

United States Department of the Interior
National Park Service
National Register of Historic Places
Registration Form

This form is for use in nominating or requesting determination for individual properties and districts. See instruction in How to Complete the National Register of Historic Places Registration Form (National Register Bulletin 16A). Complete each item by marking "x" in the appropriate box or by entering the information requested. If an item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials and areas of significance, enter only categories and subcategories from the instructions. Place additional entries and narrative items on continuation sheets (NPS Form 10-900a). Use a typewriter, word processor, or computer, to complete all items.

1. Name of Property

historic name Zall House

other names/site number 5DV9221

2. Location

street & number 5401 East Sixth Avenue Parkway [N/A] not for publication

city or town Denver [N/A] vicinity

state Colorado code CO county Denver code 031 zip code 80220

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended, I hereby certify that this [X] nomination [] request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property [X] meets [] does not meet the National Register criteria. I recommend that this property be considered significant [] nationally [] statewide [X] locally. ([] See continuation sheet for additional comments.)

Signature of certifying official/Title State Historic Preservation Officer Date

Office of Archaeology and Historic Preservation, Colorado Historical Society
State or Federal agency and bureau

In my opinion, the property [] meets [] does not meet the National Register criteria.
([] See continuation sheet for additional comments.)

Signature of certifying official/Title Date

State or Federal agency and bureau

4. National Park Service Certification

I hereby certify that the property is:

Signature of the Keeper

Date of Action

- [] entered in the National Register
[] See continuation sheet.
[] determined eligible for the National Register
[] See continuation sheet.
[] determined not eligible for the National Register.
[] removed from the National Register
[] See continuation sheet.
[] other, explain
[] See continuation sheet.

Horizontal lines for signature and date input.

Zall House
Name of Property

Denver County, Colorado
County/State

5. Classification

Ownership of Property
(Check as many boxes as apply)

- private
- public-local
- public-State
- public-Federal

Category of Property
(Check only one box)

- building(s)
- district
- site
- structure
- object

Number of Resources within Property
(Do not count previously listed resources.)

Contributing	Noncontributing	
1	0	buildings
0	0	sites
0	0	structures
0	0	objects
1	0	Total

Name of related multiple property listing.
(Enter "N/A" if property is not part of a multiple property listing.)

N/A

Number of contributing resources previously listed in the National Register.

0

6. Function or Use

Historic Function

(Enter categories from instructions)

DOMESTIC/Single Dwelling

Current Functions

(Enter categories from instructions)

DOMESTIC/Single Dwelling

7. Description

Architectural Classification

(Enter categories from instructions)

Late 19th and 20th Century Revivals
Other: Georgian Revival

Materials

(Enter categories from instructions)

foundation Concrete
walls Brick
roof Concrete
other

Narrative Description

(Describe the historic and current condition of the property on one or more continuation sheets.)

Zall House
Name of Property

Denver County, Colorado
County/State

8. Statement of Significance

Applicable National Register Criteria

(Mark "X" in one or more boxes for the criteria qualifying the property for National Register listing.)

- A Property is associated with events that have made a significant contribution to the broad patterns of our history.
- B Property is associated with the lives of persons significant in our past.
- C Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- D Property has yielded, or is likely to yield, information important in prehistory or history.

Criteria Considerations

(Mark "X" in all the boxes that apply.)

Property is:

- A owned by a religious institution or used for religious purposes.
- B removed from its original location.
- C a birthplace or grave.
- D a cemetery.
- E a reconstructed building, object, or structure.
- F a commemorative property.
- G less than 50 years of age or achieved significance within the past 50 years.

Narrative Statement of Significance

(Explain the significance of the property on one or more continuation sheets.)

9. Major Bibliographical References

Bibliography

(Cite the books, articles and other sources used in preparing this form on one or more continuation sheets.)

Previous documentation on file (NPS):

- preliminary determination of individual listing (36 CFR 67) has been requested
- previously listed in the National Register
- previously determined eligible by the National Register
- designated a National Historic Landmark
- recorded by Historic American Buildings Survey

- recorded by Historic American Engineering Record

Areas of Significance

(Enter categories from instructions)

Architecture

Landscape Architecture

Periods of Significance

1941

Significant Dates

1941

Significant Person(s)

(Complete if Criterion B is marked above.)

N/A

Cultural Affiliation

N/A

Architect/Builder

Davis, Rodney S.

Kelly, George W.

Primary location of additional data:

- State Historic Preservation Office
- Other State Agency
- Federal Agency
- Local Government
- University
- Other

Name of repository:

Colorado Historical Society

Zall House
Name of Property

Denver County, Colorado
County/State

10. Geographical Data

Acreage of Property less than one

UTM References

(Place additional UTM references on a continuation sheet.)

- | | | | | |
|----|------|---------|----------|----------------------------|
| 1. | 13 | 506491 | 4397112 | (NAD27) |
| | Zone | Easting | Northing | |
| 2. | | | | |
| | Zone | Easting | Northing | |
| 3. | | | | |
| | Zone | Easting | Northing | |
| 4. | | | | |
| | Zone | Easting | Northing | [] See continuation sheet |

Verbal Boundary Description

(Describe the boundaries of the property on a continuation sheet.)

Boundary Justification

(Explain why the boundaries were selected on a continuation sheet.)

11. Form Prepared By

name/title Diane Wray Tomasso, Historic Preservation Consultant (Prepared for property owner)
organization _____ date May 27, 2005
street & number 3058 S. Cornell Circle telephone 303-761-8979
city or town Englewood state Colorado zip code 80113

Additional Documentation

Submit the following items with the completed form:

Continuation Sheets

Maps

A **USGS map** (7.5 or 15 minute series) indicating the property's location.

A **Sketch map** for historic districts and properties having large acreage or numerous resources.

Photographs

Representative **black and white photographs** of the property.

Additional Items

(Check with the SHPO or FPO for any additional items)

Property Owner

(Complete this item at the request of SHPO or FPO.)

name David S. Cohen
street & number 5401 East Sixth Avenue Parkway telephone _____
city or town Denver state Colorado zip code 80220

Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C. 470 *et seq.*)

Estimated Burden Statement: Public reporting burden for this form is estimated to average 18.1 hours per response including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Chief, Administrative Services Division, National Park Service, P.O. Box 37127, Washington, DC 20013-7127; and the Office of Management and Budget, Paperwork Reductions Projects (1024-0018), Washington, DC 20503.

**National Register of Historic Places
Continuation Sheet****United States Department of the Interior
National Park Service**Zall House
Denver County, ColoradoSection number 7 Page 1**DESCRIPTION**

The Zall House (2,236 sf) is located on a large corner lot (14,100 sf) at the northeast corner of Grape Street and the East Sixth Avenue Parkway. The house faces south toward the Parkway, with a large front yard to the west, south and east. Open lawns with beds of perennials, trees and shrubs extend to a concrete public sidewalk on Grape and to the street curb along Sixth Avenue. Four mature elm trees appear at the edge of the south lawn, located on a 30' right-of-way that is integral to the original plan of the National Register and Denver Landmark District East Sixth Avenue Parkway. To the north and east are a spacious back yard and adjacent residential properties.

