

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

1313 Sherman Street, Room 315  
Denver, Colorado 80203

**Docket No.: 74084**

Petitioner:

**DAVID ALAN YAFFE & CHRISTIE EILEEN  
NORTHROP,**

v.

Respondent:

**BOULDER COUNTY BOARD OF  
COMMISSIONERS.**

**ORDER**

**THIS MATTER** was heard by the Board of Assessment Appeals on January 8, 2019, Gregg Near and Louesa Maricle presiding. Mr. David Yaffe appeared pro se on behalf of Petitioners. Respondent was represented by Casie A. Stokes, Esq. Petitioners are protesting the 2016 and 2017 actual values of the subject property.

The petition appeals the property valuations for tax years 2016 and 2017, but during the hearing, Petitioners' representative, Mr. Yaffe, withdrew the appeal for tax year 2016. The Board admitted Respondent's Exhibit B for the hearing, which addresses the property valuation for tax year 2017. The Board did not admit exhibits presented by Petitioners at the hearing because they were not timely provided to Respondent.

Subject property is described as follows:

**1480 Upland Avenue, Boulder, CO  
Boulder County Schedule No. R0513918**

The subject property consists of a single family residence constructed in 1997 on a 37,107 square foot lot in the north central part of the City of Boulder. The two-story house has 4,584 square feet above grade, 2,540 square feet of finished basement space, and 282 square feet of unfinished basement. There are six bedrooms, two full bathrooms, three-3/4 bathrooms, one half bathroom, and a three-car attached garage. The Boulder County Assessor classifies the residential improvements as a high-end custom home. The quality of construction is described as Excellent++ and the condition is

shown as average. The site has a rectangular shape, overall flat terrain, and frontage on Upland Avenue. All public utility services are extended to the property.

Petitioners are requesting an actual value of \$2,850,000 for the subject property for tax year 2017. Respondent assigned a value of \$3,312,300 for the subject property for tax year 2017.

#### Petitioners' Evidence

Petitioners claim Respondent has over valued the subject property because it relied on sale listing photographs that do not accurately reflect the condition of the property as of the 2017 assessment date, although Mr. Yaffe was unable to say when the photographs were taken. Petitioners further claim the photographs appear to have been professionally enhanced. Mr. Yaffe described improvements he believed were made to the house in 2017 and 2018, after the assessment date, including a new boiler, dishwasher, countertops, refinished cabinets, and some flooring repairs. The witness testified the exterior stucco finish of one wall of the house needs to be replaced because ivy is invading the surface and some additional cosmetic improvements still need to be made. Petitioners did not receive written notification from Respondent in the summer of 2018 asking to inspect the interior of the residence because they were out of town for an extended period during the summer.

#### Respondent's Evidence

Respondent presented Mr. Ricardo Galvan as witness. Mr. Galvan is employed by the Boulder County Assessor's office and is a Certified Residential Appraiser in the State of Colorado. The witness presented a value of \$3,550,000 for the subject property for tax year 2017 based on the market approach. The witness testified that because he was not given the opportunity to tour the inside of the residence, he relied on Assessor's office file information and photographs, MLS information and photographs, and looked for city building permits for work done prior to or during the base period but found none.

Respondent presented an appraisal report with three comparable sales that all occurred within the 18-month base period. Like the subject property, all are east of the Broadway arterial, and all are within 3.1 miles of the subject. Before adjustments, the sale prices ranged from \$2,800,000 to \$4,495,000 and in size from 4,521 to 5,777 above ground square feet. The sale prices per square foot ranged from \$619.20 to \$884.76. Adjustments were made to each sale for changing market conditions, which were improving during the base period. Other adjustments made included differences for lot size, and physical characteristics including, but not limited to, age of the improvements, number of bathrooms, basement features, and garages. The adjusted sale prices ranged from \$3,129,040 to \$5,028,325 and from \$691.96 to \$1004.68 per square foot. The witness testified he gave significant weight to all three sales and concluded to a value for the subject property of \$3,550,000.

Respondent asked the Board to affirm the assigned actual value of \$3,312,300 for the subject property for tax year 2017.

### Board's Findings

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

The Board finds that Petitioners did not timely provide market analysis to persuade the Board that the value assigned by Respondent for tax year 2017 was incorrect. Mr. Yaffe provided conflicting testimony about when the MLS photographs might have been taken and was unsure about when some of the improvements to the interior were completed. The Board finds that Respondent made significant downward adjustments to each of the comparable sales used for the newer ages of those properties, which considers condition of the improvements. In addition, the Board finds that Respondent's conclusion of value for the subject property is lower than two of the three sales, both on the full adjusted value basis and per square foot. The Board finds the market analysis of Respondent's witness credible and concludes the market value assigned by Respondent for tax year 2017 is credible.

### **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 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-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 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 5th day of February, 2019.

**BOARD OF ASSESSMENT APPEALS**



Gregg Near



Louesa Maricle

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



Milla Lishchuk

