



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

APPELLANT: Dean Englehardt
DOCKET NO.: 17-05286.001-I-1
PARCEL NO.: 03-02-201-016

The parties of record before the Property Tax Appeal Board are Dean Englehardt, the appellant, by attorney Dennis M. Nolan, of the Law Office 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: \$63,220
IMPR.: \$161,480
TOTAL: \$224,700

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 2017 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 one-story, two-unit industrial building of masonry exterior construction with 12,300 square feet of building area, including 1,250 square feet or 10.16% of office space. The building was constructed in 1968 and features two loading docks. The building is situated on a site containing approximately 27,600 square feet of land area and has a land-to-building ratio of 2.24:1. The building has an exterior height of 17 feet. The subject property is located in Elk Grove Village, Addison Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. A consolidated hearing was held before the Property Tax Appeal Board via video conferencing technology covering appeals for 2017 and 2018 tax years. Appearing before the Property Tax Appeal Board on behalf of the appellant was his attorney, Dennis M. Nolan. A representative of each party along with the board of review witness appeared for the proceeding remotely with the use of the WebEx virtual

platform pursuant to notice from the Property Tax Appeal Board and neither party objected to the virtual hearing format.

In support of overvaluation argument, attorney Nolan summarized the evidence submitted on behalf of the appellant which consisted of four comparable sales located in Addison, Bensenville, or Elk Grove Village. These properties had sites ranging in size from 24,038 to 36,594 square feet of land area and were each improved with a one-story single-tenant industrial building of masonry exterior construction ranging in size from 10,077 to 10,920 square feet of building area, resulting in land-to-building ratios ranging from 2.21:1 to 3.61:1. The comparables contained office spaces ranging in size from 945 to 3,453 square feet of building area and had percentage of office space ranging from 9% to 34%. The buildings were constructed from 1963 to 1977. The comparables sold from April 2015 to November 2016 for prices ranging from \$340,000 to \$470,000 or from \$31.74 to \$43.04 per square foot of building area, including land.¹ Attorney Nolan noted that the comparable properties were selected based on their similarities to the subject in terms of percentage of office space, building size, and age. Attorney Nolan argued that most weight should be given to comparables #3 and #4, and that no adjustments were made to the comparables.

Based on the evidence submitted, attorney Nolan requested the subject's assessment be reduced to \$204,980 to reflect a market value of \$615,000 or \$50.00 per square foot of building area, including land.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$224,700. The subject's assessment reflects a market value of \$674,167 or \$54.81 per square foot of building area, land included, when using the 2017 three-year average median level of assessment for DuPage County of 33.33% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment, the board of review submitted information on seven comparable sales located in Addison, Elk Grove Village, or Lombard. which are situated on sites ranging from 22,216 to 32,058 square feet of land area. Each comparable is a one-story industrial building of masonry exterior construction ranging in units from a single-unit to a four-unit building and ranging in size from 10,400 to 15,200 square feet of building area, resulting in land-to-building ratios ranging from 2.00:1 to 2.42:1. The buildings were constructed from 1965 to 1973 and have exterior building heights ranging from 14 to 18 feet. The comparables sold from June 2014 to September 2016 for prices ranging from \$470,000 to \$1,109,200 or from \$43.04 to \$85.65 per square foot of building area, including land.

¹ The parties disagreed as to information contained in appellant's grid with regard to sale price of comparable #2. At the request of the hearing officer, and there being no objection from either party, the board of review submitted into evidence the property record card and the Illinois Real Estate Transfer Declaration (PTAX-203) form associated with the sale of appellant's comparable #2 (board of review group exhibit #1) which both depict the sale of this comparable occurring in October 2016 for a price of \$340,000 rather than \$380,000 as reflected in the appellant's grid. The (PTAX-203) form associated with the sale of this property depicted this as being a residential property intended to be used as the purchaser's primary residence.

In addition, the board of review submitted a report prepared by the Chief Deputy Assessor for Addison Township, Frank A. Marack, Jr. consisting of property record cards for the subject and each comparable sale, "summary of salient facts" for each property, grid analysis, color photographs of each property, and Illinois Real Estate Transfer Declaration (PTAX-203) form associated with each comparable sale.

The board of review called as its witness Frank A. Marack, Jr. who testified that he prepared and reviewed the evidentiary documents submitted on behalf of board of review.

Mr. Marack testified that he did not utilize appellant's comparable #1 because it was not advertised on the open market and therefore not considered an arm's-length transaction in his opinion. He did not utilize appellant's comparable #2 as it contained wrong property identification number (PIN) and the wrong sale amount in the grid analysis. He did not include appellant's comparable #3 as this property also was not advertised and not an arm's-length transaction. Appellant's comparable #4 was a common comparable which was utilized by the board of review.

With respect to the board of review evidence, Mr. Marack testified that the comparable sales support the subject's assessment and that his final estimate of subject's value was \$920,000, which is higher than the subject's market value of \$674,167 as reflected by its current assessment. Mr. Marack testified that the seven comparable sales submitted by the board of review were each similar to the subject property in location, size, exterior construction, office space and age. Mr. Marack argued that the board of review comparables bracketed the subject in sale price and price per square foot of building area and he based his value opinion on the median sale price of the board of review comparables.

