



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

APPELLANT: David Brennan
DOCKET NO.: 12-03461.001-R-2
PARCEL NO.: 09-12-321-028

The parties of record before the Property Tax Appeal Board are David Brennan, 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: \$156,170
IMPR: \$485,290
TOTAL: \$641,460

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 2012 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 part two-story and part one-story dwelling of brick construction with 4,896 square feet of living area. The dwelling was constructed in 1994. Features of

the home include a full basement with finished area,¹ central air conditioning, three fireplaces² and an attached 815 square foot garage. The property has a 24,962 square foot site and is located in Hinsdale, Downers Grove Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on two comparable sales that occurred in February 2006 and January 2013 along with data concerning "new construction" of a third comparable property along with a letter arguing the comparable #1 was nearly identical to the subject. As part of the letter, the appellant questioned the assessment of the subject property for open foyer or cathedral ceiling area of about 500 square feet for a "double height family room." Based on this evidence and particularly upon one sale next to the subject property, the appellant requested a total assessment of \$493,333 which would reflect a market value of approximately \$1,480,000 or \$302.29 per square foot of living area, including land, as reflected in the sale of appellant's comparable #1.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$656,000. The subject's assessment reflects a market value of \$1,968,788 or \$402.12 per square foot of living area, land included, when using the 2012 three year average median level of assessment for DuPage County of 33.32% as determined by the Illinois Department of Revenue.

In response to the appellant's evidence, the board of review submitted a memorandum from the Downers Grove Township Assessor. As part of the memorandum, the assessor requested a reduction in the subject's improvement assessment to \$485,290 to reflect a reduction in the quality classification of the subject dwelling. The new total assessment would then be \$641,460.³ The board of review, however, did not propose to revise the assessment of the subject property as part of their "Board of Review Notes on Appeal" and thus, the Property Tax Appeal Board has presumed that the board of review seeks confirmation of the subject's assessment.

¹ The assessing officials report the dwelling has an unfinished basement whereas the appellant reported the basement is partially finished.

² The appellant reported three fireplaces for the dwelling whereas the assessing officials report the home has only two fireplaces.

³ The assessor's proposed total assessment would reflect a market value of \$1,925,150 for the subject property.

Also as part of the memorandum and in response to the appellant's evidence, the assessor noted differences between the subject and appellant's comparable #1 in dwelling size, full and half baths and basement size. As to appellant's comparable #2, besides noting that the date of sale was remote in time, the assessor contended that the comparable is newer, has a partial third story, more fireplaces and a smaller basement that is fully finished as compared to the subject dwelling. The assessor reported that appellant's comparable #3 which was reported merely as "new construction" sold in June 2013, a year and a half after the assessment date at issue for \$1,595,000. The assessor contended that comparable #3 has a partial third story and a smaller dwelling size.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on six comparable sales of properties located in the same neighborhood code assigned by the assessor as the subject property. Each comparable has a partial third story and were built between 2001 and 2009. The assessor also acknowledged that comparables #1 through #5 are smaller than the subject dwelling. The sales occurred between November 2009 and January 2012. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant argued that the subject property in the neighborhood ranks 25th from the top of 250+ properties making it "evident that I am considerably over assessed." The appellant also disputed that contention of the assessing officials that the subject dwelling has four full bathrooms, as these are only three full baths in the home.⁴

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 evidence has established that a reduction in the subject's assessment is warranted.

⁴ In the Section V grid analysis and description of the property, the appellant reported "4" bathrooms.

The parties submitted a total of eight comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given no weight to appellant's comparable #2 as this property sold in February 2006, a date which is remote in time to the valuation date at issue of January 1, 2012 and thus less likely to be indicative of the subject's estimated market value. Similarly, the Board has given reduced weight to board of review comparables #1, #3 and #4 as these sales occurred in 2009 and 2010, which dates are similarly remote in time from the valuation date at issue.

The Property Tax Appeal Board further takes notice that for purposes of real estate valuation, a general principle is that "one sale does not make a market." In this regard, it is necessary to analyze at least three recent sales of comparable properties to establish an estimated market value for a given property. Thus, the Board finds that the appellant's sole reliance upon one neighboring property is insufficient evidence to establish overvaluation.

The Board finds the best evidence of market value to be appellant's comparable sales #1 and #3 along with board of review comparable sales #2, #5 and #6. These five most similar comparables sold between January 2011 and June 2013 for prices ranging from \$1,480,000 to \$2,850,000 or from \$342 to \$585 per square foot of living area, including land, rounded. The subject's assessment reflects a market value of \$1,968,788 or \$402.12 per square foot of living area, including land, although the township assessor reported the subject's assessment should actually reflect a market value of \$1,925,150 or \$393.21 per square foot of living area, including land. The assessor's proposed assessment is within the range established by the best comparable sales in this record on a per-square-foot basis and in terms of overall value giving due consideration to the subject's dwelling size that is greater than several of the best comparable dwellings. Based on this evidence the Board finds a reduction in the subject's assessment 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.

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.