

**BOARD OF ASSESSMENT APPEALS,
STATE OF COLORADO**

1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket Number: 44883

Petitioner:

PHIL PFEILER,

v.

Respondent:

GUNNISON COUNTY BOARD OF EQUALIZATION.

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on March 28, 2006, Lyle D. Hansen and Karen E. Hart presiding. Petitioner appeared pro se. Respondent was represented by Thomas Dill, Esq. Petitioner is protesting the 2005 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**6001 CR 811, Crested Butte, Colorado
Gunnison County Schedule No. R012535**

The subject property consists of a 3,122 square foot, 3-bedroom, 3-bathroom house and a 2,310 square foot outbuilding located on a 19.82-acre placer mine. The newly constructed house was 75% complete on the assessment date of January 1, 2005. The river rock on the outside of the foundation of the house was applied after the assessment date of January 1, 2005.

FINDINGS OF FACT:

1. The subject property is in a remote location entirely surrounded by the Gunnison National Forest. The gravel access road is passable by automobile from July through October and by snowmobile or on skis the remainder of the year. The Forest Service road, which provides access to within $\frac{3}{4}$ miles of the subject, is graded once every three years. Petitioner does not live in the house during the winter months as the house gets buried in snow.

2. A generator provides electrical service for the subject property. Other utility services include a septic system, a water-well absorption tank with a pump, and cell phone service.

3. Respondent considers the subject improvements to be of Type 4 construction quality due to the interior exposed oak wood finished walls and floors, large windows, and rock counter tops. Petitioner believes the construction quality is a low Type 4 or a high Type 3 because he built the home himself and the heat is supplied by a central gravity-fed system. The subject improvements were determined to be consistent with Type 4 construction quality.

4. Respondent's witness, Robert Blackett, a Registered Appraiser with the Gunnison County Assessor's Office, presented an indicated value of \$660,000 for the subject property based on the market approach.

5. Respondent's witness presented three comparable sales ranging in sales price from \$520,000 to \$722,000 and in size from approximately 2,016 to 3,112 square feet. After adjustments were made, the sales ranged from \$658,280 to \$739,890. The comparable sales were chosen based on location, size and quality. All of the sales were located in the Meridian Lake subdivision, which has year round access, an exclusive fishing lake, and all services including electrical, gas, landline telephone, cable, internet, police, fire protection and EMT services.

6. Respondent adjusted the comparable sales by \$15 per square foot for garage area, \$180 per square foot for finished area and \$54 per square foot for unfinished area. Respondent's comparable sales were considered to be of Type 3 construction quality and were positively adjusted by 30% of the improvement price to reflect the subject's Type 4 construction quality. The comparables were reduced by 20% of the improvement price to account for their year-round access versus the subject's seasonal access. Respondent's comparable sales were adjusted by a negative 5% of the improvement price to reflect the subject's lack of electrical service. Respondent's adjustments for access were not plausible as they were based on an analysis of non-Type 4 sales. A 30% adjustment was determined to more accurately reflect the difference in access. As Petitioner had obtained an estimate of \$90,000 to install electrical service to the subject property, Respondent's electrical adjustment was found to be inadequate.

7. Petitioner believes the detached building on the subject property should be classified as a storage shed rather than as a detached garage. The value of the detached building (\$15 per square foot) would be similar regardless of the classification.

8. Petitioner is requesting a 2005 actual value of \$480,000 for the subject property.

9. Respondent assigned an actual value of \$659,230 to the subject property for tax year 2005.

CONCLUSIONS:

1. Petitioner presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2005.

2. The value of the subject property was recalculated based on Respondent's comparable sales grid modified with a 30% adjustment for seasonal access and a \$90,000 cost to cure for lack of electricity. The resulting adjusted values were as follows:

Comparable 1	\$500,150
--------------	-----------

Comparable 1	\$500,150
Comparable 2	\$584,080
Comparable 3	\$572,240

3. Most weight was placed on Comparable Sale 3, as it required the smallest net adjustment.

ORDER:

Respondent is ordered to reduce the 2005 actual value of the subject property to \$575,000.

The Gunnison 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 14th day of June 2006.

BOARD OF ASSESSMENT APPEALS



Lyle D. Hansen



Karen E. Hart

This decision was put on the record

JUN 14 2006

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


Penny S. Lowenthal