



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

APPELLANT: Gene Lewaniak  
DOCKET NO.: 17-32837.001-R-1  
PARCEL NO.: 18-17-403-044-0000

The parties of record before the Property Tax Appeal Board are Gene Lewaniak, the appellant, by attorney Scott L. David, of Much Shelist, 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:** \$10,125  
**IMPR.:** \$34,232  
**TOTAL:** \$44,357

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 a two-story dwelling of frame and masonry exterior construction with 3,278 square feet of living area. The dwelling is approximately 60 years old. Features of the home include a crawl-space foundation, central air conditioning, two fireplaces and a four-car garage. The property has a 22,500 square foot site and is located in La Grange, Lyons Township, Cook County. The subject is classified as a class 2-78 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant originally filed an appeal marking the basis of appeal as recent appraisal along with a request for an extension of time to submit evidence. The appellant's subsequent submission of evidence lacked the necessary basis of appeal (35 ILCS 200/16-180; 86 Ill.Admin.Code §1910.30(j)) but provided a brief along with four comparable properties with equity data, one of which sold in 2003. In the absence of sufficient market value evidence to assert overvaluation of the subject property (86 Ill.Admin.Code §1910.65(c)(4)), the Board will

analyze this appeal based on the brief and evidence wherein the appellant implies assessment inequity as the basis of this appeal.

In support of the inequity argument the appellant submitted information on four comparables located in the same neighborhood code as the subject. The comparables consist of two-story class 2-78 dwellings of frame or frame and masonry exterior construction. The homes range in age from 60 to 62 years old and range in size from 2,884 to 3,195 square feet of living area. Three comparables have full or partial unfinished basements and one comparable has a concrete slab foundation. Three comparables feature central air conditioning and two comparables each have a fireplace. Each dwelling has a two-car garage. The comparables have improvement assessments ranging from \$28,612 to \$31,466 or from \$9.52 to \$10.33 per square foot of living area. Based on this evidence, the appellant as set forth in the Residential Appeal petition a requested a reduced improvement assessment of \$24,875 or \$7.59 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 \$44,357. The subject property has an improvement assessment of \$34,232 or \$10.44 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 located in the same neighborhood code as the subject property and either in the subject's subarea or within ¼ of a mile. The comparables consist of two-story class 2-78 dwellings of frame, masonry or frame and masonry exterior construction. The homes range in age from 18 to 62 years old and range in size from 2,834 to 3,292 square feet of living area. Three comparables have a full or partial unfinished basement and one comparable has a concrete slab foundation. Three of the comparables feature central air conditioning and each comparable has a fireplace and either a two-car or a three-car garage. The comparables have improvement assessments ranging from \$34,922 to \$47,786 or from \$12.32 to \$14.65 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 a total of eight comparable properties to support their respective positions before the Property Tax Appeal Board. Few of the comparables are similar to the subject besides in location and story height/classification. Some dwellings are much newer than the subject, several dwellings are significantly smaller than the subject and only two of the comparables lack a basement which is more similar to the subject's crawl-space foundation. Nevertheless, the Board finds that the comparables present improvement assessments ranging from \$28,612 to

\$47,786 or from \$9.52 to \$14.65 per square foot of living area. The subject's improvement assessment of \$34,232 or \$10.44 per square foot of living area falls within the range of the comparables in this record both in terms of overall improvement assessment and on a per-square-foot basis. After considering adjustments to the comparables for differences such as age, foundation type and/or the subject's superior garage size, 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:

July 20, 2021



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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