



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

APPELLANT: Forsythe Building Fund
DOCKET NO.: 07-29178.001-R-2
PARCEL NO.: 01-09-204-023-0000

The parties of record before the Property Tax Appeal Board are Forsythe Building Fund, the appellant, by attorney Donald L. Schramm 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: \$75,276
IMPR: \$336,649
TOTAL: \$411,925

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story dwelling of frame and masonry construction containing 14,028 square feet of living area. The dwelling is 3 years old. Features of the home include a full partially finished basement, 5 full and 2 half baths, central air conditioning, 5 fireplaces and a four-car attached garage.

The appellant's appeal is based on unequal treatment in the assessment process. The appellant, by counsel, submitted information on five comparable properties described as two-story frame, masonry, or frame and masonry dwellings that range in age from 9 to 23 years old. The comparable dwellings range in size from 6,763 to 9,895 square feet of living area. Features include central air conditioning, multiple bathrooms that range from 4 full 1 half to 5 full 4 half, 2 to 4 fireplaces, and 3 or 4-car attached garages. Four of the comparables had full basements with some recreation room finish. The fifth comparable had no basement and was built on a concrete slab foundation. The comparables have improvement assessments ranging from \$126,505 to \$189,040 or from \$18.22 to \$19.47 per square foot of living area. The subject's improvement assessment is \$336,649 or \$24.00 per square foot of living area. 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 of \$411,925 was disclosed. The board of review presented descriptions and assessment information on four comparable properties consisting of two-story masonry or frame and masonry dwellings that range in age from 16 to 20 years old. The dwellings range in size from 5,016 to 6,500 square feet of living area. Features include central air conditioning and 1 to 3 fireplaces. Three of the comparables have full basements, two of which have finished recreation rooms. The fourth comparable has a concrete slab foundation. Bathrooms range from 2 full and 1 half to 4 full and 2 half. Other features include 1 to 3 fireplaces and 3 to 3.5 garages. Three of the four comparables are listed as having "other improvements" which are not described. The four properties have improvement assessments ranging from \$103,822 to \$183,689 or from \$20.05 to \$28.26 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant's attorney argued that the board of review's comparables, while inferior to the comparables submitted by the appellant, actually supported the appellant's argument for an assessment reduction. The attorney pointed out that the subject property is "much larger" than the comparables and that larger buildings should have lower values per square foot than smaller buildings. He again called for an assessment based upon \$15.51 per square foot of living area.

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 parties submitted a total of 9 properties suggested as comparable to the subject. The properties range in age from 9 to 23 years and in size from 5,016 to 9,895 square feet of living area. The Property Tax Appeal Board gives diminished weight to all nine assessment comparables submitted by the appellant and the board of review. The subject property contains 14,028 square feet of living area; more than double that of two of the appellant's comparables and all four of the board of review's suggested comparables. The three remaining appellant comparables are all under 10,000 square feet and range from 4,133 to 5,903 square feet smaller than the subject. Improvement assessments for the three largest comparables range \$18.86 to \$19.47 per

square foot of living area. The subject's assessment is \$24.00 per square foot. Asserting that larger buildings should have lower values per square foot than smaller buildings the appellant contends this supports that the subject is over-assessed and that a reduction is warranted. The Property Tax Appeal Board finds this argument unpersuasive given the evidence in the record. The theory that larger buildings should have smaller unit values is based on the theory of economy of scale. However, the basis of the economy of scale principle is that larger buildings would have smaller values per square foot "all other factors being equal". This is certainly not the case in the instant appeal. There are many elements or factors that go into the assessment of real property. Among those factors are: size, age, and amenities or features. The Board finds that the comparables presented by the parties are too dissimilar in the other factors to rely solely on size as the determinant of uniform assessments. The subject is 3 years old; four of the appellant's comparables are 16 to 23 years of age. This is more than 5 to 7 times the age of the subject. The oldest comparable from the appellant is 9 years of age, three times the age of the subject. But this comparable also has significant differences from the subject. The comparable is over 5,000 square feet smaller than the subject, and is built on a slab foundation with no basement. The subject has a full basement with finished recreation room. The subject also has 5 fireplaces while this comparable has only 2. All of these items, if adjusted to equal the subject would significantly increase the improvement assessment of the comparable, thus increasing the assessment per square foot. This is true for all the comparable properties suggested by both parties. Age, bathrooms, fireplaces, and garages when adjusted to equal that of the subject property would increase the overall improvement assessments; thus increasing the comparables' assessment per square foot.

After considering the differences in both parties' comparables when compared to the subject, the Property Tax Appeal Board finds that all nine of the suggested comparables submitted by both parties are too dissimilar to the subject to allow for a accurate and supportable indication of assessment uniformity.

When an appeal is based on assessment inequity, the appellant has the burden to show the subject property is inequitably assessed by clear and convincing evidence. The Property Tax Appeal Board finds that the appellant has not demonstrated a lack of uniformity in the subject's assessment by clear and convincing evidence. Therefore, the Board finds 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. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Marko 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: November 30, 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.