

# 552 Martha Way

Zoning Board of Adjustment — January 27, 2025



**CASE NUMBER:** PZBA24-00098  
**CASE MANAGER:** Blanca Perez, (915) 212-1561, PerezBM@elpasotexas.gov  
**PROPERTY OWNER:** Rebecca Lopez and Jaime Lopez  
**REPRESENTATIVE:** Rebecca Lopez and Jaime Lopez  
**LOCATION:** 552 Martha Way (District 7)  
**ZONING:** R-3 (Residential)  
**REQUEST:** Special Exception K (In Existence Fifteen Years or More)  
**PUBLIC INPUT:** None received as of January 21, 2025

**SUMMARY OF REQUEST:** Applicant requests a Special Exception under Section 2.16.050 K (In Existence Fifteen Years or More) to legalize an existing structure that encroaches in the required side yard setback in an R-3 (Residential) zone district.

**SUMMARY OF STAFF'S RECOMMENDATION:** Staff recommends **APPROVAL** of the special exception request as the requested encroachment has been in existence for more than fifteen (15) years.

## PZBA24-00098

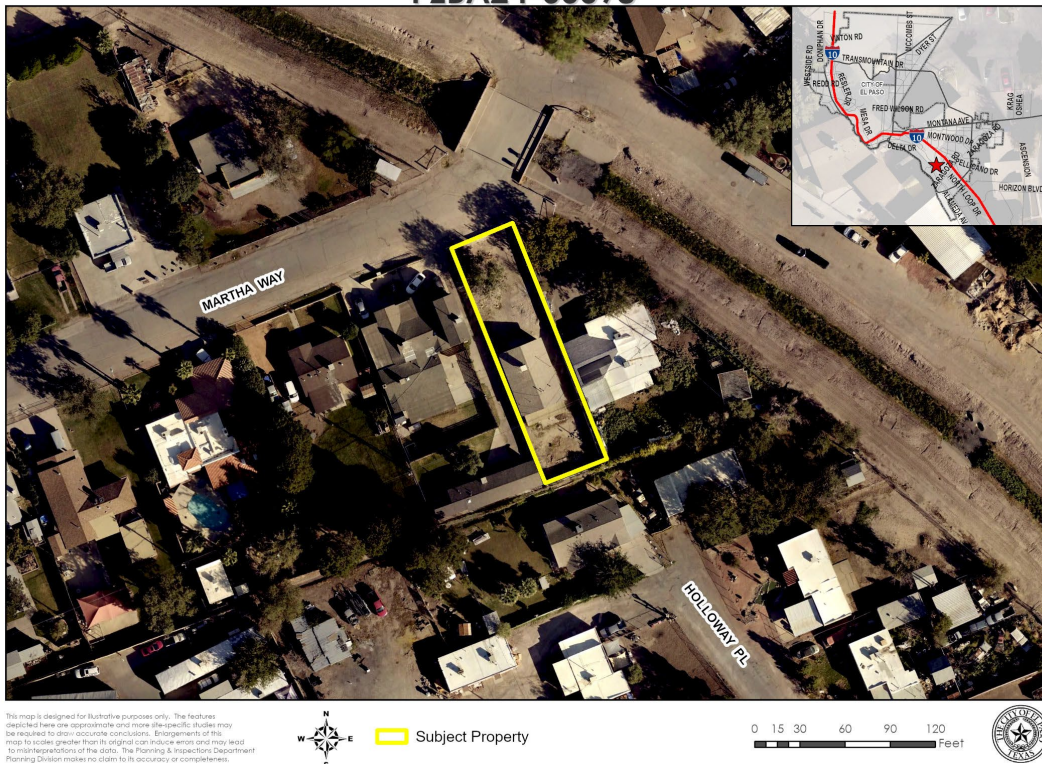


Figure A. Aerial of Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant is requesting a special exception to legalize the construction of an existing home, which extends 1 foot 7 inches into the side yard setback and of which 78 square feet of that structure encroach into the side yard setback.

