

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Robert and Gaye Kozel
DOCKET NO.: 05-01548.001-R-1
PARCEL NO.: 10-07-100-011-0011

The parties of record before the Property Tax Appeal Board are Robert and Gaye Kozel, the appellants; and the McHenry County Board of Review.

The subject property consists of a part one-story, part one and one-half-story brick dwelling that is 67 years old containing 3,600 square feet of living area. Features of the home include central air-conditioning, two fireplaces, a 553 square foot garage and a partial unfinished basement. The subject's other improvements include a 12,000 square foot pole barn and a gazebo. The subject is situated on a 14.02 acre parcel with 12 acres of the property enrolled in a conservation district stewardship, which is not an issue in this appeal.

The appellants appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellants submitted a grid analysis detailing four comparable properties located from 3.9 to 9 miles from the subject. The comparables are improved with one-story, one and one-half-story or two story dwellings of brick or brick and frame construction. The comparables ranged from 13 to 106 years old and had living areas ranging from 1,570 to 2,324 square feet. Three of the comparables had central air conditioning and at least one fireplace. The properties had garages ranging from one and one-half car garages to three car garages. Each comparable had a barn or outbuilding with one comparable having an additional three season room. The comparables sold from April 1988 to May 2004 for prices ranging from \$120,000 to \$640,000 or from \$51.63 to \$383.69 per square foot of living area including land. Based on this evidence, the appellants requested a reduction in the subject's assessment.

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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 McHenry County Board of Review is warranted. The correct assessed valuation of the property is:

F/LAND:	\$	174
LAND:	\$	27,032
IMPR.:	\$	134,080
TOTAL:	\$	161,286

Subject only to the State multiplier as applicable.

PTAB/EEB/Oct.07/2005-01548

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$214,474 was disclosed. Excluding the farmland, the subject had a total assessment of \$214,300 reflecting an estimated market value of approximately \$643,350 or \$178.71 per square foot of living area including the outbuildings and land, as reflected by its assessment and McHenry County's 2005 three-year median level of assessments of 33.31%.

In support of the subject's estimated market value, the board of review submitted a summary argument letter, assessment data, a grid analysis, photos and sales data concerning brick homes with additional pole barns. The comparables, identified as older brick homes -- attachment three, consist of homes ranging from split one-story to two story masonry or frame and masonry dwellings that were built between 1920 and 1969. They ranged in size from 768 to 5,411 square feet of living area. Detailed features of the comparables were not included in the analysis. In addition, the board of review did not submit sales data in this exhibit to refute the appellant's overvaluation claim. The board of review then submitted barn properties - attachment 4, for consideration. This exhibit featured five comparable barn properties. The comparables were one-story masonry dwellings built between 1963 and 1969 containing from 1,558 to 5,852 square feet of living area. Three of the comparables had central air conditioning. All of the comparables had at least one fireplace with basements ranging from 1,157 to 5,807 square feet. The comparables had at least one pole barn ranging from 1,680 to 10,032 square feet of building area. Four of the properties sold from July 1989 to December 1996 for prices ranging from \$190,000 to \$388,900 or from \$121.95 to \$169.90 per square foot of living area, including land and additional improvements such as the pole barns.

Upon request at hearing, the board of review submitted the subject's property record card and a valuation sheet of the subject's improvements. This evidence depicts the addition of the pole barn in 2004, which had not been assessed prior to 2004, even though the appellants testified the barn at issue was constructed on the property in 1979. The valuation sheet depicts the pole barn's market value cost of \$18.42 per square foot for a total market value of \$221,040 prior to a local cost factor of 1.2500 and 23% depreciation being calculated into the final market value. In addition, the gazebo is depicted as having a market value of \$29.89 per square foot or a total market value of \$5,111.19 prior to a local cost factor of 1.2500 and depreciation of 23% being calculated into its final market value. Based on this evidence the board of review requested the subject's total assessment be confirmed.

In rebuttal, the appellants submitted a letter which depicts the subject's pole barn as having a replacement cost new value of \$59,636.30, or \$4.97 per square foot of building area, including construction costs. In addition, the letter provided information regarding the gazebo. The appellants claim the replacement cost new value of the gazebo is \$2,800.40; however, the evidence submitted does not indicate a cost value or construction cost for the gazebo. Based on this evidence, the appellants renewed their request for a reduction in the subject's assessment.

After hearing the testimony and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Board further finds a reduction in the subject property's assessment is warranted.

When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2nd 1256 (2nd Dist. 2000). The Board finds the appellants have overcome this burden.

The Board finds the appellants submitted the best evidence of value of the subject's improvements. The board of review submitted a Visual PAMSPRO Property Valuation worksheet, however, detailed information was not submitted to support the cost figures applied to arrive at a value of \$221,040 for the pole barn. The evidence depicts a cost factor of 1.2500 was applied and depreciation of 23% was used for all improvements on the subject property, even though all of the improvements are of different ages. No information concerning the remaining economic life of the pole barn was submitted. The board of review failed to support their methodology in using a 23% depreciation figure for a 26 year old pole barn. The board of review's information submitted subsequent to the hearing indicates that the valuation sheet was calculated using up-to-date Department of Revenue cost charts, however, no detailed references, pages or other evidence was provided to support the final value conclusions. The Board finds that a market value of \$221,040 appears excessive and unsupported by the evidence submitted.

Further, the Board gave little weight to the board of review's comparables regarding sales of properties with a barn because these sales lacked detailed information regarding the barns and the sales occurred more than nine years prior to the assessment date in question. The Board finds these sales are too remote in time and are not a reliable indicator of the subject's market value in 2005. In addition the Board gave little weight to the appellants' comparable sales #1 and #2 because they occurred more

than 13 years prior to the assessment date at issue. The Board finds the board of review's spreadsheet of older brick homes lacks sufficient detail to show the similarities and differences when compared to the subject and lacks specific sales information to refute the appellants' overvaluation claim. The Board finds the appellants' comparables #3 and #4 are of different design from the subject and lack specific detail regarding the additional barns and outbuildings, which prohibits the board from making a determination that the market value for the subject residence is incorrect.

In addition, even though the appellants state in their rebuttal letter the cost value of a gazebo is \$2,800.40, the appellants failed to provide evidence of this cost, sufficient to challenge the subject assessment regarding the gazebo. However, the Board

finds that the appellants submitted the best evidence of market value in this record regarding the pole barn. The evidence submitted depicts a replacement cost new for the pole barn of \$59,636.30. After making adjustments for the differences in both parties' comparables, the Board finds the subject's improvement assessment is excessive and a reduction is warranted commensurate with the appellants' request.

In conclusion, the Board finds the appellants have demonstrated the subject property was overvalued by a preponderance of the evidence. Therefore, the Board finds the subject property's assessment as established by the board of review is incorrect and a reduction is 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.



Chairman



Member



Member



Member



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: December 7, 2007



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

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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.