

**BOARD OF ASSESSMENT APPEALS,
STATE OF COLORADO**

1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket No.: 41883

Petitioners:

**RAYMOND E. PINCZKOWSKI, JR. AND
JEAN C. GALLAGHER,**

v.

Respondent:

DOUGLAS COUNTY BOARD OF EQUALIZATION.

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on January 9, 2006, MaryKay Kelley and Karen E. Hart presiding. Petitioners appeared pro se via teleconference. Respondent was represented by George Rosenberg, Esq. Petitioners are protesting the 2003 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**12 Castle Pines Drive, Castle Rock, Colorado
(Douglas County Schedule No. 235116201001/Account No. R0272428)**

The subject property consists of a multi-level residential dwelling located on a 2.207-acre site in the Castle Pines subdivision.

FINDINGS OF FACT:

1. The subject property is built into the hillside with a unique design for the area. Petitioners believe that the 360 square foot unfinished mechanical room should be classified as below grade square footage, as it is 22 feet below grade, has no windows, and has a concrete slab floor. Respondent included the mechanical area in the above grade living area of the dwelling for a total living area square footage of 3,402, but reduced the per square foot value to reflect the room's lack of finish. The Board determined that the mechanical room should be included in the below grade square footage, reducing the above grade living area to 3,042 square feet.

2. Respondent's witness presented an indicated value of \$925,000.00 for the subject property based on the market approach. Respondent presented three comparable sales ranging in sales price from \$865,000.00 to \$1,250,000.00 and in size from 3,283 to 3,704 square feet. After adjustments for time, living area square footage, basement size and finish, number of bathrooms and fireplaces, garage square footage, heat/cooling type, quality, and site characteristics, the sales ranged from \$843,112.00 to \$1,048,796.35.

3. Respondent made no adjustment for the number of bedrooms, asserting that the market does not recognize bedroom count but does recognize living area square footage. The Board disagrees, as most homes in the area have three bedrooms.

4. Respondent's garage adjustments are based solely on square footage. The Board finds that the market is influenced more by the number of garage bays available than by the actual square footage of the garage. Typical houses in the area have three-car garages. The subject property has a two-car garage, an inferior attribute for the area. As such, the Board determined that greater adjustments should be made based on the number of garage bays.

5. Respondent considers the house to be of very good quality construction but was unable to conduct an interior inspection. Petitioners believe the subject property should not be classified as very good quality construction due to inferior interior finish, which includes tile flooring in the kitchen and bathrooms, low-cost carpet in the remainder of the house, Corian kitchen countertops, painted pressed wood kitchen cabinets, painted hollow interior doors, painted pine moldings, and non-textured drywall. Most homes in the area have multiple fireplaces; the subject property has one fireplace. The Board agrees that the subject property does not have the typical interior finish of a very good quality classification. However, it does have a unique, multi-level design, which is typical of very good construction. The Board determined that the subject property falls somewhere between a good and a very good quality classification.

6. All of the subject's windows need to be replaced due to constant southern sun exposure. There is some settling damage to areas of the house, and the exterior pseudo-stucco finish (EIFS) needs repair. The Board agrees with Respondent that settling is typical of the area, and the condition of the windows is what would be expected for a house of the subject's age with southern exposure. However, the Board determined that the exterior stucco finish damage is not typical and that an adjustment should be made for this deficiency.

7. Petitioners are requesting a 2003 actual value of \$750,000.00 for the subject property.

8. Respondent assigned an actual value of \$922,960.00 to the subject property for tax year 2003 but is recommending a reduction to \$912,519.00, the same value assigned for tax year 2004.

CONCLUSIONS OF LAW:

1. Petitioner presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2003.

2. The Board made additional adjustments to Respondent's market grid reflecting the change in living area square footage, unfinished basement area, differences in garage spaces, and the condition of the exterior pseudo-stucco exterior finish. The resulting values ranged from \$791,934.00 to \$982,729.00. The Board determined that the value of the subject property should be taken from the low end of the range to account for the inferior bedroom count and the average quality interior finish.

3. The Board concluded that the 2003 actual value of the subject property should be reduced to \$792,000.00.

ORDER:

Respondent is ordered to reduce the 2003 actual value of the subject property to \$792,000.00.

The Douglas County Assessor is directed to change her records accordingly.

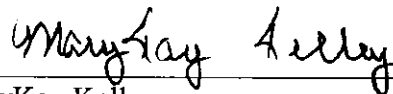
APPEAL:

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 17th day of February 2006.

BOARD OF ASSESSMENT APPEALS



MaryKay Kelley

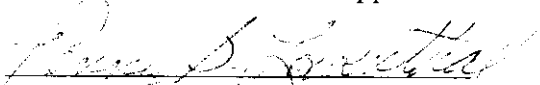


Karen E. Hart

This decision was put on the record

FEB 17 2006

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



Penny S. Lowenthal

