



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

APPELLANT: Peggy Brandon
DOCKET NO.: 15-01351.001-R-1 through 15-01351.002-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Peggy Brandon, the appellant, by attorney Jessica Hill-Magiera in Lake Zurich; 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
15-01351.001-R-1	09-12-226-004	55,982	73,223	\$129,205
15-01351.002-R-1	09-12-226-003	6,795	0	\$6,795

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 is improved with a two-story single family dwelling of frame construction with 1,702 square feet of living area. The dwelling was constructed in 1915. Features of the home include an unfinished basement, central air conditioning and one fireplace. The property also has a two-story coach-house of frame construction with 1,800 square feet of living area. The coach house was constructed in 1915 with features that include a slab foundation and central air conditioning. Other improvements included a detached garage with 446 square feet of building area, a she with 90 square feet of building area and a barn with 1,462 square feet of building area. The property has a combined land area of approximately 4.20 acres. The property is located in Wayne, 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 estimating the subject property had a market value of \$325,000

as of December 31, 2014. The appraisal was prepared by Brian J. Miller, a certified residential real estate appraiser.

The appraiser described the main dwelling as having an above average level of fitness for its age and style. The appraiser reported the subject dwelling had a recently remodeled kitchen and bathrooms. The appraiser further stated the subject's site improvements included a coach house, pole barn and shed. The appraiser concluded the existence of out buildings and a coach house is typical within the subject's submarket but was judged to add limited contributory value.

In estimating the market value of the subject property the appraiser developed the sales comparison approach to value using four comparable sales improved with two-story style dwellings that ranged in size from 1,716 to 3,492 square feet of living area. The dwellings ranged in age from 36 to 69 years old. The appraiser stated within the report that although the comparables differ in age to the subject, they were judged to have similar effective ages to that of the subject. These properties had sites ranging in size from 1.19 to 4 acres. The comparables were located in Wayne, Illinois, from 1.16 to 2.49 miles from the subject property. Each comparable has a full basement with one being finished, central air conditioning, and a two-car garage. One of the comparables had three out-buildings. The comparables sold from March 2014 to December 2014 for prices ranging from \$312,500 to \$403,500 or from \$104.52 to \$182.11 per square foot of living area, including land. The appraiser made adjustments to the comparables for location, land area, condition, room count, gross living area, basement finish, and outbuildings, using a contributory value of \$15,000, to arrive at adjusted prices ranging from \$320,000 to \$344,500. Based on this analysis the appraiser arrived at an estimated value of \$325,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total combined assessment for the subject parcels of \$153,507. The subject's assessments reflect a total market value of \$460,847 or \$270.77 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 support of its contention of the correct assessment the board of review submitted information on seven comparable sales identified by the township assessor. The comparables were improved with five, one-story dwellings, one part one-story and part split-level style dwelling, and one two-story style dwelling that ranged in size from 1,378 to 2,763 square feet of living area. The dwellings were constructed from 1938 to 1970. The comparables had sites ranging in size from 2.06 to 7.98 acres and were located in Wayne or St. Charles, Illinois. Three of the comparables had a partial or full basement with one being partially finished; six comparables had central air conditioning and each comparable had one or two fireplaces. Five comparables had attached garages ranging in size from 483 to 693 square feet of living area; four of the comparables had detached garages ranging from 696 to 1,395 square feet of building area, two comparables had stables with 900 and 936 square feet of building area, and three comparables had sheds ranging in size from 64 to 400 square feet of building area. The sales occurred from May 2012 to February 2015 for prices ranging from \$347,000 to \$517,500 or from \$141.15 to \$282.35 per square foot of living area, including land. The evidence provided by the board of review disclosed that sale #6 sold in September 2013 for a price of \$390,000 and sold again in February 2015 for a price of \$493,000; after the second sale the house was demolished.

The evidence provided by the board of review included a copies of the Multiple Listing Service (MLS) listing sheet and the PTAX-203 Illinois Real Estate Transfer Declaration associated with the sale of the subject in June 2009 for a price of \$475,000. The listing described the subject as having a coach house that was being rented for \$1,550 per month.

In the written narrative provided by the St. Charles Township Assessor the assessor stated that the coach house located on the subject property was assessed as having a market value of \$92,772. The assessor contends the coach house should not be considered an "outbuilding" and asserted the coach house contributes more than \$15,000 as set forth in the appellant's appraisal.

In rebuttal the appellant's attorney contends that board of review sales #1, #2, #3, #5, #6 and #7 differed from the subject in style and comparable sales #2, #5 and #6 occurred too remote in time to establish a market value as of January 1, 2015. The appellant's counsel contends the appraisal submitted by the appellant is the best evidence of market value.

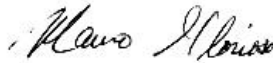
Conclusion of Law

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 evidence in the record supports a reduction to the subject's assessment.

The appellant submitted an appraisal estimating the subject property had a market value of \$325,000 as of December 31, 2014 using four comparable sales that had varying degrees of similarity to the subject property. The appraisal comparable sales sold from March 2014 to December 2014 for prices ranging from \$312,500 to \$403,500 or from \$104.52 to \$182.11 per square foot of living area, including land. The appraiser made adjustments to the comparables for differences from the subject property. The Board finds, however, the adjustment to three of the comparable sales for the lack having three outbuildings similar to those located on the subject property, including the coach house, was not credible. The Board finds the so-called outbuildings included a two story coach house with 1,800 square feet of living area, on a slab foundation. This separate dwelling located on the subject property, that was at one time being leased for \$1,550 per month, would appear to have a contributory value of more than \$15,000 or \$8.33 per square foot of living area, including the subject's 1,462 square foot barn and 90 square foot shed, as estimated by the appraiser in light of the sales in this record. Furthermore, the record disclosed the subject property sold in June 2009 for a price of \$475,000. Even though the subject's sale is dated, the price tends to undermined the appellant's appraiser's estimate of market value. As a result, the Board finds the appellant's appraiser's estimate of market value for the subject property is too low. The board of review submission included seven sales. The Property Tax Appeal Board gave less weight to sales #2, #5, #6 and #7 as these sales were dated with reference to the assessment date at issue. Furthermore, the Board finds the second sale associated with comparable #6 was more in the nature of a land sale as the home was demolished following the purchase. The three remaining sales provide by the board of review had prices ranging from \$339,000 to \$517,500 of from \$232.17 to \$282.35 per square foot of living area,

including land. These three comparables also had additional garages, sheds and/or stables, akin to the subject's additional "outbuildings." Only one of these three comparables had a price above the market value reflected by the subject's assessment on a square foot basis. Of these three properties, the comparable most similar to the subject's main dwelling in style, comparable #4, had a unit price of \$232.17 per square foot of living area, including land, which is below the market value reflected by the subject's assessment on a square foot basis. Even though two of these board of review comparable sales were improved with one-story dwellings, differing from the subject's main dwelling in style, the Board finds the comparable sales demonstrate the subject's appraised value as set forth by the appellant's appraiser of \$325,000 or \$190.95 per square foot of living area, including land, is too low. In conclusion, after considering the appellant's appraisal and the best sales provided by the board of review, the Property Tax Appeal Board finds a reduction in the subject's assessment 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



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.