



RECEIVED
SEP 10 2019
Town of Vail

Department of Community Development
75 South Frontage Road
Vail, CO 81657
Tel: 970-479-2128
www.vailgov.com
Development Review Coordinator

Appeals Form

General Information: This form is required for filing an appeal of a Staff, Design Review Board or Planning and Environmental Commission action/decision. A complete form and associated requirements must be submitted to the Community Development Department within twenty (20) calendar days of the disputed action/decision.

Action/Decision being appealed: Commission Decision 4/3 Booth
Heights and Town Council Decision 4/3

Date of Action/Decision: Commission 8-26-19 Council 9-3-19

Board or Staff person rendering action/decision: PEC

Does this appeal involve a specific parcel of land? ☒ Yes ☐ No

If yes, are you an adjacent property owner? ☐ Yes ☒ No

Name (s) of Appellant (s): William Robert Essin
(BOB)

Mailing Address: 4264 Columbine Way No. 11, Vail, CO
81657 Phone: 970-376-4484

Physical Address in Vail: Same unit

Legal Description of Appellant (s) Property in Vail: Lot: 11 Block: Subdivision: Bighorn

Appellant (s) Signature (s): William Robert Essin R010915
(Attach a list of signatures if more space is required.)

SUBMITTAL REQUIREMENTS

1. On a separate sheet or separate sheets of paper, provide a detailed explanation of how you are an "aggrieved or adversely affected person". ✓
2. On a separate sheet or separate sheets of paper, specify the precise nature of the appeal. Please site specific code sections having relevance to the action being appealed.
3. Provide a list of names and addresses (both mailing and physical addresses in Vail) of all owners of property who are the subject of the appeal and all adjacent property owners (including owners whose properties are separated from the subject property by a right-of-way, stream or other intervening barrier).
4. Provide stamped, addressed envelopes for each property owner listed in (3).

Submit this form and all submittal requirements to:

Town of Vail
Community Development Department
75 South Frontage Road
Vail, CO 81657

For Office Use Only:

Date Received: _____
Planner: _____

Activity No.: TC19-0004/TC19-0005
Project No: _____

September 12, 2019

To: The Vail Planning and Environmental
Commission and The Vail Town Council

I have been given Submittal Requirements asking that "On a separate sheet or separate sheets of paper, provide a detailed explanation of how you are an "aggrieved or adversely affected person"."

I believe I have already done that by filing with the Commission and The Town Council my letter of September 6, 2019, followed by my filing of September 9, 2019.

Notwithstanding the above and in addition there to I am now submitting the following list of how I am aggrieved and/or adversely by your decision:

1. Losing the big horn sheep herd and other wild life on this parcel will affect all of us. Vail depends on its image and this will hurt that. I

will miss seeing them and knowing that they are near and free. Recall also that it was not so long ago that many of them were captured and taken to help the herd that was then in Georgetown.

2. Snow and Rock avalanche danger is apparent. Just go to the site and look up. There is very little room at the bottom for any run off before structures will be hit. It will be expensive to abate this. A small fence above the development by the developer will not suffice. At some point it will be necessary to construct a large cut between the rock face and the development similar to the one in the Booth Falls area just to the West. My tax payer dollars should not be used for this. When the rock and snow avalanche danger was assessed this parcel was not known to exist. Has it been evaluated?
3. Heavier traffic and congestion will occur on

the frontage road and at the entrance to and on the interstate from automobiles, bikes, runners and walkers. The town bus schedule will need to be increased year round at tax payer cost to help the workers living here get to West Vail for groceries and gas and other services. The bus route will take more time and be more expensive and workers be paid more. The East Vail market is only sufficient for quick groceries in a pinch. This is a bad location for a large Development.

4. My, our taxes have been higher because this property was not on the tax rolls for over 40 years (what was the last year it was on the tax rolls before it was just recently added?). Every sale of the ski area (Vail Mountain) should have included bills of sale, and water conveyances, and deeds of properties that should have revealed that this property was not on the tax rolls. They only had to pay 2

years back, but that should not be the case if they consciously did not add this property to the tax rolls years ago. An 8 residential lot without improvements on it would be a substantial tax sum each of those 40 plus years. What are all the facts? Let's examine all of those transfers. Was there a conscious decision to not list this property on the tax rolls by previous and/or the present owners? Was this a crime? Would a court apply equitable principles and not give them relief in court because of the clean hands doctrine which tells someone asking for help in court, tough luck if your hands are not clean.

