Board of Assessment Appeals

May 29, 2015

The Board of Assessment Appeals was brought to order by Chairman Garfinkel. Board Members present were: Chairman William Garfinkel, James Welsh, and Todd Stonesifer. Also present were William W. Pepper Sr. Esq., Deputy City Solicitor, Cheryl Bundek, City Assessor, Annette Hart, Administrative Assistant to the City of Dover Assessor's Office and Ryan Zuck, representing Tyler Technologies.

Appeals

1. A.1 Shahin Nina & Mazen

Location: 103 Shinnecock Rd.

BACKGROUND AND ANALYSIS

An appeal form was submitted to the Assessor's Office.

Tyler Technologies will be presenting evidence and answering any questions from the Board since this is a revaluation year.

Appealed	Requested
$247,100	$223,100

RECOMMENDED ACTION: Recommend that the number generated by the 2015 Revaluation remain the same.

Mr. and Mrs. Shahin were present for the hearing.

Mr. Garfinkel questioned Mrs. Shahin regarding the reason for appeal, listed on the Petition for Tax Appeal, in which she stated:

- National Origin Discrimination
- Retaliation and Lack of Logical Explanation of the current Assessment with Values of Neighboring Properties

Mrs. Shahin replied that there is currently a lawsuit in the 3rd Circuit Court.

Chairman Garfinkel asked Mr. Pepper for his opinion regarding this matter. Mr. Pepper assured the board that Mrs. Shahin could continue with this appeal, as the court case related to the assessment appeal of 2010.

Mrs. Shahin started by distributing a map of the street she lived on, so that the board members could see where the properties in her presentation were located. She went on to distribute a copy of the 2010 assessments with a spreadsheet, ranking those properties from highest to lowest 2010 assessed value.

Mrs. Shahin then went over various assessed values, sales and statistics she prepared, in her neighborhood and gave her opinion as to how and why the homes in her neighborhood were assessed incorrectly.

After Mrs. Shahin was done with her presentation, Chairman Garfinkel asked Mr. Zuck to go over the sales used to calculate the subject home during the revaluation.

Mr. Zuck went over various properties in the appellant's neighborhood, he also went over the list of comparable homes, supplied by Mrs. Shahin and showed the board the calculations of price per square foot for each home in comparison to the appellant's home which showed that Mrs. Shahin's home was assessed less per square foot then all of the comparable homes she provided.

Mrs. Shahin expressed her concern about the accuracy of the square footage of her home and the homes in her neighborhood. In her opinion square footage was not reflective of the true value; she believed that the location was the most important part along with the different features, such as sunrooms. In Mrs. Shahin's opinion the 2014 values, used to calculate the 2015 assessed values had also nothing to do with the current value.

Mr. Pepper pointed out that the deed, submitted to the Assessor's Office at the time the appeal was filed, did not mention Mr. Mazen and Mrs. Nina Shahin as the trustees of the property. He told the board that the deed only listed the children as Co-Trustees.

Mrs. Shahin disputed this statement and assured the Board that she and her husband were the trustees and the children were the co-trustees of 103 Shinnecock Road.

Mr. Pepper also asked if Mrs. Shahin submitted an appraisal from a real-estate professional or an opinion value from a real-estate professional to prove her opinion of value.

Mrs. Shahin replied that she did not get either one of those from a real-estate professional.

Chairman Garfinkel also asked if Mrs. Shahin had a license in real-estate appraisal or a degree in statistics, which Mrs. Shahin replied she did not have.

Mr. Garfinkel asked how Mrs. Shahin knew about the national origin of the individuals listed in her presentation. She told the board that she went from door to door and talked to each and every person.

Board Member Stonesifer made the motion to deny the appeal, which was seconded by Board Member Welsh.

During discussion, Board Member Stonesifer explained that Mrs. Shahin used the purchase dates of the comparable properties in her presentation. By doing so, she did demonstrate that the marked in this area had been very active from 1990 till present. She also should not have, for example, used sales from 1990 and compare them to the 2010 Assessed Values, using those numbers would, or course, show a big discrepancy in values.

Mr. Stonesifer explained that the real-estate community only uses comparable sales to value a property. He mentioned that he was the real-estate agent who sold 101 Shinnecock Road and that he was very familiar with the property and assured that using the square footage of Mrs. Shanin's home and comparing it to 101 Shinnecock Road, the value of the subject home came out to be less than the value of 101 Shinnecock Road.

In Board Member Stonesifer's opinion, Mrs. Shahin's assessed value is more than fair, which was why he made the motion to deny the appeal.

Motion carried 3-0.

1. B. 1. Dix Thomas and Kathryn

Location: 664 Independence Blvd.

BACKGROUND AND ANALYSIS

An appeal form was submitted to the Assessor's Office.

An offer was made to the homeowner after a grade change was made to the property.

