



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

APPELLANT: Walter Naziemiec
DOCKET NO.: 20-08371.001-I-1
PARCEL NO.: 03-33-302-013

The parties of record before the Property Tax Appeal Board are Walter Naziemiec, the appellant, by attorney Dennis M. Nolan, of the Law Office of Dennis M. Nolan, P.C. in Bartlett; 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: \$66,450
IMPR.: \$192,480
TOTAL: \$258,930

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 2020 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 building of masonry exterior construction with 10,713 square feet of building area. The building was constructed in 1968. Features of the building include 2,152 square feet of office area, which constitutes 20.09% of the total building area, an exterior building height of 14 feet, and three overhead doors.¹ The property has a 25,265 square foot site resulting in a land-to-building ratio of 2.36:1 and is located in Addison, Addison Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on nine comparable sales located in Bensenville, Addison, Elk Grove Village, and Wood Dale. The comparables are improved with one-story industrial

¹ Additional details regarding the subject property not reported by the appellant are found in the subject's property record card presented by the board of review and were not refuted by the appellant in written rebuttal.

buildings of brick exterior construction ranging in size from 5,399 to 16,336 square feet of building area. The buildings were constructed from 1962 to 1980. Each building has from 600 to 1,625 square feet of office area, constituting from 7% to 19% of the total building area. Seven comparables have ceilings heights ranging from 10 to 15 feet, seven comparables have from one to three docks, and seven comparables have from one to three drive-ins. The parcels range in size from 16,630 to 79,435 square feet of land area resulting in land-to-building ratios from 1.80:1 to 4.86:1. The comparables sold from July 2017 to November 2019 for prices ranging from \$265,000 to \$965,000 or from \$44.17 to \$69.46 per square foot of building area, including land.

The appellant also submitted a restricted use appraisal report concluding a market value for the subject of \$480,000 as of January 1, 2019 based on the sales comparison and income capitalization approaches. The report was prepared by Shawn Schneider, a certified general real estate appraiser, and identifies Walter and Grace Naziemiec as the intended users. The report states: "This Restricted Appraisal Report is to be used solely by the client and no unrelated third party. It should clearly be understood that the opinions and conclusions set forth in this report may not be understood properly without additional information in the appraiser's work file." Moreover, "[t]his Restricted Appraisal has been developed for the intended user to decide whether or not to proceed with an Appraisal Report which would be used as evidence in a real estate tax appeal." The appraiser further explained that this report states the appraiser's conclusions but is not a complete appraisal report, "which requires full documentation and verification of the data."

Based on this evidence the appellant requested a reduction in the subject's assessment to \$196,647, which would reflect a market value of \$590,000 or \$55.07 per square foot of building area, including land, when applying the statutory level of assessment of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$258,930. The subject's assessment reflects a market value of \$775,240 or \$72.36 per square foot of living area, land included, when using the 2020 three year average median level of assessment for DuPage County of 33.40% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on nine comparable sales located in Addison.² The comparables are improved with one-story industrial buildings of masonry exterior construction ranging in size from 7,218 to 14,500 square feet of building area. The buildings range in age/effective age from 1966 to 1979. Each building features office area ranging from 6.91% to 16.30% of the total building area and an exterior building height ranging from 15 to 18 feet. The parcels range in size from 20,078 to 32,500 square feet of land area resulting in land-to-building ratios from 1.73:1 to 3.37:1. The comparables sold from June 2016 to April 2020 for prices ranging from \$450,000 to \$1,079,000 or from \$60.81 to \$103.64 per square foot of building area, including land. The board of review submitted Real Estate Transfer Declarations for each comparable sale, which disclose eight comparables were advertised for sale and comparable #9 was not advertised for sale.

² The board of review presented its comparables in two grid analyses which are renumbered from #1 through #4 and #1 through #5 to #1 through #9.

The board of review submitted a brief contending that the subject's assessment increased from 2019 to 2020 tax years only by the 2020 equalization factor of 1.04.

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.

The appellant presented nine comparable sales and a restricted use appraisal report and the board of review presented nine comparables sales in support of their respective positions before the Board.

The Board gives less weight to the appellant's restricted use appraisal report, which specifically states that the conclusions contained therein cannot be understood without information in the appraiser's work file. Furthermore, the report is restricted to use by the intended users, namely, Walter and Grace Nazeimiec, and cannot be used by any unrelated third party, such as this Board, to determine the correct assessment of the subject property.

The Board finds the best evidence of market value to be the appellant's comparables #3, #6, and #7 and the board of review's comparables #1, #2, and #3, which are relatively similar to the subject in building size, age, location, site size, and features. The Board gave less weight to the appellant's comparables #1, #2, #4, #5, #8, and #9 and the board of review's comparables #4 through #8, which are less similar to the subject in building size and/or site size than other comparables in this record and/or sold less proximate in time to the assessment date than other comparables in this record. The Board also gave less weight to the board of review's comparable #9, which was not advertised for sale, indicating it was not an arm's length sale.

The most similar comparables sold from April 2019 to April 2020 for prices ranging from \$540,000 to \$960,000 or from \$51.06 to \$103.64 per square foot of building area, including land. The subject's assessment reflects a market value of \$775,240 or \$72.36 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. Based on this evidence and after considering appropriate adjustments to the best comparables for differences when compared to the subject, 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: June 27, 2023



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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