

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Jeffrey Diemand
DOCKET NO.: 03-27355.001-R-1 and 03-27355.001-R-1
PARCEL NO.: See below.

The parties of record before the Property Tax Appeal Board are Jeffrey Diemand, the appellant, by attorney Gregory Lafakis of Liston & Lafakis, PC, Chicago, and the Cook County Board of Review.

The subject property consists of two parcels improved with an 84-year-old building and an 18-year-old un-described minor commercial improvement. Parcel 17-22-307-008-0000 (Parcel No. 1) contains 3,950 square feet of land area and the minor commercial improvement. Parcel 17-22-307-047-000 (Parcel No. 2) contains 6,378 square feet of land area and is improved with the 84-year-old two-story style mixed-use multi-family building of masonry construction. Containing 12,480 square feet of building area the improvement is comprised of three apartments and retail/commercial space.

The appellant, through counsel, submitted evidence before the Property Tax Appeal Board claiming unequal treatment in the assessment process as the basis of the appeal. In support of this argument, the appellant offered a spreadsheet detailing five suggested comparable properties located within the same coded assessment neighborhood as the subject. These properties consist of two-story or three-story style mixed-use multi-family buildings of masonry construction from 84 to 122 years old. The comparables contain from two to four apartments and retail/commercial space; range in size from 2,205 to 7,360 square feet of building area; and have improvement assessments ranging from \$0.57 to \$15.67 per square foot of building area. A copy of the subject's 2003 board of review final decision was also included. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final improvement assessment of
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Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction 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:

<u>DOCKET NO.</u>	<u>PARCEL NO.</u>	<u>LAND</u>	<u>IMPR.</u>	<u>TOTAL</u>
03-27355.001-R-1	17-22-307-008-0000	\$15,304	\$ 1,116	\$16,420
03-27355.002-R-1	17-22-307-047-0000	\$10,405	\$49,000	\$59,405

Subject only to the State multiplier as applicable.

\$68,316, or \$5.47 per square foot of building area, was disclosed. In support of the subject's assessment, the board of review offered property characteristic sheets and a spreadsheet detailing three suggested comparable properties located within three blocks of the subject. The comparables were also presented by the appellant as comparables one, four and five. These properties range in size from 2,205 to 5,324 square feet of building area and have improvement assessments ranging from \$6.33 to \$12.64 per square foot of building area. Based on this evidence, the board of review requested confirmation of the subject property's assessment.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The appellant's argument was unequal treatment in the assessment process. The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the Board finds the appellant has overcome this burden.

Initially, the Property Tax Appeal Board finds that un-resolvable discrepancies exist between the appellant's description and assessment information and the board of review's description and assessment information of the same comparable; the appellant's comparable number four and the board of review's comparable number three. Consequently, the Board will not utilize this comparable in its analysis. Next, the Board finds that neither party presented evidence regarding the assessment equity of Parcel No. 1's improvement. Therefore, the Board finds that the appellant failed to adequately demonstrate that the improvement was inequitably assessed and no reduction is warranted.

Regarding Parcel No. 2, the Property Tax Appeal Board finds that the parties submitted four properties as comparable to the subject's improvement. The Board finds that while the comparable properties differ in size when compared to the subject, they demonstrate the subject is inequitably assessed. Accepted assessment theory suggests that as building size increases the value per square foot decreases, all other things being equal. The subject's improvement assessment appears to be contrary to accepted assessment theory and practice. After considering adjustments and the differences in the comparables when compared to the subject property, the Board finds the subject's per square foot improvement assessment is not supported by the properties contained in the record.

As a result of this analysis, the Property Tax Appeal Board finds the appellant has adequately demonstrated that the subject building sited on Parcel No. 2 was inequitably assessed by clear and convincing evidence and a 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: _____

C E R T I F I C A T I O N

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: April 1, 2008



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.