FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Maria Brueggmann
DOCKET NO.: 06-24576.001-R-1
PARCEL NO.: 19-15-425-041-0000

The parties of record before the Property Tax Appeal Board are Maria Brueggmann, the appellant, by attorney John P. Fitzgerald of John P. Fitzgerald, Ltd. 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:	$4,340
IMPR.:	$14,860
TOTAL:	$19,200

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story, masonry constructed, walk-up, mixed-use masonry constructed building with 4,200 square feet of building area. The building was constructed in approximately 1980 and has a slab foundation. The first floor of the subject property was used as a day-care and there are two, two-bedroom apartments on the second floor. The subject property also has two on-site parking spaces. The subject property has a 3,550 square foot site resulting in a land to building ratio of .83:1. The property is located in Chicago, Lake Township, Cook County and is classified as a class 2-12 mixed-use commercial/residential building.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted a narrative appraisal prepared by real estate appraisers Matthew T. Kang and Gary T. Peterson of the Peterson Appraisal Group, Ltd. The appraisers estimated the subject property had a market value of $120,000 as of January 1, 2006.

The appraisers stated the property rights appraised were the fee simple interest. The appraisers also were of the opinion the highest and best use of the subject property as improved is its

current use. In estimating the market value of the subject property the appraisers developed only the sales comparison approach to value.

The appraisers used four sales in the sales comparison approach improved with two, two-story and two, three-story buildings of masonry construction that ranged in size from approximately 3,800 to 6,600 square feet of building area. The buildings were built from 1905 to 1960 and each is described as a mixed-use property. The comparables have sites ranging in size from 3,131 to 6,250 square feet of land area with land to building ratios ranging from .54:1 to .95:1. The sales were reported to have occurred from January 2003 to September 2003 for prices ranging from $117,000 to $170,000 or from $25.72 to $30.79 per square foot of building area, including land. The appraisers considered the following factors when making the adjustments to the comparables for differences from the subject: property rights conveyed, financing, conditions of sale, date of sale, size, location, land-to-building ratio, condition, and functional utility. After considering these factors the appraisers estimated the subject had a unit value of $29.00 per square foot of building area or $121,800. The appraiser's rounded the estimate down to $120,000, which they estimated to be the subject's market value as of January 1, 2006. Based on this evidence the appellant requested the subject's assessment be reduced to $19,200.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling $28,000 was disclosed.

In support of the assessment the board of review submitted descriptions and assessment information on four comparables improved with two-story buildings with the same classification code as the subject. The buildings were of masonry construction and ranged in size from 3,270 to 3,750 square feet of building area. The ages of the buildings ranged from 1 to 36 years old. Their improvement assessments ranged from $29,417 to $42,295 or from $8.63 to $11.70 per square foot of building area. The subject has an improvement assessment of $23,660 or $5.86 per square foot of building area.[1] The board of review also submitted a list of sales of similar classed properties that occurred from January 1990 to April 2006. However there was no descriptive information provided about these purported sales.

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 the appeal. The Board further finds the evidence in the record supports a reduction in the subject's assessment.

The appellant contends overvaluation as the basis of the appeal. When market value is the basis of the appeal the value of the

[1] This calculation was based on the subject building having 4,038 square feet of building area.

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). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. (86 Ill.Admin.Code §1910.65(c)). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of value in this record is the appraisal provided by the appellant wherein the appraisers developed the sales comparison approach resulting in an estimated value of $29.00 per square foot of building area or $121,800, rounded to $120,000, including land. The Board finds the board of review presented an equity analysis that did not respond to or refute the appellant's market value argument. The Board also gave no weight to the list of raw sales provided by the board of review due to the fact there was no description provided on the sales to perform any meaningful analysis and numerous sales were old, occurring at least 6 years prior to the assessment date at issue.

Based on this record the Property Tax Appeal Board finds a reduction in the subject's assessment equivalent to the appellant's request is appropriate.

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: March 23, 2012

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.