



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

APPELLANT: Danco Group LLC
DOCKET NO.: 20-05698.001-C-1
PARCEL NO.: 15-15-176-029

The parties of record before the Property Tax Appeal Board are Danco Group LLC, the appellant, by attorney Steven Kandelman, of Rieff Schramm Kanter & Guttman 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: \$92,034
IMPR.: \$83,647
TOTAL: \$175,681

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 one-story commercial retail and auto repair building of brick construction with 6,849 square feet of building area. The building was constructed in 1964. The property has a 47,045 square foot site and is located in Aurora, Aurora Township, Kane County.

The appellant's appeal is based on overvaluation. In support of the overvaluation argument the appellant submitted a grid analysis containing three suggested comparables that are located from .07 of a mile to 3.40 miles from the subject. The comparables have sites ranging in size from 7,840 to 87,120 square feet of land area that are improved with commercial retail and auto repair buildings containing from 3,438 to 9,000 square feet of building area. The buildings are 27 to 100 years old. Comparables #1 and #3 sold in February and March 2020 for prices of \$250,000 and \$106,000 or for \$27.78 and \$18.92 per square foot of living area, including land, respectively. Comparable #2 is an active listing with a list price of \$199,900 or \$58.14 per

square foot of living area, including land. The appellant's counsel also submitted a brief along with CoStar comparable sale reports on three properties, two of which were described in the grid analysis. The remaining property that was not included in the grid analysis is located at 731 S. River Street in Aurora, Illinois. The property has a 5,227 square foot site that is improved with a freestanding single-tenant retail building that was built in 1976 with 3,000 square feet of building area. This property sold in June 2019 for \$140,000 or \$46.67 per square foot of building area, including land.

Based on this evidence, the appellant requested that the subject's total assessment be reduced to \$100,898, which reflects an estimated market value of \$302,724 or \$44.20 per square foot of building area, land included when using 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 \$175,681. The subject's assessment reflects a market value of \$527,254 or \$71.37 per square foot of building 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 critiqued the appellant's comparables asserting the appellant reported incorrect building and site sizes for sale #1. The board of review reported 7,070 square feet of building area and 34,848 square feet of land area. In addition, this property is a multi-tenant retail building compared to the subject which is single user auto repair facility. Sale 2 is a much smaller and older building that is cut-up with less functional utility. As to Sale #3, it was noted that the \$106,000 sale price was only for the northerly portion of the site containing 8,638 square feet. The land was sold to the City of Aurora for road widening purposes and did not include the remaining land and building. Lastly, the property located at 731 S. River Street is located in a lesser commercial district with considerably less daily traffic count than the subject's location. This property only has a 5,400 square foot site and the building has a single drive-in door, and the ceiling clearance appears vastly inferior to the subject.

In support of its contention of the correct assessment the board of review submitted a grid analysis containing four comparable properties located in Aurora or North Aurora. The comparables have sites ranging in size from 14,000 to 36,155 square feet of land area that are improved with commercial buildings, all of which have auto repair facilities. Comparables #1, #3 and #4 are auto repair buildings. Comparable #2 has an auto repair shop, gas station and car wash. The buildings contain from 5,326 to 8,168 square feet of building area and were built between 1950 to 1996. The comparables sold from May 2017 to February 2020 for prices ranging from \$450,000 to \$1,200,000 or from \$55.09 to \$166.67 per square foot of building area, including land. The board of review also provided exterior photographs of both parties' comparable sales. 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 parties submitted a total of eight comparable sales for the Board's consideration. The Board gives less weight to the appellant's comparable sales #1, #2 and #3. Comparable #1 is a multi-tenant building compared to the subject which is a single-user building. Comparable #2 is an active listing that has not yet sold and comparable #3 was a sale that contained 8,638 square feet of land only that was sold to the City of Aurora for road widening purposes. The Board also gives less weight to appellant's comparable located at 731 S. River Street which has a considerably smaller site than the subject.

The Board finds the board of review's comparable sales are overall more similar to the subject in location, use, size and some features. However, sale #1, #2 and #4 occurred from 19 to 31 months prior to the January 1, 2020 assessment date at issue. Nevertheless, the best comparables sold for prices ranging from \$450,000 to \$1,200,000 or from \$55.09 to \$166.67 per square foot of building area, including land. The subject's assessment reflects a market value of \$527,254 or \$71.37 per square foot of building area, including land, which falls within the range established by the best comparable sales in this record. After considering adjustments to the best comparables for differences when compared to the subject, the Board finds the subject's market value as reflected by its assessment is supported. Based on this evidence the Board finds a reduction in the subject's assessment is not 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:

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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Danco Group LLC, by attorney:
Steven Kandelman
Rieff Schramm Kanter & Guttman
100 North LaSalle Street
Suite 2300
Chicago, IL 60602

COUNTY

Kane County Board of Review
Kane County Government Center
719 Batavia Ave., Bldg. C, 3rd Fl.
Geneva, IL 60134