

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>RICHARD A. STEWART,</p> <p>v.</p> <p>Respondent:</p> <p>DENVER COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 54276</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:

**4114 Tennyson Street, Denver, Colorado
Denver County Schedule No. 02194-12-010-000**

The subject property consists of a two-story brick and frame single-family residence built in 1899 and containing a total of 1,916 square feet of gross living area and a 391-square foot basement with no finish. The residence has three bedrooms, two bathrooms, a front porch and a fireplace. The improvements are situated on a 6,336-square foot lot.

Petitioners are requesting an actual value of \$150,000.00 for the subject property for tax year 2009. Respondent assigned a value of \$231,200.00 for the subject property for tax year.

Petitioner presented no comparable sales.

Petitioner, Mr. Richard Stewart, testified that his residence is 110 years old, is in poor condition and has not been updated. He testified that the building mechanics are not in good condition and need to be updated to meet code. His fireplace is not functional. Mr. Stewart stated that his residence is located in a commercial district and that location is not conducive to raising a family. He testified that street parking is limited to two hours and that his driveway is, at times,

blocked by automobiles. Mr. Stewart testified that there are theft problems in the alley behind his residence. He testified that the commercial use on his block contributes to noise in the area.

Petitioner is requesting a 2009 actual value of \$150,000.00 for the subject property.

Respondent presented a value of \$350,000.00 for the subject property based on the market approach.

Respondent presented three comparable sales ranging in sale price from \$330,000.00 to \$365,000.00 and in size from 1,622 to 1,650 square feet. After adjustments were made, the sales ranged from \$326,910.00 to \$377,235.00.

Respondent's appraiser, Mr. Kenneth Drybread, testified that his Comparable Sale 1 was located in a commercial district and was in inferior condition when it sold. He testified that his Comparable Sales 2 and 3 were not located adjacent to a commercial district but that he accomplished negative adjustments to the sale prices to account for this difference in location. He testified that Comparable Sale 2 experienced moderate traffic and that Comparable Sale 3 was located on a city bus line and experienced heavy traffic.

Respondent assigned an actual value of \$231,200.00 to the subject property for tax year 2009.

Sufficient probative evidence and testimony was provided to show that the subject property was correctly valued for tax year 2009.

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 comparable in year of construction. Mr. Drybread's Comparable Sale 1 was located in a commercial district area and experienced similar noise and traffic influence. Mr. Drybread designated Comparable Sale 1 as the best comparable sale for his valuation conclusion because of the commercial influence and because of a comparable improvement's design. The Board agreed with the appraiser's adjustment analysis to the three comparable sales.

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 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 L. Bruhn

Amy Bruhn

