



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

APPELLANT: Kevin Fauci
DOCKET NO.: 07-29546.001-R-1
PARCEL NO.: 03-22-108-002-0000

The parties of record before the Property Tax Appeal Board are Kevin Fauci, the appellant, by attorney Mitchell L. Klein of Schiller Klein PC 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: \$ 9,715
IMPR.: \$ 53,192
TOTAL: \$ 62,907

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 3,024 square feet of living area. The dwelling is 20 years old. Features of the home include a full unfinished basement, central air conditioning, a fireplace, and a two and one-half car attached garage.

The appellant's appeal is based on unequal treatment in the assessment process. The appellant submitted information on three comparable properties described as two-story masonry dwellings that range in age from 18 to 31 years old. The comparables have the same assigned neighborhood code as the subject. The comparable dwellings range in size from 3,018 to 3,270 square feet of living area. Each comparable has a two or three-car attached garage and an unfinished basement, either full or partial. Two dwellings have central air conditioning and a fireplace. The comparables have improvement assessments ranging from \$15.11 to \$15.86 per square foot of living area. The subject's improvement assessment is \$17.59 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 was disclosed. The board of review presented descriptions and assessment information on four comparable properties consisting of two-story frame and masonry dwellings that range in age from 19 to 28 years old. The comparables have the same assigned neighborhood code as the subject, and one is located on the same block as the subject property. The dwellings range in size from 2,576 to 2,696 square feet of living area, and one is in deluxe condition. Each comparable has a fireplace and an attached garage, either two or three-car, and three have central air conditioning. Three dwellings have full unfinished basements, and one has a crawl-space foundation. These properties have improvement assessments ranging from \$18.06 to \$18.80 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 noted that the comparables submitted by the board of review were from 12 to 17 percent smaller than the subject property, and that comparable one was in deluxe condition.

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.

Both parties presented assessment data on a total of seven equity comparables. The appellant's comparables were very similar to the subject in design and size, but they had masonry exterior compared to the subject's frame and masonry exterior. In addition, the appellant's comparable numbered one was somewhat older than the subject. The comparables submitted by the board of review were very similar to the subject in age, design, and exterior construction, but they were all somewhat smaller in size than the subject. In addition, the comparable numbered one by the board of review was in deluxe condition, and the comparable numbered three by the board of review did not have a basement. Although none of the comparables was sufficiently similar to the subject, the Board notes that all of the comparables submitted had improvement assessments that ranged from \$15.11 to \$18.80 per square foot of living area. The subject's improvement assessment of \$17.59 per square foot of living area falls within this range. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's per square foot improvement assessment is

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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. 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: March 18, 2011

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.