



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

APPELLANT: John Oedzes
DOCKET NO.: 17-05643.001-R-1
PARCEL NO.: 10-01-306-006

The parties of record before the Property Tax Appeal Board are John Oedzes, the appellant, by attorney Jerrold H. Mayster, of Mayster & Chaimson, 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: \$151,620
IMPR.: \$244,580
TOTAL: \$396,200

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 part two-story and part one-story dwelling of brick and masonry exterior construction with 5,245 square feet of living area. The dwelling was constructed in 1989. Features of the home include a full walk-out basement that is 75% finished, central air conditioning, five fireplaces and a 1,068 square foot three-car attached garage. The property has a 57,280 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 an appraisal report with an estimated market value for the subject of \$925,000 as of January 1, 2017. The appraisal was prepared by Gary Nusinow, a State of Illinois Certified General Real Estate Appraiser. The property rights appraised were fee simple and the

appraisal was performed for ad valorem tax purposes. In estimating the market value of the subject property, the appraiser developed the sales comparison approach to value.

Under the sales comparison approach to value the appraiser utilized five comparable sales to estimate the subject's market value that are located .13 to .56 of a mile from the subject property. The parcels range in size from approximately 23,081 to 58,270 square feet of land area and have been improved with Cape Cod, Contemporary and Traditional style multi-story dwellings that were 10 to 26 years old. The homes range in size from 4,904 to 6,184 square feet of living area and feature full or partial basements with finished areas. Four comparables have walk-out style basements. Each comparable has central air conditioning, two to four fireplaces and a three-car or a four-car garage. The comparables sold for prices ranging from \$760,000 to \$1,148,000 or from \$137.56 to \$234.09 per square foot of living area, including land. The appraiser adjusted the comparables for sales or financing concessions, differences in site size, quality of construction, age, condition, room count, gross living area, basements, garages and other amenities. After applying adjustments to the comparables for differences from the subject, the comparables had adjusted prices ranging from \$825,500 to \$1,010,000. Based on the adjusted sales, the appraiser estimated the subject had a market value of \$925,000 or \$176.36 per square foot of living area, including land as of January 1, 2017. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$396,200. The subject's assessment reflects a market value of \$1,188,719 or \$226.64 per square foot of living area, land included, the 2017 three-year average median level of assessment for DuPage County of 33.33% as determined by the Illinois Department of Revenue.

The board of review submitted a narrative in response to the appellant's evidence critiquing the appellant's appraisal noting differences in style, living area and features between the subject and comparables and the adjustment process, specifically the dwelling size and land adjustment amounts, or lack thereof.

In support of its contention of the correct assessment of the subject property the board of review provided information on four comparable sales located in Burr Ridge. The dwellings are situated on sites ranging in size from 24,928 to 107,293 square feet of land area and are improved with part two-story and part one-story dwellings ranging in size from 4,415 to 5,777 square feet of living area. The dwellings were constructed from 1990 to 2003. Each comparable has a basement with finished area, central air conditioning, one to four fireplaces and a garage ranging in size from 780 to 922 square feet of building area. The comparables sold from May 2015 to December 2016 for prices ranging from \$1,219,900 to \$1,440,000 or from \$211.17 to \$293.76 per square foot of living area, including land. The board of review also provided a location map and property record cards for the subject and both parties' comparables. Based on this evidence, the board of review requested 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. 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.

In support of their arguments before the Board, the appellant submitted an appraisal of the subject property and the board of review provided four comparable sales. The Board gave less weight to the conclusion of value contained in the appellant's appraisal report due to inconsistencies in the appraiser's adjustments. For example, the appraiser made an adjustment to comparable #2 for its smaller lot size when compared to the subject's larger lot size but failed to apply adjustments to comparables #1, #4 and #5 which also have significantly smaller lots. Furthermore, the appraiser's comparable sale #5 was under construction at the time of sale unlike the subject. In addition, this comparable sold almost 2 years prior to the subject's January 1, 2017 assessment valuation date which is less likely to be reflective of subject's market value as of that date. Lastly, the Board finds the quality of construction and condition adjustments applied to the comparables to be suspect and are not supported by any credible market evidence. These factors undermine the appraiser's final opinion of value. However, the Board will examine the raw sales data contained in the appellant's appraisal.

The Board finds the record has nine comparable sales for consideration. The Board gave less weight to appellant's appraisal comparable #1 due its larger dwelling size and comparable #4 as it is a newer dwelling when compared to the subject. No weight was given to appellant's comparable #5 because it was under construction at the time of sale unlike the subject. The Board also gave less weight to board of review comparable sale #1 due to its larger lot size and board of review comparable sale #3 due to its smaller dwelling size when compared to the subject.

The Board finds the best evidence of market value to be the appellant's appraisal comparables #2 and #3 along with board of review comparables #2 and #4. These comparables are more similar to the subject in location, design, dwelling size, age and features. However, each of these comparables have smaller lot sizes when compared to the subject. They sold from May 2015 to September 2016 for prices ranging from \$791,000 to \$1,440,000 or from \$151.30 to \$293.76 per square foot of living area, including land. Excluding appellant's comparable #2 which appears to be an outlier, yields a tighter range from \$1,100,000 to \$1,440,000 or from \$206.07 to \$293.76 per square foot of living area, including land. The subject's assessment reflects a market value of \$1,188,719 or \$226.64 per square foot of living area, land included which falls within the range established by the best comparable sales in the record. After considering adjustments to these most similar comparable sales for differences when compared to the subject, the Board finds the subject's estimated market value as reflected by its assessment is supported. Therefore, no reduction in 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: July 21, 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

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