

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p>	<p>Docket No.: 71633</p>
<p>Petitioner:</p> <p>E. WILLIAM & VALERIA SCHWEIGER,</p> <p>v.</p> <p>Respondent:</p> <p>BOULDER COUNTY BOARD OF EQUALIZATION.</p>	
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on August 6, 2018, Cherice Kjosness and Debra A. Baumbach presiding. Mr. E. William Schweiger appeared *pro se* on behalf of Petitioners. Respondent was represented by Jasmine Rodenburg, Esq. Petitioners are protesting the 2017 actual value of the subject property.

The parties stipulated to the admission of Petitioners' Exhibit 1 and Respondent's Exhibit A. The Board admitted Mr. Ricardo Galvan as an expert witness.

Subject property is described as follows:

**2111 4th St, Boulder, CO,
Boulder County Schedule No: R0003710**

The subject property is a one-story, ranch-style, duplex residence with 1,396 square foot above grade living area. The home was built in 1956 with an effective year built of 1975. The property has three bedrooms, two bathrooms, and a one-car attached garage. The duplex is situated on a 7,426 square foot lot in the Mapleton Hill Historical District.

Petitioners are requesting an actual value of \$725,000 for the subject property for tax year 2017. Respondent assigned a value of \$840,000 for tax year 2017.

Mr. Schweiger described the subject property as a one-story duplex in average condition, with limited parking, no sidewalks, some deferred maintenance and with minimal improvements. Mr. Schweiger contended that the property value is impeded because of the location in the historical district that restricts property improvements. Mr. Schweiger further contended that Respondent did not inspect the duplex units and did not adequately consider the condition and lack of updating.

To support the requested value, Petitioners called Kim Aslop, Certified Residential Appraiser as a witness. Ms. Aslop prepared an appraisal report for the subject but testified that she was not engaged as an advocate for Petitioners and that the intended use of the appraisal was limited to lending purposes and not intended for ad valorem valuations. The witness presented a sales comparison approach including three comparable sales and one listing ranging in sales price from \$612,500 to \$750,000 and in size from 844 to 2,118 square feet. The sales occurred between July 2015 and June 2016. After adjustments, the comparables ranged from \$720,200 to \$743,800. The witness concluded to a market value for the subject property of \$725,000. Ms. Aslop testified that the comparables used in her analysis were not located in a historical district and were adjusted for differences in property characteristics including a time adjustment.

Petitioner is requesting a value of \$725,000 for the subject property for tax year 2017.

Respondent's witness, Ricardo Galvan, Certified Residential Appraiser with the Boulder County Assessor's Office, presented a sales comparison approach including three comparable sales ranging in sales price from \$950,000 to \$1,400,000 and in size from 1,473 to 2,048 square feet. After adjustments for differences in property characteristics, the sales ranged from \$1,098,820 to \$1,444,055. Respondent's witness concluded to a market value for the subject property of \$1,100,000.

Mr. Galvan testified that he did not complete a full inspection of the subject property but instead relied on the interior photos from the City of Boulder Rental Housing Licensing Department, Multiple-Listing Service and the appraisal presented by Petitioners. Mr. Galvan researched the subject market area and selected three sales located less than a mile from the subject property. Mr. Galvan stated that his Sale 2 is located within the historical district and that Sales 1 and 3 are located just outside of the district. Mr. Galvan further stated that due to a high demand in the market area for housing, the location in an historical district has no negative impact on the value or marketability.

Respondent requested the Board to uphold the assigned actual value of \$840,000 for the subject property for tax year 2017.

In a *de novo* BAA proceeding, a taxpayer has the burden of proof to establish, by a preponderance of the evidence, that the challenged valuation is incorrect. See *Bd. Of Assessment Appeals v. Sampson*, 105 P.3d 198, 202, 208 (Colo.2005). The Board finds that Petitioners presented insufficient probative evidence and testimony to prove that the subject property was incorrectly valued for 2017.

The Board does not find the testimony and appraisal report presented by Petitioners persuasive. Petitioners' witness, Ms. Aslop, testified that her appraisal report was completed for

lending purposes and was not suitable for ad valorem appraisal analysis. The Board gave no weight to Petitioner's Comparable 4, as it is a listing and not a confirmed sale.

Mr. Schweiger argued that Respondent used sales outside of the historical district and did not adequately consider the negative impact of the location within the historic district on the value. However, none of sales used in Petitioners' analysis were located in a historical district. Petitioners failed to present refutable evidence that the location within the historic district negatively impacts the value or marketability.

The Board finds Respondent's evidence and testimony to be the most credible. Respondent completed a site-specific market analysis of the subject property, comparing sales of similar properties, and adjusting for differences in property characteristics. The Board finds that Respondent's Sale 2 is located the historical district and shares the same market perceptions as the subject.

The Board was not persuaded by Petitioners' argument that Respondent failed to consider the condition of the subject property. The Board finds that based on the photos presented by both parties, Respondent considered the subject's condition and applied appropriate adjustments to the sales. Finally, even taking into consideration additional factors that were brought up by Petitioners, the Board is not convinced that a reduction below the assigned value of \$840,000 is supportable.

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).

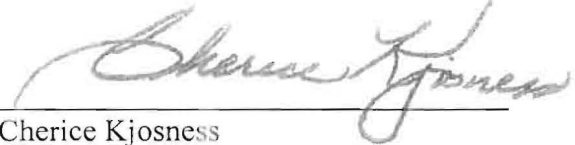
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.


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.

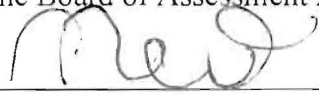
DATED and MAILED this 11th day of September, 2018.

BOARD OF ASSESSMENT APPEALS


Cherice Kjosness


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