



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

APPELLANT: Ehsan Safari
DOCKET NO.: 17-00406.001-R-1
PARCEL NO.: 08-13-453-006

The parties of record before the Property Tax Appeal Board are Ehsan Safari, the appellant, by attorney Arnold G. Siegel, of Siegel & Callahan, P.C. 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: \$ 36,472
IMPR.: \$363,488
TOTAL: \$399,960

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 masonry exterior construction with 7,754 square feet of living area. The dwelling was constructed in 2009. Features of the home include a full walkout-style basement with 1,500 square feet of finished basement area, central air conditioning, four fireplaces and a 1,058 square foot garage. The property has a 33,419 square foot site and is located in St. Charles, Campton Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted a 69-page appraisal report prepared by Gregory B. Nold, MAI and a Certified General Real Estate Appraiser, estimating the subject property had a market value of \$1,200,000 or \$154.76 per square foot of living area, including land, as of January 1, 2017.

As part of the appraisal report, Nold reported the subject, due to its size, is positioned near the top end of the market. He further noted the subdivision is "still a work in progress with abundant vacant parcels of land and slow, but continual, construction of new units." The new homes, however, are almost all smaller than 6,000 square feet of living area and most of them are smaller than 5,000 square feet of living area. Nold also reported some items of functional obsolescence including the large amount of vaulted and two-story ceilings that increase noise levels and utility costs "while also reducing private space, significant slope that decreases site utility, limited (small) exterior entertaining spaces." Lastly, Node referenced the assertion of a realtor that "homes with excessive building sizes receive little to no incremental value for exceeding what the current market demands." (Appraisal, p. 40)

Using the sales comparison approach, the appraiser considered five comparable sales located in St. Charles and in close proximity to the subject property. The comparables have sites that range from 24,357 to 38,272 square feet of land area. The comparable properties are improved with two-story dwellings of masonry or frame and masonry exterior construction that were built between 2005 and 2014. The dwellings range in size from 4,765 to 7,579 square feet of living area. Each comparable has a basement, three of which have finished areas. Each home also has a three-car to a five-car garage. Appraisal sale #4 also has an in-ground swimming pool. The comparables sold between January 2016 and January 2017 for prices ranging from \$795,000 to \$1,330,000 or from \$108.85 to \$226.42 per square foot of living area, land included. (Appraisal, pages 48-52)

After identifying differences between the comparable properties and the subject, the appraiser made quantitative adjustments to the sales for differences in location, dwelling size, design/features, age/condition and land-to-building ratio discussed the adjustments in detail on pages 54 to 56 the appraisal report. The appraiser determined that the adjusted sale prices of the comparable properties ranged from \$141.51 to \$158.15 per square foot of living area, land included. From this data and analysis, Nold concluded an estimate of market value for the subject of \$155.00 per square foot of living area, including land, or \$1,200,000, including land, under the sales comparison approach to value.

Based on the foregoing evidence, the appellant requested an assessment reflective of the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$484,846. The subject's assessment reflects a market value of \$1,455,120 or \$187.66 per square foot of living area, land included, when using the 2017 three year average median level of assessment for Kane County of 33.32% as determined by the Illinois Department of Revenue.

In a memorandum prepared by the township assessor it was noted in part "the larger square footage of this warrants a lower 'dollars per square foot' assessed value, but also notes that 7,000+ square foot homes in this neighborhood are assessed in the \$190 - \$200 sf range." The assessor further reported that the subject currently has the lowest assessment for over-size 7,000+ square foot home in the neighborhood.

In support of its contention of the correct assessment, the board of review through the township assessor submitted information on three comparable sales in close proximity to the subject property. The comparables have sites that range from 20,858 to 31,513 square feet of land area. The comparable properties are improved with two-story dwellings of masonry or frame and masonry exterior construction that were built between 2005 and 2007. The dwellings range in size from 5,229 to 5,720 square feet of living area. Each comparable has a basement, two of which have finished areas. Each home also has a garage ranging in size from 905 to 1,055 square feet of building area. Comparable sale #2 also has an in-ground swimming pool. The comparables sold between August 2015 and August 2017 for prices ranging from \$995,000 to \$1,260,000 or from \$190.28 to \$220.28 per square foot of living area, land included.

Based on the foregoing evidence and the contention that appraisal sale #4 supports the subject's current estimated market value based upon its assessment, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant argued the board of review's reliance upon one unadjusted comparable sale from the appellant's appraisal report is insufficient to establish market value of the subject property. As to the comparable sales presented by the board of review, counsel noted each dwelling is significantly smaller than the subject and noted the principle that smaller residences sell for a higher price per square foot than larger residences, all other factors being equal. Appellant's counsel also noted that board of review sale #2 occurred in 2015, a date more remote in time to the valuation date at issue of January 1, 2017 and thus less likely to be indicative of the subject's estimated market value.

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 appellant submitted an appraisal of the subject property and the board of review submitted three suggested comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to board of review sale #2 as the sale occurred in August 2015, a date more remote in time to the valuation date at issue of January 1, 2017 and thus less likely to be indicative of the subject's estimated market value. The Board has also given little weight to board of review sales #1 and #3 as these properties reflect unadjusted raw sales of smaller dwellings when compared to the subject property.

The Board finds the best evidence of market value in the record to be the appraisal submitted by the appellant with an estimated market value of \$1,200,000 as of January 1, 2017. In estimating the market value of the subject property, the appellant's appraiser utilized the sales comparison approach. The appraiser made adjustments to the comparables to account for differences from the subject property. Additionally, the appraiser also considered the subject's condition its impact in developing the opinion of market value. The Board finds the appraiser's conclusion of

value appears credible, logical and reasonable in light of the sales within the report. The subject's assessment reflects a market value of \$1,455,120 or \$187.66 per square foot of living area, including land, which is above the appraised value.

Based on this evidence the Board finds a reduction in the subject's assessment commensurate with the appellant's request is 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



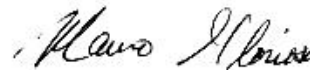
Member

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: 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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Ehsan Safari, by attorney:
Arnold G. Siegel
Siegel & Callahan, P.C.
1 North Franklin
Suite 450
Chicago, IL 60606

COUNTY

Kane County Board of Review
Kane County Government Center
719 Batavia Ave., Bldg. C, 3rd Fl.
Geneva, IL 60134