



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

APPELLANT: Vijay Kumar Gupta  
DOCKET NO.: 22-02149.001-R-1  
PARCEL NO.: 06-23-101-026

The parties of record before the Property Tax Appeal Board are Vijay Kumar Gupta, the appellant, 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:** \$13,993  
**IMPR.:** \$58,982  
**TOTAL:** \$72,975

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 2022 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 with approximately 1,930 square feet of living area. The dwelling was constructed in 1916 and is approximately 106 years old. Features of the home include a basement with finished area, central air conditioning, and a 1-car garage containing 308 square feet of building area. The property has a 6,864 square foot site and is located in Elgin, Elgin Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant 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 \$150,000 as of January 1, 2019.

The appraiser looked for comparable sales of 1.5-story and 2-story properties within the neighborhood with a similar room count, age, living area, condition and quality. Using the sales comparison approach, the appraiser analyzed four sales which were located from 0.39 to 0.67 of a mile from the subject. The parcels range in size from 5,143 to 12,000 square feet of land area with residential views like the subject and are improved with a Dutch Colonial, a Cape Cod, or a Queen Anne frame dwelling. Photographic evidence depicts dwellings varying in design from 1.5-story to 2-story styles. The dwellings range in age from 61 to 119 years old and range in size from 1,436 to 2,208 square feet of living area. Each dwelling has a full basement, two of which have finished areas, and central air conditioning. Two comparables have one and four fireplaces and three comparables have a 1-car or 2-car garage. The comparables sold from February to June 2018 for prices ranging from \$135,000 to \$185,000 or from \$70.20 to \$114.07 per square foot of living area, including land.

The appraiser made adjustments to the comparables for sale or financing concessions and for differences when compared to the subject for factors such as lot size, exterior construction, condition, bathrooms, dwelling size, basement finish, fireplaces, garage size and/or other improvements. The appraiser estimated adjusted sales prices ranging from \$145,400 to \$155,600 and concluded an opinion of value for the subject of \$150,000, including land.

The appellant also submitted a brief contending the subject's interior is dated with no updates since 2009 and has water damage and stains.

Based on this evidence, the appellant requested a reduction in the subject's assessment to \$58,804, which would reflect a market value of \$176,430 or \$91.41 per square foot of living area, including land, when applying the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$72,975. The subject's assessment reflects a market value of \$223,438 or \$115.77 per square foot of living area, land included, when using the 2022 three year average median level of assessment for Kane County of 32.66% 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 0.50 of a mile from the subject. The parcels range in size from 6,600 to 15,137 square feet of land area and are improved with 2-story or part 1-story and part 2-story homes of frame, wood, or aluminum exterior construction ranging in size from 1,545 to 2,285 square feet of living area. The dwellings were built from 1888 to 1938, noting comparables #1 and #4 are dated and comparable #2 is dated and has some issues. Features include a basement, one of which has finished area, central air conditioning, and a garage ranging in size from 360 to 624 square feet of building area. One home has a fireplace. The comparables sold from August 2021 to June 2022 for prices ranging from \$215,000 to \$236,000 or from \$98.47 to \$144.23 per square foot of living area, including land.

The board of review submitted listing sheets for comparables #1 and #2 and disclosures for comparable #2, disclosing flooding at this property. Based on this evidence, the board of review requested the subject's assessment be sustained.

### **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 presented an appraisal and the board of review presented four comparable sales in support of their respective positions before the 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 2018, which are more remote in time from the assessment date of January 1, 2022. Thus, the Board finds the appraisal states a less credible and/or reliable opinion of value as of the lien date at issue.

The Board finds the best evidence of market value to be the board of review's comparables #1 and #4, which sold more proximate in time to the assessment date and are more similar to the subject in dwelling size, age, location, and some features. These comparables lack finished basement area that is a feature of the subject, but lack the flooding concerns of the subject, suggesting adjustments to these comparables would be needed to make them more equivalent to the subject. The Board gives less weight to the board of review's comparables #2 and #3, due to substantial differences from the subject in dwelling size. The two most similar comparables sold for prices of \$225,000 and \$236,000 or \$98.47 and \$132.44 per square foot of living area, including land, respectively. The subject's assessment reflects a market value of \$223,438 or \$115.77 per square foot of living area, including land, which is bracketed by the best comparable sales in the record. Based on this evidence and after considering appropriate adjustments to the best comparables for differences from 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:

April 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

AGENCY

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