In plan, the house is composed largely of two large rectangular volumes. The east volume includes the kitchen, living and dining rooms while the west volume houses a pair of bed and bathrooms. To the south, the west volume is set slightly behind the east, forming a small entrance courtyard. Here, the main entrance is recessed at the juncture of the two volumes. Originally, a straight concrete sidewalk led directly from East Sixth Avenue to the front door. It is now approached by a curvilinear red sandstone sidewalk leading from the public sidewalk on Grape. Inside the main entrance, a formal entry hall occupies the south end of a central corridor. The balance of the corridor to the north houses storage closets and utilities, terminating at the two-car garage, a third rectangular volume to the north. A concrete driveway extends west from the garage doors to Grape Street.

The house sits at grade on a concrete slab foundation. It is constructed of brick with a slightly projecting three-course base at grade and soldier courses forming the window sills. According to verbal accounts and published photographs, the brick was originally painted a light ivory, the red brick exposed only at the sills.

The original wood-paneled main entrance door displays a window of leaded glass and original hardware. It is surmounted by wood molding and flanked by wood columns. On the two garage entrances, original articulated wood-panel doors with associated hardware appear. Simple glazed and/or paneled doors, including pairs of fifteen-light French doors, allow access between service and living areas of the house and the back yard.

The fenestration consists largely of multi-light steel-frame windows with both fixed and operable elements. The west side of the facade at the entrance courtyard features a thirty-two-light window, with two operable casements at center and stationary side and transom lights. The west elevation displays a bay window in each of the two bedrooms: a fixed sixteen-light center panel flanked by operable eight-light casements. Each bath has a twelve-light window with central operable casement. There is a fixed nine-light circular window just south of the garage doors. Similar original windows appear on the secondary elevations facing the back yard.

A side-to-side hipped roof covers the main body of the house, spanning the two primary volumes. There are gabled roofs on the south-projecting portion of the east wing and an attached covered porch to the east. The north end of the west wing and the garage also have gabled roofs. The roof, originally finished with wood shingles, is now concrete tile.

**National Register of Historic Places
Continuation Sheet****United States Department of the Interior
National Park Service**Zall House
Denver County, ColoradoSection number 7 Page 2

The house features a number of Georgian Revival Style details. These include the hipped roof, the entrance door and frame, and the quoins that appear at the corners of the main volumes of the house, worked in raised brick. A large Palladian window forms the primary architectural feature of the facade. It includes a central arched window with keystone and a single large fixed pane of glass. It is flanked by wood columns and twelve-light steel-frame windows. These include operable casements with fixed transom windows above and small wood panels below. It is surmounted by a small circular opening in the masonry, fitted with horizontal louvers to serve as attic ventilation.

The house also displays a number of details that relate to the Art Deco, reflecting the architect's transition from designs based on historical revival models to modern architectural concepts and forms, which were to dominate his later career. These include the functional plan of the house, the location of the house at grade and steel windows that are modern in design, including the round porthole window on the west elevation near the garage.

A low brick wall extends from the house into the landscape to the east, dividing the public front yard from the private back yard to the north. Originally decorative wood fencing in a triangular pattern appeared atop the wall and surrounded the perimeter of the back yard. Wood gates in the same pattern appeared in the wall and behind the garage to the west. After the war, when restrictions on non-essential metal use were lifted, the Zalls replaced the wood with wrought iron fencing in a similar pattern. On the north side of the back yard, a large decorative brick feature wall with integral water basin mirrors the form of the Palladian window on the facade. Many of the original planting materials survive, as detailed in the section on Architectural Significance.

The house retains a remarkably high degree of integrity, as evidenced by comparison with the historic plans and elevations. This is largely due to the fact that it has had only two owners – the Zalls and the sympathetic current owner, who has been familiar with the house since his boyhood.

The facade, facing the East Sixth Avenue Parkway to the south, and the west elevation, facing Grape, are in virtually original condition. Mae Evelyn Zall added a pair of historical-revival sconces adjacent to the front door. The original roof was cedar shingles, which had been blackened with creosote. The current owner replaced this with concrete tile that visually retains much of the textural quality of the original.

Facing private areas of the yard, two major changes were made to the house, both during the ownership of Max and Mae Evelyn Zall. In 1946, the Zalls enclosed an original attached covered porch to the south and east, just behind the low garden wall. At the same time, they also added a 300 square foot formal dining room to the north of the living room. This addition faces the back yard and is not visible from the street. Both additions feature pairs of French doors that face the private back yard.

The interior also retains a high degree of integrity. The primary public rooms in the house are the entrance foyer and the living room to the east. The foyer displays original paneling details. In the living room, the dramatic plaster cornice that appears in the original drawings for the house remains. At a very early date, Mae Evelyn altered the fireplace mantel and the walls of the living room with additional historical-revival moldings, paneling and radiator covers. The balance of the house is largely original, the only major change being the renovation of the kitchen.

**National Register of Historic Places
Continuation Sheet****United States Department of the Interior
National Park Service**Zall House
Denver County, ColoradoSection number 7 Page 3

The integrity of the original landscape design and plantings has been largely retained, and is discussed in more detail in the portion of Section 8 dealing with the significance of the landscape design. The most notable change has been to the original paving plan. The current owner removed the original concrete sidewalk that led straight from Sixth Avenue to the front entrance and replaced it with a curvilinear red sandstone sidewalk leading to the entrance from Grape Street. Though there is a parking lane along the front of the house, the city no longer marks the pavement and, with the greatly increased traffic on the East Sixth Avenue Parkway, all owner and visitor access to the house now takes place from Grape Street.

**National Register of Historic Places
Continuation Sheet****United States Department of the Interior
National Park Service**Zall House
Denver County, ColoradoSection number 8 Page 4**SIGNIFICANCE**

The 1941 Zall House is eligible for listing on the National Register of Historic Places under criterion C in the area of *architecture* owing to its having been designed by architect Rodney S. Davis. The design of the Zall House was an early work of Davis (1915-1997), an acknowledged local master of mid to late twentieth-century architecture in Denver, while working as a young man for the firm of Edwin A. Francis. It is one of a handful of identified early works that reflects his transition from historical revival architecture into modernism, which would ultimately dominate his long and illustrious career. Rodney S. Davis went on to work for some of the most prestigious architectural firms in Denver, ultimately becoming a principal in Fisher and Davis, the successor organization to Fisher and Fisher, originally founded in 1905 and widely acknowledged as one of the most important architectural firms in twentieth century Denver. Davis went on form his own organization, a nationally-recognized firm that survives to the present day.

The 1941 Zall House is also eligible in area of *landscape architecture* for its association with well-known Denver horticulturalist and landscape designer George Kelly. The landscape design clearly embodies the plant choices, gardening recommendations and design principles of Kelly, who featured it in his book *Rocky Mountain Horticulture*, widely recognized as the first volume to address the unique climate and soil conditions facing home gardeners in the region.