5. The pictures provided to the paper by the developer look very much like the employee housing development just to the east of the Post Office. What an eyesore. This does not belong in this location and is totally out of context for this area. I will hate to look at it

each day I live here just like it will be an eyesore to travelers from the East and as they leave town. It is the first thing they will see coming here. Many people now get off at the first Vail interstate exit in East Vail and are confused and turn around and get back on the interstate to the main Vail exit. It will cause travel danger.

William Robert Essin

William Robert (Bob) Essin
September 12, 2019

September 9, 2019

To: The Vail Planning and Environmental
Commission and The Vail Town Council

Sent from my iPad

Commissioners and Council,

In furtherance of the appeal of the decision I filed September 6, 2019, of the Commission's decision of August 26, 2019, by a 4 to 3 vote and the decision of the Town Council by a 4 to 3 vote against Council review of the Commission's approval of the Booth Heights work force housing proposal, I am an aggrieved citizen and property owner of the Town of Vail, working in downtown Vail and residing in my home at 4264 Columbine Way, #11, Vail, Colorado. (970-376-4484, vailbob@comcast.net). I moved to Vail in 1990 and have resided in this home since 1998. As additional content to the appeal I filed September 7, 2019, I

would ask you to consider the letters in the Vail Daily of September 8, 2019, by Charlyn Canada, A spiritual plea to save the big horn sheep, and by Rol Hamelin, Abdication of Responsibility.

The information and opinions in just these 2 letters (not to mention all of the others that have previously been published and the contacts you have personally received) need more consideration before a final decision is completed. Also Vail Resorts and previous owners of this parcel pretending not to know that they owned it for more than 40 years and not paying taxes and claiming ownership until they found this use for it is not believable given the fact that it was an asset being transferred each time the mountain changed hands.

Give us the facts Vail Resorts and previous owners? Were there deeds executed and tax certificates received and was the property listed on the inventory of property being sold and conveyed?

Did your attorneys give you advice on this subject? They only had to pay 2 years of taxes to put it back on the tax rolls.

That a person on the Commission is an employee of Vail Resorts has been mentioned. Also members of the Council over the years have worked with and contracted with the Town and Vail Resorts and previous owners of the mountain and this property.

This is a "Company Town", whatever that means to you. Over the years Vail Resorts and previous owners have been very good and responsible owners of this Company Town. My wife and I were redcoats at Beaver Creek and for 20 years until last winter she was a cross country and snow shoe instructor at Golden Peak. We all love the mountain and this place called Vail. If your contacts and or contracts of any kind or job has any influence on the decision you might make on any matter of your position as a member of the Commission or the

Town Council, you should disqualify yourself from the decision.

We need subsidized public housing but this is not in the right place. In a previous life before I came to Vail, I was a trustee for a public housing authority. Give the voters of Vail a chance to vote on this Development if you can. Also I recognize the responsibility and hard work of the Commission and the Council. If you don't find a way to stop this development, then for your sake I hope it is not your legacy in Vail.

In the event you find that I am not an aggrieved citizen that has standing to legally object to the Commission's decision because I do not live close enough to Booth Heights (does anyone actually?), I hereby also appeal that decision to the Vail Town Council and besides filing this with the Commission, I am send them a copy by email. It's a beautiful day in Colorado,

William Robert Essin 9/9/19

William Robert Essin

From: Bob Essin vailbob@comcast.net
Subject: Lifeitsownself, Booth Heights
Date: Sep 6, 2019 at 10:21:19

RECEIVED

SEP 06 2019

Town of Vail

To: towncouncil@vailgov.com,
letters@vaildaily.com
Cc: KFoley@vailgov.com,
dchapin@vailgov.com,
KLangmaid@vailgov.com

William
Robert
Essin
9/6/19

In the beginning...Sound Familiar...and then there was Vail. A lot of facts and feelings get lost between the beginning and now. Why did they do it? Was it just money? Was it just the skiing?

Something in between? Has the spirit of Vail changed so much or not? Does it give the new people who come here now the same things and feelings? Maybe the answers are different for some?

