



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

APPELLANT: Sanjay Kumar & Sameer Kumar Gupta
DOCKET NO.: 21-05545.001-R-1
PARCEL NO.: 08-23-428-011

The parties of record before the Property Tax Appeal Board are Sanjay Kumar & Sameer Kumar Gupta, the appellants, by attorney Stuart T. Edelstein, of Stuart T. Edelstein, Ltd. in Northbrook; 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: \$29,546
IMPR.: \$103,961
TOTAL: \$133,507

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 two-story single-family dwelling of frame exterior construction with approximately 2,695 square feet of living area. The dwelling was constructed in 2001 and is approximately 20 years old. Features of the home include a full basement with approximately 20% being finished area,¹ central air conditioning, a fireplace and a three-car garage containing 730 square feet of building area. The property also has a front covered porch, a rear deck and a patio. The property has an 11,612 square foot site and is located in St. Charles, Campton Township, Kane County.

The appellants contend overvaluation and inequity in assessment (lack of uniformity) with regard to the improvement (home) as the bases of the appeal. In support of the overvaluation argument,

¹ Although the appellants' grid analysis disclosed that the subject has an unfinished basement, the appellants' appraiser who personally inspected the subject premises noted that approximately 20% of the basement is finished.

the appellants submitted an appraisal prepared by Peter Petrovich, a Certified Residential Real Estate Appraiser. The appraisal was prepared for a potential real estate tax appeal appraising the fee simple rights of the subject property. The appraiser utilized the sales comparison approach in arriving at an estimated market value of \$350,000 as of January 1, 2019.

Using the sales comparison approach, the appraiser analyzed four sales which were located in St. Charles, like the subject property, and within .28 of a mile from the subject. The comparable parcels range in size from 10,028 to 12,253 square feet of land area where sale #1 includes a water view. The parcels are each improved with a traditional or colonial two-story dwelling ranging in age from 15 to 22 years old. The homes range in size from 2,580 to 3,003 square feet of living area. Each dwelling has a basement, three of which have finished areas. Each comparable has central air conditioning, three comparables each have a fireplace and each comparable has either a two-car or a three-car garage. The comparables sold from February 2017 to November 2018 for prices ranging from \$321,500 to \$390,000 or from \$123.94 to \$139.15 per square foot of living area, including land.

The appraiser made adjustments for date of sale to the 2017 sale prices and to the comparables for differences when compared to the subject for factors such as view, exterior construction, condition, bathrooms, dwelling size, basement finish, fireplaces and/or differences in outdoor spaces. Specific adjustments for each sale comparable were described in Addendum pages 3 and 4 of the appraisal report. The appraiser arrived at adjusted sales prices ranging from \$326,300 to \$364,400. In reconciliation, the appraiser gave more weight to appraisal sale #3 which had the fewest adjustments and concluded an opinion of value for the subject of \$350,000, including land, as of January 1, 2019.

As additional support of the overvaluation as well as the uniformity (inequity in assessment) arguments, the appellants submitted a grid analysis with information on four comparable properties located within 0.34 of a mile from the subject. The comparables range in parcel size from 10,932 to 15,065 square feet of land area and are improved with 2-story single-family homes of varying exterior construction ranging in size from 2,580 to 3,606 square feet of living area. The comparables are either 18 or 19 years old. Each home has a basement, one of which is partially finished, central air conditioning, a fireplace, and a garage ranging in size from 420 to 691 square feet of building area. The comparables sold from February 2018 to September 2019 for prices ranging from \$287,500 to \$350,000 or from \$79.73 to \$134.69 per square foot of living area, including land. The comparables have improvement assessments ranging from \$84,049 to \$91,679 or from \$25.42 to \$33.13 per square foot of living area. The appellants' counsel then calculated the average assessment of the comparables both in terms of improvement assessment and on a price per square foot of living area basis and argued that the subject's assessment is above the average.

Based on the foregoing evidence, the appellants requested a reduced assessment reflective of the appraised value conclusion.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$133,507. The subject's assessment reflects a market value of \$400,561 or \$148.63 per square foot of living area, land included, when using the 2021 three-year average median level of assessment for Kane County of 33.33% as determined by the

Illinois Department of Revenue. The subject has an improvement assessment of \$103,961 or \$38.58 per square foot of living area.

