



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

APPELLANT: Peter Pluskwa
DOCKET NO.: 15-01271.001-R-1
PARCEL NO.: 09-05-127-001

The parties of record before the Property Tax Appeal Board are Peter Pluskwa, the appellant, by attorney Scott Shudnow, of Shudnow & Shudnow, Ltd. 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 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: \$23,664
IMPR.: \$94,669
TOTAL: \$118,333

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 single-family dwelling of frame and brick exterior construction with 3,463 square feet of living area.¹ The dwelling was constructed in 2002. Features of the home include a full basement with finished area, central air conditioning, a fireplace and an attached 901 square foot garage. The property has a .26-acre or an 11,221 square foot corner site and is located in South Elgin, 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 Garry Nusinow estimating the subject property had a market value of \$355,000 as of January 1, 2015.

¹ The appellant's appraiser set forth a dwelling size of 3,446 square feet as compared to the data on the subject's property record card presented by the assessing officials. The Board finds this slight size discrepancy does not prevent a determination of the subject's correct assessment on this record.

While as part of the addendum of the appraisal, the appraiser discussed research of sales for years 2013 and 2014 in the area, although the percentages of distressed sales were reported, on page 2 of the appraisal report the appraiser determined that property values were "increasing" and supply/demand were in balance with 3 to 6 months as typical marketing time.

The appraiser relied solely upon the sales comparison approach in arriving at his value conclusion. The appraiser analyzed six comparable sales located within .86 of a mile of the subject property. As part of the addendum, the appraiser reported search for sales of comparables located within 1-mile of the subject and which sold between January 2013 and March 2015. Based on this search, the appraiser utilized comparables that consist of two-story dwellings of dryvit or frame and masonry construction that were 12 to 15 years old. The homes range in size from 2,742 to 3,997 square feet of living area. Each comparable has a basement, three of which have finished areas. Each home has central air conditioning, a fireplace and a two-car or a three-car garage. Two of the comparables are reported to have "irrigation." The properties sold between December 2013 and March 2015 for prices ranging from \$318,000 to \$385,700 or from \$91.77 to \$115.97 per square foot of living area, including land.

The appraiser made adjustments to the comparables as further described in the addendum to the report. Adjustments were made for sales or financing concessions as to sale #1 and adjustments were also made to the comparables for differences in lot size, view, condition, bathroom count, dwelling size, basement finish and rooms below grade in addition to other differences in amenities. From this process, the appraiser set forth adjusted sales prices ranging from \$336,400 to \$377,000. From this data, the appraiser estimated the subject property had a market value of \$355,000 as of January 1, 2015.

Based on this evidence, the appellant requested a total 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 \$137,071. The subject's assessment reflects a market value of \$411,501 or \$118.83 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 prepared by Diane Hemmingsen, St. Charles Township Assessor, along with additional data. As part of the memorandum, the assessor summarily disputed the appraiser's analysis that, for calendar years 2013 and 2014, sales in the subject's area were "declining." Instead, the assessor asserted that the subject's location is in St. Charles Township, whereas most homes in South Elgin are located in Elgin Township. As to Elgin Township, the assessor stated those homes are much older, smaller and inferior quality to the homes in the subject's newer neighborhood of Thornwood. Given these assertions, the assessor claimed the appraiser's comments about declining sales is not true for the subject's neighborhood.

The assessor next disputed the appraiser's determination to make downward adjustments to the comparable sales for their superior location(s) on interior lots. In response the assessor stated, in

pertinent part, that there is no justification for this adjustment as "interior properties near the subject have land values of \$72,000." The assessor contends that the subject parcel is a corner lot that has been valued at \$71,000 with a \$1,000 reduction due to subdivision signage being located on an adjacent parcel. The assessor also criticized the appraiser's suggestion that the subject's view would result in a lower market value; the assessor contends that two of the comparables she presented² have views inferior to the subject, but both recently sold for values greater than the subject's estimated market value based on its assessment.

As to adjustments made by the appraiser, the assessor contends that an adjustment for the subject's 901 square foot tandem garage "which is far bigger than any of the comparables[]" garages" would have been warranted, but was not addressed by the appraiser.³ Similarly, there was no adjustment for the unfinished basements of appraisal sales #1, #5 and #6.⁴

In support of its contention of the correct assessment the board of review submitted information on five comparable sales. As to the subject's view, the assessor's grid described the subject as "adjacent to thru street & school view" whereas the assessor's sales #2 and #4 were noted as "backs to thru street & school view" and "thru street & school view," respectively. The comparables were located within .8 of a mile of the subject. The comparables consist of two-story frame and masonry dwellings that were 12 or 14 years old. The homes range in size from 2,959 to 3,489 square feet of living area. Each comparable has a basement with finished area. Each home has central air conditioning, one or two fireplaces and a garage ranging in size from 495 to 699 square feet of building area. The properties sold between July 2014 and November 2014 for prices ranging from \$349,900 to \$420,000 or from \$118.25 to \$128.34 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.

In written rebuttal, counsel for the appellant contends that the subject dwelling is in average condition as compared to the comparables presented by the board of review which were upgraded prior to their respective sales. Copies of the Multiple Listing Service (MLS) data for these comparables reflect the upgraded features and the types of amenities present at these comparable properties. Moreover, the data submitted by the board of review consists of raw sales with no adjustments for differences when compared to the subject. Counsel disputed the criticisms of the assessor as to the adjustment determinations that were made by the appellant's professional appraiser.

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

² The assessor's memorandum fails to more specifically identify which comparables are being referenced.

³ The Board finds there was an upward \$5,000 adjustment made to the two two-car garages properties and no adjustment made to the three-car garages. The board of review did not specify if the subject dwelling featured the equivalent of a two-car or a three-car garage.

⁴ The Board finds the appraiser made \$15,000 upward adjustments to sales comparables #1, #5 and #6 for "storage, utility" areas of these basements.

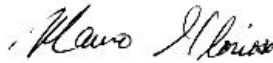
be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

As an initial matter, the Board finds that the assessor misread or misinterpreted the appraiser's addendum data concerning market area sales. The appraiser's market area description on page 2 of the report does not conclude "declining" property values or any "over supply" of properties. Similarly, the Board finds that the assessor failed to recognize the appraiser's adjustments for basement finish and for garage size when compared to the subject dwelling.

The Board finds the best evidence of market value in the record to be the appraisal submitted by the appellant. The appraiser presented a report with comparables located in relatively close proximity to the subject which were similar in age, design, exterior construction, dwelling size and other features when compared to the subject. The appraiser appears to have made logical and consistent adjustments to the comparables for differences when compared to the subject. While the board of review set forth criticisms of the appraiser's adjustments, upon scrutiny, the Board finds that those criticisms do not appear to have validity. Moreover, the comparable sales presented by the board of review fail to overcome the appraisal evidence concerning the subject property that includes recent sales data with adjustments for differences.

The subject's assessment reflects a market value of \$411,501 or \$118.83 per square foot of living area, including land, which is above the appraised value of \$355,000. On this record, the Board finds the subject property is overvalued and a reduction in the subject's assessment commensurate with the appellant's request is 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



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: July 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 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.