



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

APPELLANT: Jaroslaw & Dorota Jozwiak  
DOCKET NO.: 20-01883.001-R-1  
PARCEL NO.: 06-35-407-049

The parties of record before the Property Tax Appeal Board are Jaroslaw & Dorota Jozwiak, the appellant, by attorney Scott Shudnow, of Shudnow & Shudnow, Ltd. in Chicago; and the Kane 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 **Kane** County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$23,087  
**IMPR.:** \$116,235  
**TOTAL:** \$139,322

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant 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 2020 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 2.5-story multi-family apartment building containing five, 2-bedroom units and one, 1-bedroom unit. The building has brick and masonry exterior construction with 5,304 square feet of building area and was constructed in approximately 1972. Features of the property include a basement with the 1-bedroom unit, an off-street parking lot and four balconies. The property has a 16,000 square foot site and is located in South Elgin, Elgin Township, Kane County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted an appraisal estimating the subject property had a market value of \$335,000 as of January 1, 2019. The appraisal was prepared by Garry Nusinow, a certified general real estate appraiser. The purpose of the appraisal was to estimate the current market value of the subject property.

The appraiser developed both the sales comparison and income approaches to value.

In developing the sales comparison approach to value, the appraiser utilized three comparable sales located from 0.04 to 2.92 miles from the subject property. The comparables have sites ranging in size from 13,691 to 22,651 square feet of land area and are improved with either a 2-story or a 2.5-story building containing six or seven<sup>1</sup> 1-bedroom or 2-bedroom units. The properties were built in 1969. Each comparable has a basement and off-street parking. Comparable #2 also has a seven-car garage. The comparables sold in August or November 2017 for prices ranging from \$336,000 to \$360,000 or from \$58.33 to \$69.77 per square foot of building area and from \$51,429 to \$56,667 per rental unit, including land. Based on these sales the appraiser arrived at an opinion of value under the sales comparison approach of \$335,000 or \$63.16 per square foot of building area and \$55,833 per rental unit, land included.

In developing the income approach to value, the appraiser utilized three rental comparables located from 0.03 to 1.19 miles from the subject property that have varying degrees of similarity to the subject. The appraiser reconciled monthly market rents, arriving at per square foot rental rates from \$0.96 to \$1.11 for the subject's six units and estimated monthly rent totaling \$5,120 for the subject property. The appraiser added miscellaneous income, applied a 5% vacancy and collection loss rate, and subtracted total estimated annual expenses, concluding the subject property to have an annual net operating income of \$28,371. A capitalization rate of 9.4% was then applied to the net operating income to obtain an opinion of value based on the income approach of \$300,000 or \$56.56 per square foot of building area or \$50,000 per rental unit, land included.

In reconciling the two approaches to value, the appraiser indicated the sales comparison approach was given "considerable" weight since this approach to value reflects the behavior of market participants and arrived at a final opinion of value for the subject property of \$335,000 or \$55,833 per rental unit. Based on this evidence, the appellant requested the subject's assessment be reduced to reflect the appraised value of the subject property.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$139,322. The subject's assessment reflects a market value of \$418,510 or \$78.90 per square foot of building area or \$69,689 per rental unit, land included, when using the 2020 three-year average median level of assessment for Kane County of 33.32% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted evidence prepared by the Elgin Township Assessor. The evidence consists of four comparable sales located in either Elgin or South Elgin. The properties have sites that range in size from 10,454 to 16,000 square feet of land area that are improved with three-story multi-family buildings of brick exterior construction each with six apartment units configured with either 1-bedroom or 2-bedrooms. The buildings range in size from 5,304 to 6,336 square feet of building area and were built from 1964 to 1973. The properties sold from June 2019 to January 2020 for prices ranging

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<sup>1</sup> The Board finds appraisal comparable #2 has seven (7) rental units which equates to \$51,429 per rental unit given its sale price of \$360,000.

from \$460,000 to \$490,000 or from \$72.60 to \$90.50 per square foot of building area and from \$76,667 to \$81,667 per rental unit, land included.

The board of review also submitted written comments from the Elgin Township Assessor contending the appraisal comparable #1 is a foreclosure and the remaining two comparables are “motel style” buildings which all sold at the low end of the value range. The board of review argued that the subject property “is not an investment grade property” and that the income approach to value was “not a reliable indicator of value” and that the appraisal contained little support for the income approach to value. The board of review also submitted the PTAX-203 Real Estate Transfer Declaration and current assessment information on its comparable #1. Based on this evidence, the board of review requested the subject’s assessment be confirmed.

In rebuttal, the appellants’ attorney submitted a brief and a copy of a 2019 favorable PTAB decision for the subject property. The brief argued that the subject property was the matter of an appeal for the prior year under Docket Number 19-01721.001-R-1, wherein the Property Tax Appeal Board reduced the subject’s assessment based on the evidence. The attorney contended that, pursuant to Section 16-185 of the Property Tax Code, the 2019 favorable decision should be carried forward for the remainder of the general assessment cycle as the subject property has not been sold in an arm’s length transaction establishing a different fair market value and “remains owner occupied.”

### **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.

As an initial matter, the Board finds the appellants’ marked on their appeal petition that the subject property was not owner occupied. Furthermore, the subject’s property record card and assessment information submitted by the board of review show the appellants to have a mailing address which differs from the subject property. Based on this evidence the Board finds the subject property is not owner occupied. Therefore, after considering the requirements of Section 16-185 of the Property Tax Code, the Property Tax Appeal Board finds that a reduction in the subject’s assessment has not been established.

The Board finds the best evidence of market value to be the board of review’s comparable sales which are similar to the subject in location, age, rental units, and other features and sold proximate to the January 1, 2020 assessment date. These properties sold for prices ranging from \$460,000 to \$490,000 and from \$76,667 to \$81,667 per rental unit, including land. The subject's assessment reflects a market value of \$418,510 or \$69,689 per rental unit, including land, which falls below the range established by the best comparable sales in the record. The Board gives little weight to the opinion of value presented in the appellants’ appraisal report as the comparable sales selected sold in 2017, more than two years prior to the assessment date at issue. Based on this evidence 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: September 20, 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

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