



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

APPELLANT: John Smart
DOCKET NO.: 16-21017.001-R-1
PARCEL NO.: 05-21-124-004-0000

The parties of record before the Property Tax Appeal Board are John Smart, the appellant, by attorney Robert Rosenfeld, of Robert H. Rosenfeld and Associates, 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 **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: \$21,879
IMPR.: \$146,610
TOTAL: \$168,489

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 is improved with a 2-story masonry dwelling containing 4,004 square feet of living area. The dwelling is 18 years old and features a full finished basement, central air conditioning, a fireplace and a 2-car garage. The subject is located in Winnetka, New Trier Township, Cook County. It is classified as a Class 2-08 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends assessment inequity as the basis of the appeal. In support of this argument the appellant submitted information on four, 2-story, Class 2-08 comparables. The appellant did not report the proximity of the comparables to the subject but disclosed they have the same neighborhood code as the subject. One comparable is on the same street and same block as the subject. The comparables range in age from 23 to 48 years old and range in size from 3,896 to 4,416 square feet of living area. The comparables feature unfinished basements,

central air conditioning, 1 to 3 fireplaces each and 2 or 2½-car garages. The comparables have improvement assessments ranging from \$126,043 to \$145,572 or from \$31.90 to \$32.96 per square foot of living area. The appellant's attorney submitted a brief requesting the subject's total assessment be reduced to \$152,770. Based on this evidence the appellant requested the subject's improvement assessment be reduced to \$130,891 or \$32.69 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 \$168,489. The subject property has an improvement assessment of \$146,610 or \$36.62 per square foot of living area.

In support of the assessment the board of review submitted information on four, 2-story, Class 2-08 comparables having the same neighborhood code as the subject. One comparable is on the same street and same block as the subject. The comparables range in age from 9 to 16 years old and range in size from 3,895 to 4,696 square feet of living area. They feature basements, one with finished area, central air conditioning, 1 to 3 fireplaces each, and 2 or 4-car garages. The comparables have improvement assessments ranging from \$145,071 to \$188,436 or from \$37.25 to \$40.13 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The appellant 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 a total of eight comparables for the Board's consideration. The Board gives less weight to appellant's comparables #1, #3 and #4 due to their older dwellings when compared to the subject. Despite some comparables having inferior unfinished basements that would require upward adjustments, the Board finds appellant's comparable #2 and the board of review comparables are otherwise most similar to the subject in location, age, style and dwelling size. These comparables have improvement assessments ranging from \$143,606 to \$188,436 or from \$32.91 to \$40.13 per square foot of living area. The subject property has an improvement assessment of \$146,610 or \$36.62 per square foot of living area which is within the range established by the most similar comparables in the record. After considering adjustments to the comparables for differences 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 improvement assessment based on inequity 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. 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: May 21, 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

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