

**BOARD OF ASSESSMENT APPEALS,
STATE OF COLORADO**

1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket No.: 54491

Petitioner:

BEVERLY DEHNING,

v.

Respondent:

BOULDER COUNTY BOARD OF EQUALIZATION.

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on August 18, 2010, Debra A. Baumbach and MaryKay Kelley presiding. Petitioner was represented by her husband, Lyle E. Dehning. Respondent was represented by Michael A. Koertje, Esq. Petitioner is protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**1835 Faith Place (Lot 1, Panorama Heights Replat A) and
Vacant Lot on Apple Court (Lot 3, Panorama Heights Replat A)
Longmont, Colorado
(Boulder County Schedule No. R0078029)**

The subject property is comprised of two parcels, a brick ranch with 1,887 square feet built in 1981 on an 11,175 square foot lot and a vacant 14,032 square foot lot. One schedule number services the two parcels at the request of the owner. The adjoining parcels were purchased as infill lots on the perimeter of an established neighborhood of older and inferior quality homes.

Respondent assigned an actual value of \$417,500.00 for the subject property. Petitioner is requesting a value of \$350,000.00.

Mr. Dehning noted a \$60,000.00-plus increase in actual value from 2007, an increase he considered without justification in a two-year span.

Petitioner presented three comparable sales with sales prices ranging from \$259,000.00 to \$300,000.00. Only sale dates and prices were provided and no adjustments were made. Mr. Dehning did not address the vacant lot as existing separately from the improved lot.

Mr. Dehning testified that the subject house was built of good quality construction in an area of older and lesser-quality homes. He acknowledged that the older neighborhood will impact marketability and value on resale.

Mr. Dehning voiced frustration with the appeal process, notably the presentation of a new set of comparable sales immediately prior to the Board of Equalization hearing. He considered all of Respondent's data at all levels of appeal to be justification for the originally-assigned value.

Petitioner disagreed with Respondent's separate valuations of the two parcels. He also noted that the vacant lot's view was negatively impacted by two duplexes across the cul-de-sac, that the subject lot had no privacy due to surrounding homes 15 feet up a hill, and that Respondent should have valued the vacant lot at \$45,000.00.

Mr. Dehning, arguing proximity as the most important factor in estimating value, presented averages of actual values near the subject: \$222,000.00 for homes on Faith Court, \$562,750.00 for homes on Panorama Circle, \$358,320.00 for homes on Longview Court, and \$368,600 for homes on Cottonwood Court.

Petitioner determined the actual value should be the same as the assigned value in 2007 or \$350,000.00.

Respondent's witness presented indicated values of \$330,000.00 for the improved lot and \$91,200.00 for the vacant lot.

Improved Site: Respondent's witness presented four comparable sales for the improved parcel ranging in sales price from \$250,000.00 to \$420,000.00 and in size from 1,495 to 2,112 square feet. After adjustments were made, the sales ranged from \$324,865.00 to \$360,355.00. In addition to physical differences, adjustments were made for the comparable sales' superior locations. The indicated value of \$330,000.00 was reconciled at the lower end of the adjusted range to reflect the subject's location in a neighborhood of older, inferior-quality homes.

Vacant Site: Respondent's witness presented eight vacant comparable sales ranging in sales price from \$54,000.00 to \$148,000.00 and representing new developments and infill locations with a variety of influences. Adjusted sales prices ranged from \$5.71 to \$27.82 per square foot. Sales 4 (\$5.71 per square foot) and 6 (\$5.73 per square foot) were considered most similar to the subject. After adjustments were made, the value was reconciled at \$6.30 per square foot or \$91,200.00.

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

The Board agrees that Lots 1 and 3 are independent entities and should be valued separately.

Both state statutes and the state constitution require use of the market approach to value residential property. Petitioner presented no probative evidence to support a requested value of \$350,000.00. The Board is unable to adjust Petitioner's comparables without additional sales data for physical and location differences. Petitioner questioned Respondent's adjustments but did not provide alternates and did not secure an independent appraisal.

The Board notes Petitioner's argument regarding the proximity of two duplexes and lack of privacy for the vacant site. Respondent's witness did not consider either factor to have an impact on value, and the Board was not persuaded otherwise.

The Board gives no weight to averaging actual values. Both parties acknowledged the subject's location in an area of older, inferior-quality homes, and the Board is persuaded that Respondent adequately addressed this issue.

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 13th day of October 2010.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach

Debra A. Baumbach

MaryKay Kelley

MaryKay Kelley

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

[Signature]

Amy Bruins

