



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

APPELLANT: Howard Ankin
DOCKET NO.: 07-29105.001-C-2
PARCEL NO.: 17-09-238-006-0000

The parties of record before the Property Tax Appeal Board are Howard Ankin, the appellant(s), by attorney Adam E. Bossov, of Law Offices of Adam E. Bossov, P.C. 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: \$92,482
IMPR: \$202,377
TOTAL: \$294,859

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 1,947 square foot parcel of land improved with a 59-year old, three-story, masonry, commercial building. The appellant argued, via counsel, unequal treatment in the assessment process as the basis of the appeal.

The appellant also contends that the county has incorrectly listed the subject's size as 7,568 square feet of building area. The appellant argues that the subject contains 5,866 square feet of building area and included the plat of survey to support this.

In support of the equity argument, the appellant, via counsel, submitted information on a total of 14 properties suggested as comparable and located within one mile of the subject. The properties are described as two or three-story, masonry, commercial buildings with suggested comparable #5's description unknown. The properties range: in age from 37 to 134 years; in size from 2,880 to 8,360 square feet of building area; and have improvement assessments from \$11.88 to \$34.54 per square foot of building area. The appellant also included color photographs of

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

At hearing, the appellant, Howard Ankin, testified the subject is a three-story building being used as an office building. He testified there is a basement with no windows that is currently used for storage, but that has functionality for someone to work in. Mr. Ankin testified the subject improvement is from lot line to line.

Mr. Ankin testified to the sale of the property in 2006 and the circumstances surrounding the sale. He further testified that the subject was rehabbed in 1984 and updated the property after the purchase with new paint, carpeting and similar type cosmetic upgrades.

Mr. Ankin then further clarified the sale price on cross examination. In response to questions by the PTAB, Mr. Akin testified the appellant's comparables are located within four blocks of the subject.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's improvement assessment of \$245,414 or \$32.42 per square foot of building area using 7,568 square feet was disclosed. In support of the subject's assessment, the board of review submitted raw sales data on seven properties suggested as comparable. The properties are described as retail/general storefront buildings. The properties sold from August 2001 to January 2008 for prices ranging from \$710,000 to \$2,500,000 or from \$136.54 to \$430.77 per square foot of building area.

As to the subject's size, the board of review submitted the subject's property record card which lists the subject as containing 1,892 square feet of building area on each of three floors and a basement for a total square footage of 7,568 square feet. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the board of review argued that the sale of the subject is the best evidence as to the subject's market value and that a uniformity argument is inappropriate for a commercial building.

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 appellant contends unequal treatment in the subject's improvement assessment as the basis of the 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. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an

analysis of the assessment data, the PTAB finds the appellant has met this burden.

The first issue before the PTAB is the subject's size. The appellant submitted sufficient evidence to show the subject contains 5,866 square feet of building area. In addition, the property record card submitted by the board of review supports this square footage when the below ground (basement) square footage is removed. The PTAB finds the subject property contains 5,866 square feet of building area which yields an improvement assessment of \$41.84 per square foot of building area.

The appellant presented assessment data on a total of 14 equity comparables. The PTAB finds comparables #1, #6, #7, #11, #13, and #14 most similar to the subject. The properties range: in age from 37 to 128 years; in size from 4,500 to 6,270 square feet of building area; and in improvement assessments from \$10.48 to \$34.54 per square foot of building area. In comparison, the subject has an improvement assessment of \$41.84 per square foot of building area which is above the range of comparables. The PTAB gives little weight to the board of review's evidence as the data is merely raw sales data without any assessment information.

After considering adjustments and the differences in the comparables when compared to the subject, the PTAB finds the subject's per square foot improvement assessment is not supported 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.

Ronald R. Cuit

Chairman

Frank J. Huff

Member

Mark Morris

Member

JR

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: October 19, 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.