



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

APPELLANT: Mark Myers  
DOCKET NO.: 15-06124.001-R-1  
PARCEL NO.: 06-25-207-009

The parties of record before the Property Tax Appeal Board are Mark Myers, the appellant, by attorney Robert Rosenfeld, of Robert H. Rosenfeld and Associates, LLC 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 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:** \$41,220  
**IMPR.:** \$481,403  
**TOTAL:** \$522,623

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 two-story dwelling of brick, masonry or stone exterior construction with 6,228 square feet of living area. The dwelling was constructed in 2009. Features of the home include an unfinished basement, central air conditioning, a fireplace and a three-car garage with 718 square feet of building area. The property has a 22,000 square foot site and is located in Oak Brook, York Township, DuPage County.

The appellant contends assessment inequity as the basis of the appeal. The subject's land assessment was not contested. In support of this argument the appellant submitted information on three equity comparables located in the same neighborhood assigned by the township assessor as the subject property. The comparables were improved with two-story style brick, masonry or stone dwellings that ranged in size from 5,085 to 7,041 square feet of living area. The dwellings were constructed from 2001 to 2007. Each comparable has a basement with finished area

ranging from 2,322 to 3,013 square feet of basement area, central air conditioning and a garage ranging in size from 748 to 1,113 square feet of building area. Two comparables have one or two fireplaces. The comparables had improvement assessments that ranged from \$389,010 to \$563,110 or from \$75.41 to \$79.98 per square foot of living area. Based on this evidence, the appellant requested that the improvement assessment be reduced to \$481,403 or \$77.30 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 \$559,750. The subject property has an improvement assessment of \$518,530 or \$83.26 per square foot of living area. In support of its contention of the correct assessment the board of review submitted information on four equity comparables located in the same neighborhood assigned by the township assessor as the subject property. The comparables were improved with two-story style brick, masonry or stone dwellings that range in size from 5,260 to 6,724 square feet of living area. The dwellings were constructed from 2007 to 2014. Each comparable has a basement with finished area ranging from 2,140 to 3,325 square feet of basement area, central air conditioning and a garage ranging in size from 770 to 1,007 square feet of building area. Three comparables have two to six fireplaces. The comparables had improvement assessments that ranged from \$472,890 to \$564,800 or from \$84.00 to \$89.90 per square foot of living area. Based on this evidence, the board of review requested that the assessment be confirmed.

### **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 met this burden of proof and a reduction in the subject's assessment is warranted.

The parties submitted seven suggested comparables for the Board's consideration. The Board finds the comparables submitted by both parties are similar in location, dwelling size, age and style when compared to the subject property. These comparables had improvement assessments that ranged from \$389,010 to \$564,800 or from \$75.41 to \$89.90 per square foot of living area. The subject's improvement assessment of \$518,530 or \$83.26 per square foot of living area falls within the range established by the comparables in this record. However, the Board finds both parties comparables are superior to the subject in garage size and finished basements ranging in size from 2,140 to 3,325 square feet when compared to the subject's unfinished basement. After considering adjustments, the Board finds the appellant did demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment commiserate to the appellant's request is 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. Pursuant to Section 1910.50(b) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(b)) 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



Acting 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: October 20, 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 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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