



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

APPELLANT: Rocco Pavone
DOCKET NO.: 08-24443.001-C-1 through 08-24443.002-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Rocco Pavone, the appellant(s), by attorney Scott Shudnow, of Shudnow & Shudnow, Ltd. 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
08-24443.001-C-1	18-36-402-042-0000	98,115	277,421	\$ 375,536
08-24443.002-C-1	18-36-402-068-0000	4,463	1	\$ 4,464

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Cook County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2008 tax year. The Property Tax Appeal Board (the "Board") finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject consists of a one-story retail strip center of masonry construction with 14,000 square feet of building area. The building is 29 years old. The subject is located on a 46,947 square foot site in Lyons Township, Cook County. The subject is classified as a class 5-17 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal signed by Charlie Hynes, MAI of Urban Real Estate Research, Inc., that estimated the subject property had a market value of \$1,000,000 as of January 1, 2008. The appraiser indicated he inspected the subject property on September 12, 2008.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$401,451. The subject's assessment reflects a market value of \$1,056,450, or \$75.46 per square foot of building area, including land, when applying the 2008 statutory level of assessment for commercial property under the Cook County Real Property Assessment Classification Ordinance of 38.00%. In support of its contention of the correct assessment, the board of review submitted information on seven comparable sales from the CoStar Comps Service. The comparables had sale prices that ranged from \$75.00 to \$379.19 per square foot of building area.

In written rebuttal, the appellant's attorney indicated that the board of review did not submit an appraisal, and that the board's sales comparables were not sufficiently analyzed. In addition, the appellant's attorney stated various reasons why each of the board's comparables should be given little weight.

At hearing, as a preliminary matter, the Administrative Law Judge stated that the hearing would be consolidated for the subject's 2008 and 2009, but that separate decisions would be issued for each appeal year.

The appellant's appraiser, Charlie Hynes, testified that he has been an appraiser for 14 years and has held the designation of MAI for 12 years. In addition, Mr. Hynes stated that he has extensive experience appraising commercial properties. Mr. Hynes stated that he inspected the subject property and based his conclusion of value on the cost, income, and sales approaches to value. Mr. Hynes did not testify regarding the cost approach; however, the previously submitted appraisal opined the subject's value indicated by the cost approach was \$1,020,000.

Using the sales approach to value, Mr. Hynes stated he tried to use properties located near the subject that had sales within the three year triennial period. After adjustments, Mr. Hynes opined a value for the subject of \$72.00 per square foot, or \$1,000,000, rounded.

Using the income approach to value, Mr. Hynes used the subject property's actual leases in addition to leases in the marketplace. Mr. Hynes opined a stabilized gross income of \$19.00 per square foot. Expenses were based on historical expenses, nearby comparables, and information from Dollars and Cents. Mr. Hynes utilized a capitalization rate of 9.50% and a tax load of 8.00% to reach an opined value of \$1,000,000, rounded.

Under cross-examination, Mr. Hynes indicated that the subject property is located on a corner lot while none of the five comparable sales in the appraisal are located on corner lots. In addition, Mr. Hynes stated that he did not know the traffic count for the subject or the comparables. Mr. Hynes conceded that traffic count is a relevant factor in valuing property; however, traffic count is more relevant to the investment value of a property as opposed to the value of the real estate. Upon further questioning, Mr. Hynes stated that he used sales from the market place and that the sales were all investment sales. Mr. Hynes also stated that the appraisal contained typographical errors as the land size was not indicated in the descriptions for some of the comparables, but that the land size for the comparables was included in the comparables' land-to-building ratios. In addition, Mr. Hynes stated his opinion of value was based on the sales and income approaches, but that he put the most weight on the income approach. Lastly, Mr. Hynes stated that he was not familiar with the Omni case. Cook County Board of Review v. Property Tax Appeal Board, 384 Ill. App.3d 472(2008) ("Omni").

On redirect examination, Mr. Hynes reiterated that his value conclusion was based on both the income and sales approaches to value and that the value of the subject property is \$1,000,000 using either approach to value.

The board of review rested on its previously submitted sales comparable evidence.

The appellant's attorney argued that the board of review's comparables should not be given any weight as there were no adjustments for condition, financing, market condition, location, age, size, or parking.

Conclusion of Law

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. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the appraiser testified that he considered both the income and sales approaches to value. The Board notes that the appraiser valued the subject at \$1,000,000 using either the income approach or sales approach. As the value is the same using either approach, the Board finds it is not necessary to discuss which method should have been granted more weight. The Board finds the appraisal is sufficient pursuant to Cook County Board of Review v. Property Tax Appeal Board, 384 Ill. App.3d 472(2008) ("Omni"), Board of Education of Meridian Community School District No. 223 and The Ogle County Board of Review v. Property Tax Appeal Board and Onyx Orchard Hills Landfill, Inc., 2011 IL App. (2d) 100068 ("Onyx"), and Board of Education of Ridgeland School District 122 v. Property Tax Appeal Board, Cook County Board of Review, South Cook Mosquito Abatement District, and Sears Roebuck & Company, 2012 IL App. (1st) 110461 ("Sears"). As such, the Board finds the best evidence of market value to be the appraisal submitted by the appellant.

The Board finds the subject property had a market value of \$1,000,000 as of the assessment date at issue. Since market value has been established the 2008 statutory level of assessment for commercial property under the Cook County Real Property Assessment Classification Ordinance of 38.00% shall apply. 86 Ill.Admin.Code §1910.50(c)(3).

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.



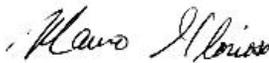
Chairman



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: November 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.