



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

APPELLANT: Craig Torosian
DOCKET NO.: 23-03451.001-R-1
PARCEL NO.: 12-10-153-004

The parties of record before the Property Tax Appeal Board are Craig Torosian, 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:

LAND: \$140,564
IMPR.: \$492,706
TOTAL: \$633,270

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 and her witness Paul Moy, Certified Residential Appraiser. 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 a 2.5-story dwelling of cedar and stone exterior construction with 6,809 square feet of living area.¹ The dwelling was constructed in 2003 and is approximately 20 years old. Features of the home include a basement with finished area, central air conditioning, three fireplaces, an enclosed porch, inground swimming pool, built in hot tub

¹ The Board finds the best description of the subject's dwelling size was found in the subject's appraisal which contained a detailed sketch with dimensions.

and a 1,409 square foot 4-car garage. The property has a 1.10-acre or 47,916 square foot site 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 \$1,660,000 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 appraisers describe the subject as “overall average in condition with average-good modernization.” Page 6 of the Supplemental Addendum describes deferred maintenance, noting “significant scuff marks” to hardwood flooring, that “there appears to be issues with the HVAC as portions of drywall seams are coming loose,” and that “the pool shows signs of significant deterioration and settlement.” The appraisers state the property owner indicated the cost to repair the pool totals approximately \$80,000. In support of the subject’s condition, the appraisers submitted one photograph of the kitchen floor, one photograph of ceiling drywall with a visible seam and three photographs depicting cracking or worn concrete at the pool and hot tub.

In estimating the market value of the subject property, the appraisers developed the sales comparison approach to value selecting six comparable sales located from 0.09 of a mile to 3.88 miles from the subject property. The comparables have sites that range in size from 0.28-acre to 1.21-acres or 12,197 to 52,708 square feet of land area that are improved with contemporary style dwellings that have a combination of brick, stone, cedar, and stucco exterior construction ranging in size from 3,433 to 5,276 square feet of living area. The homes range in age from 16 to 24 years old. Each comparable has a basement with finished area, central air conditioning, two to four fireplaces and from a 2-car to a 4-car garage. Comparable #5 has an inground swimming pool. The appraisers assigned condition ratings for the comparables of “Good” or “Average-Good.” The comparables sold from October 2020 to July 2022 for prices ranging from \$989,000 or \$1,775,000 or from \$201.59 to \$403.44 per square foot of living area, land included. After adjusting comparables #5 and #6 for date of sale/time, the appraisers adjusted the comparables for differences with the subject in site size, dwelling size, quality of construction, condition, finished basement area, pool amenity and other features arriving at adjusted sale prices of the comparables ranging from \$1,116,000 to \$1,704,000 and an opinion of market value for the subject of \$1,660,000.

Mr. Moy testified his search criteria for comparable sales focused on dwelling size, site size, age, exterior building material, exterior amenities and updating/modernization. He testified appraisal comparables #1 and #5 were given most weight due to their more similar dwelling sizes while appraisal comparables #2 and #4 were given least weight due to their location less proximate to the subject. Mr. Moy explained his pool adjustment was based on a paired sales analysis and set at a conservative level due to the reported condition of the subject’s inground pool. Mr. Moy testified the owner of the subject property disclosed a cost to cure for the cracked pool surface of \$80,000 which the appraisers took into consideration when determining pool adjustments. Mr. Moy also testified regarding his \$150,000 adjustment for exterior surface materials between the

subject and comparables, explaining he used two sales along with cost information from the Marshall & Swift Residential Cost Handbook, noting the adjustment reflects approximately 8% of the sale price.

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 Mr. Moy's ability to find true paired sales his pool and exterior adjustments as homes in the subject's neighborhood are very unique. Mr. Moy testified that irregularly shaped homes, like the subject, tend to cost more to construct but was not able to determine if these homes sell for higher prices based on their architectural design. Ms. Abell asserted the subject property is within walking distance to downtown Geneva, arguing this is a desired feature of the subject property. In response to questions regarding a locational analysis for appraisal comparables #2 and #4, Mr. Moy testified he had not done any kind of locational analysis for these two comparables. Asked if he had driven by the comparable properties, Mr. Moy replied that he had not. Regarding the subject property, Ms. Abell asked if the subject has an enclosed porch contending this feature is not included in the grid or sketch. Mr. Moy testified he did not include the enclosed porch in the sketch because it was not required and opined no adjustment was needed for this element of the subject property.

On redirect, Mr. Moy testified appraisal comparables #1, #3, #5 and #6 are located in close proximity to the subject and that least weight was given to comparables #2 and #4 due to their more distant location to the subject.

