

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

**Docket No.: 52134**

Petitioner:

**MARK L. GRIFFIN AND JANIS L. HARRISON,**

v.

Respondent:

**ARAPAHOE COUNTY BOARD OF  
EQUALIZATION.**

**ORDER**

**THIS MATTER** was heard by the Board of Assessment Appeals on May 18, 2011, Louesa Maricle and Diane M. DeVries presiding. Mark L. Griffin appeared pro se on behalf of Petitioners. Respondent was represented by George Rosenberg, Esq. Petitioners are protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**3236 Cherryridge Road, Cherry Hills Village, Colorado  
Arapahoe County Schedule No. 2077-12-2-02-013**

The subject property, built in 1963 on a 1.04 acre site, consists of a 2,232-square foot brick ranch residence, with a 893-square foot basement and an attached 961-square foot garage.

Petitioners are requesting an actual value of \$625,000.00 for the subject property for tax year 2009. Respondent assigned a value of \$800,400.00 for the subject property for tax year 2009 but is recommending a reduction to \$751,500.00.

Mr. Griffin believes that Respondent's comparable sales did not fully consider the age, condition, and land-locked nature of the subject property or the impact of the easement (referred to by Respondent as severe restrictions) on the subject property, which encumbers over 40% of the useful land area and prohibits Petitioners from building on, obstructing, planting, or otherwise creating obstructions for perpetuity. Other than minor cosmetic maintenance, there has been no updating to the subject property.

Mr. Griffin presented a land value of \$360,000.00 by taking a typical lot in Cherryridge, set at an actual value of \$600,000.00, and reducing it by 40% to account for the easement. He added improvements in the amount of \$265,000.00, rounded, to conclude to a total value of \$625,000.00.

Petitioners did not present any comparable sales of their own but rather used and evaluated Respondent's comparable sales. Mr. Griffin stated that Respondent's Comparables 1 and 2 are not similar to the subject property, due to differences in improvements and condition, and Comparable 3 is most like the subject property. Mr. Griffin derived a value of \$604,626.00 by applying Comparable 3's raw sale price per square foot of \$270.89 to the subject square footage of 2,232.

Petitioners are requesting a 2009 actual value of \$625,000.00 for the subject property.

Respondent presented a value of \$751,500.00 for the subject property based on the market approach.

Respondent presented three comparable sales ranging in sale price from \$890,000.00 to \$1,075,000.00 and in size from 1,931 to 3,256 square feet. After adjustments were made, the sales ranged from \$718,292.00 to \$875,528.00. Respondent applied a 30% adjustment to the lot value for the severe restrictions on the subject property.

Respondent assigned an actual value of \$800,400.00 to the subject property for tax year 2009. Respondent is recommending a reduction based on the market approach to \$751,500.00.

Petitioner presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2009.

Statutory law mandates that residential property shall be valued using the market approach to value. Section 39-1-103(5)(a), C.R.S. Further the market approach requires the use of comparable sales, which have been properly adjusted, if necessary, to make them comparable to the subject property. *See generally* Section 39-1-103(8)(a)(I) and (f), C.R.S. Petitioners did not present a market approach. The Board finds that Respondent applied the market approach using three comparable sales and making applicable adjustments to each of the comparable sales. However, Respondent's adjustment for the easement/severe restrictions was inadequate. After weighing the testimony and evidence, the Board believes an additional \$30,000.00 adjustment to lot value, beyond Respondent's recommended reduction, is appropriate to fully reflect the impact of the easement/severe restrictions on the subject property. The Board concludes that the 2009 actual value of the subject property should be reduced to \$721,500.00.

## **ORDER:**

Respondent is ordered to reduce the 2009 actual value of the subject property to \$721,500.00.

The Arapahoe County Assessor is directed to change his/her 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 Section 24-4-106(11), C.R.S. (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 Section 24-4-106(11), C.R.S. (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.

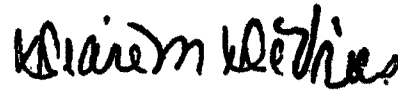
Section 39-8-108(2), C.R.S.

DATED and MAILED this 16 day of June 2011.

**BOARD OF ASSESSMENT APPEALS**

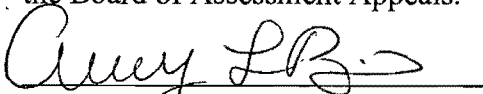


Louesa Maricle



Diane M. DeVries

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

  
Amy Bruins