

June 11, 2024

VIA E-MAIL PLANNER1@MINTURN.ORG

Historic Preservation Commission, Town of Minturn
302 Pine Street
Minturn, Colorado 81645

Re: 478 Eagle River Street - Nomination for Landmark Designation (the “**Designation Request**”)

Dear Historic Preservation Commission:

My wife and I own the house (“**Structure**”) and lot located at 478 Eagle River Street (collectively, the “**Property**”) in Minturn, Colorado (the “**Town**”). We are long-established visitors to the beautiful Minturn area, and it has been a dream of mine to own property along the Eagle River, establish a home for our family and future generations to enjoy, and become active members of the Minturn community. We were surprised to find the Property nominated for historic designation. So were our neighbors, who were excited to hear that we would be replacing a deteriorating home that has been neglected for years and investing in a new home considerate of the Minturn community.

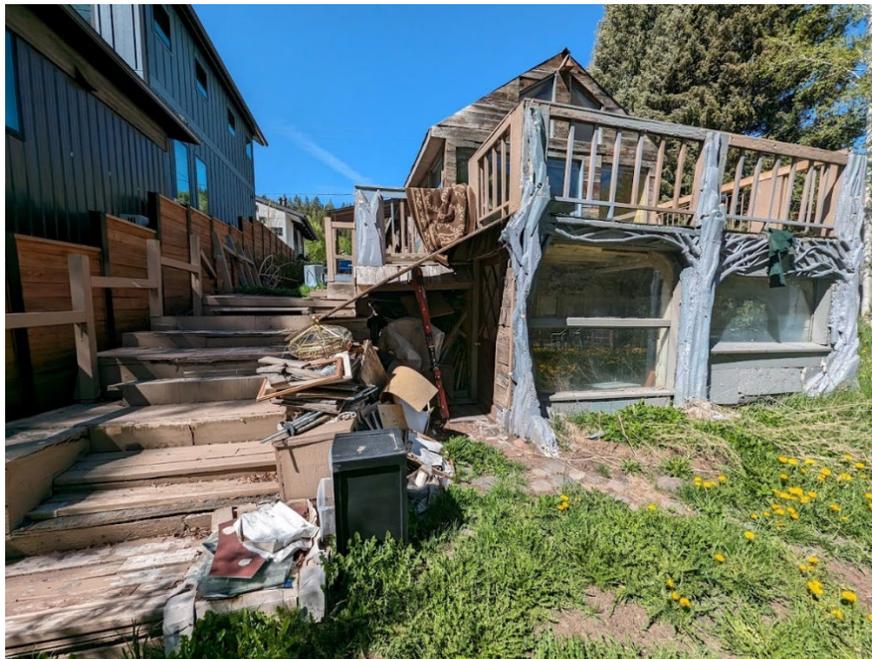
Since learning of the Designation Request, we have engaged legal counsel from Otten Johnson Robinson Neff + Ragonetti, P.C. (“**Otten Johnson**”) to assist in evaluating whether the Property is that which the Town intends to preserve based on the applicable eligibility criteria. Based on the information we’ve gathered on the Property, as well as the extensive inspection conducted by True Perspective Home Consultants on June 24, 2024 (the “**Inspection Report**”), we and Otten Johnson maintain that the Property does not meet the applicable eligibility criteria required for the Historic Preservation Commission to recommend approval of the Designation Request to the Town Council.

We request that the Historic Preservation Commission consider the following analysis of applicable eligibility criteria in making its determination. Pursuant to Minturn Municipal Code (“**Code**”) Section 19-3-20(a), properties shall be at least 75 years old and meet one or more of the applicable eligibility criteria in order to be considered for designation.

