



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

APPELLANT: Zachary Derrico
DOCKET NO.: 23-03661.001-R-1
PARCEL NO.: 09-27-330-002

The parties of record before the Property Tax Appeal Board are Zachary Derrico, the appellant, by attorney Joanne 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: \$29,997
IMPR.: \$414,309
TOTAL: \$444,306

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 parties appeared before the Property Tax Appeal Board for a hearing at the Kane County Government Center in Geneva pursuant to a prior written notice. Appearing on behalf of the appellant was attorney, Melissa Whitley, along with the witness, DeShawn Weaver-Drew, SRA and appearing on behalf of the Kane County Board of Review were Kane County Deputy Supervisor of Assessments, Michelle Abell, Saint Charles Township Assessor, Diane Hemmingsen and Deputy Township Assessor, Dave Medlin.

The subject property consists of a 2.5-story dwelling of masonry exterior construction with 5,717 square feet of living area. The dwelling was constructed in 1925.¹ Features of the home include an unfinished basement, central air conditioning, three fireplaces, an inground swimming pool

¹ The Board finds the subject's property record card submitted by the board of review disclosed a building permit was issued in 2010 for an addition.

with a hot tub, 904 square foot garage, and a 568 square foot garage. The property has a 17,511 square foot site and is located in St. Charles, St. Charles 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 \$1,150,000 as of January 1, 2023. The appraisal was prepared by Cynthia McDonald, an Associate Real Estate Trainee Appraiser and DeShawn Weaver-Drew, Certified Residential Real Estate Appraiser, licensed in Illinois. The appraisers considered the subject property to be in good condition, with a quality of construction and modernization at the upper end of the market, as the home was significantly rehabilitated within the last five years of this report's effective date, which gives the subject a significantly lower effective age of 10 years old. The appraisers further disclosed the subject has 3 floors of living area with five full baths and one half bath and an unfinished basement with a low 6' ceiling height. The appraisers noted there is no apparent functional or external deficiencies or adverse conditions that affect the livability, soundness, or structural integrity of the subject property. In estimating the market value of the subject property, the appraisers developed the sales comparison approach.

Under the sales comparison approach to value, the appraisers selected five suggested comparables sales located from .07 of a mile to 3.84 miles from the subject property. The comparables have sites ranging in size from 9,464 square feet to 246,549 square feet of land area that are improved with traditional or tudor style dwellings ranging in age from 6 to 50 years old and in size from 3,536 to 7,098 square feet of living area. The comparables have basements, with three having finished area. Each comparable has central air conditioning, one to three fireplaces, and a 3-car or a 5-car garage. One comparable has inground swimming pool with hot tub. The comparables sold from December 2021 to December 2022 for prices ranging from \$917,000 to \$1,300,000 or from \$140.88 to \$297.51 per square foot of living area, including land. After considering adjustments to the comparables for differences in site size, view, age, room count, gross living area, basement finish, garage amenity, pool, and other features when compared to the subject, the appraisers arrived at adjusted sale prices ranging from \$1,038,840 to \$1,175,200.

In reconciliation of the market data, the appraisers gave most weight to comparables #1 and #2 for being located in same tax district and most proximate to the subject while comparables #3 and #4 received some consideration. After giving due consideration to the adjusted sale prices, the appraisers concluded an estimated market value for the subject property of \$1,150,000 as of January 1, 2023.

The appellant's counsel called real estate appraiser DeShawn Weaver-Drew as a witness. Prior to the hearing the parties stipulated that the appraiser was accepted as an expert witness. The appraiser testified that an inspection was done for the subject property and briefly described the physical characteristics of the subject property. Weaver-Drew further testified that the subject was rehabbed in 2018, 2021 and 2022 and the interior has basically been gutted and the foundation is original. Weaver-Drew then testified about the selection and adjustment processes used for the comparable sales that were chosen. Weaver-Drew further noted that two comparables were located on the same street as the subject and one comparable has a pool similar to the subject.

Under cross examination, the appraiser further explained how he determined the subject's neighborhood boundaries and his methodology in the adjustment process in regard to location and gross living area.

On redirect examination, Weaver-Drew testified that comparable #5 was utilized because it had a pool feature similar to the subject. Weaver-Drew also stated that he tried to find comparable sales with similar effective ages as the subject.

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

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$444,306. The subject's assessment reflects a market value of \$1,334,252 or \$233.38 per square foot of living area, land included, when using the 2023 three year average median level of assessment for Kane County of 33.30% as determined by the Illinois Department of Revenue.

In reference to this appeal the board of review disclosed that five comparables similar to the subject property were provided, the subject's property record card, and old MLS listing for the subject's sale in 2018, MLS listings for the appraisal comparables, and 3-page report showing sale price per square foot of all homes that sold over \$500,000 with a ½ radius of the subject, appraisal comparable #3 and appraisal comparable #5.

