



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

APPELLANT: Jeff Novak
DOCKET NO.: 08-21755.001-R-1
PARCEL NO.: 15-25-415-015-0000

The parties of record before the Property Tax Appeal Board are Jeff Novak, the appellant, by attorney William I. Sandrick, of Sandrick Law Firm LLC in South Holland; 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: \$ 10,539
IMPR.: \$ 47,857
TOTAL: \$ 58,396

Subject only to the State multiplier as applicable.

ANALYSIS

The subject has 9,410 square feet of land, which is improved with a 79 year old, two-story, masonry, single-family dwelling. The subject's improvement size is 2,573 square feet of living area, which equates to an improvement assessment of \$18.60 per square foot of living area. The appellant, via counsel, argued that there was unequal treatment in the assessment process of the subject's improvement as the basis of this appeal.

In support of the equity argument, the appellant submitted descriptive and assessment information for three properties suggested as comparable to the subject. The comparables are described as two-story, frame or masonry, single-family dwellings. Additionally, the comparables have from 2,317 to 2,683 square feet of living area, and have improvement assessments ranging from \$15.34 to \$16.75 per square foot of living area. The comparables also have several amenities. The appellant's grid sheet did not list the comparables' proximity to the subject. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

The Cook County Board of Review submitted its "Board of Review-Notes on Appeal," wherein the subject's improvement assessment of \$47,857 was disclosed. In support of the subject's

assessment, the board of review submitted descriptive and assessment information for four properties suggested as comparable to the subject. The comparables are described as two-story, frame and masonry, single-family dwellings. Additionally, the comparables range: in age from 67 to 89 years; in size from 2,216 to 2,644 square feet of living area; and in improvement assessments from \$19.31 to \$20.36 per square foot of living area. The comparables also have several amenities. Based on this evidence, the board of review requested confirmation of the subject's improvement assessment.

In rebuttal, the appellant's attorney stated that the board of review's comparables are not located in the subject property's subarea. The appellant's attorney submitted Mapquest print outs that indicated the distance from the subject to each of the board of review's comparables as follows: comparable #1 at 1.30 miles; comparable #2 at 0.83 miles; comparable #3 at 0.74 miles; and, comparable #4 at 0.40 miles.

The appellant's rebuttal also stated that in 2009, the board of review reduced the subject's assessment to \$50,843, or \$17.20 per square foot of living area. The appellant's attorney argued that the subject's assessment should be reduced as the subject's 2009 assessment was lowered, pursuant to Hoyne Savings & Loan Assoc. v. Hare, 60 Ill.2d 84, 90, 322 N.E.2d 833, 836 (1974); 400 Condominium Assoc. v. Tully, 79 Ill.App.3d 686, 690, 398 N.E.2d 951, 954 (1st Dist. 1979) wherein the court found, "a substantial reduction in the subsequent year's assessment is indicative of the validity of the prior year's assessment".

After reviewing the record and considering the evidence, the Property Tax Appeal Board (the "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 DuPage 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 data, the Board finds that the appellant has not met this burden.

The Board finds that Comparables #2, and #3 submitted by the appellant, and Comparables #3, and #4 submitted by the board of review were most similar to the subject in, size, style, exterior construction, features, and/or age. The Board notes that according to the appellant's rebuttal evidence, the board of review comparables #3 and #4 are located within 0.74 and 0.40 miles from the subject. Due to their similarities to the subject, board of review comparables #3 and #4 and appellant's comparables #2 and #3 received the most weight in the Board's analysis. These comparables had improvement assessments that ranged from \$15.34 to \$20.36 per square foot of living area. The subject's improvement assessment of \$18.60 per square foot of living area is within the range established by the most similar comparables.

Additionally the Board finds no reduction is warranted pursuant to the Hoyne Savings & Loan Assoc. decision. The Board finds that the Cook County Real Property Assessment Classification Ordinance level of assessment for Class 2 properties was 16% in 2008 and was 10% in 2009. Therefore, the Board finds no reduction in the subject's assessment 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

Mario M. Louie

Member

J.R.

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.