Tyler Technologies will be presenting evidence and answering any questions from the Board since this is a revaluation year.

Appealed	Requested	Revised Assessor/Tyler Amount
$181,200	$171,646	$178,000 (rejected by owner)

RECOMMENDED ACTION: Recommend that the revised number generated by the 2015 Revaluation remain the same.

Mr. Dix was present for the hearing and started his presentation by going over the packet he supplied to the board members, which included a list of homes sold in his neighborhood during the last year. He used this information to calculate the value he believed his home should be assessed.

The appellant continued his presentation by going through the packet which included the new value letters from Tyler Technologies as well as letters from the City of Dover Assessor's Office informing the appellant about the scheduled appeal hearing.

Mr. Dix also mentioned that he did receive a call from the Assessor's Office with a new value of $178,000; this value was based on a grade change made to the property. Mr. Dix explained that at first he wanted to stipulate to this value, but later changed his mind.

Mr. Dix continued to go over the packet, which also included a copy of the property record card for his property. He pointed at page number two, which listed the comparable sales used in the valuation of his home. He explained that most comparable homes listed, were newer than his raising the question as to how the homes were valued.

The appellant pointed at a page which showed values listed from the "Zillow" website, as well as the Tyler Technology value. Mr. Dix told the board that after his calculation a fair value would be $171,646.

Mr. Dix told the board that he did check "Zillow" again, the evening before the hearing and noticed two additional sales, which changed his calculation to a new value of $173,688.
After Mr. Dix finished his presentation to the Board of Assessment Appeals, Mr. Zuck, from Tyler Technologies, started by going over the price per square foot of the comparable sales properties Mr. Dix provided.

Once finished with the presentation Mr. Zuck concluded, that based on the sales price per square foot of the comparable sales Mr. Dix provided, including a few that Mr. Zuck provided the assessed value of Mr. Dix home was in line with the values in his neighborhood.

Mr. Dix mentioned that his lot was the smallest lot in the neighborhood and wondered if that should be taken into consideration.

The appellant wanted to know why his home value went from $178,400 in 2010 to $181,200 in 2015, when the home values were dropping according to "Zillow".

Board Member Stonesifer expressed his concern using "Zillow" as a tool when determining the value of a home, while he acknowledged that Mr. Dix did a great job presenting his case, he might have benefited using an appraiser.

Mrs. Bundek explained to Mr. Dix, that the letters with the appeal dates and times were mailed out as soon as possible, due to time constraints and that she met with Mr. Zuck to go over the individual appeals after the letters had gone out. Mrs. Bundek explained that this was the reason Mr. Dix received a call with a new proposed assessment after he received the letter regarding his hearing. She also explained that Mr. Dix only received the Stipulation Form because he had agreed to the proposed value.

Chairman Garfinkel asked how Mr. Zuck was able to reduce the value from $181,200 to $178,000.

Mr. Zuck explained that when revisiting the property he noticed that the grades within this sub-division were at a "B-", after comparing Mr. Dix home to those in that sub-division, he changed the Grade for Mr. Dix's home from "B" original to "B-", which changed his assessed value to $178,000.

Mr. Dix expressed his concern regarding the size of the lots in his neighborhood. He believed there was a discrepancy in the land value.

Mr. Stonesifer agreed with Mr. Dix, in his opinion the board had looked at the price per square foot, but had not looked at the lot size. Mr. Stonesifer made a motion to adjust the value to $175,000 which was seconded by Mr. Welsh.

Board Member Stonesifer explained that if he had to value the property, he would make adjustments for the smaller lot, which was why he made the motion to reduce the assessed value by $3,000.

Motion carried 2-0.
Abstained 1.

1. C. 1. Deffley Carol

Location: 155 N American Ave.

BACKGROUND AND ANALYSIS

An appeal form was submitted to the Assessor's Office, requesting an increase in value.

Tyler Technologies will be presenting evidence and answering any questions from the Board since this is a revaluation year.

Appealed	Requested
$160,100	$188,508

RECOMMENDED ACTION: Recommend that the number generated by the 2015 Revaluation remain the same.

Ms. Deffley failed to show for her scheduled hearing.

Chairman Garfinkel made the motion to dismiss the appeal for failure to appear, which was seconded by Board Member Stonesifer.

Motion carried 3-0.

1. E. 1. Leahy Wayne & Lia

Location: 146 Thames Dr.

BACKGROUND AND ANALYSIS

An appeal form was submitted to the Assessor's Office.

Tyler Technologies will be presenting evidence and answering any questions from the Board since this is a revaluation year.

Appealed	Requested
$115,700	No value requested

RECOMMENDED ACTION: Recommend that the number generated by the 2015 Revaluation remain the same.

