



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

APPELLANT: Darrel Genck
DOCKET NO.: 09-29937.001-R-1
PARCEL NO.: 18-05-309-046-0000

The parties of record before the Property Tax Appeal Board are Darrel Genck, the appellant, by attorney Christopher G. Walsh, Jr. 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: \$ 6,152
IMPR.: \$ 44,406
TOTAL: \$ 50,558

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story dwelling of masonry construction containing 1,788 square feet of living area. The dwelling is 55 years old. Features of the home include a full unfinished basement, central air conditioning, and a two-car detached garage. The subject is classified as a class 2-03 residential property under the Cook County Real Property Assessment Classification Ordinance and is located in Western Springs, Lyons Township, Cook County.

The appellant's appeal is based on unequal treatment in the assessment process. The appellant submitted information on four comparable properties described as one and one-half story frame, masonry, or frame and masonry dwellings that have the same assigned neighborhood and classification codes as the subject. The comparable dwellings range in age from 55 to 86 years old, and they range in size from 1,677 to 1,774 square feet of living area. One comparable has a partial finished basement, and three comparables have unfinished basements, either full or partial. Each comparable has a garage, and two dwellings have central air conditioning. The comparables have improvement assessments ranging from \$21,245 to \$42,629 or from \$11.98 to \$24.50 per square foot of living area. The subject's improvement assessment is \$44,406 or \$24.84 per square foot of living area. Based on this evidence, the appellant requested that the subject's

improvement assessment be reduced to \$37,155 or \$20.78 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 \$50,558 was disclosed. The board of review presented descriptions and assessment information on four comparable properties that have the same assigned neighborhood and classification codes as the subject. The comparables are described as one-story masonry or frame and masonry dwellings; however, photographic evidence supplied by the board of review indicates that comparables one and four are split-level in design. The dwellings range in age from 44 to 63 years old, and they range in size from 1,546 to 1,778 square feet of living area. One comparable has a full finished basement, and three comparables have unfinished basements, either full or partial. Each comparable has a two-car garage; three dwellings have central air conditioning; and three have one or two fireplaces. These properties have improvement assessments ranging from \$39,665 to \$46,593 or from \$25.66 to \$27.49 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 equity comparables. The appellant's comparables differed in design from the subject, and comparable #4 was 31 years older than the subject. As a result, the appellant's comparables received reduced weight in the Board's analysis. Although the comparables submitted by the board of review are described as being one-story in design, photographic evidence supplied by the board of review indicates that comparables #1 and #4 are not one-story but split-level in design. As a result, these comparables also received reduced weight. The Board finds the board of review's comparable #2 and #3 were the most comparable to the subject in varying degrees. Comparable #2, despite being somewhat smaller than the subject, was very similar to the subject in design, age, and foundation. Comparable #3, despite being somewhat older than the subject, was very similar in design, exterior construction, age, size, and foundation. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These comparables had improvement assessments of

\$43,812 and \$46,179 or \$25.97 and \$27.49 per square foot of living area. The subject's improvement assessment of \$44,406 or \$24.84 per square foot of living area falls below these assessments. 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.

Ronald 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: April 20, 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.