

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>JUSTINE R. KIRK,</p> <p>v.</p> <p>Respondent:</p> <p>PITKIN COUNTY BOARD OF COMMISSIONERS.</p>	<p>Docket No.: 69841</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on July 18, 2017, Diane M. DeVries and MaryKay Kelley presiding. Justine Kirk appeared pro se. Respondent was represented by Richard Neiley, Esq. Petitioner is protesting the 2015 actual value of the subject property.

Subject property is described as follows:

**59 Herron Hollow Road, Aspen, Colorado
Pitkin County Schedule No. R003179**

The subject is a 2,062- square -foot residence with a 1,190-square-foot walkout basement. It was built in 1959 with an addition in 1992 and includes decks and garages. It sits on a 34,160-square-foot lot in the Pitkin Green Subdivision, one of several in the Red Mountain neighborhood. The site is gently sloped and treed, and the view of Aspen Mountain and beyond is described as very good.

Both parties consider Highest and Best Use to be redevelopment as single-family residence. This would involve demolition and new construction, which is typical for similar-aged homes in the area.

Respondent assigned a value of \$4,680,200 for tax year 2015. Petitioner is requesting a value of \$2,657,300.

Petitioner’s witness, David Ritter, Certified General Appraiser, valued the subject property by the Market Approach. He presented four comparable sales ranging in sale price from \$2,755,000 to

\$6,495,000 and made adjustments for increasing values (based on the assessor's calculations), quality of construction, physical condition, size, auxiliary dwelling units, and garages. With an adjusted price range from \$2,441,915 to \$3,161,500, he concluded to a value of \$2,657,300.

Mr. Ritter critiqued Respondent's adjustments for site and view, which ranged from a negative 9% for Sale One (in his opinion insufficient) to 52% (Sale Two) and 77% (Sale Three).

Respondent's witness, Wendy Schultz, Certified Residential Appraiser for the Pitkin County Assessor's Office, valued the subject property by the Market Approach. She presented four comparable sales ranging in sale price from \$2,755,000 to \$5,445,750 and made adjustments for increasing values, site/view, construction quality, physical condition, size, and garages. With an adjusted range from \$4,580,265 to \$5,098,350, she concluded that value was the same as that assigned by the Board of County Commissioners or \$4,680,200.

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

The Board agrees with the parties that Highest and Best Use is redevelopment as a single-family residence. However, an improvement on the subject property existed on the assessment date and must be acknowledged; the property is not valued as vacant land.

The Board finds that the site attributes (location, size, seclusion, and view) are the most important aspects of value. While Petitioner's witness made no adjustments for these characteristics, Respondent did. The Board finds Respondent's appraisal more credible.

The parties describe mountain and ski area views of the various properties differently. The Board finds the testimony and adjustments of Respondent's witness to be persuasive. The Board finds that Petitioner has not met the burden of disproving Respondent's sale selection and adjustments.

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 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-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 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 16th day of August, 2017.

BOARD OF ASSESSMENT APPEALS

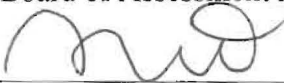


Diane M. DeVries



MaryKay Kelley

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



Milla Lishchuk

