



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

APPELLANT: Andrzes Urbanski
DOCKET NO.: 17-21044.001-R-1
PARCEL NO.: 15-35-202-037-0000

The parties of record before the Property Tax Appeal Board are Andrzes Urbanski, the appellant; 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: \$11,288
IMPR.: \$38,468
TOTAL: \$49,756

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 2017 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 an approximately 65-year old, two-story, single-family dwelling of masonry and frame exterior construction with 2,709 square feet of living area. Features of the home include: a full basement, two full and one half-baths, central air conditioning, two fireplaces and a two-car garage. The property has a 12,901 square foot site and is located in Riverside Township, Cook County. The subject is classified as a class 2, residential 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 descriptive and assessment information on four equity comparables. They are improved with a two-story, masonry, single-family dwelling which are located within a two-block radius from the subject. The improvements ranged: in age from 78

to 91 years; in size from 2,538 to 2,803 square feet of living area; and in improvement assessment from \$14.18 to \$15.60 per square foot. Amenities include: two full or two full and one-half baths; central air conditioning, one or two fireplaces, and a two-car garage.

Moreover, the appellant submitted documentation indicating that the subject property is located at the lowest level on his side of the street, which causes yard flooding. He asserted that his home's market value is lower due to this flooding. He also stated that the opposite side of the street contains homes that are better looking and not in a flood zone. Further, he indicated that in July, 2017, three quarters of the subject's yard was under water due to a yard flood, with another yard flood occurring on October 14, 2015. Moreover, the appellant submitted copies of: a letter from Bank of America's home loan department indicating that he had to purchase flood insurance coverage in a minimum amount of \$171,064; a copy of a newspaper article about Cook County purchasing property in a flood zone; as well as a copy of the Proposed Corps of Engineers Levee Project as of 2008.

At hearing, the appellant testified that his suggested comparables were not located in a flood zone. He stated that he has lived in the subject property for approximately 12 years. He explained his difficulties with other government entities while attempting to get relief for flooding on his property. He testified that he has to purchase flood insurance every year as reflected on the Bank of America's letter. He stated that there was talk about Cook County building a levy; however, he stated that this would not help his home.

Further, the appellant asked to submit three photographs of his yard depicting water thereon. These were admitted into evidence over the objections of the board of review and marked as Appellant's Hearing Exhibit #1 with a date of July 11, 2017 on the reverse side; Appellant's Hearing Exhibit #2 with a date of July 22, 2017 on the reverse side; and Appellant's Hearing Exhibit #3 with a date of April, 2018 on the reverse side. Each picture depicted some water located on a portion of the yard's grassy area, while the appellant explained that the water flows from the river and sits on his yard for two weeks. The appellant stated that Exhibit #3 depicts the water damage to the yard, where there is no longer any grass but is mud.

As to the subject's assessment, the appellant testified that in 2018 and 2019 that the subject's assessment was lowered at the county level of appeal. In support of this testimony, the appellant submitted Appellant's Hearing Exhibit #4 over the board of review's objection. This Exhibit is a printout from the county assessor's website reflecting a reduction in total assessment for the subject to \$45,719, which occurred on the last two years of the subject's triennial reassessment period.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$54,198. The subject property has an improvement assessment of \$42,910 or \$15.84 per square foot of living area. In support of its contention of the correct assessment, the board of review submitted descriptive and assessment information on four equity comparables. They are improved with a two-story, frame and masonry, single-family dwelling located either within a two-block radius of the subject or within the subject's subarea. The improvements ranged: in age from 63 to 79 years; in size from 2,606 to 3,081 square feet of living area; and in improvement assessments from \$14.64 to \$15.84 per square foot of living area. Amenities included: a partial or full basement, from two full baths to three full and one-

half baths, and from a one-car to a three-car garage. In addition, properties #1, #2, and #4 contain one or two fireplaces therein.

At hearing, the board of review's representative rested on the written evidence submissions. He testified that he had no personal knowledge of what a subarea is and whether the board's properties were located in a flood zone.

In rebuttal at hearing, the appellant testified in detail regarding the variances in comparability of the subject to the board of review's properties. He also testified that the subject's street is the only one in the neighborhood that is adjacent to the river.

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 Board finds the best evidence of assessment equity to be *appellant's comparables #1, #3 and #4 as well as the board of review's comparables #2 and #3*. These five comparables had improvement assessments that ranged from \$14.18 to \$15.30 per square foot of living area. The subject's improvement assessment of \$15.84 per square foot of living area falls above the range established by the best comparables in this record, which do not suffer from low lying land adjacent to the river and most of which are not within a flood zone. The Board accorded diminished weight to the remaining properties due to a disparity in location, improvement style, size, and/or amenities. 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.

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: October 15, 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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