



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

APPELLANT: Brian Borkowicz
DOCKET NO.: 19-02042.001-R-1
PARCEL NO.: 12-03-306-021

The parties of record before the Property Tax Appeal Board are Brian Borkowicz, 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 **a reduction** 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: \$50,000
IMPR.: \$136,667
TOTAL: \$186,667

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 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 dwelling of brick and cedar exterior construction with 2,580 square feet of living area. The dwelling is 67 years old. Features of the home include a 1,791 square foot basement, that is 50% finished, central air conditioning, four fireplaces and an attached 2-car garage. The property has a 21,875 square foot site and is located in Geneva, Geneva Township, Kane 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 \$560,000 as of January 1, 2019. The purpose of the appellant's appraisal was to develop an opinion of

¹ The Board finds the best evidence of the subject's dwelling size, basement size, amount of basement finish and number of fireplaces was the subject's sketch within the appellant's appraisal and the appraiser's acknowledgement that an interior and exterior inspection occurred on February 20, 2020.

market value for the subject property. The appraiser utilized the cost approach and the sales comparison approaches in valuing the subject.

Under the cost approach, the appraiser estimated the subject had a site value of \$150,000 and estimated a cost new for the subject's dwelling of \$509,950. The appraiser then subtracted \$127,488 for depreciation, to arrive at a depreciated cost of the improvements of \$382,462. The appraiser added \$30,000 for site improvements to arrive at a total value for the subject property under the cost approach of \$562,462.

Under the sales comparison approach, the appraiser selected nine comparable properties that were located from .24 to 1.11 miles from the subject property. The comparables had sites ranging in size from 12,500 to 43,737 square feet of land area that were improved with ranch style dwellings of frame or brick exterior construction. The homes ranged in size from 2,060 to 3,437 square feet of living area and ranged in age from 33 to 82 years old. The comparables had other features with varying degrees of similarity to the subject. The comparables had sale dates ranging from April 2016 to February 2018 and sold for prices ranging from \$460,000 to \$645,000 or from \$187.66 to \$241.83 per square foot of living area, including land. After adjustments, the comparables had adjusted sale prices ranging from \$532,300 to \$577,800 or from \$160.14 to \$272.62 per square foot of living area, including land.

Under reconciliation, the appraiser placed the greatest weight on the sales comparison approach and estimated the subject property had a market value of \$560,000 as of January 1, 2019.

Based on this evidence, the appellant requested that the subject's total assessment be reduced to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$216,670. The subject's assessment reflects a market value of \$650,661 or \$252.19 per square foot of living area, land included, when using the 2019 three-year average median level of assessment for Kane County of 33.30% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on one comparable sale, that was not used in the appellant's appraisal, that was located .41 of a mile from the subject. The comparable had a 16,037 square foot site that was improved with ranch style dwelling of frame and brick exterior construction. The home contained 2,287 square feet of living area and was built in 1965. The comparable had other features with varying degrees of similarity to the subject. The comparable sold in October 2018 for \$745,000 or \$325.75 per square foot of living area, including land.

The board of review's evidence included a letter from the township assessor, critiquing the 11 sales that were presented to the board of review by the appellant, that was dated October 17, 2019. The board of review also contended that the comparable presented by the board of review was the best, when comparing renovation and quality level of attributes, to those of the subject.

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 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 \$560,000 as of January 1, 2019. The Board gave less weight to the board of review's comparable sales evidence, as it did not correspond to the appellant's evidence submitted to the Property Tax Appeal Board and it did not address the appraisal submitted by the appellant. Furthermore, the comparable sale submitted by the board of review was addressed by the appellant's appraiser who wrote, "A sale at 434 Grant, Geneva on 10/15/2018 for \$745,000 was considered but not utilized in this analysis. This property was completely rebuilt in 2018 just prior to its sale. It has superior functional utility with four bedrooms on the main level. The floor plan featured superior 10 foot ceilings and modern finishes. The exterior was completed renovated with modern finishes. Overall, this sale was markedly superior to the subject and not considered a reliable comparable." The subject's assessment reflects a market value of \$650,661 or \$252.19 per square foot of living area, including land, which is above the appraised value. Based on the evidence in this record, the Board finds a reduction in the subject's assessment commensurate with the appellant's request 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: April 20, 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

Brian Borkowicz
1111 James Street
Geneva, IL 60134

COUNTY

Kane County Board of Review
Kane County Government Center
719 Batavia Ave., Bldg. C, 3rd Fl.
Geneva, IL 60134