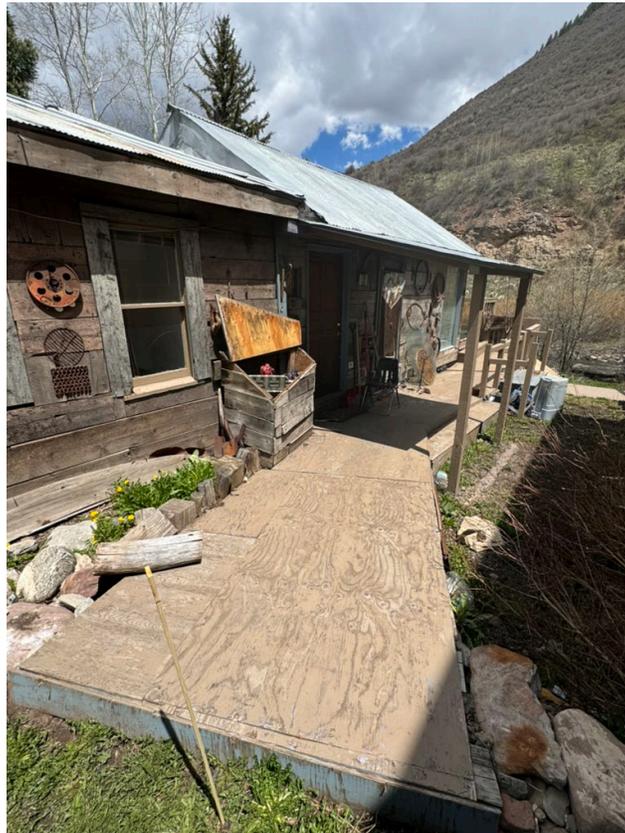
First, although the assessor’s records indicate a portion of the Structure was built in 1942 (i.e., 82 years old), a representative spoke to the assessor’s staff on our behalf and staff conceded that they don’t actually know when the Structure was built. Indeed, they did not even open a file on the Property until 1983 some forty years after the supposed construction. Though these dates remain unconfirmed, the previous owners have made substantial modifications and additions over the years, making most of the Structure much newer. We have attempted to identify the exact dates of these additions by searching building permit records, but it appears the previous owners never pulled building permits—which is a problem in and of itself—so it is difficult to provide certain dates. Despite that limitation, we also spoke with the Property’s former tenant, who lived there for decades. He recalls that (1) the major additions on the back of the Structure (pictured on the following pages) were made in the 1970s or 80s and that the previous owner continued to make changes over the years as well. Of particular note is the foam board used to “side” the Structure and mirror design elements such as window framing and roof overhang, circled in the following photo, as well as the personalized tree-like adornments encasing the rear addition. The additional photos demonstrate that virtually all of the Structure consists of more recent additions.



(Detail 1) Foam forms and “siding” on rear addition.



(Detail 2) Deck and stair addition.



(Details 3 and 4) South addition and plywood decking.

As a result, while some minimal portion of the Structure may have been built before Section 19-3-20(a)'s 75-year threshold, most of it falls well short of that mark, and even the older portion has been modified over the years. As illustrated in the following photo, the portion outlined represents the area of the structure satisfying the 75-year threshold, and the only portion that could conceivably demonstrate "rustic" architecture.



(Detail 5) Original cabin call out (red box). All other Structure components are later additions.

This curved log design is not clearly detectable along additional facades, signifying no clear delineation between what may have been an original section of the Structure and additions/renovations over the course of history. Therefore, there is no way to separate the qualifying and non-qualifying components of the Property and the Property as a whole is not eligible for historic designation.

Additionally, none of the applicable eligibility criteria are met, as detailed below.

1. Association with events that have made a significant contribution to history.
 - a. Is a site of a historic event that had an effect upon society; or

There is no indication that the Property is associated with events that have made a significant contribution to history, nor did the individual nominating the Property suggest that it is. The Town's Historic Preservation Plan, adopted December 7, 2022 (the "**Preservation Plan**") provides insight into notable Town history around the time of the Property's original construction, including

the Highway 24 completion and Red Cliff Bridge construction in 1940, construction of the cinder block school in 1941, and establishment of Camp Hale as a temporary training camp for the 10th Mountain Division in 1942. Although Camp Hale and the 10th Mountain Division maintain great historic distinction throughout the state of Colorado and Eagle River Valley, there is no evidence to suggest the Property itself is connected to Camp Hale nor an individual involved in the establishment of Camp Hale.

b. Exemplifies cultural, political, economic, or ethnic heritage of the Town.

