

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: SR Rose Builders, Inc.
DOCKET NO.: 04-23438.001-R-1 & 04-23438.002-R-1
PARCEL NO.: 14-28-304-035-0000 & 14-28-304-036-0000

The parties of record before the Property Tax Appeal Board (PTAB) are SR Rose Builders, Inc., the appellant, by attorney Harold Hicks of Madigan & Getzendanner of Chicago and the Cook County Board of Review (board).

The subject properties contain two improvements sited on separate lots and located in Lakeview Township: 14-28-304-035 (-035) a three-story, one year old masonry dwelling, containing three and one half bathrooms, a finished full basement, air conditioning, a fireplace and a two-car garage; and 14-28-304-036 (-036) a three-story, one year old masonry dwelling, containing four and one half bathrooms, a finished full basement, air conditioning, a fireplace and a two-car garage. The properties contain 3,329 (-035) and 3,675 (-036) square feet of living area.

The appellant, through counsel, submitted evidence before the Property Tax Appeal Board argued that the fair market value of the improvements was not accurately reflected in their assessed values as the basis for this appeal. The appellant argued the buildings were not completed or initially occupied in 2004. As evidence of vacancy the appellant submitted an affidavit of occupancy/vacancy and copies of six Building Permits dated November 7, 2002, including the properties on appeal. Based on this information and evidence the appellant requested an occupancy factor of 20% be applied property -036 and a land assessment only for -035. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subjects' final improvement assessments of \$37,623, or \$11.30 (-035) and \$41,534 or \$11.30 (-036) per square foot of living area, was disclosed. Both improvements enjoy 50% occupancy factors for 2004. The subjects' final full improvement assessments are \$74,798, or \$22.47 (-035) and \$82,572 or \$22.47 (-036) per square foot of living area. In support of the subjects' assessments, the board of review offered three

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Based on the facts and exhibits presented, 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:

DOCKET NO.	PROPERTY NO.	LAND	IMPR.	TOTAL
04-23438.001-R-1	14-28-304-035	\$21,536	\$37,623	\$59,159
04-23438.002-R-1	14-28-304-036	\$19,891	\$41,534	\$61,425

Subject only to the State multiplier as applicable.

PTAB/TMcG.

suggested comparable properties located within a couple of blocks of the subject. The comparables consist of three-story single-family dwellings of masonry construction and are one or four years old. The comparables contain three or four bathrooms with half-baths, finished full basements, air conditioning, fireplaces and two-car garages. The comparables contain between 3,666 and 3,833 square feet of living area. Comparable 14-28-312-041 includes a partial assessment, 50%. The full improvement assessment is \$84,055, or \$22.47. The three comparables have improvement assessments of between \$84,055 and \$92,731 or from \$22.24 to \$25.29 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.

When overvaluation is claimed the appellant has the burden of proving the value of the property by a preponderance of the evidence. *Property Tax Appeal Board Rule 1910.63(e)*. 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. *Property Tax Appeal Board Rule 1910.65(c)*.

The appellant provided evidence of the subjects' 2004 occupancy/vacancy. The Board finds the fact that the subject properties were not occupied during a portion or all of 2004 does not demonstrate the subjects were not equitably assessed. Additionally, there was no showing that the subjects' market value was impacted by their vacancy during 2004. Finally, there was no showing by the appellant that the Cook County assessment officials had any standard gradation or policy of adjusting a residential property's assessment because of vacancy or occupancy. For these reasons the Property Tax Appeal Board gives little weight to this portion of the appellant's argument.

The appellant offered no equity evidence to support a claim of assessment inequity. The Board finds the board's three comparables are the only comparables in evidence similar to the subject. The three properties submitted have improvement assessments ranging from \$22.47 to \$25.29 per square foot of living area. The subjects' per square foot improvement assessment of \$22.47 is within the range of these properties. The PTAB finds the evidence is insufficient to effect a change in the subject's assessment.

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.

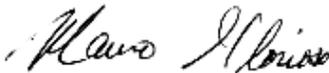
Chairman



Member



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: May 27, 2009



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.