

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Ryan Washburn
DOCKET NO.: 06-01392.001-R-1
PARCEL NO.: 18-01-229-038

The parties of record before the Property Tax Appeal Board are Ryan Washburn, the appellant; and the McHenry County Board of Review.

The subject property consists of an 11,480 square foot lakefront parcel improved with a 71 year-old, one and one-half-story frame dwelling that contains 2,428 square feet of living area. Features of the home include central air-conditioning, one fireplace and a 555 square foot garage. The subject is located in Crystal Lake, Grafton Township, McHenry County.

The appellant appeared before the Property Tax Appeal Board claiming unequal treatment in the assessment process regarding the subject's land and improvements as the basis of the appeal. In support of the land inequity argument, the appellant submitted information on three comparable properties located very near the subject and on the subject's street, but in adjacent Algonquin Township. The comparable lots range in size from 7,480 to 11,033 square feet and have land assessments ranging from \$42,998 to \$55,778 or from \$5.06 to \$5.82 per square foot. The subject has a land assessment of \$78,988 or \$6.88 per square foot.

The appellant's evidence claimed the subject was built in about 1920 with remodeling having occurred at several times over the years. In support of the improvement inequity argument, the appellant submitted improvement data on the same three comparables used to support the land inequity contention. The comparable dwellings consist of one and one-half-story or two-story frame dwellings that are 79 or 100 years old and range in size from 1,596 to 2,133 square feet of living area. Features of the comparables include one or two fireplaces and garages that contain from 400 to 624 square feet of building area. One comparable has central air-conditioning and one has a partial

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Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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:

LAND:	\$	78,988
IMPR.:	\$	70,271
TOTAL:	\$	149,259

Subject only to the State multiplier as applicable.

unfinished basement, while two comparables have no basements. These properties have improvement assessments ranging from \$38,287 to \$41,571 or from \$17.95 to \$26.05 per square foot of living area. The subject has an improvement assessment of \$70,271 or \$28.94 per square foot of living area. Based on this evidence, the appellant requested the subject's total assessment be reduced to \$112,560, its land assessment be reduced to \$58,093 and its improvement assessment be reduced to \$54,467 or \$22.43 per square foot of living area.

The appellant argued assessments in Grafton Township should be consistent with those of similar properties in Algonquin Township. During the hearing, the appellant testified he knew of no differences in market value between properties in Grafton and Algonquin Townships. The appellant submitted no evidence to support this contention, nor did he indicate he had any training or experience as a realtor or appraiser.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$149,259 was disclosed. The subject has an estimated market value of \$448,091, or \$184.55 per square foot including land, as reflected by its assessment and McHenry County's 2006 three-year median level of assessments of 33.31%.

In support of the subject's land assessment, the board of review submitted a letter prepared by the Grafton Township Assessor, as well as information on four comparable properties located within two blocks of the subject and on the subject's street, but in Grafton Township. The comparable lots range in size from 9,596 to 12,605 square feet and have land assessments ranging from \$62,789 to \$93,045, or from \$7.38 to \$7.98 per square foot. In further support of the subject's land assessment, the assessor's letter examined six additional comparable lots that range in size from 51 feet by 160 feet to 51 feet by 200 feet. These properties had land assessments ranging from \$77,215 to \$78,228 or from \$7.67 to \$9.46 per square foot.

In support of the subject's improvement assessment, the board of review submitted property record cards for the subject and the same four comparables used to support the subject's land assessment, as well as photographs of the comparables. The subject's property record card indicates the subject was built in 1935. The comparables consist of two-story or one and one-half-story frame dwellings that range in age from 56 to 71 years and range in size from 2,114 to 2,771 square feet of living area. Features of the comparables include one or two fireplaces and garages that contain from 360 to 864 square feet of building area. Two comparables have central air-conditioning and two have full or partial basements. These properties have improvement

assessments ranging from \$64,156 to \$80,567 or from \$29.08 to \$31.52 per square foot of living area. The board of review also submitted a corrected grid of the appellant's comparables that indicates their improvement assessments after equalization range from \$40,155 to \$42,191 or from \$18.83 to \$24.55 per square foot.

In further support of the subject's assessment, the board of review submitted an appraisal of the subject property prepared for the Grafton Township Assessor by appraiser Carl Presley, who was present at the hearing and who provided testimony regarding his preparation of the report. The appraiser utilized the cost and sales comparison approaches in estimating a value for the subject as of December 15, 2006 of \$525,000.

