



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

APPELLANT: Ryan Washburn
DOCKET NO.: 07-03175.001-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.

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: \$86,545
IMPR: \$74,532
TOTAL: \$161,077

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel of 11,480 square feet has 51 feet of lake frontage on Crystal Lake. The property has been improved with a one and one-half-story single-family dwelling of frame construction. The dwelling is approximately 72 years old and contains 2,428 square feet of living area. The majority of the dwelling is constructed on a crawl-space pier foundation with an addition having a concrete slab foundation. The home features central air conditioning, a fireplace, and a detached two-car garage of 555 square feet of building area. The property is located in Crystal Lake, Grafton Township, McHenry County.

The appellant appeared before the Property Tax Appeal Board contending unequal treatment in the assessment process concerning both the land and improvement assessments of the subject property. In support of these inequity arguments, the appellant submitted information in a grid analysis on three comparable improved properties located on the subject's street, on Crystal Lake, each with 50 feet of lake frontage and said to be located within 950' of the subject property. Lastly the appellant acknowledged that the comparables were in neighboring Algonquin Township.

At hearing the appellant pointed out that the comparables presented were within the subject's original subdivision, Clow's Crystal Lake Park, and were very much in the same neighborhood as the subject (see map attached to appellant's evidence). Appellant also testified that the properties on either side of the subject have been torn down and rebuilt; appellant therefore contends that the subject property is 'on its last legs.' During the hearing, the appellant stated that there was no reason for the comparables in Algonquin Township to have a lower overall fair market value than the subject property. The properties were all in the city and the same school district, park district, and library district. Appellant further contended that the neighboring properties in Algonquin Township not on the lake were more modern having been built in the 1960's as compared to the nearby non-lake properties in Grafton Township that were built at the turn of the century with the occasional upgrade or remodel. For further comparison, the appellant contended that properties in the Lakewood subdivision around Crystal Lake (south side) do warrant higher values because that is a 'nicer' neighborhood which is not true between the Grafton and Algonquin Townships on the north side of the lake.

The comparable parcels presented by the appellant range in size from 7,480 to 11,033 square feet of land area. The parcels had land assessments ranging from \$47,459 to \$58,701 or from \$5.32 to \$6.42 per square foot of land area. The subject has a land assessment of \$86,545 or \$7.54 per square foot of land area. Based on this evidence, the appellant requested a reduction in the subject's land assessment to \$61,063 or \$5.32 per square foot of land area.

The three comparable frame dwellings were described as a one-story, a one and one-half-story, and a two-story which were either 80 or 101 years old. The comparable dwellings range in size from 1,596 to 2,133 square feet of living area. One comparable has a basement and two comparables have crawl-space foundations. The dwellings feature one or two fireplaces and a garage ranging in size from 400 to 624 square feet of building area. One comparable has central air conditioning. The comparables have improvement assessments ranging from \$42,259 to \$44,402 or from \$19.81 to \$27.41 per square foot of living area. The subject's improvement assessment is \$74,532 or \$30.70 per square foot of living area.

At hearing, the appellant argued that the subject has had some remodeling done like the comparables. Appellant also acknowledged that in 1983 the subject had a one-room addition built, but otherwise was unchanged. Appellant further argued that the subject foundation needs repair work as the home has been sagging, windows do not properly open and close due to this condition, there are air leaks, the deck sags, and the crawl space is damp. He also contended that the siding is damp and rotting and the soffit is poorly nailed. From this evidence, appellant argued that the condition of the subject property has not been properly considered in determining its assessment.

Based on this evidence, the appellant requested a reduction in the subject's improvement assessment to \$59,020 or \$24.31 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$161,077 was disclosed. The board of review presented a three-page letter from William Otley, the Grafton Township Assessor, along with a grid analysis to support the subject's land and improvement assessments and called the township assessor for testimony at the hearing.

In the letter and in response to the appellant's appeal, the township assessor noted that the assessor's duties are to assess parcels within his/her township at 33 1/3% of fair cash value. The assessor then cited two court cases for various propositions and noted that appellant's evidence 'ignored' 92 parcels around Crystal Lake that are located in Grafton Township.

The township assessor also reported that lots around Crystal Lake in Grafton Township were assessed using an average depth and front foot on the lake where a standard lot size was 50' on the lake x 100' depth with parcels exceeding the standard lot size considered oversized and assessed at a reduced rate. Upon questioning by the Hearing Officer, William Otley, the Grafton Township Assessor, testified that in about 2003 the valuation methodology was \$3,000 per lake front foot and \$300 per depth foot (meaning a standard lot value of \$180,000); due to subsequent multipliers applied to the properties, Otley cannot in 2007 replicate the lot value methodology. Moreover, due to other irregular shapes in the parcels, Otley was unable to articulate a single formula applicable to all lake parcels in Grafton Township.

