



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

APPELLANT: Bernard Derza
DOCKET NO.: 21-42998.001-R-1
PARCEL NO.: 03-27-315-009-0000

The parties of record before the Property Tax Appeal Board are Bernard Derza, the appellant, by attorney Eric Feldman, of Eric Feldman & Assoc. P.C., 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: \$5,630
IMPR.: \$39,796
TOTAL: \$45,426

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 two-story dwelling of frame exterior construction with 2,551 square feet of living area and which is approximately 69 years old. Features include a crawl-space foundation, 3 full bathrooms, central air conditioning, a fireplace, and a three-car garage. The property has a 10,725 square foot site and is located in Mount Prospect, Wheeling Township, Cook County. The subject is classified as a class 2-06 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends assessment inequity concerning 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 and within .26 of a mile from the subject. The comparables consist of class 2-06 two-story dwellings of frame or frame and masonry exterior construction which range in age from 67 to 69 years old. The dwellings range

in size from 2,505 to 2,699 square feet of living area. Two comparables have partial unfinished basements, 2½ to 3½ bathrooms, central air conditioning, and a 2-car to a 3.5-car garage. Two comparables each have a fireplace. The comparables have improvement assessments ranging from \$19,963 to \$38,265 or from \$7.97 to \$15.19 per square foot of living area.

Based on this evidence, the appellant requested a reduced improvement assessment of \$29,872 or \$11.71 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 \$45,426. The subject property has an improvement assessment of \$39,796 or \$15.60 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, where board of review comparables #1 and #2 are the same properties as appellant's comparables #3 and #4, respectively. The two new properties set forth by the board of review as comparables #3 and #4 are located in the same neighborhood code as the subject and one is within ¼ of a mile from the subject. The comparables consist of class 2-06 two-story dwellings of frame or frame and masonry exterior construction which are 66 and 69 years old, respectively. The dwellings contain 2,220 and 2,433 square feet of living area. One has a full unfinished basement, and one has a crawl-space foundation. The homes have either 2½ or 3 bathrooms, central air conditioning, and either a 2-car or a 2.5-car garage. These two comparables have improvement assessments of \$40,532 and \$40,679 or of \$16.66 and \$18.32 per square foot of living area.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

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.

The parties submitted a total of six suggested equity comparables, two of which are common to both parties, to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to appellant's comparable #1 and #4/board of review comparable #2 and #3, due to significant differences in foundation type by having full or partial basements when compared to the subject property's crawl-space foundation.

The Board finds the best evidence of assessment equity to be the appellant's comparables #2 and #3/board of review comparable #1 along with board of review comparable #4, which are each relatively similar to the subject in location, dwelling size, foundation type, and some other features. Each of these best comparables necessitates adjustment for differences in bathroom

count when compared to the subject. One comparable needs adjustment for lack of a fireplace and each comparable needs adjustment for differing garage capacity when compared to the subject. The best comparables have improvement assessments ranging from \$28,945 to \$40,679 or from \$10.74 to \$18.32 per square foot of living area. The subject's improvement assessment of \$39,796 or \$15.60 per square foot of living area is within the range of the best comparables both in terms of overall improvement assessment and on a per-square-foot of living area basis. The Board finds the subject's assessment is logical after considering adjustments for differences.

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 on the basis of 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: _____

May 20, 2025



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

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