



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

APPELLANT: Wojciech Malczynski
DOCKET NO.: 16-28393.001-R-1
PARCEL NO.: 12-22-303-010-0000

The parties of record before the Property Tax Appeal Board are Wojciech Malczynski, the appellant, by attorney John S. Xydakis, of the Law Offices of John S. Xydakis 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: \$4,427
IMPR.: \$12,325
TOTAL: \$16,752

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 one-story dwelling of masonry construction. The dwelling is 63 years old and has 878 square feet of living area. Features of the home include a crawl-space foundation, central air conditioning and a one and one-half car garage. The property has an 8,050 square-foot site and is located in Franklin Park, Leyden Township, Cook County. The subject is classified as a class 2-02 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends assessment inequity as the basis of the appeal. The subject's land assessment is not being contested in this appeal. In support of the inequity argument, the appellant submitted information on four equity comparables with the same neighborhood and classification codes as the subject. The comparables are improved with one-story dwellings of frame construction. The dwellings are from 67 to 123 years old and contain from 780 to 992

square feet of living area. None of the comparables have basements. Information regarding garages was not provided on the appellant's grid analysis. The appellant also submitted a map which revealed the comparables were not located near the subject property. The comparables have improvement assessments ranging from \$9,285 to \$11,694 or from \$10.94 to \$11.90 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment to \$10,352 or \$11.79 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$16,752 was disclosed. The subject property has an improvement assessment of \$12,325 or \$14.04 per square foot of living area. The board of review presented descriptions and assessment information on three comparable properties. The comparables have the same neighborhood and classification codes as the subject and were described as being located on the same block as the subject property. The comparables are improved with one-story dwellings of masonry construction. The dwellings are 57 or 63 years old and contain 857 or 992 square feet of living area. Two comparables do not have basements, and one has a full finished basement. Each comparable has a garage, and one has central air conditioning. The board of review's comparable properties have improvement assessments ranging from \$13,058 to \$14,305 or from \$14.42 to \$15.32 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 presented assessment data on a total of seven suggested comparables. The Board gave reduced weight to the appellant's comparables. The appellant's map disclosed the comparables were not located near the subject property, and comparables #1 and #4 were significantly older than the subject. Board of review comparable #3 differed from the subject in foundation and also received reduced weight. The Board finds the best evidence of assessment equity to be board of review comparables #1 and #2. The Board finds these comparables were similar to the subject in not having a basement and were located on the same block as the subject. In addition, these two comparables were also very similar to the subject in story height, masonry construction, age and living area. Board of review comparables #1 and #2 had improvement assessments of \$13,133 and \$13,058 or \$15.32 and \$15.24 per square foot of living area, respectively. The subject's improvement assessment of \$12,325 or \$14.04 per square foot of living area falls below the improvement assessments of the best comparables in this record. After considering adjustments to the comparables for differences from 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.

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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