

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner,</p> <p>LOUIS A. FELSER,</p> <p>v.</p> <p>Respondent:</p> <p>DENVER COUNTY BOARD OF EQUALIZATION.</p>	<p>▲</p>
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Louis A. Felser Address: 3706 South Hibiscos Way Denver, Colorado 80237-1043 Phone Number: (303) 756-0525 E-mail: Attorney Reg. No.:</p>	<p>Docket Number: 39545</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on February 5, 2002, Mark R. Linné and Debra A. Baumbach presiding. Petitioner appeared pro se. Respondent was represented by Laurie J. Heydman, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**LOT 1 BLK 11 BELMONT HEIGHTS FLG #1
(Denver County Schedule No. 07061-09-002-000)**

Petitioner is protesting the 2001 actual value of the subject property, a brick, ranch-style home built in 1959. There is 1,614 square feet of living area, with a 925 square foot basement that has approximately 360 square feet of finish. The subject is located in the Cherry Point subdivision.

ISSUES:

Petitioner:

Petitioner contends that the subject property has been overvalued. Further consideration should be given in the value for the subject's location on a busy street with a higher degree of noise level, and the fact there is new construction in process effecting the subject.

Respondent:

Respondent contends that the subject property has been correctly valued using the market comparison approach. The factors affecting the subject property have been addressed and adjusted for. All the sales presented are considered to be from the same market area and all share a similar location. Adjustments were made to the comparable sales for any differences in characteristics.

FINDINGS OF FACT:

1. Mr. Louis A. Felser, Petitioner, presented the appeal on his own behalf.
2. Based on the market approach, Petitioner presented an indicated value of \$190,000.00.
3. Petitioner did not present any comparable sales.
4. Mr. Felser testified that there is a substantial amount of construction in process directly one mile south of the subject. The construction is located in another county; however, it has greatly impacted the subject. There are two large apartment complexes, a condo complex, three office complexes, and a retirement home. Due to all of the new construction, there is additional traffic on Happy Canyon Road with an increase of noise.
5. Mr. Felser testified that the added traffic and construction has an adverse effect on the subject. The home has not been updated, and he believes further consideration should be given for all the issues.
6. Petitioner is requesting a 2001 actual value of \$190,000.00 for the subject property.
7. Respondent's witness, Mr. Glenn R. Haefliger Jr., an Appraiser with the Denver County Assessor's Office, presented an indicated value of \$240,000.00 for the subject property based on the market approach.
8. Respondent's witness presented four comparable sales ranging in sales price from \$240,000.00 to \$288,000.00 and in size from 1,637 to 1,923 square feet. After adjustments were made, the sales ranged from \$223,278.00 to \$256,175.00.

9. Mr. Haefliger testified that he performed an appraisal on the subject property. All the comparable sales selected are considered to be from the same market area and share similar location and traffic issues as the subject. Sale #1 had an additional adjustment for lack of access on a side street. All of the sales are considered to be similar in size, style, age, and quality. Any differences in characteristics were adjusted for.

10. Mr. Haefliger testified that property values have increased and all the factors affecting the value have been addressed and adjusted for. The value indicated on the appraisal well supports the assigned value.

11. Respondent assigned an actual value of \$236,800.00 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 four comparable sales supporting the assigned value conclusion. All of the adjustments made to the sales are reasonable and take into consideration all the factors affecting the subject property.

3. The Petitioner did not present the Board with any comparable sales or evidence to refute the value conclusion assigned by the Respondent. The Board agrees that the Respondent addressed the issues and adjusted properly for all the factors affecting the subject property. Any further influences affecting the subject as a result of the additional traffic and completion of the construction will be reflective in the sales during the next tax base period.

4. The Respondent's assigned value takes into consideration all the factors affecting the overall valuation. The assigned value is supported and affirmed based on the evidence and testimony presented to the Board for consideration.

ORDER:

The petition is denied.

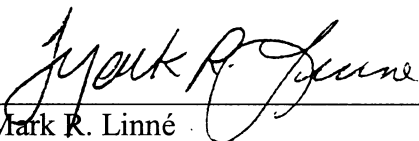
APPEAL:

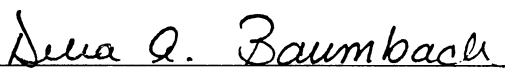
Petitioner may petition the Court of Appeals for judicial review within 45 days from the date of this decision.

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 March, 2002.

BOARD OF ASSESSMENT APPEALS


Mark R. Linné

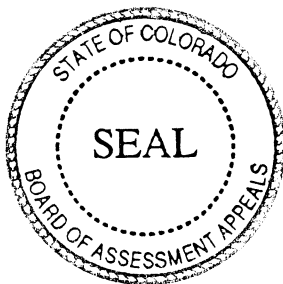

Debra A. Baumbach

This decision was put on the record

MAR 20 2002

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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