**BACKGROUND:** The minimum side setback is 5 feet in the R-3 (Residential) zone district.

The current owner has owned the property since 2021 and the building was constructed in 1956 based on El Paso Central Appraisal District records. The existing encroachment has been in existence approximately for 68 years. Based on 2010 aerial imagery, the property existed back then as it does today, with the home in its current location. The property owner is requesting the legalization of the encroachment in the existing structure to be able to build a proposed home addition. This addition will meet the property's setbacks in accordance to R-3 (Residential) zone district and will not encroach into the side setback.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	25 Feet	No Change
Rear	25 Feet	No Change
Cumulative Front & Rear	50 Feet	No Change
Side (Left)	5 Feet	No Change
Side (Right)	5 Feet	3.5 Feet
Cumulative Side	N/A	N/A

#### COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.K CRITERIA

The Zoning Board of Adjustment is empowered under Section 2.16.050.K to:  
*Permit the encroachment into the required yard setbacks for structures; provided, however, that the applicant can prove the following conditions:*

Criteria	Does the Request Comply?
1. The encroachment into the required yard setback has been in existence for more than fifteen years;	Yes. The encroachment has been in existence for more than fifteen years.
2. Neither the applicant nor current property owner is responsible for the construction of the encroachment;	Yes. Neither the applicant nor owner were responsible for the construction of the encroachment.
3. Neither the applicant nor the current property owner owned the property at the time the encroaching structure was constructed or built;	Yes. Neither the applicant nor owner owned the property at the time.
4. The encroachment, if into the required front yard setback, does not exceed fifty percent of the required front yard setback;	Not applicable. Encroachment is not into the front yard setback.
5. The encroachment does not violate any other provision of the El Paso City Code.	Yes. The encroachment does not violate any other provision of the El Paso City Code.

**PUBLIC COMMENT:** Public notice was sent on January 16, 2025 to all property owners within 300 feet of subject property. The Planning Division has not received any communications in support or opposition to the special exception request.

#### ZONING BOARD OF ADJUSTMENT OPTIONS:

The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The Zoning Board of Adjustment (ZBA) has the authority to grant a special exception to the zoning code only as provided in El Paso City Code Titles 2 and 20. In evaluating the request, the ZBA may take any of the following actions:

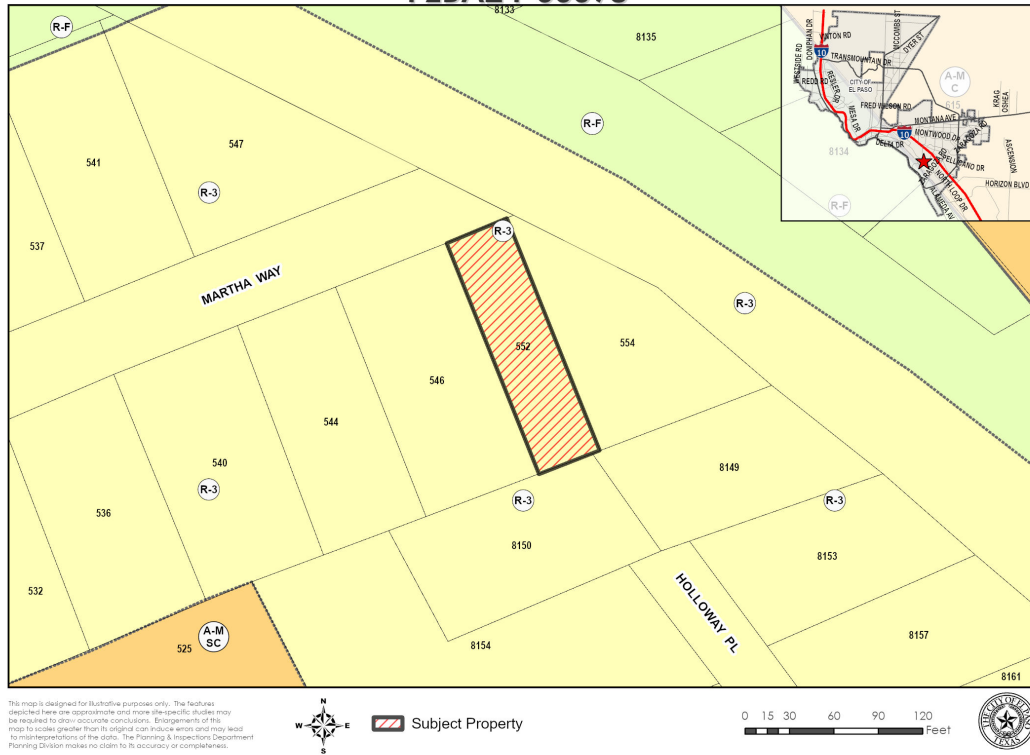
1. **Approval** of the special exception request, finding that the request is in in harmony with the spirit and purposes of Titles 2 and 20, including the preservation of the essential character of the district in which the

