

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>GARY W. STEPHEN,</p> <p>v.</p> <p>Respondent:</p> <p>ADAMS COUNTY BOARD OF EQUALIZATION.</p>	
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Gary W. Stephan Address: 1622 West 149th Avenue Broomfield, CO 80020 Phone Number: (303) 452-2342 E-mail: Attorney Reg. No.:</p>	<p>Docket Number: 38889</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on November 20, 2001, Debra A. Baumbach and Karen E. Hart presiding. Petitioner appeared pro se. Respondent was represented by Jennifer Wascek Leslie, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**LOT 14 BLK 10 WADDLE SUBD
(Adams County Schedule No. R0014770)**

Petitioner is protesting the 2001 actual value of the subject property, a .43-acre vacant lot located in the Waddle Subdivision in Adams County.

ISSUES:

Petitioner:

Petitioner contends that the subject property is not large enough to be a building site. He believes that each lot should be valued separately, not as part of a parcel that includes the balance of his property.

Respondent:

Respondent contends that the subject property is an allocated portion of a larger parcel value. It includes the building potential of the entire property and reflects its current use. This methodology is used throughout the area for consistency.

FINDINGS OF FACT:

1. Mr. Gary W. Stephen, Petitioner, presented the appeal on his own behalf.
2. Petitioner presented an indicated value of \$2,500.00 for the subject property.
3. Mr. Stephen testified that Adams County zoning requires one acre as a minimum size to build a house when a septic system is required. There is public water available to the subject, but an individual septic system will be required. He cannot meet the zoning size requirements. Therefore, he believes the lot should be classified as unbuildable.
4. Mr. Stephen purchased the subject property in August of 2000 for \$55,000.00 as part of a two-lot purchase. He believes each lot should be valued individually, not in combination with his other lots.
5. Upon questioning by the Board, Mr. Stephen admitted that he knew the subject property was not buildable when he purchased it. He owns all six lots in Block 9, as well as Lot 13 in Block 10. The subject property is fenced together with and utilized as one unit with his other seven lots. He also uses the road easement, as the road does not physically exist; the County allows such use.
6. Petitioner is requesting a 2001 actual value of \$2,500.00 for the subject property.
7. Respondent's witness, Mr. Don DeLay, a Registered Appraiser with the Adams County Assessor's Office, presented an indicated value of \$50,000.00 for the subject property, based on the market approach.
8. Respondent's witness presented 6 comparable sales ranging in sales price from \$99,900.00 to \$150,000.00 and in size from 1.739 acres to 5.00 acres. No adjustments were made to the sales.

9. Mr. DeLay testified that they have valued all of Petitioner's property as one parcel, being a total of 8 lots including Lots 1-6, Block 9 and Lot 13, Block 10. The total acreage is 4.74 acres with a total value of \$115,000.00. The residential assessment rate is applied to all of the lots. The subject property assigned value is an arbitrary allocation of the entire property value.

10. Mr. DeLay confirmed that the undeveloped street, 148th Place, is fenced and used in conjunction with the subject property.

11. Under cross-examination, Mr. DeLay testified that the subject property assigned value is an apportionment of the total value, which is the same methodology used for all of the properties in the subdivision for consistency. Petitioner is using 148th Place; it cannot visually be distinguished as a street. If the subject property were valued separately, the residential rate would not apply. He acknowledged that the subject property lot is not separately buildable.

12. Respondent assigned an actual value of \$50,000.00 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 subject property was valued as a part of a larger assemblage parcel. The value assigned to the subject property is merely an apportionment of the total value. Any change in the apportionment as applied to the subject property would not affect the parcel value as a whole.

3. Petitioner did not present any market information to establish a separate market value for the subject property. Petitioner also did not present any evidence to dispute the accuracy of the total property value as established by Respondent.

4. Respondent adequately supported the total assemblage value. However, the Board recommends that Respondent reevaluate the apportionment of the entire parcel value as assigned to each of the individual lots.

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 28th day of November, 2001.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach

Debra A. Baumbach

Karen E. Hart

Karen E. Hart

This decision was put on the record

NOV 27 2001

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

Diane Von Dollen

Diane Von Dollen

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