



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

APPELLANT: Erickson Ocasio
DOCKET NO.: 19-29194.001-R-1
PARCEL NO.: 14-05-310-022-0000

The parties of record before the Property Tax Appeal Board are Erickson Ocasio, the appellant(s), by attorney Thomas J. Thorson, of Raila & Associates, 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: \$21,275
IMPR.: \$58,520
TOTAL: \$79,795

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2019 tax year after receiving a decision from the Cook County Board of Review. 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, masonry bed and breakfast facility containing 4,824 square feet of building area. It was constructed in 1913 and was renovated in 2005. It contains seven above-grade bedrooms units, each with its own bathroom. The photographs in the appraisal depict a kitchen for guest usage, a typical guest bedroom/bath and a private deck/patio area. There is an additional kitchen for the owner's usage. The property is situated on a 4,625 square foot parcel of land. It is located in Lakeview Township, Cook County and is classified as a Class 2-18 property under the Cook County Real Property Assessment Classification Ordinance. The appellant stated the subject property is partially owner-occupied.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$650,000

as of January 1, 2019. The appraiser utilized the sales comparison approach to value the subject property. The appraiser indicated that the subject's highest and best use is its current use.

All of the sale comparables used in the appraisal were class 2-11 properties that were either 2 or 3-flat above-grade units. The appraiser described these comparables using the number of beds (not the number of units), the number of baths and the number of rooms and in his conclusion valued these sales on a per bedroom basis, a per room basis and a per square foot basis. The appraiser did not use any sale comparables of properties that had more than three above-grade units.

The board of review submitted its "Board of Review-Notes on Appeal" disclosing the total assessment for the subject of \$58,274. The subject's assessment reflects a market value of \$582,740, or \$264.40 per square foot of living area, including land, when applying a 10% level of assessment for Class 2 properties as determined by the Cook County Classification Ordinance.

In support of its contention of the correct assessment, the board of review submitted information on four sale comparables, each of which reflected equity data. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Neither party submitted written rebuttal and both parties waived their right to an oral hearing.

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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board gives no weight to the appraiser's conclusion of value for several reasons. The appraiser's comparables consisted of two-flat or three-flat units suggested to be comparable to a seven-unit bed and breakfast, with the appraiser's description consisting of number of beds, baths and rooms. All of these comparables were lower in square footage of living area than the subject property with the appraiser making a size adjustment only for comparable #1. Moreover, there was no analysis or discussion of the income stream generated by the subject or its level of occupancy.

Additionally, location is an important factor for a bed and breakfast facility and only one of the six suggested comparables was located in the same township as the subject property. Two of the comparables were located more than two miles from the subject property. The sales provided by the board of review substantiate the fact that there were multi-unit sales that did occur in Lakeview township.

Based on the appraisal methodology used and lack of data provided on the subject's income stream and occupancy, the appellant did not prove that the subject was overvalued and a reduction in the assessment is not warranted.

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:

September 19, 2023



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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