

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Rick Elfman
DOCKET NO.: 04-22952.001-R-1
PARCEL NO.: 04-23-400-052-0000

The parties of record before the Property Tax Appeal Board are Rick Elfman, the appellant, by attorney Mitchell L. Klein of Schiller, Klein & McElroy, P.C., Chicago, and the Cook County Board of Review.

The subject property consists of a 17-year-old, two-story, single-family dwelling of masonry construction containing 6,697 square feet of living area and sited on a 64,584 square foot parcel. Features of the residence include three full bathrooms, two half-baths, a full-finished basement, air-conditioning, three fireplaces and a three-car attached garage. The subject is located in Northfield Township, Cook County.

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 claim, the appellant submitted assessment data and descriptive information on three properties suggested as comparable to the subject. The appellant also submitted a one-page brief, photographs and property characteristic printouts for the subject and the suggested comparables as well a copy of the board of review's decision. Based on the appellant's documents, the three suggested comparables consist of two-story, single-family dwellings of masonry or frame and masonry construction located within the subject's neighborhood. The improvements range in size from 5,388 to 6,302 square feet of living area and range in age from 15 to 25 years. The comparables contain from three to four and one-half bathrooms, a finished or unfinished basement, air-conditioning, a fireplace and a three-car attached garage. The improvement assessments range from \$19.80 to \$21.04 per square foot of living area. The three suggested land comparables range in size from 34,317 to 51,392 square feet and have land assessments of \$0.52 per square foot. Based on the evidence submitted, the appellant requested a reduction in the subject's assessment.

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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: \$ 33,584
IMPR.: \$ 151,520
TOTAL: \$ 185,104

Subject only to the State multiplier as applicable.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's total assessment of \$218,687, with \$151,520 or \$22.62 per square foot of living area apportioned to the improvement and \$67,167 or \$1.04 per square foot apportioned to the land. In support of the assessment the board submitted property characteristic printouts and descriptive data on three properties suggested as comparable to the subject. The suggested comparables are improved with two-story, single-family dwellings of masonry or frame and masonry construction with the same neighborhood code as the subject. The improvements range in size from 5,667 to 6,566 square feet of living area and range in age from 13 to 20 years. The comparables contain from two and one-half to six and one-half bathrooms, a full-finished or unfinished basement, air-conditioning, multiple fireplaces and a multi-car attached garage. The improvement assessments range from \$22.80 to \$29.04 per square foot of living area. The three suggested land comparables range in size from 38,938 to 65,906 square feet and have land assessments of \$0.52 per square foot. Based on the evidence presented, the board of review requested confirmation of the subject'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.

Regarding the improvement, the Board finds the appellant's comparables one and three and the board of review's comparables one and two to be the most similar properties to the subject in the record. These four properties are similar to the subject in improvement size, amenities, age and location and have improvement assessments ranging from \$19.80 to \$29.04 per square foot of living area. The subject's per square foot improvement assessment of \$22.62 falls within the range established by these properties. The Board finds the remaining comparables less similar to the subject in improvement size. After considering adjustments and the differences in both parties' suggested comparables when compared to the subject, the Board finds the subject's per square foot improvement assessment is supported by the most similar properties contained in the record.

Regarding the land, the Board finds the six land comparables submitted by both parties similar to the subject in size and location. They range in size from 34,317 to 65,906 square feet and have land assessments of \$0.52 per square foot. The subject's per square foot land assessment of \$1.04 falls above

the range established by these properties. Therefore, the Board finds the subject's per square foot land 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 land 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: October 31, 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.