



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

APPELLANT: Ken Grubb  
DOCKET NO.: 12-03151.001-C-1  
PARCEL NO.: 19-04-301-015

The parties of record before the Property Tax Appeal Board are Ken Grubb, 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:** \$67,896  
**IMPR:** \$99,084  
**TOTAL:** \$166,980

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a decision of the McHenry County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2012 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

**Findings of Fact**

The subject property consists of a one-story masonry commercial structure that was built in 1998 and contains approximately 9,242 square feet of building area. Features include an office and a warehouse which has 18 foot ceiling heights and which is used as a garage. The property has a 1.15-acre site and is located in Crystal Lake, Algonquin Township, McHenry County.

The appellant appeared before the Property Tax Appeal Board contending overvaluation as the basis of the appeal. As an initial issue, the appellant disagreed with the total building area based on the plans for the structure. The appellant also disagreed with the records of the assessing officials as to the individual office and warehouse sizes, contending that the wall between those areas was not accurately reflected in the property record's schematic drawing. The appellant asserted the building contains a total of 9,258 square feet of building area based upon the plans using exterior measurements. The appellant provided no other documentary evidence to dispute the size determination as set forth in the subject's property record card which is reported as sixteen square feet smaller than the appellant's assertion.

In support of the overvaluation argument, the appellant submitted information on three comparable sales. The comparable parcels range in size from 22,651 to 215,189 square feet of land area and are improved with one-story buildings of masonry or masonry and steel exterior construction. The appellant reported that comparables #2 and #3 were built in 1960 and 2002, respectively; no age data was provided for comparable #1. The buildings range in size from 7,085 to 11,333 square feet of building area and sold between February and August 2012 for prices ranging from \$277,900 to \$565,000 or from \$39.22 to \$49.85 per square foot of building area, including land. At the hearing, the appellant acknowledged that his comparable #3 was an inappropriate comparable given the board of review's responsive evidence (i.e., sale of less than 100% of the property).

Based on this evidence and argument, the appellant requested a total assessment of \$166,980 which would reflect a market value of approximately \$500,940 or \$54.20 per square foot of building area, including land.

On cross-examination, the appellant was asked to identify the current zoning of the subject property. The appellant did not know the zoning. With regard to the office area size dispute, the appellant testified that approximately two years ago in a board of review hearing the appellant requested that the township officials inspect the subject property and remeasure, which has never been done, although the appellant did take the building plans to the township office once.<sup>1</sup>

---

<sup>1</sup> In the course of the questioning, the board of review representative instructed the township assessor's office to view the property and re-measure

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$197,359. The subject's assessment reflects a market value of \$606,512 or \$65.63 per square foot of building area, land included, when using the 2012 three year average median level of assessment for McHenry County of 32.54% as determined by the Illinois Department of Revenue. Appearing at the hearing on behalf of the board of review was Mark Ruda, chairman of the board of review.

As to the appellant's suggested comparable sales, the assessor's office submitted a grid indicating that both appellant's comparable #2 and #3 were not advertised for sale prior to the transactions and that comparable #3's sale price was a transfer of less than 100% interest in the property. As to appellant's comparable #1, the assessor's office reported this was an REO sale; a copy of the applicable PTAX-203 Illinois Real Estate Transfer Declaration indicates that the property was not advertised prior to its sale.

The board of review called Carol Touhy from the Algonquin Township Assessor's Office as their witness. She testified that the subject property is zoned manufacturing. As to appellant's comparable sale #1, the property had a mixed zoning of B-1, AC and A-1C. Touhy further testified that this comparable is located in Nunda Township and so she was unfamiliar with what the respective zoning classifications would allow on that parcel, although she did opine that B-1 was superior zoning to the subject and the AC and A-1C zoning classifications were not superior to the subject parcel. Touhy further testified that the improvement on appellant's comparable #1 was a commercial building rather than an industrial or manufacturing structure. Touhy also testified that appellant's comparable #2 is improved with a commercial building used as an auto body shop, but she was unaware of the Nunda Township zoning on this parcel. The witness further opined that this property may have more traffic exposure on its street than the subject parcel has and she further noted that the use was different than the subject.

In support of its contention of the correct assessment the board of review submitted information on five comparable sales. The parcels range in size from .56 to 1.74-acres of land area and are improved with one-story frame or metal industrial buildings that range in size from 7,200 to 13,548 square feet of building

---

the office area with any applicable adjustments for allocating the more expensive office space as compared to the warehouse space of the building.

area. The buildings range in age from 7 to 38 years old and feature ceiling heights ranging from 14 to 18 feet. The properties sold between February 2011 and January 2013 for prices ranging from \$440,000 to \$600,000 or from \$42.93 to \$62.50 per square foot of building area, including land. The board of review's submission further indicated that comparable #1 was not advertised for sale.

