

<p><b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p><b>MARTIN AND SHEILA GOSSEN,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>JEFFERSON COUNTY BOARD OF EQUALIZATION.</b></p>	▲
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Sheila Gossen Address: 10 Winter Cress Littleton, Colorado 80127 Phone Number: (303) 948-9174 E-mail: Attorney Reg. No.:</p>	<p><b>Docket Number: 39978</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on July 9, 2002, Debra A. Baumbach and Steffen A. Brown presiding. Petitioner appeared pro se. Respondent was represented by Jennifer Pielsticker, Esq., Special Assistant County Attorney.

**PROPERTY DESCRIPTION:**

Subject property is described as follows:

Ken Caryl Ranch The Valley Flg. 15, Lot 84  
Section 25, Township 5, Range 70  
**(Jefferson County Schedule No. 409327)**

Petitioner is protesting the 2001 actual value of the subject property, a two story brick and frame home with 3,281 square feet of gross living area, a finished basement, a side and rear deck and located in the southwest metro area known as The Valley at Ken Caryl Ranch.

## **ISSUES:**

### **Petitioner:**

Petitioner contends that the Respondent has overvalued their property and they do not agree the sales were the best available.

### **Respondent:**

Respondent contends that the subject property was properly valued using the market approach.

## **FINDINGS OF FACT:**

1. Petitioner, Mrs. Sheila Gossen, presented the appeal on her own behalf.
2. Based on the market approach, Petitioner presented an indicated value of \$525,000.00 for the subject property.
3. Petitioner presented fifty-eight comparable sales taken from Jefferson County Assessor's Sales Information between 07/98 and 06/00, ranging in sales price from \$333,500.00 to \$654,000.00 and in size from 2,352 to 4,138 square feet. No adjustments were made to the sales.
4. Mrs. Gossen testified that of these fifty-eight sales only four have sold for more and twenty are either similar or larger in square footage and have sold for less than the \$550,000.00 the subject is being assessed at.
5. Mrs. Gossen testified to the assessed values of each home located on the subject street and the one property which is the same model as the subject but on a different street, pointing out that all have a lower assessments than the subject property.
6. Mrs. Gossen testified that the odd numbered homes on the subject cul de sac street have 180 degree views. The best the subject property has is a street view and a small ten foot strip of open space. The subject is not situated on the lot to allow a better view and it is the second smallest floor plan in the subject development.
7. Petitioner is requesting a 2001 actual value of \$525,000.00 for the subject property.
8. Respondent's witness, Mr. David D. Niles, a Certified General Appraiser with the Jefferson County Assessor's Office, presented an indicated value of \$576,500.00 for the subject property, based on the market approach.
9. Respondent's witness presented four comparable sales ranging in sales price from \$435,500.00 to \$507,000.00 and in size from 3,311 to 3,328 square feet. After adjustments were made, the sales ranged from \$552,280.00 to \$601,080.00.

10. Mr. Niles visited the subject property from the street only and described it as a two story home with 3,299 square feet and a 1,919 square foot basement which is mostly finished, a large deck at the rear and side and backs to a small strip of open space with an excellent view down the valley, on the corner of Winter Cress and Mountain Laurel.

11. Mr. Niles described the comparable sales, testifying all four were similar in floor plan and the major adjustments were made for time, based on a time trending analysis indicating a rate of 1% per month; view adjustments which were established at 15% of the sales price; open space adjustment which was 3% of the sales price.

12. In cross-examination, Mr. Niles testified the open space adjustment for the subject is based on the strip of open space and the fact the subject does not back to other houses and the relevance between a rear or side view adjustment of 15% would be the same.

13. Respondent assigned an actual value of \$550,000.00 to the subject property for tax year 2001.

## **CONCLUSIONS:**

1. Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2001.

2. The Petitioner presented fifty eight comparable sales, but the Board could give little weight to them since some were outside of the collection period and none were adjusted for time or other physical characteristic differences as required in basic appraisal practice.

3. The Board could give little weight to Petitioner's testimony concerning the assessed values of other homes compared to the subject, whether on the subject street or not. A market approach to value using closed sales while making the appropriate adjustments must be used in arriving at value.

4. The Board agrees with the Petitioner the subject may have a smaller open space than those odd numbered homes on the subject's street but it was not convinced that it would have a impact on value since the subject is a corner lot, does not back to other homes and has a nice open valley view to the southeast.

5. The Board finds the Respondent's comparable sales most compelling. Homes are similar in design and size as the subject and the assigned value has taken into consideration factors which affect the valuation, including time trending, views and open space, basement finish and is supported by market sales.

6. After careful consideration of all the evidence and testimony presented, the Board affirms Respondent's assigned value of \$550,000.00.

**ORDER:**

The petition is denied.

**APPEAL:**

Petitioner may petition the Court of Appeals for judicial review within 45 days from the date of this decision.

If Respondent alleges procedural errors or errors of law by this Board, Respondent may petition the Court of Appeals for judicial review within 30 days from the date of this decision.

**DATED and MAILED** this 18<sup>th</sup> day of July, 2002.

**BOARD OF ASSESSMENT APPEALS**

*Debra A. Baumbach*

Debra A. Baumbach

*Steffen A. Brown*

Steffen A. Brown

This decision was put on the record

JUL 17 2002

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

*Penny S. Bunnell*  
Penny S. Bunnell

