



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

APPELLANT: Joseph J. Klein
DOCKET NO.: 17-00192.001-R-1
PARCEL NO.: 09-16-451-007

The parties of record before the Property Tax Appeal Board are Joseph J. Klein, the appellant, by attorney Eugene P. Griffin of Eugene L. Griffin & Associates, Ltd. in Chicago; and the Kane 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 **Kane** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$80,447
IMPR.: \$202,773
TOTAL: \$283,220

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Kane County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2017 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 exterior construction with 5,564 square feet of living area. The dwelling was constructed in 1996. Features of the home include a full basement with finished area, central air conditioning, two fireplaces and a four-car garage containing 1,132 square feet of building area. The property has a 61,115 square foot site and is located in St. Charles, St. Charles Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal with an estimated market value of \$850,000 as of January 1, 2017. The appraisal was prepared by Gregory B. Nold, MAI, a State of Illinois certified real estate appraiser. The property rights appraised were fee simple and the appraisal was performed for ad valorem taxation 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 four comparable sales and two listings located in St. Charles within .77 of a mile of the subject property to estimate the market value. The parcels range in size from 41,818 to 91,911 square feet of land area and have been improved with two-story dwellings of frame, masonry or frame and masonry exterior construction that range in age from 13 to 29 years old. The homes range in size from 4,251 to 5,842 square feet of living area. Each comparable features a basement with finished area, central air conditioning, one to four fireplaces and a three-car or a four-car garage. Four comparables sold from September 2015 to July 2016 for prices ranging from \$515,000 to \$900,000 or from \$105.84 to \$211.71 per square foot of living area, including land. Two comparables were listed for prices of \$859,000 and \$925,000 or \$158.34 and \$174.35 per square foot of living area, including land. The appraiser made adjustments for differences in location, land area, quality of construction, dwelling size and/or other amenities. After making adjustments to the comparables for differences from the subject the appraiser estimated the comparables had adjusted prices ranging from \$654,900 to \$864,850. Based on this data the appraiser estimated the subject had an estimated market value of \$850,000 as of January 1, 2017.

Based on this 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 \$325,771. The subject's assessment reflects a market value of \$977,704 or \$175.72 per square foot of living area, land included, when using the 2017 three-year average median level of assessment for Kane County of 33.26% as determined by the Illinois Department of Revenue.

The board of review submitted a letter from the St. Charles Township Assessor's Office along with additional data. The assessor critiqued the adjustments in the appellant's appraisal.

In support of its contention of the correct assessment of the subject property, the board of review provided information on five comparable sales located between .52 of a mile and 2.80 miles from the subject property. The comparables are improved with two-story dwellings of brick, frame and brick or stone and frame exterior construction ranging in size from 4,135 to 5,582 square feet of living area. The dwellings were constructed from 1989 to 2004. Each comparable features a basement with finished area, central air conditioning, two or three fireplaces and a garage ranging in size from 756 to 1,095 square feet of building area. The comparables have sites ranging in size from 47,524 to 122,055 square feet of land area. The comparables sold from April 2015 to May 2017 for prices ranging from \$736,000 to \$880,000 or from \$165.43 to \$212.82 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant's counsel submitted a letter prepared by the appraiser critiquing the board of review's comparables.

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. The appraiser developed the sales comparison approach to value using four comparable sales and two listings with varying degrees of similarity to the subject property. The appraiser adjusted the comparables for differences from the subject property, which appeared reasonable, and arrived at an estimated market value of \$850,000. The subject's assessment reflects a market value of \$977,704, which is greater than the appraised value. Based on this record, the Board finds the subject property had a market value of \$850,000 as of the assessment date at issue. The Board gave less weight to the board of review comparables #1 through #4 due to their distant locations being over 1.46 miles from the subject property. Since market value has been established the 2017 three-year average median level of assessments for Kane County of 33.32% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

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

AGENCY

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