



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

APPELLANT: Joseph & Cynthia Werba  
DOCKET NO.: 20-07093.001-R-1  
PARCEL NO.: 19-21-426-006

The parties of record before the Property Tax Appeal Board are Joseph & Cynthia Werba, the appellants, by Jessica Hill-Magiera, Attorney at Law in Lake Zurich; 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:** \$19,819  
**IMPR.:** \$63,605  
**TOTAL:** \$83,424

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 2-story dwelling of frame exterior construction<sup>1</sup> with 1,732 square feet of living area. The dwelling was constructed in 1996. Features of the home include an unfinished basement, central air conditioning, one fireplace and a garage with 400 square feet of building area. The property has an 8,803 square foot site and is located in Lake in the Hills, Algonquin Township, McHenry County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument, the appellants submitted information on seven comparable sales located within 0.45 of a mile and in the same neighborhood as the subject. The comparables are reported to be improved with 2-story dwellings ranging in size from 1,732 to 1,874 square feet of living area that were built from 1994

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<sup>1</sup> The Board finds the best description of the subject is found in the property record card provided by the board of review.

to 1998. Each comparable is reported to have a basement, two with finished area<sup>2</sup>, central air conditioning and a garage ranging in size from 400 to 492 square feet of building area. Five comparables each have a fireplace. The comparables sold from May 2019 to September 2020 for prices ranging from \$215,000 to \$258,000 or from \$122.73 to \$137.67 per square foot of living area, including land. Based on this evidence, the appellants requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$83,424. The subject's assessment reflects a market value of \$250,072 or \$144.38 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.

In support of its contention of the correct assessment, the board of review submitted information on four comparable sales located within 0.44 of a mile and in the same neighborhood as the subject. The comparables have sites ranging in size from 7,862 to 10,128 square feet of land area. The comparables are improved with 2-story dwellings ranging in size from 1,502 to 1,714 square feet of living area. The dwellings were built from 1993 to 1996. Each comparable has a basement, three with finished area, central air conditioning and a garage ranging in size from 412 to 529 square feet of building area. Two comparables each have one fireplace. The comparables sold from May 2019 to November 2020 for prices ranging from \$245,000 to \$254,000 or from \$145.86 to \$169.11 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 the board of review comparables should be given less weight due to the comparables having finished basement areas and/or dissimilar dwelling size when compared to the subject.

### **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 record contains eleven suggested comparable sales for the Board's consideration. The Board has given less weight to the appellants' comparables #1 and #7 along with the board of review comparables #1, #3 and #4 due to their finished basement area when compared to the subject's unfinished basement.

The Board finds the best evidence of market value to be the appellants' comparables #2 through #6 along with board of review comparable #2. The Board finds these comparables are more

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<sup>2</sup> The Board finds additional details regarding the comparables not reported by the appellants were found in the board of review's evidence.

similar to the subject in location, site size, design, age, dwelling size and some features. The comparables sold for prices ranging from \$230,000 to \$258,000 or from \$122.73 to \$163.12 per square foot of living area, including land. The subject's assessment reflects a market value of \$250,072 or \$144.38 per square foot of living area, including land, which falls within the range established by the best comparable sales in the record. Based on this record and after considering adjustments to the best comparables for differences when compared to the subject, the Board finds no 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:

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

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APPELLANT

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COUNTY

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