



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

APPELLANT: Mark Kengott  
DOCKET NO.: 16-22366.001-R-1  
PARCEL NO.: 05-22-100-027-0000

The parties of record before the Property Tax Appeal Board are Mark Kengott, the appellant, by attorney Jason T. Shilson, of O'Keefe Lyons & Hynes, 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:** \$100,262  
**IMPR.:** \$137,410  
**TOTAL:** \$237,672

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 multi-level dwelling of frame and masonry exterior construction with 2,643 square feet of living area. The dwelling is approximately 60 years old. Features of the home include a partial finished basement, central air conditioning, two fireplaces and a 2-car garage. The property has a 22,787 square foot site and is located in Winnetka, New Trier Township, Cook County. The subject is classified as a class 2-34 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 seven equity comparables with the same neighborhood assessment code as the subject property. The comparables are located from 1.0 to 3.90 miles from the subject property. The comparables are improved with one, multi-level and six, 1-story dwellings of frame, masonry or frame and masonry exterior construction that range

in age from 47 to 64 years old. Six of the comparables have full basements; six of the comparables have central air conditioning. The comparables have from one to three fireplaces and six of the comparables have 2-car garages. The dwellings range in size from 2,514 to 2,937 square feet of living area and have improvement assessments ranging from \$93,900 to \$140,483 or from \$32.42 to \$51.99 per square foot of living area.

The appellant's evidence also included a memo submitted to the board of review requesting "further consideration based on the unique nature of this neighborhood." Counsel argued that the comparables are located in neighborhood assessment code 171 with frontage along Lake Michigan. Counsel also contends that only one comparable located in the same neighborhood was similar in dwelling design. Based on this evidence, the appellant requested the improvement assessment be reduced to \$115,406 or \$43.67 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 \$290,751. The subject property has an improvement assessment of \$190,489 or \$72.07 per square foot of living area. In support of its contention of the correct assessment the board of review submitted information on one equity comparable with the same neighborhood assessment code as the subject property. The comparable was described as being located on the same block as the subject property. The comparable is improved with a 1.5-story dwelling of frame and masonry exterior construction that is 60 years old. The comparable has a full unfinished basement, central air conditioning, four fireplaces and a 3-car garage. The dwelling contains 3,918 square feet of living area and has an improvement assessment of \$312,298 or \$79.71 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 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 information on a total of eight suggested equity comparables for the Board's consideration. The Board gave less weight to the board of review's comparable due to its larger dwelling size when compared to the subject property. The Board finds the appellant's comparables are more similar when compared to the subject in location, age, dwelling size and/or other features. These comparables had improvement assessments ranging from \$93,900 to \$140,483 or from \$32.42 to \$51.99 per square foot of living area. The subject's improvement assessment of \$190,489 or \$72.07 per square foot of living area falls above the range established by the best comparables contained in this record. 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.

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Chairman



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Member

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Member



\_\_\_\_\_  
Member

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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: June 18, 2019



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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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