



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

APPELLANT: Robert Jendra
DOCKET NO.: 08-23940.001-C-1
PARCEL NO.: 17-09-216-017-1001

The parties of record before the Property Tax Appeal Board are Robert Jendra, the appellant, by attorney Anthony M. Farace, of Amari & Locallo 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: \$ 23,750
IMPR.: \$ 142,500
TOTAL: \$ 166,250

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is a 2,500 square foot commercial condominium unit located on the ground floor of a mixed-use condominium building. It is situated on a 12,500 square foot site and originally constructed in 1875. The unit has a 20% ownership interest in the common elements and is located in Chicago, North Chicago Township, Cook County.

The appellant, via counsel, submitted evidence claiming unequal treatment in the assessment process as the basis of the appeal. In support of the equity argument, the appellant submitted limited descriptive and assessment data for 24 suggested comparables located within the subject's neighborhood. They range in improvement size from 910 to 3,650 square feet of building area and in improvement assessment from \$26.65 to \$71.89 per square foot of building area. It was indicated that the equity comparables identified by PINs 17-09-212-026-1003 through 17-09-212-026-1008 have an "average unit size" of 1,311 square feet. Additionally, the evidence indicates that comparables #1, #2, and #15 are partial assessments with no further explanation. The appellant also submitted a typewritten income and expense

analysis indicating the revised assessment should be no greater than \$112,480. No tax returns or market data were submitted in support of this contention. Based upon this analysis, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review-Notes on Appeal" wherein the subject's total improvement assessment of \$142,500 was disclosed. In support of the subject's assessment, the board of review submitted a memorandum, a black and white photograph of the subject property, the subject's property record card, condominium summary sheet and face sheet, as well as five suggested sale comparables. The board of review's memorandum asserted that the subject's total assessment reflected a market value of \$437,500 by applying the Cook County Ordinance Level of Assessments for class 5 property of 38% for tax year 2008, or \$175.00 per square foot of building area. The board also submitted unadjusted, raw sales data on the five sale comparables, all located within a one-half mile radius of the subject in the City of Chicago. These sale properties indicate an unadjusted value range from \$183.98 to \$783.33 per square foot of building area, including land. The properties range in sale price from \$425,000 to \$2,350,000 and in building size from 2,150 to 3,000 square feet. Moreover, the documents reflect that the aforementioned data relating to the sale properties has not been verified. The board also included a copy of a recorded Warranty Deed which indicates the subject was sold in January 2007 for \$582,500, or \$233.00 per square foot, including land. Beyond these submissions, the board of review failed to proffer equity evidence in support of the subject's current assessment. Based on the evidence submitted, the board of review 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 Board finds the appellant has not met this burden.

The appellant submitted limited documentation showing the income and expenses of the subject property. The Board gives the appellant's argument little weight. In Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970), the court stated:

[I]t is the value of the "tract or lot of real property" which is assessed, rather than the value of the interest presently held. . . [R]ental income may of course be a relevant factor. However, it cannot be the

controlling factor, particularly where it is admittedly misleading as to the fair cash value of the property involved. . . [E]arning capacity is properly regarded as the most significant element in arriving at "fair cash value".

Many factors may prevent a property owner from realizing an income from property that accurately reflects its true earning capacity; but it is the capacity for earning income, rather than the income actually derived, which reflects "fair cash value" for taxation purposes. Id. at 431.

Actual expenses and income can be useful when shown that they are reflective of the market. The appellant did not demonstrate through an expert in real estate valuation that the subject's actual income and expenses are reflective of the market. To demonstrate or estimate the subject's market value using income, one must establish, through the use of market data, the market rent, vacancy and collection losses, and expenses to arrive at a net operating income reflective of the market and the property's capacity for earning income. The appellant did not provide such evidence and, therefore, the Board gives this argument no weight and finds that a reduction is not warranted.

The appellant also presented assessment data on a total of 24 equity comparables. The Board finds that although the comparables presented by the appellant may be similar in size and location, the appellant failed to include a key element to comparability: the percentage of ownership allocated to each unit. Without this element, the Board is unable to determine comparability to the subject property. Additionally, the Board gives little weight to the board of review's evidence as the data is merely raw sales data that has not been adjusted for market conditions including time, location, age, size, land to building ratio, parking, zoning and other related factors. Accordingly, the appellant has not met the burden of clear and convincing evidence and the Board finds no reduction in 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

[Signature]

Member

[Signature]

Member

[Signature]

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: December 21, 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.