



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

APPELLANT: Lois Stanley
DOCKET NO.: 08-23352.001-R-1
PARCEL NO.: 05-27-111-013-0000

The parties of record before the Property Tax Appeal Board are Lois Stanley, the appellant, by attorney James E. Doherty, of Thomas M. Tully & Associates 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: \$ 71,454
IMPR.: \$ 189,876
TOTAL: \$ 261,330

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story dwelling of frame and masonry construction. The dwelling is 56 years old and contains 3,428 square feet of living area. Features of the home include a full finished basement, central air conditioning, three fireplaces, and a two-car attached garage. The subject is classified as a class 2-78 residential property under the Cook County Real Property Assessment Classification Ordinance and is located in Kenilworth, New Trier Township, Cook County.¹

The appellant's appeal is based on unequal treatment in the assessment process and contention of law. The appellant submitted information on four suggested comparable properties described as two-story dwellings of frame, masonry, or frame and masonry construction. The comparable properties have the same assigned classification code as the subject; however, the comparables all have a different assigned neighborhood code than the subject. The comparable dwellings are from 44 to 59 years old and contain from 3,206 to 3,546 square feet of living area. Each comparable has a two-car attached garage, central air conditioning, one or two fireplaces, and an unfinished basement, either full or partial. The comparables have improvement

¹ Class 2-78 is a two or more story residence, up to 62 years, 2,001 to 3,800 square feet.

assessments ranging from \$95,971 to \$137,727 or from \$28.66 to \$41.67 per square foot of living area. The subject's improvement assessment is \$189,876 or \$55.39 per square foot of living area. Based on this evidence, the appellant requested that the subject's improvement assessment be reduced to \$132,732 or \$38.7260 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$261,330 was disclosed. The board of review presented descriptions and assessment information on four suggested comparable properties consisting of two-story dwellings of frame or frame and masonry construction. The comparable properties have the same assigned neighborhood and classification codes as the subject, and one of the comparables was located on the same block as the subject. The dwellings are from 46 to 56 years old and contain from 2,999 to 3,704 square feet of living area. One of the comparables has been renovated and is described as being of deluxe quality, while the subject and the other three comparables are described as being of average quality. Three dwellings have finished basements, either full or partial, and one has a full unfinished basement. Each comparable has central air conditioning and from one to three fireplaces, and three comparables have attached garages, either two-car or two and one-half car. These properties have improvement assessments ranging from \$203,932 to \$268,625 or from \$68.00 to \$75.98 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 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 eight suggested comparables. Although the appellant's comparables were very similar to the subject in size and were generally similar in age, they were located in a different neighborhood than the subject. As a result, the appellant's comparables received reduced weight in the Board's analysis.

The Board finds the comparables submitted by the board of review were most similar to the subject in location and were generally similar in age and size. Moreover, the board of review's comparable #1, despite being somewhat smaller than the subject, was identical in age and features and was located on the same

block as the subject. Due to their similarities to the subject, the comparables submitted by the board of review received the most weight in the Board's analysis. These comparables had improvement assessments that ranged from \$203,932 to \$268,625 or from \$68.00 to \$75.98 per square foot of living area. The subject's improvement assessment of \$189,876 or \$55.39 per square foot of living area falls below the range established by the most similar comparables. 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 a reduction in the subject's assessment is not 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 taxation 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 appellant 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 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 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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

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: June 22, 2012

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.