In written documentation and at the hearing, the board of review disclosed the subject sold in 2018 for \$600,000 and has changed significantly since the purchase. The board of review submitted evidence that disclosed building permits were issued from January 2010 to January 2021 totaling \$481,703 for addition, remodeling, garage, and pool. Abell noted the subject is located in the Pottawatomie Park neighborhood and within walking distance of the downtown area of St. Charles. The board of review critiqued the appraisal comparables noting differences in exterior amenities and asserted questionable adjustments were made for those differences. The board of review contends appraisal comparables #1, #2 and #4 have unadjusted sale prices per square foot that support the subject's market value as reflected by its assessment while appraisal comparables #3 and #5 should be given no weight due to differences in location and/or exterior amenities. The board of review stated that data shows the sales near the subject's location sold for more per square foot than the sales in the neighborhoods for appraisal comparable sales #3 and #5.

In support of its contention of the correct assessment the board of review submitted information on five comparable sales located from .06 of a mile to 1.93 miles from the subject. The comparables have sites ranging in size from 10,019 to 44,039 square feet of land area and are improved with 1.5-story or 2-story dwellings of a combination of cedar, brick, stone and/or frame exterior construction ranging in size from 2,493 to 6,286 square feet of living area. The dwellings were constructed from 1860 to 2009. Four comparables have basements, three with finished area, two of which are walk-out. Each comparable has central air conditioning, one to five fireplaces and a garage ranging in size from 468 to 725 square feet of building area. Comparable #5 has an additional 376 square foot garage. Comparables #1, #3 and #5 each have an inground swimming pool. The grid analysis disclosed comparables #2 and #3 have golf

course views and comparable #4 has a view of Fox River. The MLS listing sheet for board of review noted comparable #5 was a complete rehab in 2012. Abell further noted at the hearing this sale was utilized because it was an older home that was rehabbed and has a pool similar to the subject. The comparables sold from July 2021 to April 2024 for prices ranging from \$1,000,000 to \$2,200,000 or from \$235.31 to \$430.93 per square foot of living area, including land. The board of review disclosed county comparables #1, #2 and #5 have similar exterior amenities and/or have been remodeled when compared to the subject. The board of review further notes county comparables #3 and #4 are not similar to the subject in location. Lastly, the board of review asserted county's comparable sale #1 is the best sale as it is a larger home with an inground swimming pool and other similar exterior amenities but superior in age, bath count and finished basement.

In closing, appellant's counsel argued the appellant met the burden of proof in establishing the subject's market value of \$1,150,000 through the expert testimony of the appraiser who prepared the appraisal report and was cross-examined by the board of review. As to the board of review's comparable sales, counsel argued they should be given no weight. First, counsel stated the board of review provided unadjusted comparable sales, comparable sales #1, #2 and #3 have superior basement finish, and comparable #5 sold 16 months after the January 1, 2023, assessment date.

In closing, Abell argued the appraiser reported a stable market when the board of review's evidence shows an increasing market in the subject's neighborhood. Abell argued the best comparables in the record are appraisal comparable sales #1, #2 and #4 along with board of review comparables #1 and #2 which are located within .35 of a mile 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.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 Board finds the record contains an appraisal submitted by the appellant and five comparable sales submitted by the board of review for consideration.

As to the appellant's appraisal, the Board finds the appraiser utilized four comparable sales that differ from the subject in dwelling size from 24% to 38% and one comparable is located 3.84 miles from the subject. For these reasons the Board finds the appraiser's conclusion of value to be less credible and reliable.

The Board also gives less weight to board of review comparables #2 and #4 which differ from the subject in dwelling size of 27% and 56%, respectively, and to board of review comparable #3 which is located over 1.9 miles from the subject. The Board also gives less weight to board of review comparable #5 which sold 16 months after the January 1, 2023 assessment date.

The Board finds the best evidence of market value to be appraisal comparable #1 and board of review comparable #1 which sold proximate in time to the assessment date at issue and are most similar to the subject in location and dwelling size. However, both comparables have finished basement area, one comparable has a significantly larger site, and one comparable lacks a pool, suggesting adjustments are necessary to make them more equivalent to the subject. Nevertheless, the comparables sold in January 2022 and September 2022 for prices of \$1,300,000 and \$1,775,000 or \$235.76 and \$365.08 per square foot of living area, including land. The subject's assessment reflects a market value of \$1,334,252 or \$233.38 per square foot of living area, including land, which is bracketed by the best comparable sales in the record on an overall market value basis and lower on a price per square foot basis. After considering adjustments to the best comparable sales for differences from the subject, the Board finds the appellant did not prove by a preponderance of the evidence that a reduction in the subject's assessment is justified based on 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



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:

May 19, 2026



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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