

<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>HAMID ZANJANI,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>DENVER COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 49162</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on October 10, 2008 Sondra W. Mercier and Debra A. Baumbach presiding. Petitioner appeared pro se. Respondent was represented by Charles T. Solomon, Esq. Petitioner is protesting the 2007 actual value of the subject property.

**PROPERTY DESCRIPTION:**

Subject property is described as follows:

**1475 South Humboldt Street, Denver, Colorado  
(Denver County Schedule No. 05232-26-025-000)**

The subject is a brick, ranch-style residence in overall average condition built in 1950. There are two bedrooms and one and one-half bathrooms consisting of 1,214 square feet above grade living area. The basement consists of 1,214 square feet with approximately 887 square feet of finished area. There is a three car garage and the lot size is 9,365 square feet.

Based on the market approach, Petitioner presented an indicated value of \$375,000.00 for the subject property.

Petitioner presented four comparable sales ranging in sales price from \$258,500.00 to \$438,000.00 and in size from 904 to 2,031 square feet. After adjustments the sales ranged from \$325,090.00 to \$377,554.00.

Petitioner adjusted his sales for all differences in physical characteristics. The sales were selected based on their location and similarity to the subject. The adjustment for lot size was calculated at \$10,000.00 based on a contributory difference in size.

Petitioner testified the subject property is located in the southern area of "Washington Park." The market area reflects different market trends than properties located further north and east. The condition of the subject is considered to be average; there has been minimal updating done. The garage was converted into a three car garage in 2006. The property also suffers from incurable external obsolescence as a result of the close proximity to I-25.

Petitioner contends Respondent has overvalued the subject and did not consider the adverse effects of the location in the valuation process. Petitioner also contends that Respondent's adjustment for lot size difference was aggressive and based on vacant land sales located in superior locations. The lot size adjustment for each sale ranged from \$42,575.00 to \$110,075.00 and was based on land sales that mostly occurred in the north and east sections of Washington Park. There is a high degree of pop-top and scrape-off properties in those areas. The subject is located in the southern section where that does not often occur.

Petitioner is requesting a 2007 actual value of \$375,000.00 for the subject property.

Respondent presented an indicated value of \$510,000.00 for the subject property based on the market approach.

Respondent presented four comparable sales ranging in sales price from \$360,000.00 to \$474,500.00 and in size from 1,112 to 1,371 square feet. After adjustments the sales ranged from \$497,826.00 to \$628,217.00.

Respondent testified all the sales selected are located within close proximity to the subject and are similar in size, style, quality, and market appeal. The sales also share similar external influences. All of the sales were adjusted for differences in physical characteristics with the largest adjustment made for lot size difference.

The lot size adjustment was based on a review of fifteen vacant land sales occurring within the Washington Park neighborhood. This market area has been a highly desirable area and many potential buyers are looking for the potential for pop-top and scrape-off of the existing residences. An adjustment was made for the size difference for the high utility of the lot and the ability to construct a larger home. The subject is situated on a 9,365-square-foot lot which is one of the larger sites in the area. All of the land sales ranged in size from 4,270 to 7,592 square feet with an indicated value of \$67.00 per square foot. The lot size adjustment was based on \$35.00 per square foot difference.

Respondent testified that he did not consider Petitioner's sales to be suitable for comparison. Sale 1 is located directly across from I-25 and would require a large adjustment for location; Sale 1 is also a tri-level style with a larger gross living area. Sales 2 and 3 are located across the highway and considered to be a different market area and Sale 4 is located farther from

the subject.

Respondent assigned an actual value of \$482,300.00 to the subject property for tax year 2007.

Petitioner presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2007.

Petitioner presented a market approach to property valuation and Respondent presented an appraisal report. Both parties made adjustments for all differences and addressed factors affecting the subject. The Board relied on Respondent's sales as the most suitable for comparison. Petitioner's sales were given lesser weight as two of them are located in a nearby market area reflecting different market trends and one of the sales has a much larger living area.

The Board was not convinced Respondent's adjustment for the difference in lot size was supported by the vacant land sales presented by Respondent. The land sales were purchased for the purpose of new residential construction not for the existing residence. The adjustment for lot size difference was aggressive and is not reflective of land values in the sales price of the comparable sales used by Respondent. During the valuation process there were no permits in place or any indication the subject was going to be scraped off or pop-topped. Therefore, the lot size adjustment should be based on extracting the land values from sales that were purchased for their existing use not for the purpose of scrape-off or pop-top.

The Board is convinced that there is additional value associated with the subject's large lot size. The Board relied on Respondent's sales and extracted a land value of 35% of the sales price. The median price per square foot of \$16.00 was applied to the land area difference for an indicated value of the subject property of \$465,000.00.

The Board concluded that the 2007 actual value of the subject property be reduced to \$465,000.00.

**ORDER:**

Respondent is ordered to reduce the 2007 actual value of the subject property to \$465,000.00.

The Denver County Assessor's is directed to change his records accordingly.

**APPEAL:**

If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of CRS § 24-4-106(11) (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

If the decision of the Board is against Respondent. Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation of the respondent county, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of CRS § 24-4-106(11) (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

CRS § 39-8-108(2) (2008).

**DATED and MAILED** this 14<sup>th</sup> day of November 2008.

**BOARD OF ASSESSMENT APPEALS**

Sondra W. Mercier  
Sondra W. Mercier

Debra A. Baumbach  
Debra A. Baumbach

This decision was put on the record

**NOV 13 2008**

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

Heather Flannery  
Heather Flannery

