

<p><b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p><b>KEVIN J. DAVLIN IRA,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>GRAND COUNTY BOARD OF EQUALIZATION</b></p>	<p><b>Docket Nos.: 44728 and 46731</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on October 16, 2006, Debra Baumbach and MaryKay Kelley presiding. Petitioner appeared pro se. Respondent was represented by Cyril Vidergar, Esq. Petitioner is protesting the 2005 and 2006 actual values of the subject property.

**PROPERTY DESCRIPTION:**

Subject property is described as follows:

**43 County Road 834 / Cranmer, Fraser, Colorado  
Grand County Schedule No. R039521**

The subject property consists of one acre of vacant land located on a ridge above the Fraser River and Highway 40 with panoramic views of Fraser and the Winter Park Ski Area.

**FINDINGS OF FACT:**

1. Petitioner intends to build a single-family residence on the subject property. An 1,890 square foot garage was constructed on the subject property in the Fall of 2004 and is being used for storage. The area is a mix of residential uses with condominiums and townhomes on either side of the subject site and single-family homes several lots away in either direction.
2. Petitioner is requesting an actual value of \$199,000.00 each for tax years 2005 and 2006 based on single-family use. No market data was presented.
3. Respondent testified that the subject is currently zoned multi-family.

4. Respondent relied on the market approach to value the subject land. Respondent presented three comparable sales that occurred within the extended base period ranging in sales price from \$395,000.00 per acre to \$1,300,000.00 per acre and in size from 1 acre to 3.205 acres. After adjustments for time, size, views, and tree cover, the sales ranged from \$485,300.00 to \$497,300.00 per acre. Sale 1 (the subject property) sold in September 1999 for \$395,000.00 and was given the most weight. Respondent concluded to a land value of \$491,000.00.

5. Respondent relied on the cost approach to arrive at an indicated value of \$33,600.00 for the subject garage.

6. Based on the site-specific appraisal, Respondent concluded to a total indicated value of \$524,600.00.

7. Respondent assigned an actual value of \$420,000.00 to the subject property for each of the tax years 2005 and 2006.

### **CONCLUSIONS OF LAW:**

1. Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax years 2005 and 2006.

2. Respondent's argument regarding the subject's multi-family zoning was more convincing.

### **ORDER:**

The appeal 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 4<sup>th</sup> day of November 2006.

**BOARD OF ASSESSMENT APPEALS**

Debra A. Baumbach  
Debra A. Baumbach

MaryKay Kelley  
MaryKay Kelley

This decision was put on the record

**NOV 03 2006**

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

