



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

APPELLANT: Frederick & Jeannie Bulmahn
DOCKET NO.: 08-02389.001-R-1
PARCEL NO.: 02-05-453-007

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

LAND: \$27,575
IMPR.: \$94,659
TOTAL: \$122,234

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel of 7,585 square feet of land area is improved with a 9-year-old, one-story frame single-family dwelling that contains 2,208 square feet of living area. Features include an unfinished basement of 1,380 square feet, central air conditioning, and a 485 square foot garage. The property is located in the Del Webb Sun City development in Huntley, Rutland Township, Kane County.

The appellants' appeared before the Property Tax Appeal Board contending unequal treatment in the assessment process as the basis of the appeal regarding both the land and improvement assessments of the subject property. The subject lot is classified as 'premier' and the dwelling is a Traverse Bay A model.

In support of the inequity contention, the appellants presented a brief and a grid analysis wherein they averaged assessment data on fourteen properties, four of which were 'premier' lots and 10 of which were 'estate' lots. The comparables are located on the subject's street with westward views (rear yard faces the golf course) and improved with one-story dwellings built by the same

developer, Del Webb. The land data is listed in attached Schedule A. The appellants also submitted individual data sheets for the properties. As shown on the data sheets, the parcels are improved with various model dwellings identified as Petoskey A and C; Grand Haven C; Huron A, C, and E; Michigan B and C; and Superior A and C.

While the appellants disputed both the land and improvement assessments of the subject property, the appellants focused primarily in their presentation at the hearing on the contention that the land assessment methodology used by the assessor was improper. The appellants argued that large lot size variances exist among parcels classified as 'premier' and the assessor's methodology that ignores lot size variances discriminates against smaller lots like the subject. In this regard, the appellants argued that lot size does matter. The appellants further urged a one-time adjustment to the assessor's site value methodology should be made for size or at least a breakdown for various ranges of lot sizes. Appellants contend that entirely disregarding lot size in assessing land is "inequitable and inconsistent with one of the most fundamental measurement factors of all - lot size."

The fourteen parcels range in size from 7,246 to 13,673 square feet of land area.¹ The fourteen parcels have land assessments of \$27,575 each for the four 'premier' lots and \$32,608 each for the ten 'estate' lots. The appellants on Schedule A reported that the varying lot sizes resulted in a range of assessments on a per-square-foot basis from \$2.31 to \$3.86. The subject, a 'premier' lot, has a land assessment of \$27,575 or \$3.64 per square foot of land area. The average per-square-foot land assessment of all fourteen comparables was \$3.15 and the average per-square-foot land assessment of the four 'premier' lots was \$3.00. Based on this evidence, the appellants requested a land assessment reduction to \$22,755 or \$3.00 per square foot of land area.

The comparable parcels are improved with one-story frame dwellings ranging in age from 8 to 10 years old. The dwellings range in size from 1,844 to 2,720 square feet of living area. Only five of the comparables are reported to have basements based on the underlying data sheets. Each dwelling has central air conditioning and a garage ranging in size from 520 to 740 square feet of building area. Seven comparables have a fireplace. In addition, the comparables have various porches, decks and/or patios. The appellants reported the fourteen comparables have an average improvement assessment of \$78,262. Based on the underlying data sheets, the comparables have improvement assessments ranging from \$63,459 to \$154,918 or from \$34.41 to \$56.96 per square foot of living area. The subject has an

¹ The four 'premier' lots range in size from 7,246 to 11,934 square feet of land area and have per-square-foot land assessments ranging from \$2.31 to \$3.81.

improvement assessment of \$94,659 or \$42.87 per square foot of living area.

Based on this evidence, the appellants requested a reduction in the subject's improvement assessment to \$91,477 or \$41.43 per square foot of living area which is said to be the average per-square foot improvement assessment of the four dwellings located on 'premier' lots.

The board of review presented its "Board of Review Notes on Appeal" wherein its final assessment of \$122,234 for the subject property was disclosed. The board of review presented documentation addressing both the land and improvement inequity arguments.

As to the land issue, the board of review presented a "Sun City Land Value Chart - 2008 Revalue" and a memorandum entitled "Dell Webb Sun City Revaluation Project - 2008." At hearing, the township assessor Janet Siers testified that the Del Webb Sun City developers applied a site value method to determine the value of the parcels based on the width of the lot. Additionally, only certain homes could be built in certain lots based on the width of the parcel. The four classifications of single-family residential lots applied by the developer were Classic, Premier, Estate and Reserve. Siers further testified that since the subject is located on a golf course, the owners would have paid a \$90,000 lot premium originally to purchase the parcel.

In 2005, an interim contractual employee was in the township assessor's office. That individual changed the land valuation methodology in Sun City from the site value method to the per-square-foot valuation method. As a consequence, the interim employee created upwards of 40 different lot types for Sun City.

