FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Pyong Uk Yu
DOCKET NO.: 07-24693.001-C-1 through 07-24693.003-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Pyong Uk Yu, the appellant, by attorney Terrence Kennedy, Jr., of the Law Offices of Terrence Kennedy, Jr., 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
07-24693.001-C-1	25-01-100-006-0000	5,795	30,569	$36,364
07-24693.002-C-1	25-01-100-007-0000	5,795	31,495	$37,290
07-24693.003-C-1	25-01-100-008-0000	5,795	30,569	$36,364

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consisting of three parcels is improved with a 47-year-old one-story brick retail building that contains 5,621 square feet of building area. The subject is air conditioned. The building is located on a 9,150 square foot site in Chicago, Hyde Park Township, Cook County. The property is classified as a class 5-17 one-story commercial building under the Cook County Real Property Assessment Classification Ordinance (hereinafter "Ordinance") and is to be assessed at 38% of market value.

The appellant through legal counsel filed this appeal on a commercial appeal petition form and checked assessment equity as the basis of the appeal. In support of the inequity argument, the appellant provided information on three comparables improved with one-story masonry class 5-17 commercial buildings that ranged in size from 4,984 to 7,142 square feet of building area. The buildings range in age from 44 to 53 years old. The comparables have the same neighborhood code as the subject and were located along the same street as the subject. The land-to-building ratios of the comparables ranged from 1.7:1 to 2.2:1

whereas the subject's land-to-building ratio was 1.6:1. The comparables have improvement assessments ranging from $49,795 to $114,140 or from $9.94 to $15.98 per square foot of building area.

Based on the equity evidence, the appellant requested the subject's total assessment be reduced to $90,521.

The board of review submitted its "Board of Review Notes on Appeal" wherein the final assessment of the subject totaling $110,018 was disclosed. The subject's assessment reflects a market value of $289,521 or $51.51 per square foot of building area, including land, using the 38% level of assessment for class 5-17 commercial property under the Ordinance. The subject has an improvement assessment of $92,633 or $16.48 per square foot of building area.

In support of the assessment, the board of review submitted a memorandum along with copies of the subject's property record card and information on five sales. The comparable sales were improved with "retail-storefront" buildings that ranged in size from 2,930 to 6,930 square feet of building area. Three of the comparables were multi-tenant buildings. Four of the comparables were constructed from 1918 to 1960 while the age of comparable #2 was not disclosed. The sales occurred from June 2003 to February 2008 for prices ranging from $250,000 to $620,000 or from $42.37 to $140.77 per square foot of building area including land. 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 finds that it has jurisdiction over the parties and the subject matter of the appeal. The Board further finds the evidence in the record does not support a reduction in the subject's assessment.

The appellant argued assessment inequity with respect to the improvement assessment as the basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessments 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.

The Uniformity Clause of the Illinois Constitution provides that: "Except as otherwise provided in this Section, taxes upon real property shall be levied uniformly by valuation ascertained as the General Assembly shall provide by law." Ill.Const.1970, art. IX, §4(a). Taxation must be uniform in the basis of assessment as well as the rate of taxation. Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395, 401 (1960). Taxation must be in proportion to the value of the property being taxed. Apex Motor Fuel, 20 Ill. 2d at 401; Kankakee County Board of Review, 131 Ill.2d at 20 (fair cash value is the cornerstone of uniform assessment.) It is

unconstitutional for one kind of property within a taxing district to be taxed at a certain proportion of its market value while the same kind of property in the same taxing district is taxed at a substantially higher or lower proportion of its market value. Kankakee County Board of Review, 131 Ill.2d at 20; Apex Motor Fuel, 20 Ill. 2d at 401; Walsh v. Property Tax Appeal Board, 181 Ill.2d 228, 234 (1998). After an analysis of the assessment data the Board finds a reduction is not warranted.

In this appeal the appellant provided information on three comparables; however, all of the comparables differed from the subject improvement in size ranging from 11.3% smaller to 27.1% larger. Additionally, the appellant did not demonstrate these comparables had similar income earning capacities as the subject nor did the appellant provide any evidence that the comparables were assessed at a substantially lower proportion of market value than the subject.

The Board finds this evidence does not clearly and convincingly demonstrate the subject building was being inequitably assessed.

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: February 24, 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.