



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

APPELLANT: Robert Larson  
DOCKET NO.: 12-01653.001-R-1  
PARCEL NO.: 04-20-300-031

The parties of record before the Property Tax Appeal Board are Robert Larson, the appellant, by attorney Terrence J. Benshoof in Glen Ellyn, and the Kane County Board of Review.<sup>1</sup>

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction 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:** \$71,563  
**IMPR.:** \$242,506  
**TOTAL:** \$314,069

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 2012 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 is improved with a two-story single family dwelling of brick and stone exterior construction with 6,043 square feet of living area. The dwelling was constructed in 2005. Features of the home include a walk-out basement with

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<sup>1</sup> A consolidated hearing was conducted for Property Tax Appeal Board Docket Numbers 11-02015.001-R-1 and 12-01653.001-R-1. Some of the testimony from the hearing has been incorporated in each decision.

finished area, central air conditioning, two fireplaces, and a three-car attached garage. The property is also improved with a 3,500 square foot detached garage/shop building adjacent to the home. The property has a 6.33 acre or 275,735 square foot site and is located in Hampshire, Burlington Township, Kane County.

Appearing before the Property Tax Appeal Board on behalf of the appellant was attorney Terrence J. Benshoof contending overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal prepared by Gregory T. Stewart, an Illinois Certified Residential Appraiser, estimating the subject property had a market value of \$1,000,000 as of January 1, 2012. Stewart was called as a witness on behalf of the appellant. Stewart began in the appraisal business in 1991 and has prepared more than 10,000 appraisals. He also has the Residential Accredited Appraiser (RAA) designation from the National Association of Realtors. Stewart testified he is also a real estate broker. He further explained that his work is primarily in Kane County.

Stewart testified the property is in a remote location on a county road. He explained that no similar properties had sold that were west of Route 47 that were similar in size and construction grade as the subject property. He testified that the subject property is located six miles west of Route 47. The witness testified that there are areas north of St. Charles that have estate grade homes like the subject property. The witness explained the subject property is atypical for its location. The witness testified that the comparables he selected were as remote as possible, with acreage and similar structures.

Stewart testified that he did a simple analysis through the MLS. In the area west of Route 47 in Kane County, the highest sales price the prior two years was \$700,000 and the median price was \$210,000. In the area east of Route 47 within a one-mile radius of Crane Road Estates near St. Charles, where similar estate like properties are located, Stewart testified that the highest sales price for a home the past two years was \$1,500,050 with a median price of \$404,000 and an average of \$492,000. The appraiser was of the opinion that location was very important. He did not believe that a person looking for an estate grade type of property would be looking at those areas the same.

In estimating the market value of the subject property Stewart developed the sales comparison approach to value and the cost approach to value. Under the cost approach the appraiser estimated the subject had a site value of \$170,000. The

appraiser estimated the replacement cost new of the house and the detached shop to be \$1,014,347. The appraiser deducted \$101,400 in physical depreciation and \$162,500 in functional obsolescence to arrive at a depreciated cost of the improvements of \$750,447. The appraiser added \$50,000 for the "as-is" value of the site improvements and \$30,000 for the "as is" value of the well and septic. The appraiser arrived at an estimated value under the cost approach of \$1,000,400.

Stewart also estimated the market value under the sales comparison approach using eight comparable sales. The comparables were improved with seven two-story homes and a hillside ranch style dwelling that ranged in size from 4,279 to 6,568 square foot of living area. The dwellings were constructed from 1978 to 2008. Each comparable had a basement with six being finished. Each comparable also had central air conditioning and a three or four-car garage. Comparable #1 had an in-ground swimming pool, comparable #4 had an additional smaller garage, comparable #6 had an in-ground swimming pool and comparable #8 had an in-ground swimming pool. These properties had sites ranging in size from 1.25 acres to 7.8 acres and were located from 8.16 to 13.18 miles from the subject property. The sales occurred from April 2009 to December 2011 for prices ranging from \$645,000 to \$1,285,000 or from \$114.19 to \$246.17 per square foot of living area, including land. Stewart testified with respect to each comparable sale he used and the reasons for the adjustments to the comparables for differences from the subject property. Stewart explained that the adjustment for the detached garage/shop was included on the functional utility line of the appraisal. He was of the opinion that the detached garage/shop had a contributory value of \$60,000. The comparables had adjusted prices ranging from \$895,000 to \$1,226,000. Based on this analysis the appraiser estimated the subject property had an indicated value under the sales comparison approach of \$1,000,000.

