



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

APPELLANT: George Drake
DOCKET NO.: 23-02906.001-R-1
PARCEL NO.: 05-25-460-009

The parties of record before the Property Tax Appeal Board are George Drake, 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: \$30,000
IMPR.: \$121,245
TOTAL: \$151,245

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 2023 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 "Georgian" dwelling of frame and masonry exterior construction with 2,574 square feet of living area.¹ The dwelling was constructed in 2008 and is approximately 15 years old. Features of the home include a walkout basement, central air conditioning, a fireplace, and a 3-car garage with 651 square feet of building area. The property has an approximately 14,810 square foot site and is located in Elgin, Plato Township, Kane County.

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 \$405,000

¹ The parties differ regarding the subject's dwelling size. The Board finds the best evidence of dwelling size is found in the appellant's appraisal which includes a sketch with measurements of the subject home whereas the subject's property record card presented by the board of review lacks the supporting measurements.

as of January 1, 2023. The appraisal was prepared by Gary Nusinow, a certified general real estate appraiser, for ad valorem tax purposes. The appraiser identified the subject's neighborhood as having external obsolescence due to a lack of sales together with a high number of unsold and undeveloped lots.

Under the sales comparison approach, the appraiser selected six comparable sales located within 0.76 of a mile from the subject. The parcels range in size from 10,524 to 30,056 square feet of land area and are improved with "Traditional," "Colonial," or "Georgian" homes of frame or frame and masonry exterior construction ranging in size from 2,640 to 3,293 square feet of living area. The dwellings range from new construction to 14 years old. Each home has a basement, two of which have finished area, central air conditioning, and a 2-car or a 3-car garage. Five homes each have a fireplace. The comparables sold from May 2021 to February 2022 for prices ranging from \$379,860 to \$455,900 or from \$130.58 to \$163.57 per square foot of living area, including land. The appraiser made adjustments to the comparables for sale date, financing concessions, and for differences from the subject to arrive at adjusted prices ranging from \$352,360 to \$444,500. Based on this analysis, the appraiser concluded a value for the subject of \$405,000 as of January 1, 2023.

The appellant submitted a brief summarizing the appraisal and its value conclusion. The appellant presented an analysis of projected annual real estate tax increases based on the subject's assessment.

Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the appraised value conclusion.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$151,245. The subject's assessment reflects a market value of \$453,780 or \$176.29 per square foot of living area, land included, when using a dwelling size of 2,574 square feet of living area and applying the statutory level of assessment of 33.33%.²

In support of its contention of the correct assessment the board of review submitted information on three comparable sales located within 0.89 of a mile from the subject, two of which are reported to have the same assessment neighborhood code as the subject. The parcels range in size from 10,019 to 15,246 square feet of land area and are improved with 2-story homes of a combination of brick, vinyl, aluminum, or other exterior construction. The homes range in size from 2,499 to 3,755 square feet of living area and were built from 2008 to 2016. Each home has a basement, one of which is a walkout, central air conditioning, a fireplace, and a garage ranging in size from 460 to 704 square feet of building area. The comparables sold from March to June 2022 for prices ranging from \$472,000 to \$624,900 or from \$163.96 to \$188.88 per square foot of living area, including land.

² Section 1910.50(c)(1) of the Board's procedural rules provides that in all counties other than Cook, the three-year county wide assessment level as certified by the Department of Revenue will be considered. 86 Ill. Adm. Code § 1910.50(c)(1). As of the development of this Final Administrative Decision, the Department of Revenue has not published figures for tax year 2023.

The board of review submitted a brief contending that the board of review's comparables sold more proximate in time to the assessment date and were available to the appraiser but were not used by the appraiser. The board of review rejected the real estate tax analysis presented by the appellant as speculative and asserted the subject's neighborhood is growing and new homes were added in 2022. Based on this evidence, the board of review requested the subject's assessment be sustained.

In written rebuttal, the appellant submitted a brief contending the appellant's appraisal is better evidence of market value than the board of review's raw unadjusted sales. The appellant contended the board of review's comparables are superior to the subject in condition, finishes, and amenities, and included listing sheets and photographs of these comparables. The listing sheets describe these comparables as located within the same Bowes Creek Country Club subdivision as the subject. The appellant further contended these comparables differ from the subject in dwelling size, basement size, bathroom count, and/or age. The appellant argued the board of review's comparable #3 is actually located 1.1 miles from the subject.

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.Adm.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.Adm.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 three comparable sales in support of their respective positions before the Board. The Board gives less weight to the value conclusion contained in the appraisal as four of the six sales selected by the appraiser occurred in 2021, which is more remote in time from the assessment date and less likely to indicative of market value as of that date. Moreover, two sales were new construction and two sales are substantially larger homes than the subject, one of which sold in 2021. For these reasons, the Board finds the appraisal states a less credible and/or reliable opinion of value and the Board will instead consider the raw sales data presented by the parties.

The record contains a total of nine comparable sales for the Board's consideration. The Board gives less weight to appraisal sales #1, #2, #3, #5, and #6, which sold less proximate in time to the assessment date than the other sales in this record and/or are new construction unlike the subject. The Board also gives less weight to the board of review's comparable #2, which is less similar to the subject in dwelling size than the other comparables in this record.

The Board finds the best evidence of market value to be appraisal sale #4 and the board of review's comparables #1 and #3, which sold more proximate in time to the assessment date and are more similar to the subject in age, location,³ site size, and most features, although two of

³ The parties differ regarding the proximity of the board of review's comparable #3 to the subject. The Board finds the board of review's comparable #3 is located in the same subdivision as the subject based on the listing sheets presented by the parties.

these comparables are still substantially larger than the subject, suggesting downward adjustments to these comparables would be needed to make them more equivalent to the subject. These most similar comparables sold for prices ranging from \$455,900 to \$535,000 or from \$141.72 to \$188.88 per square foot of living area, including land. The subject's assessment reflects a market value of \$453,780 or \$176.29 per square foot of living area, including land, which is below the range established by the best comparable sales in terms of total market value and within the range on per square foot basis. 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: _____

October 15, 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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