

<p><b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p><b>BARBARA O'TOOLE,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>EAGLE COUNTY BOARD OF EQUALIZATION.</b></p>	
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Barbara O'Toole Address: P.O. Box 488 Basalt, Colorado 81621 Phone Number: (970) 927-4535 E-mail: Attorney Reg. No.:</p>	<p><b>Docket Number: 39174</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on April 3, 2002, Karen E. Hart and Debra A. Baumbach presiding. Petitioner appeared pro se. Respondent was represented by Bryan E. Treu, Esq.

**PROPERTY DESCRIPTION:**

Subject property is described as follows:

**230 Curtis Lane, Basalt, Colorado  
Sec, Twn, Rng: 7-8-86 Tract: 3 Desc: Pt of Lot 2  
(Eagle County Schedule No. R025367)**

Petitioner is protesting the 2001 actual value of the subject property, a 15,232 square foot site. The site consists of approximately 55% flat area with 45% of steep hillside. The subject is zoned R-2 and meets the building requirements for a building site. There is currently a mobile home located on the site, which is listed on a separate schedule number and is not a part of this appeal.

## **ISSUES:**

### **Petitioner:**

Petitioner contends that the subject property has been overvalued. The comparable sales selected by the Respondent are all considered to be superior to the subject. The subject has limited site utility due to the steep terrain. There is a 35-year old sewer line serving five other homeowners located on the subject property.

### **Respondent:**

Respondent contends that the subject property has been correctly valued. The comparable sales used are similar to the subject and adjustments were made for any differences in characteristics. The assigned value takes into consideration any factors affecting the subject.

## **FINDINGS OF FACT:**

1. Ms. O'Toole, Petitioner, presented the appeal on her own behalf.
2. Based on the market approach, Petitioner presented an indicated value of \$75,940.00 for the subject property.
3. Petitioner did not present any comparable sales.
4. Ms. O'Toole testified that access to the subject is an unpaved road shared and maintained with other homeowners. There is a limited building area due to the steep hillside and unrecorded sewer easement. There is only approximately 4,900 square feet of flat area for a building site and no access from the west side of the site. The current zoning requirements will only allow a 2,800 square foot building on the site.
5. Ms. O'Toole testified that the comparable sales used by the Respondent are superior to the subject. Comparable sale #1 is a larger lot with paved roads and gutters. There are utilities and newer homes in the area. Comparable sale #3 is located in the historical district with a higher degree of flat building area and utilities. The sales used by the Respondent are all located in areas commanding larger values and all have larger building areas, utilities and paved roads.
6. Under cross-examination, Ms. O'Toole testified that she was aware that the lowest selling vacant land sale was \$145,000.00; however, it is much larger and located within a newer section of town with utilities and paved roads.
7. Upon questions from the Board, Ms. O'Toole testified that the sewer easement is located within two feet of the property line. The sewer line is approximately thirty-five years old and accommodates five other homeowners. The sewer line does connect to the main line at the street.

8. Petitioner is requesting a 2001 actual value of \$75,940.00 for the subject property.

9. Respondent's witness, Mr. Lee Martens, an appraiser with the Eagle County Assessor's Office, presented an indicated value of \$185,000.00 for the subject property, based on the market approach.

10. Respondent's witness presented three comparable sales ranging in sales price from \$145,000.00 to \$175,000.00. After adjustments were made, the sales ranged from \$175,875.00 to \$187,250.00.

11. Mr. Martens testified that the subject has a mobile home situated on it; however, the mobile home is listed on a separate schedule number. Vacant land sales were used for comparable sales in arriving at a value for the subject.

12. Mr. Martens testified that he personally inspected the subject property three times. The subject site is comprised of approximately 55% of flat area with 45% of steep hillside. The flat portion of the site will accommodate a two-story home consisting of 5,000 square feet. The building envelope consists of approximately 2,400 to 2,500 square feet.

13. Mr. Martens further testified that the subject does have legal street access and is zoned R-2. The subject site area consists of 15,232 square feet of area and meets the zoning requirements for construction of a single-family residence. The site is level and the view is good.

14. Mr. Martens testified that the three comparable sales selected were the best sales available during the tax base period. There were limited vacant land sales available and all three sales selected are located within 500 feet from the subject.

15. Mr. Martens testified that adjustments for time trending were based upon .5% per month. Adjustments were made to the sales for development costs including; pioneering roads and building site costs. Comparable sale #3 is a flat site and required no adjustment for development costs. There was not enough data during the tax base period to arrive at any type of adjustment for differences in view.

16. Mr. Martens testified that the assigned value is well below any of the sales during the base period and takes into consideration any factors that affect the subject.

17. Respondent assigned an actual value of \$123,000.00 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 Board has carefully considered all admitted evidence and testimony and has affirmed the Respondent's value. The Respondent presented three comparable vacant land sales

supporting the value conclusion. The adjustments made to the sales are reasonable and take into consideration any differences in physical characteristics.

3. The Petitioner raised the issue over the shared sewer line and limited site utility. There was no documentation or evidence presented indicating if there were any functional issues with the sewer and costs estimates to remedy any associated problems. There was no evidence presented to refute that the flat portion of the site would not accommodate a residence meeting the zoning requirements.

4. The Petitioner did not present the Board with any evidence to support the value conclusion requested or any comparable sales for consideration. The Board does empathize with the Petitioner in trying to understand the assessment process and the difficulty in obtaining comparable sales supporting value trends in the area. It would be advantageous for the Petitioner to contact the Assessor's office for any assistance programs or tax exemptions that might be available for seniors in the area.

5. The Respondent's assigned value takes into consideration all the factors affecting the overall valuation. The assigned value is well below any of the sales presented during the tax base period. The assigned value is well documented, supported and is affirmed based on evidence and testimony presented.

### **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 7<sup>th</sup> day of June, 2002.

**BOARD OF ASSESSMENT APPEALS**

Karen E Hart  
Karen E. Hart

Debra A. Baumbach,  
Debra A. Baumbach

This decision was put on the record

JUN 06 2002

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

Penny S. Bunnell  
Penny S. Bunnell