Based on this testimony and evidence, the board of review requested a confirmation of the subject's assessment.

Under cross-examination, Mr. Marack affirmed that he is not a licensed appraiser and he did not prepare an appraisal report but rather a summary report of his opinion of value as requested by the DuPage County Board of Review. As part of his report, Mr. Marack chose the comparables and prepared the grid analysis, "summary of salient facts" and "market approach to value" and "summary sheet of adjustments" and provided his own opinion of value. Mr. Marack asserted that another individual assembled the report for submission but that he himself did the research, procured the data, and reviewed the documents.

Upon further cross-examination, Mr. Marack testified that although board of review comparable #2 and appellant's comparable #4 are the same property, he would not consider this comparable to be the best comparable submitted by the board of review due to the sale being in 2015 which was an older sale and would require an adjustment for older sale date. With regard to the building height, Mr. Marack testified that the standard practice is to use the exterior building height as a mark of comparison as he is not able to enter every comparable property in order to compare inside ceiling height. Finally, Mr. Marack testified that he did not consider the number of parking spaces to be a relevant unit of comparison in this case.

On re-direct examination, Mr. Marack clarified that the subject and the comparables are industrial buildings and, therefore, the number of parking spaces is not crucial or relevant as it would be for a commercial property. He also opined that a typical industrial building would be expected to contain between 10% to 15% office space.

Based on this evidence and testimony, the board of review requested a confirmation of 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. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002), 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 documents prepared by Mr. Marack (including his "Market Approach to Value") are within the scope of his authority as the Chief Deputy Township Assessor. A well-grounded exception in the Illinois Real Estate Licensing Act allows assessors to testify regarding the value of subject property as well as the comparables. Section 5-5(e) of the Real Estate Appraiser Licensing Act states as follows:

This Act does not apply to a county assessor, township assessor, multi-township assessor, county supervisor of assessments, or any deputy or employee of any county assessor, township assessor, multi-township assessor, or county supervisor of assessments who is performing his or her respective duties in accordance with the provisions of the Property Tax Code.

225 ILCS 458/5-5(e)

As the Chief Deputy Township Assessor, Mr. Marack's job is to assess values of properties. The "Market Approach to Value" prepared by Mr. Marack was prepared pursuant to his duties as an assessor under the Property Tax Code in support of the assessment of the subject property. There is no evidence in the record that Mr. Marack was purporting to perform an "appraisal" of the subject property. Moreover, the Board finds that the documents prepared by the Chief Deputy Township Assessor and submitted by the board of review (including any opinion of market value) goes to the weight of the evidence, not its admissibility. The Board has given little weight to the "plus" or "minus" adjustments presented by Mr. Marack as there is no evidence in the record of specific market data (other than raw sales data) upon which he relied to calculate the adjusted sale prices per square foot of building area for each of the comparable properties. Consequently, the Board gave little weight to Mr. Marack's opinion of value for the subject property.

The record contains a total of ten comparable sales inclusive of one common comparable in support of the parties' respective positions before the Property Tax Appeal Board. The Board gave reduced weight to appellant's comparable #1 based on the percentage of office area which was more than three times larger when compared to the subject. In addition, The Board gave less weight to appellant's comparable #2 based on the information contained in the Illinois Real Estate Transfer Declaration (PTAX-203) form which indicates that although the address and the purchaser/owner's name matches the property record card, the PIN is different and the PTAX-203 form depicts this being a residential property which will be used as the buyer's principal residence (see board of review exhibit #1) which calls into question and undermines the similarity of this comparable to the subject. The Board also gave reduced weight to appellant's comparable #3 based on this property being purchased by the tenant and not advertised on the open market thus calling into question the arm's-length nature of the transaction. Finally, the Board gave less weight to board of review comparables #1, #3, #6, and #7 due to each of these comparables being a single-tenant building, dissimilar to the subject which is a multiple-tenant building. Moreover, board of review comparable #7 sold in June 2014 which is dated and less proximate in time to the subject's January 1, 2017 assessment date than the remaining comparable sales in the record and therefore less likely to be indicative of subject's market value as of the assessment date at issue.

The Board finds the best evidence of market value to be board of review comparables #2, #4, and #5 which includes the parties' common comparable. These best comparables were similar to the subject in location, multi-tenant design, exterior construction, age, building size, land size, land-to-building ratio, and percentage of office space. These three comparables sold from March 2015 to July 2016 for prices ranging from \$470,000 to \$865,000 or from \$43.04 to \$71.69 per square foot of building area, including land. The subject's assessment reflects a market value of \$674,167 or \$54.81 per square foot of living area, including land, which is within the range established by the most similar comparable sales in this record, both on an overall value basis and on a per square foot basis.

After considering the evidence and testimony provided, and after considering adjustments to the best comparable sales in the record for differences from the subject property, the Board finds that the appellant has not demonstrated by a preponderance of the evidence that the subject was overvalued. The Board further finds that the subject's assessment is well supported by the evidence in the record and the testimony of the witness and, therefore, no reduction in the subject's assessment 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:

May 18, 2021



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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