The company was before the town but at some point the people living here and/or the company had to decide how to provide services the people and company needed-streets, protections, etc. The Town of Vail was created. The spirit of this place then and now is still tremendous but at some point

and certainly now it is clear to me that the company, the ownership, now Vail Resorts only cares and acts for the bottom line to their stock holders. We should understand this clearly and realize this in every decision they make, even when they donate to the town or causes or individuals. This is how we should judge what they are trying to do with this property at Booth Heights. For development, this property is so bad that the owners at some point forgot that they owned it or did they just not pay taxes on it because it got lost on the tax rolls and they intentionally defrauded the tax payers for Xnumber of years? When they decided they might be able to use it someday, it got put on the tax rolls and they paid 2 years taxes. Now they asked and have gotten their way from the Town to develop it.

Vail Resorts will get paid by the developer and get most of the beneficial use of it themselves. Vail Resorts' hands are not clean on this Deal. They should not benefit from it. At least restrict all of the property to non Vail Resorts employees. Clean your hands Vail Resorts, pay all the taxes you did not pay all those years. Put this development where it belongs in Ever Vail. Sell this property for a reasonable sum to the Town. TOV Use the 1 per cent transfer tax to buy it or condemn it if we must. Let's at least have a vote by citizens, not just a Board that voted 4 to 3 and not by a Town Council that voted 4 to 3. Members of the Board and the Council cannot just forget their ties to Vail Resorts and be objective. Let's be real here. This is a horrible development.

This Board and Council will be remembered as the worst in my opinion. This is the most important issue Vail has faced since I moved here in 1990.

Objectively look at this property and the proposed development. Yes it may destroy the Big Horn herd or not and the other wild life I have seen here over the years. The deer that I ran into when driving my Vans to Vail van, the elk that was taken down by coyotes that fed on it for at least a week.

Irrespective of the Big Horns and other wild life, it is too big and too many people too far away from basic needs, food and gas. Yes they have increased the parking but still not enough. Will they have to have a special bus all year, X times a week to West Vail? It will look horrible here. Hopefully an owner

of property nearby (?) will object before the 16th and ... what? The Town has been very vague in saying what the qualifications are for the objector and who decides if the (?) qualifications have been met by the objector? What happens then? I live in East Vail, I object. 9/6/2019

