



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

APPELLANT: Nick Spensieri
DOCKET NO.: 12-20248.001-I-1
PARCEL NO.: 10-24-310-030-0000

The parties of record before the Property Tax Appeal Board are Nick Spensieri, the appellant, by attorney Steven B. Pearlman of Steven B. Pearlman & Associates 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: \$49,535
IMPR.: \$31,343
TOTAL: \$80,878

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 2012 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 is described as being improved with a one-story industrial warehouse with 15,000 square feet of building area of brick construction. The building was constructed in 1964. The property has a 23,311 square foot site and is located in Evanston, Evanston Township, Cook County. The subject is

classified as a class 5-92 property 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 information on three comparable sales with prices ranging from \$44.17 to \$62.00 per square foot of building area including land. The appellant also asserted that the Cook County Board of Review utilized an occupancy factor of 20% due to the fact the building was 80% vacant in 2012. The appellant also submitted a copy of the subject's property record card and a Vacancy/Occupancy Affidavit signed by the appellant indicating the property was 80% vacant in 2012.

The appellant also submitted a copy of the final decision issued by the board of review establishing a total assessment of \$135,867. The subject's assessment reflects a market value of \$543,468 when applying the Cook County Real Property Assessment Classification Ordinance level of assessments for class 5-92 property of 25%. Based on these sales and making an adjustment for vacancy, the appellant requested the subject's assessment be reduced to \$78,503.

The board of review did not timely 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 only evidence of market value submitted in this record to be the comparable sales presented by the appellant. The appellant's comparables sold for prices ranging from \$44.17 to \$62.00 per square foot of building area, including land. The map included with the appellant's submission indicated comparable #2, which sold for \$62.00 per square foot of building area, including land, was located closest to the subject property. After considering these sales the Board finds the subject property had a market value of

\$55.00 per square foot of building area, including land, or \$825,000. The Board further finds, based on this record, that an occupancy factor of 20% should be applied. The board of review did not timely 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 a reduction in the subject's assessment is appropriate.

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. Cuit

Chairman

K. L. F...

Member

Richard A. ...

Member

Mark ...

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. ...

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.