

# AUXILLARY LIVING QUARTERS LETTER OF INTENT

**MAY 9, 2024 REVISED: October 30, 2024 REV.#2 February 23, 2026**

**REV.#3 June 24, 2026**

ATTN: **Lisa Elgin**

Project Manager/ Planner II, El Paso Planning & Community Development

2880 International Circle, Colorado Springs, CO 80910

(email) [lisaelgin@elpasoco.com](mailto:lisaelgin@elpasoco.com)

(719) 520-6300 (Main)

(719) 520-6449 (Direct)

CC: OWNER: Mary and Charles (Larry) De Lay

MAIN HOUSE and Mailing Address: 10090 Otero Avenue, Colorado Springs, CO

PH: 719-661-3403 EMAIL: [maryedelay@gmail.com](mailto:maryedelay@gmail.com)

Re: LETTER OF INTENT

10110 OTERO AVENUE, COLORADO SPRINGS CO 80920 (ALQ Address)

Tax Schedule #: 6228004013

Legal Description: LOT M, VAC W 20.0 FT ORF OTERO AVE, BLK B SPRING CREST FIL 2

PLAT NO: RO2282 ZONING: RR-2.5 ACREAGE: 2.66 ACRES

**Setbacks: 25'-0" Front and Rear, 15'-0" Side, 10'-0" Side**

**Accessory Structure Lot Coverage: No Maximum**

## **REQUEST:**

We are requesting a SPECIAL USE for Accessory Living Quarters per LDC CODE 5.2.1.

The Owner would like to CONSTRUCT a NEW Detached Accessory Living Quarters to create a Multi-Generational living capacity on the property. Current Owners plan on moving into ALQ and having their children and grandchildren occupy the existing house (see site facilities below), to allow an immediate family member to reside in the Accessory Living Quarters (5.2.1 H 1). Accessory living quarters shall meet all other applicable standards in this Code unless specifically modified by this Section.

## **JUSTIFICATION: EL PASO COUNTY LAND DEVELOPMENT CODE 5.2.1 ACCESSORY LIVING QUARTERS**

The following items specifically address section 5.2.1: A) There will be ONE ALQ on this parcel. B) The ALQ will be detached living quarters. C) The affidavit has been provided to EPC. D) The ALQ is 1,500 Sq. Ft., which is less than or equal to the amount allowed for approval. E) There are NO separate meters on the property. F) The property will be used for an immediate family member per the code.

G) Not Applicable. H) The special provisions for Permanent Occupancy have been met: 1) The Occupants are Father/Mother/Daughter/Grandchildren, blood related. 2) The Father has long term medical conditions that have created a family hardship. I) The ALQ will meet all additional applicable standards per the EPC LDC Codes.

In addition, the existing grade lines as shown on the Site Plan will remain the same and overall drainage will NOT be adversely impacted by construction of the OWTS. Construction of the new OWTS and Accessory Living Quarters will NOT adversely impact the surrounding/adjacent properties.

It is our opinion that adding additional single family residence capacity is consistent with the El Paso County Master Plan and all its applicable elements and coincides with the intentions of the State of Colorado's recent statute HOUSE BILL 24-1152 <https://leg.colorado.gov/bills/hb24-1152> allowing for ALQ construction on ANY Residentially Zoned Property.

## **SPECIAL USE APPROVAL CRITERIA: EPC LDC SECTION 5.3.2.C POINT-BY-POINT ANALYSIS**

Per the comment from Planner Lisa Elgin (dated February 26, 2026), the following provides a point-by-point analysis demonstrating how this Special Use application meets each approval criterion under Section 5.3.2.C of the El Paso County Land Development Code:

### **Criterion 1: The special use is generally consistent with the applicable Master Plan.**

This property is designated Suburban Residential under the El Paso County Master Plan, with an Area of Change designation of Minimal Change: Developed, and falls within the Enclaves or Near Enclaves Key Area. The proposed Accessory Living Quarters (ALQ) is a single-family residential use that is entirely consistent with the Suburban Residential Zoning, which generally supports accessory dwelling units. The El Paso County Master Plan explicitly recognizes that the Suburban Residential Zone can include limited accessory residential uses supportive of the single-family character of the area. Furthermore, Colorado House Bill 24-1152 reflects statewide legislative intent to facilitate ALQ construction on residentially zoned properties. This proposal advances multi-generational housing consistent with the Master Plan's goals for the established residential character of the area. No commercial, industrial, or incompatible land uses are proposed. The application is fully consistent with the applicable Master Plan.

### **Criterion 2: The special use will be in harmony with the character of the neighborhood, and will generally be compatible with the existing and allowable land uses in the surrounding area.**

The surrounding neighborhood is characterized by rural residential properties in the RR-2.5 zoning district, with large lots, single-family residences, and accessory structures. The proposed 1,408 sq. ft. detached ALQ is consistent in scale and character with existing accessory structures in the area. The ALQ is sited per the proposed Site Plan (Part of this Submission Package) well within the required setbacks (25'-0" front and rear; 15'-0" and 10'-0" sides) and does not create any new incompatible use. The structure will be occupied exclusively by blood-related immediate family members (Father/Mother/Daughter/Grandchildren), maintaining a private single-family residential character. No additional traffic generation, commercial activity, or neighborhood disruption is anticipated. The proposed ALQ will be harmonious with and compatible with the established character of the surrounding area.

