FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

AMENDED DECISION

APPELLANT: Russell Ricobene
DOCKET NO.: 08-22304.001-R-1
PARCEL NO.: 17-28-232-027-0000

The parties of record before the Property Tax Appeal Board are Russell Ricobene, the appellant(s), by attorney Kevin B. Hynes, of O'Keefe Lyons & Hynes, LLC 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:	$ 22,882
IMPR.:	$110,112
TOTAL:	$ 132,994

Subject only to the State multiplier as applicable.

ANALYSIS

The subject has 7,527 square feet of land, which is improved with a 118 year old, one-story commercial building with six residential units. The subject's improvement size is 5,436 square feet of building area, which equates to an improvement assessment of $20.26 per square foot of building area. The appellant, via counsel, argued that there was unequal treatment in the assessment process of the subject's improvement and that the subject is incorrectly classified as the bases of this appeal.

In support of the equity argument, the appellant submitted descriptive and assessment information for seven properties suggested as comparable to the subject. The comparables are described as two-story, masonry, frame or frame and masonry, mixed use commercial/residential buildings. Additionally, the comparables range: in age from 2 to 116 years; in size from 1,800 to 5,580 square feet of building area; and in improvement assessments from $4.28 to $12.35 per square foot of building area. The comparables also have various amenities. In addition,

the appellant confirmed the sale of the subject in November 2006 for $550,000 and submitted a unsigned settlement statement as evidence of the sale. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

In support of the classification argument, the appellant submitted a signed affidavit by the owner of the subject attesting that the subject was purchased in November 2006 for $550,000 and the subject contains less than 20,000 square feet of building area and consists of a restaurant on the first floor and six residential units on the remaining floors.

The Cook County Board of Review submitted it "Board of Review-Notes on Appeal," wherein the subject's final assessment of $132,994 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 six retail/storefront buildings located within the subject's neighborhood. The sales data was collected from the CoStar Comps service, and the CoStar Comps sheets state that the research was licensed to the Cook County 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 states 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 evidence submitted by the board of review including the building record sheet and cover sheet, states that the subject contains six residential units and a commercial portion. The subject is classified as both a 2-11 (apartment building with two to 6 units) and a 5-17 (one-story commercial building). In addition, the evidence includes black and white photographs of the subject property. Lastly, the board of review confirmed the sale of the subject in November 2006 for $550,000 per a copy of the special warranty deed and state transfer declaration.

The sale comparables are described as retail/storefront buildings. Additionally, the comparables are from 21 to 115 years old, and have from 1,800 to 2,450 square feet of building area. The comparables sold between April 2003 and August 2009 for $180,000 to $800,000, or $100.00 to $478.47 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 (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, 654-55 (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 comparables submitted by the appellant were not similar to the subject in design and classification. The appellant’s comparables included mixed-use commercial/residential buildings with each of the comparables consisting of the commercial unit on the first floor and residential units on the remaining floors. However, per the evidence submitted, the subject consists of two connected buildings-a commercial and a residential building. Furthermore, the subject does not qualify for a classification change because it consists of six residential and one commercial units totaling seven units. A Class 2-12 mixed-use residential/commercial building is classified as having a total of six units. Therefore, the comparables submitted by the appellant are not similar in design and classification. After considering adjustments and differences in both parties' comparables when compared to the subject, the Board 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.

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 21, 2014

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.