



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

APPELLANT: Wood Dale Oil  
DOCKET NO.: 14-03413.001-C-2 through 14-03413.002-C-2  
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Wood Dale Oil, the appellant, by attorney Daniel G. Pikarski, of Gordon & Pikarski 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
14-03413.001-C-2	03-04-401-005	134,700	275,690	\$410,390
14-03413.002-C-2	03-03-300-001	76,480	0	\$76,480

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from decisions of the DuPage County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessments 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 corner parcel of approximately 1.79-acres or 78,094 square feet of land area is improved with a one-story concrete slab at grade masonry, stucco and concrete building operating as a gas station and mini-mart that was constructed in 1999. The building contains 3,825 square feet of building area and the property also features approximately 22 gasoline pumps and a total 9,014 square feet of canopy. The property also features a 2,610 square foot concrete block tunnel car wash facility that was built in 2004. The subject has a 20.42:1 land-to-building ratio and is located in Wood Dale, Addison Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal prepared by Lawrence J. Starkman, MAI of Illinois Appraisal Services, Inc., estimating the subject property had a market value of \$950,000 as of January 1, 2012.

The appellant's appraiser reported the subject improvement(s) contain a total of 6,046 square feet of building area and was 49 years old although there are no schematic drawings or other evidence to support the building size(s) and/or documentation relating to the age of the facility. Based upon the appraiser's determination of building size(s) and a land area determination of 60,639 square feet, the appraiser set forth a land-to-building ratio for the subject of 10.029:1. In estimating the market value of the subject property using the appraiser's descriptions of size, age and land area, the appraiser developed all three approaches to value.

Under the cost approach to value, the appraiser analyzed five sales of vacant land to estimate the market value of the subject parcel at \$665,000. Next, the appraiser estimated the value of the improvements to the parcel(s) reportedly totaling 6,046 square feet to have a replacement cost new of \$93.50 per square foot or \$565,301. The appraiser estimated depreciation from all sources to be 50% or \$282,650 resulting in a depreciated value of the improvements of \$282,651. The appraiser also estimated additional on-site improvements as depreciated to have a value of \$90,000 resulting in a total depreciated value of the improvement and land of \$1,037,651 which the appraiser rounded to \$1,040,000 for the indicated value via the cost approach.

Under the income approach to value which begins on page 29 of the appraisal report, but lacks page 31 of the appraisal which purportedly would contain the value conclusion derived under the income approach. The portions of the income approach that were contained in the appraisal indicated a rent on a net basis would be \$20.00 per square foot for a 6,046 square foot building of gross leasable area resulting in a potential gross income of \$120,920. On page 30, the appraiser depicted the development of an overall capitalization rate to be applied to the subject's estimated net operating income for a rate of 9.45%. In the reconciliation of the report, the appraiser indicated there was a value conclusion under the income approach of \$975,000, although the appraisal fails to document this conclusion.

Using the sales comparison approach, the appraiser provided information on four comparable sales. The comparables were located in Addison, Westmont, Glendale Heights and Aurora, respectively. The comparables range in size from 1,657 to 4,084 square feet of building area. The structures were built between 1964 and 1996. The comparable parcels range in size from 22,303 to 51,366 square feet of land area resulting in land-to-building ratios ranging from 5.906:1 to 14.458:1. The comparables sold from July 2009 to December 2011 for prices ranging from \$300,000 to \$875,000 or from \$12.52 to \$28.47 per square foot of land area, including building(s).

On page 37 of the appraisal report, Starkman set forth necessary adjustments for differences from the subject. After reporting that all of the sales were arm's length transactions, the appraiser reported due to dramatically decreasing market values, a 15% annual depreciation factor was applied to all of the sales "in varying degrees" depending upon the dates of sale. Next, the appraiser opined that sales #1 and #3 were in similar condition to the subject's average condition and age of 49 years; downward adjustments were made to sales #2 and #4 for superior condition. Likewise, based on the appraiser's determination of land-to-building ratios, adjustments were made to each of the four comparable sales. Two of the sales were adjusted downward for location and each of the sales were adjusted proportionately for their smaller building sizes as compared to the subject as reported by Starkman. Based on this data and adjustments, the

appraiser estimated the subject had an estimated value under the sales comparison approach of \$950,000, rounded.

In reconciling the approaches to value, the appraiser gave most weight to the sales comparison approach to value and estimated the subject property had a market value of \$950,000 as of January 1, 2012. Based on this evidence, the appellant requested reductions in the subject's assessments to reflect 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 assessments for the subject parcels of \$486,870. The subject's assessments reflect a market value of \$1,460,756 or \$18.71 per square foot of land area, including buildings, when using the 2014 three year average median level of assessment for DuPage County of 33.33% as determined by the Illinois Department of Revenue.

