



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

APPELLANT: David and Jennifer Owcarz
DOCKET NO.: 19-03120.001-R-1
PARCEL NO.: 09-07-156-006

The parties of record before the Property Tax Appeal Board are David and Jennifer Owcarz, the appellants; and the McHenry 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 **McHenry** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$30,820
IMPR.: \$53,422
TOTAL: \$84,242

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 one-story dwelling of frame exterior construction with 1,066 square feet of living area. The dwelling was constructed in 1986. Features of the home include a walk-out basement with finished area, central air conditioning and a 495 square foot garage. The property has a 7,829 square foot site with 50 linear feet of water frontage and is located in Wonder Lake, McHenry Township, McHenry County.

The appellants contend overvaluation as the basis of the appeal with a challenge placed only to the land assessment. In support of this argument the appellants submitted information on four comparable sales located within four blocks of the subject property. The comparables have sites that range in size from 6,738 to 12,448 square feet of land area and are improved with one-story dwellings of vinyl siding exterior construction that range in size from 952 to 1,417 square feet of living area. The dwellings were built in 1937 or 1947. Two comparables have basements with

finished area and two comparables have crawl space foundations.¹ Each of the comparables have central air conditioning and three comparables each have one fireplace. The appellants also described the comparable properties as having either 50 or 75 linear feet of water frontage. The properties sold from August 2011 to November 2019 for prices ranging from \$176,900 to \$240,000 or from \$160.20 to \$250.26 per square foot of living area, land included.

The appellants submitted written comments indicating the subject's improvement assessment is fair but the land assessment is excessive. The appellants contended the subject's location on a hill limits accessibility, particularly in the winter, and negatively affects value. They asserted the comparables submitted have similar hill locations and argued the assessor's classification of waterfront lots to be erroneous. The appellants submitted a map of Wonder Lake with shoreline areas color coded by the assessor to represent quality of waterfront lots. The map depicted the subject property as being located along a stretch of shoreline coded by the township assessor as "best" quality lot. A second topographical map included the subject parcel along with hand drawn lot boundaries for comparables #2 and #3. The appellants also submitted a photograph of the subject driveway with a view toward the street, illustrating the driveway's grade. Based on this evidence, the appellants requested the subject's total assessment be reduced to \$76,538 which reflects a market value of \$229,637 or \$215.42 per square foot of living area, land included, when applying 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 \$84,242. The subject's assessment reflects a market value of \$252,751 or \$237.10 per square foot of living area, land included, 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.

In support of its contention of the correct assessment the board of review submitted information on three comparable sales located within 0.65 of a mile from the subject property. Board of review comparable #1 is the same property as the appellants' comparable #2. The comparables have sites that range in size from 7,413 to 10,125 square feet of land area and are improved with one-story dwellings that range in size from 888 to 988 square feet of living area. The homes were built from 1937 to 1966. Each comparable has a walk-out basement with finished area and central air conditioning. Two comparables each have one fireplace and two comparables have either a 1-car or a 2-car garage. The properties sold from June 2018 to February 2019 for prices ranging from \$235,000 to \$299,999 or from \$237.85 to \$337.84 per square foot of living area, land included.

The board of review, through the McHenry Township Assessor, submitted written comments claiming the appellants believe the slope of the subject site negatively impacts its value and asserted the "township disagrees with this argument as the topography along Wonder Lake is such that it is common to have a significant slope from the road to the water and it does not appear to hinder sales." The township critiqued the appellants' comparables arguing that

¹ The parties differ as to the foundation style of the appellants' comparables #1 and #4 with the appellants reporting basements and/or basement finish while the board of review submitted information indicating these two comparable properties have crawl space foundations. The Board finds the board of review's information to be most reliable despite the failure to provide copies of applicable property record cards.

comparable #3 sold in 2011 and was not considered by the board of review, that comparables #1, #2 and #4 all have similarly sloped sites as the subject and that comparables #1 and #4 lack a basement compared to the subject's finished walk-out basement. Based on this evidence, the board of review requested the subject's assessment be confirmed.

In rebuttal, the appellants argued its three comparable sales sold at prices which were 28%, 10% or 17% less than the fair market value as calculated by the assessments, respectively. The appellants contended that the properties are selling below their fair market values as a result of the topography of the sites.

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 a reduction in the subject's assessment is not warranted.

The appellants raised an issue with respect to the sale price of their comparables versus the fair market value reflected by each property's assessment. The appellants argued that these sale prices, below the calculated fair market value as reflected by their respective assessments, is indicative of a negative influence from site topography. The Board finds that, on its own, this assertion does not support the claim that land values are negatively affected by a site's topography. The Board further finds that the subject's site has influences from grade as well as water frontage and location on Wonder Lake, which absent land sales of comparable sites, cannot be extrapolated from overall sales prices alone.

The record contains six comparable improved sales for the Board's consideration as one comparable was common to both parties. The Board gives less weight to the appellants' comparables #1, #3 and #4 which have crawl space foundations in contrast to the subject's superior finished walk-out style basement or sold in 2011 too remote in time to be indicative of market value as of the January 1, 2019 assessment date.

The Board finds the best evidence of market value to be the remaining comparables, including the common comparable, which are more similar to the subject in location, design, basement style, basement finish and some features despite older ages. These comparables sold from June 2018 to February 2019 for prices ranging from \$235,000 to \$299,999 or from \$237.85 to \$337.84 per square foot of living area, including land. The subject's assessment reflects a market value of \$252,751 or \$237.10 per square foot of living area, including land, which falls within the range established by the best comparable sales in this record on an overall basis and just below the range on a per square foot basis. Given the subject's slightly larger dwelling size when compared to the three best comparable sales in the record, a per square foot value below the range appears to be justified given the principle of economies of scale. After considering adjustments to the comparables for differences from the subject, the Board finds a reduction in the subject's assessment is not 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: January 18, 2022



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

David and Jennifer Owcarz
4712 West Lake Shore Drive
Wonder Lake, IL 60097

COUNTY

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