Rodney S. Davis, Architect

Rodney S. Davis was the principal designer of the Zall House. Davis is a third generation Coloradan, born on December 31, 1915. At that time, his family lived in Longmont, Colorado. His father, Clifford Davis, a wholesale automobile dealer, had studied architecture at the University of Illinois. When the younger Davis was only eight years old he came upon some of his father's architectural drawings which inspired him to become an architect. At that time, he posted a sign on his bedroom door with the legend "Rodney Davis, Architect." His father provided young Rodney with a miniature drafting set-up. Clifford Davis died in 1926 and the family moved to Denver shortly afterward.

In 1930, while still in high school, Davis joined Denver architect Edwin A. Francis' one man office. Initially Davis served as a draftsman and errand boy but soon became a designer. During this period, Francis, who later embraced Modernism, was still working within the concerns of historic revivalism and it was Davis who was responsible for many of the Modern designs credited to the firm. In the 1930s Davis became aware of the Art Deco Style through contemporary architectural periodicals and his designs of this period reflected this awareness. A noteworthy design among these is the Art Deco Style 20th Century Fox Film Distributor Building at 2101 Champa Street of ca.1935. Davis continued working for Francis for more than two years after his high school graduation earning a salary of \$5 to \$10 per week, which was paid only intermittently.

Davis received a Bachelor of Architecture degree from Catholic University of America in Washington D.C. Before enlisting in the Navy to serve as a fighter pilot in World War II, Davis returned briefly to Denver and designed the Zall House, his last project for the Edwin A. Francis firm. The Zall House is a early transitional work of Rodney Davis, combining both historical revival elements, which dominated the Denver architecture of his early youth, and the Art Deco Style, in which he had developed an interest.

**National Register of Historic Places
Continuation Sheet****United States Department of the Interior
National Park Service**Zall House
Denver County, ColoradoSection number 8 Page 5

After his war service, Davis worked for the Gidding firm, becoming involved in the design of low income apartments and housing complexes under the federal Title 18 special loan program.

In 1947 he returned to Denver and joined Fisher and Fisher, then the city's largest architectural firm. The initial firm of Fisher and Fisher was a partnership of William Ellsworth Fisher and younger brother Arthur. This firm was well-known in Denver in the early 20th century for its historical revival-style designs for luxurious residences, such as the Phipps Residence, "Belcaro" of 1933 at 3400 Belcaro Drive, Denver, and for many noteworthy commercial buildings as well. With William's death in 1937, his son, Alan Fisher was made a partner, the name of the firm remaining Fisher and Fisher.

Soon after joining this second incarnation of Fisher and Fisher, Davis became one of the firms' principal designers. In 1953 he headed the design team for Fisher and Fisher for the Rocky Mountain Osteopathic Hospital (now the University East Pavilion of the University of Colorado Health Sciences Center at 4701 East 9th Avenue in Denver (numerous additions). This hospital was featured in *Progressive Architecture* in July of 1954. Davis was the on-site supervision for Fisher and Fisher on Burnham Hoyt's Central Library from 1951 to 1956 and, in 1955, the principal designer of the Colorado Department of Employment (insensitive remodeling) at 251 E. 12th Avenue.

In 1959, Davis was made a partner, resulting in the firm of Fisher, Fisher and Davis. With the death of Arthur Fisher in 1957, the succeeding firm became Fisher and Davis. This firm undertook major renovations to the Brown Palace, the Denver National Bank Building (and Broker Restaurant) the Denver Country Club, the Cactus Club, and Montaldo's. The firm was also involved in the design of a number of important buildings in the state including Denver's Byron G. Rodgers Federal Building at 1961 Stout Street and the United States Court House next door at 1929 Stout Street. The principal designer of these buildings was James Sudler. Fisher and Davis provided structural designs. Fisher and Davis played the same role in the design of the University of Colorado Engineering Science Center on the campus in Boulder by William Muchow of 1966. Muchow had worked in the office of Fisher and Fisher in the 1940s.

Hospital design had been a major concern of the firm from the time of the second Fisher and Fisher. With the advent of Fisher and Davis, hospitals became an increasingly dominant focus of the firm's work. Porter Memorial Hospital at South Downing and Yale is only one example of this work. Davis' involvement with Porter began in 1954 and his firm's work for Porter continues to the present day.

In 1967, Alan Fisher broke the partnership and formed a new one with architects John D. Reese and Hilary M. Johnson, resulting in the firm of Fisher, Reese and Johnson. At the same time, Rodney Davis established the firm of Rodney S. Davis Associates. In 1980, the firm's name was changed to the Davis Partnership and later to the Davis Partnership, P.C.

Davis, in his own practice, came to increasingly focus on health care design and has hundreds of hospital projects to his name. These include Saint Luke's Hospital (now A.M.I. Saint Lukes) at 601 East 19th Avenue in Denver, Littleton Hospital at 7700 South Broadway in Littleton, Boulder Memorial Hospital at 1100 Balsam Street in Boulder and elements of Penrose Hospital at 2215 North Cascade in Colorado Springs, among many others.

**National Register of Historic Places
Continuation Sheet****United States Department of the Interior
National Park Service**

Zall House
Denver County, Colorado

Section number 8 Page 6

Davis was very active in the American Institute of Architects. In 1963, he served as president of AIA Colorado. The following year he was co-chairman of the National AIA Convention in Denver, and served as a member of the AIA Committee on Architects for Health. Davis was named the 1990 AIA Colorado Architect of the Year and received an AIA Colorado Chapter Certificate of Appreciation.

He was a board member of the Downtown Denver Improvement Association and received their Commendation Award for Voluntary Contribution of Valued Architectural Services. Davis was also honored by the Denver Planning Board, where he served from 1968 to 1972. He was a board member and volunteer vice-president of Historic Properties of the Central City Opera Association, and director of the Boys & Girls Clubs of Metro Denver, and was awarded the group's Bronze Keystone award.

Rodney S. Davis died at the age of eighty-one on March 6, 1997. His firm continues to play an important role in Denver metropolitan area. It has a broad-base focus with special expertise in facilities for education, health care, research and commerce. It is one of the largest multi-disciplinary architectural firms in the Rocky Mountain region.

George W. Kelly, Landscape Designer

The landscape design of the Zall House clearly reflects the plant choices and landscape design principles of George W. Kelly, who pictured the house twice in his landmark volume *Rocky Mountain Horticulture*, widely recognized as the "backbone of our knowledge about growing plants in this region," according to the Denver Botanic Garden's Summer 1974 *Green Thumb News*.

George Whitfield Kelly was born May 8, 1894, in Scotch Ridge, Ohio, population fifteen. His parents and five brothers moved to Chicago when he was five years old and to rural Tennessee when he was twelve. Both his parents were teachers, and his father was also an evangelist. Kelly, home schooled, was taking correspondence courses to become a forest ranger when his father died, forcing him to work to help support his family. At eighteen, George left home and traveled to Salina, Kansas where he began working for the Union Pacific Railroad. The work did not interest him, and moved on to work for a greenhouse at half the pay. The English proprietor taught Kelly all he knew, then recommended him for a position at the Elitch Garden's greenhouse in Denver. In Colorado, he became bored with greenhouse work and began to look for a way to work with plants outdoors.

