



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

APPELLANT: Cynthia Kane -Enak LLC
DOCKET NO.: 16-01122.001-R-1
PARCEL NO.: 16-05-24-200-017-0000

The parties of record before the Property Tax Appeal Board are Cynthia Kane - Enak LLC, the appellant, by Jessica Hill-Magiera, Attorney at Law, in Lake Zurich, 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: \$ 51,561
IMPR.: \$173,533
TOTAL: \$225,094

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant 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 one-story dwelling of brick exterior construction with 2,793 square feet of living area. The dwelling was constructed in 1980. Features of the home include a full unfinished basement, two fireplaces, an attached garage of 611 and a detached garage of 630 square feet of building area. The property has a 7.09-acre site and is located in Homer Glen, Homer Township, Will County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on five comparable sales located in the city of Homer Glen and situated from .57 to .95 of a mile from the subject. The comparables consist of one-story dwellings that were built between 1974 and 1990. The homes range in size from 2,335 to 3,440

square feet of living area. Each dwelling has a fireplace and a garage ranging in size from 550 to 777 square feet of building area. The properties sold between October 2015 and January 2016 for prices ranging from \$250,000 to \$432,500 or from \$79.21 to \$142.40 per square foot of living area, including land.

Based on the foregoing evidence, the appellant 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 \$225,094. The subject's assessment reflects a market value of \$676,771 or \$242.31 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 response to the appeal, the board of review submitted a memorandum and data gathered by the Homer Township Assessor's Office. The township assessor contends the subject property has been zoned I-1 since 2006 which is an industrial zoning category, thus the presentation of residential dwellings as comparable properties is inappropriate according to the assessing officials. Furthermore, the comparables presented have lot sizes of an acre or less as compared to the subject's 7.09-acre site.

As to the appellant's comparable sale #1, the assessor reported the sale in January 2016 was the fulfillment of a contract for deed that was executed in 2015. From this data, the assessor contends the sale is not "a valid arm's-length transaction" which should be given no weight.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on five comparable sales located in the townships of Wheatland or Lockport. The parcels range in size from .2 of an acre to 41.42-acres of land area which have been improved with two, one-story buildings and three, two-story buildings of brick or brick and vinyl siding that were constructed between 1999 and 2006. The buildings range in size from 2,700 to 3,674 square feet of building area. No other characteristics of the comparables were reported in the grid analysis such as foundations, fireplace and/or garages. The comparables sold between September 2014 and October 2017, however, sales prices were not reported for either comparables #4 or #5.¹ Comparables #1 through #3 sold for prices ranging from \$430,000 to \$457,000 or from \$124.39 to \$152.52 per square foot of building area, including land.

In written rebuttal, the appellant argued that the subject structure was built as a single family home and "still maintains all the property characteristics of a single family home" such that consideration of other similar properties is appropriate, regardless of use.

As to the comparables presented by the board of review, the appellant critiqued each one noting differences in location, size, age, design and/or date of sale. Counsel made further arguments on behalf of the appellant as to the manner in which comparable sales should be analyzed by the Property Tax Appeal Board under the preponderance of the evidence standard.

¹ In written rebuttal, the appellant reported these sales prices as \$772,000 and \$1,780,000, respectively, or \$221.54 and \$1,183.51 per square foot of building area, including land.

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/did not meet* this burden of proof and a reduction in the subject's assessment *is/is not* warranted.

The parties submitted a total of ten comparable properties to support their respective positions before the Property Tax Appeal Board. None of the comparables are particularly similar to the subject in land area. The comparables all vary greatly in size and age when compared to the subject dwelling.

The Board finds the best evidence of market value to be appellant's comparable sales #1, #3 and #4 along with board of review comparable sales #4 and #5. Each of these comparables is a one-story structure like the subject and were most similar to the subject in age and size. Of the comparables presented, these five are the most similar available comparables in the record and sold for prices ranging from \$250,000 to \$1,780,000 or from \$79.21 to \$1,183.51 per square foot of living area, including land. The subject's assessment reflects a market value of \$676,771 or \$242.31 per square foot of living area, including land, which is within the range established by the best comparable sales in this record and appears to be well-justified given the subject's large land area as compared to each comparable. The only property with more land area is board of review comparable #5 which sold for the highest price and contains more than five times the amount of land of the subject. Based on the foregoing evidence in this record, the Board finds a reduction in the subject's assessment is not 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(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: October 15, 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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