



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

APPELLANT: 2736 Southport, LLC
DOCKET NO.: 06-23780.001-R-1
PARCEL NO.: 14-29-302-032-0000

The parties of record before the Property Tax Appeal Board are 2736 Southport, LLC the appellant, by attorney Lisa A. Marino, of Marino & Assoc., PC 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: \$ 17,328
IMPR.: \$ 45,320
TOTAL: \$ 62,648

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a multi-family dwelling located in Lake View Township, Cook County. The appellant's attorney argued that the subject improvement consists of a 123-year-old, two-story, multi-family dwelling of frame construction containing 1,760 square feet of living area with two bathrooms and a partial-unfinished basement. In support of this claim, the appellant's attorney submitted a copy of the subject's 2006 property characteristic printouts. The appellant's attorney also submitted a copy of the subject's 2008 property characteristic printouts reflecting the subject consists of a newly constructed, one-year-old, three-story, multi-family dwelling of masonry construction containing 5,342 square feet of living area. The board's documents suggest the subject improvement contains 5,342 square feet and indicates an occupancy factor of 20% was applied to the subject improvement for 2007.

The appellant, through counsel, appeared before the Property Tax Appeal Board arguing unequal treatment in the assessment process of the improvement as the basis of the appeal. In support of this

claim, the appellant submitted assessment data and descriptive information on four properties suggested as comparable to the subject. Based on the appellant's documents, the four suggested comparables consist of two-story, multi-family dwellings of frame or frame and masonry construction located within four blocks of the subject. The improvements range in size from 1,940 to 2,240 square feet of living area and range in age from 98 to 118 years old. The comparables contain two or three full bathrooms a finished or unfinished basement. Three comparables have a one-car or two-car detached garage. The improvement assessments range from \$17.16 to \$25.82 per square foot of living area.

At hearing, the appellant's attorney argued that as of January 1, 2006 the subject consisted of a 123-year-old, two-story, 1,760 square foot, multi-family dwelling of frame construction. The appellant's attorney argued that the subject was acquired in February 2006 for redevelopment and that a newly constructed, multi-family dwelling was built in 2007. Based on the evidence submitted, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's total assessment of \$75,523. In support of the assessment, the board submitted property characteristic printouts and descriptive data on three properties suggested as comparable to the subject. The suggested comparables are improved with three-story, multi-family dwellings of masonry construction located within two blocks of the subject. The improvements range in size from 4,462 to 4,688 square feet of living area and range in age from four to seven years old. The comparables contain four full bathrooms, a full-finished basement and central air-conditioning. The improvement assessments range from \$18.70 to \$19.43 per square foot of living area.

At hearing, the board's representative indicated that the board of review would rest on the written evidence submissions. Based on the evidence presented, the board of review requested confirmation of the subject's assessment.

After hearing the testimony 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 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 a reduction is warranted.

The first issue before the Board is the correct square footage, design, age and characteristics attributable to the subject improvement. The Board finds the appellant did substantiate the

claim as to the subject's square footage and characteristics as of January 1, 2006. The appellant's attorney submitted a copy of the subject's 2006 property characteristic printouts reflecting the subject improvement consists of a 123-year-old, two-story multi-family dwelling of frame construction containing 1,760 square feet of living area. Consequently, the Board finds the subject improvement consists of a 123-year-old, two-story multi-family dwelling of frame construction containing 1,760 square feet of living area. The Board further finds the board's evidence reflects the characteristics and data relating to the subject's newly constructed improvement. In addition, the Board finds the subject's improvement assessment is \$58,195, or \$33.07 per square foot of living area, based on 1,760 square feet.

The Board finds the appellant's comparables to be the most similar properties to the subject in the record. These four properties are similar to the subject in improvement size, amenities, age, design and location and have improvement assessments ranging from \$17.16 to \$25.82 per square foot of living area. The subject's per square foot improvement assessment of \$33.07 falls above the range established by these properties. The Board finds the board of review's comparables less similar to the subject in improvement size, age, design and exterior construction and accorded less weight. After considering adjustments and the differences in both parties' suggested comparables when compared to the subject, the Board finds the subject's per square foot improvement assessment is not supported by the most similar properties contained in the record.

As a result of this analysis, the Property Tax Appeal Board finds the appellant has adequately demonstrated that the subject dwelling was inequitably assessed by clear and convincing evidence and 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: June 24, 2011

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.