



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

APPELLANT: Gary Wachowiak
DOCKET NO.: 14-02412.001-R-1
PARCEL NO.: 03-13-107-003

The parties of record before the Property Tax Appeal Board are Gary Wachowiak, the appellant, and the Grundy 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 **Grundy** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$11,150
IMPR.: \$36,315
TOTAL: \$47,465

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Grundy County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2014 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 single-family dwelling of frame and partial brick front exterior construction with 2,010 square feet of living area. The dwelling was constructed in 2003. Features of the home include a full unfinished basement, central air conditioning and a 420 square foot garage. The property has a .22-acre site and is located in Minooka, Aux Sable Township, Grundy County.

The appellant contends assessment inequity as the basis of the appeal concerning the subject's improvement assessment. No dispute was raised concerning the land assessment. In support of this inequity argument, the appellant submitted information on four equity comparables in the Section V grid analysis that were located within 1/8 of a mile from the subject property; these four comparables were repeated in a second chart and were identified as "original comparables submitted" along with a second chart of comparables numbered 1 through 6 entitled "additional comparables to support claim."

The "original" four comparables consist of two-story frame or frame and brick dwellings known as Kensington or Lafayette models that were 10 years old. The homes range in size from 2,678 to 2,826 square feet of living area and feature full unfinished basements, central air conditioning and a two-car garage of either 420 or 441 square feet of building area. Two of the comparables also have a fireplace. The properties have improvement assessments ranging from \$32,018 to \$33,528 or from \$11.33 to \$12.42 per square foot of living area for a reported average improvement assessment of \$12.05 per square foot of living area.

The "additional" six comparables consist of "Graham" or "Hartford" model dwellings that contain either 1,998 or 2,204 square feet of living area. No other descriptive details were provided by the appellant in the chart such as foundation, age, exterior construction or amenities. These properties have improvement assessments ranging from \$27,361 to \$29,788 or from \$12.41 to \$14.91 per square foot of living area or an average improvement assessment of \$13.67 per square foot of living area.

Based on this evidence, the appellant requested a reduced improvement assessment of \$26,170 or \$13.02 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 \$47,465. The subject property has an improvement assessment of \$36,315 or \$18.07 per square foot of living area.

In response to the appeal, the board of review submitted a letter from its Chairman who noted that different model types have different packages and sell differently in the market causing them to be assessed differently. The subject is a Graham-C model and the appellant's comparables included Graham-A and Graham-B models along with others.

In support of its contention of the correct assessment the board of review submitted information on five equity comparables located within a one block radius of the subject which also included appellants' additional comparable #1. Each comparable is a Graham-C model dwelling that ranges in size from 2,010 to 2,042 square feet of living area. Each home has a full basement, central air conditioning and a 420 square foot garage. One of the comparables also has a fireplace. These comparables have improvement assessments ranging from \$42,043 to \$44,727 or from \$20.74 to \$22.25 per square foot of living area.

Based upon the foregoing evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The taxpayer 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

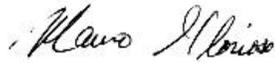
property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted a total of 15 equity comparables to support their respective positions before the Property Tax Appeal Board. On this limited record, the Board has given reduced weight to each of the appellant's comparable properties as none was a Graham-C model like the subject property and to the extent that the appellant provided "Graham" models, there were no details provided as to foundation, exterior construction, age and/or amenities.

The Board finds the best evidence of assessment equity to be the board of review comparables. These comparables have varying degrees of similarity to the subject dwelling, but each is a Graham-C model and these properties had improvement assessments that ranged from \$20.74 to \$22.25 per square foot of living area. The subject's improvement assessment of \$18.07 per square foot of living area falls below the range established by the best comparables in this record. Based on this record the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is not justified.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. The requirement is satisfied if the intent is evident to adjust the taxation burden with a reasonable degree of uniformity and if such is the effect of the statute enacted by the General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill. 2d 395 (1960). Although the comparables presented by the parties disclosed that properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity which appears to exist on the basis of the evidence. For the foregoing reasons, the Board finds that the appellant has not proven by clear and convincing evidence that the subject property is inequitably assessed. Therefore, the Property Tax Appeal Board finds that the subject's assessment as established by the board of review is correct and no reduction is warranted.

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.



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 22, 2016



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 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 the subsequent year 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.

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.