



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

APPELLANT: Kyong Park  
DOCKET NO.: 07-27589.001-C-1  
PARCEL NO.: 10-17-318-002-0000

The parties of record before the Property Tax Appeal Board are Kyong Park, 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 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:** \$ 61,541  
**IMPR.:** \$ 68,462  
**TOTAL:** \$ 130,003

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property has 12,702 square feet of land, which is improved with a 77 year old, one-story, masonry, commercial building with 1,188 square feet of building area, and a land-to-building ratio of 10.69:1. At the time of this appeal, the subject was being used as a restaurant. There is also a five year old, 132 square foot addition to the subject, which is a used as a walk-in cooler. The appellant's appeal is based on unequal treatment in the assessment process.

In support of the equity argument, the appellant, via counsel, submitted descriptive and assessment information, as well as property record cards, for four properties suggested as comparable to the subject. These properties are described as one-story, masonry, commercial buildings that are from 36 to 57 years old, and contain from 1,725 to 3,420 square feet of building area. The comparables' land-to-building ratios range from 1.71:1 to 3.68:1. These suggested comparables have improvement assessments ranging from \$14.89 to \$31.84 per square foot of building area. The subject's improvement assessment is \$57.63 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 \$130,003 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 plus one unimproved property, which are all located within five miles 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 which were improved contained commercial buildings that range in age from 16 to 45 years old, and in size from 1,190 to 1,589 square feet of building area. The properties sold from August 1998 to November 2008 in an unadjusted range from \$365,000 to \$1,075,000, or from \$230.43 to \$716.67 per square foot of building area, land included. The printouts also indicate that the parties to the transaction in Comparable #6 used the same real estate broker, and that no real estate brokers were used in Comparables #1, #2, and #4. The CoStar printouts also state that the sale price for Comparable #1 was under market value because rents that were paid during a vacancy period were an unofficial part of the consideration to purchase the subject. Additionally, Comparable #2 included the sale of a liquor license in the sale price. Three of the Comparables were 100% leased at the time of the sale.

Comparable #5 included two improvements, both of which are restaurants. However, the CoStar printouts state that the sale price included only the land value. The sale was in December 2000 for \$2,508,000, a sale price which reportedly only included a leased fee interest in the property. 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 (the "Board") finds that it has jurisdiction over the parties and the subject matter of this appeal.

The appellant 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 DuPage Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 284 Ill. App. 3d 649, 645-55 (2d Dist. 1996)). After an analysis of the assessment data, the Board finds that the appellant has not met this burden.

The Board finds that none of the comparables submitted by the appellant were similar to the subject. These comparables all varied significantly in the subject in terms of improvement size, age, and land-to-building ratio. Moreover, the board of review's evidence was given no weight because it did not address the appellant's equity argument. Therefore, the Board finds that the appellant has not proven, through clear and convincing evidence, that the subject is inequitably assessed. The Board further finds that the subject's improvement assessment is equitable, 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: February 22, 2013

*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.