



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

APPELLANT: Ahmad Awad
DOCKET NO.: 06-28671.001-C-1
PARCEL NO.: 17-04-205-066-1013

The parties of record before the Property Tax Appeal Board are Ahmad Awad, the appellant, by attorney Dennis W. Hetler of Dennis W. Hetler & Associates PC, in Chicago, and the Cook County Board of Review.

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: \$20,803
IMPR.: \$67,406
TOTAL: \$88,209

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a masonry constructed commercial condominium unit within a condominium project built in 1935¹ with 16 residential units and several commercial units. The subject commercial unit contains 1,070 square feet of building area and is currently used as a restaurant. The unit has central air conditioning. The property is a Class 5-99 commercial condominium unit under the Cook County Real Property Assessment Classification Ordinance (hereinafter "Ordinance") to be assessed at 38% of market value. The property is located in Chicago, North Chicago Township, Cook County.

The appellant, through counsel, submitted evidence contending that the subject's fair market value is not accurately reflected in its assessment. In support of this argument, the appellant

¹ In a memorandum, the board of review reported the subject project was built in 1981. No property characteristics sheet or other data to support that assertion were submitted. The appellant's appraisers noted that the subject was renovated in circa 1980's, but reportedly built in 1935. (See cover letter, p. 1, 17 and 29) Despite the foregoing references, the appraisers on page 30 reported the subject was constructed in 1981.

offered an appraisal prepared by John Stephen O'Dwyer and Neil J. Linehan of JSO Valuation Group, Ltd. estimating the subject property had a market value of \$160,000 as of January 1, 2006 using only the sales comparison approach to value. The intended use of the appraisal was for "*ad valorem* taxation purposes."

In discussing the property, the appraisers noted there was no vehicular access to the subject site and customer parking was only available along North Wells Street. Visibility was said to be average for the area. While the condominium complex has 67 feet of frontage along North Wells Street, the subject unit has only 25 feet of frontage on this street.

The appraisers opined the subject suffered from functional obsolescence due to the lack of on-site parking for employees and clients, the narrow nature of the improvement resulted in a crowded and small kitchen area, the entire improvement was small for a commercial building and the facility was not handicap accessible.

Using the sales comparison approach, the appraiser analyzed three sales and one listing of suggested comparable condominium units that were built between 1973 and 1999. The comparables were located in Chicago and ranged in size from 560 to 5,700 square feet of building area. These comparables sold between April 2003 and April 2005 for prices ranging from \$360,000 to \$825,000 or from \$144.74 to \$177.87 per square foot of building area including land. Comparable #4 had an asking price of \$100,000 or \$178.57 per square foot of building area including land. In comparing the comparables to the subject, the appraisers made qualitative adjustments for market conditions (time), size and access/visibility. From this process, the appraisers estimated a value for the subject under the sales comparison approach of \$160,000, rounded, or \$150.00 per square foot of building area including land.

Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$60,800 to reflect the appraised value conclusion at the 38% level of assessment. (86 Ill.Admin.Code §1910.50(c)(3)).

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$88,209 was disclosed. The total assessment of the subject property reflects an estimated market value of \$232,129 or \$216.94 per square foot of building area including land using the 38% level of assessments for Class 5A property under the Ordinance.

In support of the subject's estimated market value based on its assessment, the board presented a memorandum along with ten comparable sales located within a 2.5-mile radius of the subject in Chicago. The comparables are improved with retail and/or storefront units, nine of which were built between 1896 and 2007. No age was reported for sale #8. The units range in size from 880 to 1,300 square feet of building area. The sales occurred

between October 2001 and October 2007 for prices ranging from \$184,500 to \$483,000 or from \$141.92 to \$404.18 per square foot of building area including land.

Based on this evidence, the board of review requested confirmation of the subject property's assessment.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds it has jurisdiction over the parties and the subject matter of this appeal.

The issue before the Property Tax Appeal Board is the subject's fair market value. When overvaluation is the basis of the appeal the value of the 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, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. Section 1910.65 *The Official Rules of the Property Tax Appeal Board* (86 Ill.Admin.Code §1910.65(c)). Having reviewed the record and considered the evidence, the Board concludes that the appellant has not satisfied this burden.

In this appeal, the appellant submitted an appraisal report estimating a fair market value for the subject property of \$160,000 or \$150.00 per square foot of building area including land as of January 1, 2006. The board of review submitted ten suggested comparable sales to support its assessed valuation of the subject property.

Initially, the Property Tax Appeal Board finds the appellant's appraisal report did not provide a credible estimate of value of the subject property. The appraisers utilized only the sales comparison approach to value, but all of the chosen comparables were all substantially larger or substantially smaller than the subject commercial condominium unit making them questionable for comparison to the subject property. As such, the appraisers' value conclusion drawn from this dissimilar sales data is found by the Board not to be credible or a reliable indicator of the subject's estimated market value. As a result, the Property Tax Appeal Board gave little weight to the sales comparables within the report.

Turning to the sales data of the comparables presented by the board of review, the Board has given most weight to the board of review sales #3, #4, #5, #9 and #10 due to the similarities in size to the subject and being the most proximate in date of sale to the assessment date of January 1, 2006. These five sales ranged in building size from 1,100 to 1,300 square feet of building area. These properties sold between March 2003 and October 2007 for prices ranging from \$184,500 to \$355,000 or from \$141.92 to \$304.72 per square foot of building area including land. The subject has an estimated market value of \$232,129 or \$216.94 per square foot of building area including land, which

falls within the range of the most similar sales comparables and is well-supported. Therefore, the appellant has failed to establish the subject property is overvalued by a preponderance of the evidence and no 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.

Donald R. Cuit

Chairman

[Signature]

Member

[Signature]

Member

[Signature]

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: 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.