

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

1313 Sherman Street, Room 315
Denver, Colorado 80203

**Docket No.: 52756 and
52758**

Petitioner:

**NANCY PITT (DOCKET 52756)
DANA PITT, TRACY W. PITT, AND LINDSAY L.
PITT (DOCKET 52758),**

v.

Respondent:

**SAN MIGUEL COUNTY BOARD OF
EQUALIZATION.**

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on June 23, 2010, Karen E. Hart and Diane M. DeVries presiding. Petitioners were represented by Raymond V. Bowers, agent for Petitioners. Respondent was represented by Steve Zwick, Esq. Petitioners are protesting the 2009 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**Lot 1, 2, and 3 Block 14 East Telluride, Colorado (Nancy Pitt Docket
52756)**

**Lot 4, Block 14 East Telluride, Colorado (Dana Pitt, Tracy W. Pitt,
and Lindsay Pitt Docket 52758)**

**(San Miguel County Schedule No. R1010114505, R1010003708, R1010493607
and R1010493608)**

All parties agree that Docket 52756 and Docket 52758 should be consolidated for hearing purposes.

This appeal consists of four contiguous lots, which are 25 feet wide by 100 feet deep. The lots are located above Pandora Avenue in East Telluride. Utilities are to the lot line. Topography is very steep. These lots are located in the Hillside Transition Zone. There are good views to the south of the Bear Creek Valley and mountains above, and some views to the east and west might be available if future houses do not block the view. It is a quiet section of Telluride except when Music Festivals are in town.

Raymond V. Bowers, Broker and Agent for Petitioners, testified that zoning and setback requirements for a 2,500 square foot lot would limit the building to 18 feet wide on the inside or 1,825 square feet, or 2,427 square feet with a basement. The lots are very steep, which makes it difficult to have outside living space.

Mr. Bowers presented all of the eight vacant land sales that occurred in Telluride during the entire study period of which three sales were not arms length transactions, and two sales would not qualify because one was at a very low price per square foot and the other was at a very high price. This left three properties which seem to be the closest comparable sales to use, one is across town and one is considerably larger.

These three sales were Lot 13, Lots L & M, and Lot D, which ranged in sales prices from \$615,000.00 to \$2,375,000.00, in size from 2,457 to 9,375 square feet, and in square foot value from \$250.00 to \$267.00 per square foot. After adjustments the sales ranged from \$593,333.00 to \$666,400.00. The witness correlated to a value of \$260.00 per square foot or \$650,000.00 per lot.

Petitioners are requesting a 2009 actual value of \$650,000.00 for each of the four subject lots.

Respondent presented an indicated value of \$920,000.00 or \$368.00 per square foot for each of the lots, based on the market approach.

Respondent's witness, Jeff Marsoun, Certified Residential Appraiser, presented three comparable sales ranging in sales price from \$900,000.00 to \$1,300,000.00, in size from 2,500 to 2,938 square feet and in square foot value from \$326.00 to \$466.00 per square foot. After adjustments for lot size, contour, and view were made, the sales ranged from \$875,000.00 to \$1,165,000.00.

Respondent assigned a per lot actual value of \$816,000.00 (\$326.40 per square foot) for lots 1, 2, 3 and assigned an actual value of \$864,000.00 (\$345.60 per square foot) for lot 4 for tax year 2009. However, all parties agreed that all four lots should have the same value.

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

The Board determined that the subject lots have an excellent view but suffer due to the size of the lot. The Board believes that further adjustment is warranted due to the restrictions of topography, zoning and setback requirements resulting in the narrow size of structure that could

be built and how a structure would dramatically change the view of each of the neighboring subject lots.

The Board believes that Petitioners' per square foot value range from \$250.00 to \$267.00 per square foot is based on the low end of the sales range while Respondent's per square foot value range from \$326.00 to \$466.00 per square foot is based on the high end of the sales range, which explains such a wide disparity of values. The Board determined the square foot value should be placed at a point higher than Petitioners' value range yet lower than Respondent's value range. The Board determined the subject properties should be valued at \$300.00 per square foot or \$750,000.00 for each of the four lots.

The Board concluded that the 2009 actual value of the subject property should be reduced to \$750,000.00 per lot.

ORDER:

Respondent is ordered to reduce the 2009 actual value of the subject properties to \$750,000.00 for each lot.

The San Miguel 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 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 7 day of October 2010.

BOARD OF ASSESSMENT APPEALS

Karen E Hart
Karen E. Hart

Diane M DeVries
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
Amy Bruins

