



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

APPELLANT: Manfred & Dawn Rosch
DOCKET NO.: 16-05268.001-R-1
PARCEL NO.: 20-18-428-025

The parties of record before the Property Tax Appeal Board are Manfred & Dawn Rosch, the appellants, by attorney Brian S. Maher of Weis, DuBrock, Doody & Maher in Chicago; and the McHenry 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 **McHenry** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$39,255
IMPR.: \$68,120
TOTAL: \$107,375

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a decision of the McHenry 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 brick and frame exterior construction with 3,085 square feet of living area. The dwelling was constructed in 1922 and has an effective age of 1974. Features of the home include a partial basement, central air conditioning, a fireplace and a 1,034 square foot garage. The property has a 12,860 square foot site and is located in Fox River Grove, Algonquin Township, McHenry County.

The appellants contend assessment inequity as the basis of the appeal. The subject's land assessment was not contested. In support of the inequity argument, the appellants submitted limited descriptive information on three equity comparables, two of which are located from 3.6 to 3.7 miles from the subject property. The appellants did not disclose one of the comparables proximity to the subject. The comparables were improved with two-story dwellings of brick or frame exterior construction ranging in size from 2,007 to 2,208 square feet of living area. The

dwellings were constructed from 1882 to 1953. The comparables have improvement assessments ranging from \$32,046 to \$43,804 or from \$14.51 to \$19.91 per square foot of living area. Based on this evidence, the appellants requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$107,375. The subject property has an improvement assessment of \$68,120 or \$22.08 per square foot of living area.

In response to the appellants' data, the board of review contends that comparables #1 and #2 are dissimilar in location when compared to the subject. The subject property is located in Fox River Grove and has direct Fox River waterfrontage, whereas comparable #1 is located in rural Cary with no waterfrontage and comparable #2 is located in Lake in the Hills with no waterfrontage.

In support of its contention of the correct assessment, the board of review submitted information on three equity comparables located in Fox River Grove with direct Fox River waterfrontage like the subject. The comparables were improved with two-story dwellings of frame or brick and frame exterior construction ranging in size from 2,781 to 3,227 square feet of living area. The dwellings were constructed from 1955 to 1989. Each comparable has central air conditioning and two comparables have one or two fireplaces. The comparables each have a garage ranging in size from 457 to 1,161 square feet of building area. The comparables have improvement assessments ranging from \$71,106 to \$86,901 or from \$25.57 to \$26.93 per square feet of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The appellants contend assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellants did not meet this burden of proof and no reduction in the subject's assessment is warranted.

The parties submitted six suggested equity comparables for the Board's consideration. The Board gave less weight to the comparables submitted by the appellants due to their smaller sizes and/or dissimilar locations when compared to the subject. Moreover, the appellants' grid analysis lacked descriptive details of the comparables for an accurate comparative analysis.

The Board finds the best evidence of assessment equity to be the comparables submitted by the board of review. These three comparables are most similar in location, dwelling size, design, age and some features when compared to the subject. These comparables had improvement assessments ranging from \$71,106 to \$86,901 or from \$25.57 to \$26.93 per square foot of living area. The subject property has an improvement assessment of \$68,120 or \$22.08 per square foot

of living area, which falls below the range established by the most similar comparables in this record. After considering adjustments to the comparables for differences when compared to the subject, the Board finds the evidence demonstrates the subject's improvement assessment is justified. Based on this record, the Board finds the appellants did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and no reduction in the subject's assessment is justified.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. The requirement is satisfied if the intent is evident to adjust the burden with a reasonable degree of uniformity and if such is the effect of the statute enacted by the General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395 (1960). Although the comparables presented by the parties disclosed that properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity, which appears to exist on the basis of the evidence presented.

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: April 23, 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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