FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Chessare
DOCKET NO.: 21-39244.001-R-1
PARCEL NO.: 14-29-418-020-0000

The parties of record before the Property Tax Appeal Board are Chessare, the appellant(s), by attorney Joanne Elliott, of Elliott & Associates Attorneys, PLLC in Des Plaines; 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:	$46,500
IMPR.:	$77,750
TOTAL:	$124,250

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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.

Background

The subject property is an approximately 16-year-old, three-story, single-family dwelling of masonry construction containing 3,770 square feet of living area. The home features a full finished basement with a formal recreation room, four full bathrooms, one half bathroom, central air conditioning, a fireplace, and a two-car garage. The property is situated on a 3,100-square-foot site located in the City of Chicago, within Lake View Township, Cook County, and is classified as a Class 2-78 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant challenges assessment based on assessment inequity and Contention of Law.

In support of the assessment inequity claim, the appellant submitted information for three suggested comparable properties located within the same neighborhood code and between 0.34 and 0.55 miles from the subject. Each comparable is a Class 2-78, of either a three or two-story, single-family masonry residence with a two-car garage and contains between 3,500 and 3,728 square feet of living area. The comparable properties are 27, 30, and 43 years old, respectively, and each was reported as having a slab foundation. The appellant indicated that the comparable properties have improvement assessments ranging from $15.69 to $19.00 per square foot of living area. Based on this evidence, the appellant requests that the subject's total assessment be reduced to $112,550 with an improvement assessment of $66,050 based on uniformity.

The appellant also asserts a Contention of Law, supported by a document titled "Brief in Support of Residential Appeal," in which the appellant argues that the improvement assessment is inequitable. The land assessment is not at issue. The appellant states that the home has been 100 percent vacant since September 2018 due to extensive water damage requiring significant building repairs, reconstruction of the upper portion of the home and garage, replacement of interior finishes, and replacement of mechanical, electrical, and plumbing systems. The appellant contends that the property remained fully vacant and uninhabitable throughout the 2021 lien year. Although the assessor applied a 50 percent occupancy factor for 2021, the appellant maintains that this reduction does not adequately reflect the severity of the damage and vacancy.

To support the vacancy claim, the appellant submitted a signed and notarized Cook County Board of Review Residential Vacancy-Occupancy Affidavit affirming that the subject was 100 percent unoccupied 2018 through 2021 due to extensive water damage. The appellant also submitted an email dated November 29, 2021, indicating that some repair work had been completed and that additional work would be finished "in the next couple of months." Additionally, fifteen undated photographs were provided, which the appellant asserts depict various stages of construction and repair of the subject.

The appellant argues that, based on principles of equity and the established practices of assessing officials, the assessment of the improvements should be further reduced by applying a 10 percent occupancy factor due to both vacancy and uninhabitability. The appellant requests an improvement assessment of $15,550, representing 10 percent of the original improvement assessment of $155,550. The appellant further notes that while the assessor reduced the total assessment to $124,250, a fully vacant and uninhabitable condition during all of 2021 warrants a lower assessment of $62,050.

The board of review submitted its "Board of Review Notes on Appeal". The subject has a total assessment of $124,250 and an improvement assessment of $77,750 or $20.62 per square foot of living area. In support of its contention of the correct assessment, the board of review submitted information regarding four suggested equity comparable properties. The comparable properties are situated from a block to a ¼ mile radius of the subject and are in the same assessment neighborhood as the subject. The comparable properties are improved with a three-story single-family dwelling of masonry construction. They ranged: in size from 3,586 to 3,774 square feet of living area; in age from 16 to 22 years; and in improvement assessments ranging from $37.98 to $41.50 per square foot of living area. Based on this evidence the board of review requested confirmation of the subject's assessment.

On February 25, 2025, Attorney Mellissa Whitley appeared on behalf of the Appellant Chessare before the Property Tax Appeal Board for a hearing. Rachel Dickerson appeared on behalf of the board of review.

Hearing

Ms. Whitley contended that the subject's 2021 property tax appeal is based on both assessment uniformity and vacancy due to the property being entirely uninhabitable that year. She explained that the home suffered significant water damage beginning in 2018, ultimately requiring reconstruction of the roof along with replacement of mechanical, electrical, and plumbing systems. As a result, the house was fully vacant and could not be lived in throughout 2021. Although the Cook County Assessor granted a 50% occupancy reduction for that year, Whitley argued that this relief was insufficient given the severity of the damage and the property's uninhabitable condition. She stated that while the assessor historically applies a 20% vacancy factor when a property is habitable but vacant, an uninhabitable property should receive far greater relief. Accordingly, she asked the Property Tax Appeal Board to reduce the occupancy factor further—from 50% down to 10%.

