



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

APPELLANT: Kenneth Lavigne
DOCKET NO.: 16-30700.001-R-1
PARCEL NO.: 27-29-405-016-0000

The parties of record before the Property Tax Appeal Board are Kenneth Lavigne, 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: \$7,150
IMPR.: \$25,850
TOTAL: \$33,000

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 approximately 19 years old and has 2,750 square feet of living area. Features of the home include a full unfinished basement, central air conditioning, a fireplace and a three-car garage. The property has a 13,000 square-foot site and is located in Orland Park, Orland Township, Cook County. The subject is classified as a class 2-04 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 equity comparables with the same neighborhood and classification codes as the subject. The comparables are improved with one or one and one-half story dwellings of frame or masonry construction. The dwellings are from one to sixty-nine years old and contain from 2,518 to 3,868 square feet of living area. Three

comparables have basements. Each comparable has central air conditioning and a fireplace. Information regarding garages was not provided on the appellant's grid analysis; however, the appellant's photographic evidence revealed that at least three comparables have a garage. The appellant also submitted a map which disclosed that two comparables were located in the same general area as the subject property. The comparables have improvement assessments ranging from \$16,284 to \$27,033 or from \$5.44 to \$7.00 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment to \$18,920 or \$6.88 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 \$33,000 was disclosed. The subject property has an improvement assessment of \$25,850 or \$9.40 per square foot of living area. The board of review presented descriptions and assessment information on four comparable properties with the same neighborhood and classification codes as the subject. Each comparable was described as being located one-quarter mile from the subject property. The comparables are improved with one-story dwellings of masonry construction. The dwellings are from 13 to 18 years old and contain from 2,614 to 3,189 square feet of living area. Each comparable has central air conditioning and a three-car garage. One comparable has three fireplaces and a full finished basement. The other three comparables have one fireplace and unfinished basements, either full or partial. The board of review's comparable properties have improvement assessments ranging from \$27,937 to \$36,582 or from \$9.40 to \$12.67 per square foot of living area. As part of its submission, the board of review made reference to the May 2015 sale of the subject property at a price of \$400,000. 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 eight suggested comparables. The appellant's comparables received reduced weight in the Board's analysis for a variety of reasons: None of the appellant's comparables were similar to the subject in age, and there were also differences in location (#2 and #3), foundation (#2) and living area (#3). The Board finds the best evidence of assessment equity to be the comparables submitted by the board of review. The Board finds these comparables were more similar to the subject in location and age and were also similar in story height, exterior construction, living area and most features. These comparables had improvement assessments that ranged from \$9.40 to \$12.67 per square foot of living area. The subject's improvement assessment of \$9.40 per square foot of living area falls within the range established by the best comparables in this record. 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: 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

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