



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

APPELLANT: 1803 West Ohio, LLC
DOCKET NO.: 06-30255.001-R-1 through 06-30255.002-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are 1803 West Ohio, LLC, the appellant(s), by attorney James A. Field, of Field and Goldberg, LLC 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:

| DOCKET NO | PARCEL NUMBER | LAND | IMPRVMT | TOTAL |
|------------------|--------------------|-------|---------|----------|
| 06-30255.001-R-1 | 17-07-217-023-0000 | 9,024 | 51,870 | \$60,894 |
| 06-30255.002-R-1 | 17-07-217-024-0000 | 5,760 | 0 | \$5,760 |

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 2,400 square foot parcel improved with two dwellings. One building consists of a two-story, two-unit, 128-year-old, multi-family dwelling of masonry construction containing 1,914 square feet of living area with two full bathrooms. The other building consists of a one-story, 128-year-old, single-family dwelling of frame construction containing 864 square feet of living area with one full bathroom. The subject is located in West Chicago Township, Cook County.

The appellant, through counsel, submitted evidence before the Property Tax Appeal Board and raised two arguments: first, that there was unequal treatment in the assessment process of the improvement; and second, that the fair market value of the subject is not accurately reflected in its assessed value. In support of the inequity argument, the appellant submitted assessment data and descriptive information on three properties suggested as comparable to the subject. Based on the appellant's documents, the three suggested comparables consist of two-story,

multi-family dwellings of masonry construction with the same neighborhood code as the subject. The improvements range in size from 6,870 to 8,300 square feet of living area and range in age from 77 to 95 years old. Each comparable contains either eight or nine units. The improvement assessments range from \$5.83 to \$9.28 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

As to the market value argument, the appellant's attorney submitted a two-page brief arguing that the subject property was 100% vacant in 2006 and entitled to relief. In support of this claim, the appellant submitted a general affidavit and a vacancy/occupancy affidavit, presented at the board of review level, indicating that the subject was 100% vacant and unoccupied in 2006. Based on this evidence, the appellant requested an occupancy factor of 20% be applied to the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final total assessment of \$60,894 was disclosed. The subject's multi-family dwelling has an improvement assessment of \$30,831 or \$16.10 per square foot of living area and the single-family dwelling has an improvement assessment of \$21,039 or \$24.35 per square foot.

In support of the subject dwellings' improvement assessments, the board of review submitted property characteristic printouts and descriptive data on six suggested comparable properties. Three comparables are improved with two-story, two-unit, multi-family dwellings of frame or frame and masonry construction with the same neighborhood code as the subject. The improvements range in size from 1,932 to 2,016 square feet of living area and range in age from 116 to 120 years old. The comparables contain two full bathrooms and a one-car or two-car garage. The improvement assessments range from \$16.48 to \$17.48 per square foot of living area. The three remaining comparables offered by the board of review are improved with one-story, single-family dwellings of frame construction with the same neighborhood code as the subject. The improvements range in size from 874 to 960 square feet of living area and range in age from 113 to 123 years old. The comparables contain one bathroom. The improvement assessments range from \$29.21 to \$30.76 per square foot of living area. Based on the evidence presented, the board of review requested confirmation of the subject's assessment.

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 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 the appellant has not overcome this burden.

Regarding the multi-family dwelling, the Board finds the board of review's three comparables to be the most similar properties to the subject in the record. These three properties are similar to the subject in improvement size, design, age, amenities and location and have improvement assessments ranging from \$16.48 to \$17.48 per square foot of living area. The subject's multi-dwelling has an improvement assessment per square foot of \$16.10 which falls below the range established by these properties. The Board finds the appellant's three suggested comparables differ significantly from the subject in improvement size and number of units and are accorded less weight.

Regarding the one-story dwelling, the Board finds the board of review submitted three properties similar to the subject in many respects with improvement assessments ranging from \$29.21 to \$30.76 per square foot of living area. The subject's single-family dwelling has an improvement assessment per square foot of \$24.35 which falls below the range established by these properties. After considering adjustments and the differences in both parties' suggested comparables when compared to the subject, the Board finds the evidence submitted is insufficient to effect a change in the subject's improvement assessment.

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, 331 Ill.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 arms-length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Adm.Code §1910.65(c). Having considered the evidence, the Board finds the appellant has not satisfied this burden.

The appellant also argued overvaluation in that the subject's assessment is incorrect due to vacancy. The Board finds this argument unpersuasive. The Board further finds no evidence in the record that the subject's assessment is incorrect when vacancy is considered. The mere assertion that vacancies in a property exist does not constitute proof that the assessment is incorrect or that the fair market value of the property is negatively impacted.

As a result of this analysis, the Property Tax Appeal Board finds the appellant has failed to adequately demonstrate that the subject dwelling was inequitably assessed or overvalued and a reduction 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.

Ronald R. Guit

Chairman

Member

Mark Morris

Member

William 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: September 24, 2010

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.