

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>SCOTT SCHWARTZ,</p> <p>v.</p> <p>Respondent:</p> <p>EL PASO COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 57748</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on December 6, 2011, Diane M. DeVries and Lyle D. Hansen presiding. Petitioner appeared pro se. Respondent was represented by George Monsson, Esq. Petitioner is protesting the 2011 actual value of the subject property.

Subject property is described as follows:

**1863 Brookwood Drive, Colorado Springs, Colorado
El Paso County Schedule No. 63093-04-236**

The subject property consists of a single-family residential lot containing a total of 1.21 acres. Cottonwood Creek crosses the site in the rear one-half of the lot. Cottonwood Trail passes across the site along the south perimeter of the lot.

Petitioner, Mr. Scott Schwartz, requested a 2011 actual value of \$59,500.00 for the subject property on the Petition but decreased that amount to \$40,000.00 at the hearing. Respondent assigned a value of \$67,500.00 for the subject property for tax year 2011.

Petitioner presented two comparable sales ranging in sale price from \$37,600.00 to \$40,000.00 and in size from 8,050 to 17,776 square feet. No adjustments were accomplished.

Mr. Schwartz testified that the lot is located next to commercial properties located to the west and northwest. He testified that the lot has only a 30% usable area because of the flood plain areas resulting from Cottonwood Creek's passage through the lot and the location of the City's

Cottonwood Creek Trail concrete walkway. Mr. Schwartz testified that he purchased the lot one year ago for \$59,900.00 with the intent of building a residence on the lot.

Petitioner is requesting a 2011 actual value of \$40,000.00 for the subject property.

Respondent presented a value of \$67,500.00 for the subject property based on the market approach.

Respondent's appraiser, Ms. Kay Vucasovich, a Colorado Registered Appraiser, presented four comparable sales ranging in sale price from \$70,000.00 to \$138,000.00 and in size from .18 to 1.0 acres. After adjustments were made, the sales ranged from \$82,411.00 to \$135,175.00.

Ms. Vucasovich testified that the lot has an approximate one-half acre of buildable area for a single-family residence. She testified that commercial land use exists to the west and comparable single-residential use exists to the north, east and south. Ms. Vucasovich testified that Petitioner's comparable Sale One has sloping topography and has expansive soils. She testified that Petitioner's comparable Sale Two has a smaller lot area and is located in a neighborhood of tract homes with average values of \$150,000.00. Ms. Vucasovich testified that Petitioner's two sales were located 4.9 and 5.1 miles away from the subject lot and that her comparable sales were located 1.16 to 2.0 miles away from the subject lot. She concluded the final value estimate at the assigned value of \$67,500.00.

Respondent assigned an actual value of \$67,500.00 to the subject property for tax year 2011.

Respondent presented sufficient probative evidence and testimony to show that the subject property was correctly valued for tax year 2011.

The Board placed greater reliability upon Respondent's value estimate. The four comparable sales were located in a comparable residential subdivision and were located within two miles of the subject. The Board agreed with the Appraiser's adjustment analysis to the four comparable sales and the utilization of those sales located in a comparable residential subdivision. The Board agreed with the Appraiser's final valuation placed at the assigned value.

ORDER:

The petition is denied.

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).

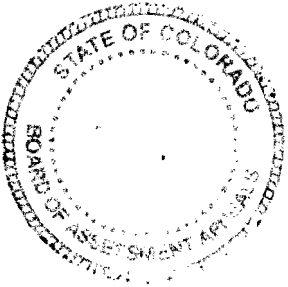
If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation of the respondent county, may petition the Court of Appeals for judicial review according 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 28th day of December, 2011.



BOARD OF ASSESSMENT APPEALS

A handwritten signature in black ink, appearing to read "Diane M. DeVries".

Diane M. DeVries

A handwritten signature in black ink, appearing to read "Lyle D. Hansen".

Lyle D. Hansen

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

A handwritten signature in black ink, appearing to read "Milla Crichton".

Milla Crichton