



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

APPELLANT: Brian Miko  
DOCKET NO.: 20-05452.001-R-1  
PARCEL NO.: 09-09-153-020

The parties of record before the Property Tax Appeal Board are Brian Miko, the appellant, by attorney Joanne Elliott of Elliott & Associates, P.C. in Des Plaines; and the Kane 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 **Kane** County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$32,785  
**IMPR.:** \$122,786  
**TOTAL:** \$155,571

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 two-story dwelling of brick and frame exterior construction with 3,335 square feet of living area. The dwelling was constructed in 2017 and is approximately 3 years old. Features of the home include an English style basement that is unfinished, central air conditioning, a fireplace and a 616 square foot garage. The property has an approximately 10,672 square foot site and is located in South Elgin, St. Charles 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 \$396,000 as of January 1, 2020. The appraisal was prepared by Peter Petrovich, a Certified Residential Real Estate Appraiser. The property rights appraised were fee simple and the purpose of the appraisal is to estimate the subject's market value to assist with potential tax protest purposes.

The appraiser described the subject as being in average condition for the area but would be in very good condition if not for the major concerns with the structure. The appraiser indicated in the addendum that there are several cracks in the foundation walls of the basement, where one crack, from the corner window, runs almost to the foundation slab. The appraiser stated the current owner reports that the subject structure has settled to one side (towards the front of the structure-Foxborough Rd) so much, that three support poles started to lean, and had to be re-leveled. The appraiser noted that these issues were ongoing during the 3-year period prior to the effective date of this report and that some, like the large crack in the foundation slab, is still ongoing.

Petrovich stated that due to the structural issues of the subject listed in the addendum and the fact that the appraiser is not qualified in fields of structural engineering, home inspection, etc. He is of the opinion the cost approach would not provide a reliable estimate of value and was therefore not completed.

In estimating the subject's market value, the appraiser developed the sales comparison approach to value utilizing four comparable sales that are located within .23 of a mile from the subject property. The comparables have sites ranging in size from 8,040 to 10,890 square feet of land area. The comparables are described as traditional or colonial style dwellings of brick and frame exterior construction ranging in size from 2,417 to 3,425 square feet of living area and are approximately 2 to 4 years old. Each comparable has an unfinished full basement, central air conditioning and either a two-car or a three-car garage. Three comparables each have one fireplace. The comparables sold from January 2019 to December 2019 for prices ranging from \$373,212 to \$465,000 or from \$123.43 to \$154.41 per square foot of living area, including land. The appraiser adjusted comparable #2 for sale or financing concessions and applied adjustments to all the comparables for differences when compared to the subject in condition, gross living area and other features to arrive at adjusted prices ranging from \$395,100 to \$403,312. Based on the adjusted sale prices, the appraiser estimated the subject had a market value of \$396,000 as of January 1, 2020.

According to the appraiser, adjustments over 10%, 15% and 25% may have been necessary due to the fact that there were limited sales within the area. The appraiser reported in the addendum that comparables #1 and #2 have interior finishes that are not as high-end as the subject, comparable #3 has more high-end finishes than the subject and comparable #4 is in superior condition when compared to the subject. However, the appraiser contends none of the comparables reportedly suffer from foundation and structural problems that the subject does. The appraiser gave most weight to comparable sale #2 as it has the least amount of gross adjustments; however, all adjusted sales prices were considered.

Based on this evidence, the appellant requested an assessment reflective of the appraised value conclusion at 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 \$174,508. The subject's assessment reflects a market value of \$523,733 or \$157.04 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 response to the appeal, the board of review submitted a memorandum and a grid analysis of the four comparable sales used by the appellant's appraiser along with five additional comparables sales which was prepared by the St. Charles Township Assessor's Office. The assessor critiqued the appellant's appraisal report. The assessor argued that three of the appellant's appraiser's comparables are located along Randall Road, whereas the subject has an interior lot with an open backyard, which is superior to backing Randall Road, but the appraiser made no adjustments for location. The assessor reported the subject's 2020 assessment increased from 2019 due to the application of the equalization factor of 1.0202 plus the addition of a new deck.

