



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

APPELLANT: Robert Nuccio
DOCKET NO.: 15-39970.001-R-1
PARCEL NO.: 08-23-201-060-0000

The parties of record before the Property Tax Appeal Board are Robert Nuccio, the appellant, by attorney Herbert B. Rosenberg, of Schoenberg Finkel Newman & Rosenberg LLC 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: \$2,220
IMPR.: \$31,104
TOTAL: \$33,324

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Property Tax Appeal Board pursuant to Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) 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 consists of a two-story multi-family building of masonry construction with 4,050 square feet of building area. The building is approximately 37 years old. Features include a full basement finished as an apartment. The property has a 2,776-square foot site, and is located in Mount Prospect, Elk Grove Township, Cook County. The subject is classified as a class 2-11 property under the Cook County Real Property Assessment Classification Ordinance. No evidence was submitted as to whether the subject was owner-occupied.

The appellant requested the Board to accept the instant appeal as a direct appeal from the Property Tax Appeal Board's December 19, 2017 decision to reduce the subject's assessment in docket #14-22817.001-R-1.

The appellant contends assessment inequity as the basis of the appeal. In support of this argument, the appellant submitted information on nine equity comparables located outside the subject's development. Six of the comparables were located in different neighborhood codes than the subject property. The comparables are improved with two-story multi-family buildings of masonry exterior construction that are 36 or 40 years old. The buildings range in size from 4,401 to 5,001 square feet of building area and have improvement assessments ranging from \$26,247 to \$36,076 or from \$5.96 to \$7.73 per square foot of building area. Based on this evidence, the appellant requested the total assessment be reduced to \$29,477.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$41,181. The subject property has an improvement assessment of \$38,961 or \$9.62 per square foot of building area.

In support of its contention of the correct assessment, the board of review submitted information on four equity comparables, two of which are located within the same neighborhood code as the subject property. These comparables appear to be located inside the subject's development. The remaining two comparables are located in Des Plaines, Illinois. The comparables are improved with two-story multi-family buildings of masonry exterior construction that range in age from 35 to 47 years old. The buildings contain from 3,112 to 4,050 square feet of building area and have improvement assessments ranging from \$31,982 to \$38,961 or from \$9.62 to \$10.28 per square foot of building area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal regarding the board of review's comparables #1 and #2, counsel for the appellant argued that the Board is precluded, as a matter of law, from using any comparables from within the subject's development in determining the subject's correct assessment for tax year 2015, and cites Pace Realty Group, Inc. v. Property Tax Appeal Bd., 306 Ill App.3d 718 (2d Dist. 1999), in support of this argument. Counsel further argued that the board of review's comparables #3 and #4 were located in Des Plaines, Illinois, unlike the subject.

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 Board finds the best evidence of assessment equity to be appellant's comparables #7 through #9. These comparables are more similar when compared to the subject in location, age, building size, design, exterior construction and features. These comparables had improvement assessments of \$7.41 and \$7.73 per square foot of building area. The subject's improvement assessment of \$9.62 per square foot of building area falls above the best comparables established in this record. The Board gave less weight to the appellant's comparables #1 through #6 due to

their location outside of the subject's neighborhood code. In addition, comparables #4 through #6 lack a basement when compared to the subject property. The Board also gave less weight to the board of review's comparables #1 and #2 in its analysis. Pace Realty, 306 Ill.App.3d at 728 (The Board "errs as a matter of law when it selects as a comparable a parcel of property which has also received the same contested assessment. Conducting uniformity analysis in such a manner will lead to absurd results and will render the assessment appeal process meaningless."). Finally, the Board gave less weight to the board of review's comparables #3 and #4 due to their Des Plaines, Illinois location, unlike the subject.

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: November 20, 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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Robert Nuccio, by attorney:
Herbert B. Rosenberg
Schoenberg Finkel Newman & Rosenberg LLC
222 South Riverside Plaza
Suite 2100
Chicago, IL 60606-6101

COUNTY

Cook County Board of Review
County Building, Room 601
118 North Clark Street
Chicago, IL 60602