In arguing the uniformity basis of this appeal Ms. Whitley explained that the subject property's original 2021 building assessment was $155,500, or $41.25 per square foot, before the assessor applied a 50% occupancy reduction. In comparison, she presented three comparable properties located within half a mile, which were assessed between $15.69 and $19.00 per square foot—significantly lower than the subject property's original rate. She requested that PTAB first evaluate the case based on uniformity using those original assessment values and then apply the appropriate occupancy factor to the revised figure. Based on her proposed 10% occupancy adjustment, Whitley calculated a final improvement assessment of $15,550, or $4.12 per square foot—far below even the comparable properties she introduced. She acknowledged the discrepancy but explained that her appeal rested on both equity and vacancy severity, and she wanted to prevent any increase to the current assessed value.

Ms. Whitley confirmed that the same evidence was submitted at both the assessor's level and in this appeal: photographs of the damage taken in March 2021 and vacancy affidavits describing the condition of the home. Ms. Whitley argued that there were no building permits or contractor documents provided. She noted that repairs were completed in 2022, that partial vacancy relief was granted that year, and that the property was fully assessed again in 2023 once it became habitable. In closing, Whitley reiterated that the Board of Review's comparable properties were all lower than the subject property's original per-square-foot building assessment, and she asked PTAB to acknowledge the previously granted 50% occupancy factor even if no further reduction were granted.

Ms. Dickerson, on behalf of the Board of Review, rested on the documentary evidence previously submitted.

Conclusion of Law

The taxpayer contends assessment inequity and contention of law as the basis of this appeal.

With respect to assessment inequity, 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 comparable properties 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 on this basis is not warranted.

As a preliminary matter, the Board gives no weight to Ms. Whitley's position that this Board should consider the "original" improvement assessment amount when evaluating inequity in the 2021 assessment. PTAB evaluates the assessment as it exists in the record at the time of appeal, which in this case is the revised 2021 assessment reflecting, according to Ms. Whitley, the assessor's application of the 50% occupancy factor. In addition, there is no evidence to show that the $124,250 assessment is a reduction based on an applied factor for vacancy.

Moreover, Ms. Whitley provided no legal authority that would permit the Board to recognize or rely upon an assessment amount that is not the operative assessment in the record, nor did the appellant offer any legal reasoning explaining how or why this Board could disregard the **de novo** standard by which PTAB is bound.

Under PTAB's de novo standard of review, the Board independently evaluates the evidence presented in the current appeal without deference to prior decisions by any local assessing official or tribunal or "the policies or practices of any other agency". 86 Ill. Admin. Code §1910.10(b). Past determinations, whether by the assessor, the board of review, or in prior tax years, are not controlling and play no role in PTAB's analysis unless the evidence in the present record independently supports them. Accordingly, any prior decision referenced by Ms. Whitley is not considered by this Board and has no bearing on the outcome of this appeal.

The record contains seven equity comparable properties. After reviewing all submissions, the Board finds that comparable properties #1 through #4 presented by the Board of Review constitute the most reliable evidence of assessment equity. These comparables share significant similarities with the subject property: each is a three-story, single-family Class 2-78 residence with comparable amenities and similar square footage of living area. All four are located within the same neighborhood code as the subject, and three are situated within one block. Each also features a full finished basement with a recreation room, central air conditioning, and a two-car garage—characteristics matching those of the subject property.

By contrast, the appellant's comparable properties differ in several material respects. They are located farther from the subject (between 0.34 and 0.55 miles), are substantially older (27 to 43 years), include slab foundations rather than full basements, and one is described as a two-story dwelling rather than a three-story residence. These distinctions render them less comparable for purposes of an equity analysis.

The Board notes that the improvement assessments for the most similar comparables (#1–4) range from $37.98 to $41.50 per square foot of living area. The subject's improvement assessment for the 2021 lien year is $20.62 per square foot—significantly below this range. After considering the record and accounting for differences such as construction type, age, and basement finish, the Board finds that the appellant did not present clear and convincing evidence demonstrating that the subject's improvement is inequitably assessed. Accordingly, a reduction in the assessment on this basis is not warranted.

