

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Donna Zabor
DOCKET NO.: 03-29704.001-R-1, 04-25535.001-R-1
and 05-24549.001-R-1
PARCEL NO.: 14-33-301-105-0000
TOWNSHIP: North Chicago

The parties of record before the Property Tax Appeal Board are Donna Zabor, the appellant, by attorney Anthony M. Farace of Amari & Locallo, Chicago, and the Cook County Board of Review.

Section 1910.78 of the Official Rules of the Property Tax Appeal Board states:

Two or more appeals involving the same property may be consolidated on motion of any party or at the direction of the Property Tax Appeal Board when the cases involve common issues of law or fact, consolidation would not prejudice the rights of the parties, and consolidation would result in the efficient and expeditious resolution of the appeal. (86 Ill.Adm.Code §1910.78).

The Property Tax Appeal Board finds that the instant cases involve common issues of law or fact, consolidation will not prejudice the rights of the parties, and consolidation will result in the efficient and expeditious resolution of the appeals. Therefore, at the direction of the Property Tax Appeal Board, Property Tax Appeal Board Docket Nos. 03-29704.001-R-1, 04-25535.001-R-1 and 05-24549.001-R-1 are consolidated.

The subject property consists of an owner occupied seven-year-old, three-story style dwelling of masonry construction and located in North Chicago Township, Cook County.

The appellant, through counsel, submitted evidence before the Property Tax Appeal Board claiming three bases of the appeals;

(Continued on Next Page)

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds reductions in the assessments of the property as established by the Cook County Board of Review are warranted. The correct assessed valuations of the property are:

Table with 5 columns: DOCKET NO., PARCEL NO., LAND, IMPR., TOTAL. It lists three rows of property data with their respective assessed values.

Subject only to the State multiplier as applicable.

PTAB/lbs/070493/494/495

the subject is incorrectly assessed; the subject is overvalued; and the subject is unequally treated in the assessment process.

The appellant contends the description of the subject reflected in the public record is inaccurate. The appellant asserted the subject is described as a two-story single-family dwelling whereas the subject is actually a three story multi-family dwelling containing three living units. In addition, the appellant contends other inaccuracies such as size and amenities are reflected incorrectly on the public record. In support of the assertions the appellant presented photographs and drawings of the subject. The drawings, with outside dimensions, were prepared as part of an appraisal performed for financial purposes by a State of Illinois certified appraiser. The drawing indicates that the subject contains three living units; six baths; three fireplaces, a partial basement and an integrated two-car garage. The appraiser estimated the subject's total square feet of living area to be 3,441 square feet of living area. The appellant also offered a notice from the Cook County Assessor indicating that due to corrections of the subject's characteristics the 2006 total assessment was reduced to \$135,000. The notice indicated one of the changes made was to correct the subject's classification from a single family dwelling to a multi-family dwelling.

Regarding the appellant's argument the subject is overvalued, the aforementioned appraisal was submitted. The appraiser estimated the subject's market value as of April 2005 to be \$1,350,000 utilizing the three approaches to value. The writer indicated the Marshall Swift Residential Cost Service was employed to determine a cost new for the subject of \$509,440. Estimated depreciation based on the age/life method of \$25,472 was deducted and site improvements of \$20,000 were then added resulting in a depreciated cost new for the improvements of \$503,968. An estimated land value of \$850,000 was then added resulting in an estimated value for the subject of \$1,353,968 via the cost approach.

Three rental comparables were relied on by the appraiser to estimate a value through the income approach. The three are similar in size and location to the subject. The writer determined a rental range of \$1.05 to \$1.54 per square foot of living area for the comparables after adjustments. The appraiser determined the subject's current rentals to be consistent with the comparables and the local market. Thus the appraiser estimated a value for the subject of \$1,350,000 through the income approach.

