



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

APPELLANT: Andrew & Connie Jurczyk
DOCKET NO.: 15-01600.001-F-1
PARCEL NO.: 09-18-300-009

The parties of record before the Property Tax Appeal Board are Andrew & Connie Jurczyk, the appellants, and the Kane 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 Kane County Board of Review is warranted. The correct assessed valuation of the property is:

F/Land:	\$132
Homesite:	\$53,345
Residence:	\$256,534
Outbuildings:	\$24,503
TOTAL:	\$334,514

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 2015 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 5-acre parcel has been improved with a two-story single-family dwelling of frame and stone exterior construction with 5,649 square feet of living area. The dwelling was constructed in 2009. Features of the home include a walkout-style basement, that is partially finished, central air conditioning, a fireplace and a 1,096 square foot garage. Additional features of the property include a 1,079 square foot workshop over the garage, a 506 square foot shed and a 2,172 square foot barn that also has a 511 square foot lean-to. The subject has an 84,506 square foot or 1.94-acre homesite with the remaining 3.06-acres having a preferential farmland assessment. The property is located in St. Charles, St. Charles Township, Kane County.

The appellant Connie Jurczyk appeared before the Property Tax Appeal Board on behalf of the appellants contending assessment inequity as the basis of the appeal concerning only the

subject's homesite assessment. No disputes were raised concerning the subject's farmland assessment, residential (dwelling) assessment and/or the outbuildings assessment.

In support of the homesite inequity argument, the appellants submitted information on four homesite equity comparables, three of which were set forth in the Section V grid analysis of the appeal petition and evidence concerning comparable #4 was provided as attached documentation. The appellants contend that the chosen comparables are "horse farms" like the subject property as opposed to "estate" properties that are either, not within the subject's town or not within the same school district as the subject. The appellants reported comparables #1, #2 and #3 were located from 2.8 to 3.5-miles from the subject property; the proximity of comparable #4 to the subject was not provided. The four comparables have homesites ranging in size from 26,136 to 68,389 square feet of land area or from .6 of an acre to 1.57-acres of land area. These homesites have assessments ranging from \$16,198 to \$37,496 or from \$22,498 to \$26,997 per acre or from \$.52 to \$.62 per square foot of homesite land area. The appellants' evidence further outlined that the subject's first 1.25-acre homesite was valued at \$200,000 per acre whereas the comparable properties had homesites that were valued at rates of \$90,000, \$75,000, \$90,000 and \$75,000 per acre, respectively, for appellants' comparables #1 through #4.

Based on this evidence and argument, the appellants requested a reduced homesite assessment of \$53,345 or \$27,497 per acre of homesite land area or \$.63 per square foot of homesite land area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$364,245. The subject property has the following assessments: Farmland - \$132; Homesite - \$83,076 or \$42,823 per acre or \$0.98 per square foot of homesite land area based upon a total of 1.94-acres of homesite land area; House - \$256,534; and Outbuildings - \$24,503.

Appearing on behalf of the board of review was Kevin Schulenburg who presented St. Charles Township Assessor Diane Hemmingsen as a witness for the proceeding. In support of its contention of the correct assessment through data prepared by the township assessor, the board of review submitted information on five equity comparables. Also, in a memorandum filed with the evidence, the township assessor noted that the subject property, although it has a partial farmland assessment, is located in an area of high-end custom-built homes. The township assessor further testified that the subject is located at the end of a dead-end street that consists of "million dollar homes" adjacent to the golf course which is just to the north; it is an exclusive neighborhood and she noted that there are not any other "farm-type properties" in this general area. She also described the road access for the subject as a "private access" road. The township assessor contends that the subject is valued uniformly with the surrounding similar properties. The assessor also argued the comparables presented by the appellants were not "similar type properties" in that they are older farmhouse dwellings when compared to the subject dwelling in age and size. She further contended that location-wise, the appellants' comparables were not similar to the subject.

