



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

APPELLANT: Robert & Alice Petersdorf
DOCKET NO.: 15-01360.001-R-1
PARCEL NO.: 06-23-231-011

The parties of record before the Property Tax Appeal Board are Robert & Alice Petersdorf, the appellants, by Jessica Hill-Magiera, Attorney at Law, 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:

LAND: \$9,281
IMPR.: \$35,719
TOTAL: \$45,000

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 two dwellings on the same parcel. Dwelling #1 is a part 1-story and part 2-story frame building containing 2,870 square foot of living area split between two apartment units. Dwelling #2 is a 1-story frame building containing a 480 square foot studio apartment and a 288 square foot garage. Both dwellings were constructed in 1900 and together contain 3,350 square feet of living area. Dwelling #1 features a full unfinished basement. The property's site size was not disclosed. The subject is located in Elgin, Elgin Township, Kane County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted information on five comparable sales consisting of part 1-story and part 2-story dwellings containing two apartment units each. The buildings were built in 1900 and range in size from 2,382 to 2,928 square feet of living area. All of the comparables feature basements.

One comparable features central air conditioning, two have fireplaces and three have garages. No information was provided on type of construction. They are located a distance of .84 to 1.14 miles from the subject. These comparables sold between March 2014 and April 2015 for prices ranging from \$57,774 to \$80,000 or from \$19.73 to \$30.20 per square foot of living area land included, or from \$28,887 to \$40,000 per apartment unit. The appellants requested the total assessment be reduced to \$25,824 or a market value of approximately \$77,526 or \$23.14 per square foot of living area including land, using 3,350 square feet of living area, the combined square footage of both dwellings, or \$25,842 per apartment unit.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$59,691. The subject's assessment reflects a market value of \$179,198 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. The value per square foot would be \$53.49 per square foot of living area including land, using 3,350 square feet of living area, the combined square footage of both dwellings, and the value per apartment unit would be \$59,733.

In support of its contention of the correct assessment the board of review submitted limited information on 17 comparable sales. They were 1½ or 2-story buildings containing 2 or 3 apartment units each. These comparables sold between June 2013 and March 2015 for prices ranging from \$112,785 to \$175,000 or from \$41,667 to \$87,500 per apartment unit. No value per square foot was included in the grid analysis. The board of review also included a memorandum from the Elgin Township assessor and the property record cards for the two buildings. The assessor reported there were two dwellings on the parcel containing a total of three apartment units and 3,350 square feet of living area. The property record cards did not individually report the improvement assessments for the two buildings on the parcel. The assessor claims the appellants submitted five distressed sales of homes in inferior condition to the subject. The assessor also reported the subject sold in March 2016 for \$182,500. The board of review did not submit any evidence to support these claims. The board of review did submit an MLS Listing report which indicated the subject was advertised for sale in July 2015 with an asking price of \$199,000 which had been reduced to \$189,000 as of the date of the MLS Listing report on October 23, 2015. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal the appellants claim the board of review's comparables have too many dissimilarities (as compared to the subject) to mention. The appellants also argue the sale of the subject in 2016 should not be considered since the sale occurred more than one year after the subject's assessment date of January 1, 2015. The appellants further argued that using a median sale price per square foot "is more accurate and should be standard practice for determining fair market value."

Conclusion of Law

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

As an initial matter, the Property Tax Appeal Board gave no weight to the appellants' argument that the Board should adopt a standard practice of using the median sale price per square foot of living area, including land, of those comparables deemed best in determining fair market value because it is "more accurate." Contrary to this argument, the decision of the Property Tax Appeal Board must be based upon equity and the weight of evidence, not upon a simplistic statistical formula of using the median sale price per square foot of living area, including land, of those comparables determined to be most similar to the subject. (35 ILCS 200/16-185; Chrysler Corp. v. Property Tax Appeal Board, 69 Ill.App.3d 207 (2nd Dist. 1979); Mead v. Board of Review, 143 Ill.App.3d 1088 (2nd Dist. 1986); Ellsworth Grain Co. v. Property Tax Appeal Board, 172 Ill.App.3d 552 (4th Dist. 1988); Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill.App.3d 9 (5th Dist. 1989)). Based upon the foregoing legal principles and contrary to the assertion of the appellants' counsel in the rebuttal brief, there is no indication that a "median sale price per square foot" is the fundamental or primary means to determine market value.

The Board finds the dissimilarity between the subject and all 22 comparables submitted by both parties, in that the subject contains two buildings rather than one, makes the use of value per square foot of living area as the unit of comparison impractical. In addition, the board of review did not disclose the value per square foot of their comparables or the subject. The appellants did disclose the value per square foot of the subject, but used the dwelling size of building #1 only, resulting in an erroneous value per square foot for the property. Therefore, the Board will utilize value per apartment unit as the basis of comparison. The Board gave less weight to comparables with two units as compared to the subject's three units. The Board finds board of review's comparables #5, #7 and #17 very similar to the subject in number of apartment units, location, style and age. These comparables sold for prices ranging from \$41,667 to \$46,667 per apartment unit, including land. The subject's assessment reflects a market value of \$59,733 per apartment unit, including land, which is above the range established by the best comparable sales in this record. Based on this evidence the 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.