



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

APPELLANT: Zola Grenda
DOCKET NO.: 09-03819.001-R-1
PARCEL NO.: 19-05-452-018

The parties of record before the Property Tax Appeal Board are Zola Grenda, the appellant, and the McHenry County Board of Review.

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:

LAND: \$19,204
IMPR.: \$47,336
TOTAL: \$66,540

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel is improved with a two-story duplex dwelling of frame exterior construction that was built in 1979. The home contains approximately 2,160 square feet of living area¹ and features a partial finished basement. The subject is located in Crystal Lake, McHenry Township, McHenry County.

The appellant contends that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal. In support of the market value argument, the appellant submitted an "Exterior-Only Inspection Residential Appraisal Report" prepared by appraiser, Bruce Gusto, who used the sales comparison approach to value in

¹ Appellant's appraiser reported a dwelling size of 2,160 square feet which was supported by a schematic drawing of the property. The board of review through the township assessor contended the dwelling contains 2,214 square feet of living area, but provided no property record card (86 Ill.Admin.Code §1910.40(a)) or other evidence of the dwelling size determination despite the Board's rules requiring a property record card. Based on this record, the best evidence of the subject's dwelling size was presented by the appellant's appraiser.

order to estimate that the subject property had a market value of \$200,000 as of January 1, 2009.

Under the sales comparison approach, the appraiser analyzed three sales located on the subject's street and from .60 to 1.43-miles from the subject property. The comparable properties are improved with either one-story or two-story dwellings of frame or frame and brick exterior construction that range in age from 31 to 124 years old. The comparables range in size from 1,617 to 2,160 square feet of living area and feature full basements, one of which includes finished area. Two comparables have central air conditioning and each has a one-car or two-car garage. These properties sold between September 2006 and December 2008 for prices ranging from \$215,000 to \$245,000 or from \$113.89 to \$132.95 per square foot of living area including land. The appraiser adjusted the comparables for date of sale/time and for differences from the subject in view, exterior construction, condition, room count, dwelling size, basement size, basement finish, functional utility, air conditioning and garage amenity. In the Supplemental Addendum, among other remarks, the appraiser noted that an adjustment was made for "location on [sic] across from a strip mall." This resulted in adjusted sale prices for the comparables ranging from \$167,500 to \$211,400 or from \$89.38 to \$130.61 per square foot of living area including land. From this analysis, the appraiser estimated the subject's market value to be \$200,000 or \$92.59 per square foot of living area including land.

In addition, the appellant submitted a letter discussing that various properties in the area "are assessed up to \$8000 lower in assessed value." The appellant did not present an assessment equity argument nor present sufficient evidence of assessments of at least three other comparable properties to establish a lack of assessment uniformity claim. The appellant also argued that the subject's land assessment should be reduced "to be more in line with other land values in the same block," but as to this argument the appellant reported only three parcel numbers and three land assessments of either \$12,938 or \$15,089 with no lot size data for comparison purposes to the subject. The subject parcel consists of .204 of an acre or 8,886 square feet of land area with a land assessment of \$19,204 or \$2.16 per square foot of land area. Based on the data submitted by the appellant, it is unknown whether the cited comparable parcels are similarly or dissimilarly assessed on a per-square-foot basis.

As a final contention in the letter, the appellant asserted that the subject faces the back of a large shopping center which "recently" installed a ten foot tall fence "and reduced the right-of-way of the street as well." The appellant submitted no market value data to support why this fence impacts the subject's estimated market value although the Property Tax Appeal Board takes notice that the appellant's appraiser adjusted the comparable properties for "view" which was apparently related to the subject's location across from the strip mall.

Based on the foregoing evidence, the appellant requested a total assessment for the subject of \$66,660 or to reflect the appraised value of \$200,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$77,751 was disclosed. The subject's assessment reflects an estimated market value of \$233,697 or \$108.19 per square foot of living area including land using the 2009 three-year median level of assessments for McHenry County of 33.27%.

The board of review submitted a letter and a grid analysis from the Algonquin Township Assessor's Office critiquing the appellant's appraisal and citing to the additional sales as supporting the subject's assessment.

As to the appellant's appraisal, the assessor noted, among other things, that appraisal sales #2 and #3 which are in Crystal Lake, were not located in Algonquin Township. In addition, sale #2 was not a duplex and sale #3 was a 1.5-story home with a small upper apartment which was also "sold as is."

The township assessor then set forth appraisal sale #1 along with five additional sales to support the subject's estimated market value based on its assessment. The assessor noted that each comparable was a duplex that was located within about one mile of the subject. The six comparable sales are improved with either a split-level, one-story or two-story duplex of frame or frame and brick exterior construction. The dwellings were either 31 or 123 years old and range in size from 1,584 to 2,418 square feet of living area. Five comparables have a full or partial basement, two of which are finished. Four of the comparables have central air conditioning and each has a garage ranging in size from 288 to 624 square feet of building area. The comparables sold between May 2006 and November 2008 for prices ranging from \$223,400 to \$289,500 or from \$113.12 to \$152.15 per square foot of living area including land.

The assessor then adjusted the comparable sales for lot size, exterior construction, dwelling size, bathroom count, air conditioning, basement size, basement finish, garage and other amenities. The assessor then arrived at adjusted sale prices of the comparables from \$228,900 to \$275,700. With this data, the township assessor reported the subject has an indicated value of \$244,500.

Based on the foregoing, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant criticized the board of review's evidence due to the dates of sales that were presented which "do not reflect the change in the market after September 2008 after the collapse of the real estate bubble." The appellant further noted that many of the comparables are superior

to the subject in that they enjoy garages and full basements, which are not present on the subject property.

After considering the evidence 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 Board further finds that a reduction in the subject's assessment is warranted.

The appellant argued that the subject's assessment was not reflective of market value. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). The Board finds this burden of proof has been met and a reduction in the subject's assessment is warranted.

The Board gives no weight to the value conclusion presented by the board of review through the township assessor because the submission by the board of review did not support in any manner the various adjustments to the sale prices that were presented. There was no appraisal performed and there was no discussion of the basis of the adjustments in the board of review's evidence.

Given the record, the Board finds the best evidence in the record of the subject's estimated market value is the appraisal submitted by the appellant. The board of review agreed that sale #1 in the appraisal report was an appropriate comparable despite its substantially greater age than the subject property. Moreover, the board of review failed to sufficiently address sales #2 and #3 in the appraisal other than reporting that one property was "sold as is." Furthermore, the mere fact that comparables were not located within Algonquin Township is not a basis, without more market-based data, to find such properties to be inappropriate comparables.

The appraisal estimated a market value for the subject property of \$200,000 as of January 1, 2009. The subject has an estimated market value of \$233,697 or \$108.19 per square foot of living area including land, which is higher than the appraised value. Given the market value determination in the appraisal, the Property Tax Appeal Board finds that a reduction is warranted. Since market value has been established, the three-year median level of assessments for McHenry County for 2009 of 33.27% shall be applied.

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

J. R.

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: February 22, 2013

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.