



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

APPELLANT: Thomas Czachorowski
DOCKET NO.: 06-27983.001-C-1
PARCEL NO.: 13-22-322-036-0000

The parties of record before the Property Tax Appeal Board are Thomas Czachorowski, the appellant, by attorney Terrence Kennedy Jr., of Law Offices of Terrence Kennedy Jr. 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: \$12,468
IMPR.: \$49,875
TOTAL: \$62,343

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 3,125 square foot parcel of land improved with a 45-year old, one-story, masonry, commercial building containing 2,625 square feet of building area. The appellant argued that there was unequal treatment in the assessment process of the improvement as the basis of this appeal.

In support of the equity argument, the appellant submitted assessment data and descriptions on a total of five properties suggested as comparable to the subject and located on the same block as subject or within several blocks from the subject. The data in its entirety reflects that the properties are improved with a one-story, masonry, commercial building. The properties range: in size from 2,208 to 4,035 square feet of building area; in age from 30 to 83 years; and in improvement assessment from \$13.41 to \$19.68 per square foot of building area. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's improvement assessment was \$76,360, or \$24.34 per square feet of building area was disclosed. The board also submitted raw sales data on five properties. The sales occurred between January 2001 and May 2003 for prices ranging from \$157,000 to \$320,000 or from \$75.76 to \$155 per square foot, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

The board of review also included a copy of the subject's recorded Warranty Deed as evidence that subject was purchased on December 29, 2005 for a price of \$245,000, or \$93.33 per square foot, including land.

After considering the evidence and reviewing the record, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

Appellants 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, 544 N.E.2d 762 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. Proof of assessment inequity should include assessment data and documentation establishing the physical, locational, and jurisdictional similarities of the suggested comparables to the subject property. Property Tax Appeal Board Rule 1910.65(b). Mathematical equality in the assessment process is not required. A practical uniformity, rather than an absolute one is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill. 2d 395, 169 N.E.2d 769 (1960). Having considered the evidence presented, the PTAB concludes that the appellant has met this burden and that a reduction is warranted.

The appellant presented assessment data on a total of five equity comparables. The PTAB finds these comparables similar to the subject. The properties are improved with a one-story, masonry, commercial building while located in close proximity to the subject. The properties range: in size from 2,208 to 4,035 square feet of building area; in age from 30 to 83 years; and in improvement assessment from \$13.41 to \$19.68 per square foot of building area. In comparison, the subject's improvement assessment of \$24.34 per square foot of building area is above the range of comparables. The PTAB gives little weight to the board of review's evidence as the data is merely raw sales data and unsupported sales data for the subject. The information provided by the board of review was collected from various sources, however, the author of the board of review memo indicated they did not verify the information or sources and did not warrant the accuracy of the data provided. Additionally, the county failed to submit any documentation supporting that subject's sale was an arm's-length transaction. Little weight was placed on this evidence as it did not address appellant's equity argument.

After considering adjustments and the differences in the comparables when compared to the subject, the PTAB 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 Morris

Member

J. R.

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: March 23, 2012

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.