In 1921, Kelly met Charlie Rump, development manager for the Redlands Company, a power company subsidiary trying to attract settlement to 6,000 acres of land on Redlands Mesa, west of Grand Junction. Rump recruited Kelly, who saw the move as a chance to establish his own farm. He contracted for a house and land, taking on odd jobs to help support himself as he worked. After four years of mismanagement, the settlers were deep in debt and Kelly was forced to take a job with the Grand Junction Seed Company. After six years, he was forced to abandon his dream, selling his cow, bees and remaining equipment and buying a train ticket to Denver.

In Denver, he worked briefly for Denver Wholesale Florists and the Rocky Mountain Seed Company. He then worked as a landscape gardener for the Denver Public Schools before the position was terminated due to the Depression. He then bought land in Littleton and began his own nursery and landscaping business.

**National Register of Historic Places
Continuation Sheet****United States Department of the Interior
National Park Service**Zall House
Denver County, ColoradoSection number 8 Page 7

Kelly was deeply involved in the establishment of state and local horticultural groups. In 1943, he was instrumental in the merging of the Colorado Forestry Association (est. 1884), and the Denver Society for Ornamental Horticulture (est. c1914), which acknowledged their common goals and joined to form the Colorado Forestry and Horticulture Association (CF&HA). M. Walter Pesman served as the group's first president. Kelly, along with attorney Robert E. More, landscape architect Irvin McCrary, and John H. Gabriel wrote the constitution and bylaws for the group. From 1944 through 1955, Kelly was the editor of the nationally recognized *Green Thumb*, the official magazine of the CF&HA. During this time, there were not less than 82 major articles under his name.

The inaugural issue of the *Green Thumb* called for the establishment of a Rocky Mountain Botanic Garden and in 1951, the CF&HA, under the leadership of Gladys Chessman Evans, incorporated the Botanical Gardens Foundation of Denver, Inc. At the time, there were only nine other botanical gardens in the nation. George Kelly was a "Charter Trustee" and served on the Board of Trustees from 1951, the year of the group's inception, through 1954. During these years, the group successfully planned and planted the gardens, then located at City Park, with Kelly acting as director. In 1954, as organizational momentum increased, Kelly had difficulty overseeing operations in City Park from his CF&HA office at 1355 Bannock, and Robert L. Woerner, formerly of the Finch Arboretum in Spokane, Washington, was appointed director to provide full-time attention to the gardens. According to Judy Morely in her Master of Arts Thesis *Oasis in the City: The History of Denver Botanic Gardens*:

"Though Kelly functioned as director of the Gardens for nearly five years before Woerner's arrival, Woerner is usually given credit for being the first director of the Botanic Gardens. According to historian Bernice 'Pete' Petersen, 'It was a very sore point with George that he wasn't given more credit as having the title of first director.'"

This is undoubtedly the reason that George W. Kelly's name no longer appears in the board's roster after 1954.

After his severing his connection with the Denver Botanic Gardens, Kelly and his wife Sue (Augusta Amalie Johnson) focused on the development of Kelly's nursery and landscape design business in Littleton, the Cottonwood Garden Shop. The two had met in 1951 when Sue worked as his secretary at the CF&HA and were married in 1952.

Also in 1951, Kelly authored *Rocky Mountain Horticulture is Different* (re-named *Rocky Mountain Horticulture; George Kelly's Garden Book; How to Have Good Gardens in the Sunshine States* in the 1967 edition). According to the 1967 edition's introduction by M. Walter Pesman, renown local landscape architect and author of a regional horticultural bible that is still in print: *Meet the Natives: an Easy Way to Recognize Wildflowers, Trees and Shrubs of the Central Rocky Mountain Region*:

"It is the first, and so far, the only publication to give the gardener of our Rocky Mountain region solid, dependable information that can be used without having to make allowances for differences in climate, soil and conditions ... there [is] a big gap between the conditions of the arid and mountainous regions of the West and those of previously developed garden regions. This book is new source material for that 'new country.' ... George Kelly is a pioneer in horticulture in his field just as much as Liberty Hyde Bailey, Frederick Law Olmsted and others are in their fields."

**National Register of Historic Places
Continuation Sheet****United States Department of the Interior
National Park Service**

Zall House
Denver County, Colorado

Section number 8 Page 8

Kelly went on to publish numerous volumes including *A Way to Beauty: Planting and Landscaping in the Rocky Mountains* (1976), *Trees for the Rocky Mountains* (1976), *Flowers for the Rocky Mountains: A Manual of the Use and Care of Flowers in the Rocky Mountain Area* (1981), *Shrubs for the Rocky Mountains: A Manual of the Use and Care of Shrubs in the Rocky Mountain Area* (1979), and *Along the Trail* (1984).

In addition to his books, Kelly wrote a series of newspaper columns on gardening and conducted Denver's original gardening programs on the radio. In 1955, Kelly was given the Johnny Appleseed award by the Men's Garden Clubs. In 1957, the American Horticultural Council recognized him for his achievements in "opening the way to successful gardening in a section of the country where growing conditions are adverse."

In 1965, the Kellys retired to McElmo Canyon in the four corners area of Colorado. There, they built a small home, small garden, and twenty acres of irrigated farmland where Kelly grew peach and apricot trees. In 1967, he created a master plan for beautification of Cortez, and directed its execution, for which the city awarded him their inaugural "man of the year" award.

In 1968, he was licensed by the Colorado Board of Landscape Architects on the basis of his work, and in 1969, was honored by the International Tree Conference for sustained excellence in publishing and editing horticultural articles.

George W. Kelly died on August 10, 1991, and is buried in the Battle Rock Cemetery in Montezuma County, Colorado.

The Zall Garden

The Zall Garden was featured in George W. Kelly's 1967 edition of *Rocky Mountain Horticulture*, which displayed photographs of the distinctive south garden wall designed by Rodney S. Davis. One photo shows the original wood gate and fencing detail atop the brick wall, with the feature wall/fountain in the background. A second shows the final and still-extant version with re-designed metal structures replacing the wood. A third photograph shows a feature wall with integral fountain that is remarkably similar to that in the Zall Garden. Taken together, they provide strong evidence that Kelly was involved in the planting and design, either designing the project himself or serving as an advisor to Mae Evelyn, who was known as a "hands-on" gardener who actively maintained, if not designed, her own garden.

Kelly's Cottonwood Garden Shop in Littleton was a regional center for home gardeners. Biographer Wes Woodward says, "...the thousands of gardeners and would-be gardeners who had been reading Kelly's books and articles and listening to his programs, flocked to the shop for help and advice ..."

Kelly's books are still important reference volumes today and are noted in many horticultural bibliographies, especially those promoting "xeriscape." Xeriscaping, developed within the Denver Water Department, became an internationally-significant program promoting landscaping with plant materials that are climate-appropriate to a given region and its naturally-occurring water supply. George W. Kelly can rightly be seen as a pioneer in climate-appropriate landscaping.

