



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

APPELLANT: Larry Chlum
DOCKET NO.: 10-30139.001-C-2
PARCEL NO.: 13-31-300-021-0000

The parties of record before the Property Tax Appeal Board are Larry Chlum, the appellant, by attorney Glenn S. Guttman of Rieff Schramm Kanter & Guttman in Chicago; and the Cook County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction 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: \$38,981
IMPR: \$92,269
TOTAL: \$131,250

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 2010 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 one-story commercial building of masonry construction with 9,010 square feet of building area. The building was constructed in 1953. Features of the building include two units and central air conditioning for the office area. The property has a 9,892 square foot site and is located in Chicago, Jefferson Township, Cook County. The property is

classified as a class 5-17 one-story commercial building under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted a restricted use appraisal estimating the subject property had a market value of \$525,000 as of December 4, 2009. The appraisal was prepared by John R. Pogacnik, MAI and Illinois State Certified General Real Estate Appraiser of Pillar Appraisal, Inc. The appellant also submitted a summary appraisal report estimating the subject property had a market value of \$525,000 as of December 4, 2009. The summary appraisal report was also prepared by John R. Pogacnik. The summary report included the three approaches to value in which the appraiser estimated a market value under the cost approach of \$580,000; a market value under the sales comparison approach of \$530,000 and a market value under the income approach of \$515,000. In the report the appraiser explained that one of the units was vacant. He estimated an absorption period for the vacant space of twelve months resulting in an income loss of \$96,000. He also estimated lease-up costs to be \$4,000. In arriving at his estimates of value under the respective approaches to value the appraiser deducted \$100,000 to reflect the subject's "as-is" condition.

In the submission the appellant's counsel further argued an adjustment to the subject's assessment should be made to account for vacancy. In support of this argument the appellant submitted two affidavits attesting that the subject property was partially vacant in 2008 and 2009 due to the economy, a tenant's business failure and surplus space available. The appellant also submitted an occupancy affidavit for 2010. Additionally, the appellant submitted examples of decisions issued by the Cook County assessing officials and the Property Tax Appeal Board granting assessment relief based on vacancy.

The appellant also submitted a copy of the final decision issued by the board of review establishing a total assessment of \$236,250. The subject's assessment reflects a market value of \$945,000 when applying the Cook County Real Property Assessment Classification Ordinance level of assessments for class 5-17 property of 25%. Based on this evidence, the appellant requested the subject's assessment be reduced to a range from \$74,844 to \$131,250 utilizing the appraisal and/or vacancy.

The board of review did not submit its "Board of Review Notes on Appeal" and evidence in support of the assessment.

Conclusion of Law

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. (86 Ill.Admin.Code §1910.65(c)). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value in this record to be the summary appraisal containing the three approaches to value. In the summary report, the appellant's appraiser estimated the subject property had a market value of \$525,000 as of December 4, 2009. The subject's assessment reflects a market value of \$945,000, which is above the appraised value. The Board finds a further reduction to the subject's assessment based on vacancy is not warranted. A review of the summary appraisal disclosed the appraiser considered the absorption period for the vacant space and the lease-up costs when he arrived at his estimate of value. The board of review did not submit any evidence in support of the assessment of the subject property or to refute the appellant's argument as required by Section 1910.40(a) of the rules of the Property Tax Appeal Board and is found to be in default pursuant to section 1910.69(a) of the rules of the Board. (86 Ill.Admin.Code §1910.40(a) & §1910.69(a)). Based on this record the Board finds the subject property had a market value of \$525,000 as of January 1, 2010. Since market value has been determined the Cook County Real Property Assessment Classification Ordinance level of assessment for class 5-17 property of 25% shall apply. (86 Ill.Admin.Code §1910.50(c)(3)).

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.

Ronald R. Crit

Chairman

K. L. Fan

Member

Richard A. Huff

Member

Mark A. Lewis

Member

J. R.

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: March 20, 2015

A. Portol

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 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 the subsequent year 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.

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.