

<b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203	
<hr/> Petitioners:  <b>HARRY P. AND CONNIE A. BUCKNER,</b>  v.  Respondent:  <b>DOUGLAS COUNTY BOARD OF EQUALIZATION.</b>	
Attorney or Party Without Attorney for the Petitioners:  Name: Harry P. Buckner Address: 9693 Chesapeake Street Highlands Ranch, Colorado 80126 Phone Number: (303) 470-3201	<b>Docket Number: 42422</b>
<b>ORDER</b>	

**THIS MATTER** was heard by the Board of Assessment Appeals on October 5, 2004, Debra A. Baumbach and Diane M. DeVries presiding. Petitioners appeared pro se. Respondent was represented by Michelle Gombas, Esq.

**PROPERTY DESCRIPTION:**

Subject property is described as follows:

**9693 S. Chesapeake Street, Highlands Ranch, Colorado  
(Douglas County Schedule No. R0365411)**

Petitioners are protesting the 2003 actual value of the subject property, a two-story style single-family residence located in Highlands Ranch. The subject property, built in 1990, consists of 2,816 square feet of living area. There is a 1,452 square foot walkout basement, of which 1,290 square feet are finished. There is approximately 617 square feet of garage space.

## **ISSUES:**

### **Petitioners:**

Petitioners contend that the subject property is overvalued for tax year 2003. The Respondent did not make the appropriate adjustments for the location. The southern boundary of the subject property is Highlands Ranch Parkway, which consists of six lanes of traffic adversely affecting the subject.

### **Respondent:**

Respondent contends that the subject property must be valued based on the market approach. The Respondent has properly valued the subject property by using comparable sales that occurred during the base period. Respondent gave proper consideration for the location issue. Respondent made an appropriate adjustment for the location based on a paired sales analysis.

## **FINDINGS OF FACT:**

1. Harry P. Buckner, Petitioner, presented the appeal on behalf of the Petitioners.
2. The Petitioners did not present any comparable sales or a market approach to value for the subject property. Mr. Buckner addressed current market trends and listings in the area.
3. Mr. Buckner testified that the subject property backs up to Highlands Ranch Parkway, which consists of six lanes of traffic. There are approximately 30,000 automobiles utilizing this road each day. The subject is influenced by this high degree of traffic and noise level.
4. Petitioners testified that none of the comparable sales used by the Respondent share the same location issues. Furthermore the adjustment made for location by the Respondent is not adequate.
5. Petitioners are requesting a 2003 actual value of \$370,000.00 for the subject property.
6. Respondent's witness, Larry Shouse, Certified General Appraiser for the Douglas County Assessor's Office, presented an indicated value of \$400,000.00 for the subject property, based on the market approach.
7. Respondent's witness presented three comparable sales ranging in sales price from \$419,000.00 to \$430,000.00 and in size from 2,804 to 2,809 square feet. After adjustments were made, the sales ranged from \$399,374.00 to \$416,436.00.

8. Mr. Shouse testified the sales used are all from the same market area and are similar to the subject. All of the sales have superior locations and do not have the adverse influence of high traffic noise.

9. Mr. Shouse testified that he performed a paired sales analysis to derive the location adjustment. The sales indicated an adjustment range of \$15,000.00 to \$45,000.00 of which a \$40,000.00 adjustment was used. This adjustment is at the high end of the range, taking into consideration all the adverse noise and traffic influences affecting the subject property.

10. Respondent assigned an actual value of \$400,000.00 to the subject property for tax year 2003.

### **CONCLUSIONS:**

1. Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2003.

2. The Board determined that the subject property was properly adjusted for the adverse location issue. Respondent presented a well-supported paired sales analysis in arriving at a location adjustment. Additionally, the adjustment used was correlated to the high end of the range.

3. Petitioners attempted to discuss current market conditions and listings. Petitioners did not present any comparables sales during the base period. No evidence was presented to refute the adjustment made by the Respondent to be insufficient. The Board can only consider evidence and testimony during the statutory data-gathering period.

4. The Board determined, based on the evidence and testimony presented, the Respondent presented a well-supported and documented appraisal report. The adjustments made for location and other differences are well supported. The Board affirms the actual value of the subject property of \$400,000.00.

### **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 9<sup>th</sup> day of November, 2004.

**BOARD OF ASSESSMENT APPEALS**

*Debra A. Baumbach*

Debra A. Baumbach

*Diane M. DeVries*

Diane M. DeVries

This decision was put on the record

**NOV 09 2004**

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

*Diane M. Fechisin*

Diane M. Fechisin