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

In response to the hearing officer, Mr. Moy did not know the percentage of cedar and stone exterior of the subject property. Mr. Moy did not have any documentary support for the purported \$80,000 pool repair estimate.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$633,270. The subject's assessment reflects a market value of \$1,900,000 or \$279.04 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 comparables located from 0.10 to 0.20 of a mile from the subject property. Board of review comparables #2 and #3 are the same properties as appraisal comparables #1 and #5, respectively. The comparables have sites that range in size from 0.45-acre to 1.21-acres or 20,000 to 52,800 square feet of land area and are improved with 1.5-story or 2-story dwellings that have a combination of masonite, brick, stone or cedar exterior construction ranging in size

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

from 5,276 to 6,224 square feet of living area.³ The homes were built from 1972 to 2014. Each comparable has a basement with finished area, central air conditioning and two to five fireplaces. One dwelling has a 3-car garage and three properties have a garage ranging in size from 729 to 1,344 square feet of building area. Comparables #1 and #3 each have an inground swimming pool and built in hot tub while comparable #3 also has an enclosed porch and an elevator.⁴ The comparables sold from October 2021 to March 2023 for prices ranging from \$1,525,000 to \$2,500,000 or from \$264.67 to \$425.97 per square foot of living area, land included.

The board of review also submitted additional documentation including written comments, aerial photographs of the subject and each of its comparables, a map depicting proximity of the subject with its comparable properties, a chart depicting median sale prices for homes in Geneva and the Multiple Listing Service (MLS) information sheets and photographs for each of its comparable properties.

Written comments from the board of review critique appraisal comparables #2 and #4 arguing these properties are located more than three miles from the subject. The board of review questioned the appraiser's \$150,000 adjustment for quality of construction as well as the appraisers' pool adjustment, opining the pool adjustment is low while the adjustment for quality appears high. The board of review asserted the subject property has a "larger sized enclosed porch" which is not included in the subject property's sketch or the appraisal grid, contending no adjustment was considered for this amenity of the subject. The board of review asserted all of its comparables are located in the subject's neighborhood.

Under cross examination, Ms. Abell contended the board of review submitted unadjusted comparable sales. Ms. Whitley critiqued board of review comparable #1 arguing the dwelling is newer in age with a smaller basement and less finished area than the subject and asserted board of review comparable #4 has a smaller site size relative to the subject property.

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 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 the board of review submitted four unadjusted comparable sales, two of which were also selected by the appraisers, for the Board's consideration.

³ The Board finds the best description of dwelling size for board of review comparable #2/appraisal comparable #1 was found in the board of review's grid analysis which reported the dwelling to have 6,224 square feet of living area. On page 6 of the Supplemental Addendum the appraisers state "[b]uilding and lot sizes for the comparable sales were taken from the Kane County Assessor's website."

⁴ Some descriptive details for the board of review's comparables were found in their respective MLS sheets.

The Board finds appraisal comparables #2, #3, #4 and #6 are substantially dissimilar to the subject in location, two of which are more than three miles from the subject; dwelling size, ranging from 28% to 50% smaller in square footage; and/or site size, ranging from 54% to 75% smaller in land area. The Board further finds the dwelling size for appraisal comparable #1 to be incorrect in the appraisal given this property was also submitted by the board of review. The Board finds the appraisers failed to include the subject's enclosed porch amenity in the grid, thereby making no adjustments for this amenity of the subject. Finally, the Board finds the appraisers' 8% adjustment for exterior materials to be suspect at best particularly due to the absence of details in the appraisal report for the purported paired sales analysis. For these reasons, the Board finds the appraisers' opinion of value lacks credibility and gives the subject's appraised value little weight.

The Board finds the best evidence of market value to be the board of review comparables, which includes appraisal comparables #1 and #5, the common properties. These four comparables are overall more similar to the subject in location, dwelling size and some other features. However, these properties present varying degrees of similarity to the subject in age, site size and pool amenity suggesting adjustments are needed to make these properties more equivalent to the subject. These comparables sold from October 2021 to March 2023 for prices ranging from \$1,525,000 to \$2,500,000 or from \$264.67 to \$425.97 per square foot of living area, including land. Removing the high and low sales, board of review comparables #1 and #4, results in a tighter value range of \$1,775,000 and \$1,600,000 or \$285.19 and \$303.26 per square foot of living area, land included, respectively. The subject's assessment reflects a market value of \$1,900,000 or \$284.22 per square foot of living area, including land, which falls above the two best comparables, with the narrowest range, contained in the record on an overall market value basis and below the two best comparables on a per square foot basis. Given the subject's larger dwelling size, relative to the two best comparables, a higher market value and lower per square foot value appears to be logical. Therefore, after considering appropriate adjustments to the best comparables for differences with 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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Craig Torosian, by attorney:
Michael Elliott
Elliott & Associates Attorneys, PLLC
1430 Lee Street
Des Plaines, IL 60018

COUNTY

Kane County Board of Review
Kane County Government Center
719 Batavia Ave., Bldg. C, 3rd Fl.
Geneva, IL 60134