



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

APPELLANT: Raj and Akila Ponnuswamy
DOCKET NO.: 19-02101.001-R-1
PARCEL NO.: 09-14-327-023

The parties of record before the Property Tax Appeal Board are Raj and Akila Ponnuswamy, the appellants, by attorney Ronald Kingsley, of Lake County Real Estate Tax Appeal, LLC in Lake Forest; 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: \$75,766
IMPR.: \$241,457
TOTAL: \$317,223

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 two-story dwelling of brick exterior construction with 5,572 square feet of living area. The dwelling was constructed in 1996. Features of the home include a partial English-style basement with finished area, central air conditioning, four fireplaces and a 1,247 square foot garage. The property has a 39,997 square foot site and is located in St. Charles, St. Charles Township, Kane County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument, the appellants submitted information on three comparable sales located within 1,500 feet from the subject with two properties being in the subject's "Woods of Fox Glen" development. The comparables have sites ranging in size from 44,121 to 46,866 square feet of land area and are improved with 1.5-story or 2-story dwellings with brick exterior construction that range in size from 5,006 or 5,140 square feet of living area. The dwellings range in age from 22 to 30 years

old. Each comparable has a full or partial basement with two being partially finished. Each dwelling also has central air conditioning, two or three fireplaces, and an attached garage ranging in size from 991 to 1,225 square feet of building area. The comparables sold from November 2016 to July 2018 for prices ranging from \$510,000 to \$755,000 or from \$101.88 to \$147.20 per square foot of living area, including land. The appellants provided the Multiple Listing Service (MLS) sheets associated with each comparable sale. Based on this evidence, the appellants requested the subject's total assessment be reduced to \$241,712 to reflect a market value of approximately \$725,209 at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$317,223. The subject's assessment reflects a market value of \$952,622 or \$170.97 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 response to the appeal, the board of review presented a memorandum from the St. Charles Township Assessor's Office contending that appellants' comparable #3 is located in a different subdivision where homes are of inferior quality compared to the subject; that the subject is "far superior" to comparable #2 in quality and features; and the subject is superior to all three of the appellants' comparables in terms of having a total of 7.5 baths.

In further support of its contention of the correct assessment, the board of review submitted information on three comparable sales gathered by the township assessor. The comparables are located in the same subdivision as the subject property and within .25 of a mile of the subject. The parcels range in size from 40,032 to 47,132 of land area which are each improved with two-story dwellings of brick exterior construction. The homes were built between 1994 and 2001 and range in size from 4,737 to 6,457 square feet of living area. Each home has a basement with finished area with one having a walkout-style basement. The homes have central air conditioning, one or three fireplaces, and garages ranging in size from 767 to 1,050 square feet of building area. The comparables sold between April 2016 and June 2018 for prices ranging from \$840,000 to \$1,175,000 or from \$177.33 to \$212.41 per square foot of living area, including land.

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

In rebuttal, the appellants' counsel responded in a brief asserting that the assessor's comparable #1 features an infinity pool with a waterfall; comparable #2 sale was in 2016 which is almost three years removed from the January 1, 2019 assessment date at issue; and that the subject's sale in 2016 for a price of \$720,000 should be considered in the event that the Board considers using sales occurring in 2016 in this appeal as the board of review suggests. Appellants' counsel made no reference in his rebuttal to the appellants' comparable #3 which also sold in 2016.

Conclusion of Law

The appellants contend 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 appellants did not meet this burden of proof and, therefore, a reduction in the subject's assessment is not warranted.

The record contains a total of six comparable sales submitted by the parties with varying degrees of similarity to the subject. The Board gives less weight to appellants' comparable #3 and board of review comparable #2 as each sold in 2016 which is less proximate in time to the January 1, 2019 assessment date at issue and, therefore, less likely to be indicative of the subject's market value than the remaining sales in the record. The Board gave less weight to appellants' comparable #2 as this home lacked a finished basement area, dissimilar to the subject dwelling which contains 2,000 square feet of finished basement area.

The Board finds the best evidence of market value to be the appellants' comparable #1, along with board of review comparables #1 and #3. These three best comparables in the record are similar to the subject in location, design, age, and most features. However, appellants' comparable #1 and board of review comparable #1 have smaller dwelling sizes relative to the subject, and board of review comparable #3 has a larger dwelling size when compared to the subject which requires adjustments to make these comparables more equivalent to the subject. These three best comparables in the record sold from August 2017 to July 2018 for prices ranging from \$755,000 to \$1,175,000 or from \$147.20 to \$181.97 per square foot of living area, including land. The subject's assessment reflects a market value of \$952,622 or \$170.97 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. After considering adjustments to the comparables for differences from the subject, the Board finds that the assessment of the subject property as established by the board of review is supported and no reduction is warranted.

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: June 8, 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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