



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

APPELLANT: Larry Miller
DOCKET NO.: 17-06009.001-C-1
PARCEL NO.: 03-33-303-003

The parties of record before the Property Tax Appeal Board are Larry Miller, the appellant, by attorney Jeffrey G. Hertz, of Sarnoff & Baccash, 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 A Reduction 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: \$47,160
IMPR.: \$130,160
TOTAL: \$177,320

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 industrial manufacturing building of masonry exterior construction with 7,600 square feet of building area that was constructed in 1989. Features of the structure include two overhead doors and a 16-foot exterior height. The building has 1,456 square feet of office area or 19.16% of the building. The property has a 20,589 square foot or .47-acre site resulting in a land-to-building ratio of 2.71:1. The property also has 6,204 square feet of asphalt paving and is located in Addison, Addison Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. After an initial extension of time to submit evidence, the appellant submitted a stipulation from the Addison Township Assessor's Office establishing a total 2018 assessment for the subject property of \$184,910 from the previous assessment of \$201,260 along with printouts referencing six suggested comparable sales. There was no grid analysis of these six properties provided and the Property Tax Appeal

Board issued an incomplete checklist notification seeking the submission of the missing grid analysis. In response, counsel for the appellant submitted a single page grid analysis with three suggested comparable sales.

To ensure a complete review of the entire record, the Property Tax Appeal Board will summarize the data initially provided by the appellant's counsel on the six properties set forth in the respective printouts. The comparables are each located in Addison. The parcels range in size from 17,847 to 39,400 square feet of land area. Five of the comparable buildings were constructed between 1958 and 1968; no year of construction was provided for comparable #3 in the printouts. The buildings range in size from 5,135 to 16,536 square feet of building area. Clear ceiling heights were reported for comparables #1 through #4 ranging from 10 feet to 20 feet. Comparables #1, #2 and #4 have reported office spaces ranging from 8.41% to 11.14% or from 432 to 1,600 square feet of building area. The comparables have land-to-building ratios ranging from 2.38:1 to 3.83:1. The comparables sold from March 2016 to May 2018 for prices ranging from \$375,000 to \$690,000 or from \$32.66 to \$74.00 per square foot of building area, including land.

Based on the foregoing evidence and argument, the appellant requested that the subject's 2017 assessment be reduced by removing the 2018 township multiplier of 4.63% from the 2018 stipulated assessment of \$184,910, resulting in a total 2017 assessment of approximately \$176,728.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$192,360. The subject's assessment reflects a market value of \$577,138 or \$93.03 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 through Chief Deputy Assessor Frank A. Marack, Jr. submitted information on four comparable sales in a report with summary sheets and adjustments applied by the assessor. The comparables are located in Addison, Bensenville or Villa Park and were described as being approximately .5 of a mile to 2.5-miles from the subject. The parcels range in size from 15,795 to 27,500 square feet of land area and have been improved with one-story masonry buildings. The comparables were built from 1973 to 1982 and range in size from 8,260 to 10,168 square feet of building area. The structures have from 4.84% to 22.48% office space and building heights ranging from 16 feet to 18 feet. The comparables have land-to-building ratios ranging from 1.91:1 to 2.71:1. The comparables sold from January 2015 to April 2017 for prices ranging from \$600,000 to \$790,000 or from \$61.50 to \$78.16 per square foot of building area, including land.

Marack included a spreadsheet displaying +, - and = adjustments to the comparables for differences from the subject in location, time, building size, land-to-building ratio, construction, age, # of units, building height and/or % of office. As displayed, Marack's adjustment process resulted in adjusted sales prices ranging from \$75.34 to \$83.90 per square foot of building area, including land. In Marack's written report, based upon these sales and his analysis, the assessor's office concluded that the subject has an indicated value via the market approach to value as of January 1, 2017 of \$608,000 or \$80.00 per square foot of building area, including land.

Based upon the evidence presented, the board of review requested confirmation of the assessment of the subject property.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

Although the inconsistency in valuation of the subject property from tax year 2017 to 2018 is noted, the Board has given no weight or consideration to the parties' 2018 stipulation of value for this property. For tax year 2017 the property has a total assessment of \$192,360 and for tax year 2018 the parties resolved an assessment dispute with a stipulated assessment of \$184,910. The Board finds that each tax year stands on its own in terms of valuation of a given property but for provisions of the Property Tax Code not applicable to this commercial/industrial property.¹

As to the market value of the subject, the parties submitted a total of ten comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's comparables #1, #2, #4 and #6 due to differences in lot size, building size and/or age when compared to the subject. The Board has given reduced weight to board of review comparables #2, #3 and #4 due to differences in location, lot size and/or building size when compared to the subject. Furthermore, the Board has given no weight to the adjustment process presented by Marack and thus, the Board finds that examination of the raw sales data presented by both parties is sufficient to render a decision in this proceeding.

On the record, the Board finds the best evidence of market value to be appellant's comparable sales #3 and #5 along with board of review comparable sale #1. These three comparables are each located in Addison with lots ranging in size from 15,795 to 23,392 square feet of land area which brackets the subject's lot size. The parcels are each improved with an industrial building ranging in size from 7,400 to 8,580 square feet of building area which brackets the subject's building size. These most similar comparables sold from December 2016 to November 2017, dates bracketing the assessment date of January 1, 2017, for prices ranging from \$450,000 to \$600,000 or from \$58.28 to \$72.64 per square foot of building area, including land. The subject's assessment reflects a market value of \$577,138 or \$93.03 per square foot of building area, including land, which is within the range established by the best comparable sales in terms of overall value but substantially above the range on a per-square-foot basis. Based on this evidence and after giving due consideration to these best comparable sales, the Board finds a reduction in the subject's assessment is justified.

¹ Owner-occupied residential real estate, within the general assessment period, shall remain the same, subject to equalization, after a reduction issued either by a board of review or the Property Tax Appeal Board (35 ILCS 200/16-80 and 16-185).

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:

April 20, 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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