



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

APPELLANT: Steven Coleman
DOCKET NO.: 07-26566.001-R-1 through 07-26566.002-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Steven Coleman, the appellant, by attorney Scott Shudnow, of Shudnow & Shudnow, Ltd. 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
07-26566.001-R-1	13-36-317-034-0000	7,433	35,994	\$43,427
07-26566.002-R-1	13-36-317-035-0000	4,295	0	\$4,295

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of two parcels of land containing a total of 5,900 square feet of area, improved with two non-owner occupied improvements. The improvements are situated on the parcel identified by permanent index number 13-36-317-034-0000, while the parcel identified by permanent index number 13-36-317-035-0000 is land only. Improvement #1 is a 116-year old, two-story, frame, multi-family dwelling containing 1,474 square feet of building area and is classified as class 2-11 property as defined by Cook County's Real Property Assessment Classification Ordinance. Features include two full baths, four bedrooms, central air conditioning, and a two-car garage. Improvement #2 is a 116-year old, two-story, frame, multi-family dwelling containing 1,040 square feet of living area. It is classified as class 2-11 property as defined by Cook County's Real Property Assessment Classification Ordinance. Features include two full baths and two bedrooms.

The subject's total assessment is \$43,427. This assessment reflects a fair market value of \$432,540 after applying the 2007 Illinois Department of Revenue three year median level of assessment for Class 2 property of 10.04%. The appellant, via counsel, argued that the fair market value of the subject

property was not accurately reflected in its assessed value as the basis of this appeal.

In support of the market value argument, the appellant submitted a residential appraisal report for the subject property with an effective date of January 1, 2007. The appraiser estimated a fair market value for the subject of \$220,000 based on the cost, income, and sales comparison approaches to value. The appraiser also conducted an inspection of the subject. The appraiser noted that the subject had been listed for sale in July of 2005 for \$525,000 and was subsequently lowered to \$485,000. In May of 2006 the listing was cancelled. Additionally the appraisal stated that the coach house was uninhabitable but no photos or further evidence was provided. Of further note is the fact that the appraiser used the 1,040 square footage value of the coach house, identified as Improvement #2, in valuing Improvement #1, which consists of 1,474 square feet of living area.

Under the cost approach to value, the appraiser reviewed publicly listed land sales to estimate the value of the land at \$150,000. The replacement cost new method was utilized to determine a cost for Improvement #1 and the garage only of \$97,719. No replacement cost was discussed for Improvement #2. The appraiser depreciated the improvement to arrive at a value of \$86,910. The land and site improvements were added back in to establish a value under the cost approach of \$241,910, rounded.

Under the income approach to value, the appraiser calculated a gross rent multiplier of 140 derived from the comparables used in the sales comparison approach. She also reviewed three rental comparables located in Oak Park, while the subject is located in Chicago. The value for the subject indicated by the income approach was \$224,000.

Under the sales comparison approach, the appraiser analyzed the sales of three multi-family buildings located within the subject's market. The properties contain between 1,445 and 2,632 square feet of building area. The comparables sold from March 2006 to August 2006 for prices ranging from \$220,000 to \$235,000, or from \$87.39 to \$162.63 per square foot of building area, including land. 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 of \$211.54 per square foot of building area, including land or \$220,000, rounded.

In reconciling the three approaches to value, the appraisers gave most weight to the sales comparison approach with less emphasis on the cost and income approaches. The cost and income approaches were used to support the sales comparison approach to arrive at a final estimate of value for the subject as of January 1, 2007 of \$220,000. 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 total assessment of \$43,427 was disclosed. In support of the subject's assessment, the board of review submitted descriptive and assessment information for three properties suggested as comparable to each of the two improvements. The comparables for Improvement #1 are described as multi-family dwellings of masonry construction. The comparables range: in age from 111 to 128 years; in size from 2,096 to 2,288 square feet of living area; and in improvement assessments from \$13.82 to \$15.46 per square foot of living area. The comparables for Improvement #2 are described as multi-family dwellings of masonry construction. The comparables range: in age from 86 to 108 years; in size from 1,716 to 1,936 square feet of living area; and in improvement assessments from \$17.04 to \$17.49 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant argued that the board of review submitted equity data that does not address the appellant's market value argument.

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 indicates a reduction is not warranted.

In determining the fair market value of the subject property, the Board gives little weight to the appellant's appraisal. The Board finds the appraiser did not attribute any value in any of the three approaches to Improvement #2. Additionally, the appraiser utilized the square footage value for Improvement #2, the coach house, in establishing a market value for Improvement #1. The Board finds that because of these errors, the estimate of value for the subject property is unreliable. Moreover, as Improvement #1 and #2 are similar in usage, age and design, even applying the appraiser's per square foot value of \$211.54 to Improvement #1's correct square footage of 1,474 square feet reflects that the subject's current assessment is fair. The

improvement assessment for Improvement #2 shall additionally remain unchanged as no evidence was proffered to support its inhabitability. As a final point, the Board gives little weight to the board of review's evidence as it did not address the appellant's market value argument.

Therefore, the Board finds that based on the evidence provided in the record, the appellant has failed to prove by a preponderance of the evidence that the subject is overvalued, and a reduction in the subject's assessed value 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.

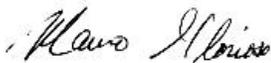


Chairman



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: March 22, 2013



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.