



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

APPELLANT: Peter Rush
DOCKET NO.: 16-05796.001-R-1
PARCEL NO.: 09-12-119-008

The parties of record before the Property Tax Appeal Board are Peter Rush, the appellant, by attorney George J. Relias of Relias Law Group, Ltd. 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: \$95,880
IMPR.: \$416,430
TOTAL: \$512,310

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 2016 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 is improved with a multi-story single-family dwelling of brick exterior construction with 3,897 square feet of living area. The dwelling is situated on a 10,619 square foot site. The dwelling was constructed in 2000. Features of the dwelling include a full, partially finished basement, central air conditioning, two fireplaces, and a garage with 693 square feet of building area. The property is located in Hinsdale, Downers Grove Township, DuPage County.

The appellant contends assessment inequity as the basis of the appeal. The appellant did not contest the land assessment. In support of this argument, the appellant submitted information on three assessment comparables located within one-half mile from the subject property.¹ The

¹ The appellant disclosed that comparable #1 is located within "three blocks" from the subject and in the same neighborhood code. However, the board of review contended that this property is located 1.4 miles from the subject and in an inferior neighborhood. The Board finds that the board of review information is more accurate as to this comparable's location relative to the subject.

comparables are described as multi-story single-family dwellings of brick or frame construction ranging in size from 3,489 to 3,868 square feet of living area. The comparables have full or partial basements with two comparables having a finished area. The comparables have central air conditioning, one or two fireplaces and a garage ranging in size from 450 to 500 square feet of building area. The comparables have improvement assessments ranging from \$290,110 to \$384,780 or from \$83.15 to \$99.48 per square foot of living area. Based on this evidence, the appellant requested that the improvement assessment of the subject be reduced.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$512,310. The subject property has an improvement assessment of \$416,430 or \$106.86 per square foot of living area. In support of its contention of the correct assessment, the board of review submitted information on three equity comparables located within the same neighborhood code as defined by local assessor relative to the subject property. The comparables are improved with multi-story dwellings of brick construction that were built from 1998 to 2007 and range in size from 3,235 to 3,384 square feet of living area. The comparables feature full finished or partially finished basements, central air conditioning, three fireplaces and a garage ranging in size from 400 to 651 square feet of building area. The comparables have improvement assessments ranging from \$355,630 to \$410,100 or from \$109.93 to \$121.19 per square foot of living area. Based on this evidence, the board of review requested that the subject's improvement assessment be confirmed.

Conclusion of Law

The appellant 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 six suggested comparables for the Board's consideration. The comparables have varying degree of similarity to the subject property. The Board gave less weight to the appellant's comparable #1 due to being too distant from the subject and outside the neighborhood code as defined by the local assessor when compared to the subject property.

The Board finds the best evidence of assessment equity to be appellant's comparables #2 and #3 along with board of review comparables. These comparables are most similar when compared to the subject property in location, design, and most features. The comparables have improvement assessments ranging from \$327,710 to \$410,100, or from \$92.11 to \$121.19 per square foot of living area. The subject's improvement assessment of \$416,430 or \$106.86 per square foot of living area is above the range established by the most similar comparables in this record on an overall basis, but falls within the range on a per square-foot basis. Appellant's comparable #2 along with board of review comparables all have smaller living areas and smaller garages when compared to the subject requiring upward adjustments. After considering adjustments to the comparables for differences in size of living area and garages when compared to the subject, the

Board finds the subject's improvement assessment is justified. 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, therefore, no reduction in the subject's assessment is 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.

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 23, 2019



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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Peter Rush, by attorney:
George J. Relias
Relias Law Group, Ltd.
150 South Wacker Drive
Suite 1600
Chicago, IL 60606

COUNTY

DuPage County Board of Review
DuPage Center
421 N. County Farm Road
Wheaton, IL 60187