



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

APPELLANT: Michael Restivo
DOCKET NO.: 20-05616.001-R-1
PARCEL NO.: 12-10-328-025

The parties of record before the Property Tax Appeal Board are Michael Restivo, the appellant, by Jessica Hill-Magiera, Attorney at Law in Lake Zurich; 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: \$82,353
IMPR.: \$151,553
TOTAL: \$233,906

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 stucco exterior construction with 2,796 square feet of living area. The dwelling was constructed in 1991. Features of the home include a basement with finished area, central air conditioning, a fireplace and a three-car garage. The property has a 24,813 square foot site and is located in Geneva, Geneva Township, Kane County.

The appellant contends both assessment inequity and overvaluation as the bases of the appeal.

In support of the overvaluation argument, the appellant submitted information on six comparable sales located within .82 of a mile from the subject property and within different neighborhood codes than the subject. The comparables are improved with 2-story dwellings that range in size from 2,881 to 3,166 square feet of living area. The homes were built from 1987 to 1998. Five

comparables each have a fireplace. Each comparable has a lower level or a basement, central air conditioning and a three-car garage. The appellant did not report if each comparable has a finished or an unfinished lower level/basement or the lot size of each comparable. The comparables sold from June 2019 to April 2020 for prices that range from \$437,000 to \$510,000 or from \$139.53 to \$169.89 per square foot of living area, land included.

In support of the assessment inequity argument, the appellant submitted information on five equity comparables located within .37 of a mile from the subject property and within the same neighborhood code as the subject. The comparables are improved with 2-story dwellings that range in size from 2,699 to 3,012 square feet of living area. The homes were built from 1986 to 1995. Each comparable has a basement, one or two fireplaces, and central air conditioning. The appellant did not report if each comparable has a finished or an unfinished basement and reported a garage size of "0" for the subject and each comparable in this equity grid analysis. The comparables have improvement assessments that range from \$84,269 to \$111,748 or from \$29.85 to \$37.10 per square foot of living area.

Based on this evidence, the appellant requested the subject's total assessment be reduced to \$141,879. The requested assessment would reflect a total market value of \$425,680 or \$152.25 per square foot of living area, land included, when applying the statutory level of assessment of 33.33%. The appellant requested a reduced improvement assessment of \$59,526 or \$21.29 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$233,906. The subject's assessment reflects a market value of \$701,999 or \$251.07 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. The subject property has an improvement assessment of \$151,553 or \$54.20 per square foot of living area.

In response to the appellant's appeal, the board of review submitted two letters from the Geneva Township Assessor's Office, information on four comparables with sales and equity data, and copies of supplemental information disclosing the subject property sold on June 27, 2018 for a price of \$810,000 or \$289.70 per square foot of living area, land included. The documentation included copies of the MyDec Form PTAX-203 and mortgage document stamped by the county recorder's office and a Multiple Listing Service sheet with photographs of the subject property. The Form PTAX-203 disclosed the subject sold by a warranty deed, the property was advertised for sale and the sale was not between related individuals or corporate affiliates. In the letter, the township assessor contends the subject property is undervalued, and the home was designed by the renowned Frazier and Raftery Architects that is located within a more desirable location near the downtown area of the City of Geneva than the neighborhoods of the appellant's comparables with lower cost homes, busy streets, and/or densely populated areas. The township assessor further disclosed the subject had condition issues in which the subject's 2019 assessment had been reduced to \$229,477, and an equalization factor of 1.01930 was subsequently applied for a 2020 total assessment of \$233,906.

In support of its contention of the correct assessment, the board of review submitted information on four comparables with equity and sales data located within 0.70 of a mile from the subject,

and one of which is located within the subject's same neighborhood. The comparables are improved with 1.5-story or 2-story dwellings of frame or "Other" exterior construction that range in size from 2,119 to 3,183 square feet of living area. The dwellings were built from 1870 to 2018. Each comparable has a basement, three of which have finished area with one being a walkout style, one to three fireplaces, and a two-car garage. The comparables have from 12,072 to 54,450 square foot sites. The comparables have improvement assessments that range from \$197,455 to \$239,489 or from \$62.64 to \$104.51 per square foot of living area. The comparables sold from August 2017 to June 2019 for prices that range from \$770,000 to \$924,500 or from \$244.29 to \$377.06 per square foot of living area, land included. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant's counsel submitted a grid analysis containing all of the parties' comparable sales for clarity and argued the county's comparables are dissimilar to the subject in dwelling size, age and/or remote sale date.

Conclusion of Law

The appellant contends in part that 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 record contains information regarding the June 2018 sale of the subject property and ten comparables sales provided by the parties for the Board's consideration. The Board gives less weight to the appellant's comparable #4 that has a different foundation type with a lower level rather than a basement, like the subject. The Board also gives less weight to the board of review comparable sales which are less similar to the subject in age and/or dwelling size than the other comparable sales in the record.

The Board finds the best evidence of market value in the record to be the June 2018 purchase of the subject property for \$810,000 along with the appellant's comparable sale #1, #2, #3, #5 and #6. The appellant's comparable sales are similar to the subject in overall property characteristics and sold from June 2019 to April 2020 with prices ranging from \$448,000 to \$510,000 or from \$142.18 to \$169.89 per square foot of living area, land included. Although the subject sold somewhat less proximate in time to the January 1, 2020 assessment date at issue than the appellant's comparable sales, the board of review disclosed the appellant's comparable sales are located within less desirable neighborhoods than the subject property that was not refuted in rebuttal by the appellant's attorney. In addition, the board of review provided evidence revealing the sale of the subject had some elements of an arm's length transaction. The evidence disclosed the property was advertised for sale and the parties to the transaction were not related individuals or corporate affiliates. Nevertheless, the Board finds the subject's purchase price is above the market value as reflected by its assessment of \$701,999 or \$251.07 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. Based on the evidence

in this record, the Board finds no reduction in the subject's assessment is warranted based on overvaluation.

Alternatively, the appellant contends assessment inequity as a basis of the appeal concerning the improvement. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did not meet this burden of proof and no reduction in the subject's improvement assessment is warranted.

The parties submitted a total of nine equity comparables for the Board's consideration. The Board finds the appellant's comparables lack the sufficient details of the comparables' descriptive property characteristics for the Board to conduct a meaningful comparative analysis. The appellant's comparables did not include information regarding the basement finish or the garage amenity, if any. Additionally, none of the board of review comparables are truly similar to the subject due to significant differences in dwelling size, age, and/or other features. Nevertheless, both parties' comparables have improvement assessments that range from \$84,269 to \$239,489 or from \$29.85 to \$104.51 per square foot of living area. The subject's improvement assessment of \$151,553 or \$54.20 per square foot of living area falls within the range established by the comparables in the record. Based on this record, the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and no reduction in the subject's assessment is 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:

July 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

AGENCY

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