The Property does not exemplify the cultural, political, or ethnic heritage of the Town, nor did the individual nominating the Property suggest that is the case. Although the Rustic architectural style, detailed below, was common for the early 1900s, there are no notable features related to the Town's railroad or mining culture of the time, and as noted above, very little of the original 1940s structure exists apart from the major, later additions.

2. Connection with persons significant in history.

There is no indication that the Property is connected with persons significant in history, nor did the individual nominating the Property suggest that there was. We've reviewed the Eagle County Assessor Property Record Search, which summarizes transfer of the Property over the course of history. We've reviewed the cited owners since 1941, sought historical information on these individuals, and uncovered no significant history in connection with these individuals. These individuals include Robert Holbrook and Nora Holbrook, Robert A. Ellis and Nellie Hazel, Roberta L. Luchetta, Gerhard K. Long, Lawrence W. Gaul, and Michael C. McBurnie.

3. Distinctive characteristics of a type, period, method of construction, or artisan:

a. Exemplifies specific elements of an architectural style or period;

Based on the History Colorado Field Guide to Colorado's Historic Architecture & Engineering, we understand that at least some elements of the Property can be characterized as a Rustic style architecture.¹ Rustic style architecture is characterized by its natural setting and its use of log and stone for building materials. The majority of these structures in Colorado were built after 1905 and primarily of log construction with stone foundations, battered walls, overhanging roofs, and small paned windows. Additionally, Rustic structures generally have stone chimneys.² The Tigiwon Community House in Eagle County exemplifies the Rustic style architectural elements, as provided below.

¹ Notably, the History Colorado Field Guide to Colorado's Historic Architecture & Engineering identifies a similar architectural style, the Pioneer Log. The Pioneer Log was more commonly constructed from 1858 through the 1930s. Some elements of a Pioneer Log style are present, such as the metal flue and log construction, but the totality of characteristics more closely aligns with the Rustic style.

² History Colorado Field Guide to Colorado's Historic Architecture & Engineering, page 81.



(Detail 6) Tigiwon Community House.

Note the specific elements of the Rustic architectural style – the stone chimney and foundation, primarily log construction, and small paned windows. Additionally, the Tigiwon Community House historic designation application cited the fact that “very few alterations have been made at the Tigiwon Community House since it was constructed in 1933-4.”³ Further, the “cabin remains in excellent condition” and “retains a high level of integrity with regard to location, setting, feeling, association, design, materials and workmanship.”⁴ All of that stands in stark contrast to the Structure, which retains virtually no integrity with respect to the Rustic architectural style.

The Structure’s exterior along the street frontage is primarily made of wood, a portion of which is log construction but primarily wood board siding, that is described in the Inspection Report as decaying and requiring attention to restore structural integrity. The Structure’s lack of primarily log construction alone is a major deficiency in identifying the structure as exemplifying the Rustic style architecture, as is the lack of a stone chimney, paned windows and overhanging roof on some of the additions. The Rustic style typically employs a cohesive siding material throughout, and as evidenced by the photos provided herein, the Structure instead has a hodgepodge of different siding material (including extensive use of styrofoam, mis-matched boards, and tree-like adornments).

³ <https://www.historycolorado.org/location/tigiwon-community-house>

⁴ *Id.*



(Detail 7) Structure west façade.

Elsewhere, the wood siding is missing from the Structure on multiple exterior facades, and still others are made of a decaying foam-like material reflected in the image below.⁵



(Detail 8) East and north facades, rear additions, and faux-Italianate components.

⁵ Inspection Report, pages 22, 25, and 27.

The foundation is made of wood and concrete, rather than stone, and shows signs of major structural damage (e.g., cracked concrete and wood deterioration). In some portions of the Structure, there is no foundation at all.⁶



(Detail 9) Cracking Foundation.

The chimney is constructed of a wood frame cased in styrofoam, not stone, topped with a flue pipe and described as deteriorated and badly damaged, as depicted below. This element of the Structure is flagged as a safety concern requiring repair or replacement to function and prevent fire danger.⁷ It too lacks any connection to the Rustic style.



(Detail 10) Deteriorating foam chimney.

In summary, multiple specific elements of a Rustic style architecture are not present, have been destroyed or obscured by later additions,⁸ and where present are in downright unsafe conditions.

