



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

APPELLANT: Michael D'Angelo
DOCKET NO.: 19-00270.001-R-1
PARCEL NO.: 16-05-25-104-021-0000

The parties of record before the Property Tax Appeal Board are Michael D'Angelo, the appellant, by attorney Scott Shudnow, of Shudnow & Shudnow, Ltd. in Chicago; and the Will 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 **Will** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$33,416
IMPR.: \$142,611
TOTAL: \$176,027

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Will County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2019 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 “Georgian” style dwelling of brick and masonry exterior construction with 3,854 square feet of living area. The dwelling is 15 years old, having been built in 2004. Features of the home include a full basement that is 75% finished, central air conditioning, a fireplace and a 3-car attached garage. The property has a 20,001 square foot site and is located in Homer Glen, Homer Township, Will County.¹

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$527,500 as of January 1, 2019.

¹ The Board finds the best evidence of the description and features of the subject is the appellant’s appraisal.

The appellant's appraisal was completed using the sales comparison approach to value property in estimating a market value for the subject. The appellant's appraiser selected five comparable properties that are located from .13 to .44 of a mile from the subject. The comparables have sites ranging in size from 19,981 to 60,984 square feet of land area that are improved with "Traditional", "Georgian" or "Colonial" style dwellings of brick, frame and masonry, or brick and masonry exterior construction containing from 3,021 to 4,563 square feet of living area. The homes range in age from 16 to 23 years old and have other features with varying degrees of similarity to the subject. The comparables sold from April 2018 to March 2019 for prices ranging from \$465,000 to \$565,000 or from \$123.82 to \$153.92 per square foot of living area, including land. After adjusting the comparables' sale prices for sales or financing concessions, location, site, quality of construction, age, condition, rooms above grade, functional utility, room count, gross living area, basement and finished, rooms below grade, heating/cooling, porch/patio/deck and other, when compared to the subject, the appraiser estimated the comparables would have adjusted sale prices ranging from \$483,500 to \$556,500 or from \$116.04 to \$184.21 per square foot of living area, including land. Based on these adjusted sale prices, the appraiser estimated that the subject would have a value between \$525,000 and \$530,000 or approximately \$527,500. Based on this evidence the appellant requested that the subject's total assessment be reduced to \$173,316.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$189,852. The subject's assessment reflects a market value of \$568,930 or \$147.62 per square foot of living area, land included, when using the 2019 three-year average median level of assessment for Will County of 33.37% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on four comparable properties, two of which were used by the appellant's appraiser. The two comparables not used in the appellant's appraisal are located either 1.09 or 1.35 miles from the subject and have sites with either 22,373 or 213,062 square feet of land area. The comparables are improved with similar style dwellings containing 3,185 or 3,305 square feet of living area and have other features with varying degrees of similarity to the subject. The comparables sold in June 2018 and July 2019 for prices of \$475,000 and \$521,000 or for \$149.14 or \$157.64 per square foot of living area, including land.

The board of review's submission included a letter from the Homer Township Assessor's Office asserting that the appellant's appraisal reported an incorrect size for the subject dwelling, the appraisal comparable sale #5 is more than 900 square feet smaller than the subject and there have been no sales in the appellant's neighborhood in the last 3 years. Based on this evidence the board of review requested confirmation of the subject's assessment.

Under rebuttal, the appellant's attorney submitted a letter asserting that the correct size of the subject is reported within the appraisal, which was measured using laser technology by the appellant's appraiser in February 2020 and documented by the sketch within the appraisal. In addition, the letter asserts that the board of review's comparables are also significantly smaller than the subject, but have not had appropriate market adjustments performed by an appraiser, and are located more distant from the subject than the comparables selected by the appellant's appraiser.

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 best evidence of market value to be the appraisal submitted by the appellant estimating the subject property had a market value of \$527,500 as of January 1, 2019. The appellant's appraiser selected comparable properties that are similar to the subject and made logical adjustments to the comparables to support the appraisal's estimate of the subject's market value. The subject's assessment reflects a market value above the best evidence of market value in the record. The Board gives less weight to the board of review's unadjusted comparable sales analysis. The Board finds the two comparables submitted by the board of review, that were not selected by the appellant's appraiser, are located over a mile from the subject and are smaller than all but one of the comparables used by the appellant's appraiser. Furthermore, the Board finds the board of review's comparable #1 has improvements that are situated on a 213,062 square foot site, when compared to the subject's 20,001 square foot site. Based on the evidence in this record, 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: September 21, 2021



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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