In testimony, Touhy was asked to identify which of the comparables were most similar to the subject property. She asserted that comparables #1, #2 and #3 were most similar given their locations. As to board of review comparable #1, the property was noted to be a multi-tenant industrial structure; after examining her records, she noted it was a four-unit building. She also observed that the building size was very similar to the subject. As to board of review comparable #2, this building was noted as older than the subject. Board of review comparable #3 was a single-tenant structure.

The board of review's presentation of both the appellant's comparables and the board of review's comparables included an "adjustment" grid although no adjustments were made to the appellant's comparables stating "not used in analysis, see note below." The presentation did not include any further explanation addressing the appellant's comparables. As to the board of review's comparables, the adjustment analysis included percentage adjustments to the sales prices of the respective comparables for differences in land to building ratio, percentage of office space, construction, wall height, "type" and/or age. From this adjustment process, the township assessor opined adjusted sales prices ranging from \$55.81 to \$75.04 per square foot of building area, including land.

Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

On cross-examination, the appellant further inquired about a comment made by Ruda in the course of questioning Touhy regarding a lesser value per square foot on appellant's comparable #2 which is an auto body shop due to possible remediation issues regarding oils and/or other hazardous chemicals associated with the existing operation. In further response, Ruda pointed out that this comparable was much older than the subject and has different zoning than the subject parcel. In addition, Ruda opined that appellant's comparable #2 had commercial zoning whereas the subject has manufacturing zoning "so you are limited to that."

Upon further questioning, Touhy acknowledged that assuming proper maintenance, similar buildings would be adjusted by the assessing officials for differences in age and more specifically a fully remodeled building would be adjusted by consideration of the effective age.

The Administrative Law Judge inquired of Touhy regarding her presentation of comparable #1 which was noted as a property that was not advertised prior to its sale. The witness acknowledged that this sale would not qualify as an arm's length transaction. Given the raw sales comparables presented by the assessor's office, Touhy acknowledged that none of the sales prices was equal to or greater than the subject's estimated market value based on its assessment on a per-square-foot basis.

In rebuttal, the appellant testified that the subject structure "is essentially a garage." Grubb further testified that it is not a repair garage, but the business value is in the trucks that are stored inside; it is a service company that serves out in the public (water conditioning dealership). Additionally, the appellant stated that the average sales price of the five comparables presented by the board of review was \$161,673<sup>2</sup> and the average acreage of these comparables was 1.25-acres per comparable as compared to the subject parcel of 1.15-acres. The appellant further opined that the office space at the subject facility was not as extensive as office space at a medical facility, car dealership or other typical "office" space.

#### **Conclusion of Law**

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds that the best evidence of the subject's building area was presented by the assessing officials with a schematic drawing set forth on the property record card. Moreover, the

---

<sup>2</sup> Mathematically the Board finds that totaling the five comparable sales presented by the board of review and dividing by five results in an average sales price of \$495,000.

Board finds that the relatively small size dispute is not crucial to a determination of the correct assessment of the subject property.

The parties submitted a total of eight comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given no weight to appellant's comparables #2 and #3 along with board of review comparable #1 as each of these properties was not advertised prior to its sale, in addition to the assertion that appellant's comparable #3 did not involve a sale of 100% of the property. The Board has also given reduced weight to board of review comparables #3, #4 and #5 due to differences in lot size, exterior construction, building size, office area and/or age as compared to the subject property. Furthermore, in the absence of an explanation from the township assessor as to the methodology employed in the adjustment process, the Board has given no substantive weight to the assessor's percentage adjustments to the comparable sales presented by the board of review.

After hearing the testimony and considering the evidence, the Board finds the best evidence of market value to be appellant's comparable sale #1 and board of review comparable sale #2 which were most similar to the subject in land area, building size, office area and/or ceiling height. These most similar comparables sold for prices of \$277,900 and \$450,000 or for \$42.93 and \$48.00 per square foot of building area, including land. The subject's assessment reflects a market value of \$606,512 or \$65.63 per square foot of living area, including land, which is above the range established by the best comparable sales in this record. After considering adjustments to these comparables for differences from the subject such as age and/or exterior construction, the Board finds a reduction in the subject's assessment commensurate with the appellant's request is justified.

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.



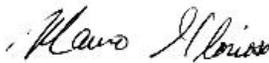
Chairman



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: November 21, 2014



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.