To support the asserted uniformity of land assessments, the township assessor in his letter listed six parcels said to be on the north side of Crystal Lake like the subject; the parcels had 50' or 51' of lake frontage and depth factors ranging from 160' to 200'. From further examining the underlying property record cards, these parcels ranged in size from 8,160 to 10,200 square feet of land area. These properties had land assessments ranging from \$84,603 to \$85,713 or from \$8.40 to \$10.37 per square foot of land area. As noted previously, the subject is said to have 51' of lake frontage and a depth factor of 230'; the property record card reflects 11,480 square feet of land area for the subject with a land assessment of \$86,545 or \$7.54 per square foot of land area.

In testimony, William Otley acknowledged that the year 1935 assigned to the subject dwelling was reflective of an effective age, not necessarily a year of construction. The assessor also testified that because no two houses on the lake are identical, the assessment process is difficult and the sales also are complicated because a number of properties are typically purchased as teardowns as shown in the sales data presented.

In the letter, as to sales evidence the assessor listed addresses, dates of sale and sale prices of six improved parcels. The sales occurred between June 2006 and July 2007 for prices ranging from \$605,000 to \$985,000, including two sales that resulted in demolition of the existing dwellings. Of the six properties identified, underlying data sheets reflect that two properties had 50' lake frontage and two properties had 100' or more of lake frontage with no details as to the lake frontage for the other two properties. Also according to the data sheets, two of the properties were in Algonquin Township. Two of the sales were on the "North Shore" like the subject and three were on the "South Shore"; the north shore properties sold for \$610,000 and \$666,000, respectively. In further support of market value issues, the Grafton Township Assessor set forth the addresses and asking prices of three improved properties; list prices ranged from \$549,900 to \$875,000. The assessor further noted that the subject's assessment reflects a market value of approximately \$483,231.

In response to the improvement inequity claim, the board of review presented a grid analysis of four improved properties with one and one-half-story or two-story frame dwellings with effective ages ranging from 1935 to 1950. The dwellings range in size from 2,114.5 to 2,771 square feet of living area. Two comparables have crawl-space foundations and two comparables have basements of 1,250 and 1,282 square feet of building area, respectively, with some additional crawl-space foundation. Two comparables have central air conditioning and each has one or two fireplaces. Each comparable has a garage ranging in size from 360 to 864 square feet of building area. These properties have improvement assessments ranging from \$68,000 to \$85,282 or from \$30.78 to \$33.31 per square foot of living area.

Based on the foregoing evidence, the board of review requested confirmation of the subject's land and improvement assessments.

In written rebuttal, the appellant disputed the property record card data that the subject dwelling was constructed in 1935. Appellant contended that based on 'tax record' evidence, the subject parcel was taxed for a dwelling starting in 1919. Furthermore, as to the comparables appellant presented, appellant wrote in rebuttal that all of the properties are "in McHenry County, Crystal Lake Park District, Crystal Lake Library District, School Districts 47 and 155, College District 528, and McHenry County Conservation District." Appellant contended that the only difference between the subject and comparables was which township assessor assessed the properties.

At hearing, the parties agreed that for 2008, the Algonquin Township assessor re-assessed and raised the assessments of the properties surrounding Crystal Lake including the comparables presented by the appellant in this 2007 assessment appeal. With regard to the reassessment, the appellant reiterated that regardless of the 2008 reassessment of properties, in 2007 the

subject property was still being inequitably assessed as compared to these comparable properties in Algonquin Township.

After hearing the testimony and considering the record, 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's assessment is not warranted.

The appellant argued the subject property was inequitably assessed. More specifically, the appellant argued it is inequitable that properties located in Algonquin Township are assessed proportionally less than similar properties in Grafton Township. 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 evidence submitted, the Board finds the appellant has not overcome this burden and a reduction is not warranted.

