



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

APPELLANT: Thomas Shea
DOCKET NO.: 07-22195.001-R-1
PARCEL NO.: 05-20-120-016-0000

The parties of record before the Property Tax Appeal Board are Thomas Shea, the appellant(s), by attorney Glenn S. Guttman, of Rieff Schramm Kanter & Guttman 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: \$17,108
IMPR.: \$45,649
TOTAL: \$62,757

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 9,100 square foot parcel of land improved with a 77 year-old, one and one-half story, masonry, single family dwelling containing one bath, a fireplace and a full, finished basement. The appellant, via counsel, argued that the fair market value of the subject is not accurately reflected in its assessed value as the basis of this appeal.

In support of the argument, the appellant submitted a brief asserting that the subject property is located in a floodway which precludes the possibility of adding onto the existing structure. To support this, the appellant submitted a copy of a page from a insurance company indicating there is an escrow account for a property for estimated flood insurance. This document does not indicate the property under this escrow account. In addition, the appellant argues that the county has incorrectly listed the size of the subject's improvement at 1,692 square feet of living area. The appellant asserts the subject contains 1,330 square feet of living area. To support this, the appellant included the subject's floor plan and a copy of the

plat of survey for the subject. Based on this evidence, the appellant is requesting a reduction in the improvement due to the size error and a 20% reduction due to the diminution of value for the flood zone.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$62,757 yielding a market value of \$653,719 per square foot of living area, including land, using the Illinois Department of Revenue's 2007 three-year median level of assessment for Cook County class 2 property. In support of the subject's assessment, the board submitted descriptions and assessment information on four properties suggested as comparable and located within a quarter of a mile of the subject. The properties are described as one-story, frame or masonry, single-family dwellings with two baths, one or two fireplaces, and air conditioning for three properties. The properties range: in age from 52 to 58 years; in size from 1,705 to 1,799 square feet of living area; and in improvement assessments from \$28.84 to \$31.31 per square foot of living area. The subject has an improvement assessment of \$26.98 per square foot of living area when using 1,692 square feet as listed by the board. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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.

When overvaluation is claimed the appellant has the burden of proving the value of the property by a preponderance of the evidence. *Property Tax Appeal Board Rule 1910.63(e)*. Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. *Property Tax Appeal Board Rule 1910.65(c)*.

As to the subject's size, the PTAB finds that the floor plan submitted by the appellant is for interior measurements of each room within the improvement and are not reflective of the improvement's full size. Moreover, the PTAB finds the subject's plat of survey supports the board of review's description of the subject's size. Therefore, the PTAB finds the subject's improvement contains 1,692 square feet of living area.

As to the argument that the subject property is devalued due to the subject's location on a floodway, the PTAB finds the appellant failed to submit any evidence, such as a FEMA map, to show that the subject is located within a FEMA flood zone. A portion of the appellant's insurance policy show they have insurance for flood is insufficient to establish the subject's location in a FEMA flood zone. In addition, the appellant failed to establish the value lost by the subject if it were located within a flood zone. The appellant's evidence shows an improvement on the property. Therefore, the property is not completely unusable. Therefore, the PTAB finds the appellant

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failed to meet the burden of proof and 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.

Donald 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: August 28, 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.