



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

APPELLANT: Fred Haller
DOCKET NO.: 20-07205.001-R-1
PARCEL NO.: 10-18-479-043

The parties of record before the Property Tax Appeal Board are Fred Haller, the appellant, 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: \$66,844
IMPR.: \$139,706
TOTAL: \$206,550

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant 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 one-story single-family dwelling of masonry exterior construction with 3,353 square feet of living area. The dwelling was constructed in 1956 and is approximately 64 years old. Features of the home include a walkout basement with finished area, central air conditioning, two fireplaces, a four-car garage and an in-ground swimming pool. The property has a 4.75-acre waterfront site on Pistakee Bay and is located in Johnsburg, McHenry Township, McHenry County.

The appellant Fred Haller appeared before the Property Tax Appeal Board, along with his wife, contending overvaluation as the basis of the appeal.¹ In support of this argument, the appellant submitted information on four comparable sales located from .06 of a mile to 2.4-miles from the subject property. The comparable parcels range in size from .50 to 3.59-acres of land area, each

¹ Although the appellant also marked "contention of law" as a basis of the appeal, no brief was filed referencing any specific statutory provision(s) of the Property Tax Code applicable to the subject property.

of which is improved with either a one-story or a part one-story and part two-story dwelling. The dwellings range in age from 71 to 98 years old and range in size from 1,440 to 5,110 square feet of living area. Two comparables have basements, one which has finished area. Three of the dwellings have central air conditioning. Each comparable features one or two fireplaces and a two-car garage. In testimony, Mrs. Haller noted that appellant's comparable #3 has an indoor pool and is the most comparable property to the subject. These four comparables sold from September 2019 to September 2020 for prices ranging from \$300,000 to \$435,000 or from \$73.58 to \$284.87 per square foot of living area, including land.

At the hearing, Mrs. Haller testified that much of the subject parcel includes a substantial portion of wetlands which are not useable for the owners.

Based on the foregoing evidence, the appellant requested a reduced total assessment of \$126,000 which would reflect a market value of \$378,038 or \$112.75 per square foot of living area, including land, when applying the statutory level of assessment of 33.33%.

Upon questioning by the Administrative Law Judge (ALJ) with regard to the land and improvement assessment reductions requested by the appellant, Mrs. Haller acknowledged that the appeal concerns the entire value of the subject property. She conceded there was not necessarily a specific basis upon which to seek a substantial reduction in the subject's land assessment from \$66,844 down to \$26,000.²

The board of review appeared by member Cliff Houghton. The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$206,550. The subject's assessment reflects a market value of \$619,155 or \$184.66 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.

At hearing, the board of review called Mary Mahady, McHenry Township Assessor, as its witness in support of the documentation she prepared in response to the appeal. As part of Mahady's memorandum in response to this appeal, she criticized appellant's comparable sales #1, #2 and #3 for primarily due to the differing in dwelling sizes of these homes when compared to the subject. The memorandum also indicated that comparable #1 was in poor condition and "taken down to the studs and rebuilt by the new owner." Mahady also criticized appellant's comparable #3 as a property located on the Fox River, which was asserted to be not as desirable as the subject's bay location. Mahady testified that the subject property is located on Pistakee Bay, which she asserted is the most prestigious part of the Chain of Lakes in McHenry.

In support of its contention of the correct assessment, the board of review through Mahady's documentation submitted information on five comparable sales, where board of review comparable #1 is the same property as appellant's comparable sale #4. The grid analysis prepared by Mahady includes a column of "adjustments" applied to lot sizes, dwelling size, basement amenity, basement type, finished basement and/or basement size, number of bathrooms, number of fireplaces, pool amenity, water frontage and/or location. From the various figures that Mahady

² The Board finds that the appellant provided no vacant land sales evidence to support a reduction in the subject's land value on market value grounds.

applied, the grid sets forth adjusted sales prices of the comparable properties ranging from \$521,410 to \$683,590. The ALJ questioned Mahady as to how she arrived at the adjustments that were utilized. Mahady testified that the living area square footage adjustment was “based on price per square foot that we have seen used in appraisals in the township.” Mahady opined that those adjustments were consistent with adjustments made by other assessors in the area.

When board member Houghton cited to the subject’s property record card under “permit information” to a reference of “update” dated September 19, 2014, Mahady corrected the record in testimony noting this was not a reference to a “permit” being issued. Instead, this September 2014 notation indicates to Mahady that an internal update was made of the property by the township assessor’s office. Mahady testified that the subject dwelling had some updates with air conditioning and a new roof. The assessing officials recorded the dwelling as in average/average+ condition with some remodeling such that the dwelling is not a “1956 home.” A second kitchen was in good shape as well.

