



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

APPELLANT: Boris Kogan
DOCKET NO.: 19-08287.001-R-1
PARCEL NO.: 06-02-103-017

The parties of record before the Property Tax Appeal Board are Boris Kogan, the appellant, by attorney Robert Rosenfeld, of Robert H. Rosenfeld and Associates, LLC 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: \$79,040
IMPR.: \$224,320
TOTAL: \$303,360

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 two-story dwelling of brick, masonry, or stone exterior construction with 3,907 square feet of living area. The home was built in 2006 and is 13 years old. Features of the home include an unfinished basement, central air conditioning, a fireplace, and a three-car garage. The subject has a 8,350 square foot site and is located in Elmhurst, York Township, DuPage County.

The appellant contends assessment inequity concerning the improvement assessment as the basis of the appeal. In support of this argument the appellant submitted information on three equity comparables located either 0.30 or 0.40 of a mile from the subject property and within the same assessment neighborhood code as the subject property. The comparables are improved with two-story homes of brick, masonry, or stone exterior construction ranging in size from 3,124 to 3,614 square feet of living area. The dwellings are from 14 to 17 years old. Each of the homes has an unfinished basement, central air conditioning, a fireplace, and a two-car garage. The comparables

have improvement assessments ranging from \$149,970 to \$178,950 or from \$41.50 to \$51.82 per square foot of living area. Based upon this evidence, the appellant requested the subject property's improvement assessment be reduced to \$188,200 or \$48.16 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$303,360. The subject property has an improvement assessment of \$224,320 or \$57.41 per square foot of living area.

In support of its contention of the correct assessment the board of review submitted a grid analysis of the appellant's three equity comparables and the board of review's ten equity comparables, a map depicting the locations of the comparables in relation to the subject, property record cards for the comparables, and letter from the township assessor's office describing the township's assessment process and arguing that the subject is assessed similarly to comparable properties of similar dwelling sizes.

The board of review's equity comparables are located within the same assessment neighborhood code as the subject property and are improved with two-story homes of brick, masonry, or stone exterior construction ranging in size from 3,715 to 4,106 square feet of living area. The dwellings were built from 1994 to 2006. Each of the homes has a basement, one of which has finished area, central air conditioning, one or two fireplaces, and a two-car or a three-car garage. Comparable #10 has an inground pool. The comparables have improvement assessments ranging from \$215,880 to \$241,170 or from \$57.07 to \$58.95 per square foot of living area. Based upon this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The appellant contends assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The record contains a total of thirteen comparables for the Board's consideration. The Board gives less weight to the appellant's comparable #2, which has a much smaller home compared to the subject dwelling. The Board gives less weight to the board of review's comparables #3, #7, and #9, due to differences in age from the subject, and the board of review's comparable #10, due to its inground pool and finished basement which the subject does not feature.

The Board finds the best evidence of improvement assessment equity to be the appellant's comparables #1 and #3 and the board of review's comparables #1, #2, #4, #5, #6, and #8, which are similar to the subject in dwelling size, age, location, and most features. These comparables have improvement assessments ranging from \$149,970 to \$230,730 or from \$41.50 to \$58.95 per

square foot of living area. The subject property's improvement assessment of \$224,320 or \$57.41 per square foot of living area falls within the range established by the best comparables in this record. Based on this record and after considering appropriate adjustments to the best comparables when compared to the subject, the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject property's improvement was inequitably assessed and a reduction in the subject property's improvement 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: March 15, 2022



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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