



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

APPELLANT: Lawrence Svabek
DOCKET NO.: 05-25641.001-R-1
PARCEL NO.: 27-08-207-004-0000

The parties of record before the Property Tax Appeal Board are Lawrence Svabek, the appellant, by attorney Joseph G. Kusper, of Storino Ramello & Durkin in Rosemont; 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: \$ 15,660
IMPR.: \$ 70,068
TOTAL: \$ 85,728

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 13,500 square foot parcel improved with a fourteen-year-old, two-story, single-family dwelling of frame and masonry construction located in Orland Township, Cook County. Features of the residence include three full bathrooms, three half-baths, a full-unfinished basement, central air-conditioning, two fireplaces and a three-car attached garage. The appellant's petition suggests the subject dwelling contains 4,855 square feet of living area, while the board of review's documents indicate the subject contains 6,567 square feet. In support of this claim, the appellant submitted the proposed plans or blueprints for the subject dwelling. Also, the appellant's attorney submitted a one-page brief disclosing that the first floor contains 2,830 square feet, the second floor contains 1,100 square feet, the sun room contains 330 square feet and the attic contains 595 square feet for a total living area of 4,855 square feet for the subject.

The appellant, through counsel, appeared before the Property Tax Appeal Board arguing unequal treatment in the assessment process of the improvement as the basis of the appeal. In support of this claim, the appellant submitted assessment data and descriptive information on four properties suggested as comparable to the subject. Based on the appellant's documents, the four suggested comparables consist of two-story, single-family dwellings of masonry or frame construction located within several blocks of the subject. The improvements range in size from 5,375 to 6,504 square feet of living area and range in age from 12 to 18 years old. The comparables contain from two and one-half to five full bathrooms, a full-finished or unfinished basement, central air-conditioning, one or two fireplaces and a three-car attached garage. The improvement assessments range from \$8.33 to \$10.61 per square foot of living area.

At hearing, the appellant's attorney argued that the appellant's comparables are similar to the subject in many respects and should be considered as such by the Property Tax Appeal Board. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's total assessment of \$85,728. In support of the assessment the board submitted property characteristic printouts and descriptive data on three properties suggested as comparable to the subject. The suggested comparables are improved with two-story, single-family dwellings of frame and masonry construction with the same neighborhood code as the subject. The improvements range in size from 5,605 to 6,628 square feet of living area and range in age from 16 to 18 years old. The comparables contain from three and one-half to four and one-half bathrooms, a full-unfinished basement, central air-conditioning, from one to three fireplaces and a multi-car attached garage. The improvement assessments range from \$11.32 to \$11.68 per square foot of living area.

At 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 hearing 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 appellant's argument was unequal treatment in the assessment process. The Illinois Supreme Court has held that 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). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the Board finds the appellant has not overcome this burden.

The first issue before the Board is the correct square footage attributable to the subject improvement. The Board finds that the appellant failed to substantiate the claim that the subject's square footage is different than the public record presented by the board of review. The Board gives little weight to the appellant's blue prints in that they are a plan or proposal and not a survey of a finished building. In addition, the blue prints reflect interior dimensions for the subject dwelling. No exterior dimensions were provided. Consequently, the Board finds the subject contains 6,567 square feet of living area. The subject's improvement assessment is \$70,068 or \$10.66 per square foot of living area, based on 6,567 square feet.

Next, the Board finds the appellant's comparables one and four and the board of review's comparable three to be the most similar properties to the subject in the record. These three properties are similar to the subject in improvement size, amenities, age, design and location and have improvement assessments ranging from \$9.38 to \$11.32 per square foot of living area. The subject's per square foot improvement assessment of \$10.66, based on 6,567 square feet, falls within the range established by these properties. The Board finds the four remaining comparables differ from the subject in improvement size and/or exterior construction and accorded less weight. After considering adjustments and the differences in both parties' suggested comparables when compared to the subject, the Board finds the subject's per square foot improvement assessment is supported by the most similar properties contained in the record.

As a result of this analysis, the Property Tax Appeal Board finds the appellant has failed to adequately demonstrate that the subject dwelling was inequitably assessed by clear and convincing evidence and a reduction 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: December 23, 2010



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.