**National Register of Historic Places
Continuation Sheet****United States Department of the Interior
National Park Service**Zall House
Denver County, ColoradoSection number 8 Page 9

Still, though Kelly even gave talks entitled “Colorado is not Connecticut,” Kelly also was skilled in creating micro-climates in which eastern plants could be encouraged to thrive in the west. In fact, the subtitle of the original 1951 edition of *Rocky Mountain Horticulture* was “How to Modify our Climate to Fit the Plants and How to Select Plants to Fit Our Climate.” In his preface to the original edition, George Kelly said:

“Most of the cultivated plants grown in the Rocky Mountain area have been brought here from the East where there is more moisture and other favorable climatic conditions. Our greatest needs are two: learn how to better adjust our existing climatic conditions to the valuable plants that we bring into this country, and to discover and adapt plants which will tolerate Rocky Mountain and Great Plains conditions.”

The Zall Garden typifies this Kelly approach to gardening in the Rocky Mountain west, using large native trees, in this case blue spruces, to create a moist and shady micro-climate that would support many plant materials common to the east.

Today, the garden retains a remarkable number of original plantings, most of which were recommended by George Kelly. These include an elm (on the south lawn, distinct from the Parkway plantings), three blue spruces, and in planting beds throughout the front, side and back yards, cotoneaster, blue spruce, nine bark, siberian iris, mock orange, rose of sharon, european euonymus, lantana viburnum, forget me nots, phlox, lilacs, peonies, asparagus ferns, spirea, honeysuckle, ginella maple, english ivy, florabunda crab apple, weeping birch, hybrid elms, sand creek plum tree, choke cherry, daylilies, tiger lilies.

HISTORICAL BACKGROUND

The house was designed and built of the family of Max P. Zall. Zall held the office of Denver City Attorney from 1963 to 1983, the longest single term for that office in the history of the city. He served the administrations of three consecutive Denver mayors, guiding the office through a period of remarkable change and transformation. He was commended for outstanding national public service by the National Organization of Municipal Law Officers in 1982 (now the International Municipal Lawyers Association or IMLA) and was recognized in 1993 as one of the six most outstanding lawyers in Colorado history by the Colorado Bar Association. Zall and his wife Mae Evelyn commissioned, constructed and occupied the house for over forty years until his death in 1983.

Max P. Zall was born in Denver, Colorado, on March 12, 1901. He was the youngest of six children born to Herman and Leah Zall who immigrated to the United States from Brest, Litovsk, Russia, in the 1890s and settled in Denver. Herman Zall was a skilled watch- and clock-maker, the founder and proprietor of the Zall Jewelry Company, which prospered and became a prestigious shop on Sixteenth Street in downtown Denver. Max's two surviving brothers (one had died as a child) and two sisters all worked as children in the family firm and followed their father into the jewelry business.

Max, as the youngest child, was the greatest beneficiary of his family's work ethic and savings program. He attended the Denver Public Schools and graduated from East High School. He went on to attend the University of Denver where he earned his law degree in 1922, graduating in a class, which, among

**National Register of Historic Places
Continuation Sheet****United States Department of the Interior
National Park Service**

Zall House
Denver County, Colorado

Section number 8 Page 10

others, included former University of Colorado Law School Dean Edward King and O. Otto Moore, former Chief Justice of the Colorado Supreme Court.

Zall's first wife was Emma Grimes, the daughter of a prominent and wealthy Jewish family. Max and Emma had no children. They divorced in 1941.

Max Zall then commissioned a house for himself and his prospective new wife, May Evelyn, a divorced mother of two adult daughters. The house was located at the corner of Grape Street and the National Register and Denver Landmark-listed East Sixth Avenue Parkway in the Hilltop neighborhood. Family lore relates that the Zall house was designed and built in secret as Zall and Mae Evelyn divorced their respective spouses to remarry. This is supported by title research that documents Zall's purchase of the land 1936 and 1938, despite a misleading building permit record showing the owner as a C.C. Bellamy.

Hilltop was often referred to as "Hanukah Hills" after many prominent and well-to-do Jews such as the Zalls built homes here in the years immediately before, during and after World War II. Following their congregations and constituents, a number of major Jewish religious and cultural groups also moved to Hilltop during this period. The National Register-listed Temple Emanuel is five blocks north of the Zall House at First and Grape.

Max and Mae Evelyn Zall were among the very first wave of Jewish residents in Hilltop. Due to the continuing segregation of housing, housing options were restricted for Jews. Beginning in the 1930s, the Hilltop neighborhood in southeast Denver became the destination for many Jews leaving the inner city. Hilltop became a center of Jewish community life as many synagogues, temples and other institutions followed their constituencies to the area including the Temple Emanuel (National Register), Beth Joseph, and B.M.H. Synagogues, along with the Jewish Community Center and Hillel Academy. Due to this influx of Jewish residents, Hilltop began to be informally known as "Hanukkah Hills". Many prominent members of the Jewish community, such as the Zalls, lived in homes designed by many of the finest architects of the period.

Though Zall was described by a friend as "imperturbable, Buddha-like" on the surface, in his personal life he was a warm and loving man who openly adored his wife and family. Though Max and Mae Evelyn had no children of their own, they were extremely close to Mae's daughters from her previous marriage. Other close family relationships included his two nephews, attorneys Ronald I. and Jon M. Zall, and his nephew Victor Krulak, a Naval Academy graduate who became a General in the U.S. Marine Corps, a World War II hero, and Vice-Commandant of the Marine Corps.

His clients and professional associates were his friends and the doors of the Zall home were opened to entertain a wide range of prominent individuals including oilman Silas Newton and next-door neighbor Elrey B. Jeppesen, world-renowned in the aircraft industry and the founder of Jeppesen & Co., the world's largest producer of flight maps. (The terminal at Denver International Airport is named for Jeppesen.)

Max was also one of the original members of the famous Denver Dry Goods Tea Room Round Table, which gathered every workday lunch hour to discuss the news of the day. Other members of this esteemed group were former Governor Ralph Carr, O. Otto Moore, Danny Sullivan (the former

**National Register of Historic Places
Continuation Sheet****United States Department of the Interior
National Park Service**Zall House
Denver County, ColoradoSection number 8 Page 11

postmaster in Ludlow, Colorado, during the time of the famous Ludlow massacre), prominent local attorneys Henry Sherman, Ben Sweet and Fred Mazzulla, who was also a prominent historian of the west and Colorado and photographer.

Zall was a 32nd Degree Mason, Past-Master of Columbine Masonic Lodge, the Rocky Mountain Consistory and the El Jebel Shrine. He was a member of the Phi Sigma Delta and Tau Epsilon Rho fraternities. He was also a member of the Denver City Club and Denver Kiwanis.

