

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>JOHN TRAVIS,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF EQUALIZATION.</p>	
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: John Travis Address: 2600 South Chase Lane Lakewood, Colorado 80227 Phone Number: (303) 985-9251</p>	<p>Docket Number: 42829</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on March 3, 2003, MaryKay Kelley and Diane M. DeVries presiding. Petitioner appeared pro se. Respondent was represented by Martin E. McKinney, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**2600 South Chase Lane, Lakewood, Colorado
(Jefferson County Schedule No. 072840)**

Petitioner is protesting the 2003 actual value of the subject property, a ranch home of above-average quality and masonry construction built in 1968. The property has 2,066 square feet of main living area with a 1,071 square foot partially finished basement on .457 acres.

ISSUES:

Petitioner:

Petitioner contends that the subject property is overvalued due to the influence of the neighboring apartment's swimming pool that attracts children. This influence predominates at least six months per year. The Petitioner believes that the comparable sales used by the Respondent are not comparable to the subject property due to the influence of the swimming pool.

Respondent:

Respondent contends that the subject property is properly valued taking into account its location, the influence of the swimming pool and its impact.

FINDINGS OF FACT:

1. Mr. John Travis, Petitioner, presented the appeal on his own behalf.
2. The Petitioner testified that the subject property is impacted by "a couple of hundred" children that live in the apartment building adjacent to the subject property. The apartment building has a swimming pool that attracts these children about six months of the year.
3. The Petitioner testified that the comparable sales used by the Respondent are not comparable since they do not have the influence of the apartment building. There has been an attempt to convert the project to condominiums, but that did not go well, so the apartments are rentals again.
4. The Petitioner did not present any comparable sales of his own.
5. Petitioner is requesting a 2003 actual value of \$300,000.00 for the subject property.
6. Respondent's witness, Patty J. White, a Registered Residential Appraiser with the Jefferson County Assessor's Office, was accepted by the Board as an expert witness in the field of real property appraisal.
7. Ms. White presented Respondent's Exhibit 1, an appraisal of the subject property. The subject property is in the Thraemoor Subdivision located west of Sheridan on Jewell. This subdivision consists of some newer and some older homes. The homes on the top of the hill are newer and much larger.

8. Ms. White testified that the subject property is a 2,066 square foot ranch-style home with a 1,071 square foot partially finished basement, hot water heat, three bedrooms, two bathrooms, and one fireplace.

9. Ms. White testified that the comparable sales ranged in price from \$325,900.00 to \$410,000.00 and in size from 1,824 to 2,230 square feet. The adjusted comparable sales ranged from \$326,400.00 to \$418,300.00. She stated that her indicated actual value for the subject property is \$369,500.00.

10. Ms. White testified that she made adjustments for time, view, land size, and various other amenities. She did not make a specific adjustment for the swimming pool. She testified that she made adjustments for comparable one's superior location away from the multi-family influence and for comparable two and three's inferior locations adjacent to the apartments.

11. Respondent assigned an actual value of \$350,000.00 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 Respondent did acknowledge the influence of the swimming pool and the apartment building on the subject property. Respondent's Exhibit 1 indicated an actual value of \$369,500.00 based on the sales comparison approach. However, the Respondent valued the subject property at \$350,000.00, a \$19,500.00 reduction to account for Petitioner's concerns. The Board believes that the Respondent adequately adjusted for the swimming pool influence.

3. The Respondent valued the subject property using the market approach to value as mandated by the Colorado State Constitution for residential property. Further, the Respondent used the applicable state statutes and Division of Property Taxation Manuals.

4. The Petitioner did not present any comparable sales to substantiate an alternative value.

5. After careful consideration of all of the evidence and testimony, the Board affirms Respondent's assigned value of \$350,000.00 for tax year 2003.

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 18th day of March, 2003.

BOARD OF ASSESSMENT APPEALS

MaryKay Kelley

MaryKay Kelley

Diane M DeVries

Diane M. DeVries

This decision was put on the record

MAR 17 2004

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

Penny S. Lowenthal
Penny S. Lowenthal

