FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: John Demler
DOCKET NO.: 08-28971.001-R-1
PARCEL NO.: 04-25-300-048-0000

The parties of record before the Property Tax Appeal Board are John Demler, the appellant(s), by attorney Steven B. Pearlman, of Steven B. Pearlman & 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:	$ 18,989
IMPR.:	$ 74,788
TOTAL:	$ 93,777

Subject only to the State multiplier as applicable.

ANALYSIS

The subject has 15,825 square feet of land, which is improved with a 68 year old, one and one-half-story, frame, single-family dwelling. The subject's improvement size is 3,299 square feet of living area, which equates to an improvement assessment of $22.67 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 or one and one-half-story, frame or frame and masonry, single-family dwellings. Additionally, the comparables range: in age from 55 to 69 years; in size from 2,943 to 3,714 square feet of living area; and in improvement assessments from $14.40 to $19.34 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 $74,788 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 and one-half-story, frame, single-family dwellings. Additionally, the comparables range: in age from 51 to 80 years; in size from 2,403 to 3,460 square feet of living area; and in improvement assessments from $23.60 to $33.11 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.

At hearing, the appellant reaffirmed the evidence previously submitted. The appellant also submitted the assessment history of the subject for the triennial spanning tax years 2007, 2008, and 2009. This document was accepted into evidence, without objection from the board of review, and marked as "Appellant's Hearing Exhibit A." The subject's assessment history shows that the subject's market value decreased from 2007 to 2008, and increased from 2008 to 2009. The appellant also request two forms of relief. First, the appellant requested relief based on the uniformity argument set forth in the brief. Second, the appellant requested that the subject's market value be consistent throughout the entire triennial.

The board of review submitted a map showing the location of the subject property, and the locations of the comparable properties submitted by the parties. This map was accepted into evidence, without objection from the appellant, and marked as "Board of Review Hearing Exhibit A." In oral rebuttal, the appellant argued that several of the board of review's comparables were not similar to the subject for several reasons.

After reviewing the record, considering the evidence, and hearing the testimony, 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 Comparable #1 submitted by the appellant, and Comparables #1, and #2 submitted by the board of review were most similar to the subject in location, size, style, exterior construction, features, and/or age. 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 $14.40 to $26.25 per square foot of living area. The subject's improvement assessment of $22.67 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.

The Board does not find the appellant's remaining argument regarding the consistency of the subject's market value persuasive. No evidence was submitted by either party to support or discredit the subject's market value for tax year 2008. Moreover, this argument was raised for the first time at hearing, and the board of review was not given notice of the appellant's market value argument, nor an opportunity to intelligently respond. As such, the Board cannot make a finding of market value, 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.

Chairman

Member

Member

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: November 22, 2013

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.