

**PROPERTY ASSESSMENT APPEAL BOARD  
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

PAAB Docket No. 2015-063-00590R

Parcel No. 15314-022-00

Galen Van Zee,  
Appellant,

v.

Marion County Board of Review,  
Appellee.

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**Introduction**

This appeal came on for hearing before the Property Assessment Appeal Board (PAAB) on November 9, 2015. Galen Van Zee was self-represented. Assistant County Attorney Benjamin Hayek is legal counsel for the Marion County Board of Review and Assessor Drew Sanders represented it at hearing.

Van Zee is the owner of a residential property located at 920 and 922 East Sixth, Pella, Iowa. The subject property is a one-story, two-family duplex with 2917 total square feet of living area, two 504 square-foot attached garages, open porches, and decks constructed in 2012. The dwelling is listed in normal condition and with good construction quality (Grade 3+10). The site is 0.279-acres.

The property's January 1, 2015, assessment was \$334,170, allocated as \$35,100 in land value and \$299,070 to improvement value. Van Zee's protest to the Board of Review claimed the assessment is not equitable as compared with assessments of other like property under section 441.37(1)(a)(1)(a).

The Board of Review denied the petition.

Van Zee reasserted his claim to this Board and believes the subject property's assessment should be \$283,960.

## Findings of Fact

Van Zee identified four similar duplexes on East Sixth for equity comparison. He believes they are identical to his townhome, yet have lower assessments. The following chart summarizes the property information.

<b>Address</b>	<b>TSFLA</b>	<b>Garage</b>	<b>Base/Fin</b>	<b>2015 AV</b>	<b>AV PSF</b>
<i>Subject</i>	2917	1008	None	\$ 334,170	\$ 114.56
810 & 814	2633	984	Half /73	\$ 324,520	\$ 127.31
901 & 903	2815	1008	None	\$ 283,960	\$ 100.87
911 & 913	2498	816	None	\$ 204,370	\$ 81.81
1005 & 1007	2417	816	None	\$ 261,800	\$ 108.32

Construction of the property located at 911 & 913 East Sixth was not complete at the time of the assessment and the assessed value represents only a partial assessment. The main difference between Van Zee's duplex and those he selected is that the properties he selected all have less total living area, and in addition, some have smaller garages. When compared on the basis of assessed value per-square-foot, Van Zee's' property is assessed within the \$100.87 to \$127.31 per-square-foot range of the duplexes he provided as comparables.

Van Zee testified specifically about the property at 901 & 903 East Sixth constructed by the same builder, which he believed was very similar to his property, but assessed for less. He commented the siding and garages sizes were the same. Van Zee conceded his duplex has more square foot of living area. Van Zee did not provide any other evidence to support his claim of inequitable assessment.

County Assessor Drew Sanders explained the subject property has a complete brick veneer front and the duplex at 901 & 903 East Sixth has only partial veneer front. Van Zee's property also has a raised deck overlooking a pond, while the compared property had only a concrete patio and backs up to other developed sites. Sanders believes the variations in assessed value can be explained by the difference in living area, features, and amount of veneer.

The assessor also identified four duplexes on East Sixth for equity comparison, summarized in the following chart.

<b>Address</b>	<b>TSFLA</b>	<b>Garage</b>	<b>Base/Fin</b>	<b>2015 AV</b>	<b>AV PSF</b>
<i>Subject</i>	2917	1008	None	\$ 334,170	\$ 114.56
904 & 906	2636	904	1/2 /694	\$ 284,220	\$ 107.82
1002 & 1004	2786	971	Full/636	\$ 405,990	\$ 145.73
1006 & 1008	2869	924	None	\$ 284,410	\$ 99.13
27 & 29	2597	960	Full/1780	\$ 392,360	\$ 151.08

We note Van Zee’s duplex has the most total living area and the largest garage. And again Van Zee’s assessment falls within the \$99.13 to \$151.08 per-square-foot range.

The Board of Review provided an aerial photo of the duplexes on East Sixth with their assessed value per-square-foot. (Exhibit J). It appears that duplexes on the subject’s side of the street are generally assessed at a higher per-square-foot value than the properties located across the street that back up to other residential and multi-residential development. The subject’s assessment is reasonably consistent with the assessment of other properties along its side of the street, which back up to a set of ponds.

The Board of Review also submitted a listing of duplexes in Pella. (Exhibit A). The assessments range from \$204,370 to \$405,990, or \$81.81 to \$168.48 per-square-foot. On a per-square-foot basis, the median is \$109.20 and the average is \$113.59. At \$114.56 per-square-foot, the subject’s assessment is generally equitable with the duplexes in the listing.

