



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

APPELLANT: Schmitt Management Corporation  
DOCKET NO.: 19-01320.001-C-2  
PARCEL NO.: 01-24-300-028

The parties of record before the Property Tax Appeal Board are Schmitt Management Corporation, the appellant, by attorney Robert Rosenfeld, of Robert H. Rosenfeld and Associates, LLC in Chicago, and the Kendall 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 **Kendall** County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$97,241  
**IMPR.:** \$252,206  
**TOTAL:** \$349,447

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a decision of the Kendall 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 one-story commercial fast-food restaurant building of masonry construction with 3,956 square feet of building area which was constructed in approximately 2014. Features include central air conditioning. The property has a 43,560 square foot site and is located in Plano, Little Rock Township, Kendall County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted limited information on six comparable sales located from 7 to 29 miles from the subject property. The comparable parcels range in size from 41,382 to 80,150 square feet of land area which have been improved with one-story buildings that were built between 1992 and 2018. The buildings range in size from 3,630 to 7,922 square feet of building area. The appellant reported the comparables sold from May 2018 to September 2019 for prices ranging

from \$975,000 to \$1,715,000 or from \$216.49 to \$268.60 per square foot of building area, including land.

Based on this evidence, the appellant requested a total assessment of \$194,522 which would reflect a market value of approximately \$583,624 or \$147.53 per square foot of building area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$349,447. The subject's assessment reflects a market value of \$1,044,372 or \$264.00 per square foot of building area, land included, when using the 2019 three year average median level of assessment for Kendall County of 33.46% as determined by the Illinois Department of Revenue.

In response to the appellant's evidence, the board of review contends that appellant's comparable sale #3 actually contains 3,321 square feet of building area which then would reflect a sale price of \$301.11 per square foot of building area, including land (copy of property record card submitted). Furthermore, appellant's comparable #6 was reportedly unadvertised and therefore not an arm's length transaction according to the board of review (copy of PTAX-203 submitted).

In support of its contention of the correct assessment the board of review submitted information on four comparable sales located from approximately 5 to 25 miles from the subject property. The comparable parcels range in size from 22,243 to 57,963 square feet of land area and are improved with one-story buildings of stucco, masonry or frame and masonry exterior construction. The buildings range in age from 11 to 34 years old and range in size from 1,968 to 3,145 square feet of building area. The comparables sold from July 2016 to July 2019 for prices ranging from \$513,994 to \$1,560,000 or from \$214.63 to \$524.72 per square foot of building area, including land. Based on this evidence and argument, the board of review requested confirmation of the subject's estimated market value as reflected by its 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 a reduction in the subject's assessment is not warranted.

The parties submitted a total of ten comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's comparables #4, #5 and #6 due to their substantially larger building sizes when compared to the subject and/or that comparable #6 was not advertised prior to sale. The Board has given reduced weight to board of review comparable #3 which is substantially smaller than the subject building.

The Board finds the best evidence of market value to be appellant's comparable sales #1, #2 and #3 along with board of review comparable sales #1, #2 and #4. With a correction as reported by the board of review and not refuted by the appellant, these most similar comparables sold

between June 2017 and September 2019 for prices ranging from \$675,000 to \$1,560,000 or from \$214.63 to \$524.72 per square foot of living area, including land. The subject's assessment reflects a market value of \$1,044,372 or \$264.00 per square foot of building area, including land, which is within the range established by the best comparable sales in this record. Based on this evidence and after considering adjustments for differences when compared to the subject, 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: 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

AGENCY

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

APPELLANT

Schmitt Management Corporation, by attorney:  
Robert Rosenfeld  
Robert H. Rosenfeld and Associates, LLC  
33 North Dearborn Street  
Suite 1850  
Chicago, IL 60602

COUNTY

Kendall County Board of Review  
Kendall County Office Building  
111 West Fox Street  
Yorkville, IL 60560