

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>RANDY D. HUTCHISON,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 59226</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on July 23, 2012, Debra A. Baumbach and MaryKay Kelley presiding. Petitioner appeared pro se. Respondent was represented by Casie Stokes, Esq. Petitioner is protesting the 2011 actual value of the subject property.

Subject property is described as follows:

**2321 East Street, Golden, Colorado
Jefferson County Schedule No. 109508**

The subject is a 3,912 square foot auto service shop located on a 0.402 acre site in Golden. An addition to the original 1958 structure was built in 1981 and a second addition, which almost doubled the size, was built in 2009/2010.

Respondent assigned an actual value of \$780,400 for tax year 2011. Petitioner is requesting a value of \$500,000.

Mr. Hutchison testified that the actual value for tax year 2009 was \$200,000 and the cost of the 2009/2010 addition was \$300,000; the 2011 actual value should conclude to \$500,000. He also argued that his property's value was higher than other auto repair shops in Golden.

Respondent presented the following indicators of value, concluding to an indicated value for the subject of \$782,400:

Market: \$782,400
Cost: \$546,890
Income: \$689,176

Respondent presented a market approach with an indicated value of \$782,400. Respondent's witness, Darla K. Jaramillo, Certified General Appraiser, presented five comparable sales ranging in sale price from \$265,000 to \$1,100,000. After adjustments were made, the sales ranged from \$278,250 to \$1,031,250.

Respondent presented a cost approach, concluding to a value of 546,890. Four land sales indicated a value of \$262,500, and Marshall & Swift Cost Calculation concluded to an improvement value of \$284,390.

Respondent used the income approach to derive a value of \$689,176 for the subject property. Ms. Jaramillo concluded to income at \$16.25 per square foot based on four leases. Vacancy and collection was estimated at 5%, expenses at 3%, and a capitalization rate of 8.5% was derived from Burbach and Associates data.

Relying on the likelihood of purchase by another owner occupant, Ms. Jaramillo placed greatest weight on the market approach.

Petitioner presented insufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2011.

Colorado Statute requires consideration of the three approaches to value. Section 39-1-103(5)(a), C.R.S. Petitioner provided no market support for his requested value.

The Board understands Petitioner's comparison of actual values with other repair shops. This is an equalization argument based on comparison of mass-appraised values. In accordance with Colorado case law, an equalization argument is valid if evidence or testimony had shown the assigned value of the comparable properties had been derived by application of the approaches to value and correctly valued. *Arapahoe County Board of Equalization v. Podoll*, 935 P.2d 14 (Colo. 1997). Since that evidence and testimony was not presented, the Board gives limited weight to the equalization argument presented by Petitioner.

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 27th day of July, 2012.

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
Milla Crichton