At hearing, the township assessor testified that the first 1.25-acres of homesite of the subject property and other properties on the subject's street were valued at \$200,000 per acre with a 10% reduction. She further testified that homesite area that exceeds 1.25-acres is valued at \$37,000 per acre. In contrast, the comparables presented by the appellants have been assessed at varying

amounts and are "quite a bit lower because of their location and property types." The board of review reiterated the appellants' four comparables in a grid analysis which depicts that each of the appellants' comparables have a portion of the parcel with a preferential farmland assessment along with homesite land area; appellants' comparable #1 also consists of two additional adjacent parcels that comprise the entire property which modifies the analysis presented by the appellants.¹ The assessor reported these comparables were located from 1.847 to 2.498-miles from the subject property. The comparables, according to the assessor, are not located in an area where there are million dollar homes so their land value is much less than the subject's. In terms of location, Hemmingsen further testified that appellants' comparables #1, #3 and #4 are located on very busy streets and appellants' comparable #2 is located in the middle of a townhome complex which "is very unusual" and not similar to the subject.

As the township assessor, in developing assessments for homesites in St. Charles, Hemmingsen testified that the values will vary depending upon particular locations within the township and "what homes/property values would sell for in that location." The subject's homesite valuation was derived from sales data showing what land has sold for on the subject's street. In this regard, board of review comparables #1 and #2 are located on the subject's street. The properties consist of 7.72 and 7.03-acres of land area, respectively. Each parcel has been improved with a dwelling that was originally built in 1963 and 1957, respectively, and each of which were remodeled in 2003 and 2006, respectively. The homes contain 5,362 and 4,010 square feet of living area, respectively. Additional features include garages, a barn converted to a recreation room, sheds and/or a pool. These two properties have sale histories from June 2002 and September 1996 of \$762,500 and \$440,000, respectively, along with more recent sale and listing data reflecting a January 2015 sale for comparable #1 of \$1,400,000 and a January 2016 listing price for comparable #2 of \$995,000.

Also attached as part of the board of review submission is listing sheet #1 "adjacent to the subject" which describes a 7+-acre parcel improved with a dwelling constructed in 2008 that has "12,000 square feet of comfortable luxury" with an October 2015 asking price of \$3,895,000. For listing sheet #2, the property is described as one-half mile from the subject. This 2.5-acre parcel is improved with a dwelling built in 2004 that contains approximately 8,000 square feet of living area with an October 2016 asking price of \$1,890,000. Based upon a question posed by the Administrative Law Judge (ALJ), the township assessor acknowledged that there was an "old farmhouse" on the subject property when the appellant purchased the subject parcel, although she did not believe the prior owner maintained any animals on the parcel as of the time of sale. As of the time of sale, the parcel was not receiving any preferential farmland assessment(s).²

The five comparables presented by the board of review in its grid analysis were located from .268 of a mile to 5.033-miles from the subject property. Comparables #1, #2 and #3 are located in St. Charles and comparables #4 and #5 are located in Wayne. Hemmingsen opined that a buyer looking for a property similar to the subject may consider Wayne, which has a different school district, but similar type of secluded property with horse farms, but still not similar to the

¹ As presented, the Property Tax Appeal Board is unable to ascertain the amount of land area of the adjacent parcels that was deemed to also be homesite at a purported homesite assessment of \$10,799 as depicted on the grid.

² A copy of the subject's property record card depicts the last sale transaction as having occurred on July 1, 2008 for a purchase price of \$746,000.

subject's location. The five comparables have "homesites" (non-farm land areas) ranging in size from 1.6 to 7.72-acres of land area. The grid analysis depicts only that comparable #3 includes a farmland preferential assessment; also, notably comparables #4 and #5 each have comments that the properties have horse barns and a stable, but do "not qualify for pasture land because less than 51% of the land is fenced for the horses."³ These five "homesites" which vary dramatically in size have non-farmland assessments ranging from \$71,993 to \$150,792 or from \$19,533 to \$44,996 per acre or from \$.45 to \$1.03 per square foot of homesite land area.

Based on the foregoing evidence and argument, the board of review requested confirmation of the subject's homesite assessment.

