



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

APPELLANT: 1424 West Chicago LLC
DOCKET NO.: 07-29893.001-C-1
PARCEL NO.: 17-05-324-042-0000

The parties of record before the Property Tax Appeal Board are 1424 West Chicago LLC, the appellant(s), by attorney Edwin M. Wittenstein, of Worssek & Vihon 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: \$25,840
IMPR.: \$57,599
TOTAL: \$83,439

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 4,000 square foot parcel of land improved with a 90 year old, two-story and two unit restaurant/bar dwelling containing 7,490 square feet of building area. The appellant argued unequal treatment in the assessment process.

In support of this equity argument, the appellant submitted assessment data for 14 properties. Of the 14 properties, only four are located within the same neighborhood code as the subject property. These properties are described as two to three-story commercial dwellings. The properties range in size from 1,482 to 74,495 square feet of living area. The properties have improvement assessments that range from \$3.20 to \$7.69 per square foot of living area. The subject's improvement assessment is \$9.01 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

In addition, the appellant submitted an affidavit signed by Howard Natinsky, member of 1424 West Chicago, LLC which states that the subject was purchased in February 2005 and other than tenant improvements to the first floor commercial space in 2005 and 2006, no other improvements have been completed. Mr. Natinsky further attests that the second floor residential unit

was "gutted and vacant throughout 2007". A Vacancy/Occupancy Affidavit was submitted which states that the subject is fifty-percent owner-occupied and 3,650 square feet of the subject's area was vacant in 2007. Exterior color photographs of the subject and comparable properties were also submitted.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$93,309 for the tax year 2007. The subject's assessment reflects a market value of \$245,550 or \$32.78 per square foot using the Cook County Ordinance Level of Assessment for Class 5a, commercial property of 38%.

In support of the subject's market value, raw sales data was submitted for five restaurant/storefront properties. The data from the CoStar Comps service sheets reflect that the research was licensed to the assessor's office, but failed to indicate that there was any verification of the information or sources of data. The properties sold from July 1996 to September 2009, in an unadjusted range from \$13.04 to \$175.19 per square foot of building area. The properties contained buildings that ranged in size from 7,000 to 7,957 square feet and in age from 16 to 107 years. As a result of its analysis, the board 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 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 Board accorded diminished weight to the properties submitted by the board of review as the evidence provided unconfirmed, raw data on sales. In addition, the Board finds that the appellant did not provide sufficient evidence regarding the subject's vacancy such as interior photographs of the subject and proof of marketing efforts to rent property, etc. Appellant provided no proof of vacancy other than affidavits.

The Board finds that the appellant's comparables #1, #2, #3, and #4 submitted by the appellant most similar to the subject in location and class classification. 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 \$3.20 to \$7.69 per square foot of building area. The subject's improvement assessment of \$9.01 per square foot of living area is above the range established by the most similar comparables. After considering adjustments and the differences

in both parties' comparables when compared to the subject, the Board finds 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: November 30, 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.