



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

APPELLANT: Tom Magarian  
DOCKET NO.: 19-03228.001-I-1  
PARCEL NO.: 03-11-404-010

The parties of record before the Property Tax Appeal Board are Tom Magarian, the appellant, by Dennis D. Koonce, Attorney at Law in Frankfort; 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:** \$58,920  
**IMPR.:** \$199,910  
**TOTAL:** \$258,830

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 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 one-story brick industrial manufacturing building that was constructed in 1964 and has 10,395 square feet building area. The building has 1,050 square feet of finished office area or representing 10.10% of the building area. The structure has an exterior height of 16 feet and features two overhead doors. The property has a 23,310 square foot or .54-acre site resulting in a land to building ratio of 2.24:1. The subject is located in Bensenville, Addison Township, DuPage County.

Dennis Koonce appeared before the Property Tax Appeal Board on behalf of the appellant contending overvaluation as the basis of the appeal. In support of the overvaluation argument, appellant's counsel submitted a grid analysis with information on the subject and the three comparable sales, along with a sale report or listing sheet for each comparable sale. Koonce rested his case on the comparables that were submitted into evidence.

The three comparables submitted by the appellant are located in either Addison or Wood Dale and consist of one-story brick manufacturing/warehousing or industrial buildings that were built from 1959 to 1980. The buildings range in size from 8,050 to 11,750 square feet of building area and have from 450 to 1,560 square feet of office area representing from 5.6% to 14.2% of the building area. The buildings have an exterior height of either 10 or 15 feet. The comparables have sites ranging in size from 15,000 to 33,960 square feet of land area. The comparables sold in either April or August 2019 for prices ranging from \$410,000 to \$642,500 or from \$50.93 to \$58.69 per square foot of building area, including land.

At hearing, Carl Peterson, who appeared on behalf of the board of review, asked Koonce if he had chosen the appellant's comparables. Koonce replied that he had not and that the comparables had been chosen by Gary Whalen who works in his office and prepares the comparables for him. Upon questioning by the hearing officer as to the distance of the comparables from the subject and their land to building ratios, Koonce replied that he did not have that information.

Based on this evidence, appellant requested a total assessment of \$176,666 which would reflect a market value of approximately \$530,051 or \$51.00 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 \$258,830. The subject's assessment reflects a market value of approximately \$784,571 or \$75.48 per square foot of building area, including land, when applying the 2019 three-year average median level of assessment for DuPage County of 32.99% as determined by the Illinois Department of Revenue.

In support of the board of review's contention of the correct assessment, Mr. Peterson called Frank Marack, chief deputy assessor for Addison Township, as his witness. Mr. Marack testified that he had chosen the four comparables presented in this case. The four comparables consist of one-story masonry buildings located in either Addison, Bensenville, or Elmhurst. The structures were built from 1960/61 to 1979 and range in size from 7,627 to 14,500 square feet of building area with from 7.74% to 15.74% of the building finished as office area. The buildings range from 14 to 19 feet in exterior height. The comparables have sites ranging in size from 20,171 to 34,500 square feet of land area resulting in land to building ratios ranging from 2.16:1 to 3.38:1. Marack testified that the subject and the board of review's comparables are all single-tenant buildings. The comparables sold from November 2017 to July 2018 for prices ranging from \$605,000 to \$1,079,000 or from \$74.41 to \$88.15 per square foot of building area, including land.

Mr. Marack prepared a grid using a +, - or = scale to make qualitative adjustments to the comparables for building size, land to building ratio, and building height. Based on his analysis, Marack testified that he arrived at an adjusted range of \$74.41 to \$79.78 per square foot of building area, including land. Marack testified that subject's current assessment at \$74.71 per square foot of building area, including land, when applying the statutory level of assessment, falls at the lower end of both the adjusted and unadjusted ranges of the board of review's comparables.

Based on the above evidence and argument, the board of review requested confirmation of the subject's current 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 a reduction in the subject's assessment is not warranted.

The parties submitted seven comparable sales to support their respective positions before the Board. As an initial matter, the Board has given less weight to the adjustment process utilized by Marack and finds the raw data presented by both parties is sufficient to render a decision in this proceeding. The Board gives less weight to appellant's comparables #1 and #2 as comparable #1 is a newer building compared to the subject and comparable #2 differs from the subject in lot size and ceiling height. The Board also gives less weight to board of review comparables #2 and #3 which differ from the subject in land to building ratio and/or age.

The Board finds the best evidence of market value to be appellant's comparable sale #3 and board of review's comparable sales #1 and #4. These most similar comparables sold from March 2018 to August 2019 for prices ranging from \$600,000 to \$1,079,000 or from \$51.06 to \$79.32 per square foot of building area, including land. Board of review comparables #1 and #4 have unit prices of \$79.32 and \$74.41 per square foot of building area, including land, respectively. The subject's assessment reflects a market value of approximately \$784,571 or \$75.48 per square foot of building area, including land, which falls within the range established by the best comparable sales in this record on both an overall basis and a per square foot basis. After considering adjustments to the comparables for differences from the subject, along with the evidence and testimony herein, the Board finds a reduction in the subject's assessment is not 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.



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 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

AGENCY

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