

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>KENNETH ZIMMERMAN,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF COMMISSIONERS.</p>	<p>Docket No.: 44620</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on January 10, 2006, Karen E. Hart and Debra A. Baumbach presiding. Petitioner appeared pro se. Respondent was represented by Martin McKinney, Esq. Petitioner is protesting the 2002 and 2003 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**1979 Jay Street, Lakewood, Colorado
(Jefferson County Schedule No. 058568)**

The subject property consists of a 676 square foot single-family residence built in 1948.

FINDINGS OF FACT:

1. Prior to filing the abatement for tax years 2002 and 2003, Petitioner initiated an appeal for tax year 2003 but failed to exhaust his administrative remedies. As such, the Board does not have jurisdiction to rule on the value assigned to the subject property for tax year 2003.

2. The subject property has never been updated and is in poor condition. Mr. John Nagel of John Nagel Construction, LLC, inspected the subject property and concluded that the structure should be demolished. The cost of the demolition, including removal of trees and leveling

the property, was estimated to range from \$7,500.00 to \$8,500.00. Mr. Nagel also noted that an additional \$2,500.00 would be required for a new sewer tap if a new structure were to be built on the land.

3. Petitioner requested that the actual value of the subject property be reduced to \$60,000.00 for tax year 2002.

4. Respondent assigned an actual value of \$89,000.00 to the subject property for tax year 2002.

5. Based on the market approach, Respondent presented an indicated value of \$98,666.00 for the subject property.

6. Respondent presented three comparable sales ranging in sales price from \$89,900.00 to \$105,000.00 and in size from 618 to 693 square feet. After adjustments, the sales ranged in price from \$92,200.00 to \$106,400.00.

7. All of Respondent's sales were reported as being of below-average quality. Sales 1 and 2 have been updated recently. Given the overall quality and condition of the sales compared to the overall quality and condition of the subject property, the Board was not persuaded that the positive adjustments for year of construction were warranted.

8. Respondent applied a 25% physical depreciation adjustment to reflect the condition of the subject. Respondent admitted that the 25% depreciation factor resulted from an inspection performed in 1997 and that the depreciation factor had not been analyzed since that time. The Board was not convinced that a 25% depreciation factor is adequate.

CONCLUSIONS:

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

2. In arriving at its final conclusion of value, the Board removed the adjustments for year of construction from Respondent's comparable sales. Using a standard lot value of \$50,000.00 for each of the comparable sales, the Board applied an adjustment of 40% for physical depreciation of the improvements. The resulting sales prices ranged from \$76,640.00 to \$87,200.00.

3. After careful consideration of all the evidence and testimony presented, the Board concluded that the 2002 actual value of the subject property should be reduced to \$80,000.00, the lower end of the recalculated range of sales.

ORDER:

Respondent is ordered to reduce the 2002 actual value of the subject property to \$80,000.00, with \$50,000.00 allocated to land and \$30,000.00 allocated to improvements.

The Jefferson County Assessor is directed to change his/her records accordingly.

APPEAL:

Petitioner may petition the Court of Appeals for judicial review within 45 days from the date of this decision.

In addition, if the decision of the Board is against the Respondent, the Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law when the Respondent alleges procedural errors or errors of law by the Board of Assessment Appeals.

If the Board recommends that this decision is a matter of statewide concern, or if it results in a significant decrease in the total valuation of the county, Respondent may petition the Court of Appeals for judicial review within 45 days from the date of this decision.

If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation for assessment of the county in which the property is located, the Respondent may petition the Court of Appeals for judicial review of such questions with 45 days from the date of this decision.

DATED and MAILED this 27th day of January 2006.

BOARD OF ASSESSMENT APPEALS

Karen E. Hart
Karen E. Hart

Debra A. Baumbach
Debra A. Baumbach

This decision was put on the record

JAN 26 2006

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

