



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

APPELLANT: Joseph Henion
DOCKET NO.: 23-02936.001-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: \$43,870
IMPR.: \$222,494
TOTAL: \$266,364

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 dwelling of cedar and brick exterior construction with 4,911 square feet of living area.¹ The dwelling was constructed in 1997 and is approximately 26 years old. Features of the home include a basement with finished area, central air conditioning, two fireplaces, a 3-car garage with 846 square feet of building area, an outdoor kitchen, and an inground swimming pool. The property has an 88,858 square foot, or approximately 1.97 acre, site and is located in St. Charles, Campton 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 \$710,000

¹ The parties differ regarding the subject's dwelling size. The Board finds the best evidence of dwelling size to be the subject's property record card presented by the board of review, which is based on a sketch with measurements, and the appellant's appraisal contains no sketch or measurements.

as of January 1, 2023. The appraisal was prepared by Gary Nusinow, a certified general real estate appraiser, for ad valorem tax purposes.

Under the sales comparison approach, the appraiser selected five comparable sales located from 0.23 to 0.78 of a mile from the subject. The parcels range in size from 1.01 to 3.44 acres of land area and are improved with 2-story homes of frame or frame and brick exterior construction ranging in size from 3,740 to 6,153 square feet of living area. The dwellings range in age from 18 to 33 years old. Each home has a basement with finished area, central air conditioning, one or two fireplaces, and a 3-car garage. Comparable #1 has an inground swimming pool and comparable #3 has an outdoor kitchen. The comparables sold from January 2021 to July 2022 for prices ranging from \$620,000 to \$721,152 or from \$117.20 to \$165.78 per square foot of living area, including land. The appraiser made adjustments to the comparables for financing concessions, date of sale, and differences from the subject to arrive at adjusted prices ranging from \$673,102 to \$746,000. Based on this analysis, the appraiser concluded a value for the subject of \$710,000 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 \$266,364. The subject's assessment reflects a market value of \$799,172 or \$162.73 per square foot of living area, land included, when using 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 four comparable sales located from across the street to 0.61 of a mile from the subject. The parcels range in size from 44,297 to 92,027 square feet of land area and are improved with 2-story homes of cedar and brick exterior construction ranging in size from 3,020 to 4,250 square feet of living area. The dwellings were built from 1991 to 2003. Each home has a basement with finished area, two of which are walkouts, central air conditioning, one or two fireplaces, and a garage ranging in size from 682 to 987 square feet of building area. Comparables #1 and #3 each have an inground swimming pool. The comparables sold from February to October 2022 for prices ranging from \$645,000 to \$913,000 or from \$169.56 to \$302.32 per square foot of living area, including land.

The board of review submitted a brief contending that most recent sales were available to the appraiser but were not selected and the appraiser made low adjustments for inground swimming pool amenity. The board of review disagreed with the appellant's real estate tax analysis as speculative. The board of review argued its comparables are similar to the subject in inground swimming pool amenity, location, age, basement finish, bathroom count, and/or dwelling size.

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 acknowledged that comparable #1 has superior updates compared to the subject and a walkout basement unlike the subject; comparable #2 has superior updates compared to the subject; comparable #3 is similar to the subject in finishes but has a walkout basement unlike the subject; and comparable #4 has finishes that are similar to the subject. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 dwelling size, condition, finishes, and/or amenities, and included listing sheet and photographs of these comparables.

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 four comparable sales in support of their respective positions before the Board. The Board gives less weight to the appraised value conclusion as four of the five sales occurred in 2021, less proximate in time to the assessment date, when more recent sales were available as presented by the board of review. Thus, the Board finds the appraisal states a less credible and/or reliable opinion of value as of the assessment date and the Board will instead consider the raw sales data presented in the appraisal and by the board of review.

The record contains a total of nine comparable sales for the Board's consideration. The Board gives less weight to appraisal sales #2 through #5 which sold less proximate in time to the assessment date than the other sales in this record. The Board also gives less weight to the board of review's comparables #1, #2, and #4, which are 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 #1 and the board of review's comparable #3, which sold more proximate in time to the assessment date and are similar to the subject in dwelling size, age, location, and most features, including inground swimming pool amenity, although these comparables have much smaller sites than the subject, suggesting upward adjustments to these comparables would be needed to make them more equivalent to the subject. These comparables sold for prices of \$715,000 and \$899,000 or \$153.47 and \$211.53 per square foot of living area, including land, respectively. The subject's assessment reflects a market value of \$799,172 or \$162.73 per square foot of living area, including land, which is bracketed by the best two 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: _____

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

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