



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

APPELLANT: Gerson Kaplan
DOCKET NO.: 15-25073.001-R-1
PARCEL NO.: 20-14-201-050-0000

The parties of record before the Property Tax Appeal Board are Gerson Kaplan, the appellant, by attorney Timothy E. Moran, of Schmidt Salzman & Moran, Ltd. in Chicago; and the Cook County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **A Reduction** 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: \$7,012
IMPR.: \$57,460
TOTAL: \$64,472

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Cook County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2015 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property consists of a two-story townhome of masonry exterior construction with 2,163 square feet of living area. The dwelling is approximately 49 years old. Features of the home include a full basement with finished area and central air conditioning. The property has a 2,125 square foot site and is located in Chicago, Hyde Park Township, Cook County. The subject is classified as a class 2-95 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends assessment inequity as the basis of the appeal. The subject's land assessment was not contested. In support of this argument the appellant submitted information on five equity comparables located within the same neighborhood code as the subject property. The comparables were improved with one, two-story and four, three-story townhomes of masonry exterior construction that contained either 2,160 or 2,170 square feet of living area. The

dwellings are from 25 to 42 years old. The comparables have central air conditioning and four comparables have a one-car garage. The comparables had improvement assessments that ranged from \$36,188 to \$38,067 or from \$16.75 to \$17.54 per square foot of living area. Based on this evidence, the appellant requested that the improvement assessment be reduced to \$37,480 or \$17.33 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$64,937. The subject property has an improvement assessment of \$57,925 or \$26.78 per square foot of living area. In support of its contention of the correct assessment the board of review submitted information on four equity comparables located within the same neighborhood code and block as the subject property. The comparables were improved with two-story townhomes of masonry exterior construction with 2,163 square feet of living area. The dwellings are each 49 years old. Each comparable has a full basement with finished area and central air conditioning. One comparable has a fireplace and each comparable has a one-car garage. The comparables had improvement assessments that ranged from \$57,968 to \$62,303 or from \$26.80 to \$28.80 per square foot of living area. Based on this evidence, the board of review requested that the assessment be confirmed.

Conclusion of Law

The taxpayer contends assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The parties submitted nine suggested comparables for the Board's consideration. The Board gave less weight to the appellant's comparables due to their dissimilar three-story designs, considerably newer ages and/or inferior slab foundations.

The Board gave greater weight and finds the best evidence of assessment equity to be the board of review comparables which are located within the same neighborhood and block as the subject property. These comparables, except for their superior fireplace or garages, are identical to the subject in design, exterior construction, age, dwelling size and foundation. These comparables had improvement assessments of \$57,968 to \$62,303 or from \$26.80 to \$28.80 per square foot of living area. The subject's improvement assessment of \$57,925 or \$26.78 per square foot of living area is less than the best comparables contained in this record. However, the subject lacks both a fireplace and garage unlike the comparables which have either a fireplace or a garage. After considering adjustments to the comparables for differences when compared to the subject, the Board finds the subject's improvement assessment warrants a reduction. Based on this record, the Board finds the appellant did demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is justified.

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. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



Chairman



Member



Member



Member



Member

DISSENTING: _____

CERTIFICATION

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 17, 2018



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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

AGENCY

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