

BEFORE THE BOARD OF TAX APPEALS
STATE OF WASHINGTON

LYLE D. BOBZIN,)	
)	
Appellant,)	Docket No. 32243
)	
v.)	Re: Property Tax Appeal
)	
RUTHE RIDDER,)	PROPOSED DECISION
King County Assessor)	
)	
Respondent.)	

This matter came before Gerrald Dillard, Administrative Law Judge for the Washington State Board of Tax Appeals on August 18, 1987. Appearing on his own behalf was the property owner, Lyle D. Bobzin. Representing the Assessor was Jay Jaspers.

The issue in this appeal relates to the value of a parcel of land containing 28,500 square feet with 100 feet of waterfront located on Puget Sound. The land is improved with a single family residence considered to be average quality. The improvement was constructed in 1946 and has 2,280 square feet of living area.

VALUATION IN CONTROVERSY FOR 1986 ASSESSMENT YEAR

<u>DOCKET NO.</u>	<u>PARCEL NO.</u>	<u>BOARD OF EQUALIZATION VALUATION</u>	<u>BOARD OF TAX APPEALS VALUATION</u>
32243	611750- 1645-05	Land: \$122,900 <u>Impr: \$ 87,100</u> Total: \$210,000	Land: \$ 95,000 <u>Impr: \$109,400</u> Total: \$ 204,400

The subject of this appeal was purchased by Mr. Bobzin on November 6, 1984, approximately two years prior to the assessment date at issue in this appeal (January 1, 1986) for \$200,000. Mr. Bobzin contends there has been no appreciation of values for properties located within the area of the subject and that based upon the increased noise factors from the Seattle-Tacoma airport and other detrimental factors, the current value of the property is something less than its original purchase price. He agrees that the purchase of the subject property, for \$200,000 in 1984, was considered to be an arms-length transaction and noted that the property had sold in 1982 for \$182,000.

Mr. Bobzin defended his position relating to what he considers should be the assessed value of the subject property by relating to assessed values of other nearby properties. He was advised this Board does not consider matters of equalization and could not consider as relevant evidence the assessed value of other properties but more appropriately should look to sales of either the subject or of similar properties in determining the true and fair value of the subject of the appeal.

The assessor's representative relied primarily upon the recent purchase price of the subject property as being the best evidence of value, however, introducing two sales of

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properties alleged to be similar to the subject property for this Board's consideration. The assessor's representative stated the subject of this appeal is very high bank with, at best, a hazardous access to the beach area and that even though the property enjoys the benefit of waterfront, it should be more appropriately considered as high bank, excellent view property. The assessor's representative provided data relating to each of the sales which he has considered along with a complete descriptive analysis of the subject property.

This Board is required by the provisions of RCW 84.40.030 to determine the true and fair value of the property under appeal. This can best be accomplished by relating to any recent sales of the subject or looking to sales of similar properties as the data in those sales would relate to the value of the subject. In appropriate circumstances, this Board would consider the cost or the income approach to value. While we recognize that Mr. Bobzin's appeal, primarily related to the land value, this Board must take into consideration the overall value of the property. When evidence supports an overall value which does not exceed the true and fair value of the property, the matter of allocation between land and improvements becomes somewhat of a moot point. However, we recognize that the Washington State statutes require the assessor to determine a value for the land separate from that of the improvements. We consider the most relevant evidence entered in the matter of this appeal to be that of the recent purchase price of the subject. While we can appreciate the arguments entered by the property owner relating to the excessive noise from the Seattle-Tacoma airport, there has been no documented evidence to indicate that values of property have gone down within the area of the subject or for that matter remained static. The modest increase of 2% per year as indicated by the assessor's recommendation for valuing the subject of this appeal is considered to be reasonable by this Board.

Therefore, the values for land and improvements are as indicated in the foregoing schedule.

It is ordered that a copy of this order be transmitted to the respondent, Lyle D. Bobzin; to Ruthe Ridder, King County Assessor; and to the Board of Equalization of King County.

The said Assessor is hereby directed to change and correct the assessment and tax rolls of said county where required to accord with the provisions of and give full effect to this order.

DATED this 2 day of October, 1987.

BOARD OF TAX APPEALS


GERRALD DILLARD, Administrative Law Judge


DAVID AKANA, Executive Secretary