



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

APPELLANT: Angelo Anast  
DOCKET NO.: 06-21129.001-C-1  
PARCEL NO.: 09-21-107-029-0000

The parties of record before the Property Tax Appeal Board are Angelo Anast, the appellant(s), by attorney Donald T. Rubin, of Rubin & Norris 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:** \$23,848  
**IMPR.:** \$64,391  
**TOTAL:** \$88,239

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a 14,767 square foot parcel of land improved with a 26-year old, one-story, frame and masonry, storefront, commercial building containing 1,586 square feet of building area. The appellant, via counsel, argued both the market value of the subject property is not accurately reflected in the property's assessed valuation and that there was unequal treatment in the assessment process of the improvement as the bases of this appeal.

In support of the market value argument, the appellants submitted sales information and descriptions by CoStar Comps along with black and white photographs for 15 properties. The properties contain between 1,320 and 8,800 square feet of building area. They sold between March 2000 and August 2003 for prices ranging from \$140,000 to \$850,000 or from \$69.03 to \$130.72 per square foot of building area, including land.

In addition, the appellant submitted copies of income and expense statements for the subject property for 2003 through 2005, a 2006

rent roll, a 2005 lease agreement, and an income capitalization analysis prepared by the appellant's attorney.

In support of the equity argument, the appellant submitted assessment data and descriptions on a total of 13 properties suggested as comparable to the subject and located throughout the Chicago Metropolitan Area. The appellant duplicated suggested comparable #6 in the column for comparable #7. The data in its entirety reflects that the properties are improved with one-story, storefront, commercial buildings. The properties range: in age from 23 to 113 years; in size from 1,183 to 8,472 square feet of building area; and in improvement assessments from \$4.43 to \$40.60 per square foot of building area.

Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's improvement assessment was \$70,115, or \$44.21 per square feet of building area with a total assessment of \$93,963. The subject's final assessment reflects a fair market value of \$247,271 when the Cook County Real Property Assessment Classification Ordinance level of assessment of 38% for Class 5a properties is applied. The board also submitted copies of the property characteristic printouts for the subject as well as raw sales data on five properties. The sales occurred between August 2001 and April 2005 for prices ranging from \$675,000 to \$1,505,250 or from \$225.00 to \$510.58 per square foot of building area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the appellant's attorney asserted that the board of review's sales comparables do not reflect the market value because they are assemblages, tear downs, or not similar.

After considering the evidence and reviewing the record, 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. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331Ill.App.3d 1038 (3<sup>rd</sup> Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2<sup>nd</sup> 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. 86 Ill.Admin.Code 1910.65(c). Having considered the evidence presented, the PTAB concludes that the evidence indicates a reduction based on market value is not warranted.

The parties presented sales information on a total of 20 suggested comparables. In reviewing the evidence, the PTAB finds the appellants' comparables #2 and #13 and the board of review's

comparables #4, and #5 are the most similar to the subject in location and size and, therefore, receive the most weight in the analysis. These properties sold between July 2001 and August 2003 for prices ranging from \$400,000 to \$850,000, or from \$90.91 to \$371.50 per square foot of building area, including land. In comparison, the subject property's assessment reflects a value of \$247,271 or \$155.91 per square foot of building area, including land, which is within the range established by the most similar comparables and at the low end of the range. The PTAB finds that the appellants have failed to establish by a preponderance of the evidence that the subject is overvalued and a reduction is not warranted.

The appellant also submitted documentation showing the income of the subject property. The PTAB gives the appellant's argument little weight. In Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970), the court stated:

[I]t is the value of the "tract or lot of real property" which is assessed, rather than the value of the interest presently held. . . [R]ental income may of course be a relevant factor. However, it cannot be the controlling factor, particularly where it is admittedly misleading as to the fair cash value of the property involved. . . [E]arning capacity is properly regarded as the most significant element in arriving at "fair cash value".

Many factors may prevent a property owner from realizing an income from property that accurately reflects its true earning capacity; but it is the capacity for earning income, rather than the income actually derived, which reflects "fair cash value" for taxation purposes. Id. at 431.

Actual expenses and income based on vacancy can be useful when shown that they are reflective of the market. Although the appellant's attorney made this argument, the appellant did not demonstrate through an expert in real estate valuation that the subject's actual income and expenses are reflective of the market. To demonstrate or estimate the subject's market value using income, one must establish, through the use of market data, the market rent, vacancy and collection losses, and expenses to arrive at a net operating income reflective of the market and the property's capacity for earning income. The appellant did not provide such evidence and, therefore, the PTAB gives this argument no weight and finds that a reduction based on market value is not warranted.

Appellants 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, 544 N.E.2d 762 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. Proof of assessment inequity should include

assessment data and documentation establishing the physical, locational, and jurisdictional similarities of the suggested comparables to the subject property. *Property Tax Appeal Board Rule* 1910.65(b). Mathematical equality in the assessment process is not required. A practical uniformity, rather than an absolute one is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill. 2d 395, 169 N.E.2d 769 (1960). Having considered the evidence presented, the PTAB concludes that the appellant has met this burden and that a reduction is warranted.

The appellant presented assessment data on a total of 13 equity comparables. The PTAB finds these comparables similar to the subject. The properties are improved with one-story, storefront, commercial buildings. The properties range: in age from 23 to 113 years; in size from 1,183 to 8,472 square feet of building area; and in improvement assessments from \$4.43 to \$40.60 per square foot of building area. In comparison, the subject's improvement assessment of \$44.21 per square foot of building area is above the range of comparables.

After considering adjustments and the differences in the comparables when compared to the subject, the PTAB finds the subject's per square foot improvement assessment is not supported and a reduction in the subject's assessment 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

*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: April 20, 2012

*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.