COURT OF APPEALS OF OHIO, FIFTH APPELLATE DISTRICT, DELAWARE COUNTY

Olentangy Local Schools Bd. of Edn. v. Delaware Cty. Bd. of Revison

2013-Ohio-2892 (Ohio Ct. App. 2013) · No. 12-CAH-09-0067 · Decided July 2, 2013

SUMMARY

The Fifth District Court of Appeals of Ohio affirmed the Ohio Board of Tax Appeals' decision reinstating the Delaware County Auditor's original valuations of two parcels for tax year 2008. The court held that Cheshire Developers failed to prove entitlement to a reduction based solely on comparison with another parcel and that the school board met its burden by demonstrating the inadequacy of Cheshire's valuation approach.

CASE DETAILS

COURT	Court of Appeals of Ohio, Fifth Appellate District, Delaware County
WRITING FOR THE COURT	Sheila G. Farmer; W. Scott Gwin; Craig R. Baldwin
JURISDICTION	Ohio
DECIDED	July 2, 2013
DOCKET	12-CAH-09-0067
DISPOSITION	affirmed
PROCEDURAL POSTURE	Cheshire Developers appealed the Ohio Board of Tax Appeals' decision reversing a Board of Revision reduction in the taxable valuation of two parcels and reinstating the Delaware County Auditor's original valuations.
STANDARD OF REVIEW	Under R.C. 5717.04, the court reviews whether the Board of Tax Appeals' decision is reasonable and lawful. The BTA's determinations concerning witness credibility and evidentiary weight are reviewed for abuse of discretion, meaning an unreasonable, arbitrary, or unconscionable decision rather than merely an error of law or judgment.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Cheshire Developers, LLC v. Board of Education of the Olentangy Local Schools, Delaware County Board of Revision, Delaware County Auditor, Ohio Tax Commissioner

TOPICS

property tax · tax · administrative law · standard of review · appellate procedure

PRACTICE AREAS

property taxation · administrative appeals · real-property valuation

QUESTIONS PRESENTED

1. Whether the Board of Tax Appeals acted unreasonably or unlawfully by rejecting Cheshire Developers' comparison to an adjacent or similarly situated parcel used for roadway purposes.
2. Whether the Board of Tax Appeals erred by failing to accept Cheshire Developers' evidence of value.
3. Whether the Olentangy Local Schools Board of Education failed to satisfy its burden because it presented no independent valuation evidence.
4. Whether the Board of Tax Appeals properly reinstated the Delaware County Auditor's original valuations.

HOLDINGS

1. A taxpayer's unsupported comparison of the tax valuation of another allegedly similar parcel is insufficient to prove the subject property's actual value or justify a reduction in valuation.
2. The taxpayer bears the burden of proving its right to a reduction in the taxable value of the property.
3. The school board satisfied its burden by demonstrating that the taxpayer's valuation approach was flawed and seeking reinstatement of the auditor's original valuation; it was not required to present an independent valuation after the taxpayer's proposed valuation was rejected.
4. The Board of Tax Appeals did not abuse its discretion by rejecting Cheshire Developers' valuation evidence and reinstating the auditor's original assessments.

KEY QUOTATIONS

> *"If upon hearing and consideration of such record and evidence the court decides that the decision of the board appealed from is reasonable and lawful it shall affirm the same, but if the court decides that such decision of the board is unreasonable or unlawful, the court shall reverse and vacate the decision or modify it and enter final judgment in accordance with such modification."* (¶ 9)

> *"The BTA as the trier of fact "has wide discretion to determine the weight given to evidence and the credibility of witnesses before it.""* (¶ 10)

> *""[A] taxpayer has the duty to prove his right to a reduction in value.""* (¶ 18)

FACTUAL BACKGROUND

Cheshire Developers owned two parcels containing land partly plotted for a dedicated public roadway and sought reduced tax valuations for tax year 2008. It argued that the roadway portions should have zero value and offered the valuation of another allegedly similar parcel as a comparison. The Board of Revision accepted the argument and reduced the valuations, but the Board of Tax Appeals rejected the comparison and reinstated the Delaware County Auditor's original assessments.

PROCEDURAL HISTORY

Cheshire Developers filed a complaint in March 2009 seeking reduced valuations for two Delaware County parcels for tax year 2008. The Board of Revision reduced the valuations, but the Olentangy Local Schools Board of Education appealed to the Ohio Board of Tax Appeals, which reinstated the auditor's original valuations. Cheshire Developers appealed, and the Fifth District affirmed.

DISPOSITION

affirmed

CASES CITED

- WJJK Investments, Inc. v. Licking County Board of Revision, 76 Ohio St. 3d 29, 32, 1996-Ohio-437
- R.R.Z. Assoc. v. Cuyahoga County Board of Revision, 38 Ohio St. 3d 198, 201, 527 N.E.2d 874, 877 (1988)
- Youngstown Sheet & Tube Co. v. Mahoning County Board of Revision, 66 Ohio St. 2d 398, 400, 20 O.O.3d 349, 351, 422 N.E.2d 846, 848 (1981)
- Witt Co. v. Hamilton County Board of Revision, 61 Ohio St. 3d 155, 157, 573 N.E.2d 661, 663 (1991)
- Blakemore v. Blakemore, 5 Ohio St. 3d 217 (1983)
- Benit v. Delaware County Board of Revision, BTA No. 1993-B-722 (Mar. 18, 1994)
- Henry W. Haydu v. Portage County Board of Revision, BTA No. 1992-H-576 (June 18, 1993)
- Paul L. and M. Courtney Caron v. Hamilton County Board of Revision, BTA No. 1992-B-879 (Aug. 27, 1993)
- Cleveland Board of Education v. Cuyahoga County Board of Revision, 68 Ohio St. 3d 336, 337, 1994-Ohio-498
- Zindle v. Summit County Board of Revision, 44 Ohio St. 3d 202, 203 (1989)
- Villa Park Ltd. v. Clark County Board of Revision, BTA No. 90-H-558 (June 26, 1992)
- Sherman v. Board of Tax Appeals, 8th Dist. No. 7597, 2000 WL 263277 (Mar. 9, 2000)