

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Atul Shah
DOCKET NO.: 06-01225.001-R-1
PARCEL NO.: 14-27-107-011

The parties of record before the Property Tax Appeal Board are Atul Shah, the appellant, by attorney Edward Larkin of Larkin & Larkin, in Park Ridge, and the Lake County Board of Review.

The subject property consists of a 15 year-old, two-story style frame dwelling that contains 2,788 square feet of living area. Features of the home include central air conditioning, a 440 square foot attached garage and a full unfinished basement.

Through counsel, the appellant appeared before 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 property characteristic sheets and a grid analysis of three comparable properties located on the subject's street. The comparables consist of part one and one-half-story and part two-story style frame dwellings that are 12 or 17 years old and range in size from 2,788 to 3,620 square feet of living area. Features of the comparables include central air conditioning, a fireplace, garages that contain 420 or 440 square feet of building area and partial unfinished basements. These properties have improvement assessments that range from \$120,000 to \$148,483 or from \$41.02 to \$43.74 per square foot of living area. The subject has an improvement assessment of \$126,049 or \$45.21 per square foot of living area. At the hearing, the appellant revised his original requested improvement assessment reduction to \$118,769 or \$42.60 per square foot of living area, which is the average of his comparables.

The board of review submitted its "Board of Review Notes on Appeal", wherein the subject property's total assessment of \$159,139 was disclosed. In support of the subject's assessment, the board of review submitted property record cards and a grid analysis of four comparable properties, two of which are located on the subject's street. The comparables consist of 15 year-old, two-story frame dwellings that contain 2,788 square feet of living area. Features of the comparables include central air

(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:	\$	33,090
IMPR.:	\$	126,049
TOTAL:	\$	159,139

Subject only to the State multiplier as applicable.

conditioning, a fireplace, 440 square foot garages and full unfinished basements. These properties have improvement assessments ranging from \$126,092 to \$131,954 or from \$45.23 to \$47.33 per square foot of living area. Based on this evidence, the board of review requested the subject's assessment be confirmed.

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 seven comparables for its consideration. The Board gave less weight to the appellant's comparable 3 because it was significantly larger in living area when compared to the subject. The Board finds six comparables were similar to the subject in design, exterior construction, age, size, location and features and had improvement assessments ranging from \$120,030 to \$131,954 or from \$43.05 to \$47.33 per square foot of living area. The subject's improvement assessment of \$45.21 per square foot falls within this range and is below the range of the board of review's comparables, which were identical to the subject in age and living area.

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: 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.