



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

APPELLANT: Bruce Crown
DOCKET NO.: 23-03449.001-R-2 through 23-03449.002-R-2
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Bruce Crown, the appellant, by attorney Michael Elliott, of Elliott & Associates Attorneys, PLLC in Des Plaines; 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
23-03449.001-R-2	12-03-378-141	63,559	316,692	\$380,251
23-03449.002-R-2	12-03-378-143	1,006	0	\$1,006

Subject only to the State multiplier as applicable.

The parties appeared before the Property Tax Appeal Board on November 19, 2024 for a hearing at the Kane County Government Center in Geneva pursuant to prior written notice dated October 10, 2024. Appearing on behalf of the appellant was attorney Melissa Whitley of Elliot & Associates Attorney, PPLC and witness Paul Moy, SRA and Certified Residential Appraiser with Cole Consulting Corporation. Appearing on behalf of the Kane County Board of Review was Michelle Abell, Deputy Supervisor of Assessments for Kane County.

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 two parcels improved with a part 1-story and part 2-story dwelling of cedar and stucco exterior construction with 4,550 square feet of living area.¹ The

¹ The Board finds the best description of the subject's dwelling size was found in the grid analysis submitted by the board of review. At hearing, appraiser Moy testified he estimated 2nd floor area, since he was not able to climb stairs and that he did not look at the assessor information for the subject property. [transcript pgs. 26, 53]

dwelling was constructed in 1893 and has a chronological age of 130 years old. Features of the home include concrete slab foundation, central air conditioning, an inground swimming pool and a 677 square foot 2-car garage. The property has an approximately 27,980 square foot site² and is located in Geneva, Geneva 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 \$785,000 as of January 1, 2023. The appraisal was prepared by Paul K. Moy, SRA and Certified Residential Appraiser and supervising appraiser, Ibi Cole, MAI and Certified General Appraiser. The intended use of the report was for an ad valorem tax appeal. Mr. Moy presented his qualifications, testifying he has the SRA designation from the Appraisal Institute, and has been appraising residential property since 2005. Mr. Moy was accepted as an expert witness by the board of review. The intended use of the appraisal report was to “provide a valuation of the subject to be used for ad valorem tax purposes.”

The appraisers opined the subject property has an effective age of 20 years old and describe the subject as “overall average-good in condition with average-good modernization.” Page 7 of the Supplemental Addendum describes the subject as having no items of deferred maintenance but suffering from functional obsolescence due to its concrete slab foundation. The appraisers further opine the subject property suffers from external obsolescence due to its location on 7th Street, a busy thoroughfare. The appraisers also state the subject property has a “dominant easement” associated with a shared driveway.

In estimating the market value of the subject property, the appraisers developed the sales comparison approach to value selecting five comparable sales located from 0.18 of a mile to 2.30 miles from the subject property. The comparables have sites that range in size from 17,424 to 31,363 square feet of land area and are improved with ranch, 2-story or cape cod style dwellings of brick, cedar, brick and cedar or stucco exterior construction ranging in size from 2,142 to 3,978 square feet of living area. The homes range in age from 24 to 67 years old. Each comparable has a basement, with four having finished area. Each dwelling has central air conditioning, one or three fireplaces and either a 2-car or a 3-car garage. The comparables sold from November 2020 to December 2022 for prices of \$530,000 to \$850,000 or from \$207.36 to \$298.64 per square foot of living area, land included.

After adjusting comparables #2 through #5 for date of sale/time, the appraisers adjusted the comparables for differences with the subject in location, site size, quality, dwelling size, basement amenities, inground swimming pool and other elements arriving at adjusted prices ranging from \$564,000 to \$896,000 and an opinion of market value for the subject of \$785,000.

Mr. Moy testified the subject property is mainly a ranch style dwelling with a small second floor of approximately 395 square feet of living area. Moy testified the subject is located on a busy thoroughfare with an average daily traffic (ADT) count of 3,650 vehicles, as reported by the Illinois Department of Transportation (IDOT). Moy testified appraisal comparables #2 and #3 have daily traffic counts of 7,150 and 10,400 ADT, respectively and that no traffic count

² The Board finds the best description of the subject’s site size was found in its property record cards disclosing 27,544 square feet for the first subject parcel and 435.60 square feet for the second subject parcel.

information was available for the other appraisal comparables. Moy testified he assumed these other dwellings were located on quiet streets when no ADT was reported by IDOT. [transcript pgs. 8-10] Moy testified the subject property has an atypical orientation with the back of the subject dwelling facing 7th Street and that the subject has a shared driveway with a dominant easement.

Under cross examination, Mr. Moy testified he lives in Chicago and has completed approximately 12 appraisals in Geneva in the past five years. Ms. Abell questioned Moy as to his comparable #4 having no traffic count information, to which Moy testified it looked like he had “verified it, as I did indicate there was a traffic count.” Abell asserted the ADT for appraisal comparable #4 is 8,550 vehicles per day from IDOT and that this property is located near the corner of Kaneville Road and West State Street where IDOT reports West State Street has an ADT of 23,000 vehicles.³ [transcript pg. 17]

At hearing and in written comments, Abell asserted the subject property sold in June 2019 for a price of \$750,000 and that in November 2019 a permit totaling \$350,000 for an interior remodel was issued. Moy testified he was not aware of the permit although he did testify the homeowner mentioned the former galley kitchen had been reconfigured to an open concept and relocated to a different side of the dwelling noting the kitchen is all brand new. [transcript pg. 18-20, 46-47].

