



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

APPELLANT: Robert Difatta  
DOCKET NO.: 18-37004.001-R-1  
PARCEL NO.: 06-07-402-056-0000

The parties of record before the Property Tax Appeal Board are Robert Difatta, the appellant(s), by attorney Louis Capozzoli, Attorney at Law in Des Plaines; 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:** \$247  
**IMPR.:** \$7,933  
**TOTAL:** \$8,180

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 2018 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 550 square foot parcel of land improved with a 37-year-old, two-story, masonry, attached, single-family dwelling. The property is located in Elgin, Hanover Township, Cook County and is classified as a class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends a factual error in the description of the subject with creates an inequitable assessment as the basis of the appeal. In support of this argument, the appellant submitted a copy of the subject's plat of survey. The appellant argues that the subject's assessment per square foot of \$9.50 as determined by the incorrect square footage should be applied to the correct square footage to arrive at an equitable improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's assessment of \$10,355 with an improvement assessment of \$10,108 or \$9.50 per square foot of building area when using the board of review's listed size of 1,064 square feet of building area.

In support of the current assessment, the board of review submitted data on four comparables. These comparables range in size from 1,064 to 1,070 square feet of building area and in improvement assessment from \$10.75 to \$10.77 per square foot of building area. The board of review did not submit any evidence addressing the subject's improvement size.

In rebuttal, the appellant submitted a property details printout from the assessor's website that lists the subject's size as 738 square feet of building area.

### **Conclusion of Law**

As to the size of the subject's the Board finds the appellant has submitted sufficient evidence to show that the board of review has incorrectly listed the subject's size. The appellant submitted a plat of survey and documentation that the county assessor has corrected the subject's improvement size. Therefore, the Board finds the subject contains 738 square feet of building area which reflects an improvement assessment of \$13.70 per square foot of building area.

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 best evidence of assessment equity to be the board of review's comparables. These comparables had improvement assessments ranging from \$10.75 to \$10.77 per square foot of building area. The appellant did not submit any comparables. In comparison the subject's improvement assessment of \$13.70 per square foot of building area is above the range of the best comparables in this record. 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 improvements 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 18, 2022



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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