The appellant also raises a contention of law as the basis of this appeal. The Property Tax Appeal Board may consider legal contentions; however, such arguments must relate directly to the correct assessment of the subject property. See 86 Ill. Admin. Code §1910.65(d). The applicable standard of proof for such claims is a preponderance of the evidence. 5 ILCS 100/10-15.

The appellant asserts in a submitted brief that the subject property was 100% vacant during 2021 due to water damage and ongoing reconstruction and therefore argues that the assessment should be reduced based on vacancy and unspecified "rules, practices, procedures, and recent decisions of the Assessor." The appellant presented no legal authority, administrative rule, or persuasive reasoning supporting this position. Moreover, nothing in the record establishes that vacancy had any detrimental effect on the property's market value. Vacancy, standing alone, does not demonstrate an incorrect assessment.

As noted earlier, proceedings before PTAB are conducted de novo. Under this standard, the Board evaluates the evidence independently and does not consider or defer to the policies, practices, or decisions of any other agency. See 86 Ill. Admin. Code §1910.10(b). For this reason, any practices, procedures, or decisions of the Assessor or any other governmental body are irrelevant to the Board's analysis.

The appellant further contends that the dwelling was uninhabitable in 2021 due to water damage from 2018 requiring significant structural and system replacement. In support, the appellant submitted a vacancy affidavit, an informal email describing partial drywall installation and nonfunctioning plumbing, and photographs purportedly taken in March 2021. While these materials depict certain interior conditions, they do not establish the functional or market-relevant condition of the improvement during the lien year.

No building permits, contractor records, invoices, inspection reports, or other contemporaneous documentation were provided to substantiate either uninhabitability or the progress of reconstruction. The photographs lack verified dates, and the informal email is insufficient without supporting evidence. Critically, the appellant presented no objective documentation describing the degree of completion during 2021, despite asserting that reconstruction had been ongoing since 2018. The appellant's own email states that the home would be habitable "in the next couple of months," which, if taken at face value, suggests that the improvements were nearing substantial completion rather than remaining uninhabitable throughout the assessment year.

Under 35 ILCS 200/9-180, the Board requires objective, verifiable evidence demonstrating that a dwelling was unfit for occupancy as of the assessment date. No such evidence was submitted. The appellant also failed to address the principles set forth in *Long Grove Manor v. Property Tax Appeal Board*, 301 Ill. App. 3d 654 (1998). In *Long Grove Manor*, the Appellate Court held that partially constructed or rehabilitated improvements retain taxable value once they are "under roof" and demonstrate measurable physical progress. The photographs submitted here show interior framing, drywall installation, flooring, and partial finishing—conditions consistent with substantial completion under *Long Grove Manor*. The appellant's materials do not show that the dwelling belonged to the narrow category of structures eligible for prorated valuation under section 9-180.

In Illinois property tax appeals, *Long Grove Manor* and section 9-180 of the Property Tax Code operate together to establish when and to what extent partially completed or damaged improvements may be assessed. *Long Grove Manor* expressly rejects the notion that an improvement must be fully finished or substantially complete before it incurs taxable value. Instead, the decision holds that once a structure is "under roof" and demonstrates measurable physical progress, it possesses contributory value even if interior work remains incomplete or the dwelling is temporarily unusable. Section 9-180 permits prorated diminution only for the specific period during which a dwelling is rendered uninhabitable and thereafter becomes fit for occupancy. Reductions are granted only where objective, contemporaneous documentation demonstrates complete uninhabitability within the statutory meaning.

Although the appellant claims the dwelling was uninhabitable from 2018 through 2021, the record contains no proof of uninhabitability during the 2021 lien year. The affidavit, email, and photographs do not meet the evidentiary threshold required by section 9-180 and do not rebut the principles articulated in *Long Grove Manor*. Because the appellant failed to provide required documentation and the evidence demonstrates substantial reconstruction contributing taxable value, the Board finds that the improvement was properly assessed.

Based on the entire record, the Board concludes that sufficient reconstruction had been completed such that the improvement warranted assessment for 2021. Accordingly, the appellant’s request for a reduction is denied.

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: ____________ ____________

C E R T I F I C A T I O N

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: September 15, 2026

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.

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