



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

APPELLANT: James Lessmeister
DOCKET NO.: 07-02571.001-R-1
PARCEL NO.: 05-15-405-016

The parties of record before the Property Tax Appeal Board are James Lessmeister, the appellant, by attorney Mary T. Nicolau, of Smith/Nicolau P.C. of Chicago; and the DuPage 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 DuPage County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$19,810
IMPR.: \$72,990
TOTAL: \$92,800

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 50 year-old, split level style brick dwelling that contains 1,174 square feet of living area. Features of the home include a 396 square foot detached garage.

The appellant submitted evidence to the Property Tax Appeal Board claiming unequal treatment in the assessment process as the basis of the appeal. In support of this argument, the appellant submitted a grid analysis of four comparable properties. The comparables consist of split-level style frame dwellings that range in age from 30 to 33 years and range in size from 1,358 to 1,601 square feet of living area. Features of the comparables include central air conditioning and garages that contain from 399 to 572 square feet of building area. These properties have improvement assessments ranging from \$75,600 to \$84,190 or from \$47.22 to \$57.69 per square foot of living area. The subject has an improvement assessment of \$72,990 or \$62.17 per square foot of

living area. Based on this evidence, the appellant requested the subject's improvement assessment be reduced to \$63,736 or \$54.29 per square foot of living area.

The board of review submitted its Board of Review Notes on Appeal wherein the subject's total assessment of \$92,800 was disclosed. In support of the subject's assessment, the board of review submitted property record cards and a grid analysis of six comparable properties located in the subject's Glen Ellyn Manor neighborhood. The comparables consist of split-level style frame dwellings that range in age from 31 to 33 years and contain 1,119 or 1,160 square feet of living area. Features of the comparables include garages that contain 441 or 462 square feet of building area. Four comparables have central air conditioning and one has a fireplace. These properties have improvement assessments ranging from \$73,370 to \$83,400 or from \$63.25 to \$71.90 per square foot of living area. Based on this evidence, the board of review requested the subject's assessment be confirmed.

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 Property Tax Appeal Board further finds that a reduction in the subject's assessment is not warranted. The appellant's argument was unequal treatment in the assessment process. 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 assessment data, the Board finds the appellant has not overcome this burden.

The Board finds the parties submitted ten comparables for its consideration. All the comparables were split-level style homes like the subject and all were also newer, but lacked the subject's brick exterior. The Board finds the board of review's comparables were more similar to the subject in living area and received most weight by the Board for this reason. These most representative comparables had improvement assessments ranging from \$63.25 to \$71.90 per square foot of living area. The subject's improvement assessment of \$62.17 per square foot of living area falls below this range. After considering adjustments and differences in both parties' comparables when compared to the subject, the Board finds the evidence in the record supports the subject's assessment.

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 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 parties 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.

In conclusion, the Property Tax Appeal Board finds the appellant has failed to prove inequity by clear and convincing evidence and the subject's assessment as determined by the board of review is correct and no reduction is 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

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 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.