property is located, that the public convenience and welfare will be substantially served, and that the use of neighboring property will not be substantially injured. **(Staff Recommendation)**

2. **Approval with Modifications** of the special exception request to bring the request into conformance as provided in El Paso City Code Titles 2 and 20 as the board deems appropriate.
3. **Denial** of the special exception request, finding that the request does not conform to the review criteria as provided in El Paso City Code Titles 2 and 20.

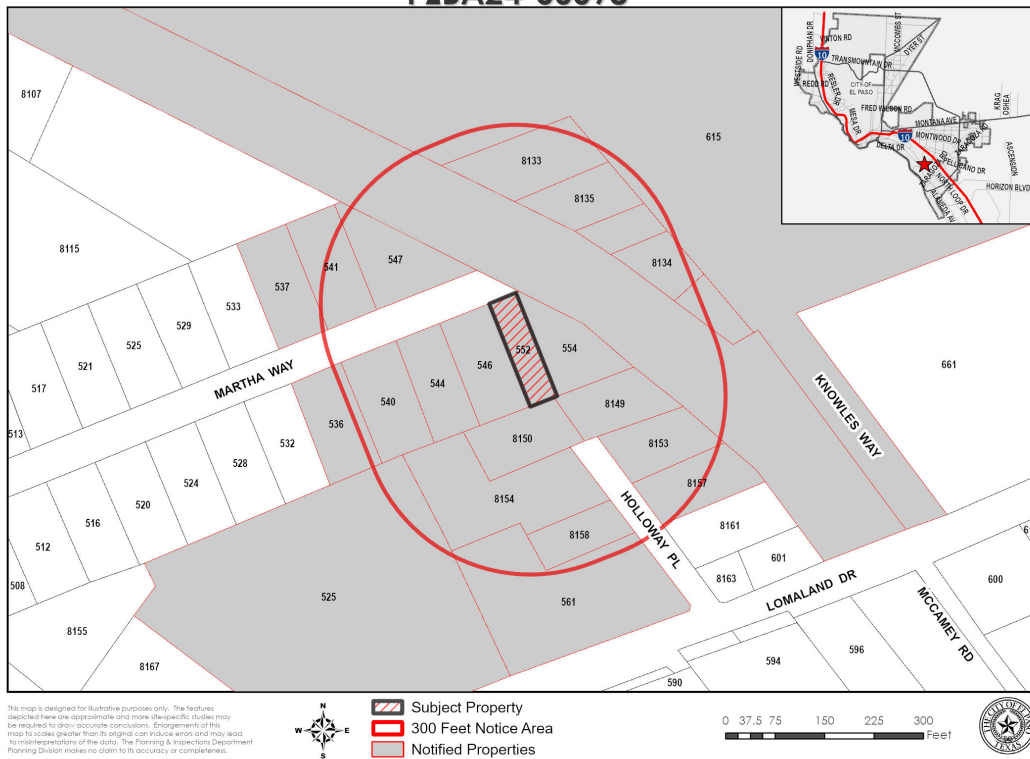
# ZONING MAP

PZBA24-00098

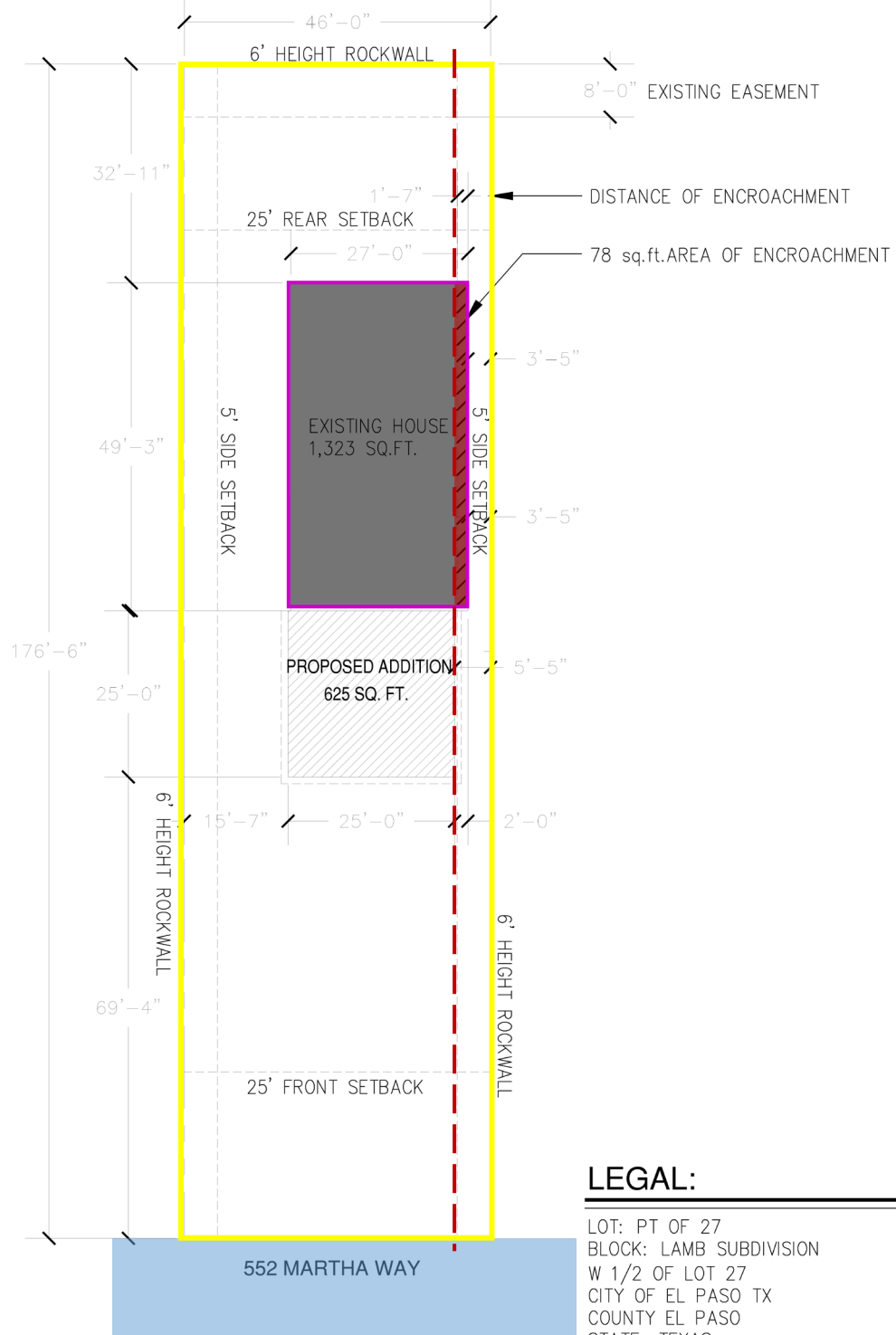


# NEIGHBORHOOD NOTIFICATION MAP

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# SITE PLAN



## SITE PLAN

SCALE: 1"=20'-0"



# 2008 AERIAL

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This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



 Subject Property

0 12.5 25 50 75 100 Feet

