



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

APPELLANT: Robert & Janice D'Arco Trust  
DOCKET NO.: 19-00826.001-R-2  
PARCEL NO.: 09-12-403-008

The parties of record before the Property Tax Appeal Board are Robert & Janice D'Arco Trust, the appellants, by attorney Brian P. Liston, of the Law Offices of Liston & Tsantilis, P.C. 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:** \$236,330  
**IMPR.:** \$163,670  
**TOTAL:** \$400,000

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellants 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 2019 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 single-family dwelling of masonry exterior construction with approximately 4,188 square feet of living area. The dwelling was constructed in 1957 and has a reported effective age of 1970 or 49 years old. Features of the home include a partial unfinished basement, central air conditioning, a fireplace and a detached two-car garage. The property has a 22,217 square foot corner site and is located in Hinsdale, Downers Grove Township, DuPage County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument, the appellants submitted an appraisal prepared by Neil J. Renzi and Dominic J. DeLeo, both of whom are Certified General Real Estate Appraisers. Renzi also has the MAI designation issued by the Appraisal Institute. Utilizing the sales comparison approach to value, the appraisers opined the subject property had an estimated market value of \$1,200,000 as of January 1, 2019.

The appraisal was prepared to establish the fee simple market value of the subject property for *ad valorem* real estate tax assessment purposes. As to the subject dwelling, the appraisers noted the second-floor functionality is limited "due to the presence of dormers throughout." (Appraisal, p. 32).

Using the sales comparison approach, the appraisers analyzed five sales and one offering which were located in Hinsdale, like the subject property. The comparable parcels range in size from 16,988 to 35,284 square feet of land area. The dwellings were built between 1901 and 1995 with comparables #3 and #6 each renovated in 2016. The homes consist of either two-story or three-story dwellings of stucco, stone, frame, masonry or frame and masonry exterior construction and range in size from 3,192 to 4,520 square feet of living area. Each dwelling has a finished basement, five of which are full and one of which is an English style which is also included in the home's living area square footage. Each comparable has either a two-car or a three-car garage. Comparable #3 has a pool and comparables #2, #3 and #5 each have a three-season room. Five of the comparables sold from August 2018 to July 2019 with sale or asking prices ranging from \$930,000 to \$1,749,000.

The appraisers made adjustments to the comparables for differences when compared to the subject for factors such as location, age, condition/renovation, basement finish, garage size and/or conditions of sale for the listing as described in pages 42 to 44 of the appraisal report. The adjustments were discussed in the report and resulted in an estimated market value for the subject of \$1,200,000, including land.

Based on this evidence, the appellants requested a reduction in the subject's total assessment to approximately reflect the appraised value conclusion.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$516,470. The subject's assessment reflects a market value of \$1,565,535 or \$373.81 per square foot of living area, land included, when using the 2019 three year average median level of assessment for DuPage County of 32.99% as determined by the Illinois Department of Revenue.

In a memorandum concerning the appraisal comparable properties, the board of review contends that appraisal sale #1 is outside the subject's neighborhood and the dwelling size of appraisal sale #3 is overstated by 566 square feet based on assessor records. In addition, the board of review's memorandum inexplicably reiterates the sales prices and dates of appraisal sales #4 and #5.

In support of its contention of the correct assessment, the board of review submitted information on six comparable sales located in Hinsdale and in various neighborhood codes assigned by the assessor. The comparable parcels range in size from 14,108 to 32,164 square feet of land area. The dwellings consist of 2-story, 2.5-story or 3-story homes of frame or brick exterior construction that were built between 1893 and 1924 with effective ages of three of the homes ranging from 1948 to 1970; board of review sale #3 was a teardown with no age data and board of review sales #2 and #4 have no stated effective ages. The dwellings range in size from 4,085 to 6,947 square feet of living area. Five dwellings have full or partial finished basements and each comparable has central air conditioning, one to three fireplaces and a garage ranging in size

from 520 to 1,180 square feet of building area. The comparables sold from January 2016 to January 2019 with sale prices ranging from \$1,080,000 to \$2,800,000.

Based on the foregoing evidence and argument, the board of review requested confirmation of the subject's assessment.

### **Conclusion of Law**

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

The appellants submitted an appraisal of the subject property with a final value conclusion of \$1,200,000, while the board of review submitted six sales more distant in time to the assessment date of January 1, 2019 than the sales data presented in the appraisal. Moreover, the board of review included sale #3 of a teardown property which sale price would be more reflective of land value than of land and a dwelling in average condition.

While the appraisal may lack some details as to the manner in which various conclusions were reached and questions can be raised as to adjustments made by the appraisers, in the end the Property Tax Appeal Board finds that, despite the board of review's limited criticisms, the appraisal submitted by the appellants estimating the subject's market value of \$1,200,000, including land, is still the best evidence of the subject's market value in the record. The subject's assessment reflects a market value of \$1,565,535, including land, which is above the appraised value and above the majority of the most recent comparable sales in the record. Therefore, based on this evidence, the Board finds a reduction in the subject's assessment commensurate with the appellant's amended request is justified.

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: November 16, 2021



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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

AGENCY

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