



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

APPELLANT: Christopher Gorman
DOCKET NO.: 13-03792.001-R-1
PARCEL NO.: 09-14-252-015

The parties of record before the Property Tax Appeal Board are Christopher Gorman, the appellant, by attorney Andrew J. Rukavina of The Tax Appeal Company, in Mundelein; and the McHenry County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **No Change** in the assessment of the property as established by the **McHenry** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$ 21,434
IMPR.: \$ 93,850
TOTAL: \$115,284

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the McHenry 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 brick and frame dwelling that contains 3,160 square feet of living area. The dwelling was built in 2002. Features include a full walkout basement that is partially finished, central air conditioning, one fireplace, a 648 square foot heated swimming pool and a three-car attached garage. The subject property has a 1.94 acre or 84,288 square foot site. The subject property is located in McHenry Township, McHenry County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal of the subject property estimating a market value of \$310,000 as of January 1, 2013. The appraisal was prepared by Robert J. VerVynck, a state licensed appraiser. The appraiser developed the sales comparison approach to value in arriving at the final opinion of value. The appraiser

identified five comparable sales located from .10 to 2.5 miles from the subject. The comparables had varying degrees of similarity when compared to the subject in land area, design, age, dwelling size and features. The comparables sold from September 2012 to April 2013 for prices ranging from \$248,000 to \$319,000 or from \$82.15 to \$124.69 per square foot of living area including land. The appraiser adjusted the comparables for differences to the subject in location, land area, dwelling size, finished and unfinished basement area, and various features. After adjustments, the comparables had adjusted sale prices ranging from \$277,325 to \$323,025 or from \$85.92 to \$157.50 per square foot of living area including land. Based on the adjusted sales, the appraiser concluded a final opinion of value of \$310,000 or \$98.10 per square foot of living area including land. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject property's final assessment of \$115,284 was disclosed. The subject's assessment reflects an estimated market value of \$345,783 or \$109.43 per square foot of living area including land when applying McHenry County's 2013 three-year average median level of assessment of 33.34%. 86 Ill.Admin.Code §1910.50(c)(1).

In response to the appeal, the board of review submitted five comparable sales and a letter addressing the appeal. The evidence was prepared by the township assessor. The board of review indicated the subject is located in an area of custom built high quality homes. The board of review argued appraisal comparables #1 and #4 are dissimilar ranch style dwellings when compared to the subject. Comparable #5 is located in a different subdivision that is not improved with custom built homes of the same high quality and desirability as the subject. The board of review also questioned the low \$25.00 per square foot adjustment applied to the comparables for difference in dwelling size when compared to the subject.

In support of the subject's assessment, the board of review submitted five comparable sales, two of which were used by the appellant's appraiser. The comparables had varying degrees of similarity when compared to the subject in land area, design, age, dwelling size and features. They sold from February 2012 to June 2013 for prices ranging from \$294,000 to \$508,000 or from \$82.15 to \$141.62 per square foot of living area including land. The comparables were adjusted for differences to the subject, resulting in a median sale price of \$125.42 per square foot of living area including land or an estimated market value for the subject of \$397,080. Based on this evidence, 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.

The Board gave little weight to the value conclusion of the appraisal submitted by the appellant. The Board finds comparables #1 and #4 are one-story style dwellings, dissimilar to the subject in

design. Additionally, comparable #4 is considerably smaller in dwelling size when compared to the subject. The Board also gave less weight to appraisal comparables #3 and #5 due to their distant location when compared to the subject. The Board finds the low adjustment amounts applied to the comparables for differences to the subject in land size, which ranged \$9,000 to \$17,000 or from \$.24 to \$.33 per square foot land area, are suspect and not supported by any market value evidence in this record. Likewise, the Board finds the dwelling size adjustment of only \$25.00 per square foot of living area is questionable and not supported by any market value evidence in this record. These factors undermine the credibility of the appraiser's final opinion of value.

The Board finds the four of the five comparable sales identified by the board of review were more similar when compared to the subject in location, land area, design, dwelling size, age and features. Two of these comparables were used by the appellant's appraiser. Less weight was given comparable #2 due to its distant location when compared to the subject. The most similar comparables sold from January 2013 to June 2013 for prices ranging from \$294,000 to \$508,000 or from \$82.15 to \$141.62 per square foot of living area including land. The subject's assessment reflects an estimated market value of \$345,783 or \$109.43 per square foot of living area including land. The subject's estimated market value falls within the range established by the most similar comparable sales contained in the record. After considering logical adjustments to the comparables for differences to the subject, the Board finds the subject's assessed value is supported and no reduction is warranted.

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



Member

Member

DISSENTING: _____

CERTIFICATION

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 24, 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.