In reconciling the two approaches to value the appraiser gave more weight to the sales comparison approach, supported by the cost approach, and arrived at an estimated market value of \$1,000,000.

Based on this evidence the appellant requested the subject's assessment be reduced to \$333,333.

Under cross-examination Stewart explained the adjustments for location was on a percentage basis. He was also questioned about the adjustments made to the comparables for land area and

features. The appraiser also testified he was able to get inside the detached garage. In reconciling the value using the sales the appraiser indicated he averaged the adjusted values he came up with and also looked at the median value in arriving at the estimated value of \$1,000,000. He indicated, however, more weight was given comparable sales #1, #2 and #3.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$391,814. The subject's assessment reflects a market value of \$1,174,855 or \$194.42 per square foot of living area, land included, when using the 2012 three year average median level of assessment for Kane County of 33.35% as determined by the Illinois Department of Revenue. Appearing on behalf of the board of review was board member Kevin J. Schulenburg.

In support of its contention of the correct assessment the board of review submitted information provided by Debbie McKermitt, the Burlington Township Assessor. The data included information on three comparable sales located in St. Charles improved with two-story dwellings that ranged in size from 5,629 to 7,882 square feet of living area. The sales occurred from July 2010 to June 2011 for prices ranging from \$1,198,000 to \$3,100,000 or from \$212.83 to \$393.30 per square foot of living area, including land. The township assessor was not present at the hearing to testify with respect to the selection of the comparables or the subject's assessment. The board of review presented no testimony with respect to this evidence.

At the hearing Schulenburg indicated the he had no problems with the sales contained the appellant's appraisal but did have an issue with the way the appraiser reached his conclusion of value. Schulenburg was of the opinion the sales in the appraisal supported the subject's assessment.

At the conclusion of the hearing the parties agreed the subject property is an owner occupied dwelling. They also agreed tax years 2011 and 2012 are within the same general assessment period. Following the hearing Mr. Schulenburg provided the 2012 township equalization factor for Burlington Township of .9423.

#### **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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the subject property is improved with an owner occupied residence that was the subject matter of an appeal before the Property Tax Appeal Board the 2011 tax year under Docket Number 11-02015.001-R-1. The Property Tax Appeal Board takes notice that it issued a decision in the 2011 appeal lowering the assessment of the subject property to \$333,300 based on the evidence and testimony presented by the parties. (86 Ill.Admin.Code §1910.90(i)).

Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) provides in part:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review.

Pursuant to section 16-185 of the Property Tax Code, the Property Tax Appeal Board finds that the assessment as established for the 2011 tax year should be carried forward to the 2012 tax year subject only to the equalization factor of .9423 applied to assessments in Burlington Township for that year. The record contains no evidence indicating the subject property sold in an arm's length transaction following the Board's decision for the 2011 tax year. Furthermore, the evidence indicates that 2011 and 2012 are within the same general assessment period. For these reasons the Property Tax Appeal Board finds that a reduction in the subject's assessment is warranted to reflect the Board's assessment as established for the 2011 tax year of \$333,300 modified by the application of the township equalization factor of .9423.

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.

*Ronald R. Crit*

Chairman

*K. L. F...*

Member

*Richard A. ...*

Member

*Mark ...*

Member

*J.R.*

Member

DISSENTING:

C E R T I F I C A T I O N

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: March 20, 2015

*A. ...*

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 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 the subsequent year 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.

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.