



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

APPELLANT: Kenneth & Bonnie Stalzer
DOCKET NO.: 19-02230.001-R-1
PARCEL NO.: 12-20-126-022

The parties of record before the Property Tax Appeal Board are Kenneth & Bonnie Stalzer, the appellants, 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: \$41,716
IMPR.: \$108,125
TOTAL: \$149,841

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 one-story single-family dwelling of brick and cedar exterior construction with 3,141 square feet of living area. The dwelling was constructed in 2003. Features of the home include a full unfinished basement, central air conditioning, a fireplace and an attached three-car garage. The property has a 14,150 square foot site and is located in Batavia, Geneva Township, Kane County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted a brief along with information on three comparable sales. In the brief, the appellants note prior decisions issued by the Property Tax Appeal Board for tax years 2016 and 2017 in which the subject's assessment was reduced and question the increases/changes in assessments for tax years 2018 and 2019 by the township assessor. The appellants further contend that as a one-story dwelling, the subject should have a market value of less than

\$450,000 which is at the high end of the subject's subdivision recent sales of two-story dwellings.

In the Section V grid analysis, the appellants set forth data on three comparables located within Batavia and no more than .5 of a mile from the subject, one of which is in the subject's subdivision. The parcels range in size from 14,835 to 18,594 square feet of land area. Each parcel has been improved with a one-story dwelling of Dryvit or frame and masonry exterior construction. The homes were built in either 1997 or 1999 and range in size from 2,149 to 2,744 square feet of living area. Each dwelling has a full basement with finished area, central air conditioning, one or two fireplaces and either a two-car or a three-car garage. Comparable #1 also has an inground swimming pool. The properties sold from May 2017 to February 2018 for prices ranging from \$355,000 to \$429,500 or from \$143.95 to \$174.88 per square foot of living area, including land.

Based on the foregoing evidence and argument, the appellants request a total assessment of \$149,841 which would reflect a market value of approximately \$449,570 or \$143.13 per square foot of living area, including land, 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 \$167,492. The subject's assessment reflects a market value of \$502,979 or \$160.13 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 submitted data gathered by Denise D. LaCure, Geneva Township Assessor. The board of review also contended that "sales of 1 story homes in subdivision requires comps in nearby subdivisions" according to the township assessor's analysis. In LaCure's memorandum, she stated there are a lack of one-story sales in the subject's Weaver Landing neighborhood, so comparables presented by both parties are located outside the subject's neighborhood.

In the memorandum as to the appellant's arguments regarding prior reductions in assessment issued by the Board, LaCure sets forth a hypothetical application of equalization factors to the subject's 2015 decision of the Property Tax Appeal Board for subsequent tax years 2016 through and including 2019, which, based upon her calculations with a projected factor for 2019 of 1.0221, would have resulted in a total 2019 assessment of \$167,445 or within dollars of the current assessment.¹

In response to the appellants' comparable sales, LaCure noted each of the dwellings are smaller than the subject home and sale #1 has an inferior Dryvit exterior when compared to the subject. Moreover, the pool on sale #1 was installed after its May 2017 purchase. As to sales #2 and #3,

¹ The Board finds based upon its prior year decisions and the published equalization factors for Geneva Township that tax year 2018 has a 1.0 equalization factor such that the subject's 2019 assessment would have been \$163,834, if theoretically only equalization factors were applied to the 2015 decision through 2019. ($149,562 \times 1.0518 = 157,310$ $\times 1.0137 = 159,465$ $\times 1.0274 = 163,834$ $\times 1.0 = 163,834$)

Deerpath Trails is an inferior subdivision to the subject with lower lot values and a history of sales many below \$400,000 whereas the subject subdivision has no sales of less than \$425,000.