In 2006, the Kane County Board of Review requested that Siers, as the new township assessor, try to create some more uniformity in the land valuations in Sun City. Thus, it was in 2008 that all land was revalued in Sun City by applying the site value method and applying the same classifications utilized by the developer. While the assessor recognized that there were some differences in overall lot size within those designations by the developer, these were mostly due to irregular shapes or corner lots with additional set back requirements and thus offset the larger size. In addition, the assessor applied location/view designations of Base, Standard or Open, all as outlined on the document entitled "Sun City Land Value Chart - 2008 Revalue." The land value chart depicts the twelve 2008 equalized land assessments applied to single-family residential parcels in the Sun City development depending on both classification and designation. The subject parcel, as a 'premier' with an 'open' view was assessed at \$27,575. While there was a time when additional view designations were used, Siers testified that additional studies have revealed that parcels on the golf course are not realizing

an increase in value simply because of their location on the golf course.

The revaluation project memorandum outlined the three common units of comparison used for land valuation: front foot (typically for lake or beach front properties); square foot (used when there are significant variances in lot shape/size in a development); and site value (traditional method for residential subdivisions). Siers testified that the site value method is used when the market does not indicate a significant difference in lot value even when there is a difference in lot size. As was suggested by the appellants, to make an adjustment based on size on only a few lots or some small fraction of the lots, Siers stated that would destroy the uniformity.

As to the improvement inequity argument, the board of review presented a spreadsheet of eleven comparables described in part by model name. The comparables are Traverse Bay "B," "C" or "E" models. The homes were built between 1999 and 2002 and contain 2,208 square feet of living area each. Ten of the comparables have 1,380 square foot basements and one has a 2,148 square foot basement. Each comparable has a 485 square foot garage. These comparables have improvement assessments ranging from \$82,622 to \$114,930 or from \$37.42 to \$52.05 per square foot of living area. The subject's improvement assessment falls within the range of these comparables.

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

In rebuttal, the appellants reiterated their argument that lot size differences have not been considered by the assessor within the various classifications applied in the development. The appellants contend that when other premier lots in their cul-de-sac are 57% and 51% larger than the subject lot, but have identical land assessments to the subject, this "is not reasonable or fair."

After hearing the testimony and reviewing the record, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

The appellants contend unequal treatment in the subject's assessment as the basis of the appeal. 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 appellants have not met this burden.

Evidence disclosed residential lots in the subject's development are valued on a site value basis using an appropriate location/view designation. The appellants contend the assessor's

site value methodology inappropriately fails to consider lot size differences. As stated by the Supreme Court of Illinois in Walsh v. Property Tax Appeal Board, 181 Ill. 2d 228, 692 N.E.2d 260, 229 Ill. Dec. 487 (1998):

The Illinois property tax scheme is grounded in article IX, section 4, of the Illinois Constitution of 1970, which provides in pertinent part that real estate taxes "shall be levied uniformly by valuation ascertained as the General Assembly shall provide by law." (*Citation omitted.*) Uniformity requires equality in the burden of taxation. (*Citation omitted.*) This, in turn, requires equality of taxation in proportion to the value of the property taxed. (*Citation omitted.*) Thus, taxing officials may not value the same kinds of properties within the same taxing boundary at different proportions of their true value. (*Citation omitted.*)

Walsh, 181 Ill.2d at 234. In this appeal, both parties presented multiple parcels of the 'premier' classification and the 'open' designation which were identically assessed at \$27,575 per lot. The appellants report, however, that these lots do not have identical per-square foot assessments. The site value method for land assessment in Sun City was applied uniformly to the subject property and neighboring properties.

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, 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. The Board finds while the appellants argued that "size matters" as to parcels in Sun City, the Board further finds the appellants failed to provide any market value data to support their proposition such as similar dwellings on larger lots sold for more than similar dwellings on smaller lots.

Based on the record, the Board finds the appellants failed to establish a lack of uniformity in land assessments and thus no reduction in the subject's land assessment is warranted.

As to the improvement inequity argument, the parties submitted twenty-five comparable dwellings in support of their respective positions. The comparables had improvement assessments that ranged from \$34.41 to \$52.05 per square foot of living area. The subject has an improvement assessment of \$42.87 per square foot of living area which is within the range of the most similar comparables on this record. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Property Tax Appeal Board finds that the subject's improvement assessment as established by the board of review is correct and no reduction is warranted.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. The requirement is satisfied if the intent is evident to adjust the taxation burden with a reasonable degree of uniformity and if such is the effect of the statute enacted by the General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill. 2d 395 (1960). Although the comparables presented by the appellants disclosed that properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity which appears to exist on the basis of the evidence. For the foregoing reasons, the Board finds that the appellants have not proven by clear and convincing evidence that the subject property is inequitably assessed.

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

Frank J. Huff

Member

Member

Mario M. Louie

Shawn R. Lerbis

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: September 23, 2011

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.