

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>JOHN R. KLUG,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF EQUALIZATION.</p>	
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: John R. Klug c/o CCG</p> <p>Address: 12600 West Cedar Drive Lakewood, Colorado 80228</p> <p>Phone Number: (303) 988-7580 ext. 112</p>	<p>Docket Number: 41051</p>
<p style="text-align: center;">ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on September 9, 2003, Karen E. Hart and Judee Nuechter presiding. Petitioner appeared pro se. Respondent was represented by Martin McKinney, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**5801 Bluebell Lane, Evergreen, Colorado
(Jefferson County Schedule No. 073010)**

Petitioner is protesting the 2002 actual value of the subject property, a single-family dwelling located at 5801 Bluebell Lane, Evergreen Colorado.

ISSUES:

Petitioner:

Petitioner contends that the subject property has been overvalued.

Respondent:

Respondent contends that the subject property has been correctly valued for tax year 2002, based on the market approach to value.

FINDINGS OF FACT:

1. Mr. John R. Klug, Petitioner, presented the appeal on his own behalf.
2. Petitioner presented no documented comparable sales, although he did testify as to two sales not used by Respondent.
3. Petitioner testified that Respondent's analysis, indicating that the subject is within the most pristine area of the county, is incorrect. Noise from the property across the street that has a dirt bike track and a horse property that is non-conforming and is polluting wells with nitrates, contribute to a less than pristine state.
4. Mr. Klug testified that there are good mountain and meadow views, but not 360-degree panoramic views as indicated by the Respondent. The assessor's office has applied a market time adjustment of .8 percent per month, which he feels is too high since the multiple listing service indicates .45 percent per month or approximately one-half of the Respondent's appreciation rate (time adjustment). Mr. Klug indicated that there were no similar land sales within the base period.
5. Petitioner testified that there were seven sales within the immediate subdivision, although the Respondent did not use the two most appropriate sales. The property at 32082 Horseshoe Road was similar to the subject property in site size and gross living area, but it did not have a basement. The property sold January 7, 2000, for \$492,500.00. This was the highest sale price of any sale in the immediate subdivision during the base period. The Respondent has valued Petitioner's property considerably higher than any other sale within his subdivision. The property located at 5694 Jack Pine Road, similar to the subject property, sold on April 17, 2000, for \$389,000.00. Mr. Klug feels that Respondent's sales were inappropriately used as comparison sales for his property.
6. During questioning from the Board, Petitioner testified that the two sales he referred to in this hearing have accessory buildings. Both of the sales have arenas and barns similar to his accessory buildings. The property at Jack Pine Road is 17 years old and is similar in condition to his property, although it has inferior access due to a steep driveway.
7. Petitioner is requesting a 2002 actual value of \$599,000.00 for the subject property.

8. Respondent's witness, Mr. David D. Niles, a Certified General Appraiser with the Jefferson County Assessor's Office, presented an indicated value of \$845,000.00 for the subject property based on the market approach.

9. Respondent's witness presented three comparable sales ranging in sales price from \$459,000.00 to \$490,000.00 and in size from 2,992 to 3,163 square feet. After adjustments were made, the sales ranged from \$780,120.00 to \$848,885.00.

10. Mr. Niles testified that the subject property is located within one of the most pristine areas of Jefferson County. The subject property consists of two building sites per the plat map. There are 360-degree views from the dwelling, although there are no views of the city. The subject property was built in 1970. In 1995, two building permits were issued for remodeling and additions, resulting in a total of 6,208 square feet. Additionally, there is a 7,512 square foot indoor riding arena and a 2,792 square foot pole barn.

11. The Respondent's witness testified that he does not know how many comparables were available, but the sales chosen for his report were the most comparable to the subject property based on design. There are a variety of styles within the immediate subdivision of the subject property. Sale 3 is not within the subject subdivision, but is within one mile of the subject property in a competing subdivision.

12. Mr. Niles testified that the subject property is a split-level design and that all of the sales utilized in his report were split-level or two-story and frame construction. Sale 2 had a limited view and was not comparable to the subject since it was considered average quality and an average tract dwelling. None of the comparable sales had arenas or pole barns. He used adjustments of \$6.00 per square foot for the indoor arena and \$5.00 per square foot for the pole barn. Sale 1 was the only comparable that had a finished basement similar to the subject property. The comparables are located in treed neighborhoods, whereas the subject is located in an open meadow.

13. During cross-examination, Respondent's witness testified that he did not use the two comparables presented by the Petitioner because he did not feel the dwellings were comparable to the subject property. The county plat listed the subject as two legal building sites, although he valued the subject as one site and not two sites.

14. Upon questions from the Board, Respondent's witness testified that the subject property is located in the central portion of the valley, and that the adjacent properties also share the meadow. He believes that an open meadow is more valuable than the treed areas due to the ability to have horses. The subject dwelling is not a typical size and is considered large for the area due to the additions. He indicated that data analysis through regression was utilized by the assessor's office to determine the outbuilding adjustments.

15. Respondent assigned an actual value of \$775,000.00 to the subject property for tax year 2002.

CONCLUSIONS:

1. Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2002.

2. The Board agrees with Respondent that the impediments of a non-conforming horse operation and a dirt bike track on the neighboring property are not permanent issues and would not have a long-term impact on the value of the subject property.

3. The Board was most persuaded by the Respondent's comparable sales and data. Petitioner did not provide the Board with any documented or adjusted comparable sales. The sales Petitioner presented verbally lacked sufficient property characteristic information, which is necessary to make adjustments to the sales. Therefore, the Board could give Petitioner's sales little weight.

4. The Board was persuaded that Respondent's time adjustment was appropriate, using Division of Property Taxation guidelines and sales ratio trend analysis.

5. After careful consideration of the data presented, the Board affirms the value of the subject property at \$775,000.00.

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 12th day of November, 2003.

BOARD OF ASSESSMENT APPEALS

Judee Nuechter
Judee Nuechter

Karen E Hart
Karen E. Hart

This decision was put on the record

NOV 12 2003

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

Penny S. Lowenthal
Penny S. Lowenthal

