



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

APPELLANT: Gerald & Annmarie Benuzzi
DOCKET NO.: 07-24171.001-R-1
PARCEL NO.: 09-25-116-037-0000

The parties of record before the Property Tax Appeal Board are Gerald & Annmarie Benuzzi, the appellants, by attorney Michael Griffin of 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: \$ 8,000
IMPR.: \$ 48,000
TOTAL: \$ 56,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story dwelling of masonry construction containing 1,227 square feet of living area. The dwelling is 53 years old. Features of the home include a full, finished basement and a fireplace.

The appellants' appeal is based on unequal treatment in the assessment process. The appellants submitted information on four comparable properties described as one or one and one-half story frame and masonry dwellings that range in age from 57 to 81 years old. The comparable dwellings range in size from 1,288 to 1,768 square feet of living area. Each comparable has central air conditioning, one or two fireplaces, and a one-car garage. The appellants did not include any data concerning basements for the properties. The comparables have improvement assessments ranging from \$26.79 to \$29.00 per square foot of living area. The subject's improvement assessment is \$40.49 per square foot of living area. Based on this evidence, the appellants 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 four comparable properties consisting of one-story

masonry dwellings that range in age from 54 to 60 years old. The dwellings range in size from 1,159 to 1,280 square feet of living area. Two comparables have full, finished basements, and two have full, unfinished basements. Three dwellings have a fireplace; one has central air conditioning; and three have a garage, either one-car or two-car. These properties have improvement assessments ranging from \$34.34 to \$39.67 per square foot of living area. 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 warranted.

The appellants contend 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 appellants have met this burden.

Both parties presented assessment data on a total of eight equity comparables. The comparables submitted by the appellants differed from the subject in exterior construction; comparables one and three also differed in style; and comparables two through four were larger than the subject. As a result, the appellants' comparables received reduced weight in the Board's analysis. The Board finds the comparables submitted by the board of review were all very similar to the subject in size, style, exterior construction, and age, but the comparables numbered two and three by the board of review were most similar to the subject in basement treatment. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These comparables had improvement assessments of \$36.79 and \$39.67 per square foot of living area. The subject's improvement assessment of \$40.49 per square foot of living area falls above these amounts. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's improvement assessment is not equitable 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

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: April 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.