

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>PATRICIA VON PICHL,</p> <p>v.</p> <p>Respondent:</p> <p>DOUGLAS COUNTY BOARD OF EQUALIZATION.</p>	
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Alex Von Pichl Address: P.O. Box 476 Franktown, Colorado 80116 Phone Number: (303) 688-8113 E-mail: Attorney Reg. No.:</p>	<p>Docket Number: 38860</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on November 7, 2001, Mark R. Linné and Debra A. Baumbach presiding. Petitioner was represented by her husband, Alex Von Pichl, who appeared pro se. Respondent was represented by Lance Ingalls, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**LOT 6A BURNING TREE SQUARE 1ST AMD
(Douglas County Schedule No. R0410764)**

Petitioner is protesting the 2001 actual value of the subject property. The subject is approximately 1.660 acres of vacant land located in Franktown.

ISSUES:

Petitioner:

Petitioner contends that the subject property has been overvalued by the Respondent. There is limited utility and development due to setbacks. The comparable sales used by the Respondent are all superior and reflect a higher value.

Respondent:

Respondent contends that the subject property has been properly valued based on comparable sales. Additional adjustments were applied for access, visibility, and irregular shape.

FINDINGS OF FACT:

1. Petitioner's witness, Mr. Alex Von Pichl, presented the appeal on behalf of Petitioner.
2. The Petitioner did not present any comparable sales to indicate a value based on the market approach.
3. The Petitioner testified that the subject is approximately 1.6 acres of vacant land. The subject is only accessible on Burning Tree Drive; however, at one time that property was accessible from Highway 83. The subject was replatted, with land being donated to the county for the reconfiguration of Burning Tree Drive.
4. Mr. Von Pichl testified that there is limited site utility due to easements and setbacks. The land can only be utilized as storage area or parking area. There is less than one acre of buildable area. There is no marketability of the subject due to the setbacks and access.
5. The Petitioner testified that the comparable sales used by the Respondent all have good access and site utility reflecting a higher value. They are not comparable to the subject.
6. Petitioner is requesting a 2001 actual value of \$30,000.00 for the subject property.
7. Respondent's witness, Mr. Larry Shouse, an Appraiser with the Douglas County Assessor's Office, presented an indicated value of \$81,348.00 for the subject property based on the market approach.
8. Respondent's witness presented two comparable sales ranging in sales price from \$150,000.00 to \$175,000.00 and in size from 2.26 to 5.142 acres. The price per square foot ranged from \$0.78 to \$1.52 per square foot.

9. Mr. Shouse testified that Comparable #1 is approximately 2.26 acres, sold for \$1.52 per square foot, and is located on Highway 83. Half of the land area was a detention pond and the other half was buildable area. The subject was replatted from the original 5.14 acres, creating Sale #2. The land was replatted into two lots of 4.913 acres, with .229 acres dedicated to the county for reconfiguration of Burning Tree Drive.

10. The Respondent applied an adjustment factor of 25% for the impact on access, visibility, and irregular shape. The price per square foot of \$1.50 was reduced to \$1.13 per square foot.

11. Respondent assigned an actual value of \$81,348.00 to the subject property for tax year 2001.

CONCLUSIONS:

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

2. The Board was persuaded by the Petitioner's argument that further consideration should be given for the factors affecting the subject property. The Board agrees that it would have an impact on the overall value and marketability of the subject.

3. The Board can understand the difficulty of establishing market value when there are limited sales for comparison. The Board further recognizes that adjustments were applied with regard to the issues. However, the Board is not persuaded that the subject shares similar appreciation factors in comparison with other properties in the marketplace.

4. The Board concluded that the 2001 actual value of the subject property should be reduced to \$74,117.00, with \$37,962.75 applied to the usable land areas, and \$36,154.25 applied to the unusable land areas.

ORDER:

Respondent is ordered to reduce the 2001 actual value of the subject property to \$74,117.00.

The Douglas County Assessor is directed to change her records accordingly.

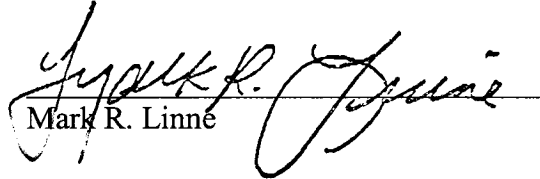
APPEAL:


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 21st day of December, 2001.

BOARD OF ASSESSMENT APPEALS


Mark R. Linne


Debra A. Baumbach

This decision was put on the record

DEC 20 2001

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


Diane Von Dollen



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