



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

APPELLANT: Olivia Wenstrom
DOCKET NO.: 17-04972.001-R-1
PARCEL NO.: 10-20-126-012

The parties of record before the Property Tax Appeal Board are Olivia Wenstrom, the appellant, by attorney Margaret E. Graham, of O'Keefe Lyons & Hynes, LLC 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 **no change** 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: \$11,062
IMPR.: \$79,995
TOTAL: \$91,057

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 a two-story dwelling of frame exterior construction with 2,231 square feet of living area. The dwelling was constructed in 1913. Features of the home include an unfinished partial basement, central air conditioning, two fireplaces and a detached two-car garage with an apartment on the second floor. The property site contains approximately 16,553 square feet of land area with a lake/water view and is located in McHenry, McHenry Township, McHenry County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal report estimating the subject property had a market value of \$185,000 as of February 23, 2017. The ValueNet report was prepared by Stephen Jurica Jr., a State of Illinois certified real estate appraiser. "The appraiser did not inspect the property identified on this report but did rely upon an Exterior Inspection of the subject property and

immediate neighborhood which was performed by a third party.” The property rights appraised were fee simple and the appraisal was performed to assist the lender/client being BMO Harris Bank NA in collateral evaluation. 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 to estimate the subject’s market value. They are located from .60 of a mile to 3.91 miles from the subject property, one of which has a lake view. The parcels range in size from 7,200 to 19,150 square feet of land area and have been improved with two-story dwellings of frame exterior construction that were 38 to 90 years old. The homes range in size from 1,720 to 2,504 square feet of living area and feature unfinished basements. Two comparables have central air conditioning. Each comparable has a fireplace and a two-car garage. The comparables sold from August to December 2016 for prices ranging from \$178,000 to \$186,000 or from \$74.28 to \$103.49 per square foot of living area, including land. The appraiser made adjustments for differences in view, land area, age, room count, gross living area and/or other amenities. The appraiser commented on the finished living area on the second floor of the garage that disclosed “the legality of the finished area above the garage is unknown to the appraiser with the finished garage living area given no consideration in the value estimate”. After making adjustments to the comparables for differences from the subject the appraiser estimated the comparables had adjusted prices ranging from \$180,810 to \$198,330. As a result, the appraiser estimated the subject had an estimated market value of \$185,000 as of July 28, 2017.

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 \$91,057. The subject's assessment reflects a market value of \$274,185 or \$122.90 per square foot of living area, land included, 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.

The board of review submitted correspondence prepared by the McHenry Township Assessor regarding the appellant's evidence asserting that the appraisal is an exterior only, third party appraisal. The assessor argued that the appraisal should not be given any weight as there was no inspection of the property and the comparable homes used for the analysis are not comparable. The property record card indicates permits were issued on May 13, 2014 for updates and on May 21, 2015 for a deck.

In support of its contention of the correct assessment of the subject property, the board of review provided information on one comparable sale located in the same neighborhood with the same water and beach access as the subject property. The comparable site contains approximately 10,515 square feet of land area and is improved with a two-story dwelling containing 2,806 square feet of living area. The dwelling was constructed in 1933 and features a basement and central air conditioning. The property sold in March 2017 for a price of \$277,500 or \$98.90 per square foot of living area, including land.

Additionally, the board of review submitted a copy of the subject's property record card along with exterior photos of the subject's dwelling and detached garage dated May 14, 2014 and March 4, 2016, along with the subject's property record card. The photos show that the dwelling was remodeled after its purchase. The board of review also asserted the property now includes a guest house with 347 square feet of living area. The property record card indicates permits were issued on May 13, 2014 for updates and on May 21, 2015 for a deck.

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 did not meet this burden of proof and no reduction in the subject's assessment is warranted.

Initially, the Board gives little weight in its analysis to the final opinion of value found in the appraisal report submitted by the appellant. The report indicates that only an exterior inspection of the subject property was made by a third party and thus, the Board finds the appraiser's lack of adjustments for the apartment above the subject's detached garage appears to have no factual support. Additionally, the appraiser did not inspect the property and is unaware of any major repairs unless stated in the report. The appellant did not refute the board of review's claims that the subject property was remodeled and calls into question whether the appraiser's lack of adjustments for condition are appropriate. These factors undermine the credibility of appraisal report's conclusion of value of the subject property. However, the Board will examine the raw sales data contained in the appellant's appraisal.

The Board gave less weight to the appraiser's comparables #1 and #3 due to their dissimilar non-lake/water view locations. Additionally, comparable #1 is smaller in dwelling size when compared to the subject.

The Board finds, on this limited record, the best evidence of market value to be the appraiser's comparable #2 and the one comparable submitted by the by the board of review with most weight given to board of review comparable #1. These two comparables are similar in location, though both comparables have smaller site sizes and neither have an apartment above the garage which would require upward adjustments. Furthermore, appellant's comparable #2 is newer in age requiring a downward adjustment and board of review comparable #1 has a larger dwelling size but lacks a garage, unlike the subject. The comparables sold in October 2016 and March 2017 for prices of \$185,000 and \$277,500 or for \$84.90 and \$98.90 per square foot of living area, including land. The subject's assessment reflects a market value of \$274,185 or \$122.90 per square foot of living area, including land. The subject's overall value is less than the purchase price of the best comparable sale of \$277,500 which has a smaller site and lacks a garage with an apartment on the second floor. After considering any necessary adjustments to the comparables for differences when compared to the subject, the Board finds the subject's

estimated market value as reflected by its assessment is supported and a reduction in the subject's assessment is not 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: 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

AGENCY

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

APPELLANT

Olivia Wenstrom, by attorney:
Margaret E. Graham
Dykema Gossett PLLC
10 South Wacker Drive
Suite 2300
Chicago, IL 60606

COUNTY

McHenry County Board of Review
McHenry County Government Center
2200 N. Seminary Ave.
Woodstock, IL 60098