



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

APPELLANT: Richard Pruski  
DOCKET NO.: 20-30499.001-R-1  
PARCEL NO.: 01-13-103-037-0000

The parties of record before the Property Tax Appeal Board are Richard Pruski, the appellant(s), by attorney Holly Zeilinga, of Worssek & Vihon 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:** \$16,099  
**IMPR.:** \$102,353  
**TOTAL:** \$118,452

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

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 2020 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 53,665 square foot parcel of land improved with a 16-year-old, 2-story, masonry, single-family dwelling, containing 8,072 square feet of living area. The property is located in Inverness, Barrington Township, Cook County and is a class 2-09 property under the Cook County Real Property Assessment Classification Ordinance.

Appellant contends assessment inequity and a contention of law as the bases of the appeal. In support of these arguments, appellant submitted information on eight suggested equity comparables. They were each improved with a single-family dwelling of either masonry or frame and masonry construction. They ranged in size between 5,410 and 8,588 square feet of living area and in improvement assessment between \$10.45 and \$11.40 per square feet of living area. Appellant submitted its brief indicating 18,022 square feet of the total 53,704 square feet of the subject property is a detention pond. Appellant asserts the detention pond is unbuildable and

unusable and contends the land assessment for the subject property does not consider the detention pond. Appellant submitted copies of an aerial typography photo of the subject, a Sidwell map plat of survey of the subject which lists the retention pond and discloses an easement for lake access and maintenance, and a Sidwell map of the subject's block. Appellant also included a copy of the board of review's written decision reflecting its total assessed valuation for the subject property of \$118,452. Based on this evidence, appellant requested a reduction in the subject's assessment to \$11,605.

The board of review submitted its "Board of Review Notes on Appeal" depicting a total assessed valuation for the subject property of \$118,452, with an improvement assessment of \$102,353, or \$12.68 per square foot of living area. In support of its contention of the correct assessment, the board of review submitted four comparable properties. Each of the comparable properties were improved with a 2-story, single-family dwelling of either masonry or frame and masonry construction. They ranged in size between 5,423 and 6,500 square feet of living area and in assessment between \$10.57 and \$12.85 per square foot of living area.

In addition, the board of review submitted Notes opining that the subject's location with lake frontage add value to the property. The board of review asserts the Sidwell map plat of survey was edited to include the words "retention pond" and did not include any actual photographs of the pond. The board include an aerial photograph showing the subject, the lake/retention pond, and other properties located around the lake/pond.

In rebuttal, appellant states the comparables submitted by the board of review show that the waterfront adds value to the subject property but that the comparables submitted by appellant warrant a reduction to the subject property's assessed value based on the doctrine of uniformity. In addition, appellant states the portion of the subject property containing the detention pond be reduced. Furthermore, appellant resubmitted an unreadable plat of survey.

### **Conclusion of Law**

The has appeal based on a contention of law. Section 10-15 of the Illinois Administrative Procedure Act (5- ILCS 100/10-15) provides:

Standard of proof. Unless otherwise provided by law or stated in the agency's rules, the standard of proof in any contested case hearing conducted under this Act by an agency shall be the preponderance of the evidence.

The rules of the Property Tax Appeal Board are silent with respect to the burden of proof associated with an argument founded on a contention of law. See 86 Ill.Admin.Code §1910.63. The Board finds appellant *did not meet* this burden of proof and a reduction in the subject's assessment *is not* warranted.

The Board questions whether the body of water is a retention pond or a lake and is visually appealing or may be used recreationally. Both of these factors could potentially increase the value of the subject property rather than decrease it but appellant did not submit any photos of the pond. The Board also questions whether the plat of survey was edited and the words "retention pond" where added as other portions of the plat refer to the body of water as a lake.

For these reasons, the Board finds appellant did not prove by a preponderance of the evidence that the pond in the subject property is unusable and that it warrants a reduction in the land assessment of the subject property.

The taxpayer also 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 appellant *did not meet* this burden of proof and a reduction in the subject's assessment *is not* warranted.

The Board finds the best evidence of assessment equity to be *appellant's comparables #2, #4, and #6 and the board of review's comparable #1*. These comparables were most similar to the subject property in living area square footage, construction, and/or were closest in proximity to the subject property. The Board gives great weight to the board of review's comparable #1 which is located next door and has the same access/intrusion to the body of water. They had improvement assessments that ranged from \$10.51 to \$11.40 per square foot of living area. The subject's improvement assessment of \$12.68 per square foot of living area falls within the range established by the best comparables in this record. Based on this record, the Board finds 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.

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Chairman



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Member



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Member

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Member



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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: June 18, 2024



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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

State of Illinois  
Property Tax Appeal Board  
William G. Stratton Building, Room 402  
401 South Spring Street  
Springfield, IL 62706-4001

APPELLANT

Richard Pruski, by attorney:  
Holly Zeilinga  
Worsek & Vihon  
180 North LaSalle Street  
Suite 3010  
Chicago, IL 60601

COUNTY

Cook County Board of Review  
County Building, Room 601  
118 North Clark Street  
Chicago, IL 60602