Ms. Abell asserted the subject property is within walking distance to downtown Geneva, arguing this is a desired feature of the subject property while appraisal comparables #1, #2 and #3 are not within a walking distance to downtown Geneva. Moy testified these comparables were chosen based on their busy street locations and site sizes. [transcript pg. 21] Moy testified he had not done any kind of locational analysis or other research regarding walking distance to downtown and focused on the subject property’s physical characteristics when selecting comparable properties. Asked if he had driven by any of the comparable properties, Mr. Moy replied that he had not. [transcript pg. 22]

Ms. Abell asked Mr. Moy to explain his value opinion for the subject of \$785,000 given its \$750,000 purchase price in 2019, the subject’s unrefuted increasing market conditions from January 2022 to January 2023 along with the \$350,000 remodeling permit. Moy responded the “principal driving factor for looking at the value or finding the value for this house is I would deem it to be mostly a ranch property located on a busy intersection and it didn’t have a basement.” [transcript pgs. 24-25]

With respect to the subject’s dwelling size, Moy explained he measured the exterior of the subject property and estimated the 2nd floor measurements from the interior of the subject as he is not able to climb stairs. Abell contended the board of review’s sketch of the subject’s dwelling includes an area which is not present in appraisal sketch. Moy speculated the area may be a stairway but could not be sure. Moy further testified there was no photograph of the second floor in the appraisal. [transcript pgs. 26-28]

On redirect, Moy testified appraisal comparables #4 and #5 are within walking distance to the Geneva downtown area. Moy further testified the subject’s 2019 purchase price is not relevant

³ The board of review offered average daily traffic counts during testimony without objection.

to a 2023 appraised value because it is a different time frame and the subject property has been modified. [transcript pg. 31]

Based on this evidence, the appellant requested the subject's assessment be reduced to reflect the appraised value of the subject property.

The board of review submitted its "Board of Review Notes on Appeal" along with an Addendum to Petition disclosing the total combined assessment for the subject of \$381,257. The subject's assessment reflects a market value of \$1,143,885 or \$251.40 per square foot of living area, land included, when using the statutory level of assessment of 33.33%.⁴

In support of its contention of the correct assessment the board of review submitted information on six comparables located within approximately 0.14 to 0.41 of a mile from the subject property. The comparables have sites that range in size from 4,460 to 20,500 square feet of land area and are improved with a 1.5-story or a 2-story dwelling of frame, wood, cedar or other exterior construction ranging in size from 2,873 to 4,699 square feet of living area. The homes were built from 1854 to 2015. Each comparable has a basement, with four having finished area. Each dwelling has central air conditioning and one or three fireplaces. Comparable #6 has a 2-car garage while the remaining comparables have a garage ranging in size from 440 to 774 square feet of building area. The comparables sold from July 2020 to November 2022 for prices ranging from \$950,000 to \$1,330,000 or from \$227.50 to \$436.93 per square foot of living area, land included.

Under cross examination, Ms. Abell confirmed the board of review comparables #1, #2 and #3 are each 2-story dwellings and that each of the board of review comparables has a basement in contrast to the subject's concrete slab foundation. Abell asserted the board of review did not present an appraisal with adjustments. [transcript pgs. 39, 41]

Questioned about the subject's functional and external obsolescence, Ms. Abell contended the subject's floor plan had been altered for better flow and so did not deem its design to be functionally obsolete. With respect to the subject's location and traffic count, Abell asserted the subject's location is not external obsolescence as there are "plenty of comps" that have similar or higher traffic counts. Ms. Abell did not have the ADT for the board of review's six comparable properties but stated they are all located in the area of downtown Geneva, like the subject. [transcript pgs. 43-46]

Based on this evidence, the board of review requested the subject's assessment be confirmed.

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

⁴ 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 drafting of this decision, the Department of Revenue has yet to publish figures for tax year 2023.

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 submitted an appraisal and board of review submitted six comparable sales for the Board's consideration. The Board finds two of the comparables selected by the appraisers sold in 2020, less proximate to the January 1, 2023 effective date at issue and three of the appraisal comparables are more than 40% smaller in dwelling size when compared to the subject. Furthermore, the appraisers characterized comparable #4 as having an "urban/avg" location despite its unrefuted 8,550 ADT vehicle count; failed to report or consider the subject's April 2019 purchase. As a result, the Board finds the opinion of value contained in the appraisal report to be less reliable and therefore, little weight is given to the opinion of value for the subject as presented in the appraisal. The Board shall, however, consider the raw sales presented in the appraisal.

The Board gives less weight to appraisal comparables #3, #4 and #5 which are less similar to the subject in proximity, dwelling size and/or sold in 2020, less proximate in time to the lien date at issue. The Board gives less weight to board of review comparables #1, #2 and #3 which sold in 2020, less proximate in time to the January 1, 2023 assessment date than other properties in the record. The Board also gives less weight to board of review comparables #4 and #5 which are substantially newer in age relative to the subject.

The Board finds the best evidence of market value to be appraisal comparables #1 and #2 along with board of review comparable #6 which sold proximate in time to the assessment date at issue and are similar to the subject in location, but present varying degrees of similarity to the subject in age, design, dwelling size, site size and foundation type suggesting adjustments are needed for these differences from the subject. These best comparables sold from July to December 2022 for prices ranging from \$835,000 to \$950,000 or from \$213.68 to \$330.66 per square foot of living area, including land. The subject's assessment reflects a market value of \$1,143,885 or \$251.40 per square foot of living area, including land, which falls above the range established by the best comparable sales in the record on an overall market value basis and within the range on a per square foot basis. The subject's higher overall market value appears logical given the subject's larger dwelling size and larger site size when compared to the best properties in the record. Therefore, after considering adjustments to the 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: _____

January 21, 2025



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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