



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

APPELLANT: Peotone Property LLC
DOCKET NO.: 23-03315.001-R-1
PARCEL NO.: 17-20-24-216-025-0000

The parties of record before the Property Tax Appeal Board are Peotone Property LLC, the appellant, by attorney Daniel J. McCarthy, III, of Goldstine, Skrodzki, et. al. in Burr Ridge, and the Will 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 **Will** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$12,150
IMPR.: \$29,405
TOTAL: \$41,555

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Will 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 two-story dwelling of vinyl siding exterior construction with 1,756 square feet of living area.¹ The dwelling was constructed in 1900. Features of the home include a basement, two bathrooms, central air conditioning, and a detached three-car garage containing 760 square feet of building area. The property has a 9,072 square foot site and is located in Peotone, Peotone Township, Will County.

The appellant contends both assessment inequity concerning the land and the improvement along with a claim of overvaluation as the bases of the appeal. In support of these arguments, the appellant submitted information on four comparable properties with both equity and sales data along with supporting Multiple Listing Service (MLS) data sheets for each property. The

¹ The parties disagreed on the description of the subject dwelling. The Board finds the best supportive evidence in the record of the subject is contained in the property record card, which was not refuted by the appellant.

properties are located within .8 of a mile from the subject. The parcels range in size from 7,700 to 11,859 square feet of land area. The comparables have land assessments of either \$12,832 or \$14,021 or from \$1.08 to \$1.67 per square foot of land area. Based on this evidence, the appellant requested a reduced land assessment of \$10,961 or \$1.21 per square foot of land area.

Each parcel is improved with either a 1-story, a 1.5-story or a 2-story dwelling of Masonite, aluminum siding or aluminum and vinyl siding exterior construction. The dwellings are each described as 100+ years old. The comparables range in size from 1,400 to 3,000 square feet of living area. Each dwelling has an unfinished basement. Features include from 1 to 2 full bathrooms. Comparable #3 has central air conditioning and three comparables have either a one-car or a two-car garage. The comparables have improvement assessments ranging from \$17,556 to \$48,836 or from \$11.70 to \$23.49 per square foot of living area. The properties sold from July 2022 to March 2023 for prices ranging from \$61,230 to \$118,500 or from \$32.23 to \$79.00 per square foot of living area, including land.

Based on this evidence, the appellant requested a reduced improvement assessment of \$20,000 or \$11.39 per square foot of living area. The appellant also requested a total reduced assessment of \$30,961 which would reflect a market value of approximately \$92,892 or \$52.90 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$52,477. The subject property has a land assessment of \$12,150 or \$1.34 per square foot of land area and an improvement assessment of \$40,327 or \$22.97 per square foot of living area. The subject's total assessment reflects a market value of \$157,447 or \$89.66 per square foot of living area, including land, when applying the statutory level of assessment of 33.33%.²

In response to the appellant's evidence, a three-page memorandum by the Peotone Township Assessor's Office stated the subject dwelling was remodeled along with an addition built in 1995 resulting in 1,756 square feet of living area. Furthermore, the subject porch was repaired in 2007.

As to the appellant's comparables, both in the memorandum and in a "corrected" grid analysis, contrary to the reported age of more than 100 years old, the assessor stated each comparable was built in 1958 making the homes 65 years old. Moreover, the assessor reports the appellant's comparable parcels range in size from 8,592 to 11,550 square feet of land area which would reflect land assessments ranging from \$1.11 to \$1.49 per square foot of land area. Appellant's comparable #3 is a 2.5-story dwelling and there is an error in the improvement assessment which should be \$46,836 and appellant's comparable #4 is a two-story dwelling. The assessor set forth corrections to the living area for each of the appellant's comparable dwellings which range in size from 1,081 to 2,131 square feet of living area, resulting in adjusted improvement assessments ranging from \$10.51 to \$26.92 per square foot of living area and adjusted sales

² Procedural rule Sec. 1910.50(c)(1) 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.Admin.Code Sec. 1910.50(c)(1). Prior to the issuance of this decision, the Department of Revenue has yet to publish Table 3 with the figures for tax year 2023.

prices ranging from \$28.73 to \$99.91 per square foot of living area, including land. Finally, appellant's comparable #3 was reported to currently be under renovation and was not habitable at this time and appellant's comparable #4 was uninhabitable with holes in the roof at the time of purchase in July 2022.

Given the foregoing corrections to the appellant's data, the assessor argued that none of the comparables were "good" as they differ in age, story height, garage capacity, lack updates and/or the dwelling was not habitable at the time of purchase.

In support of its contention of the correct assessment, the board of review through the township assessor submitted information on four comparable properties with equity data, two of which sold. As part of the submission, the assessor recommended that the subject parcel's land assessment be reduced to \$10,886 or \$1.20 per square foot of land area and the improvement assessment of the subject be increased to \$52,695 after having remeasured the subject dwelling, for a revised total assessment of \$63,581, however, with the board of review evidence, Dale D. Butalla, Supervisor of Assessments and Clerk to the board of review, provided a letter stating in pertinent part that the board of review requests "that no change be made to this property at this time." The township assessor is not a party to an appeal before the Property Tax Appeal Board. Moreover, in order to increase the subject's improvement assessment after the issuance of the Final Decision for tax year 2023 issued by the board of review, the evidence should involve more than a re-measurement of the property, which may alter the assessment in subsequent years, but should not be used in this matter merely because an appeal was filed with the Property Tax Appeal Board.

