

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>PATRICIA VON PICHL,</p> <p>v.</p> <p>Respondent:</p> <p>DOUGLAS COUNTY BOARD OF EQUALIZATION.</p>	
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Alex Von Pichl Address: P.O. Box 476 Franktown, Colorado 80116 Phone Number: (303) 688-8113 E-mail: Attorney Reg. No.:</p>	<p>Docket Number: 38859</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on November 7, 2001, Mark R. Linne and Debra A. Baumbach presiding. Petitioner was represented by her husband, Alex Von Pichl, who appeared pro se. Respondent was represented by Lance Ingalls, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**MOST LOT 2A BURNING TREE SQUARE 1ST AMD
(Douglas County Schedule No. R0143290)**

Petitioner is protesting the 2001 actual value of the subject property, a retail store and storage garage located in Franktown. The improvements include a total of 8,640 square feet, with 2,160 consisting of retail and 5,480 square feet of garage area built in 1999.

ISSUES:

Petitioner:

Petitioner contends that the comparable sales used by the Respondent are not comparable to the subject. There is no access to the subject from the main arterial, which impacts the value. There is limited site utility due to the required set back from the road and the additional 25 feet of set back due to drainage.

Respondent:

Respondent contends that the subject property has been correctly valued utilizing all three approaches to value. All issues affecting the overall valuation of the subject have been properly addressed and adjusted for.

FINDINGS OF FACT:

1. Petitioner's witness, Mr. Alex Von Pichl, did not present any market or income indicators. The Petitioner testified that there are no comparable sales for the subject property. The estimated cost figures include approximately \$160,000.00, excluding the land area.

2. The Petitioner testified that the subject was purchased in 1996, consisting of approximately five acres. There were numerous accidents located near the original access area. In an attempt to ease the situation, two acres were donated to Douglas County. The subject has frontage view from the main highway; however, there is no access. Access to the subject is on Burning Tree Drive. There are a number of required setbacks plus an additional 25 feet for drainage affecting the property. There is limited site utility due to the setbacks and access.

3. Mr. Von Pichl testified that the site was originally a holding pond, additional fill has been added, and there has been extensive site grading before any building could take place. There are areas surrounding the subject still located within the holding pond, making access difficult.

4. The Petitioner testified that the sales presented by the Respondent are not comparable. None of the sales are located within close proximity to the subject. All of the sales used are located within a populated commercial area and have similar access to main highways.

5. Upon questions from the Board, Mr. Von Pichl testified that the subject is basically a trailer repair shop. The primary clientele are people in the surrounding areas with ranches that need repair service. There is a small retail area; however, due in part to the location, it is not considered to be the primary business.

6. Petitioner is requesting a 2001 actual value of \$368,760.00 for the subject property.

7. Respondent's witness, Mr. Larry Shouse, an Appraiser with the Douglas County Assessor's Office, presented the following indicators of value:

Market:	\$466,560.00
Cost:	\$439,610.00
Income:	\$480,700.00

8. Based on the market approach, Respondent's witness presented an indicated value of \$395,649.00 for the subject property.

9. Respondent's witness presented three comparable sales ranging in sales price from \$285,000.00 to \$500,000.00 and in size from 4,080 to 7,392 square feet. The price per square foot ranged from \$53.85 to \$69.85.

10. Respondent testified that an appraisal was performed on the subject property utilizing the appropriate guidelines set forth by the Assessors Reference Library and the Colorado Revised Statutes.

11. Mr. Shouse testified that sales were reviewed in an attempt to look at a combination of retail and/or storage/warehouse-type facilities, and what indicators reflected those uses. Sales during the base period were reviewed, as well as sales in the last five years; however, predominately the sales during the base period were relied on.

12. Mr. Shouse further testified that the sales were considered to be superior to the subject with respect to location, condition, and mix of age. The overall range indicated was \$54.00 to \$79.00 per square foot. The subject was adjusted to the lower end of the range as a consideration in the market approach.

13. Respondent's witness used a state-approved cost estimating service to derive a market-adjusted cost value for the subject property of \$439,610.00. A detailed cost estimate was presented indicating replacement cost new less depreciation of \$227,059.00 for the building area, and land was calculated at \$212,551.00.

14. Respondent's witness used the income approach to derive a value of \$480,700.00 for the subject property. The weighted rental rate was estimated to be \$8.00 per square foot, with a vacancy and collection loss estimated at 10%. There was no additional income for the storage area calculated. Expenses were estimated to be 15%, and the capitalization rate was calculated at 11%.

15. Under-cross examination, Mr. Shouse testified that the separation of the retail and warehouse area was calculated by a physical inspection of the property. All characteristics affecting the subject were addressed and adjustments made.

16. Upon questions from the Board, Mr. Shouse testified that all three approaches to value were considered. There was limited data to support a solid market or income approach. The cost approach was considered to be the best indicator of value.

17. Respondent assigned an actual value of \$395,649.00 to the subject property for tax year 2001.

CONCLUSIONS:

1. Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2001.

2. The Board has carefully considered all admitted evidence and testimony and has affirmed the Respondent's value. The Respondent presented all three approaches to value supporting the assigned value. All of the factors affecting the location, site, and access were addressed. The Respondent testified that due to the limited data to support a solid income and market approach, the cost approach was relied on.

3. The Petitioner did not present the Board with any evidence or testimony that the subject was adversely affected by location or site utility. The Board heard testimony from the Petitioner that the primary clientele is from ranches all over the area in need of the service he provides at the subject property. Additionally, there was no evidence presented that the primary business was reliant on traffic from the main highway. There was no evidence or testimony presented indicating that, due to the setbacks for drainage, that business traffic was impacted. The Petitioner did not present any additional information supporting that due to these influences that the business has been adversely affected.

4. The Respondent's assigned value is less than \$46.00 per square foot. This is less than what was supported in the appraisal report and further gives consideration to issues affecting the subject due to limited data in the area.

ORDER:

The petition is denied.

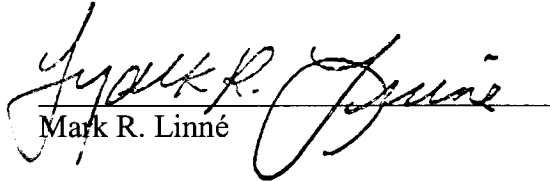
APPEAL:


Petitioner may petition the Court of Appeals for judicial review within 45 days from the date of this decision.

If Respondent alleges procedural errors or errors of law by this Board, Respondent may petition the Court of Appeals for judicial review within 30 days from the date of this decision.

DATED and MAILED this 21st day of December, 2001.

BOARD OF ASSESSMENT APPEALS



Mark R. Linné

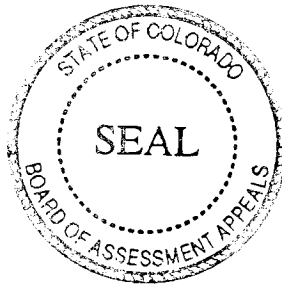

Debra A. Baumbach

This decision was put on the record

DEC 20 2001

I hereby certify that this is a true
and correct copy of the decision of
the Board of Assessment Appeals.


Diane Von Dollen



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