



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

APPELLANT: Michael Vennetti
DOCKET NO.: 05-27445.001-R-1
PARCEL NO.: 27-07-303-011-0000

The parties of record before the Property Tax Appeal Board are Michael Vennetti, the appellant(s), by attorney Patrick J. Cullerton, of Thompson Coburn LLP in Chicago; and the Cook County Board of Review.

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: \$10,443
IMPR.: \$82,749
TOTAL: \$93,192

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 29,010 square foot parcel of land improved with a four-year old, two-story, masonry, single-family dwelling containing three and one-half baths, two fireplaces, air conditioning, and a full, unfinished basement. The appellant argued unequal treatment in the assessment process as the basis of the appeal.

In support of the equity argument, the appellant submitted colored photographs, descriptions and assessment information on a total of five properties suggested as comparable and located within the subject's neighborhood. The properties are described as two-story, masonry or frame and masonry, single-family dwellings with two and one-half to six and two-half baths, one or two fireplaces, air conditioning, and a full, unfinished basement. The properties range: in age from six to 12 years; in size from 4,238 to 8,387 square feet of living area; and in improvement assessments from \$12.94 to \$15.22 per square foot of living area.

The appellant also argued that the subject property's square footage as listed by the county is incorrect. In support of this, the appellant submitted a copy of the property record card for the subject. The first page of the document indicates the subject contains 6,418 square feet of living area while the second page indicates the subject contains 6,286 square feet of living area. In addition, the appellant presented a copy of an affidavit from the general contractor for the subject; he attested to a square footage of 5,444 square feet of living area. Based on this evidence, the appellants 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 improvement assessment of \$120,690 or \$18.80 per square foot of living area when using 6,418 square feet was disclosed. In support of the subject's assessment, the board of review indicated the subject sold in October 2004 for \$1,310,000. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the appellant presented Appellant's Exhibit #7, a copy of the blue prints for the subject property, and Appellant's Exhibit #8, a copy of letter from the architect which indicated the property contains 5,560 square feet of living area. Appellant's Exhibit #9 is a new grid analysis with the subject property listed as containing 5,560 square feet of living area. The appellant asserts that the error by the county was due to an error in calculating the garage.

The appellant asserted that there was a reduction in the assessed value in 2007 which is in the same triennial year.

The board of review's representative, Michael LaCalamita, rested on the evidence previously submitted.

After reviewing the testimony 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 Board further finds a reduction in the subject's assessment is warranted.

The appellant contends unequal treatment in the subject's improvement assessment as the basis of the appeal. 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). After an analysis of the assessment data, the Board finds the appellant has met this burden.

As to the subject square footage, the PTAB gives little weight the property record card as this document has conflicting information about the subject's size. The PTAB gives the most weight to the affidavit of the general contractor as he has personal knowledge of the construction of the subject and

attested under oath as to the subject's size. Therefore, the PTAB finds the subject contains 5,444 square feet of living area.

The parties submitted a total of five properties suggested as comparable to the subject. The PTAB finds the appellant's comparables #1, #2, and #5 are the most similar to the subject in size, design, construction, amenities and age. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These properties are masonry or frame and masonry, two-story, single-family dwellings located within the subject's neighborhood. The properties range: in age from nine to 12 years; in size from 4,238 to 6,411 square feet of living area; and in improvement assessments from \$12.94 to \$15.22 per square foot of living area. In comparison, the subject's improvement assessment of \$22.17 per square foot of living area is above the range of these comparables. The remaining comparables were given less weight due to disparities in size. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's per square foot improvement assessment is not supported and a reduction in the subject's assessment 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario M. Louie

Member

Shawn R. Lerski

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: August 20, 2010

Allen Castrovillari

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.