



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

APPELLANT: John & Joann O'Brien
DOCKET NO.: 15-05375.001-R-1
PARCEL NO.: 06-11-204-012

The parties of record before the Property Tax Appeal Board are John & Joann O'Brien, the appellants; and the DuPage County Board of Review.

Based on the facts and exhibits presented in this matter, 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: \$67,080
IMPR.: \$77,110
TOTAL: \$144,190

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 2015 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 1.5-story dwelling of frame, aluminum or vinyl exterior construction with 2,560 square feet of living area.¹ The dwelling was constructed in 1924. Features of the home include a partial basement with 30% finished area, central air conditioning, a fireplace and a two-car garage. The property has an 8,659-square foot site and is located in Elmhurst, York Township, DuPage County.

The appellant appeared before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant called as his witness Michael J.

¹ The appellant's appraiser reported a dwelling size of 2,560 square feet of living area with a schematic drawing. The assessing officials reported a dwelling size of 2,552 square feet of living area, but lacked any schematic drawing to support the contention. The Board finds the slight size dispute is not relevant to determining the correct assessment of the subject property based on the evidence in the record.

Walsh. Walsh is employed by Citywide Services and is a Certified Residential Real Estate Appraiser licensed in Illinois.

Walsh testified that the purpose of the appraisal was to develop an opinion of market value of the subject property for tax appeal purposes. Walsh provided direct testimony regarding the appraisal methodology and final value conclusion. The appraiser relied on two sales comparison approaches to value. The appraisal report conveys an estimated market value of \$433,000 as of November 2, 2015.

Walsh testified that the subject property is an older frame home and that the older homes are being torn down rapidly for new construction. Walsh stated that for the older frame homes, the highest and best use is their land. Walsh testified that he first looked at what land values were selling for in the subject's neighborhood. Walsh then testified that he looked for single family home sales and found they were selling for approximately the same thing on a per square foot of their land, so no matter how nice these older homes were, no matter how much functional utility they still had, they were selling for their approximately their land value. So, the greatest weight was placed on the value of the land and no adjustments were made for differences in bedrooms, bathrooms or different features.

Under the first sales comparison approach to value Walsh used three teardowns for the value in the land. These comparables were recent sales in the subject's immediate Elmhurst neighborhood. The comparables have sites ranging in size from 6,978 to 9,374 square feet of land area and sold from \$390,000 to \$435,000 or from \$46.40 to \$55.89 per square foot of land area. Walsh made adjustments for their difference in time at a rate of 0.25% per month due to the increasing market. Based on these sales the appraiser estimated the subject property had an estimated market value under the sales comparison approach for teardown sales of \$433,000.

Under the second sales comparison approach to value Walsh utilizes four suggested sales, one pending sale and an active listing located in Elmhurst from .16 to .62 of a mile from the subject. The comparables ranged in size from 1,403 to 2,800 square feet of living area and are situated on lots that range in size from 7,904 to 13,953 square feet of land area. Comparables #1 through #4 sold from November 2014 to September 2015 for prices ranging from \$440,000 to \$560,000 or from \$200.00 to \$295.70 per square foot of living area, land included. Comparable #5 is a pending sale for \$549,900 or \$260.00 per square foot of living area, land included. Comparable #6 is an active listing for \$475,000 or \$338.56 per square foot of living area, land included. Walsh adjusted the sale price for concessions and date of sale. The adjusted price of land ranged from \$41.18 to \$57.09 per square foot of land area. Based on these sales, pending sale and active listing the appraiser estimated the subject property had an estimated market value under the sales comparison approach of \$433,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$183,900. The subject's assessment reflects a market value of \$552,252 or \$215.72 per square foot of living area, land included, when using the 2015 three-year average median level of assessment for DuPage County of 33.30% as determined by the Illinois Department of Revenue.

Representing the board of review was Chairman Anthony Bonavolonta. Bonavolonta called York Township Deputy Assessor Julie Patterson as a witness.

Patterson testified that this neighborhood along with all of Elmhurst is composed of primarily teardown properties. She testified that there are homes that are being bought to live in so they are not all teardowns.

In support of its contention of the correct assessment the board of review through the township assessor submitted information on eight comparable sales. These comparables are located within the same neighborhood code as the subject property. The comparables are improved with 1.5-story dwellings of frame, brick or stone, stucco or dryvit and frame, aluminum or vinyl exterior construction that were built from 1924 to 1953. Features include a basement and a one-car or two-car garage. The dwellings range in size from 1,737 to 2,384 square feet of living area and have sites ranging in size from 4,960 to 8,940 square feet of land area. The comparables sold from December 2012 to October 2014 for prices ranging from \$494,000 to \$560,000 or from \$209.73 to \$302.01 per square foot of living area, land included.

Conclusion of Law

The appellants contend 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 appellants 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 the appraisal of the subject property submitted by the appellant. The Board finds the appellant's appraiser provided competent testimony regarding the selection of the comparables, the adjustment process and final value conclusion. The Board further finds the board of review failed to adequately refute the appraiser's final value conclusion. The subject's assessment reflects a market value of \$552,252 or \$215.72 per square foot of living area, including land, which is above the appraised value. The Board finds the subject property had a market value of \$433,000 as of the assessment date at issue. The Board gave less weight to the board of review's comparables #1, #2, #4, #5 and #7. The comparables sold from December 2012 to August 2013, which is less indicative of fair market value as of the subject's January 1, 2015 assessment date. The Board gave less weight to the board of review's remaining comparables based on their considerably smaller dwelling size and/or newer age. Since market value has been established the 2015 three-year average median level of assessments for DuPage County of 33.30% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

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. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



Chairman



Member



Member



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: _____

May 15, 2018



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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

AGENCY

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