



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

APPELLANT: Renee and Matthew Dietz
DOCKET NO.: 17-00457.001-R-1
PARCEL NO.: 12-10-328-016

The parties of record before the Property Tax Appeal Board are Renee and Matthew Dietz, the appellants, 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: \$94,603
IMPR.: \$170,397
TOTAL: \$265,000

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 three-story single-family dwelling of brick exterior construction with approximately 4,494 square feet of living area.¹ The dwelling was constructed in 2012. Features of the home include a full unfinished basement, central air conditioning, two fireplaces² and both an attached three-car garage of 713 square feet of building area and a detached two-car garage of 600 square feet of building area. The property has a 27,443 square foot site and is located in Geneva, Geneva Township, Kane County.

¹ There is a slight discrepancy of 18 square feet between the appellant's appraisal reported dwelling size of 4,476 and the assessor's dwelling size from the property record card of 4,494 square feet. The Property Tax Appeal Board finds the variance does not prevent a determination of the correct assessment on this record.

² The assessing officials report four fireplaces, but the appraiser reported only two fireplaces. The assessor's letter describes both a patio fireplace and a fireplace in an enclosed second-floor porch on the same stack. Again, the Board finds this descriptive discrepancy does not prohibit a determination of the correct assessment on the record.

The appellants contend overvaluation as the basis of the appeal. In support of this argument, the appellants submitted a 27-page appraisal prepared by Jerry T. Gallo, a Residential Real Estate Appraiser. The appraisal was prepared for a refinance transaction and estimated the subject property had a market value of \$795,000 as of March 7, 2017.

Gallo stated the subject dwelling built in 2012 had no updates, and was in average to good overall condition both inside and out. The appraiser also described the home as having a gourmet kitchen, two-story family room, zoned heating/AC, hardwood floors and multiple patio areas.

Using the sales comparison approach, the appraiser considered five comparable properties, three of which represent recent sales and two of which were active listings. The comparables were each located in Geneva and from .21 to .56 of a mile from the subject property. The comparables have sites that range in size from 10,745 to 33,547 square feet of land area. The comparable properties are each improved with two-story dwellings that were 1 to 139 years old. The dwellings range in size from 3,418 to 4,578 square feet of living area and each comparable has a basement, two which have finished areas. The homes feature zoned central air conditioning and a two-car or a three-car garage. Each of the comparables were described as being average in functional utility; sale #2 and the listings differed from the subject in condition; and sale #3 differed from the subject in quality of construction. Comparables #1 through #3 sold between June 2016 and January 2017 for prices ranging from \$695,000 to \$820,000 or from \$158.37 to \$204.23 per square foot of living area, land included; listings #1 and #2 had asking prices of \$739,900 and \$725,000 or \$216.47 and \$179.01 per square foot of living area, including land, respectively.

The appraiser applied various adjustments, including to the listings to reflect 96% of the asking prices and adjustments were also made to the comparables for differences when compared to the subject in lot size, quality of construction, condition, bathroom count, dwelling size, finished basement and/or garage size. Adjustments and the differences between the properties were also discussed on page #8 of the report. Through this process, Gallo opined adjusted sales/listing prices ranging from \$781,650 to \$819,000 or from \$172.31 to \$231.51 per square foot of living area, including land. As a result, the appraiser arrived at an estimated market value for the subject of \$795,000 or \$176.90 per square foot of living area, including land, as of March 7, 2017.

As part of the analysis, Gallo also asserted the subject's value was above the predominant market area price due to the "predominant price including short sales and REO sales in the area." (Appraisal, page #3)

In addition to the appraisal report, the appellants submitted a typed list of the improvement assessments for 2016 and 2017 for the subject and twelve homes, the majority of which were on the subject's street. The appellants entitled the document "neighborhood value trends" with a notation that the subject dwelling was the only home which did not "dramatically decrease on our street." The typed list is further supported with individual property record printouts and sets forth the improvement assessments of the various property addresses for both 2016 and 2017. In summary, besides the subject, for 2016 the improvement assessments range from \$55,105 to \$199,903 and for 2017 the improvement assessments range from \$42,529 to \$174,031. The

subject property had a 2016 improvement assessment of \$205,512 and has a 2017 improvement assessment of \$204,967.

Based on the foregoing evidence, the appellants requested an assessment to reflect the appraised value conclusion.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$299,570. The subject's assessment reflects a market value of \$899,070 or \$200.06 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 response to the appeal, the board of review submitted a three-page memorandum and data prepared by Denise LaCure, Geneva Township Assessor. The memorandum outlines the 2010 vacant land purchase by the appellants and the recorders' loan history for the subject property from May 2014 through October 2017. Using this data, LaCure opines at an 80% loan to value requirement for a first mortgage, the subject would have had to appraise for \$925,000 in 2015 to secure the March 2015 mortgage.

