



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

APPELLANT: Don Miller
DOCKET NO.: 18-00886.001-R-1
PARCEL NO.: 06-12-402-010

The parties of record before the Property Tax Appeal Board are Don Miller, the appellant; 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: \$11,919
IMPR.: \$34,428
TOTAL: \$46,347

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 2018 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 multi-family dwelling of frame exterior construction. The dwelling has 1,980 square feet of living area and was constructed in 1910. Features include two apartment units, a 990 square foot basement with finished area and a detached 472 square foot garage. The property has an 8,712 square foot site and is located in Elgin, Elgin Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on three comparable sales which are numbered 1, 2 and 4 in the grid analysis. The comparables are located from 0.06 of a mile to 1.88 miles from the subject property. The comparables consist of one, two-story multi-family dwelling and two, part one-story and part two-story multi-family dwellings of frame exterior construction. The comparables have sites ranging in size from 8,712 to 9,750 square feet of land area. The dwellings were constructed from 1870 to 1930 and range in size from 1,948 to 2,238 square feet of living area.

Each comparable features two apartment units and a basement with one having finished area. One comparable has central air conditioning and two comparables each have a garage containing 400 or 216 square feet of building area. As part of their submission, the appellant provided the property data sheets and Multiple Listing Service (MLS) sheets associated with each sale. The MLS sheets disclosed comparables #1 and #2 were sold "as is". The comparables sold from August 2017 to February 2018 for prices of \$125,000 and \$130,000 or for \$62,500 and \$65,000 per apartment unit or from \$55.85 to \$66.74 per square foot of living area, land included.

Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$40,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$46,347. The subject's assessment reflects a market value of \$138,972 or \$69,486 per apartment unit, or \$70.19 per square foot of living area, land included, when using the 2018 three-year average median level of assessment for Kane County of 33.35% as determined by the Illinois Department of Revenue. The board of review also disclosed that 2015 was the first year of the general assessment cycle for Kane County.

In response to the appeal, the board of review submitted a memorandum and data prepared by the Elgin Township Assessor. In the memorandum, the assessor critiqued the comparables submitted by the appellant.

In support of its contention of the correct assessment, the board of review submitted information on eleven comparable sales identified by the township assessor that are located from .26 of a mile to 2.09 miles from the subject property. The comparables have sites ranging in size from 5,400 to 18,731 square feet of land area. The comparables are improved with seven, two-story multi-family dwellings and four, part one-story and part two-story multi-family dwellings of frame exterior construction. The dwellings were constructed from 1875 to 1930 and range in size from 1,512 to 2,128 square feet of living area. Each comparable has two apartment units and a basement with one having finished area. In addition, one comparable has central air conditioning and nine comparables each have a garage ranging in size from 360 to 816 square feet of building area. The comparables sold from July 2016 to August 2018 for prices ranging from \$134,900 to \$197,500 or from \$67,450 to \$98,750 per apartment or from \$80.16 to \$109.13 per square foot of living area, including land.

The township assessor also developed an estimate of value using rental income from 29 properties to develop a gross rent multiplier (GRM) of 7 which was applied to an annual estimated income for the subject property of \$24,000 to arrive at an estimated market value of \$168,000 or \$84,000 per apartment unit. The assessor indicated in the grid analysis that the comparables have yearly rents ranging from \$19,200 to \$26,400 and GRMs ranging from 5.11 to 7.93.

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

In rebuttal, the appellant critiqued the comparables provided by the board of review and argued that most were in superior condition at time of sale. The appellant also asserted that "2015 was the last reassessment year (quadrennial)" and the subject property was the subject matter of an

appeal before the Property Tax Appeal Board for the 2015 tax year wherein a decision was issued reducing the subject's assessment to \$23,453. The appellant argued that applying the 2016, 2017 and 2018 township equalization factors of 1.0910, 1.0779 and 1.0578, respectively, to the 2015 assessment would result in a revised assessment of \$29,174.

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 a reduction in the subject's assessment is not warranted.

The parties submitted fourteen suggest comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given less weight to the appellant's comparable #1 which lacks a garage unlike the subject and comparable #2 which is located more than one mile away from the subject. The Board also gave less weight to board of review comparables #1, #2, #3, #5, #7, #8 and #11 which differ from the subject in location, site size, dwelling size and/or lack a garage. Furthermore, board of review comparables #1 through #3 sold in 2016 which are dated and less likely to be indicative of the subject's market value as of the January 1, 2018 assessment date.

The Board finds the best evidence of market value to be the appellant's remaining comparable, along with comparables #4, #6, #9 and #10 submitted by the board of review. These five comparables each contain a multi-family dwelling with two apartments and are similar to the subject in location, site size, dwelling size, design, age and features. Furthermore, the Board finds the best unit of comparison in this record is price per apartment unit. The comparables sold from February 2017 to July 2018 for prices ranging from \$130,000 to \$197,500 or from \$65,000 to \$98,750 per apartment unit, including land. The subject's assessment reflects a market value of \$138,972 or \$69,486 per apartment, land included, which falls within the range established by the best comparable sales in the record. After considering adjustments to the comparable sales for differences when compared to the subject, the Board finds the estimated market value as reflected by the assessment is supported and no reduction in the subject's assessment is warranted.

The courts have stated that where there is credible evidence of comparable sales these sales are to be given significant weight as evidence of market value. In Chrysler Corporation v. Property Tax Appeal Board, 69 Ill.App.3d 207 (1979), the court held that significant relevance should not be placed on the cost approach or income approach especially when there is market data available. In Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill.App.3d 9 (1989), the court held that of the three primary methods of evaluating property for the purpose of real estate taxes, the preferred method is the sales comparison approach. Since credible market sales are contained in the record, the Board placed most weight on this evidence.

Based on this evidence the Board finds 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: July 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

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