Mrs. Leahy was present for the hearing and told the board that the home was purchased in January of 2015. The appraisal done by the mortgage lender came in at $87,000. She was wondering why the city's assessed value came in at $115,700.

Mr. Zuck explained that the home was purchased as a Short Sale and went over the copy of the appraisal supplied by the Leahy's as part of the appeal application. In the appraisal the home was described to be in less than average condition and in need of new carpets and interior painting.

In Mr. Zuck's opinion, every new home owner typically replaces the carpets and paints the walls. He asked the appellant if those repairs had been made to the property.

Mrs. Leahy acknowledged that the carpets had been replaced and that the walls had been painted.

Mr. Zuck explained that during a revaluation Tyler Technologies looks at homes that are not in distress, meaning short sales, foreclosures or bank owned properties, the company looks at valid sales only.

Mr. Zuck pointed out that the contract price for the home was low, which was probably the reason Mr. & Mrs. Leahy purchased the home.

Mr. Leahy agreed that the home was purchased for a good price but did not understand why the assessed value was higher than the purchase price.

Mr. Zuck explained that looking at the comparable listed in the appraisal; sales used were short sales, bank sales and foreclosures, except for one, whose sales price supported the assessed value of the Leahy's home.

Board Member Stonesifer asked Mrs. Leahy if she believed she should pay fewer taxes than her neighbors.

In Mrs. Leahy's opinion she should pay less because the house was purchased for less money and was in need of repairs.

Board Member Stonesifer pointed out that the repairs had been made and that the home is now worth more than the $82,000 it was originally purchased for.

Mrs. Leahy explained that the home repairs had not been done at the time the home was reassessed by the City of Dover.

Chairman Garfinkel asked Mr. Zuck if, looking at the comparable sales used by Tyler Technologies, the home falls in line with the price per square foot.

Mr. Zuck assured the board members that the value of the home falls well in line with the homes in that neighborhood.

Board Member Welsh made the motion to deny the appeal which was seconded by Board Member Stonesifer.

Motion carried 3-0.

1. F 1. Hutchins Betty Ann

Location: 63 Heritage Dr.

BACKGROUND AND ANALYSIS

An appeal form was submitted to the Assessor's Office.

Tyler Technologies will be presenting evidence and answering any questions from the Board since this is a revaluation year.

Appealed	Requested
$103,100	not to exceed $100,000

RECOMMENDED ACTION: Recommend that the number generated by the 2015 Revaluation remain the same.

Ms. Hutchins was present for the hearing and told the board that she was not in the State of Delaware at the time the Assessment Notification letter went out therefore she called Tyler

Technologies and talked to Mr. Zuck, who made no change to the assessed value to the property after they talked.

Mr. Hutchins was wondering why most homes in her neighborhood are assed in the $80,000 and hers at $103,100. The appellant told the board about the deteriorating neighborhood.

Mr. Zuck went over the comparable sales in the neighborhood, which showed a couple of homes that sold for more money than Mr. Hutchins was assessed for. When asked if Ms. Hutchins does not believe she could sell her home for $103,000, she replied no, because of the deteriorating neighborhood.

Chairman Garfinkel pointed at the requested assessment on the appeal request form, which stated that she was requesting her home be assessed at less than $100,000 and asked Ms. Hutchins if she had a more specific value in mind. She just asked her home be assessed less than $100,000.

Mr. Zuck recognized Ms. Hutchins concerns about the neighborhood and reduced the assessed value by 5%, which would bring the value down to $97,900. He believed that this would be a fair value.

Ms. Hutchins did not seem satisfied with that new number at which time Board Member Stonesifer pointed out that the new value did fall under the $100,000 which is what the appellant had asked for.

Board Member Stonesifer made the motion to accept the new value of $97,900 which was seconded by Board Member Welsh.

Motion carried 3-0.

1. H. 1. Frederick Tolbert

Location: 35 Karen Place

BACKGROUND AND ANALYSIS

An appeal form was submitted to the Assessor's Office.

Tyler Technologies will be presenting evidence and answering any questions from the Board since this is a revaluation year.

Appealed	Requested
$97,300	Not to exceed $70,000 (per letter)

RECOMMENDED ACTION: Recommend that the number generated by the 2015 Revaluation remain the same.

Mr. Tolbert was present for the hearing and started by going over the properties listed for sale in Persimmon Park Place which had not been able to be sold, due to the various problems within the community, such as the absence of curbs and street lights. In his opinion the assessed value of $97,300 is too high, he would never be able to sell the home for this much money and was asking the Board for a lower assessed value, not to exceed $70,000, as listed in his letter submitted with his appeal application.

Mr. Zuck told Mr. Tolbert that when valuing homes, Tyler Technologies looked at comparable sales within the neighborhood, not taking bank sales or foreclosures into consideration.

