



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

APPELLANT: Justin Fierz
DOCKET NO.: 11-03694.001-R-1
PARCEL NO.: 06-01-212-039

The parties of record before the Property Tax Appeal Board are Justin Fierz, the appellant, by attorney William I. Sandrick of the Sandrick Law Firm LLC, in South Holland, 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: \$58,210
IMPR: \$120,800
TOTAL: \$179,010**

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the DuPage County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2011 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property consists of a two-story dwelling of brick construction with approximately 3,048 square feet of living

area.¹ The dwelling was constructed in 2002. Features of the home include a full unfinished basement, central air conditioning, a fireplace and an attached two-car garage. The property has an approximately 9,094 square foot site and is located in Elmhurst, York Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$540,000 or \$177.17 per square foot of living area, including land, as of January 1, 2011. The appraisal was prepared for the appellant for the purpose of "estimation of value for tax purposes."

The appraiser utilized both the sales and cost approaches to value. In the sales comparison approach, the appraiser considered three properties that were "located in the subject's market area." The properties were within 1.36 miles of the subject. The comparables sold between January and October 2010 for prices ranging from \$505,000 to \$650,000 or from \$171.77 to \$188.46 per square foot of living area, including land. The comparables bracketed the subject in dwelling size although comparable #3 was substantially older than the subject. Each comparable has a basement, two of which have finished area, central air conditioning, one or two fireplaces and a two-car garage. The appraiser adjusted two of the sales downward for time as data from the MLS indicated that average sale prices were going down over the past four quarters. The appraiser also reported the subject was located on the north boundary of railroad tracks and thus was considered to be inferior to the comparable properties in location due to the noise and view of the train (see Text Addendum). Additional adjustments were made for condition, dwelling size, basement finish, number of fireplaces and/or amenities/upgrades. The adjusted sales prices ranged from \$521,360 to \$568,960 or from \$159.73 to \$178.68 per square foot of living area, including land.

Under the cost approach the appraiser estimated the subject had a site value of \$100,000 citing area land sales, but providing no market data to support the conclusion. The appraiser estimated the replacement cost new of the improvements to be \$512,008. The appraiser estimated physical depreciation to be \$42,667 based on the age/life method. The appraiser also

¹ The board of review reported the dwelling contains 3,064 square feet of living area, but failed to provide a copy of the subject's property record card or other evidence to support the contention. The appellant's appraiser included a detailed schematic drawing of the dwelling to support the stated living area of 3,048 square feet.

estimated external obsolescence to be \$70,401 "due to the general poor economic conditions and the slow down in the housing market." These deductions resulted in a depreciated improvement value of \$398,940, rounded. The appraiser also estimated the site improvements had a value of \$35,000. Adding the various components, the appraiser estimated the subject property had an estimated market value of \$533,900, rounded, under the cost approach to value.

Based on this evidence, the appellant requested an assessment reduction reflective of the appraised value at the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$210,090. The subject's assessment reflects a market value of \$633,756 or \$207.93 per square foot of living area, land included, when using the 2011 three year average median level of assessment for DuPage County of 33.15% as determined by the Illinois Department of Revenue.

In a memorandum from Judy Woldman of the York Township Assessor's Office it was noted that the sale properties in the appellant's appraisal report were located in Addison Township. She further wrote, "The values in Addison Township are not comparable." There were no additional substantive facts provided regarding this assertion that the markets differ between York and Addison Townships.

In support of its contention of the correct assessment the board of review through the township assessor's office submitted a spreadsheet with limited information on five comparable sales of two-story dwellings. The lots range in size from 7,250 to 8,750 square feet of land area and the homes were built between 1996 and 2008 and range in size from 2,518 to 3,395 square feet of living area. The properties feature full or partial basements and two-car garages. The grid provided no other characteristic or amenity data for these comparables. The properties sold between March 2010 and August 2011 for prices ranging from \$580,000 to \$795,000 or from \$193.46 to \$234.17 per square foot of living area, including land.

Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

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. 86 Ill.Admin.Code §1910.63(e). 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 Board finds the best evidence of market value to be the appraisal submitted by the appellant with an estimated market value as of January 1, 2011 of \$540,000 or \$177.17 per square foot of living area, including land. The appraiser made logical and consistent adjustments to the comparables for date of sale/time and other differences such as view, age, dwelling size and/or other amenities.

The Board has given little weight to the raw, unadjusted sales presented by the board of review due in part to the lack of complete descriptive data to allow a meaningful analysis of the comparables in comparison to the subject property. It is also noted that the board of review did not dispute the appraiser's contention that the subject suffers from an inferior location due to the noise and view of the trains. Finally, the Board takes notice that of the five sales presented by the board of review, each of the sales in 2010 reflects the higher price range on a per-square-foot basis whereas the two sales that occurred in 2011 reflect the lower sales prices per-square-foot which data suggests that the appraiser's market conditions analysis was correct in that there was a downward market trend in the area.

The subject's assessment reflects a market value of \$633,756 or \$207.93 per square foot of living area, including land, which is above the appraised value. On this record, the Board finds the subject property had a market value of \$540,000 as of the assessment date at issue. Since market value has been established the 2011 three year average median level of assessments for DuPage County of 33.15% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

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.



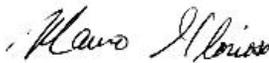
Chairman



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 21, 2014



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.