



Former home of Vail founder Peter Seibert in the [Vail Village 7th Filing](#), to be demolished and replaced, neighbors protest design.

VAIL HOMEOWNERS ASSOCIATION

VHA Report – DRB Under Scrutiny

November 5, 2018

There is new controversy growing within Vail with community-wide implications. On a 4-3 vote the Vail Town Council has just upheld a controversial Design Review Board (DRB) approval of a residential duplex to replace the home of Vail founder Peter Seibert. The controversy concerns the neighborhood compatibility of new buildings and how “compatibility” is to be determined. At a more basic level, it could have a long-term effect on the character of the entire community and may call into play the necessity for protective covenant litigation.

What concerned opponents of the replacement was the Council’s acceptance of the [developer’s interpretation](#) of the DRB’s guideline that a building’s “surroundings” was the entire community. This flew in the face of the historical understanding that compatibility was based on the immediate vicinity or neighborhood in which the structure was to be located. This belief stemmed from the fact that as part of the foundational concepts of Vail, compatibility was memorialized as part of the [protective covenants for Planning and Design Review Committees established by Vail Associates](#) for each of the 13 subdivisions from which the Town of Vail was initially formed. The definition of vicinity was contained within and unique to each subdivision, thereby, succinctly defining what constitutes the vicinity or neighborhood as being within the subdivision in which the improvement is to be built.

The proposed Seibert home replacement is vastly different from the rest of the neighborhood. Its design eschews neighborhood alpine features, featuring a flat roof in a cubist architectural style (below) which maximizes site coverage, scale and proportion. Opponents cited these differences as being so incompatible with the neighborhood that it would do harm to the values, monetary and aesthetic, of adjacent and neighboring properties.



Contrary to the Seibert replacement, a sampling of the architectural styles within the vicinity have alpine design characteristics, including sloping roofs.





When design review regulatory powers were assumed by the Town in 1974, they were predicated on the legal

framework of the planning and design review guidelines articulated in the founding protective covenants. Those requirements run with the land and cannot be simply abandoned or ignored, nor can they be “regulated” away. The Council’s acquiescence to the developer’s compatibility interpretation violates the original intent and purpose of those requirements. If left unchecked, the Seibertresidence dispute and similar decisions could well become a precursor to the partial or wholesale change in the foundational concept of Vail, without any input from or community discussion of the changes involved. It also calls into question the Town of Vail’s administration of the “compatibility” criteria for the entire community, most notably obvious in the recent redevelopment approval of the Roost Lodge site.

A review of [letters submitted to the Town of Vail](#) in conjunction with the replacement of the Seibertresidence are a striking summary of the disparity between neighborhood property owners with respect to their understanding, assumptions and criticism about the Town’s administration of its design review guidelines. A photographic inventory of residential structures that are adjacent or neighboring the Seibertresident are a graphic illustration of what has been permitted either before or after the Town design review regulations were initially adopted in 1974.

The matter is further complicated by the efforts of the Vail Fire Department to diminish the effectiveness of compatibility landscaping by mandating fire resistant vegetation setbacks surrounding structures. Criticisms have been made that these setbacks, particularly front and side, are excessive and will result in denuding the harmonizing effect that extensive natural appearing landscape brings to the appearance of the community. The Fire Department is seeking to establish regulatory dominance over the Design Review Board. Because landscape has been effectively used to mask and mitigate the “dissimilarity” prohibition in the covenant design review criteria, the Fire Department’s intervention threatens to make an already contradictory design even more obvious. Perhaps, Vail Resorts recent announced intention to expand its snow making system on Vail Mountain, and the resulting fire suppression potential, will mitigate some of the Vail Fire Department’s wildfire and regulatory anxieties.

VHA [Membership:](#)

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Post Office Box 238 Vail, Colorado 81658

Telephone: (970) 827-5680 E-mail: vha@vail.net Web Site: www.vailhomeowners.com

Community Links:

Town of Vail Meeting agendas and materials can be accessed prior to meeting day on the Town of Vail website www.vailgov.com. All town council meetings will be streamed live by High Five Access Media and available for public viewing as the meeting is happening. The meeting videos are also posted to High Five Access Media website the week following meeting day, www.highfivemedia.org.
