



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

APPELLANT: Carl Dissette  
DOCKET NO.: 07-27152.001-C-1  
PARCEL NO.: 14-08-304-060-0000

The parties of record before the Property Tax Appeal Board are Carl Dissette, the appellant(s), by attorney Terrence Kennedy Jr., of 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 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:** \$ 6,741  
**IMPR.:** \$49,256  
**TOTAL:** \$55,997

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of 6,670 square feet of land that is improved with a one year old, one-story, masonry, commercial condominium with 1,504 square feet of building area. The subject is being used as a sandwich shop. The appellant, via counsel, argued that the subject's market value was not accurately reflected in its assessment, or, in the alternative, that there was unfair treatment in the assessment process.

In support of the market value argument, the appellant submitted an appraisal undertaken by Samuel S. Zagorac, Gary M. Skish, and Gary T. Peterson of First Real Estate Services, Ltd. in Chicago, Illinois. The report states that Mr. Zagorac, Mr. Skish and Mr. Peterson are all licensed State of Illinois Certified General Real Estate Appraisers. The appraisers stated that the subject had an estimated market value of \$140,000 as of January 1, 2007. The appraisal report utilized the income approach to value to estimate the market value for the subject property. The appraisal states that Mr. Zagorac personally inspected the subject, and that the subject's highest and best use as improved is its current use.

In the income approach to value, the appraiser analyzed the rents of six suggested comparable nearby buildings to estimate a

potential gross income of \$26,864, or \$23.36 per square foot of building area. Expenses were estimated to be \$3,301, and vacancy and collection losses were estimated to be 10%, for a net operating income of \$20,877. A loaded capitalization rate of 14.96% was utilized to estimate a value under the income approach of \$140,000, rounded.

The cost approach to value and the sales comparison approach to value were not developed for the appraisal. On page four of the appraisal, the appraisers state that these two approaches to value were not developed at the appellant's request. Thus, the appraiser concluded that the subject's appraised value was \$140,000 as of January 1, 2007.

In support of the equity argument, the appellant submitted descriptive and assessment information on five properties suggested as comparable to the subject. These properties are described as one-story, masonry, commercial buildings or condominiums that range in age from 1 to 98 years old, and in size from 1,396 to 4,368 square feet of building area. The appellant submitted the improvement assessment per square foot and the improvement market value per square foot for each comparable and the subject. The suggested comparables improvement assessments ranged from \$17.46 to \$32.87 per square foot of building area, while the subject's improvement assessment is \$47.22 per square foot of building area. The suggested comparables market value assessments ranged from \$45.94 to \$86.50 per square foot of building area, while the subject's market value assessment is \$124.26 per square foot of building 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 \$77,760 was disclosed. In support of the subject's assessment, the board of review submitted a property record card for the subject, and raw sales data for five commercial properties located within a one and one-quarter mile radius of the subject. The sales data was collected from the CoStar Comps service, and the CoStar Comps sheets state that the research was licensed to the assessor's office. However, the board of review included a memorandum which states that the submission of these comparables is not intended to be an appraisal or an estimate of value, and should not be construed as such. The memorandum further stated that the information provided was collected from various sources, and was assumed to be factual, accurate, and reliable; but that the information had not been verified, and that the board of review did not warrant its accuracy.

The suggested comparables contained buildings that range in age from 1 to 112 years old, and in size from 977 to 1,050 square feet of building area. The properties sold from May 2006 to January 2008 in an unadjusted range from \$230,000 to \$394,000, or from \$214.25 to \$256.08 per square foot of building area, land

included. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the appellant, represented by Joe L. Huang, stated that the appellant's Comparable #1 is right next to the subject, and is in the same building as the subject. Mr. Huang then re-affirmed the evidence previously submitted.

The board of review's representative, Jabari Jackson, Cook County Board of Review Analyst, stated that the subject was purchased for \$360,000 in April 2006, and then re-affirmed the evidence previously submitted.

Mr. Huang acknowledged the April 2006 sale of the subject. He then noted that several of the comparables submitted by the board of review should not be considered by the Board for various reasons.

After reviewing the record, hearing the testimony, 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 a reduction is not warranted.

The Board gives little weight to the appellant's appraisal. This appraisal did not include any market sales or justify why sales were not included within the analysis. The court has held that "[w]here the correctness of the assessment turns on market value and there is evidence of a market for the subject property, a taxpayer's submission that excludes the sales comparison approach in assessing market value is insufficient as a matter of law." Cook Cnty. Bd. of Review v. Ill. Prop. Tax Appeal Bd., 384 Ill. App. 3d 472 at 484 (1st Dist. 2008). The Illinois Appellate Court recently revisited this issue in Bd. of Educ. of Ridgeland Sch. Dist. No. 122, Cook Cnty. v. Prop. Tax Appeal Bd., 2012 IL App. (1st) 110,461 (the "Sears" case). In Sears, the court stated that, while the use of only one valuation method in an appraisal is not inadequate as a matter of law, the evidence must support such a practice and the appraiser must explain why the excluded valuation methods were not used in the appraisal for the

Board to use such an appraisal. Id. at ¶ 29. In this case, the appellant specifically requested that the appraisers not include the cost approach to value and sales comparison approach to value in the appraisal. The appraisers provided no other plausible reasons for excluding these valuation methods, and the evidence does not show that their exclusion is standard practice when appraising property that is similar to the subject. In fact, the board of review presented five suggested comparables, proving that there is a market for the subject, and the sales comparison approach could be developed. Therefore, the Board finds that reliance on the appellant's appraisal would be deficient as a matter of law, and, thus, no reduction is warranted based on the appellant's market value argument.

The appellant also contends unequal treatment in the subject's improvement assessment as the basis of this appeal. 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. Walsh v. Prop. Tax Appeal Bd., 181 Ill. 2d 228, 234 (1998) (citing Kankakee Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 131 Ill. 2d 1 (1989)); 86 Ill. Admin. Code § 1910.63(e). To succeed in an appeal based on lack of uniformity, the appellant must submit documentation "showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property." Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 403 Ill. App. 3d 139, 145 (1st Dist. 2010); 86 Ill. Admin. Code § 1910.65(b). "[T]he critical consideration is not the number of allegedly similar properties, but whether they are in fact 'comparable' to the subject property." Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 403 Ill. App. 3d at 145 (citing Du Page Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 284 Ill. App. 3d 649, 654-55 (2d Dist. 1996)). After an analysis of the assessment date, the Board finds that the appellant has met this burden.

The Board finds that Comparables #1, #2, and #5 submitted by the appellant were most similar to the subject in location, size, style, exterior construction, features, and age. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These comparables had improvement assessments that ranged from \$17.46 to \$32.87 per square foot of building area. The subject's improvement assessment of \$47.22 per square foot of building area is above the range established by the most similar comparables. The Board used the improvement assessment of the relevant properties as opposed to their market value assessments (as requested by the appellant), since the use of the former is standard practice in equity cases Cook County. Therefore, after considering adjustments and differences in both parties' comparables when compared to the subject, the Board finds that the subject's improvement assessment is not equitable, and a reduction in the subject's 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.

*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: September 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.