Proof of an assessment inequity should consist of more than a simple showing of assessed values of the subject and comparables together with their physical, locational, and jurisdictional similarities. There should also be market value considerations, if such credible evidence exists. The Supreme Court in Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395, 169 N.E.2d 769 (1960), discussed the constitutional requirement of uniformity. The court stated that "[u]niformity in taxation, as required by the constitution, implies equality in the burden of taxation." (Apex Motor Fuel, 20 Ill.2d at 401). The court in Apex Motor Fuel further stated:

. . . the rule of uniformity . . . prohibits the taxation of one kind of property within the taxing district at one value while the same kind of property in the same district for taxation purposes is valued at either a grossly less value or a grossly higher value. [citation.]

Within this constitutional limitation, however, the General Assembly has the power to determine the method by which property may be valued for tax purposes. The constitutional provision for uniformity does [not] call . . . for mathematical equality. The requirement is satisfied if the intent is evident to adjust the burden with a reasonable degree of uniformity and if such is the effect of the statute in its general operation. A practical uniformity, rather than an absolute one, is the test. [citation.]

Apex Motor Fuel, 20 Ill.2d at 401. In this context, the Supreme Court stated in Kankakee County that the cornerstone of uniform assessments is the fair cash value of the property in question.

According to the court, uniformity is achieved only when all property with similar fair cash value is assessed at a consistent level. Kankakee County Board of Review, 131 Ill.2d at 21 (1989). The Board finds that nearby properties as shown by the board of review's evidence whereas the subject's total assessment reflects an estimated market value of approximately \$483,231. The appellant did not submit any evidence to address the subject property's market value.

The Property Tax Appeal Board finds this record contains six sales of properties with varying degrees of similarity to one another that have somewhat similar market values, although they are located in different townships of both Grafton and Algonquin. Two sales on North Shore sold for prices of \$605,000 and \$666,000 which is the same street as the subject property and one of these properties was in the neighboring township of Algonquin. By comparison, three sales from South Shore, the more upscale area, sold for prices ranging from \$750,000 to \$985,000; one of these sales was also said to be in Algonquin. Based on this data submitted by the Grafton Township Assessor on behalf of the board of review, the Property Tax Appeal Board finds that the board of review's contention that the appellant's comparables should not be considered due to their location in a different township is without merit.

The three comparables submitted by the appellant are located on the same street as the subject, but a different township than the subject. The appellant's comparables are located within 950' of the subject and each is located on the same lake as the subject. The board of review argued the appellant's comparables are not located in the same township as the subject and therefore should not be considered. The Property Tax Appeal Board accords this aspect of the board of review's argument little merit. The board of review failed to submit any evidence indicating similar real property within the same geographical area, but situated in different townships, carry dissimilar values. To the contrary, the Property Tax Appeal Board finds the market evidence supplied by the board of review supports the appellant's contention that all the comparables are located in the same geographic competing market area with the subject's North Shore area slightly lower than the South Shore area.

Turning to the parties' evidence regarding the subject improvement, the parties submitted seven comparable properties for the Board's consideration. The board of review's comparables were located on the subject's street and within the subject's township. As noted earlier, the appellant's comparables were also located on the subject's street, but within neighboring Algonquin Township. The Property Tax Appeal Board gave less weight to appellant's comparables #1 and #3 due to differences in size as compared to the subject. The Board also gave less weight to board of review comparables #3 and #4 due to their superior foundations having large basements and due to the smaller size of comparable #4. The Property Tax Appeal Board finds the remaining three comparables, appellant's comparable #2 and board of review

comparables #1 and #2, to be most similar to the subject in size, design, foundation, amenities and/or age. They have improvement assessments ranging from \$42,259 to \$78,469 or from \$19.81 to \$33.31 per square foot of living area. The subject property has an improvement assessment of \$74,532 or \$30.70 per square foot of living area, which falls within the range established by the most similar assessment comparables contained in this record. After considering adjustments to the comparables for any differences when compared to the subject, the Board finds the subject's improvement assessment is equitable and a reduction is not warranted.

As to the land inequity argument, the parties submitted nine comparables to support their respective positions before the Board. The Property Tax Appeal Board finds that all nine land comparables were lakefront parcels like the subject located on Crystal Lake. These parcels had land assessments ranging from \$5.32 to \$10.37 per square foot of land area. The subject's land assessment of \$7.54 is about in the middle of the range established by these comparables. Based on this data, the Board finds the evidence supports the subject's land assessment.

In conclusion, on the basis of the assessment equity information submitted by the parties, the Board finds that the evidence has not demonstrated that the subject property is assessed in excess of what equity would dictate. Therefore, the Property Tax Appeal Board finds that a reduction in the subject's assessed valuation 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

Shawn R. Lerbis

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: April 23, 2010

Allen Castrovillari

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.