



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

APPELLANT: Diane Smoler
DOCKET NO.: 07-21624.001-R-1
PARCEL NO.: 05-32-305-115-0000

The parties of record before the Property Tax Appeal Board are Diane Smoler, the appellant(s), by attorney Julie Realmuto, of McCarthy Duffy of 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: \$ 4,186
IMPR: \$ 27,174
TOTAL: \$ 31,360

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story row house or townhouse of masonry construction containing 1320 square feet of living area. The dwelling is 45 years old. Features of the home include a full, unfinished basement and central air conditioning.

The appellant's appeal is based on unequal treatment in the assessment process. The appellant submitted basic assessment information on seven properties but provided sufficiently detailed property characteristics information on only four comparable properties. They are located on the same block as the subject and are essentially identical to the subject in property characteristics except they have lot sizes more than double the size of the subject's lot size. The comparables have improvement assessments ranging from \$14.70 to \$15.98 per square foot of living area. They have total assessments that range from \$31,378 to \$31,486. The subject's improvement assessment is \$20.59 per square foot of living area, and its total

assessment is \$31,360. Based on this evidence, the appellant 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 final assessment was disclosed. The board of review presented descriptions and assessment information on three comparable properties that also are located on the same block as the subject and are essentially identical to the subject in property characteristics. They have lot sizes close to those of the subject. These properties have improvement assessments ranging from \$20.59 to \$21.13 per square foot of living area and total assessments that range from \$31,398 to \$31,498. Based on this evidence, 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 Board further finds a reduction in the subject's assessment is not 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 not met this burden.

The Board finds the comparables submitted by both parties were quite similar to the subject in nearly every property characteristic. Although the improvement assessments spanned a wide range from \$14.70 to \$21.13 per square foot, the difference between the lower improvement assessments of the appellant's comparables and the higher improvement assessments of the board of review's comparables is mostly attributable to a difference in the division of each property's total assessment between land and improvement. The total assessments of all seven comparables were in the narrow range of \$31,378 to \$31,498, and the subject's total assessment is lower than that range at \$31,360. The subject had a lot size of 2434 square feet, nearly the same as the lot sizes of the board of review's comparables #1 and #2, and its improvement assessment of \$20.59 per square foot is the same as one of those comparables and lower than the other. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board

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finds the subject's improvement assessment is equitable and a reduction in the subject's assessment 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. Crit

Chairman

K. L. Fan

Member

Richard A. Huff

Member

Harold H. Lewis

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: December 23, 2009

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.