



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

APPELLANT: Gerald Danzer
DOCKET NO.: 08-04862.001-R-1
PARCEL NO.: 03-08-307-010

The parties of record before the Property Tax Appeal Board are Gerald Danzer, the appellant, and the DuPage 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 DuPage County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$92,530
IMPR.: \$60,780
TOTAL: \$153,310

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a two-story single family dwelling with 2,180 square feet of living area. The dwelling was constructed in 1907. Features of the home include an unfinished basement, central air conditioning and a detached garage with 484 square feet of building area. The subject property is located in Itasca, Addison Township, DuPage County.¹

At the beginning of the hearing the appellant explained that the subject property and each property under the consolidated hearing is located in a historic district within Itasca. He also testified that all the properties are in a land trust at the Itasca Bank and Trust Company that was set up to preserve property along Walnut Street in Itasca. The appellant testified there is a central historic church that dominates the scene at the top of a hill. The homes are located to the left and to the right of the church. The idea was to preserve a late nineteenth early twentieth century view of the area.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted two

¹ The Property Tax Appeal Board conducted a consolidated hearing on Docket Nos. 08-04856.001-R-1, 08-04858.001-R-1, 08-04859.001-R-1, 08-04860.001-R-1 and 08-04862.001-R-1.

appraisals, the first appraisal had an effective date of December 17, 2007 and the second appraisal had an effective date of November 7, 2008. The first appraisal was prepared by Melissa C. Pereira and the second appraisal was prepared by Marie C. Ackerman both of R. J. Schmitt & Associates, Inc. Both appraisers were State of Illinois certified residential appraisers and neither was present at the hearing. Both appraisers developed the sales comparison approach to estimate the market value of the subject property.

Pereria estimated the subject property had a market value of \$465,000 as of December 17, 2007. The appraisal had three comparables sales located in Itasca that were improved with two, two-story dwellings and a Cape Cod style dwelling that ranged in size from 2,248 to 2,754 square feet of living area. The dwellings ranged in age from 60 to 82 years old. Two comparables had basements with one being finished with a recreation room. Each comparable had central air conditioning, each comparable had one or two fireplaces and each had a two car garage. The properties sold from July 2007 to November 2007 for prices ranging from \$395,000 to \$518,000 or from \$143.43 to \$230.43 per square foot of living area, including land. After making adjustments for differences to the subject the appraiser indicated the comparables had adjusted sales prices ranging from \$446,000 to \$481,000.

Ackerman estimated the subject property had a market value of \$360,000 as of November 7, 2008. The appraisal contained information on four comparable sales and two listings. The appellant had previously testified in Docket No. 08-04856.001-R-1 that comparables #1 and #6 are located in the subject's historic district. The comparables were described as being composed of four, two-story dwellings and two, Cape Cod style dwellings that ranged in size from 1,788 to 2,445 square feet of living area. The dwellings ranged in age from 32 to 104 years old. Each comparable had a basement with two being finished. Five comparables had central air conditioning, five comparables had 1 or 2 fireplaces and five comparables had two-car garages. The four sales occurred from November 2007 to September 2008 for prices ranging from \$250,000 to \$480,000 or from \$139.82 to \$211.36 per square foot of living area, land included. Comparable sale #4 was the same property as comparable sale #3 in the appellant's first appraisal. The two listings were placed on the market in May 2008 for prices of \$399,900 and \$499,000 or for \$169.59 and \$204.09 per square foot of living area, land included, respectively.

The appellant also submitted income and expense data depicting the income and expenses for the subject from 2005 through 2007.

Based on this evidence the appellant requested the subject's assessment be reduced to \$120,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling

\$177,330 was disclosed. The subject's assessment reflects a market value of approximately \$532,043 or \$244.06 per square foot of living area, land included, when applying the statutory level of assessment.

In support of the assessment the board of review submitted what was marked as board of review Exhibit #1 which included the appellant's comparable sales from the first appraisal, three comparables selected by the township assessor and copies of their property record cards. The board of review called as its witness Frank Marack, Jr., Chief Deputy Assessor for Addison Township.

The comparables selected by the township assessor were improved with two-story dwellings of frame or frame and brick construction that ranged in size from 2,030 to 2,248 square feet of living area. The dwellings were constructed from 1908 to 1925. Each comparable has a basement, two comparables have central air conditioning, two comparables have one or two fireplaces and each has a garage ranging in size from 360 to 570 square feet. The comparables all had the same neighborhood code as the subject. Comparables #1 and #2 sold in August 2005 and July 2007 for prices of \$490,000 and \$518,000 or for \$230.43 and \$241.38 per square foot of living area, land included. Board of review comparable #1 was the same comparable sale as comparable sale #1 contained in the appellant's first appraisal. Board of review comparable #3 was selected to demonstrate assessment uniformity. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After hearing the testimony and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal. The Board further finds the evidence in the record supports a reduction in the subject's assessment.

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. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). 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 comparable sales in the record support a reduction in the subject's assessment.

The record contains information on eight comparable sales and two listings submitted by the parties. The Board finds the most probative evidence in the record include comparable sales #1 and #3 in the appellant's first appraisal, comparable sales #2, #3 and #4 in the appellant's second appraisal and comparable sale #1 in the board of review's submission. Comparable sale #1 in the appellant's first appraisal was the same property as board of review comparable #1 and comparable sale #3 in the appellant's first appraisal is the same property as comparable sale #4 in the

appellant's second appraisal. The comparables were relatively similar to the subject in style, size and sold most proximate in time to the assessment date at issue. Each of the comparables was newer than the subject dwelling. These four comparables ranged in size from 2,248 to 2,271 square feet of living area and sold from July 2007 to September 2008 for prices ranging from \$387,000 to \$518,000 or from \$170.56 to \$230.43 per square foot of living area, land included. The subject's assessment reflects a market value of \$532,043 or \$244.06 per square foot of living area, land included, when applying the statutory level of assessment. The subject's assessment reflects a market value above the range established by the best comparables in the record. The Board finds this data demonstrates the subject's assessment is excessive in relation to the property's fair cash value.

The appellant also submitted income and expenses for the subject property for years 2005 through 2007. Actual expenses and income can be useful when shown that they are reflective of the market. The appellant did not demonstrate that the subject's actual income and expenses are reflective of the market. To demonstrate or estimate the subject's market value using an income approach one must establish through the use of market data the market rent, vacancy and collection losses, and expenses to arrive at a net operating income reflective of the market and the property's capacity for earning income. Further, the appellant must establish through the use of market data a capitalization rate to convert the net income into an estimate of market value. The appellant did not provide such evidence; therefore, the Property Tax Appeal Board gives this evidence no weight.

In conclusion the Board finds a reduction in the subject's assessment 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 M. Louie

Member

Shawn R. Lerski

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 22, 2011

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.