



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

APPELLANT: Morton S. Balaban
DOCKET NO.: 06-25507.001-R-1
PARCEL NO.: 05-33-111-042-0000

The parties of record before the Property Tax Appeal Board are Morton S. Balaban, the appellant(s), by attorney Lisa A. Marino, of Marino & Assoc., PC in Chicago; and the Cook County Board of Review.

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 Cook County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$ 10,296
IMPR.: \$ 100,355
TOTAL: \$ 110,651

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 7,150 square foot parcel improved with a three-year-old, two-story, single-family dwelling of frame and masonry construction containing 2,843 square feet of living area and located in New Trier Township, Cook County. Features of the residence include two and one-half bathrooms, a full-finished basement, central air-conditioning, a fireplace and a two-car attached garage.

The appellant, through counsel, submitted evidence before the Property Tax Appeal Board and raised two arguments: first, that there was unequal treatment in the assessment process of the improvement; and second, that the fair market value of the subject is not accurately reflected in its assessed value. In support of the inequity argument, the appellant submitted assessment data and descriptive information on four properties suggested as comparable to the subject. Based on the appellant's documents, the four suggested comparables consist of two-story, single-family dwellings of frame and masonry construction located within two blocks of the subject. The improvements range in size

from 2,007 to 2,919 square feet of living area and range in age from 40 to 49 years old. The comparables contain two and one-half or three full bathrooms, a finished or unfinished basement, a fireplace and a two-car garage. Three comparables have central air-conditioning. The improvement assessments range from \$19.93 to \$20.66 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

As to the market value argument, the appellant's attorney submitted a two-page brief arguing that the subject property was vacant from early 2006 until August 2006 when the property was rented. In support of this claim, the appellant submitted a general affidavit and a vacancy/occupancy affidavit, presented at the board of review level, indicating that the subject was 58% vacant in 2006 due to ongoing construction of a second floor addition. Based on this evidence, the appellant requested an occupancy factor of 42% be applied to the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's total assessment of \$110,651. The subject's improvement assessment is \$100,355 or \$35.30 per square foot of living area. In support of the assessment the board submitted a property characteristic printout and descriptive data on one property suggested as comparable to the subject. The suggested comparable consists of a two-story, three-year-old, 2,692 square foot, single-family dwelling of frame and masonry construction located on the same street and within one block of the subject. The comparable contains two and one-half bathrooms, a full-unfinished basement, central air-conditioning and a two-car attached garage. The improvement assessment is \$35.30 per square foot of living area. 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 not overcome this burden.

The Board finds the appellant's comparables to be similar to the subject in many respects. These four properties are similar to the subject in improvement size, exterior construction, amenities and location and have improvement assessments ranging from \$19.93 to \$20.66 per square foot of living area. The subject's per square foot improvement assessment of \$35.30 falls above the

range established by these properties. However, along with other differences, the Board finds these properties inferior to the subject in age in that they range from 40 to 49 years old, whereas, the subject is only three years old. After considering adjustments for age, as well as other differences in the appellant's comparables when compared to the subject, the Board finds the subject's per square foot improvement assessment is supported by similar properties contained in the record. The Board further finds the board's one comparable similar to the subject in most respects and supports the subject's current assessment.

When overvaluation is claimed the appellant has the burden of proving the value of the property by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist, 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd Dist. 2000). Proof of market value may consist of an appraisal, a recent arms-length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Adm.Code §1910.65(c). Having considered the evidence, the Board finds the appellant has not satisfied this burden.

The appellant also argued overvaluation in that the subject's assessment is incorrect due to vacancy. The Board finds this argument unpersuasive. The Board further finds no evidence in the record that the subject's assessment is incorrect when vacancy is considered. The mere assertion that vacancies in a property exist does not constitute proof that the assessment is incorrect or that the fair market value of the property is negatively impacted.

As a result of this analysis, the Property Tax Appeal Board finds the appellant has failed to adequately demonstrate that the subject dwelling was inequitably assessed or overvalued and a reduction is not 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 Morris

Member

Shawn R. Lerbis

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 23, 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.