



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

APPELLANT: Yusuff Shaikh
DOCKET NO.: 15-00733.001-R-1
PARCEL NO.: 09-07-427-007

The parties of record before the Property Tax Appeal Board are Yusuff Shaikh, the appellant, by attorney Robert Rosenfeld, of Robert H. Rosenfeld and Associates, LLC in Chicago, and the Kane 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 **Kane** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$36,394
IMPR.: \$86,759
TOTAL: \$123,153

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 2015 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 and brick construction with 3,106 square feet of living area. The dwelling is 28 years old and was constructed in 1987. Features of the home include an unfinished basement, central air conditioning, a fireplace and a 580 square foot garage. The property has a 1.72-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 an appraisal prepared by James A. Matthews estimating the subject property had a market value of \$330,000 as of January 1, 2015. The appraiser utilized both the cost and sales comparison approaches to value in arriving at his conclusion.

As part of the appraisal, the appraiser opined that the neighborhood still has many short sales and foreclosures which are driving prices down and prices have been mostly flat year over year.

Under the cost approach, the appraiser estimated the subject had a site value of \$70,000 is market derived based on sales in the area. The appraiser estimated the reproduction cost new of the improvements using Marshall and Swift's Cost Handbook to be \$352,160. The appraiser estimated physical depreciation using the age/life method to be \$117,375 resulting in a depreciated improvement value of \$234,785. The appraiser also estimated the site improvements had a value of \$30,000. Adding the various components, the appraiser estimated the subject property had an estimated market value of \$334,785 under the cost approach to value.

Under the sales comparison approach, the appraiser analyzed four comparable sales, three of which were located from .12 to 1.37-miles from the subject property; no proximity was provided for appraisal sale #4. The comparables consist of a 1.5-story and three, two-story frame or frame and brick dwellings that were 26 to 30 years old. The comparables range in size from 2,807 to 3,154 square feet of living area and feature full finished basements, central air conditioning, a fireplace and a two-car or a three-car garage. The comparables sold between February 2013 and July 2014 for prices ranging from \$326,500 to \$333,000 or from \$105.58 to \$117.58 per square foot of living area, including land.

Next, the appraiser made adjustments to the comparables for differences when compared to the subject. In the report, the appraiser noted adjustments were based on \$0.25 per foot for lot size, \$30 per foot for dwelling size, functional utility as to comparable sale #4 and a downward adjustment of \$10,000 each for basement finish. The categories that were adjusted include site, gross living area, basement finish, garage size and a porch amenity. Based on this analysis, the appraiser opined adjusted sales prices ranging from \$326,383 to \$337,066. From this data, the appraiser estimated the subject's market value to be \$330,000 under the sales comparison approach to value.

In reconciling the two value conclusions, the appraiser gave greatest weight to the sales comparison approach and found the cost approach confirmed the value conclusion of \$330,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$123,153. The subject's assessment reflects a market value of \$369,718 or \$119.03 per square foot of living area, land included, when using the 2015 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 memorandum from Diane Hemmingsen, St. Charles Township Assessor, along with additional data. The assessor contended that the sales in the appellant's appraisal "are not similar in style to the subject." The assessor also disputed the appraiser's contention that dwelling size adjustments were made at \$30 per square foot because the actual differences in size calculate to adjustments of \$20 per square foot which the assessor contends is "very low considering the subject's improvement market value per square foot is over \$80" [i.e., the subject building's estimated market value based on its assessment]. The assessor's memorandum further asserted that, after adjusting for finished

basements, the suggested comparable sales range from \$108.27 to \$159.78 per square foot of living area.

In support of its contention of the correct assessment the board of review submitted information on five properties reflecting a total of six sales as comparable #2 sold both in July 2014 and November 2015. The comparables were located from across the street to 1.77-miles from the subject property. The comparables consist of two-story frame, frame and brick or frame, brick and stone dwellings that were 13 to 37 years old. The comparables range in size from 2,431 to 3,085 square feet of living area and feature full or partial basements, three of which have finished areas. Each home has central air conditioning, one or three fireplaces and a garage ranging in size from 500 to 781 square feet of building area. The comparables sold between September 2013 and November 2015 for prices ranging from \$317,000 to \$429,000 or from \$123.06 to \$170.71 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.

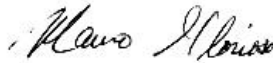
The Board has given reduced weight to the appellant's appraisal evidence because the Board finds, as reported by the township assessor, that the appraiser misstated the adjustments that were made for differences in dwelling size. As reported by the assessor, for appraisal sales #1 through #3, the upward adjustments were understated for each property from \$2,030 to \$2,990 since the appraiser did not utilize an adjustment of \$30 per square foot for dwelling size differences as reported in the appraisal. Therefore, the Board finds that, at a minimum, comparables #1 through #3 in the appraisal had adjusted sales prices that were understated from about \$2,000 to nearly \$3,000 which error severely detracts from the credibility of the entire appraisal report.

The Board has also given reduced weight to comparable sales in the record which have finished basement areas since the subject has an unfinished basement.

Therefore, the Board finds the best evidence of market value to be board of review comparable sales #3 and #5. These board of review comparable sales sold in July 2014 and May 2015 for prices of \$317,000 and \$426,500 or for \$123.06 and \$143.02 per square foot of living area, including land. The subject's assessment reflects a market value of \$369,718 or \$119.03 per square foot of living area, including land, which is supported by the best two comparable sales in the record in terms of overall value and below the best comparables in terms of a per-square-foot value. This distinction in overall value and square-foot value is logical since the subject is bigger than both of these comparable dwellings. Accepted real estate valuation theory provides that all factors being equal, as the size of the property increases, the per unit value decreases. In

contrast, as the size of a property decreases, the per unit value increases. 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



Acting Member



Member



Acting 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 23, 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 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.