

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

1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket No.: 68214

Petitioner:

SONJA, RUSKEN, STEPHAN & BERNDT SAVIG,

v.

Respondent:

**JEFFERSON COUNTY BOARD OF
EQUALIZATION**

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on August 29, 2016, Debra A. Baumbach and James R. Meurer presiding. Petitioners were represented by Sonja Savig. Respondent was represented by Casie Stokes, Esq. Petitioners are protesting the 2015 actual value of the subject property.

Subject property is described as follows:

**23143 Otowi Road, Indian Hills, Colorado
Jefferson County Schedule No. 047068**

The subject is a wood frame mountain cabin located in the Indian Hills submarket of Jefferson County. The cabin was constructed in 1940 and contains 402 square feet of living area including one room, a small kitchen with sink, and a small bath. Public utilities consist only of electricity; heating is provided via a small wall unit and there is one non-working fireplace. Lot size is 0.43 acres. Sewer is via a 1,500 gallon holding tank, and water is via a 23 foot hand dug pit well circa 1915. The quality and condition of the cabin is referenced as "poor" in the exhibits.

Respondent assigned an actual value of \$84,000 for tax year 2015, which is supported by an appraised value of \$100,000. Petitioners are requesting a value of \$65,000.

Petitioners' witness, Ms. Sonja Savig, provided exhibits and testimony relative to the multitude of deficiencies found in the subject, as well as offered testimony concerning the analysis and comparable sales contained in Respondent's appraisal. According to Ms. Savig, the

physical deficiencies found in the cabin that significantly impact value consisted of the following:

1. The cabin is small containing only 402 square feet including a small bath.
2. The lot contains only 0.43 acres which is small when compared to other rural mountain properties. In addition, the rebuilding of the roads which abut the property on two sides negatively impacted the lot.
3. There is no septic system due to physical and regulatory restraints on the lot; only a 1,500 holding tank available for waste. According to Petitioners, the tank needs to be pumped every five months.
4. The only source of water for the cabin is a 23 foot pit well that was hand dug circa 1915. The water from this well is non-potable.
5. The only source of heat for the cabin is a wall heater. The fireplace is not operable.
6. The cabin is in overall poor condition.

After testifying to the physical deficiencies found in the cabin Ms. Savig stated that the comparables used in the market approach in Respondent's appraisal were not truly similar to her cabin, and lacked the necessary adjustments to provide a supportable opinion of value. Specifically, no adjustments were made for the pit well and its capacity, for the holding tank (versus septic system) for waste, and for the physical characteristics and limitations of the lot. Ms. Savig further testified that the improvements were not suitable for "family" use as characterized by Respondent. In addition, Ms. Savig referenced and provided documentation on a comparable sale located at 10910 Webb Ave. that took place in November of 2012 for \$77,000 and was constructed in 1940. After adjustments for fireplace, garage, well, septic, appliances and heat, this sale provided support for her concluded value of \$65,000.

Relative to the valuation provided by the County, Respondent's witness, Ms. Laura Burtschi, an Ad Valorem Appraiser with the Jefferson County Assessor's Office, developed a market approach and presented four comparable sales to support her opinion of value. All of the sales were located in the same or similar locations, and sale prices ranged from \$80,000 to \$140,000 prior to adjustment, and \$78,100 to \$110,500 subsequent to adjustment. The significant adjustments to the sales consisted of date of sale (time), age, living area square, basement, garage, and condition. Ms. Burtschi then reconciled the adjusted sales to conclude to her final value of \$100,000.

In addition to presenting her appraisal report, Ms. Burtschi testified that her comparable sales were the best to compare to the subject due to their location and date of sale. Ms. Burtschi also testified that she was unable to make any adjustments for the water and sewer deficiencies of the subject given that she was unable to research these characteristics in her comparable sales.

Petitioners presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2015.

Colorado case law requires that "[Petitioner] must prove that the assessor's valuation is incorrect by a preponderance of the evidence." *Bd. of Assessment Appeals v. Sampson*, 105 P.3d 198, 204 (Colo. 2005). After careful consideration of the testimony and exhibits presented at

the hearing, the Board concludes that Petitioner's testimony and exhibits do indicate that Respondent's comparable sales needed additional adjustment for the referenced deficiencies, specifically the issues surrounding water and septic. The Board concurs that Petitioners' sale located at 10910 Webb Ave. for \$77,000, once adjusted as discussed in Exhibit 3-3 and 3-4, supports Petitioners' estimated value of \$65,000.

ORDER:

Respondent is ordered to reduce the 2015 actual value of the subject property to \$65,000. The Jefferson County Assessor is directed to change his 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-nine 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-nine 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.

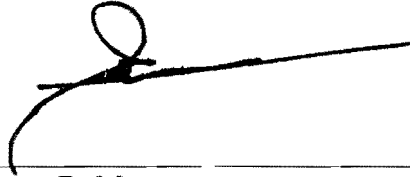
DATED and MAILED this 7th day of September, 2016.

BOARD OF ASSESSMENT APPEALS




Debra A. Baumbach

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



James R. Meurer



Milla Lishchuk

