



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

APPELLANT: Vijay Kumar and Dolly Gupta  
DOCKET NO.: 19-02416.001-R-1  
PARCEL NO.: 08-26-227-002

The parties of record before the Property Tax Appeal Board are Vijay Kumar and Dolly Gupta, the appellants, by attorney Stuart T. Edelstein, of Stuart T. Edelstein, Ltd. in Northbrook, 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:** \$28,693  
**IMPR.:** \$157,955  
**TOTAL:** \$186,648

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 single-family dwelling of frame and brick exterior construction with approximately 4,437 square feet of living area. The dwelling was constructed in 2000. Features of the home include a full walkout-style basement that is 90% finished, central air conditioning, two fireplaces and an attached three-car garage containing approximately 698 square feet of building area along with a rear deck and two patios. The property has a 17,913 square foot site and is located in St. Charles, Campton Township, Kane County.

The appellants contend overvaluation as the basis of the appeal. In support of the overvaluation claim, the appellants submitted an appraisal prepared by Peter Petrovich, a Certified Residential Real Estate Appraiser. The appraisal was prepared for a potential real estate tax appeal appraising the fee simple rights of the subject property. The appraiser utilized the sales comparison approach in arriving at an estimated market value of \$560,000 as of January 1, 2019.

As part of the appraisal addendum, Petrovich noted the property was in average condition for the market area and recent updates included a new roof approximately 3 years ago (Addendum, page 2).

Using the sales comparison approach, the appraiser analyzed four sales which were located in St. Charles, like the subject property, and from .01 to .63 of a mile from the subject. The comparable parcels range in size from 15,695 to 19,099 square feet of land area with residential views like the subject. The parcels are each improved with a custom two-story dwelling ranging in age from 13 to 19 years old. The homes range in size from 3,780 to 4,817 square feet of living area. Each dwelling has a full walkout-style basement with finished area where appraisal sale #1 also has a basement kitchen and other features. Each home has central air conditioning, two or three fireplaces and a three-car garage. Each comparable also has patio and deck amenities; comparable #3 has an inground swimming pool. The comparables sold from April 2017 to July 2018 for prices ranging from \$565,000 to \$579,000 or from \$120.20 to \$152.12 per square foot of living area, including land.

The appraiser made adjustments for date of sale to the 2017 sale price and to the comparables for differences when compared to the subject for factors such as condition, bathrooms, dwelling size, below grade finish, fireplaces and/or differences in outdoor amenities. Specific adjustments for each sale comparable were described in Addendum pages 3 and 4 of the appraisal. The appraiser set forth adjusted sales prices ranging from \$555,100 to \$570,600 and, giving more weight to appraisal sale #3 which had the fewest adjustments, concluded an opinion of value for the subject of \$560,000, including land (Addendum, page 4).

Based on the foregoing appraisal report, the appellants requested a reduced assessment reflective of the appraised value conclusion.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$223,921. The subject's assessment reflects a market value of \$672,435 or \$151.55 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 through the township assessor submitted information on four comparable sales located in the same assessment neighborhood code as the subject and within .17 of a mile from the subject. The data includes an aerial photograph depicting the location of the subject and these comparables where it appears that comparables #2, #3 and #4 each back to a golf course/open space, which differs from the subject's location and board of review comparable #1. The parcels range in size from 18,088 to 24,708 square feet of land area. Each parcel is improved with a two-story dwelling of brick or frame and brick exterior construction. The homes were built in either 2000 or 2002 and range in size from 3,952 to 4,263 square feet of living area. Each dwelling has a walkout-style basement with finished area. Features include central air conditioning, one or two fireplaces and a garage ranging in size from 703 to 896 square feet of building area. Comparable #1 also has an inground swimming pool. The comparables sold from January 2017 to July 2019 for prices ranging from \$625,000 to \$669,000 or from \$152.85 to \$161.94 per square foot of living area,

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

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

The appellants submitted an appraisal and the board of review submitted four comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to board of review sales #2, #3 and #4 as these properties appear to back to golf course/open space areas which differs from the subject's location. In addition, comparables #2 and #3 each sold in 2017, a date more remote in time from the valuation date at issue than other sales in the record and lack any consideration of adjustments for date of sale. The Board has also given reduced weight to board of review sale #1 which include an inground swimming pool which is not a feature of the subject property. The Board finally takes notice that the lowest recent sales price presented by the board of review was comparable #4 which sold in July 2019, a date more proximate to the valuation date at issue herein, despite that this property backs to a golf course/open space. While each of the board of review comparables present smaller dwellings than the subject with less finished basement area as displayed in the grid, the comparables also each have larger lot sizes than the subject and three lots back to a favorable view.

Therefore, on this record, the Board finds the best evidence of market value to be the appraisal submitted by the appellants. In the end, the Property Tax Appeal Board finds that the appraisal submitted by the appellants estimating the subject's market value of \$560,000, including land, is the best evidence of the subject's market value in the record. The subject's assessment reflects a market value of \$672,435, including land, which is above the appraised value conclusion and above each of the comparable sales presented by the board of review. Therefore, the Property Tax Appeal Board finds, based on the foregoing evidence, that 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.

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Chairman



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Member



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Member



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Member

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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



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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

Vijay Kumar and Dolly Gupta, by attorney:  
Stuart T. Edelstein  
Stuart T. Edelstein, Ltd.  
1250 Rudolph Road  
Apt 1J  
Northbrook, IL 60062

COUNTY

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