



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

APPELLANT: Kelly & Joshua Waters  
DOCKET NO.: 20-06719.001-R-1  
PARCEL NO.: 18-14-177-012

The parties of record before the Property Tax Appeal Board are Kelly & Joshua Waters, the appellants; and the McHenry 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 **McHenry** County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$24,450  
**IMPR.:** \$102,102  
**TOTAL:** \$126,552

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellants timely filed the appeal from a decision of the McHenry 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 cedar<sup>1</sup> exterior construction with 3,456 square feet of living area. The dwelling was constructed in 1999. Features of the home include a basement with finished area, central air conditioning, one fireplace and a 591 square foot 3-car garage. The golf course property has a 0.55 acre or an approximately 23,994 square foot site and is located in Lakewood, Grafton Township, McHenry County.

The appellants contend both assessment inequity, with respect to the land and improvements, as well as overvaluation as the bases of the appeal. In conjunction with these arguments, the appellants asserted that 41 windows in the subject dwelling are inoperable or unable to open and need to be replaced. The appellants submitted a 15-page bid from Pella dated August 2018 with a total cost for replacement of \$77,700.

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<sup>1</sup> The Board finds the best description of the subject's exterior and site view features were found in the Multiple Listing Service (MLS) information sheet for the subject property which was submitted by the appellants.

In support of the overvaluation argument, the appellants submitted a grid analysis, Grafton Township general information sheets, MLS sheets, and photographs on four comparable sales numbered #1 through #4. The comparable sales are located from 700 feet to 1.80 miles from the subject, one of which is located in a different city than the subject property. The comparables have sites that range in size from 21,780 to 25,265 square feet of land area, with comparable #1 having a golf course and pond view. The sites are improved with two-story dwellings of frame exterior construction that range in size from 2,914 to 3,495 square feet of living area. The dwellings range in age from 21 to 27 years old. Each comparable has a basement, two with finished area, central air conditioning, one fireplace and a 2-car or a 3-car garage. The comparables sold from April 2019 to July 2020 for prices ranging from \$303,000 to \$329,500 or from \$90.13 to \$105.00 per square foot of living area, land included. The appellants also submitted a copy of a Multiple Listing Service (MLS) sheet showing the subject property was purchased in July 2018 for a price of \$370,000. The MLS sheet did not disclose any needed window repairs.

As an alternate basis of the appeal, the appellants contend assessment inequity with respect to both the land and improvement assessments. In support of the inequity argument the appellants submitted a grid analysis and Grafton Township general information sheets on four equity comparables numbered #5 through #8. The properties are located from 0.20 of a mile to 1.90 miles from the subject property, two of which are located in the same assessment neighborhood code as the subject. The comparables have sites that range in size from 10,237 to 33,977 square feet of land area. Comparables #7 and #8 are described in the township information sheets as having a "superior" lot type. Comparables #5, #6 and #7 are improved with two-story dwellings of brick or frame exterior construction that range in size from 3,247 to 3,968 square feet of living area and range in age from 21 to 40 years old. Each comparable has a basement, two with finished area, central air conditioning, one fireplace and a 3-car garage. Comparable #6 has an inground swimming pool and comparable #8 is an unimproved vacant lot in the subject's subdivision. The four comparables have land assessments that range from \$13,972 to \$24,450 or from \$0.41 to \$1.36 per square foot of land area. Three comparables have improvement assessments that range from \$74,361 to \$87,311 or from \$18.89 to \$26.89 per square foot of living area.

Based on this evidence, the appellants requested the subject's total assessment be reduced to \$100,000. The requested assessment reflects a total market value of \$300,030 or \$86.81 per square foot of living area, land included, when applying the statutory level of assessment of 33.33%. The request would lower the subject's land assessment to \$20,000 or \$0.83 per square foot of land area and lower the subject's improvement assessment to \$80,000 or \$23.15 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 \$126,552. The subject's assessment reflects a market value of \$379,353 or \$109.74 per square foot of living area, land included, when using the 2020 three-year average median level of assessment for McHenry County of 33.36% as determined by the Illinois Department of Revenue. The subject has a land assessment of \$24,450 or \$1.02 per square foot of land area and an improvement assessment of \$102,102 or \$29.54 per square foot of living area.

