

BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203	
<hr/> Petitioner: JOAN F. ROBINSON, v. Respondent: BOULDER COUNTY BOARD OF EQUALIZATION.	
Attorney or Party Without Attorney for the Petitioner: Name: Charles D. Robinson Address: 1956 Hardscrabble Dr. Boulder, Colorado 80305 Phone Number: (303) 499-8956	Docket Number: 43248
ORDER	

THIS MATTER was heard by the Board of Assessment Appeals on November 30, 2004, Karen E. Hart and Debra A. Baumbach presiding. Petitioner appeared pro se. Respondent was represented by Michael K. Koertje, Esq. Petitioner is protesting the 2003 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**1956 Hardscrabble Drive, Boulder, Colorado
(Boulder County Schedule No. R0075189)**

The subject property is a single family two-story residence built in 1984 consisting of 1,535 square feet.

ISSUES:

Petitioner:

Petitioner contends that the subject property was overvalued. Respondent utilized superior comparable sales and did not give appropriate consideration for the subject's location issues.

Respondent:

Respondent contends that the subject has been correctly valued utilizing the market comparison approach. All of the factors affecting the subject have been addressed.

FINDINGS OF FACT:

1. Mr. Charles D. Robinson presented the appeal on behalf of Petitioner.
2. Based on the market approach, Petitioner presented an indicated value of \$586,000.00 for the subject property.
3. Petitioner presented five comparable sales ranging in sales price from \$575,000.00 to \$687,500.00 and in size from 1,718 to 2,485 square feet. After adjustments, the sales prices ranged from \$618,290.00 to \$733,150.00. These were the same sales used by the Respondent to determine the original level of value.
4. Mr. Robinson testified that the subject is situated on a sloping, irregularly shaped lot. It is within close proximity to the street and sidewalks. Homes are located on three sides of the subject with open space located on the south side. This is the only access into the subdivision and has a higher degree of traffic as well as parking attributed to access to the open space area. Respondent did not consider or make any adjustments for the location factor.
5. Mr. Robinson testified that Respondent's sales are superior to the subject in location and reflect a higher value range. He believes an adjustment should be made to the land portion of the valuation. He understands that the subject can only be valued as a whole and not the component parts separately.
6. Petitioner is requesting a 2003 actual value of \$586,000.00 for the subject property.
7. Respondent's witness, Ms. Patricia Roberts, a Certified Residential Appraiser with the Boulder County Assessor's Office, presented an indicated value of \$610,000.00 for the subject property based on the market approach.

8. Respondent's witness presented six comparable sales ranging in sales price from \$575,000.00 to \$687,500.00 and in size from 1,471 to 2,151 square feet. After adjustments were made, the sales ranged from \$636,990.00 to \$726,325.00.

9. Ms. Roberts testified that the subject is considered to be of good quality construction and in good condition.

10. Ms. Roberts testified that there were limited sales within the subject's subdivision during the January 1, 2001 through June 30, 2002 base period. Two of Respondent's comparable sales sold in 2000, which is allowed if there are limited sales during the base period. Two of the sales are located north of the subject and one sale is located in another subdivision.

11. Ms. Roberts testified that adjustments were made to all of Respondent's comparable sales for differences in physical characteristics including any location adjustments that might be warranted. Three of the sales are located near open space and share similar influences. Comparable Sale 5 is located on city open space and required a higher location adjustment.

12. Based upon inspection of the area, Ms. Roberts determined that the subject property shares the same traffic influences as are typical of subdivisions in the area. The value assigned to the subject property for tax year 2003 is below the indicated value of the site-specific appraisal and is well supported by the sales.

13. Respondent assigned an actual value of \$610,000.00 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-documented appraisal report. Adjustments were made to the comparable sales for differences in physical characteristics and several of Respondent's comparable sales share similar open space locations. The assigned value is below the indicated value supported in the appraisal and takes into consideration any additional factors affecting the subject.

3. Petitioner did not present sufficient evidence or testimony to substantiate any additional location adjustment. The sales used by the Petitioner were the sales originally used by the Respondent and reflect Respondent's adjustment calculations. Petitioner did not present any comparable sales to corroborate downward trends in sales prices as a result of the location issues presented.

4. 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 8th day of February 2005.

BOARD OF ASSESSMENT APPEALS

Karen E Hart

Karen E. Hart

Debra A. Baumbach

Debra A. Baumbach

This decision was put on the record

FEB 08 2005

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

