

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Joseph Weil
DOCKET NO.: 06-00692.001-R-1
PARCEL NO.: 16-25-401-012

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

The subject property consists of a 70 year-old, two-story style brick and frame dwelling that contains 4,347 square feet of living area. Features of the home include central air conditioning, three fireplaces, a 418 square foot garage and a partial unfinished basement.

The appellant submitted evidence to 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 submitted a grid analysis of three comparable properties. The comparables consist of two-story style brick dwellings that range in age from 59 to 86 years and range in size from 4,228 to 4,666 square feet of living area. Features of the comparables include central air conditioning, a fireplace, garages that contain from 315 to 441 square feet of building area and partial unfinished basements. These properties have improvement assessments ranging from \$188,349 to \$216,767 or from \$44.55 to \$47.65 per square foot of living area. The subject has an improvement assessment of \$220,748 or \$50.78 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal", wherein the subject property's total assessment of \$469,936 was disclosed. In support of the subject's assessment, the board of review submitted property record cards and a grid analysis of three comparable properties. The comparables consist of two-story style brick and frame dwellings that range in age from 66 to 81 years and range in size from 4,022 to 4,694 square feet of living area. Features of the comparables include central air conditioning, one to four fireplaces, garages that contain

(Continued on Next Page)

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change in the assessment of the property as established by the Lake County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	\$	249,188
IMPR.:	\$	220,748
TOTAL:	\$	469,936

Subject only to the State multiplier as applicable.

from 380 to 501 square feet of building area and full or partial basements, one of which contains 728 square feet of finished area. These properties have improvement assessments ranging from \$217,388 to \$249,598 or from \$53.17 to \$54.58 per square foot of living area. Based on this evidence, the board of review requested the subject's assessment be confirmed.

In rebuttal, the appellant argued two of the board of review's comparables had higher quality grades than the subject and that all the comparables had various amenities not enjoyed by the subject. He also claimed that while the subject had been remodeled in 1966, the board of review's comparables were remodeled in 1988, 1996 and 2004.

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 Property Tax Appeal Board further finds that a reduction in the subject's assessment is not warranted. 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 not overcome this burden.

The Board finds the parties submitted six comparables for its consideration. The Board finds the appellant's comparable one and the board of review's comparable one were significantly older than the subject and were given less weight in the analysis. The Board finds the remaining comparables submitted by both parties were similar to the subject in terms of style, age, size and amenities and had improvement assessments ranging from \$46.46 to \$54.05 per square foot of living area. The subject's improvement assessment of \$50.78 per square foot of living area falls within this range. While the appellant contends the board of review's comparables had higher quality grades, were remodeled more recently than the subject, or had various amenities not enjoyed by the subject, he failed to demonstrate that these differences were not properly accounted for in the board of review's comparables' higher improvement assessments when compared to the subject. Therefore, the Board finds the evidence in the record supports the subject's assessment.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. The requirement is satisfied if the intent is evident to adjust the burden with a reasonable degree of uniformity and if such is the effect of the statute enacted by the General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, rather than an absolute one,

is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395 (1960). Although the comparables presented by the parties disclosed that properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity, which appears to exist on the basis of the evidence.

In conclusion, the Board finds the appellant has failed to prove unequal treatment in the assessment process by clear and convincing evidence and the subject's assessment as determined by the board of review is correct and no 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.



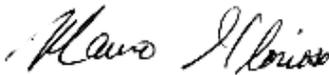
Chairman



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: July 28, 2009



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.