



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

APPELLANT: Roland Leszczynski
DOCKET NO.: 17-00430.001-R-1
PARCEL NO.: 02-24-228-043

The parties of record before the Property Tax Appeal Board are Roland Leszczynski, the appellant, by attorney Thomas J. Thorson, of Raila & Associates, 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 **No Change** 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: \$22,872
IMPR.: \$87,572
TOTAL: \$110,444

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 and frame (vinyl) exterior construction with 2,553 square feet of living area.¹ The dwelling was constructed in 2013. Features of the home include a full basement with finished area, central air conditioning, a fireplace and a 3-car garage that contains 575 square feet of building area.² The property is located in Gilberts, Rutland Township, Kane County.

The appellant contends assessment inequity as the basis of the appeal. In support of this argument the appellant submitted information on four equity comparables located on the same

¹ The board of review reported the subject has brick trim and submitted a Property Record Card, with photograph, documenting the brick exterior. The appellant contends the dwelling is frame with no brick.

² The board of review did not report basement finished area in their grid analysis. The appellant reported in Section III – Description of Property of the appeal form that the subject has a finished basement and a 3-car garage.

block as the subject. The comparables are described as two-story dwellings of frame (vinyl) exterior construction. They range in age from 3 to 5 years old and each dwelling contains 2,355 square feet of living area. The comparables feature full or partial unfinished basements, central air conditioning and two-car garages. The comparables have improvement assessments ranging from \$69,209 to \$73,913 or from \$29.39 to \$31.39 per square foot of living area. Based on this evidence the appellant requested the subject's total assessment be reduced.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$110,444. The subject property has an improvement assessment of \$87,572 or \$34.30 per square foot of living area.

With respect to the appellant's evidence, the board of review submitted a grid analysis of three of the appellant's four comparables as well as the board of review comparables. In those grid analyses, the board of review disclosed that the subject dwelling is a Meridian model home, the same model as the board of review comparables. At least three of the appellant's comparables are Carlisle model homes, smaller in size than the subject.

In support of its contention of the correct assessment, the board of review submitted information on three equity comparables on the same block as the subject. They are described as two-story dwellings of frame (vinyl) or brick and frame (vinyl) exterior construction. The dwellings were built in 2013 and contain either 2,519 or 2,553 square feet of living area. The comparables have full or partial basements, central air conditioning and three-car garages containing 575 square feet of building area. One comparable features a fireplace. The comparables have improvement assessments ranging from \$77,133 to \$92,651 or from \$30.62 to \$36.29 per square foot of living area. Based on this evidence the board of review asked for confirmation of the subject's assessment.

Conclusion of Law

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

Both parties submitted improvement assessment information on seven equity comparables for the Board's consideration. The Board gives less weight to the appellant's comparables based on their somewhat smaller dwelling sizes and dissimilar features such as inferior two-car garages as compared to the subject's superior three-car garage. The Board gives more weight to the board of review comparables which are similar to the subject in location, style/model, dwelling size and several features. These comparables have improvement assessments ranging from \$77,133 to \$92,651 or from \$30.62 to \$36.29 per square foot of living area. The subject's improvement assessment of \$87,572 or \$34.30 per square foot of living area falls within the range established by the comparables and is supported by the most similar comparables in this record. After

considering adjustments to the comparables for differences with the subject, the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is not justified.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. 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 the 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.

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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