In response to the appeal, the board of review submitted a "report" which includes a Summary of Salient Facts concerning the subject parcel, a copy of the property record cards for the subject, along with color photographs and aerial photographs and a schematic drawing of the main building. The substance of the report commences with a page entitled "Market Approach to Value" followed by a spreadsheet and documentation of six sales, along with a grid of qualitative adjustments for each of the comparables. The "report" is signed by Frank A. Marack, Jr., CIAO and Chief Deputy Assessor of Addison Township, depicting a final estimate of value via the market approach of \$1,640,000 or \$21.00 per square foot of land area, including buildings.

The six comparable sales are located in Villa Park, Addison, Bensenville, Wood Dale or Elmhurst, respectively. The comparables are improved with gas station/mini mart facilities that range in size from 160 to 3,010 square feet of building area on parcels that range in size from 19,776 to 67,814 square feet of land area. The buildings were constructed from 1984 to 2002 and each of the comparables have canopies ranging in size from 2,520 to 5,644 square feet. Comparables #4 and #5 each have car wash facilities of 1,860 and 648 square feet of building area, respectively, and comparable #4 has an additional "attendant building" of 196 square feet of building area. Each of the properties has from 4 to 8 fuel pumping stations. The comparables have land-to-building ratios ranging from 12.92:1 to 264.66:1 whereas the subject has a land to building ratio of 20.42:1. The comparables sold from December 2010 to July 2013 for prices ranging from \$700,000 to \$2,425,000 or from \$16.53 to \$56.23 per square foot of land area, including building(s). Based upon copies of the PTAX-203 Illinois Real Estate Transfer Declarations for each of the sale transactions, only comparable sales #4 and #6 were advertised prior to sale with comparable #4 also having been a bank REO sale.

Marack then made qualitative (+/-) adjustments to the comparables as depicted on a chart which resulted in an overall downward adjustment to only comparable #5 and upward adjustments to each of the other five comparable sales. Based upon these sales and analysis of the data, Marack concluded "that \$21.00 per square foot [of land area, including building(s)] is a fair and equitable unit value" for the subject property or an indicated value via the market approach of \$1,640,000, rounded.

Based on this evidence, the board of review requested an increase in the subject's assessment to reflect the market value derived by Marack.

### **Conclusion of Law**

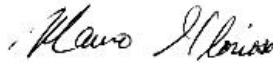
The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist 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 and, in the alternative, the board of review also did not establish that an increase in the subject's assessment was justified.

The Property Tax Appeal Board has given no weight to the value conclusion set forth in appellant's appraisal report for two reasons. First, there is no indication in the appraisal report that Starkman properly described the subject property in terms of building size, features and/or age. Second, the appraisal has a valuation date of January 1, 2012 to challenge the assessment date of January 1, 2014 in this matter. As a result, the sales presented in the appraisal report occurred between July 2009 and December 2011, most of which are therefore dates that are remote in time to the valuation date at issue in this proceeding. In Cook County Board of Review v. Property Tax Appeal Board, 334 Ill. App. 3d 56, 777 N.E.2d 622 (1<sup>st</sup> Dist. 2002), the court stated "[t]here is no requirement that a taxpayer must submit a particular type of proof in support of an appeal. The rule instead sets out the types of proof that *may* be submitted. . . . Whether a two-year old appraisal is 'substantive, documentary evidence' of a property's value goes to the weight of the evidence, not its admissibility. [citing Department of Transportation v. Zabel, 47 Ill. App. 3d 1049, 1052, 362 N.E.2d 687 (1977) (whether a six-month-old appraisal is sufficient to establish value is for the trier of fact to consider in weighing the evidence)]." Given the record in this proceeding and the descriptive errors of the subject property set forth by Starkman, the Board finds that the appraisal report submitted by the appellant lacks credibility and/or reliability as an indicator of the subject's estimated market value as of January 1, 2014.

The Board has also given little weight to board of review comparable sale #5 which occurred in December 2010, a date remote in time to the valuation date at issue.

The Property Tax Appeal Board finds the best evidence of market value to be appraisal sale #3 along with board of review comparable sales #1, #2, #3, #4 and #6. These comparables have varying degrees of similarity to the subject property although each is inferior in terms of land area when compared to the subject. The comparables sold between March 2011 and July 2013 for prices ranging from \$610,000 to \$2,425,000 or from \$16.53 to \$56.23 per square foot of land area, including building(s). The subject's assessment reflects a market value of \$1,460,756 or \$18.71 per square foot of land area, including buildings, which is within the range established by the best comparable sales in the record. Based on this evidence the Board finds a reduction in the subject's assessment is not justified and furthermore, given the differences between the subject property in land size, age, building size, number of pumps and/or other features, the Board also finds that an increase in the subject's assessment is not warranted in light of this data.

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



Acting Member

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: \_\_\_\_\_

April 21, 2017



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.