

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Kerlow Residential Development, Inc.
DOCKET NO.: 06-26313.001-R-1
PARCEL NO.: 14-29-115-022

The parties of record before the Property Tax Appeal Board (PTAB) are Kerlow Residential Development, Inc., the appellant, by attorney Allen A. Lefkovitz in Chicago and the Cook County Board of Review.

The subject property consists of a 3,607 square foot parcel of land improved with two buildings. Improvement #1 is a 98-year old, two-story, masonry, multi-family dwelling containing 3,306 square feet of living area, two baths and a partial, finished basement. Improvement #2 is a 115-year old, two-story, masonry, multi-family dwelling containing 1,827 square feet of living area, two baths and a full, finished basement. The appellant argued, via counsel, unequal treatment in the assessment process of the improvement as the basis of the appeal.

In support of the equity argument, the appellant, via counsel, submitted information on a total of nine properties suggested as comparable and located within the subject's neighborhood. The properties are described as two or three-story, masonry or frame, multi-family dwellings with three, four or five baths, a basement, and, for three properties, air conditioning. The properties range: in age from 99 to 129 years; in size from 2,920 to 6,039 square feet of living area; and in improvement assessments from \$15.19 to \$22.08 per square foot of living area. The appellant also submitted colored photographs of the subject property and the suggested comparables. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's Improvement #1 assessment of \$57,600 or \$17.42 per square foot of living area and Improvement #2 of \$32,055 or \$17.55 per square foot of living area was disclosed. In support of the subject's assessment, the board of review presented descriptions and assessment information on suggested comparables for each improvement. For Improvement #1, the board of review submitted four properties suggested as

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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:

LAND: \$ 16,563
IMPR.: \$ 89,655
TOTAL: \$106,218

Subject only to the State multiplier as applicable.

comparable and located within the subject's neighborhood. The properties consist of three-story, masonry, multi-family dwellings with three baths and a full, unfinished basement. The properties range: in age from 98 to 118 years; in size from 3,300 to 3,657 square feet of living area; and in improvement assessments from \$18.18 to \$19.26 per square foot of living area.

For Improvement #2, the board of review submitted four properties suggested as comparable and located within the subject's neighborhood. The properties consist of two or three-story, masonry, multi-family dwellings with two or three baths, a full basement with one finished, and for one property, air conditioning. The properties range: in age from 94 to 118 years; in size from 2,572 to 2,924 square feet of living area; and in improvement assessments from \$18.20 to \$20.27 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant submitted a letter arguing that board of review's comparables are not as similar to the subject as the appellant's. The appellant included a grid showing both the appellant's and the board of review's comparables. This grid includes data on multiple improvements for several of the appellant's comparables.

At hearing, the appellant's attorney argued that the appellant's comparables are all located in close proximity to the subject. He argued that the board of review's comparables are not in the same market as the subject; a map showing the locations of the properties was submitted in rebuttal evidence to support this. Mr. Lefkovitz also argued that several of the appellant's comparables have two improvements located on their parcel; these comparables are #2, #3, #4, #8, and #9. Mr. Lefkovitz argued that these properties are the most comparable to the subject and that the subject should be at the lower end of the range created by these comparables. He argued that both improvements, as a whole, need to be looked at when developing the market value for the property.

The board of review's representative, Lena Henderson, argued that the appellant's suggested comparables are not as comparable to the subject as the board of review's. She testified that the board of review separates each improvement on a parcel and assesses each improvement individually prior to combining the assessments.

After reviewing the record and considering the testimony, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Board further finds a reduction in the subject's assessment is not warranted.

The appellant contends unequal treatment in the subject's improvement assessment as the basis of the appeal. 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). After an analysis of the assessment data, the Board finds the appellant has not met this burden.

As to Improvement #1, the parties submitted a total of 18 properties suggested as comparable to the subject. The PTAB finds the appellant's comparables #8-front building and the board of review's comparables are the most similar to the subject in design, size, and age. These properties are frame or masonry, two or three-story, multi-family dwellings located within the subject's neighborhood. The properties range: in age from 98 to 119 years; in size from 2,963 to 3,657 square feet of living area; and in improvement assessments from \$18.18 to \$19.29 per square foot of living area. In comparison, the subject's improvement assessment of \$17.42 per square foot of living area is below the range of these comparables. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's per square foot improvement assessment is supported and a reduction in Improvement #1's assessment is not warranted.

As to Improvement #2, the parties submitted a total of 18 properties suggested as comparable to the subject. The PTAB finds the appellant's comparables #2-rear building and #4-rear building and the board of review's comparables #1 and #2 are the most similar to the subject in design, size, and age. These properties are frame or masonry, two-story, multi-family dwellings located within the subject's neighborhood. The properties range: in age from 108 to 129 years; in size from 1,920 to 2,676 square feet of living area; and in improvement assessments from \$8.41 to \$20.27 per square foot of living area. In comparison, the subject's improvement assessment of \$17.55 per square foot of living area is within the range of these comparables. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board finds the subject's per square foot improvement assessment is supported and a reduction in Improvement #2's assessment is not 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.



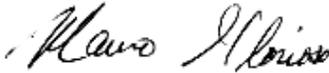
Chairman



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: July 28, 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.