

**BOARD OF ASSESSMENT APPEALS,  
STATE OF COLORADO**  
1313 Sherman Street, Room 315  
Denver, Colorado 80203

**Docket Number: 43316**

Petitioner:

**ARNOLD R. PECKAR,**

v.

Respondent:

**BOULDER COUNTY BOARD OF EQUALIZATION.**

**ORDER**

**THIS MATTER** was heard by the Board of Assessment Appeals on June 16, 2005, Debra A. Baumbach and MaryKay Kelley presiding. Petitioner appeared pro se. Respondent was represented by Michael A. Koertje, Esq. Petitioner is protesting the 2003 actual value of the subject property. Petitioner is not protesting the tax-exempt possessory interest in the land, which is leased from the City of Longmont.

**PROPERTY DESCRIPTION:**

Subject property is described as follows:

**229 Airport Road, Hangar 30, Longmont, Colorado  
(Boulder County Schedule No. R0116477)**

The subject property is a 2,100 square foot steel airplane hangar with a gas space heater, six electrical outlets, overhead lights and two electric fans that was built in 1993 on a 3,360 square foot concrete pad at the Longmont Airport.

**ISSUES:**

**Petitioner:**

Petitioner contends that the subject property was overvalued for tax year 2003.

**Respondent:**

Respondent contends that the subject property was correctly valued for tax year 2003.

**FINDINGS OF FACT:**

1. Petitioner argues that hangars at other Boulder County airports were valued differently than the subject property, and that the constitutional principal of equal and uniform taxation requires the subject property to be valued for assessment as other property in the same class.

2. Petitioner is requesting a 2003 actual value of \$9,990.00 for the subject property.

3. Petitioner asserts that the indicated value of Respondent's cost approach shown on page 15 of Respondent's Exhibit 1 should be adjusted to reflect the following:

- (a) Marshall Valuation Service's "cheap" quality rating of \$11.26 per square foot for Class S storage hangars, which includes minimal electrical service and partial flooring.
- (b) No value added for the subject's concrete floor because it is affixed to the land, or at a minimum, that \$4,725.00 should be deducted, as the "cheap" quality rating includes partial flooring.
- (c) No value added for the subject's utilities, as they are part of the leasehold.
- (d) Economic depreciation of 45% or \$8,173.00.

The Board disagrees:

- (a) Photos of the subject hangar and sample photos from Marshall Valuation Service confirm that the subject's construction quality is between "average" and "low." Petitioner provided no compelling evidence that construction quality was "cheap."
- (b) The subject property has a full concrete floor, electric and gas service. The costs listed in the Marshall Valuation Service manual include the costs of concrete flooring and adequate electrical and plumbing. Petitioner has exclusive use of the concrete flooring and utilities within the building envelope, and the market value on sale would include the use of the flooring and utilities.
- (c)
- (d) Petitioner's argument regarding economic obsolescence was not convincing. The lease terms remain the same for 20 years, even on transfer. Respondent's sampling of sales substantiates that demand for airplane hangars exists, that sales prices increased during the sampling period, and that newer lease terms were not affecting the market.

4. Respondent's witness, Samuel M. Forsyth, a Certified General Appraiser with the Boulder County Assessor's Office, amended Respondent's Exhibit 1 to reflect the following indicators of value:

Market:	\$65,000.00
Cost:	\$28,800.00
Income:	\$44,900.00

5. Mr. Forsyth did not rely on the values indicated by the market or income approaches.

6. Respondent assigned an actual value of \$30,300.00 to the subject property for tax year 2003, but is recommending a reduction in value to \$28,800.00 based on the cost approach.

### **CONCLUSIONS:**

1. The Board cannot weigh any testimony from Petitioner comparing the assessed values of other properties to the assessed value of the subject property. Pursuant to the Colorado Supreme Court's decision in *Arapahoe County Board of Equalization v. Podoll*, 935 P.2d 14 (Colo. 1997), equalization (comparing assessed values of property) is not the proper means of evaluating the value of a property's specific improvements.

2. Consistent with the value indicated by Respondent's cost approach, the Board concluded that the 2003 actual value of the subject property should be reduced to \$28,800.00.

### **ORDER:**

Respondent is ordered to reduce the 2003 actual value of the subject property to \$28,800.00.

The Boulder County Assessor is directed to change his/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 30<sup>th</sup> day of June 2005.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach  
Debra A. Baumbach

MaryKay Kelley  
MaryKay Kelley

This decision was put on the record

JUN 29 2005

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

