



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

APPELLANT: James M. Vitale, TR  
DOCKET NO.: 19-01880.001-R-1  
PARCEL NO.: 05-09-151-001

The parties of record before the Property Tax Appeal Board are James M. Vitale, TR, the appellant, by attorney Natalie Barber, of Tobin & Ramon, in Belvidere, and the Boone 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 **Boone** County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$ 22,668  
**IMPR.:** \$125,695  
**TOTAL:** \$148,363

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a decision of the Boone 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 two-story custom-built dwelling of brick and stone exterior construction. The dwelling was built in 1992 and is approximately 27 years old. Features of the home include a full basement with 180 square feet of finished area, central air conditioning, five fireplaces, a three-car garage containing 1,008 square feet of building area and an inground swimming pool. The property has a 4.46-acre site and is located in Belvidere, Belvidere Township, Boone County.

As an initial matter, there is a dispute between the parties concerning the subject's living area square footage. The appellant's appraiser included a detailed, two-page schematic drawing of each story and reported a dwelling size of 5,179 square feet of living area which was obtained through the recent use of laser measurements. The board of review on page two of a memorandum contends that the township assessor "has measured the home multiple times and

had opportunity to look at the original drawings of the home during construction." The property record card for the subject contained in Exhibit 1 includes a single schematic drawing in support of a stated dwelling size of 5,664 square feet of living area (see also Exhibit 2 to the memorandum). The board of review supporting documentation concerning dwelling size includes a 1996 letter from an appraiser seeking to confirm dwelling size information; portions of a January 1, 2007 appraisal opining a dwelling size for the subject of 5,743 square feet; and a 2020 assessor request to inspect and measure that was denied at the time due to the global pandemic. Having examined and considering the respective schematic drawings presented by the parties, the Property Tax Appeal Board finds that the appellant's appraiser has provided the best evidence of the subject's dwelling size of 5,179 square feet of living area.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted a brief prepared by counsel along with an appraisal. Counsel for the appellant contends, in the alternative, to accepting the appraised value conclusion that the assessment reduction for tax year 2019 recommended by the Belvidere Township Assessor totaling \$166,666 be accepted (copy of the assessor's recommendation to the Boone County Board of Review).

In the brief prepared by appellant's counsel and in the Restricted Appraisal Report written by Mariano Rosado, Jr., a Certified Residential Real Estate Appraiser, both individuals assert that the subject dwelling is in average condition, despite the lack of flooring, countertop and/or plumbing fixture updates since construction (Brief p. 3; Appraisal Addendum and supporting photographs). Furthermore, it is reported the blacktop driveway is deteriorating and has never been replaced; the tuck pointing is failing throughout the dwelling and along with the brick sills. Additionally, the tiled slate roof has broken and missing tiles resulting in significant and costly repairs of over \$25,000 and original Pella windows have lost their seal with frame sills that are rotting with an estimated \$130,000 for window replacement (cost to cure estimates attached to appraisal). Rosado also observed that one of three limestone chimney caps were cracked and separated needing immediate repair to prevent damage to the home.

The stated purpose of the Rosado appraisal is for an as-is opinion of value for personal use by appellant Vitale. Based upon the sales comparison approach to value, Rosado estimated the subject property had a fee simple market value of \$445,000 as of January 1, 2019.

Under the sales comparison approach, the appraiser analyzed five comparable sales located from 0.28 of a mile to 1.74-miles from the subject. The comparables are situated on lots ranging in size from 1.09 to 3.18-acres and are improved with two-story custom dwellings that range in age from 15 to 29 years old. The homes range in size from 4,109 to 5,221 square feet of living area.<sup>1</sup> Features include central air-conditioning, fireplaces, three or six-car garages and full basements, four of which have finished areas ranging in size from 631 to 2,101 square feet and two of which are walkout-style. Three comparables have pools, one of which is an indoor pool. The

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<sup>1</sup> As part of the addendum as to appraisal sale #2, Rosado reported the indoor pool area has been treated as living area square footage since it is suitable for year-round use with walls, floors and ceilings similar to the rest of the house. Also, appraisal sale #5 the dwelling size was based upon the Multiple Listing Service (MLS) data, not the assessor's records in light of the Realtor's remarks.

comparables sold from March 2016 to May 2018 for prices ranging from \$410,000 to \$680,000 or from \$78.53 to \$147.83 per square foot of living area, including land.

Rosado made adjustments to the comparables for differences when compared to the subject for items such as site size, condition, dwelling size, basement style, basement finish, garage size, other amenities and/or the lack of a pool. After making these adjustments, the comparables had adjusted sales prices ranging from \$428,800 to \$567,100, including land. Based on this analysis and giving most weight to appraisal sales #1 and #2 which are most similar in actual age and average condition to the subject, the appraiser concluded a value for the subject by the sales comparison approach of \$445,000.

Based on the foregoing evidence and argument, the appellant requested a reduction in the subject's total assessment to \$148,333 which would reflect a market value of \$445,044 or \$85.93 per square foot of living area, including land, when using the statutory level of assessment of 33.33%.<sup>2</sup>

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$173,136. The subject's assessment reflects a market value of \$519,304 or \$100.27 per square foot of living area, land included, based on a dwelling size of 5,179 square feet and when using the 2019 three year average median level of assessment for Boone County of 33.34% as determined by the Illinois Department of Revenue.

