

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>WILLIAM AND SHARYN YEOMAN,</p> <p>v.</p> <p>Respondent:</p> <p>GRAND COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 52017</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on August 2, 2010, MaryKay Kelley and Debra A. Baumbach presiding. Petitioners appeared pro se. Respondent was represented by Anthony J. DiCola, Esq. Petitioners are protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**33 Katherine Drive, Grand Lake, Colorado
(Grand County Schedule No. R172960)**

The subject property is a single family residence located on a 0.574 acre lot in the Gudgel Subdivision. The residence is located a half mile west of the Town of Grand Lake and under a mile from the Grand County Golf Course. Rocky Mountain National Park is located approximately half a mile south. The home is a ranch style design and constructed of wood frame. The main structure was built in 1953 with a kitchen extension in 1957. A bathroom and entry area addition was done in 1991 and in 1993 the loft area was insulated and a new egress window was installed. In 1995 a bedroom and unheated porch area were added. Overall, there are approximately 1,141 square feet with one bedroom and one bathroom.

Based on the market approach, Petitioners presented an indicated value of \$170,000.00 for the subject property.

Petitioners presented four comparable sales ranging in sales price from \$120,000.00 to \$170,000.00 and in size from 736 to 1,090 square feet. Petitioner testified adjustments were made to

reflect the differences in location, land size, heated square footage, bedrooms, baths and effective age. The adjustments were made to the assessed values of the sales and not the sales prices.

Ms. Yeoman contends there are three areas of dispute in Respondent's valuation analysis. The first issue is how Respondent's effective age of 1982 was calculated. The original structure was built in 1953, and the kitchen was extended in 1957. After the purchase in 1990, new zoning regulations required connection to the city water and sewer system. As a result, a bathroom and an entry porch were added and the kitchen sink connected. The attic space was not considered living area, and to properly utilize the space in 1993, a new egress window was installed along with new insulation. A bedroom and an unheated porch area were added in 1995.

Petitioners' second issue is areas included in Respondent's square footage calculations. The attic space and porch additions are not heated areas and should not be included in the overall calculations. The third issue is Respondent's selection of comparable sales. Respondent's sales prices were higher and were not adequately adjusted for differences. All sales have superior views of Shadow Mountain Lake.

Ms. Yeoman contends the subject is located on a busy feeder street with no views or superior location. The subject's location suffers from light pollution and noise. The comparable sales used by Respondent are located on interior locations and are not influenced by any adverse factors. Respondent did not adequately adjust for location.

Petitioners readjusted Respondent's sales based on their own calculations for square footage, effective age, location bedroom and bathroom count, garage area decks and porches as outlined in Petitioner's Exhibit 2. The adjustments were made to the assessed values and not the sales prices.

Petitioners are requesting a 2009 actual value of \$170,000.00 for the subject property.

Respondent presented an indicated value of \$238,000.00 for the subject property based on the market approach.

Ms. Katie A. Buss, witness for Respondent presented four comparable sales ranging in sales price from \$169,800.00 to \$289,400.00 and in size from 600 to 1,320 square feet. Respondent made adjustments including square footage, bedrooms, bathrooms, fireplace area location and age difference.

Ms. Buss testified the comparable sales selected were considered to be the best available in the market area and most similar to the subject. Sales 1 & 2 are located in the subject's subdivision and sales 3 & 4 are located within 3 miles from the subject property. After adjustments for location, age difference, fireplace, garage area bedroom and bathroom differences the sales prices ranged from \$232,400.00 to \$254,300.00.

In response to Petitioners' dispute over the square footage and effective age, Petitioners did not include the finished attic space in their calculation, and effective age was determined by reviewing issued building permits. The subject was not considered to be adversely affected by the location. The subject's location sees an increase in traffic to the golf course during peak summer months. The

subject is located on a dirt road with a 25mph speed limit, and adjustments were made to the comparable sales for location influences.

Respondent reviewed Petitioners' comparable sales and did not consider them to be suitable. They are all located much further south from the subject property and reflect different market trends. Additionally, the assigned value of the subject property is lower than the indicated value, taking into consideration any factors affecting the property.

Respondent assigned an actual value of \$231,110.00 for tax year 2009.

Petitioner presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2009.

The Board was convinced that Respondent's comparable sales were most similar to the subject and were adjusted for all differences affecting the value. Respondent did provide adequate information to support what adjustments were made. The Board agreed that Petitioners' sales were located outside the immediate market area and reflected different market trends. They could be considered only if there were no other suitable sales located closer to the subject property. Petitioners made adjustments to the assessed values and not the sale prices of each of the sales - this is not considered appropriate appraisal methodology.

There are several points of contention before the Board. The first is how the square footage calculation was derived. There is a 117 square foot difference in the analyses. Respondent included the loft area in its calculation and deducted the porch areas, and Petitioners did not include the loft area as square footage. The Board concluded the loft square footage should be included as living area, as a permit was issued for new insulation and an egress window. The Board understood that there is only radiant heat to the room, and typically in attic space there are unusable areas excluded in the square footage because of ceiling heights on each side of the room. However, Respondent did not have access to measure the area, and deducting additional square footage would not affect the overall value extensively or indicate a change in the final value range.

The next issue is calculating the effective age of the subject property. In appraisal methodology, effective age is the age indicated by the overall condition of the property and utility of the structure. The effective age may be lower or higher than the actual age depending on the condition of the property. The Board finds that an effective age of 1972 for the subject property is supported.

Re-calculation of Respondent's sales to address the changes in the subject's effective age is as follows: Sale 1's effective age adjustment is estimated to be halved, or \$23,000.00, for an adjusted sales price of \$208,900.00; Sale 2's effective adjusted is estimated at zero for an adjusted sales price of \$228,800.00; Sale 3's effective age adjustment is estimated at \$10,000.00 for an adjusted sales price of \$210,600.00. The re-calculated range of adjusted sales prices is re-calculated to be from \$208,900.00 to \$234,800.00. Sale 2 is given most weight: it required the lowest percentage of gross and net adjustments.

ORDER:

Respondent is ordered to reduce the 2009 actual value of the subject property to \$228,000.00.

The Boulder County Assessor is directed to change their records accordingly.

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 Section 24-4-106(11), C.R.S. (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 Section 24-4-106(11), C.R.S. (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.

Section 39-8-108(2), C.R.S.

DATED and MAILED this 5 day of November 2010.

BOARD OF ASSESSMENT APPEALS

MaryKay Kelley
MaryKay Kelley

Debra A. Baumbach
Debra A. Baumbach

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

Amy Bruins
Amy Bruins