Max P. Zall's Legal Career

Max Zall was admitted to practice law in Colorado in 1922 and immediately began to develop a reputation as one of Colorado's premier oil and gas attorneys. He became known for his photographic memory, which permitted him to instantly recall legal decisions and statutory provisions. From 1947 to 1951, he served as one of the original members of the Colorado Oil & Gas Commission, an appointee of Governors Dan Thornton and Lee Knous, helping to write Commission rules and regulations. He was also a co-owner of the Oriental Refining Company, located in what is now Commerce City, Colorado, together with E.M. Stringer, a retired Texaco executive, and George Putman, a scion of the famed investment and mutual funds family from Boston, Massachusetts. His investments and his private practice, which he continued without interruption until his death, left him a wealthy man.

In his private practice, Zall was considered a "lawyer's lawyer". Former classmate, close friend and golfing companion, Colorado Supreme Court Chief Justice O. Otto Moore, said that Max was the legal profession's counsel, advising many famous and highly respected lawyers and judges. Moore said that he directed many professional associates to "talk to Max Zall" when they required their own attorney.

Zall's legal career was distinguished by his twenty years of service as city attorney, the longest single term for that office in the history of Denver. Zall's appointment by mayor-elect Currigan was announced on June 30, 1963. At the time, he was 62 years old, a Democrat, and had practiced law in Denver for more than forty years. He was a member of the Denver, Colorado and American Bar Associations, and was admitted to practice before the 10th Circuit Court of Appeals, the U.S. Supreme Court and the Treasury Department. When William H. McNichols Jr. became mayor after Currigan resigned in 1969, he retained Zall.

Zall claimed to have traded a \$100,000 annual income from his private practice for a \$12,000 per year salary. As a result, Zall viewed the office more as public service than a job. On one occasion, when the city found it could not find buyers for some of its special improvement bonds, Zall pulled out his own checkbook and bought the entire issue. He cut a colorful figure in Denver politics and was considered one of the most influential Denver political figures of his time. The *Denver Post* once described him: "A pragmatic, not idealistic, lawyer and politician, Zall conducts his business close to his bright red vest and wears his Gucci shoes and heavy turquoise watch and ring with easy grace."

George J. Cerrone, Jr., who began working for the city attorney's office in 1970, began at the lowest possible rank and retired as deputy city attorney in 2000. "In order to understand Max Zall," Cerrone says, "one must understand the role of the city attorney's office in Denver, and how Zall perceived it." Zall insisted on exercising the role of city attorney as set forth in the city's charter, maintaining that the office was the sole legal advisor for the whole city. Given the complexity of city government, and the

**National Register of Historic Places
Continuation Sheet****United States Department of the Interior
National Park Service**Zall House
Denver County, ColoradoSection number 8 Page 12

potential for internal and external conflicts, this was a very difficult position. According to Cerrone, Zall played the role of Denver's "honest broker", working to resolve major conflicts within the city as well as the many small jurisdictional differences that arose daily. In contrast, in many other cities, multiple attorneys represent disparate government interests.

During Zall's term of office, radical changes in the law were developing as the city and the country moved through the social and political turmoil of the 1960s and 70s. A few of the many prominent events included the struggle for minority civil rights, violent urban upheaval, the Vietnam War, the Watergate scandal, and landmark decisions such as the 1966 U.S. Supreme Court ruling in the case of *Miranda v. Arizona* that established that a suspect has the right to remain silent and that prosecutors may not use statements made by defendants while in police custody unless the police have advised them of their rights.

At a local and state level, Zall contended with the modernization of water and sanitary sewer services, including their regional consolidation and the creation of associated regulatory agencies. Zall helped negotiate the city's purchase of the Denver Tramway Co., a protracted takeover that eventually resulted in the formation of the Regional Transportation District (RTD) and the modernization of the city's public transportation system. In 1968, Zall won a crucial case defending the city's occupational tax before the Colorado Supreme Court. His office also dealt with the complexities surrounding urban renewal, school bussing and the related, racially-motivated passage of the 1974 Poundstone Amendment, which deprived Denver of the right of annexation and permanently restricted the city's tax base. Zall began to grapple with lawsuits against the city as its "sovereign immunity" became a thing of the past. The contracts which his office negotiated between the city and private interests, and with neighboring municipalities, increased in number, variety and complexity.

The office dealt with legal issues at the federal level as well, Zall sending Cerrone to argue on behalf of the city before the Supreme Court of the United States concerning the validity of the Commerce Department's census, which Mayor McNichols felt under-reported the city's population and resulted in the loss of federal revenues. Zall himself represented the city at his own cost before the Federal Power Commission (now the Federal Energy Regulatory Commission) with respect to natural gas prices.

There were radical changes in civil and criminal law during Zall's term in office. Even the function of law was changing in relation to individual, corporate and governmental interests. The difficulty and complexity of the work increased and the city attorney's office had to adapt. Issues such as police misconduct, which had been non-existent prior to the late 1960s, emerged. Zall struggled to meet the needs of the changing times despite the restrictions that civil service protections placed on his staffing decisions. In addition, the attorneys and staff of the office were scattered throughout the city – some in the City and County Building, others in multiple auxiliary offices, making even the most simple inter-office communication complex.

At the same time, the role of the media and the press in public affairs increased. In Denver's past, the press had often been the lapdog of the city administration. During the 1960s and 70s, an adversarial, independent press emerged that focused an increasingly critical lens on civic affairs. The city attorney's office, along with every other governmental agency, was forced to become more accountable to the press and the public on a day-to-day basis.

**National Register of Historic Places
Continuation Sheet****United States Department of the Interior
National Park Service**Zall House
Denver County, ColoradoSection number 8 Page 13

During Zall's first twelve years as city attorney, he operated largely without press scrutiny. Occasional articles appeared such as those in which Zall urged the city to employ "around-the-clock" judges to aid police or directed police to charge suspects before they could be held. There was also an appearance in the *Rocky Mountain News* column "Scanning City Hall", which reported on a skirmish between Zall and the Charles D. Byrne, a Republican auditor. But in 1975, political adversaries of McNichols began to focus more attention on the office. At the center of the controversy was Denver's "strong mayor" form of government, the direct result of a city charter that grants the mayor control of the budget and major judicial and administrative appointments. Zall, his own office the result of mayoral appointment, became a lightning rod for political opponents of McNichols and members of the city council who began to chafe under the mayor's direction and to demand more authority.

This power struggle had resulted, in 1977, in Zall battling against a council-proposed charter amendment that reduced the number of council votes required to override a mayoral veto from ten to nine. Despite the opposition of McNichols and Zall, the amendment was ordered on the ballot by the Colorado Supreme Court and approved by the voters. Council discussions had also resulted in a proposed charter amendment to require council approval of some mayoral appointments, including that of city attorney.

Zall began to be attacked on a more personal note as well. Mayoral candidate Dale Tooley criticized him for taking regular and lengthy weekend trips to Phoenix throughout the winter to visit his wife, Mae Evelyn, who suffered from arthritis.

