



Unauthorized work that could deny access to privately owned open space designated for public use at 366 Hanson Ranch Road.

VAIL HOMEOWNERS ASSOCIATION, INC.

Letters to Vail

Another Assault on Vail Village Open Space?

May 26, 2023

Unauthorized work: Work has begun at the “Kindel House” (366 Hanson Ranch Road) that appears to involve ripping up public open space and the unauthorized cutting down of mature aspens and other trees. Other significant site work is also taking place. From all that VHA has been able to learn, there has been no TOV authorization or approval for this work. There is no building or any other permit posted at the site and no tree removal permit has been issued by the TOV. Reportedly, the owner of this property also intends to install art work in the public open space.



Unauthorized Tree Removal



Current work at 366 Hanson Ranch Road

This is the latest of a series of actions at that location that have sought to privatize or commercialize the adjacent public space. The Kindel property is bordered on the East (Tract D-1) and the South (Tract E) by covenant protected open space land. For years that extend back to the beginning of Vail, various owners of the property have sought to prevent the public from having full access to that open space. Originally, the first owner of that property erected a split rail fence that enclosed an area much larger than the private lot, incorporating significant parts of adjacent open space. Over the years since then, there have been other proposals to enlarge the building on the property and extend into the public space. All have been defeated.

As a prelude to this latest work, the split rail fence was removed earlier this month and replaced with construction fencing. In the last week, all of the trees within the construction fence were cut down.

This work should have been reviewed and authorized by at least the Town Design Review Board, and as part of that process, a landscape plan should have been filed. A search of the public record reveals that no application has been filed with the DRB nor is any application pending. Likewise, there is no application to the Art in Public Places Board for any art work installation. Had these processes been followed, the public would have received notice of this work and had an opportunity to review and object to it.

Stop Work: The TOV informed VHA that a stop work had been issued. The VHA has been unable to find any such order and has requested a copy of it, but to date, nothing has been forthcoming. A Stop Work order should have been issued, but work continues at the site which means that either there was no such order or the owner is blatantly ignoring it.

Significant Open Space: One of the foundational elements of Vail was setting aside major tracts of land as open space. Tracts D-1 and E were part of that plan. In particular, Tract D-1 was to provide egress to the Golden Peak

ski area, and Tract E was to provide an undeveloped green belt at the center of the resort. Regardless of the underlying ownership of these properties, no above ground buildings or other improvements were to be constructed or maintained on these properties. That is a clear and unambiguous declaration. In 1971, that directive was reinforced by an amendment to the original covenants that provided that those lands must be used, held and maintained in good order and condition by the TOV for the use at all times as a vacant and undistributed open area in its natural condition or landscaped with trees, shrubs and grass but with no structures, buildings or improvements erected or maintained on it. In intervening years, the TOV became the steward of those properties and has held off various efforts to encroach on those lands, including efforts to rezone portions of Tracts D-1 and E to commercial uses.

Now the TOV is once again called upon to protect those open spaces. A stop work order should be issued and enforced. The property owner should be instructed that strict compliance with TOV approval processes is required and will be enforced.

VHA provides clear and concise discussions of matters affecting the Vail community in the belief that an informed citizenry will be an engaged citizenry. Our intent is to promote more citizen involvement and community discussion of issues facing the Town. If this is an issue that concerns you, please make your views known to [town officials](#). By joining with VHA, as a member, paid-subscriber or reader you can add your voice to sustain what is good about our community and to shine a spotlight on important issues.

To receive VHA letters and reports as a Reader, Paid-Subscriber or Member.

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