



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

APPELLANT: Bryan Koestner  
DOCKET NO.: 14-01921.001-C-1  
PARCEL NO.: 09-36-277-022

The parties of record before the Property Tax Appeal Board are Bryan Koestner, the appellant, by attorney Laura Godek, of Laura Moore Godek, PC in McHenry; and the Kane County Board of Review.

Based on the facts and exhibits presented in this matter, 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:** \$49,923  
**IMPR.:** \$225,050  
**TOTAL:** \$274,973

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 2014 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 an 11,928 square foot industrial building of tilt-up concrete construction. The subject was built in 2003 and has a 20-foot ceiling height with 13% of finished office space. The subject has a land to building ratio of 3.1. The property has a 37,444 square foot site and is located in St. Charles, St. Charles Township, Kane County.

The appellant contends overvaluation based on a listing price for the subject from August 2013 to January 2015 ranging from \$931,680 to \$825,000. The appellant also contends assessment inequity as a basis of the appeal. In support of this argument the appellant submitted information on three equity comparables with varying degrees of similarity to the subject. The comparables had improvement assessments ranging from \$148,530 to \$159,666 or from \$14.69 to \$15.90 per square foot of building area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$288,653. The subject's assessment reflects a market value of \$867,086 or \$72.69 per square foot of building area, including land using the 2014 three-year average median level of assessments for Kane County of 33.29% as determined by the Illinois Department of Revenue. The subject property has an improvement assessment of \$238,730 or \$20.01 per square foot of building area. In support of its contention of the correct assessment the board of review submitted information on three comparable sales and three equity comparables. The sales occurred from November 2012 to July 2013 and sold for prices ranging from \$710,000 to \$800,000 or from \$67.45 to \$78.16 per square foot of building area, including land. The equity comparables had improvement assessments ranging from \$295,575 to \$474,682 or from \$17.04 to \$21.88 per square foot of building area.

### **Conclusion of Law**

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation as one basis of the appeal. 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 on this basis.

The Board finds the best evidence of market value to be the subject's list price of \$825,000 which the Board finds sets the upper limit of value for the subject. The subject was on the open market from August 2013 to January 2015. The subject's assessment reflects a market value of \$867,086 or \$72.69 per square foot of living area, including land, which is above the list price for which the subject did not sell. Based on this evidence the Board finds a reduction in the subject's assessment is justified on this basis.

The taxpayer also contends assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted on this basis.

The Board finds the best evidence of assessment equity to be the board of review's equity comparables because they were of similar construction as the subject and had features similar to the subject. Whereas, the board of review argued the appellant submitted comparables of dissimilar construction than the subject. The appellant did not refute this argument by the board of review. The most similar comparables had improvement assessments that ranged from \$295,575 to \$474,682 or from \$17.04 to \$21.88 per square foot of building area. The subject's improvement assessment of \$20.01 per square foot of building area falls within the range

established by the best comparables in this record. Based on this record and the reduction given based on overvaluation, the Board finds no further 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. Pursuant to Section 1910.50(b) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(b)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



Chairman



Acting 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: November 21, 2017



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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

AGENCY

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COUNTY

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