additionally, as the applicants state, all the lots that they are requesting relief for also have 15-foot-wide public utility easements (PUE) along their fronts. As the City does not allow for permanent structures within PUEs, this further limits the applicants to only being allowed to place buildings between 15-20 feet away from the primary street property lines. With the way the buildings are designed, this would make meeting the "Varying Front Setbacks" element impossible and force the applicants to seek alternative elements.

3. ANALYSIS

Unlike zoning variances, zoning special exceptions do not require a finding of undue hardship, and approval is specifically provided for and defined. Should the Zoning Board of Adjustments find that "the public convenience and welfare will be substantially served and the appropriate use of neighboring property will not be substantially injured," a zoning special exception may be authorized to allow for:

- Adjusting any numerical standard by 10%.

4. FINANCIAL IMPACT

Consideration of this item has no direct financial impact to the City.

5. STRATEGIC PLAN/GOALS

OTHER

6. STRATEGIC PLAN OBJECTIVES

N/A.

7. PROS AND CONS

Pros: The applicant would be able to proceed with their desired buildings and would be able to come closer to meeting the UDC's requirements.

Cons: While the adjustments proposed are very minor, this would move away from the UDC's intent to have buildings close to the street for a more traditionally urban feel.

8. ALTERNATIVES

Approval of the zoning special exception is entirely discretionary based on the Zoning Board of Adjustment's judgement. As such, City staff present the following options:

1. Approve the request (as presented by the applicant).
2. Modify and approve the request.
3. Table the request pending receipt of additional information.
4. Deny the request.

9. REQUESTED ACTION / SUGGESTED MOTION / RECOMMENDATION

City staff have reviewed the request and recommends that the Zoning Board of Adjustments

approve the request.

Attachments:

[V 25-05 Location Map.pdf](#)

[V 25-05 Request Letter.pdf](#)

[V 25-05 Neighborhood Setback Layout.pdf](#)