In support of its contention of the correct assessment on market value grounds, the board of review submitted information on three comparable sales located in the same assessment neighborhood as the subject property. The comparable sites are described as either standard or superior and are improved with two-story dwellings that range in size from 3,420 to 3,703 square feet of living area. The dwellings were built in either 2000 or 2005. Each comparable is reported to have a basement, two fireplaces and a garage ranging from 675 to 783 square feet of building area. Comparable #1 has an inground swimming pool. The comparables sold in April or June 2020 for prices ranging from \$450,000 to \$490,000 or from \$129.11 to \$132.33 per square foot of living area, land included.

On equity grounds, the board of review submitted information on two equity comparables located in the same neighborhood code and on the same street as the subject property. The comparables have sites described as superior that are improved with two-story dwellings with either 3,409 or 3,495 square feet of living area. The homes were built in 1999 or 2000. Each comparable has a basement and a 570 square foot garage. Each comparable has a land assessment of \$24,450 and improvement assessments of \$123,949 and \$128,406 or \$36.36 and \$36.74 per square foot of living area.

The board of review submitted handwritten comments critiquing the appellants' comparables as having a mix of golf course and non-golf course properties when the subject property is located on a golf course. It further contended there was no evidence documenting the condition of the subject's windows explaining why the windows are required to be replaced.

In a brief, the Grafton Township Assessor contended the appellants' comparables #4, #5 and #6 are located outside of the subject's neighborhood and less likely to reflect values and/or assessments within the subject's neighborhood. With respect to the appellants' claim that 41 of the subject windows require replacement, the assessor contended the appellants' evidence was inconclusive as to whether the subject windows are "super adequate" for the neighborhood and cited 35 ILCS 200/10-20 of the Property Tax Code which addresses repairs and maintenance of residential property. The assessor opined, if value cannot be increased due to adequate maintenance, no adjustment should be available for inadequate maintenance.

Based on these arguments, the board of review argued the appellants failed to prove inequity by clear and convincing evidence or overvaluation by a preponderance of the evidence and requested the subject's assessment be confirmed.

In rebuttal, the appellants responded to the critique that the appellants' comparables #4, #5 and #6 were outside of the subject's neighborhood. The appellants stated that these properties are located either 1.80 or 1.90 miles from the subject. With respect to the critique of the appellants' window replacement evidence, the appellants contended that a window company would not "take the time to quote the replacement of 41 windows if it was not needed." The appellants reiterated that all of the equity comparables in the record demonstrate "unequal treatment and the grossly inflated assessments" found in the subject's market area.

The appellants critiqued the board of review comparable sales, claiming the properties to be custom construction which are "far superior" to the subject property, including a list of features

which the subject property lacks. Finally, the appellants addressed the board of review's critique that the appellants' comparables include a mix of golf course and non-golf course properties noting that board of review comparable sales #1 and #3 are non-golf course lots. With these rebuttal arguments, the appellants concluded the record contained "an abundance of proof demonstrating the drastically inflated market value and inequity of assessments" for homes located within 1.90 miles of the subject property.

### **Conclusion of Law**

The appellants contend, in part, 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.

As an initial matter, the appellants contend 41 windows in the subject dwelling require replacement at an estimated cost of \$77,700, based on a 2018 bid, because they suffer from "rotting wood, broken seals, broken locks and multiple other issues leaving most windows inoperable." The Board finds this argument unpersuasive. Photographs of the subject property do not corroborate the appellants' claim that 41 windows need to be replaced. Additionally, the appellants submitted a copy of the MLS associated with the subject's July 2018 sale which did not disclose any deficiencies or needed window repair or replacement. Moreover, even if some windows needed to be replaced, which this record does not support, the appellants purchased the subject property in July 2018 for \$370,000 with the purported window defects but are requesting an assessment that reflects an estimated market value of \$300,030 for the 2020 tax year. The Board finds by simply deducting the purported cost of window replacement from the subject's 2020 estimated market value as reflected by its assessment for the 2020 tax year is not reasonable, does not comport with accepted real estate valuation methodology and is not supported by the most credible market value evidence in the record.