### **Criterion 3: The impact of the special use does not overburden or exceed the capacity of public facilities and services, or, in the alternative, the special use application demonstrates that it will provide adequate public facilities in a timely and efficient manner.**

The property is served by an existing on-site wastewater treatment system (OWTS). A new OWTS is proposed in connection with the ALQ and will be designed and permitted in accordance with all applicable El Paso County and State of Colorado standards. The Site Plan confirms that existing grade lines will remain unchanged, and drainage will NOT be adversely impacted by the OWTS construction or ALQ construction. The property is served by existing electric (overhead MVEA), existing natural gas (1" gas service #121703), and existing utilities as shown on the Site Plan. No public water or sewer extension is required, and no municipal services will be overburdened. The proposed use adds one residential accessory unit for family members already residing in the area, creating negligible incremental impact on public facilities. The Water Master Plan Area is Region 1, with low wildlife impact potential as confirmed in the Master Plan materials previously provided to EPC.

### **Criterion 4: The special use will not create unmitigated traffic congestion or traffic hazards on the surrounding area, and has adequate, legal access.**

The property has an existing driveway access from Otero Avenue, which is an existing county road. The Site Plan provides for removal of One gravel driveway and includes a new driveway approach designed in conformance with applicable EPC Driveway standards. The proposed ALQ is an accessory residential structure for existing family members; it does not introduce new employees, customers, or commercial traffic. The incremental traffic impact of one multi-generational family unit occupying an ALQ is de minimis — estimated at fewer than five (5) additional daily vehicle trips. No traffic study or mitigation is warranted. Adequate and legal vehicular access to the property from Otero Avenue is existing and confirmed on the Site Plan. No traffic congestion or hazard will result from this approval.

### **Criterion 5: The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution.**

The proposed ALQ is a residential accessory structure that will be constructed to comply with all applicable building codes, El Paso County Land Development Code standards, Colorado State law, and any applicable federal regulations. The new OWTS will be designed, permitted, and installed per El Paso County

Environmental Health Division requirements, protecting groundwater quality. No air emissions, light pollution, or noise-generating commercial activities are associated with this residential use. No hazardous materials, regulated substances, or pollution-generating activities are proposed. The ALQ construction will comply with all applicable stormwater management standards; per discussions with Stormwater Engineering (as noted on the Site Plan), proper BMPs will be implemented on-site to protect the floodplain and adjacent properties. This use fully complies with all applicable environmental laws and regulations.

**Criterion 6: The special use will not otherwise be detrimental to the public health, safety and welfare of the present or future residents of El Paso County.**

The proposed ALQ is an accessory residential structure for immediate family members with a documented medical hardship. The Father's long-term medical conditions necessitate on-site multi-generational family support — a circumstance that benefits both the family and the broader community. No commercial activity, public gathering, or use incompatible with the residential neighborhood is proposed. The ALQ will be constructed in full compliance with applicable building codes and life-safety standards. The proposed structure and its use pose no threat to the health, safety, or welfare of surrounding property owners or the general public. In fact, the ALQ supports community values of family care and multi-generational housing, which are recognized priorities at both the state and county level.

**Criterion 7: The special use conforms or will conform to all other applicable County rules, regulations or ordinances.**

The proposed ALQ has been designed and is being submitted in conformance with EPC LDC Section 5.2.1 (Accessory Living Quarters), including: (A) Only one ALQ on the parcel; (B) Detached structure; (C) Affidavit of owner-occupancy provided to EPC; (D) ALQ is 1,408 sq. ft. (≤ 1,500 sq. ft. maximum); (E) No separate utility meters; (F) Occupancy by immediate family member; (H) Permanent Occupancy special provisions met — occupants are blood-related family; and (I) All additional applicable LDC standards will be met. The Site Plan (Sheet C2) confirms compliance with all required setbacks, impervious coverage limits (2.2% of lot area), and building height limitations (18'-0" proposed vs. 30'-0" maximum allowed). The OWTS will be permitted separately per El Paso County Health Department requirements. No variances or deviations are requested beyond those inherent in the Special Use process itself. This application is in full conformance with all applicable County rules, regulations, and ordinances.

**CURRENT SITE FACILITIES: SEE SITE PLAN FOR ADDITIONAL INFORMATION**

Existing 2-Story Single Family Residence (Children and Grandchildren's Residence)

Existing Detached Shed

Existing Detached Car Port (as shown on site plan)

Respectfully Submitted,

Kier K. Moore, Authorized Representative for Owners

President

KGM2 Construction Enterprises, Inc.

719-571-0121 CELL

719-500-9155 OFFICE

[Kgm2contracting@gmail.com](mailto:Kgm2contracting@gmail.com)