



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

APPELLANT: Kevin & Pamela Kemp
DOCKET NO.: 20-05620.001-R-1
PARCEL NO.: 05-26-180-001

The parties of record before the Property Tax Appeal Board are Kevin & Pamela Kemp, the appellants, 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: \$32,419
IMPR.: \$181,591
TOTAL: \$214,010

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 frame exterior construction with 4,160 square feet of living area. The dwelling was constructed in 2007. Features of the home include a walk-out style basement with finished area, central air conditioning, a fireplace, a garage containing 890 square feet of building area, and an inground swimming pool.¹ The property has a 2.21-acre site and is located in Elgin, Plato Township, Kane County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on three comparable sales located within .42 of a mile of the subject. The comparables consist of two-story dwellings of frame exterior construction ranging in size from 3,784 to 4,583 square feet of living area. The homes were built from 2005 to 2013. Each dwelling has central air conditioning, one or two fireplaces, an unfinished basement, and a

¹ Details not reported by the appellant were drawn from the property record card submitted by the board of review.

garage ranging in size from 690 to 990 square feet of building area. The parcels range in size from 1 acre to 1.28 acres of land area. The comparables sold from July 2018 to April 2020 for prices ranging from \$435,000 to \$650,000 or from \$112.20 to \$141.83 per square foot of living area, including land. Based on this evidence, the appellant requested a reduced assessment of \$179,545, for an estimated market value of \$538,689 or \$129.49 per square foot of living area, 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 of \$214,010. The subject's assessment reflects a market value of \$642,287 or \$154.40 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 1.73 miles of the subject. Comparable #2 is the same property as appellant comparable #2. The comparables consist of two-story dwellings of frame exterior construction ranging in size from 3,731 to 4,782 square feet of living area. The dwellings were built from 2004 to 2013. Each dwelling has central air conditioning, one to three fireplaces, a basement with two having finished area, one being a lookout-style and one being a walk-out style, and a garage ranging in size from 983 to 1,328 square feet of building area. Comparable #1 has an inground swimming pool. The parcels range in size from 1.17 acres to 1.92 acres of land area. The comparables sold from January 2017 to July 2018 for prices ranging from \$583,000 to \$670,000 or from \$140.11 to \$156.26 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellants argued that board of review comparables #1 and #3 differ from the subject in location and have more remote sale dates.

Conclusion of Law

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

The parties submitted a total of five comparable sales to support their respective positions before the Property Tax Appeal Board, with one comparable being common to the parties. The Board gives less weight to the board of review's comparable #1 due to their location more than one mile from the subject and/or more remote sale dates for valuation as of January 1, 2020 given other sales in the record.

The Board finds the best evidence of market value to be the appellants' comparable sales including the common sale, which are similar to the subject in age, location, dwelling size, and features. These most similar comparables sold for prices ranging from \$435,000 to \$650,000 or

from \$112.20 to \$141.83 per square foot of living area, including land. The subject's assessment reflects a market value of \$642,287 or \$154.40 per square foot of living area, including land, which is within the range established by the best comparable sales in this record overall, but above the range on a per-square-foot basis. However, the assessment appears justified given the subject's finished basement, inground swimming pool, and larger parcel. Based on this evidence and after considering 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:

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

AGENCY

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