



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

APPELLANT: Venus Enterprises, LLC
DOCKET NO.: 20-05188.001-R-1
PARCEL NO.: 06-34-327-066

The parties of record before the Property Tax Appeal Board are Venus Enterprises, LLC, the appellant, 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 **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: \$20,819
IMPR.: \$65,467
TOTAL: \$86,286

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-story dwelling of frame exterior construction with 1,701 square feet of living area.¹ The dwelling was constructed in 1994 and is approximately 26 years old. Features of the home include a basement, central air conditioning, two fireplaces, and a 2-car garage. The property has a 7,600 square foot site and is located in South Elgin, Elgin Township, Kane 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 \$185,000 as of January 1, 2019. The appraisal was prepared by Julia L. Kari, a certified residential real estate appraiser, for ad valorem tax purposes.

¹ The parties differ regarding the subject's dwelling size. The Board finds the best evidence of dwelling size to be the appellant's appraisal which contains a detailed sketch with measurements after inspection of the property.

Under the sales comparison approach, the appraiser selected four comparable sales located within 0.31 of a mile from the subject. The parcels range in size from 8,030 to 11,360 square feet of land area and are improved with 2-story homes of frame exterior construction with 1,728 or 1,812 square feet of living area. The dwellings are 24 or 25 years old. Each home has a basement, two of which have finished area, central air conditioning, and a 2-car garage. One comparable has a fireplace. The comparables sold from August to November 2016 for prices ranging from \$185,000 to \$237,000 or from \$105.96 to \$137.09 per square foot of living area, including land. The appraiser made adjustments to the comparables for differences from the subject, such as condition, dwelling size, basement finish, and other amenities, to arrive at adjusted sale prices ranging from \$184,000 to \$190,900. Based on the foregoing, the appraiser opined a market value of \$185,000 for the subject as of January 1, 2019.

The appellant also submitted information regarding three comparable sales located within 0.70 of a mile from the subject. The parcels range in size from 8,930 to 9,902 square feet of land area and are improved with 2-story homes of frame and stone exterior construction ranging in size from 1,728 to 2,050 square feet of living area. The dwellings range in age from 22 to 26 years old. Each home has a basement, one of which has finished area, central air conditioning, and a 400 square foot garage. One home has a fireplace. The comparables sold from May 2017 to December 2019 for prices ranging from \$199,900 to \$245,000 or from \$97.51 to \$119.51 per square foot of living area, including land.

Based on this evidence the appellant requested a reduction in the subject's assessment to reflect the appraised value conclusion.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$86,286. The subject's assessment reflects a market value of \$258,962 or \$152.24 per square foot of living area, 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 information on three comparable sales located within 0.40 of a mile from the subject. The parcels range in size from 8,276 to 13,504 square feet of land area and are improved with part 1-story and part 2-story homes of frame exterior construction ranging in size from 1,665 to 1,737 square feet of living area. The dwellings were built from 1994 to 1996. Each home has a basement, two of which have finished area, central air conditioning, and a 400 or 452 square foot garage. One comparable has a fireplace. The comparables sold from June 2018 to February 2019 for prices ranging from \$260,000 to \$270,000 or from \$152.67 to \$159.16 per square foot of living area, including land.

The board of review submitted a letter from the township assessor's office contending that the appraisal relies on sales occurring in 2016 and the appraiser made unsubstantiated large adjustments to appraisal sale #3 for condition and basement finish. The assessor further argued the appellant's comparables #1 and #2 were REO sales and the listing sheet for the appellant's comparable #3 described a market time of nine days with notes expressing an interest in closing quickly.

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 appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The appellant presented an appraisal and three comparable sales and the board of review presented three comparable sales in support of their respective positions before the Board. The Board gives less weight to the value conclusion contained in the appraisal. The appraisal states a value conclusion as of January 1, 2019 and relies on sales occurring in 2016, which is more remote in time from the assessment date. Thus, the Board finds the appraisal states a less credible and/or reliable opinion of value and the Board will instead consider the comparable sales presented by the parties.

The record contains a total of six comparable sales for the Board's consideration. The Board gives less weight to the appellant's comparables #1 and #3 and the board of review's comparable #3, due to substantial differences from the subject in dwelling size and/or which sold less proximate in time to the assessment date than other comparables in this record.

The Board finds the best evidence of market value to be the appellant's comparable #2 and the board of review's comparables #1 and #2, which are more similar to the subject in dwelling size, age, location, site size, and features. These most similar comparables sold for prices ranging from \$201,750 to \$270,000 or from \$116.75 to \$159.16 per square foot of living area, including land. The subject's assessment reflects a market value of \$258,962 or \$152.24 per square foot of living area, including land, which is within the range established by the best comparable sales in the record. Based on this evidence and after considering appropriate adjustments to the best comparables for differences when compared to 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:

May 16, 2023



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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