⁶ Inspection Report, pages 149-151.

⁷ Inspection Report, page 48.

⁸ Inspection Report, page 4 and 22.

Therefore, the Structure further lacks conformity with the Rustic style and certainly does not exemplify elements of this style.

- b. Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally, or locally;

We are not aware of the Structure being associated with a recognized architect or builder, nor did the individual nominating the Property suggest it is.

- c. Demonstrates superior craftsmanship or high artistic value;

The Structure cannot be said to demonstrate superior craftsmanship or high artistic value, nor did the individual nominating the Property suggest it is. Outdated, unsafe, and non-permitted building methods and techniques were used to construct the Structure and, although that fact alone does not speak to the level of craftsmanship, the Inspection Report cites multiple reportable conditions requiring attention, including but not limited to foundation, framing, plumbing, electrical, and material defects. In summary, the Inspection Report flags 101 repair notes, 39 safety concerns, and 44 inquiries requiring further review.⁹ The executive summary provided in the Inspection Report is provided below showing a full accounting of the most concerning issues with the Structure. While some of these concerns are no doubt the product of neglect, others resulted directly from earlier owners' disregard for permitting requirements.

Executive Summary

“True Perspective Home Consultants was hired to evaluate the home and its condition to better determine whether it is salvageable from its current state of disrepair.

To summarize our findings, we believe the home's structure and infrastructure are dangerous and beyond reasonable repair to current modern standards. We believe the best and safest outcome for both the occupants of the property and the neighborhood would be the demolition of the building.

A few highlights from our findings are as follows.

- Areas of the foundation are missing, made of wood, and structural concrete cracking was noted. This would require the addition of a foundation, foundation repair, and likely evaluation of the soils and the ability to support the structure.
- The home's structure is built using old building practices that would not pass modern building codes, and structural safety concerns are present in the attic and crawlspace areas. Based on an engineering review, this would require reframing many areas of the home.
- Over the years, multiple additions have been built onto the home. These do not meet modern standards, nor do they appear to have been built by contractors knowledgeable about building codes or quality control. We believe one would be better suited to remove these additions.
- The heating and hot water systems are defunct, and safety hazards from the fire and carbon monoxide risk would need complete replacement. Entire rooms in the home are unheated.

⁹ Inspection Report, page 5.

- The electrical system is a fire and safety hazard and would need complete replacement to meet modern standards.
- Mold growth and elevated mold levels were noted, requiring mitigation for the safe use of the home.
- Asbestos-containing materials were noted. This would require mitigation before the completion of other work.
- Multiple reportable conditions were noted in the plumbing systems. Based on their age and condition, we suggest replacing all plumbing.
- The house's sewage system was not inspected. Given its age, the sewage line would likely need replacement to prevent sewage leakage.
- While the home appears to have a historical appearance, further investigation revealed that it has been cosmetically applied over many years of old, dilapidated exterior finishes. Some of the antique-like beam work was noted to be faux and made of styrofoam. Very little thought or attention was paid to proper waterproofing or weatherization. To achieve modern energy efficiency and waterproofing levels, all exterior finishes would need to be removed.

The above is just a summary and many more concerns and items are noted in the full report.”

d. Represents a style that is particular to the Town;

The Rustic style is represented throughout the state of Colorado. History Colorado maintains a database of properties in the state listed in the National Register of Historic Places and the Colorado State Register of Historic Properties. Listed properties maintaining Rustic style architecture exist in Boulder County (The Lodge at Los Lagos)¹⁰, Clear Creek County (Anne Evans Mountain Home)¹¹, Eagle County (Tigiwon Community House)¹², Garfield County (Sumers Lodge)¹³, Grand County (Grand Lake Community House)¹⁴, and Larimer County (Bear Lake Comfort Station)¹⁵, amongst countless other examples. To the extent the Structure, as modified over the years, can be considered Rustic, that style is not in any way particular to the Town.

e. Represents an innovation in construction, materials, or design; or

The Structure does not represent innovation in construction, materials, or design, nor did the individual nominating the Property suggest it does. At the time of its construction, the Rustic style had been used for many decades. Also, and as we noted above, we have not seen anything to suggest that earlier owners pulled permits for the many modifications and additions made over the years. The deficiencies in construction and the materials used are now obvious.

