

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

1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket No.: 57657

Petitioners:

WARREN W. AND LESLIE K. LOVELL,

v.

Respondent:

**SAN MIGUEL COUNTY BOARD OF
COMMISSIONERS.**

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on October 26, 2011, Sondra W. Mercier and Diane M. DeVries presiding. Petitioners were represented by Raymond Bowers, Agent. Respondent was represented by Rebekah King, Esq. Petitioners are protesting the 2008 actual value of the subject property.

Subject property is described as follows:

**210 Wilson Peak Drive, Telluride, Colorado
San Miguel County Schedule No. R1080087418**

The subject property consists of a 7,550 square foot single family residence with five bedrooms, five and one half baths, built in 1993 with a 1,064 square foot garage on 1.25 acres of land located in Mountain Village, Telluride, Colorado. The subject property is a "Frank Lloyd Wright Knock-Off," a luxury mountain home of very good quality and good quality construction. The exterior of the home is a combination of stone and stucco with wood trim and clay tile roof. The site enjoys ski-in ski-out access. No significant remodeling or upgrades have occurred since construction.

Petitioners are requesting an actual value of \$3,687,674.00 for the subject property for tax year 2008. Respondent assigned a value of \$5,306,250.00 for the subject property for tax year 2008.

Petitioners presented four comparable sales ranging in sale price from \$2,300,000.00 to \$5,200,000.00 and in size from 5,574 to 10,103 square feet. No adjustments were made.

Raymond Bowers, Agent for Petitioners, stated the subject property is a “Frank Lloyd Wright Knock-Off” designed by a local architect with much input from the owners from Florida and has many high quality materials. According to Mr. Bowers, the subject has many aspects that detract from its value and desirability for buyers of Rocky Mountain ski homes. They are: the overall design is out of place in the mountains, several serious functional design flaws, the subject is older than most homes on the market in 2006, and due to its age and functional design flaws, it shows wear and signs of age and damage.

Mr. Bowers testified that the subject property has a poorly designed and extremely tight driveway making it difficult to turn and maneuver a vehicle. Compromised ski access makes access coming in to the subject property “tricky.” The bathrooms are outdated. Interior design flaws with an old style kitchen, bar stool issues, den small in comparison to the rest of the house, and no functional ski room. Exterior design flaws consist of north facing deck and north shedding roof dumps snow and ice on the deck. According to Mr. Bowers, stucco siding is not desirable in the mountains. Houses with stucco siding in the area always take longer to sell and sell for less. There are signs of damage and aging.

Respondent presented a value of \$5,306,250.00 for the subject property based on the market approach.

Respondent presented five comparable sales ranging in sale price from \$5,200,000.00 to \$7,123,400.00 and in size from 5,569 to 9,570 square feet. After adjustments were made, the sales ranged from \$5,319,620.00 to \$5,834,000.00.

Guy T. Poulin, Certified Residential Appraiser, testified that he physically inspected the subject property. Mr. Poulin presented the sales comparison approach using Respondent’s Exhibit’s A and B. Mr. Poulin made adjustments for location, site, view, design/style, age/quality, and living area. Gross adjustments ranged from .006% to 18.5% while making those adjustments to Petitioners’ comparable sales resulted in a gross adjustment range from 41.30% to 104.40%.

Respondent assigned an actual value of \$5,306,250.00 to the subject property for tax year 2008.

Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2008.

In tax year 2009, the subject property value was reduced by 31% at the Assessor’s level, Petitioners’ Agent believes that the same 31% should be applied to tax year 2008. This adjustment was done at the Assessor’s level and was part of the mass appraisal system. 2009 is within a different base period than is the base period that is subject of this hearing. When a property is appealed to the Board of Assessment Appeals, it is a “de novo hearing” and a site specific appraisal on the subject property is required. Every tax year is a year of its own for the property taxation purposes.

The Board believes that the comparable sales used by Respondent more accurately reflect the 2008 actual value of the subject property. The subject property is a luxury contemporary style home. The home is very homogenous with homes built on the subject street and throughout Mountain Village. Respondent has adjusted for location, site, view, design/style, age/quality, and living area. The inventory as set forth by Respondent's appraisal accurately reflected the subject property.

Based on the evidence and testimony presented at this hearing, the Board believes that the comparable sales used by Respondent more accurately reflect the 2008 actual value of \$5,306,250.00 assigned to the subject property.

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 for assessment of the county wherein the property is located, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provision 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 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 for assessment of the county in which the property is located, Respondent may petition the Court of Appeals for judicial review of such questions.

Section 39-10-114.5(2), C.R.S.

DATED and MAILED this 22nd day of November 2011.

BOARD OF ASSESSMENT APPEALS



Sondra W Mercier

Sondra W. Mercier

Diane M DeVries

Diane M. DeVries

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

Mina Crichton

Mina Crichton