

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>DUANE S. LARSON,</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: Duane S. Larson Address: 501 Ash Street Denver, Colorado 80220 Phone Number: (303) 333-3725</p>	<p>Docket Number: 42884 and 42885</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on June 28, 2004, Debra A. Baumbach and Diane M. DeVries presiding. Petitioner appeared pro se. Respondent was represented by Eugene Mei, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**5253 Giant Gulch Road, Indian Hills, Colorado
(Jefferson County Schedule Nos. 046856 (Docket 42884) and 046892 (Docket 42885))**

Petitioner is protesting the 2003 actual value of the subject property, which consists of a summer cabin, outbuildings and approximately 5.247 acres of land.

ISSUES:

Petitioner:

Petitioner contends that the subject property is a summer cabin, not a single-family residence. The cabin was built in 1918 and is still used as a summer cabin. Petitioner disagrees with Respondent's comparable sales as they are located six to fourteen miles from the subject property. Respondent did not take negative characteristics of the subject property into consideration.

Respondent:

Respondent contends that the subject property was properly valued based on the market approach. Respondent's comparable sales are more comparable to the subject property than Petitioner's comparable sales.

FINDINGS OF FACT:

1. Duane S. Larson, Petitioner, presented the appeal on his own behalf.
2. The subject cabin has 608 square feet of living area and a 192 square foot porch. The cabin does not have a bathroom, bedroom or closets. The outbuildings, constructed in 1925, include another cabin currently valued as a shed and an outhouse, a stone cellar and a 432 square foot wood shed that are not on the tax rolls.
3. Based on the market approach, Petitioner presented an indicated value of \$71,724.00 for the subject property for tax year 2003. Respondent presented an indicated value of \$177,590.00 based on the market approach.
4. Petitioner presented three comparable sales located in the Indian Hills subdivision ranging in sales price from \$80,000.00 to \$214,900.00. Petitioner's comparable improvements ranged in size from 507 square feet to 1,324 square feet and were located on parcels ranging in size from .351 acres to .481 acres. After adjustments, the Petitioner's sales ranged from -\$14,468.00 to \$71,724.00.
5. The Respondent presented three comparable sales ranging in sales price from \$75,000.00 to \$95,000.00. Respondent's comparable improvements ranged in size from 357 square feet to 480 square feet and were located on parcels ranging in size from 1.50 acres to 3.87 acres. Respondent's comparable sales were similar to the subject in style, quality and construction and were located within Jefferson County but outside of Indian Hills. After adjustments, Respondent's sales ranged from \$180,370.00 to \$185,350.00.
6. The Petitioner testified that Indian Hills allows only one dwelling and one water tap on the subject property. The subject property is considered one lot; therefore, can be only one building site. The subject property has water, electricity and natural gas. The northern portion of

the property is in the flood plain. The Petitioner has explored the different options for the subject property with the Jefferson County Planning and Zoning Department. There is a semi-flat spot on the southern portion of the subject property.

7. Respondent's witness, David D. Niles, Certified General Appraiser with the Jefferson County Assessor's Office, inspected both the interior and exterior of the subject property. He believes that the subject property's highest and best use is as single-family residential. He found summer cabins on large acreages within Jefferson County that sold within the base period. The largest adjustment he made was for land. He used a paired sales analysis of property sold within Indian Hills to derive the excess land adjustment. One-acre parcels sold within the base period for \$94,000.00 per acre. He allowed one-acre as a building site for well, septic and leach field. The remaining 4.27 acres were valued as excess land.

8. Mr. Niles testified that the subject is a desirable property with desirable access off of Giant Gulch Road.

9. Respondent assigned an actual value of \$177,950.00 to the subject property for tax year 2003.

CONCLUSIONS:

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

2. Respondent presented a well-supported appraisal, using sales of similar properties located within Jefferson County.

3. Respondent made large land adjustments to the comparable sales located within Jefferson County but outside of Indian Hills. However, Mr. Niles did have a paired sales analysis of properties located within Indian Hills with which to determine appropriate adjustments.

4. The site currently has all utilities and accessibility, and new construction of a single-family dwelling is permissible on the site.

5. The Board believes that the Respondent took into consideration all of Petitioner's concerns regarding the subject property's negative characteristics.

6. Based on all of the evidence and testimony presented, the Board affirms Respondent's assigned value for tax year 2003.

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 10th day of August 2004.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach
Debra A. Baumbach

Diane M. DeVries
Diane M. DeVries

This decision was put on the record

AUG 10 2004

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

