



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

APPELLANT: Lorelei Rosenthal  
DOCKET NO.: 07-22248.001-R-1  
PARCEL NO.: 05-29-103-054-0000

The parties of record before the Property Tax Appeal Board are Lorelei Rosenthal, the appellant, by attorney Edwin M. Wittenstein, of Worssek & Vihon 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:** \$ 105,553  
**IMPR.:** \$ 245,847  
**TOTAL:** \$ 351,400

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property comprises 50,747 square feet of land, which is improved with a 32-year old, two-story, masonry, single-family dwelling. The improvement contains three and one-half baths, a partial basement, two fireplaces, and a three-car garage.

The appellant raised three arguments: first, that the subject's improvement size is incorrect; second, that the market value of the subject property was not accurately reflected in its assessed value; and third, that there was unequal treatment in the assessment process of the subject's improvement as the bases of this appeal.

In support of the market value argument, the appellant, via counsel, submitted an appraisal undertaken by William Bashkin, who is licensed as a State of Illinois certified residential real estate appraiser. The appraiser stated that the subject had an estimated market value of \$3,500,000 as of January 1, 2007. The appraisal report utilized two of the traditional approaches to value to estimate the market value for the subject property. The appraisal report states that appraiser personally inspected the subject property, and that the subject's highest and best use as

improved is its present use. Based upon the appraiser's inspection, he estimated that the subject's improvement contained 8,005 square feet of living area. In support of this opinion, he submitted copies of two floor plans as well photographs of the subject's exterior.

Under the cost approach, the appraiser developed a site value of \$1,500,000. He estimated a replacement cost new using a national building cost manual for an estimate of \$2,107,152. Less depreciation of \$150,451 resulted in a depreciated cost of the improvements at \$1,956,701. Adding site improvements of \$50,000 resulted in a value under this approach of \$3,506,701.

Under the sales comparison approach, the appraiser analyzed the sales of seven suggested comparables, all of which are located in Winnetka, as is the subject property. Each property is improved with a two-story, frame, masonry, or frame and masonry, single-family dwelling. They range in age from 2 to 85 years and in improvement size from 6,237 to 8,219 square feet of living area. Additionally, the suggested comparables have from five full and one half-baths to seven full and one half-baths, a multi-car garage, and from two to four fireplaces. These suggested comparables sold from December, 2005, to December, 2007, for between \$2,180,000 and \$4,400,000. The appraiser adjusted each of the comparables for pertinent factors. Based on the similarities and differences of the comparables when compared to the subject, the appraiser estimated a value for the subject under the sales comparison approach to value of \$3,500,000.

In reconciling the two approaches to value, the appraiser placed primary weight on the sales comparison approach, while estimating a final market value for the subject of \$3,500,000.

As to the equity argument, the appellant submitted descriptive and assessment information on four equity properties suggested as comparable to the subject along with assessor database printouts. These properties are described as two-story, masonry, single-family dwellings that range in age from 11 to 64 years and in improvement size from 7,291 to 8,403 square feet of living area. Additionally, the suggested comparables have from three full and one half-baths to six full and two half-baths, one to three fireplaces, and a multi-car garage. These suggested comparables have improvement assessments ranging from \$28.85 to \$32.80 per square foot of living area. The subject's improvement assessment is \$37.39 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The Cook County Board of Review submitted its "Board of Review-Notes on Appeal" wherein the subject's final assessment of \$407,305 was disclosed. The subject's final assessment yields a fair market value of \$4,056,823 when the 2007 Illinois Department of Revenue three-year median level of assessment for Class 2 properties of 10.04% is applied. As to the subject's improvement size, the board of review's grid analysis reflected 8,071 square

feet of living area with a characteristic printout submitted in support thereof.

In support of the subject's assessment, the board of review presented descriptive and assessment information on four equity properties suggested as comparable to the subject. These properties are described as two-story, masonry, single-family dwellings that range in age from 32 to 89 years and in improvement size from 5,709 to 6,972 square feet of living area. Additionally, the suggested comparables have from three full and two half-baths to six full and one half-baths, three to four fireplaces, and a multi-car garage. These suggested comparables have improvement assessments ranging from \$39.50 to \$45.00 per square foot of living area. Further, these properties were accorded a deluxe condition by the assessor's office, while the subject was accorded an average condition without further explanation. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After reviewing the record and considering the evidence, the Property Tax Appeal Board (the "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. Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 339 Ill. App. 3d 529, 545 (1st Dist. 2002); National City Bank of Michigan/Illinois v. Prop. Tax Appeal Bd., 331 Ill. App. 3d 1038, 1042 (3d Dist. 2002) (citing Winnebago Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 313 Ill. App. 3d 179 (2d Dist. 2000)); 86 Ill. Admin. Code § 1910.63(e). 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. Calumet Transfer, LLC v. Prop. Tax Appeal Bd., 401 Ill. App. 3d 652, 655 (1st Dist. 2010); 86 Ill. Admin. Code § 1910.65(c). Having considered the evidence presented, the Board finds that the evidence indicated a reduction is warranted.

As an ancillary issue, the Board finds that the appellant's appraisal reflected the best evidence of the subject's improvement size. Therefore, the Board finds that the subject contains 8,005 square feet of living area.

In determining the fair market value of the subject property, the Board finds the best evidence to be the appellant's appraisal. The appellant's appraiser utilized two of the three traditional approaches to value in determining the subject's market value. The Board finds this appraisal persuasive because the appraiser has experience in appraising, personally inspected the subject property, reviewed the property's history, used similar properties in the sales comparison approach while providing adjustments that were necessary to this market data, and used market data to develop a cost approach to value. The Board

accords little weight to the board of review's evidence as the information provided was assessment data absent any sales data.

Therefore, the Board finds the subject had a market value of \$3,500,000 for the 2007 assessment year. Since the market value of this parcel has been established, the 2007 Illinois Department of Revenue three-year median level of assessment for Class 2 property of 10.04% will apply. 86 Ill. Admin. Code § 1910.50(c)(2)(A). In applying this level of assessment to the subject, the total assessed value is \$351,400, while the subject's current total assessed value is above this amount. Therefore, the Board finds that a reduction is warranted.

Since the Board has found that a reduction is warranted, the Board will not further consider the appellant's equity argument.

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

*K. L. Fern*

Member

*Frank A. Huff*

Member

*Mario Morris*

Member

*J. R.*

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: February 22, 2013

*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.