



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

APPELLANT: Stephen P. DiSilvestro
DOCKET NO.: 07-26304.001-C-1
PARCEL NO.: 09-24-420-025-0000

The parties of record before the Property Tax Appeal Board are Mr. Stephen P. DiSilvestro, the appellant, by attorney Anthony M. Farace, of Amari & Locallo 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: \$ 34,238
IMPR.: \$ 79,763
TOTAL: \$ 114,001

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 10,600 square foot parcel of land improved with a 38-year old, one-story, masonry, commercial, retail building containing 2,400 square feet of building area. It is located in the Village of Niles, Maine Township, Cook County, and is classified under the Cook County Real Property Assessment Classification Ordinance as Class 5-17 with a level of assessment of 38% as designated for Class 5 commercial property.

The appellant, via counsel, appeared before the Property Tax Appeal Board and submitted evidence claiming unequal treatment in the assessment process as the basis of the appeal. In support of this argument, the appellant submitted a grid sheet, along with the assessor database printouts and property characteristic cards, detailing nine suggested comparable properties. The appellant's evidence indicates they are all class 5-17, one-story, masonry, commercial buildings, located in the subject's neighborhood. They range in age from 36 to 53 years and in size from 1,846 to 8,561 square feet of building area. The comparables have improvement assessments ranging from \$36,226 to

\$222,899 or from \$14.86 to \$29.92 per square foot of building area. The evidence reflects that comparables #1 through #6 and #9 are partial assessments with no further explanation. Based on the evidence presented, the appellant requested a reduction in the subject's assessment.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's improvement assessment was \$79,763, or \$33.23 per square foot of building area with a total assessment of \$114,001. The subject's final assessment reflects a fair market value of \$300,003 when the Cook County Real Property Assessment Classification Ordinance level of assessments of 38% is applied. The board also submitted a memorandum authored by Ralph F. DiFebo, Jr, Cook County Board of Review Analyst, an aerial Sidwell map of the subject, the property face card and property record card for the subject as well as raw sales data on nine freestanding retail or office/retail storefront properties suggested as comparable. The sales occurred between February 2002 and December 2008 for prices ranging from \$325,000 to \$650,000 or from \$100.78 to \$306.46 per square foot of building area. These properties are located in either Park Ridge, Niles, Morton Grove or Chicago. The board's memo indicated that these sales have not been adjusted for market conditions such as time, location, age, size and other related factors. In addition, the board of review provided recorded copies of a Trustee's Deed and the PTAX-203 Illinois Real Estate Transfer Declaration form indicating that the subject sold in April 2006 for \$390,000, or \$162.50 per square foot, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the appellant's attorney, as well as the board of review's representative, rested on the evidence previously submitted.

After hearing the testimony 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 based on 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. Having considered the evidence presented, the Board concludes that the appellant has not met this burden and that a reduction is not warranted.

The appellant presented assessment data on a total of nine equity comparables. The Board does not find these properties to be comparable to the subject as the data for comparables #1 through #6 and #9 reflect a partial improvement assessment. As no further assessment data was provided to clarify the assessed values of these properties, the Board is unable to determine

their comparability to the subject. Additionally, the building square footage of comparables #2, #3 and #7 varies greatly from the subject property with no further adjustments. Accordingly, the appellant has not met the burden of clear and convincing evidence. Furthermore, the Board gives little weight to the board of review's evidence as the data is merely raw sales data that has not been adjusted for market conditions including time, location, age, size, land to building ratio, parking, zoning and other related factors and fails to address the appellant's equity argument.

After considering the evidence submitted, the Board finds the subject's per square foot improvement assessment is supported and a reduction in the subject's assessment 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.

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: December 21, 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.