



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

APPELLANT: Thomas Fencl
DOCKET NO.: 07-29748.001-R-1
PARCEL NO.: 13-13-200-016-0000

The parties of record before the Property Tax Appeal Board are Thomas Fencl, the appellant, by attorney Thomas J. Thorson in Oak Park, 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: \$8,749
IMPR.: \$48,668
TOTAL: \$57,417

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 78 year old, 5,594 square foot, two-story, masonry constructed, mixed- use building located on a 3,125 square foot lot. The subject property contains four apartments, one commercial unit and a full unfinished basement.

The appellant submitted evidence before the Property Tax Appeal Board claiming unequal treatment in the assessment process as the basis of appeal. In support of this claim, the appellant submitted information on four suggested comparable properties located within eight blocks and on the same street as the subject. The comparables consist of two and three-story, masonry or frame and masonry mixed-use buildings that range in age from 81 to 93 years old. The comparables range in size from 4,897 to 6,072 square feet of living area. Features include a one or a one-and-a-half car garage, and a partial finished basement. The comparables have improvement assessments ranging from \$8,240 to \$47,057 or \$1.46 to \$7.75 per square foot of living area. The subject's improvement assessment is \$48,668 or \$8.70 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 \$57,417 was disclosed. The board of review presented descriptions and assessment information on four suggested comparable properties located in the subject's neighborhood with two of the comparables located within a quarter mile of the subject. They consist of two-story, masonry, mixed-use buildings that range in age from 82 to 101 years old and range in size from 3,315 to 5,686 square feet of living area. These properties have improvement assessments that range from \$36,903 to \$52,734 or \$9.27 to \$12.41 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 no reduction in the subject's assessment is 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 eight suggested comparables for the Board's consideration. The Board finds appellant's comparables #1 and #4 and the board of review's comparable #1 to be similar to the subject in location, size and design. These comparables had improvement assessments of \$8,240 to \$52,734 or \$0.69 to \$9.27 per square foot of living area. The subject's improvement assessment of \$8.70 per square foot of living area is within the range established by the most similar comparable. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's improvement assessment is equitable and no reduction in the subject's assessment is warranted.

The constitutional provision for uniformity of taxation and valuation does not require a mathematical equality. A practical, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill.2d. 395 (1960). Although the comparables presented by the parties disclosed that properties located in the same area are not assessed at identical levels, all the constitution requires is a practical uniformity which appears to exist on the basis of the evidence. For the foregoing reasons, the Board finds that the appellant has not proven by clear and convincing evidence that the subject property is inequitably assessed. Therefore, the Property Tax Appeal Board finds that the subject's

Docket No: 07-29748.001-R-1

assessment as established by the board of review is correct and no reduction 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: October 21, 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.