FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Jayaprakash Balakrishnan
DOCKET NO.: 07-00339.001-R-1
PARCEL NO.: 07-01-03-402-036-000

The parties of record before the Property Tax Appeal Board are Jayaprakash Balakrishnan, the appellant, and the Will 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 **Will** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	$25,558
IMPR.:	$87,042
TOTAL:	$112,600

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story dwelling of frame construction containing 1,956 square feet of living area. The dwelling is 10 years old. Features of the home include a 1,019 square foot basement of which 687 square feet is finished, central air conditioning, a fireplace, and a two-car garage. The property is located in Naperville, Wheatland Township, Will County.

The appellant's appeal is based on unequal treatment in the assessment process and overvaluation.[1] The appellant submitted a letter along with a grid analysis of four comparable properties. In the letter, the appellant contended that the Will County Board of Review increased the subject's assessment due apparently to remodeling of a partial basement. Appellant contends that similar larger dwellings in the immediate area have a lower per-square-foot improvement assessment despite their larger size. The appellant also reported that the subject property was

[1] Appellant's appeal noted as bases of the appeal both comparable sales and "recent appraisal," however, no appraisal of the subject property was submitted as evidence. The appellant's evidence has both sales data and equity information which will be analyzed by the Board.

purchased in September 2003 for $285,000 or $145.71 per square foot of living area, land included.

The grid analysis set forth information on four comparable properties described as two-story frame dwellings that were 10 or 11 years old.[2] The comparable dwellings range in size from 1,866 to 2,338 square feet of living area. Features include unfinished basements ranging in size from 336 to 1,168 square feet of building area, central air conditioning, and two-car garages. Three comparables have a fireplace. The comparables have improvement assessments ranging from $84,295 to $86,310 or from $36.05 to $45.54 per square foot of living area. The subject's improvement assessment is $90,204 or $46.12 per square foot of living area. These same four comparables sold between November 2003 and June 2005 for prices ranging from $291,000 to $349,500 or from $125.75 to $155.95 per square foot of living area, land included. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment to $87,000 or $44.48 per square foot of living area; the reduced total assessment requested of $112,558 would reflect an estimated market value of approximately $337,674 or $172.63 per square foot of living area, land included.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of $115,762 was disclosed. The subject's assessment reflects an estimated market value of $346,593 or $177.19 per square foot of living area, land included, using the 2007 three-year median level of assessments for Will County of 33.40%.

In support of the subject's assessment and estimated market value as reflected by the assessment, the board of review presented a memorandum from the Wheatland Township Assessor along with a grid analysis of three suggested comparables and a corrected grid analysis of the appellant's comparables mentioned previously. In the memorandum, the assessor asserts that the subject property is "superior" to the comparables presented by the appellant in the appeal, but does not specify in what manner the subject may be deemed superior.

The board of review's grid analysis describes three comparable properties that the assessor said were of the same dwelling size, but without finished basements. In addition, the assessor noted that the subject is located on a corner lot whereas these comparables were located on inside lots in the same neighborhood code assigned by the assessor as the subject. The comparables

[2] The board of review noted in its response that the appellant's descriptive data for the comparables had a number of errors and therefore submitted its own two-page analysis of the appellant's four comparables. Although given an opportunity to file rebuttal evidence, appellant did not do so and therefore, the Property Tax Appeal Board will assume that the descriptive information supplied by the board of review is more accurate regarding the appellant's comparables.

consist of two-story frame dwellings that were 11 years old. The dwellings each contain 1,956 square feet of living area. Features include unfinished basements ranging in size from 615 to 978 square feet of building area, central air conditioning, and two-car garages. One comparable also has a fireplace. These properties have improvement assessments ranging from $84,986 to $85,388 or from $43.45 to $43.65 per square foot of living area. Each of these comparables also reportedly sold in 1997 or 2001, a date too distant in time to be relevant to the property's market value as of the assessment date of January 1, 2007. Based on this evidence, the board of review requested confirmation of the subject's improvement assessment of $46.12 per square foot of living area.[3]

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 Board further finds a reduction in the subject's assessment is warranted.

The appellant contends unequal treatment in the subject's improvement assessment as a 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 appellant has met this burden.

To address the appellant's contention that on a per-square-foot basis the subject smaller dwelling has a higher per-square-foot improvement assessment than larger dwellings, the Board would note that accepted real estate valuation theory provides that all factors being equal, as the size of the property increases, the per unit value decreases. In contrast, as the size of a property decreases, the per unit value increases. This theory is drawn from construction costs where there is a base cost to construct a building, but the cost does not increase proportionately as building size increases.

As to the inequity argument regarding the improvement assessment, the parties presented a total of seven equity comparables for the Board's consideration and to support their respective positions. The Board has given more weight to the comparables submitted by the board of review which were identical to the subject in size, nearly identical in age, located in the same subdivision, and, except for lack of finished basement, were most similar to the subject in style, exterior construction and/or features. Due to their similarities to the subject, these comparables received the

[3] The board of review's grid analysis erroneously indicated the subject's improvement assessment was still $86,597 or $44.27 per square foot of living area, the amount prior to board of review action.

most weight in the Board's analysis. These comparables had improvement assessments that ranged from $43.45 to $43.65 per square foot of living area. The subject's improvement assessment of $46.12 per square foot of living area is above the range established by the most similar comparables and does not appear justified for the primary difference of 687 square feet of finished basement area. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's improvement assessment is not equitable and a reduction in the subject's assessment is warranted.

The appellant also contends the assessment of the subject property is excessive and not reflective of its 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 appellant submitted four comparable sales for the Board's consideration on an overvaluation argument; the board of review failed to submit any recent comparable sales data. The appellant's sales occurred between November 2003 and June 2005. Having determined a reduction in the subject's assessment based on inequity and given the dated nature of the sales submitted by the appellant to establish the subject's estimated market value as of January 1, 2007, the Board finds the overvaluation evidence in the record does not support a further reduction in the subject's assessment.

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: July 23, 2010

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.