



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

APPELLANT: Jeff Torricelli
DOCKET NO.: 09-05347.001-R-1
PARCEL NO.: 23-17.0-378-010

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

LAND: \$21,229
IMPR.: \$97,077
TOTAL: \$118,306

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a one-story single family dwelling of brick, stucco and vinyl exterior construction that contains 2,620 square feet of living area. Features of the home include a partial basement, two fireplaces, central air conditioning and a three-car attached garage. The dwelling was constructed in 2005. The subject has a site with approximately 25,093 square feet of land area and is located in Rochester, Sangamon County.

The appellant claims overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on four comparable sales located in Rochester. The comparables were improved with two, one-story dwellings and two, two-story dwellings that range in size from 2,100 to 3,706 square feet of above grade living area. The dwellings range in age from one to five years old and each has a brick and vinyl constructed exterior. Each comparable has a basement with three being finished. Each comparable also has one fireplace, central air conditioning and a three-car attached garage. These properties sold from April 2009 to April 2010 for prices ranging from \$273,000 to \$355,500 or from \$87.70 to \$142.81 per square foot of

above grade living area, including land. The evidence further revealed that the appellant filed the appeal directly to the Property Tax Appeal Board following receipt of the notice of a township equalization factor issued by the board of review increasing the subject's assessment from \$118,306 to \$127,026. The assessment notice indicated the subject's equalized assessment reflected a market value of \$381,078 or \$145.45 per square foot of above grade living area, including land. Based on this evidence the appellant requested the subject's assessment be reduced to \$118,306.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject property's final assessment was disclosed. After reviewing the appellant's evidence, the board of review argued the subject's assessment was supported by the appellant's comparables.

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 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 appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The appellant provided information on four comparable sales to support the overvaluation argument. Of this evidence, the Board finds appellant's comparables #2 and #3 were most similar to the subject in style both being one-story dwellings. These two comparables were slightly smaller than the subject and slightly newer than the subject dwelling. Both of the one-story dwellings had similar features as the subject with the exception each had just one fireplace and each had a full basement that was partially finished. These two comparables sold in April 2010 for prices of \$273,000 and \$299,900 or \$122.75 and \$142.81 per square foot of living area, including land. The subject's equalized assessment reflects a market value of \$381,078 or \$145.45 per square foot of above grade living area, including land, which is above the range established by the most similar comparables in this record, indicating the subject property is overvalued.

The Board further finds the record indicates that the appellant appealed the assessment directly to the Property Tax Appeal Board based on notice of a township equalization factor issued by the board of review. Since the appeal was filed after notification

of an equalization factor, the amount of relief that the Property Tax Appeal Board may grant is limited. Section 1910.60(a) of the Official Rules of the Property Tax Appeal Board states in part:

If the taxpayer or owner of property files a petition within 30 days after the postmark date of the written notice of the application of final, adopted township equalization factors, the relief the Property Tax Appeal Board may grant is limited to the amount of the increase caused by the application of the township equalization factor. 86 Ill.Admin.Code §1910.60(a).

Additionally, section 16-180 of the Property Tax Code (35 ILCS 200/16-180) provides in pertinent part:

Where no complaint has been made to the board of review of the county where the property is located and the appeal is based solely on the effect of an equalization factor assigned to all property or to a class of property by the board of review, the Property Tax Appeal Board may not grant a reduction in the assessment greater than the amount that was added as the result of the equalization factor.

These provisions mean that where a taxpayer files an appeal directly to the Property Tax Appeal Board after notice of application of an equalization factor, the Board cannot grant an assessment reduction greater than the amount of increase caused by the equalization factor. Villa Retirement Apartments, Inc. v. Property Tax Appeal Board, 302 Ill.App.3d 745, 753 (4th Dist. 1999). Based on a review of the evidence contained in the record, the Property Tax Appeal Board finds a reduction in the assessment of the subject property equivalent to the appellant's request is justified.

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

Acting 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: January 20, 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.