



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

APPELLANT: Timothy Cassidy
DOCKET NO.: 21-07260.001-R-1
PARCEL NO.: 05-30-207-022

The parties of record before the Property Tax Appeal Board are Timothy Cassidy, the appellant, by Jessica Hill-Magiera, Attorney at Law in Lake Zurich; and the DuPage County Board of Review.¹

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: \$30,680
IMPR.: \$151,190
TOTAL: \$181,870

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 2021 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 2-story dwelling of frame exterior construction with 2,604 square feet of living area. The dwelling was constructed in 1984. Features of the home include a basement with finished area, central air conditioning, a fireplace and a 452 square foot garage. The property has a 13,537 square foot site and is located in Wheaton, Milton Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on eight comparable sales located within .58 of a mile from the subject. These comparables are described as 2-story dwellings built from 1965 to 1975 and range in size from 2,345 to 2,544 square feet of living area. The comparables have basements,

¹ The parties agreed to forgo the scheduled hearing on this case and have the Board issue a decision based on the evidence in the record.

two with finished area. Each comparable has central air conditioning, and a garage ranging in size from 399 to 576 square feet of building area. The comparables sold from March 2020 to November 2021 for prices ranging from \$375,000 to \$485,000 or from \$150.00 to \$194.99 per square foot of living area, land included. Based on this evidence, the appellant requested a reduction in the subject's total assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$181,870. The subject's assessment reflects a market value of \$544,032 or \$208.92 per square foot of living area, land included, when using the 2021 three-year average median level of assessment for DuPage County of 33.43% as determined by the Illinois Department of Revenue.

In response to the appellant's evidence, the board of review submitted a comparable report on three of the appellant's comparable sales that disclosed sites ranging in size from 13,739 to 20,713 square feet of land area and each having a fireplace that were not reported by the appellant.

In support of its contention of the correct assessment the board of review submitted information on five comparable sales located within .93 of a mile from the subject. The comparables are described as 2-story dwellings of frame or frame and masonry exterior construction built from 1966 to 1985 on sites ranging in size from 10,906 to 21,540 square feet of land area. The dwellings range in size from 2,098 to 2,450 square feet of living area. The comparables have basements, two of which have finished area. Each comparable has central air conditioning, one fireplace and a garage ranging in size from 420 to 528 square feet of building area. These comparables sold from April 2020 to June 2021 for prices ranging from \$485,000 to \$575,000 or from \$223.63 to \$241.39 per square foot of living area, land included. The board of review also provided a location map of three of the appellant's comparable sales and the board of review comparable sales in relation to the subject property. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant contended that the board of review comparables #4 and #5 are not comparable due to differences in dwelling size when compared to the subject. In a rebuttal grid analysis, counsel suggested that the appellant's comparables and board of review comparables #1, #2 and #3 are the best comparable sales in the record and contended the subject's assessment should be reduced.

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 Board finds the parties submitted 13 comparables sales to support their respective positions. The Board gives less weight to appellant's comparables #2 and #4 through #8 along with board

of review comparables #1, #2, #4 and #5 due to differences in dwelling size and/or lack of finished basement area when compared to the subject.

The Board finds the best evidence of market value to be appellant's comparables #1 and #3 as well as board of review comparable #3 which have finished basement area and are similar to the subject in location, dwelling size and other features. However, both appellant's comparables require upward adjustments for their older dwellings when compared to the subject. The best comparables sold from September 2020 to June 2021 for prices ranging from \$445,000 to \$575,000 or from \$179.87 to \$240.08 per square foot of living area, including land. The subject's assessment reflects a market value of \$544,032 or \$208.92 per square foot of living area, including land, which falls within the range established by the best comparables sales in this record. Therefore, after considering adjustments to the best comparables sales 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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