



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

APPELLANT: Joel and Kimberly Wagner
DOCKET NO.: 16-00426.001-R-1
PARCEL NO.: 07-01-13-402-008-0000

The parties of record before the Property Tax Appeal Board are Joel and Kimberly Wagner, the appellants, by attorney Dennis M. Nolan, of Dennis M. Nolan, P.C. in Bartlett; and the Will County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **No Change** in the assessment of the property as established by the Will County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$31,200
IMPR.: \$150,782
TOTAL: \$181,982

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a decision of the Will County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2016 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 4,729 square feet of living area.¹ The dwelling was constructed in 2007. Features of the home include an unfinished basement, central air conditioning, a fireplace and a 718 square foot garage. The property has a 12,736 square foot site and is located in Bolingbrook, Wheatland Township, Will County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted an appraisal with an estimated market value of \$525,000 as of August 25,

¹ The Property Tax Appeal Board finds the best evidence of size was presented by the appellants and is located in the appraisal which contains a schematic diagram and the calculations of the subject's size. The board of review's property record card did not include a schematic diagram depicting the size of the subject and the related calculations.

2015. The appraisal was prepared by Mark Emmerich, a State of Illinois certified residential real estate appraiser. The appraisal was prepared for ad valorem purposes. In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value. Under the sales comparison approach to value the appraiser utilized five comparable sales and an active listing that are located within .42 of a mile from the subject property. The comparables are improved with two-story dwellings ranging in size from 3,580 to 4,454 square feet of living area.² The dwellings were constructed from 2005 to 2014. The comparables have basements, two of which have finished area. Each comparable has central air conditioning and a three-car garage. The comparables have sites ranging in size from 12,750 to 17,795 square feet of land area. Five comparables sold from February 2014 to July 2015 for prices ranging from \$428,300 to \$540,000 or from \$117.02 to \$141.78 per square foot of living area, including land. Comparable #6 was listed for \$489,900 or \$131.55 per square foot of living area, including land. After making adjustments to the comparables for differences from the subject, the appraiser estimated the comparables had adjusted prices ranging from \$463,960 to \$556,000. Based on this data the appraiser estimated the subject had an estimated market value of \$525,000 as of August 25, 2015. Based on this evidence, the appellants requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$181,982. The subject's assessment reflects a market value of \$547,150 or \$115.70 per square foot of living area, land included, when using the 2016 three-year average median level of assessment for Will County of 33.26% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment of the subject property the board of review submitted information on two comparables, one of which sold twice. Comparables #1 and #2 are the same property with a site size of 10,872 square feet of land area. The comparables are located within .28 of a mile from the subject property. The comparables are improved with two-story dwellings containing 4,382 or 4,492 square feet of living area that were constructed in 2006 or 2014. Both comparables have basements, one of which has finished area, central air conditioning, a fireplace and a garage containing 780 or 827 square feet of building area. The comparables sold from May 2014 to May 2017 for prices ranging from \$624,000 to \$649,789 or from \$142.40 to \$144.65 per square foot of living area, including land.

The board of review also submitted a memo that included a grid of 13 sales that occurred from 2014 to 2017 in the subject's A60 neighborhood code. Five of these sales were used by both parties in their grid analyses. The board of review also argued that 5 of the 7 comparable in the appellants' appraisal were located in a different section of the subject's subdivision (A61). The board of review alleged these homes were lesser quality-built dwellings compared to the higher quality custom built dwellings in the subject's A60 neighborhood code. The board of review also noted that the two comparables located in same neighborhood code as subject support the subject's assessment. Based on this evidence, the board of review requested confirmation of the subject's assessment.

² The story-height of the comparables was drawn from photographs in the appraisal since grid analysis did not disclose design.

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 failed to meet this burden of proof and no reduction in the subject's assessment is warranted.

The Board gave less weight to the appraisal submitted by the appellants. The appraiser utilized five comparables that were considerably smaller than the subject. The Board finds the large adjustments for size difference were suspect and not supported by any corroborating market value evidence. In addition, explanations or support for any of the adjustments were not made in the appraisal. These factors undermine the credibility of the appraisal's final value conclusion. However, the Board will look at the raw sales data including the comparables contained in the appraisal.

As an initial matter, the Board gave little weight to the additional eight comparables that were contained in the board of review's memo since they lacked any pertinent descriptive data for comparative analysis to the subject. In addition, the board of review comparable #3 was dissimilar in age when compared to the subject and given less weight. Lastly, the Board also gave less weight to board of review comparable #1 since it sold in May 2017 and was less proximate in time to the assessment date at issue.

The Board finds the best evidence of market value to be appraisal comparable #3 and board of review comparable #2. These two properties are most similar when compared to the subject in location, design, dwelling size and most features. They sold in February 2014 and December of 2015 for prices of \$540,000 and \$624,000 or \$121.24 and \$142.40 per square foot of living area including land, respectively. The subject's assessment reflects an estimated market value of \$547,150 or \$115.70 per square foot of living area including land, which is well supported by the most similar comparable sales contained in the record. After considering adjustments to the comparables for differences when compared to the subject, the Board finds the subject's estimated market value as reflected by its assessment is justified and a reduction in the subject's assessment is not warranted.

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(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) 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



Member



Member

Member



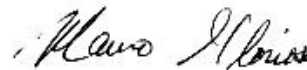
Member

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: May 21, 2019



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

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