



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

APPELLANT: Thomas & Mary Nelson  
DOCKET NO.: 15-05388.001-R-2  
PARCEL NO.: 09-12-209-011

The parties of record before the Property Tax Appeal Board are Thomas & Mary Nelson, 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 **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:** \$178,850  
**IMPR.:** \$325,060  
**TOTAL:** \$503,910

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellants 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 2.5-story frame dwelling containing approximately 4,700 square feet of living area. The dwelling was constructed in 1894. Features of the home include a full basement with 550 square feet of finished area, central air conditioning, two fireplaces, and a 2-car garage.<sup>1</sup> The site is approximately 25,645 square feet in size and is located in Hinsdale, Downers Grove Township, DuPage County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted three appraisals, one from 1997, one from 2008 and an appraisal prepared by David Fortman estimating the subject property had a market value of \$1,400,000 or \$297.87 per square foot of living area as of February 12, 2015. In developing the sales comparison

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<sup>1</sup> The appellants' appraiser and the assessor differ on the dwelling size and features of the subject. Based on the evidence submitted, including photographic evidence and schematic diagrams, the Board finds the appellants' appraiser submitted the best evidence of dwelling size and features.

approach to value, Fortman analyzed six comparables, four of which sold from August to December 2014 for prices ranging from \$1,210,000 to \$1,450,000 or from \$342.97 to \$436.92 per square foot of living area including land. Two comparables were active listings. The six comparables are described as 2 or 2.5-story dwellings that range in age from 78 to 130 years old. They range in size from 3,127 to 5,997 square feet of living area and are located within .63 of a mile from the subject. The comparables have varying degrees of similarity with the subject. The site sizes range from 11,880 to 28,715 square feet of land area. The appraiser adjusted the comparables for differences with the subject. The appraiser stated in the appraisal report that land was adjusted at a rate of \$30.00 per square foot of land area and gross living area adjustments were made at \$20.00 per square foot. After adjustments, the comparables' adjusted sale prices ranged from \$1,259,100 to \$1,534,400 or from \$219.26 to \$470.90 per square foot of living area including land. Based on these adjusted sales, the appraiser concluded a final value using the sales comparison approach to value of \$1,400,000 or \$297.87 per square foot of living area including land.

The appraiser also developed the cost approach which valued the property at \$1,570,800. In the cost approach, the appraiser valued the site at \$1,300,000 or \$50.69 per square foot of land area and valued the depreciated dwelling at \$250,800 or \$53.36 per square foot of living area. The appraiser stated that the trend in this marketing area is to tear down old single-family homes on large sites and redevelop into new custom homes. The opinion of site value is per vacant land sales/tear downs in the subject's market area. The appraiser further states the land value is 83% of the total value, and that this is typical to the area where buildable lots are scarce and demand is high. The appraiser added that comparable #1 has since been torn down and redeveloped.

In reconciliation, the appraiser gave more weight to the sales comparison approach as it best represents active buyers and sellers.

Based on this evidence, the appellants requested the total assessment be reduced to \$435,153 or a market value of approximately \$1,305,590 or \$277.79 per square foot of living area including land at the statutory level of assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject property of \$503,910. The subject's assessment reflects a market value of \$1,513,243 or \$321.97 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.

With respect to the appellants' evidence, the board of review submitted a memo expressing concern that the appraiser adjusted the appraisal comparables land values at \$20 and \$30 per square foot of land area but valued the subject's site at \$50.69 in the cost approach. The assessor also cites differences and similarities between the subject and both parties' comparables.

In support of the subject's assessment, the board of review submitted information on four comparable sales described as 2 or 2.5-story dwellings of frame or frame and masonry construction. The comparables were built from 1907 to 1927, some with additions and/or modernization resulting in newer effective ages. They range in size from 3,762 to 4,739 square feet of living area and have varying degrees of similarity with the subject. The sites range in size

from 19,537 to 33,890 square feet of land area. The comparables sold from January 2014 through May 2015 for prices ranging from \$1,675,000 to \$2,250,000 or from \$423 to \$526 per square foot of living area including land, rounded. The assessor also provided two additional comparables of tear-down land sales in the same HC neighborhood as the subject which sold in March and April 2014 for \$1,346,000 and \$1,350,000 or for \$70.25 and \$62.26 per square foot of land area, respectively. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal the appellants argue that the old appraisals should be considered, and question the assessor's data. The appellants also cite the appraiser's statement that "(Hinsdale) is known locally for its beautiful residences and tear-down culture, of which new rebuilds have taken 30% of the homes in the city."

### **Conclusion of Law**

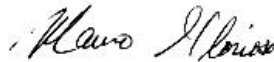
The appellants contend the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

In support of their overvaluation argument, the appellants submitted three appraisals. No weight was given the 1997 and 2008 appraisals as they were dated and not indicative of market value as of January 1, 2015. The appellants also submitted a third appraisal estimating the property had a market value of \$1,400,000 or \$297.87 per square foot of living area as of February 12, 2015. The appraiser stated in the appraisal report that the sites were adjusted by \$30 per square foot of land area, yet comparable #4 was adjusted by \$20 per square foot with no explanation given. The land adjustment values used by the appraiser of \$20 or \$30 per square foot of land area were significantly less than the land value used by the appraiser in the cost approach (\$50.69 per square foot of land area) and the vacant land/tear down sales submitted by the assessor (\$62.26 and \$70.25 per square foot of land area). The appraiser stated that comparable #1 was given the most weight with comparables #3 and #4 given less consideration. Comparable #1 had an adjusted sale price of \$448.06 per square foot of living area including land as compared to the appraiser's final opinion of value for the subject of \$297.87 per square foot of living area including land. Of the six comparables in the appraisal, five had adjusted values per square foot of living area higher than the appraiser's final opinion of value for the subject. Only comparable #6, which was an active listing and included in the appraisal to "lend further support to the final value estimate" was lower at \$219.26 per square foot of living area including land. For these reasons the Board gave little weight to the final opinion of value found in the appraisal report.

Fortman, the appellants and board of review all claim tear-downs are commonplace among sales in the subject's neighborhood, and both parties submitted sales to support the claim. Appraisal comparable #1 was sold in August 2014 as a tear down for \$63.37 per square foot of land area. The assessor submitted two comparables which were sold as tear downs in March and April 2014 for \$70.25 and \$62.26 per square feet of land area, respectively. Applying these per square foot values to the subject's site size of 25,645 square feet of land area results in market values for

the subject ranging from \$1,596,658 to \$1,801,561 or from \$339.72 to \$383.31 per square foot of living area including land. Regarding sales that were not intended as tear-downs, the board of review submitted four comparables somewhat similar to the subject which sold for prices ranging from \$1,675,000 to \$2,250,000 or from \$423 to \$526 per square foot of living area land included, rounded. The subject's assessment reflects a market value of \$1,513,243 or \$321.97 per square foot of living area, land included, which is supported by the tear-down sales comparables submitted by both parties on a total market value basis, the board of review comparables on both a total market value basis as well as a per square foot basis, and five of the six appraisal comparables' both raw sales and adjusted values on a per square foot of living area basis. Based on this evidence, the Board finds no reduction in the subject's assessment based on overvaluation 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. 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: April 17, 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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