



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

APPELLANT: Marek & Anna Brandys
DOCKET NO.: 08-20826.001-R-1
PARCEL NO.: 08-14-115-013-0000

The parties of record before the Property Tax Appeal Board are Marek & Anna Brandys, the appellants, by attorney Lisa A. Marino, of Marino & Assoc., 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: \$7,539
IMPR.: \$25,612
TOTAL: \$33,151**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject parcel is improved with a 1-story dwelling of frame and masonry construction. The dwelling contains approximately 1,042 square feet of living area and is 45 years old. It features a full unfinished basement, central air conditioning, 1 fireplace and a 1½-car garage. The dwelling is located in Mount Prospect, Elk Grove Township, Cook County.

The appellants' appeal is based on unequal treatment in the assessment process and contention of law.¹ The appellants submitted information on three comparable properties described as 1-story masonry dwellings. The dwellings are 46 or 47 years old and range in size from 1,174 to 1,642 square feet of living area. The comparables feature full or partial basements, two with finished area, central air conditioning and 1, 2 or 2½-car garages. The comparables have improvement assessments ranging from \$16,916 to \$32,173 or from \$12.43 to \$19.98 per square foot of living area. The subject has an improvement assessment of \$25,612 or \$24.58 per square foot of living area. Based on this evidence, the appellants requested a reduction in the subject's improvement assessment.

¹ The appellants did not submit any argument or evidence regarding the contention of law issue. Therefore, it will not be considered in this decision.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment was disclosed.

In support of the subject's assessment, the board of review presented descriptions and information on four comparable properties improved with 1-story frame and masonry dwellings. These dwellings are 52 or 54 years old and range in size from 1,044 to 1,126 square feet of living area. All comparables feature full basements, three with finished area, and 1 or 2-car garages. Three comparables feature central air conditioning and two have fireplaces. These properties have improvement assessments ranging from \$25,374 to \$27,397 or from \$24.30 to \$25.27 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 Property Tax Appeal Board further finds the evidence in the record does not support a reduction in the subject's assessment.

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 not met this burden.

The Board finds appellants' comparables #1 and #2 were substantially larger than the subject and therefore received less weight in the Board's analysis. The Board further finds appellants' comparable #3 and all four of the board of review's comparables most similar to the subject in age, size, style and exterior construction. These comparables have improvement assessments ranging from \$23,460 to \$27,397 or from \$19.98 to \$25.27 per square foot of living area. The subject's improvement assessment of \$25,612 or \$24.58 per square foot of living area is within the range established by these comparables. After considering adjustments and differences in both parties' comparables, the Board finds the subject's assessment is equitable and no reduction is warranted.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. The requirement is satisfied if the intent is evident to adjust the burden with a reasonable degree of uniformity and if such is the effect of the statute enacted by the General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, 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 appellants disclosed that properties

located in the same area are not assessed at identical levels, all that 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 appellants have 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 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

Frank J. Huff

Member

Mark Morris

Member

JR

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: May 24, 2013

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.