



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

APPELLANT: Eli Port
DOCKET NO.: 16-20445.001-R-1
PARCEL NO.: 10-13-105-028-0000

The parties of record before the Property Tax Appeal Board are Eli Port, 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 **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: \$4,539
IMPR.: \$15,021
TOTAL: \$19,560

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 2016 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 multi-family dwelling of frame exterior construction with 1,568 square feet of living area. The dwelling is 90 years old and has a full unfinished basement. The property has a 5,044 square foot site and is located in Evanston, Evanston Township, Cook County. The subject is classified as a class 2-11 apartment building under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends contention of law¹ and improvement assessment inequity as the bases of the appeal. In support of this argument, the appellant submitted information on five equity comparables that are located within the same neighborhood code as the subject property. The comparables are improved with similar, class 2-11, multi-family dwellings of frame or frame and

¹ The bases for the appeal was contention of law and assessment equity; however, counsel's legal brief is the same as the inequity argument; uniformity of assessment.

masonry exterior construction containing from 1,392 to 1,664 square feet of living area. The comparables range in age from 90 to 128 years old. One comparable has a slab foundation and four comparables have partial or full unfinished basements. Two comparables have central air conditioning and one comparable has a two-car garage. The comparables have improvement assessments ranging from \$10,900 to \$13,689 or from \$7.43 to \$8.44 per square foot of living area. Based on this evidence, the appellant requested that the improvement assessment be reduced to \$12,324 or \$7.86 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 \$19,560. The subject property has an improvement assessment of \$15,021 or \$9.58 per square foot of living area. In support of its contention of the correct assessment, the board of review submitted information on three equity comparables that are located within the same neighborhood code as the subject property. The comparables are improved with similar, class 2-11, multi-family dwellings of frame exterior construction containing from 1,704 to 1,813 square feet of living area. The comparables range in age from 90 to 94 years old and have full unfinished basements. One comparable has a two-car garage. The comparables have improvement assessments ranging from \$14,561 to \$18,593 or from \$8.55 to \$10.26 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted eight suggested comparables for the Board's consideration. The Board gave less weight to the appellant's comparables #2, #3, and #4 due to their considerably older ages and/or lack of a basement when compared to the subject. The Board also gave less weight to both parties' comparable #1 because of their two-car garages when compared to the subject which lacks a garage.

The Board finds the best evidence of assessment equity to be the appellant's comparable #5 as well as the board of review comparables #2 and #3. These comparables are most similar to the subject in location, design, exterior construction, age, dwelling size, foundation and features. The appellant's comparable #5 and the board of review comparable #2 are also identical in age to the subject. The three best comparables have improvement assessments ranging from \$13,689 to \$18,593 or from \$8.44 to \$10.26 per square foot of living area. The subject's improvement assessment of \$15,021 or \$9.58 per square of living area falls within the range of the best comparables in this record. After considering adjustments to the comparables when compared to the subject, the Board finds the appellant did not demonstrate with clear and convincing evidence

that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is not justified.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. 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 parties disclosed that the properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity, which exists on the basis of the evidence.

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 23, 2019



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

Eli Port, by attorney:
Timothy E. Moran
Schmidt Salzman & Moran, Ltd.
111 West Washington Street
Suite 1300
Chicago, IL 60602

COUNTY

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