



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

APPELLANT: John Harzich
DOCKET NO.: 11-03895.001-R-2
PARCEL NO.: 09-12-108-014

The parties of record before the Property Tax Appeal Board are John Harzich, 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: \$98,080
IMPR.: \$332,870
TOTAL: \$430,950**

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) disputing 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 is improved with a part two-story and part one-story single family dwelling of brick exterior construction with 3,549 square feet of living area. The dwelling was constructed in 1994 and is approximately 17 years old. Features of the home include a full basement that is partially finished, central air conditioning, four fireplaces and a two-car attached garage with 441 square feet of building area. The property has

a site with approximately 10,800 square feet and is located in Hinsdale, Downers Grove Township, DuPage County.

The appellant and his wife, Kathy Harzich, appeared before the Property Tax Appeal Board contending both overvaluation and assessment inequity as the bases of the appeal. In support of the overvaluation argument the appellant completed Section IV of the appeal disclosing the subject property was purchased in August 2008 for a price of \$1,300,000. The appellant indicated on the form that the parties to the transaction were not related, the property was sold using a Realtor and the property was advertised on the open market in the Multiple Listing Service (MLS). In further support of the purchase the appellant submitted a copy of the real estate sales contract and the settlement statement disclosing a purchase price of \$1,300,000. The appellant also submitted a copy of a printout from Zillow.com dated April 23, 2012, with a "Zestimate" of \$849,100.

With respect to the assessment equity argument the appellant submitted information on three comparables improved with two part two-story, part three-story and part one-story dwellings and one part two-story and part one-story dwelling of brick or frame and brick exterior construction that ranged in size from 3,558 to 4,309 square feet of living area. The comparables ranged in age from 11 to 13 years old and each had the same assessment neighborhood code as the subject property. Each comparable was described as having a basement, central air conditioning, four fireplaces and a 2.5 car garage. These properties had improvement assessments ranging from \$307,470 to \$365,900 or from \$84.92 to \$88.76 per square foot of living area. The appellant testified that the data for the comparables was obtained from the property record cards maintained by the township assessor. He was also of the opinion the comparables were similar to the subject in quality of construction but each was newer.

Mr. Harzich testified that in selecting the comparables he downloaded all the data he could get from DuPage County and sorted the comparables by neighborhood, living area, construction class and amenities. The appellant also asserted that the subject's improvement assessment and total assessment increased 31.2% and 21.5% from 2010 to 2011, respectively. He also noted at the hearing and in a written narrative that a property identified by property index number (PIN) 09-12-108-024, located behind his home, sold for \$2.1 million at the same time the appellant purchased the subject property for

\$1,300,000, yet the subject property has a higher assessment.¹ With respect to the Zillow submission, the appellant testified that at the time he purchased the subject property Zillow had estimated the subject property had a value of \$1.34 million, which was close to the purchase price. He also testified Zillow had valued the home at approximately \$1.058 million at the time the appeal was filed.

The appellant requested the subject's assessment be reduced to \$382,280.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$496,160. The subject's assessment reflects a market value of \$1,496,712 or \$421.73 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. The subject has an improvement assessment of \$398,080 or \$112.17 per square foot of living area. Appearing before the Property Tax Appeal Board on behalf of the board of review were Charles Van Slyke, board member, and Joni Gaddis, Chief Deputy Assessor from Downers Grove Township.

Ms. Gaddis was called as a witness and testified she had prepared a grid analysis of the appellant's three comparables. She testified each was classified as a class 1.75 quality of construction while the subject had a 1.8 quality construction classification. She testified there is a 16.8% difference between the two classes. Gaddis also testified the assessment records showed the subject as having three fireplaces and the appellant's comparables as having one, two and three fireplaces, respectively. She also testified that appellant's comparables #1 and #2 were not being assessed for any finished basement area while the subject has 50% finished basement and appellant's comparable #3 has 75% finished basement area. The deputy assessor also testified that appellant's comparable #3 was receiving a 15% economic obsolescence deduction for having a less desirable location than the subject on Chicago Avenue.