Bob Essin

4264 Columbine Way #11

Vail, CO 81657

970.376.4484

Vailbob@comcast.net

Sent from my iPad

William Robert Essin

✓ BALTZ FAMILY PARTNERS LTD
PO BOX 754
GRAND LAKE, CO 80447-0754 46

✓ JOHN BUCKLEY & PATRICIA BROWN
123 SANDALWOOD WAY
HIGHLANDS RANCH, CO 80126-5606 45

✓ HENRY R. PRATT REVOCABLE TRUST
3827 LUPINE DR. - UNIT B
VAIL, CO 81657-4886 44

✓ NOEL & LESLIE GINSBURG
6456 E. TUFTS AVE,
ENGLEWOOD, CO 80111-1165 43

✓ KEVIN R. & PATRICIA S. WALL
PO BOX 3763
VAIL, CO 81658-3763 42

✓ TESS HOLLINGSWORTH & MICAH
SCHUETTE
4030 FALL LINE DR. - UNIT D
VAIL, CO 81657-4726 41

✓ DANIEL & LAURA H. MARIANINO
13 FOX RUN
CALIFON, NJ 07830-3336 40

✓ KIRK J. & JULIANNE M. HANSEN
PO BOX 876
VAIL, CO 81658-0876 39

✓ THOMAS & MARGARET BROWN
2725 COACH HOUSE LN
NAPLES, FL 34105-2718 38

✓ ARTHUR S. & CINDY L. TAYLOR
1119 SPRINGMONT CIR
BRYN MAWR, PA 19010-1833 37

✓ CAREY E. ANDERSON
3950 FALL LINE DR. - UNIT 12
VAIL, CO 81657-4708 36

✓ BHARAT DESAI
7955 SPIRIT RANCH RD
GOLDEN, CO 80403-8123 35

✓ CHLOE HELD MORAN REVOCABLE
TRUST
358 FERNDALDE RD S
WAYZATA, MN 55391-1509 31

✓ JOHN F. SCHAPPERLE JR LIVING
TRUST - ETAL
3817 LUPINE DR
VAIL, CO 81657 30

✓ RICHARD W. & EMILY G. GRODAHL
570 N. LAFAYETTE ST.
DENVER, CO 80218-3608 29

✓ JEFFRY A. EPSTEIN
3900 HAMILTON BLVD. - STE 208
ALLENTOWN, PA 18103-6122 28

✓ CAROL H. JOCHENS
2 VILLAGE RD
ENGLEWOOD, CO 80113-4908 27

✓ CHERYL ANN PETER
4030 FALL LINE DR. - UNIT C
VAIL, CO 81657-4726 26

✓ JOHN N. OENICK
6324 CARDINAL RD
BETTENDORF, IA 52722-4867 25

✓ SUZANNE E. GARTNER
4010 FALL LINE DR # 4
VAIL, CO 81657 24

✓ 3950 N. FRONTAGE RD. 7 LLC
141 E MEADOW DR. - STE 211
VAIL, CO 81657-5857 23

✓ FALL LINE DRIVE #10 LLC
C/O SOLARIS
PROPERTY OWNER LLC
141 E MEADOW DR. - STE 211
VAIL, CO 81657-5857 22

✓ RAMIN AGHEVLI & CAROLYN
SCHIERHOLZ
10178 CHARISSGLEN LN
HIGHLANDS RANCH, CO 80126-5535 21

✓ 3910 N FRONTAGE RD 16 LLC
141 E MEADOW DR - STE 211
VAIL, CO 81657-5857 20

✓ CHLOE HELD MORAN REVOCABLE
TRUST
358 FERNDALDE RD S
WAYZATA, MN 55391-1509 16

✓ LUPINE LLC
10700 CROMWELL DR
LINCOLN, NE 68516-9200 15

✓ LINDA M. & DOUGLAS G. PAUL
310 STAG POND RD
BYRAM TOWNSHIP, NJ 07821-3531 14

✓ ERIC K. & CHRISTINE A. JOHNSON
4061 E. LINDEN LN.
GREENWOOD VILLAGE, CO 80121-
3927 13

✓ PAMELA L. STEWART
126 INCENSE TR.
SUNNYVALE, CA 94086-7047 12

✓ JEANA L. GILLIS FAMILY
IRREVOCABLE TRUST
14141 SLATER ST
OVERLAND PARK, KS 66221-2167 11

✓ KELI & JEFFREY LOEHR
4020 S. IVANHOE LN
CHERRY HILLS VILLAGE, CO 80111-
1017 10

✓ JOAN LEVITT
40 BAYARD LN
PRINCETON, NJ 08540-3029 9

✓ JAMES H. & LAURA JANE PETO
3950 FALL LINE DR. - #8
VAIL, CO 81657-4708 8

✓ FALL LINE DRIVE #11 LLC
C/O SOLARIS
PROPERTY OWNER LLC
141 E MEADOW DR. - STE 211
VAIL, CO 81657-5857 7

✓ 3950 FALL LINE #14 LLC
C/O SOLARIS
PROPERTY OWNER LLC
141 E MEADOW DR. - STE 211
VAIL, CO 81657-5857 6

✓ ANTHONY JOHN & TINA LYALL
LICCIARDI
PO BOX 522
VAIL, CO 81658-0522 5

✓ LAKOTA MOUNTAIN INVESTMENTS
LLC 34

4056 SIMMS ST
WHEAT RIDGE, CO 80033-3800

✓ THOMA PROPERTIES LLC 33
C/O ROSKE,
SCHUMANN & BURGHART LLP
350 5TH AVE - STE 5220
NEW YORK, NY 10118-5220

✓ VAIL CORP 32
C/O - THE FIXED ASSETS
DEPARTMENT
390 INTERLOCKEN CR. - STE 1000
BROOMFIELD, CO 80021-8056

✓ LINDA GREIF 19
PO BOX 20257
NEW YORK, NY 10025-1512

✓ DANIEL HEIM 14
3950 FALL LINE DR - UNIT 22
VAIL, CO 81657-4725

✓ UNITED STATES OF AMERICA 17
W 6TH AVE & KIPLING ST
LAKEWOOD, CO. 80225-0546

✓ JRG REALTY LLC ✓
190 JASMINE ST.
DENVER, CO 80220-5913 4

✓ UPSON FAMILY TRUST ✓
850 S. FOOTHILL DR.
LAKEWOOD, CO 80228-3045 3

✓ TOWN OF VAIL ✓
75 S. FRONTAGE ROAD W.
VAIL, CO. 81657 2

✓ MICHAEL O'CONNOR ✓
TRIUMP DEVELOPMENT
w: 970.688.5057
m: 240.793.6405
12 Vail Road - Suite 700 - Vail, CO - 81657
12 VAIL ROAD - SUITE 700
VAIL, CO 81657 1