In support of its contention of the correct assessment of the subject property the board of review, through the township assessor, submitted information on five comparable sales with the same assessment neighborhood code as the subject and located within .21 of a mile from the subject. The comparables have sites that range in size from approximately 8,059 to 12,763 square feet of land area. The comparables are improved with two-story dwellings of frame or frame and brick exterior construction ranging in size from 2,477 to 3,616 square feet of living area and were built from 2015 to 2018. The comparables each have a basement, one of which is an English style basement and one is a walk-out. Each comparable has central air conditioning and a garage ranging in size from 613 to 754 square feet of building area. Four comparables each have one fireplace. The comparables sold October 2017 to July 2019 for prices ranging from \$393,000 to \$585,174 or from \$140.63 to \$161.83 per square foot of living area, including land.

After reviewing the appellant's appraisal and noting that several of the appraisal comparables back to Randall Road, a "very very busy road" according to the assessor, the board of review offered to stipulate to a total assessment of \$166,650 for the subject property, reflecting a market value of \$500,150 or \$149.97 per square foot of living area, including land 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 written rebuttal, the appellant's counsel rejected the stipulated assessment offered by the board of review. Counsel argued the board of review's evidence is based on "raw, unadjusted" sales comparables but despite being unadjusted, board of review's sales comparables #2, #3 and #4 sold between \$140.63 and \$148.81 per square foot of living area, including land. Counsel contends the subject property is currently at \$156.99 per square foot of living area, including land which is significantly higher than these three board of review's comparables. The taxpayer argues that board of review's comparable #5 sold in 2017 and the sale is too old and irrelevant to establish fair market value for the subject property and that board of review comparable #1 has a significantly smaller dwelling size when compared to the subject which would result in a higher sales price per square foot of living area, including land. Lastly, the taxpayer requests the Property Tax Appeal Board place no weight on the board of review comparables due to their lack of adjustments. Counsel contends the best evidence of value in this case in the appraisal completed by a licensed appraiser which was submitted by the taxpayer.

### **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 met this burden of proof and a reduction in the subject's assessment is warranted.

The appellant submitted an appraisal of the subject property and the board of review submitted five comparable sales to support their respective positions before the Board. The Board has given less weight to the appraiser's conclusion of value since the appraiser chose comparables #1 and #4 that have considerably smaller dwelling sizes when compared to the subject when there were other sales more similar in dwelling size available that were submitted by the board of review, which undermines the credibility of the appraisal's final value conclusion. Therefore, the Board will analyze the raw sales data in the appraisal.

The record contains a total of nine comparable sales for the Board's consideration. The Board has given less weight to the appellant's appraisal comparables #1 and #4, as well as board of review comparable #1 due to their smaller dwelling sizes when compared to the subject. The Board has also given less weight to board of review comparable #5 due to its sale date occurring in October 2017, less proximate in time to the assessment date at issue than the other comparable sales in the record.

The Board finds the best evidence of the subject's market value to be the appellant's appraisal comparables #2 and #3, along with the board of review comparables #2, #3 and #4, which sold more proximate in time to the assessment date at issue and are overall most similar to the subject in location, dwelling size, design, age and some features. These properties sold from December 2018 to June 2019 for prices ranging from \$392,400 to \$497,160 or from \$123.55 to \$148.81 per square foot of living area, including land. The subject's assessment reflects a market value of \$523,733 or \$157.04 per square foot of living area, land included which falls above the range established by the best comparable sales in the record. After considering adjustments to the best comparables for differences when compared to the subject, the Board finds the subject's estimated market value as reflected by its assessment is excessive and a reduction in the subject's assessment is warranted.

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 18, 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

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