



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

APPELLANT: Carlo Banducci  
DOCKET NO.: 16-06145.001-R-1  
PARCEL NO.: 01-20-406-017

The parties of record before the Property Tax Appeal Board are Carlo Banducci, the appellant, by attorney Dennis M. Nolan, of Dennis M. Nolan, P.C. in Bartlett; 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:** \$45,490  
**IMPR.:** \$229,180  
**TOTAL:** \$274,670

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 two-story dwelling of brick exterior construction containing 7,527 square feet of living area and was built in 1986. Features of the home include a partial unfinished basement, central air conditioning, three fireplaces and an attached garage with 912 square feet of building area. Additional amenities include a greenhouse and a gazebo. The property has a 68,196-square foot site and is located in Wayne, Wayne Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted an appraisal estimating the subject property had a market value of \$750,000 as of September 12, 2014. The appraisal was prepared by Donna Parker, a certified residential real estate appraiser. In estimating the market value of the subject property, the appellant's appraiser developed the cost approach to value and the sales comparison approach to value.

The appraiser described the subject property as a two-story dwelling that is 28 years old but with an effective age between 15 to 20 years. The appraiser indicated the dwelling has 7,546 square feet of ground floor living area.<sup>1</sup> The appraiser further described the condition of the home as “typical to the area” in quality of construction, design, floor plan, and overall functional utility.

Using the cost approach to value the appraiser estimated the subject property had an estimated market value of \$918,000.

The appraiser developed the sales comparison approach to value using four comparable sales and three listings.<sup>2</sup> The comparable sales are located from .57 of a mile to 3.86 miles from the subject property. The properties are improved with two-story, single family dwellings of brick or frame exterior construction ranging in size from 3,695 to 4,991 square feet of living area. The dwellings range in age from 11 to 23 years old. The comparables have sites ranging in size from 40,004 to 87,101 square feet of land area.<sup>3</sup> Each comparable has a full basement, central air conditioning, one to three fireplaces and a three-car garage. One comparable has a gazebo. The sales occurred from December 2013 to August 2014 for prices ranging from \$555,000 to \$800,000 or from \$111.20 to \$198.91 per square foot of living area, including land. The appraiser made adjustments to the comparables for differences from the subject to arrive at adjusted prices ranging from \$619,650 to \$805,720 and arrived at an estimated value of \$750,000.

In reconciling the two approaches to value, the appraiser gave most weight to the sales comparison approach to value to arrive at an estimated market value of \$750,000.

Based on this evidence, the appellant requested the subject’s total assessment be reduced to \$249,975, to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$274,670. The subject's assessment reflects an estimated market value of \$825,083 or \$109.34 per square foot of living area when using the 2016 three-year average median level of assessment for DuPage County of 33.29% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment, the board of review submitted information on six comparable sales located from .30 of a mile to 2.41 miles from the subject property. The comparables are improved with two-story dwellings of brick, stucco or frame exterior construction that were built from 1983 to 2006 and range in size from 3,740 to 5,114 square feet

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<sup>1</sup> The parties disagree on the total number of square feet of living area of the subject property with the appellant’s appraiser reporting 7,546 square feet and the property record card submitted by the board of review depicting 7,527 square feet of living area. The Board finds that the small discrepancy will not affect the Board’s analysis or decision.

<sup>2</sup> The three active listings included in the appraisal have been duly considered by the Board and, given that these properties have not sold as of the effective date of the appraisal report, the Board finds little probative value in them for the purposes of this market value analysis.

<sup>3</sup> Some descriptive information about the appellant’s comparable sales was drawn from the property record cards submitted by the board of review.

of living area. Each comparable has a basement with four having finished areas. The dwellings each also have central air conditioning, one to three fireplaces, and a garage ranging in size from 811 to 1,744 square feet of building area. The properties have sites ranging in size from 40,075 to 122,874 square feet of land area. The sales occurred from August 2014 to May 2016 for prices ranging from \$548,000 to \$750,000 or from \$107.56 to \$167.90 per square foot of living area, including land.

The board of review submitted a narrative report asserting that the effective date of appellant's appraisal report and the comparable sales utilized are dated considering subject's assessment date. The board of review also submitted a copy of the township assessor's notes arguing that the subject property was the subject of an appeal before the Property Tax Appeal Board the year prior, and only an equalization factor was added in the 2016 tax year. Finally, the board of review submission included property record cards for the subject property as well as the appellant's and the board of review comparable sales, along with Illinois Real Estate Transfer Declaration (PTAX-203) forms associated with each sale.

Based on this evidence and argument, the board of review requested that no change be made to the subject's assessment.

### **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.

Initially, the Board finds that the board of review misstated the subject's property identification number when arguing that the subject property was the subject of prior tax year's appeal. After confirming the subject property's appeal history, the Board finds that the only appeal filed under the subject's property identification number is the current assessment appeal for the 2016 tax year.

The appellant submitted an appraisal report and the board of review submitted six comparables sales in support of their respective positions before the Property Tax Appeal Board.

The Board gave less weight to the conclusion of value contained in the appraisal as the appraiser utilized sales from 2013 and 2014 which are more than sixteen months distant in time from the subject's January 1, 2016 assessment date and less likely to be reflective of the subject's market value as of that date. Additionally, the appraisal report's effective date of September 12, 2014 is less proximate in time to the subject's assessment date at issue and, therefore, less likely to reflect subject's market value. For similar reason, the Board gave less weight to board of review comparable sale #2 which occurred in August 2014, less proximate in time to the subject's assessment date at issue.

The Board finds the best evidence of market value to be the comparable sales #1, #3, #4, #5 and #6 provided by the board of review due to their similar design, construction, age and features. These sales also occurred more proximate in time to the subject's January 1, 2016 assessment date at issue. The homes, however, were significantly smaller than the subject dwelling ranging in size from 3,740 to 5,502 square feet of living area, compared to the subject's 7,527 square feet of living area. Nevertheless, these properties sold for prices ranging from \$548,000 to \$750,000 or from \$107.56 to \$167.90 per square foot of living area, including land. The subject's assessment reflects a market value of \$825,083 or \$109.34 per square foot of living area, including land, which is above the overall price range, and within lower end of the range established by the best comparable sales in the record on a square foot basis. The subject's overall higher value is justified based on its larger dwelling size and additional amenities of a greenhouse and a gazebo. The subject's lower value per square foot is justified based on the larger dwelling size and economies of scale relative to the other two-story dwellings in this record. Based on this evidence, the Board finds that the appellant did not prove by a preponderance of the evidence that the subject property is overvalued and, therefore, a reduction in the subject's assessment is not 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(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



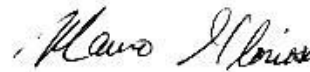
Member

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 26, 2020



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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