Therefore, for purposes of the data analysis in this decision, the Board is utilizing the grid analysis which depicts the "current" assessments of the subject and the comparables as were issued for tax year 2023. The Board is not considering or analyzing the grid analysis which, based on the assessor's memorandum, appears to reflect 'planned' adjustments to the properties based on correcting assessments in the township for purposes of equity. As set forth in the Property Tax Code, the Property Tax Appeal Board is charged with determining the "correct" assessment of the property on appeal. 35 ILCS 200/16-180. Thus, only the 'current' or existing assessment data for tax year 2023 is suitable for purposes of comparison and analysis, not what the assessing officials intend the assessments to be in subsequent tax year(s) from the one on appeal.

The board of review comparables are located either on the same street or across the street from the subject property and within .07 of a mile from the subject. The parcels range in size from 8,577 to 19,632 square feet of land area with land assessments of \$12,832 or from \$0.65 to \$1.50 per square foot of land area.

The parcels are each improved with a two-story dwelling built in 1957 or 1958. The assessor reported upgrades to comparables #1, #2 and #4 done in 1995, 1999 and 1995, respectively, and comparable #3 is "now" adding an addition. The homes range in size from 1,374 to 3,192 square

feet of living area.³ Each dwelling has an unfinished basement. Comparables #1 and #4 each have central air conditioning. Each comparable has either a one-car or a two-car garage ranging in size from 290 to 643 square feet of building area. The comparables have improvement assessments ranging from \$39,436 to \$56,951 or from \$17.40 to \$28.70 per square foot of living area. Comparables #2 and #3 sold in June 2022 and July 2023 for prices of \$200,000 and \$160,000 or for \$62.66 and \$116.45 per square foot of living area, including land, respectively.

Based on this evidence, the Supervisor of Assessments on behalf of the board of review requested confirmation of the subject's assessment.

Conclusion of Law

In part, the taxpayer contends assessment inequity 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 appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted a total of eight equity comparables to support their respective positions before the Property Tax Appeal Board. As to the land inequity argument, the Board has given reduced weight to board of review comparables #3 and #4 which are each significantly larger in lot size than the subject. The Board finds the best land assessment equity comparables are the remaining six properties which present land assessments in the area ranging from \$1.11 to \$1.50 per square foot of land area. The subject's land assessment of \$1.34 per square foot of land area falls within the range of the similar parcels that are located nearby. Thus, no reduction in the subject's land assessment is warranted on this record.

As to the improvement inequity argument, the Board has given reduced weight to the appellant's comparables #1 and #4 as well as board of review comparables #1, #2 and #3, due to differences in story height and/or significant differences in dwelling size when compared to the subject.

The Board finds the best evidence of assessment equity to be appellant's comparables #2 and #3 along with board of review comparable #4, which are more similar to the subject in dwelling size and some features. Adjustments for differences in age, design, air conditioning amenity and/or garage capacity are necessary for each comparable to make the properties more equivalent to the subject. These three comparables have improvement assessments ranging from \$17,556 to \$46,836 or from \$10.51 to \$24.97 per square foot of living area. The subject's improvement assessment of \$40,327 or \$22.97 per square foot of living area falls within the range established by the best comparables in this record both in terms of overall improvement assessment and on a per-square-foot of living area basis which appears to be supported given the subject's superior air

³ On page 2 of the assessor's memorandum, board of review comparable #1 is described as containing 1,736 square feet of living area whereas the grid analysis and the property record card depict 2,420 square feet. The Board finds on this record the higher figure reflects the best evidence of dwelling size.

conditioning amenity and larger garage capacity when compared to the best equity comparables in the record. Therefore, based on this record, the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is not justified on this basis.

In the alternative, 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 met this burden of proof and a reduction in the subject's assessment is warranted on market value grounds.

The parties submitted a total of six suggested comparable sales in their respective grid analyses. As stated above, the Board has given less weight to appellant's comparables #1 and #4 along with board of review comparables #2 and #3, due to significant differences in dwelling size when compared to the subject.

The Board finds the best evidence of market value to be appellant's comparable sales #2 and #3, which are relatively similar to the subject property in location, lot size, story height, foundation type and some features with adjustments necessary for differences in dwelling size, basement size, air conditioning amenity, garage capacity and/or presence of a garage. These comparables sold in January 2023 and December 2022 for prices of \$118,500 and \$115,500 or for \$70.96 and \$61.57 per square foot of living area, including land. The subject's assessment reflects a market value of \$157,447 or \$89.66 per square foot of living area, including land, which is above the best comparable sales in this record and appears to be excessive even after considering adjustments for differences in some of the subject's superior features. In conclusion, based on this evidence and after considering appropriate adjustments to the best comparable sales in the record when compared to the subject property, the Board finds a reduction in the subject's assessment is justified on grounds of overvaluation.

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

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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