



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

APPELLANT: Daniel Kozicki
DOCKET NO.: 08-22211.001-R-1
PARCEL NO.: 28-31-208-014-0000

The parties of record before the Property Tax Appeal Board are Daniel Kozicki, the appellant(s), by attorney Daniel R. Fusco, of Rock, Fusco & Associates, LLC 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: \$ 4,158
IMPR: \$ 12,756
TOTAL: \$ 16,914

subject only to the State multiplier as applicable.

ANALYSIS

The subject has 7,997 square feet of land, which is improved with a 51 year old, one-story, frame and masonry, single-family dwelling. The subject's improvement size is 999 square feet of living area, which equates to an improvement assessment of \$12.77 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 one-story, frame or masonry, single-family dwellings. Additionally, the comparables range: in age from 73 to 78 years; in size from 900 to 920 square feet of living area; and in improvement assessments from \$8.10 to \$8.83 per square foot of living area. The comparables also have various amenities. 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 \$12,756 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 one-story, frame and

masonry, single-family dwellings. Additionally, the comparables range: in age from 57 to 98 years; in size from 750 to 935 square feet of living area; and in improvement assessments from \$16.72 to \$21.65 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.

The appellant via counsel submitted rebuttal evidence suggesting that the board's comparable properties are poor comparables because they have second floor finished space adding to their value while the subject is a one story property. The appellant further states that the board's comparable #2 is clearly a two story with three bedrooms. The appellant added that the board's comparable properties have modernized warm air heating while the subject has a hot water system.

The PTAB finds that the board's description of Comparable #2 does not match the photograph submitted and this property will be given no weight. Although comparable properties #2, #3, and #4 are described as three bedroom one story properties, the photographs submitted appear to be two or one and one-half story single family homes. The appellant asserts that the above mentioned comparables contain additional finished living space however no evidence other than the board's photographs were submitted to indicate that the living area range for these properties is other than from 750 to 903 square feet. No evidence was submitted by the appellant verifying that comparables #2, #3, and #4 have finished space on the second floor. The appellant further notes in his rebuttal that the subject contains a hot water system when compared to a warm air system on all the comparables. This was considered by PTAB however no weight was given to this feature when compared to the comparables.

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 #1, #2, and #3 submitted by the appellant, and Comparable #1 submitted by the board of review were most similar to the subject in location, size, and style. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These comparables had improvement assessments that ranged from \$8.10 to \$18.73 per square foot of living area. The subject's improvement assessment of \$12.77 per square foot of living area is within the range established by the most similar comparables. Therefore, after considering adjustments and differences in both parties' comparables when compared to the subject, the Board finds that the subject's improvement assessment is 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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Marko M. Louie

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: August 23, 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.