



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

APPELLANT: Steven Kagan
DOCKET NO.: 16-06182.001-R-1
PARCEL NO.: 09-24-401-009

The parties of record before the Property Tax Appeal Board are Steven Kagan, 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 **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: \$103,080
IMPR.: \$217,480
TOTAL: \$320,560

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 consists of a part two-story and part one-story dwelling of brick exterior construction with 4,301 square feet of living area. The dwelling was constructed in 1999. Features of the home include a full basement that is 100% finished, central air conditioning, a fireplace and an 810 square foot garage. The property has a 26,039 square foot site and is located in Burr Ridge, Downers Grove Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on three comparable sales located within the same neighborhood code as the subject as assigned by the assessor. The comparables are described as part two-story and part one-story dwellings of frame or brick exterior construction ranging in size from 3,624 to 4,454 square feet of living area. The dwellings were constructed from 1997 to 2000. Each comparable features a basement, one of which is 100% finished, central air conditioning, one or

two fireplaces and a garage ranging in size from 630 to 848 square feet of building area. The comparables have sites ranging in size from 21,909 to 27,663 square feet of land area.¹ The comparables sold from March 2015 to September 2015 for prices ranging from \$557,550 to \$930,000 or from \$141.37 to \$208.80 per square foot of living area, including land. Based on this evidence, the appellant requested a reduction in the subject's total assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$320,560. The subject's assessment reflects a market value of \$962,932 or \$238.89 per square foot of living area, land included, 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 response to the appellant's evidence, the board of review submitted a narrative, property records and a detailed spreadsheet of the appellant's comparables. The board of review argued appellant's comparables #2 and #3 are the least comparable to the subject due to appellant's comparable #2's significant size difference and appellant's #2 and #3 were either short sales or auction sales with condition issues. The board of review submitted the Redfin listings and PTAX-203 Real Estate Transfer Declarations as supporting evidence for both sales.

In support of the subject's assessment, the board of review submitted information on three comparable sales located in the same neighborhood code as assigned by the township assessor. The comparables are improved with part two-story and part one-story dwellings of frame or brick exterior construction ranging in size from 4,071 to 4,470 square feet of living area. The dwellings were constructed in 1999. Each of the comparables has an unfinished basement, central air conditioning, one or two fireplaces and a garage ranging in size from 714 to 789 square feet of building area. The comparables have sites ranging in size from 20,068 to 22,010 square feet of land area. The comparables sold from November 2013 to February 2015 for prices ranging from \$900,000 to \$1,010,000 or from \$219.30 to \$239.50 per square foot of living area, including land. Based on this evidence, the board of review requested that the subject property's assessment be confirmed.

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.

The Board finds the parties submitted six comparable sales for consideration. The Board gave less weight to the appellant's comparables #2 and #3. These comparables were either short sales

¹ The appellant's grid analysis lacked some pertinent descriptive data, which was drawn from the evidence provided by the board of review.

or auction sales with condition issues at the time of sale which calls into question the arms-length nature of the transactions and whether these two comparables were in inferior condition to the subject. In addition, appellant's comparable #2 was considerably smaller in dwelling size than the subject. The Board also gave less weight to board of review comparables #2 and #3. These properties sold in 2013 or 2014 which are dated and less likely to be reflective of market value as of the subject's January 1, 2016 assessment date.

The Board finds the best evidence of market value to be the appellant's comparables #1 along with board of review comparable #1. Both comparables are most similar to the subject in land size, dwelling size, design, age and most features though both have inferior unfinished basements. They sold in February and March 2015 for prices of \$930,000 and \$1,010,000 or \$208.80 and \$225.95 per square foot living area, including land. The subject's assessment reflects an estimated market value of \$962,932 or \$238.89 per square foot of living area, including land, which falls within the range on a market value basis but outside the range on a per square foot basis by the best comparable sales contained in the record. After considering adjustments to the comparables for differences when compared to the subject, the Board finds the subject's estimated market value as reflected by its assessment is supported and no reduction 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: July 16, 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

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