

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: FitzSimons  
DOCKET NO.: 04-27264.001-R-1  
PARCEL NO.: 05-29-102-067-0000

The parties of record before the Property Tax Appeal Board (PTAB) are FitzSimons, the appellant, by attorney Arnold G. Siegel of Chicago and the Cook County Board of Review (board).

The subject property consists of a 50-year-old, one and part two-story single-family dwelling of frame and masonry construction containing 4,870 square feet of living area and located in New Trier Township, Cook County. The residence contains four full bathrooms, no basement, air conditioning, a fireplace and a two-car garage. The Assessor describes the subject's condition as "Deluxe".

The appellant, through counsel, submitted evidence before the PTAB claiming unequal treatment in the assessment process as the basis of the appeal. In support of this argument, the appellant offered nine suggested comparable properties located within a quarter mile of the subject. These properties consist of one and part two-story single-family dwellings of frame, masonry, or frame and masonry construction and range in age from seven to 49 years. The comparables have between two and seven bathrooms with half-baths and seven have full or partial basements, one finished. Eight homes are air-conditioned and eight have fireplaces. Each site has a two or three-car garage. The comparables contain between 4,188 and 5,557 square feet of living area and have improvement assessments ranging from \$75,163 to \$167,733 or from \$14.59 to \$30.59 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board submitted its "Board of Review Notes on Appeal" wherein the subject's final improvement assessment of \$221,444, or \$45.47 per square foot of living area, was disclosed. In support of the subject's assessment, the board offered one suggested comparable property located within a quarter mile of the subject. The comparable consists of a one and part two-story single-family dwellings of frame construction and five years old. The comparable contains five bathrooms with two half-baths, a partial

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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: \$ 93,554  
IMPR. \$121,446  
TOTAL: \$215,000

Subject only to the State multiplier as applicable.

PTAB/TMcG.

basement, air conditioning, a fireplace and a two-car garage. The comparable contains 4,001 square feet of living area and an improvement assessment of \$197,764 or \$49.43 per square foot of living area. The Assessor describes the comparable's condition as "Deluxe". The board disclosed the subject was purchased in November of 2003 for \$3,150,000. Based on this evidence, the board requested confirmation of the subject property's assessment.

After reviewing the record and considering the evidence, the PTAB finds that it has jurisdiction over the parties and the subject matter of this appeal. 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 PTAB finds the appellant has overcome this burden.

With the exception of the appellant's comparables six and nine and the board's single comparable the PTAB finds the board's remaining comparables, especially comparables two and eight are the comparables with more similarities that are subject to adjustments. These properties have improvement assessments ranging from \$14.59 to \$30.59 per square foot of living area. The subject's per square foot improvement assessment of \$45.47 is above this range of properties. The PTAB gives less weight to the appellant's comparables six and nine and the board's one comparable because they are less similar to the subject in age. After considering the differences in the suggested comparables when compared to the subject property, the PTAB finds the evidence submitted is sufficient to effect a change in the subject's assessment.

As a result of this analysis, the Property Tax Appeal Board finds the appellant has adequately demonstrated that the subject dwelling 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: May 27, 2009



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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.