Finally, in March and April of 1978, a major series of articles appeared in the *Denver Post*, challenging Zall's management of the office's thirty-six attorneys and \$1 million budget. In it, staff writer Carol Green enumerated a series of charges that had been leveled against Zall and his management of the City Attorney's office. Zall was said to be too politically connected to Mayor McNichols to offer impartial and objective legal advice on policy matters to other agencies and departments, including city council. Zall responded "I would consider myself a despicable S.O.B. if I wasn't loyal to the mayor." He maintained that he operated independently and often took positions in opposition to McNichols. Still, Zall confessed, in an evenly matched dispute between the mayor and council, "... loyalty to the mayor will be the feather that tips the scales."

The series of articles described other conflicts between Zall and the City Council, which felt his office was too slow in drafting routine council ordinances and what it perceived as uncommunicative or vague legal determinations. Council questioned his office's review of city contracts and agreements, contending that it failed to sufficiently protect taxpayer interests. A number of city contracts that Zall's office had negotiated came under attack, including those connected with the leasing of sports facilities and the Denver Center for the Performing Arts galleria. In one case, the council was able to force the amendment of a contract with the Denver Broncos. Allowing staff attorneys to maintain private practices on the side was also questioned as ethically inappropriate, though Zall insisted that without that provision, salaries would have to be increased to attract talented attorneys. Perhaps most significantly, Zall's office was seen as guarding the secrecy of the mayor's weekly cabinet meetings.

One article in the series pointed out that nationwide, cities were beginning to display a more city council-driven form of government. The *Denver Post* pointed to the city attorney's office in

**National Register of Historic Places
Continuation Sheet****United States Department of the Interior
National Park Service**Zall House
Denver County, ColoradoSection number 8 Page 14

Minneapolis, which was similar to Denver's in the number of employees and the budget. It was held up as an example of modern management, efficient training techniques, professional ethics and non-partisan service to the community. In contrast, Zall began to be perceived as being out-of-step with the times and too entrenched in political favoritism to transform his office into the type of modern organization required by a growing and increasingly sophisticated Denver.

Still, in spite of continuing opposition, the increasingly embattled Zall retained his position as city attorney until August 5, 1983. McNichols announced Zall's resignation shortly before the mayoral election on May 13, 1983, but Zall remained in office through August 8th of that year to facilitate the transition of Steven Kaplan, the first cabinet appointment of newly-elected Mayor Federico Pena.

Zall's term as the city's chief attorney had lasted twenty years, one month and five days, excluding a period during 1966 when he took a leave of absence to run for a seat on the Colorado Supreme Court.

In an article for the *Colorado Lawyer*, the publication of the Colorado Bar Association, his nephews Ronald and Jon Zall wrote "He was one of the vanishing breed of lawyers who engaged in the general practice of law during his lifetime; yet, the greatest joy in his legal life was found in the challenges of the courtroom, where his resonant voice and his well-reasoned examinations and arguments were nothing short of spellbinding."

On August 24, 1983, just weeks after leaving his post as city attorney, Max Zall died of a heart attack at the age of 82 at University Hospital in Denver. A service was held in BMH Synagogue and he was buried in the Emanuel section of Fairmount Cemetery.

Ed Sullivan, assistant to former Mayor William H. McNichols, Jr., said "Max Zall was a joy to be around. He had a brilliant mind and treated everyone the same ... He was sort of an institution, sort of a lightning rod for the administration. He knew that and accepted it. He was a gentleman in the true sense of the word."

**National Register of Historic Places
Continuation Sheet****United States Department of the Interior
National Park Service**

Zall House
Denver County, Colorado

Section number 9 Page 15

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**National Register of Historic Places
Continuation Sheet****United States Department of the Interior
National Park Service**Zall House
Denver County, ColoradoSection number 9 Page 16

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Interview with George J. Cerrone, Jr., Deputy City Attorney (retired) by Diane Wray, June 2, 2005.

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transcribed and walked by Sybil Wilson Jasloski, donated on June 21, 2001.

National Register of Historic Places Continuation Sheet

United States Department of the Interior
National Park Service

Zall House
Denver County, Colorado

Section number 10 Page 17

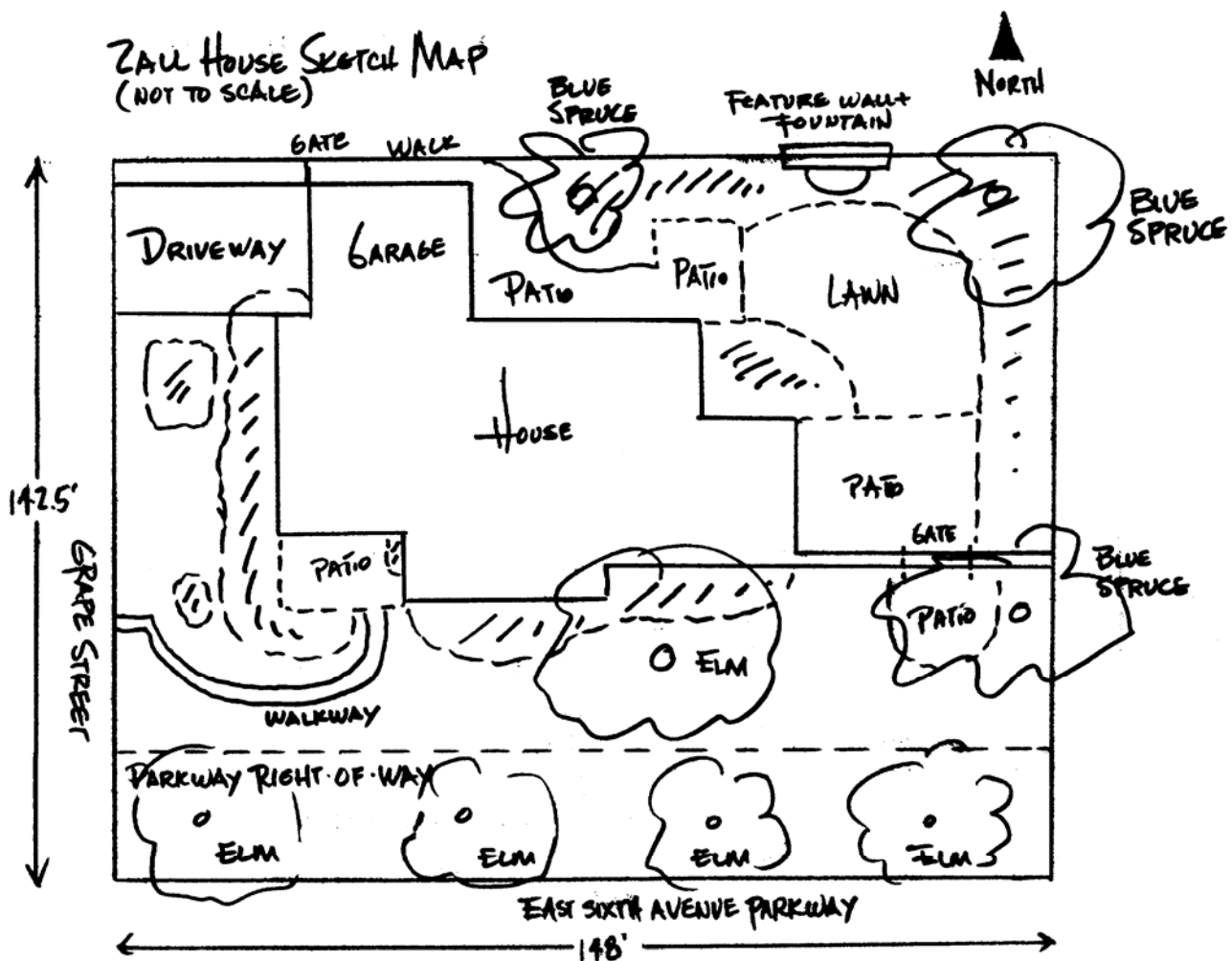
GEOGRAPHICAL DATA

VERBAL BOUNDARY DESCRIPTION

The nominated land consists of Lots 12 to 15 inclusive and the south half of Lot 11, Block 25, Porter and Raymond's second addition to Montclair Residential, City and County of Denver, Colorado.

