



## Memorandum

**TO:** Vail Town Council

**FROM:** Community Development Department

**DATE:** May 3, 2022

**SUBJECT:** An appeal, pursuant to Section 12-3-3, Appeals, Vail Town Code, of a Condition of Approval for DRB22-0035, a residential project located at 3070 Booth Creek Drive, Vail Village Filing No. 11, Block 3, Lot 7, and setting forth details in regards thereto. (TC22-0002)

Appellant: Delponte Residence Trust No. 1 and No. 2 represented by  
Alderman Bernstein  
Planner: Jonathan Spence

### I. SUBJECT PROPERTY

The subject property is located at 3070 Booth Creek Drive, Vail Village Filing No. 11, Block 3, Lot 7, as shown on the image below:



## **II. VAIL TOWN COUNCIL JURISDICTION**

Pursuant to Section 12-3-3C-1 Vail Town Code, the Town Council must hear and decide appeals from any decision, determination or interpretation by the planning and environmental commission or the design review board or the art in public places board with respect to the provisions of this title and the standards and procedures hereinafter set forth.

## **III. PROCEDURAL CRITERIA FOR APPEALS**

Pursuant to Sections 12-3-3C-2 and 12-3-3C-3, Vail Town Code, there are three basic procedural criteria for an appeal:

### **A) Standing of the Appellants**

Pursuant to Section 12-3-3, Vail Town Code and the determinations made by the Community Development Director, the appellants have standing as aggrieved or adversely affected persons.

### **B) Adequacy of the Notice of the Appeal**

A copy of the Public Notice of the Vail Town Council, April 5, 2022, Public Hearing was mailed to adjacent property owners and sent to the local newspaper on March 15, 2022, and published in the Vail Daily on March 18, 2022, pursuant to Section 12-3-3C-3, Vail Town Code.

### **C) Timeliness of the Notice of Appeal**

Section 12-3-3C-3 of the Vail Town Code requires appeals to be filed within twenty (20) days of the decision being appealed. On March 7, 2022, the appellant filed their appeal.

## **IV. SUMMARY**

The question to be answered by the Vail Town Council regarding this appeal is:

Whether the March 2, 2022 decision of the Design Review Board to approve, with one condition, should be upheld, overturned, or overturned with modifications.

The condition subject to this appeal reads as follows:

1. Prior to submitting for a building permit, the applicant shall cause to be removed all existing private improvements, including sod, located on Vail Village Filing 11, Tract C.

Pursuant to Section 12-3-3, Vail Town Code, the Vail Town Council must uphold, overturn, or overturn with modifications the Design Review Board's March 2, 2022, decision.

## **V. BACKGROUND**

The applicant, Reggie D. Delponte Residence Trust No. 1 & No. 2, represented by Shepherd Resources Inc. AIA, requested the review of an addition to an existing single family home before Design Review Board, pursuant to Section 12-11-3, Vail Town Code, located at 3070 Booth Creek Drive. The Design Review Board, at its March 2, 2022 meeting, by a vote of 5-0, approved the project with the noted condition.

## **VI. REQUIRED ACTION**

The Vail Town Council must uphold, overturn, or overturn with modifications, the Design Review Board's March 2, 2022 decision. The Town Council must act by motion, with such motion to be approved by a majority of those present.

Should the Vail Town Council choose to uphold the decision, the following motion is recommended:

*"I move that the Town Council uphold the March 2, 2022 decision of the Design Review Board, finding the DRB properly determined that the application for an addition located at 3070 Booth Creek Drive complies with Title 14, Chapter 10, Vail Town Code with the noted condition of approval."*

Should the Vail Town Council choose to overturn, or overturn with modifications, the decision of the Design Review Board, the following motion is recommended:

*"I move that the Town Council overturn the March 2, 2022 decision of the Design Review Board, finding the DRB improperly determined that the application for an addition located at 3070 Booth Creek Drive complies with Title 14, Chapter 10, Vail Town Code with the noted condition of approval."*

## **VII. ATTACHMENTS**

- A. Appeal Memo, Alderman Bernstein, March 9, 2022
- B. Appeal Application, March 7, 2022
- C. Response to Appeal memo, Hoffman, Parker, Wilson and Carberry, P.C. March 15, 2022