On cross-examination, the appellant requested an explanation from Hemmingsen as to why the subject horse farm's property record card has a "map area: 070-UNINC NON-SUBDV" designation as compared to each of the appellants' comparable horse farms where the property record card designation is "map area: 025-FARMS." Hemmingsen testified that the subject property has that map area designation because the rest of the homes in that area have that map area designation and there is no subdivision out there to associate with the subject; the assessor's office groups homes by their subdivision. In this regard, it was noted that board of review comparables #3, #4 and #5 each depict map area designations of "001-Wayne" which Hemmingsen testified is because the properties are not in a subdivision, but "they are just in Wayne." She further testified that there is a neighborhood factor associated with each of these subdivisions and that if the subject were to be placed in the 025-Farm area, the neighborhood factor would be quite a bit higher than what it is currently and would result in an increased assessment. The factor is based upon sales in the neighborhood so "the factor on the 025-Farms area is higher because the homes in the non-subdivisions are not selling for – [witness trails off]."

The appellant at hearing also questioned Hemmingsen about the presentation of comparables #3, #4 and #5 located in Wayne which are not horse farms, have a different school and are situated in excess of 4.67-miles from the subject property, rather than presenting more proximate horse farms. In response the assessor contended these comparable are horse farms, although the evidence indicates that only comparable #3 has received a preferential farmland assessment for part of the parcel [see also footnote #3].

The ALJ asked Hemmingsen to explain how she values homesites to which she responded, "It depends on where its at." She does not have a set value for the entire township; it depends on location and what those properties could sell for per acre in that area. The assessor testified that the jurisdiction has over 100 neighborhoods, each of which is different. Some of the neighborhoods are valued at a lump sum value and some are valued on a per acre basis. The

³ While not at issue before the Property Tax Appeal Board, the Board takes judicial notice of the principles set forth by the courts regarding farmland assessments where there is no "percentage" analysis. In Senachwine Club v. Putnam County Board of Review, 362 Ill. App. 3d 566 (3rd Dist. 2005), the court stated that a parcel of land may be classified as farmland provided that those portions of the property so classified are used solely for agricultural purposes, even if the farm is part of a parcel that has other uses. Citing Kankakee County Board of Review, 305 Ill. App. 3d 799 at 802 (3rd Dist. 1999). (See also 35 ILCS 200/1-60 of the Property Tax Code). At hearing, the appellant stated that these property owners do not maintain horses and presumed that the existing barn was merely a holdover from prior owners.

witness testified that board of review comparables #3, #4 and #5 have each been valued at \$85,000 per acre for the first 1.25-acres of homesite area and at \$37,000 for remaining acreage.⁴

In rebuttal at hearing, the appellant contended that no vacant land has sold in the subject's immediate area for the past ten years. The appellant at hearing also disputed the purported "secluded" or "privacy" nature of the subject in that the subject is a "land-locked" patch of land purchased because it was the "minimum 5-acres to be a farm." There are seven parcels that adjoin the subject parcel so the parcel lacks "seclusion." Furthermore, to gain access to the subject property via a driveway, the appellants must cross over a neighbor's property with a maintained easement agreement; the neighbor has repeatedly worked to hinder access through installation of speed bumps and fines, among other things. The appellant also testified that among the seven adjoining parcels are property owners that provide backyard yoga instruction, loud music on outdoor patios and other various uses by the neighbors.

As to the assertion that the appellants' comparables are located on busy roads, she replied that her opinion is that only Randall Road and Route 64 can be characterized as busy. For properties near Red Gate Road, on the 180 school days per year, there would be traffic twice a day with the high school students' arrivals and departures.

Additionally, the appellant argued at hearing and in written rebuttal that based upon attendance at a property tax seminar conducted by the Kane County Supervisor of Assessments, Mark Armstrong, an appealing taxpayer may not use listings to challenge an assessment/estimate of value and the primary question for comparability is whether someone looking to buy an alternate property to your own property would consider it comparable. Therefore, board of review listing #1 is an inappropriate comparable (a) as a listing and not an actual sale and (b) the appellants report the property owner has been listing the property off and on for at least 7 years with asking prices as high as \$6,350,000 in 2009 and as low as \$3,895,000 in 2016. (See Appendix A of Rebuttal filing) Similarly, the appellants disputed the use of listing #2 both on grounds that it was a listing, not a sale, and on grounds that the property is a dissimilar "English Manor" which differs from the subject horse farm.

