



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

APPELLANT: Robert Kurtz
DOCKET NO.: 07-26682.001-R-1
PARCEL NO.: 10-34-121-021-0000

The parties of record before the Property Tax Appeal Board are Robert Kurtz, the appellant(s), by attorney Stephanie Park, of Park & Longstreet, P.C. in Rolling Meadows; 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: \$ 8,591
IMPR.: \$35,800
TOTAL: \$44,391

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property has 5,966 square feet of land, which is improved with a 57 year old, one and one-half-story, frame and masonry, single-family dwelling containing 1,368 square feet of living area. The dwelling's amenities include two baths, a full basement with a formal recreation room, air conditioning, a fireplace, and a two-car garage. The appellant's appeal is based on unequal treatment in the assessment process.

In support of the equity argument, the appellant, via counsel, submitted descriptive and assessment information on eight properties suggested as comparable to the subject. These suggested comparables are described as masonry or frame and masonry, one or one and one-half-story, single family dwellings that range in age from 51 to 78 years old, and in size from 1,293 to 1,482 square feet of living area. These dwellings have from one to two and one-half baths, and either a full unfinished basement, a full basement with a formal recreation room, a partial unfinished basement, a partial basement with a formal recreation room, or a crawl. Additionally, all of the properties have air conditioning, two have a fireplace, and five have a garage, ranging from a one-car to a two and one-half-car garage. These suggested comparables have improvement assessments ranging from \$22.90 to \$25.09 per square foot of living area. Based on

this evidence, the appellant requested a reduction in the subject's assessment.

The Cook County Board of Review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$44,391 was disclosed. In support of the subject's assessment, the board of review presented descriptive and assessment information, as well as black and white photographs of four properties suggested as comparable to the subject. These properties are described as one and one-half-story, frame and masonry, single family dwellings that range in age from 56 to 59 years old, and in size from 1,242 to 1,501 square feet of living area. These dwellings have from one and one-half to two baths, and either a full basement with a formal recreation room or a full unfinished basement. All of the suggested comparables have air conditioning, a fireplace, ranging from one to two fireplaces, and a garage, ranging from a one-car to a two-car garage. These suggested comparables have improvement assessments ranging from \$26.81 to \$29.65 per square foot of living area. The subject's assessment is \$26.17 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the appellant, represented by Scott E. Longstreet of Park & Longstreet, P.C., re-affirmed the evidence previously submitted.

The board of review analyst, Roland Lara, Cook County Board of Review Analyst, then offered a map of the subject and the location of all of the comparables submitted by both parties. This map was taken into evidence without object from the appellant, and marked as "Exhibit BOR-A." Mr. Lara then testified that the board of review's comparables were all of similar exterior construction, age, and size to the subject. Mr. Lara added that several of the appellant's comparables were only one-story, and/or were not the same exterior construction as the subject. Mr. Lara then re-affirmed the evidence previously submitted.

In rebuttal, Mr. Longstreet stated that board of review Comparables #1, #2 and #3 were not in close proximity with the subject. Additionally, Mr. Longstreet argued that, while the board of review's grid sheet states that all four of the comparables are one and one-half-stories tall, the black and white photographs of the comparables submitted by the board of review show that several, if not all, of these properties are two-story dwellings.

After reviewing the record, hearing the testimony, 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 contends unequal treatment in the subject's improvement assessment as the basis of this 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. Walsh v. Prop. Tax Appeal Bd., 181 Ill. 2d 228, 234 (1998) (citing Kankakee Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 131 Ill. 2d 1 (1989)); 86 Ill. Admin. Code § 1910.63(e). To succeed in an appeal based on lack of uniformity, the appellant must submit documentation "showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property." Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 403 Ill. App. 3d 139, 145 (1st Dist. 2010); 86 Ill. Admin. Code § 1910.65(b). "[T]he critical consideration is not the number of allegedly similar properties, but whether they are in fact 'comparable' to the subject property." Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 403 Ill. App. 3d at 145 (citing Du Page Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 284 Ill. App. 3d 649, 654-55 (2d Dist. 1996)). After an analysis of the assessment date, the Board finds that the appellant has not met this burden.

The Board finds that Comparables #5 and #8 submitted by the appellant, and Comparables #1, #2, and #3 submitted by the board of review were most similar to the subject in location, size, style, exterior construction, features, and age. The comparables had improvement assessments that ranged from \$24.59 to \$27.55 per square foot of living area. The subject's improvement assessment of \$26.17 per square foot of living area is within the range established by the most similar comparables. Therefore, after considering adjustments and differences in both parties' comparables when compared to the subject, the Board finds that 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.



Chairman



Member



Member



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: August 28, 2012



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.