



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

APPELLANT: Glenn Casbourne
DOCKET NO.: 17-00559.001-R-1
PARCEL NO.: 12-07-326-002

The parties of record before the Property Tax Appeal Board are Glenn Casbourne, the appellant, by Jessica Hill-Magiera, Attorney at Law, in Lake Zurich, 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: \$ 37,360
IMPR.: \$151,934
TOTAL: \$189,294

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 single-family dwelling of brick exterior construction with 3,918 square feet of living area. The dwelling was constructed in 2013. Features of the home include a full basement, central air conditioning, two fireplaces and a three-car garage containing 704 square feet of building area. The property has an 18,731 square foot site and is located in Geneva, Geneva Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted information on six comparable sales located in the same subdivision and within .30 of a mile from the subject. The comparables consist of two-story dwelling that were built between 2005 and 2009. The homes range in size from 3,236 to 3,391 square feet of living area. Each comparable has a full basement; five of the comparables have central air conditioning; and three of the comparables each have a fireplace. Each dwelling also features a

three-car garage. The comparables sold between April 2016 and March 2017 for prices ranging from \$400,000 to \$480,000 or from \$117.96 to \$143.23 per square foot of living area, including land.

Based on this evidence, the appellant requested an assessment reflect of a market value of \$533,057 or \$136.05 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$241,643. The subject's assessment reflects a market value of \$725,219 or \$185.10 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 two-page memorandum prepared by Denise LaCure, Geneva Township Assessor, along with a spreadsheet purportedly reiterating the appellant's comparables¹ and providing two comparables submitted by the assessor. Additional documentation included a copy of the subject's property record card and an aerial photograph depicting the location of all comparables. LaCure noted that each of the comparable dwellings presented by the appellant were older than the subject dwelling "built in an earlier period when the homes in this neighborhood were more modest" and sold from \$400,000 to \$499,000 which is clearly inferior to the subject dwelling.

In support of its contention of the correct assessment, the board of review disclosed the subject property was purchased in June 2013 for a price of \$732,867 or \$187.05 per square foot of living area, land included. As part of the memorandum, LaCure reportedly the subject's subdivision has three "distinct income levels represented" and the subject is one of the higher level executive homes in the subdivision. Additionally, the board of review submitted information on two comparable sales which LaCure described as being high end executive homes like the subject.

The board of review comparables are located .04 and .51 of a mile from the subject, one of which is located in the same subdivision as the subject as defined by the township assessor. The comparable parcels contain 16,800 and 19,323 square feet of land area and have been improved with two-story dwellings of brick and vinyl or composite exterior construction. The homes each contain 3,675 and 3,867 square feet of living area, respectively. The dwellings were each constructed in 2015. The homes feature basements, one of which has finished area and one of which is an English-style. Each dwelling has central air conditioning, a fireplace and four-car garage. The properties sold in April and September 2015 for prices of \$706,924 and \$731,677 or for \$192.36 and \$189.21 per square foot of living area, including land, respectively.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant argued comparables #1 and #2 presented by the board of review having both sold in 2015 are too remote in time to establish market value as of January 1, 2017. In a rebuttal grid analysis, counsel reiterated the appellant's six comparables as

¹ Comparing the data, the board of review provided a different property as appellant's comparable #4 with a slightly different parcel number and address than the appellant presented as his comparable #4.

being the best comparable sales in the record and contended the subject's assessment should be reduced.

Lastly in rebuttal, counsel argued that an analysis of raw sales prices per square foot fails to consider a median sale price per square foot to determine 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 parties submitted a total of eight comparable sales to support their respective positions before the Property Tax Appeal Board. The comparables presented have varying degrees of similarity to the subject in location, age, dwelling size and some features. The Board has given reduced weight to board of review comparables #1 and #2 as their sale dates in 2015 are more remote in time to the valuation date at issue and less likely to be indicative of the subject's estimated market value as of the assessment date of January 1, 2017. The Board has also given reduced weight to appellant's comparable #4 which, as reported by the appellant, lacks central air conditioning which is a feature of the subject property.

On this record, the Board finds the best evidence of market value to be appellant's comparable sales #1, #2, #3, #5 and #6. These most similar comparables, which are each older, smaller in dwelling size and have smaller basements than the subject dwelling, sold between April 2016 and March 2017 for prices ranging from \$400,000 to \$480,000 or from \$117.96 to \$143.23 per square foot of living area, including land. The subject's assessment reflects a market value of \$725,219 or \$185.10 per square foot of living area, including land, which is above the range established by the best comparable sales in this record. After considering necessary adjustments to the comparables for differences in age, dwelling size, basement size and/or amenities such as the number of fireplaces when compared to the subject, the Board finds a reduction in the subject's assessment 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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