



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

APPELLANT: Hiren Shah
DOCKET NO.: 19-33880.001-R-1
PARCEL NO.: 09-15-207-009-0000

The parties of record before the Property Tax Appeal Board are Hiren Shah, 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 **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: \$5,453
IMPR.: \$16,902
TOTAL: \$22,355

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 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 is improved with a two-story dwelling of masonry construction with 1,634 square feet of living area. The dwelling is approximately 56 years old. Features of the home include a partial unfinished basement and central air conditioning. The property has a 5,453 square foot site and is located in Des Plaines, Maine Township, Cook County. The subject is classified as a class 2-95 property under the Cook County Real Property Classification Ordinance.

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 comparables with the same neighborhood code, one of which is located on same street and same block as the subject. The properties are improved with two-story dwellings of frame and masonry construction that range in size from 1,569 to 2,008 square feet of living area and in age from 54 to 56 years old. Each comparable has central air conditioning and two comparables

have either a one-car attached, or a two-car detached garage. The appellant failed to report whether the comparables have basements and/or finished basement area. These properties have improvement assessments ranging from \$13,627 to \$18,091 or from \$8.68 to \$9.18 per square foot of living area. The appellant requested the subject's improvement assessment be reduced to \$14,623 or \$8.95 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 \$22,355. The subject property has an improvement assessment of \$16,902 or \$10.34 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 on same street, block and have the same neighborhood code and classification code as the subject. The comparables are improved with two-story dwellings of frame and masonry construction with either 1,632 or 1,634 square feet of living area. The dwellings are 54 to 57 years old. Three comparables have partial unfinished basements and one comparable has a slab foundation. Each comparable has central air conditioning. These properties have improvement assessments ranging from \$17,194 to \$18,534 or from \$10.54 to \$11.34 per square foot of living area.

In rebuttal, the appellant submitted a letter and spreadsheet containing information on seven comparables, two of which were previously submitted by the appellant.

Conclusion of Law

The appellant 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.

As an initial matter regarding the appellant's rebuttal evidence, the board finds the rebuttal evidence contained new comparable properties not previously submitted by the appellant. Pursuant to the rules of the Property Tax Appeal Board, rebuttal evidence is restricted to that evidence to explain, repel, counteract or disprove facts given in evidence by an adverse party. (86 Ill. Admin. Code, Sec. 1910.66(a)). Moreover, rebuttal evidence shall not consist of new evidence such as an appraisal or **newly discovered comparable properties**. (86 Ill. Admin. Code, Sec. 1910.66(c)). In light of these rules, the Property Tax Appeal Board shall not consider the five new comparables submitted in the appellant's rebuttal.

The parties submitted information on eight equity comparables for the Board's consideration. The Board gave less weight to the appellant's comparables #2 and #3 as they each have a garage unlike the subject and comparable #3 also has a larger dwelling size. The Board finds the best evidence of assessment equity to be the appellant's comparables #1 and #4 along with the board of review comparables. These comparables are similar to the subject in location, dwelling size, design, age and most features. The comparables have improvement assessments ranging from \$14,669 to \$18,534 or \$8.98 to \$11.34 per square foot of living area. The subject has an

improvement assessment of \$16,902 or \$10.34 per square foot of living area which falls within the range established by the best comparables in the record and well supported by board of review comparables #1, #2 and #3 which have a partial unfinished basement like the subject.

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 taxation 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 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 based on the evidence.

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:

February 16, 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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