

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

**Docket No.: 73768**

Petitioner:

**DAVID H. SIMON,**

v.

Respondent:

**BOULDER COUNTY BOARD OF EQUALIZATION.**

## **ORDER**

**THIS MATTER** was heard by the Board of Assessment Appeals on October 2, 2018, Diane DeVries and MaryKay Kelley presiding. Petitioner appeared pro se. Respondent was represented by Jasmine Rodenburg, Esq. Petitioner is protesting the 2017 actual value of the subject property.

The Board admitted Petitioner's Exhibit 1 and Respondent's Exhibit A.

Subject property is described as follows:

**2308 South Street, Boulder, Colorado  
Boulder County Schedule No. R0001195**

The subject is a 24-unit efficiency-apartment complex built in 1981 in a residential neighborhood of central/downtown Boulder. The 10,924 square-foot wood-frame building is situated on a 14,106 square-foot site. The units are approximately 455 square feet in size. Parking consists of seven covered spaces; otherwise, tenants make use of street parking. The buildings have been maintained but not renovated. The roof was replaced in 2011 and fire damage was remediated.

Respondent assigned an actual value of \$4,101,000 for tax year 2017, which is supported by an appraised value of \$4,800,000. Petitioner is requesting a value of \$2,880,000.

Mr. Simon did not present any comparable sales. Rather, he discussed Respondent's Sales, primarily Sales One and Three. He argued that their construction quality (brick and stucco) was superior to the subject's frame exterior. He stated that they were constructed as two buildings with atrium/courtyards, both visually superior. He argued that these two complexes enjoyed superior

locations nearer the University of Colorado campus and the Pearl Street Mall. Also, units in these buildings had air conditioning and more covered parking spaces.

Mr. Simon relied on Respondent's Sale Three in supporting his requested value of \$2,880,000. Sale Three's location was superior to the subject, and its units were larger in comparison to the subject's efficiency units. In his opinion, these factors alone made the Sale Three's complex more marketable to a buyer with, thus, higher rents. Its sale price of \$3,000,000 set, in his opinion, the high end of value. Second, using Sale Three's GRM of 9.3 and reported gross income of \$250,000, the value for this comparable would conclude to \$2,325,000. Mr. Simon correlated a value for the subject, between \$2,325,000 and \$3,000,000 or \$2,880,000.

Respondent's witness, David Martinez, Ad Valorem Appraiser for the Boulder County Assessor's Office, presented a Sales Comparison Analysis with three sales within the same general area as the subject and with unit counts of 26, 22 and 20. Sale prices ranged from \$3,000,000 to \$4,760,000. Adjustments were made for market conditions resulting in positive adjustments, age, unit and bedroom counts, and parking. Adjusted sale prices ranged from \$4,086,110 to \$5,369,820. Mr. Martinez concluded to a market value of \$4,800,000.

Mr. Martinez selected comparable sales based on location, number of units, and number of bedrooms. He found the subject and all comparable sales to be similarly located near Pearl Street Mall and the University campus. He found no greater market reaction to his comparable sales' brick/stucco exterior or to greater visual appeal due to the comparables' two-building configuration in comparison to the subject's one. He found no basis in the marketplace for adjustments to Sale Three for air conditioning, and he noted that adjustments had been made for more covered parking. He disagreed that the subject's small efficiency units without separate bedrooms resulted in a lower value than larger units with defined bedrooms.

Respondent's market condition adjustments were based on a five-year study concluding to value increases graphed by months. He noted that Petitioner's methodology was based on gross sale price without consideration for market conditions that trended sale prices of comparable sales to date of appraisal (June 30, 2016).

As a check of reasonableness, Mr. Martinez presented a GRM analysis using a mid-point GRM of 14.9 and Petitioner-provided rent rolls to conclude to a value of \$4,500,000.

Petitioner presented insufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2017.

Both state constitution and statute require use of the market approach to value residential property. Respondent's witness correctly completed a site-specific appraisal of the subject property, comparing sales of similar properties and adjusting for time and a variety of characteristics. Petitioner failed to do so. Respondent's evidence is more credible.

The Board is persuaded that the subject's small efficiency floor plans and lack of air conditioning likely impact sale price and rents. However, Petitioner failed to present any market data

with which the Board could further adjust Respondent's adjusted sale prices. The Board finds that adjustments for these features would not lower Respondent's appraised value below 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-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).

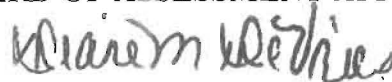
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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 6th day of November, 2018.

**BOARD OF ASSESSMENT APPEALS**



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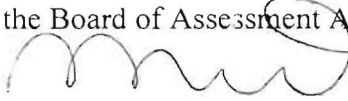
Diane M. DeVries

MaryKay Kelley

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MaryKay Kelley

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



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Milla Lishchuk

