



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

APPELLANT: Richard Gunther
DOCKET NO.: 16-05918.001-R-1
PARCEL NO.: 09-24-203-002

The parties of record before the Property Tax Appeal Board are Richard Gunther, the appellant, by attorney Joseph Menges, of Menges Attorney at Law, P.C. in Wauconda; 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: \$66,583
IMPR.: \$60,993
TOTAL: \$127,576

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 consists of a one-story ranch style dwelling of brick and wood exterior construction with 2,292 square feet of living area.¹ The dwelling was constructed in 1970. Features of the property include a full basement with finished area, central air conditioning, two fireplaces and a two-car garage. The property has a 26,468 square foot waterfront site and is located in McHenry, McHenry Township, McHenry County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal report prepared by Kevin Carrico, a Certified Residential Real Estate Appraiser. The intended use of the retrospective appraisal is to estimate fair market value as of January 1, 2016 for real estate tax assessment purposes. In estimating the market value of

¹ The parties differ slightly as to the dwelling size of the subject. The Board finds the small discrepancy will not impact the Board's decision in this appeal.

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 described as one, 1.5-story Colonial, one, 2-story Colonial and three, ranch style dwellings ranging in size from 1,560 to 3,038 square feet of living area. The dwellings were approximately 35 to 96 years old. Two comparables have full unfinished basements, one with walk-out. Four comparables have central air conditioning, each comparable has a two-car or a three-car garage and four comparables each have one or two fireplaces. The properties have channel or waterfront sites ranging in size from 9,600 to 35,707 square feet of land area. The comparables sold from February to August 2015 for prices ranging from \$269,000 to \$350,000 or from \$92.25 to \$179.49 per square foot of living area, including land. After applying adjustments to the comparables for differences when compared to the subject, the appraiser arrived at an estimated market value of \$360,000 as of January 1, 2016. Based on this evidence, the appellant requested a reduction in the subject property's total assessment to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$127,576. The subject's assessment reflects a market value of \$383,226 or \$167.20 per square foot of living area, land included, when using the 2016 three-year average median level of assessment for McHenry County of 33.29% as determined by the Illinois Department of Revenue.

In response to the appellant's evidence, the board of review submitted a memorandum from the township assessor critiquing the appellant's appraisal.

In support of the subject's assessment, the board of review submitted information on three comparable sales described as 1-story dwellings of vinyl or frame exterior construction that range in size from 1,538 to 2,330 square feet of living area. The dwellings were constructed from 1940 to 1971. One comparable has an unfinished basement. Each comparable has central air conditioning, one or two fireplaces and a two-car, three-car or a four-car garage. The comparables are situated on river waterfront sites ranging in size from 9,803 to 26,136 square feet of land area. The comparables sold from March to June 2016 for prices ranging from \$320,000 to \$472,500 or from \$173.00 to \$208.06 per square foot of living area, including land. Based on this evidence, the board of review requested that the subject property's assessment be confirmed.

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

The Board finds the parties submitted an appraisal and three comparable sales to support their respective positions. As to the appellant's appraisal, the Board gave little weight to the value conclusion in the appellant's appraisal due to the appraiser's selection of comparables that were dissimilar to the subject in lot size and dwelling size when other more comparable properties

were available. The Board also gave less weight to board of review comparable #1 due to its considerably smaller dwelling size when compared to the subject.

The Board finds the best evidence of market value to be board of review comparables #2 and #3 which are most similar to the subject in lot size and dwelling size. The Board recognizes adjustments would have to be considered to comparables #2 and #3 for a larger garage feature, comparable #2 for lack of a basement and comparable #3 for dissimilar age when compared to the subject. The properties sold in April and March 2016 for prices of \$380,250 and \$472,500 or for \$173.00 and \$202.79 per square foot of living area, including land, respectively. The subject's assessment reflects an estimated market value of \$383,226 or \$167.20 per square foot of living area, including land, which is supported by the best comparable sales contained in the record. After considering any necessary adjustments to the comparables for differences such as age when compared to the subject, the Board the subject's assessment is supported and 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: May 26, 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

AGENCY

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