



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

APPELLANT: Park Place Investments
DOCKET NO.: 06-27682.001-R-2
PARCEL NO.: 17-09-205-004-0000

The parties of record before the Property Tax Appeal Board are Park Place Investments, the appellant, by attorney Mitchell L. Klein, of Schiller Klein 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: \$ 29,008
IMPR.: \$ 18,546
TOTAL: \$ 47,554

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 2,300 square foot land parcel improved with a two-story, masonry building built in 1891 and containing 4,139 square feet of building area.

The appellant argued that the market value of the subject property is not accurately reflected in the property's assessed valuation due to an incorrect classification accorded the subject property by the county assessor's office as the basis of this appeal.

In support of this argument, the appellant submitted a brief including: a photograph of the subject property; a copy of the assessor's website printout; a copy of portions of the Real Property Assessment Classification Ordinance enacted by the Cook County Board of Commissioners; a copy of an affidavit; and a copy of correspondence from David Schy with Park Place Auctions and Realty, Inc.

Appellant's attorney argues that the subject property's classification under the aforementioned Ordinance was incorrectly altered in tax year 2005 from a classification of 2-11 to a

classification of 5-92. Under this Ordinance, the definition of a class 2-11 structure is: a residential apartment building or cooperative, six units or less, any age. The definition of a class 5-92 structure is: two or three story building containing part or all retail and/or commercial space. In support of this argument, the appellant submitted a copy of the subject's printout from the assessor's website reflecting data for tax years 2001 through 2003 wherein the subject property is classified as 2-11 structure with a total assessment that ranged from \$44,893 to \$82,564 for these tax years. In addition, the subject's photograph from the assessor's website depicts a two-story building with a retail location on the first floor. The affidavit submitted by the appellant-owner indicated that the ground floor area was a storefront, while there was an apartment located on the second and third floors of the building. The affiant also stated that the owner has been unable to lease the apartments or the commercial space. Furthermore, the appellant submitted a copy of correspondence from David Schy. The signed correspondence indicated that Park Place Auctions & Realty, Inc. had been contradicted as marketing agent for the appellant in order to obtain renters for the subject's two apartments. The correspondence also stated that these apartments were regularly advertised for lease in two newspapers: the Chicago Reader and the Chicago Tribune.

The appellant's brief does not dispute the market valuation accorded the subject property by the assessor's office. The appellant does dispute the incorrect classification and level of assessment accorded the subject property. Based upon this evidence, the appellant requested a reduction in the subject's assessment.

At hearing, the appellant's attorney argued that the subject's building is a mixed-use structure containing both retail and residential units and should be correctly classified as class 2 property pursuant to the county's ordinance. As to his personal knowledge of the subject, he stated that he has driven past the subject. In response to being asked whether he has seen photographs of the building's interior, the appellant's attorney responded that he had requested that the assessor's office undertake a field check, wherein he was told by the assessor's office and at the board of review's hearing that the second floor has to be occupied in order to be considered residential rather than vacant residential area. Moreover, he stated to his personal knowledge there had been no changes to the vacant nature of the subject's apartment from tax years 2005 through 2007.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$178,563. The subject's assessment reflects a market value of \$469,903 using the Cook County Ordinance Level of Assessment for Class 5a, commercial property of 38%. As to the subject, the board submitted copies of the subject's property record cards.

In addition, the board of review submitted a memorandum describing the subject's building. The building was described as "a two-story, retail storefront/residential building built in 1891 and containing 4,139 square feet of building area". In support of the subject's market value, raw sales data was submitted for seven properties. The data from the CoStar Comps service sheets reflect that the research was licensed to the assessor's office, but failed to indicate that there was any verification of the information or sources of data. The properties sold in an unadjusted range from \$400,000 to \$1,017,000, or from \$97.56 to \$222.22 per square foot of building area. As a result of its analysis, the board requested confirmation of the subject's assessment.

At hearing, the board of review's representative asserted that the appellant had failed to prove that the subject is a class 2-12, mixed-use building. However, she testified that to her personal knowledge that there was no provision in the county's classification ordinance that would speak to a vacant unit as an exception to the definitions therein. In addition, she stated that she was unaware whether there had been any changes to the subject from tax year 2005 to tax years 2006 or 2007.

In written rebuttal, the appellant submitted a copy of the Board's decision rendered in tax year 2005 relating to the subject property, specifically docket #05-24765-R-2. The appellant's attorney argued that this Board decision addressed the appellant's issue of misclassification and found that the subject property had been misclassified as commercial property.

After considering the arguments and reviewing the evidence, 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 (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 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 Board concludes that the appellant has met this burden and that a reduction is warranted.

The appellant does not dispute the fair market value of the subject property as accorded by the county assessor at \$469,903. Therefore, the Board finds that the parties are in agreement on this issue and that the subject's market value is \$469,903.

Further, the Board finds persuasive the appellant's argument that the subject property is misclassified and that an incorrect level of assessment was applied to this subject's market value. The

appellant's evidence in totality reflects that the subject's improvement is a two-story building containing retail storefront area on the ground floor and residential apartments on the upper floor. This is corroborated by the board of review's memorandum where the subject is described as a "retail storefront/residential building". Therefore, the Board finds that the subject's improvement is a mixed-use building containing both retail and residential units therein and fails under the county's definition of a class 2-12 structure: a mixed-use commercial/residential building with apartment and commercial area totaling 6 units or less with a square foot area less than 20,000 square feet of any age.

Therefore, the Board finds that the subject property contained an undisputed market value of \$469,903. Since the market value of the subject has been established, the Cook County Ordinance level of assessment for Class 2, residential property of 10.12% will apply. In applying this level of assessment to the subject, the total assessed value is \$47,554, while the subject's current total assessed value is above this amount at \$178,563. 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

Frank J. Huff

Member

Member

Mario M. Louie

Shawn R. Lerbis

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 22, 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.