



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

APPELLANT: Joe Zivoli
DOCKET NO.: 07-29527.001-R-1
PARCEL NO.: 03-17-106-003-0000

The parties of record before the Property Tax Appeal Board are Joe Zivoli, the appellant, by attorney Dennis W. Hetler of Dennis W. Hetler & Associates PC 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: \$ 9,600
IMPR.: \$ 86,879
TOTAL: \$ 96,479

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story dwelling of masonry construction that is four years old. The subject property has a lot size of 20,000 square feet, and the dwelling has 4,922 square feet of living area. Features of the home include a full unfinished basement, central air conditioning, two fireplaces, and a three-car attached garage. The subject property is located in Arlington Heights, Wheeling Township, Cook County.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of the overvaluation argument, the appellant submitted an appraisal report in which a market value of \$830,000 was estimated for the subject property as of January 15, 2007. The appraiser developed the sales comparison approach in order to estimate the market value of the subject property. The appraiser considered three comparable properties that sold from March to December 2006 for prices that ranged from \$797,000 to \$860,000. The comparable properties are improved with two-story frame and masonry dwellings that are each one year old and are located from 0.95 to 1.24 miles from the subject property. The comparable properties have from 3,038 to 3,482 square feet of living area, and their lot sizes range from 7,910 to 9,045 square feet. After

identifying differences between the comparable properties and the subject, the appraiser made adjustments to the sale prices for room count, living area, basement finish, and garage size. As a result, the adjusted sale prices of the comparable properties ranged from \$822,480 to \$855,400. The appellant's counsel requested that the subject's total assessment be reduced to \$67,645.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$96,479 was disclosed. The subject's assessment reflects a market value of \$960,946 or \$195.23 per square foot of living area, land included, using the 2007 three-year median level of assessments for Cook County Real Property Assessment Classification Ordinance Class 2 property of 10.04% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code 1910.59(c)(2)).

The board of review presented descriptions and assessment information on four comparable properties consisting of two-story masonry dwellings that are either three or four years old. The comparables have the same assigned neighborhood and classification codes as the subject. Two of the comparables are located in the same block as the subject, and the other two are located one-quarter mile from the subject. The comparable properties have lot sizes of either 19,601 or 20,000 square feet. The dwellings range in size from 4,482 to 4,976 square feet of living area. Three dwellings have full unfinished basements, and one has a full finished basement. Each comparable has central air conditioning, a fireplace, and an attached garage. These properties have improvement assessments ranging from \$16.13 to \$18.77 per square foot of living area. As part of its evidence, the board of review also disclosed that comparable three sold in September 2007 for \$1,200,000 or for \$251.89 per square foot of living area, land included, and comparable four sold in March 2005 for \$965,000 or for \$215.31 per square foot of living area, land included. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After reviewing the record and considering the evidence, the Board finds it has jurisdiction over the parties and the subject matter of the appeal. The Board further finds the evidence in the record does not support a reduction in the subject's assessment.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). Proof of market value may consist of an appraisal of the subject property, a recent sale of the subject property or comparable sales. (86 Ill.Admin.Code 1910.65(c)). After an analysis of the evidence in the record, the Board finds a reduction in the subject's assessment is not warranted.

The Board finds the best evidence of the subject's market value as of the January 1, 2007 assessment date is the board of review's comparable three. This comparable sold in September 2007 for \$1,200,000 or for \$251.89 per square foot of living area, land included. This comparable was very similar to the subject in location, lot size, age, living area, style, exterior construction, and most features. Although the appellant provided an appraisal with sale prices for three comparable properties, these comparable properties were located from 0.95 to 1.24 miles from the subject, and they had living areas that were from 29% to 38% smaller than the subject. In addition, the comparable properties utilized in the appraisal had lot sizes that were from 55% to 61% smaller than the subject's. The subject's final assessment of \$96,479 reflects a market value of \$960,946 or \$195.23 per square foot of living area, land included, using the 2007 three-year median level of assessments for Cook County Real Property Assessment Classification Ordinance Class 2 property of 10.04% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code 1910.59(c)(2)). The subject's assessment reflects a market value below the best sale in the record. Based on the evidence contained in the record, the Board finds the appellant has not shown by a preponderance of the evidence that the subject is overvalued as reflected by its assessment and no change in the assessment is justified.

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

K. L. Fern

Member

Frank A. Huff

Member

Mario M. Louie

Member

Shawn R. Lerbis

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: May 20, 2011

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.