FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: David Ryan
DOCKET NO.: 09-03541.001-R-2
PARCEL NO.: 09-12-210-010

The parties of record before the Property Tax Appeal Board are David Ryan, the appellant, by attorney LeRoy R. Hansen in Willowbrook, the DuPage County Board of Review; and the Hinsdale THSD 86, the intervenor, by attorney Alan M. Mullins of Scariano, Himes and Petrarca, in Chicago.

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:	$167,700
IMPR.:	$994,220
TOTAL:	$1,161,920

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property contains approximately 19,650 square feet of land area improved with a 3-story dwelling of brick/masonry construction. The dwelling contains approximately 7,099 square feet of living area[1] and is 17 years old having been built in 1992. Features of the home include a partial basement with finished area, 8 fireplaces, central air conditioning and a 3-car attached garage/coachhouse containing 814 square feet. The property is located in Hinsdale, Downers Grove Township, DuPage County.

The appellant's appeal is based on unequal treatment in the assessment process and overvaluation. The appellant submitted an appraisal report prepared by Susan Schmit in which a market value of $3,100,000 or $436.68 per square foot of living area including land was estimated for the subject property as of January 1, 2009. The appraiser developed the sales comparison approach in estimating the fair market value of the subject property.

[1] The board of review claims the dwelling contains 6,873 square feet of living area and submitted a property record card and schematic diagram to support the claim. The appraiser claims the subject contains 7,099 square feet of living area and submitted a detailed schematic diagram with measurements in the appraisal to support the claim.

The appraiser considered four comparable properties located a distance of ½ mile to 1 mile from the subject. The lots range in size from 15,600 to 31,600 square feet of land area. The comparables are 2 or 3-story dwellings of frame or masonry construction. They range in size from 5,256 to 7,888 square feet of living area and range in age from 2 to 13 years or built between 1996 and 2007. The comparables feature finished basements, one with walk-out. The appraiser graded the quality of the finish as either average or good. Other features include central air conditioning, 5 fireplaces and 3 or 4-car garages. One comparable features a pool. The comparables sold between January and November 2008 for prices ranging from $2,900,000 to $3,600,000, or from $456.39 to $589.01 per square foot of living area including land.

The appraiser adjusted the four comparables for location, site, quality of construction, condition, age, room count, gross living area, basement (walkout and finish quality), garage size, pool, fireplaces, and modernization/upgrades. The final adjusted sale prices of the comparables range from $3,033,500 to $3,193,000 or from $399.59 to $594.46 per square foot of living area including land. Based on these comparables the appraiser estimated the subject's fair market value to be $3,100,000 or $436.68 per square foot of living area including land as of January 1, 2009 using the sales comparison approach.

The appellant also submitted a Comparative Market Analysis prepared by Dawn McKenna of Coldwell Banker Residential in which a market value of $2,700,000 was estimated for the subject from 22 comparables that had sold or were for sale. The realtor attached real estate listings used in the analysis.

The appellant also claimed the subject was not assessed equitably. In support of this argument, the appellant submitted four comparables that ranged in age from 1 to 14 years having been built between 1995 and 2008. The comparables featured frame, frame and masonry, or masonry construction and ranged in size from 5,431 to 7,719 square feet of living area. Features include full basements, three with finished area, central air conditioning, 2 to 5 fireplaces and garages that range in size from 647 to 1,111 square feet. The comparables have improvement assessments ranging from $548,600 to $1,044,720 or from $89.46 to $135.34 per square foot of living area. Based on this evidence, the appellant requested that the subject's improvement assessment be reduced to $865,633 making the total assessment $1,033,333 which would reflect a market value of approximately $3,100,000 at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of $1,161,920 was disclosed. The subject's assessment reflects an estimated market value of $3,493,445 or $492.10 per square foot of living area, land included, using the 2009 three-year median level of assessments for DuPage County of 33.26% as determined by the

Illinois Department of Revenue. (86 Ill.Admin.Code Sec. 1910.50(c)(1)). The subject has an improvement assessment of $994,220 or $140.05 per square foot of living area.

In support of the subject's assessed value, the board of review submitted a grid analysis and property record cards for five comparable properties. The board of review's comparables range in age from 2 to 12 years having been built from 1997 to 2007. These comparables contain between 5,180 and 7,288 square feet of living area. The comparables are 3-story dwellings that feature full or partial basements with finished area, central air conditioning, 4 to 7 fireplaces and garages that range in size from 714 to 1,252 square feet. These comparables sold from November 2007 through October 2008 for prices ranging from $2,750,000 to $5,200,000 or from $480.24 to $814.41 per square foot of living area including land. These comparables have improvement assessments ranging from $775,160 to $972,100 or from $129.38 to $149.64 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In its brief the intervenor argued that, in the appraisal, sales prices of certain comparables were reduced because the comparables were perceived be to be superior to the subject in basement finish and modernization/upgrades. The appraisal deducts from $75,000 to $250,000 from the comparable sales for each of those characteristics. The intervenor cites the appraiser's statement that only an "exterior drive-by inspection" of the comparables was performed. Therefore, according to the intervenor, the value conclusion arrived at in the appraisal is not reliable since the appraiser adjusted the interiors of the comparables without actually inspecting the interiors.

