



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

APPELLANT: Barbara Frantz
DOCKET NO.: 16-05425.001-R-1
PARCEL NO.: 09-13-477-046

The parties of record before the Property Tax Appeal Board are Barbara Frantz, the appellant, by attorney Andrew J. Rukavina of The Tax Appeal Company in Mundelein; and the McHenry 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 **McHenry** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$52,447
IMPR.: \$60,875
TOTAL: \$113,322

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant 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 is improved with a part 1-story and part 1.5-story dwelling with 1,848 square feet of living area. The dwelling was constructed in 1930. Features of the home include a crawl space foundation, central air conditioning, one fireplace and a 755 square foot deck. The property is also improved with a one-story guest/coach house containing 560 square feet, which is connected via a 144 square foot enclosed porch to a garage with 506 square feet of building area. The property is described as being a riverfront cape cod style home with a 16,896 square foot site in Johnsburg, McHenry Township, McHenry County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$340,000 as of January 1, 2016. The property was appraised by Steven L. Smith, a certified residential real estate appraiser.

Smith described the home as being in average condition for the area with no physical, functional or external inadequacies observed. The appraiser also explained the coach home is a large rec room with a bathroom but no kitchen. He explained the coach home is approximately 560 square feet and is not a rentable unit or a house. In estimating the gross living area, the appraiser combined the size of the home with the coach house to arrive at a total living area of 2,408 square feet.

In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value using four comparable sales improved with three 1.5-story dwellings and a two-story dwelling that range in size from 1,984 to 2,690 square feet of living area. The homes range in age from approximately 50 to 76 years old. Three of the comparables have crawl space foundations and one comparable has a partial basement. Each comparable has central air conditioning, two comparables each have one fireplace, and each as either a two-car or a three-car garage. Three of the comparables are described as having a riverfront view like the subject property. The comparables have sites ranging in size from 6,491 to 23,522 square feet of land area and are located within .62 miles of the subject property. The sales occurred from February 2015 to July 2016 for prices ranging from \$257,000 to \$355,000 or from \$128.77 to \$146.09 per square foot of living area, land included. The appraiser asserted that adjustments to the comparables for differences from the subject were market based utilizing a paired sales analysis. The adjusted prices ranged from \$327,700 to \$351,900. The appraiser arrived at an estimated market value of \$340,000 or \$141.20 per square foot of living area, including land. The appellant requested the subject's assessment be reduced to \$113,322 to reflect the appraised value using the statutory level of assessments.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$129,104. The subject's assessment reflects a market value of \$387,816 or \$161.05 per square foot of living area, land included, when 2,408 square feet of living area and the 2016 three-year average median level of assessment for McHenry County of 33.29% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on five comparable sales identified by the township assessor improved with three, one-story dwellings and two, 1.5-story dwellings that range in size from 1,538 to 2,712 square feet of living area. The dwellings were built from 1930 to 1959. One comparable has a basement, each comparable has central air conditioning, three comparables each have one fireplace, and each comparable has a two-car garage. These properties have sites ranging in size from 7,500 to 23,522 square feet of land area. Four comparables are described as having river waterfront lots and one comparable has a Dutch Creek waterfront site. The sales occurred from February 2016 to August 2016 for prices ranging from \$257,000 to \$400,000 or from \$129.54 to \$211.98 per square foot of living area, land included. The analysis submitted by the board of review included adjustments to the comparables for differences from the subject to arrive at adjusted prices ranging from \$330,340 to \$458,735. Comparables #1 and #2 were the same as appellant's appraiser's sales #2 and #4, respectively.

In rebuttal the board of review provided a statement from the township assessor asserting that appraisal comparable sale #1 has 3,038 square feet of living area and comparable #3 is not a

waterfront home but has a waterfront lot that went with the property. The assessor contends comparable #3 does not have the same desirability as a home that looks out on water. The assessor also contends the appellant's appraiser did not include the bathroom in the coach house in the analysis.

A copy of the subject's property record card submitted by the board of review disclosed the appellant purchased the property in December 2012 for a price of \$328,000.

In rebuttal the appellant's counsel submitted copies of the Multiple Listing Service (MLS) listings for board of review sales #3 through #5 disclosing each had been remodeled or rehabilitated whereas the subject had not.

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

The Board finds the best evidence of market value to be the appraisal submitted by the appellant estimating the property had a market value of \$340,000 as of the assessment date. The Board finds the comparable sales utilized by the appellant's appraiser were relatively similar to the subject property in location, style and features. The adjustments to the sales provided by the appraiser appeared reasonable and supported. The subject's assessment reflects a market value of \$387,816, which is above the appraised value presented by the appellant. Less weight is given the evidence provided by the board of review as two of the five comparables selected were also used and analyzed by the appellant's appraiser. The three remaining comparable sales submitted by the board of review had been renovated or rehabilitated suggesting these properties were in a superior condition to the subject. As a final point, the record disclosed the subject property was purchased in December 2012 for a price of \$328,000, which further demonstrates the appraised value presented by the appellant is reasonable. Based on this evidence the Board finds a reduction in the subject's assessment is appropriate.

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 21, 2020



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

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