



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

APPELLANT: Nikola Akrap  
DOCKET NO.: 07-20407.001-R-1 through 07-20407.004-R-1  
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Nikola Akrap, 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
07-20407.001-R-1	16-30-103-002-0000	5,276	26,886	\$32,162
07-20407.002-R-1	16-30-103-003-0000	5,276	26,886	\$32,162
07-20407.003-R-1	16-30-103-004-0000	5,276	162	\$5,438
07-20407.004-R-1	16-30-103-005-0000	5,276	162	\$5,438

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of 51 year old, two-story, masonry, mixed-use building. The first floor contains two units: one is a beauty salon and one is storefront and office space. The second floor contains one office and two five-room apartments. The appellant, via counsel, argued that the fair market value of the subject was not accurately reflected in its assessed value.

In support of the market value argument, the appellant submitted an appraisal by Richard L. Layman and Brian T. McNamara of Brian T. McNamara & Associates, Ltd. The report indicates McNamara is a State of Illinois certified general appraiser while Layman is an associate real estate appraiser. The appraisers indicated the subject has an estimated market value of \$470,000 as of January 1, 2005. The appraisal report utilized the three traditional approaches to value to estimate the market value for the subject property. The appraisal finds the subject's highest and best use is its present use.

In describing the subject property, the appraisal listed the subject as containing 10,889 square feet of building area. The

appraisal included a drawing of the subject with the dimensions included. The appraisal also indicated Layman inspected the subject property and that it is situated on a 12,272 square foot site.

Under the cost approach to value, the appraisers analyzed market sales to determine the subject's land value was \$7.25 per square foot, or \$90,000 rounded. The reproduction cost method was utilized to determine a cost for the improvement at \$696,896. The appraisal depreciated the improvement by 50% for a value of \$348,448. The land value of \$90,000 and miscellaneous improvements of \$2,500 were added back to establish a value under the cost approach of \$440,000, rounded.

Under the income approach to value, the appraiser analyzed the subject's rents and comparable rents to estimate a potential gross income of \$93,360. Expenses, which included real estate taxes and vacancy and collection, were subtracted to arrive at a net operating income of \$46,465. A capitalization rate of 10% was utilized to estimate a value under the income approach of \$465,000, rounded.

Under the sales comparison approach, the appraiser analyzed the sales of seven two-story, masonry, mixed-use buildings. The properties range: in age from 39 to 109 years and in size from 5,324 to 20,000 square feet of building area. These comparables sold from March 2003 to January 2005 for prices ranging from \$210,000 to \$975,000 or from \$21.00 to \$47.55 per square foot of building area, land included. The appraiser adjusted each of the comparables for pertinent factors. Based on the similarities and difference of the comparables when compared to the subject, the appraiser estimated a value for the subject under the sales comparison approach of \$47.00 per square foot of building area or \$470,000, rounded.

In reconciling the three approaches to value, the appraisal arrived at a final estimate of value for the subject as of January 1, 2005 of \$470,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$83,534 was disclosed. The subject's final assessment reflects a fair market value of \$832,012 when the Illinois Department of Revenue 2007 three-year median level of assessment of 10.04% for Class 2 properties is applied. The board of review lists the subject as containing 15,960 square feet of building area. In support of the subject's assessment, the board of review presented descriptions and assessment information regarding four suggested comparables located within the subject's neighborhood. The properties consist of two-story, masonry, mixed-use buildings with one and one-half to two and one-half baths, air conditioning for three properties, and a partial basement. The properties range: in age from 49 to 83 years; in size from 4,266 to 5,709 square feet of living area; and in improvement assessment from \$5.52 to \$5.89 per square foot of living area.

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 Board further finds a reduction in the subject's assessment is warranted.

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 (3<sup>rd</sup> Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2<sup>nd</sup> 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 PTAB concludes that the evidence indicates a reduction is warranted.

As to the subject's size, the PTAB finds that the appellant submitted sufficient evidence to establish the subject's size at 10,889 square feet of building area. The appraisal indicated the appraiser personally inspected the subject property. The board of review did not provide any evidence to support its position on the subject's size. Therefore, the PTAB finds the subject contains 10,889 square feet of building area.

In determining the fair market value of the subject property, the PTAB finds the best evidence to be the appellant's appraisal. The appellant's appraiser utilized the three traditional approaches to value in determining the subject's market value. The PTAB finds this appraisal to be persuasive for the appraiser: has experience in appraising; personally inspected the subject property and reviewed the property's history; and used similar properties in the sales comparison approach while providing adjustments that were necessary. The PTAB gives little weight to the board of review's evidence as it did not include any sales information.

Therefore, the PTAB finds reduction to the appellant's requested 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.



\_\_\_\_\_  
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: October 19, 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.