



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

APPELLANT: Dale Weincouff
DOCKET NO.: 17-04778.001-R-1
PARCEL NO.: 14-01-306-011

The parties of record before the Property Tax Appeal Board are Dale Weincouff, the appellant, by attorney Glenn S. Guttman of Rieff Schramm Kanter & Guttman in Chicago; and the McHenry 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 **McHenry** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$8,333
IMPR.: \$0
TOTAL: \$8,333

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the McHenry 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 vacant residential channel front lot that contains approximately 7,800 square feet of land area. The property is located in McHenry Shores Unit 1 subdivision, McHenry, Nunda Township, McHenry 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 \$25,000 as of January 1, 2017. The appraisal was prepared by Erin E. Slepceovich, a State of Illinois Certified Residential Real Estate Appraiser. The property rights appraised were fee simple and the appraisal was performed to determine fair market value for 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 three comparable sales and one active listing that were located in the McHenry zip code from 1.32 to 5.95 miles from the subject property to estimate the market value. The parcels sites range in size from 8,909 to 25,006 square feet of land area. The comparables are described as having channel front, channel front/inferior, river/channel front and pier access/channel front views. Three comparables sold from September 2015 to February 2017 for prices ranging from \$13,000 to \$67,000 or from \$0.80 to \$3.79 per square foot of land area. Comparable #4 is listed for \$49,000 or \$2.81 per square foot of land area. The appraiser made qualitative adjustments to reflect positive/negative adjustments for differences in site, view, location, overall site size as well a comparable #4 being an active listing currently under contract. The appraiser also provided a data set of vacant land sales under 1 acre in the entire McHenry zip code. The average size of parcel that sold within the past 24 months is 19,035 square feet and the median size parcel that sold is 17,424 square feet. The average sale price is \$2,12 per square foot. The appraiser determined, all things considered, based on the subject's overall size, with channel front access to the Greater Fox River, a value in the middle to upper end of the range would be well supported. Based on this data the appraiser estimated the subject had an estimated market value of \$400,000 as of February 13, 2016.

Based on this evidence, the appellant requested an assessment reflective of the appraised value conclusion at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$20,484. The subject's assessment reflects a market value of \$61,680 or \$7.91 per square foot of land area when using the 2017 three-year average median level of assessment for McHenry County of 33.21% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review submitted a memorandum addressing the appraisal submitted by the appellant prepared by the Nunda Township Assessor, along with a copy of the subject's property record card and a "2017 Assessment Stipulation & Waiver of Hearing" with the appellant's and the township assessor's signatures dated September 28, 2017. The assessor asserted that the appellant's appraisal did not include any unimproved lots.¹ The assessor also asserted that the appraiser chose only one comparable located in the township, however it was not in the subject's subdivision. The assessor argued the appraiser calculations are based on sale price per square foot without extrapolating the improvement(s). The assessor explained that McHenry Shores land values are based on the site method, not a front foot or square foot method. The assessor noted that the appellant's agent signed a "2017 Assessment Stipulation & Waiver of Hearing" agreement which was presented at the 2017 board of review hearing. The assessor contends that both the 2017 stipulation agreement and the Notice of Final Decision clearly state their right to file with the Illinois Property Tax Appeal Board have been waived.

The board of review did not submit any market value evidence to address the overvaluation argument raised by the appellant.

¹ The assessor failed to provide documentary evidence to support his claim that the appraiser's comparables are not vacant sites, such as photographs, property record cards, PTAX-203 Illinois Real Estate Transfer Declarations or Multiple Listing Service (MLS) sheets.

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

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 only evidence of market value to be the appraisal submitted by the appellant. The board of review did not submit any market value evidence addressing the appellant's overvaluation claim. The appraiser developed the sales comparison approach to value using four comparable sales with varying degrees of similarity to the subject in location and site size. The appraiser adjusted the comparables for differences from the subject property and arrived at an estimated market value of \$25,000 or \$3.21 per square foot of land area. The subject's assessment reflects an estimated market value of \$61,680 or \$7.91 per square foot of land area which is greater than the appraised value. Based on this record, the Board finds a reduction in the subject's assessment commensurate to the appellant's request is warranted.

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: August 18, 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

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