The parties submitted a total of seven comparable sales for the Board's consideration. The Board gives less weight to the appellants' comparable #3 which is substantially smaller in dwelling size when compared to the subject, and to comparable sale #4 which is located 1.80 miles from the subject, less proximate than other comparables in the record. The Board gives less weight to board of review comparable #1 which features an inground swimming pool that the subject property lacks.

The Board finds the best evidence of market value to be appellants comparable sales #1 and #2 along with board of review comparables #2 and #3 which are more similar to the subject in location, age, design, dwelling size and some other features. However, two of these best comparables have a "standard" or "external" lot, compared to the subject's superior lot suggesting upward adjustments are needed to make these properties more equivalent to the subject. While two of these best comparables are described as custom construction, unlike the subject, suggesting downward adjustments are needed to make these properties more equivalent to the subject. These four comparables sold from April 2019 to June 2020 for prices ranging

from \$315,000 to \$467,500 or from \$90.13 to \$131.58 per square foot of living area, including land. The subject's assessment reflects a market value of \$379,353 or \$109.77 per square foot of living area, including land, which falls within the range established by the best comparable sales in this record. After considering adjustments to the comparables for differences when compared to the subject, the Board finds a reduction in the subject's assessment, based on overvaluation is not justified.

The taxpayers also contend assessment inequity as an alternative basis of the appeal. 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 appellants did not meet this burden of proof and a reduction in the subject's assessment, based on inequity is not warranted.

The parties submitted six assessment comparables for the Board's consideration, where the appellants' comparable #4 reflects an unimproved vacant lot.

With respect to the equity argument for the subject's land assessment, the Board gives less weight to the appellants' comparables #5 and #6 which are located more than one mile from the subject and lack a golf course view like the subject site. The Board finds the best evidence of assessment equity with respect to the subject's land assessment are appellants comparables #7 and #8 and board of review comparables #1 and #2, all of which are described as "superior" lots and are located in the same assessment neighborhood code as the subject site. These comparables have land assessments of \$15,392 or \$24,450 per site, with the vacant lot having the lower land assessment and each of the improved lots having a land assessment of \$24,450. The subject property has a land assessment of \$24,450 which is equal to the land assessments of similar improved "superior" lots in the subject's neighborhood code. After considering adjustments to the comparables for differences from the subject, the Board finds a reduction in the subject's land assessment is not supported.

With respect to the subject's improvement assessment, the Board gives less weight to appellants' comparables #5 and #6 which are located less proximate to the subject than other properties in the record, differ in age and/or feature an inground swimming pool which the subject property does not have. The Board gives no weight to the appellants' comparable #8 which is a vacant lot with no improvement assessment. The Board finds the best evidence of assessment equity with respect to the subject's improvement assessment to be the appellants' comparable #7 along with board of review comparables #1 and #2 which are more similar to the subject in location, age, design, dwelling size and other features. These three comparables have improvement assessments that ranged from \$87,311 to \$128,406 or from \$26.89 to \$36.74 per square foot of living area. The subject's improvement assessment of \$102,102 or \$29.54 per square foot of living area falls within the range established by the best comparables in this record. After considering adjustments to the comparables for differences from the subject, the Board finds a reduction in the subject's improvement assessment is not justified.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. The requirement is satisfied if the intent is evident to adjust the burden with a reasonable degree of uniformity and if such is the effect of the statute enacted by the General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395 (1960). Although the comparables presented by the parties disclosed that the properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity which appears to exist on the basis of the evidence.

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

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: January 17, 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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