



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

APPELLANT: Andrzej Urbanski
DOCKET NO.: 16-21300.001-R-1
PARCEL NO.: 15-35-202-037-0000

The parties of record before the Property Tax Appeal Board are Andrzej Urbanski, the appellant; and the Cook 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 Cook County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$ 9,675
IMPR.: \$33,158
TOTAL: \$42,833

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) challenging the assessment for the 2016 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 63-year-old, owner-occupied, two-story dwelling of frame and masonry construction with 2,709 square feet of living area. Features of the home include a full basement, central air conditioning, two fireplaces and a two-car garage. The property has a 12,901 square foot site and is located in Riverside Township, Cook County.

The appellant contends overvaluation and assessment inequity as the bases of the appeal. In support of the inequity argument, the appellant submitted information on four suggested equity comparables. Those properties range: in size 2,318 to 3,352 square feet of living area; in age from 64 to 121-year-old; and in improvement assessment from \$10.20 to \$13.96 per square foot of living area. The appellant further argued that recent flooding has negatively impacted the market value of the subject property. The appellant submitted a partial printout of an article published on December 2, 2015 discussing the valuation and buyout options for roughly 40 properties in the unincorporated part of Riverside Township.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$42,833. The subject's assessment reflects a market value of \$428,330 when using the 2016 level of assessment for Cook County when using the Cook County Real Property Assessment Classification Ordinance level of assessment for class 2 property of 10%. In support of its contention of the correct assessment the board of review submitted information on four suggested equity comparables. Those properties range: in size from 2,311 to 2,990 square feet of living area; in age from 76 to 104-year-old; and in improvement assessment from \$12.28 to \$14.51 per square foot of living area.

At hearing, the appellant reiterated his equity argument as well as argued that the subject's market value was impacted by flooding. The appellant testified that he has lived in the house for the past 13 years and that the property's basement was substantially flooded on two separate occasions in 2008 and 2013. As a result of the flooding, the appellant testified that he was forced to move the furnace, air conditioning unit, water heater, washer, and dryer to the attic. The appellant further distinguished the board of review's comparables from the subject based on the size, location, condition, style, and lack of flooding.

The board of review argued the assessment of the subject property as established by the decision of the Property Tax Appeal Board for the 2015 tax year should be carried forward to the 2016 tax year pursuant to section 16-185 of the Property Tax Code. (35 ILCS 200/16-185). The board of review argued that the subject property is an owner-occupied residence that was the subject matter of an appeal before the Property Tax Appeal Board the prior year under Docket Number 15-20237.001-R-1. In that appeal the Property Tax Appeal Board issued a decision lowering the assessment of the subject property to \$42,833 based on the evidence submitted by the parties. In support of this argument, the board of review submitted a copy of the prior Board decision, marked as BOR #1.

Conclusion of Law

The board of review raised a contention of law asserting that the assessment of the subject property as established by the Property Tax Appeal Board for the 2015 tax year should be carried forward to the 2016 tax year pursuant to section 16-185 of the Property Tax Code. (35 ILCS 200/16-185). When a contention of law is raised the burden of proof is a preponderance of the evidence. (See 5 ILCS 100/10-15). The Board finds the board of review met this burden of proof and a reduction in the subject's assessment is not warranted.

The Property Tax Appeal Board finds that the assessment as established by the Board for the 2015 tax year should be carried forward to the tax year at issue subject only to equalization as provided by section 16-185 of the Property Tax Code.

Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) states in part:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction

establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review.

The record disclosed the Property Tax Appeal Board issued a decision reducing the subject's assessment for the 2015 tax year. The record further indicates that the subject property is an owner-occupied dwelling and that 2015 and 2016 are within the same general assessment period. The record contains no evidence indicating the subject property sold in an arm's length transaction after the Board's decision or that the decision of the Property Tax Appeal Board has been reversed or modified upon review. For these reasons the Property Tax Appeal Board finds that a reduction in the subject's assessment is not warranted to reflect the assessment as established in the Board's prior year's decision plus the application of an equalization factor, if any. After finding that the Property Tax Code requires the application of section 16-185, the Board finds the subject property to be equitably assessed.

Even if the Board was able to consider appellant's market value and equity arguments on their merits, the appellant nevertheless failed to carry his burden of showing that the subject was overvalued or inequitably assessed. The appellant did not submit any evidence to show that the subject was sold, offered on the open market, or appraised at a lower market value. As to the inequity argument, the Board finds that subject is within the range even if only appellant's comparables were to be considered.

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: February 13, 2019



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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Andrzej Urbanski
206 Maplewood Road
Riverside, IL 60546

COUNTY

Cook County Board of Review
County Building, Room 601
118 North Clark Street
Chicago, IL 60602