In support of the subject's estimated market value, the board of review submitted property record cards and a grid analysis of four comparable sales along with the subject's property record card with photographs (Exhibit 1) and a four-page memorandum with various exhibits and copies of the property records cards for the appraisal sales comparables. As to the subject, the board of review noted the property is very unique and a gated estate property among larger, superior quality executive homes situated on two to ten-acre parcels. The subject parcel reportedly has a wooded park-like setting bordering Beaver Creek to the north.

Pages 3-4 of the memorandum outline concerns of the assessing officials regarding the Rosado appraisal report. Initially, the board of review contends that the township assessor has "been aware of the condition issues for some time and has made what they believe to be appropriate reductions to the assessment." Despite the subject having five full bathrooms, the appraiser made no adjustment in the report to the comparables for this difference. The "flat \$3,500"

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<sup>2</sup> In the brief, counsel for the appellant argued that the subject's total assessment should be further reduced to reflect a value of \$66.56 per square foot of living area "with discounts factored into account for the uniqueness of the home and significant maintenance required due the age and uniqueness" (Brief p. 4). Pursuant to the Board's procedural rules contained in Section 1910.30(j): "The petition must also state the assessed valuation of the land, and the assessed value of the improvements (structures), and the total assessed value that the contesting party claims to be correct. The contesting party may only amend the assessment claimed to be correct by filing an appeal petition denoted as "Amended" setting forth the assessed valuation of the land, the assessed value of the improvements, and the total assessed valuation that the contesting party considers correct upon the completion of the filing of the documentary evidence in accordance with extensions granted pursuant to subsection (g). No amendment to the contesting party's assessment request will be accepted after the expiration of the extension of time to submit evidence that has been granted pursuant to subsection (g)." No amendment was made and the only assessment claim is contained in the Residential Appeal petition.

adjustment for porch/deck/patio differences would typically be adequate in a more modest home, "but for these large executive homes does not reflect value added by the amenity."

As to appraisal sale comparable #2, the assessing officials contend that the 1,664 square feet of space containing the indoor pool has been incorrectly included in the living area square footage for purposes of the analysis. However, utilizing the actual living area of 3,447 square feet would result in the application of an adjustment for dwelling size.

Finally, the board of review contends that the appraiser's adjusted sales prices ranging from \$82.13 to \$123.82 per square foot of living area, support the property's current estimated market value of \$91.70 per square foot of living area, including land [*sic*].<sup>3</sup>

In a grid analysis and in support of the subject's estimated market value, the board of review presented four comparable sales located from .4 of a mile to 2.3-miles from the subject. The comparables consist of two-story brick or brick and stone dwellings that were built from 1994 to 1997. The dwellings range in size from 3,909 to 5,930 square feet of living area and are situated on lots ranging from 2.05 to 2.58-acres of land area. Each dwelling has a basement with finished area ranging in size from 1,020 to 2,200 square feet. Features include central air-conditioning, one to four fireplaces and garages ranging in size from 682 to 1,152 square feet of building area. Comparables #1 and #4 each have an inground swimming pool with comparable #4 also having a pool house. The comparables sold from January to September 2019 for prices ranging from \$533,000 to \$1,400,000 or from \$110.15 to \$358.15 per square foot of living area, including land.

Based on the foregoing sales evidence, the board of review asserted that the median sales price of these comparables is \$134.34 per square foot of living area, including land, which supports the subject's current estimated market value based on 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 met this burden of proof and a reduction in the subject's assessment is warranted.

The appellant submitted an appraisal of the subject property in which the subject's market value was estimated to be \$445,000 as of January 1, 2019, which is the assessment date at issue and the board of review submitted criticisms of the appraisal based upon its own assessment records along with four comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to board of review comparable #4 as the reported sale price appears to be a high-end outlier given the other sales in the record presented

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<sup>3</sup> As noted previously in this decision, the subject property reflects an estimated market value of \$100.27 per square foot of living area, including land, when applying the 3-year median level of assessment as determined by the Illinois Department of Revenue.

by both parties. Furthermore, the Board finds that the remaining three board of review comparables sold for prices ranging from \$110.15 to \$156.33 per square foot of living area, including land, and each of these homes have from 1,291 to 2,200 square feet of finished basement area as compared to the subject's 180 square feet of finished basement area. As such, each of these remaining comparable sales presented by the board of review are superior to the subject dwelling, however, no adjustments were made for differences in finished basement area, condition, site size, dwelling size and/or other features. In contrast, the Board finds the appraiser's Restricted Use Appraisal appears to be a credible estimate of market value in which he used logical and proper adjustments as part of the process to account for differences of the five comparable sales in the appraisal when compared to the subject. The board of review employed no such adjustment process in relation to its comparables.

After having thoroughly examined the record and considering the relative merits of the comparable sales utilized by both parties, the Board finds the best evidence of the subject's market value is found in the appellant's Restricted Use Appraisal report setting forth an estimated market value of \$445,000 as of January 1, 2019. The subject's assessment reflects a market value of \$519,304 or \$100.27 per square foot of living area, land included, based on a dwelling size of 5,179 square feet, which is above the appraised value conclusion.

In conclusion, the Board finds the appellant has demonstrated the subject property was overvalued by a preponderance of the evidence. Therefore, the Board finds the subject property had a market value of \$445,000, including land, as of the assessment date at issue. Since market value has been established the 2019 three year average median level of assessments for Boone County of 33.34% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

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:

April 19, 2022



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

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