



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

APPELLANT: Petro & Olga Brodycz
DOCKET NO.: 15-06722.001-R-1
PARCEL NO.: 03-17-453-017

The parties of record before the Property Tax Appeal Board are Petro & Olga Brodycz, the appellants, 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:

LAND: \$21,296
IMPR.: \$78,354
TOTAL: \$99,650

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) 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 "Magnolia D-2" style dwelling of frame and masonry construction with 3,322 square feet of living area. The dwelling was constructed in 2006. Features of the home include a 1,572 square foot basement, central air conditioning, a fireplace and a 598 square foot attached garage. The property has a 9,148 square foot site and is located in West Dundee, Dundee Township, Kane County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted information on six comparable sales that were located from .01 to .23 of a mile from the subject. Two of the comparables were "Magnolia D-2" styles like the subject. All the comparables were two-story dwellings that had varying degrees of similarity to the subject. The comparables had sale dates occurring from November 2014 to August 2015 for prices

ranging from \$206,000 to \$292,500 or from \$69.45 to \$92.94 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$110,191. The subject's assessment reflects a market value of \$330,805 or \$99.58 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 three comparable sales that were located from .17 to .25 of a mile from the subject. One of the comparables was a "Magnolia D-2" style like the subject. The comparables were two-story dwellings that had varying degrees of similarity to the subject. The comparables had sale dates occurring from February 2015 to January 2016 for prices ranging from \$318,000 to \$400,000 or from \$95.73 to \$121.91 per square foot of living area, including land. The board of review's evidence included a brief critiquing the appellant's submission.

Under rebuttal, the appellants critiqued the board of review's comments regarding the appellants' appeal and argued that compulsory sales are valid comparables and the median sale price of the best comparables should be used to determine market value. In addition, board of review comparable #1 sold over one year after the assessment date at issue.

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.

The parties submitted a total of nine comparables for the Board's consideration. The Board finds all of the parties' comparables are similar to the subject in location, style, size, age and features. The comparables had sale prices ranging from \$206,000 to \$400,000 or from \$69.45 to \$121.91 per square foot of living area, including land. However, the Board further finds the best evidence of market value to be the parties' three "Magnolia D-2" style dwellings like the subject. These most similar comparables sold for prices ranging from \$237,500 to \$318,000 or from \$71.94 to \$95.73 per square foot of living area, including land. The subject's assessment reflects a market value of \$330,805 or \$99.58 per square foot of living area, including land, which is above the range established by the best comparable sales in this record. The Board recognizes that board of review comparable #1's sale occurred in January 2016 and therefore gave somewhat less weight to this comparable in its final analysis. 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. Pursuant to Section 1910.50(b) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(b)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



Chairman



Acting Member

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: November 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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

AGENCY

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Petro & Olga Brodycz, by attorney:
Jessica Hill-Magiera
Attorney at Law
790 Harvest Drive
Lake Zurich, IL 60047

COUNTY

Kane County Board of Review
Kane County Government Center
719 Batavia Ave., Bldg. C, 3rd Fl.
Geneva, IL 60134