



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

APPELLANT: Brian Milner
DOCKET NO.: 21-31902.001-R-1
PARCEL NO.: 21-32-208-013-0000

The parties of record before the Property Tax Appeal Board are Brian Milner, the appellant, by attorney Robert Rosenfeld, of Robert H. Rosenfeld & Associates, LLC in Northbrook; 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: \$3,350
IMPR.: \$10,650
TOTAL: \$14,000

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 2021 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 3,350 square foot parcel of land with two improvements. Improvement #1 is a 132-year-old, two-story, multi-family dwelling of frame construction with 2,154 square feet of living area with a full basement. Improvement #2 is a single-family residence with 600 square feet of living area. The property is located in Chicago, Hyde Park Township, Cook County. The subject is classified as a class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends assessment inequity as the basis of the appeal. In support of this argument the appellant submitted information on four equity comparables for improvement #1. All were improved with a multi-family dwelling of frame construction, a full basement and at least a one-car garage. The improvements ranged in age from 113 to 130 years; in size from 2,000 to 2,372 square feet of living area; and in improvement assessment from \$2.91 to \$3.16 per

square foot of living area. Based on this evidence the appellant is requesting an assessment for the subject of \$9,920.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$14,000. The subject property has an improvement assessment of \$10,650 or \$4.94 per square foot of the larger improvement's living area. In support of its contention of the correct assessment the board of review submitted information on three equity comparables for improvement #1, all of which are within the same subarea and neighborhood code as the subject property, while two are within a quarter mile.

While the board of review did not submit separate comparables for improvement #2, they did submit in its "Board of Review Notes on Appeal" information that both improvement #1 (a class 2-11 property) and improvement #2 (a class 2-02 property) contained a combined 2,754 square feet of living area, or \$3.86 per square foot of living area.

Conclusion of Law

The taxpayer asserts assessment inequity as the basis of the appeal. The Illinois Constitution requires that real estate taxes, "be levied uniformly by valuation ascertained as the General Assembly shall provide by law." Ill. Const. art. IX, §4 (1970); Walsh v. Property Tax Appeal Board, 181 Ill. 2d 228, 234 (1998). This uniformity provision of the Illinois Constitution does not require absolute equality in taxation, however, and it is sufficient if the taxing authority achieves a reasonable degree of uniformity. Peacock v. Property Tax Appeal Board, 339 Ill. App. 3d 1060, 1070 (4th Dist. 2003).

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); Walsh, 181 Ill. 2d at 234 (1998). Clear and convincing evidence means more than a preponderance of the evidence, but it does not need to approach the degree of proof needed for a conviction of a crime. Bazyldo v. Volant, 164 Ill. 2d 207, 213 (1995). 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 appellant has the burden of showing by clear and convincing evidence that the property was inequitably assessed. The appellant did not satisfy that burden because its comparable properties were not sufficiently similar to the subject. There is both a multi-family residence and a coach house on the subject property, as submitted by the board of review in its Notes on Appeal. This fact was un rebutted. Each of the appellant's four suggested comparables contain a multi-family residence, but appellant presented no evidence that any contains a coach house.

The appellant attempted to prove assessment inequity by submitting documentary evidence that excluded mention of the coach house or its features while attempting to draw comparisons between the subject's multi-family dwelling and the improvements on the four comparables.

This approach was discredited in National City Bank v. Ill. Prop. Tax Appeal Bd., 331 Ill. App. 3d 1038 (3d Dist. 2002), where the court upheld the Board's rejection of a "piecemeal approach" to valuing property, noting that the value of one portion of the property would be affected by other portions. Id. at 1042. Accordingly, the appellant failed to meet its burden of proving an inequitable assessment by clear and convincing evidence. Based on the evidence, the Board therefore finds that a reduction in the subject's assessment on this basis 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

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: _____

December 17, 2024

Clerk of the Property Tax Appeal Board

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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