In support of the contention of the correct assessment, Gaddis provided descriptions and assessment information six comparables. Two of the comparables were improved with part two-story and

¹ In Exhibit C of the rebuttal submission the appellant provided descriptive and assessment information on this property disclosing a total assessment of \$428,440. However, this total assessment does not appear to be for the 2011 tax year as the subject's assessment on the exhibit totaled \$465,900, which is less than the 2011 assessment as established by the board of review.

part one-story dwellings and four comparables were improved with part two-story, part three-story and part one-story dwellings that ranged in size from 3,235 to 3,740 square feet of living area. The dwellings were constructed from 1996 to 2005 and each had the same neighborhood code as the subject property. Each comparable had a full basement with five having finished living area. Additionally, each comparable had central air conditioning, one to three fireplaces and garages ranging in size from 400 to 578 square feet of building area. The comparables had improvement assessments ranging from \$323,500 to \$385,320 or from \$100.00 to \$111.49 per square foot of living area. Comparables #1 through #3 sold from July 2010 to January 2011 for prices ranging from \$1,400,000 to \$1,600,000 or from \$403.92 to \$478.33 per square foot of living area, including land.

At the hearing Gaddis testified that comparable #4 was similar to the subject in style and was built in 1996, but does not have any finished basement. With respect to the appellant's equity argument, Gaddis testified the subject's improvement assessment of approximately \$112 per square foot is slightly above the range of all the comparables, which had a median of \$104 per square foot of living area. She was of the opinion that adjusting the subject's improvement assessment to \$104 per square foot would result in a revised improvement assessment of \$369,100 and a revised total assessment of \$467,180, which would reflect a market value of \$1,401,680 or \$433 per square foot of living area, including land. Gaddis also testified she was aware the subject property was purchased in August 2008 for a price of \$1.3 million and thought that a more accurate reflection of the subject's market value should be between \$1.3 million and \$1,401,680. The board of review requested the subject's assessment be reduced to reflect the testimony provided by Ms. Gaddis.

Under cross-examination Ms. Gaddis testified appellant's comparable #2 sold in January 2010 for a price of \$1.2 million or \$309.84 per square foot of living area, including land. The witness also explained that 2011 was the beginning of a new general assessment period that accounted for the increase in the subject's assessment because everything was re-evaluated. Ms. Gaddis was also of the opinion that between 2008, when the subject was purchased, and 2011 the subject's market value remained about the same at \$1.3 million.

The appellant presented rebuttal testimony with comments that were also set forth in Appellant's Rebuttal Exhibit B. The

appellant also submitted new comparables and an appraisal of the subject property in rebuttal. (Appellant's Rebuttal Exhibits C & D). Section 1910.66(c) of the rules of the Property Tax Appeal Board provides:

Rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. A party to the appeal shall be precluded from submitting its own case in chief in the guise of rebuttal evidence. 86 Ill.Admin.Code §1910.66(c).

Pursuant to section 1910.66(c) of the rules of the Property Tax Appeal Board, no consideration was given the new comparables contained in Appellant's Rebuttal Exhibit C and the appraisal marked as Appellant's Rebuttal Exhibit D.

Conclusion of Law

The appellant contends in part 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 sale of the subject property in August 2008 for a price of \$1.3 million. The appellant provided documentation that the sale of the subject property had the elements of an arm's length transaction. Gaddis also testified that between 2008, when the subject was purchased, and 2011, the subject's market value remained about the same at \$1.3 million. The subject's assessment reflects a market value of \$1,496,712, which is above the purchase price. Based on this evidence the Board finds the subject property had a market value of \$1.3 million as of January 1, 2011. Since market value has been established the 2011 three year average median level of assessments for DuPage County of 33.15% shall apply.

As an alternative the appellant argued assessment inequity with respect to the subject's improvement assessment. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessments by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). The

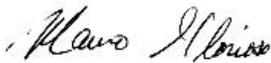
evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data and considering the reduction in the subject's assessment based on the market value finding herein, the Board finds a further reduction in the assessment based on a lack of uniformity is not justified. The comparables provided by the parties had improvement assessments ranging from \$84.92 to \$111.49 per square foot of living area. Based on the market value finding the subject has an improvement assessment of \$332,870 or \$93.79 per square foot of living area, well within the range established by the comparables.

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: April 24, 2015



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.