

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>BRIAN COFFIN,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 67514</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on February 25, 2016, Diane M. DeVries and Debra A. Baumbach presiding. Petitioner appeared *pro se*. Respondent was represented by Casie Stokes, Esq. Petitioner is protesting the 2015 actual value of the subject property.

Subject property is described as follows:

**207 Alpine Ave., Golden, Colorado
Jefferson County Schedule No.075107**

The subject property consists of frame and brick bi-level home built in 1977. The home includes four bedrooms, two bathrooms and contains 2,840 square feet. Other amenities include two fireplaces, deck, an attached 533 square foot garage and a 672 square foot detached garage. The parcel is reported to be 1.452 acre and is accessed by a privately maintained road. There is a well and a septic system on the property.

Petitioner is requesting an actual value of \$418,294 for the subject property for tax year 2015. Respondent assigned a value of \$510,000 for the subject property for tax year 2015.

Petitioner, Mr. Coffin, presented a market approach consisting of three comparable sales ranging in sales price from \$370,000 to \$482,600 and in size from 1,526 to 2,040 square feet. Petitioner made adjustments to the sales for site area, age, square footage, room count, basement area and finish, quality of construction and garages. After adjustments, the sales ranged in values from

\$331,228 to \$491,506. Petitioner averaged the adjusted values concluding to a value of \$418,294 for the subject.

In addition, Petitioner presented four alternative valuation analyses supporting a value range from \$401,332 to \$461,003. In the first analysis (Exhibit 2), Petitioner estimated the value for the subject using the average price per square foot of four comparable sales (three of those four sales were the same sales that Petitioner used in Petitioner's market approach). Petitioner concluded to a value of \$401,332 and then compared the assessed value for each of the four sales to the subject noting the comparables were valued significantly lower.

In the second analysis (Exhibit 3), Petitioner applied a 0.08% time trending adjustment taken from the Assessor's website to the subject's 2014 value of \$425,280 for an indicated value of \$459,303.

In the third analysis, (Exhibit 4) Petitioner applied time trending adjustment of 0.3% based on the time period between July 2012 to June 2013 and 0.4% adjustment for a time period from July 2013 to June 2014. Petitioner applied the adjustments to his 2014 valuation of \$425,280 and concluded to a value of \$461,003.

Petitioner's final analysis (Exhibit 5) illustrates a model supporting errors in Respondent's assessment data. The graph illustrates actual sales supporting market value versus the initial assessment and final assessment. According to Petitioner, the graph supports that Respondent has overvalued the subject property.

Mr. Coffin described the subject property as an average quality wood sided bi-level home built in 1977. According to Mr. Coffin, the property is in overall average condition and includes a well and septic system. The property is located on a privately maintained dirt road. The overall market area consists of a highly diverse mix of homes that range from log cabins to large newly constructed homes with many amenities. Many of the homes have excellent city views; many are located on county maintained roads and accommodate city utilities.

Mr. Coffin contends the Assessor has erred in comparing his home to properties that were superior in location, amenities, condition and public utilities. Mr. Coffin argued that Respondent did not use sales of similar bi-level style homes. In addition, Petitioner argued that Respondent failed to adjust the sales for public utilities, style and location on county maintained roads.

Petitioner is requesting a 2015 actual value of \$418,294 for the subject property based on the market approach.

Respondent presented a value of \$565,000 for the subject property based on the market approach. Respondent's witness, Ms. Laura L Burtschi, Licensed Residential Appraiser with the Jefferson County Assessor's Office, presented four comparable sales ranging in sales price from \$425,000 to \$665,000 and in size from 1,521 to 2,669 square feet. After adjustments were made, the sales ranged from \$519,900 to \$632,300.

Ms. Burtschi testified she had requested an exterior and interior inspection of the property, but her request was denied by Petitioner. Ms. Burtschi's analysis of the subject property was based on an exterior inspection and data from the Assessor's office.

Ms. Burtschi testified she considered the subject property to be in average condition with some updating. She observed newer windows and exterior doors, based on records in the Assessor's office a new garage was built in 2013. In 2010 the roof was replaced, exterior siding and the deck was replaced in 2008. The witness stated she selected comparable sales that were considered the most similar in size, style, quality and market appeal. Although no sales of bi-level style were used, the sales were considered the most similar. She made adjustments to the sales for all differences affecting the value. Ms. Burtschi stated she did not adjust the sales for differences in well, septic and location on a private road as the market did not perceive a difference in value. In addition, the witness noted that her sales 2 and 3 are both located on the same street as the subject and share the same location on a private road.

Ms. Burtschi testified that she reviewed Petitioner's comparable sales and that after the necessary adjustments were made, the indicated value supports the value assigned to the subject property. She noted that Petitioner's additional analyses applying a time trending adjustment to the subject's previous assessment is not appropriate appraisal methodology.

Respondent assigned an actual value of \$510,000 to the subject property for tax year 2015.

Petitioner presented insufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2015.

The burden of proof is on Petitioner to show that the Respondent's valuation is incorrect. *Board of Assessment Appeals v. Sampson*, 105 P.3d 916,920 (Colo. App. 2002). After careful consideration of the testimony and exhibits presented at the hearing, the Board was not convinced Petitioner met that burden.

The Board gives little weight to Petitioner's requested value based on an average sales price of the comparable sales. Petitioner did not address all features of the comparable sales or make appropriate adjustments affecting the value ranges. Petitioner's methodology in averaging the sales data is not approved appraisal practice.

The Board was not persuaded by Petitioner's equalization argument or analysis. The Board can only consider an equalization argument as support for the value determined using the market approach. *Arapahoe County Bd. of Equalization v. Podoll*, 935 P.2d 14, 16 (Colo. 1977), Petitioner must present evidence or testimony that the assigned value of the comparable sales used were also correctly valued using the market approach, for an equalization argument to be supported.

The Board equally was not persuaded by Petitioner's concluded value indicated by applying time trending adjustments to the value from a prior tax year. Both state constitution and statute require the use of the market approach to value residential property in the current base year. Relying

on a value from a prior tax year does not take into consideration the analysis of recent sales and market conditions affecting the value.

Relative to Petitioner's argument that the subject is adversely affected by well, septic and location on a privately maintained road, Petitioner did not present the Board with refuting evidence for a market supported adjustment. Additionally, Petitioner did not present evidence that the market reflects a value difference in bi-level style homes versus other style of homes in the area.

The Board finds Respondent's comparable sales and adjustments to the sales accurately reflect market value for the subject property. The sales used by Respondent are located within the same market area as the subject. The sales are similar in site size and two of the sales are located on the same street supporting values for properties located on a privately maintained road. Respondent's value is significantly higher than the assigned value and takes into consideration multiple factors affecting the value.

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-nine 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-nine 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 16th day of March, 2016.

BOARD OF ASSESSMENT APPEALS

Diane M. DeVries

Diane M. DeVries

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.

Milla Lishchuk

Milla Lishchuk

