



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

APPELLANT: Robert & Claireen Herting  
DOCKET NO.: 09-21856.001-R-1  
PARCEL NO.: 09-22-305-036-0000

The parties of record before the Property Tax Appeal Board are Robert & Claireen Herting, the appellants; 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:** \$ 5,838  
**IMPR.:** \$ 42,155  
**TOTAL:** \$ 47,993

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a two-story, multi-family dwelling of masonry construction containing 2,916 square feet of living area. Features of the dwelling include a full unfinished basement. The dwelling is situated on a 6,869 square foot lot located in Maine Township, Cook County.

The appellants, Robert and Claireen Herting, appeared before the property Tax Appeal Board arguing unequal treatment in the assessment process as the basis of the appeal.

In the support of this claim, the appellants submitted descriptions and assessment information on three suggested properties. The appellant's description and assessment information indicate the subject dwelling is 51 years old, while the board of review's description and assessment information indicate the subject age is 45 years old. The properties are located within two blocks of the subject and each containing two apartments. They consist of two-story, multi-family, masonry dwellings that range in age from 51 to 54 years old. The dwellings range in size from 1,929 to 2,710 square feet of living area. Features include a full finished basement and a two-car garage. The properties have improvement assessments ranging from \$18,412 to \$33,207 or from \$9.54 to \$13.43 per square foot of

living area. The subject's improvement assessment is \$14.46 per square foot of living area.

At the hearing, the appellant testified the subject property has a special location problem. In support of the subject's location problems, a diagram is submitted as evidence. The property is located on an exceptionally busy corner of Northwest Highway and Potter Road in Park Ridge. The driveway comes out South onto Northwest Highway right at the traffic light, which leads to difficulties when backing out of the driveway. This corner has been the location of numerous accidents. Cars are often sliding though to turn right on the red light. This makes the property less desirable, which affects the marketability and reduce the assessed value of the subject property. Based on this evidence, the appellants requested a reduction in the subject's improvement assessment to \$18,040 or \$6.19 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$47,993 was disclosed. The subject's improvement assessment is \$42,155 or \$14.46 per square foot of living area. In support of the subject's assessment, the board of review presented descriptions and assessment information on four comparable properties. They consist of two-story, masonry or frame and masonry, multi-family dwellings that range in age from 42 to 54 years old. The dwellings range in size from 2,240 to 3,293 square feet of living area and each containing two or three apartment units. The comparables are located in the same neighborhood code and within one-quarter mile of the subject property. Features include a partial unfinished basement, a full unfinished basement or a full basement apartment. These properties have a two-car garage. One property has a fireplace and three properties have central air conditioning. These properties have improvement assessments ranging from \$36,142 to \$48,045 or from \$14.48 to \$16.99 per square foot of living area.

At the hearing, the board's representative stated that the board of review would rest on the written evidence submissions. Based on the evidence presented, the board of review requested confirmation of the subject's assessment.

After reviewing the testimony 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 no reduction in the subject's assessment is warranted.

The first issue before the Board is the correct age attributable to the subject improvement. The Board finds that the appellant failed to substantiate the claim that the subject's age is different than the public record presented by the board of review. Consequently, the Board finds the subject age is 45 years old.

Regarding the subject's location, the Board finds that the appellant failed to substantiate the claim that the subject's

location makes the property less desirable to affect the marketability and reduce the assessed value of the subject property.

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.

Both parties submitted a total of seven comparables for the Board's consideration. The Board gave less weight to appellants' comparables #2 and #3 due to the smaller size when compared to the subject property. The Board finds that comparable #1 submitted by the appellants and comparables #1 and #2 submitted by the board of review are most similar to the subject in location, size, age, style, exterior construction and features. These comparables had improvement assessments that ranged from \$33,207 to \$48,045 or from \$12.25 to \$14.77 per square foot of living area. The subject's improvement assessment of \$14.46 per square foot of living area is within 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 no reduction in the subject's assessment is warranted.

The constitutional provision for uniformity of taxation and valuation does not require a mathematical equality. A practical, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill2d. 395 (1960). Although the comparables presented by the parties disclosed that properties located in the same area are not assessed at identical levels, all 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 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.

*Ronald R. Cuit*

Chairman

*K. L. Fern*

Member

*Frank A. Huff*

Member

*Mario Morris*

Member

*Shawn P. Lerbis*

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: October 21, 2011

*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.