



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

APPELLANT: Michael Restivo
DOCKET NO.: 21-05624.001-R-1
PARCEL NO.: 12-10-328-025

The parties of record before the Property Tax Appeal Board are Michael Restivo, the appellant, by Jessica Hill-Magiera, Attorney at Law in Lake Zurich; 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: \$83,629
IMPR.: \$153,902
TOTAL: \$237,531

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 2021 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-story dwelling of stucco exterior construction with 2,796 square feet of living area.¹ The dwelling was constructed in 1991. Features of the home include a basement with finished area, central air conditioning, a fireplace and a three-car garage. The property has a 24,813 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 information on six comparable sales located within .98 of a mile from the subject property and in different neighborhood codes than the subject. The comparables are improved with 2-story dwellings that range in size from 2,879 to 3,069 square feet of living area. The homes were built from 1991 to 1998. Each comparable has a full or partial basement, one

¹ Some descriptive information not provided by the appellant was drawn from the evidence submitted by the board of review and not contested by the appellant on rebuttal.

with finished area.² Each comparable also has central air conditioning, a fireplace, and a 3-car garage. The comparables sold from July 2020 to December 2021 for prices that range from \$375,000 to \$590,000 or from \$125.42 to \$195.30 per square foot of living area, land included. Based on this evidence, the appellant requested the subject's total assessment be reduced to \$190,548. The requested assessment would reflect a total market value of \$571,701 or \$204.47 per square foot of living area, land included, when applying the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$237,531. The subject's assessment reflects a market value of \$712,664 or \$254.89 per square foot of living area, land included, when using the 2021 three-year average median level of assessment for Kane County of 33.33% as determined by the Illinois Department of Revenue.

In response to the appellant's appeal, the board of review submitted a letter from the Geneva Township Assessor's Office, noting that the subject property was purchased in 2018 for a price of \$810,000 and is located in one of the "most desirable locations" in Geneva. In the letter, the township assessor contends that each of the appellant's comparables are located in "drastically inferior neighborhoods," and none are comparable to the subject's "custom-built Frazier and Raftery highly desirable home." The board of review also submitted an aerial map depicting the locations of the parties' comparables and property information sheets regarding board of review comparable #1 which was built by the same builder as the subject dwelling.

In support of its contention of the correct assessment, the board of review submitted information on four comparable sales located within 0.70 of a mile from the subject, two of which are located within the subject's neighborhood. The comparables are improved with 1.5-story or 2-story dwellings of frame, frame and brick, or "Other" exterior construction that range in size from 2,119 to 3,183 square feet of living area. The dwellings were built from 1965 to 2018. Each comparable has a basement, three of which have finished area and one being a walkout style. Each home also has one to three fireplaces and a 2-car garage. The comparable dwellings are situated on sites ranging in size from 12,072 to 24,393 square feet of land area. The comparables sold from September 2018 to May 2021 for prices that range from \$778,000 to \$910,000 or from \$257.76 to \$377.06 per square foot of living area, land included. Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant's counsel submitted a grid analysis containing all of the parties' comparable sales and argued the board of review's comparables are dissimilar to the subject in dwelling size, age and/or remote sale date.

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

² Neither the appellant nor the board of review provided information on the basement finished area for appellant's comparables #5 and #6.

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 record contains information regarding the June 2018 sale of the subject property and ten comparables sales provided by the parties for the Board's consideration. Based on the evidence in the record, the Board finds the best evidence of market value to be the board of review comparables #1 and #2 which are located in closest proximity to the subject property and are the only comparables that are within the subject's neighborhood code with one being built by the same builder as the subject dwelling. These two best comparables are older in age relative to the subject and have 2-car garages compared to the subject's 3-car garage suggesting that upward adjustments are needed to these comparables in order to make them more equivalent to the subject. The Board gives less weight to the remaining comparables in the record based on their locations in differing and less desirable market areas from the subject property which was not contested by the appellant in rebuttal.

The best comparables in the record sold in May 2021 and October 2020 for prices of \$789,000 and \$910,000 or for \$257.76 and \$285.89 per square foot of living area, land included, respectively. The subject's assessment reflects a market value of \$712,664 or \$254.89 per square foot of living area, land included, which is below the two best comparables in the record, both on per square foot basis and in terms of overall value. The Board further finds that although the subject's sale in 2018 for a price of \$810,000 is less proximate in time to the January 1, 2021 assessment date at issue, it is noteworthy that the subject's market value of \$712,664 as reflected by its assessment is significantly lower than the purchase price. Therefore, on this record, the Board finds that the appellant did not demonstrate by a preponderance of the evidence that the subject property is overvalued and, thus, a reduction in the subject's assessment is not warranted.

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:

September 19, 2023



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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