



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

APPELLANT: Nathan Fernandez
DOCKET NO.: 20-41720.001-R-1
PARCEL NO.: 15-21-215-036-0000

The parties of record before the Property Tax Appeal Board are Nathan Fernandez, the appellant, by attorney Andrew S. Dziuk, of Andrew Dziuk, Esq. 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: \$4,020
IMPR.: \$20,454
TOTAL: \$24,474

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 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 two-story dwelling of frame and masonry exterior construction with 1,382 square feet of living area. The dwelling is approximately 68 years old. Features of the home include a basement with finished area, central air conditioning and a 2.5-car garage. The property has an approximately 6,700 square foot site and is located in Westchester, Proviso Township, Cook County. The subject is classified as a class 2-05 property under the Cook County Real Property Assessment 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 located in the same neighborhood code as the subject property. The comparables are improved with class 2-05 dwellings of frame and masonry exterior construction ranging in size from 1,575 to 1,652 square feet of living area. The homes range in age from 71 to 73 years

old. Each comparable has an unfinished basement and a 1-car or a 2-car garage. One dwelling has central air conditioning. The comparables have improvement assessments ranging from \$17,793 to \$18,391 or from \$11.13 to \$11.33 per square foot of living area. Based on this evidence, the appellant requested the subject's improvement assessment be reduced to \$15,382 or \$11.13 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 \$24,474. The subject property has an improvement assessment of \$20,454 or \$14.80 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. The comparables are improved with two-story class 2-05 dwellings of masonry exterior construction ranging in size from 1,200 to 1,527 square feet of living area. The homes are either 71 or 72 years old. Each comparable has a basement with two having finished area. Two dwellings have central air conditioning, and each property has from a 1-car to a 2-car garage. The comparables have improvement assessments ranging from \$17,947 to \$24,179 or from \$14.96 to \$16.56 per square foot of living area.

The board of review's grid analysis disclosed the subject property sold in May 2018 for \$295,000,¹ arguing the subject's sale price exceeds its fair market value based on assessment. To support this sale, the board of review submitted listing information for the subject from an online real estate website along with a copy of the warranty deed. 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.

Initially, the Board gives little weight to the subject's 2018 sale as the appellant's appeal is based on an equity argument and not on overvaluation.

The parties submitted eight equity comparables for the Board's consideration. The Board gives less weight to the appellant's comparables along with board of review comparables #3 and #4 which are less similar to the subject in dwelling size and/or lack a finished basement.

The Board finds the best evidence of assessment equity to be board of review comparables #1 and #2 which are overall more similar to the subject in location, age and design but present varying degrees of similarity to the subject in dwelling size, garage size and presence of central air conditioning suggesting adjustments are needed to make these properties more equivalent to

¹ The appellant disclosed in Section III of the appeal petition that the subject property sold in 2018 for \$295,000.

the subject. These two best comparables have improvement assessments of \$17,947 and \$24,179 or for \$14.96 and \$15.83 per square foot of living area, respectively. The subject's improvement assessment of \$20,454 or \$14.80 per square foot of living area is bracketed by the two best comparables in the record on an overall improvement assessment basis and falls below the two best comparables on a per square foot basis. After considering appropriate 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.

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: _____

August 20, 2024



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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