In the cost approach, the appraiser used the allocation method to determine the subject's site value at \$350,000, due to a lack of waterfront land sales in the subject's area. In valuing the subject improvements, the appraiser used the Marshall & Swift manual to develop a reproduction cost new of \$262,150. The appraiser estimated physical depreciation and functional obsolescence at \$54,617 and \$45,000, resulting in a depreciated value for the improvements of \$162,533. The appraiser valued site improvements at \$18,000, and after adding back the site value to the improvements, concluded a value for the subject by the cost approach of \$530,500.

In the sales comparison approach, the appraiser examined three comparable properties located on the subject's street 0.05 to 0.34 miles from the subject. The comparables are located on lots that range in size from 6,679 to 11,551 square feet and are improved with two-story frame dwellings that range in age from 18 to 87 years and range in size from 1,678 to 2,311 square feet of living area. Features of the comparables include central air-conditioning, one fireplace and three-car or four-car garages. The comparables sold between October 2005 and June 2006 for prices ranging from \$470,000 to \$659,000 or from \$242.55 to \$333.73 per square foot of living area including land. The appraiser adjusted the comparables for such factors as lot size, condition, living area, garage size and amenities such as fences. The appraiser also adjusted the sales prices of all three comparables downward by \$20,000 to account for a foundation problem with the subject. After adjustments, the comparables had adjusted sales prices ranging from \$466,000 to \$560,100 or from \$242.36 to \$314.30 per square foot of living area including land. Based on this analysis, the appraiser estimated a value for the subject by the sales comparison approach of \$525,000.

In his reconciliation, the appraiser explained he placed most weight on the sales comparison approach because it best reflects the current market. Less weight was placed on the cost approach,

due to the subjective nature of calculating depreciation and the income approach was not used because of a lack of rental data. The appraiser testified there was no difference in the subject's market value between the subject's assessment date of January 1, 2006 and the appraisal's effective date of December 15, 2006. Based on this evidence the board of review requested the subject's total assessment be confirmed.

During the hearing, the board of review's representative called the Grafton Township Assessor to explain the land assessment methodology used to value lots in the subject's lakefront neighborhood. A standard lot size of 50 feet by 150 feet is used as the basis for land assessments. Lots with dimensions exceeding the standard lot are considered over size and are calculated at a reduced rate.

After reviewing the record 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 Property Tax Appeal Board further finds that a reduction in the subject's assessment is not warranted. The appellant's argument was unequal treatment in the assessment process. The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the Board finds the appellant has not overcome this burden.

Regarding the land inequity argument, the Property Tax Appeal Board finds the appellant submitted three comparables located near the subject, but in Algonquin Township. The board of review submitted four comparables, also located near the subject, but in Grafton Township like the subject. The board of review also submitted lot sizes and land assessments for six additional lakefront comparables in Grafton Township. The Board finds that all the land comparables in the record were lakefront parcels like the subject, were assessed using the same methodology and had land assessments ranging from \$5.06 to \$10.81 per square foot. The subject's land assessment of \$6.88 per square foot falls near the low end of this range. Therefore, the Board finds the evidence in the record supports the subject's land assessment.

Regarding the improvement inequity argument, the Board finds the parties submitted seven lakefront comparables located near the subject. The Board gave less weight to the appellant's comparables 1 and 3 because they were respectively 710 and 832

square feet, or 29% and 34% smaller in living area when compared to the subject. The Board also gave less weight to the appellant's comparable 2 because it was reported to be 100 years old, whereas the subject's property record card indicated the subject was 71 years old. The Board also gave less weight to the board of review's comparable 2 because it was 15 years newer than the subject. The Board finds the board of review's comparables 1, 3 and 4 were similar to the subject in terms of style, exterior construction, age, size, features and location and had improvement assessments ranging from \$29.08 to \$31.52 per square foot of living area. The subject's improvement assessment of \$28.94 per square foot of living area falls below this range.

The Board also finds the board of review submitted an appraisal of the subject wherein the appraiser, who was present at the hearing and provided testimony regarding his preparation of the report, estimated the subject's market value at \$525,000. The Board finds the appellant submitted no evidence or testimony to refute this market value estimate, which is significantly higher than the subject's estimated market value of \$448,091, or \$184.55 per square foot including land, as reflected by its assessment. The Board finds that, while the appellant did not argue overvaluation as a basis of the appeal, this appraisal lends further support to the correctness of the subject's total assessment.

In conclusion, the Board finds the appellant has failed to prove unequal treatment in the assessment process regarding either the subject's land or improvement assessments by clear and convincing evidence and the subject's assessment as determined by the board of review is correct and no 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: June 27, 2008



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.