



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

APPELLANT: Raphael Roche  
DOCKET NO.: 13-02768.001-R-1  
PARCEL NO.: 09-06-203-007

The parties of record before the Property Tax Appeal Board are Raphael Roche, the appellant, by attorney David Lavin of Robert H. Rosenfeld and Associates, LLC in Chicago, and the DuPage County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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: \$32,570  
IMPR: \$167,270  
TOTAL: \$199,840**

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 2013 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 frame and brick construction with 3,623 square feet of living area. The dwelling was constructed in 2004. Features of the home include a full basement, central air conditioning, a fireplace and a 942 square foot garage. The

property has a 13,334 square foot site and is located in Downers Grove, 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 three comparable sales, one of which is located in the same neighborhood code assigned by the assessor as the subject property. The comparables consist of two-story brick and frame dwellings that were 6 to 17 years old. The dwellings range in size from 3,260 to 3,883 square feet of living area and feature basements, one of which has finished area, central air conditioning, one or two fireplaces and a two-car or a three-car garage. Comparable #1 also has a in-ground swimming pool. The properties sold between September and November 2012 for prices ranging from \$534,000 to \$592,500 or from \$138 to \$182 per square foot of living area, including land, rounded.

Based on this evidence, the appellant requested a total assessment of \$190,006 which would reflect a market value of approximately \$570,018 or \$157.33 per square foot of living area which is the average per-square-foot sales price of the appellant's comparables.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$199,840. The subject's assessment reflects a market value of \$599,760 or \$165.54 per square foot of living area, land included, when using the 2013 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 appeal, the board of review submitted a memorandum, a grid analysis of three comparable sales and a location map depicting both parties' comparables prepared by the township assessor's office. The assessor asserted that the appellant's comparables #2 and #3 were 1.85 and 2.44-miles from the subject property. The assessor further contended that these two properties were located "in less desirable locations."

In support of the subject's assessment, the board of review through the township assessor presented three comparables located in the same neighborhood code assigned by the assessor as the subject property. The comparables consist of part two-story and part one-story dwellings of frame or brick construction that were built between 1999 and 2003. The homes range in size from 3,007 to 4,218 square feet of living area. Each comparable has a full unfinished basement, central air

conditioning, one or two fireplaces and a garage ranging in size from 399 to 810 square feet of building area. The properties sold between July 2011 and July 2013 for prices ranging from \$595,000 to \$782,500 or from \$184 to \$205 per square foot of living area, including land, rounded.

As part of the assessor's memorandum, the township assessor explained adjustments to the sales prices of both parties for differences from the subject; the adjustments were reportedly based upon the individual components in the cost approach to value that were used to calculate the original assessments for the subject and the comparables. Those "adjusted" values range from \$151 to \$215 per square foot of living area.

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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted a total of six comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's comparables #2 and #3 as these properties are located less proximate to the subject property.

The Board finds the best evidence of market value to be appellant's comparable sale #1 and the board of review comparable sales. The comparables have varying degrees of similarity to the subject property. These most similar comparables sold between July 2011 and July 2013 for prices ranging from \$592,500 to \$782,500 or from \$182 to \$205 per square foot of living area, including land, rounded. The subject's assessment reflects a market value of \$599,760 or \$165.54 per square foot of living area, including land, which is within the range established by the best comparable sales in this record in terms of overall value and below the best

comparables on a per-square-foot basis. Based on this evidence the Board finds a reduction in the subject's assessment is not 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.

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Chairman



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Member

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Member



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Member

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Acting Member



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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: November 20, 2015



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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.