



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

APPELLANT: Michael Potempa
DOCKET NO.: 19-00653.001-R-1
PARCEL NO.: 21-14-21-406-003-0000

The parties of record before the Property Tax Appeal Board are Michael Potempa, the appellant; and the Will 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 Will County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$10,584
IMPR.: \$56,959
TOTAL: \$67,543

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Will County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2019 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 part two-story and part one-story dwelling of brick and vinyl exterior construction with 1,943 square feet of living area. The dwelling was constructed in 2000. Features of the home include an unfinished basement, central air conditioning, a fireplace, a 470 square foot garage and an inground swimming pool.¹ The property has a 16,350 square foot site and is located in Monee, Monee Township, Will County.

The appellant contends assessment inequity with respect to the improvement as the basis of the appeal. In support of this argument the appellant submitted information on four equity

¹ The parties' grid submissions provide conflicting information regarding finished basement area of the subject property. The appellant's grid shows no finished area while the board of review's grid analysis indicates a fully finished basement. The appellant disclosed in Section III of the Residential Appeal that the foundation was full and unfinished. Property record cards for the subject property, submitted by the appellant, also indicate an unfinished basement. For these reasons, the Board assumes the subject's basement to be unfinished.

comparables where two properties are located in the same subdivision as the subject and two properties are located in a different subdivision which is less than one mile from the subject property. The comparables are improved with part two-story and part one-story dwellings of vinyl or brick and vinyl exterior construction that range in size from 1,851 to 2,009 square feet of living area. The homes were built from 2000 to 2004. Each comparable has a basement, one with finished area, central air conditioning and a garage ranging in size from 430 to 489 square feet of building area. Three comparables each have one fireplace. The comparables have improvement assessments ranging from \$47,960 to \$53,380 or from \$25.41 to \$27.08 per square foot of living area. Based on this evidence, the appellant requested the subject's improvement assessment be reduced to \$51,000 or \$26.25 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 \$67,543. The subject property has an improvement assessment of \$56,959 or \$29.31 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 subdivision as the subject property. Board of review comparables #1 and #2 are the same properties as the appellant's comparables #1 and #3, respectively. The comparables are improved with part two-story and part one-story dwellings of frame exterior construction that range in size from 1,943 to 2,131 square feet of living area. The homes were built from 2000 to 2002. Each comparable has an unfinished basement, central air conditioning, one fireplace and a garage ranging in size from 420 to 489 square feet of building area. The comparables have improvement assessments that range from \$52,613 to \$54,658 or from \$25.65 to \$27.17 per square foot of living area. Based on this evidence, the board of review requested the subject's assessment be confirmed.

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 record contains six equity comparables for the Board's consideration as two comparables were submitted by both parties. The Board gave less weight to the appellant's comparables #2 and #4 due to locations outside of the subject's subdivision.

The Board finds the best evidence of assessment equity to be the remaining comparables, which includes the two common comparables. These four properties are similar to the subject in location, age, dwelling size and most features but are inferior to the subject as each lacks an inground swimming pool, a feature present in the subject's improvements. These comparables had improvement assessments that ranged from \$52,613 to \$54,658 or from \$25.65 to \$27.17 per square foot of living area. The subject's improvement assessment of \$56,959 or \$29.31 per

square foot of living area falls above the range established by the best comparables in this record which appears justified given the subject's superior inground swimming pool feature. 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.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. The requirement is satisfied if the intent is evident to adjust the burden with a reasonable degree of uniformity and if such is the effect of the statute enacted by the General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395 (1960). Although the comparables presented by the parties disclosed that the properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity which appears to exist on the basis of the evidence.

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 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

AGENCY

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