

<p><b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p><b>HOSSEIN A. BAGHER,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>DENVER COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 49256</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on December 4, 2008, Diane M. DeVries and Lyle D. Hansen presiding. Petitioner appeared pro se. Respondent was represented by David V. Cooke, Esq. Petitioner is protesting the 2007 actual value of the subject property.

**PROPERTY DESCRIPTION:**

Subject property is described as follows:

**272-278 Steele Street, Denver, CO  
Denver County Schedule No. 05121-24-001-000**

The subject is 1,444 square foot residence built in 1953 and converted to commercial use. The building is situated on a 6,250 square foot lot that is presently zoned CCN (Cherry Creek North).

Petitioner presented an indicated value of \$250,000.00 for the subject property.

Petitioner presented no comparable sales and no appraisal in support of his value conclusion.

Petitioner testified that the floor area in the existing building is 1,444 square feet which limits the amount of income that can be generated through rents for the subject.

Petitioner testified that the floor area ratio (FAR) in CCN zoning designation is one-to-one and with a 6,250 square foot lot, he can build only a 6,250 square foot building. Petitioner testified that this condition hinders the ability to generate income through rental of the building, and does not support the assigned value of \$470,200.00.

Petitioner is requesting a 2007 actual value of \$250,000.00 for the subject property.

Respondent presented an indicated value of \$780,000.00 for the subject property based on the market approach.

Respondent presented four comparable sales ranging in sales price from \$945,000.00 to \$1,500,000.00 and in lot size from 6,250 to 19,008 square feet. After adjustments were made, the sales ranged from \$90.56 to \$142.05 per square foot of lot area.

Respondent's appraiser testified that the existing building improvements do not support the highest and best use of the site that is allowed in CCN zoning for that site. The appraiser testified that the existing improvements no longer have a contributory value to the site and have reached the end of their economic life. He testified that the existing building has salvage value only. For this reason, the value of the subject is in the land with the potential of a higher and better use through demolition of the existing building and construction of a new building. The appraiser testified that the floor area ratio (FAR) under CCN zoning is three-to-one permitting the construction of a building three times the size of the site. For this reason, the appraiser derived a market value estimate for the site, under its proposed highest and best use as though vacant, by utilizing four comparable site sales.

Respondent assigned an actual value of \$470,200.00 to the subject property for tax year 2007.

Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2007. The Board agrees with Respondent that the reasonable future use of the subject property is redevelopment, and therefore the value of the subject is its highest and best use as though vacant and developed with a new building.

## **ORDER:**

The petition is denied.

## **APPEAL:**

If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of CRS § 24-4-106(11) (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation of the respondent county, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of CRS § 24-4-106(11) (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

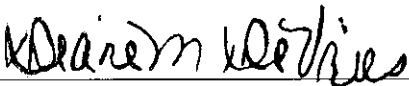
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

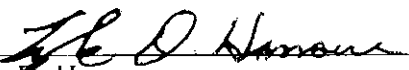
If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

CRS § 39-8-108(2) (2008).

**DATED and MAILED** this 17<sup>th</sup> day of December 2008.

**BOARD OF ASSESSMENT APPEALS**

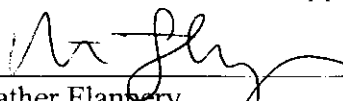
  
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Diane M. DeVries

  
\_\_\_\_\_  
Lyle D. Hansen

This decision was put on the record

**DEC 16 2008**

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

  
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Heather Flansbery

