



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

APPELLANT: Nicholas Fitz
DOCKET NO.: 21-05660.001-R-1
PARCEL NO.: 09-15-476-028

The parties of record before the Property Tax Appeal Board are Nicholas Fitz, the appellant, by attorney Franco A. Coladipietro, of Amari & Locallo in Bloomingdale; and the Kane County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **A Reduction** 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: \$82,050
IMPR.: \$142,108
TOTAL: \$224,158

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 two-story dwelling of brick exterior construction with 4,379 square feet of living area. The dwelling was constructed in 1990. Features of the home include a basement with finished area, central air conditioning, four fireplaces and an 897 square foot garage. The property has an approximately 41,687 square foot site and is located in St. Charles, St. Charles Township, Kane County.

The subject property is an owner-occupied residence that was the subject matter of an appeal before the Property Tax Appeal Board the prior year under Docket Number 20-01830.001-R-1. In that appeal, the Property Tax Appeal Board rendered a decision lowering the assessment of the subject property to \$219,978 based on an agreement between the parties. In its submission, the board of review reported that 2019 was the beginning of the subject's general assessment cycle.

The appellant contends overvaluation as the basis of the appeal. In support of the overvaluation argument, the appellant submitted an appraisal with an effective date of January 1, 2020 and an opinion of market value for the subject of \$630,000. Based on this evidence, the appellant requested the subject's total assessment be reduced.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$239,222. The subject's assessment reflects a market value of \$717,738 or \$163.90 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. The board of review disclosed that an equalization factor of 1.0190 was applied for the 2021 tax year in St. Charles Township.

In support of its contention of the correct assessment, the board of review submitted information on four comparable sales located within 0.49 of a mile from the subject property which have varying degrees of similarity to the subject in location, age, dwelling size and features. The comparables sold from June 2018 to May 2021 for prices ranging from \$630,000 to \$799,000 or from \$149.54 to \$199.95 per square foot of living area, land included. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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, pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185), a reduction in the subject's assessment is warranted.

The Property Tax Appeal Board finds that the subject property was the matter of an appeal before this Board for a prior tax year under Docket Number 20-01830.001-R-1. In that appeal, the Property Tax Appeal Board rendered a decision lowering the subject's assessment to \$219,978. The Property Tax Appeal Board takes notice that St. Charles Township's general assessment period began in the 2019 tax year and continues through the 2022 tax year. The Board also finds this record shows that a 1.0190 equalization factor was issued in St. Charles Township for the 2021 tax year. The Board further finds section 16-185 of the Property Tax Code is controlling in this appeal (35 ILCS 200/16-185).

Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) states in part:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash

value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review.

The Board finds the subject property is an owner-occupied residence and that the 2020 and 2021 tax years are within the same general assessment period for St. Charles Township. The record contains no evidence showing the subject property sold in an arm's length transaction establishing a different fair cash value. Furthermore, the decision of the Property Tax Appeal Board for the 2020 tax year has not been reversed or modified upon review. For these reasons, the Property Tax Appeal Board finds that the prior year's 2020 decision should be carried forward to the 2021 tax year pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) and a reduction in the subject's assessment is warranted to reflect the Board's prior year's decision plus application of the 2021 equalization factor of 1.0190. ($\$219,978 \times 1.0190 = \$224,158$).

Additionally, notwithstanding the dictates of Section 16-185 of the Property Tax Code, the record contains an appraisal estimating the subject property had a market value of \$630,000 as of January 1, 2020 and four sale comparables to support the parties' respective arguments. The comparables have varying degrees of similarity to the subject in location, age, dwelling size and features. These properties sold for prices ranging from \$630,000 to \$799,000 or from \$149.54 to \$199.95 per square foot of living area, including land. The subject's assessment after reduction reflects a market value of \$672,541 or \$153.58 per square foot of living area, land included, which falls within the range of the comparable sales in this record. The Board finds on this record that the comparables demonstrate the subject property, once reduced as an owner-occupied property, is correctly valued for assessment purposes.

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:

November 21, 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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