



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

APPELLANT: Wayne Grossich
DOCKET NO.: 19-03579.001-R-1
PARCEL NO.: 09-25-126-027

The parties of record before the Property Tax Appeal Board are Wayne Grossich, the appellant, by Andrew J. Rukavina, of The Tax Appeal Company, in Mundelein, 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: \$ 38,301
IMPR.: \$140,792
TOTAL: \$179,093

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 as to parcel number 09-25-126-027. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal concerning this parcel only.

Findings of Fact

The property is improved with a part two-story and part one-story single-family dwelling of brick and frame exterior construction with 4,605 square feet of living area. The dwelling was constructed in 1985. Features of the home include a crawl-space foundation, central air conditioning, a fireplace, both an attached and a detached two-car garage containing a combined 1,096 square feet of building area and a boat dock. The subject property has a 16,227 square foot river front site and is located in McHenry, McHenry Township, McHenry County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal estimating a market value of \$475,000 as of January 1, 2019. The appraisal was prepared by Dmitriy Fleyshev, a State of Illinois Certified General Real Estate Appraiser. In estimating the market value, the appraiser developed both the cost and sales

comparison approaches to value with fee simple property rights. The appraisal was intended to be restricted to the use of the McHenry County Board of Review in forming an equitable *ad valorem* tax assessment.

The property for purposes of the appraised value conclusion was described by Fleyshev as consisting of two contiguous parcels, 09-25-126-026 and 09-25-126-027. Documentation in the record supplied by the board of review depicts parcel number 09-25-126-026 as a land only parcel with no improvement assessment(s) applied which contains approximately 5,408 square feet of land area. The instant Residential Appeal petition concerns only parcel number 09-25-126-027 and is the only parcel for which the Property Tax Appeal Board has jurisdiction.

As to the appraised property, Fleyshev stated a combined 21,782 square feet of land area and noted the improvements are situated on both parcels. The appraiser set forth an effective age of the subject dwelling as 25 years old.

Under the cost approach, the appraiser estimated the combined site had a value of \$130,000. The appraiser estimated the replacement cost new of the improvements, including three decks and a boat dock, to be \$504,175. The appraiser estimated 75% depreciation or \$168,058 resulting in a depreciated improvement value of \$336,117. The appraiser also estimated the site improvements had a value of \$15,000. Adding the various components, the appraiser estimated the appraised property had an estimated market value of \$481,100 under the cost approach to value.

In the sales comparison approach, Fleyshev detailed six comparable sales located from .19 to 4.57 miles from the subject property. The appraiser noted the comparables were chosen as the most recent and reliable indicators of value within the subject's marketing area at the present time. The comparables exceeded one mile from the subject due to the lack of recent comparable sales in the subject's immediate area. The properties were similar to the subject in either riverfront or lakefront location. The six parcels range in size from 9,000 to 95,340 square feet of land area and are improved with "Bungalow," "Traditional," "French Provincial," "Dutch Colonial" or "Traditional" dwellings of brick, frame, frame and stone or brick and shingle exterior construction that were 39 to 100 years old. The homes range in size from 1,824 to 5,061 square feet of living area. Four of the dwellings have a basement, two of which have finished area and one of which is a walkout style. Each home features central air conditioning. Five dwellings have two or three fireplaces and each comparable has a two-car or a three-car garage. Five comparables each have a boat dock and comparables #4 and #5 each have inground swimming pools. The comparables sold from February 2017 to December 2018 for prices ranging from \$358,000 to \$550,000 or from \$102.75 to \$196.27 per square foot of living area, including land.

After making adjustments to the comparables for differences from the subject in lakefront locations, site size, quality of construction, bathroom count, gross living area, basement feature, basement finish, garage size and/or other amenities, Fleyshev estimated the comparables had adjusted prices ranging from \$421,500 to \$502,000, including land. Based on this data, the appraiser estimated the subject had an estimated value of \$475,000 or \$103.15 per square foot of living area, including land.

In reconciliation, the appraiser reported selecting the middle of the range of adjusted sales comparables for the final value conclusion (See Addendum) with sales #1, #2 and #3 being the most recent sales and given 30% weight each whereas the remaining comparable sales were afforded 3.33% weight each.

Based on this evidence, the appellant requested a total reduced assessment for the subject parcel of \$158,331 which would reflect a market value of approximately \$475,325, including land, 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 parcel of \$179,093. The subject's assessment reflects a market value of \$537,333, land included, for the parcel on appeal 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 response to the appraisal, the board of review argued that the appraisal comparables were each inferior to the subject in age, quality of construction and condition. Five of the six comparables in the appraisal were smaller dwellings. Three of the six sales occurred in 2017, dates more remote in time to the valuation date at issue of January 1, 2019. In summary, the board of review argued that the appellant's appraisal report did not appear to be a good indication of the subject's market value.

In support of its contention of the correct assessment, the board of review through the township assessor's office submitted information on three comparable sales located from 2.44 to 3.04 miles from the subject property. The parcels range in size from 25,531 to 74,052 square feet of land area and are either riverfront or bayfront properties. The comparables are each improved with part two-story and part one-story dwellings that were 28 to 111 years old. The homes range in size from 4,216 to 5,066 square feet of living area. Two of the dwellings each have a basement and each comparable has central air conditioning, two or three fireplaces and a two-car or a three-car garage. The comparables sold from April to December 2018 for prices ranging from \$580,000 to \$860,000 or from \$134.14 to \$203.98 per square foot of living area, including land. Based on this evidence and argument, 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 appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The appellant submitted an appraisal and the board of review submitted five comparable sales in support of their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to the value conclusion contained within the appellant's appraisal report as the report is valuing two parcels of property, only one of which is on appeal in this proceeding,

which means that the value conclusion does not have any relevance to the parcel on appeal herein. Furthermore, five of the six comparables considered were each considerably smaller in dwelling size when compared to the subject. Furthermore, the record reveals that there were other comparables closer in proximity and size that were available for consideration in the report. Given the valuation of two parcels, both of which are not under appeal, along with concerns related to the properties chosen by Fleyshov for the sales comparison approach analysis, the Board finds the appraiser's value conclusion is not a credible or reliable indicator of the subject's estimated market value as of the assessment date. However, the most similar raw sales presented in the appraisal will be analyzed along with the best raw sales presented by the board of review.

The record contains a total of nine comparable sales. The Board has given reduced weight to appraisal sales #1, #2, #3, #5 and #6 due to their differing dwelling sizes when compared to the subject.

The Board finds the best evidence of market value in the record to be appraisal sale #4 and the board of review comparable sales. These four comparables sold from February 2017 to December 2018 for prices ranging from \$520,000 to \$860,000, including land. The subject's assessment reflects a market value of \$537,333, including land, which is within and at the low-end of the range established by the best comparable sales in the record. Based on this evidence and after considering appropriate adjustments to the best comparable sales in the record, the Board finds the appellant failed to establish overvaluation by a preponderance of the evidence and therefore 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:

April 19, 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

Wayne Grossich, by attorney:
Andrew J. Rukavina
The Tax Appeal Company
28643 North Sky Crest Drive
Mundelein, IL 60060

COUNTY

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