The last approach employed by the appraiser was the sales comparison approach. Four sales located in the subject's immediate vicinity were used. The properties are similar in size and amenities when compared to the subject. The properties sold

Docket No. 03-29704.001-R-1, 04-25535.001-R-1
and 05-24549.001-R-1

from June 2003 to January 2005 for prices ranging from \$1,248,000 to \$1,425,000. After adjustments, the appraiser estimated a sale range from \$1,322,500 to \$1,381,820. From this information, the appraiser estimated a value for the subject of \$1,350,000 through the sales comparison approach.

The appraisal indicated the market approach was chiefly relied upon, with support from the other two approaches, to determine an estimated market value of \$1,350,000 as of the date of value.

In support of the inequity argument, the appellant offered spreadsheets detailing four suggested comparable properties located in the same coded assessment neighborhood as the subject, two of which are on the same street as the subject. These properties consist of two-story style single-family dwellings of masonry construction from 13 to 17 years old. All of the comparable dwellings contain two or three full baths, air conditioning, fireplaces and have garages. The comparables range in size from 2,596 to 3,420 square feet of living area and have improvement assessments ranging from \$33.28 to \$38.87 per square foot of living area. A copy of the subject's 2003, 2004 and 2005 board of review final decisions were also included. Based on the foregoing evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final improvement assessments were disclosed. The improvement assessments were \$155,720 as of January 1, 2003; \$142,022 as of January 1, 2004; and \$142,022 as of January 1, 2005. In support of the subject's assessment, the board of review offered property characteristic sheets and spreadsheets detailing four suggested comparable properties located in the same coded assessment neighborhood as the subject. The comparables consist of two-story style single-family dwellings of masonry construction from four to ten years old. All of the comparables contain two full baths, half baths, basements, fireplaces and have two-car garages. These properties range in size from 2,760 to 3,690 square feet of living area and have improvement assessments ranging from \$53.80 to \$62.31 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject property's assessment.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

The first issues before the Property Tax Appeal Board are the correct description and the square footage attributable to the subject improvement. The Board finds that it is obvious from the documentation in the record there were major errors in the subject's property description on which the board of review based

Docket No. 03-29704.001-R-1, 04-25535.001-R-1
and 05-24549.001-R-1

its assessments for the years under appeal. Therefore, based on the appellant's documentation, the Board finds that the subject is a three-story, multi-family dwelling containing 3,441 square feet of living area.

The appellant argued the subject is overvalued. When overvaluation is claimed the appellant has the burden of proving the value of the property by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 728 N.E.2d 1256 (2nd Dist. 2000). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. Section 1910.65 *The Official Rules of the Property Tax Appeal Board* (86 Ill. Adm. Code §1910.65(c)).

The Property Tax Appeal Board finds that the best evidence of the subject's market value for the years at issue is the appraisal submitted by the appellant. The appraiser employed the three approaches to value utilizing typical methodologies. The Board further finds that the board of review did not refute the market value estimated by the appellant's appraiser. Further, the record indicates that as of January 1, 2006, the subject's assessment was reduced reflective of the market value estimated by the appraiser. Consequently, the Property Tax Appeal Board finds that as of January 1, 2003, January 1, 2004 and January 1, 2005 the subject had a market value of \$1,350,000 and reductions of the subject's assessment are warranted. The Board further finds that the Illinois Department of Revenue's 2003, 2004 and 2005 median level of assessments for Cook County Real Property Assessment Classification Ordinance Class 2 properties of 10.13%, 9.99% and 9.77%, respectively, shall apply.

Next, the appellant's argument was unequal treatment in the assessment process. The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the Board finds that no further reductions of the subject's assessments due to inequity are warranted.

Docket No. 03-29704.001-R-1, 04-25535.001-R-1
and 05-24549.001-R-1

This is a final administrative decision of the Property Tax Appeal Board are 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.



Chairman



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 28, 2007



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

Docket No. 03-29704.001-R-1, 04-25535.001-R-1
and 05-24549.001-R-1

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.