

<b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203 <hr/> Petitioner:  <b>DONALD POLLA,</b>  v. Respondent:  <b>JEFFERSON COUNTY BOARD OF EQUALIZATION.</b>		
Attorney or Party Without Attorney for the Petitioner:  Name: Donald Polla Address: 6945 Plateau Lane Morrison, Colorado 80465 Phone Number: (303) 410-4090 E-mail: dsp.klh@worldnet.att.net		<b>Docket Number: 43340</b>
<b>ORDER</b>		

**THIS MATTER** was heard by the Board of Assessment Appeals on November 29, 2004, Steffen Brown and MaryKay Kelley presiding. Petitioner appeared pro se. Respondent was represented by Martin E. McKinney, Esq. Petitioner is protesting the 2003 actual value of the subject property.

**PROPERTY DESCRIPTION:**

Subject property is described as follows:

**6945 Plateau Lane, Morrison, Colorado  
(Jefferson County Schedule No. 440136)**

The subject property is a 2,208 square foot two-story house built in 1971 with a walkout basement and garage on 2.710 acres in the Pine Park Estates Subdivision.

## **ISSUES:**

### **Petitioner:**

Petitioner contends that the subject property was overvalued for tax year 2003, as the siding and windows of the 30-year old structure are in need of repair or replacement, and the interior is dated and worn. In addition, comparisons of assigned values should be considered.

### **Respondent:**

Respondent contends that the subject property has been correctly valued based on the market approach.

## **FINDINGS OF FACT:**

1. Donald Polla, Petitioner, presented the appeal on his own behalf.
2. Based on the market approach, Petitioner presented an indicated value of \$327,086.00 for the subject property.
3. Petitioner presented four comparable sales on page 4 of Exhibit A ranging in sales price from \$255,000.00 to \$395,000.00 and in size from 1,512 to 2,870 square feet. After adjustments were made, the sales ranged from \$243,388.00 to \$393,711.00.
4. Mr. Polla presented the assigned values of four properties on page 5 of Exhibit A, concluding to an indicated value of \$330,444.00 for the subject property.
5. Petitioner is requesting a 2003 actual value of \$328,750.00 for the subject property based on the market approach and on a comparison of values assigned to other properties in the area.
6. Respondent's witness, David Michael King, a Licensed Appraiser with the Jefferson County Assessor's Office, presented an indicated value of \$381,000.00 for the subject property based on the market approach.
7. Respondent's witness presented three comparable sales ranging in sales price from \$262,500.00 to \$342,900.00 and in size from 1,780 to 2,659 square feet. After adjustments were made, the sales ranged from \$365,300.00 to \$401,700.00.
8. Mr. King was not granted access to the subject property but assumed it to be in average condition. He talked with the owners of all of the comparable sales and was told there had been no significant updating or remodeling during the base period. All of Respondent's comparable

sales were two-story dwellings located in the subject subdivision and were selected for their similarity in design, quality, and market appeal.

9. In cross-examination, Mr. King testified that the land adjustments reflected size, terrain, and the subject's zoning. He described the attached 750 square foot area located above the 560 square foot storage shed as being suitable as an office, and discussed the related adjustments ranging from \$12,000.00 to \$16,300.00.

10. Mr. King testified that Petitioner's comparable sales should have been adjusted for terrain and that the time adjustments were calculated incorrectly.

11. Respondent assigned an actual value of \$370,000.00 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. The Board finds that Respondent's comparable sales are more similar to the subject property than Petitioner's comparable sales. However, the Board was not convinced that Respondent's land adjustments adequately reflected size, terrain, view and zoning or that the 750 square foot area above the storage shed should be considered prime living area. Therefore, the Board recalculated these adjustments to Respondent's comparable sales. The subject property's assigned value of \$370,000.00 is still within the range of the recalculated indicated values.

3. Pursuant to Colorado Revised Statutes, residential property must be valued based on the market approach. Comparison of assigned values or price per square foot is not accepted appraisal practice.

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.

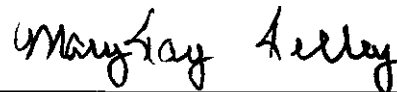
If Respondent alleges procedural errors or errors of law by this Board, Respondent may petition the Court of Appeals for judicial review within 30 days from the date of this decision.

**DATED and MAILED** this 30<sup>th</sup> day of December 2004.

**BOARD OF ASSESSMENT APPEALS**



Steffen A. Brown

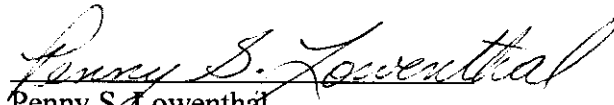


MaryKay Kelley

This decision was put on the record

**DEC 30 2004**

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

  
Penny S. Lowenthal