



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

APPELLANT: Tom Kataras
DOCKET NO.: 05-26661.001-C-1
PARCEL NO.: 29-31-400-055-0000

The parties of record before the Property Tax Appeal Board are Tom Kataras, the appellant(s), by attorney George N. Reveliotis, of Reveliotis Law, P.C. 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: \$ 11,285
IMPR.: \$ 5,813
TOTAL: \$ 17,098

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 38-year-old, masonry constructed, one and part two-story building containing 5,030 square feet of building area and situated on a 33,281 square foot site, zoned B-1, Commercial Business District in Thornton Township, Cook County.

The appellant, through counsel, submitted evidence before the Property Tax Appeal Board claiming the subject's market value is not accurately reflected in its assessment. In support of this claim, the appellant submitted a limited summary appraisal report prepared by a State of Illinois certified real estate appraiser. The appraiser determined the subject's highest and best use to be its current use. The appraiser utilized the sales comparison approach to estimate a market value of \$175,000 for the subject as of January 1, 2005.

The appellant also argued that the subject property is misclassified as a commercial building when it should have a

class 2 designation as a mixed-use property. The appellant's appraisal describes the improvement as a 38-year-old, one and part two-story, masonry constructed, mixed-use building containing 5,030 square feet of gross building area. The appraisal report discloses that the subject contains 4,030 square feet of commercial space on the first floor utilized as a restaurant, with a three-room, one-bedroom apartment on the second floor.

The appellant's appraisal report disclosed that the subject was built in 1967 and was considered to be in only average condition with items of deferred maintenance noted during the inspection including stained areas of the ceiling tiles indicating roof leakage, older windows in need of caulking and re-glazing, older carpeting in need of replacement, and worn and peeling area of vinyl tile flooring. Based on the evidence submitted, the appellant requested an assessment reflective of a fair market value for the subject of \$175,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$80,278 was disclosed. As evidence, the board of review submitted five sales with an unadjusted range of from \$40.00 to \$67.71 per square foot of building area, including land. No analysis or adjustment of the sales data was provided by the board.

The board of review's memo and field check form dated August 10, 2007 disclosed that based on a field check on an undisclosed date the subject property is correctly assessed as a commercial property with no apartment on the second floor. Based on the evidence presented, the board of review requested confirmation of the subject'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 market value is the basis of the appeal the value of the property must be proved 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 (2nd Dist. 2000). Proof of market value may consist of an appraisal, a recent arms-length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. (86 Ill.Adm.Code §1910.65(c)) Having reviewed the record and considering the evidence, the Board finds the appellant has satisfied this burden and a reduction is warranted.

The Property Tax Appeal Board finds that the appellant's appraisal report has adequately established that the subject property is improperly classified as a commercial building. The appellant's appraisal report disclosed that the second floor consists of a three-room, one-bedroom apartment. Therefore, the

Board finds that based on the appellant's appraisal report, the subject is misclassified and should be classified as a mixed-use building. In contrast, the Board accorded little weight to the board of review's evidence dated August 10, 2007 regarding the subject's upstairs usage for the evidence does not address the subject's usage as of the assessment date of January 1, 2005.

The Board further finds the appraisal report submitted by the appellant in which a market value of \$175,000 was estimated for the subject on January 1, 2005 to be the best evidence of the subject's market value as of the January 1, 2005 assessment date at issue. The Board finds that the board of review submitted no evidence to refute the findings contained in the appraisal report. Moreover, the Board gives little weight to the board of review's comparables as the information provided was raw sales data with no adjustments made.

Therefore, the Property Tax Appeal Board finds that the subject, a mixed-use building, had a fair market value of \$175,000 as of January 1, 2005. Since the market value of the subject has been established, the 2005 Cook County median level of assessments for Cook County Class 2 property of 9.77% will apply. In applying this level of assessment to the subject, the total assessed value is \$17,098, while the subject's current total assessed value is above this amount at \$80,278. Therefore, the Board finds that a reduction is 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

Shawn R. Lerbis

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: August 20, 2010

Allen Castrovillari

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.