

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>PAUL W. JARDIS,</p> <p>v.</p> <p>Respondent:</p> <p>EAGLE COUNTY BOARD OF EQUALIZATION.</p>	
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Paul W. Jardis Address: P.O. Box 3320 Avon, CO 81620</p> <p>Phone Number: (970) 949-5995 E-mail: Attorney Reg. No.:</p>	<p>Docket Number: 39186</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on March 5, 2002, Karen E. Hart and Steffen A. Brown presiding. Petitioner, Paul W. Jardis, appeared pro se. Respondent was represented by Bryan R. Treu, Esq., Assistant Eagle County Attorney.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**Sub: Bachelor Gulch Village Fil 2 Blk: Lot:63
known as 388 Elkhorn, Bachelor Gulch Village (Eagle County
Schedule No. R043762, Parcel No. 210511402201)**

Petitioner is protesting the 2001 actual value of the subject property, a one story home built in 1998, with approximately 4,664 square feet of finished area including the lower level, 3 bedrooms and 4.5 baths, 3 car garage and located on a 1.9 acre site.

ISSUES:

Petitioner:

Petitioner contends that the subject property is overvalued and the assessor did not consider that it is a modest home and therefore did not use the best comparable sales.

Respondent:

Respondent contends that the property has been correctly valued based on comparable market data.

FINDINGS OF FACT:

1. The Petitioner, Mr. Paul W. Jardis, presented the appeal on his own behalf.
2. Based on the market approach, Petitioner presented an indicated value of \$1,895,862.00 for the subject property.
3. Petitioner presented six comparable sales ranging in sales price from \$1,650,000.00 to \$4,300,000.00 and in size from 2,683 square feet to 4,025 square feet. After adjustments were made, the sales ranged from \$1,507,530.00 to \$2,611,175.00.
4. Mr. Jardis testified that comparable sales 1, 2 and 3 were the most similar to his home with regard to design, size and quality. He testified that, like his home, they were not located on a ski way whereas comparable sales 4, 5 and 6 were located on a ski way.
5. Mr. Jardis testified that he recalculated comparable sale 2 in Exhibit D to reflect the most recent sales data and comparable sales 5 and 6, Exhibit E, to reflect the dates these homes went under contract rather than the closing dates, which were outside the valuation period.
6. Mr. Jardis testified that his property is the only home in Bachelor Gulch with a 24' height restriction. This made it difficult to have an upper level and to design the home with 8,500 square feet, which is the maximum gross floor area allowed for the subject lot. Mr. Jardis testified he does not believe his lot should be valued the same as those without restrictions.
7. Mr. Jardis testified that he had concerns about the Respondent's appraisal not meeting Fannie Mae guidelines and the large gross, net and single line adjustments would have a difficult time being accepted by his banker. He rarely sees time adjustments, testifying that underwriters do not like to see them.
8. Mr. Jardis testified to Respondent's sales. Comparable sale 1 was similar in size but has superior interior finish and although the location is inferior you can ski up to the door. Comparable sale 2 is much larger than his home, is superior in construction with 200 year old

beams and has a superior location. Comparable 3 is a much larger home, is of the highest quality finish and has a superior ski in location. Comparable 4 sold fully furnished and is located directly across from the ski way. Mr. Jardis testified that one of the determining factors of value in Bachelor Gulch was the ski way access.

9. Petitioner is requesting a 2001 actual value of \$1,895,862.00 for the subject property.

10. In cross examination, Mr. Jardis testified that adjustments for quality were taken from the assessor's data base with the exception of comparable sale 4 which he thinks is excellent quality. Location adjustments were \$250,000.00 for a ski-in or ski-out; \$500,000.00 if it had both and was on the ski-way; and \$1,000,000.00 for Lot 32 which was the finest ski-in ski-out location. Mr. Jardis testified that he did not adjust Beaver Creek or Arrowhead comparable sales for location since they were not ski-in or ski-out sites and were similar to the subject. He admitted he did not review vacant land sales and also admitted that some of his own adjustments did not meet Fannie Mae guidelines either.

11. Respondent's witness Mr. Jonathan C. Harrison, Licensed Appraiser with the Eagle County Assessor's Office, presented an indicated value of \$3,269,830.00 for the subject property based on the market approach.

