

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>RICHARD A. AND GRACEANN STEWART,</p> <p>v.</p> <p>Respondent:</p> <p>DENVER COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 54275</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on May 9, 2011, Debra A. Baumbach and Lyle D. Hansen presiding. Petitioner appeared pro se. Respondent was represented by David V. Cooke, Esq. Petitioner is protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**4142 Tennyson Street, Denver, Colorado
Denver County Schedule No. 02194-12-006-000**

The subject property consists of a one-story masonry single-family residence built in 1894 and containing a total of 707 square feet of gross living area and a 99-square foot basement with no finish. The residence has two bedrooms and one bath. The improvements are situated on a 3,170-square foot lot.

Petitioner is requesting an actual value of \$106,050.00 for the subject property for tax year 2009. Respondent assigned a value of \$171,700.00 for the subject property for tax year 2009 but is recommending a reduction to \$161,000.00.

Petitioner presented no comparable sales.

Petitioner, Mr. Richard Stewart, testified that the improvements have outlived their usefulness because of the condition of the property. The building mechanics are deficient and not updated. He described the ceiling tile and collapsed ceiling plaster as evidence of a leaking roof. He testified that there is no insulation, the pipes are broken and the back door had been kicked-in. Mr.

Stewart testified that the property, while located in a commercial district, cannot be used as a business because of insufficient on-site parking. He testified that the noise, traffic and crowded street parking reduce the marketability of the property as a residence. Mr. Stewart testified that the property is not marketable to a developer because of the 25-foot front footage lot.

Petitioner is requesting a 2009 actual value of \$106,050.00 for the subject property.

Respondent presented a value of \$175,000.00 for the subject property based on the market approach.

Respondent presented three comparable sales ranging in sale price from \$170,000.00 to \$237,000.00 and in size from 710 to 906 square feet. After adjustments were made, the sales ranged from \$161,840.00 to \$185,800.00.

Respondent's three comparable sales are located in the immediate vicinity as the subject on Tennyson Street and incur the same negative impact from the nearby commercial properties. Mr. Drybread testified that he adjusted his comparable sales for differences in lot size, year of construction, condition, gross living area, basement area and garage spaces. Mr. Drybread concluded value at the approximate mid-range of the three adjusted sale prices.

Respondent assigned an actual value of \$171,700.00 to the subject property for tax year 2009 but is recommending a reduction to \$161,000.00.

Sufficient probative evidence and testimony was presented to prove that the subject property should be set at Respondent's recommended value.

The Board relied upon Respondent's value estimate since Petitioner provided no comparable sales to support his value estimate. The three comparable sales provided by Mr. Drybread were located in the same commercial district area and in close proximity to the subject and experience the same noise and traffic influence. The Board agreed with the appraiser's adjustment analysis to the three comparable sales. The Board agreed with Mr. Drybread's recommended reduction in the value estimate of \$161,000.00 to reflect his adjusted sale price of Comparable Sale 1.

The Board concluded that the 2009 actual value assigned to the subject property should be reduced to \$161,000.00.

ORDER:

Respondent is ordered to reduce the 2009 actual value of the subject property to \$161,000.00

The Denver County Assessor is directed to change his/her 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 16 day of May 2011.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach

Debra A. Baumbach

Lyle D. Hansen

Lyle D. Hansen

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

Amy Bruins
Amy Bruins

