



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

APPELLANT: James Juliano
DOCKET NO.: 09-03834.001-R-1
PARCEL NO.: 03-24-301-128

The parties of record before the Property Tax Appeal Board are James Juliano, the appellant, by attorney Joseph G. Kusper of Storino Ramello & Durkin in Rosemont; 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: \$44,460
IMPR.: \$52,860
TOTAL: \$97,320

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel contains 9,300 square feet of land which is improved with a raised ranch dwelling of brick and frame construction. The dwelling contains 1,125 square feet of living area and is 23 years old having been built in 1986. The dwelling has a full lower level with 90% finished area. Additional features include central air conditioning and a 2-car attached garage containing 451 square feet. The subject is located in Bensenville, Addison Township, DuPage County.

The appellant contends that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal. The appellant submitted information on three comparable properties located several blocks from the subject on parcels that range in size from 7,140 to 8,384 square feet of land area. They are described as 1-story ranch dwellings of brick or frame construction. The dwellings are either 56 or 60 years old having been built in 1949 to 1953. The dwellings range in size from 900 to 1,211 square feet of living area and feature 2-car garages. One comparable features central air conditioning and one features a fireplace. The appellant disclosed the comparables sold between January and August 2008 for prices ranging from \$144,900 to \$175,000 or from \$125.59 to \$194.44 per square foot of living area including land.

In a brief, the appellant's attorney suggested adding a \$25.00 per square foot premium to the comparable sales to compensate for a difference in age and garage size. Based on this record, the appellant requested the subject's land assessment be reduced to \$29,813 and the subject's improvement assessment be reduced to \$35,445 for a total assessment of \$65,258. This assessment would reflect a market value of approximately \$196,000 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 \$97,320 was disclosed. The subject's total assessment reflects an estimated market value of \$292,604 or \$260.09 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.

In support of the subject's assessment, the board of review presented descriptions and assessment information on three comparable properties located in the same neighborhood as the subject. Two of the parcels contain 7,800 and 21,000 square feet of land area. The third parcel's land size cannot be determined from the dimensions given. The comparables consist of raised ranch or split-level dwellings of brick or brick and frame construction. The dwellings range in age from 19 to 52 years, having been built from 1957 to 1990. The dwellings range in size from 1,156 to 1,392 square feet of living area. The comparables feature lower levels with 75% or 90% finished area and garages that range in size from 440 to 625 square feet. Two comparables feature central air conditioning and one features a fireplace. The comparables sold between March 2008 and June 2009 for prices ranging from \$281,000 to \$325,000 or from \$233.48 to \$252.60 per square foot of living area including land.

The board of review also disclosed that the three comparables submitted by the appellant were in different neighborhoods than the subject, and comparable #2 was a foreclosure. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 no reduction in the subject's assessment is warranted.

Initially, the Board finds the appellant's attorney submitted a brief suggesting increasing the sale prices of the appellant's comparables \$25.00 per square foot to compensate for the difference in age and garage size between the comparables and the subject. However, the Board finds the attorney presented no market value evidence to support this adjustment.

The Board finds the appellant's comparables #1, #2 and #3 were significantly older than the subject and were ranch homes with no basements or lower levels which differ in style from the subject. The board of review's comparable #2 was significantly older than the subject and comparable #3 contained over twice as much land area as the subject. Neither contained as much finished area in the lower level as the subject. Therefore, these five comparables received less weight in the Board's analysis. The Board finds the board of review's comparable #1 is most similar to the subject in location, dwelling size, lower level finished area, lot size, style, features and age. This comparable sold in June 2008 for \$325,000 or \$233.48 per square foot of living area including land. The subject's assessment reflects a market value of \$292,604 or \$260.09 per square foot of living area including land, which is greater than this most similar comparable on a square foot basis. Accepted real estate valuation theory provides, all other factors being equal, as the size of a property increases, its per unit value decreases. Likewise, as the size of a property decreases, its per unit value increases. Based on this analysis, the Board finds the subject's higher per square foot estimated market value is well justified given its considerably smaller size and its newer age.

After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the appellant has not proven by a preponderance of the evidence that the subject is overvalued and no 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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

J. R.

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

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.