Van Zee purchased the property in February 2014 for \$370,000, which is roughly \$36,000 more than the assessed value and yields an assessment/sales ratio of 90.32%. None of the other duplexes listed were recent sales; therefore, an assessment/sales ratio could not be developed for equity analysis.

## Conclusions of Law

PAAB has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A (2015). PAAB is an agency and the provisions of the Administrative Procedure Act apply to it. Iowa Code § 17A.2(1). This appeal is a contested case.

§441.37A(1)(b). PAAB considers only those grounds presented to or considered by the Board of Review, but determines anew all questions arising before the Board of Review related to the liability of the property to assessment or the assessed amount.

§§441.37A(1)(a-b). New or additional evidence may be introduced, and PAAB considers the record as a whole and all of the evidence regardless of who introduced it.

§ 441.37A(3)(a); *see also Hy-Vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption that the assessed value is correct. § 441.37A(3)(a). However, the taxpayer has the burden of proof. § 441.21(3). This burden may be shifted; but even if it is not, the taxpayer may still prevail based on a preponderance of the evidence. *Id.*; *Richards v. Hardin County Bd. of Review*, 393 N.W.2d 148, 151 (Iowa 1986).

In Iowa, property is to be valued at its actual value. Iowa Code § 441.21(1)(a). Actual value is the property's fair and reasonable market value. § 441.21(1)(b). Market value essentially is defined as the value established in an arm's-length sale of the property. *Id.* Sale prices of the property or comparable properties in normal transactions are to be considered in arriving at market value. *Id.* If sales are not available to determine market value then "other factors," such as income and/or cost, may be considered. § 441.21(2).

To prove inequity, a taxpayer may show that an assessor did not apply an assessing method uniformly to similarly situated or comparable properties. *Eagle Food Centers v. Bd. of Review of the City of Davenport*, 497 N.W.2d 860, 865 (Iowa 1993). Alternatively, a taxpayer may show the property is assessed higher proportionately than other like property using criteria set forth in *Maxwell v. Shivers*, 257 Iowa 575, 133 N.W.2d 709 (Iowa 1965). The six criteria include evidence showing

"(1) that there are several other properties within a reasonable area similar and comparable . . . (2) the amount of the assessments on those

properties, (3) the actual value of the comparable properties, (4) the actual value of the [subject] property, (5) the assessment complained of, and (6) that by a comparison [the] property is assessed at a higher proportion of its actual value than the ratio existing between the assessed and the actual valuations of the similar and comparable properties, thus creating a discrimination.”

*Id.* at 711. The *Maxwell* test provides that inequity exists when, after considering the actual and assessed values of comparable properties, the subject property is assessed at a higher proportion of this actual value. *Id.* The *Maxwell* test may have limited applicability now that current Iowa law requires assessments to be at one hundred percent of market value. § 441.21(1). Nevertheless, in some rare instances, the test may be satisfied.

Van Zee offered four duplexes he considered comparable for an equity analysis. Eliminating the property with the partial assessment, his assessment per-square-foot was within the range of the other compared properties. The assessor also identified four duplexes on East Sixth similar to the subject property. In both instances, Van Zee’s assessment fell within the range of the compared properties on an assessed value per-square-foot basis.

None of the properties, other than the subject property, were recent sales; therefore, it was not possible to develop an assessment/sales ratio analysis. We find the data submitted generally demonstrates equitability between the assessments. Van Zee did not assert the Assessor failed to uniformly apply an assessing method to similarly situated or comparable properties. For these reasons, Van Zee failed to show his property is inequitably assessed as compared to like properties.

## **Order**

IT IS THEREFORE ORDERED that the Marion County Board of Review’s action is affirmed.

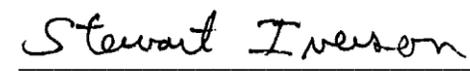
This Order shall be considered final agency action for the purposes of Iowa Code Chapter 17A (2015). Any application for reconsideration or rehearing shall be filed with PAAB within 20 days of the date of this Order and comply with the requirements of

PAAB administrative rules. Such application will stay the period for filing a judicial review action. Any judicial action challenging this Order shall be filed in the district court where the property is located within 20 days of the date of this Order and comply with the requirements of Iowa Code sections 441.38; 441.38B, 441.39; and Chapter 17A.

Dated this 23rd day of November, 2015.

  
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Jacqueline Rypma, Presiding Officer

  
\_\_\_\_\_  
Karen Oberman, Board Member

  
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Stewart Iverson, Board Chair

Copies to:

Galen Van Zee

Benjamin Hayek