In support of its contention of the correct assessment, the board of review submitted a spreadsheet with information on three comparable sales along with a reiteration of the appellants' comparable sales evidence. LaCure's memorandum asserted that each of the board of review comparables are located in subdivisions that are similar to Weavers Landing subdivision where the majority of recent sales were in excess of \$400,000, \$465,000 and \$430,000, respectively. The board of review comparables are located from 1.46 to 3.23-miles from the subject property and have lots ranging in size from 13,916 to 16,463 square feet of land area. Each parcel is improved with a one-story dwelling of masonry or frame and masonry exterior construction. The homes were built from 1986 to 2008 and range in size from 2,380 to 2,811 square feet of living area. Features include a basement, two of which have finished areas, one or two fireplaces and either a two-car or a three-car garage. No data on air conditioning was provided in the spreadsheet and no underlying data sheets were provided for the comparable properties. The comparables sold from December 2016 to August 2018 for prices ranging from \$490,000 to \$526,900 or from \$187.44 to \$205.88 per square foot of living area, including land.

Based on this evidence, the board of review requested confirmation of the subject's estimated market value as reflected by its assessment.

In written rebuttal, the appellants contend that the data presented suggests that the Board's decision for tax year 2015 with a market value of \$449,000 is still valid given the sales in 2017 and 2018 which in the subject's subdivision were at or below \$450,000. Furthermore, the appellants note the board of review comparable sales are 2 to 3 miles from the subject in the city of Geneva. In further support of the differing markets between Batavia and Geneva, the appellants cite data from realtor.com depicting lower median home sale prices in Batavia as compared to Geneva.

Conclusion of Law

The Property Tax Appeal Board takes judicial notice that in appeals for tax years 2016 and 2017 before the Board, the decisions were based solely upon the appellants' evidentiary submissions and applicable provisions of the Property Tax Code; the Kane County Board of Review was found to be in default in each of those matters since no evidence was timely filed. (See Docket Nos. 16-07457.001-R-1 and 17-00077.001-R-1). Moreover, as an owner-occupied residential dwelling, the Board found the 2016 and 2017 tax year appeals were governed by the 2015 decision of the Board issued in Docket No. 15-01051.001-R-1, which had not been reversed or modified upon review, and should be carried forward to years within the general assessment cycle, subject only to equalization. (35 ILCS 200/16-185). The Board further takes judicial notice that 2019 is the beginning of a new general assessment cycle in Kane County under the Property Tax Code, 35 ILCS 200/9-215, which mandates that assessing officials review and potentially reassess properties in the jurisdiction at least once every four years. (86 Ill.Admin.Code §1910.90(i)).

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The parties submitted a total of six comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to the board of review comparables which are located in Geneva and from 1.46 to 3.23-miles from the subject property.

The Board finds the best evidence of market value to be appellants' comparable sales. Each of these comparables are closer in proximity to the subject, present somewhat similar lot sizes and have been improved with one-story dwellings with full basements like the subject, although the subject is a newer dwelling than the comparables. The Board also recognizes that each of these comparables are inferior to the subject dwelling in living area square footage and also superior to the subject dwelling in finished basement area which is not a feature of the subject. Moreover, the board of review evidence established that the sale price of appellants' comparable #1 does not reflect the value of the inground pool since it was installed after the property was last purchased.

On this record it is undisputed that the appellants' comparables sold from May 2017 to February 2018 for prices ranging from \$355,000 to \$429,500 or from \$143.95 to \$174.88 per square foot of living area, including land. The subject's assessment reflects a market value of \$502,979 or \$160.13 per square foot of living area, including land, which is substantially above the range established by the best comparable sales in this record in terms of overall value and within the range on a per-square-foot basis. However, the Board further finds given the principle of the economies of scale, where accepted real estate valuation theory provides that all factors being equal, as the size of the property increases, the per unit value decreases. In contrast, as the size of a property decreases, the per unit value increases. Here, the subject dwelling containing 3,141 square feet of living area is larger than each of the best comparables with a newer age and inferior in finished basement area, the Board finds the subject would be expected to have a lower per-square-foot estimated market value than these best comparable sales in the record considering appropriate upward and downward adjustments for differences. In conclusion, based on this evidence and analysis, the Board finds a reduction in the subject's assessment commensurate with the appellants' 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: November 16, 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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