



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

APPELLANT: Joseph Henion
DOCKET NO.: 21-05289.001-R-1
PARCEL NO.: 08-12-401-004

The parties of record before the Property Tax Appeal Board are Joseph Henion, the appellant, by attorney Scott Shudnow of Shudnow & Shudnow, Ltd. 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: \$37,742
IMPR.: \$191,415
TOTAL: \$229,157

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 2021 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 Georgian style, two-story dwelling of frame and brick exterior construction with 5,119 square feet of living area.¹ The dwelling was constructed in 1997 and is approximately 24 years old. Features of the home include a basement with 1,911 square feet of finished area, central air conditioning, two fireplaces, a three-car garage with 795 square feet of building area, an 803 square foot inground swimming pool and a hot tub.² The property has a 1.97-acre site or 85,858 square feet of land area and is located in St. Charles, Campton Township, Kane County.

¹ The Board finds the best evidence for the description of the subject is contained in the appraisal submitted by the appellant. The appraiser made an interior and exterior inspection of the subject property.

² The sizes of the subject's garage and inground swimming pool are found in the evidence provided by the board of review, which were unrefuted by the appellant in rebuttal.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$650,000 as of January 1, 2021. The appraisal was prepared by Garry Nusinow, a Certified General Real Estate Appraiser. The property rights appraised were fee simple and the appraisal was performed to evaluate the retrospective market value of the subject property for ad valorem taxation by the Kane County Assessor's Office. In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value.

Under the sales comparison approach to value the appraiser utilized five comparable sales located within .80 of a mile of the subject property to estimate the market value. The parcels range in size from 1.18 to 2.06 acres of land area and are improved with dwellings that are described as "Georgian" or "Traditional" style homes of brick, Dryvit or frame and brick exterior construction with ages ranging from 18 to 23 years old. The homes range in size from 3,983 to 5,438 square feet of living area and each features a basement with finished area, central air conditioning, two to four fireplaces and either a three-car or a four-car garage. The comparables sold from April 2019 to August 2020 for prices ranging from \$575,000 to \$748,500 or from \$112.86 to \$151.90 per square foot of living area, including land. The appraiser applied adjustments to the comparables for sales or financing concessions and for differences from the subject in location, view, quality of construction, condition, dwelling size and/or other amenities to arrive at adjusted sale prices ranging from \$618,000 to \$682,500. Based on the adjusted sale prices, the appraiser estimated the subject had a market value of \$650,000 as of January 1, 2021.

Based on this evidence, the appellant 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 \$229,157. The subject's assessment reflects a market value of \$687,540 or \$134.31 per square foot of living area, land included, when applying the 2021 three-year average median level of assessment for Kane County of 33.33% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review submitted a document identified as "Assessor's Note 21CACM0009 NA 08-12-401-004" but does not specify who prepared the document, along with a spreadsheet reiterating the appellant's appraisal comparables. According to the document, none of the appraisal comparables have an in-ground pool as does the subject. It was also noted in the document that appraisal comparable #2 was not only an estate sale, but also a short sale - (per a conversation with the seller in 2020), and that appraisal comparable #3 has an EIFS (Dryvit) exterior, which has a negative impact on sales prices in this area. The assessor, who is not a party to the appeal, recommended a reduction to reflect a market value of \$687,540. The board of review stated in its notes on appeal that after considering all the comparables, the board accepted the assessor's recommendation at the local level.

In support of its contention of the correct assessment the board of review, through the township assessor submitted a spreadsheet with information on five comparable sales that are located from approximately .22 of a mile to 1.51 miles from the subject property and two of which are in the subject's subdivision. The comparables have sites that range in size from 44,458 to 93,615 square feet of land area and are improved with two-story dwellings of brick, frame and brick, frame and stone, or frame, brick and stone exterior construction ranging in size from 3,108 to

4,276 square feet of living area. The dwellings were built from 1996 to 2000. Each comparable has a basement with finished area, central air conditioning, one or two fireplaces, a garage ranging in size from 711 to 1,324 square feet of building area and a 420 to 840 square foot inground swimming pool. The comparables sold from May 2018 to April 2021 for prices ranging from \$575,000 to \$785,000 or from \$149.16 to \$200.29 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 appellant's attorney critiqued the board of review's comparable sales evidence, stating that information represents unadjusted raw sales as opposed to the appellant's appraisal comparables which have been adjusted. The appellant's attorney submitted Multiple Listing Service (MLS) sheets for each of the board of review comparables #1 and #4 through #7 asserting "all of the Board of Review comparables are superior to the subject in terms of customization and amenities."

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 appellant submitted an appraisal while the board of review submitted five comparable sales for the Board's consideration.

The Board has given less weight to the value conclusion in the appellant's appraisal, as the appraiser did not adjust the comparables for differences in site size without explanation, despite that four of the five comparables have from .46 to .79 of an acre smaller site sizes, when compared to the subject. Moreover, the appraiser's comparable #3 sold 20 months prior to the assessment date at issue and is thus less likely to be indicative of the subject's market value as of the lien date at issue and the appraiser's comparable #4 has a considerably smaller dwelling size when compared to the subject. The Board finds these factors undermine the credibility of the appellant's appraiser's conclusion of value. However, the Board will analyze the raw sales data in the appraisal, as well as the board of review's evidence.

The Board has given less weight to the five comparables submitted by the board of review, which differ from the subject in dwelling size and/or location. Moreover, board of review comparables #1, #3, #4 and #5 sold in 2018 or 2019, less proximate in time to the lien date at issue than the remaining sales in the record.

The Board finds the best evidence of market value to be the appellant's appraisal comparables #1, #2 and #5, which sold more proximate in time to the January 1, 2021 assessment date and are most similar to the subject in location, age, dwelling size and some features. However, two of the three comparables have smaller site sizes and all three comparables lack an inground

swimming pool, a feature of the subject. Nevertheless, these best comparables sold from February to June 2020 for prices ranging from \$575,000 to \$748,500 or from \$112.86 to \$141.47 per square foot of living area, land included. The subject's assessment reflects a market value of \$687,540 or \$134.31 per square foot of living area, land included, which falls within the range of the best comparables 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 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: January 16, 2024



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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