

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Edward & Wendi Biemar  
DOCKET NO.: 03-30955.001-R-1  
PARCEL NO.: 05-17-101-009

The parties of record before the Property Tax Appeal Board (hereinafter PTAB) are Edward & Wendi Biemar, the appellants, by attorney Michael Griffin in Chicago and the Cook County Board of Review.

The subject property consists of a 10,900 square foot parcel of land containing an 87-year old, two-story, frame, single-family dwelling. The improvement contains 1,852 square feet of living area, one and one-half baths, air conditioning, a fireplace, and a full, unfinished basement. The appellants, via counsel, argued that there was unequal treatment in the assessment process of the improvement as the basis of this appeal.

In support of the equity argument, the appellants submitted assessment data and descriptions of four properties suggested as comparable to the subject. A black and white photograph of the subject property and a brief from the appellant's attorney were also submitted. The data in its entirety reflects that the properties are located within the subject's neighborhood and are improved with a two-story, masonry, frame or stucco, single-family dwelling with one and one-half, two or two and one-half baths and a partial or full basement with one finished. In addition, three properties contain one or two fireplaces and one property contains air conditioning. The improvements range: in

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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:

LAND:	\$ 24,017
IMPR.:	\$ 32,426
TOTAL:	\$ 56,443

Subject only to the State multiplier as applicable.

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age from 75 to 79 years; in size from 1,550 to 1,790 square feet of living area; and in improvement assessments from \$10.47 to \$18.91 per square foot of living area. Based upon this analysis, the appellants requested a reduction in the subject's improvement assessment.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's improvement assessment was \$45,103, or \$24.35 per square feet of living area. The board also submitted copies of the property characteristic printouts for the subject as well as three suggested comparables located within the subject's neighborhood. The board's properties contain a two-story, frame, single-family dwelling with one or two baths and a full basement with two finished. In addition, two properties contain air conditioning and two properties contain a fireplace. The improvements range: in age from 90 to 94 years; in size from 1,612 to 2,204 square feet of living area; and in improvement assessments from \$12.30 to \$19.45 per square foot of living area. As a result of its analysis, the board requested confirmation of the subject's assessment.

After considering the evidence and reviewing the record, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

Appellants 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, 544 N.E.2d 762 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. Proof of assessment inequity should include assessment data and documentation establishing the physical, locational, and jurisdictional similarities of the suggested comparables to the subject property. *Property Tax Appeal Board Rule 1910.65(b)*. Mathematical equality in the assessment process is not required. A practical uniformity, rather than an absolute one is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill. 2d 395, 169 N.E.2d 769 (1960). Having considered the evidence presented, the PTAB concludes that the appellant has met this burden and that a reduction is warranted.

The parties presented assessment data on a total of seven equity comparables. The PTAB finds the appellants' comparables #1 and #3 and the board of review's comparable #3 are the most similar to the subject. These three comparables contain a two-story, frame, single-family dwelling located within the subject's neighborhood. The improvements range: in age from 77 to 94 years; in size from 1,736 to 1,790 square feet of living area; and in improvement assessments from \$12.30 to \$17.52 per square foot of living area.

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In comparison, the subject's improvement assessment of \$24.35 per square foot of living area falls above the range established by these comparables. The PTAB accorded less weight to the remaining comparables due to a disparity in size.

As a result of this analysis, the PTAB further finds that the appellant has adequately demonstrated that the subject's improvement was inequitably assessed by clear and convincing evidence and that 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:

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"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.