



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

APPELLANT: Arnold & Stephanie Muzzarelli
DOCKET NO.: 07-03997.001-R-2
PARCEL NO.: 10-01-102-005

The parties of record before the Property Tax Appeal Board are Arnold & Stephanie Muzzarelli, the appellant(s); the DuPage County Board of Review; S.D. #86, intervenor, by attorney Alan M. Mullins of Scario, Himes and Petrarca in Chicago Heights, and Burr Ridge C.C.S.D. #180, intervenor, by attorney Scott E. Nemanich of Hinshaw & Culbertson in Joliet.

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 DuPage County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$ 86,030
IMPR.: \$ 285,040
TOTAL: \$ 371,070

Subject only to the State multiplier as applicable.

ANALYSIS

Initially the Board finds S.D. #86, intervenor, failed to appear at the hearing through counsel after proper notice having been given on April 1, 2009, and is hereby defaulted.

The subject property consists of a part one and part two-story style frame and stucco dwelling with stone trim that was built from approximately 1994 to 2005. The subject contains 6,305 square feet of living area. There is also 887 square feet of unfinished area above the garage. Features of the home include central air-conditioning, a central vacuum system, four fireplaces, a 1,276 square foot garage and a full unfinished basement.

The appellants appeared before the Property Tax Appeal Board claiming unequal treatment in the assessment process as the basis of the appeal. The appellants do not dispute the subject's land assessment. In support of their equity argument, the appellants submitted photographs of the subject and a grid analysis of four comparable properties located in close proximity to the subject. The comparables consist of brick and frame, brick and stucco or brick and stone dwellings that were built from 1996 to 2004 and range in size from 4,200 to 4,641 square feet of living area. The comparables have features that include two or three fireplaces, central air-conditioning, garages that contain from 735 to 1,097 square feet of building area and partial or full unfinished basements. These properties have improvement assessments ranging from \$175,050 to \$214,120 or from \$41.68 to \$46.75 per square foot of living area. The subject has an improvement assessment of \$316,710 or \$50.23 per square foot of living area based on the subject having 6,305 square feet of living area.

The appellants argued that the subject is assessed as a finished home, however, the home remains in an unfinished condition. The area above the garage is unfinished; the home lacks trim around the windows; baseboards are missing; and door knobs along with various plumbing fixtures are missing. Based on this evidence, the appellants requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$402,740 was disclosed. In support of the subject's improvement assessment, the board of review submitted a written summary argument, property record cards and a spreadsheet analysis of the appellants' comparables and five other comparables that were improved with a residential dwelling.¹ The board of review's evidence depicts that construction of the residence began in 1995 and was assessed at 50% partial through 2004. An occupancy permit was issued in 2003. The residence was considered complete in 2005, however, the board of review reduced the subject's assessment to 60% for 2005, after which in 2006 the dwelling was assessed at 100% complete and subsequently reduced to 75% partial based on its unfinished condition. In 2006 the dwelling was re-measured wherein it was determined the subject contained a total of 7,192 square feet of living area with 887 square feet above the garage being unfinished. In 2007 the subject was assessed at 100% complete.

The five improved comparables submitted by the board of review were built from 1989 to 2006. They consisted of three, part one-story and part two-story and two, part one, two and three-story dwellings that ranged in size from 5,048 to 6,184 square feet of

¹ Comparable #1 is a vacant lot.

living area. They had partial or full basements with one having some finished basement area. In addition, they had garages ranging from 864 to 1,358 square feet of building area. The comparables were not located in the same assessment neighborhood as the subject. They had improvement assessments ranging from \$216,800 to \$388,750 or from \$42.43 to \$72.81 per square foot of living area. The evidence also disclosed that the assessor's office applies a factor of 90% of full assessment for homes that are partially incomplete, but are still occupied. The evidence depicts this is done to allow for remaining finish of the property while recognizing utility and living status. The board of review proposed that the subject's improvement assessment should be 90% of its full assessment or \$285,040. The intervenor requested the Property Tax Appeal Board allow the 10% reduction in the subject's improvement assessment based on its condition. However, the appellants rejected the proposed assessment. Based on this evidence the board of review requested the subject's total assessment be confirmed.

During cross-examination, the board of review revealed that the subject's is assessed as containing 7,192 square feet of living area, with a credit back for the 887 square feet of unfinished living area above the garage.

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 Property Tax Appeal Board further finds that a reduction in the subject's assessment is warranted. The appellants' 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 a reduction in the subject's improvement assessment is warranted.

Initially the Property Tax Appeal Board finds the subject contains 6,305 square feet of living area for purposes of this decision. The photographs clearly depict an unfinished area above the garage. The board of review does not dispute this area (887 square feet) is unfinished. The only dispute is the method of assessing the unfinished area. The Board finds the comparables submitted by the board of review were not located in close proximity to the subject and/or differed in age from the subject. Therefore, these comparables were given reduced weight in the Board's analysis. The Board further finds the comparables submitted by the appellants were located within the same neighborhood as the subject and were substantially smaller when compared to the subject. The appellants' comparables had improvement assessments ranging from \$41.68 to \$46.75 per square

foot of living area. The subject improvement is assessed at \$50.23 per square foot of living area, based on the subject containing 6,305 square feet of living area. The subject, which is much larger than the comparables submitted, has an improvement assessment that is greater than the comparables submitted into this record. In general, accepted real estate theory provides that as the size of property increases, its cost price to build decreases on a per square foot basis, which should be reflected in the assessed value. Clearly the subject is larger than the comparables, however, its assessment, on a per square foot basis, is larger. The evidence also depicted the Downers Grove Township applies a 10% reduction in the full assessed value of improvements in an unfinished condition, but which are still occupied. The evidence revealed the subject remains in an unfinished condition and is inhabited by the appellants. Based on the economies of scale theory and the fact that the township uniformly applies a 10% reduction for unfinished properties such as the subject, the Property Tax Appeal Board finds a reduction in the subject's improvement assessment is warranted. The 90% of full assessment proposed by the board of review would result in the subject's improvement being \$285,040 or \$45.20 which would be uniform with properties in similar condition and within the range of comparables submitted by the appellants.

In conclusion, the Board finds the appellants established unequal treatment in the assessment process by clear and convincing evidence and the subject improvement assessment as established by the board of review is not correct. Therefore the Board finds the subject's improvement assessment should be reduced commensurate with the proposed improvement assessment previously discussed.

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: December 23, 2009

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.