



**FINAL ADMINISTRATIVE DECISION  
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Gary Myers  
DOCKET NO.: 12-01661.001-R-1  
PARCEL NO.: 02-05-456-019

The parties of record before the Property Tax Appeal Board are Gary Myers, the appellant, by attorney Franco A. Coladipietro of Amari & Locallo, in Bloomingdale, and the Kane County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction in the assessment of the property as established by the Kane County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$27,457  
**IMPR:** \$122,618  
**TOTAL:** \$150,075

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a decision of the Kane County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2012 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

**Findings of Fact**

The subject property consists of a one-story single-family dwelling of frame and brick exterior construction with 4,217

square feet of living area which includes a loft.<sup>1</sup> The dwelling was constructed in 2000. Features of the home include slab foundation, central air conditioning, a fireplace and an attached three-car garage. The property has a 14,767 square foot site with a view of a preserve and is located in Huntley, Rutland Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$450,000 as of August 16, 2012. The appraiser reported the subject dwelling is in the Del Webb/Sun City development, an age restricted development with access to numerous recreational opportunities.

The appraiser utilized both the cost approach and the sales comparison approach to value in the appraisal report. Under the cost approach the appraiser estimated the subject had a site value of \$16,000. The appraiser estimated the replacement cost new of the improvements to be \$389,268. The appraiser estimated physical depreciation to be \$38,926 resulting in a depreciated improvement value of \$350,342. The appraiser also estimated the site improvements had a value of \$6,000. Adding the various components, the appraiser estimated the subject property had an estimated market value of \$372,300 under the cost approach to value.

For the sales comparison approach, the appraiser analyzed four sales and three active listings of comparables that were located from .46 of a mile to 5.15-miles from the subject property. The sales occurred between September 2011 and July 2012 for prices ranging from \$360,000 to \$485,000 or from \$108.37 to \$225.90 per square foot of living area, including land. The listings had asking prices ranging from \$449,900 to \$576,000 or from \$135.85 to \$160.91 per square foot of living area, including land. Six comparables were one-story (ranch) dwellings and comparable #7 was a "colonial" which from the included photograph appears to be a two-story dwelling. Six of the comparables have either golf view, preserve or woods/water views. The dwellings range in size from 2,147 to 4,240 square feet of living area. The dwellings were six to eleven years old as compared to the

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<sup>1</sup> The appellant's appraiser discussed the expansion of the subject dwelling including the addition of stairs to a loft and included a detailed schematic with calculations to support the stated dwelling size in the report of 4,217 square feet. The board of review submitted a property record with an assertion of a dwelling size of 2,860 square feet, but provided no schematic or other evidence to support the assertion.

subject twelve year old dwelling. Five of the comparables have basements, four of which include finished areas. Each comparable has central air conditioning, one or two fireplaces and a two-car or a three-car garage. The appraiser made adjustments to the comparables for differences from the subject in view, room count, dwelling size, basement, basement finish, garage size, fireplace(s), upgrades and/or other amenities.

As part of the addendum to the report, the appraiser acknowledged that the subject was one of the largest improvements in the development and the current owner constructed an addition to extend the master suite and dining room areas in accordance with a building permit obtained in 2010. About this same time, the appraiser reported that the attic trusses were removed and the structure reinforced to provide for a loft finished space accessed by a full flight of stairs. The appraiser opined that the subject's larger dwelling size is an over-improvement for the development because as an age-restricted development, most buyers are interested in single level structures. Given these factors, it was the appraiser's opinion that the subject's additional square footage and loft area "will not be rewarded commensurately by the market." After the adjustment process the appraiser opined adjusted sales prices for the comparables ranging from \$405,300 to \$499,100.

Based on this evidence, the appellant requested an assessment reflective of the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$182,718. The subject's assessment reflects a market value of \$547,880 or \$129.92 per square foot of living area, land included, when using the 2012 three year average median level of assessment for Kane County of 33.35% as determined by the Illinois Department of Revenue.

The board of review submitted a grid setting forth appraisal sale comparables #1 through #5, along with a notation on the grid that appraisal comparable #6 was not in Rutland Township. The grid did not address comparable #7 from the appraisal in any manner. Another document in the submission from the board of review appears to be notes of conversations/discussions between the appellant and personnel from the township assessor's office that occurred in late 2012. Also attached is a copy of a Building Permit Application identifying the appellant and a construction value of \$300,000 for an "addition." The application was made in May 2010 and approved in June 2010.

In support of its contention of the correct assessment the board of review submitted a spreadsheet with limited information on the subject and eleven comparables, one of which reflected a March 2012 sale price of \$450,000. This one comparable sale is also the same property as appraisal comparable sale #3.

Based on the foregoing information, the board of review requested confirmation of the subject's assessment.

### **Conclusion of Law**

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the appraisal submitted by the appellant with an estimated market value of \$450,000 as of August, 2012. The Board further finds that the board of review made no criticism or challenge to the appellant's appraisal report. The subject's assessment reflects a market value of \$547,880 or \$129.92 per square foot of living area, including land, which is above the appraised value and also above the one comparable sale submitted by the board of review in terms of overall value.

On this record, the Board finds the subject property had a market value of \$450,000 as of the assessment date at issue. Since market value has been established the 2012 three year average median level of assessments for Kane County of 33.35% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.

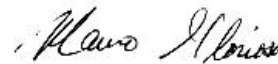
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Chairman



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Member



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Acting Member

DISSENTING: \_\_\_\_\_

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: June 26, 2015



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Clerk of the Property Tax Appeal Board

**IMPORTANT NOTICE**

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.