



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

APPELLANT: Osmund Miller
DOCKET NO.: 16-24722.001-R-1
PARCEL NO.: 14-29-110-039-0000

The parties of record before the Property Tax Appeal Board are Osmund Miller, the appellant, by attorney Noah J. Schmidt, 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: \$16,875
IMPR.: \$93,153
TOTAL: \$110,028

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 2-story dwelling of frame exterior construction with 2,584 square feet of living area. The dwelling is approximately four years old. Features of the home include a full finished basement, central air conditioning, two fireplaces and a 2-car garage. The property has a 3,125 square foot site and is located in Chicago, Lake View Township, Cook County. The subject is classified as a class 2-78 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends assessment inequity and contention of law as the bases of the appeal. In support of the inequity argument the appellant submitted information on five equity comparables with the same neighborhood and classification codes as the subject property. The comparables are improved with one, 3-story and four, 2-story dwellings of frame or masonry exterior construction that range in age from 4 to 16 years old. The dwellings have full finished

basements and one to three fireplaces. Four of the comparables have central air conditioning and three comparables have 2-car garages. The dwellings range in size from 2,336 to 2,675 square feet of living area and have improvement assessments ranging from \$72,611 to \$88,321 or from \$28.02 to \$34.37 per square foot of living area.

The appellant's attorney also submitted a brief requesting "the 2016 assessment on the subject be revised to reflect a building assessed value of \$31.11 per square foot (median of the comparables cited) which indicates a revised assessment of \$97,263." Based on this evidence, the appellant requested the subject's 2016 improvement assessment be reduced to \$80,388 or \$31.11 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 \$110,028. The subject property has an improvement assessment of \$93,153 or \$36.05 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 with the same neighborhood and classification codes as the subject property. The comparables were described as being located on the same block or .25 of a mile from the subject property. The comparables are improved with 2-story dwellings of frame exterior construction that are 4 years old. The comparables have full finished basements, central air conditioning, one or two fireplaces and 2-car garages. The dwellings range in size from 2,432 to 2,797 square feet of living area and have improvement assessments ranging from \$95,821 to \$122,490 or from \$36.05 to \$50.37 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted information on a total of nine suggested equity comparables for the Board's consideration. The Board gave less weight to the appellant's comparables #1, #2, #3 and #5 due to their dissimilar design or older age when compared to the subject property. Less weight was also given to board of review comparable #3 as this property appears to be an outlier when comparing its improvement assessment to the other comparables in this record. The Board finds the appellant's comparable #4 and the three remaining board of review comparables are more similar when compared to the subject in location, age, dwelling size, design and most features. These comparables have improvement assessments ranging from \$34.18 to \$39.40 per square foot of living area. The subject's improvement assessment of \$36.05 per square foot of living area falls within the range established by the best comparables contained in this record.

The Board finds the appellant's contention of law argument was not supported with legal citation and was more in the nature of an argument as to how to consider the equity data through application of the median of the comparables presented. As set forth above, the Board has weighed the equity data and gives little weight to counsel's median data argument.

Based on this record, 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.

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: September 17, 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

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