



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

APPELLANT: Gerald Danzer
DOCKET NO.: 09-06189.001-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: \$74,580
IMPR: \$84,800
TOTAL: \$159,380

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.

The appellant contends overvaluation as a basis of the appeal. In support of this argument, the appellant submitted appraisal with an effective date of November 7, 2008. The appraisal was prepared by Marie C. Ackerman of R. J. Schmitt & Associates, Inc. in Arlington Heights. The appraiser is a State of Illinois certified residential appraiser who developed the sales comparison approach to estimate the market value of the subject property.

Ackerman estimated the subject property had a market value of \$360,000 as of November 7, 2008. In an addendum, as to the subject property the appraiser reported:

In the past five years the following work was done: an addition was added which contains the master bedroom area, upstairs bathroom, and a new basement was added under the first floor family room; new siding; a new roof; a new furnace and air-conditioning unit; all new windows with the exception of two front windows and two back windows; new electrical; refinished hardwood floors; first floor bathroom; and the kitchen cabinets, counters, and appliances.

To arrive at a value conclusion, the appraisal contains information on four comparable sales and two listings. The comparables are located from .07 to .79 of a mile from the subject property and 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 of the comparables have central air conditioning, one or two fireplaces and 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. 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.

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

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 response to the appeal, the board of review proposed an assessment reduction to \$159,380 or a market value of approximately \$478,188 or \$219.35 per square foot of living area, including land.

The appellant was informed of this proposed assessment reduction and given 30 days to accept or reject the proposal. By correspondence dated May 8, 2012, the appellant rejected the proposed assessment reduction.

In addition, the board of review submitted what was marked as board of review Exhibit #1 which included a memorandum from the Addison Township Assessor outlining a reduction in the subject's land assessment, a grid analysis of comparable sales and data responsive to the comparables contained in the appraisal.

As to the appraisal,¹ the assessor contends that each property is in the subject's neighborhood and similar in design. However, comparable #1 is not in the "historic district" as is the subject; comparable #2 does not have a basement as reported by the appraiser; and comparable #3 does not have a garage as reported by the appraiser.

The assessor contends that the subject's land assessment should be reduced to \$74,580 from its current land assessment of \$92,530. To support the subject's value, the assessor presented a grid analysis of five comparable properties, two of which included sales data. The two sales were improved with two-story dwellings of frame or frame and brick construction that contained 2,030 and 2,248 square feet of living area, respectively. The dwellings were built in 1925 and each has a basement, central air conditioning, one or two fireplaces and a garage of either 360 or 494 square feet of building area. These comparables have the same neighborhood code assigned by the assessor as the subject and they 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.

Based on this evidence, the board of review requested a reduction in the subject's land assessment to \$74,580 along with an improvement assessment of \$84,800 for a total assessment of \$159,380 which would reflect a market value of approximately \$478,188 or \$219.35 per square foot of living area including land at the statutory level of 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 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 six comparable sales and two listings submitted by the parties. The Board finds the most probative evidence in the record includes comparable sales #2, #3 and #4 in the appellant's appraisal and comparable sale #1 in the

¹ The record is not clear whether the assessor was reviewing the Ackerman appraisal in making these remarks since the grid analysis sets forth "appellant's comparables" #1 through #3 which are not the properties set forth in the appraisal.

board of review's submission. 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 and the subject's proposed reduced assessment reflects a market value of \$478,188 or \$219.35 per square foot of living area, including land, when applying the statutory level of assessment. Thus, the subject's assessment reflects a market value above the range established by the best comparables in the record, however, the proposed assessment reduction reflects a market value that falls within the range of the most similar comparables presented. The Board finds this data demonstrates the subject's assessment is excessive in relation to the property's fair cash value and since the property is not an owner-occupied residential dwelling in accordance with Section 16-185 of the Property Tax Code, there is no mandate that the subject's 2008 assessment as determined by the Illinois Property Tax Appeal Board be carried forward within the general assessment period.²

In conclusion, the Property Tax Appeal Board finds a reduction in the subject's assessment is warranted commensurate with the assessment proposed by the board of review.

² In rejecting the proposed assessment reduction, the appellant requested that the 2008 assessment decision of the Property Tax Appeal Board in Docket No. 08-04862.001-R-1 be carried forward because 2008 and 2009 were within the same general assessment period. Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) provides in part:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence **occupied by the owner** is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review. [Emphasis added.]

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: November 30, 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.