BOUNDARY JUSTIFICATION

The described boundary corresponds to the legal description of the property as originally purchased by Max P. Zall.



National Register of Historic Places Continuation Sheet

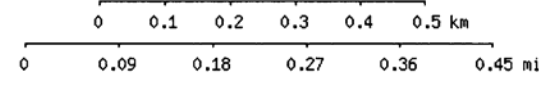
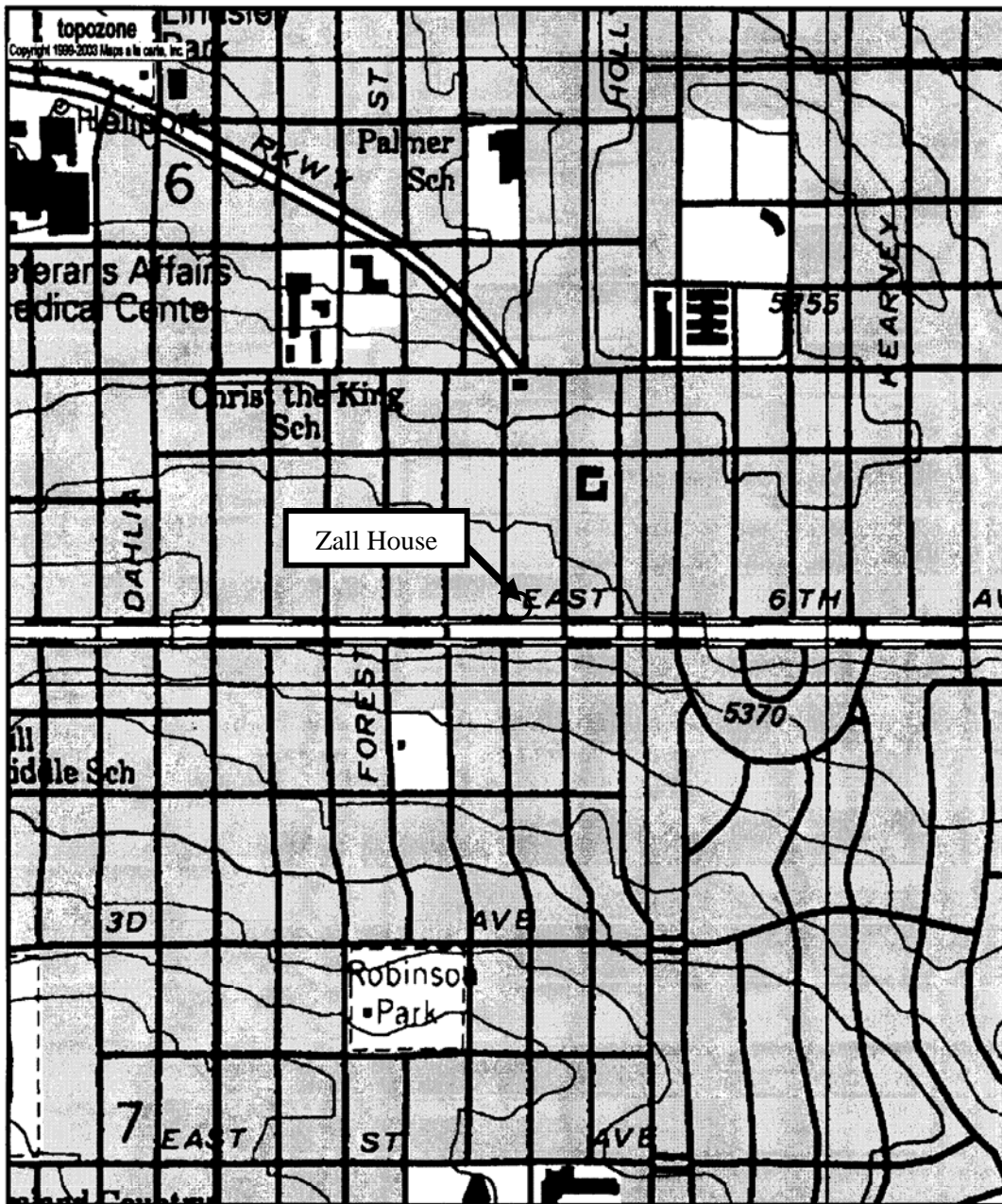
United States Department of the Interior
National Park Service

Zall House
Denver County, Colorado

Section number 10 Page 18

USGS TOPOGRAPHIC MAP
Englewood Quadrangle, Colorado
7.5 Minute Series, 1997

UTM: Zone 13 / 506491E / 4397112N (NAD27)
PLSS: 6th PM, T4S, R67W, Sec. 6 SE¹/₄ SW¹/₄ SE¹/₄ SE¹/₄
Elevation: 5,367 feet Site Number: 5DV9221



Map center is UTM 13 506478E 4397120N (NAD27)
Englewood quadrangle
Projection is UTM Zone 13 NAD83 Datum



M=9.965
G=0.048

**National Register of Historic Places
Continuation Sheet**

**United States Department of the Interior
National Park Service**

Zall House
Denver County, Colorado

Section number ___ Page 19

PHOTOGRAPH LOG

The following information pertains to photograph numbers 1-14:

Photographer: Diane Wray Tomasso
Date of Photographs: April 9, 2005
Negatives: Diane Wray Tomasso

<u>Photo No.</u>	<u>Photographic Information</u>
1	South elevation as viewed across the Sixth Avenue Parkway
2	South elevation as viewed across the Sixth Avenue Parkway
3	West (left) and south elevations with Grape Street at left
4	Entrance courtyard and main entrance, south elevation
5	South elevation, featuring Palladian window
6	South (left) and east elevations
7	Detail of garden wall, fence and other backyard features
8	East elevation of enclosed porch in back yard
9	East (left) and north elevation of house, facing back yard
10	North elevation of house at back courtyard, showing dining room addition at left
11	East elevation of west wing, facing back yard. Entrance to garage is at right
12	North (left) and west elevation of the garage wing
13	West elevation with garages at left
14	Detail of west elevation showing porthole window