

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

Docket No.: 55551

Petitioner:

ROBERT G. AND JANET D. BOARDMAN,

v.

Respondent:

**DOUGLAS COUNTY BOARD OF
COMMISSIONERS.**

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on October 14, 2011, Debra A. Baumbach and MaryKay Kelley presiding. Robert G. Boardman appeared pro se on behalf of Petitioners. Respondent was represented by Robert D. Clark, Esq. Petitioners are requesting an abatement/refund of taxes on the subject property for tax year 2008.

Subject property is described as follows:

**9138 Spruce Mountain Road, Larkspur, Colorado
Douglas County Schedule No. R0085761**

The subject is a mixed-use property located on a 22,608 square foot site that slopes from front to rear. It consists of the attached improvements: a 1,750 square foot service garage built in 1923; a 2,031 square foot residence built in 1923 and situated above the aforementioned service garage with front entrance at ground level off Spruce Mountain Road and side doors off an upper-level covered walkway; a 1,452 square foot service garage built in 1998 and accessed from the rear of the site. The site sits within 100 to 500 year flood plains with the rear of the site at grade with Plum Creek; .119 acre at the rear cannot be improved and carries no value.

Petitioners are requesting a value between \$220,000.00 and \$250,000.00 for the subject property for tax year 2008. Respondent assigned a value of \$328,104.00.

Mr. Boardman described the residential apartment as 85 years old and in poor condition. Dry rot is visible, and roof leaks have resulted in water on the floor and mold on the walls. The service

garage has a three-foot water line and a half-inch puddle in the booth from prior flooding. Underground springs run beneath the buildings. The business is not operational.

Petitioners rejected a purchase offer of \$175,000.00 but would have accepted \$220,000.00 and consider the property's value to be between \$220,000.00 and \$250,000.00.

Mr. Boardman argued that Respondent's sales in Sedalia were not comparable because Sedalia has a larger population and more commercial properties. Larkspur has a predominantly retired population and less commercial viability with several abandoned buildings. He presented no comparable data.

Respondent presented a sales comparison approach to derive a value of \$336,000.00. Respondent's witness, Robert D. Sayer, Certified General Appraiser, presented independent values for land and improvements. Four land sales ranged from \$5.46 to \$7.65 per square foot and indicated a value per square foot between \$6.58 (mean) to \$6.61 (median). A value conclusion of \$4.45 per square foot (\$100,604.00) reflected the impact of floodplains throughout the site. Allocated improvement values for four comparable sales ranged from \$41.28 to \$108.05 per square foot. Following adjustments for size, age/condition, and residential/commercial allocations, improvement value was correlated at \$45.00 per square foot.

Mr. Sayer presented one comparable sale from Larkspur and three from Sedalia, which he considered similar in population, number of structures, and Highway 85 access.

Petitioner presented sufficient probative evidence and testimony to prove that the tax year 2008 valuation of the subject property was incorrect.

The Board has little confidence in Respondent's technique of independently valuing land and improvements. Commonly accepted appraisal technique involves valuing a property as an integral unit.

Petitioners' testimony convinces the Board that all subject improvements were in poor physical condition. Respondent's comparable commercial structures appeared to be of superior quality construction. Respondent's comparable residential improvements were detached structures in comparison to the subject's apartment-like design; functional obsolescence is a factor.

The Board finds that a 15% adjustment is warranted for the subject's residential component (physical condition and functional obsolescence) and its commercial component (construction quality and condition). Respondent's Sale 4 appears to be an outlier and is dismissed from comparison. A value indication for the subject's improvements between \$35.00 (\$183,155.00) and \$40.00 (\$209,320.00) per square foot is supported. With the addition of \$101,000.00 land value, value is concluded at \$300,000.00.

The Board concludes that the 2008 actual value of the subject property should be reduced to \$300,000.00.

ORDER:

Respondent is ordered to cause an abatement/refund to Petitioner, based on a 2008 actual value for the subject property of \$300,000.00.

The Douglas 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).

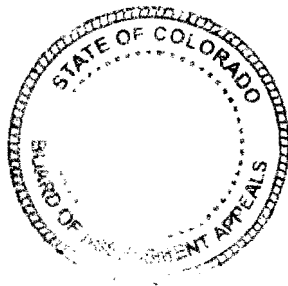
If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation for assessment of the county wherein the property is located, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provision 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 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 for assessment of the county in which the property is located, Respondent may petition the Court of Appeals for judicial review of such questions.

Section 39-10-114.5(2), C.R.S.

DATED and MAILED this 26th day of October, 2011.



BOARD OF ASSESSMENT APPEALS

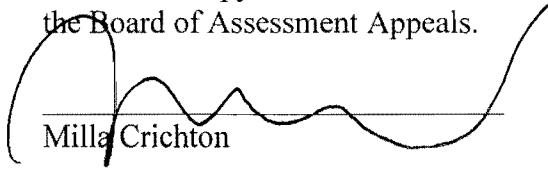
Debra A. Baumbach

Debra A. Baumbach

MaryKay Kelley

MaryKay Kelley

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



Milla Crichton