



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

APPELLANT: David Wilk  
DOCKET NO.: 14-03034.001-R-1  
PARCEL NO.: 09-16-201-007

The parties of record before the Property Tax Appeal Board are David Wilk, the appellant, by Michael Griffin, Attorney at Law, in Chicago, and the DuPage County Board of Review.

Based on the facts and exhibits presented in this matter, 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:** \$34,910  
**IMPR.:** \$64,730  
**TOTAL:** \$99,640

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 2014 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 frame exterior construction with 2,080 square feet of living area. The dwelling was constructed in 1971. Features of the home include a full unfinished basement and a 528 square foot garage. The property has an 8,646 square foot site and is located in Westmont, Downers Grove Township, DuPage County.

The appellant contends assessment inequity as the basis of the appeal concerning the subject's improvement assessment. No dispute was raised concerning the land assessment. In support of this inequity argument, the appellant submitted information on four comparables consisting of two, two-story and two, part two-story and part one-story frame dwellings that were 26 to 61 years old with the oldest dwelling having an "8 Addition." The homes range in size from 2,080 to 2,396 square feet of living area. Three of the comparables have a full or partial basement and a garage ranging in size from 360 to 484 square feet of building area. No information was "available" concerning basement finish, air conditioning and/or fireplace amenities of the subject

or the comparables as reported by the appellant. The properties have improvement assessments ranging from \$58,290 to \$72,760 or from \$28.02 to \$30.81 per square foot of living area.

Based on this evidence, the appellant requested a reduced improvement assessment of \$62,067 or \$29.84 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$99,640. The subject property has an improvement assessment of \$64,730 or \$31.12 per square foot of living area.

In response to the appeal, the board of review submitted a memorandum and data prepared by the Downers Grove Township Assessor. The assessor noted differences between the subject and the appellant's comparables in dwelling size, basement foundation and/or size, air conditioning feature, fireplace amenity, garage size, deck and/or porches among other differences. In reiterating the appellant's comparables, the assessor reported comparables #3 and #4 have central air conditioning and a fireplace.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on three equity comparables consisting of two-story frame dwellings that were built in 1972. The homes each contain 2,080 square feet of living area with a full basement, central air conditioning and a garage ranging in size from 440 to 572 square feet of building area. One of the comparables also has a fireplace. The properties have improvement assessments ranging from \$65,620 to \$70,820 or from \$31.55 to \$34.05 per square foot of living area.

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

### **Conclusion of Law**

The taxpayer contends assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). 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 seven equity comparables to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's comparable #2 as this home lacks a basement which is a feature of the subject property. The Board has also given reduced weight to appellant's comparables #3 and #4 as the dwellings are larger, differ in design and/or differ in age from the subject dwelling.

The Board finds the best evidence of assessment equity to be appellant's comparable #1 along with the board of review comparables, each of which is a two-story frame dwelling that was built

in 1971 and has a full basement. These comparables had improvement assessments that ranged from \$62,760 to \$70,820 or from \$30.17 to \$34.05 per square foot of living area. The subject's improvement assessment of \$64,730 or \$31.12 per square foot of living area falls within the range established by the best comparables in this record. Based on this record the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is not justified.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. The requirement is satisfied if the intent is evident to adjust the taxation burden with a reasonable degree of uniformity and if such is the effect of the statute enacted by the General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill. 2d 395 (1960). Although the comparables presented by the parties disclosed that properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity which appears to exist on the basis of the evidence. For the foregoing reasons, the Board finds that the appellant has not proven by clear and convincing evidence that the subject property is inequitably assessed. Therefore, the Property Tax Appeal Board finds that the subject's assessment as established by the board of review is correct and no reduction is warranted.

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



Acting Member

DISSENTING: \_\_\_\_\_

**CERTIFICATION**

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: September 23, 2016



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.