



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

APPELLANT: Andrew Schubkegel  
DOCKET NO.: 16-06628.001-R-1  
PARCEL NO.: 09-02-405-028

The parties of record before the Property Tax Appeal Board are Andrew Schubkegel, 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:** \$97,540  
**IMPR.:** \$510,510  
**TOTAL:** \$608,050

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, part one-story and part three-story dwelling of brick exterior construction with 5,354 square feet of living area. The dwelling was constructed in 2000. Features of the home include a basement with finished area, central air conditioning, four fireplaces and a 907 square foot garage. 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 equity comparables located in the same neighborhood as the subject as defined by the township assessor. The comparables are improved with one, part two-story, part three-story, part one-story dwelling and two, part two-story, part one-story, part three-story dwellings of brick exterior construction ranging in size from 5,063 to 5,439 square feet of living area. The

dwelling were constructed from 2004 to 2008. The comparables have basements, two of which have finished area. Features of each comparable include central air conditioning, three or four fireplaces and a garage ranging in size from 683 to 858 square feet of building area.<sup>1</sup> The comparables have improvement assessments ranging from \$358,080 to \$468,920 or from \$70.12 to \$92.62 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$608,050. The subject property has an improvement assessment of \$510,510 or \$95.35 per square foot of living area.

In support of its contention of the correct assessment, the board of review submitted three equity comparables located in the same neighborhood as the subject as defined by the township assessor. The comparables consist of one, part two-story, part one-story, part three-story dwelling and two, part two-story, part three-story, part one-story dwellings of brick exterior construction ranging in size from 5,491 to 5,782 square feet of living area. The dwellings were constructed in 2003. The comparables feature basements with finished area, central air conditioning, four to seven fireplaces and a garage ranging in size from 784 to 842 square feet of building area. The comparables have improvement assessments ranging from \$530,600 to \$546,550 or from \$93.24 to \$96.63 per square foot of living area.

The board of review noted that appellant's comparables #1 and #2 have 10% and 30% permanent land and building reduction for locational obsolescence for being located near Ogden Avenue and Route 83, respectively. Based on this evidence, the board of review requested confirmation of the subject's assessment.

### **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 no reduction in the subject's assessment is warranted.

The parties submitted six equity comparables for the Board's consideration. The Board gave less weight to the appellant's comparables. Comparable #1 has an inferior unfinished basement and comparables #2 and #3 have inferior locations when compared to the subject property which were not refuted by the appellant.

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<sup>1</sup> The appellants' grid analysis was void of some pertinent descriptive data, which was drawn from the evidence provided by the board of review.

The Board finds the best evidence of assessment equity to be the board of review comparables. These three comparables are more similar to the subject in location, design, age and most features. The comparables had improvement assessments ranging from \$530,600 to \$546,550 or from \$93.24 to \$96.63 per square foot of living area. The subject has an improvement assessment of \$510,510 or \$95.35 per square foot of living area, which falls below the range to the best comparables in this record on an overall basis but within the range on a per square foot basis. After considering adjustments to the comparables for differences when compared to the subject, the Board finds the subject's improvement assessment is supported.

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 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 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 presented.

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.

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Chairman



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Member

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Member



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Member

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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



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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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