

Status of Judgment: Distributed

Appeal No. VA02/2/032

AN BINSE LUACHÁLA
VALUATION TRIBUNAL
AN tACHT LUACHÁLA, 2001
VALUATION ACT, 2001

Jerry Collins Motors (The Lilac Ballroom)

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Showroom at Map Reference 1a Town of Enniskean, Townland: Teadies Upper,
ED: Teadies, Bandon, County Cork

B E F O R E

Fred Devlin - FSCS.FRICS

Deputy Chairperson

Frank O'Donnell - B.Agr.Sc. FIAVI.

Member

Michael F. Lyng - Valuer

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 4TH DAY OF MARCH, 2003

By Notice of Appeal dated the 23rd April 2002, the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of €144 on the relevant property above described .

The Grounds of Appeal as set out in the said Notice of Appeal are that

"taking into account the following:

(1) Rural location - (2) Existing business activity and future projected turnover, (3) Local business activity within the locality. The Valuation quoted (considering the above points) is not justifiable and is also in excess of other business in the area."

The appeal proceeded by way of an oral hearing which took place in the Arbitration Centre, Distillery Building, Church Street, Dublin on the 15th January, 2003. The Appellant was represented by Mr Jerry Collins, owner of the property and the respondent was represented by Mr Daniel Griffin B.Comm., MIAVI, District valuer in the Valuation Office. The Chairman outlined to Mr Collins that in accordance with the Rules of the Tribunal the appellant must produce valuation evidence to back up his claim that the RV on his property is excessive and in this case no such evidence was produced which makes the job of the Tribunal very difficult. Mr Collins stated that he was not aware that this was the case.

At the oral hearing, both parties, having taken the oath, adopted their précis as being their evidence in chief.

Property Location

The property is located at Teadies Upper, Enniskean, Bandon, Co. Cork

Description

The premises, formerly used as a dance hall, was renovated and converted to a car showroom and garage. It is a well-finished and modern premises. The showroom is glazed along the full length of the frontage and the floors are covered with ceramic tiles and hardwood. The ceiling has recessed lighting and spotlights. There are offices at the side and a workshop at the back of the showroom. On the first floor there is a balcony with offices and stores. The workshop has a metal deck roof, 4m eaves height. It has a Skoda dealership.

Valuation History

The property was revised in November 2001 and appealed in March 2002 when it was granted a reduction to €144 from €158.72

Tenure

The property is freehold

Agreed Floor Area Gross Internal**Ground Floor**

Car showroom 373.4m.sq with 27m frontage

Office 55.5m.sq

Work shop 188.7m.sq

Old store 153.0m.sq

Balcony 31.5m.sq

First Floor

Stores 193.7 m.sq.

Offices 17.9 m.sq.

Enclosed yard 1163.0 m.sq.

Appellant's case:

Mr Collins gave evidence as to why he felt the RV was excessive. He stated that he purchased the property for €165,000 and he refurbished it at a cost of €215,855. When he refurbished the property he stated he was anxious to set up a franchise in West Cork. He has now discovered that this is no longer viable. He stated that he only sold 59 Units in the first eight months of this year out of a target of 170 and that if he is unable to reach his target over a period of 2 years he will be closed down. However, he is hoping that the target will be reduced to 120.

Mr Collins agreed with the Valuation Office measurements of his property as 2176.7 sq.m. In reply to the Chairman as to what he considered the weekly rental value of the subject property to be, Mr Collins stated that he thought this should be between €300 and €350 per week. He based his assessment on his other business in Cork city which he stated would command €1,000 per week.

Respondent's case

Mr Daniel Griffin, on behalf of the Commissioner of Valuation, stated that the property was located at the edge of Enniskean Village on a good secondary road to Bandon, the T65, which had a traffic flow of 4,600 vehicles per day as per the County Council census in the year 2000. The local area to the subject property has a population of 620.

He valued the property as follows:

Showroom	373.4 sm @ €41.00 psm
Offices	55.5 sm @ €41.00 psm
Workshop	188.7 sm @ €23.90 psm
Old Store	153.0 sm @ €6.83 psm
First Floor offices	17.9 sm @ €34.16 psm
First Floor stores	193.7 sm @ €13.67 psm
Car compound / yard	1163.0 sm @ €2.05 psm

NAV €28,800 @ 0.5% RV €144

In support of his valuation on the subject property he gave four comparisons in the area and he felt that the rates applied to the subject were fair and reasonable for a property of its standard. In a reply to the Tribunal Chairman as to why the yard at Bandon Co Op is valued at €0.683 pm² as against the yard at the subject property valued at €2.05 pm², Mr Griffin stated that the subject yard is concrete and tarmacadam and has more secure fencing than the Co. Op which has a hard core yard surface only and a wall for the boundary. With regard to Mr Collins's assessment of rent for his property to be €350 per week, Mr Griffin stated that he felt that this was too low and that it should be about €600 to €700 per week. Mr Collins queried Mr Griffin as to why his workshop was valued at €23.90 pm² whereas one of Mr Griffin's comparisons, O'Learys Garage workshop, was valued at €14.93 pm². Mr Griffin replied that O'Learys workshop has a corrugated roof and has a right of way affecting the property, whereas the workshop in the subject property has an insulated steel roof with no right of way complication.

Determination: -

The Tribunal, having carefully considered all the evidence, including that in relation to comparisons, both in the written submissions and given orally at the hearing, makes the following findings:

The Tribunal agrees that the valuation in general terms is fair and reasonable. The Tribunal considers that the valuation on the yard and the workshop in the subject property is excessive when the comparison of the adjoining property, the Co Op was taken into account. The Tribunal therefore determines that the rateable valuation on the subject property should be €134 calculated as follows:

Showroom	373.4 m² @ €41.00/sm	= €15,309.40
Offices	55.5 m² @ €41.00/sm	= €2,275.50
Workshop	188.7 m² @ €20.50/sm	= €3,868.35
Old store	153.0 m² @ €6.83/sm	= €1,044.99
First Floor Office	17.9 m² @ €34.16/sm	= €611.46
First Floor Stores	193.7 m² @ €13.17/sm	= €2,551.00
Car Compound/yard	1163.0 m² @ €1.00/sm	= €1,163.00

Net Annual Value €26,824 Say €26,800 @ 0.5% = RV €134

Accordingly the Tribunal determines the RV of the subject property to be €134. The appeal of the appellant is allowed to this extent and the determination of the Commissioner of Valuation is varied accordingly.