As to board of review comparable #1 set forth in the grid analysis, the appellants provided criticisms in terms of the lack of similarity of an "elaborate estate" property with a pool and woods when compared to the subject. To the extent that the board of review has relied upon the listing price of comparable #2, it should not be considered according to the appellants. Board of review comparables #3, #4 and #5 are located in different communities and two of the properties are not horse farms and are thus dissimilar when compared to the subject.

Conclusion of Law

The taxpayers contend assessment inequity as the basis of the appeal as to the subject's homesite assessment. 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

⁴ It should be noted the Board has been unable mathematically to apply these purported market value figures to the homesites in order to arrive at the homesite assessments and the statutory level of assessment of 33.33%.

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

As an initial matter, the Property Tax Appeal Board finds the grid analysis presented by the board of review to be confusing and inaccurate. The confusion arises based on the lack of detail in the grid as to the "homesite acreage" information as to each of the properties presented when that is the sole argument made by the appellants. The inaccuracy arises in the "land market value" presentation at the bottom of the analysis; for the subject and comparable #3 which each have a portion of farmland acreage, the calculated "land market value" at the bottom of the analysis simply utilized the homesite land assessment at 33.33% without addressing the additional farmland acreage of each property which have preferential farmland assessments that are not 33.33% of market value. Therefore, the board of review "land market value" line for the subject and five comparables falsely depicts the subject as having a land market value of \$249,253 when that figure only represents 1.94-acres of the subject parcel assessed as homesite. In contrast, the grid analysis depicts board of review comparable #1 with 7.72-acres of "homesite" land with a land market value of \$452,420. Therefore, despite dramatic differences in land sizes, the board of review presentation falsely places the subject "within the range" of the comparables in terms of "land market value."

Due to the confusion and difficulty in analyzing the nine comparable homesites presented by both parties, the Property Tax Appeal Board will briefly summarize the homesite valuation and assessment data that has been presented by both parties in the following table:

	Subject	App #1	App #2	App #3	App #4	BOR #1	BOR #2	BOR #3	BOR #4	BOR #5
"Home-site" acreage	1.94	.6	.8	1.57	.84	7.72	7.03	1.6	4.25	4.36
Assessment	83,076	16,198	17,998	37,496	18,898	150,792	142,708	71,993	104,919	106,207
AV per acre	42,823	26,997	22,498	23,883	22,498	19,533	20,300	44,996	24,687	24,359
AV per sq. ft.	.98	.62	.52	.55	.52	.45	.47	1.03	.57	.56

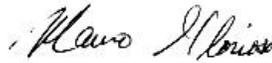
As is clearly depicted in the above summary chart, smaller homesite parcels like the subject and board of review comparable #3, which each have farmland assessments, ultimately have a much higher per acre and per square foot homesite assessment than the parcels that are substantially larger. For instance, board of review comparable #4 has more than twice the homesite acreage as the subject property, but the homesite is assessed at \$24,687 per acre whereas the subject's homesite is assessed at \$42,823 per acre. These stark differences in assessments are derived from the original market values assigned by the assessor which have not been supported by any recent sales data on this record. The sales that have been presented involve large homes on large acreage and provide no market value data to support land being valued at \$200,000 for the first 1.25-acres and additional acres being assigned a market value of \$37,000 per acre or at 18.5% of the value of the first 1.25-acres.

On this record, the Property Tax Appeal Board has given reduced weight to board of review comparable #3 as an outlier that includes farmland which resulted in a small 1.6-acre homesite which was assessed in a similar manner to the subject property. Comparable #3 in essence received the same contested homesite assessment as the subject property which is inappropriate to utilize as a comparable property. See, Pace Realty Group, Inc. v. Property Tax Appeal Board, 306 Ill.App.3d 718 (2nd Dist. 1999).

On this record, the Board finds the best evidence of assessment equity to be the appellants' comparables and board of review comparables #1, #2, #4 and #5. These eight comparables had homesite assessments that ranged from \$.45 to \$.62 per square foot of homesite land area. The subject's homesite land assessment of \$.98 per square foot of homesite land area falls above the range established by the best homesite comparables in this record.

Based on this record the Board finds the appellants did demonstrate with clear and convincing evidence that the subject's homesite was inequitably assessed and a reduction in the subject's homesite assessment commensurate with the appellants' request is 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: February 13, 2019



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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