Next, the LaCure memorandum addressed the appellants' listing of improvement assessments by contending that the subject's market area is "undergoing significant gentrification"; some larger homes are being renovated and other smaller homes are being demolished and replaced with new custom dwellings. Due to these changes, for 2017 land values were higher and were offset by lower improvement values; for some properties, amenities were discovered and added to 2017 improvement assessments. "In response to the 2017 Board of Review complaint filed by the appellant[s] and evidence submitted, the subject's building value was increased."

As to the appellants' appraisal report, LaCure contended that both sales #2 and #3 had building permits obtained after purchase with estimated remodeling costs of \$30,000 and \$101,000, respectively.

The board of review through the township assessor provided a grid analysis that reiterated the appraisal comparables #1 through #5 and presented board of review comparable sales #6 through #9; also, according to the assessor, the appraisal listings sold in March and June 2017 for prices of \$710,000 and \$650,000 or for \$207.72 and \$160.49 per square foot of living area, including land. As part of the memorandum, the assessor reported all the comparables were located in desirable areas of Geneva Township.

Board of review comparables #6 through #9 were located from .26 to .38 of a mile from the subject property. The comparables have sites that range in size from 16,500 to 24,829 square feet of land area. The comparable properties are each improved with two-story dwellings that were 3 to 21 years old. The dwellings range in size from 3,433 to 4,031 square feet of living area and each comparable has a basement with finished area. The homes feature central air conditioning, from one to six fireplaces and three-car or four-car garages. The comparables sold from August 2015 to January 2016 for prices ranging from \$1,000,000 to \$1,135,000 or from \$253.94 to \$295.63 per square foot of living area, land included.

The assessor next in the grid analysis applied adjustments to all nine comparables in the record for differences in lot size, exterior construction, data concerning permits obtained subsequent to purchase, age, plumbing fixtures, living area, basement size, basement finish, number of fireplaces, garage size and/or other amenity differences. From this adjustment process, LaCure reported adjusted sales prices for the nine properties ranging from \$765,291 to \$1,153,402 or from \$170.29 to \$256.65 per square foot of living area, including land. Lastly in the memorandum and in light of the foregoing analysis, LaCure, who is not a party to this appeal, requested that the Property Tax Appeal Board place the subject's fair market value between \$1,015,015 and \$1,153,385.

The Kane County Board of Review, as a party to this appeal, requested that the subject's assessment be confirmed.

Conclusion of Law

As an initial matter, as the appellants' basis of appeal was overvaluation with reliance upon a recent appraisal, the Property Tax Appeal Board has not thoroughly analyzed the appellants' improvement assessment data listing 12 properties with their 2016 and 2017 improvement assessments. 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 summary data provided by the appellants failed to set forth the distinguishing characteristics of the homes as compared to the subject dwelling. Therefore, this data presented by the appellants will not be further analyzed herein.

Similarly, the Property Tax Appeal Board finds it is not a valid response to an overvaluation appeal to analyze recorder's data concerning loan history as was presented by the township assessor on behalf of the board of review. As a consequence, the Board will not further analyze the loan history data outlined and discussed by LaCure at length in her memorandum.

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

The appellants submitted an appraisal of the subject property and the board of review submitted four suggested comparable sales along with reporting the sales prices of appraisal listings #1 and #2 to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to board of review comparables #7, #8 and #9 as these dwellings each sold in 2015, a date more remote in time to the valuation at issue of January 1, 2017 and less likely to be indicative of the subject's estimated market value as of the assessment date. The Board has

also given reduced weight to board of review comparable #6 due its substantial 1,956 square feet of finished basement area which is not a feature of the subject dwelling.

The Board finds the best evidence of market value to be the appraisal submitted by the appellants with an opinion of value of \$795,000 which is further supported by the subsequent sales of listings #1 and #2 as reported by the board of review. The listings sold in March and June 2017 for prices of \$710,000 and \$650,000, including land. In estimating the market value of the subject property, the appellants' appraiser relied upon the sales comparison approach and made adjustments to the comparables to account for differences from the subject property. On this record, the Board finds the appraiser's conclusion of value appears credible, logical and reasonable in light of the sales within the report and is further supported by the subsequent sales of listings #1 and #2 when adjustments are made for differences in age, dwelling size, basement size and/or garage size. The subject's assessment reflects a market value of \$899,070 or \$200.06 per square foot of living area, including land, which is above the appraised value and above the recent sales of listings #1 and #2. The Board finds the subject property was overvalued and a reduction in the subject's assessment commensurate with the appellants' 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



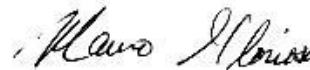
Member

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: 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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