



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

APPELLANT: BFF LLC c/o Julie Pelock
DOCKET NO.: 13-02561.001-R-1
PARCEL NO.: 09-04-376-010

The parties of record before the Property Tax Appeal Board are BFF LLC c/o Julie Pelock, the appellant, by Jerri K. Bush, Attorney at Law, in Chicago, and the Kane County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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: \$45,446
IMPR: \$214,073
TOTAL: \$259,519

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 2013 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 two-story dwelling of frame, brick and stucco construction with 5,228 square feet of living area. The dwelling was constructed in 1998. Features of the home include a full walkout-style basement of 3,697 square feet along with an additional 1,081 square feet of basement area under the garage. The home has central air conditioning, two

fireplaces, a 1,081 square foot heated garage and a pool. The property has a 1.264-acre site and is located in St. Charles, St. Charles Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on five comparable sales located from .02 of a mile to 2-miles from the subject property. The appellant's supporting documentation on the comparable properties consists of Multiple Listing Service data sheets which reflect sale prices, dates and "approximate square footage" information. Each data sheet has a disclaimer regarding square footage sizes that encourages verification through personal inspection and/or with appropriate professionals. The comparables sold between November 2012 and September 2013 for prices ranging from \$435,000 to \$699,000.

Based on the evidence, the appellant requested a total assessment of \$181,648 which would reflect a market value of approximately \$545,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$259,519. The subject's assessment reflects a market value of \$779,102 or \$149.02 per square foot of living area, land included, when using the 2013 three year average median level of assessment for Kane County of 33.31% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review submitted a letter and documentation prepared by Diane Hemmingsen, Chief Residential Deputy Assessor with the St. Charles Township Assessor's Office. She reported that much of the data reported by the appellant in the Section V grid analysis of the appeal petition was incorrect based on the assessor's data. Additionally, Hemmingsen contended that appellant's comparable #1 was much smaller than the subject dwelling, has a smaller basement and is located in a different neighborhood than the subject. She also asserted that the quality of construction of appellant's comparable #4 was far inferior to the subject and this property is not located in the subject's neighborhood.

As reported by the assessor based on the applicable property record cards, the appellant's comparables consist of two-story brick, frame and brick or frame, brick and stucco dwellings that were built between 1991 and 2007. The homes range in size from 3,780 to 7,118 square feet of living area. Each comparable has a basement, one of which is a walkout style and two of the

comparables have finished basement area. Each home has central air conditioning, one to three fireplaces and a garage ranging in size from 761 to 936 square feet of building area with comparable #2 having both an attached and a detached garage for a total building area of 1,666 square feet. Comparable #2 also has an indoor pool and spa. Comparables #4 and #5 also have pools. These properties reflect sale prices ranging from \$77.97 to \$146.08 per square foot of living area, including land.

In support of its contention of the correct assessment the board of review through the township assessor's office submitted information on five comparable sales located in the same subdivision as the subject property. The comparables consist of two-story brick or stucco dwellings that were built between 1997 and 2005. The homes range in size from 4,783 to 5,935 square feet of living area and feature basements, two of which are English style and two of which are walkout style. Three of the comparables have finished basement areas. Each home has central air conditioning, two to four fireplaces and a garage ranging in size from 974 to 1,640 square feet of building area. Two of the comparables have pools. These properties sold between November 2012 and September 2013 for prices ranging from \$730,000 to \$940,000 or from \$140.43 to \$177.71 per square foot of living area, including land.

Based on this evidence and argument, 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted a total of ten comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's comparables #1 and #4 which are located in different subdivisions than the subject property. The Board has also given reduced weight to

appellant's comparable #2 which differs substantially from the subject in dwelling size and features with an indoor pool.

The Board finds the best evidence of market value to be appellant's comparable sales #3 and #5 along with the board of review comparables. Each of these seven comparable properties have varying degrees of similarity to the subject property with each similar in location and design to the subject property. These most similar comparables sold for prices ranging from \$545,000 to \$940,000 or from \$120.28 to \$177.71 per square foot of living area, including land. The subject's assessment reflects a market value of \$779,102 or \$149.02 per square foot of living area, including land, which is within the range established by the best comparable sales in this record and appears to be well supported when giving due consideration to adjustments for differences between the properties. Based on this evidence the Board finds a reduction in the subject's assessment is not justified.

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.

Chairman



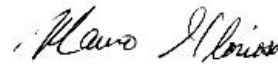
Member



Member



Acting Member



Member

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: February 19, 2016



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.