The five comparable properties presented by the board of review are located from .64 to .99 of a mile from the subject. Mahady testified that she chose these comparables primarily for location on the bay and dwelling size; Mahady acknowledged that the subject is a large home and therefore eliminated most of the appellant’s comparables due to the differences in dwelling size when compared to the subject. The comparable parcels range in size from .50 to 1.7-acres of land area, each of which is improved with either a two-story or a part one-story and part two-story dwelling. The dwellings range in age from 38 to 98 years old and range in size from 2,492 to 3,724 square feet of living area. Four comparables have basements, three of which have finished area with comparable #3 having a walkout-style basement. Each dwelling has central air conditioning, one to four fireplaces and a two-car to a five-car garage. Comparables #1 and #3 each have a swimming pool. Each comparable has from 105 to 140 feet of water frontage, greater than the subject’s 79 feet of water frontage and comparable #1 is further noted to be “near marina.” The five comparables sold from January 2019 to September 2020 for prices ranging from \$300,000 to \$670,000 or from \$120.39 to \$190.07 per square foot of living area, including land.

The ALJ questioned Mahady concerning the story height of the subject, a one-story dwelling, as compared to the chosen board of review comparables which were each either two-story or part one-story and part two-story dwellings. Mahady also acknowledged that no difference was made for the differing story heights of the comparables when compared to the subject. When questioned, Mahady acknowledged that board of review comparables #1, #2, #4 and #5 were each older homes than the subject, but the witness noted the comparables were mostly updated and contended the properties were comparable to the subject.

Houghton next called Alex Benitez, Chief Appraiser of the McHenry County Office of Assessments, regarding his inspection of the subject property. The witness testified that he has been an appraiser for more than 20 years and has worked in the assessment field for the past 12 years. As part of the visit to the subject property, Benitez testified that he took photographs to ascertain the condition which he found to be “average.” The board of review offered and the appellant insisted that the 16 pages of color photographs of the subject be included in the record which were marked for identification as BOR Hearing Exhibit #1. Pages 8 through 16 concern the instant appeal; the first seven pages concern an adjoining parcel owned by the appellant but which is the subject matter of a separate pending appeal known as Docket No. 20-07206 involving

a separate parcel adjoining the subject and improved with a boathouse. Looking to the submitted photographs, Benitez acknowledged that the subject dwelling was “dated,” noting that the kitchen may reflect a 1990’s construction update. Benitez observed a mix of some remodeling and some dated issues within the subject dwelling.

Based on this evidence, the board of review requested confirmation of the subject’s estimated market value as reflected by its assessment.

In rebuttal, the appellant noted that two of the appellant’s comparable sales were chosen due to their close proximity to the subject and location on the bay like the subject. The selection of appellant’s comparable #3, located on the Fox River, was based upon its similarity in lot size, living area square footage and swimming pool amenity. In addition, at hearing Mrs. Haller argued that location on the bay versus location on the river is subjective; waterfront property like this can enjoy the passing boat traffic as compared to the bay location with many boats anchored while playing loud music at all hours. At the hearing and in reply to the board of review’s analysis of the appellant’s comparable properties, Mrs. Haller also argued that appellant’s comparable #2 is similar to the subject, is within walking distance from the subject, and, therefore, is a suitable comparable.

Additionally, a prior submission from the township assessor’s office to the county board of review in response to the appellant’s appeal was cited for the statement: “it is difficult to do an assessment comparison for waterfront property because they are not cookie cutter properties and the range of amenities can vary greatly.”

As to the properties presented by the board of review, the appellant contends in the written rebuttal and Mrs. Haller argued at the hearing that comparable #5 has substantially updated kitchen and bathrooms as compared to the subject. In addition, the appellant contends that the comparable dwellings “almost all” feature hardwood flooring, updated kitchens and baths along with a dock/pier on the water. The appellant also notes the curb appeal of board of review comparable #3 is much greater than that of the subject. At hearing, Mrs. Haller also argued that board of review comparable #2 should be given reduced weight for reasons similar to those set forth for board of review comparable #5.

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 Board has given little weight to the adjustments presented in the board of review grid analysis developed by Mahady as there is no evidence in the record of specific market data (other than raw sales data) upon which she relied to calculate the adjustments that were presented ranging from \$13,590 to \$221,410 in total adjustments per comparable. Consequently, the Property Tax Appeal

Board has given little weight to Mahady's adjusted sales prices for the five board of review comparables.

The parties submitted a total of nine comparable sales, one of which was common to both parties, to support their respective positions before the Property Tax Appeal Board. While none of the comparables were truly comparable to the subject in all respects, the nine properties presented have varying degrees of similarity to the subject and sold from January 2019 to September 2020 for prices ranging from \$300,000 to \$670,000 or from \$73.58 to \$284.87 per square foot of living area, including land. In order to narrow the range of the comparables in the record, if the high and low sales prices are removed, the Board finds that the sales range from \$312,000 to \$580,000 or from \$120.39 to \$284.87 per square foot of living area, including land. The subject's assessment reflects a market value of \$619,155 or \$184.66 per square foot of living area, including land, which is above the range in terms of overall value and within the range established by the narrower set of best comparable sales in this record on a per-square-foot basis which is logical given the subject dwelling is larger than most of the nine homes in this record, have larger garage and an inground swimming pool which is not a feature of the comparable dwellings. Based on this evidence and after considering appropriate adjustments to the narrower range of the best comparables presented by the parties 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:

June 27, 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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