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 the evidence in the record does not support 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 must be proven 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 of the subject property or comparable sales. (86 Ill.Admin.Code Sec. 1910.65(c)). After an analysis of the evidence in the record, the Board finds a reduction in the subject's assessment is not warranted.

Initially, the Board finds the correct size of the subject to be 7,099 square feet of living area. The board of review claims the subject contains 6,873 square feet of living area and submitted a schematic drawing with dimensions rounded to the nearest foot. The appraiser claims the subject contains 7,099 square feet of

living area and submitted a detailed schematic drawing with dimensions rounded to tenths of feet. The Board finds the subject has a dwelling size of approximately 7,099 square feet of living area based on the best evidence in this record.

The Board finds the appellant submitted an appraisal of the subject property with a final value conclusion of $3,100,000 as of the subject's valuation date of January 1, 2009. The appraiser adjusted (lowered) the sale prices of the comparables by $75,000 claiming their basement finishes were superior to the subject. The appraiser also adjusted (lowered) the sale prices of three of the four comparables by $100,000 to $250,000 for modernizations/upgrades. Yet the appraiser admits only an exterior "drive-by" inspection was done of the comparables. No explanation was given as to how these adjustments were determined. Therefore, the Board finds that the arguments presented by the intervenor have merit in that significant adjustments were made to the comparables based on their interiors which were not inspected by the appraiser. The appraiser stated in the appraisal report that the greatest weight was accorded sales #1 and #2. However, comparable #2 had the highest number of adjustments along with comparables #3 and #4 (nine) and had the largest net adjustment of all four comparables (-12.4%) Therefore, based on this evidence, the Board finds the value conclusion in the appraisal report is not a reliable or credible indicator of the subject's estimated market value.

The appellant also submitted in evidence a Comparative Market Analysis of the subject. In that analysis, the realtor presented 16 comparable properties that were listed for prices ranging from $2,200,000 to $2,599,000, and 6 comparable properties that sold for prices ranging from $2,200,000 to $2,587,000. This analysis implies there were no properties in the area with prices exceeding $2,600,000. The Board finds this is not true based on the comparables submitted by the board of review and the appraiser. It appears the listing of comparables was generated by establishing a minimum price of $2,200,000 and maximum price of $2,600,000. Therefore, the Board gave no weight to this analysis.

Having discounted the value conclusions contained in the appraisal report and the comparative market analysis, the Board will examine all of the sales and listings presented in the record. Addressing the overvaluation argument, 32 properties were submitted by all parties. All but 6 of these comparables differed from the subject in size by more than 15% and/or differed from the subject in age by more than 15 years. Therefore these comparables received less weight in the Board's analysis. The Board finds comparables #1 and #2 contained in the appraisal report, comparables #1, #2 and #4 submitted by the board of review, and comparable sale #3 submitted by the realtor were most similar to the subject in size, style and age. Therefore these comparables received the most weight in the Board's analysis.

These six comparables sold between November 2007 and June 2009 for prices ranging from $2,300,000 to $4,200,000 or from $351.95 to $652.48 per square foot of living area including land. The median sale price per square foot of these comparables is $493.44. The subject's assessment reflects an estimated market value of $3,493,445 or $492.10 per square foot of living area, land included. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the appellant did not demonstrate the subject property's assessment to be excessive in relation to its market value and no reduction in the subject's assessment based on overvaluation is warranted.

The appellant also contends unequal treatment in the subject's improvement assessment as the 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). After an analysis of the assessment data, the Board finds no reduction based on assessment inequity is warranted.

All parties submitted thirteen equity comparables with varying degrees of similarity to the subject. The comparables have improvement assessments ranging from $89.46 to $149.64 per square foot of living area. The subject's improvement assessment of $140.05 per square foot of living area is within the range established by these comparables. Therefore, the Board finds no reduction in the subject's improvement assessment is warranted based on equity.

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 appellant 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. For the foregoing reasons, the Board finds that the appellant has not proven by clear and convincing evidence that the subject property is inequitably assessed. Therefore, the Property Tax Appeal Board finds that the subject's assessment as established 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.

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: June 22, 2012

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.