FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Dale Strauss
DOCKET NO.: 07-27394.001-C-1 through 07-27394.002-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Dale Strauss, the appellant, by attorney Howard W. Melton of the Law Office of Howard W. Melton and Associates, 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
07-27394.001-C-1	13-13-406-054-0000	15,390	16,589	$31,979
07-27394.002-C-1	13-13-406-058-0000	66,752	126,004	$192,756

Subject only to the State multiplier as applicable.

ANALYSIS

The subject matter of this appeal is comprised of two parcels improved with two structures with multiple classification codes under the Cook County Real Property Assessment Classification Ordinance (hereinafter Ordinance). Property characteristic sheets contained in this record describe the improvements as a Class 5-17, one story commercial building; a Class 5-22, one story non-fireproof public garage; and a Class 5-90, commercial minor improvement. The appellant's appeal petition describes the subject's improvements as Class 5-17/5-22 structures, while the board of review's final decision and "Notes on Appeal" describe the subject's improvements as a Class 5-17 structure under the Ordinance. Regardless of the classification system employed by Cook County, all Major Class 5A-Commercial Structures situated on the subject parcels are to be assessed at 38% of fair cash value under the Ordinance.

The Class 5-22, one story non-fireproof garage is of masonry construction and contains 11,664 square feet of building area. The building is used as an auto repair facility. The other building is a 550 square foot frame structure. Combined, the

structures total 12,214 square feet of building area. The structures were reported to be built in 1978 and 1988. The parcels total 14,411 square feet of land area. The subject parcels are located at 4244 N. Western Avenue, Chicago, Jefferson Township, Cook County.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this argument, the appellant submitted a summary appraisal of the subject property prepared by two state licensed appraisers. The appraisal report conveys an estimated market value for the subject property of $380,000 as of January 1 2006, using only the sales comparison approach to value. Per agreement with the client, the appraiser did not develop the cost or income approaches to value.

Under the sales comparison approach to value, the appraiser utilized four suggested comparable sales. The comparables are located in Chicago or Cicero, Illinois, but their proximate location in relation to the subject was not disclosed. The comparables consist of one-story buildings of masonry exterior construction. Comparable 1 was built in 1968 while the ages of comparables 2 through 4 were not disclosed. The buildings are situated on sites ranging in size from 11,138 to 30,960 square feet of land area. The buildings range in size from 5,765 to 18,000 square feet of building area. Land to building ratios ranged from 1.57:1 to 2.42:1. The subject was calculated to have a land to building ratio of 1.18:1. All the comparables are used for retail purposes. For example, comparable 1 is retailer Family Dollar; comparables 2 and 3 are multi-tenant retail buildings (see photographs, p. 20 and 21 of appraisal; and comparable 4 is a food and liquor store. The suggested comparables sold from February 2002 to January 2004 for prices ranging from $200,000 to $620,000 or from $24.61 to $39.90 per square foot of building area including land.

The appraiser made percentage adjustments to the comparables' per square foot sales prices for differences to the subject in sale date, building size and land to building ratio. The net adjustments ranges from -4% to 14%, resulting in adjusted sales prices ranging from $26.82 to $45.49 per square foot of building area including land. Based on the adjusted sale prices, the appraiser concluded the subject property had a fair market value of $31.00 per square foot of building area[1] including land or $380,000, rounded, as of January 1, 2006.

Based on this evidence, the appellant requested a reduction in the subject's assessment.

[1] The appellant's appraiser calculated that the subject property has 12,250 square feet of total building area. However, the appraisal report did not contain a schematic drawing of the building(s) to support the size deter mination.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject parcels' total assessment of $224,735 was disclosed. The subject's assessment reflects an estimated market value of $591,408 or $48.42 per square foot of building area including land using the Ordinance level of assessment for Class 5A property of 38%.

In support of the subject's assessment, the board of review submitted a letter addressing the appeal, property characteristic sheets and a limited market analysis of eight suggested comparable sales. A location map depicting the comparables' proximate location in relation to the subject was also submitted.

The comparables consist of one-story, part one-story and part two-story or two-story buildings of masonry exterior construction. Six of the comparables were built from 1920 to 1991, while the age of two comparables was not disclosed. The buildings are situated on sites ranging in size from 9,448 to 22,682 square feet of land area. The buildings range in size from 7,700 to 15,000 square feet of building area. All the comparables are used for auto repair purposes like the subject. The comparables sold from March 2001 to July 2007 for prices ranging from $300,000 to $2,325,000 or from $40.00 to $155.00 per square foot of building area including land. Comparable 3 was a 1031 exchange transaction. Comparable 7 had two additional sales. Comparable 7 sold in September 2004 for $1,000,000 or $91.23 per square foot of building area including land and again in January 2008 for $1,661,021 or $151.53 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 this appeal. The Property Tax Appeal Board further finds no reduction in the subject property’s assessment is warranted.

The appellant argued the subject property was overvalued. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2d 1256 (2nd Dist. 2000). The Board finds the appellant failed to meet this burden of proof.

The appellant submitted an appraisal report estimating the subject property had a fair market value of $380,000 as of January 1, 2006. The board of review submitted eight comparable sales to support its assessed valuation of the subject property.

The Property Tax Appeal Board gave little weight to the appraisal report submitted by the appellant. The Board finds the value conclusion to be unpersuasive and not credible. The Board finds the comparable sales used by the appellant's appraiser were

dissimilar when compared to the subject due to their retail uses in comparison to the subject's use as an auto repair facility. The Board finds the appraisal report (p. 8, 17, 18) conveyed a highest and best use of the property as its existing use as an auto repair facility. The Board further finds this record contains sales of other more similar properties used for auto repair purposes like the subject, which further undermines the appraisal submitted by the appellant. Notwithstanding the comparables' dissimilar use, the Board finds the comparables contained within the appraisal report lack important details such as age, features or proximate location, which further detracts from the final value conclusion. Additionally, comparables 2 and 3 were multi-tenant properties, unlike the subject.

The Board finds comparable sales 1, 2, 4, 5, 7 and 8 submitted by the board of review are more reliable indicators of the subject's fair market value. Comparable 7 sold three times. These comparables are used as auto repair facilities like the subject. The comparables also had varying degrees of similarity when compared to the subject in age, size, story height and location. These comparables sold for a wide range of prices from $535,000 to $2,325,000 or from $63.69 to $155.00[2] per square foot of building area including land. The subject parcels' total assessment of $224,735 reflects an estimated market value of $591,408 or $48.42 per square foot of building area including land using Ordinance level of assessment for Class 5A property of 38%. The subject's assessment reflects a market value less than the most similar comparable sales contained in this record on a per square foot basis. After considering adjustments to the comparables for differences when compared to the subject, the Board finds the subject's assessed valuation is supported and no reduction is warranted.

The Board gave less weight to board of review comparables 3 and 6. Comparable sale 3 was a 1031 exchange and the arm's-length nature of the transaction is questionable. Comparable 6 is a multi-tenant property, unlike the subject.

Based on this analysis, the Property Tax Appeal Board finds the appellant failed to demonstrate the subject property was overvalued by a preponderance of the evidence and no reduction in the subject's assessment is warranted.

[2] The Property Tax Appeal Board gave more weight to the September 2004 sale price of board of review comparable sale 7 because it was most proximate and therefore more probative of the subject's market value as of the January 1, 2006 assessment date at issue in this appeal.

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.