



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

APPELLANT: Anthony Pizzuto
DOCKET NO.: 15-01316.001-R-1
PARCEL NO.: 02-27-151-014

The parties of record before the Property Tax Appeal Board are Anthony Pizzuto, 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: \$25,667
IMPR.: \$80,989
TOTAL: \$106,656

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 exterior construction with 3,592 square feet of living area. The dwelling was constructed in 1990. Features of the home include a partial unfinished basement, central air conditioning, a fireplace and an attached two-car garage of 695 square feet of building area. The property has a 58,806 square foot wooded site and is located in Hampshire, Rutland Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted a retrospective appraisal of the market value of the subject prepared by Jerzy Siudyla, a Certified Residential Real Estate Appraiser. Utilizing the sales comparison approach to value, the appraiser estimated the subject property had a market value of \$320,000 as of January 1, 2015.

As to the subject property, the appraiser reported the home was in overall average condition with average upgrades, none of which were less than five years old. The appraiser also noted deferred maintenance items concerning the cedar exterior of rotten woodwork as displayed in the photographs made a part of the report (Appraisal, p. 10).

As part of the addendum, the appraiser reported searching for comparable sales of 1.5-story or 2-story homes that sold within six months prior to January 1, 2015 and which were located in the subject's immediate market area (within a mile) and were similar in size, age, lot size and neighborhood characteristics. The appraiser found no comparable sales that were highly similar in location, size and land area. Thus, the search for comparables was expanded to under five miles from the subject. The appraiser asserted that REO sales were a factor in the subject's immediate market area and sales #1 and #4 in this appraisal report were REO sales.

The appraiser described four comparable sales located from .58 of a mile to 4.78-miles from the subject property. The comparable parcels range in size from .98 of an acre to 1.36-acres of land area. The comparables are improved with "Colonial," "Cape Cod" or "Contemporary" dwellings of stucco or brick and frame exterior construction. The homes were 14 to 26 years old and range in size from 3,002 to 3,631 square feet of living area. Each comparable has a full basement with finished area, central air conditioning and a two-car or a three-car garage. The comparables sold between February 2014 and December 2014 for prices ranging from \$295,000 to \$339,000 or from \$87.72 to \$112.92 per square foot of living area, including land.

The appraiser made adjustments for sales or financing concessions as to appraisal sale #4 and for differences in view, quality of construction, condition, dwelling size, number of bathrooms, basement finish, garage size and/or upgrades as to the comparables when compared to the subject property. From this process, the appraiser arrived at adjusted sales prices ranging from \$288,500 to \$327,750. The appraiser described in the addendum that this was a "wider than desired retrospective value range," but based on the data the appraiser opined a market value for the subject of \$320,000 with greatest weight given to sales #1 through #3. The appraiser asserted that sale #4 was provided to bracket the size and given less weight due to distance from the subject.

Based on this evidence, the appellant requested an 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 \$120,855. The subject's assessment reflects a market value of \$362,819 or \$101.01 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 and data gathered by the Rutland Township Assessor's Office. The assessor contended that appraisal sale #1 was a foreclosure and the remaining appraisal sales were "located outside Rutland Township."

In support of its contention of the correct assessment the board of review through the township assessor submitted information on four comparable sales located from .39 of a mile to 2.43-miles from the subject property. The comparable parcels range in size from 40,946 to 66,211 square

feet of land area and are improved with two-story dwellings of frame and brick exterior construction. The homes were 12 to 19 years old and range in size from 3,174 to 3,325 square feet of living area. Each comparable has a basement, one of which is a lookout style and two of which are walkout styles. Each home has central air conditioning, one or two fireplaces and a garage ranging in size from 312 to 685 square feet of building area. The comparables sold between March 2012 and February 2015 for prices ranging from \$325,000 to \$475,000 or from \$99.21 to \$142.86 per square foot of living area, including land.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant outlined differences between the subject property and the four comparable sales presented by the board of review. Counsel argued that sales #1, #2 and #3 were remote in time to the assessment date and/or distant from the subject property in location. Counsel also noted the differences in style of basement between the subject and sales #1, #3 and #4. The comparables also differ from the subject in age, number of fireplaces and/or garage size.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the appraisal submitted by the appellant as the comparable sales considered were proximate in time to the assessment date at issue of January 1, 2015. Also, the appraiser described the subject dwelling as being in average condition with some deferred maintenance which facts were not disputed by the board of review. Furthermore, appraisal sales #2 and #3 were most similar in age to the subject dwelling, but each of these comparables were also smaller than the subject dwelling; after adjustments for differences, the appraiser opined adjusted sales prices for comparables #2 and #3 of \$327,750 and \$317,500. The appraiser's final opinion of value falls between these comparables which were most similar to the subject in age and after adjustments made primarily for differences in size and basement finish.

In contrast, the Property Tax Appeal Board gave little weight to the board of review's comparable sales. Comparables #1 and #3 sold at dates remote in time (2012 and 2013, respectively) when compared to the assessment date at issue of January 1, 2015. In addition, the comparables were mostly newer and smaller than the subject dwelling and several of the comparables had basements with lookout or walkout features which were not features of the subject's basement. Lastly, the Board finds that the board of review sale that was most similar to the subject in age, sale #4, sold in January 2014 for a price of \$325,000 or \$99.21 per square foot of living area, including land. This comparable is also smaller than the subject dwelling. 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. Therefore, the Board finds that the appraiser's opinion of the subject's estimated market value of \$320,000 or \$89.09 per square foot of living area, including land, is support by board of review comparable sale #4 despite its walkout basement feature.

The subject's assessment reflects a market value of \$362,819 or \$101.01 per square foot of living area, including land, which is above the appraised value of \$320,000 or \$89.09 per square foot of living area, including land. 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 warranted.

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.