



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

APPELLANT: Dale Weincouff
DOCKET NO.: 19-03095.001-R-1
PARCEL NO.: 14-01-306-011

The parties of record before the Property Tax Appeal Board are Dale Weincouff, the appellant, by attorney Glenn S. Guttman of Rieff Schramm Kanter & Guttman in Chicago; and the McHenry 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 **McHenry** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	\$15,832
IMPR.:	\$0
TOTAL:	\$15,832

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the McHenry 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 vacant residential channel front lot that contains approximately 7,800 square feet of land area.¹ The property is located in McHenry Shores Unit 1 subdivision, McHenry, Nunda Township, McHenry County.

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 \$25,000 as of January 1, 2017. The appraisal was prepared by Erin E. Slepceвич, a State of Illinois Certified Residential Real Estate Appraiser. The property rights appraised were fee simple and the appraisal was performed to determine fair market value for taxation purposes. The appraiser reported that "It is assumed that the subject site size will support the construction of 1 single

¹ The parties differ slightly as to the site size of the subject property. The Board finds the best evidence of size is found in the appellant's appraisal which contained a plat map depicting the lot dimensions of the subject site.

family residence. It is also assumed that all utilities are to the subject or are available and that there are no other factors that would restrict development on the site.”

In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value using three comparable sales and one active listing located in either Johnsburg or McHenry and from 1.32 to 5.95 miles from the subject property with either a channel front or river front view. The comparables have site sizes that range from 8,909 to 25,006 square feet of land area. Comparables #1 through #3 sold from September 2015 to February 2017 for prices ranging from \$13,000 to \$67,000 or from \$.80 to \$3.79 per square foot of land area. Comparable #4 was listed for a price of \$49,000 or \$2.81 per square foot of land area. Based on this data, the appraiser concluded the subject had an estimated market value of \$25,000 as of January 1, 2017.

Counsel for the appellant reported that in 2018 and 2019 equalization factors of 1.0438 and 1.0646 were applied to all non-farm properties in Nunda Township. Counsel requested that the subject’s assessment be reduced to reflect the recent appraisal value of \$25,000, plus the application of the township-wide equalization factor increases for the years 2017 through 2019, to arrive at a fair market value of \$27,781 or an assessed value of \$9,259.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$22,764. The subject's assessment reflects a market value of \$68,299 or \$8.76 per square foot of land area, when using the 2019 three-year average median level of assessment for McHenry County of 33.33% as determined by the Illinois Department of Revenue. The board of review disclosed that 2019 was the first year of the general assessment period for Nunda Township.

In response to the appeal, the board of review reported that the effective date of the appeal is January 1, 2019. The board of review asserted that the effective date of the appraisal submitted by the appellant as evidence is January 1, 2017 and that the comparable sales used in the appraisal are from 2015, 2016 and 2017. The board of review contends that subject site is assumed to be a buildable lot according to the appraiser. The board of review argued that appraisal comparable #2 is not a buildable lot.

In support of its contention of the correct assessment, the board of review, through the township assessor, submitted two comparable sales. The comparables are located in the same assessment neighborhood code as the subject property in McHenry Shores Unit 1 subdivision and were described as a channel front lot and a river front lot with site sizes of approximately 7,800 and 11,635 square feet of land area, respectively. The assessor provided a location map depicting the comparables’ locations relative to the subject. The properties sold in December 2019 and March 2018 for prices of \$47,500 and \$100,000 or for \$6.09 and \$8.59 per square foot of land area, respectively. The assessor contends that the median sale price of these two vacant lots is \$73,750, which is higher than the subject’s 2019 fair market value based on the subject’s assessed value.

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 evidence in the record supports a reduction in the subject's assessment is/is not warranted.

The appellant submitted an appraisal estimating the subject property had a market value of \$25,000 as of January 1, 2017. The Board gave little weight to the appraisal report due to the fact that the effective date of the appraisal was two years prior to the subject's January 1, 2019 assessment date. Moreover, the comparable sales contained within the appraisal occurred in 2015, 2016 and 2017, which are dated and less indicative of market value as of the subject's January 1, 2019 assessment date.

The board of review submitted two comparable sales for the Board's consideration. The Board finds these comparables sold proximate in time to the assessment date at issue and are relatively similar when compared to the subject in location and land area. These comparables sold in December 2019 and March 2018 for prices of \$47,500 and \$100,000 or for \$6.09 and \$8.59 per square foot of land area, respectively. However, the Board finds on this limited record that the best evidence of market value is board of review comparable #1, as its site is identical in size to the subject and it is located on the same channel as the subject property. The subject's assessment reflects an estimated market value of \$68,299 or \$8.76 per square foot of land area, which is greater than the most similar comparable sale contained in the record. Therefore, based on this record, the Board finds a reduction in the subject's assessment 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

AGENCY

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Dale Weincouff, by attorney:
Glenn S. Guttman
Rieff Schramm Kanter & Guttman
100 North LaSalle Street
23rd Floor
Chicago, IL 60602

COUNTY

McHenry County Board of Review
McHenry County Government Center
2200 N. Seminary Ave.
Woodstock, IL 60098