12. Respondent's witness presented four comparable sales ranging in sales price from \$3,094,900.00 to \$5,200,000.00 and in size from 2,683 square feet to 4,767 square feet. After adjustments were made, the sales ranged from \$3,313,370.00 to \$3,555,470.00.

13. Mr. Harrison testified that he inspected the site on December 10, 2001 and testified the subject was very good quality with high end fixtures, three fireplaces, exposed beams, a wine room and heated driveway.

14. Mr. Harrison testified that he did an exterior inspection of all the comparable sales and has done an interior inspection of comparable sales 1, 2 and 4. He noted that comparable sale 1 is the same as Petitioner's comparable sale 4 and it is located downhill to the east of the subject. He testified that the quality is similar to the subject but it has an inferior location based on land sales. He did not adjust for a ski-in ski-out but relied on market sales to determine if an adjustment was needed.

15. Mr. Harrison testified that comparable sales 1, 2 and 3 are in the same neighborhood as the subject. Bachelor Gulch is unique due to its seclusion and being built on ski ways. Based on land sales he determined that Beaver Creek and Arrowhead were inferior neighborhoods. He testified that comparable sale 4 was in Beaver Creek but it was used to further support the value. He also knows this property sold fully furnished, but made no adjustment for personal property, since the TD 1000 disclosure showed the personal property value was nominal.

16. Mr. Harrison concluded to a value of \$3,400,000.00 for the subject.

17. Mr. Harrison testified to Petitioner's sales. Comparable sales 5 and 6 were partially complete homes that went under contract within the assessment time frame. However,

they were pre-construction sales that were not market sales as of the data collection period. He testified that Petitioner's comparable sale 1 should have been adjusted \$600,000.00 for its Beaver Creek location and comparable sales 2 and 3 should be adjusted \$770,000.00 for their location in Arrowhead. Both locations are inferior to the subject based on land sales. He believes comparable sales 1 and 3 are good plus quality. He also noted that comparable sale 1 in Petitioner's Exhibit D shows the most recent sale after remodel but lacks the location adjustment.

17. Under -examination, Mr. Harrison testified that he did not talk to the builder or agent about comparable sale 3 but viewed the home through the windows. He felt the quality was similar to the subject and his opinion was justified by the market rather than cost. He testified that the house price per square foot shown on the charts in Respondent's Exhibit 2 was calculated by removing the land value from the sales price. Mr. Harrison testified that Bachelor Gulch's seclusion and being on ski runs makes it unique but he did not have enough information to determine an adjustment for ski-in ski-out location and testified that having comparable sales in the neighborhood is more important than the relative size of the comparable sales.

19. Respondent assigned an actual value of \$3,269,830.00 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 Board reviewed Petitioner's comparable sales 1, 2 and 3 and agree that while they are similar in size they are in different neighborhoods. The Board could give little weight to these sales without analysis and support that would show these neighborhoods to be so similar that a value difference would not be recognized. Comparable sale 4 is located in the subject neighborhood and very similar in size as the subject. The Board recalculated adjustments based on time and site location, which was supported by Respondent's data. When adjusted it would support Respondent's assigned value.

3. The Board considered the height restriction placed on the subject. The Board does not agree with the Respondent that it strictly limits the ability for a larger home since the maximum limits for the subject's site indicates the existing home could have been at least 3,800 square feet larger and still within the maximum limits allowed. The Board agrees with Respondent's witness and the Petitioner that the subject is one of the smallest homes in Bachelor Gulch. The Board, however, agrees with Respondent's witness that the subject is under built for Bachelor Gulch and the principal of conformity might apply which says an under improved property may progress toward the prevailing market.

4. The Board could give little weight to the Petitioner's concern that his site should not be given equal value as those without restriction since the Petitioner did not offer comparable land sales to support this concern.

5. The Board finds Respondent's sales the most compelling. They are in the same neighborhood as the subject, except comparable sale 4, which was adjusted for location based on land sales data. The assigned value has taken into consideration factors affecting the overall valuation and is supported by market sales and historical data.

6. After careful consideration of all the presented testimony and evidence, the Board affirms Respondent's assigned value of \$3,269,830.00.

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 24th day of April, 2002.

BOARD OF ASSESSMENT APPEALS



Karen E. Hart




Steffen A. Brown

This decision was put on the record

APR 23 2002
_____.

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



Diane Von Dollen