¹⁰ <https://www.historycolorado.org/location/lodge-los-lagos>

¹¹ <https://www.historycolorado.org/location/anne-evans-mountain-home>

¹² <https://www.historycolorado.org/location/tigiwon-community-house>

¹³ <https://www.historycolorado.org/location/sumers-lodge>

¹⁴ <https://www.historycolorado.org/location/grand-lake-community-house>

¹⁵ <https://www.historycolorado.org/location/bear-lake-comfort-station>

- f. Represents a built environment of a group of people in an era of history.

Although the Rustic style architecture is common in mountain communities, it is not representative of a particular group of people in an era of history, but more broadly representative of a popular style of the time due to accessible building materials and tools. Additionally, the individual nominating the Property did not suggest this was the case.

4. Geographic importance.

- a. Enhances the sense of identity of the Town or community; or

Although the Property provides some insight into the early architecture of the Town, the Structure is not unique in this sense and provides no sense of identity. The Structure is badly deteriorated and, unfortunately, not a clear identifier of the Town's commitment to civic pride in the art, architecture, and accomplishments of the past – a commendable purpose of the Town's Historic Preservation Ordinance. After living with years of neglect, our neighbors are excited to see the Structure replaced with a new home that will respect the community.

- b. Is an established and familiar natural setting or visual feature of the Town or community.

The Property is not an established and familiar natural setting or visual feature of the Town or community, nor did the individual nominating the Property suggest it is. Based on the Town of Minturn Downtown Map and Directory, the Historic Minturn region generally consists of the area north of Toledo Avenue where commercial offerings like The Saloon and historic landmarks like the designated Minturn Water tank are located. The Property is located south of this area on a narrow, one-way street lacking pedestrian walkways and appearing more private in nature. Therefore, it is not particularly visible to the community nor accessible to tourists.

5. Possibility to yield important information related to prehistory or history.

- a. Addresses research questions or fills recognized data gaps;

We are not aware of any information the Property provides with respect to open questions of Town history or gaps in data, nor did the individual nominating the Property suggest this is the case.

- b. Embodies construction, development, or design adaptations; or

As demonstrated in the Inspection Report, the Structure's construction and current condition does not provide an example of effective nor notable adaptations, nor did the individual nominating the Property suggest this is the case.

- c. Informs on the development of engineering systems;

As demonstrated in the Inspection Report, the Structure does not maintain sound engineering systems nor a system of significance at the time of construction, nor did the individual nominating the Property suggest this is the case.

Beyond the eligibility criteria, we hope the commission will reflect on the economic reality facing the Property. The Structure suffers from black mold, asbestos, and severe structural problems, among other things. Making up for earlier owners' decades of neglect and returning the Property to a safe and habitable condition while

adhering to historical requirements will cost more than the value that remediation and repair could ever add. We bought the Property to create a home for our family and to build something the community could be proud of.

Additionally, the nominator who submitted the Designation Request cited criteria (c) and (d) in justifying the request, but as detailed above, the Structure does not meet these, or any other, justifying eligibility criteria. Rather, we understand that some community members are concerned with new construction failing to respect the Town's character. But a distaste for new construction is not a reason to preserve an unsafe, deteriorating building that does not satisfy any of the historic designation criteria. And in any event, we can assure the Commission that we intend to construct a respectable future home that is consistent with the community's values and aesthetic surroundings, as well as adhering to all applicable code requirements – a baseline the Structure currently lacks.

Finally, we'd like to acknowledge the importance of preservation throughout the Town as described in the Town's Historic Preservation Ordinance. As described above, the Property is not fit to protect the Town's architecture, culture, and heritage nor provide educational opportunities. We appreciate the Town's effort to fulfill the purposes of the Historic Preservation Ordinance but maintain that the Property would not serve such purposes.

Thank you for your time and consideration. Please do not hesitate to reach out if we may provide additional information that could be useful in your consideration of the Designation Request.

Sincerely,

Lilly and David Ford

cc: Andrew L.W. Peters, Esq.
Diana Caruso Jenkins, Esq.