In support of its contention of the correct assessment, the board of review submitted information on five comparables located within 0.35 of a mile from the subject property. The parcels range in size from 12,345 to 17,325 square feet of land area and are improved with 2-story single-family dwellings of frame and brick or stucco exterior construction ranging in size from 2,603 to 4,050 square feet of living area. The dwellings were built from 1995 to 2000. Each home has a basement, four of which have finished area. Each home also has central air conditioning, a fireplace, and a garage ranging in size from 528 to 1,415 square feet of building area. The comparables sold from September 2018 to June 2021 for prices ranging from \$391,000 to \$589,000 or from \$145.43 to \$167.15 per square foot of living area, including land. The comparables have improvement assessments ranging from \$98,991 to \$168,778 or from \$37.36 to \$44.51 per square foot of living area.

The board of review submitted a letter from the township assessor's office contending that two of the appellants' comparables are located in subdivisions of tract homes whereas the subject is located in a subdivision of more expensive custom-built homes. The assessor further contended that comparable #3 was a "special warranty deed sale" thus calling into question whether this sale was an arm's length transaction. Based on this evidence, the board of review requested the subject's assessment be sustained.

Conclusion of Law

The appellants contend in part that 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 on the basis of overvaluation.

In support of the overvaluation argument, the appellants presented an appraisal and four comparable sales while the board of review presented four comparable sales in support of their respective positions before the Property Tax Appeal Board. The Board gives less weight to the value conclusion contained in the appraisal. The appraisal states a value conclusion as of January 1, 2019 and relies on sales occurring in 2017 and 2018, which are more remote in time from the assessment date of January 1, 2021. Based on the foregoing, the Board finds the appraisal states a less credible and/or reliable opinion of value as of the lien date at issue of January 1, 2021 and the Board will instead consider the raw comparable sales presented by both parties.

The Board finds the best evidence of market value to be the board of review comparables #3 and #5 which sold proximate in time to the assessment date at issue and are similar to the subject in dwelling size, age, location, and some features. However, these two comparables each have slightly larger lot sizes and slightly older ages relative to the subject property suggesting that adjustments are needed to these comparables in order to make them more equivalent to the subject. The Board gave less weight to the remaining comparable sales in the record that sold in

2017, 2018, and 2019, dates that are less proximate in time to the assessment date than the two aforementioned comparable sales. Less weight is given to board of review comparable #1 due to significantly larger dwelling and garage sizes. The two best comparable sales in the record sold in June 2021 and November 2020 for prices of \$391,000 and \$457,500 or for \$147.55 and \$147.87 per square foot of living area, including land, respectively. The subject's assessment reflects a market value of \$400,561 or \$148.63 per square foot of living area, including land, which is bracketed by the best comparable sales in the record in terms of overall value and slightly above the higher of the two best comparables (i.e., board of review comparable #5) on a per square foot of living area basis. However, given the subject's slightly smaller dwelling size and newer age relative to board of review comparable #5, is it logical to have a slightly higher price per square foot, all other characteristics being similar. After considering adjustments to the two best comparable sales in this record for differences from the subject, the Board finds that the subject's assessment as established by the board of review is supported and, therefore, a reduction in the subject's assessment based on market value grounds is not justified.

In the alternative, the appellants argue inequity in assessment (lack of uniformity) as a 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 improvement assessment is not warranted.

The record contains a total of nine comparables containing improvement assessment data as the appellants' appraisal report did not contain any information with regard to improvement assessments. The Board gave less weight to appellant's comparables #2, #3, and #4, along with board of review comparable #4 based on their lack of finished basements, dissimilar to the subject's partially finished basement. Additionally, the Board gave less weight to board of review comparable #1 based on its significantly larger dwelling and garage sizes relative to the subject.

The Board finds the remaining comparables consisting of appellants' comparable #1 and board of review comparables #2, #3, and #5 to be most similar to the subject property in terms of location, design, dwelling size, age, finished basement area, and most features. These most similar comparables in the record have improvement assessments ranging from \$88,812 to \$116,041 or from \$31.05 to \$44.51 per square foot of living area. The subject's improvement assessment of \$103,961 or \$38.58 per square foot of living area falls within the range established by the most similar comparables in this record both in terms of overall improvement assessment and on a per square foot of living area basis.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality as the appellants' counsel suggests. 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 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. After considering adjustments to the best comparables in the record for any differences from the subject, the Board finds that the appellants did not establish by clear and convincing evidence that the subject dwelling is inequitably assessed and, therefore, a reduction in the subject's improvement assessment based on lack of uniformity 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:

December 19, 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

Sanjay Kumar & Sameer Kumar Gupta, by attorney:
Stuart T. Edelstein
Stuart T. Edelstein, Ltd.
1250 Rudolph Road
Apt 1J
Northbrook, IL 60062

COUNTY

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