Mr. Zuck proceeded to list recent sales in this neighborhood and told the Board that looking at those sales; the subject property was assessed at a fair value.

Mr. Tolbert pointed out a few homes that had been listed for a while and had not been sold.

Mr. Zuck explained by looking at the sales price, that those homes were smaller than Mr. Tolbert's home and that in one case the seller was listing the home for too much money.

Mr. Tolbert expressed his concern regarding the problem buyer's face when trying to purchase a home within the community due to the fact that the community was listed as "condominiums". According to Mr. Tolbert, banks were not lending money to the buyers.

Board Member Stonesifer asked Mr. Tolbert if he had an appraisal to support his claims and wanted to make sure that the homes Mr. Zuck was listing were located within Persimmon Park Place only.

When asked how much the home was worth in Mr. Tolbert's opinion, he replied less than $70,000. Mr. Zuck pointed out that there had only been 3 recent sales in that price range, and all of those homes had less square footage that Mr. Tolbert's home, which also had a garage and screened in porch.

Chairman Grafinkel asked Mr. Zuck if the homes that were listed for sale and the number of days they were on the market; played a role in the valuation of the neighborhood.

Mr. Zuck explained that those properties were looked at during the revaluation, and that there could have been several reasons the homes were for sale. Mr. Zuck pointed at one home which had been listed for too much money, he even pointed out that the seller raised the price in the past instead of lowering it.

Mr. Tolbert believed that the homes were not selling because of the problems he listed in his letter, such as no sidewalks, no street lights, narrow streets, etc.

In Chairman Garfinkel's opinion, Mr. Tolbert had not brought forward any evidence that would prove that the assessed value of the subject property should be less.

Board Members Welsh and Stonesifer explained that the recent sales and square footage made up the assessed value of a home.

Board Member Stonesifer also pointed out that the price per square foot, did take the problems in the neighborhood, Mr. Tolbert talked about, into considerations, as the Board had also heard appeals for homes assessed at a much higher price per square foot then his, due to the neighborhood they were in.

Board Member Stonesifer made the motion to deny the appeal which was seconded by Board Member Welsh.

Motion carried 3-0.

1. J. 1. Braun Michael & Winifred

Location: 103 Linden Ct.

BACKGROUND AND ANALYSIS

An appeal form was submitted to the Assessor's Office.

Tyler Technologies will be presenting evidence and answering any questions from the Board since this is a revaluation year.

Appealed	Requested
$138,600	$100,300

RECOMMENDED ACTION: Recommend that the number generated by the 2015 Revaluation remain the same.

Mr. Braun was present for the hearing and started by informing the Board that he purchased the property in March of 2013 for $76,000 and that as soon as he purchased the home he had to make repairs, such as replacement of doors, adding a small deck and replacing the roof.

Mr. Braun received the new assessment letter from the City of Dover and made an appointment to meet with Mr. Zuck for an informal appeal hearing. After his meeting he received another letter from the city reducing his assessed value from $152,800 to $138,600.

Mr. Braun told the board that he purchased the home as a foreclosure which had been on the market for an extended period of time.

Mr. Braun expressed his concern regarding the city's appeal process. In Mr. Braun's opinion the appeal process requires the appellant to provide a basis for the appeal, or hire an appraiser, which takes time and money.

The appellant used the home across the street for comparison, he told the board that this home was also purchased as a foreclosure for $85,000, and sold for $139,900 after it had been fixed up. Mr. Braun added again that he was told during the informal appeal hearing, that the purchase price for foreclosed homes is not taken into consideration during valuation, which he believed to be wrong.

Mr. Zuck went over recent sales in the neighborhood, showing that the appealed property value falls well within the values in that neighborhood.

Board Member Stonesifer explained that Tyler Technologies is a licensed appraisal firm, who had been hired by the City to establish the assessed values for tax purposes. He also mentioned that he himself is a real-estate agent, and that if were to be hired by Mr. Braun, would also use comparable sales in the subject neighborhood.

In Mr. Stonesifer' s opinion, Mr. Braun purchased the home, because it was a great investment, made some improvements and repairs, and that if he were to sell it, would probably sell the home for what the home across the street sold for.

Mr. Braun, again, expressed his concern over the fact that the sales prices of foreclosed homes are not part of the market. He was also concerned that 20 year old homes, which needed roof replacements, replacement of air-conditioners, heater and other repairs due to the age, were assessed the same as newer homes.

Board Member Stonesifer assured Mr. Braun, that these replacements and repairs were calculated in the assessed value, because most homes in that neighborhood were around the same age and will probably be in need of the same repairs.

The Board Members asked Mr. Zuck to go over the neighborhood to assure them that the assessed value of the subject home would fall in line with the homes in the neighborhood.

Board Member Stonesifer made the motion to deny the appeal, which was seconded by Board Member Welsh.

Motion carried 3-0.